



Conservation Commission Meeting

Tuesday, April 9, 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 (6:36).

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 3/12/24: Notice of Intent: 500 Main Street.

Applicant: 500 MG LLC; Representative: Greg Roy, Dillis & Roy Civil Design Group.

Greg Roy requested a continuance to the first meeting in May.

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

Voted to continue the public hearing to May 14, 2024.

The motion passed. L. Hurley- Abstain. 5-0

6:45 PM- Request for Determination of Applicability: 8 Bradley Drive.

Applicant: John Bernard.

John Bernard was present to request authorization for the removal of a hazardous tree near his residence. He informed the Commission that his residence is part of a Homeowners' Association (HOA) and expressed his intent to seek approval from the Conservation Commission and then subsequently request for the HOA to properly remove the tree.

B. Easom suggested leaving a 15-20 foot snag.

O. Lathrop requested that the wetland be left undisturbed.

E. McHugh highlighted the presence of deteriorating conservation bounds and emphasized the importance of bringing this matter to the attention of the Homeowners' Association. Outlined in the written Order of Conditions it specifies replacing or replenishing boundary markers in perpetuity.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Heavy equipment is to remain outside of the buffer zones. 2. All wood and debris from the removal of the tree needs to be moved off site.

The motion passed unanimously. 7-0

The Conservation Administrator was instructed to notify the HOA of the deteriorating boundary markers and remind them that it is their responsibility to replace the posts in perpetuity. The

Commission agreed that a month's time frame was a reasonable amount of time provided for the HOA to take action.

6:55 PM- Request for Determination of Applicability: 836 Lowell Road.

Applicant: Andrew Kalitka.

Andrew Kalitka informed the Commission that his insurance company requested that four hazardous trees near his dwelling be removed and four trees be trimmed. He also mentioned removing a deteriorating pine tree at a later date.

O. Lathrop suggested leaving a 15-20 foot snag for the one unhealthy pine tree located further away from the dwelling.

L. Hurley inquired if the arborist recommended that the one pine tree be removed. A. Kalitka said that it was noted that there was a potential risk of the pine tree falling and it was suggested that the tree be monitored closely. A. Kalitka proposed removing the tree once there are signs of risks.

P. Morrison highlighted the heightened risk of branches falling and being carried away during windstorms if the dead pine tree remains standing.

E. McHugh recommended that the applicant request for the removal of the pine tree even if he does not intend to remove it along with the other requested trees. This process would save the applicant from having to return to the Commission for a separate approval.

B. Easom noted that there are power lines on the southern side, making it difficult to remove the one pine tree with a crane. He suggested that the tree be felled to the ground.

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

Voted to issue a Negative 3 Determination under the conditions: 1. The four marked trees in close proximity to the dwelling are to be removed as described. 2. Trimming is allowed on the four marked trees as described. 3. The one tall dead pine tree is to be dropped in place to keep the crane outside of the wetland.

The motion passed unanimously. 7-0

7:10 PM- Notice of Intent- 18 Kemp Street.

Applicant: Jack Petropoulos; Representative: Seth Donohoe, Dillis & Roy Civil Design Group.

Seth Donohoe presented a proposal on behalf of his client to replace the existing barn with a new structure positioned further away from the wetland and outside of the 50-foot buffer zone. To mitigate potential impacts, the proposal includes the installation of a recharge trench and interception of all driveway runoff. A silt fence would be installed to prevent erosion. S. Donohoe said that the proposed project accounts for less than 2% of the entire property.

E. McHugh inquired about the stream's perennial nature. S. Donohoe clarified that the stream is intermittent and is not mapped on the USGS maps.

B. Easom noted that the proposed structure is larger than the existing structure. J. Petropoulos pointed out that while the plan initially showed a three-car garage, it has since been reduced to a two-car garage. S. Donohoe confirmed that this adjustment results in a net gain of 230 square feet. B. Easom then inquired about the possibility of moving the new structure further away from the buffer zones. S. Donohoe explained that due to a slight grade change, doing so would necessitate an additional retaining wall. J. Petropoulos stated that he prefers to avoid this and intends to keep the proposed garage in its current location to avoid disturbing an existing willow tree.

O. Lathrop expressed satisfaction with the proposed relocation of the structure outside of the 50-foot buffer zone however; he referenced the Wetland Bylaws, noting that no permanent structures are to be within the 100-foot buffer zone. He requested that the applicant provide a revised plan detailing the square footage of the existing barn versus the proposed barn, the area of impervious surface that water is currently running off of, and how the runoff water is to be managed. J. Petropoulos informed Commission of several enhancements he has already implemented, including constructing a bridge to divert cattle and machinery from the stream, lining the stream's edge with crushed stone to mitigate erosion, and replacing a conventional garden with raised garden beds. He also outlined plans to ensure all roof runoff and driveway water infiltrate into the ground. S. Donohoe clarified that the existing barn spans 600 square feet, the proposed barn's footprint is only 672 square feet.

A. Hamilton and L. Hurley were satisfied with the proposed plan.

P. Morrison inquired about the agricultural designation of the land, noting that if the land were to be classified as such, then many of the Conservation Commissions rules would change.

C. Steeves noted that the DEP had provided feedback regarding the awareness of the bridge.

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

Voted to continue the public hearing to the next scheduled meeting on April 23, 2024.

The motion passed unanimously. 7-0

7:30 PM- Notice of Intent- 293 Reedy Meadow Road

Applicant: Heather & Keith Wilson; Representative: Ryan Proctor, Dillis & Roy Civil Design Group.

Ryan Proctor presented on behalf of his clients and proposed a two-part addition to the existing dwelling. The first part involves adding a front-loading garage to the west side of the structure, requiring an extension from the existing driveway. A stone recharge trench would be installed on the downhill side to capture runoff from the roof, and a small detention basin would be constructed to manage the driveway runoff. The second part includes the construction of a two-story building on the east side of the existing dwelling. Additionally, the applicants are proposing a porch off of the 1st floor. R. Proctor explained due to safety concerns a large pine tree also needs to be removed.

O. Lathrop raised concerns about the substantial amount of permanent structure being proposed within the 100-foot buffer zone. He asked if there were any additional mitigation measures planned.

L. Hurley noted that the current dwelling is entirely within the 100-foot buffer zone and acknowledged the need for more space for a growing family. It was mentioned that the areas to be disturbed are currently lawn and pavement. L. Hurley suggested constructing the additions on slabs to minimize disturbances. The homeowners informed the Commission that the area observed on the site walk is the only area being utilized, while the rest of the lot is left undisturbed.

J. Smigelski suggested removing the existing driveway where it extends beyond the proposed driveway.

P. Morrison agreed that there is a substantial amount of pervious surface within the 50-foot buffer zone and expressed that removing the driveway would be beneficial.

A. Hamilton concurred with O. Lathrop's concerns about the increase of proposed permanent structures within the 100-foot buffer zone. She recommended that the extended driveway be removed and be replaced with native vegetation that allows for adequate infiltration, stressing the importance of additional mitigation measures.

B. Easom noted that the Wetland Bylaws were established to safeguard wetlands from such development and proposed that the applicants consider exploring alternative solutions outside of the buffer zones.

E. McHugh recommended that the applicants revise the proposed design and present a plan that has a lesser impact on the environment. E. McHugh pointed out that a section of the homeowner's driveway extends onto the Marsh Lewis parcel as part of an easement.

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

Voted to continue the hearing to the next scheduled meeting on April 23, 2024.

The motion passed unanimously. 7-0

7:50 PM- Minor Change- 12 Valliria Drive

Applicant: Khrysta Dailey

The applicant submitted a revised plan that eliminates the need for a property swap and relocates the garage further away from the wetlands.

C. Steeves informed the Conservation Commission that the prior Order of Conditions was approved in May of 2022 and the revised plan is a net positive from the original plan.

The Commission was pleased with the revised plan.

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

Voted to approve the minor field change as shown on the plan dated August 2023.

The motion passed unanimously. 7-0

2. GENERAL BUSINESS

General Updates from Administrator

Moulton Turtle Nesting Area Update

C. Steeves informed the Commission that Attorney Bob Collins had sent a letter stating that the turtle nesting area is complete, except for the installation of the permanent gate which would prohibit motorized vehicles. The Certificate of Compliance needs to be filed with the as-built plans, including the topography. C. Steeves also noted that the silt fence needs to be removed before issuing the certificate. C. Steeves said that Dave Moulton has put up signs prohibiting dogs from the area. O. Lathrop suggested permanently prohibiting pedestrians. C. Steeves recommended using signage stating "Sensitive Habitat." The Commission agreed to inform B. Collins of the suggested restricted access, as well as Mass Audubon.

Gilson Conservation Area

C. Steeves updated the Commission on the received estimates as follows:

- David E. Ross Associates: Declined to submit a proposal.
- Dillis & Roy Civil Design Group: \$24,310 (includes title search, survey with 15 granite bounds, recording fee).
- GPR: \$23,500 (does not include title report or recording fee, includes survey with 22 granite markers).

The Commission requested that the Conservation Administrator contact GPR for a complete estimate including all fees and to inquire why only 15 granite bounds are being proposed by Dillis & Roy.

Nenad Jelisavcic of 309 Boston Road was present to discuss the deed. The Commission informed the abutter that once the survey and title search are completed, any differences would be reconciled. The Commission assured N. Jelisavcic that he would be invited to attend the meeting to address any concerns.

50 Court Street- Deck rebuild and stockpile

E. McHugh observed a pile of debris on the rail trail side, opposite the driveway of 50 Court Street. The building inspector mentioned that the homeowners were replacing an existing deck in the exact footprint and a permit was unnecessary. E. McHugh noted that the debris appears to be within the 100-foot buffer zone. P. Morrison commented that a Request for Determination of Applicability (RDA) should have been filed.

The Commission discussed the best course of action and decided not to issue an enforcement order. Instead, it was recommended that the Building Inspector visit the site and instruct the homeowners to remove the stockpiled debris from the 100-foot buffer zone. It was noted that the property is owned by the Commonwealth of Massachusetts, Rail trail Property.

Committee Updates

L. Hurley said that the Sargisson Beach Committee has started the redecking of the docks and is aiming to complete the work this week. There is also a beach cleanup scheduled for this weekend, with a good number of volunteers expected to participate.

B. Easom updated that the request for CPA funding remains on hold until a meeting is scheduled. The next ZBA meeting is scheduled for April 24, 2024, regarding the Heritage Landing project; any last-minute concerns or comments can be forwarded. There are several issues that will be addressed by the Board of Health. E. McHugh questioned if the developer still plans on donating land to the Conservation Commission. B. Easom said that the ZBA was uninformed. C. Steeves mentioned that there may be a potential vernal pool on the site and would be further investigating tomorrow.

O. Lathrop reminded the Commission that the Invasive Species Committee received a grant to treat the Knotweed on the Campbell Well Site and Surrendon Farm. As part of the project, three dozen plants have been placed on the site in pots that need to be transferred. O. Lathrop said that the work is in progress.

E. McHugh informed the Commission about the upcoming Stewardship Committee walk of the Brown Loaf property scheduled for Saturday, April 14, 2024, meeting at the Town Hall at 9:30 am. Paul Funch had recommended that the Conservation Commission acquire the property and request a transfer of the land from the Select Board.

General Discussion & Announcements

Vernal Pool off Sand Hill Rd

B. Easom informed the Commission that he would observe the site for egg masses. Once identified, he would request the company of O. Lathrop and A. Hamilton for further observation. C. Steeves confirmed that permission has been granted to access the property and stated that she would notify the homeowners prior to each visit.

Valenta Eagle Project Completion

A letter was received from Paul Funch congratulating the Eagle Scouts for the completion of the bog bridges.

Land Management

O. Lathrop noted clearing activities on a property off Ames Road owned by the Moulton family.
C. Steeves said that she attempted to contact the family and would send a letter requesting to be contacted within 7 business days.

Meeting Minutes

Upon a motion by B. Easom, seconded by P. Morrison, it was:
Voted to approve the meeting minutes for March 27, 2024 as amended.
The motion passed unanimously. 7-0

Invoices

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve and pay the invoice from the Groton Herald in the amount of \$137.50.
The motion passed unanimously. 7-0

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve and pay the invoice from the Groton Herald in the amount of \$140.00.
The motion passed unanimously. 7-0

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve and pay the invoice from David E. Ross Associates for the Marsh-Lewis Memorial Grove Survey in the amount of \$8,830.70.
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

Upon a motion by P. Morrison, seconded by B. Easom, it was:
Voted to reorganize the Conservation Commission.

B. Easom put forth a request to be nominated as Chair, which was seconded by J. Smigelski.

The Commission briefly addressed the emails exchanged between Mark Haddad and E. McHugh, as well as the emails sent to the Conservation Administrator by E. McHugh. Several members expressed concern over the tone and language used in these communications, deeming it inappropriate and unacceptable towards the Administrator.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to end the discussion.
The motion passed unanimously. 6-0

Upon a motion by P. Morrison, seconded by B. Easom, it was:
Voted to reorganize the Conservation Commission.

The motion passed. A. Hamilton abstained. 5-0

E. McHugh left the meeting at 8:33 PM.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to appoint Bruce Easom as Chair of the Conservation Commission until
the period ending June 30, 2024.

The motion passed. A. Hamilton abstained 5-0

Upon a motion by J. Smigelski, seconded by P. Morrison it was:
Voted to appoint Larry Hurley as Vice Chair of the Conservation Commission.

The motion passed unanimously. 6-0

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to appoint John Smigelski as Clerk of the Conservation Commission.

The motion passed. J. Smigelski-Abstain 5-0

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to adjourn the meeting at 8:42 PM.

The motion passed unanimously. 6-0