



Conservation Commission Meeting

Tuesday, May 14, 2024 at 6:30 PM
Town Hall: Second Floor Meeting Room,
173 Main Street Groton, MA
OPTION TO JOIN REMOTELY

Present: Bruce Easom, Chair; Larry Hurley, Vice Chair, Olin Lathrop, Peter Morrison, Kim Kuliesis (via zoom until 6:50 PM)

Absent: John Smigelski, Clerk; Alison Hamilton

Others Present: Charlotte Steeves, Conservation Administrator

B. Easom called the meeting to order at 6:30 P.M.

6:30 PM- Issuance of Order of Conditions- 18 Kemp Street

Applicant: John Petropoulos

C. Steeves informed the Commission of the two special conditions that were added in perpetuity to the Order of Conditions. 1. The area from the 275 line shown on the approved plans to the end of the dam to only be mowed once a year at the end of the growing season, and 2. The applicant may ask the Conservation Commission for permission to manage invasive vegetation within the area between the 275 topographic lines and the edge of the existing dam apart from the annual mowing at the end of the growing season.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue the Order of Conditions for, MassDEP#169-1264.

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

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for, MassDEP#169-1264.

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

6:40 PM- Continued Public Hearing (From 4/9/24) Notice of Intent- 293 Reedy Meadow Road

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

S. Donohoe updated the Commission on the revised plan, noting that the existing structure falls entirely within the 100-foot buffer zone, with only a small portion encroaching into the 50-foot buffer zone. The proposed addition has been scaled down to maintain a 64-foot distance from the wetlands. Additionally, the plan includes reconfiguring the existing driveway within the 50-foot buffer zone, removing a significant portion (1,190 square feet) and restoring the area to a natural vegetated state.

To manage stormwater, a new infiltration system would capture all water volume from entering the resource area. The recharge trench is designed for a 50-year storm event, with some capacity for a 100-year event.

P. Morrison asked if there were any intentions on removing the existing driveway outside of the 50-foot buffer zone. S. Donohoe said yes and identified the area within the 100-foot buffer zone.

O. Lathrop expressed ongoing concern about the extent of disturbances proposed and the limited amount of mitigation being offered. He referenced the Wetland Bylaws, noting that no permanent structures are allowed within the 100-foot buffer zone.

L. Hurley expressed satisfaction with the improvements in the revised plan, including the reduced dimensions for the garage, the amount of impervious surfaces being removed, and the installation of a recharge trench.

B. Easom commented that allowing for additions due to growing families is economically sound; however, he recommended relocating the driveway to the homeowner's property, off the conservation land, and moving the garage closer to the road to minimize disturbances.

C. Steeves noted that the existing septic system limits where the addition can be relocated.

O. Lathrop acknowledged that some people are unfamiliar with the Wetland Protection Act, however, emphasized that the rules are in place to be adhered to.

S. Donohoe explained that there is an easement on the Conservation property allowing for the property owners to utilize the existing driveway.

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

Voted to continue the public hearing to the next scheduled meeting on May 28, 2024.

The motion passed by a roll call vote. (KK, OL, PM, LH, BE) 5-0

6:50 PM- Continued Public Hearing- Request for Determination of Applicability- 94 Lovers Lane MADEP#169-1265

Applicant: Sean Campbell

C. Steeves informed the Commission that the applicant requested to cancel the filing for the Determination of Applicability, despite suggesting that the hearing be continued.

B. Easom noted that he observed the site may have been cleaned up without the proper permits and recommended conducting a 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 May 28, 2024.

The motion passed unanimously. 5-0

7:00 PM- Request for Determination of Applicability- 54 Hill Road (Buffer Zone Cleanup Project)

Applicant: Allen Hahn

A. Hahn proposed removing debris, including tires and scrap metal, from the buffer zones. He clarified that the photographs shown were not of his property and that he had no intention of cleaning up those areas.

O. Lathrop agreed that the proposed work would be beneficial to the wetlands.

L. Hurley asked if the boat was located on the homeowner's property. A. Hahn explained that he does not have access to remove the boat and would focus on clearing all the debris closest to his dwelling. L. Hurley emphasized that the wetlands should be left undisturbed.

K. Kuliesis agreed that any cleanup would be beneficial and noted that the removal process may need creativity.

The abutting neighbor was present and expressed concern about potential disturbances to the wetland and his own property.

C. Steeves noted that regardless of the property owner, there is a violation of the Wetlands Protection Act. The Nutile Family Trust received a letter in the past regarding the violation, however no action was ever taken.

A. Hahn stated his property was surveyed in 2020 and was informed by the surveyor that there were no encroachments on the abutting property.

B. Easom inquired about the process for removing debris on the southern side. A. Hahn explained that the gates need to be removed first, and then the debris would be manually carried out.

George Marsh expressed his support for the proposed project and recommended that the Conservation Commission take action against the abutting neighbor who is in violation.

B. Easom requested that the debris on the abutting property be added to the next agenda for further discussion.

A. Hahn explained that his crew has already removed a substantial amount of debris. He emphasized that they are experienced and understand the sensitivity of the wetlands.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Any removal on the southern side needs to be completed by hand and disposed of offsite. 2. The Conservation Administrator is to review the site with the Contractor prior to any work.

The motion passed unanimously. 5-0

7:20 PM- Notice of Intent- 54 Hill Road (Phragmites Removal)

Applicant: Allen Hahn, Representative: Colin Gosselin

A. Hahn explained that Phragmites have invaded the marsh, causing significant flooding on his property. He proposed removing the invasive species and restoring the wildlife habitat.

O. Lathrop expressed support for the project despite recognizing its challenges and costs. After reviewing the provided letter, he requested further information on the herbicide Imazamox. C. Gosselin clarified that Imazamox is an aquatic herbicide used by the Department of Conservation & Recreation (DCR) and it has been proved to be successful. O. Lathrop suggested alternating herbicides to prevent the invasive species from adapting and then questioned the spraying process and the project's duration. C. Gosselin explained that a Marsh Master would be used and that a three-year plan has been set in place and then would be revisited.

L. Hurley inquired about the anticipated duration of work within the marsh for this year. C. Gosselin responded that the plan is to commence in August or September, with mulching scheduled to begin after the first frost.

K. Kuliesis questioned the type of application that would be used. C. Gosselin stated that a gasoline-powered sprayer would be utilized.

O. Lathrop requested a condition that a report be submitted after each treatment. A. Hahn agreed to submit a report every six months.

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

Voted to continue the public hearing to the next scheduled meeting on May 28, 2024.

The motion passed unanimously. 5-0

7:40 PM- Continued Public Hearing- Notice of Intent- 500 Main Street

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

Larry Hurley recused himself.

G. Roy briefly reviewed the recommendations and comments made by MassDEP along with the responses provided by Dillis & Roy Civil Design Group. (The letter issued on March 5, 2024 is included in the minutes to be referenced.)

The Commissioners were satisfied with the responses provided from the representative.

Upon a motion by P. Morrison, seconded by K. Kuliesis, it was:

Voted to close the public hearing.

The motion passed. L. Hurley recused. 4-0

7:50 PM- Notice of Intent- PFAs Waterline along Chicopee Row

Applicant: Town of Groton, Tom Orcutt, Water Department Representative: Tyler Schmidt, Environmental Partners

T. Schmidt represented on behalf of the Town explaining that the project being proposed aims to remediate the high school's exceeded PFAS levels. The school is legally liable for any impacts on neighboring wells. As a temporary measure, bottled water has been provided. The proposal includes extending the waterline from Hollis Street down to Chicopee Row, reaching the school and servicing affected wells in Dunstable. The work would be conducted within the right of way, with minimal activities outside of the paved areas. Vegetated wetlands and catch basins along the road would be protected with silt sacks. Trenches would be excavated directly into dump trucks and backfilled if the soil is found suitable. There is no anticipated staging of materials within the buffer zones. T. Schmidt explained that Tom Delaney has an interim plan to perform emergency repairs on any culverts that are deteriorating.

O. Lathrop noted that several culverts, though functioning properly, did not have visible pipes and questioned if these pipes would be restored. T. Delaney confirmed that all culverts are open and no additional work is planned. O. Lathrop mentioned that DES prefers that the outflow of water be above the pipe level and suggested that there might be an opportunity to receive a grant to repair the culvert.

B. Easom recommended burying the waterline deeper in the area where the one culvert pipe needs to be replaced with an open-bottom culvert to meet standard stream guidelines.

C. Steeves requested that any disturbed areas be replanted with a wildflower mix, which T. Schmidt agreed to.

B. Easom asked for clarification on whether residents are mandated to hook up to the waterline. T. Orcutt confirmed that there are no mandatory requirements for homeowners to connect to the waterline.

A resident from Chicopee Row inquired about the opportunity for side streets to connect to the waterline. T. Orcutt explained that the waterline would be installed on Chicopee Row only, as approved in the Town Meeting, and stubs would be left at the side roads for potential future extensions.

Public questions were raised about the waterline installation location and the proposed booster station. T. Schmidt explained that on Hollis Street, the waterline would shift around existing utilities, while on Chicopee Row; it would stay on the right side of the street. A 10'x10' chlorine booster station is proposed outside the 100-foot buffer zone near Veterans Memorial Park on Hollis Street. This system, required by MassDEP, will inject treatment into the water main to ensure it meets drinking water standards.

Tom Orcutt briefly discussed the warrant article proposing an alternative site for the booster station adjacent to the Williams Barn. He noted that this location would be less intrusive to the public and offer better performance for chlorine injection. The above-ground chlorine booster station would use

a small 1-inch pipe and house 15 gallons of chlorine, with 1 or 2 parking spaces available. There would be no water waste and the station would also meet a 110% containment requirement, with no drains and no leakage. If approved through Town Hall, a broader assessment of ecological effects would be conducted.

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

Voted to continue the public hearing to the next scheduled meeting on May 28, 2024.

The motion passed unanimously. 5-0

8:15 PM- Amended Order of Conditions- Waterline Extension to 500 Main Street

Applicant: Tom Orcutt

T. Orcutt explained that the original proposal received no interest from contractors, prompting the Water Department to reconsider its approach. By combining the waterline extension to 500 Main Street, the Town would become eligible for grants, offering mutual benefits for both the Town and the developer. All work would be conducted within the roadway, with three points intersecting the 100-foot buffer zones where appropriate erosion controls would be installed. The excavated trench would be immediately backfilled with suitable soil. The project is set to commence this calendar year for the Town and next calendar year for the developer.

O. Lathrop inquired about the location of the wetlands and commented that the primary concern is that there is already an existing Order of Conditions and it is uncertain if this amount of alterations would qualify as a minor change. He recommended contacting a circuit rider for further clarification.

P. Morrison questioned if there were any additional disturbances to the resource areas from the original plan. T. Orcutt answered no.

B. Easom noted that all the planned work is confined within the limits of the project at 500 Main Street.

Upon a motion by P. Morrison, seconded by K. Kuliesis, it was:

Voted to accept the amended plan dated April 24, 2024 as a minor change to the Order of Conditions.

The motion passed. O. Lathrop-Abstained, L. Hurley recused. 3-1-0

2. GENERAL BUSINESS

General Discussions/Announcements

Brown Loaf Recommendations from Stewardship Committee

C. Steeves explained that the goal of assessing the Town property was to evaluate the trail conditions and conservation value. The property has muddy and flooded areas due to beaver activity and ATV use, with no signs prohibiting motorized vehicles. Completing a trail to Groton Woods would require constructing a bridge. Despite these issues, the property has significant wildlife and high conservation value. The Stewardship Committee recommends that the Conservation Commission accept the land under Article 97, with a condition

allowing Water Department access to a well site if needed and subdividing it with the Town to permit ATV use only under the powerlines. The Commission discussed regulating ATV use, the benefits of using the land for a future Article 97 land swap, and clarifying the original statement about acquiring the land from the Select Board. B. Easom agreed to review old meeting minutes for clarification.

Paul Funch commented that if no action is taken, the land would suffer more damage from bikes and horses. The Commission explained that there needs to be public access and by subdividing the parcel it would become landlocked. P. Funch suggested that an easement be conditioned to ensure that the property is accessible.

B. Easom said that he would contact the Town Manager to receive permission to request further guidance from the Town Council.

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

Voted to authorize B. Easom to request permission from the Town Manager to contact the Town Council.

The motion passed unanimously. 5-0

Discussion on Wyman Road Subdivision- Dillis & Roy Civil Design Group

Greg Roy, representing Nashoba Homes, informed the Commission that an application has been submitted to develop a residential subdivision on 22 acres of land. Previously, 119 acres had been sold to the Town, and a 5-acre lot on the westerly side was retained for two house lots. The proposed subdivision would consist of six clustered lots and would include 14.5 acres of open space. The land is designated as priority habitat; Natural Heritage is requiring a maintenance program with $\frac{2}{3}$ of the land protected. The current space does not meet that criteria. The applicant is proposing adding 2.3 acres of conservation restriction area, and is asking for the Conservation Commission to become the holders. The applicant would be responsible for drafting the CR, with the language to be mutually agreed upon by both parties.

L. Hurley inquired about the yellow area displayed on the plan. G. Roy explained that particular land would remain undeveloped and would be deeded to the Town. O. Lathrop requested the establishment of a small trail to provide access to the cul-de-sac and the installation of granite boundary markers along the southern points. B. Easom noted accepting this proposal would be beneficial since the land already connects to conservation property. G. Roy recommended that the Conservation Commission should submit the requests to the Planning Board to be added as conditions.

Upon a motion by O. Lathrop seconded by P. Morrison, it was:

Voted to endorse the concept of receiving the 14 acres in fee and the 2.3 acres in conservation restriction with a condition that there are granite boundary markers installed, and 2. Public access is granted to the cul- de- sac.

The motion passed unanimously. 5-0

General Updates from Administrator

Fitch's Bridge Road Restoration

C. Steeves, along with a representative from the Nashua River Watershed Association, organized a restoration day on April 29th. Seven volunteers participated, assisting in planting native species and removing invasive species. The volunteers successfully removed approximately 90% of the Garlic Mustard. C. Steeves noted that the Bittersweet would require spraying, and the Invasive Species Committee would be administering an herbicide spray treatment at a later date.

Committee Updates

B. Easom provided an update, mentioning that the CPC is awaiting the outcome of the Town Meeting to determine if the approvals would be granted. There are three key items on the Warrant, and B. Easom is optimistic that the requests will be approved.

O. Lathrop shared that he is collaborating with the library to organize a series of talks on Conservation and Conservation Land. The inaugural talk is scheduled for July 18, 2024.

Land Management & Acquisition

Request for Proposals: Survey for Jack and Mary Allen CA (Palmer Land)

C. Steeves informed the Commission that she had contacted Dillis & Roy Civil Design Group, GPR, and David E. Ross Associates for estimates and is currently awaiting their responses.

Approve Meeting Minutes

The meeting minutes were tabled to the next meeting.

Approve Invoices

None

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

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

Voted to appoint Kimberly Kuliesis as the Conservation Representative for the Stewardship Committee.

The motion passed unanimously. 5-0

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.*

Not applicable

5. Adjournment

9:56 PM

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to adjourn the public meeting.

The motion passed unanimously. 5-0