



## Conservation Commission Meeting

Tuesday, May 28, 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, John Smigelski, Clerk; Olin Lathrop, Peter Morrison, Kim Kuliesis, Alison Hamilton

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

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

### 1. APPOINTMENTS AND HEARINGS

#### **6:30 PM- Issuance of Order of Conditions- 500 Main Street**

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

L. Hurley recused himself.

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

Voted to issue the Order of Conditions for 500 Main Street, MassDEP#169-1263.

**The motion passed unanimously. 6-0**

#### **6:45 PM- Continued Public Hearing (From 5/14/24) Notice of Intent- 54 Hill Road**

Applicant: Allen Hahn; Representative: Colin Gosselin

The applicant requested a continuance.

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

Voted to continue the public hearing to the next scheduled meeting on June 11, 2024.

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

#### **6:55 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

The applicant requested a continuance.

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

Voted to continue the public hearing to the next scheduled meeting on June 11, 2024.

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

#### **7:10 PM- Continued Public Hearing (From 5/14/24)- Notice of Intent- PFAs Waterline along Chicopee Row**

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

The Commission reviewed the letter provided by the Massachusetts Department of Environmental Protection recommending that the Commission evaluate if the proposed work is within the Riverfront area, which may not meet the provision found in 310 CMR (Code of Massachusetts Regulations Title 310).

T. Schmidt confirmed that the plans were reviewed and that only two hydrants are proposed 18 inches off the roadside in the riverfront area. He assured that there would only be minimal temporary disturbances. Filter socks would be installed around all resource areas, and any impacted areas would be loamed and seeded with a New England seed mix.

J. Smigelski recommended relocating the hydrants further than 18 inches from the roads edge to prevent potential damage from snow plows.

Michelle Collette inquired if there was an update from the Massachusetts Environmental Policy Act Office (MEPA). T. Schmidt confirmed that there were no negative letters provided by MEPA and the project had been approved.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to close the public hearing for MassDEP#169-1266.

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

#### **7:20 PM- Request for Determination of Applicability- 59 Baddacook Pond Road**

Applicant: David Alexander; Representative: Jay Webster

Jay Webster presented on behalf of his client proposing the removal of two White Pine trees situated in close proximity to the dwelling. He outlined a plan to position a crane in the driveway for the removal process.

L. Hurley acknowledged the potential danger to the dwelling however, expressed concern for removing a natural bird habitat situated along the pond.

P. Morrison questioned the removal process. J. Webster informed the Commission that the trees would be dismantled piece by piece with the assistance of a crane and disposed of offsite.

K. Kuliesis asked if the homeowner had any plans to clear the land up to the edge of the pond. J. Webster assured that no further clearing would take place and mentioned that the trees were starting to thin at the top. K. Kuliesis recommended planting new trees.

A. Hamilton and O. Lathrop requested that the applicant leave 10-15 foot snags behind and maintain the natural state of the surrounding land. J. Webster commented that being in close proximity to the water can impact the trees' growth and root development.

B. Easom suggested planting an Oak or Maple tree in exchange for removing the White Pine trees, emphasizing the need to preserve shade and the landscape.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Trees are to be removed via crane and not fallen into the lake. 2. Two Oak or Maple Trees are to be planted 3.

Surrounding area is to remain in a natural condition, and 4. Stumps are to remain at ground level.

A. Hamilton amended the original motion to require a minimum of 10 foot snags, rather than allowing for stumps at ground level.

Upon a motion by A. Hamilton, seconded by O. Lathrop, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Trees to be removed via crane and not fallen into the lake. 2. Two Oak or Maple Trees are to be planted 3.

Surrounding area is to remain in a natural condition, and 4. A minimum of 10 foot snags are to remain.

O. Lathrop commented unlike past situations where the trees were generally located along a wooded edge, these trees play a crucial role in the pond's ecosystem and is the reason why he would like snags written as a requirement.

**The amended motion failed by a roll call vote. (Yes: OL, KK, AH/No: PM, JS, LH, BE) 3-4**

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

Voted to issue a Negative 3 Determination under the conditions: 1. Trees are to be removed via crane and not fallen into the lake, 2. Two Oak or Maple Trees are to be planted 3.

Surrounding area is to remain in a natural condition, and 4. Stumps are to remain at ground level.

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

#### **7:35 PM- Request for Determination of Applicability- 187 Whiley Road**

Applicant: Laurie Manley

The applicant informed the Commission that her insurance company has requested for any trees or branches posing any potential threat to the dwelling be trimmed or removed.

The Commission was satisfied with the request.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Trees are to be removed as required by the insurance company.

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

#### **7:50 PM- Notice of Intent- 4 Birchwood Avenue**

Applicant: Bradley Harper, Representative: Chris Mackenzie, Dillis & Roy Civil Design Group

C. Mackenzie of Dillis & Roy Civil Design Group presented on behalf of their client proposing the installation of an upgraded septic system, retaining walls, stairs, a buried propane tank, and reconstruction of the existing driveway along the front of the house. The current septic tank, which is within the 50-foot buffer zone, is proposed to be 75% relocated within the 100-foot buffer zone and requires the installation of walls to meet title 5 requirements.

L. Hurley commented on the black drainage pipes seen during the site walk, inquiring if they would be reinstalled and what the proposed retaining wall would be composed of. He also recommended

installing a dry well to capture all runoff water. The applicant explained that the retaining wall would be similar to the existing one and that the drainage pipes would be relocated. L. Hurley then asked why the septic system tank could not be relocated outside of the 50-foot buffer zone. The applicant explained that there needs to be a maximum of three feet of coverage, which cannot be accomplished, leaving the only option to place it close to the wetland.

O. Lathrop requested clarification on the new septic system and suggested that the stairs be constructed of stone. The applicant explained that there are currently no pump chambers and that the ones identified on the plan are proposed underground tanks. O. Lathrop then questioned the existing shed. B. Harper explained that the existing shed on the adjacent parcel would continue to be used for storage only. O. Lathrop commented that the restoration of the disturbed surfaces and the stairs would be beneficial to the site. He requested that all drainage be captured and infiltrated before reaching the resource area, suggesting the installation of a French drain. O. Lathrop also asked how the driveway runoff would be managed. The applicant stated that there is grading planned and the water would be directed to the left or right side; however, was willing to install a dry well as suggested by the Commissioners. O. Lathrop requested that calculations be provided of the stormwater management system to ensure that it can adequately handle a reasonable-sized storm.

A. Hamilton inquired about the old propane tanks. B. Harper responded that the existing propane tanks would be removed and replaced with a new one that would be buried, explaining that most of that area is outside of the buffer zones and part of the parking area. A. Hamilton then requested clarification on the steps that would be installed and the new retaining walls. B. Harper explained that the existing cobblestone steps would be removed and replaced with new stairs. The height of the new retaining wall would not exceed 3 feet and the area would be too tight to allow for plants.

P. Morrison questioned the size of the propane tank, and suggested installing a larger tank.

The Commission expressed that the applicant should be very cautious with installing a gravel driveway and explained that it would require continuous maintenance.

B. Easom recommended that if a wood staircase is proposed that crushed stone be laid underneath it.

C. Steeves suggested that the driveway be composed of a pervious surface.

The Commission requested that the applicant return with stormwater calculations, the composition of the driveway, and that the flood elevation be demonstrated on the plan according to the MassDEP comments.

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

Voted to continue the public hearing to the next scheduled meeting on June 11, 2024.

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

## **2. GENERAL BUSINESS**

### **General Discussions/Announcements**

#### **Discussion on Possible Enforcement Order on Parcel 211-83.1**

Michelle Collette reported that the property owner had a history of bringing scrap metal from his business and disposing of it on his land. She mentioned that there are a number of Board

of Health violations. The property lies within a 100-year floodplain and a buffer zone. The Commission agreed that this long-standing issue raises concerns about potential leaching into the wetland and that the debris needs to be removed. B. Easom recommended that the Conservation Administrator contact the Town Manager to review the matter with the Town Council.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to authorize the Conservation Administrator to contact the Town Manager to further review the matter with the Town Council.

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

### **Dumping Issue at Fox Run Conservation Area**

B. Easom reported that someone has established a "give and take" shop at the intersection of Pepperell Road and Fox Run, leaving debris on the roadside. He also mentioned that he cleared vegetation from the Conservation No Dumping sign. The Commission requested that the Administrator contact the Department of Public Works to address the issue since it falls under their jurisdiction. M. Collette confirmed that the problem is reoccurring and agreed that the materials need to be properly disposed of.

## **2.2 General Updates from Administrator**

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

C. Steeves informed the Commission that GPR provided a quote of \$12,500, which includes a title search, a survey, and the installation of five granite markers. Dillis & Roy Civil Design Group mentioned that they would be submitting a proposal.

### **Update 196 West Main St**

C. Steeves reported that the homeowner contacted her after receiving the notice letter and informed her that she inherited the issue after her husband's passing. The homeowner has hired someone to address the problems, and the work is ongoing. C. Steeves requested the contractor's name and is awaiting that information. J. Smigelski commented that the person probably hired a student and not a professional company.

### **Request to Donate Land to Conservation Commission**

C. Steeves informed the Commission that the landowners of a small parcel between Whiley Road and Duck Pond Drive have inquired about the process of donating land. O. Lathrop mentioned he contacted Mark Garath since the adjacent land is owned by the Groton Conservation Trust. The Commission agreed that it would be sensible for the Groton Trust to acquire the land. The Administrator was instructed to notify the landowners to contact the Groton Conservation Trust before their next meeting to determine if they have any interest in acquiring the land.

## Committee Updates

O. Lathrop reported that last Saturday, the Invasive Species Committee treated the Ash Trees at the Petapawag Canoe Launch. He also mentioned that the Fire Chief and Deputy Chief inquired about alternative sites for a controlled burn. C. Steeves recommended that the Stewardship Committee identify suitable alternative sites. The Commission agreed that the area should be an open field with accessible entry points.

B. Easom said that the Conservation Commission's \$400,000 request for CPA funding was approved at Town Meeting.

## Land Management & Acquisition

O. Lathrop noted potential significant encroachment on the Conservation Land along Robin Hill Road. B. Easom agreed to contact the Registry of Deeds to verify if there are any deeded boundary markers prior to walking the site.

## Approve Meeting Minutes

Upon a motion by L. Hurley, seconded by P. Morrison, it was:  
Voted to approve the meeting minutes for April 9, 2024 as amended.

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

Upon a motion by L. Hurley, seconded by P. Morrison, it was:  
Voted to approve the meeting minutes for April 23, 2024 as amended.

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

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to approve the meeting minutes for May 14, 2024 as amended.

**The motion passed. J. Smigelski- Abstain 6-1-0**

## Approve Invoices

Upon a motion by L. Hurley, seconded by P. Morrison, it was:  
Voted to approve and pay the invoice dated 5/3/24 from the Groton Herald in the amount of \$258.75.

**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 dated 5/17/24 from the Groton Herald in the amount of \$198.75.

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

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

B. Easom reported that, after consulting with the Town Council, it was determined that the Conservation Restriction had been offered to Fisheries and Wildlife for the Brown Loaf Property, rendering the original offer null and void. For the Commission to acquire the land, a decision would need to be made at Town Meeting. Concerning the proposed utility corridor, the Town Council found it unnecessary, as the land is designated as unbuildable.

**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.”**

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

**5. Adjournment**

**8:39 PM**

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, AH, KK, JS, PM, LH, BE) 7-0**

**APPROVED:** \_\_\_\_\_ 6/11/2024