

**GROTON CONSERVATION COMMISSION
JANUARY 14, 2003
MINUTES**

7:00 PM The meeting was called to order by Chairman Corwin. Present were Kris Corwin, Craig Auman, Bruce Clements, Peter Morrison, and Evan Owen. Alix Chace and Kathleen O'Connor arrived at 7:08 p.m. Barbara Ganem, Conservation Assistant, was also present.

Public Hearing – Rizzitano – 216 Longley Road

P. Morrison read the continuation of a public hearing to consider a Notice of Intent submitted by Michael Rizzitano to install a driveway on Longley Road on Assessors' Lot 126/120. Pending the resolution of several issues before the Groton Planning Board, the applicant has requested a continuation. The Commission agreed to a continuation until its regularly scheduled meeting on January 28, 2003.

7:05 PM Discussion – TABCOM (The American Baptist Churches of Massachusetts) Conservation Restriction –

B. Ganem explained that the CR has been in the works for a number of years but has never been formally accepted by the Conservation Commission, Board of Selectmen, or Secretary of the Executive Office of Environmental Affairs. The houses in the subdivision known as "Grotonwood" have already been constructed. Commissioners requested a copy of the draft CR prior to considering a sign-off on the document. The matter will be tabled until the next meeting on January 28, 2003.

7:10 PM Discussion – FY '03 Budget

Commissioners noted that the budget should include a \$200,000 request for the Conservation Fund which has recently been depleted through the purchase of the Gibbett Hill Conservation Restrictions. It was agreed to reduce the amount requested for Engineering/Legal fees from \$2,500 to 0 for FY 03. In addition, the Finance Committee has asked that each department prepare a level funded budget plus consider a 10% decrease in their FY '03 budget and comment on what effect this would have on their department's services to the Town.

7:30 PM Request for Determination of Applicability (RDA) – Moose Trail Road

Present: Jeffrey Gray, CE, of Raymond Engineering and Applicant Steve Annese.

J. Gray explained that he obtained a BS degree in civil engineering from UNH and has also worked as a surveyor, certified wetland scientist (in NH), and septic designer. He noted that the applicant, Steve Annese, proposes to construct a single family 3-bedroom home on this 33,400 SF lot at the corner of Moose Trail and Smith Road, a paper street. He stated that this subdivision was created in 1926 in the Lost Lake area. Northeast Forestry Consultants did the wetlands delineation in October, 2002, with flags numbered 1 – 7 surveyed and shown on the plan submitted with the RDA. The wetlands are located generally in the paper street. Mr. Gray estimates that approximately 15,260 SF of the buffer will be disturbed under the current plan. He further noted that the RDA has been filed to get a reading from the Conservation Commission on the applicability of the local Groton Wetlands Administration Bylaw in this particular case. The current plan shows a 12' intrusion into the 100' buffer zone, where no permanent structures are allowed under the Bylaw.

Mr. Gray indicated that the Building Inspector reports that there was a building on this site prior to 1965 so the parcel has been previously disturbed. Mr. Gray believes that the pre-existing building was actually located where the new building is proposed, based on the topography of the lot. He noted that steep slopes abutting Moose Trail Road preclude access from that street. He reports that the soils on site are sands and gravels with low runoff potential. The site is further constrained by setback requirements for the septic system and zoning regulations. All Sewage Disposal System (SDS) setbacks are met which is presumed to protect wetlands under Title V. The well is located to meet the SDS setback requirements so there has been an effort to comply with the requirements of the Groton Conservation Commission and Board of Health regulations.

Mr. Gray presented an alternative location for the driveway, but, because of the grade, it will require additional filling and more tree cutting behind the house and within the buffer. This alternative will remove the 400 SF of the house

currently proposed in the 100-foot buffer zone.

Mr. Gray requested that the Commission find that the site is a disturbed one and, thus, exempt from the Bylaw although it is the applicant's intent to file a Notice of Intent that includes drainage calculations, erosion control, and other mitigating measures.

Smith Road was created in the subdivision of the area and has never been accepted as a Town right of way. The Planning Board has jurisdiction over the determination of whether the parcel has adequate access, and the Highway Surveyor also would have to okay the access. The current plan calls for a 4% slope in the driveway, and the Zoning Board of Appeals decision requires that the integrity of the embankment along Moose Trail be maintained.

C. Auman questioned whether this lot could be considered previously disturbed as the lot appears to be abandoned with more than 20 years elapsing with no structure being built. It is unlikely to be considered a "re-build" by the Building Inspector. B. Clements pointed out that last Saturday's site visit revealed that there is a depression near the site. Although it is not a certified vernal pool, there is a presumption under the Wetlands Bylaw that it is a vernal pool unless otherwise demonstrated by the applicant or his representative. E. Owen asked if the driveway location is currently staked, and J. Gray stated that both the driveway and house were staked in the field. K. Corwin commented that the presence of obligate vernal pool species has been previously documented by a Commissioner at this site. She also noted that both the driveway and retaining wall could pose a significant impact to vernal pool species. P. Morrison stated that the retaining wall is considered a structure under the Wetlands Bylaw, and he concurred with the opinions of both C. Auman and K. Corwin that this would not be considered a previously disturbed site. In response to Mr. Gray's observation that the Commission has previously allowed work within the 100-foot buffer for Shaw's Supermarket, Mr. Morrison pointed out that Shaw's was proposing the donation of 300 acres to the Town which is a substantial public benefit. A. Chace noted that, under the Bylaw, the driveway is considered a structure since cars will be parked there. In summary, Commissioners recommended that the applicant consider creative house designs that would remove the structure from the 100-foot buffer, as well as alternative septic designs. J. Gray pointed out that moving the structure outside of the buffer will involve more fill and tree clearing. He noted that the SDS governs appropriate elevations for the parcel's development. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to issue a positive Determination of Applicability, requiring that the applicant file a Notice of Intent.

Discussion on Walnut Run Subdivision Conservation Land

B. Ganem reported that a resident of the Walnut Run subdivision at Jenkins Rd. and Mill St. has asked if the Conservation Commission would consider having a skating rink on the conservation land. The deed for the land specifically mentions agricultural use. Commissioners requested B. Ganem to contact John Smigelski to determine whether a skating rink would interfere with his farming of the property. The Commission can then schedule a site walk with the proponent to discuss exactly what is proposed.

Discussion on Beach Stickers

In order to address rising costs in maintaining Sargisson Beach, it has been suggested that the cost of beach stickers be increased from \$15 to \$20 for town residents. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to increase the beach sticker cost from \$15 to \$20.

The vote was 5 to 2 against, and the motion failed.

Minutes

After review of the minutes of December 10, 2002, it was

VOTED: to approve the minutes as drafted.

A. Chace abstained.

E. Owen expressed concern that the minutes of July 9 and July 23, 2002 include wording about filling a wet hole in a previously disturbed area; it was agreed to table consideration of those minutes until January 28th pending E. Owen's review of these minutes.

In response to a request for an extension of the Order of Conditions for DEP File #169-773, 147 Reedy Meadow Road, it was, upon a motion by P. Morrison seconded by K. O'Connor,

VOTED: to grant a two-year extension to April 19, 2005 for work to be done under DEP File #169-773/Thomas Baillio for 147 Reedy Meadow Road.

P. Morrison reported that he is scheduled to meet with the Personnel Board next week on the classification of the Conservation Assistant position. He requested information on B. Montgomery's grade and step and salary level and asked that the Commission authorize him to negotiate with the Personnel Board on this matter. Upon a motion by P. Morrison, seconded by C. Aumin, it was

VOTED: to authorize P. Morrison to discuss with the Personnel Board the adjustment of steps and salary based on the qualifications of B. Ganem, the recently hired Conservation Assistant.

A. Chace abstained from the vote.

Other Business

K. Corwin asked A. Chace if she would be able to prepare the proposed Bylaw modification for the spring town meeting in time for the next Commission meeting, and A. Chace indicated that she could do so.

Under correspondence, the Commission has recently received a questionnaire from Sweet Water Trust on the mapping and management of conservation land in Groton. Commissioners noted that this information should be available from the updating of the Open Space and Recreation Plan.

At the January 28th meeting B. Ganem will have additional forms available for members who wish to register for the MACC Annual Conference on March 1, 2003.

Regarding the upcoming ACEC meetings, Commissioner Clements will represent the Planning Board and C. Auman will represent the Commission at the Squannassit announcement on January 22nd in Townsend, and Commissioner O'Connor will attend the Petapawag announcement in Groton on January 29th.

In preparing the update to the Open Space and Recreation Plan, C. Auman reported that additional information is needed from the Recreation and Parks Departments, as well as Al Futterman at the Nashua River Watershed Association. In addition, the map that is to be prepared by the Groton Conservation Trust needs work. K. O'Connor agreed to get additional information on the monitoring wells and recycling at the landfill. Also present was Steve Legge of the Groton Trails Committee who agreed to contact Ed McNierney about the mapping. B. Ganem will contact Liza Judge about Recreation and Don Black of the Parks Department. B. Clements indicated that he could pick up other areas that need to be done, including asking A. Futterman to review some of the wording on water resources. Commissioners requested that B. Ganem reschedule a meeting with the consultant from Beals & Thomas, Holly Johnson, after some of this information is gathered. Also, Commissioners requested clarification on how much has been expended and from what account for this update. C. Auman, B. Clements, and B. Ganem will meet on January 16th at 9 a.m. to further discuss the update.

With the position of Vice Chairman currently vacant because of Evan Owen's resignation, his recent reappointment allows the Commission to re-visit this. Upon a motion by B. Clements and seconded by C. Auman, it was

VOTED: to elect Evan Owen to serve as Vice Chairman of the Groton Conservation Commission.

E. Owens abstained from the vote.

Wetlands Bylaw Regulations

K. Corwin indicated that she has been working with Scott Wilson using the Sudbury wetlands bylaw as a model to prepare regulations to accompany the Groton Bylaw. The latest draft regulations are dated December 17, 2002. Some of the material needs to be re-worked to reflect the order of Groton's Bylaw. The areas over which the Commission will have jurisdiction are spelled out in the Bylaw itself. Wording in Section 3.2 will be changed to "except in cases where the Commission deems it important." Under fees, Section 4.6, K. O'Connor suggested that the Groton Foundation Trust be considered exempt. Section 4.6.1.2 may need to be removed since the Commission does not have the NOI form for resource restoration or enhancement. The Commission will consider the remainder of the regulations at a later date, as time permits.

E. Owen reported that there is an excavator present at the Valley Road house for which the Commission has issued an Order of Conditions. He requested that a plan be left in the mailbox.

Other Business cont'd

B. Clements and C. Auman noted that they had attended a retirement luncheon for Beth Montgomery with many representatives from town departments and boards present.

In response to a letter from Chairman Corwin reminding her of the responsibilities of a Commissioner, A. Chace indicated that she would make more of a commitment to regularly attend Commission meetings and site visits in the future.

Registrations for the MACC Annual Meeting must be submitted by February 7th in order to take advantage of the reduced early registration fees.

9:27 PM - With no further business, the meeting was adjourned.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

**Approved as amended
January 28, 2003**