



Conservation Commission Meeting

Tuesday, October 22, 2024 at 6:30 PM

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

OPTION TO JOIN REMOTELY

Present: Bruce Easom, Chair; Kim Kuliesis, Clerk; Olin Lathrop, Peter Morrison, Larry Hurley, Vice Chair

Absent: John Smigelski, Alison Hamilton

Others Present: Charlotte Steeves, Conservation Administrator

Bruce Easom, Chair called the meeting to order at 6:30pm.

1. APPOINTMENTS AND HEARINGS

6:30 PM-Discussion-Clean up Parcel 211-83.1 off Hill Road

Joe Nutile and Paul Nutile attended the discussion. J. Nutile confirmed that the property cleanup is underway, with a sprayer and a pile of tires already removed from the buffer zone. A hay wagon has also been moved and is set to be dismantled. There are plans to sell some of the valuable farm equipment. J. Nutile acknowledged that the cleanup process would be gradual and mentioned reaching out to companies for proper debris disposal.

O. Lathrop inquired about the cleanup timeline and requested a site walk. While J. Nutile was unsure of the exact duration, he agreed to provide progress updates and work on arranging a site visit with the Conservation Administrator. He also mentioned that he is currently assessing the campers on the property to determine the best approach for their removal.

B. Easom asked P. Nutile to confirm if Joe Nutile was acting in his best interests, which P. Nutile confirmed.

6:50 PM- Continued Public Hearing-Notice of Intent– 71-75 Shenandoah RoadDEP#169-1273

Applicant: Alan Ackerman Representative: Jack Maloney, Dillis & Roy Civil Design Group

Jack Maloney attended the meeting on behalf of his client to address the comments provided by the Massachusetts Department of Environmental Protection (MassDEP). He informed the Commission that the applicant has hired Dillis & Roy Civil Design Group to handle the Chapter 91 permit for the dock, with the permitting scheduled to begin in a few weeks. J. Maloney explained that the existing rock wall is deteriorating and gradually collapsing into the lake. The proposed wall would not extend further into the lake but would be installed into the bank after the removal of the fallen sections, and then rebuilt. Regarding the 100-year floodplain, J. Maloney noted that Lost Lake has historically been recorded at an

elevation of 215 feet at the dam outlet. He stated that the project involves removing 120 cubic feet of material and replacing it with 117 cubic feet of material.

B. Easom inquired whether the cubic feet calculations were indicated on the drawings. J. Maloney gave the Conservation Commission permission to include the specifications on the documentation, noting the removal and restoration figures. He also confirmed that the project would align with the MassDEP's recommendation to proceed during the lake's drawdown.

Upon a motion by P. Morrison, seconded by K. Kuliesis it was:
Voted to close the public hearing.

The motion passed unanimously. 4-0

7:05 PM-Request for Determination of Applicability- 19 Pepperell Road

Applicant: Robert Margolious

R. Margolious presented a proposal for a 650-square-foot addition on the north and west sides of the existing dwelling, ensuring that the extension would not extend beyond the drop-off towards Townsend Road. The proposed addition is set 114 feet from the edge of Mill Pond.

The Commission determined that the project falls outside its jurisdiction. Depending on whether the resource area is classified as part of the 200-foot riverfront zone or as a pond, the riverfront regulations would allow up to 5,000 square feet of building area.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to issue a Negative 1 Determination.

The motion passed unanimously. 4-0

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to issue a Negative 6 Determination.

The motion passed unanimously. 4-0

7:15 PM-Request for Determination of Applicability- 613 Townsend Road

Applicant: Nathan Michalov

N. Michalov proposed removing one dead tree that poses a threat to falling onto his dwelling.

P. Morrison inquired about the removal process, and N. Michalov explained that the tree would be felled towards the wetlands using a chainsaw.

The Commission expressed support for allowing the tree to be cut into the wetlands to naturally decompose.

O. Lathrop raised a concern about the tree's location, noting that it might not be on the applicant's land and rather on the Massachusetts Bay Transportation Authority's (MBTA) property. He clarified that while the Commission can permit dropping the tree into the wetland, they cannot authorize its removal from non-Conservation land. He also suggested leaving part of the tree as a snag to support wildlife habitats.

B. Easom advised N. Michalov to contact the MBTA office to obtain permission for the tree removal.

Upon a motion by P. Morrison, seconded by K. Kuliesis, it was:
Voted to issue a Negative 3 Determination under the conditions: 1. The tree is to be felled in place.

The motion passed unanimously. 4-0

7:30 PM-Retroactive Request for Determination of Applicability- 54 Hill Road

Applicant: Allen Hahn

A. Hahn informed the Commission that he has been actively cleaning the property.

C. Steeves mentioned that she visited the parcel twice and confirmed the removal of debris and vegetation. However, she noted that there is a dispute in regards to the wetland boundaries. The property is classified under Chapter 61A as agricultural land.

B. Easom recommended filing an RDA retroactively and suggested that the landowner reach out to the Natural Resource Conservation Service (NRCS) of the USDA to understand the benefits of an approved farm plan. He noted that farm land under such a plan could be exempt from much of the Conservation Commission's jurisdiction. B. Easom also explained that wetland buffer lines are determined by three key criteria's: topography, soil, and vegetation.

P. Morrison asked if the cleared portion of the land, believed to be outside the buffer zone, would be used for agriculture. A. Hahn clarified that he did not intend to farm the land but merely to clean it by removing debris.

C. Steeves pointed out that a tree was partially damaged by town activities. During a recent visit, she also observed changes to a barren slope and asked the workers to install erosion controls, noting that the work had not been permitted. She also suggested either replacing the damaged Cherry Tree or creating a restoration plan.

O. Lathrop supported the removal of the structures, concrete, and foundations and believed the Town should take responsibility for the removal of the tree.

K. Kuliesis expressed concern about the extensive vegetation clearing, highlighting that it significantly altered the ecosystem and would likely lead to an increase in invasive vegetation. A. Hahn responded by pointing out that Kim Kuliesis is an abutter and might have a conflict of interest. The Commission clarified the definition of a conflict of interest and advised K. Kuliesis to consult the Attorney of the Day for guidance. The applicant agreed to continue the hearing until the conflict of interest was addressed.

O. Lathrop expressed a desire to see proactive measures taken on the land, warning that Bittersweet would likely emerge and recommended spreading a woodland seed. A. Hahn confirmed plans to spread seed along the field's edge.

B. Easom requested a site visit to verify that the seed mix would comply with the Conservation Commission's regulations within the 100-foot jurisdictional zone. However, the applicant declined the request until the conflict of interest was resolved.

The Commission requested that a site walk be conducted on November 9th to confirm the wetland boundaries.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to continue the public hearing to the next schedule meeting on November 12, 2024.
The motion passed unanimously. 4-0

7:50 PM-Order of Conditions Extension Request-Hollingsworth & Vose DEP#169-641

Applicant: Hollingsworth & Vose

B. Easom informed the Commission that C. Steeves inspected the dam and confirmed that it has been properly maintained and is functioning as intended.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to issue a three year extension for MassDEP#169-641 expiring on October 22, 2027
The motion passed unanimously. 4-0

8:05 PM- Order of Conditions Extension Request- Lost Lake Herbicide Treatment DEP#196-1086

Applicant: Groton Lakes Association Representative: Ron Hersch

Ron Hersch, representing the Groton Lakes Association, addressed the Commission, noting their request for a long-term management strategy for the lake. He provided an overview of the lake's condition, highlighting the overgrowth of invasive species such as Fanwort, various types of Milfoil, and Curly Leaf Pondweed. R. Hersch explained that the Massachusetts Department of Conservation and Recreation recommends seven different approaches to manage aquatic invasive weeds. While the association has explored these methods, he emphasized that the most effective solution has been the use of herbicides, which requires a sustained, long-term effort.

B. Easom mentioned a beaver dam located beneath the bridge on Island Road, noting that residents had approached the Commission to inquire about the proper removal process. The Commission had provided guidance on the necessary steps and permits. However, the dam was later removed without obtaining the required permits. As a result, the Commission requested that an after-the-fact filing be submitted to officially document the incident.

R. Hersch noted that the Groton Lakes Association (GLA) held several meetings where the Island Road Bridge and its upcoming renovation were discussed. A town official was present at one of these meetings, during which concerns about water flow were raised. At the meeting, someone suggested simply going down to remove the obstruction, and volunteers set a date for the work. In the meantime, a local resident approached the Commission to inquire about the correct removal process.

The Commission agreed that maintaining historical documentation of past work is essential to establish clear standards and procedures for everyone moving forward.

Alex Woodle expressed concern that after the state installs the culvert, beaver activity would be an ongoing issue. B. Easom suggested that the Commission issue an RDA, which would be valid for three years. P. Morrison added that there is another beaver dam maintained by the Town with similar characteristics recommended bringing this to the attention of the Department of Public Works.

A resident of the lake asked whether the RDA filing would specify who is authorized to remove the dam. The Commission clarified that the RDA would be issued to the Groton Lakes Association (GLA) and the

Association could designate a responsible party for managing future removals.

K. Kuliesis questioned the studies that have been conducted to confirm that there have been no adverse effects on the lake over the past 12 years. A. Woodle acknowledged that no formal studies have been carried out. K. Kuliesis then inquired about signage at public locations to identify invasive vegetation or remind boaters to clean their boats. A. Woodle explained that volunteers have been stationed at loading areas to inform boaters, and there are signs and brochures available. He also noted that state laws require boaters to check for weeds. Additionally, at Groton Fest, there was a table set up to educate the public about various invasive weeds.

O. Lathrop remarked that there seems to be no ideal solution and asked if the Association foresaw any way to halt the current treatment methods. A. Woodle responded that a long-term management plan should have been submitted, and funding has been sought to conduct studies including 319 funding to implement better management practices, focusing on capturing stormwater and reducing nutrient runoff from inlets into the lake. He emphasized that applications for additional funding are currently in progress to continue these efforts.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to issue a three year extension for the Herbicide Treatment at Lost Lake,
MassDEP#196-1086, expiring on October 22, 2027.

The motion passed unanimously. 4-0

8:30 PM-Minor Change Request- 65 Rawding Road DEP# 169-1259

Representative: James Basile, GPR

J. Basile attended the meeting on behalf of his clients to propose a minor modification to the original plan, which involves decommissioning the existing well and installing an upgraded well outside of the 50-foot buffer zone. He explained that the relocation also ensures compliance with Title 5 regulations.

P. Morrison asked who would be responsible for installing the well. J. Basile responded that he was unsure at the moment but would confirm with the applicant.

The Commission agreed that the site must be approved by the Conservation Administrator before any work begins.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to accept the minor change for MassDEP#169-1259 as shown on the
plan dated September 25, 2024.

The motion passed unanimously. 4-0

2. GENERAL BUSINESS*

General Discussions/Announcements

Upcoming Site Walk at Gilson Conservation Area for November 9

C. Steeves suggested contacting a representative from Dillis & Roy Civil Design Group to join the site walk since they conducted the survey and established the encroachment boundaries.

B. Easom questioned whether the Commission should invite Dillis & Roy, involve the police, and notify the abutters. After a brief discussion, the Commission decided that contacting Dillis & Roy was unnecessary, however, agreed that a police escort should be arranged and abutters should be notified. The site walk would also help confirm any debris present on Conservation land.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to request police detail during the Conservation Commission's site visit on November 9th to the Gilson Conservation area. **The motion passed unanimously. 4-0**

C. Steeves confirmed that she would send a letter to the abutters.

Roadside Maintenance along Buffer Zones and Sensitive Areas

C. Steeves said that the Department of Public Works often works in the right-of-way as part of their routine maintenance, however, she believes that it should be case by case. She asked the Commission if there is a way to communicate general expectations. The Commission agreed that photographs could be taken and politely talk with the departments informally.

General Updates from Administrator

C. Steeves reported receiving a call about potential unauthorized filling in a resource area at 78 Maplewood Ave. Lacking permission to access the property; she was unable to verify the violations directly. However, a person on a boat provided photos showing a wooden wall attached to metal posts. There are currently no permits on file for this construction.

O. Lathrop volunteered to arrange for someone to bring the Commissioners to view the property on a boat. During the discussion, a public comment noted that most residents are removing their boats for winter, and the lake drawdown would begin soon. The Commission agreed that the homeowners should cease all work immediately and clarify their intentions for the wall.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to issue an Enforcement Order for 78 Maplewood Ave. All work must halt immediately and the homeowners are required to attend the next Conservation Commission meeting on November 12, 2024.
The motion passed unanimously. 4-0

C. Steeves informed the Commission about an outstanding invoice from June 17th and requested authorization to pay the remaining balance using the stabilization funds.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to approve the Conservation Administrator to clear the outstanding bill in the amount of \$2,100.00.
The motion passed unanimously. 4-0

Committee Updates

Stewardship Site Walk at Fitch-Best Preserve

C. Steeves reported that the Stewardship Committee conducted a site walk with nearby abutters, where they discussed the property's history and its intended future uses. During the walk, a

preliminary management plan was discussed, identifying a significant presence of invasive species that require treatment.

B. Easom explained that Ramona Tolles has been mowing the parcel since before the land was transferred to the Conservation Commission. R. Tolles had previously bid to use the land, and her lease is valid for only three years. The Commission requested that the Conservation Administrator confirm that the lease is current and up to date.

C. Steeves mentioned discovering a hunting stand that had been left in a tree. B. Easom volunteered to go out with a GPS to verify the stand's location and determine if it is on Conservation land.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted to authorize Bruce Easom permission to remove the hunting stand found on Fitch Best Preserve.

The motion passed unanimously. 4-0

Land Management & Acquisition

O. Lathrop reported that the Groton School students decided not to participate in the removal of Barberry. As a result, the Invasive Species Committee will take on the task in April.

B. Easom said that all areas have been mowed except for Nipmuc Meadows and the Priest Hill Family Conservation Area.

Committee Updates

O. Lathrop updated the Commission on a recent conference he attended, highlighting several key topics. He shared that there is a promising Ash Tree breeding program in Ohio showing successful results, and suggested inviting someone to speak to the Commission about it. O. Lathrop also attended a session on vernal pools and expressed concern about the limited protections currently in place. He recommended that the Commission consider revisiting the bylaws to enhance protection measures. Additionally, he participated in a class on Land Subject to Flooding, where there was substantial discussion on delineations, and suggested contacting Adam Burnett.

O. Lathrop informed the Commission that the Invasive Species Committee met yesterday and assisted GELD, which in turn gifted the Committee. He proposed that the Commission consider contributing \$100 to help offset the cost of herbicides.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
Voted that the Conservation Commission gift the Invasive Species Committee \$100 to help defray the cost of chemicals used on Conservation land.

The motion passed unanimously. 4-0

B. Easom said that the two page applications for CPC funding are due on Thursday.

Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by K. Kuliesis, it was:

Voted to approve the meeting minutes for September 10, 2024 as amended.

The motion passed unanimously. 4-0

Upon a motion by K. Kuliesis, seconded by P. Morrison, it was:

Voted to approve the meeting minutes for September 24, 2024 as amended.

The motion passed unanimously. 4-0

Approve Invoices

None

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

9:11 PM

Upon a motion by K. Kuliesis, 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, KK, PM, BE) 4-0

APPROVED: November 12th, 2024