



Conservation Commission Meeting

Tuesday, December 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; Olin Lathrop; Peter Morrison

Absent: Larry Hurley, Vice Chair; Alison Hamilton

Others Present: Charlotte Steeves, Conservation Administrator

Bruce Easom, Chair opened the meeting at 6:30PM.

1. APPOINTMENTS AND HEARINGS

6:30 PM- Public Hearing- Request for Determination of Applicability- 55 Flavell Road

Applicant: Anthony Longo

Anthony Longo attended the meeting proposing to rebuild the existing garage within its current footprint and repaving the existing driveway. There are multiple cracks on the foundation that require repair, however no excavation is necessary.

O. Lathrop expressed support for the proposed project and commended the erosion controls already in place. However, he raised concerns about the existing driveway, emphasizing the need to ensure that runoff water is properly infiltrated before reaching the resource area. In response, A. Longo clarified that the driveway is already a permeable surface and that the proposed work is primarily maintenance.

K. Kuliesis observed that runoff water had created a gully and suggested adding a stone base to enhance infiltration. A. Longo explained that the driveway would be regraded to direct runoff evenly to both sides.

P. Morrison recommended installing a French drain along the edges of the building to further manage water runoff.

B. Easom noted two significant cracks in the foundation and inquired about the repair plan. A. Longo explained that new cement would be poured and assured that there would be minimal disturbances.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. A French drain or rock drain is to be installed along the edges of the structure.

The motion passed unanimously. 5-0

6:45- Public Hearing- Request for Determination of Applicability- Beaver Dam

Applicant: Ron Hersch

Ron Hersch attended the meeting at the Commission's request to retroactively submit the necessary documentation for the removal of a beaver dam. He also sought clarification on the implications for future maintenance.

P. Morrison emphasized that any future issues requiring intervention must obtain necessary permits before work begins. For ongoing activities, permitting can be extended as needed. He recommended that the applicant consult with the Director of Public Works (DPW), which regularly handles dam removals across the town.

K. Kuliesis agreed that filing the appropriate paperwork and renewing it when necessary was the best course of action.

J. Smigelski noted that the buildup under the bridge appeared to be debris that might only require regular maintenance.

O. Lathrop clarified that the DPW has the authority to maintain public rights-of-way without requiring permits. He suggested working with DPW, which could subcontract the work or involve volunteers for such tasks.

B. Easom observed that the obstruction was not merely debris but a structure created by animals and reinforced with mud. He pointed out that this issue would likely recur. He supported filing an RDA (Request for Determination of Applicability) with a three-year extension, specifying that any removed materials be disposed of off-site. He also noted that drawing down of the water level generally reduces beaver activity.

R. Hersch mentioned that one of the board members is researching beaver deceivers and asked to wait for those findings before submitting a new RDA for continued maintenance.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Material that is removed underneath the bridge is to be removed offsite .

The motion passed unanimously. 5-0

2. GENERAL BUSINESS

General Discussions/Announcements

Discussion: Site Walk 84 Maplewood Ave

Paul Benoit attended the discussion, reiterating his goal of preventing erosion on the property by replacing the deteriorated boards and poles. He explained that he is exploring alternative methods, including the use of stainless steel brackets or constructing a gabion wall—a stainless steel chicken wire structure filled with rock, similar to a method successfully employed in Leominster. P. Benoit also noted that his neighbor is willing to provide testimony, if necessary, about the history of the land and can verify the ongoing erosion issues.

K. Kuliesis emphasized the importance of obtaining proper permits for any work conducted on the site. She expressed concern that tree removal on the property may have exacerbated

the erosion problem, as trees play a critical role in stabilizing soil. P. Benoit clarified that only hazardous trees were removed and stated he intends on planting blueberry bushes to help stabilize the land.

O. Lathrop expressed concern that the old wall had been removed before the Commission could examine it, making it necessary to determine its original location. He pointed out that the proposed structure extends too far into the lake. Old pipes were observed on-site, and he emphasized that filling the area with soil would reduce flood storage. He suggested using rocks, as shown in provided pictures, rather than wood, which would eventually deteriorate. He stressed that the wall should not extend beyond any existing pins. P. Benoit pointed out that neighboring abutters' rock walls are deteriorating after being installed 12 years prior.

P. Morrison remarked that while some walls are appropriate, certain historic areas extend too far into the lake. He advised that any proposed work would require proper filing and recommended that the land be surveyed to identify the current wall locations and the positions of old pipes.

B. Easom noted that most of the existing wooden poles were intended to deflect shoreline erosion. While he supported restoring the area to its original state by adding fill, he expressed concern about the risk of failure if fill were placed behind a weak wall, potentially resulting in materials washing back into the lake. He suggested the use of cast concrete blocks or other durable materials.

J. Smigelski asked whether old photos of the site were available. The applicant indicated that they were not but mentioned a neighbor who might have relevant information. J. Smigelski encouraged investigating solutions around the lake to learn what has worked and what has not.

K. Kuliesis emphasized the importance of using high-quality materials. She noted that gabion walls, like those with chicken wire used successfully on the Cape, could be suitable for lakefront conditions. She also stressed the value of surveying the land to ensure accurate planning.

C. Steeves suggested bank stabilization through the planting of wetland vegetation. She also agreed that surveying the land including documenting existing and rusted posts was critical for future work.

K. Kuliesis added that any metal posts currently visible should remain in place until the survey is completed to provide additional reference points for the project.

Upcoming December Meeting

The Conservation Commission decided that, with no new applications submitted and the holiday season approaching, a second meeting in December would not be necessary.

General Updates from Administrator

Letter on Phragmites Spraying off Hill Road

C. Steeves reported that Mr. Hahn had submitted his biannual report and granted permission to access his property solely to view the area specified in the open Order of Conditions. The Commission briefly discussed their legal authority to inspect the entire area where the phragmites treatment was conducted, noting that the homeowners permission is not required for such inspections. P. Morrison proposed drafting a letter to Mr. Hahn to clarify this point and to inform him that the Commission would be inspecting the entire area under the open Order of Conditions. C. Steeves noted that Mr. Hahn had declined a meeting with the Town Manager and that she would consult with the Town Council along with B. Easom. The site walk was scheduled for January. O. Lathrop suggested engaging with the owner of Lot 82 to investigate the unauthorized work observed in the area and then raised questions regarding the true ownership of the land.

Committee Updates

O. Lathrop discussed Article 97 land swaps and the informal rules currently in place, noting that these regulations are under revision and appear to contain a few loopholes. He stated that he plans to attend a comment session next week and will ensure these issues are addressed during the discussion. O. Lathrop reminded the Commission about their pledged contribution to the Invasive Species Committee's gift account to assist with the purchase of herbicides, noting that the funds have not yet been received. C. Steeves stated that she would follow up on the matter.

B. Easom said that the Williams Barn Committee is requesting a letter of support to be submitted with the Committee's CPC application of \$140,000 to stabilize or rebuild the field stone foundation wall on the northeast side of the building.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to write a letter of support to the Community Preservation Committee in favor of the Williams Barn Committee's proposal of rebuilding of the northeast wall of the Williams Barn.

The motion passed unanimously. 5-0

B. Easom informed the Commission that the West Groton Rail Trail Committee is requesting a letter of support to include with their CPC application for the establishment of a rail trail extending north toward the Bertozzi Conservation Area and south to Ayer. He noted that the Committee would eventually need to file a Notice of Intent (NOI) for sections of the trail that encroach upon buffer zones. B. Easom suggested that the Commission's support could be conditioned upon compliance with the Wetland Protection Act and local Wetland Bylaws.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to write a letter of support to the Community Preservation Committee in favor of the West Groton Rail Trail Committee's proposal to establish a rail trail north toward the Bertozzi Conservation Area and South to Ayer.

The motion passed unanimously. 5-0

Land Management & Acquisition

Site Walk on Lyman Parcel- December 7th

K. Kuliesis described the parcel as beautiful, noting minimal invasive vegetation and the presence of historic stone walls. O. Lathrop mentioned observing the frontage and locating

one survey marker. He also shared a message from Bob Collins stating that the 3-acre lot to the left had been transferred to be developed and indicated a verbal agreement for the triangular portion of land to be donated as Conservation land to improve access.

Noonan Land Deed

O. Lathrop noted that the signed deed was received today and Noonan is requesting that the \$137,500 payment is received by the end of December.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for November 26, 2024 as amended.

The motion passed unanimously. 4-0 J. Smigelski Abstain

Approve Invoices

None

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

The Commission briefly discussed the process for releasing executive session meeting minutes and decided that O. Lathrop would review the minutes after they are drafted by the Conservation Administrator.

J. Smigelski raised concerns about a questionable perennial stream at the West Groton Water Department and suggested the possibility of redirecting the stream underground. B. Easom requested that the Conservation Administrator review the Stream Crossing Standards to determine if they would apply in this situation. C. Steeves noted that a negative determination had been issued previously, although no formal permitting had been submitted. K. Kuliesis reported that there had been no progress on the matter since the last meeting. Upon reviewing the minutes, the Commission realized that there had been no actual filing regarding the stream and those previous discussions were informal. The Commission instructed C. Steeves to reach out to the West Groton Water Department and request the appropriate filing to address the matter.

The Commission discussed the importance of tracking and monitoring open-ended conditions. While a file has been compiled, the sites still need to be reviewed. K. Kuliesis suggested during the winter would be an ideal time for this review, as filings tend to be minimal during that period. B. Easom advised the Commissioners to email the Conservation Administrator to assist in compiling a comprehensive list of sites requiring review.

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

8:08 PM

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:
Voted to adjourn the meeting.
The motion passed unanimously. 5-0

APPROVED: 1/14/2025