



Conservation Commission Meeting

Tuesday, June 25, 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, Alison Hamilton, Kim Kuliesis (Via Zoom until 7:00PM)

Others Present: Charlotte Steeves, Conservation Administrator

1. APPOINTMENTS AND HEARINGS*

6:30 PM- Continued Public Hearing (From 5/28/24) Notice of Intent- 4 Birchwood Ave

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

C. Mackenzie represented his client stating that a signed and stamped plan had been submitted. Additionally, an analysis of the stormwater runoff calculations for a 25-year storm event had been provided. Greg Roy prepared a letter explaining that the infiltration system was designed to manage runoff from the driveway and any up gradient areas. He noted that some overflow would occur at the peak of a rainfall event, discharging at a rate of 0.11 CFS. The total volume of stormwater entering the infiltration system is estimated to be 5,213 gallons. Approximately 0.001 acre-feet (326 gallons) would discharge over a 9-hour period.

O. Lathrop commented that he had hoped for an infiltration system that would handle a 50-year storm and questioned the amount of untreated water. C. Mackenzie assured him that all runoff would be treated by the infiltration system. Once the system reaches peak capacity, the overflow would be directed through rip rap. He reiterated that approximately 0.001 acre-feet (326 gallons) would discharge over a 9-hour period. O. Lathrop then asked about the amount of impervious surface area that would represent the 326 gallons. C. Mackenzie explained that a very small percentage, about 0.43 cubic feet for every square foot of impervious area. Given the driveway's size of 2,140 square feet, only about one-twentieth of the water would overflow.

A. Hamilton suggested that at a later date, the Commission should review and establish expectations for infiltration systems that can handle larger year storms.

B. Easom inquired about the limitations preventing the capture of all runoff water during a 25-year storm event. C. Mackenzie explained that the primary factor is cost, coupled with the challenge of installing a system in an area that was not intended for alteration. The proposed recharge system would be installed underground, extending to an overflow area. From there, runoff would flow into a crushed stone trench and pass through 40 feet of vegetated buffer before reaching the water's edge.

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

Voted to close the public hearing.

The motion passed by a roll call vote. (Yes: KK, OL, AH, PM, JS, LH, BE) 7-0

6:45 PM- Continued Public Hearing (From 5/28/24) Notice of Intent- 54 Hill Rd

Applicant: Allen Hahn; Representative: Colin Gosselin

C. Steeves informed the Commission that the hearing would need to be continued because they have not yet received a Massachusetts Department of Environmental Protection number.

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

Voted to continue the public hearing to the next scheduled meeting on July 9, 2024.

The motion passed by a roll call vote. (Yes: LH, JS, AH, KK, PM, OL, BE) 7-0

7:00 PM- Approve Order of Conditions - J. Harry Rich State Forest Trail Upgrades

Applicant: Groton Trails Committee, representative: Paul Funch

C. Steeves informed the Commission that the hearing would need to be continued because they have not yet received a Massachusetts Department of Environmental Protection number.

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

Voted to continue the public hearing to the next scheduled meeting on July 9, 2024.

The motion passed by a roll call vote. (Yes: KK, OL, AH, PM, JS, LH, BE) 7-0

7:10 PM- Notice of Intent- 282 Farmers Row

Applicant: Groton School, Representative: Frank McPartland Dillis & Roy Civil Design Group

J. Smigelski recused himself.

Frank McPartland, representing his client, explained that the existing man-made drainage swale is failing, leading to sediment loss and making the athletic field soggy and hazardous for activities. He proposed installing three manholes with connecting pipes to a discharge stone sediment basin, enhancing the stormwater quality, and adding a perimeter drain along each athletic field. This barrier aims to prevent water from seeping into the subsurface of the playing fields. Additionally, erosion controls, including sandbags would be installed. The existing pathway would remain maintained, and 8,000 square feet of invasive species would be removed. F. McPartland stated that an invasive species management plan would be submitted as part of the project.

L. Hurley asked about the drain discharge, specifically whether there would be an open flow on the opposite side. F. McPartland confirmed that there would be open flow and mentioned considering a mesh fabric to prevent debris from entering the pipe, though he did not anticipate a high flow rate. L. Hurley then inquired if a culvert would be installed under the bridge noted on the plan. F. McPartland replied that a culvert is unnecessary.

O. Lathrop commented that the swale, currently filled with invasive species, would benefit from the proposed improvements. He asked how much water the project is designed to capture. F. McPartland said that the area would be designed to provide a velocity reduction, to stop any kind of erosion for that corner. Additionally, O. Lathrop questioned whether there was an Notice of Resource Area Delineation (ANRAD) performed. F. McPartland responded that there was no ANRAD, but the area had been flagged for delineation.

A. Hamilton inquired about the strategy for removing the invasive species. F. McPartland responded that the plan involves mowing the area and adding new soil to the site. A. Hamilton asked for further clarification. F. McPartland elaborated on the implementation of the temporary erosion controls and the installation of a permanent storm drainage structure to prevent the runoff from the fields.

B. Easom inquired about the use of fertilizer on the fields, noting that the plan shows runoff being directed into a perforated pipe and then straight into the wetlands. F. McPartland explained that the field already drains into the wetlands and that no new grading is being proposed. B. Easom also asked how the installation of the barrier would prevent the wetland from leaching into the fields and redirect surface water flow. F. McPartland responded that much of the water originates from the wetlands, and the goal is to keep the fields dry by intercepting water from the wetlands with a proposed barrier along the edge. B. Easom expressed concern about the loss of natural treatment without an infiltration structure and recommended that additional information be provided. F. McPartland agreed to investigate further.

L. Hurley asked which side the drainage pipe would be installed on. F. McPartland stated that the pipe would be installed along the athletic field side.

C. Steeves inquired whether the fill being brought onto the site would be screened for invasive species. F. McPartland assured that the fill would be clean and free of invasive species.

O. Lathrop commented that the fields are consistently wet and believed the cause was due to improper drainage and questioned the fate of natural rainwater. He noted that the barrier, being underground, might redirect water in either direction. F. McPartland acknowledged this concern and stated that he would revisit the barrier design to ensure proper water collection and management.

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

Voted to continue the public hearing to the next scheduled meeting on July 9, 2024.

The motion passed unanimously. 7-0

7:30 PM- Order of Conditions Extension Request-DCR Nashua River Treatment

Applicant: Department of Conservation & Recreation, Representative: Dominic Meringolo, Solitude

Dominic Meringolo was present on behalf of the Department of Conservation & Recreation, requesting a three-year extension for the management and treatment of Water Chestnuts in the Nashua River. This ongoing project, which began in 2018, has been successful but remains a work in progress. Reports have been submitted yearly.

A. Hamilton questioned the reason for the extension. D. Meringolo explained that the management plan is a multi-year approach to control the existing infestation and would require continued maintenance.

O. Lathrop questioned the process of treating the Water Chestnuts with aquatic herbicide. D. Meringolo said the goal is to treat the Water Chestnuts when they emerge in early to mid-June, followed by two additional treatments in July to stop the seeds from maturing. To localize the herbicide, an airboat drives over parts of the Water Chestnut plant and sprays directly onto the plant.

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

Voted to extend the order conditions for MassDEP#169-1117 for 3 years starting on September 16, 2024.

passed unanimously. 7-0

The motion

7:45 PM- Notice of Intent- 28 Ridgewood Ave

Applicant: Barbara Ruskin

Barbara Ruskin proposed adding an addition to her one-level home to accommodate a study and/or quiet sitting room with a bathroom. She emphasized that there would be minimal impact on the wetland and no land disturbances within the 50-foot buffer zone. B. Ruskin said that a gutter system would be installed along with two dry wells and a rain garden. Native perennials have been planted in the previously disturbed areas for the installation of the Title 5 septic system and she intends on continuing maintaining a natural area.

K. Kuliesis commented that the area looks inadequate for the dry wells and the rain garden. In response, B. Ruskin explained that the rain garden would be directly connected to the gutter system, and an underground dry well would capture the runoff. She assured that the water would be absorbed into the ground before reaching the resource area.

O. Lathrop referenced the Wetland Bylaws and expressed his opposition to the proposed project. B. Ruskin said that the plan is very modest, keeping the structure one level with minimal infringement on the land.

P. Morrison inquired if additional mitigation was being proposed. B. Ruskin stated that the current runoff is being directed into the woods, and the installation of the dry wells and rain garden would be a significant improvement for water infiltration. She said any disturbed areas would be vegetated.

A. Hamilton asked if the addition could be relocated. B. Ruskin said that the space is limited and thought it would be less impactful being on posts rather than excavating for a new foundation. L. Hurley recommended using helical piles.

B. Easom expressed his unsupportiveness of the proposal. The applicant questioned what specific damage was being done. B. Easom stated that constructing a permanent structure would impact many things and requested that the applicant review the Wetland Bylaws.

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

Voted to continue the public hearing to the next scheduled hearing on July 9, 2024.

The motion passed unanimously. 7-0

J. Smigelski questioned the size of the lot and the dimensions of the proposed addition. C. Steeves responded with .45 acres and the addition was stated as 20'x24'.

8:10 PM- Request for Determination of Applicability- 26 Baddacook Pond Rd

Applicant: Elias & Ashley Gioubakis

Elias Gioubakis proposed removing all trees that pose a threat to his dwelling.

K. Kuliesis inquired about what attracted the homeowners to the area and suggested a creative approach to removing only the trees that are truly hazardous to the dwelling and preserving the low-lying vegetation. E. Gioubakis responded that his family enjoys the outdoors and woodlands. He clarified that they do not intend to clear the entire 2.5 acres, only 25 feet from the woods' edge.

The Commissioners expressed no opposition to removing a few trees that pose a threat to the dwelling or that are unhealthy.

A. Hamilton suggested leaving 15-foot snags, emphasizing their ecological value.

O. Lathrop was unwilling to authorize the removal of all trees near the dwelling and requested that the homeowner mark the trees that they are proposing to remove. He also recommended that if the homeowner intends to remove a significant number of trees, a wetland scientist should be hired to delineate the wetland and the buffer zones, ensuring that anything within their jurisdiction is approved.

B. Easom commented that given the scale of the proposed project, the applicant should file a Notice of Intent (NOI).

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

Voted to continue the public hearing to the next scheduled meeting on July 9, 2024.

The motion passed unanimously. 7-0

8:30 PM- Approve Order of Conditions- 293 Reedy Meadow Rd

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

C. Steeves updated that there has been no response from Natural Heritage.

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

Voted to continue the public hearing to the next scheduled meeting on July 9, 2024.

The motion passed unanimously. 7-0

2. GENERAL BUSINESS

General Discussions/Announcements

Discussion on Gilson Conservation Area Survey/ Title Search with Dillis & Roy

Both Attorney Bob Collins and Stan Dillis of Dillis & Roy Civil Design Group were present. B. Collins summarized the letter submitted to the Commissioners regarding the title search, which was reviewed back to 1889. He also reviewed the deeds for the 11 abutting neighbors and confirmed that there were no associated easement rights. Stanley Dillis explained that as a surveyor, he is obligated to follow Massachusetts regulations. The survey presented is consistent with all the deeds, and he has since installed all the granite bounds as requested. He also noted a few encroachments onto the Conservation land, which have been listed and submitted to the Conservation Administrator.

The Commission requested clarification on the discrepancy in the total acreage. S. Dillis explained that it is very typical to see differences due to the lack of precise valuation in earlier days. O. Lathrop asked if there were signs of one boundary marker being moved. S. Dillis confirmed that the location matched the deed and had not been moved. B. Easom requested that coordinates of a couple granite markers be included with the survey.

Nenad Jelisavcic of 309 Boston Road expressed that the survey presented was incorrect. The Commission was satisfied with the survey provided by Dillis & Roy Civil Design Group and instructed the homeowner to hire a registered surveyor to provide actual proof of the discrepancies. Until then, there would be no further discussion.

Discussion on Agricultural and Farm Soil Designation for Groton

Al Averill introduced himself, explaining his role with the Natural Resources Conservation Service (NRCS) and the American Farmland Trust partnership. His mission is to help identify and recognize important farmland at the local level to ensure that all eligible land can be considered for NRCS farmland preservation funding in the future. A. Averill presented a PowerPoint that detailed the Agricultural Land Easement (ALE) Program. This program collaborates with state agricultural agencies, land trusts, and municipalities to preserve farmland. Under the ALE Program, willing landowners are compensated for the development value of their land in exchange for an easement that ensures the land remains dedicated to agricultural use. He outlined the eligibility process and the importance of Soil Survey mapping, which categorizes land into classes such as Prime Farmland and Farmland of Statewide Importance. However, he noted that these categories do not capture all suitable lands. Recognizing Farmland of Local Importance acknowledges additional soils that are well-suited for crop production, thereby expanding potential ALE eligibility. A. Averill also discussed the importance of providing complete evidence of suitability and ensuring compliance with USDA Wetland provisions. He emphasized that the designation of farmland must be recognized by both a town official and the NRCS state conservationist to be valid. A. Averill said that 96 towns have recognized Farmland of Local Importance.

J. Smigelski inquired about acreage limits and restrictions, to which A. Averill responded that a minimum of 5 acres is required and that he works with private landowners to preserve agricultural use. P. Morrison inquired about the difference between the Agricultural Preservation Restriction (APR) and Agricultural Land Easement (ALE) Programs. A. Averill explained that ALE provides funding but does not hold the easement, noting that the programs have partnered in the past. O. Lathrop asked if the state could assist with the 50% match requirement. A. Averill answered yes. C. Steeves asked if the program could help secure an agricultural conservation restriction, however, A. Averill was unsure. Attorney Bob Collins questioned the eligibility of actively managed woodlands, and A. Averill believed it was not applicable due to the fact that at least one-third of the land must be agricultural. B. Easom said the Commission would further discuss the opportunity.

Reorganization

Upon a motion by P. Morrison, seconded by A. Hamilton, it was: Voted
to appoint Bruce Easom as Chairperson of the Conservation Commission for the term
beginning July 1, 2024, and ending on June 30, 2025. **The**
motion passed unanimously. 7-0

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

beginning July 1, 2024, and ending on June 30, 2025.

The motion passed unanimously. 7-0

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

Voted to appoint Kim Kuliesis as Clerk of the Conservation Commission for the term beginning July 1, 2024, and ending on June 30, 2025.

The motion passed unanimously. 7-0

Discussion on Fiscal Year- End Budget

B. Easom inquired if there were any necessary expenditure to be made before the end of the fiscal year. O. Lathrop suggested purchasing herbicides.

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

Voted to authorize Olin Lathrop to purchase herbicides not exceeding \$350.00.

The motion passed unanimously. 7-0

General Updates from Administrator

Jack and Judy Palmer Conservation Area Survey Proposals

C. Steeves informed the Commission that she has still not heard back from David E. Ross Associates. B. Easom suggested that she contact the company again and request that they send a formal decline to bid if they are not interested in the project.

Work on 116 Boston Road

C. Steeves informed the Commission that she had spoken with Jon Amaral and he explained that an emergency repair for the sewer line was conducted, and he would be submitting photographs and formally filing an RDA. A siltation fence was installed.

Committee Updates

Pollinator Corridor with Sustainability Commission

B. Easom mentioned that the Sustainability Commission would be reaching out to the Commission in the next couple of months to discuss establishing a pollinator corridor on conservation land.

O. Lathrop updated the Commission on the Invasive Species Committee's activities, noting that they treated the Knotweed at the Petapawag Boat Launch and on Hayden Road. A significant amount of Bittersweet was also observed at Hayden Road. The Invasive Species Committee plans to treat Surrendon Farm and the Campbell Well Site this weekend.

Land Management & Acquisition

Discussion on Encroachment at 12 Quail Ridge Road

O. Lathrop noted that after flagging the area, it was found that the homeowners had encroached onto the conservation land with their swing set and trampoline. C. Steeves

informed the Commission that the homeowners were away and had left a message but had not yet spoken with them.

O. Lathrop requested that a letter be drafted and sent to the homeowners, explaining the encroachment and giving them two weeks to contact the Conservation Administrator.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted
that the Conservation Administrator send a letter to the homeowners of 12 Quail
Ridge, notifying them of the encroachment and giving them two weeks to respond.

The Commissioners agreed that the homeowners should be given the opportunity to respond before sending the letter. O. Lathrop added that he would request the installation of conservation markers.

Vernal Pool Update

C. Steeves informed the Commission that the next step in the application process is to identify the egg masses and then submit all the gathered evidence.

Optional Saturday Site Walks

B. Easom inquired if the Commission would be interested in resuming the practice of walking and observing one of the conservation lands following the mandatory site walks held on Saturdays. K. Kuliesis responded that the Stewardship Committee has been reviewing such ideas and has planned a walk for this Saturday, June 29 and another on July 12th. The Commission expressed no opposition, deciding that the Conservation Administrator would randomly select conservation parcels for optional observation.

Wharton Plantation Site Walk

O. Lathrop and B. Easom observed the property and there were no issues that needed to be addressed.

A. Hamilton excused herself from the meeting

Approve Meeting Minutes

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve the meeting minutes for June 11, 2024 as amended.
The motion passed. K. Kuliesis- Abstain 5-0

Approve Invoices

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted approved and pay the invoice from the Groton Herald in the amount of \$187.50.
The motion passed unanimously. 6-0

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.”

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

5. Adjournment

9:47 PM

Upon a motion by O. Lathrop, seconded by P. Morrison, 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, PM, JS, LH, KK, BE) 6-0

APPROVED: JULY 9TH, 2024