

Conservation Commission Meeting
Tuesday, February 25, 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 Phone 7:20 PM, following In person)

Absent: Alison Hamilton,

Others Present: Charlotte Steeves, Conservation Administrator

1. APPOINTMENTS AND HEARINGS

6:30- Continued Public Hearing- Notice of Intent- 84 Maplewood Ave: DEP# 169-1274

Applicants: Paul & Karen Benoit; Representative: Chris Mackenzie, Dillis & Roy Civil Design Group

Chris Mackenzie of Dillis & Roy Civil Design Group provided an update on the revised plan submitted earlier this afternoon. The updates address the slurry pit and incorporate minor revisions requested by the Board of Health. He noted that several comments from the DEP have been appropriately addressed, including the addition of a frack plan to be implemented by the contractor. Additionally, water quality testing was deemed unnecessary, as only 2/10 of a cubic yard would be disturbed. C. Mackenzie also mentioned that a Chapter 91 authorization is required and would be addressed.

O. Lathrop pointed out that the depth of the directional drilling, which he had previously requested, was not indicated on the plan. He also inquired about the handling of excavated soil. C. Mackenzie clarified that the tubing would have a minimum cover of five feet and that all excavated soil would be removed from the site.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:
Voted to close the public hearing.

The motion passed unanimously. 5-0

6:45- Public Hearing- Request for Determination of Applicability- 84 Maplewood Ave

Applicants: Paul & Karen Benoit

The homeowner attended the meeting to request approval for the removal of a hazardous and damaged tree posing a risk to others.

K. Kuliesis inquired about methods for stabilizing the bank. In response, P. Benoit stated that he would leave the stump and root system intact to minimize land disturbance and planned to plant vegetation for further stabilization.

O. Lathrop suggested leaving a 15-foot snag to support wildlife habitat.

B. Easom encouraged the applicant to utilize a professional tree company for handling the removal of the tree.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to issue a Negative 3 Determination under the conditions: 1.The stump is to remain in place.

The motion passed unanimously. 5-0

6:55- Public Hearing- Notice of Intent- 116 Shelters Road: DEP# PENDING

Applicant: Ami Howes; Representative: Chris Mackenzie, Dillis & Roy Civil Design Group

Chris Mackenzie was present on behalf of his clients to discuss the revised plan, which includes raising the existing house within the exact footprint, with control coordinates listed on the plan. The plan also details the installation of a new well following the demolition of the dwelling, as well as correcting the dimensions of the existing deck. The Planning Board is currently reviewing the proposal, with a minor comment regarding the septic tank's proximity to the water. In response, a 15-foot variance has been requested, for the installation of a 1,500-gallon singular tank.

O. Lathrop questioned a change in the drawing and noted that the coordinates were not displayed on the plan. C. Mackenzie clarified that a revised plan, dated 2/25/2025, had been submitted but was not currently being displayed.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:
Voted to close the public hearing.

The motion passed unanimously. 5-0

7:10- Order of Conditions Extension Request- Court Street DEP # 169-1232

Applicant: Halsey Platt; Attorney: Robert Collins (via Phone)

Attorney Robert Collins presented on behalf of his client to request a three-year extension of the original Order of Conditions, which is set to expire next month.

B. Easom inquired whether there had been any changes to the wetland delineation. In response, B. Collins reminded the Commission that the rail trail serves as a barrier.

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:
Voted to extend the Order of Conditions for Court Street, MassDEP#169-1232 an additional three years expiring on March 22, 2028.

The motion passed unanimously. 5-0

2. GENERAL BUSINESS

2.1. General Discussions/Announcements

Enforcement Order Follow-Up- 309 Boston Road- Tree Cutting in Wetland Area

B. Easom reported that the homeowner of 309 Boston Road accused the Conservation Administrator of conducting an illegal search of his property. He stated that he and C. Steeves met with the Town Manager, who advised them to direct the homeowner to him regarding any constitutional concerns.

C. Steeves provided an update that an Enforcement Order was issued and delivered by a Constable. The homeowner was required to submit documentation by February 24, 2025, detailing the number, type, and location of the trees that were removed, but this has not been done.

B. Easom emphasized that the Conservation Commission has the authority to issue fines and recommended that an official letter clearly state this authority, including references to the relevant regulations and fine schedule. O. Lathrop agreed, suggesting that the letter set a deadline of March 21, 2025, for the submission of all required documents. If the information is not received by then, fines would begin on March 22, 2025, and continue daily until compliance is met.

The Commission agreed that the drafted letter would be reviewed by B. Easom and delivered by a Constable.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:
Voted to send a letter to the owner of 309 Boston Road, outlining the Conservation Committee's authority to issue fines and citing the relevant regulations and fine schedule. The letter will state that the homeowner must comply with the Enforcement Order by March 21, 2025. If compliance is not met by this deadline, daily fines will begin on March 22, 2025, and continue until the requirements are fulfilled.

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

2.2. General Updates from Administrator

March 2025 Meeting Schedule- March 4th Next Meeting Date

C. Steeves reported that she received two Notices of Intent and, as a result, rescheduled the March 18th meeting to March 4th.

Shepley Hill Update

C. Steeves reported that she received an environmental monitoring report indicating that some silt fences on-site are failing. A temporary fix will be implemented until weather conditions allow for a more permanent solution. The Commission requested that the Conservation Administrator inspect the area.

2.3. Committee Updates

CPC Application Due on 27th

C. Steeves stated that the original \$400,000 request has been reduced to \$200,000, with a few additional letters of support to be submitted.

B. Easom provided an update that the CPC will make its final decision on Monday, March 24th, on which applications to recommend to Town Meeting.

The Commission briefly discussed the comments made in the Groton Herald regarding the Conservation Commission's initial \$400,000 request and how best to respond. The

Commission agreed that O. Lathrop should be prepared to speak at the spring Town Meeting if necessary.

Gratuity Road Sub-Division Update

C. Steeves provided an update on the parcel at 63 Gratuity Road, which has an ORAD in place. However, outstanding issues remain concerning the bordering land subject to flooding. She and B. Easom met with Michelle Collette, Earth Removal Stormwater Inspector, and Takashi Tada, Land Use Director, to ensure they are aware of the Conservation Commission's unresolved concerns.

Meanwhile, the applicant has submitted a filing with the Planning Board.

West Groton Rail Trail Committee

B. Easom provided an update that the West Groton Rail Trail Committee has submitted a CPA request for \$75,000 to fund the permitting process for extending the rail trail north from West Groton Center towards Ayer and north towards Hollingsworth & Vose. As noted in the previous meeting, the state requires a single filing for each direction of the trail. This funding would cover filings with Natural Heritage and the DEP, as well as the completion of 30% of the design, ensuring compliance with the Massachusetts Environmental Policy Act (MEPA). Additionally, due to the project's location within an Environmental Justice Population, further expenses are anticipated for the required submission of an Environmental Notification Form (ENF).

Invasive Species Committee

O. Lathrop confirmed that the Invasive Species Committee would be holding a Garlic Mustard event at the Williams Barn, though a date has not yet been scheduled. He also informed the Commission that the application for the Wild and Scenic Community Grant would not be submitted this year due to time constraints. Instead, the Committee plans to apply for the grant in March 2026.

Great Pond Advisory Committee

L. Hurley informed the Commission that Mark Haddad requested the Commission to review three herbicide proposals and submit a recommendation by next week. He also confirmed that the sonar treatment would be applied across the entire lake.

2.4. Land Management & Acquisition

None

2.5. Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to approve the meeting minutes for February 11, 2025 as amended.

The motion passed unanimously. 6-0

2.6. Approve Invoice

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

Voted to approve and pay the invoice from Ellen Anderson for an Appraisal of the Ralph Smith Parcel in the amount of \$4,000.

The motion passed unanimously. 6-0

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

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

The motion passed unanimously. 6-0

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

7:50 PM

Upon a motion by P. Morrison, seconded by J. Smigelski, 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: May 13th, 2025