

Conservation Commission Meeting July 8th, 2025

Present: Chair: Bruce Easom, Vice Chair: Larry Hurley, Clerk: Kim Kuliesis (via Zoom), Olin Lathrop, John Smigelski, Peter Morrison

Others Present: Charlotte Steeves, Conservation Administrator

Easom opened the meeting at 6:30 PM. The meeting was recorded and will be available for viewing on the Groton Channel.

1. REORGANIZATION

As Easom's term as Chair expired on June 30, 2025, the Commission began with reorganization.

- **Chair:** Upon a nomination by Morrison, seconded by others, it was voted to elect Easom as Chair for the term July 1, 2025 – June 30, 2026.
- Vote: OL, JS, PM, LH, KK, BE: Yes (6-0)
- **Vice Chair:** Upon a nomination by Morrison, seconded, it was voted to elect Hurley as Vice Chair for the term July 1, 2025 – June 30, 2026.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)
- **Clerk:** Upon a nomination by Morrison, seconded, it was voted to elect Kuliesis as Clerk for the term July 1, 2025 – June 30, 2026.
- Vote: KK, OL, LH, PM, JS, BE: Yes (6-0)

2. APPOINTMENTS AND HEARINGS

6:30 PM: Continued Public Hearing, Notice of Intent – Off Worthen Drive

- **Applicant:** Jody Gilson
- The matter has been outstanding for several months. Administrator Steeves reported no update.
- Upon a motion made, it was voted to continue the public hearing to July 22, 2025.
- Vote: OL, JS, PM, LH, KK, BE: Yes (6-0)

6:32 PM: Continued Public Hearing, Notice of Intent – 63 Gratuity Road

- **Applicant:** Routhier and Roper Gratuity Road LLC

- Administrator Steeves reported that peer review by Nitsch Engineering and establishment of the 53G account are underway. Applicant has accepted peer review and will deposit funds once a quote is received.
- Upon a motion made, it was voted to continue the public hearing to July 22, 2025.
- Vote: OL, JS, PM, LH, KK, BE: Yes (6-0)

6:35 PM: Continued Public Hearing, Request for Determination of Applicability – 14 Rustic Trail

- **Applicant:** Charles Hogan, represented by Anthony Howick
- **Proposal:** Replacement of an unsafe deck with code-compliant construction, new footings, and modest expansions.
- **Presentation:** Mr. Howick described the existing deteriorating deck, noting the prior removal of a failing stairway and the lack of proper footings. The proposal includes:
 - New code-compliant 6x6 posts with concrete footings (two new footings required).
 - Retention of existing porch footings (assessed as sound).
 - Modest expansions: about 1'9" triangular projection toward the yard, small extension to widen access near the stairway.
 - Net increase in deck area of about 50 sq. ft. after accounting for the removed stairway.
- **Commission Discussion:**
 - Lathrop objected to any increase within the 50-ft buffer, citing incremental “creep.” He emphasized that approval of small additions sets precedent for future increases.
 - Other members felt the revised plan was an improvement, as it reduced prior increases and largely maintained the existing footprint.
 - Mitigation Measures: The Commission discussed requirements for gutters along the lakeside roofline, directing runoff to pass through into the ground via dry well or trench, erosion controls during construction, and possible native plantings for stabilization. Mr. Howick agreed to install gutters and infiltration measures and to relocate soils outside buffer zones.
 - Kuliesis suggested considering reallocation of square footage away from the lakeside, rather than net new area within the 50-ft buffer.
 - Easom asked for specific environmental improvements, Mr. Howick stated that he intended to return with construction documents showing erosion mitigation.
- **Motion:** A motion was made for a Negative Determination #3 with conditions (gutters, erosion controls, soils moved outside buffer, mitigation plantings).
- Vote: OL – No, KK – No, BE – No, JS – Yes, PM – Yes, LH – Yes. Motion failed (3-3).
- **Further Discussion:**
 - Commissioners who voted “No” stated they required no net increase in deck area within the 50-ft buffer. Some suggested applicant could shift expansion

- toward the stairway side (further from lake) or keep increases equal to the 70 sq. ft. previously removed.
- Mr. Howick indicated willingness to rethink the plan to fit within those limits and return with revisions.
- **Outcome:**
 - Upon a motion by P. Morrison, seconded by L. Hurley, it was voted to continue the hearing to July 22, 2025.
 - Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

6:40 PM: Continued Public Hearing, Notice of Intent – Squannacook River Dam

- **Applicant:** Healy & Aldrich, Inc.
- No new information provided.
- Upon a motion by L. Hurley, seconded by P. Morrison, it was voted to continue the public hearing to July 22, 2025.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

6:42 PM: Public Hearing, Notice of Intent – 401 Old Ayer Road

- **Applicant:** Michael Vissette
- **Proposal:** Septic system replacement. All required materials received.
- Upon a motion being made, it was voted to close the public hearing.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)
- A motion was then made to issue an Order of Conditions under the Wetlands Protection Act, incorporating standard conditions relating to erosion and sedimentation control, debris removal, stabilization, monitoring, and submission of an as-built plan and request for Certificate of Compliance upon completion.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)
- A motion was made to issue an Order of Conditions under the Groton Wetlands Protection Bylaw and Massachusetts Wetlands Protection Act with additional requirements including recording at the Middlesex Registry of Deeds and compliance with all local standards.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

6:55 PM: Public Hearing, Notice of Intent – UMass Memorial Hospital, 490 Main Street

- **Applicant:** represented by Brittany Gessner (VHB), Chris Anderson, Harry Lemieux, Brian Butler (Oxbow Associates)
- **Proposal:** Construction of a Satellite Emergency Facility to replace services lost after the closure of Nashoba Valley Medical Center. Facility will provide 24/7 emergency care with ambulance access and a helipad. Future phases may include a medical office building.

- **Presentation Summary:** Site is about 6.9 acres with about 800 feet of frontage, contains a central jurisdictional wetland (4,000 sq. ft.) with invasive vegetation.
- Project filed under the Massachusetts Wetlands Protection Act and Groton Wetlands Protection By-law, located within an Area of Critical Environmental Concern (ACEC), requiring MEPA review.
- **Revisions since April 2025 concept presentation:**
 - Parking area significantly reduced, impervious surfaces pulled back from 50-foot buffer zone, helipad relocated, and invasives targeted for removal and replacement with native plantings.
 - Stormwater management designed to infiltrate all runoff up to 100-year storm event, infiltration basin sized to recharge 37,000 cu. ft. (noted as well above DEP requirement of 4,000 cu. ft.).
- DEP issued file number with minor comments addressed.
- **Discussion:**
 - Several Commissioners noted the wetland provides little ecological value due to invasives and prior disturbance, though filling wetlands in an ACEC is not permissible without a DEP variance and Army Corps review, which is not realistic for this project.
 - Alternatives such as wetland relocation or expansion were discussed but deemed impractical under ACEC regulations.
 - Members agreed the project represents an improvement over existing conditions through invasive removal, native plantings, and enhanced stormwater management.
 - Discussion included potential turtle protection measures, experts concluded habitat is unsuitable, so fencing or gates are unnecessary.
 - Commissioners expressed interest in maximizing wetland expansion where possible as mitigation.
- **Public Comment:**
 - One resident raised the possibility that the wetland may historically have been a depression rather than a natural wetland; consultants confirmed hydric soils are present.
- **Action:**
 - Upon a motion made, it was voted to continue the public hearing to July 22, 2025.
 - Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

7:02 PM: Request for Certificate of Compliance – 49 Boathouse Road

- **Applicant:** Estate of Brian Barbarian, represented by Attorney Michael Sullivan
- **Proposal:** Certificate of Compliance for septic system installation (Order of Conditions issued 2014). Site visit completed. Septic system and retaining walls were built according to plan, only discrepancy involved stairs. Original approved stairs were not

built, temporary stairs were installed in a different location to allow access during property sale.

- **Discussion:**
 - Members noted that the temporary stairs were not in compliance with the approved plan. Options discussed included, removing stairs and noting “stairs not constructed” on the as-built plan, or submitting an updated as-built plan reflecting the stairs as currently built. Consensus reached that an updated as-built plan showing the existing stairs, signed and dated by the applicant, would be acceptable. Applicant agreed to submit this revised plan.
- A motion was voted to issue a Certificate of Compliance contingent upon receipt of a signed and dated updated as-built plan, to be reviewed and approved by the administrative staff.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

7:10 PM: Request for Determination of Applicability – 101 Boathouse Road

- No materials were available, request not advertised in time.
- Item continued and will be placed on the next agenda.

7:20 PM: Request for Determination of Applicability – 61 Ridgewood Avenue

- **Applicant:** Thomas Doyle
- **Proposal:** Tree removal. Applicant described concerns with dead and hazardous trees near vehicles, power lines, and roadways, as well as prior utility pruning that left debris on site. He requested permission to remove hazardous limbs and standing dead trees.
- **Discussion:**
 - Members supported removal of dead trees and hazardous limbs, with a preference to leave some snags (10–20 feet) for wildlife habitat.
 - Fallen branches currently on the ground were noted as beneficial for erosion control and should remain.
 - Applicant was asked to provide a simple map/sketch identifying trees proposed for removal, and to mark trees with flagging tape prior to work to ensure clarity for the contractor and the Commission.
 - Invasive species, in accordance with the Massachusetts Invasive Plants List, may be removed.
- A motion was made, and it was voted to issue a Negative 3 Determination of Applicability, with the following conditions:
 - Applicant shall leave one or two snags for habitat.
 - Applicant shall provide a map/sketch of proposed removals to the Conservation Administrator for approval prior to work.
 - Trees to be removed or pruned shall be clearly flagged prior to contractor work.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

3. GENERAL BUSINESS

309 Boston Road Update:

- **Discussion:** Ongoing noncompliance at 309 Boston Road.
 - Members reviewed a new letter submitted by the property owner, which included arguments referencing constitutional amendments and federal matters.
 - The Chair noted these issues fall outside the Commission's jurisdiction and should be directed to the Town Manager, consistent with prior guidance from Town Counsel and the Clerk Magistrate.
 - The Commission reiterated that the enforcement order requires the owner to cease work and provide a map identifying trees that were cut. To date, the map has not been provided.
 - Town Counsel and the Town Manager recommended proceeding with additional fines. The Commission discussed the bylaw fine schedule: the next fine is \$100, with following fines of \$300.
 - While daily fines are permitted, members agreed to issue a \$100 fine immediately and consider additional fines at the next meeting (7/22/2025).
- **Vote:** Upon a motion made, it was voted to authorize the Conservation Administrator to engage the constable to deliver a \$100 fine to the owner of 309 Boston Road, with notice that the Commission will consider additional fines at its next meeting on July 22, 2025.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

Outdoor Recreation Areas List (Montachusett Regional Planning Commission)

- The Commission reviewed a request from the Montachusett Regional Planning Commission (MRPC) regarding a proposed website publicizing public recreation areas across Massachusetts. MRPC provided a draft list of Groton parcels for consideration and requested feedback.
- **Discussion:**
 - What properties are appropriate for inclusion, noting that some listed areas were not owned by the Town, lacked public access, or were not suitable for recreation. Suggestions were made to add other sites such as Casella, and to revise names.
 - The Commission agreed to recommend inclusion of accessible and well-managed areas (ex: Williams Barn, Crosswinds, Town Forest, McLain Woods, Bertozi, and Sargisson Beach), while excluding sites such as Flat Pond and Groton Meadow Estates.
 - Concerns were raised regarding Sargisson Beach due to recent problems with large numbers of out-of-town visitors, trash, and unauthorized commercial

- activity (ex: jet ski and flyboard lessons being advertised in Boston). Members noted that parking restrictions for residents may be discussed at an upcoming meeting, and that cameras are being considered for monitoring.
- The Commission agreed to remove Sargisson Beach from the MRPC submission for now and to revisit related management issues under a future Land Management agenda item.

Conservation Commission Reorganization – Seventh Member

- **Discussion:**
 - Members discussed the vacancy/attendance issue related to the seventh member. The Town Manager advised that the Commission Chair should send a letter to the member requesting confirmation of her continued interest and commitment.
 - Members agreed a deadline was necessary to avoid repeated tie votes. The Commission set July 22, 2025, as the date by which she must respond.
- A motion was made, and it was voted to authorize the Chair to send a letter to the member stating that unless a response is received by July 22, 2025, the Commission will recommend to the Select Board that she be replaced.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

Nipmuc Meadows – Mowing

- **Discussion:**
 - Conversation on scheduling mowing of Nipmuc Meadows. Members agreed Easom and Smigelski would coordinate timing based on weather and turtle sweep requirements.
- A motion was made, and it was voted to authorize Easom and Smigelski to mow Nipmuc Meadows at Smigelski's convenience.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

Executive Session

- A motion was made to adjourn the open session and enter executive session pursuant to M.G.L. c.30A, §21.6, to consider the value of real estate, with the Chair declaring that an open meeting would have a detrimental effect on the negotiating position of the Commission, and to return to open session thereafter.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

Committee Updates

- Sargisson Beach: Update provided on recent Groton Lakes Association and Mountain Lakes Association events, including a boat parade and barbecue.

- No other committee updates reported.

4. MEETING MINUTES

- **June 10, 2025:** Approved as amended. Motion by O. Lathrop, seconded by P. Morrison.
Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)
- **June 24, 2025:** Approved as amended. Motion by P. Morrison, seconded by L. Hurley.
Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

5. INVOICES

- Authorized payment of \$153.31 to the Lowell Sun for meeting advertisement.
- Authorized reimbursement of \$99.84 to Paul Funch for supplies purchased at Lowe's.
- Authorized payment of \$4,000 to EWH Anderson Real Estate for services related to real estate evaluation.
- Authorized payment of \$130.00 to the Groton Herald for legal advertising.
- All invoices approved.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

6. OTHER DISCUSSION:

Site Walk: Brit Lane

- Commission reviewed assessor's maps and site observations regarding tree removal near the boundary of town conservation land.
- Determined that marked trees are not on Commission property but fall within jurisdiction.
- Directed the administrator to contact the landowner, recommending the filing of a Request for Determination of Applicability (RDA).

7. ADJOURNMENT

- A motion was made, and the meeting was adjourned.
- Vote: KK, LH, PM, JS, OL, BE: Yes (6-0)

APPROVED: August 26th, 2025