



Conservation Commission Meeting

Tuesday, August 13th., 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, John Smigelski,

Absent: Kim Kuliesis, Clerk; Alison Hamilton

Others Present: Charlotte Steeves, Conservation Administrator

1. APPOINTMENTS AND HEARINGS*

6:30 PM- Continued Public Hearing Notice of Intent- 282 Farmers Row, DEP# 169-1270

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

J. Smigelski recused himself.

The applicant requested a continuance.

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

Voted to continue the public hearing to the next scheduled meeting on August 27, 2024.

The motion passed unanimously. 4-0

6:32 PM- Continued Public Hearing Notice of Intent- 28 Ridgewood Ave, DEP# 169-1272

Applicant: Barbara Ruskin

B. Ruskin presented evidence of previous projects that had been approved by the Conservation Commission, along with a letter from Dillis & Roy Civil Design Group. The letter asserted that the engineered design is both acceptable and offers protection in compliance with the Bylaws and the Wetland Protection Act. B. Ruskin then summarized the proposed addition.

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

Voted to close the public hearing.

The motion passed unanimously. 5-0

6:45 PM- Minor Change Request- 18 Kemp St, DEP# 169-1264

Applicant: John Petropoulos

J. Petropoulos attended the meeting to request a minor modification to the original plan, proposing to replicate the existing retaining wall three feet to the west. The wall would be less than four feet in height. He also sought approval for the installation of six deck footings in preparation for a future deck.

O. Lathrop acknowledged the benefits of the retaining wall but expressed concerns about adding additional structures within the 100-foot buffer zone. O. Lathrop explained that constructing a deck would require further filings. In response, the applicant requested that the deck be included in the plan being presented. O. Lathrop recommended laying crushed stone beneath the deck for better drainage.

L. Hurley suggested using helical piles and ¾-inch crushed stone for the deck foundation.

B. Easom requested the dimensions of the proposed deck.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to accept the plan dated July 23, 2024 as a minor change.

The motion passed unanimously. 5-0

7:00 PM- Abbreviated Notice of Resource Area Delineation- 0 North St, DEP# 169-1272

Representative: Greg Roy, Dillis & Roy Civil Design Group

Greg Roy was present on behalf of his client; he identified the five jurisdictional resource areas. He noted that a revised plan had been submitted that day, including the necessary hydraulic calculations.

The Commission expressed satisfaction with the revisions.

C. Steeves raised concerns about debris found in the resource areas and that it would need to be addressed.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:
Voted to issue the ORAD for the ANRAD for 0 North Street according to the plan dated August 12, 2024.

The motion passed unanimously. 5-0

7:20 PM- Request for Determination of Applicability- 248 Chicopee Row

Applicant: Melissa Ackerman

The homeowners were present proposing the installation of an in ground swimming pool adjacent to their existing deck, 75 feet from the resource area. Any runoff water from the pool would be directed side to side.

L. Hurley inquired whether any mitigation measures were being proposed. M. Ackerman responded that they had agreed to plant native trees and refrain from mowing the area in the vicinity of the swing set.

O. Lathrop requested that the area become naturalized as well as identifying the area on the plan being submitted and that conservation markers are to be posted to ensure no disturbances occur beyond the specified area.

B. Easom added that any fencing beyond the natural area should be removed.

P. Morrison asked why the two trees were being removed. Mr. Ackerman explained that he was concerned about debris falling into the pool. P. Morrison then asked if the retaining wall was going to be removed, and it was confirmed that it would be.

L. Hurley suggested that if the two trees are being removed, that the conservation markers should be installed at the 50-foot buffer zone. The applicants admitted they were unaware of the rules regarding the 50-foot buffer zone.

The applicants updated their plan and marked the no-disturbance area accordingly.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to issue a Negative 3 Determination under the conditions: 1. Area to be naturalized according to the plan dated August 13, 2024 2. Four conservation markers are to be installed at the no disturbance line as shown on the plan. 3. Replanting of a native maple tree.

The motion passed unanimously. 5-0

7:35 PM- Request for Determination of Applicability- Keyes Woods

Applicant: Groton Trails Committee, Representative: Paul Funch

P. Funch, represented the Groton Trails Committee, proposing to replace an existing bridge and installing a new one to span over an intermittent stream. He emphasized that the upgrade is essential for ensuring a safe passage. Additionally, gravel would be laid in select areas to improve infiltration and prevent muddy conditions.

The Commission was satisfied with the plan presented.

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to issue a Negative 3 Determination.

The motion passed unanimously. 5-0

7:45 PM- Request for Certificate of Compliance- 139 Wharton Row

Applicant: Vincent Bisceglia

V. Bisceglia informed the Commission that he purchased his home in 2000 and, while recently preparing to list it for sale, discovered an open order of conditions dating back to 1998 or 1999. To proceed with the sale, a certificate of compliance must be issued.

The Commission agreed that the work conducted was satisfactory and stable.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue a Certificate of Compliance for 139 Wharton Row.

The motion passed unanimously. 5-0

Order of Conditions Extension Request- Upper Massapoag Pond, DEP# 169-1178

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue an extension request for Upper Massapoag Pond for an additional three years.

The motion passed unanimously. 5-0

Approve Order of Conditions- 293 Reedy Meadow Rd, DEP# 169-1265

Greg Roy was present to discuss the language written within condition #42 found in the Wetland Protect Act and condition #5 within the Groton Wetlands Protection Bylaws. The language requires the applicants to sign the easement release. G. Roy explained that homeowners do not object, however feel that the conditions should be moved from preconstruction to post construction to ensure work can be completed in that area.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue the Order of Conditions for 293 Reedy Meadow Road.

B. Easom noted that the Conservation Commission has agreed to extinguish its easement on the parcel, establishing a mutual access agreement through an easement shared by the Town and the homeowners.

The motion passed unanimously. 5-0

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 293 Reedy Meadow Road.

The motion passed unanimously. 5-0

Approve Order of Conditions- 54 Hill Rd- DEP# 169-1268

C. Steeves mentioned that the Massachusetts Department of Environmental Protection (MassDEP) initially misunderstood the project as a replication rather than a restoration. She reached out to clarify that it is indeed a restoration effort, during which the MassDEP raised concerns about the equipment being used to remove the phragmites. To address any confusion the homeowner drafted a letter providing further clarification. C. Steeves said that a monitoring plan would be submitted monthly however, the Commission agreed that a progress report submitted once in the spring and fall would be adequate.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to issue the Order of Conditions for 54 Hill Road.

The motion passed unanimously. 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 54 Hill Road.

The motion passed unanimously. 5-0

Approve Order of Conditions - J. Harry Rich State Forest Trail, DEP# 169-1269

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to issue the Order of Conditions for J. Harry Rich State Forest Trail.

O. Lathrop suggested striking condition #39 from the Order of Conditions draft.

The motion passed unanimously. 5-0

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for J. Harry Rich State Forest Trail.

O. Lathrop suggested striking condition #4 from the Groton Wetlands Protection Bylaws.

The motion passed unanimously. 5-0

2. GENERAL BUSINESS

General Discussions/Announcements

Discussion: Wild and Scenic Stewardship Council Signs

Diane Carson from the Stewardship Committee and Wynne Treanor-Kvenvold of the Nashua River Watershed Association were in attendance proposing the installation of an informative sign at the Petapawag Canoe Launch. The sign would educate visitors about the area's wildlife and scenic qualities and explain why the area is being protected. Similar signs have already been

approved at two other locations: the Nissitissit River in Brookline, NH, and Adams Dam in Townsend. The sign would be mounted on an aluminum cantilever base.

O. Lathrop raised concerns regarding the maintenance of the sign and inquired about the installation process. W. Treanor-Kvenvold explained that the sign is made of a durable fiberglass embedded panel, and installing the base would require some digging. The Commission also questioned the exact placement of the sign, to which D. Carson responded that there is a stone bench in the grassy area nearby, suggesting it would be a suitable location.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to approve the installation of the informative sign at the Petapawag Canoe Launch.
The motion passed unanimously. 5-0

Hunting Regulations on Conservation Properties

C. Steeves reported that the Stewardship Committee discovered hunting stands on some of the conservation lands, leading to a suggestion for more clearly defined rules and regulations. O. Lathrop recommended aligning with state regulations after considering alternatives. The proposed regulations include the following:

1. Tree stands must be portable and cannot be screwed into trees.
2. Advance permission is required from the Conservation Administrator, including providing the applicant's name, address, phone number, and the coordinates where the stand would be placed.
3. Tree stands may be installed no earlier than two weeks before hunting season and must be removed within one week after the season ends.
4. All stands must include the identification of the owner.

The Commission was satisfied with the proposed regulations.

A public comment suggested that the Commission reserve the right to remove and dispose of any unmarked stands and ensure that contact information is left behind to call the Conservation Administrator.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:
Voted to adopt the hunting regulations as shown with the addition of including the right to remove any unmarked stands and leave a notification to call the Conservation Administrator.

The motion passed unanimously. 5-0

Discussion Hill Road Enforcement Issues

C. Steeves mentioned that she has been working with the Town Council and recommended that a representative attend the next Conservation meeting to discuss options.

Discussion Beaver Dam Removal on Island Road Bridge

B. Easom mentioned that he was informed on Saturday about the removal of a beaver dam. Later, he encountered Steve Lane, who mentioned that he and others from the Groton Lakes Association had participated in the removal. B. Easom emphasized to them that a permit was

required for such work. He then requested that the Conservation Administrator discuss the matter with the Town Manager.

General Updates from Administrator

Yard Waste Dumping off Forest Drive (Parcel 131-2)

C. Steeves received a call from a family member of the parcel's donor, who reported that the sign is obscured by vegetation and that a neighboring property owner is dumping yard waste on the site.

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:
Voted to issue a cease and desist order to the presumed violator of the yard waste dumping off of forest Drive (Parcel 131-2).

The motion passed unanimously. 5-0

B. Easom agreed to cut the vegetation away from the conservation sign.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to authorize Bruce Easom to cut back the vegetation from the conservation sign.

The motion passed unanimously. 5-0

Letters to Residents off Crosswinds and McLain's Woods

C. Steeves informed the Commission that letters were sent out to all residents last week. She also noted that the previous Conservation Administrator had sent similar letters in 2018.

Meeting on 8/27

C. Steeves informed the Commission that no rooms are available for the August 27th meeting and suggested holding the meeting via Zoom. The Commission advised C. Steeves to reach out to Tammi at Groton Electric Light Department or explore the possibility of reserving a room at the Groton Center.

Committee Updates

West Groton Rail Trail

B. Easom mentioned that he plans to speak with the Town Manager about proposing a subcommittee within the Groton Trails Committee to begin construction on the West Groton Rail Trail system, which would connect to Ayer and extend northward.

O. Lathrop reported that the Invasive Species Committee completed the treatment at the Paper mill parcel by cutting and spraying the Bittersweet. The Committee also worked on removing Knotweed at the Petapawag Canoe Launch, addressed a few Knotweed plants at the Nipmuc Meadows, and tackled Knotweed at the end of Hayden Road.

Land Management & Acquisition

Mowing and Black Swallow Wort Herbicide Application at Nipmuc Meadows

O. Lathrop noted that only the edges of the field have been hand-sprayed so far, and the area hasn't been mowed because a turtle sweep has not yet been conducted. Typically, Bay State Forestry Service comes out to spray the meadow in August.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:
Voted to authorize the Conservation Administrator to expend up to \$5,000 for the treatment of Black Swallow-Wort located at the Nipmuc Meadows.

The motion passed unanimously. 5-0

J. Smigelski mentioned that mowing usually takes place in July and recommended having the Black Swallow-Wort sprayed with herbicide before mowing. B. Easom offered to help with the mowing once the herbicide had time to take effect.

Ames Meadow, O'Neill Way, and Whistle Post Lane Mowing

B. Easom said that he received permission from the Town Forest Committee to access Ames Meadow through the town forest and is willing to mow the field.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to provide Bruce Easom with permission to mow Ames Meadow, O'Neil Way, and Whistle Post Lane and authorize the Conservation Administrator to reimburse Bruce Easom for any fuel expenses.

The motion passed unanimously. 5-0

O. Lathrop informed the Commission that after observing the C L Bennett Conservation Area, he noted a limited amount of frontage available for access. He proposed pursuing the acquisition of a triangular area to improve access to the field or obtaining permission to cross the adjacent land.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to authorize Olin Lathrop to pursue acquiring the triangular area from Brook Lyman's estate on Townsend Road.

The motion passed unanimously. 5-0

O. Lathrop read aloud the letter of appreciation from the Conservation Commission to be presented to the C.L. Bennett Family.

Meeting Minutes

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to approve the meeting minutes for July 23, 2024 as amended.

The motion passed unanimously. 5-0

Invoices

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:
Voted to approve and pay the invoice from the Groton Herald in the amount of \$192.50.

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 \$239.00 for maintenance on the McLain Woods Field.

The motion passed unanimously. 5-0

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to approve and pay the invoices from Nashoba Valley Voice and the Lowell Sun in the amount of \$345.61.

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.”

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

5. Adjournment

9:00 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, PM, LH, JS, BE) 5-0

APPROVED: 9/10/2024