



## **Conservation Commission Meeting**

Tuesday, March 12, 2024 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; John Smigelski, Clerk; Olin Lathrop, Bruce Easom, Peter Morrison, Alison Hamilton

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

**Eileen McHugh called the meeting to order at 6:30 pm.**

### **1 APPOINTMENTS AND HEARINGS\***

#### **6:30 PM- Continued Public Hearing from 2/27/24: Notice of Intent: 500 Main Street**

Applicant: Lesley French & John Amaral, 500 MG LLC; Attorney: Robert Ancil;  
Representative: Greg Roy, Dillis & Roy Civil Design Group; Engineer (Town Peer Review):  
Jared Gentilucci, Nitsch Engineering

Larry Hurley recused himself.

Jared Gentilucci presented an overview of the two rounds of stormwater review that were conducted during the comprehensive permitting process. He described his team's approach to the review, which followed standard stormwater protocols, including compliance checks with local bylaws and MassDEP stormwater standards. In May of last year, full plans and calculations were completed. Subsequently, the initial design was revised to include constructed stormwater wetlands, meeting the Town of Groton's stormwater bylaw requirements while providing recharge and treatment. J. Gentilucci confirmed that all comments were addressed after conversing with the Zoning Board of Appeals, the applicant, and G. Roy. The team is highly satisfied with the plans, noting that the site's redesigned layout has significantly reduced the amount of impervious area and resulted in a decrease in peak runoff and overall volumes.

B. Easom asked if there had been any alterations to the stormwater management plans that were originally submitted to the ZBA. G. Roy clarified that there have been no changes.

G. Roy revisited the letter he had sent to the Commission on March 5th, addressing their comments and concerns from the previous hearing. He explained that the project falls under a Notice of Intent (NOI) with a comprehensive permit, which consolidates all local permits that would otherwise need to be obtained individually from each board; however, it does not cover any permits required under State Laws. Several issues have been addressed:

- A landscaping plan was submitted which includes areas of manicured lawn, seeding, and restoration to the outer edges and berm areas of the site, creating a naturalized state where mowing would occur twice a year.
- The lighting plan was revisited with the landscape architect, with the goal of providing the minimum lighting requirements for pedestrian safety. The lighting fixtures are equipped with downward and forward shields to comply with standard regulations; their mounting height cannot be adjusted any further as they are necessary for safety.
- J. Amaral read a direct response from Dillis and Roy Civil Design Group, detailing all lighting specifications and safety standards that had been met.
- The applicant has agreed to monitor the site for two years and hire a professional if necessary for invasive species removal.
- A revised erosion control plan has been submitted and identifies controls installed around the limits of pavement removal.
- A table has also been provided to share the volume of water, showing that post-development runoff has been reduced by at least 150,000 gallons.

J. Amaral highlighted that they had voluntarily chosen to classify the site as non-developed, even though it could have been considered otherwise. He emphasized that this decision, along with other efforts, demonstrates their commitment to going above and beyond, reflecting the importance they have placed on the project.

O. Lathrop commented on the mowing of the natural areas twice a year, stating that it is unnecessary and recommended that it only be mowed once a year in November. He also pointed out conflicting issues regarding foot candles and the amount of lumens, noting that even though an area may not be brightly lit, creatures can still perceive the light. He suggested installing baffles to mitigate this issue. J. Amaral reassured that all outer edge light posts contain shields. He emphasized the importance of pedestrian safety and the liability associated with potential injuries. The lighting design meets minimal light standards while addressing the natural habitat, with voluntarily reducing the lighting to 70%. He further stated that they have been proactive in addressing all lighting concerns and any additional reductions are unfeasible.

E. McHugh asked about the two-year monitoring period and whether it includes reports. G. Roy suggested that a condition be applied, and a wetland replication report could be provided.

A. Hamilton inquired about the presence of a homeowners association (HOA) for the development. J. Amaral responded that there would be no HOA since the units are only rentals. However, if the development were to be sold, they would ensure that the new owners remain compliant with the Order of Conditions.

G. Roy requested that the Commission provide them with an opportunity to review the Order of Conditions prior to the closing of the public hearing. E. McHugh confirmed that a draft could be delivered within a week, and added that the Conservation Administrator would circulate it to the Commissioners first to gather their comments.

J. Amaral informed the Commission that the structure on the site and the dwelling would be demolished, with the process beginning in April.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to continue the hearing to the next scheduled meeting on March 27, 2024.

**The motion passed unanimously. 6-0 (Larry Hurley-Recused)**

**6:50 PM- Request for Determination of Applicability: 209 Whiley Rd**

Applicant: Paul Gron; Architect: Timothy Burke

P. Gron proposed an extensive renovation of his residence, intending to transform it into a retirement retreat.

Timothy Burke presented the Commission with architectural designs illustrating the transformation of the existing single-story dwelling into a two-story dwelling, all within the existing footprint. The proposed renovation involves reconfiguring the first story into an open living space and installing new columns on the left side of the dwelling to support the second floor. Additionally, a cantilevered balcony off the first floor is proposed. The basement would remain unfinished, with a new supporting wall poured inside. T. Burke explained that a mini file system would be utilized inside the basement, with a 24-inch diameter auger, and stated that there would be no excavation on the outside of the structure. The roof would remain a gable. T. Burke emphasized that these renovations would greatly improve the property and assured the Commission that the proposed plans were designed to have the least amount of impact on the site.

A. Hamilton asked about the existing structure and vegetation, T. Burke explained that the existing dwelling is approximately 15 feet tall and would increase to 28.5 feet. The gable roof would be slightly steeper. He also confirmed plans to plant vegetation once the construction is complete. Currently, the yard consists mainly of soil, rocks, and some landscape timbers, indicating a need for improvement. A. Hamilton asked about the water flow with the proposed decking. T. Burke affirmed that it would be permeable.

B. Easom requested plans for both erosion controls and water runoff for the project. T. Burke responded that there are plans in place for the installation of gutters and downspouts. B. Easom suggested the installation of a dry well and expressed concerns of encroachment to the resource area in regards to the proposed balcony.

O. Lathrop also requested that the downspout be directly infiltrated into the ground. He then referred to the Wetland Bylaws, noting that the balcony should not extend beyond the existing footprint.

L. Hurley inquired about the proposed balcony, asking if it would be cantilevered, and if the existing columns would be replaced. T. Burke confirmed that the deck is cantilevered and

mentioned the possibility of replacing the columns due to deterioration. In response, L. Hurley suggested using helical piles if replacements are needed.

P. Morrison questioned the height from the ground to the proposed balcony. T. Burke responded that it would be 7 feet off of the ground.

The applicant was requested to return to the next scheduled meeting with additional information, including a planting plan, erosion controls, a roof runoff plan, and a detailed map identifying the resource area, as well as the 50-foot and 100-foot buffer zones. Additionally, the plan should specify which trees require pruning.

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

Voted to continue the public hearing to the next scheduled meeting on March 27, 2024.

**The motion passed unanimously. 7-0**

#### **7:05 PM- Request for Determination of Applicability: Millstone Rd- MIT Waterline**

Applicant: Daniel White & Kyle Eads, MIT

Daniel White, representing MIT, proposed extending a waterline from Groton Road in Westford through Groton to the facility in Tyngsboro. He stated that all work would be conducted within the roadway and backfilled by the end of the day. D. White assured that there would be no sediments leaving the site, and erosion controls would be installed if necessary. He said that there was initially a question regarding jurisdiction over the water observed, but it was ultimately determined to be non-jurisdictional.

B. Easom concurred that while there are exemptions for utilities, there remains an obligation to prevent any filling of the wetlands.

O. Lathrop acknowledged that the water is not jurisdictional however; he cautioned that if debris were to enter the resource area it could become jurisdictional. He requested that erosion controls be readily available on site if needed.

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

Voted to issue a Negative 4 Determination.

**The motion passed unanimously. 7-0**

#### **7:30 PM- Request for Certificate of Compliance: 23 Station Ave- Groton Electric**

Applicant: GELD, Representative: Greg Roy, Dillis & Roy Civil Design Group

L. Hurley reported that the conservation markers were installed and noted mowing had exceeded the area marked by the posts. He recommended notifying those responsible for mowing and informing them that they should not go beyond the posts in the future.

O. Lathrop reviewed the Order of Conditions, noting that it requires the removal of invasive species in perpetuity and the submission of annual reports to the Conservation Commission. No

reports have been submitted. Dillis & Roy Civil Design Group who had taken over from the previous engineer had no reports readily available. B. Easom suggested issuing both a Certificate of Compliance and an Enforcement Order. O. Lathrop disagreed and recommended sending a letter to Groton Electric Light Department, providing them an opportunity to rectify the issue and take action on the invasive species.

The Commission agreed that the Certificate of Compliance should be issued and decided that a letter be drafted to GELD prior to considering issuing an Enforcement Order.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to issue a Certificate of Compliance for 23 Station Ave, MassDEP#169-1073.

**The motion was passed unanimously. 7-0**

Upon a motion by P. Morrison, seconded by A. Hamilton, it was:

Voted to authorize the Conservation Administrator to send a letter to Groton Electric Light Department to review the Order of Conditions and address the invasive species issues.

**The motion was passed unanimously. 7-0**

## **2. GENERAL BUSINESS**

### **General Updates from Administrator**

#### Fitch's Bridge Rd Action Plan

C. Steeves updated the Commission on the restoration project scheduled for Monday, April 29, 2024, from 9:00 AM to 12:00 PM, with a rain date of April 30th. Volunteers would receive necessary tools and a brief orientation on the importance of clearing the land and how to properly remove the invasive species. The NRWA is creating a newsletter to recruit volunteers, which would be posted on the Town's website and social media. Trash bags are needed for the cleanup. C. Steeves recommended flagging the State's easements to clearly identify the property lines. Tom Delany has granted permission to use the Town truck for debris removal. C. Steeves said that she intends on consulting with the Invasive Species Committee on proper disposal methods to prevent seeds from spreading and requesting that someone apply herbicides. The State has confirmed that they would remove the logs and the siltation fence this week. B. Easom requested an email be sent to the Commissioners with the restoration date and times. O. Lathrop suggested receiving permission from the Fire Department to burn the invasive species on site. C. Steeves inquired about the need for an RDA to cut and treat the invasive species, which O. Lathrop confirmed that a proper filing is necessary.

#### Issues/ encroachment at the Gilson Conservation Area

C. Steeves informed the Commission about concerns raised by Nenad Jelisavcic, owner of parcel 235-11, regarding encroachment and stockpiling of debris onto his property and

Conservation land from neighboring properties, as well as observations of dumping of hazardous materials. B. Easom and C. Steeves inspected the Conservation land where they found several boundary markers, however, emphasized the importance of confirming the exact boundaries prior to addressing any issues. B. Easom said he conducted further research and identified discrepancies between the deed of parcel 117-4, owned by Conservation, and the deed for parcel 235-11 in regards to the ownership of parcel 235-12.

The homeowners of parcels 235-13 and 235-14 stated that they both received stamped surveys. K. Allard (Parcel 235-14) realized upon receiving the stamped survey that a fence he had installed was not on his property and has since moved it away from the boundary. P. Morrison recommended that the Conservation Administrator verify that information.

The Commission informed the homeowners that the dispute between the three neighbors falls outside of the Commission's jurisdiction and that they would be hiring their own surveyor for a complete survey of the Conservation land and would install markers to prevent future violations and encroachments. A full title search would also be conducted to address the discrepancies between the two deeds.

The homeowners of parcels 235-13 and 235-14 granted permission for the Conservation Commission to access their property at any time, while N. Jelisavcic prohibited access to his property.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to authorize the Conservation Administrator to receive a quote for a title search and a complete survey for parcel 117-4 (Gilson Conservation Area).

**The motion passed unanimously. 7-0**

#### Academy Hill Update

C. Steeves reported that M. Haddad had informed her that the Academy Hill Trust is paying taxes on the property and a tax takeover would be unattainable; however, the Trust expressed a strong desire for the Conservation Commission to acquire the land. C. Steeves said that choosing to acquire the land by eminent domain would require approval at Town Meeting. The Commission briefly discussed their preference on how to proceed and agreed that a tax taking would be the most efficient way to acquire the parcel.

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

Voted to direct the Academy Hill Trust to cease paying taxes on parcel 204-6 and provide an explanation of the intentions of a tax taking.

B. Easom commented that it is beyond the Commission's jurisdiction to instruct the Trust to stop all tax payments.

The motion was withdrawn, and the Commission instructed the Conservation Administrator to further discuss the matter with the Town Manager and convey how they would like to proceed.

#### Florence Roche Boundary Markers

C. Steeves informed the Commission that M. Haddad received the following two quotes for 20 granite markers and for 20 pressure-treated markers to be installed along the track:

- Granite Markers: \$32,480
- Pressure-treated wooden markers: \$18,000

The Commission stated that this discussion had taken place last year, during which they had requested the installation of granite markers. They made it clear that there would be no further discussion on the matter.

#### Committee Updates

B. Easom encouraged everyone to attend the Town Meeting and vote on the CPC articles.

O. Lathrop said that he attended the GIS forum and had emphasized the importance of being authorized to edit the database. He also said that he attended the MACC Conference.

L. Hurley informed the Commission that the redecking of the docks at the Sargisson Beach is scheduled to commence at the end of April or the beginning of May. Volunteers are needed for the project.

C. Steeves questioned if she is responsible for presenting the CPC article at the Town Meeting.

O. Lathrop agreed to present for the Conservation Commission.

#### General Discussions/Announcements

Meeting Date Conflict March 26th with Town Meeting: Change to March 27th

E. McHugh confirmed that in the event of a Town Meeting overflow, the Conservation Commission would hold a shortened meeting from 6:30 PM to 7:00 PM on Wednesday, March 27, 2024. If there is no overflow, a regular meeting would proceed.

#### Land Management & Acquisition

None

#### Meeting Minutes

Upon a motion by A. Hamilton, seconded by J. Smigelski, it was:  
Voted to approve the meeting minutes for February 13, 2024 as amended.

**The motion passed unanimously. 7-0**

Upon a motion by A. Hamilton, seconded by J. Smigelski, it was:  
Voted to approve the meeting minutes for February 27, 2024 as amended.  
**The motion passed unanimously. 7-0**

### **Invoices**

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to approve and pay the invoice from the Groton Herald in the amount of \$141.25.  
**The motion passed unanimously. 7-0**

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to reimburse Bruce Easom for the MACC Conference Attendance fee in the amount of \$150.00.  
**The motion passed unanimously. 7-0**

### **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.”***

Unnecessary

### **5. Adjournment**

**9:00PM**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:  
Voted to adjourn the meeting.  
**The motion passed unanimously. 7-0**

**APPROVED: 3-27-2024**