

GROTON CONSERVATION COMMISSION
FEBRUARY 11, 2003
MINUTES

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

Commissioners reviewed the draft Order of Conditions for DEP File #169-852 for the existing High School/North Middle School. Several modifications were suggested, including the placement of erosion control on the upland side of the tree line and a requirement that invasive species be removed. Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the draft Order of Conditions, as amended, for DEP File #169-852 for the North Middle School at 346 Main St.

Upon a motion by K. O'Connor, seconded by C. Auman, it was

VOTED: to approve the draft minutes of January 28, 2003, as amended.

B. Ganem explained that she, B. Clements, and C. Auman will meet on February 13th with Holly Johnson, consultant with Beals & Thomas, to discuss progress on the updating of the Open Space & Recreation Plan. Billing will also be addressed as there is concern that much of the budgeted amount for the update has already been expended. Part of the updating process includes a public forum. The draft is being reviewed, with different departments and/or boards asked to comment on their respective areas of expertise.

Regarding warrant articles due by March 6th, A. Chace indicated that she is working on the wording for a change to the Wetlands Protection Bylaw requiring that all grading, including that necessary for driveways, septic system installations, and landscaping, be kept out of the 100-foot buffer zone of wetland resource areas. Regarding the \$200,000 request for the Conservation Fund, P. Morrison reported that he and K. O'Connor met with the Finance Committee on this issue. For their next meeting with the Finance Committee, he requested assistance from Commissioners in the preparation of a fact sheet to present to the Finance Committee outlining why this is an important step for the Town to take at this time.

The Commission has received a letter from the Groton Trails Committee on the wording for an easement to construct a bridge for non-motorized travel across Gratuity Brook. B. Clements pointed out that this is not a Conservation Restriction but rather an easement to be granted by a private landowner. He suggested checking with Michelle Collette to determine whether negotiations with the Planning Board on the creation of a shared driveway govern the nature of this easement.

B. Ganem displayed an aerial map of Groton recently donated to the Commission by Ed McNierney. Because the photography was done in April, the map is particularly informative about the location of wet areas. K. Corwin suggested the Commission consider having the map mounted on backer board, and B. Ganem will look into the pricing. The mapping is also available on the Town web site.

E. Owen asked the Commission to consider allocating \$300 as partial funding for a facilitator to assist with a public charette on March 15th at the Nashua River Watershed Association as part of open planning for the Salmon River watershed. He noted that a considerable portion of this watershed lies within Groton, including Martins and Whitney Ponds, Brooks Orchard, and Snake Hill. The towns of Dunstable and Tyngsboro also contain this regional resource and have been asked to contribute. The charette will help identify important parcels within the watershed to target for protection. The Merrimac River Watershed Association is preparing the open space plan; this step will also enhance opportunities to receive Self-Help funding for purchase of parcels within the Salmon Brook watershed. E. Owen made a motion to contribute \$300 for the charette facilitator which was seconded by C. Auman. After discussion, and upon a motion by A. Chace, seconded by C. Auman, it was

VOTED: to table consideration of the \$300 contribution for a charette facilitator until the next Commission meeting, pending receipt of a map of the Salmon Brook watershed.

E. Owen abstained from the vote.

B. Ganem reported that she has recently met with Jean Temple and Marion Stoddart about the Hurd property off of Skyfields Drive. They suggested placing a stone to be engraved with some kind of acknowledgement of the Hurds' contributions to the acquisition process. P. Morrison made a motion to accept this gift, seconded by C. Auman. After discussion, he withdrew his motion and suggested that the Commission approve in concept the idea of a stone marker and ask them to present a concrete proposal that includes the wording to be engraved and suggested location.

B. Ganem explained that Commission has been asked to comment on a Comprehensive Permit or Chapter 40B proposal at the intersection of Mill and North Main Streets. Previously, the Commission issued a Determination of Applicability to Ryan Development, finding that the site contains no wetland resource areas. However, the new proposal includes another lot (Map 215 Parcel 15) not previously considered. The aerial map mentioned earlier appears to show some wet areas where the project is proposed. The Commission agreed to do a site visit before submitting comments to the Zoning Board of Appeals (ZBA). Two additional projects are in the pipeline for Comprehensive Permits – one on Lowell Road on land owned by Gloria Fuccillo and another on Rt. 119 at the Littleton town line. The Commission can require an applicant to file a Notice of Intent if there are wetland resources on a parcel proposed for Chapter 40B development because state laws apply to a Comprehensive Permit. The local wetlands bylaw can be applied by the Zoning Board of Appeals when they review the project but is not considered separately by the Conservation Commission. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to request time on the ZBA's agenda to discuss the applicability of the local wetlands bylaw in considering Comprehensive Permit applications.

B. Ganem reported that she had accompanied Michelle Collette and Bob Hanninen on a site visit to the new High School. It appears that some of the conditions spelled out in the Order of Conditions for the emergency access roadway are not being addressed. In particular, there is no gate at the North St. entrance and no Stormwater Management Plan nor quarterly engineering reports have been submitted. In addition, progress on the construction of the wetlands replication area proposed for the site is unclear. The Commission agreed to send a letter to the Groton-Dunstable Regional School District outlining these issues, as well as re-state the requirement that no work take place on the access roadway between March 15th and June 30th because of the presence of rare and endangered species on site.

K. O'Connor left the meeting at 8:17 p.m.

The next item taken up by the Commission was the drafting of Regulations to accompany the Groton Wetlands Protection Bylaw. B. Ganem asked for clarification regarding the naming of the bylaw as it appears as the "Wetlands Administration Bylaw" in the Regulations draft. Members stated that it was their recollection that the bylaw was changed to Wetlands Protection Bylaw due to input from town counsel. After discussion, it was agreed to omit the first 3 paragraphs of Section 7.1 and also Section 7.1.3 Limited Disturbance Area. The Sudbury bylaw does not have a 50-foot no-disturb buffer so some of their regulations are inappropriate for Groton. There will be revisions of the second paragraph of 7.2.3 Wildlife Habitat and Rare Species and Section 7.2.4 No Significant Adverse Impact on Wildlife Habitat. Members felt that it was important to clarify the kinds of features that the Commission will evaluate in reaching a decision but agreed that the section could be condensed. In Section 7.3 Terms and Conditions of Permits, the Commission noted that "may" rather than "shall" should be used for the renewal of permits. This Section is more appropriately moved under Section 5. The 21-day time period in which to respond to a request for a Certificate of Condition is often inadequate due to seasonal constraints, and this should be revised. The Order of Conditions used under the state Wetlands Protection Act allows Commissions to include conditions regulating activities under a local bylaw, and it must be appropriately recorded before work commences, making the last paragraph of Section 7.3 unnecessary. Further consideration of the remaining draft Regulations will continue at the next Commission meeting. K. Corwin noted that she is preparing a list of invasive species to incorporate into the Regulations.

B. Ganem reported that the proponent of the Academy Hills project, represented by Ray Lyons, has made changes in the roadway design. It will be the Commission's decision as to whether these are significant enough to require the filing of a new Notice of Intent.

With no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved 2/25/03