

**CONSERVATION COMMISSION
NOVEMBER 26, 2002
MINUTES**

7:00 PM The meeting was called to order by Chairman Corwin.

Present were Corwin, O'Connor, Auman, Clements, Morrison. Chace was absent.

Public Hearing – Shaw's Supermarket, Inc.

Clerk O'Connor read the public hearing notice to consider the Notice of Intent submitted by Shaw's Market, Inc. for the installation of two drainage structures, utilities, driveway pavement and modular retaining wall and associated grading at Boston Road and Sandy Pond Road on Assessors' Lot 120/3 and 133/55.

Present were Robert Lacombe, developer, George Dimakarakos from Stamski and McNary, Inc., Robert Pine from Pine and Swallow, Inc. and Margaret Bowles, Attorney for Shaw's.

Mr. Pine described the layout of the site and then Mr. Dimakarakos explained the scope of the work. All the work is described in the narrative in the Notice of Intent.

Chairman Corwin was concerned about the amount of change in the buffer zone and that maybe they were trying to put too much on a site that will not support it. This would only pass the bylaw if it meets the provision of "greater public good".

Mr. Pine said he thought it did; a portion of the pavement is totally in a disturbed area.

Member Morrison asked what kind of traffic would be using the driveway behind the building.

Mr. Pine said it was for delivery trucks, no public. He felt there was no logical alternative.

Member Clements asked if there were fewer parking spaces, couldn't it be pulled in? He thought it was a public benefit, approved at Town Meeting, but would feel better if it did not violate the bylaw. He asked if there were any ponds that were special and needed protection.

Mr. Pine said there are kettle ponds but not vernal pools. They are not special. They are groundwater fed.

Member Auman asked what the retaining wall would look like and there was a chance for a lot of rubbish and debris to go down there. What will happen to the ponds?

Mr. Pine described the modular block retaining wall and said that all trash containers are inside.

Member Morrison moved to close the hearing. The motion was seconded and passed, 2 yes, 1 no and 2 abstained. The vote was challenged.

Chairman Corwin said she wants no paved surface.

Mr. Pine said they couldn't do that.

Member Auman read a portion of the Bylaw, Section 215-7, Presumptions, A Prohibited Activity, 2. "Erection of permanent buildings, including, but not limited to, barns, garages or attached structures". The definition for "structure" shall mean any construction, erection, assemblage, or other combination of materials upon the land.

Mr. Pine replied that it was not an attached structure.

Chairman Corwin declared the hearing closed.

8:00 PM Public Hearing – Wilson –154 Lowell Road

Clerk O'Connor read the public hearing notice to consider the Notice of Intent submitted by Scott O. Wilson to replace failing retaining wall and landscaping at 154 Lowell Road on Assessors' Lot 116/8.

Mr. Wilson, owner and Josh Degen, contractor, were present and explained how when they started construction of the path and landscaping that he had spoken to the Commission about at a previous meeting, the bobcat got stuck and they had to use an excavator causing the retaining wall to collapse and will now have to be replaced. He requested that the Order of Conditions be written this evening so he can get the work done before the bad weather arrives. It is important to get the stonedust path installed soon. His elderly mother-in-law lives with him and if EMTs need to enter the property, this path would be the only convenient access.

Chairman Corwin said that while on site, Mr. Wilson requested an emergency permit.

He was told that if an emergency permit were issued, it would be for the walkway only, not the retaining wall.

Mr. Wilson declined the emergency permit.

Member Morrison moved to close the hearing. The motion was seconded and passed unanimously.

8:10 PM Request for Determination – VerdantArch, Inc. – Batten Woods Village

Clerk O'Connor read the public notice to consider the Request for Determination submitted by VerdantArach, Inc. for the construction of a foot bridge in Batten Woods Village on Assessors' Lots 136/10, 3 and 4.

The applicant, Joseph Flaherty, was not present for the hearing. He was in Ireland to attend his father's funeral.

The members had walked the site on Saturday with the contractor and observed the areas where the bridges had been replaced and where the new bridge and path were proposed.

Member Auman wanted it noted that MACC recommends that trails be avoided through wetlands.

Member Clements asked if this conflicted with the bylaw.

Member Morrison said bridges are not permanent.

Member Morrison moved to issue a negative determination. The motion was seconded and passed 4 to 1. Member Auman opposed.

Conservation Restriction – Batten Woods Village

The Commission signed the Confirmatory Deed that gives the Commission 24.62 acres of open space in the Batten Woods Village Subdivision.

Conservation Restriction – Gibbet Hill Farms, LLC

Selectman Peter Cunningham, Nancy Reed, DEM Land Protection Specialist, and Josh Webber, landowner, were present to go over the Gibbet Hill Farms, LLC Conservation Restriction and Conservation Easement for Gibbet Hill. They showed Exhibit A which had not been submitted previously.

Mr. Webber said he is hoping to apply for a State grant to help create and maintain trails.

When the document is complete they will come back to the Commission again for final approval.

Minutes – October 22, 2002

Clerk O'Connor moved to accept the minutes of October 22, 2002. The motion was seconded and passed unanimously.

COC and Silt Fence Policy

Chairman Corwin would like the Commission to set policy concerning issuing Certificates of Compliance when the silt fence has not been removed from the site.

Member Morrison suggested that the Commission could approve a COC but hold it in the office until the silt fence has been removed, thus avoiding a second site walk..

Budget FY 2004

Chairman Corwin would like the members to start thinking about the FY 04 budget. The Selectmen and Finance Committee are suggesting level funding. The FinCom may not approve \$200,000 for the Conservation Fund.

COC – 3 Fawn Terrace (Lot 1) 169-716

The members inspected the site on Saturday. The silt fence had been removed.

Clerk O'Connor moved to issue a Certificate of Compliance to Fox Meadow Realty Trust for DEP # 169-716 for 3 Fawn Terrace. The motion was seconded and passed unanimously.

Extensions Groton Woods Subdivision

Clerk O'Connor moved to issue extensions for three years to Groton Woods Realty Trust for six OOCs, DEP # 169-706, 749, 750, 751, 752 and 754. The motion was seconded and passed unanimously.

James Roberts – Eagle Scout Project

Scout Roberts called the office to report that in the Spring, he will be starting his project to install live-saving devices at various ponds in Groton. The Police Department will fund the projects.

Recommendations for Conservation Assistant Position

Chairman Corwin announced that the sub-committee had narrowed the selection down to four applicants for the Conservation Assistant Position. The sub-committee will be holding interviews and then have the finalists come before the full Commission for final review.

Vacancy on the Commission

There were no applicants present at the meeting to fill the vacancy left by the resignation of Evan Owen, who resigned in order to apply for the Conservation Assistant position. The members will vote at the next meeting to fill the vacancy.

Mr. Owen was in the audience and said if he is not hired as Conservation Assistant, he would like to be re-appointed to the Commission.

Order of Conditions Written for Wilson

Clerk O'Connor moved significance for OOC for Scott Wilson, 154 Lowell Road. The motion was seconded and passed unanimously.

Member Morrison moved regular and special conditions. The motions were seconded and passed unanimously.

Bylaw Definition of Structures

The members will be conducting a workshop at a future meeting to clarify the definition of "Structures" as stated in the bylaw to prevent any misunderstanding.

9:20 PM With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant