

GROTON CONSERVATION COMMISSION

April 8, 2003

MINUTES

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

Barbara Ganem was also present. P. Morrison read the public hearing notice.

7:00 p.m. – Notice of Intent Public Hearing for David Gleason/18 Kemp St.

Present: Stan Dillis, applicant's representative

Mr. Dillis explained that this 12-acre parcel is being subdivided, and the testing and wetland delineation were done last fall in preparation for a filing for a single family house and septic system. Because livestock graze the area, the delineation was mostly based on soils. The soils nearest the proposed new house on Kemp St. were unsuitable for septic systems, but the back portion of the parcel has soils that had acceptable perc rates. The applicant proposes a 2" force main from the house to the septic system, crossing the wetlands. This would be a temporary disturbance with the area fully restored to current conditions.

B. Clements asked if there was any construction within the buffer, and S. Dillis responded that both the house and septic system were outside of the buffer. The force main will be installed at a 4 feet depth. The wetland area has been used as pasture for cattle, and the channel usually dries up as the season progresses. Shrubs (alder and arrowwood) surround portions of the channel but most of the wetland area is herbaceous material. S. Dillis estimated that the crossing would be 15' wide by 70' long, with 1,400 SF of alteration in the wetlands itself and 10,500 SF of alteration in the buffer.

In response to K. O'Connor's question about the cattle remaining on the property, S. Dillis indicated that it is the owner's intention to retain the right to use the upper field as pasture even if the lot is sold. In addition, she asked what measures would be put in place to keep the cattle from eating new growth. S. Dillis said that the owner would be willing to put in temporary fencing. P. Morrison questioned whether the septic system could withstand grazing and compaction if the field continues to be used as pasture. S. Dillis noted that the septic system is required by code to be covered by a foot of soil, and he felt this would be adequate to protect the trenches from compaction.

C. Auman pointed out that the Bylaw states that construction or installation of any portion of a sanitary waste disposal system is prohibited in the 100-foot buffer. S. Dillis responded that it does allow a driveway or utilities to be permitted if the Commission determines that is the best route. He stated that the force main would be placed in a sleeve that is sealed at both ends. If repairs were necessary in the future, the pipe could be withdrawn from the sleeve without disturbing the wetlands. As far as bedding materials, S. Dillis anticipates they will not be necessary unless there is ledge in which case gravel would be placed in the trench.

B. Clements asked if there were any ponds near the project, and S. Dillis explained that there was one north of the site. In addition, the applicant has dammed a portion of the stream, Wrangling Brook headwaters, south of the subject parcel to form a small impoundment.

Abutter Rob Smith asked what is proposed for the site south of his lot where some testing was done. S. Dillis responded that the lot does not have adequate frontage and in his opinion was technically and practically unbuildable. S. Dillis agreed to the Commission's request to continue the hearing, pending a Commission site visit to the parcel. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to continue the hearing to April 22, 2003 at 7:45 p.m.

B. Clements explained that the Williams Barn Committee has been working under budget, due to volunteer help, and in the spirit of the current fiscal situation, would like to bring a warrant article to town meeting in which they return 10%, or \$3,000 of the budgeted amount. Upon a motion by K. O'Connor, seconded by B. Clements, it was

VOTED: to support a warrant article in which \$3,000 will be returned to the town general fund from the Williams Barn Committee.

In discussion on the minutes of March 25th, Commissioners agreed to change the number of dwelling units to 129 and

affordable units to 12 for Alternative 5 for Lookout Ridge. In addition, the former name of the subdivision should be Gibbett Hill Orchard, not Brooks Orchard. Upon a motion by C. Auman, seconded by K. O'Connor, it was

VOTED: to approve the minutes of March 25, 2003, as amended.

7:30 p.m. Notice of Intent Public Hearing for 5 Little Hollow Lane/Dennis Lacombe

Present: Joe March, Stamski and McNary

E. Owen recused himself from the hearing.

Mr. March explained that there is an existing house primarily outside of the 100-foot buffer. The new filing proposes a one-bedroom addition 97' from the wetland and a sunroom 81' from the wetland. As mitigation, a row of hay bales is proposed. The addition would be in an existing lawn area. J. March noted that the lot was approved and the house built prior to the approval of the new Bylaw. C. Auman asked if the site has a fence, and J. March responded that there is a chain link fence that will remain in place. He estimated that the sunroom would be 16' inside that fence. The sunroom will involve conversion of a patio area to install a 4' frost foundation. J. March agreed that his client would be amenable to including silt fencing, as well as hay bales. He anticipates getting the foundations in before next winter. Upon a motion by B. Clements, Seconded by C. Auman, it was

VOTED: to close the hearing for 5 Little Hollow Lane.

{Due to an on-going Finance Committee meeting running simultaneously, P. Morrison and K. O'Connor left the Conservation Commission periodically to maintain a place on the Finance Committee's agenda to discuss the Conservation Fund.}

B. Ganem reported that the person from whom the Commission ordered 10 new signs for conservation areas has indicated that most of the signs are ready for installation. Commissioners discussed the placement of new signs, and B. Clements agreed to be the contact for determining the appropriate locations within individual conservation areas, particularly noting the boundaries.

In discussion on the draft Moose Trail Order of Conditions, Commissioners agreed that all interests, other than shellfish and fisheries, were significant to this project. With the addition of a Condition requiring that geotextile fabric be installed on all disturbed steep slopes within the 100-foot buffer, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to accept the Order of Conditions as read for DEP File #169-853/Moose Trail.

Steve Prendergast, Chairman of the Groton Dunstable Regional School District Building Committee, was present to introduce Rob Juusola, architect for the high school project. Mr. Juusola explained that he had discussed with Brian Butler a possible approach to continuing work on the emergency access roadway at the new high school. R. Juusola stated that gas mains and the sewer line have been installed within the roadway footprint, but additional grading is necessary for completion of the roadway. Also, the abandoned buildings must be razed and removed from the site. By extending the work period to August, it will be difficult to get an occupancy permit in time for the school to open in September. Mr. Juusola distributed a handout explaining Brian Butler's recommendation that work be allowed to commence on the roadway May 15th when the adult salamanders have left the breeding pools. The handout suggests that the work could be completed, including the loaming and seeding of the roadway shoulder, before the dispersal of juvenile salamanders in July and thereafter.

Commissioners expressed concern about going against the Conservation Restriction which has previously been approved by the Commission although not yet approved and signed by the Executive Office of Environmental Affairs. It appears that it technically should go back through MEPA or the Natural Heritage and Endangered Species Program (NHESP) for review and approval because this represents a change from what was agreed to in meetings between the consultants and NHESP, mandating no disturbance from March 15 to June 30. S. Prendergast indicated a reluctance to go back to NHESP as there is concern that the Conservation Permit might be pulled. He urged the Commission to consider allowing the May 15th date for completion of the work, and in the absence of Commission approval of that, to allow the work to go forward July 1 rather than August 1.

The Conservation Restriction is being reviewed at both the state and local level, so there is a window of opportunity to change the document if all parties agree. Commissioners generally agreed to the concept of allowing work to go forward as of May

15th, but questioned the Commission's authority to do so under the existing Order of Conditions issued under M.G.L. Ch. 131, §40. After discussion, it was decided that it would be helpful to have Brian Butler attend the next Commission meeting. In the meantime, B. Ganem will contact town counsel to see whether the Commission can legally allow work to occur during a period when no work, other than for emergency repair, is permitted under the Conservation Restriction. It may not be a violation because the Conservation Restriction is not yet in effect. The Conservation Restriction really addresses future use of the property, not the construction phase. The Conservation Permit issued by the state Division of Fisheries & Wildlife mandated that the Conservation Restriction on 73.5 acres be in place prior to the commencement of any construction on the high school.

Commissioners commented that they respected Mr. Butler's opinion, but did not want to run afoul of NHESP. C. Auman pointed out that the work should have been done last fall. R. Juusola noted that the early onset of winter and the lead-time necessary to get the project out to bid resulted in about 10 days of unfinished work on the emergency access. S. Prendergast expressed concern that the school opening will conflict with public safety issues. He suggested that the July 1 date would be appropriate for the contractor to come back and do the roadway. According to the information from Brian Butler, by late May the adult salamander population should be back in the upland while the juveniles are maturing in the vernal pools. P. Morrison noted that July 1 could be problematic for work on the roadway. S. Prendergast suggested that we take Brian Butler up on contacting Joel Lerner at the Division of Conservation Services to see which date is more appropriate for the species and for the Conservation Restriction. Commissioners agreed that they would like more information before making a decision. A follow-up appointment with B. Butler was arranged for April 22, 2003 at 8 p.m.

E. Owen reported that work continues at 8 Valley Road; landscape timbers have been brought on site, but the NOI plans proposed no grade changes. He will keep an eye on the work.

It was noted that E. Owen has been appointed to the Lake Drawdown Committee and would represent Commission interests at the upcoming meeting with the Selectmen. There is discussion underway about a W. Groton Rail Trail. Commissioners noted that the line begins behind Ross Associates in Ayer and extends at least to Greenville, NH. There are missing portions in the section south of the Leatherboard where there are likely to be wetland concerns.

After review, and upon a motion by K. O'Connor, seconded by C. Auman, it was

VOTED: to approve the meeting notes of the Open Space & Recreation Plan Public Forum on April 1, 2003.

A.Chace questioned whether Commissioners concurred with the Chair's request for her resignation. E. Owen said that he is unsure that she is up to the job and willing to start coming to meetings regularly; he suggested she do a little soul searching about whether this is a commitment she can keep. B. Clements stressed the need to come to all meetings and site visits. P. Morrison pointed out that there is a lot to learn, and he was not sure that she was committed to studying the necessary material. C. Auman commented that we would not have a Commission if everyone functioned as Alix has, being late or not present. To be fair to all Commissioners, everyone must participate and contribute.

After distributing a letter from Leslie Chaput, E. Owen recused himself from the next portion of the meeting. The Commission discussed whether allowing animals or a temporary shelter on conservation land, the Shattuck (Baddacook Farm) parcel, constitutes an "attractive nuisance". Allowing the animals to graze helps with the appearance and management of the property. Upon a motion by B. Clements, seconded by C. Auman it was

VOTED: to approve Leslie Chaput's request to allow the installation of a temporary shelter in an out-of-the way portion of the Shattuck parcel (Baddacook Farm) and to allow animals to be kept there overnight provided the Commission is notified of what portions of the property cannot be maintained by grazing so that arrangements can be made for mechanical mowing.

At 9 p.m., Ray Lyons presented a concept plan for a Ch. 40B project on a 13.5 acre parcel on Lowell Rd. The project involves 44 dwelling units in 14 buildings. No work is proposed in the 200' setback from Martins Pond Brook, and the applicant will keep all structures more than 50' from the wetlands. A small ridge separates the project from the adjacent sub-station. C. Auman said that it is helpful to meet with the Commission in the preliminary planning stages. He commented that the Bylaw allows no structures within 100' of wetlands. Original plans had called for a communal septic system, but R. Lyons stated it is now designed with systems interspersed throughout the site. P. Morrison asked if the project would try to minimize or avoid major construction at the top of the slope. R. Lyons indicated that the road would follow existing contours and

maintain existing kettle holes. He pointed out that Ch. 40B allows the designer to be more creative than is possible under regular zoning. P. Morrison asked if all of the units will be affordable, and R. Lyons said that 11 would be affordable. In Groton, the affordable units will be \$175,000 while market value units will go for \$249,000 to \$265,000. He noted that the Ch. 40B units in Harvard were very different from this proposal where the units will essentially be built into the hill.

B. Clements pointed out that the topography makes this a very challenging site, but if the applicant is able to stay out of the 100-foot buffer, it could work. R. Lyons said that the site would be exempt from the Wetlands Bylaw, but the applicant is willing to work with the Commission. Town water is proposed for the site. R. Lyons explained that they are in the 30-day informal discussion period prior to a presentation before the Zoning Board of Appeals. He noted that he expects the amount of grading to be less than that necessary for a conventional subdivision. Soils would be brought in or removed for septic systems or the roadway, but in general they plan to keep the topography reasonably intact.

On another project, R. Lyons indicated that he represents Joe Falzone on the Lookout Ridge project, and he would be available to discuss Commission concerns about that project on an upcoming agenda.

Selectmen Peter Cunningham was present to discuss the Commission warrant article for the Conservation Fund. He reported that he and Tom Hartnett supported a \$50,000 article while Dann Chamberlin recommended \$100,000. He noted that residents have supported what the Commission has done to protect open space, and he understands the need to sometimes act quickly on land acquisitions. P. Cunningham explained that this year's budget cuts and reductions leave little money for pressing issues, and there is a need to bring a balance to the budget and to the town. The amount of debt the town is currently carrying is pretty significant. The protection of Gibbett and Angus Hills accomplished some of the highest priority items the town has had. Commissioners thanked him for coming to discuss this important issue and noted that with 500 houses in the pipeline for development, it is important to preserve for future generations what we still have of Groton. While the market may be slowing, there is still growth. There is a breaking point in balancing school expenditures with other needs in town, given less state aid for both schools and land purchases in the future. B. Clements noted that the Commission had requested \$300,000 for the Conservation Fund several years ago, and the amount had been reduced to \$200,000 with the understanding that the remaining amount would be made up as funds became available. P. Cunningham pointed out that the taxpayers had agreed to support the Gibbett Hill debt exclusion and purchase of conservation restrictions, with help from Lawrence Academy, so he feels there is room for future collaborative efforts on open space protection. Commissioners stressed the need for a Conservation Fund that could generate interest.

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 4/22/03