

## GROTON CONSERVATION COMMISSION

March 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. Clerk K. O'Connor read the public hearing notice.

**7:00 p.m. – Notice of Intent Public Hearing for Steve Annese/Moose Trail**

Present: Applicant Steve Annese, Applicant's Engineer Jeff Gray, Owner Denise Johnson, Judith Lillis, and Wally Lane

Jeff Gray of Raymond Engineering explained that, based on previous discussion with the Commission and his receipt of the positive Determination of Applicability, he has made the following changes: 1) eliminated the retaining wall in the buffer, 2) driveway re-located outside of the buffer, 3) house re-located outside of the buffer, and 4) there will be grading within the 100 foot buffer. Mr. Gray stated that the septic system meets Board of Health setback requirements from the well, right of way, and property lines. To help him visualize the amount of grading, C. Auman asked if J. Gray could provide a side view of the site after construction and recommend ways in which the resource could be protected. Mr. Gray sketched a diagram showing a 2 to 1 slope toward the wetland. He indicated that a silt fence installed at the toe of the embankment followed by stabilization measures would prevent sedimentation into the wetlands.

In response to B. Clements' question about the location of the septic system, Mr. Gray said that all of the grading necessary for the septic system would be located to the left of the driveway, more than 100 feet from the wetlands. He explained that there are good (Group A) soils on site, with a less than 2 minute perc rate. The system will be installed at the existing grade. B. Clements questioned whether the grading within the buffer would be permitted under the Groton Wetlands Protection Bylaw.

C. Auman re-phrased his question to "can the resource be protected?" Mr. Gray responded that loaming and seeding, if done properly, would stabilize the site. He pointed out that it is 70' from the toe of the embankment to the wetland. B. Clements agreed that the silt fencing could trap sediments. E. Owen stressed the need to properly install the silt fencing and asked if the 28' by 38' house represented the final footprint. S. Annese stated that the actual house would be no larger although a deck might be added away from the wetlands. E. Owen commented that the reserve septic area is shown in the driveway footprint and asked if it would be necessary in the future to construct a clay barrier. J. Gray explained that these systems typically last 20 years, and that issue would have to be addressed then. The Board of Health requires that a reserve area be shown on septic plans.

S. Annese stated that he has submitted the septic permit fee, and there are only a couple more things to straighten out. K. Corwin expressed concern about the steep slope and keeping it stable without impacting the resource area. P. Morrison asked what plantings or other techniques might be utilized to make sure that the slope does not migrate; J. Gray indicated that grass was proposed. Concerns were raised about preventing "lawnmower creep" with a barrier at the base of the slope. S. Annese indicated that boulders or a post and rail fence would be acceptable to him. P. Morrison pointed out that other means of stabilizing the slope during construction might be necessary. He suggested the use of geotextile fabric and, further, suggested that some type of construction entrance might be necessary to assure that no sediments enter wetland resource areas. S. Annese stated that he sometimes sweeps roadways to prevent construction vehicles from tracking dirt onto the roadway. He anticipates a May start up and would be willing to take the best measures possible to assure that sediments do not migrate offsite. P. Morrison pointed out that he has previously seen failures with a slope this steep. He recommended checking erosion control devices after every storm event and even to periodically remove sediments collected in front of the silt fencing.

K. O'Connor questioned whether it would be possible to stake the silt fencing as shown on the plan. Also, permanent barriers to wildlife movement would be unacceptable. While the actual vernal pool (presumed) is not being destroyed, there is concern that disturbances in the surrounding upland will impact habitat in the future. Mr. Gray assured the Commission that this was not considered a Priority Habitat area, based on the most recent maps from Natural Heritage. Commissioners asked if this project exceeds the threshold for the Soil Erosion and Sediment Control Bylaw, and J. Gray explained that no gravel removal was proposed. B. Clements pointed out that this Bylaw applies to both cutting and filling activities. Commissioners asked Mr. Gray to prepare calculations showing the volume of filling necessary for construction on the lot. In addition, J. Gray will check with the Earth Removal Inspector to determine whether a permit for Erosion and Sediment Control is

necessary. B. Ganem noted that no DEP file number has been received as yet. With the concurrence of the applicant, and upon a motion by K. O'Connor, seconded by P. Morrison, it was

VOTED: to continue the hearing for the Notice of Intent filed by Steve Annese for Moose Trail to March 25, 2003 at 7:00 p.m.

Josh Webber was present to discuss several items pertaining to the Conservation Restriction on Gibbett Hill. He pointed out that the Restriction requires a Farm Management or Stewardship Plan and asked for the Commission's assistance in developing the Plan. Commissioners recommended that he contact Dan Lenthal of the Natural Resources Conservation Service in Westford to assist with the initial development. The goal of the Plan will be to assure that the fields stay open and any current trails remain as trails. There may be state monies available to fund activities such as fencing. Partnering with a 501c3 (non-profit) organization could help access foundation grants.

J. Webber asked if the Commission would be applying for a Self-Help grant as reimbursement for the purchase of the Conservation Restriction on Gibbet Hill. Commissioners asked B. Ganem to look into the feasibility of such a grant application.

J. Webber requested the Commission's support of the proposed re-zoning of a portion of Gibbet Hill to accommodate a restaurant. Although the restaurant itself is not near wetlands, he noted that the re-located driveway would be approximately 38' from wetlands. Commissioners debated whether the land would be considered "disturbed" because it is pastureland and thus grandfathered under the Bylaw. Previously the Commission has considered orchard "undisturbed". J. Webber agreed to stake the approximate centerline of the proposed driveway so that the Commission can look at the site before making a recommendation.

Upon review of the minutes of February 25, 2003, it was

VOTED: to approve the minutes of February 25, 2003 as drafted.

B. Ganem reported that the Parks Commission will be discussing the Parks section of the Open Space and Recreation Plan at their meeting this coming Wednesday. Recreation is the only other outstanding section. The Workshop is scheduled for April 1, and flyers have gone out to town departments and boards. It is anticipated that The Groton Herald will have an article as well.

Todd Lobo from Beals and Associates was present to request a finding of insignificant changes for Lots 1 (DEP File #169-837) and 2 (DEP File #169-836) on behalf of Meeting Way Corporation. The lots are located on Wharton Row. New plans show that Lot 1 has been re-named Lot 50-2, and Lot 2 has been re-named Lot 50-1. In addition, T. Lobo stated that the lot lines have been slightly altered and the ANRs signed by the Planning Board. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to accept, as insignificant changes, the plans for Lot 50-1 and Lot 50-2 for Wharton Row, dated March 5, 2003.

B. Ganem noted that a letter confirming the above vote would be sent to the applicant's representative. In addition, she indicated that the Commission has not received the recording confirmation that is necessary prior to the commencement of construction.

### **MACC Workshops**

P. Morrison reported that he had attended the Ch. 40B workshop at the MACC conference and had some materials to distribute to Commissioners. He indicated that most communities are in need of affordable housing, and the Commission should approach wetlands protection in a reasonable manner. The workshop presenters stressed that the ZBA should be aware that the Bylaw is not automatically waived. Protection of wetlands should be the focus, and it may be appropriate to cite the Master Plan.

In voting on Commission business, P. Morrison noted that it must be a majority of those present. In order for an Order of Conditions to be issued, four of the seven-member board must sign. Even if a member did not vote in favor, that individual should sign the document unless he has recused himself from the proceedings. K. Corwin indicated that members may still vote even if they didn't attend all of the hearings under the Wetlands Protection Act. Under the local Wetlands Bylaw,

however, applicants can appeal a decision in which all the signers were not present throughout the hearing process. P. Morrison stressed the need for the Commission to be consistent in the application of the Bylaw and Wetlands Protection Act.

A. Chace, representing the Growth Management Advisory Committee, asked if the Commission would be willing to support a Community Preservation Act article for the upcoming town meeting. A committee would administer the fund, with allocations split among open space, housing, and historical preservation needs. Whatever is collected locally (1% - 3% surcharge on real estate transactions or property taxes) is matched by the state, and communities have undertaken such projects as ball fields and map restoration, in addition to the purchase of open space. Commissioners stated they would like more information before making a decision, and C. Auman agreed to research the matter and present a summary at the next meeting.

C. Auman reported that he attended the leadership class, and some of the distributed material is in Commission packets. In particular, he noted that some commissions post a copy of the interests that are jurisdictional under the Wetlands Protection Act. Another suggestion, offered by K. Corwin, is to have a Commissioner serve as "project manager", being personally responsible for following one filing from beginning to end.

Regarding the ZBA hearing for Groton Residential Gardens, C. Auman stated that he had attended the hearing on March 5<sup>th</sup>. The memo from the Conservation Commission was read into the record. He will review the upcoming agendas to assure Commission input.

The Greenways Committee is interested in having Steven Small speak on family estate planning and how it affects land protection. Pam Gill from the Committee has asked if the Commission would consider partially funding this talk. E. Owen made a motion, seconded by B. Clements, to allocate a sum yet to be determined for a presentation by Steven Small. K. Corwin said that she did not feel the Commission had enough information to make a decision. Other Commissioners pointed out that this is an issue similar to that of the Salmon Brook Charette. After discussion, it was

VOTED: to allocate a yet to be determined amount for a Steven Small presentation.

The motion failed with E. Owen and A. Chace voting in favor.

Commissioners expressed concern that A. Chace was not available for the site walk last Saturday and missed a portion of the MACC workshops.

The Commission reviewed the draft Regulations, making revisions in Sections 1-8. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to approve Sections 1-8 of the Regulations to accompany the Groton Wetlands Protection Bylaw, as revised.

After continuing the review of the Regulations, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to approve the Regulations, as amended, in their entirety.

E. Owen suggested that 7 Valley Rd. be included in the next site walk.

With no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved 3/25/03**