

GROTON CONSERVATION COMMISSION

Minutes

October 25, 2011

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Easom, Marshall Giguere, Peter Morrison, and David Pitkin were present. Bill Neacy was absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of October 11, 2011 as drafted.

D. Pitkin, M. Giguere, and P. Morrison abstained from the vote.

In discussion on the issuance of a Certificate of Compliance for the septic system at 54 Ridgewood Ave., B. Ganem reported there were several items missing from the as-built plan for the project. In addition, the area over the septic system has not been vegetated. B. Easom made a motion, seconded by C. Auman, to issue a Certificate of Compliance subject to the submittal of an updated as-built plan that clarifies the retaining wall elevations and shows the rock pad between the retaining walls, fencing, and buffer zones. P. Morrison worried about the costs to the applicant to make these changes. A signed engineered plan should not be modified without the engineer's stamp. D. Pitkin pointed out this could impact other Certificates in the future. The motion failed with N. Madden, P. Morrison, and M. Giguere voting 'no', and C. Auman, D. Pitkin, and B. Easom voting 'yes'.

P. Morrison offered another motion, seconded by M. Giguere, to not issue a Certificate of Compliance until the above-noted corrections are added to the plan. The motion failed, with C. Auman, B. Easom, and D. Pitkin voting 'no' and P. Morrison, M. Giguere, and N. Madden voting 'yes'. B. Easom observed "It is inappropriate to discuss an applicant's financial status." B. Ganem noted the Order of Conditions spells out the information required on an as-built plan to accompany a Request for a Certificate of Compliance.

7:15 p.m. – Groton School Abbreviated Notice of Resource Area Delineation (ANRAD) DEP#169-1069

Attorney Bob Collins explained that no work is proposed under this filing. The wetland delineation was prepared for the westerly portion of the School property on the east side of Farmers Row. The delineation has a 3-year life and will help the School develop a master plan for the next 100 years. Mr. Collins noted this side of the campus has more varied topography and was once the site of a golf course and a skating rink. He said he was aware of a letter submitted by David Black and is very grateful for his input. The purpose of filing the ANRAD is to determine what is out there and the areas that need protection. While they are focusing on the area closest to Farmers Row they are aware that consideration must be given to rare species and topography. Any resource area not reviewed under this ANRAD will require a separate filing.

The only approved wetland delineation is that shown on the plan and reviewed in the field by the Commission.

Mr. Collins acknowledged there has been a great deal of speculation in the news, but no project is proposed at this time. The goal is to create a planning tool that will facilitate planning for future housing, dormitories, and continued sustainable agricultural uses rather than a preface to a specific project. Mr. Collins introduced Sean Hale, a wetland scientist from Epsilon Associates, who modified the wetland line and submitted revised plans in response to the Commission's site walk last Saturday.

Mr. Hale thanked the Commission for its efforts in reviewing the delineation in the field. He explained the wetlands in their order of occurrence from south to north. Isolated vegetated wetlands that fall under the Groton Wetlands Protection Bylaw include the A, B, C, and D series of flagging. The C-series is likely a certifiable vernal pool under the Bylaw. In the L-series, one flag was moved to the east, and this is part of a Bordering Vegetated Wetland under the Wetlands Protection Act. S. Hale reported an M-series was added in an area of mowed, maintained field. This area was left open as it extends into a wetland closer to Farmers Row. He indicated that the G-series was delineated at the western edge of the study area, and Samniotes Engineering ran calculations that indicate this does not qualify as Isolated Land Subject to Flooding under the Act.

The ANRAD plan shows an area of disturbance near the Building and Grounds facility. Mr. Hale asked how the Commission wished to treat this area. Historically it has been used to stockpile materials and soils, and there is now some wetland vegetation growth. He pointed out it is very difficult to auger the compacted soils, and water tends to pond at the surface. Still moving from south to north, S. Hale said the H-series of flagging consists of two Bordering Vegetated Wetlands connected by a ditch. Series I and J are bisected by Peabody St. but are connected via a culvert under the street. The water flows westerly in Series K is jurisdictional under the Town Bylaw. Thirteen separate wetland areas were delineated under the ANRAD plan. Changes were made in the field in the B, L, J, and M series.

Member Giguere mentioned he had to leave before the flagging for the M-series was completed, but he questioned why the area closer to Rt. 111 wasn't included in the flagging. Mr. Hale indicated this is the limit of area his client has chosen to flag. In order to balance efficiencies this is an area they do not need to identify at this time. Attorney Collins commented there are parts of the parcel that are clearly wetlands, such as the Groton School Pond or Lake Romeyn. Mr. Hale said there is no risk to the Conservation Commission to expand the area of delineation. Mr. Giguere expressed concern that if this is an intentional planning document Groton School would be better served by having something very complete. He noted the soft rush very clearly defined the M-series, but earlier in the season this might not have been so distinctive especially with regular mowing. Attorney Collins agreed it does make some sense to include additional field areas. B. Ganem mentioned the Commission would have to see the calculations supporting the volume of isolated vegetated wetlands to support a finding that it is only jurisdictional under the Bylaw.

C. Auman questioned whether the disturbed area should be excluded from the delineation, and Mr. Collins replied his client needs to have the Commission's determination on how this area should be classified, given there are cattails and water present. It is compacted materials which are difficult to penetrate with an auger. B. Easom did not think it was wetland because of mowing and the likelihood there was standing water due to compaction. It is not jurisdictional under the Act according to Mr. Hale.

Mr. Hale explained that flagging the eastern edge of the M-series of flagging was very tricky as the hydraulic connection begins to infiltrate in that area. Based on soil sampling and the extent of the soft rush, he felt the resulting delineation was satisfactory. D. Pitkin said it was confusing to see the edges of the wetlands left open, meaning the wetland line was actually more extensive in the field. When determining the extent of an Isolated Land Subject to Flooding, the contributing watershed should be shown, as well as the calculation of the volume of water already in the depression. P. Morrison commented the Commission has previously looked at the disturbed area in response to other filings. Mr. Collins said that trash may have partially obscured its identity. In reply to a question from D. Pitkin, Mr. Hale said the wetland delineation extends very slightly onto land owned by the New England Forestry Foundation. B. Easom questioned whether the Commission can make a determination on something that is not a wetland, and B. Collins reiterated that the School needs to know the Commission's view on the disturbed area.

This delineation expires in three years, but the Order of Resource Area Delineation specifically excludes those areas not delineated on the ANRAD plan. B. Collins agreed to a continuation to allow further discussion with his client on the inclusion of the field areas and the additional engineering calculations. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing for DEP#169-1069 to November 8, 2011.

7:45 p.m. - Sgrosso/2 Wyman Rd. Notice of Intent DEP#169-1067 continuation

Upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to continue the hearing for DEP#169-1067 to November 8, 2011.

7:45 p.m. - Iovino/583 Lowell Rd. Notice of Intent DEP#169-1065 continuation

Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP#169-1065 to November 8, 2011.

8:00 p.m. - Mt. Laurel Development 134 Main St. /DEP#169-1062 continuation

Attorney Rob Antcil summarized his letter of October 25, 2011 outlining the eight areas in which he felt the Mt. Laurel Development plan for 134 Main St. would benefit the Town. Other documents included the Conservation Fund Memorandum of Understanding, addendum to Master Deed, Conservation Trail Easement, and a draft Conservation Restriction. He mentioned there are educational opportunities associated with the constructed wetland area. A public trail and overview area is for the benefit of the public. The control or management of invasive plants will be an on-going responsibility of the condominium association. Mr. Antcil said the goal for

this evening is to close the public hearing, and he felt all of the items requested at the last meeting have now been provided.

The Conservation Restriction is in a similar form to one Mr. Antcil prepared for another town, also working with Kopelman & Paige. An escrow account of \$5000 will be set aside for the ongoing management and control of invasive plants. M. Giguere questioned whether the separate account would allow Commission access to the area and acknowledge the obligation to manage. Mr. Antcil indicated the condominium association documents would prohibit anything from being located in the common area.

The Conservation Restriction would work after the hearing is closed. An updated Operation & Maintenance Plan is included in the revisions submitted tonight. B. Easom asked about the trail location, and B. Ringwall showed the trail's location toward the back of the development on the revised plans. N. Madden noted the MOU addresses the timing of the \$25,000 donation to the Conservation Fund which is to occur after the 18th or last structure has received an Occupancy Permit. The \$25,000 from the Housing Trust would be granted to the Town once the Trust recognizes a profit on their investment. Town Planner Michelle Collette said this practice is similar to what the Zoning Board of Appeals has done with Groton Residential Gardens, and it has worked very well. Developer Bob France said he anticipates 3 years for the completion of the project. N. Madden noted there has been some difficulty in moving the townhouses at Academy Hill, and she questioned the timing for the Commission's sign-off on the Occupancy Permit.

Engineer Bruce Ringwall stated a separate Operations and Management Plan was developed for the control of invasive plants. Some large trees will be taken down in the 100-ft. buffer zone, and B. Ganem asked if these stumps could be ground rather than pulled out. Mr. Ringwall expressed concern that invasives would re-sprout. D. Pitkin asked if legal expenses could come from the escrow account for the project. M. Collette replied the escrow account does not cover legal fees, and this would come out of the general fund. Commissioners mentioned they typically look for the applicant to cover the cost of Town Counsel review of conservation restrictions and the other legal documents presented by Mr. Antcil.

Mr. Ringwall said work within the 100-ft. buffer zone has not increased although there are changes closer to the street side of the development. The building within the buffer zone has been modified (made smaller), and no work is closer to the wetland than previously. The size of the stone at the trench dispersal pads has been increased. Building D is out of the buffer zone with the exception of a deck that overhangs the buffer zone. The amount of impervious area has gone down slightly. The trees to be removed and the dimensions of the buildings have been identified on the plan.

Member Pitkin questioned how the hearing can be closed if there are remaining unresolved legal questions. Mr. Antcil indicated he planned to coordinate with Town Counsel. M. Collette pointed out that procedurally this is one piece of a multiple board process. She noted the Planning Board met on October 27th and will meet again on November 3rd. The Earth Removal and Stormwater Advisory Committee will meet on November 1st, and there are other meetings of the Historic Districts Committee to consider design changes. The Planning Board decision will be the last in

the process and will take into consideration all of the other boards' decisions. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the public hearing for DEP#169-1062 for 134 Main St.

After review of the draft Order of Conditions for DEP#169-1068 for 10 O'Neill Way, upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to issue the amended Order of Conditions for DEP#169-1068 for 10 O'Neill Way under the Wetlands Protection Act.

Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue the amended Order of Conditions for DEP#169-1068 for 10 O'Neill Way under the Groton Wetlands Protection Bylaw.

Bruce Ringwall asked what issues were involved with the Certificate of Compliance for 54 Ridgewood Ave., and members mentioned several items were missing from the as-built plan for the septic system and the area over the leach field has not been vegetated.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue the amended Order of Conditions for DEP#169-1064 for 2 Loomis Lane under the Wetlands Protection Act.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue the amended Order of Conditions for DEP#169-1064 for 2 Loomis Lane under the Groton Wetlands Protection Bylaw.

In discussion on whether to apply for Community Preservation funding, members agreed to request \$100,000. B. Easom commented the Commission must commit to an active and professional presentation for Town Meeting. P. Morrison suggested considering a separate article for Town Meeting. B. Easom said it was not a problem getting support from the Community Preservation Committee, but members of the Finance Committee and Board of Selectmen were another story. D. Pitkin reminded members that the public may not be aware of how these funds have been used. C. Auman added the Commission has been able to leverage the funds the Town has given us. N. Madden questioned how the parcels proposed for protection are prioritized. Members mentioned several parcels which have been under consideration by the Commission. People stress the importance of preserving Groton's rural character, wildlife, and wetlands. The Town Meeting presentation should explain what the money has been used for in the past and why the Commission needs it.

Member Giguere observed the Commission has had success in acquiring specific targets. He cautioned against enumerating priority sites as we could alienate potential sellers. We can speak

in general terms – preserving linkages or making connections with other protected land. B. Ganem will prepare a summary of the proposed CPC project by the due date, November 4, 2011.

B. Easom reported the Town has just received a check for \$198,000 from the Department of Revenue as the Town's CPC match. This match represents about 35% of the local surcharge.

B. Ganem reported the Emergency Certification for Academy Hill has been issued and will have the same due date as the Planning Board's deadline of December 1, 2011. Mr. Easom noted the Town Forest Committee is in the process of planning a forestry cut at the Town Forest, and this could be a good time to modify the trail to Ames Meadow. Member Giguere commented the cut on the Forestry & Mechanics parcel is on hold, and the optimal time of year is slipping away. He plans to call Jennifer Fish, state head of service foresters, and Dan Cyr to see where the project stands.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as amended 11/8/11.

EXHIBITS

Document	Source	Date
Minutes	Conservation Commission	10/11/11
Certificate of Compliance DEP#169-975	Kinnear/54 Ridgewood Ave.	Filed 1/18/07
Abbreviated Notice of Resource Area Delineation	Groton School/Farmers Row	Filed 10/12/11
Notice of Intent DEP#169- 1062	Mount Laurel Development/134 Main St.	Filed 7/18/11
Notice of Intent DEP#169- 1068	Pollard/10 O'Neill Way	Filed 9/13/11
Notice of Intent DEP#169- 1064	Cloyd/2 Loomis Lane	Filed 4/12/11
Notice of Intent DEP#169-970 Emergency Certification	Wheeler/Academy Hill	Issued 10/26/11