

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, January 28, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Craig Auman, Marshall Giguere, and Bruce Easom present. Rena Swezey was absent. Conservation Administrator Takashi Tada was present.

#### 7:00 p.m. – Wetlands Bylaw Review Committee – Proposed Bylaw Revisions

David Black, Chair of the Wetlands Bylaw Review Committee (WBRC), presented a brief summary of the WBRC's mission and activities to date. The WBRC was convened in 2012 and consists of seven members appointed by the Board of Selectmen and representing various Town boards and interests. During the last 18 months, WBRC carefully reviewed every aspect of the Wetlands Protection Bylaw. The result of this review is a set of proposed revisions that substantially reaffirms the existing Bylaw. The revisions are intended to clarify inconsistencies and ambiguity in the wording of the Bylaw, to better explain the purpose of the Bylaw, and to improve the applicability of the Bylaw. C. Auman requested that Mr. Black delete the word "errors" from his presentation. Mr. Black agreed to the deletion.

Following the brief summary, Mr. Black presented the proposed Bylaw revisions, point-by-point. Please refer to the track-changes document for the full roster of proposed changes. Key points include:

- 1) § 215-1. Purpose and intent: The statement of purpose has been bolstered by a more detailed description of Groton's natural history which resulted in a unique landscape rich with wetland resources.
- 2) §215-3. Exceptions: The exception for previously altered areas has been revised to be more clear and meaningful. Reference to a date certain has been removed.
- 3) §215-4. Application: Terminology used to describe applications, forms, and processes has been made more consistent.
- 4) §215-7. Presumptions:
  - a. The prohibition against storage of petroleum products has been eliminated.
  - b. The standards for altered areas has been clarified.
- 5) §215-9. Definitions: This section has been revised and expanded to include terminology specific to the Wetlands Protection Act, as well as other terms used in the Bylaw.

Mr. Black concluded his presentation by indicating some of the next steps to be taken, which include creating a working definition of the term "stream" and a map inventory of all such "streams" in the town. This will be undertaken by the Commission. Also, the WBRC believes the adequacy of current buffer zone designations should be revisited.

Chairman Morrison invited members of the Commission to weigh in. B. Easom said he liked the additional wording in the statement of purpose, and he thanked the WBRC members for their hard work. M. Giguere said the hardest part was reaching out to all the stakeholders. He also mentioned that the draft "streams" map is being developed with assistance from the Town's GIS

vendor, Applied Geographics. C. Auman thanked Mr. Black and the WBRC for conducting its business in a way that brought credibility to the review process. He also thanked M. Giguere for diligently representing the Commission on the WBRC. J. Smigelski thanked the WBRC for its good work. Chairman Morrison said he was glad to see the existing Bylaw withstand scrutiny, and he appreciated the improvements as proposed by the WBRC.

Chairman Morrison invited public comment on the proposed Wetland Bylaw revisions. Selectmen (and WBRC member) Peter Cunningham said that the proposed revisions require final legal review from Town Counsel before being presented to the Board of Selectmen and then brought before Spring Town Meeting. Art Prest, President of the Groton Lakes Association (GLA), said the GLA members support the proposed Bylaw revisions. Mr. Prest added that the GLA had some questions about implementation of the Bylaw, and he hoped to see these questions addressed as the Commission begins the task of updating the regulations.

Moving on to General Business, the Commission reviewed meeting minutes from January 14, 2014.

Upon a motion by C. Auman, seconded by J. Smigelski, it was

VOTED: to approve the meeting minutes of 1/14/2014, as written.

The motion passed on a vote of 4 in favor, none opposed, with M. Giguere abstaining.

Moving on to Land Management topics, T. Tada reminded the Commission that the Groton Conservation Trust would be meeting on Wednesday, Feb. 5<sup>th</sup>. The Trust had requested the presence of the Commission to discuss land management issues. J. Smigelski and P. Morrison plan to attend.

Commissioners briefly discussed fire management at Rocky Hill Wildlife Sanctuary in advance of a meeting to be held Friday, Feb. 7<sup>th</sup>, at Town Hall. Selectman Cunningham is coordinating the meeting with Fire Chief Joe Bosselait, MassAudubon, MassWildlife, and the District Fire Warden from the Department of Conservation and Recreation. Commissioners agreed that any fire on Town-owned conservation land should be contained (i.e. not allowed to spread offsite). B. Easom said the issues confronted at Rocky Hill relate to the broader policy issue of fire suppression.

T. Tada provided a status update on the forest management at Baddacook Field. The consulting forester from Bay State Forestry anticipated completion of the tree processing this week.

Moving on to Land Acquisition topics, the Commission discussed the two contiguous, landlocked parcels in West Groton owned by David and Martha Harvey (Assessors Parcels 106-31 and 106-32). B. Easom, T. Tada, and the Harveys conducted a site walk on the property on Saturday, Jan. 25<sup>th</sup>. T. Tada provided copies of some photographs taken during the site walk. Commissioners agreed that the property had significant conservation value and was worth looking into. B. Easom recommended pursuing a LAND grant. Chairman Morrison advocated for the same methodical approach that the Commission has consistently used in past land

acquisitions, starting with an appraisal. During the site walk, the Harveys indicated that they have negotiated an agreement with the owner of an abutting parcel to gain road frontage. Steve Legge of the Trails Committee said he was in favor of the Town acquiring the property.

Upon an original motion by B. Easom, seconded by C. Auman; and a friendly amendment made by C. Auman, seconded by M. Giguere, it was

VOTED: to authorize the Conservation Administrator to pursue a real estate appraisal of parcels 106-31 and 106-32, in accordance with the requirements of the LAND Grant application, at a cost not to exceed \$6,000.

Regarding the potential acquisition of the Schofield Parcel (Assessors parcel 251-71), T. Tada said he was coordinating an appraisal site inspection with the appraiser, the landowner, and Commissioner B. Easom who volunteered to guide the walk to the landlocked parcel through Groton Woods Conservation Area.

7:45 p.m. – Groton Trails Committee, proposed trail at Watson Way

B. Easom and T. Tada walked the proposed trail on Watson Way Conservation Area with Paul Funch and Steve Legge of the Trails Committee on Saturday, Jan. 25<sup>th</sup>. Mr. Legge described the proposed trail that connects Brown Lane (off Watson Way) to the Walker-Cox Parcels. The trail climbs gently to a ridge above a wetland complex on the Cox Parcel, and then follows the ridgeline to meet an existing trail on the Corwin property (private property with a trail easement). B. Easom clarified that the trail starts at the cul-de-sac on Watson Way and crosses an intermittent stream near Brown Lane. The stream can be easily crossed at most times of the year, and it could be spanned by a relatively small footbridge if needed. J. Smigelski asked if the Autumn Hills Orchard, which abuts Watson Way Conservation Area, was under any agricultural restriction or exemption status.

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

VOTED: to approve the Trails Committee's proposed trail on Watson Way Conservation Area.

The vote was unanimous.

Moving on to other business, B. Easom provided an update of the Community Preservation Committee's review of funding proposals. The total of the applications received for FY15 funding is greater than the unallocated reserve bin, which has approximately \$300,000 available. At its last meeting, the CPC discussed how to allocate the available funds. B. Easom reiterated that the Conservation Commission voluntarily withdrew its FY14 application in deference to the Park Commission's proposal for athletic field funding. It would be unfair for CPC to expect a similar gesture from the Commission this time around. Chairman Morrison expressed disappointment that the Commission's request to replenish the Conservation Fund, which has been put to good use over the years, seems to be lower on the CPC priority list. CPC member Bob DeGroot stated that B. Easom conveyed the Commission's interests to the CPC objectively and thoughtfully, and that the CPC members struggling to weigh all the proposal requests given the overall funding limitations. Chairman Morrison expressed his full confidence in B. Easom's

representation. J. Smigelski said he thought the request for \$175,000 by the Sargisson Beach Committee (SBC) is way too high. C. Auman asked if the SBC beach restoration project could be implemented, and funded, in phases over several years. Chairman Morrison concurred with the skepticism over the SBC's proposed project budget and said the Commission needs to know more about what SBC is asking for. T. Tada will ask SBC to attend the Commission's next meeting on Feb 11<sup>th</sup>.

8:05 p.m. – Public Hearing (continued): Notice of Intent, 373 Lowell Road, DEP #169-1103

M. Giguere disclosed a business relationship with the applicant, recused himself from participation, and left the room for the duration of the hearing. The DEP has issued file number 169-1103 to this project. The Commission received a request from the applicant's attorney, Robert Collins, to continue the public hearing to the next scheduled meeting on Tuesday, Feb. 11<sup>th</sup>. The originally submitted plans are being modified slightly at the request of the Natural Heritage and Endangered Species Program's (NHESP) review of the project under the Massachusetts Endangered Species Act (MESA). The plan revisions should be completed by Feb. 11<sup>th</sup>.

The Commission also received a copy of a letter from Mr. Collins to the Historical Commission regarding the former Willard School or Schoolhouse 9. Based on his own research, Mr. Collins believes the schoolhouse was not located within the proposed project area. Bob DeGroot, Chair of the Historical Commission, presented copies of two old maps of Groton that indicate at least the possibility that the former schoolhouse existed on the applicant's property. Mr. DeGroot said the Historical Commission has begun to do its own research on this topic, and is working with Dan Barton (Historic District Commission), historian Sanford Johnson, and archeologist Mike Roberts. They would like the opportunity to complete their research, including a site walk on the property. The Commission noted that a site walk by the Historical Commission would be at the discretion of the applicant.

Upon a motion by J. Smigelski, seconded by B. Easom, it was

VOTED: to continue the public hearing for DEP #169-1103, to 2/11/2014.

The motion passed by a vote of 4 in favor, none opposed, with M. Giguere abstaining.

Moving on to Open Session, the Commission discussed a preliminary site plan of 6 Boston Road (Mobil Station) depicting an updated wetland delineation by Epsilon Associates. T. Tada provided copies of the site plan along with photographs taken during a site visit with wetland scientist Sean Hale of Epsilon. Mr. Hale delineated the wetland on 12/11/2013; T. Tada visited the site on 1/23/2014. In addition to the wetlands behind the existing gas station, there is a short drainage channel (approx. 50 feet long) emanating from a culvert under Boston Road at the eastern property boundary. According to Mr. Hale's delineation, the entire gas station is located outside of the 100-foot buffer zone. T. Tada asked if the Commissioners had any thoughts on the wetland delineation as depicted on the preliminary site plan. Chairman Morrison mentioned a site visit by the Commission several years ago when a request for zoning change was being brought before Town Meeting by the landowner. By Chairman Morrison's recollection, the wetlands extended much closer to the building than the current plan shows, and a portion of the

gas station is likely within the buffer zone. The Commissioners indicated a need for additional information from the landowner, and they strongly believed a filing would be needed for any future project at the site. T. Tada will notify Mr. Hale that the Commission requires additional details about the site conditions.

On the issue of the \$150 fine issued to Joseph Ferguson of 7 Baby Beach Road, T. Tada informed Commission that Mr. Ferguson paid his fine this afternoon. At its previous meeting, the Commission voted to extend the payment deadline at Mr. Ferguson's request.

There being no further business, the meeting was adjourned at 8:30 p.m.

Notes taken by

Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**  
Wetlands Protection Bylaw (proposed revisions)  
Notice of Intent, 373 Lowell Road, High Oaks Realty Trust

**Approved 2/11/2014**