



## Conservation Commission Meeting

Tuesday, July 9, 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, Kim Kuliesis, Clerk; John Smigelski, Olin Lathrop, Alison Hamilton

**Absent:** Peter Morrison

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

### 1. APPOINTMENTS AND HEARINGS\*

#### **6:30 PM- Continued Public Hearing Notice of Intent- 282 Farmers Row**

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

J. Smigelski recused himself.

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 L. Hurley, seconded by K. Kuliesis, it was:

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

**The motion passed unanimously. 5-0**

#### **6:45 PM- Continued Public Hearing Notice of Intent- 28 Ridgewood Ave**

Applicant: Barbara Ruskin

B. Ruskin proposed a standalone addition totaling 625 square feet, supported by three helical piles. The project does not encroach upon the 50-foot buffer zone. To manage runoff water, two dry wells and a rain garden are to be included in the plan. The project also includes replacing previously destroyed vegetation for the installation of a new septic system, with native and pollinator plants.

Architect Al Aydelott presented the stormwater runoff mitigation plan, which includes several key features designed to manage water flow effectively. The standing seam metal roof would be sloped away from the 50-foot buffer zone, directing all runoff into a rain garden. Excess water not absorbed by the rain garden would be channeled through a perforated perimeter drain installed on either side of the construction. Additionally, surface runoff would be captured and infiltrated by two dry wells, reducing overall runoff compared to current conditions. The construction process would utilize a crane stationed on the parking pad, ensuring minimal soil disruption.

Both J. Smigelski and K. Kuliesis expressed their appreciation for the thoroughness demonstrated by the homeowner. K. Kuliesis inquired why the dry wells were not considered to cause the most disturbances. B. Ruskin responded that the drywells would be hand dug.

O. Lathrop referenced the Wetland Protection Bylaws, reiterating the 50-foot no-touch zone and the 100-foot no-permanent-structure rule. He stated that the proposed project violates these regulations.

A. Hamilton questioned whether the proposed structure was even larger than in the original plan. She then acknowledged that the homeowner had taken appropriate steps to protect the lake throughout the years. B. Ruskin explained that the porch was not included in the initial plan. She also mentioned that according to Bob Garside, a building with three posts would be considered a minimal impact project and could potentially receive special approvals. A. Hamilton then inquired about the handling of the soil during the digging process. A. Aydelott described the process, explaining that a three-foot diameter hole would be dug down five feet by hand, and the soil would be spread across the site.

B. Easom expressed his opposition to the proposed plan, noting that it lacked significant mitigation measures.

L. Hurley commented that the rain garden would certainly improve the site.

J. Smigelski commented that B. Ruskin is being penalized despite being exemplary. If other residents followed her lead, many issues could be avoided.

Patricia Campbell, a neighbor of 40 years, stated that B. Ruskin has kept the land in its natural state and has refrained from removing trees, unlike most residents along the lake who have significantly altered the landscape.

Tom Kibler, another neighbor, agreed with J. Smigelski and stated that B. Ruskin should not be penalized for maintaining the land in its natural state.

Art Preset, also a neighbor, commended B. Ruskin for preserving the lake and wished others would take similar steps.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:

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

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

#### **6:55 PM- Continued Public Hearing 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 L. Hurley, seconded by J. Smigelski, it was:

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

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

#### **7:00 PM- Continued Public Hearing Request for Determination of Applicability- 26 Baddacook Pond Rd**

Applicant: Elias & Ashley Gioumbakis

Elias Gioumbakis reported that he has identified and marked 19 trees near his dwelling that pose a threat and proposes to replace these trees with fruit trees.

O. Lathrop requested a site visit before approving the request to assess if the trees truly pose a threat. He also asked for a detailed map indicating the trees' locations to be submitted. Additionally, A. Hamilton requested a comprehensive record of the tree removal process, including whether snags would be left.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:

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

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

#### **7:05 PM- Retroactive Request for Determination of Applicability- 120 Boston Road**

Applicant: John Amaral

J. Amaral noted he was unaware of the need for an emergency certificate. He said that dead vegetation and a sewer smell prompted a call to Tom Orcutt who advised to contact the Pepperell Sewer Department. A company came out and installed erosion controls prior to any work to the burst pipe. The soil was properly disposed of offsite. New gravel and soil were brought in and the landscaper will be replanting the disturbed areas.

O. Lathrop wanted to ensure that others do not ask for forgiveness later and proceed with the appropriate avenues first. He suggested removing the Bittersweet that was observed. J. Amaral agreed to converse with the abutting neighbor to request permission to remove the invasive species and noted that there were no gains from not requesting prior approval from the Conservation Commission.

A. Hamilton inquired about the types of plants that would be planted. J. Amaral responded that low-lying native vegetation would be planted.

The Commissioners were satisfied with the work conducted.

Upon a motion by A. Hamilton, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. The disturbed ground is planted with native vegetation.

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

#### **7:15 PM- Request for Determination of Applicability- 21 Court Street**

Applicant: Amy & Dennis Fuccione

D. Fuccione presented a proposed plan to cut, bag, and remove the Knotweed. A siltation fence and straw wattles would be installed. He explained once those steps were complete an herbicide would be applied by the land management company.

A. Hamilton inquired if additional soil would be brought in after confirming the herbicide's effectiveness. D. Fuccione said yes. A. Hamilton expressed concern about planting grass near James Brook and recommended planting native shrubs.

O. Lathrop sought clarification on the "grub out the roots" process and the specific herbicide to be used. He also wanted assurance that the Knotweed would not spread to the brook and that native plants would be planted.

B. Easom explained that "grub out the roots" means digging up or clearing out roots. A. Hamilton noted that the order of operations is detailed at the bottom of the plan.

J. Smigelski suggested that the applicant cut the invasive species themselves and apply an herbicide in the fall.

K. Kuliesis emphasized that this type of invasive species propagates easily. The Commission recommended that homeowners consult the Invasive Species Committee for the best approach to treating and removing the Knotweed.

L. Hurley commented that the homeowners need to be very cautious when removing the plants, ensuring that the bags are tightly closed.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:

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

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

**7:25 PM- Request for Certificate of Compliance- 16 Maple Ave**

O. Lathrop noted discrepancies between the original plan and the as-built plan, indicating that the Commission needs to determine the correct wetland delineations before issuing the Certificate of Compliance.

**7:40 PM- Approve Order of Conditions- 293 Reedy Meadow Rd**

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

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

Voted to issue the Order of Conditions for 293 Reedy Meadow Road, MassDEP#169-1265.

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

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 293 Reedy Meadow Road, MassDEP#169-1265.

Ryan Proctor raised a concern regarding the condition pertaining to the easement that extends onto the conservation land. He explained that the language of the condition is not specific and covers the entire dirt driveway. The homeowners can access the site from their property however, cannot extinguish the entire easement, as it is used to access the common driveway and contains utility lines. The Commission inquired about the ownership of the property where the proposed driveway would be located. R. Proctor clarified that there are two abutting neighbors who also hold ownership of the easement. B. Easom requested that the Town Council review the conditions before approving the Order of Conditions.

O. Lathrop withdrew the second motion.

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

to reconsider the vote for the Order of Conditions for 293 Reedy Meadow Road, MassDEP#169-1265.

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

Voted

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:  
to rescind the vote for the Order of Conditions for 293 Reedy Meadow Road,  
MassDEP#169-1265.

Voted

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

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was:  
Voted to authorize the Chairperson and the Conservation Administrator to contact the Town  
Manager to engage Town Council regarding matters with 293 Reedy Meadow.

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

### **7:50 PM- Approve Order of Conditions- 4 Birchwood Ave**

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

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:  
Voted to issue the Order of Conditions for 4 Birchwood Ave, MassDEP#169-1267.

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

Upon a motion by J. Smigelski, seconded by L., Hurley, it was:  
Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 4 Birchwood  
Ave, MassDEP#169-1267.

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

### **8:00 PM- Continued Public Hearing Notice of Intent- J. Harry Rich State Forest Trail**

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 L. Hurley, seconded by A. Hamilton, it was:  
Voted to continue the public hearing to the next scheduled meeting on July 23, 2024.

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

## **2. GENERAL BUSINESS\***

### **General Discussions/Announcements**

#### **Discussion on Community Involvement in Conservation Issues (Allens Trail Site Walk)**

Anna Eliot was present seeking guidance on engaging neighbors to help remove debris and  
invasive species from abutting conservation lands. The Commission agreed that community  
involvement is a great idea but noted it could be time-consuming. K. Kuliesis emphasized the  
importance of education, and Anna Eliot concurred, suggesting that meetings be set up to ask  
neighbors how they envision the land and its uses. A. Hamilton recommended starting with  
new neighborhoods. B. Easom suggested this would be an excellent project for the  
Stewardship Committee and noted that reviewing the conservation restrictions of those  
properties would be helpful in knowing what can or cannot be done. He requested that the  
Stewardship Committee report back with more details when they become available.

#### **Agricultural and Farm Soil Designation**

B. Easom inquired about the Commission's thoughts on the soil mapping proposal presented by Al Averill at the last meeting. A. Averill provided an overview of the farmland's local importance and explained the potential benefits. The Commission sought clarification on what they would receive if they decided to proceed with this opportunity. A. Averill explained that he would produce a comprehensive list of important soils not yet recognized as farmland, alongside those already identified, using soil maps and aerial imagery. He noted that certain qualifications need to be met. The Commission's role would be to review and sign the document.

O. Lathrop commented that this opportunity would be beneficial for future land acquisitions. J. Smigelski, viewing the proposal from a farmer's perspective, noted that soil mapping could help determine the viability of the land. A. Averill added that not all land is suitable for agriculture, and some areas with steeper slopes might only be suitable for example, hay or blueberries. He mentioned that while the USDA mapping didn't capture everything, there are also limitations to soil mapping that need to be considered.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted  
to authorize the Conservation Administrator to cooperate with Al Averill to work on  
the Soil Survey Mapping for the Town of Groton. **The**  
**motion passed unanimously. 6-0**

#### **Maintenance on McLain's Wood Field**

Paul Funch mentioned that he has been mowing the field and managing the Bittersweet since 2012. He noted the presence of two small sinkholes, which make it difficult to use the mower and blow the leaves. B. Easom offered to assist utilizing his tractor.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted  
to authorize the Trails Committee conduct maintenance on the McLain's Wood Field  
including filling in divots and leaf removal.  
**The motion passed unanimously. 6-0**

#### **Discussion Island Road Bridge and Knops Pond**

Art Prest is concerned that the circulation of water has been stopped underneath the bridge due to the beaver dam. Tom Delaney has a proposal from Mass Dot to replace the bridge and there is a meeting scheduled. B. Easom suggested that the Conservation Administrator proceed with receiving a quote from a company that removes beaver dams.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted  
to authorize the Conservation Administrator to contact a beaver remediation  
company to provide a quote and a proposal.  
**The motion passed unanimously. 6-0**

#### **General Updates from Administrator**

##### **Jack and Judy Palmer Conservation Area Survey Proposals**

C. Steeves said that there were no new updates.

##### **Encroachment at 12 Quail Ridge Road- Update**

C. Steeves reported that she spoke with the homeowner, who was unaware of any encroachment but is willing to comply with the Commission's requests. The homeowner is in the process of selling the playground area and expects the sale to be completed by the end of July. The Commission requested that the homeowner plant a conservation seed mix and install conservation markers every 50 feet along the boundary line.

### **Committee Updates**

O. Lathrop informed the Commission that he would be giving his first talk about conservation lands at the Groton Library on Thursday, July 18, 2024.

### **Stewardship Committee Reappointments**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted  
to reappoint Lisa Murray, Kimberly Kuliesis, Anna Eliot, Olin Lathrop, and Ron Hersch to the  
Stewardship Committee for the term beginning July 1, 2024, and ending on June 30, 2025.

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

### **Land Management and Acquisition**

B. Easom spoke with a member of the Groton Conservation Trust and was informed about the language written in the Conservation Restriction for Shepley Hill and it states that the Trust owns the land and is the holder of the Conservation Restriction. The Groton Conservation Trust would like to rectify this issue.

O. Lathrop notified the Commission about an abandoned car on the Palmer Property that needs to be addressed. He also inquired about the status in regards to the parcel on Britt Lane, suggesting that it should be revisited. Additionally, O. Lathrop mentioned that the Black Swallowwort located at the Nipmuc Meadows needs to be treated. B. Easom stated that he would review the mowing restrictions and if applicable he would mow this weekend.

### **Meeting Minutes**

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:  
Voted to approve the meeting minutes for June 25, 2024 as amended.

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

### **Approve Invoices**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted  
to approve and pay the invoice for the MACC Dues in the amount of \$738.00.

**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**

**9:25 PM**

Upon a motion by J. Smigelski, seconded by A. Hamilton, 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, LH, JS, BE) 6-0**

**APPROVED: JULY 23RD, 2024**