



Conservation Commission Meeting

Tuesday, September 10, 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; Alison Hamilton Olin Lathrop, Peter Morrison (via Zoom)

Absent: John Smigelski

Others Present: Charlotte Steeves, Conservation Administrator

1. APPOINTMENTS AND HEARINGS*

6:30 PM- Discussion: 54 Hill Road and Parcel 211-83.1

C. Steeves informed the Commission it was brought to her attention that there is debris in the wetland at 54 Hill Road, constituting a violation. Tonight's discussion aims to reach an agreement with the landowner before taking further action.

Michelle Collette provided a brief history of the parcel, noting multiple violations that began in the 1980s. Over the years, large amounts of automobile waste had been disposed of on the property and both the Conservation Commission and the Board of Health have ordered the removal of the debris, but there has been no compliance. The land is prone to significant flooding and is recognized as an important resource area. M. Collette was unsure whether a 21E environmental assessment had ever been conducted and recommended that one be pursued.

Dave McKay from the Town Council discussed the enforcement measures taken over the years, confirming that enforcement actions date back to the mid-1980s have yet to bring resolution. The first step is to invite the property owner to a public meeting to reach an agreement for bringing the property into compliance. If this does not lead to a resolution, the Commission would issue an enforcement order specifying actions for the property owner, potentially requiring the filing of a Notice of Intent (NOI) with attached conditions. If compliance is still not achieved, non-criminal prosecution may follow, with the Conservation Administrator issuing daily violation tickets. The homeowner has the right to appeal this process. In cases where violations are not visible from the street, an administrative search warrant may be obtained. In extreme cases, the Superior Court may not only impose fines and penalties but also order the homeowner to comply. As a final step, assistance from state or federal authorities could be sought if necessary.

Paul Nutile, landowner, expressed his challenges after acquiring the property.

B. Easom clarified that the Conservation Commission is requesting the removal of debris from the floodplain and wetlands. In response, P. Nutile stated that he believes he has the right to keep his trailers where they are, explaining that the tires are used to secure tarps and to store hay. He also mentioned uncertainty regarding the ownership of vehicles shown in the provided photos.

B. Easom noted that, according to the assessors' map, the Commissioners were standing on the abutters' property during their inspection.

P. Nutile contested the property boundary marked by Mass GIS and confirmed that the farming equipment located on the western part of the parcel is actively being used. He agreed to compile a list of all the equipment on the property. L. Hurley asked P. Nutile if the boat trailer belonged to him, to which P. Nutile clarified it did not. Hurley then inquired about another trailer to the right of the boat, and P. Nutile explained that it was used for storing hay. He also mentioned that another trailer had been abandoned on his property 30 years ago by someone else, and he would reach out to that individual.

A. Hamilton questioned if proper permitting had been acquired to conduct agriculture within the floodplain. D. McKay clarified that agriculture activities are permitted within floodplains however; the issue is the materials that are being stored within the resource area and need to be removed.

O. Lathrop suggested conducting a site walk with the owner to assess what equipment is necessary for farming and what needs to be removed.

Desheng Wang, a Wetland Scientist, expressed that it is important to understand that farming can be conducted under the Wetland Protection Act; however the landowner should be guided on how to properly store his equipment and where to locate it, to ensure compliance with the regulations.

B. Easom would like to respond in writing to P. Nutile to avoid any potential misunderstandings. A. Hamilton inquired whether there is a more effective way to communicate with the homeowner. M. Collette said that she would contact the Massachusetts Commission for the Deaf and Hard of Hearing for assistance. O. Lathrop requested that the Conservation Administrator formally send a letter seeking permission from P. Nutile to access the property and conduct a site walk.

B. Easom proposed revisiting the issue on October 22, 2024, to provide a better form of communication with the landowner and to assess if any progress has been made.

P. Nutile assured that he would begin moving his farm equipment.

7:00 PM- Continued Public Hearing Notice of Intent- 282 Farmers Row

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

F. McPartland reported that the revised plan was submitted to the Conservation Commission last week, which includes the reflagged wetland area, a proposed 5' wide by 50' long Bog Bridge composed of either pressure treated wood or composite, and a split rail fence.

K. Kuliesis raised concerns about mowing in this area, noting that it is a valuable habitat with abundant native vegetation. F. McPartland explained that the only solution the Buildings and Grounds Department has found for managing invasive species is periodic mowing. B. Collins added that a natural swale, which follows the topography of the field, becomes choked with invasive species and eventually spreads into the athletic fields. He welcomed the idea of discussing alternative methods for invasive species management. F. McPartland further explained that Tim

Dumont emphasized the importance of maintaining clear sight lines for safety, allowing coaches to observe activities on the lower fields.

O. Lathrop questioned what type of vegetation would be planted. F. McPartland responded that a New England restoration mix would be seeded, with the area potentially being mowed once or twice a year.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:
Voted to close the public hearing for MassDep169-1270.

The motion passed by a roll call vote. (Yes: PM, LH, KK, AH, OL, BE) 6-0

7:15 PM- Request for Determination of Applicability- Eagle Scout Project of Chicopee Row

Applicant: Arthur Johnson

Arthur Johnson represented the Eagle Scout project proposing the installation of a 10'x4' bridge, and geotextile grids in two different areas, for safer passage.

O. Lathrop inquired about the materials being utilized for the bridge and if the filing included specifications for the type of wood to ensure that the most appropriate materials are being used within the wetland.

B. Easom expressed concerns to repairing the trail and that it potentially would encourage more ATV use. He suggested not using geotextile at the first location and instead blocking it off to allow only pedestrian access up the hill. The applicant agreed to bring this suggestion to the Trails Committee.

T. Delaney noted that motorized bicycles pose a concern due to the damage that they cause.

A. Hamilton supported the idea of blocking off the trail, emphasizing that the barrier needs to be effective. B. Easom proposed using a fallen log, cutting it up, and positioning it to obstruct the trail as a potential solution.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:
Voted to issue a Negative 2 Determination under the conditions: 1. The first area on the picture is to be blocked off and the trail rerouted for all users. The other two locations are to be constructed as shown on the plan.

The motion passed by a roll call vote (Yes: PM, LH, KK, OL, AH, BE) 6-0

7:30 PM- Order of Conditions Extension Request- Lost Lake/knops Pond herbicide treatment

Applicant: Groton Lakes Association Ron Hersch

Ron Hersch, representing the Groton Lakes Association, requested an extension to continue the same treatment process for Knops Pond and Lost Lake that has been in place since 2012. He noted that a previous method using a weed harvester had been ineffective. A. Hamilton asked if the committee intended to maintain the same approach moving forward. R. Hersch responded that research into alternative solutions had been requested and that two grants have been applied for, with award decisions expected in October. Additionally, a committee has been formed to educate the community and raise awareness.

O. Lathrop expressed concern about the continued use of chemicals and requested a report on efforts to explore more environmentally friendly alternatives. C. Steeves confirmed that annual monitoring reports have been submitted. L. Hurley added that there has been research conducted to find ways to prevent phosphates from entering the resource area.

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

Voted to continue the public hearing to on October 22, 2024.

The motion passed by a roll call vote. (Yes: PM, LH, AH, KK, OL, BE) 6-0

7:35 PM- Minor Change Request- 12 Valliria Drive

Applicant: Khrysta Dailey & Rob Morris

The applicants were present to request a minor modification to the original plan, prompted by the neighbors declining the proposed land swap. The modification involved adding 55 square feet to the addition, which would provide storage for outdoor equipment previously kept in a 143-square-foot shed. The shed, along with a fence and play structure, has been removed from the 50-foot buffer zone.

O. Lathrop noted that these removals were part of the original plan and inquired whether any additional mitigation was being offered. K. Dailey responded that a fence located within the 50 foot buffer zone had been removed. O. Lathrop requested a written guarantee ensuring that no structures would be placed within the 50-foot buffer zone in perpetuity.

R. Morris pointed out that the original plan had proposed more square footage, and with the overall mitigation efforts, the request of only 55 square feet is a significant reduction.

P. Morrison asked if there were any remaining items within the 50-foot buffer zone. K. Dailey confirmed that all structures in the 50 foot buffer zone had been removed.

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

Voted to approve the minor change as requested for 12 Valliria Drive, MassDEP#169-1252.

The motion passed by a roll call vote. (Yes, PM, LH, KK, AH, OL, BE) 6-0

7:45 PM- Order of Resource Area Delineation Extension Request- 63 Gratuity Road

Applicant: Desheng Wang of Creative Land and Water Engineering.

Desheng Wang informed the Commission that in February 2024 a seven-month extension was granted to gather evidence to confirm if the stream was intermittent or not. By August 2, 2024, the stream had completely dried up and remained so even after substantial rainfall. D. Wang noted that water was present only in the upstream section, consistent with observations from 2019. He also mentioned that the project design is currently under review by the Planning Board.

L. Hurley agreed, noting that there didn't seem to be any changes since the last visit.

O. Lathrop requested a review of the original ORAD, noting that, according to the Massachusetts DEP regulations, the stream qualifies as intermittent. He emphasized that the Commission was not making its decision based on either the Groton Wetland Bylaws. O. Lathrop suggested this could be an opportunity to amend the original ORAD.

P. Morrison commented that the original ORAD cannot be altered.

B. Easom recommended not granting the extension request and instead having the applicant refile, specifically addressing the Bordering Land Subject to Flooding. He also suggested hiring a peer reviewer for the updated application.

O. Lathrop clarified that, according to the Wetland Protection Bylaws, the term "stream" encompasses all rivers and streams marked on the current USGS map.

D. Wang stated that he was not requesting any changes to the original ORAD.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:
to extend the existing ORAD to October 31, 2024.
motion passed by a roll call. (Yes: PM, LH, KK, AH, OL, BE) 6-0

Voted
The

2. GENERAL BUSINESS*

General Discussions/Announcements

Discussion: Island Road Bridge

Tom Delaney confirmed that the State project is still progressing and that the originally proposed 54-inch culvert has been updated to a 60-inch culvert.

Discussion: Squannacook Dam Removal

T. Delaney reported that the Select Board met last night to discuss the original warrant, which aimed to allow residents to vote on whether to keep or remove the dam. The Board now believes there are two options to consider: what it would take to rebuild the dam and what would be involved in removing it. Further details on the environmental impact of removal and the cost of repairs would be provided at a later date. L. Hurley added that both dam removal and repairs are lengthy and complex processes.

General Updates from Administrator

Letter to 186 West Main St

No new updates.

Site Walk at Fox Run with Stewardship and Abutters

C. Steeves announced that the Stewardship Committee would be meeting this Saturday morning at 9:00 AM and abutters had been invited.

Potential Violation at 534 Martins Pond Rd

C. Steeves observed work being conducted possibly within the buffer zone and suggested sending a letter to the homeowner and advising them to contact the Conservation Administrator. The Commission agreed that the homeowners should be contacted.

Committee Updates

CPC Updates

B. Easom mentioned that the two-page applications are due in mid-October, although the exact date has yet to be determined. He volunteered to complete the application on behalf of the Conservation Commission. The Commission agreed that requesting \$400,000 would be reasonable as in past years. C. Steeves confirmed that there is currently an approximate \$800,000 balance in the Conservation Commission fund.

West Groton Rail Trail Committee

B. Easom, Clerk of the new subcommittee under the Trails Committee, provided updates on the proposed rail trail project extending from the bridge in Ayer to Cutler Field. The subcommittee, chaired by Dan Pierpoint, who also serves on the Trails Committee. There is a meeting scheduled for next Tuesday to review ongoing activities. Further discussions will focus on securing freight rights and navigating the MBTA lease. The subcommittee also plans to submit a CPA application for legal funding, recognizing that this process may take considerable time.

Williams Barn

B. Easom informed the Commission that The Herb Lyceum had recently burned down and, as a result, the owners have reached out to the Williams Barn Committee to request permission to set up a tent for their scheduled weddings through the end of October. The Williams Barn Committee has approved the request and is now seeking permission from the Conservation Commission.

Upon a motion by L. Hurley, seconded by O. Lathrop, it was: Voted
to allow The Herb Lyceum to set up a tent next to the Williams Barn to hold weddings and festivities that were scheduled until the end of October.

K. Kuliesis inquired whether portable restrooms would be available on-site. L. Hurley noted that more upscale portable restrooms are typically provided for weddings.

The motion passed by a roll call vote. (Yes: PM, OL, KK, LH, BE) 5-0

O. Lathrop reported that the Invasive Species Committee had a productive weekend. Follow-up treatments were conducted for Knotweed located at Surrendon Farms and the Campbell Well Site, both of which are showing improvement. The Committee also sprayed Phragmites along the Nashua River Rail Trail and at Eliades Conservation Area where there were only 4 or 5 stalks remaining. At the Priest Family Conservation Area, phragmites were difficult to find. Additionally, Knotweed along Hayden Road is now under control.

Land Management & Acquisition

CR Westford Sportsmen's Club

C. Steeves announced that the survey has finally been approved by both parties.

Spraying at Nipmuc Meadows

C. Steeves reported that she had contacted BayState Solutions, who confirmed they would begin the spraying later this week or next and provided a quoted price of \$1,400 for the service.

B. Easom reported that he mowed Eliades Conservation land over the weekend.

Meeting Minutes

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve the meeting minutes for August 13, 2024 as amended.
The motion passed by a roll call vote. (Yes: PM, LH, KK, OL, BE) 5-0

Upon a motion by L. Hurley, seconded by P. Morrison, it was:
Voted to approve the meeting minutes for August 27, 2024 as amended.
The motion passed by a roll call vote. (Yes: PM, LH, KK, OL, BE) 5-0

Invoices

Upon a motion by L. Hurley, seconded by K. Kuliesis, it was:
Voted to reimburse Olin Lathrop in the amount of \$135.00 for the Massachusetts Association of Conservation Conference registration fee.
The motion passed by a roll call vote. (Yes: PM, KK, LH, BE) 4-0 OL-recuse

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

C. Steeves mentioned that there was a dispute regarding which portions of the 2.3-acre land that was actually for sale. B. Easom suggested adding the parcel to the next site walk to assess whether it should be considered for acquisition.

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

9:30 PM

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted
to adjourn the public hearing.
The motion passed by a roll call vote. (PM, OL, KK, LH, BE) 5-0

APPROVED: October 22nd, 2024