

Conservation Commission Meeting
Tuesday, August 26, 2025 at 6:30 PM
Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA
OPTION TO JOIN REMOTELY

Present: Chair: Bruce Easom, Vice Chair: Larry Hurley, Clerk: Kim Kuliesis, 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. APPOINTMENTS AND HEARINGS

6:30 PM: Continued Public Hearing – Notice of Intent, 63 Gratuity Road

- **Proposal:** Installation of a water line at 63 Gratuity Road.
- **Presentation:** Administrator Steeves reported that a peer review had been conducted by Nitsch Engineering at the request of the Commission, with reviewers present to summarize their findings and the applicant's engineer also present to provide an update. Nitsch Engineering reported that while the applicant's chosen method for determining Bordering Land Subject to Flooding (BLSF) was acceptable, several outstanding questions remained, including clarification on the method, boundary conditions, storm event equivalency, cross section spacing, culvert and footbridge considerations, roughness coefficients, and supporting figures that were not included in the report.
- **Discussion:**
 - Commissioners raised concerns regarding watershed size and roughness coefficients, referencing independent information submitted by a neighboring property owner. The neighbor provided a written report and photographic evidence documenting past flooding events and argued that the watershed size and roughness coefficients used in the applicant's analysis were underestimated.
 - Nitsch Engineering confirmed they had not yet received the neighbor's report but were willing to review it and noted that a site visit would be beneficial to resolve watershed boundaries, surface cover, and the roughness coefficients.
 - The applicant's representative expressed opposition to considering the neighbor's report, referring to it as a third-party peer review, stating that the Commission retained the peer reviewers for that role. Commissioners stated that they would consider all credible information submitted for the record.

- The applicant's consultant addressed technical questions, explaining the use of the step-backwater method and reliance on USGS data. He reported that FEMA had been contacted to confirm his method, but that a response had not yet been received.
- Commissioners acknowledged the need for further clarification before proceeding, with some noting the technical details were difficult to follow. The possibility of a site walk involving Nitsch Engineering, the applicant, and the neighbor was discussed, but no commitment was made during this meeting.
- **Motion:** To continue the public hearing to September 9, 2025.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried, and the applicant and peer reviewers will coordinate further responses and potential site review prior to the continued hearing.

6:50 PM: Continued Public Hearing, Notice of Intent – Squannacook River Dam

- **Presentation:** The Commission is awaiting input from the Town of Shirley regarding their portion of the project, and no update had been received.
- **Discussion:**
 - Commissioners agreed to not proceed without Shirley's response, and determined the matter should be continued. No additional discussion was raised.
- **Motion:** To continue the public hearing to September 9, 2025.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried.

6:52 PM: Continued Public Hearing, Notice of Intent – 16 West Main Street

- **Proposal:** Installation of a swimming pool.
- **Presentation:** The applicant's representative presented updated plans, noting that all resource areas had been flagged and surveyed. The representative reported that the proposed pool is located outside the 50-foot buffer zone, but within the 100-foot buffer zone, which required filing under the bylaw. The project involves replacing an existing paved surface with a saltwater pool using a cartridge filter system, eliminating the need for backwashing. The applicant agreed to remove a note on the plans regarding the jurisdictional status of a channel, acknowledging that it will be treated as jurisdictional.
- **Discussion:**
 - Commissioners reviewed the updated plans and noted that the project would replace impervious asphalt with another impervious surface, with some areas converted back to pervious cover, resulting in an overall improvement.
 - Members stated appreciation that the design avoids backwashing and uses a cartridge filter system, which reduces environmental impacts.
 - Questions were asked about the dimensions of the pool and whether any additional work was planned beyond the immediate pool area. The applicant

confirmed that no additional digging or construction was proposed beyond the pool and apron.

- Commissioners generally agreed that the proposal was acceptable given that impervious surface was being replaced in kind and that the project did not increase encroachment into resource areas.
- No public comments were received.
- **Motion:** To close the public hearing.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried and the hearing was closed.

7:00 PM: Request for Certificate of Compliance – 500 Main Street

- **Proposal:** Request for Certificate of Compliance for an outstanding order dating back to the 1970s.
 - **Presentation:** The Commission noted that there was no formal notice to read into the record. Administrator Steeves explained that the property at 500 Main Street, formerly the site of the Deluxe building, had a pending Certificate of Compliance associated with an order of conditions dating back to the 1970s. The building has since been demolished, and it was requested that the matter be closed out.
 - **Discussion:**
 - Commissioners discussed whether issuing a Certificate of Compliance was the proper course of action given the age of the order and the lack of available records.
 - Members noted that attempting to withdraw or alter the original order could cause confusion for future property owners and commissions. It was agreed that issuing a Certificate of Compliance would be the simplest and cleanest way to resolve the matter.
 - **Motion:** A motion was made to issue a Certificate of Compliance.
 - **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
 - It was later clarified that Commissioner LH had recused himself and should not have been included in the vote.
 - **Revote:** The motion was recalled and restated. On roll call vote: OL, KK, JS, PM, BE: Yes (5-0). LH recused.
 - **Outcome:** The Commission directed staff to prepare and finalize the Certificate of Compliance.
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2. GENERAL BUSINESS

2.1 GENERAL DISCUSSIONS/ANNOUNCEMENTS

Potential Violation – 60 Valley Road

- **Proposal:** Review of unpermitted vegetation cutting within wetlands/buffer and discussion of proposed drainage work.
- **Presentation:** Commissioners reported that numerous trees and vegetation were cut within the buffer and swamp, with wood chips deposited into the wetland. The property owner explained the work was intended as cleanup of trash and standing water and acknowledged not understanding wetland protections prior to intervention. The owner's representative displayed a sketch showing an intent to re-establish an on-site drain and to excavate a roughly four-foot "valley" to convey ponded water toward the lake.
- **Discussion:**
 - Commissioners clarified that wetlands and their 100-foot buffer are protected and that cutting within the swamp and buffer requires prior authorization.
 - Commissioners stated a trench to lower or drain the swamp is not permissible. Limited culvert work may be considered only if the invert elevation is maintained and the project does not lower wetland water levels.
 - Given canopy removal and the risk of invasive species establishing, the Commission agreed a professionally guided restoration is needed rather than leaving the area to recover on its own.
 - The Commission also clarified that interior housework is outside its jurisdiction, but that exterior work (ex: structural changes, demolition, drainage) may require filings and coordination with the Building Inspector.
 - The property owner indicated willingness to comply and to work with staff.
- **Motion:** A motion was made to issue an Enforcement Order for 60 Valley Road requiring immediate cease and desist of any work within the wetland resource area or within 100 feet of it and requiring the filing of a Notice of Intent with a restoration plan by October 13, 2025.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried. An Enforcement Order will be issued. The applicant will contact Administrator Steeves to prepare a Notice of Intent with a restoration plan by October 13, 2025, and it was understood that no additional work may occur in the resource area or within 100 feet until authorized.

Potential Violation – 828 Martins Pond Road

- **Proposal:** Review of unpermitted cleanup of debris, stabilization/leveling near the barn foundation using soil, and future site improvements to address localized drainage. Owner requested guidance on permissible work near wetlands.

- **Presentation:** The homeowner explained that storm damage and accumulated debris prompted cleanup and limited cutting of downed logs/branches, and that soil was moved in order to level an undercut barn foundation and establish lawn. The homeowner stated no intent to place material in wetlands and asked for clear limits and next steps. Photos of site conditions (past and current) were reviewed.
- **Discussion:**
 - Commissioners advised that wetlands and the buffer are protected and that any work within jurisdiction requires a filing.
 - The Commission stated that leveling immediately adjacent to the barn may be reasonable if outside jurisdiction, but any drainage alterations (ex: piping an intermittent stream or trenching) must be proposed in a filing before work occurs and are unlikely to be allowed if they would confine flow or degrade the wetlands.
 - A plan was requested that shows current needs (foundation stabilization, grading) and any anticipated future work (1–3 years) so the Commission can evaluate the whole scope under one permit term.
 - Commissioners found no evidence of permanent damage or intent to violate and appreciated cleanup efforts, while reiterating that no trees or vegetation should be cut within the buffer zone without prior approval. Jurisdiction over the small channel will be determined upon receipt of a filing.
- **Outcome:** The homeowner will work with Administrator Steeves to submit a filing that includes the immediate stabilization work and any foreseeable future activities. Until a filing is submitted and acted upon, no additional work may occur within 100 ft of the wetland, and soil may only be stockpiled/placed outside 100 ft. The matter will be taken up at a future meeting upon receipt of the filing.

Discussion: Allen's Trail

- **Proposal:** Request to reopen and maintain a trail connection from the cul-de-sac on Allen's Trail into property owned by New England Forestry Foundation (NEFF), where the Commission holds a Conservation Restriction (CR).
- **Presentation:** The Trails Committee representative explained that existing trails on the NEFF parcel had become overgrown and inaccessible since the last harvest in approximately 2018. The proposal is to reopen the former trail entrance from Allen's Trail and connect it to an old logging road, creating a loop that links to adjacent conservation lands owned by the Groton Conservation Trust. The representative reported that nearby property owners with a driveway easement were contacted and expressed support for reopening the trail, noting that family members already use the trail informally.
- **Discussion:**
 - Commissioners expressed support for the project, noting that the Commission's role is limited to review as the CR holder on the NEFF parcel. Members agreed

the trail would be a beneficial community resource and commended the Trails Committee's ongoing work.

- A question was raised about how to clearly mark the trail where it runs alongside a private driveway, and the representative indicated that posts or trail markers could be installed to guide users without causing confusion.
- **Motion:** A motion was made to authorize the Trails Committee to reopen and install the trail connection at Allen's Trail.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried. The Trails Committee was authorized to reopen and maintain the trail connection.

Discussion: Paquawket Path

- **Proposal:** Follow-up regarding an easement at Paquawket Path intended to provide public access to a conservation parcel adjacent to the rail trail.
- **Presentation:** It was explained that a letter had previously been sent to the current landowner of the easement, advising them of the public access rights and requesting cooperation to properly mark the trail in order to keep users off private property. The letter was not sent certified, and no response was received. A member of the public provided background on longstanding public use of the trail, noting that it had connected neighborhoods and conservation lands for decades but that some past landowners opposed access and trail markers had been removed. The Trails Committee representative stated that clearing a short section to align the trail with the easement would prevent users from straying onto neighboring private property and that the work required would be minimal.
- **Discussion:**
 - Commissioners agreed that the next step is to resend the letter via certified mail to ensure receipt and provide a response deadline.
 - The Commission suggested giving the landowner until the day before the next meeting to reply. Commissioners asked whether trail realignment would require surveying, and the Trails Committee representative confirmed that the easement bounds are known and that signage could be installed without significant disruption.
- **Motion:** A motion was made to resend the letter to the landowner by certified mail with a response deadline prior to the next meeting.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried. Staff will assist with updating and sending the certified letter. The matter will be revisited at the next meeting upon receipt or absence of response.

Update: 309 Boston Road

- **Presentation:** Administrator Steeves reported that the homeowner appealed a fine and that the appeal was ruled against. Under the bylaw, the fines are valid and appealable. Guidance from Town Counsel was summarized, stating that fines may continue at a maximum rate of one per day, and that escalation to a criminal complaint is possible though not currently recommended.
- **Discussion:**
 - Commissioners spoke about whether to continue issuing new fines or to wait for court processes to conclude with current appeals. Members expressed concern about allowing unpaid fines to lapse, noting this would undermine enforcement.
 - Options for collection were discussed, including follow-up with the court or use of collections.
 - it was confirmed that Town Counsel and/or the Town Manager would attend a September 15, 2025, hearing with the Clerk Magistrate to clarify procedures and next steps.
 - Commissioners agreed that the homeowner could end enforcement by submitting the required plan, but no such plan has been provided.
- **Motion:** A motion was made to authorize issuance of an additional \$300 fine between now and the next meeting.
- **Vote:** LH, KK, JS, PM, BE: Yes (5) – OL: No (1)
- **Outcome:** The motion carried (5-1). Another fine will be issued before the next meeting. The Commission will review the matter again after the September 15, 2025 hearing.

Conservation Commission Recruitment

- **Presentation:** Administrator Steeves reported that three candidates have submitted applications for consideration. The Commission discussed procedure, stating that candidates would be invited to the next meeting for introductions and questions. Members agreed that the Commission should provide a recommendation, though final appointments are with the Select Board.
- **Discussion:**
 - Commissioners stated preference to meet candidates in person before making recommendations.
 - Commissioners spoke about whether to continue accepting applications or not, and ultimately agreed to honor the deadline stated in the original public notice.
 - Applications will be accepted until September 1, 2025, consistent with the announcement.
- **Outcome:** Three candidates will be invited to attend the September 9, 2025 meeting for interviews. No further applications will be considered after September 1, 2025. The Commission intends to make recommendations following those interviews.

2.2 COMMITTEE UPDATES

Stewardship Appointment/Associate Members

- **Presentation:** The Administrator reported that a resident had submitted a committee interest form to join the Stewardship Committee. Commissioners confirmed that the applicant's name will be located and presented for formal appointment at the next meeting. The Commission also discussed a proposal to create "associate member" roles within Stewardship. These associate members would receive MACC (Massachusetts Association of Conservation Commissions) memberships and reimbursement for training courses, allowing them to build knowledge of the Wetlands Protection Act and prepare for potential future service on the Conservation Commission.
- **Discussion:**
 - Commissioners supported the concept of associate members as a way to build capacity and prepare future candidates for full membership.
 - Members raised questions about participation in site walks, noting that associates would not be official commissioners and therefore may be restricted in some situations.
 - Commissioners agreed financial support for training was minimal and reasonable, and that associate roles could be limited to one or two individuals at a time.
 - Members added that stewardship participation should not be the only path to joining the Commission, as qualified candidates may also apply independently.
- **Outcome:** The Commission will review the stewardship appointment at the next meeting and further develop the associate member proposal. The matter will be placed on the next agenda.

2.3 LAND MANAGEMENT & ACQUISITION

Spraying at Nipmuc Meadows

- **Discussion:**
 - The Stewardship Committee announced a scheduled site walk at Nipmuc Meadows on Saturday, September 13, 2025, at 10:00 AM, beginning at the parking lot.
 - Administrator Steeves stated that the invoice for spraying had been approved and that it should begin soon.

Broken Conservation Sign at H.S. Ripley Forest

- **Presentation:** Administrator Steeves reported that the sign at Ripley Forest was broken, likely by a fallen tree branch. Replacement options were discussed, noting that blank sign materials are available. Commissioners confirmed the preferred format of listing the property name on the top line with "Conservation Commission" on the bottom strip, consistent with other recent signs.
- **Discussion:**

- Members confirmed that the existing post may still be usable, but if not, a new post would be required.
- Commissioners discussed whether a formal vote was needed for routine maintenance. The Chair recommended authorizing a limited expenditure to cover materials if necessary.
- **Motion:** A motion was made to authorize up to \$100 for the replacement of trail sign posts as part of maintenance at Ripley Forest.
- **Vote:** OL, KK, JS, PM, LH, BE: Yes (6-0)
- **Outcome:** The motion carried. The sign will be replaced.

Duck Pond Footbridge

- **Presentation:** The Administrator reported receiving an email with photographs of a deteriorated footbridge at Duck Pond. Questions were raised as to whether the Conservation Commission had responsibility for repair or oversight. Commissioners reviewed maps and determined that the bridge is located on Groton Conservation Trust property, not town-owned conservation land.
- **Discussion:**
 - Members noted that while the bridge is on trust land, any repair work within wetlands would still fall under Conservation Commission jurisdiction if changes were proposed.
 - Commissioners agreed the matter appeared to have been referred to the Commission in error and should instead be directed to the Conservation Trust.
- **Outcome:** The Commission determined no action was required. Administrator Steeves will forward the inquiry to the Groton Conservation Trust for follow-up.

2.4 APPROVE MEETING MINUTES

- **Motion:** A motion was made and seconded to approve the July 8, 2025, minutes as amended.
Vote: OL, KK, JS, PM, LH, BE: Yes (6-0)
Outcome: Motion carried.
- **Motion:** A motion was made and seconded to approve the July 22, 2025, minutes as amended.
Vote: OL, KK, JS, PM, LH, BE: Yes (6-0)
Outcome: Motion carried.
- **Motion:** A motion was made and seconded to approve the August 12, 2025, minutes as amended.
Vote: OL, KK, JS, PM, LH, BE: Yes (6-0)
Outcome: Motion carried.