

## GROTON CONSERVATION COMMISSION

### Minutes

March 27, 2012

Chairman Nadia Madden called the meeting to order at 6: 51 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Bruce Easom, and Marshall Giguere were present. D. Pitkin arrived at 6:52 p.m., Bill Neacy arrived at 6:55 p.m., and Peter Morrison arrived at 7:11 p.m. Conservation Administrator Barbara Ganem was present.

#### 6:30 p.m. - Appointment Bill Townsend/10 O'Neill Way

Mr. Townsend explained he had checked his deed to see whether there was any indication of wetlands on his property and, finding none, thought he was ready to proceed. Coming through the conservation land was a shorter path to get to the work area. He has now marked his property line around the project. B. Easom reported he and M. Giguere had met with Mark Haddad and Mr. Townsend who explained the situation well. Their conclusion was that researching one's deed in the Registry may be beyond the average homeowner, and this should be something the Conservation Commission takes into consideration. Mr. Townsend complained of the time and money necessary to prepare a plan to accompany the Notice of Intent.

(B. Neacy arrived at 6:55 p.m.)

M. Giguere suggested that identifying known survey points can be helpful for future commissions to see where work was done. There needs to be something for reference for any future work. N. Madden asked whether it was the expense of an as-built plan or the filing of the Notice of Intent, and B. Townsend said it was a ton of money, and he had no way to know there was a wetland. C. Auman asked if the damage caused by the backhoe has been repaired, and Mr. Townsend indicated it was. Member Auman clarified that this is an after-the-fact wetland violation filing. B. Easom confirmed there was traffic through a wetland which has created this problem. The problem appears to originate with the contractor from whom Mr. Townsend could recover costs. Mr. Townsend has indicated he does not want to do this as he felt it would be counter-productive. He received an after-the-fact positive Determination of Applicability. D. Pitkin suggested the Commission consider the filing of a Notice of Intent without an engineered plan as it seems acceptable for this type of work. M. Giguere said the biggest thing is not an engineered plan, but the dimensions of the location from a known point. This is a lower standard for a Notice of Intent, but it could provide adequate documentation of the final work. C. Auman said he found it acceptable providing things were adequately fixed on the ground. Members agreed to an April 23 filing deadline for the Notice of Intent without an engineered plan.

#### 6:45 p.m. – Appointment Rick Dunn/Perkins & Anctil PC, Certificate of Compliance DEP#169-768 for Batten Woods/Orion Way houses

Attorney Rob Anctil explained he represents the potential seller of the house at 26 Orion Way. He understood that the Commission wished to see boundaries defined by certain markers or some other identified structure. His client, Bob Wilson, filed a Notice of Intent for an in-ground

pool in March 2009 and requested a partial release at that time. He is the only homeowner to move forward with the process of having an engineer certify the work with an as-built plan.

(P. Morrison arrived at 7:11 p.m.)

However, he decided not to go forward with the plan for the pool. Mr. Anctil said he was here to get a list of outstanding items the Commission wants to see addressed before moving forward with a partial Certificate of Compliance. He noted there is a sale scheduled for Friday, and he would like Commission agreement on the parameters for a Certificate of Compliance for the entire subdivision. He would then go back to the neighborhood to see if the homeowners are willing to come up with the necessary fees to get full certification. In general, the roof recharge looked good. There are no surveyed markers in place. B. Easom observed that there is nothing bad in terms of stability and erosion. He paced off the distances to the limit of disturbance, and they seemed reasonable if the houses are in the proposed locations. There may be instances of encroachment of lawn into the limit of disturbance. Matt Waterman acknowledged some of the house shapes and locations were moved slightly. His firm, Landtech, prepared plot plans for submittal to the Building Department. In the case of Mr. Wilson his house is 82 ft. rather than the proposed 87 ft. from the wetlands. Until the Commission sees a plan with the actual house footprints in relation to wetlands, no major problems can be identified. Some of the houses have sheds outside the limit of disturbance. The best thing would be to have signage in place so that homeowners are aware of the limit of disturbance.

N. Madden said the biggest intrusion into the buffer zone are things like the sheds, and the practice of depositing grass clipping and landscape debris which needs to be stopped. The Commission discussed various scenarios for addressing issues on Orion Way. In summary, the placement of conservation markers and replacing current lawn with native vegetation seem critical. Mr. Waterman said the retaining wall at 26 Orion Way provides a hardscape rather than a 3 to 1 slope to the vernal pool. Water does filter through the retaining wall, and there is a strong visual buffer with tall arborvitae.

M. Waterman said he had the roof drain conversation with builder Joe Flaherty who assured him they were all in, but they were not able to provide receipts. C. Auman thought that verification of where the houses are located and existing retaining walls would be helpful. The homeowner at 27 Orion Way has pushed material into the buffer, and it's important to mark the limit of disturbance. Mr. Waterman said some Commissions require a secondary containment area for gas cans and chemicals as a way to make homeowners more aware of the risks of storage near wetlands. N. Madden added that we do not know where the buffer zone is in relation to the houses, and the Commission cannot fully assess the situation without this clarity. There is no homeowners association to deal with the broad issue, and the Order of Conditions shows up on each of the homeowner's deeds. It is really in their interest to clear any cloud from their title. Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to issue a partial Certificate of Compliance for 26 Orion Way providing the original limit of disturbance line is marked with conservation markers, the shed is moved to a location within that limit, and the restoration plantings are installed per the plan submitted with DEP#169-1044, dated March 4, 2010, most recently revised 3/19/10,

and prepared by Landtech Consultants.”

The motion passed by majority vote, with P. Morrison voting in the negative.

7:00 p.m. – Appointment Caroline Edwards and Parks Commission on *Open Space & Recreation Plan*

Ms. Edwards, who consults with Community Opportunities Group, submitted an update (attached) on the *Open Space & Recreation Plan*. The update included goals from the 2005 *Plan* and from the 2011 Master Plan. Commissioners expressed concern about including community gardens as a goal because there does not seem to be a definitive group that could drive this. P. Morrison pointed out both Concord and Acton appear to be successful at it and could be used as models. M. Giguere said we do currently license fields for agricultural uses. The biggest obstacle seems to be having a point of contact to implement a plan for a community garden.

C. Edwards indicated the emphasis on agriculture was new and stated more explicitly than in the previous *Plan*. Members suggested the heading to sections be clear that the list is not prioritized. After reviewing the 2005 goals, N. Madden recommended including scenic values of both water and land resources. Preserving lands that support agricultural uses should specifically include forestry. Members were uncertain whether the ACEC Stewardship Committee was still in operation and suggested omitting these references from the updated Plan. B. Ganem mentioned an offshoot of that Committee is the continuing effort to raise and release *Galerucella* beetles to control loosestrife infestations throughout the Nashua River watershed.

Under Goals #2, B. Easom felt the importance of preserving vernal pools and their adjacent uplands should be listed as an objective. He gave the Mattbob parcel as an example of providing breeding habitat with living space in the uplands. Under #6, members suggested taking out the specific reference to Fitch’s Bridge and adding the expansion of trail networks. Fitch’s Bridge may be more appropriate under the Action Plan. In the 4<sup>th</sup> bullet under #6, members recommended using the term ‘best management practices’ rather than non-pollutive practices. Maintaining and encouraging biodiversity should be a listed objective under #7.

C. Edwards explained the graphs at the end of the update show the demographics of respondents to the community survey. There is a split between conservation and recreation interests which is probably related to the relative age of the respondents. C. Auman thought this should be called out against the results reported in the Master Plan. It appears many young families did not respond to the survey. There is mixed support for recreation. M. Giguere asked if the update should be at the Action Plan level rather than further down.

Michael Roberts, current chair of the Historic Commission, has previously suggested the Conservation Commission consider historic aspects when purchasing properties with Community Preservation funding. Members Neacy and Morrison said historic considerations were really not under the purview of the Commission; they did not recall anything within the state statute that governed this. D. Pitkin pointed out we typically are not buying land under state statute. When we apply for state (LAND) funds, both the state Natural Heritage and Historic Commissions are notified. P. Morrison stated we are governed by the 8 interests of the Act while

others pointed out open space is covered under the Conservation Commission Act. Although it is a laudable idea it probably should not be called out as a major consideration in the *Plan*.

Ms. Edwards pointed out a public hearing on the *Plan* is scheduled for May 1, and this will be the time when recommendations are presented. She will reach out to the Parks Commission whose members were unable to attend tonight's meeting. The 5 year Action Plan will be incorporated. Community Opportunities Group anticipates having a draft ready for Commission review in late May with the final draft forwarded to the Division of Conservation Services in late June. Members thanked her for her input.

8:00 p.m. – Fiedorczyk Request for Determination of Applicability/7 Hemlock Park Dr.

Homeowner Alex Fiedorczyk explained the October storm resulted in several trees falling both in the front and back of the house. A car and portion of the house were directly affected, and he has a tenant with two young children. He wished to remove the downed trees and made a hasty decision in which he failed to take into account there are wetlands at the back of the property. It is his intent to replace those trees that were removed within the buffer zone.

D. Pitkin asked how he planned to handle stumps as the area is looking pretty barren. Mr. Fiedorczyk indicated he would like to de-stump the front and side yards to put in lawn. Chairman Madden asked if he knew about the wetlands, and Mr. Fiedorczyk acknowledged he had made his decisions without looking at the old septic plan, and he accepted responsibility. Commissioners asked what kinds of replacement trees are proposed, and he responded "firs, spruce, and hemlock, probably about 5 ft. in height". Pines and oaks were cut within the 100-ft. buffer zone, but he indicated some of the tops had already toppled.

P. Morrison inquired as to what type of wetland this is, and Commissioners responded that it appears to be intermittent in nature. No slash has been put in the wetland buffer. M. Giguere thought over 20 trees were removed within the buffer zone, and he was not sure the Commission would have approved that amount had there been an opportunity to review the proposed project ahead of time. He thought there was a sandy mix for soils on site, and it was likely similar species should be planted as they will tolerate the soils better. B. Neacy thought there was some water infiltration under Rt. 40 connecting this wetland to the one across the street. M. Giguere said consideration could be given to other vegetation such as highbush blueberry which could stabilize area. B. Ganem has a list of appropriate plantings for wildlife. C. Auman said the Commission generally does not like to see cutting of vegetation within 50 ft. of wetlands as this can have a tremendous effect. He noted the Massachusetts Vegetated Buffer Manual explains the value of buffer zones and ways to make it more productive. Plants such as gray dogwood, black-eyes susans, witch hazel, fern, red maple, and river birches add to the diversity. He suggested contacting the New England Wildflower Society in Framingham as they are a good source of native plant materials. Mr. Fiedorczyk indicated he would like to have more variety there and would be happy to do it as it would be better looking and provide better habitat. In addition, the Middlesex Conservation District in Westford is another source of plant material.

P. Morrison asked if a driveway has been added out back, and Mr. Fiedorczyk said it has always been there. Mr. Morrison said it now appears to connect with Hemlock Park Dr. Mr. Fiedorczyk said it may have been added when the septic system was put in, and Mr. Morrison pointed out it

is within the 100-ft. buffer zone to wetlands. C. Auman commented the terrain was quite rough, but Mr. Fiedorczyk stated that no excavation or de-stumping is planned in the buffer zone. Upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to issue a negative #3 Determination providing 1) the buffer zone is re-vegetated with a mix of at least 20 native deciduous and evergreen trees and shrubs, and 2) no de-stumping or grading shall occur within the 100-ft. buffer zone.

The vote passed with M. Giguere and P. Morrison voting in the negative. Mr. Morrison felt this project fell in the same category as the Iovino tree cutting on Lowell Rd. Mr. Easom noted that applicant is doing a restoration but also is proposing a garage. The Commission issued an Enforcement Order to determine the wetland line.

8:15 p.m. – Kalitka Request for Determination of Applicability/836 Lowell Rd.

Homeowner Kalitka reported he had tree branches overhanging his home; some of them he wishes to prune but there is one tree he would like to remove. Arbor Solutions came and assessed what needs to be done. Commissioners thanked him for contacting the Commission before the work was done. A crane will be used for the tree removal, and all work will be done from the paved driveway. No other machinery is proposed to be used. He plans to leave the stump. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination providing there is no de-stumping.

The vote was unanimous.

8:30 p.m. – Eklof Request for Determination of Applicability/31 Ames Rd.

Resident Dennis Eklof explained he had written a letter describing the work he has done on his 5-acre hillside lot. There had been invasive grape vines and a 15-ft. swath cut back by the town which exposed a tangled mass of dead trees and brush. His purpose was to clear up the mess, and he did not take down any live trees. The October storm also added to the debris, and he indicated he spent over \$8,000 to clear up the storm-damaged vegetation and invasives. Some of the material was chipped which will add nutrients to the soils. He would like to maintain a scenic meadow there with the remaining apple tree. He acknowledged that, in his ignorance, he did not file with the Commission.

B. Neacy noted there was extensive clearing right up to the edge of the stream and also that a scenic meadow may not always be consistent with the protection of a resource area. M. Giguere commented the Commission visited the site this past Saturday and could see remnants of multiflora rose and honeysuckle. Grapevines are not invasive and will not kill trees although the vine may have been bittersweet. Had the Commission looked at this before the work was done, members could have provided guidance on what should be left and what should have been removed. Cutting back some invasives can result in encouraging growth, and a seed bank remains in place. Sometimes it is better to attack on an individual species basis, and to plan how to remediate.

Member Auman advised talking with the Highway Department if there is concern about removing brush from the highway side of the property. He said they do this to minimize shading that can preserve ice and snow on the roadway during the winter. Usually they do not go as far in as 15 ft. A plot of tiger lilies appears to be intact. B. Easom noted that bare soils mean invasive plants can take over, suppressing the growth of native species. D. Pitkin expressed concern about the strip along the stream and thought it should be planted in appropriate species. N. Madden worried about the risk of invasives taking over the field in the spring and suggested hiring a landscaper who knows how to maintain a meadow. It might have to be mowed for 4 years to keep invasives down. Providing shade and erosion control at the strip with the field maintained for invasives may be necessary. These techniques require hard work. Members recalled the field Bob Pine has been renovating for years. A brontosaurus was used for the first foray into the field, but then individual shrubs and vines were hand removed, and it is an on-going process.

B. Easom offered a motion, seconded by P. Morrison, to require a 25 ft. strip next to the stream to be re-vegetated with native plants and trees to shade the stream, the area beyond the strip be planted with native grasses and mowed twice a year, and a professional landscaper be hired to restore the affected habitat and prepare a long term plan. The motion failed unanimously.

Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to require the development of a plan to be presented to the Commission at the May 8<sup>th</sup> meeting.

The vote was unanimous.

8:45 p.m. – Camp Massapoag Request for Determination of Applicability/Island Pond Rd.

Camp Director Ray Adams explained the Lowell YMCA had purchased this land from the Cambridge YMCA less than 2 years ago. Approximately 1/3 of the property is in Groton with the remainder in Dunstable. They plan to continue its operation as a summer day camp. The building to be demolished was probably built around 1919 and served as a dining hall. It has not been used for the past 8 years, and they have been advised there are safety concerns about its structural soundness.

Contractor Jay Finnegan was present, and his company will be doing the demolition. He explained their goal is to protect the shore line of Massapoag Pond and to restore and re-vegetate the area disturbed by the demolition. The camp will open the third week in June, and they plan to start the demolition around the first of May. Silt fencing and haybales will be installed along the lake front. An excavator with a thumb will be used to pull the building toward the land. Debris will be deposited in a dumpster. The building will be examined for hazardous materials, which will be remediated, prior to demolition.

Member Morrison questioned whether there were any underground utilities. They thought a pit cesspool was present and indicated it would be crushed and filled. The cement barrels that currently support the building will be left in place. The area will be loamed and seeded, using a pinned erosion control mat on the slope to the lake. A small machine holding a boom against the building will be used to steer the collapse of the building toward the land. Two birches are likely

to be removed in the course of the demolition. Mr. Finnegan offered to get a bill of lading for the removed debris. He estimated there was between 300 and 350 ft. of shore line that would require erosion control measures, including silt fencing, haybales, and a construction fence. He anticipates the demo will take 2 days and then the site would be loamed to stabilize.

Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) Removal of 2 birches is permitted; 2) haybales & silt fencing shall be installed between the building and Massapoag Pond prior to the commencement of work; 3) debris shall be removed by a licensed disposal company; 4) foundation piers are not to be removed from the site; 5) the old septic system shall be crushed and filled with appropriate materials; 6) work shall not be done when a west wind is blowing; and 7) site shall be loamed and seeded and protected with staked erosion control matting on the slope to Massapoag Pond.

R. Adams inquired whether a structure would be allowed in the future on this site, and Commissioners advised him to talk with the Building Commissioner.

9:00 p.m. – Sheridan Notice of Intent/36 Anthony Dr. sewer line extension

Engineer Mark Donohoe of Acton Survey & Engineering explained his client, Sandra Sheridan, wished to connect to public sewer in Groton Residential Gardens which has granted an easement. There is no place on 36 Anthony Dr. suitable for a private septic system. The 1.25 in. force main will go between two buildings on the Groton Residential Gardens site. Any de-watering will be done in a depression near Anthony Dr. It is anticipated the work will take one week using a small rubber-tired excavator. The installation involves flexible HDPP tubing, and the trench will be back-filled by hand. Mr. Donohoe stated silt fencing and haybales will be placed on either side of the 18-in trench. Soils will be segregated and replaced in the same order as they are removed. The trench will be 4 ft. deep. He indicated no materials would be added to the trench.

Members asked about bringing the sewer line down Anthony Dr. to avoid work in Bordering Vegetated Wetlands. Mr. Donohoe replied “it would be uneconomical”. Before excavation begins the contractor will drill five test holes to determine where the water table is and how many pumps should be on hand. He maintained that sleeving the pipe would extend the construction process. The current cesspool will be pumped, crushed, and backfilled in place. The groundwater does not freeze, and there will be 3 ft. of fill over the pipe. M. Donohoe said no buoyancy tests are necessary because the pipe is always filled.

As far as the construction sequence, M. Donohoe assured the Commission that topsoils would be stockpiled on the uphill side of the trench and gravel on the opposite side. Ms. Sheridan stated there was an existing cement slab under the crushed stone pad where her lawnmower is stored in a Tupperware container. This is located within the delineated wetland. The sewer line will pass through approximately 145 ft. of wetland. P. Morrison questioned whether the homeowner had seen a difference in water levels since the construction of Groton Residential Gardens, and Ms. Sheridan said she bought the house in July. Upon a motion by D. Pitkin, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP#169-1080.

Mr. Donohoe requested that the original Order be sent to his office.

9:15 p.m. – Iovino DEP#169-1075 continuation 583 Lowell Rd.

Stan Dillis asked the Commission if they would mind the substitution of pitch pine for white pine in the restoration work Mr. Iovino is doing. He is having difficulty finding white pine nursery stock; members agreed this was satisfactory and noted it will have to be replaced if it does not survive. Mr. Dillis said it is Mr. Iovino's intention to do the restoration work prior to the construction of the garage proposed under this filing. Roof runoff from the garage will be recharged with a Cultec unit, and a recharge trench will be installed at the end of the driveway. Any stockpiles of material will be done toward the front of the lot. The garage will be on a slab.

Attorney Bob Collins asserted there is an advantage to keeping all vehicles under cover. As mitigation, the applicant is proposing gifting ~ 2 acres of land in fee. He reported Water Department Superintendent Tom Orcutt was appreciative of this additional protected land near the Baddacook well.

Member Easom felt it was good to get this project under control. N. Madden pointed out the garage footprint was comparable or larger than the house footprint. Mr. Dillis said it would have a gabled roof and no second story and be constructed on a slab with frost wall. Mr. Iovino anticipates doing the re-planting and fence within the next week before the Order of Conditions is issued. B. Neacy thought the applicant has been cooperative in assembling a good team and proposing mitigation with a gift of property to offset work in the buffer zone. P. Morrison agreed it was a good outcome where both the Town and Water Department benefit, and it fell within work exemption setbacks. Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP#169-1075.

9:30 p.m. – Sgrosso DEP#169-1067 continuation 2 Wyman Rd.

Attorney Bob Collins reported engineer Kevin Ritchie has revised the plan to include additional information for this lot approved about a decade ago. There will be approximately 2,257 SF of disturbance within the Riverfront Area whereas 13,448 SF was proposed in the original filing. The driveway has been moved so that it will be shared with a neighbor as it comes off Wyman Rd. The applicant, Elio Sgrosso, has previously done some plantings at the 100 ft. inner Riverfront Area, and these are identified on the plan. Natural Heritage has sent a letter confirming there is "no take" with the proposed project. Far less than 10% of the Riverfront Area is to be altered.

B. Easom agreed this plan is a reasonable way to preserve most of the land. N. Madden noted some of the plantings are known to be problematic invasives, and it is likely the Commission will ask that they be replaced with native species. The honeysuckle and buckthorn are not appropriate for the site. C. Auman thanked the applicant for improving the plan and changing the driveway location. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to close the hearing for DEP#169-1067.



The vote was unanimous.

Members reviewed the draft Order of Resource Area Delineation for GELD, DEP#169-1079, and upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to approve the issuance of DEP#169-1079 as drafted.

The vote was unanimous.

In discussion on the Order of Conditions for GELD, DEP#169-1073 under the Wetlands Protection Act, members questioned why invasives control was not addressed in the Notice of Intent submittal. N. Madden said the discussion in the March 13<sup>th</sup> Commission minutes was difficult to follow. M. Giguere emphasized the need to have restoration plantings in the buffer zone. He thought the density of plants along the back side of the building should be increased, particularly shrubs. Members agreed to include a condition in which at least 1 shrub is planted every 5 ft. These would be selected from the rain garden planting list and can be clumped to look more natural. B. Ganem confirmed that pre- and post-development calculations were provided by the applicant's consultant. While the Commission was told that road runoff flows from Station Ave. to the wetland, the elevations on the site are 310 ft. at Station Ave., 312 ft. in the middle, and 305 ft. at the back. The consultant maintains there are reductions in runoff flows after all design storms. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to issue an Order of Conditions for GELD, DEP#169-1073, as amended, under the Wetlands Protection Act.

The motion passed by majority vote, with members B. Easom and M. Giguere voting in the negative.

Member Neacy made a motion, seconded by B. Easom to deny the project under the Wetlands Protection Bylaw. Mr. Neacy read the draft denial and made the observation that this is a very difficult and complex project for which GELD has advocated well. He noted the Board of Selectmen had formally attended the Commission's last hearing but he felt there was a lack of understanding of biology and a need for environmental education. Only one selectman spoke in favor, and Mr. Neacy noted PCBs have not been used in transformers for years. While a higher bar for protection of wetlands affects the rest of the Town, a Town entity is requesting that the bar be set distinctly lower for them.

Mr. Neacy pointed out this wetland has a connection to the large Broad Meadow wetland, a distinctive feature of the Town center. He felt there is a preponderance of evidence to not put a building in the buffer. He acknowledged there is a public good in that GELD keeps its rates low and buys electricity to distribute and sell. Perhaps it could be considered for a Brownfield cleanup. He stated the acreage does not come close to mitigating for damages to the buffer.

P. Morrison argued they are exempt from the Bylaw due to the previously disturbed areas. The site has been previously disturbed. D. Pitkin commented there were houses and lawn. Moving

the poles and pole barn away from site is a good thing as the old poles were treated with creosote. It is not a pristine site with these bikes and trash. Mr. Morrison did not see an adverse impact from cleaning up the stuff that is there. He felt this would be an opportunity to clean up and revitalize Station Ave. and that it was not economically viable to encumber the other parcel. He pointed out GELD has offered mitigation, and their plans have changed. Large vehicles traverse the area anyway. It is an improvement over what is there at the end of the day.

N. Madden commented that things are already bad, and they are going to continue to be bad. Salt has been added to the equation while creosote is removed. Much of the wetland actually belongs to another property owner. She expressed concern about setting a precedent, especially when they sell the next door lot. Everyone is aware that another large building is proposed there, and it is unfair to these other entities. There is clearly a hydrological connection to some degree between this wetland and Broad Meadow. It is likely a lot of pollution from Main St. is slowed down and stopped before entering the larger wetland. She agreed the removal of creosoted poles represents an improvement.

C. Auman pointed out the poles could be moved tomorrow. B. Easom stated the Commission would be setting a precedent for Station Ave., acknowledging it is easier to say “yes” at the first encroachment, but it becomes much more difficult down the road. This is a Town entity, and there should be no double standard between private and public parties. It is not appropriate for the Town to set regulations and then not follow them.

D. Pitkin said electricity is a public good, but the Commission has to make sure the buffer applies the same way across town. It is good to re-develop Station Ave. P. Morrison asserted the redevelopment of Station Ave. was favorably voted on at Town Meeting. M. Giguere pointed out the Station Ave. re-development project envisioned mixed commercial residential uses, and this project is industrial. He felt a peer review was needed to determine where the flows go. The project has not passed muster with either the Planning Board or the Earth Removal Stormwater Advisory Committee. The applicant could well be in the position of having to re-configure the structure as a result of reviews by those boards. M. Giguere said they have billed this as a slight increase in the 50-ft. buffer zone, while it is closer to 12,000 SF of permanent alteration. The 90° rotation of the building was not that well explored. He summarized his comments by stating he did not see enough mitigation here.

Member Easom said had talked to several people who thought Town Meeting had voted for the Station Ave. Overlay District with the expectation the Conservation Commission would uphold both the Wetlands Protection Act and Bylaw. This is really the only barrier to uncontrolled development of Station Ave. He recommended caution in stating there was a Town Meeting vote on this as voters believed the Conservation Commission would be a good steward of the wetland. P. Morrison stated “there will be no development if we hold to a 100-ft. buffer.”

N. Madden asked for additional information on Station Ave., and members explained there had been proposals by Capstone and Beaudane for projects, and it was envisioned that GELD, Buckingham Bus, and May & Halley would move out of the area to make room for re-development. P. Morrison expressed concern that there will be no development on Station Ave. B. Neacy questioned how the Commission cannot say “no building in the buffer zone”? M.

Giguere said the Commission has given up on the 100-ft. buffer zone, and is just trying to salvage as much of the 50-ft. buffer zone as possible. C. Auman said he would like to be able to approve the project and has struggled with his decision. He did not see any alternative but to approve it under the Wetland Protection Act, but he did not think we have seen the best possible plan. The standard for altered areas is that there be no increase in adverse impacts when there is no technically feasible alternative. The applicant appears to have an alternative which they refuse to consider. Returning to the original motion to deny, it was

VOTED: to issue a denial, as drafted, under the Wetlands Protection Bylaw for DEP#169-1073.

B. Neacy, C. Auman, N. Madden, M. Giguere, and B. Easom voted in favor of the motion, while P. Morrison and D. Pitkin voted in the negative.

At 11:30 p.m. upon a motion by P. Morrison, seconded by B. Neacy, and a roll call vote of B. Neacy, P. Morrison, M. Giguere, C. Auman, B. Easom, D. Pitkin, and N. Madden, it was

VOTED: to enter Executive Session for the purpose of discussing the acquisition of land to return to Open Session at adjournment.

The meeting resumed at 11:50 p.m.

Upon a motion by B. Easom, seconded by B. Neacy, it was

VOTED: to authorize B. Ganem to review the Order of Conditions and plans for 104 Longley Rd., DEP#169-967 and issue a Certificate of Compliance if all conditions are appropriately addressed.

The vote was unanimous.

(P. Morrison left at 11:51 p.m.)

Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to issue an Order of Conditions, as drafted, for 326 Nashua Rd., DEP#169-1078 under the Wetlands Protection Bylaw.

The vote was unanimous.

Upon a motion by B. Easom, seconded by D. Pitkin, it was

VOTED: to issue an Order of Conditions, as drafted, for 326 Nashua Rd., DEP#169-1078 under the Wetlands Protection Act.

The vote was unanimous.

Members M. Giguere and D. Pitkin agreed to work with B. Ganem to set a date and topic for the regional Conservation Commission breakfast sometime this spring. It is Groton's turn to 'sponsor' it.

B. Neacy said the idea of a straw poll does no service to the Conservation Commission as there is no time to reflect. The final decision should include a review of the minutes, plans, personal reflection, and the opportunity to share viewpoints. B. Easom expressed concern that his taking a position diminished opportunities for discussion. D. Pitkin thought it might involve sharing hope that you do not actually feel. B. Neacy asserted that straw polls detract from the process as it is the responsibility of the Commission to take all input from the consultant, to study the plans, and we end up jumping the gun before deliberations have taken place. M. Giguere concurred that our decision-making could be affected by straw polls. B. Easom saw some value as it is an opportunity for the applicant to present his case and more negotiations to take place. Chairman Madden noted that sometimes our opinions have not jelled, and a straw poll could result in polarizing positions. C. Auman commented that, in retrospect, he probably should not have participated in the poll in order to make the best decision possible. He agreed it does not add to the process.

There being no further business, the meeting was adjourned at 12:05 a.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as amended 4/10/12.**

EXHIBITS

Document	Source	Date
Request for Determination of Applicability	Townsend/10 O'Neill Way	Filed 11/1/11
DEP#169-768	Batten Woods/Orion Way	Filed 12/5/00
Open Space and Recreation Plan (OSRP) Update	Caroline Edwards, Communities Opportunity Group	3/27/12 (Attached)
Request for Determination of Applicability	Fiedorczyk/7 Hemlock Park Dr.	Filed 2/29/12
Request for Determination of Applicability	Kalitka/836 Lowell Rd.	Filed 3/12/12
Request for Determination of Applicability	Eklof/31 Ames Rd.	Filed 3/8/12
Request for Determination of Applicability	Camp Massapoag/Island Pond Rd.	Filed 3/9/12
Notice of Intent DEP#169-1080	Sheridan/26 Anthony Dr.	Filed 3/13/12
Notice of Intent DEP#169-1075	Iovino/583 Lowell Rd.	Filed 1/10/12
Notice of Intent DEP#169-0173	Sgrosso/2 Wyman Rd.	Filed 9/2/11
Abbreviated Notice of Resource Area Delineation DEP#169-1079	GELD/23 Station Ave.	Filed 2/13/12
Notice of Intent DEP#169-1073	GELD/23 Station Ave.	Filed 12/1/11
Notice of Intent DEP#169-967	O'Hara/104 Longley Rd.	Filed 8/28/06
Notice of Intent DEP#169-1078	Guilmartin/326 Nashua Rd.	Filed 1/26/12

## Open Space and Recreation Plan (OSRP) Update

*Conservation Commission Meeting; March 27, 2012*

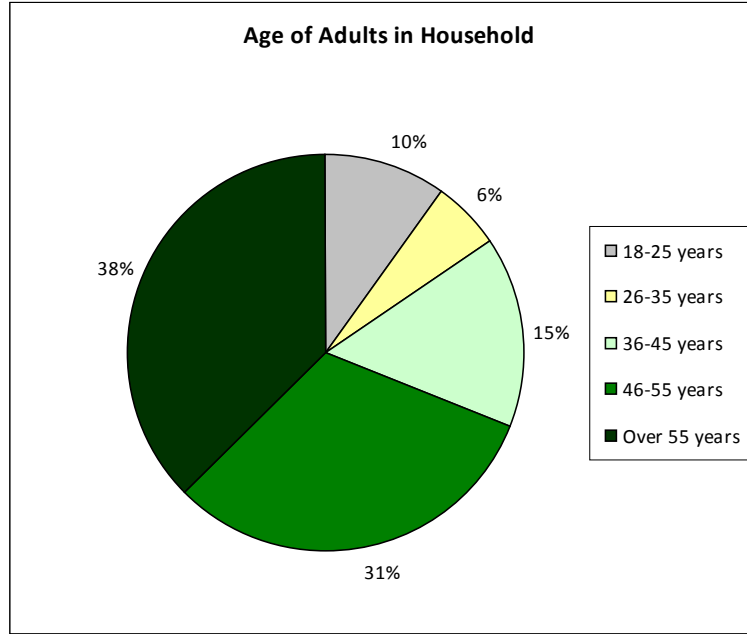
1. Discussion of overarching goals (section 6.0). *These goals should be stated in very general, broad-brush terms: what is the overall vision for the community and what should it look like?*
  - a. From 2005 OSRP (section 6.0)
    - i. Preserve Groton's rural, small town character by identifying, preserving, and protecting important historic, cultural, and natural resources.
    - ii. Enhance Groton's natural environment by taking advantage of local and regional linkage of open space in the creation of greenways.
    - iii. Increase environmental awareness and understanding amongst Groton's entire community.
    - iv. Protect and enhance the quality of Groton's surface and groundwater as a source of drinking water and for wildlife and recreational use.
    - v. Preserve, protect, and manage fields and forests.
    - vi. Provide adequate recreational opportunities for all residents of Groton.
  - b. From 2011 Master Plan (*Open Space and Recreation goals and relevant Natural Resources, Water, and Energy goals*)
    - i. Ensure that Groton's agricultural, forested, and recreational open spaces are protected, enhanced, and expanded for present and future generations.
    - ii. Improve management of open space and recreation parcels.
    - iii. Expand and revitalize Groton's recreational resources, including parks, athletic fields, greenways, and waterways.
    - iv. Enable and support the creation and maintenance of community gardens for public use.
    - v. Protect the integrity of Groton's natural resource systems as Groton continues to develop.
    - vi. Use best management practices to preserve and protect Groton's groundwater and surface water resources.
    - vii. Identify and protect agricultural land resources to support the continuation and expansion of agriculture in Groton.

2. Specific goals and objectives. *Synthesis of vision, general goals, and needs.*  
 a. From 2005 OSRP (section 8.0)

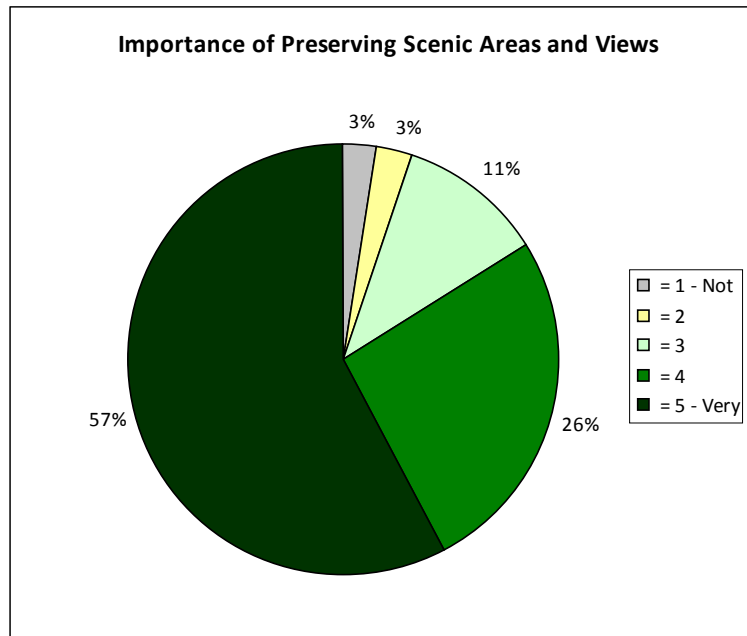
Goals	Objectives
1. Promote the preservation of Groton's important water resources.	<ul style="list-style-type: none"> <li>• Promote the preservation of groundwater resources.</li> <li>• Improve and maintain surface water quality.</li> </ul>
2. Promote the preservation of important land resources in Groton.	<ul style="list-style-type: none"> <li>• Preserve lands that support agricultural uses.</li> <li>• Protect lands of scenic value.</li> <li>• Preserve land for conservation and natural purposes.</li> <li>• Coordinate with the ACEC Stewardship Committee.</li> </ul>
3. Provide recreational opportunities for all Groton residents.	<ul style="list-style-type: none"> <li>• Expand recreational and educational program offerings.</li> <li>• Develop facilities to support programming and serve future growth areas of Town.</li> <li>• Update facilities to meet Americans with Disabilities (ADA) requirements.</li> <li>• Explore special opportunities for recreational facilities.</li> </ul>
4. Promote the efficient management and maintenance of the open space and recreation areas and structures of Groton.	<ul style="list-style-type: none"> <li>• Investigate staffing needs from a management and maintenance perspective.</li> <li>• Implement strategies that will facilitate the care of recreation and conservation areas.</li> </ul>
5. Promote opportunities for linkage of Groton's open space.	<ul style="list-style-type: none"> <li>• Work to link local open space and recreation areas to each other.</li> <li>• Work with the ACEC Stewardship Committee to investigate regional protection strategies.</li> <li>• Work with neighboring towns to link adjacent open space and recreation areas.</li> </ul>
6. Increase public awareness of natural resources.	<ul style="list-style-type: none"> <li>• Educate the public about available recreational, cultural, and natural resources.</li> <li>• Restore historic Fitchs Bridge as a pedestrian walkway.</li> <li>• Instruct the public on non-pollutive land and water practices.</li> </ul>
7. Assure adequate habitat and corridors for wildlife.	<ul style="list-style-type: none"> <li>• Protect vital wildlife habitat along wetlands and waterways.</li> <li>• Continue to connect protected open space parcels that have rare or endangered wildlife.</li> </ul>

3. Key results from OSRP survey

- a. Demographics of respondents: older, lived in Groton a long time, older children (or no children?)



- b. General support for conservation initiatives





c. Mixed support for recreation initiatives

