



## Conservation Commission Meeting

Tuesday, July 23, 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

**Absent:** Peter Morrison, Alison Hamilton

**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.

Attorney Bob Collins presented on behalf of his clients and informed the Commission that the requested information regarding the fertilizer had been submitted and the additional flagging had been completed.

O. Lathrop requested a second site walk to observe the flagging.

Upon a motion by L. Hurley, seconded by K. Kuliesis, it was:

Voted to continue the public hearing to the next scheduled meeting on August 13, 2024.

**The motion passed unanimously. 4-0**

B. Collins requested a minor change to the Order of Conditions for MassDEP #169-1243 to address a compromised drainage pipe that is backing up into the boiler house. He stated that the pipe needs to be replaced immediately and that an engineer's plan would be submitted accordingly.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:

Voted to approve replacing the existing pipe as a minor change to MassDEP#169-1243 with an as-built plan to be provided.

**The motion passed unanimously. 4-0**

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

Applicant: Barbara Ruskin

B. Ruskin summarized her request for a standalone addition and addressed issues discussed in previous meetings, including the Wetland Protection Acts and Bylaws, and the insufficient mitigation being proposed. She referenced Presumptions 215.7 and reiterated that the project would significantly improve runoff water management with the installation of dry wells and a rain garden.

L. Hurley and J. Smigelski expressed their support for the project.

O. Lathrop commented that under the current bylaws, no permanent structures are permitted within the buffer zones.

B. Easom said that the project is a net negative. A. Aydelott explained that this project is not excessive and noted that B. Ruskin's property is the largest lot in the area and contains the most open space. There are many residents with at least two times the amount of coverage.

Michelle Collette, of the Board of Health, mentioned that a variance was granted for the upgraded septic system and that the applicant has agreed to extend public water.

A resident acknowledged both sides of the argument. He noted that many homes around the lake have performed upgrades, and some projects have proceeded without permits because many people do not want to follow the proper procedures. He suggested that if the Wetland Protection Acts were slightly altered to allow for additions like the one being proposed, it could address these issues.

Attorney Bob Collins emphasized that B. Ruskin has demonstrated incredible stewardship of her property, which remains pristine and has no area for further mitigation. He commented that B. Ruskin was not obligated to install a new septic system, yet she chose to do so. He also noted that all runoff water from the street would be eliminated.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to continue the public hearing to the next scheduled meeting on August 13, 2024.

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

#### **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 Massachusetts Department of Environmental Protection (MassDEP) provided comments seemed to be very vague and inapplicable.

A. Hahn explained that the requests made by the MassDEP were included in the submission but were overlooked in the review.

O. Lathrop reviewed the comments individually and agreed that all requests have been met and emphasized that the project would be ongoing and would require time to make a significant difference.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:  
Voted to close the public hearing.

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

#### **7:10 PM- Continued Public Hearing Request for Determination of Applicability- 26 Baddacook Pond Rd**

Applicant: Elias & Ashley Gioubakis

E. Gioubakis noted that his wife had conversed with the insurance company, which agreed that the trees are an issue. He mentioned that in the last two weeks, two trees had fallen, and he is concerned that the remaining trees pose a threat to the dwelling and to his family playing in the yard. He proposes replacing them with fruit trees.

O. Lathrop commented that White Pines do tend to fall and snap easily. He agreed that those particular trees should be removed, but requested that snags be left behind as well as the logs to create habitats for wildlife, as they can be beneficial. He also recommended planting native plants.

K. Kuliesis remarked that removing the White Pines and opening up the canopy would allow the remaining leaning trees to straighten up. However, she did not fully agree with the request to remove all the marked trees, noting that eliminating the other trees would have a significant impact. She also requested that the felled trees be left on the ground.

B. Easom had no problem with removing the marked trees as long as snags were left and the felled trees were left on the ground. He also supported the planting of native plants as mentioned.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Snags are to be left behind, 2. Trees are to be replaced with native plantings, 3. Slash is to be left on the ground, and 4. Only the trees that are marked on the plan are to be removed.

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

### **7:25 PM- Continued Public Hearing Request for Determination of Applicability- 21 Court Street**

Applicant: Amy & Dennis Fuccione

Amy Fuccione updated that she had met with O. Lathrop to create an invasive species management plan. He suggested starting the work once the plants begin to bud in September, and recommended a team of three for the project to cut, lay, and spray the invasive species. Considering the property is a rental, A. Fuccione stated that she may want to bag the invasive plants and remove them off-site.

J. Smigelski asked which herbicide would be used. O. Lathrop suggested using Glyphosate and the herbicide can be purchased at Tractor Supply.

K. Kuliesis emphasized the importance of ensuring that the invasive species are not flowering at the time of removal and suggested planting blueberry or bayberry bushes as replacements.

O. Lathrop outlined the process: the first person would cut the Knotweed and the second person would carry the plants carefully away from the stream. He noted that once the Knotweed is cut, it dies within a week, but expressed concerns about the difficulty of bagging it for transport.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Plan is to be followed as described.

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

### **7:35 PM- Request for Certificate of Compliance- 16 Maple Ave**

Applicant: Robert Margoulous

C. Steeves reviewed the meeting minutes from 2021 to determine if the drainage system was jurisdictional or not, however the findings were inconclusive. M. Collette mentioned her familiarity with the property due to storm water issues and the significant flooding from runoff. B. Easom concluded that the drainage is not jurisdictional.

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

Voted to issue a Certificate of Compliance for 16 Maple Ave.

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

### **7:45 PM Request for Certificate of Compliance- 207 Indian Hill Rd**

Applicant: Joshua P Lopreseti

The Commission was satisfied with the work that was conducted.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to issue a Certificate of Compliance for 207 Indian Hill Road.  
**The motion passed unanimously. 5-0**

#### **7:55 PM Request for Determination of Applicability- 47 Shenandoah Road**

Applicant: Carole Jewitt

The homeowner was present, requesting the removal of two trees: one that is dying and one that is beginning to die.

O. Lathrop requested that snags be left.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to issue a Negative 3 Determination under the conditions: 1. Leave 20' snags  
**The motion passed unanimously. 5-0**

#### **8:10 PM Request for Determination of Applicability- Bertozzi Conservation Area Eagle Scout Project**

Applicant: Colin White

C. White, representing Eagle Scout Troop 13 of Pepperell, requested permission to install two USCP lifebuoys at the Bertozzi Conservation Area near the Squannacook River bend, mounted on 2 meter posts, one on each side of the river. He mentioned that the Town of Shirley had approved the project earlier in the day.

K. Kuliesis expressed concern about potential challenges in installing the poles on the sandy edge.

O. Lathrop inquired whether the location of the second post in Shirley had been determined and how the post would be installed. C. White identified the area to the left of a leaning tree and said he was advised to stomp the posts into the ground rather than digging.

B. Easom inquired if there was an alternative plan if the stomping did not work. The Commission briefly discussed they were not in favor of using concrete to stabilize the post. C. White explained that the installation recommends installing the post 500 millimeters or 1.6 feet into the ground. O. Lathrop questioned if an alternative size post could be utilized which may create more stability. C. White said he would further investigate.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was  
Voted to approve the Eagle Scout Project at the Bertozzi Conservation Area and that the post be securely installed into the ground.  
**The motion passed unanimously. 5-0**

#### **Approve Order of Conditions- 293 Reedy Meadow Rd**

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

The Commission decided to table the approval to the next meeting.

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

Applicant: Trails Committee, Representative: Paul Funch

C. Steeves informed the Commission that MassDEP requested a turtle protection plan and one has been submitted by Paul Funch.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to close the public hearing.

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

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

### **General Discussions/Announcements**

#### **Discussion on Dog Waste Signs**

Michelle Collette informed the Commission that a request for the Town to install trash receptacles had been denied by the Select Board. She shared an incident at Town Hall where someone disposed of dog waste inside the building. Consequently, the Town Manager has sought assistance from the Board of Health to address the issue of dog waste being left throughout the Town. The Board of Health is now requesting that the Commission authorize the installation of dog waste signs at Sargisson Beach, Petapawag Canoe Launch, and Bertozzi Conservation Area.

O. Lathrop requested that a sign be posted at the Williams Barn.

K. Kuliesis expressed dissatisfaction with the size of the sign.

Upon a motion by O. Lathrop, seconded by K. Kuliesis, it was:  
Voted to authorize the Board of Health to install signs at the Sargisson Beach, Petapawag Canoe Launch, Williams Barn, and Bertozzi Conservation Area.

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

#### **Discussion: Encroachments Map Gilson Conservation Area**

C. Steeves informed the Commission that Dillis & Roy Civil Design Group sent the final survey and alerted her to potential encroachments. She briefly identified the areas on the map. B. Easom requested that any abutting homeowners be notified about the Commission's plans to walk the land and suggested adding the Gilson Conservation Area to the next site walk.

#### **Discussion Conservation Restriction Groton Conservation Trust Land**

Mark Gerath and Charles E. Vander Linden from the Groton Conservation Trust attended the meeting to discuss an important issue regarding a large parcel that the Trust acquired along the rail trail bordering Sand Hill Road in late 1980's. Typically, when such land is gifted in fee, a conservation restriction (CR) is also granted to another party. However, in this case, the developer, Granator, granted the land in fee and the conservation restriction to the Groton Conservation Trust, which is an irregular practice. Five months later, a supplemental deed was recorded with provisions for the Conservation Commission's right of inspection and enforcement of the parcel. This deed granted the Groton Conservation Trust enforcement rights as well. The Trust seeks to have the land subjected to a formal CR held by the Conservation Commission as well as neighboring property that abuts. The Trust believes it is essential to bring these lands suitable for building under a CR for permanent protection.

O. Lathrop agreed that it makes sense for the Conservation Commission to hold the conservation restriction.

M. Gerath noted that B. Easom recommended having the Town Council review the two relevant documents. The Trust sees the combination of these documents as problematic and would be satisfied with creating a new document that merges the two.

C. Vander Linden suggested drafting a memorandum detailing the history of the two parcels and attaching the existing documents.

J. Smigelski inquired if a new conservation restriction would be written, to which M. Gerath confirmed that it would. M. Gerath emphasized that it seems as if the developer acted without the state's approval.

B. Easom recommended resolving the issue by starting with a memorandum outlining the Trust's concerns and desired outcomes. He suggested contacting the Town Manager to receive permission to engage the Town Council in regards to the two documents.

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

Voted that the Conservation Commission pursue the process of acquiring the Conservation Restriction as described and authorize the Conservation Administrator to contact the Town Manager to engage the Town Council.

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

### **Update on dumping issue at Crosswinds (parcel 202-37)**

O. Lathrop and B. Easom observed the lawn clippings that were dumped. B. Easom recommended drafting a letter to all the residents on Squannacook Drive, asking them to notify the Conservation Administrator if they observe anyone dumping debris onto Conservation Land. He also offered his assistance in drafting the letter.

### **12 Quail Ridge Road**

C. Steeves informed the Commission that the homeowner is being very argumentative, stating that he bought the property with the land being lawn and is expressing concern that returning the requested land to a natural state would increase the presence of ticks. C. Steeves has requested that the homeowner attend the last meeting in August.

### **General Updates from Administrator**

#### **Community Involvement in Stewardship Site Walks**

C. Steeves updated that the Stewardship Committee is exploring every parcel owned by the Conservation Commission that are located behind developments and were provided in exchange for that development. The Stewardship Committee plans to send letters to the abutters, inviting them to participate in site walks. The Commission was satisfied with this idea.

### **Committee Updates**

John Strauss, Paul Funch, and B. Easom proposed forming a new committee to establish a West Groton Rail Trail. Their goal is to explore the feasibility of this project and present it to the Select Board. The proposed path would use crushed stone, extending from West Groton center to Ayer and north towards Townsend. O. Lathrop supported the idea but asked about the ownership of the railroad bed, which B. Easom clarified it is owned by the MBTA, and individual towns are required to sign a lease agreement for the property. Townsend had expressed opposition to any financial obligation, which led to the creation of the Squannacook Greenways and they negotiated a lease agreement. The Town of Groton was in favor and spent \$9,000 of Community Preservation Committee funding to conduct an environmental analysis. The lease acquisition process also involves ensuring that the CSX Corporation will abandon the railroad bed, and P. Cunningham has initiated these conversations. K. Kuliesis questioned the beginning process. J. Strauss emphasized there is a need for a formal committee to collaborate with the Squannacook Greenways, then aim to work from the bridge in Ayer to West Groton Center. J. Smigelski questioned if the trussell is located in Groton. J. Strauss acknowledged that there would be a need for collaboration with Ayer. He said that this meeting marked the first formal discussion on the matter. P. Funch noted that the trail would greatly benefit Rivercourt residents and would be a high valued trail. L. Hurley mentioned the

Town's support for such initiatives and inquired about the trail length, which was estimated to be over 2 miles. B. Easom added that previous grants and CPA funds supported similar projects, with 1.8 miles being completed for \$140,000, using crushed stone instead of pavement. The first section of the trail opened a couple of years ago, with all maintenance being completed by volunteers. The same process would continue for future development.

O. Lathrop reported that the Invasive Species Committee treated the Knotweed at Surrendon Farm and the Campbell Well Site. He and B. Easom also treated the Black Swallow-wort and observed improvements. With the remaining herbicide, they continued to the end of Hayden Road and applied it to the Knotweed and Bittersweet. O. Lathrop also mentioned that the talk at the library last Thursday was a success and he plans to hold similar events every six months.

L. Hurley mentioned that the Great Ponds Advisory Commission is seeking volunteers. Additionally, the Sargisson Beach Committee will be meeting to address the trash issues and to discuss whether the cameras should be reinstalled.

B. Easom stated that the Commission can expect the awarded CPC funding of \$400,000 to be transferred into their account shortly.

### **Land Management & Acquisition**

#### **Lyman Land Acquisition**

C. Steeves informed the Commission that the land has been acquired.

O. Lathrop recommended that the Conservation Administrator draft a letter of appreciation and thanks to the Bennett family for their generous donation.

C. Bennett Jr. was present and asked if the Commission would consider naming the property the C. L. Bennett Family Conservation Area.

B. Easom requested permission to publish the letter of appreciation in the Groton Herald, while Paul Funch suggested holding a dedication ceremony.

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

Voted to name the recently acquired Lyman Land the "C L Bennett Family Conservation Area".

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

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

Voted that the Conservation Commission write a formal framed letter of appreciation to C. L. Bennett.

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

B. Easom said that a neighbor had informed him about another neighbor's landscaping company blowing leaves across the road into the McLains Wood Field. B. Easom requested that the Conservation Administrator forward a copy of the letter that would be drafted for the residents of Squannacook Drive.

### **Meeting Minutes**

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:

Voted to approve the meeting minutes for July 9, 2024 as amended.

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

## Invoices

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to approve and pay the invoice from the Groton Herald in the amount of \$135.00.

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

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:  
Voted to reimburse Paul Funch in the amount of \$373.00 for the purchase of a split rail fence from Gate City Fence Company.

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

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:  
Voted to approve and pay the invoice from Dillis & Roy Civil Design Group for the Gilson Conservation Area Survey work in the amount of \$20,355.

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

### **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**

**9:33 PM**

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

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

**APPROVED: August 13<sup>th</sup>, 2024**