



**Conservation Commission Meeting**  
Tuesday, February 11, 2025 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, John Smigelski, Peter Morrison (Via Zoom)

**Absent:** Alison Hamilton

**Others Present:** Charlotte Steeves, Conservation Administrator

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

**1. APPOINTMENTS AND HEARINGS**

**6:30- Continued Public Hearing- Notice of Intent- 84 Maplewood Ave: DEP# PENDING**

Applicants: Paul & Karen Benoit; Representative: Jack Maloney, Dillis & Roy Civil Design Group

Jack Maloney of Dillis & Roy Civil Design attended the meeting on behalf of the homeowners. He informed the Commission that the Department of Environmental Protection (DEP) had provided comments earlier that day, prompting a request for a continuance to address the concerns.

O. Lathrop asked that the final plan specify the drilling depth beneath the pond's ground surface and inquired about the handling of the drilled soil. J. Maloney explained that a vacuum truck would be on-site to collect and remove the disturbed soil from the area.

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

Voted to continue the public hearing to the next scheduled meeting on February 25, 2025.

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

**6:50- Public Hearing- Notice of Intent- 116 Shelters Road: DEP# PENDING**

Applicant: Ami Howes; Representative: Jack Maloney, Dillis & Roy Civil Design Group

Jack Maloney of Dillis & Roy Civil attended the meeting on behalf of his clients, proposing to demolish the existing two-bedroom dwelling and rebuild it within the exact footprint using coordinates as control points. He explained that the current cinder block foundation is unsuitable for new construction. Planned improvements include reducing the overall impervious surface area, upgrading the septic system, and removing the existing system. Additionally, a few oak trees would need to be removed to install a new well. J. Maloney confirmed that all work would remain above the floodplain.

L. Hurley requested the specific location of the two oak trees slated for removal.

P. Morrison inquired whether both the dwelling and the garage would utilize the same septic system and leaching field. J. Maloney confirmed that they would.

O. Lathrop expressed concern about ensuring the structure's footprint does not expand and advocated for the restoration of vegetation on the site, noting that it has diminished over time. K. Kuliesis agreed, emphasizing the importance of reintroducing smaller vegetation.

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

Voted to continue the public hearing to the next scheduled meeting on February 25, 2025.

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

### **7:10- Public Hearing- Request for Determination of Applicability: Town Field off Playground Road**

Applicant: Town of Groton; Representative: Timothy Power, PVI Site Design; Consultant: Warner Larsen

Timothy Power of PVI Site Designs attended the meeting via Zoom on behalf of the Town of Groton. He explained that the project, initially much larger in scale, has been significantly reduced. The plan involves reconstructing the northern baseball field in the same location, which is primarily outside of the 100-foot buffer zone. The smaller field to the south would be shifted approximately 30 feet northward to move the play area further way from the wetlands. There are no proposed changes to grading, and the work would involve removing loam, placing infield mix, and replacing concrete pads for benches.

K. Kuliesis observed a chain-link fence buried in the wetlands and asked whether it could be removed during the restoration of the fields. She also inquired about the possibility of planting low shrubbery along the wetland edge. L. Hurley expressed concern that planting small shrubs could interfere with gameplay and suggested potentially restricting mowing in that area. K. Kuliesis suggested using a wetland seed mix as an alternative.

O. Lathrop expressed concerns about mowing up to the wetland's edge and suggested using a seed mix that requires minimal mowing, limiting it to once or twice a year. T. Power noted that introducing new seed could cause unnecessary soil disturbance and instead recommended designating an area that would be left in a more natural state with minimal maintenance. The Commission voiced concerns that leaving the area unmanaged could lead to the spread of invasive species.

P. Morrison recommended restricting mowing to a specific height, no higher than 4 inches.

B. Easom suggested planting species that would create a suitable buffer for amphibians.

T. Power proposed adding a condition requiring an updated plan that includes suitable plantings for restoration and then be submitted for approval.

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

Voted to issue a Negative 3 Determination under the conditions: 1. A native seed mix is to be used in the area directly abutting the wetland and a planting plan is to be submitted by the landscape architect for approval by the Conservation Administrator. 2. The chain-link fence is to be removed.

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

## **2. GENERAL BUSINESS**

## **2.1. General Discussions/Announcements**

### ***7:30 PM- Discussion: Possible Violation on 309 Boston Road- Tree Cutting in Wetland Area***

C. Steeves reported that she received a call from a concerned abutter regarding tree removal within the wetlands. Upon arrival, she observed a professional tree company actively cutting trees using a crane. After knocking on the residence with no response, she spoke with the workers and informed them a permit would be needed if trees were being removed from the buffer zone or wetland areas. She found that no filings had been submitted for the work, and she noted that the area is designated as priority habitat. A neighboring property owner allowed her to observe the unpermitted activity.

Nenad Jelisavcic, the landowner of 309 Boston Road, attended the meeting and accused the Conservation Administrator of four federal offenses for accessing his property without proper permission and violating his constitutional rights.

L. Hurley noted that photographs showed freshly cut stumps within the buffer zone, along with numerous marked trees.

K. Kuliesis emphasized that the Wetland Protection Act and local bylaws exist to prevent unauthorized work in protected areas and stated that the landowner was in violation.

O. Lathrop recommended issuing an enforcement order to immediately halt all work within 100 feet of the wetland. He further advised that an after-the-fact filing and a restoration plan be submitted. If the homeowner refuses to comply, the Commission would need to explore additional enforcement measures, including fines.

P. Morrison inquired about ways to prevent similar violations in the future.

B. Easom questioned why the trees had been removed and urged that the issue be brought before Town Council immediately. He requested that N. Jelisavcic submit a written letter outlining his concerns.

O. Lathrop directly asked N. Jelisavcic if he would grant permission for the Conservation Commission to access his property to assess the situation. N. Jelisavcic firmly denied the request, stating that the Commission is not allowed on his property.

L. Hurley stressed that it is the property owner's responsibility to be aware of local bylaws and to consult with the Conservation Commission before conducting work within the buffer zones.

B. Easom expressed support to have Town Council review the recording of tonight's meeting and provide guidance regarding the legal rights and acquisitions that were

made. However, O. Lathrop asserted that the Commission should not be addressing constitutional matters.

P. Morrison recommended that the enforcement order include a specific date and time for documentation purposes. The order should mandate an immediate cease and desist of all work within the 100-foot buffer zone and require the installation of erosion controls in any areas where wetland impacts could occur.

Prior to the meeting C. Steeves had drafted an enforcement order citing that there was unpermitted removal of trees within the wetland buffer zone and other jurisdictional areas at the rear of the property. The order requires the homeowner to immediately cease and desist all work within the buffer zones and any jurisdictional areas. Additionally, the homeowner must submit documentation by February 24, 2025, detailing the number, type, and location of the trees that were removed.

C. Steeves clarified that she was following DEP guidelines during her site visit. She confirmed that she attempted to speak with the homeowner, introduced herself to the workers, and informed them that they needed a permit for cutting trees within the wetlands. She emphasized that she did not instruct them to stop work at that time.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
Voted to issue an Enforcement Order for 309 Boston Post Road as drafted by the Conservation administrator.

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

Upon a motion by P. Morrison, seconded by L. Hurley, it was:  
Voted to authorize the Conservation Administrator to engage the town manager requesting a clarifying opinion from Town Council regarding the landowner's acquisitions.

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

#### ***Discussion: Invasive Plant Species Event at Williams Barn***

Jonathan Basch, Chair of the Invasive Species Committee, proposed hosting an educational event to help residents identify and remove garlic mustard. The event would begin with an orientation, followed by fieldwork where participants would remove the plants and collect them in trash bags. The designated area would be within the mowed portion of the field. J. Basch noted that a similar event was successfully conducted in Littleton and that he has been in contact with organizers there. The event is planned to be held in May, when garlic mustard is easily identifiable.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:  
Voted to grant permission for the Invasive Species Committee to hold a Garlic Mustard educational event at the Williams Barn.

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

#### ***Discussion: Stewardship Management Plan for Bancroft's Castle***

C. Steeves informed the Commission that the Stewardship Committee has submitted revisions to the management plan for review and approval before forwarding it to the Department of Conservation & Recreation (DCR). The Conservation Commission holds the Conservation Restriction. O. Lathrop agreed that DCR's comments were reasonable and should be incorporated. He then presented his own notes and comments. K. Kuliesis raised concerns about the limited parking and the clarity of the language. B. Easom pointed out that the deed had designated a larger parking area, which was never constructed.

Upon a motion by K. Kuliesis, seconded by J. Smigelski, it was:  
Voted to approve the Stewardship Committees management plan for Bancroft's Castle including the edits made by both Olin Lathrop and the Department of Conservation and Recreation.

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

## **2.2. General Updates from Administrator**

### ***March 2025 Meeting Schedule***

The Commission agreed to reschedule the March 11th meeting to the following week, on March 18th.

### ***Wild and Scenic Community Grants Program***

C. Steeves informed the Conservation Commission that she is preparing an application for a \$5,000 grant offered by the Nashua, Squannacook, and Nissitissit Rivers Wild & Scenic Stewardship Council. Anna Eliot suggested using the grant for improvements at the Carol Wheeler Park, with collaboration from the Stewardship Committee, Garden Club, Sustainability Committee, and Parks Commission. O. Lathrop questioned why the Parks Administrator was not taking the lead in filing the grant application.

## **2.3. Committee Updates**

### ***CPA Funding Reduction***

B. Easom stated that the Community Preservation Committee has asked applicants to reduce their funding requests, including the Conservation Commission, which has been asked to lower its original request from \$400,000 to \$200,000. P. Morrison inquired whether other applicants had voluntarily reduced their requests and expressed no objection as long as the reductions were proportional. B. Easom acknowledged that it could be more challenging for those who requested funding for specific projects, whereas affordable housing funding is more comparable to the Conservation Commission's request. O. Lathrop asked if there were any major projects that had significantly exceeded the available funding. B. Easom confirmed that several projects had contributed to the oversubscription, including the restoration of the Bancroft Castle and the reconstruction of the town field, which has already been reduced by \$700,000. The Commission briefly discussed that this was not the first time applicants had been asked to reduce their funding requests.

Upon a motion by J. Smigelski, second by P. Morrison, it was:  
Voted to allow for a reduction of the Conservation Commission's original  
Community Preservation application request of \$400,000 in funding to  
\$200,000.

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

### ***West Groton Rail Trail Permitting Activities***

B. Easom provided an update that Squannacook Greenways has submitted a MassTrails grant application to fund the extension of the rail trail north from Hollingsworth and Vose towards the Bertozzi Conservation Area and south to Ayer. The Department of Environmental Protection (DEP) and Natural Heritage have indicated that a single filing is required for both sections of the trail. A copy of the filings was shared with the West Groton Rail Trail Committee to prevent any overlaps. Additional expenses are expected due to the project's location within an Environmental Justice Population, necessitating the submission of an Environmental Notification Form (ENF), which requires community outreach in multiple languages. To cover these costs, the West Groton Rail Trail Committee plans to submit a Community Preservation Act (CPA) application for \$75,000. This funding would support the filings with Natural Heritage and the DEP, as well as a 30% completion of the design to be in compliance with the Massachusetts Environmental Policy Act (MEPA). B. Easom explained that this process ensures that state agencies are informed and have an opportunity to provide comments or input.

## **2.4. Land Management & Acquisition**

### ***Fitch-Woods***

C. Steeves presented the agricultural leasing agreement form to renew the mowing and haying of the field that is currently being managed by Ramona Tolles. O. Lathrop emphasized that the Commission could not approve the lease without following the proper bidding process. The Commission reviewed the language and proceeded with the appropriate bidding process.

## **2.5. Approve Meeting Minutes**

Upon a motion by K. Kuliesis, seconded by J. Smigelski, it was:

Voted to approve the meeting minutes for January 14, 2025 as amended.

**The motion passed by a roll call vote. (Yes: OL, KK, JS, LH, BE) P. Morrison Abstain 5-0-1**

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

Voted to approve the meeting minutes for January 28, 2025 as amended.

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

## **2.6. Approve Invoices**

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

Voted to approve and pay the invoices from the Groton Herald in the amount of \$131.25 and

\$65.00.

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

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

A representative from Hollingsworth & Vose attended the meeting to receive preliminary feedback on a pre-submission of a proposal to close a landfill. The formal design is to be submitted to the DEP in the coming week, after which the local permitting process would begin. Input was sought on whether the non-engineered culvert crossing should be replaced with an engineered culvert or restored to a natural channel. The representative also inquired if the Commission was satisfied with the proposed landfill capping process, which includes covering the area with a membrane and applying 18 inches of topsoil within both the 50- and 100-foot buffer zones.

L. Hurley emphasized the importance of reaching out to abutting neighbors well in advance to ensure community support for the project.

The Commission unanimously agreed that the culvert should be removed and restored to a natural channel. The Commission also expressed satisfaction with the landfill capping process, provided that the land is properly stabilized and runoff is effectively managed and directed into the proposed pond.

O. Lathrop suggested that a planting plan be established once the topsoil is in place, also noting the presence of phragmites on the landfill. The representative stated that a native seed mix would be used and asked if the Commission had a preference. K. Kuliesis voiced concerns about invasive vegetation spreading into the wetlands and recommended controlling the phragmites by cutting and covering them to prevent any regrowth.

**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**

**8:50 PM**

Upon a motion by J. Smigelski, 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: PM, OL, LH, JS, KK, BE) 6-0**

**APPROVED: 2/25/2024**