

Conservation Commission Meeting

Tuesday, May 27, 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 (via Zoom 6:40PM); Olin Lathrop, John Smigelski, Peter Morrison

Absent: Alison Hamilton

Others Present: Charlotte Steeves, Conservation Administrator

1. APPOINTMENTS AND HEARINGS*

6:30 PM- Continued Public Hearing- Notice of Intent- Off Worthen Drive- DEP#169-1278

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

The applicant requested a continuance.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted
to continue the public hearing to the next scheduled meeting on June 10, 2025. **The**
motion passed unanimously. 5-0

6:32 PM- Continued Public Hearing- Notice of Intent- 63 Gratuity Road- DEP# 169-1281

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

The applicant requested a continuance.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:
Voted to continue the public hearing to the next scheduled meeting on June 10, 2025.
The motion passed unanimously. 5-0

6:40 PM- Request for Determination of Applicability- 14 Rustic Trail

Applicant: Anthony Hauck, Representative: Charles Hogan

Homeowner Anthony Hauck presented a proposal to replace an existing deteriorating and unsafe deck. The proposed project includes expanding the deck in three directions from 8 feet to 12 feet in depth. While the majority of the existing footings would be replaced in their current locations, all new footings and piers would be constructed to meet current building code requirements for both the deck and all-season room.

L. Hurley asked for clarity on the columns and footings. A. Hauck confirmed that the columns would be replaced with 6"x6" posts, and that the majority of the footings—particularly those facing the water—would remain in the same locations. Four proposed footings would be moved inland into the yard. L. Hurley noted that any excavated soil must be kept out of the resource area. Erosion control measures such as silt fencing and hay bales must be shown on the plan. A. Hauck acknowledged

that there have been updates to the plan shown and confirmed that both silt fencing and hay bales are clearly marked on the revised plan.

O. Lathrop referenced the 100 foot and 50 buffer zone bylaws and requested that both lines be clearly shown on the updated plans. He emphasized that neither the house nor the deck should expand beyond their existing footprints.

L. Hurley commented that the building foundation must remain intact but indicated some flexibility for minor overhangs in deck construction. B. Easom disagreed with allowing overhangs, stating that it is the board's responsibility to determine what constitutes a significant addition or encroachment. He expressed support for structural repairs and the replacement of footings and columns, but not for any expansion beyond the current footprints including overhangs.

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

Voted to continue the public hearing to the next scheduled meeting on June 10, 2025.

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

6:50 PM- Notice of Intent- New England Power Company Transmission Line 326- DEP# PENDING

Applicant: New England Power Company, Representative Alison Milliman

Alison Milliman represented the New England Power Company and proposed maintenance and improvement work at 12 existing utility structures, 6 of which are located within jurisdictional resource areas. The work is necessary to prevent structural failure and it was noted that utility pole replacement and overhead line work are exempt as utility maintenance. The proposal also included access road improvements due to being over grown and minor grading at work pads to accommodate construction equipment. Stone would be added for stabilization, and erosion controls such as biodegradable compost socks, hay bales, or silt fencing would be installed. Approval has been received from Natural Heritage which included turtle protection and monitoring plans as well as a request to utilize a compatible seed mix (such as blue stem) to support nesting habitat.

K. Kuliesis noted that the entry point is in upland and the regular maintenance activities appear appropriate. A. Milliman confirmed that all access roads are pre-existing and gated.

O. Lathrop commented that in a previous project presented by the Power Company that biodegradable erosion controls had worked well, however when hay bales were dispersed the blue twine was left on site. He suggested adding a condition requiring the use of biodegradable socks and, if hay bales are used, that the twine is properly removed.

Tom Delaney, Department of Public Works Director, raised concerns based on issues from a prior project, including damage to the public right-of-way and failure to close access gates. He asked whether the applicant would ensure gates are kept closed and whether a bond is in place to cover any potential damage. A. Milliman stated she would follow up with the applicant regarding a bond for the DPW and acknowledged that while contractors are instructed to close gates, compliance is inconsistent.

The majority of the Commission expressed satisfaction with the 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 June 10, 2025.
The motion passed by a roll call vote. (Yes: KK, PM, JS, OL, LH, BE) 6-0

7:00 PM- Request for Certificate of Compliance- 110 Boston Road- DEP# 169-1013

Applicant: Groton Community School, Representative: Tom Delaney, Trustee

Tom Delaney, Trustee of the Groton Community School, updated that the silt fence had been removed, indicating that the current phase of the project is wrapping up. He noted that a final Certificate of Compliance has been applied for, and work is expected to transition to the next phase.

P. Morrison inquired about the next steps in the project. T. Delaney responded that upcoming work would be interior and that a new Request for Determination of Applicability (RDA) would be submitted for additional playground reconstruction.

O. Lathrop expressed concern that the submitted as-built plan does not accurately reflect current site conditions, specifically noting that the fencing is not shown on the plan. He stated that the plan is not ready for a Certificate of Compliance, however expressed satisfaction with the replication area.

The Commission agreed that the Certificate of Compliance would not be issued until a revised and accurate as-built plan is submitted.

7:10 PM- Continued Public Hearing- Notice of Intent- 71-75 Shenandoah Road- DEP# 169-1280

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

C. Steeves noted that a revised plan, including a planting schedule, had been submitted since the last meeting. However, no representatives were present at the public hearing to discuss the updates.

K. Kuliesis raised concerns that the replanting plan did not include any proposed vegetation along the water's edge. She also questioned whether the Black Walnut tree, located adjacent to the gazebo, would be replaced. Upon review of the planting schedule, it was discovered that the tree was proposed to be replaced with a Blue Spruce—a change that had not previously been communicated to the Commission.

O. Lathrop agreed that additional plantings should be included along the shoreline, stressing that the absence of natural vegetation created an artificial and incomplete appearance. He expressed dissatisfaction with the revised plan as submitted.

B. Easom questioned the status of a 24-inch willow reportedly located in the lake. The Commission did not have photographic evidence to verify the tree's presence. He also raised concerns about the completeness of the as-built plan that had been submitted.

Following a brief discussion, the Commission agreed that the planting plan requires clarification. It was decided that a letter would be sent to the applicant requesting their attendance at the next meeting to address these concerns

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:
Voted to continue the public hearing to the next scheduled meeting on June 10, 2025.
The motion passed by a roll call vote. (Yes: KK, LH, PM, JS, OL, BE) 6-0

7:15 PM- Emergency Certification- Nashua River Rail Trail- Installation of Pond Leveler

C. Steeves informed the Commission that an emergency certification was issued to address flooding along the rail trail. The necessary work was completed last week, and a follow-up letter was submitted.

The Commission expressed satisfaction with the completed work but noted the presence of piping from a previous project that should be removed.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to ratify the Emergency Certificate for the Nashua River Rail Trail- Pond leveler.
The motion passed by a roll call vote. (Yes: OL, JS, LH, PM, KK, BE) 6-0

2.GENERAL BUSINESS*

2.1. General Discussions/Announcements

Discussion: 297 Main Street

C. Steeves reported that she had been in contact with MassDOT and believed that crews had been on-site the previous week to clear a blockage. She emphasized that the area in question is a jurisdictional wetland, not a drainage ditch.

The homeowner was present and shared that he had taken steps to mitigate the flooding by removing trash and pumping out excess water to manage both the water level and to water nearby vegetation. He noted that he did not observe any State activity on the site.

L. Hurley confirmed that the pipe remains blocked and that it is the State's responsibility to address and remove the obstruction. J. Smigelski raised the question of whether the water main might have been damaged during the Town's installation of the new line.

The Commission agreed to allow the homeowner to continue pumping water as a temporary measure until a permanent solution is in place. C. Steeves stated she would follow up with MassDOT to obtain a timeline for the necessary work.

Parcel 248-4.11 Crystal Springs Conservation Restriction

C. Steeves reported that the Groton Trust informed her that a condition from a subdivision developed in 2009 required Parcel 248-4.11 to either be transferred to the Conservation Commission or the conservation restriction (CR) be acquired by the Commission. This was never done. The parcel, owned by High Oaks Realty Trust (Bob Kylie), is about 12.5 acres and borders land owned by the Groton Conservation Trust. O. Lathrop recalled prior discussions during the Crystal Springs development about placing CRs on the backs of these lots. The Commission agreed to pursue the

matter to ensure the land is protected. C. Steeves noted she has contacted Attorney Bob Collins and would follow up with the Registry of Deeds and the Planning Board.

Paving at Groton Commons

The Commission agreed to take no action.

Discussion: Conservation Sign at Nipmuc Meadows

O. Lathrop requested the Conservation Commission's permission to install a sign at the Nipmuc Meadows.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted
to authorize Olin Lathrop to acquire and erect a sign for Nipmuc Meadows.

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

B. Easom noted that the sign located at Meadowview is deteriorating and needs to be replaced. O. Lathrop responded that the replacement sign is currently in progress.

2.2. Committee Updates

L. Hurley reported that a Park Ranger has been hired for Sargisson Beach and that a hazardous tree within the parking area is scheduled for removal. C. Steeves added that approval has been received from Natural Heritage for the installation of security cameras.

O. Lathrop stated that the Invasive Species Committee conducted a Bittersweet pull at Fitch-Best Woods and is planning an informational talk on Lingering Ash Trees for June 11, 2025. He also noted that the Stewardship Committee had scheduled a site walk at Nipmuc Meadows, but no attendees were present. During his visit, he observed swallow-wort emerging. C. Steeves mentioned that a new site walk at Nipmuc Meadows is scheduled for June 14, 2025.

K. Kuliesis reported that a mowing schedule is currently being developed

2.3. Land Management & Acquisition

Encroachment at Surrenden Farm: 17 James Brook Way, Ayer

C. Steeves reported that Mark Haddad has delegated the matter to Takashi Tada, who would be contacting the homeowner and issuing a letter stating that the land is owned by the Town and is open to the public.

16 West Main Street

C. Steeves reported that the certified letter was signed on May 15, 2025, but no response has been received regarding permission to access the property. It was brought to the attention that a recent filing for the installation of a pool at the same location is scheduled to be discussed at the upcoming meeting.

54 Hill Road

There were no new updates to report.

West Groton Water Department

The Commission agreed that an additional letter should be sent, as the applicant was expected to file for the work completed adjacent to the stream and has not complied with the requirement to remove equipment from the resource area.

2.4. Approve Meeting Minutes

There were no available meeting minutes to approve.

2.5. Approve Invoice

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

Voted to approve and pay the invoice dated 4/25/25 from the Groton Herald in the amount of \$127.50.

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

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

Voted

to approve and pay the invoice dated 5/16/25 from the Groton Herald in the amount of \$127.50.

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

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

C. Steeves reported that Alison Hamilton has still not followed through on meeting with her. The Commission discussed that it is simple to attend meetings via Zoom and emphasized the importance of determining whether A. Hamilton can meet the expected level of commitment. If she is unable to do so, the Commission agreed that they may need to recommend to the Select Board that a new member be appointed.

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

8:10 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: KK, OL, PM, JS, LH, BE) 6-0

APPROVED: 6/10/25