



Conservation Commission Meeting

Tuesday, March 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 (via zoom), Clerk; Olin Lathrop, John Smigelski, Peter Morrison

Absent: Alison Hamilton,

Others Present: Charlotte Steeves, Conservation Administrator

B. Easom opened the meeting at 6:30 PM.

1. APPOINTMENTS AND HEARINGS

6:30 PM- Continued Public Hearing- Notice of Intent- 16 Moose Trail: DEP#169-1276

Applicant: Thomas Wilson; Representative: Dan Wolfe, David E. Ross Associates, Inc

C. Steeves provided an update, confirming that the three issues discussed at the previous meeting have been resolved. These include the submission of a planting plan dated March 12, 2025, approval from Natural Heritage, and the proposed installation of erosion controls around the spoil piles resulting from the well installation.

O. Lathrop noted that the vegetation plan should be more detailed, specifically regarding the quantity of trees. He suggested adding a condition specifying a minimum of 6 trees.

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

Voted to close the public hearing.

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

Permitting

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

Voted to issue the Order of Conditions for 16 Moose Trail, MassDEP#169-1276.

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

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

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 16 Moose Trail, MassDEP#169-1276.

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

6:45 PM- Continued Public Hearing- Notice of Intent- Brookfield Commons Condominiums: DEP#169-1277

Applicant: Brookfield Commons Condominium Trust Representative; Representative: Matthew Waterman, LandTech Consultants

Matthew Waterman briefly summarized the proposal to upgrade the septic system. The existing system is partially located beneath the road, which will require a road closure during excavation. Both the police and fire departments have requested the installation of a temporary access route for residents and emergency vehicles during this time. The plan includes constructing an 18-foot wide gravel access road within previously disturbed lawn areas. Surveyors have identified two white pine trees that will need to be removed, with plans to replace them with two red cedar trees. Additionally, the area near the wood line will remain undisturbed. M. Waterman also noted that the Department of Environmental Protection (DEP) had recommended that the Conservation Commission include a restoration plan within the Order of Conditions, ensuring a 75% success rate for plant growth. A wetland report has already been submitted.

O. Lathrop inquired whether the applicant would agree to a condition requiring the planting of native vegetation in any areas where loam and seed are applied within the 100-foot buffer zone. The applicant agreed to this condition.

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

Voted to close the public hearing.

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

7:00 PM- Public Hearing- Notice of Intent- Off Worthen Drive- DEP#169-1278

Applicant: Jodi Gilson, Representative: Frank McPartland, Dillis & Roy Civil Design Group

Frank McPartland appeared on behalf of his client to propose the construction of a shared 16-foot wide driveway servicing two single-family homes. Each home would have its own septic system and well, and be situated outside the 100-foot buffer zone. There is an existing 14-foot gravel path, extending south from Worthen Drive that would be expanded to meet the Town of Groton's 16-foot standard. Additionally, the east-to-west gravel path would also be widened. The surfaces would remain being gravel, except at the garage aprons, which would be paved. Two crossings were discussed: first there is a 24-inch culvert connecting the wetlands within the existing gravel driveway which may need to be deepened. The second crossing, located at a 90-degree bend at the beginning of the east-west section of the shared driveway, involves the installation of a new 12-inch culvert, with retaining walls on either side to minimize disturbances. A compost pile would need to be removed from the site. Stormwater management would be implemented on the north side, including a grass swale with a 4-bay standing water pool to manage any excess stormwater. Overflow would discharge into the wetland, reducing peak flow rates. F. McPartland explained that this stormwater system would be designed to fit within the 50-foot buffer zone, as there is limited space outside of this area for alternative solutions. Potential mitigation for disturbances includes a rain garden and the use of native plants. A wetland replication would be considered, and the wetland areas along the driveway are to be flagged. The Department of Environmental Protection (DEP) has provided comments that will be addressed in the final submission, including concerns about hydraulic connections. These points would be forwarded for review prior to the next meeting.

L. Hurley noted that the proposed culvert replacement might be larger than the planned 12 inches. F. McPartland assured that the culvert dimensions would be verified.

J. Smigelski recommended that the driveway be paved for easier maintenance. F. McPartland responded that gravel driveways are often difficult to maintain.

K. Kuliesis raised concerns about using existing materials for the culvert installation, especially considering potential issues with invasive species near the ponds edge.

P. Morrison shared a past experience where a gravel driveway had been mandated to protect a nearby pond but eventually led to issues when a heavy rainstorm caused runoff to enter the resource area. He now supports paving driveways near sensitive areas for stabilization.

J. Smigelski questioned whether gravel driveways provide adequate infiltration. F. McPartland explained that the difference is minimal with gravel driveways typically achieving 90-96% impervious.

O. Lathrop expressed concern that the construction of the driveway would fill the wetland also noting that the project qualifies as a limited project, which would heighten scrutiny by the DEP. He also questioned the placement of the stormwater swale and emphasized that the Town of Groton has a no-touch zone within the 50-foot buffer. O. Lathrop recommended a paved driveway with runoff capture to prevent hot water runoff from reaching the wetlands.

B. Easom raised questions about the existing culvert, wondering if it could be evaluated for potential reuse without full replacement. F. McPartland confirmed the culverts would be reassessed, noting that the upstream culvert appears to be crushed or collapsed, with the north side completely buried. The goal is to minimize all disturbances. F. McPartland also stated that the limited project filing allows for wetland crossings and that further evaluations should be made in consultation with the original design team. B. Easom requested additional flagging before making a final decision and suggested directing any hot water runoff into the swale prior to reaching the wetland. F. McPartland proposed elevating the driveway to pitch towards the south side, allowing for a longer travel time for runoff.

C. Steeves identified Parcel 14 as being under Chapter 61A. F. McPartland confirmed that only two driveways would be constructed on the parcel, with no new structures proposed. P. Morrison inquired whether the Chapter 61A status would have any implications for the project.

Nancy Foley Wilder, a resident of 33 Worthen Drive, reported that water runs directly under her property, causing cracks. She mentioned that the highway department placed rocks along the road to aid infiltration. She also noted that the pond overflows during heavy rainstorms. F. McPartland reviewed the main wetland and confirmed that would be no changes to the north side.

F. McParland informed the Commission that the project would be presented to the Stormwater Committee and Planning Board next week, and a second site walk is scheduled for April 8th.

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

Voted to continue the public meeting to the next scheduled meeting on April 8, 2025.

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

7:15 PM- Public Hearing- Notice of Intent- 6 Island Road- DEP# PENDING

Applicant: Megan and Jessie Cotter, Representative: Dan Memont, Design Dynamics

Dan Memont was present to represent his client in proposing the reconstruction of an existing dwelling. The plan includes adding a second floor and constructing a retaining wall to stabilize the

eroding hillside and provide additional support for the structure's overhang. He explained that the current building lacks proper footings.

L. Hurley requested clarification on the exact location of the proposed retaining wall. D. Memont explained that the wall would be installed at a height similar to the existing deck, with the goal of raising it approximately 2 feet above the current walking level. He also mentioned that it was uncertain whether the deck would be replaced. Steel columns would be used to support the first floor. D. Memont further clarified that the windows visible now are part of the existing foundation wall. The proposed pavers would not be placed inside the identified area on the plan shown. He noted that there are issues with the first floor being too low, which would require raising the structure and backfilling to prevent water from getting underneath. There are also existing piers that have been undermined, so digging would be necessary to address these problems.

P. Morrison asked if the foundation would be replaced. D. Memont confirmed that the foundation would remain but would be raised by adding an additional block or approximately 18 inches of concrete. This would lift the perimeter of the structure, allowing the new building to be constructed on top. The foundation would be drilled, rebarred, and reinforced.

O. Lathrop emphasized that the footprint of the structure should not be increased and expressed concerns about runoff potentially worsening the existing issues. He clarified that the outer footprint would be a concrete wall with proper footings embedded into the ground. D. Memont stated that the lowest point of the foundation wall would be at least 4 feet deep, with erosion controls installed. He also confirmed that the existing deck, which is unstable and unsafe, would be removed. The retaining wall would be built in place of the deck, with a return wall to aid stabilization. O. Lathrop further requested that any impervious or pervious areas, both existing and proposed, be clearly noted on the plans. He also questioned how runoff would be managed, as runoff currently flows into the resource area. O. Lathrop suggested capturing and infiltrating the water at the retaining wall, possibly using crushed rock to manage the water flow.

J. Smigelski asked if the existing structure would be demolished. D. Memont confirmed that it would be.

B. Easom expressed support for the proposal, believing the improvements would be beneficial.

P. Morrison inquired about the disposal of the debris. D. Memont explained that it would be removed off-site, with the house being taken down by hand, without the use of machinery.

The applicant was asked to return with both a pre- and post-construction plans, as well as an infiltration plan.

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

Voted to continue the public hearing to the next scheduled meeting on April 8, 2025.

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

7:30 PM- Public Hearing- Notice of Intent- 63 Gratuity Road- DEP# PENDING

Applicant: Routhier & Roper Gratuity Road LLC; Representative: Matthew Waterman, LandTech Consultants

Matthew Waterman was present to represent his clients in proposing the use of directional drilling to connect the water line from one end of the subdivision to the other. He noted that the wetland flags were not clearly marked, making it difficult to determine their exact location. Additionally, since the site walk, the wash pits had been staked out. He briefly discussed the plans for the 12-lot subdivision, which include a review from the engineers and a meeting with the Planning Board. He highlighted some outstanding issues, such as concerns related to open space and the position of the wash pits remaining outside of the 100-foot buffer zone. He also confirmed that the wash pits would be properly enclosed as well as any stockpiling. M. Waterman also addressed a previous concern regarding the lack of a determination on the floodplain for the property. He noted that the FEMA floodplain map has been updated but is still in draft form and has not yet been officially approved. The updated map was displayed for observation, with the new floodplain area highlighted in yellow representing approximately 8 acres of new floodplain. M. Waterman stated that it is a significant portion of the 52-acre property. As a result, adjustments were made to the plans to incorporate this updated information.

L. Hurley questioned the need for a sharp turn in the waterline and suggested a straight line. He also inquired about the timing of the photograph showing flooding. M. Waterman confirmed that they would explore all alternatives for the waterline alignment. Adam Burnett clarified that the photograph displayed was taken during a 1-year flood event only.

O. Lathrop noted that the submitted filing contains several errors, including the omission of the Nashua River's designation as a Wild and Scenic River and the fact that the area is classified as an Area of Critical Environmental Concern (ACEC). He also pointed out that the proposed infiltration system captures only the first inch of rainfall, which is not a significant amount. Additionally, he questioned why tree removal is proposed if the drilling is to be conducted underground and asked about the necessity of the waterline bend. In response, M. Waterman agreed that tree removal is unnecessary and stated that the drawings need to be revised. O. Lathrop emphasized that the narrative included in the filing should clarify the overall intent of the project. M. Waterman explained that the filing showed consistency across municipal departments, and a new submission would be made. O. Lathrop further noted that the current FEMA map does not account for Gratuity Brook and that the issue of bordering land subject to flooding must be properly addressed and calculated. Given the absence of FEMA flood data, he explained that there are two ways to provide evidence: using newspaper clippings or photographs, or calculating the impact of seven inches of rainfall within a 24-hour period (Section 57). He also questioned how Gratuity Brook would be affected under such conditions and emphasized the need to include flooding data from the Nashua River. M. Waterman agreed to discuss these concerns with Desheng Wang.

B. Easom noted that the unresolved issue is also reflected in the ORAD and recommended conducting a peer review to properly calculate and assess the flooding concerns M. Waterman stated that he does not believe flooding has occurred in the eastern section. However, B. Easom countered this by noting observations of periodic flooding in both the north and south ends. He pointed out evidence such as debris being pushed in one direction by flowing water and cutouts along the banks that became visible as water levels receded, suggesting that the area is also bordering land subject to flooding.

Anna Eliot, Parks Commissioner, inquired whether the applicant would be open to sharing Parcel A with the Parks Commission, noting that the Parks Commission already has an agreement regarding the abutting Hazel Grove Agricultural Association parcel. She referenced the developer's

commitment to constructing fencing on town property to protect access to the track, which is heavily used by equestrian riders. M. Waterman stated that the applicant intends to donate Parcel A—a uniquely shaped parcel situated between two subdivisions—to the Conservation Commission. B. Easom clarified that acquiring the open space is currently not under discussion but noted that while he is not opposed to allowing such access, the decision ultimately rests with the applicant.

J. Smigelski suggested drafting a Conservation Restriction (CR) to prevent misuse of the land. O. Lathrop expressed no objection to the Parks Commission owning the land, provided it remains undeveloped. A. Eliot suggested merging Parcel A with the adjacent deed, to which M. Waterman responded that he would consult an attorney to explore this possibility.

Adam Burnett (155 Gratuity Road), an abutter and master in hydraulics, raised concerns about the land's susceptibility to flooding. He explained that groundwater frequently surfaces in the area and that Gratuity Brook, though intermittent, functions as an active stream, with water backing up from the Nashua River. He highlighted a 2010 flood event and referenced recent photos from 2024, noting that even a one-year storm event resulted in flooding. Additionally, he pointed out the documented presence of blue spotted salamanders near the property, stressing the importance of environmental protection.

Paula Martin (88 Jenkins Road) shared her observations as a direct abutter, noting that her home does not have a basement due to the high water table, which is only four feet below the surface. She mentioned that many homes in the area rely on sump pumps. She also referenced past experiences working with the building inspector and witnessing significant water accumulation in the area.

Francine Petroff (227 Riverbend Drive) added that she lives near the pond and that her sump pumps run regularly. She also expressed concern about potential impacts on endangered species in 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 April 8, 2025.

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

2. GENERAL BUSINESS

2.1. General Discussions/Announcements

Discussion: Bylaw Updates for Fall Town Warrant

C. Steeves noted that there was mention at the prior meeting regarding strengthening the protections for vernal pools under the bylaws. O. Lathrop responded that it appears there is already more protection in place than initially thought.

Greenways Committee- Vote to Increase Members from 5 to 7

C. Steeves reported receiving a letter from the Chair of the Greenways Committee, requesting approval from the Conservation Commission to expand their committee from five to seven members. She confirmed that there are interested parties on filling the additional seats.

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

Voted to authorize the Greenways Committee to increase their members from 5 to 7.

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

Discussion: Change to Conservation Fund Policy

C. Steeves informed the Commission that she had received a letter, which was displayed for review, from Mark Haddad regarding the proposed change. The Commission was asked to provide comments or feedback to the Finance Committee. The Commission agreed that they could explain how the funds were spent, but they could not discuss future plans for the funds. O. Lathrop volunteered to draft a response for review at the next meeting.

2.2. General Updates from Administrator

Controlled Burn at Nipmuc Meadows

C. Steeves provided an update, stating that she had spoken with Chief Cheeks, who is currently assessing the best conditions for the controlled burn. She mentioned that he would keep the Commission informed.

Designate enforcing person for fines

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to authorize both the Conservation Administrator and the Conservation Commission Chair to serve as the designated enforcement officers for the Town of Groton violation notices.

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

The Commission briefly discussed the timeline for submitting a citation to the court, noting that there is a 15-day window for submission, and the violator has 21 days to respond. B. Easom agreed that the violation for 309 Boston Road should be initiated tomorrow Wednesday, March 26, 2025, with the new motion for an authorized enforcer. He emphasized that the Commission's primary goal is compliance, rather than seeking penalties.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:
Voted to issue the first citation on Wednesday, March 26, 2025 to 309 Boston Road for the failure to comply with an Enforcement Order dated February 11, 2025.

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

2.3. Committee Updates

B. Easom informed the Commission that the CPC had voted to recommend the request for \$200,000 at the upcoming Spring Town Meeting, scheduled for Saturday, April 26th. O. Lathrop confirmed that he would attend the meeting if any discussion was needed.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to grant permission for Olin Lathrop to represent the Conservation Commission at the Spring Town Meeting.

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

O. Lathrop also shared that the Invasive Species Committee would begin Bittersweet removal at Fitch's Best Woods starting in May.

C. Steeves mentioned that the Sargisson Beach Committee would be discussing beach cleanup at their next meeting. Additionally, an RDA would be submitted for approval to run cables down to the beach for the installation of surveillance cameras.

K. Kuliesis reported that the Stewardship Committee is working on compiling a list of properties that need mowing and would be creating a management plan.

2.4. Land Management & Acquisition

Draft CR for Shepley Hill

Mark Gerath provided an update, stating that Anna Eliot had made some minor edits to the Conservation Restriction, which was satisfactory to the Trust. The Trust would be submitting it shortly and requested the Conservation Commission's opinion on two questions regarding the application. The Commission expressed satisfaction with the plan presented.

2.5. Approve Meeting Minutes

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

Voted to approve the meeting minutes for March 4, 2025 as amended.

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

2.6. Approve Invoice

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

Voted to reimburse Bruce Easom for the MACC attendance fee in the amount of \$225.00.

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

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

Voted to reimburse Kim Kuliesis for the MACC attendance fee in the amount of \$175.00.

The motion passed by a roll call vote. (Yes: OL, JS, LH, KK, PM, BE) 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 \$190.00.

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

3. Open Session for topics not reasonably anticipated 48 hours in advance of the 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."

Unnecessary

5. Adjournment

9:35 PM

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

Voted to adjourn the meeting.

The motion passed by a roll call vote. (Yes: JS, KK, LH, KK, BE/NO OL) 5-1

APPROVED: 4/8/2025