



**TOWN OF GROTON**  
Conservation Commission  
173 Main Street  
Groton, MA 01450  
(978) 448-1106  
Fax: 978-448-1113  
conservation@grotonma.gov



## **Conservation Commission Meeting**

Tuesday, November 28, 2023 at 6:30 PM  
Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA  
OPTION TO JOIN REMOTELY

**Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; Olin Lathrop, Bruce Easom, Peter Morrison

**Absent:** John Smigelski, Clerk, Alison Hamilton

**Others Present:** Charlotte Steeves, Conservation Administrator

### **E. McHugh called the meeting to order at 6:30PM**

E. McHugh requested that an interim clerk be appointed for the Conservation Commission.

Upon a motion by B. Easom, seconded by L. Hurley, it was:

Voted to appoint Peter Morrison as Interim Clerk for the Conservation Commission.

**The motion passed unanimously. 5-0**

### **1. APPOINTMENTS AND HEARINGS**

#### **6:30 PM – 0 Kemp Street (Map 206 parcels 45 & 46); ANRAD**

Representative: Brian Butler, Oxbow Associates

Brian Butler was present on behalf of his client and summarized the revisions that were reflected in the updated plan. He confirmed that the ditch in question was designed to separate the land scheme and for runoff management. He noted that there are saplings on both sides of the dry channel and that there is no resource connectivity.

O. Lathrop said he researched the definition of a stream in both the DEP Guidelines and the Town's Wetland Bylaws and agreed that the ditch is non-jurisdictional.

B. Easom questioned how a stream becomes jurisdictional if it stems from a seep on a hillside and commented that if an auger was utilized to collect soil samples, hydric soil would be identified. He also reminded the applicant that under the Wetland Bylaws the determination of jurisdiction depends on three criteria's including topography, soil, and vegetation. B. Butler stated that the soil is irrelevant in

this case; the area in question is vegetated only by saplings. He also noted that an intermittent stream must connect with a shared resource area and that is inapplicable.

The other Commissioners were satisfied with the evidence provided by O. Lathrop.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to approve the ANRAD as presented by Oxbow Associates.

**The motion passed. (B. Easom-nay) 4-1**

**6:45 PM- Groton School Pond off Farmers Row (Map 219 parcel 2); RDA**

Applicant: Groton School; Representative: Attorney Robert Collins; Engineer: Frank McPartlan, Dillis & Roy Civil Design Group

Attorney Bob Collins was present on behalf of his client proposing to restore and repair the damaged cart road that proceeds from the Buildings & Grounds structure to the pond. The project would allow for students, Beavers Solutions LLC, and Engineers to access and monitor the pond. B. Collins said that proper erosion controls would be installed and there would be no encroachment to the resource area.

Frank McPartlan said that the limits of restoration have been delineated for the existing maintenance path. He proposed installing crushed stone and then a temporary swamp mat composed of timbers that latch together extending 150 feet to provide access spanning from the path to the beaver dam. There would be a 24 foot radius of gravel laid down to provide a turnaround within the cleared peninsula. He said that the path has always been utilized seasonally (fall, winter, and spring). Groton School is also requesting that this work be conducted to provide an unobstructed route for emergency vehicles.

B. Easom asked when the flagging was conducted and if the temporary solution is only for the reconstruction of the path. F. Mcpartlan said that the flags were marked this past month and that the intentions of the temporary timbers are to be utilized no more than two years. B. Easom questioned if fill would be brought in and what would occur when the temporary matting is removed. F. McPartlan said that a minimal amount of crushed stone would be trucked in and the applicant plans on returning to the Conservation Commission to propose a restoration plan.

P. Morrison asked how the water would be prevented from flowing across the timbers. F. McPartlan said that there are no mechanisms set in place to control the water. B. Collins said that the timbers are to provide a stable foundation for the equipment and contractors to access the pond. The solution presented is only temporary until a permanent solution can be determined. B. Collins confirmed that a two year period would provide an adequate amount of time for Groton School to determine the best solution and provide a restoration plan.

L. Hurley asked what would occur with the existing mud and felled trees. F. McPartlan and B. Collins stated that there is no dredging or excavating intended and potentially the logs and debris would be removed and stored appropriately.

O. Lathrop commented that the area is a beaver pond which has been in its current state for a long duration. He was displeased with the proposal of filling the resource area.

C. Steeves commented that she was concerned with the logs being removed and that they play a vital role for the nesting areas. She said the original application submitted noted two paths however; only one path is being discussed. B. Collins confirmed that the language on the submitted RDA was erroneously written and was corrected on the second letter submitted to the Commission.

E. McHugh recommended that an alternative path should be explored.

Peter Cunningham, a resident, said that the pond has always been a habitat for beavers. He recommended that access be explored from the General Field as it would bring the engineers closer in vicinity to the beaver dam. He agreed that water level needs to be managed due to the significant damage caused down gradient of the pond.

Michelle Collette, Town Storm Water Inspector, said that she spent numerous hours at the pond and observed the significant amount of flooding that impacted both residents and the culvert located on the Nashua River Rail Trail. She agreed that this is an ongoing issue and that necessary actions need to be taken to rectify this serious problem. She also believes that working collaboratively with Groton School to explore alternative solutions would be beneficial.

Peter Cunningham said that a report is in progress by the Office of Dam Safety. He reiterated that there are more appropriate ways to access the site.

Pat Kelly, an abutter, said that she is a recipient of the ongoing flooding and her entire backyard has been affected. She said that substantial repairs have been performed on her pool and the sidewalks are beginning to cave in causing a hazard to the public. She urged that this issue be resolved immediately. Her husband is proposing to build a wall, however he knows that the construction would greatly impact the neighboring properties.

L. Hurley questioned why access cannot be gained from Farmers Row. F. McPartlan said that the second path would be unfeasible for the students.

E. McHugh requested that the representatives return with a more beneficial plan. B. Collins said that he would consult with his client and return with a revised plan that has less impact on the portion of the pathway that runs along the shoreline. He recommended that the Conservation Commission walk the alternative pathway prior to the next meeting. F. McPartlan informed the Commission that the utility poles have been flagged and that he would be available to accompany them on the site walk.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to continue the public hearing to the next scheduled meeting on December 12, 2023.

**The motion passed unanimously. 5-0**

E. McHugh asked B. Collins if he was aware of the work being conducted at the commencement of the first path. B. Collins apologized for the lapse and explained that the area is being utilized for staging and the excess materials from previous projects filed by Groton School have been stockpiled there. He said when the contractors have completed their work the material would be leveled off and the land would be replicated in topography. It had been discussed with the previous Conservation Administrator that the area would be graded, loamed, and seeded. B. Collins said that he would be willing to submit the appropriate filing if necessary. F. McPartlan confirmed that the materials were unassociated with the athletic field project and were the result of previous renovations. The Commission agreed that wetland should be flagged to determine if the area is within jurisdiction and if so the appropriate filing would be required.

**7:00 PM- Discussion: Renaming Baddacook Conservation Area to Nipmuc Meadows**

Becky Pine and Michelle Collette were present representing the working group to rename the Baddacook Conservation Area. B. Pine briefly reviewed the letter that was provided to the Conservation Commission and explained how the group commenced. The Diversity, Equity, and Inclusion Committee originally requested to rename a street on Lost Lake and the residents were unresponsive of the suggested name. The group has been exploring multiple parcels that would be meaningful to the Nipmuc Tribe.

P. Morrison asked if the Nipmuc Tribe intends on restricting public access to perform rituals. B. Pines assured at this time that there is only a request for a name change and not a cultural easement. M. Collette said that the Diversity, Equity, and Inclusion Committee is also working on similar ways of recognizing native people.

L. Hurley was pleased with the request for a name change however, expressed concern that providing the tribe with a cultural easement potentially would halt any efforts on managing and treating the invasive species.

O. Lathrop was satisfied with offering the Baddacook parcel; however, he wanted to ensure that the gesture was not insulting to the Nipmuc Tribe. B. Pine said that a representative agreed that naming a parcel after the tribe would be a first step. She also said it would be beneficial for expanding the residents' knowledge and awareness.

B. Easom agreed with O. Lathrop and said that he had attended the original site walk accompanied by a cultural representative and they were very transparent and unenthusiastic in regards to empty gestures.

He also commented that a cultural easement would provide the holder the right to restrict public access and by granting those rights it would become problematic for the Town.

E. McHugh said she was in favor of the cultural easement and would like to observe how native people conducted land management. She agreed that displaying the name would make a difference and commended the working group.

B. Pine said that the working group is planning on holding a renaming celebration and posting a plaque later this year to commemorate the Nipmuc Tribe.

E. McHugh suggested that the Conservation Commission pay for the signage.

B. Easom commented that conservation restrictions occasionally restrict name changes. B. Pine confirmed that the conservation restriction was reviewed and there were no conditions preventing a name change.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:

Voted to rename the Baddacook Conservation Area to the Nipmuc Meadows. The Conservation Commission agreed to pay for the signage not to exceed \$500.

**The motion passed unanimously. 5-0**

## **2. GENERAL BUSINESS**

### Updates from Conservation Administrator

Orion Way letters to abutters

C. Steeves said that the letters were forwarded to both abutters and a copy has been posted to the shared documents folder.

NRWA Riparian Zone Restoration Grant

C. Steeves said that the Conservation Commission is a candidate for the NRWA Riparian Zone Restoration Grant. The funding would be utilized for the parcel bordering Pepperell. An abutter reported an extensive amount of yard debris that had been dumped on the parcel. C. Steeves commented that the area has also been neglected and is infested with Bittersweet, Garlic Mustard, and Honey Suckle. The NRWA would be filing an RDA in the near future.

Marsh-Lewis Memorial Grove survey update

C. Steeves said that she contacted three potential surveyors and has heard back from two of them. She displayed a survey from GPR to ensure that the amount of boundaries looked adequate. O. Lathrop was satisfied with the proposed amount of

boundaries marked. C. Steeves was informed to contact the Town Manager to see if a third survey was required.

#### Emails and Letters

C. Steeves updated that Attorney Bob Collins has retracted the request for the emergency certificate for the work to be conducted on the Groton School Pond.

C. Steeves said an email was received in regards to an abutter being opposed to the easement at 193 Martins Pond Road that provides access to the Conservation Area. She said that it was an ongoing issue and has been addressed in the past.

C. Steeves said that a concerned citizen reported a potential violation that occurred at 17 Townline Road. She said that she observed the site and had the opportunity to take a few photographs from the roadside. C. Steeves confirmed there may have been a seasonal stream that was filled in. The Conservation Commission agreed that the area is outside of their jurisdiction.

#### Land Management & Acquisition

O. Lathrop said he mapped all the trails on the newly acquired Casella and Marsh-Lewis Memorial Grove properties and displayed the trail system for the Commission. He said that he conversed with Mark Gerath, President of the Groton Conservation Trust regarding becoming the holders of the conservation restriction for the Marsh-Lewis Memorial Grove and said they would be willing to entertain the idea. The Trust is scheduled to meet next week.

#### General Discussions & Announcements

Discuss meeting date for December 26th

E. McHugh said she would revisit the discussion to verify that there is a quorum for the December 26th meeting. She said there is always an opportunity to hold a virtual meeting.

Scheduling Florence Roche Site Visit

C. Steeves informed the Commission that the site is secured and inaccessible during the weekend. Only a supervised visit during the week would be authorized. A site walk is scheduled for tomorrow, November 29th at 10:00am. Both B. Easom and P. Morrison said that they would be available to accompany C. Steeves.

#### Committee updates.

L. Hurley said that he is still waiting on the approval of the estimate submitted to the Town Manager for redecking the docks at Sargisson Beach.

B. Easom said that the first drafts of the CPA applications are due on January 11, 2024 and that he is willing to assist the Conservation Administrator.

### Invoices

Upon a motion by L. Hurley, seconded by B. Easom, it was:

Voted to approve and pay the invoice from the Groton Herald in the amount of \$53.75.

The

**motion passed unanimously. 5-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was:

Voted to approve and pay the invoice from Mirick O'Connell in the amount of \$1,157.24.

**The motion passed unanimously. 5-0**

### Meeting Minutes

The approval of the minutes for November 14, 2023 was tabled until the next meeting.

**3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

**4. Executive Session pursuant to MGL Ch. 30A, Sec. 21(6): \* "To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body."**

Eileen McHugh, Chair; declared that there was business that required the Commission to move to executive session.

### **5. Adjournment**

**8:10PM**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.

**The motion passed by a roll call vote. (Yes: OL, BE, PM, LH, EM) 5-0**

**Minutes Approved: December 12<sup>th</sup> 2023**