

GROTON CONSERVATION COMMISSION**March 25, 2003****MINUTES**

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

In a quick review of Version 5 of the housing development proposed for Brooks Orchard, now known as Lookout Ridge, Commissioners noted that the plan does not conform to the Wetlands Bylaw. The Commission has agreed to some flexibility in the design of the project but the applicant must demonstrate that there are no alternatives other than crossing a wetland for access to the parcel. It is unclear whether this project would have sewer or septic systems. Some of the "pocket" wetlands were little more than mud holes, but other wetland depressions clearly have the potential to be vernal pools. In an effort to leave open frontage on Shirley St., the development is encroaching on the wetland buffer. Commissioners also questioned whether there is endangered or rare species habitat, and B. Ganem reported that David Black has apparently reported turtles in the area. The portions of the parcel that are treed cannot be regarded as undisturbed. Commissioners requested that comments to the Planning Board include the observation that the development, as currently designed, does not meet the Groton Wetlands Protection Bylaw. Further, the proposed density and proximity to wetlands is disappointing, as is the lack of communication between the applicant and the Conservation Commission as the planning process has progressed.

7:10 p.m. – Steven Annese NOI/Moose Trail – DEP File #169-853

Present: Applicant Steven Annese, Applicant's representative Jeffrey Gray, Wally Lane, Denise Johnson, and Judith Lillis

Jeff Gray presented a revised plan, dated 3/18/03, showing that the well has been re-located outside of the 100 foot buffer and shortening some of the leaching trenches for the septic system.

The erosion control line has been altered to reflect the relocation of the well and tied in with existing contour lines and brought up to the edge of the road. J. Gray stated that the closest point of disturbance is 70' away from the wetlands. He stated that he did not calculate the amount of fill necessary for the project. He estimated that the amount of disturbance in the wetland buffer ranges from 5,200 to 5,300 SF. Commissioners pointed out that there remain concerns about the slope and the amount of fill within a wildlife habitat area.

E. Owen pointed out that the site is very tight, and the contractor will want to expand the work area. J. Gray noted that he had the surveyor out last week to flag both the driveway and house, as well as the location of the silt fencing. K. Corwin commented that, with several more iterations, the project may be moved entirely out of the buffer. It is likely that the Commission will look for haybales, silt fencing, and probably fabric on the slope. In response to P. Morrison's question about the height of the retaining wall, J. Gray indicated that it was 11.15' high at its highest point. B. Ganem stated that the Building Inspector will require that any wall over 4' in height be designed by a structural engineer.

B. Clements asked if the issue of the ownership of Smith Road has been resolved, and J. Gray answered that he was not prepared to address a legal question. Upon a motion by P. Morrison,

seconded by C. Auman, it was

VOTED: to close the hearing for the Moose Trail Notice of Intent, DEP File #169-853.

Regarding the Conservation Commission policy on Emergency Certifications and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to designate Barbara Ganem, Conservation Assistant, to sign off on Emergency Certifications on behalf of the Conservation Commission.

B. Ganem stated that she would attempt to contact Commissioners to accompany her on emergency site visits and would follow up with discussion and a request for ratification of the Certificate at the next regularly scheduled meeting.

In wrapping up the draft Wetlands Protection Bylaw Regulations, B. Ganem noted that several areas needed revision for consistency. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to approve the minor revisions to the Regulations.

Concerning upcoming vacation schedules, K. Corwin reported that she would be away from April 4 – 13, and B. Ganem unavailable from April 14 – 17. Regina Hull will be able to fill in for a portion of that time.

C. Auman and P. Morrison are planning to attend the April 9th meeting of the Zoning Board of Appeals on the proposed Ch. 40B project at Main and Mill Streets. B. Clement reported that the consultant from Judith Nitsche had confirmed the Commission's earlier determination that the site does not have wetland resources. However, the project now includes a lot which was not reviewed by the Commission. K. Corwin noted that the time to explore the possible vernal pool at the Rt. 119 Ch. 40B project is fast approaching; B. Ganem said she would contact the owner to get permission for the Commission to enter the land.

B. Clement reported that he and B. Ganem had met at the Walnut Run/Majenski Conservation/Agricultural Area with Laurie Smigelski. Stockpiles of rocks and dirt remain on a portion of the parcel. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to send a letter to David Moulton requesting that the stockpiled materials be removed by June 1.

B. Ganem reported that she has met with Beth Montgomery recently to go over Sargisson Beach rules and regulations. She reports little use of the beach for the last hour, and suggested the Commission may want to consider reducing the hours. The Commission agreed to 9:30 a.m. to 6 p.m., weekends only, starting Memorial Day Weekend, until school is closed, then daily from 9:30 a.m. to 6:30 p.m. after June 23, 2003.

To follow up on the Valley Rd. site visit, Commissioners commented that the erosion control was closer than was indicated on the plans submitted with the Notice of Intent. In addition, materials are stockpiled within 20' of the stream and more than double the proposed amount of disturbance. has occurred. The Commission agreed to send a certified letter to the owner/applicant requesting that a second line of erosion control be installed according to the submitted plans and the stockpiled materials removed.

Pam Gill of the Greenway Committee was present to discuss the proposed Stephen Small presentation. She noted that he is quite adept at leveraging land acquisition dollars and advising large landowners on how to handle their estates. She reported that the Groton Land Trust was willing to contribute \$500 toward the presentation, with possibly \$300 coming from the Groton Commissioners of Trust Funds. She also commented that his presentation would be a nice complement to the Bob Wilbur and Rich Hubbard talks that the Nashua River Watershed Association is sponsoring. She requested that the Commission consider co-sponsoring this event.

In discussion on the emergency access roadway to the new high school, P. Morrison expressed concern that a delay in construction could delay the opening of school. K. Corwin said that there is information that the juvenile salamanders disperse from the vernal pools in July. E. Owen pointed out that it is important that we apply the wetland regulations in an even-handed and consistent manner. P. Morrison asked if they legally have to comply with something that is in the Notice of Intent and not the Order of Conditions. B. Ganem explained that the Notice of Intent and plan are incorporated by reference into the Order of Conditions. Commissioners asked how long it will take to complete the remaining work on the access roadway in order to bring it up to safe standards. It may be that they could hold off until August 1 if they have reasonable advance notice. Commissioners were concerned about the need to have erosion control in place during grading activities. B. Ganem will check on the time period and the status of the replication area.

Returning to the subject of the Stephen Small presentation, C. Auman noted that he is struggling with what role the Commission should play and asked if there are any precedents from the past. The Commission, as a government body, is concerned about preserving land. The Groton Land Trust works through the Groton Land Foundation to acquire land. Commissioners expressed wariness about funding the talk in such fiscally difficult times. Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to appropriate \$100 toward the Stephen Small presentation.

The motion failed with E. Owen voting in favor, and C. Auman, B. Clement, and K. Corwin voting in the negative, and P. Morrison abstaining.

P. Morrison reported that he has consulted with the Ethics Commission about the best course of action to take with regard to his son's employment as a farmhand at Gibbett Hill Farm. The proposed restaurant will have no effect on his employment, and P. Morrison stated that he would not be influenced by his son's employment as a farm hand since he had nothing to gain financially. This disclosure is on record with the Town Clerk's office and the Conservation Commission office.

K. Corwin thanked C. Auman for preparing the summary of the Community Preservation Act. All funds go to either open space protection, affordable housing, or historic preservation; there potentially could be only 10% of the funds going to open space protection. The state matches the funds collected locally from a 1-3% surcharge on property taxes or real estate transactions. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to support the idea of the Community Preservation Act but the Commission has concerns about how the funds will be spent.

Commissioners agreed that it is unlikely that such an article will pass because of the impact on taxes.

B. Ganem explained that Ray Lyons has requested time on the Commission's next agenda schedule to present a conceptual plan of the proposed Ch. 40B project on Lowell Road. P. Morrison commented that Harvard has an attractive affordable housing project off of Rt. 2.

The upcoming April 1 community workshop on the Open Space and Recreation Plan will involve an introduction by the Commission, followed by an overview by the Beals & Thomas consultant who will act as a facilitator. When the audience breaks into discussion groups, each Commissioner will act as a facilitator. B. Ganem reported that information has come in from the Recreation Department and the Trails Committee.

In discussion on the conceptual plan for the Gibbett Hill restaurant, Commissioners noted that the area proposed for a new driveway is clearly previously disturbed through intensive agricultural use that includes cement bunkers and paddocks where livestock is both loaded and unloaded. In looking at previous agricultural uses at Lookout Ridge, the difference may be in whether the change in use is perceived as "in the public good" such as the land Shaws is donating for conservation purposes. Lookout Ridge, on the other hand, is proposing 129 dwelling units with 68 age-restricted and 12 affordable units. They are also purchasing TDRs from the public housing authority. Essentially, Lookout Ridge protects a viewshed. The project is more compact because of wetlands on the parcel.

Commissioners discussed the best course of action for the breach in the beaver dam observed on the Cronin Conservation Area last Saturday. Rather than send letters to abutters immediately, it was agreed to wait and see if the dam continues to be broken.

B. Ganem noted that she received a report of manure storage close to the Nashua River on Fitchs Bridge Road. Commissioners pointed out that "Farming in Wetland Resource Areas: A Guide to Agriculture and the Massachusetts Wetlands Protection Act" states that this is considered normal maintenance although it is clearly not a best management practice. There are concerns as well about pumping water from the Nashua River for the irrigation of fields. Commissioners agreed to include this parcel on the next site visit.

P. Morrison stated that he is in the final stages of preparing a presentation to the Finance Committee about the Conservation Fund and requested comments. He is holding firm on behalf of a \$200,000 request. Commissioners asked B. Ganem to send the Conservation Commission warrant articles via e-mail.

Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to approve the minutes of March 11, 2003 as drafted.

E. Owen reported that brush clearing continues at the Shattuck Homestead. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to authorize E. Owen to apply for a Fire Permit on behalf of the Commission
in order to burn piles of woody landscaping debris.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 4/8/03