

GROTON CONSERVATION COMMISSION

Minutes

December 6, 2004

Chairman Bruce Clements called the meeting to order at 5:02 p.m.. Members Craig Auman, Kris Corwin, Bruce Easom, and Marshall Giguere were present. Commissioners Peter Morrison and Evan Owen were absent. Conservation Assistant Barbara Ganem was also present.

In reviewing the draft memo to the ZBA on the Mattbob Comprehensive Permit, Chairman Clements suggested that the earlier 9/14/04 memo and the Wetlands Protection Bylaw be attached. Member Giguere thought that Section 4 should be stronger, using "stated" rather than the equivocal "indicated". B. Easom recommended the Commission include a statement about whether adhering to the Groton Wetlands Protection Bylaw was economically feasible. Discussion followed on the best way to word this. One option would be to include a phrase to the effect the applicant should be required to complete an economic analysis showing that compliance with the Bylaw (by moving all work outside the 100 foot buffer zone/adjacent upland resource area) was not economically feasible. The Commission wants them to file under the Bylaw, and the applicant should be required to provide an economic justification not to do so. B. Clements thought that the pro forma analysis provided by the McEvoy's consultant had shown the attached costs of individual waivers. The standard should be subject to analysis about whether it becomes uneconomic to deny the waiver. He noted that the pro forma analysis prepared by Mr. Jacobs did not go into very much detail. "Essentially," Mr. Giguere said, "the town is paying for an alternatives analysis." B. Easom commented that the Growth Management Advisory Committee has also offered to make an analysis.

B. Clements observed that the most significant Planning Board issue is likely to be the single access serving 44 housing units, and fire and emergency personnel may not have weighed in on this matter. Members confirmed that the construction of detention basins within the Buffer Zone or Adjacent Upland Resource Area is extremely likely to have an impact on the vernal pool; the Wetlands Bylaw treats this as another resource area. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to authorize B. Ganem to modify the memo to the ZBA to reflect the Commission's concern about the status of an economic analysis of the effect of denying the requested waivers for compliance with the local Wetlands Protection Bylaw.

B. Ganem reported that one of the items on the agenda for the Board of Health meeting tonight is discussion on the Donald Smith proposal to renovate the farmhouse on North St. on the Groton Dunstable High School property. B. Easom volunteered to represent the Commission at that meeting.

Mark Enwright has recently paid the \$50 fine which the Commission levied for not adhering to the Order of Conditions for 28 Boathouse Road. He maintains that he repaired the erosion control measures before the second \$100 fine was delivered and would like to know if the Commission still requires that he pay it. B. Ganem stated that she had not yet visited the property to confirm the repairs, but the original Enforcement Order gave him seven days in which to make the improvements. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to require the payment of the second fine of \$100 for the violation at 28 Boathouse Road.

Commissioners agreed to include this property on the Saturday site visits. Chairman Clements said he would be unavailable for the December 11 site visits.

Regarding C. O'Connell's inquiry about whether it would be necessary to re-flag Lot 4, Shattuck St., before the Commission's site visit, Commissioners expressed a preference to have this done, particularly since there are new

members who have not seen the delineation. K. Corwin requested B. Ganem to check on whether the original delineation approval had been extended. *(NB – There were two RDAs for this delineation, the most recent of which expires 6/12/05.)*

B. Ganem reported the DCR Land Committee was not receptive to the proposed exchange of land at the Gibbet Hill restaurant. They did not deny it, but felt there were specific disposition standards which needed to be addressed. It is anticipated that other alternatives will be considered.

There have been some concerns with the on-going project at 318 Main St. where the former Texaco gas station has been recently demolished. During the severe rainstorm on November 28th, the excavated “holes” flooded with rainwater and overtopped the site, flowing onto Champney St. and through the catch basin piping to the wetland at the base of the Middle School driveway off Rt. 119 roadway. A plume of silt flowed into the culvert under Rt. 119 at that location. Paolini, the contractor who is installing town water lines, was also working in the area, and they had a broken water main prior to this event which also washed sediment into the catch basins within the bank/professional office building parking lot. The owners of 318 Main St. have taken measures to assure that silt-laden water is no longer exiting their site – haybales, construction entrance, and gravel at the catch basin have all been installed.

B. Ganem recommended that the erosion control measures abutting the culvert be improved and that the Commission consider sending a letter to the Board of Health requesting follow up to the possibility that there has been a hydrocarbon release due to the flooding. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to authorize B. Ganem to send a letter to the Board of Health requesting information about a possible hydrocarbon release at or near the 318 Main St. site.

B. Ganem will follow up with the Water Department to request improvements to the erosion control measures at the Rt. 119 culvert downstream.

Commissioners briefly reviewed a letter from the Wheatleys. Chairman Clements indicated they had contacted him directly, but he informed them it is general policy to have the full Commission look into wetland matters, and he recommended they contact B. Ganem. B. Ganem said it is her understanding they would be filing an Abbreviated Notice of Resource Area Delineation once the resource areas were flagged and a plan developed. The Commission can give them an idea, after reviewing the filing and the site, what potential development scenario is likely to be acceptable to the Commission.

B. Easom reminded members to check the functioning of the drainage system behind the Unitarian Church periodically during the upcoming winter months, especially under freezing conditions.

The ZBA is meeting on Wednesday, October 8th, and members B. Clements, B. Easom, and C. Auman plan to attend.

B. Ganem reported that the Brooks Orchard APR had been recorded at the Registry of Deeds in May 2004.

There being no further business, the meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted December 14, 2004