



TOWN OF GROTON

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WETLANDS BYLAW REVIEW COMMITTEE

David Black, Chair
Steven Webber, Vice Chair
Marshall Giguere, Secretary
Peter Cunningham
Robert Pine
Scott Wilson
Alexander Woodle

Meeting Date: March 28, 2013

Location: Town Hall, First Floor Meeting Room, 173 Main Street, Groton, MA 01450

Members present: David Black, Steven Webber, Marshall Giguere, Peter Cunningham, Robert Pine, Scott Wilson, Alexander Woodle

Others: Craig Auman

Handouts: February 26, 2013 minutes (draft)
Robert Pine's Possible Wordings Relative to Streams and Vernal Pools

David Black called the meeting to order at 5:36 pm and opened the public hearing which had been continued from February 26, 2013.

Robert Pine moved to approve the February 26, 2013 minutes as amended. Marshall Giguere seconded and motion carried 4:0 (Steven Webber, Peter Cunningham and Scott Wilson abstained).

The group received new proposed language drafted by Robert Pine (see one-page handout titled "Possible Wordings Relative to Streams and Vernal Pools"). Robert Pine explained that the draft represented his effort to give a larger amount of protection to some important streams in Groton. Last meeting, the mapping definition was deemed too aggressive. Newly drafted for today's consideration is Robert Pine's suggested redefinition of critical rivers and streams with a pointer to typical criteria having "naturalized adjacent uplands for a substantial portion of its length". This definition is aimed at broadening protections only in instances when the use constraint of broadened protection is offset by a clear environmental benefit. Over time, the Conservation Commission would refine its maps to show which streams and vernal pools are critical.

Alexander Woodle asked whether the Natural Heritage protections might cover need. David Black stated that in Natural Heritage would only be triggered in certain designated geographical areas. For example said Steven Webber, one half of Brooks Orchard is in the Natural Heritage area and yet one half of the orchard is outside of it. Marshall Giguere stated that the genesis of this discussion came from his original edit of the stream definition to bring it in line with certain Massachusetts Association of Conservation Commissions (MACC) suggestions.

Steven Webber asked to see a Groton wide visual of a 200 foot buffer around the current U.S.G.S. streams. Alexander Woodle observed that if we keep layering on restrictions, then people may ignore the Bylaw and do as they please. Peter Cunningham commented that additional restrictions may trigger applications from landowners seeking tax abatements. Marshall Giguere noted that the law essentially guarantees 10 percent usage in a 200 foot buffer for a river front parcel.

David Black stated that we need a map to show current conditions (level of protections) and then a map that follows Robert Pine's proposed language and excludes athletic fields and agricultural fields but shows the extent of the expanded protections. David Black thought that the second map showing proposed conditions may need to be constructed by hand and thus could take a while to construct. The new map would add the U.S.G.S. map data with the DEP map data and then subtract based on the new criteria.

David Black reiterated his comment from February 26th that the Bylaw needed to allow for the applicant to present information to counter stated designations, allow for recognition of endangered species. Intermittent streams have a default 100 foot protective buffer now.

The group discussed the means by which a landowner could know what portion of his land is usable. Apart from constructing a static map for everyone's perusal, a landowner can file an RDA to find out and there will be an ANRAD (Abbreviated Notice of Resource Area Delineation) that will be good for three years. The group discussed the fact that one Massachusetts town has drawn its own map instead of using a written definition. Since wetlands can change over time, the idea of a building static map did not have group support.

The group turned its attention to Robert Pine's new language for vernal pools. Robert Pine's goal has been to extend to 200 feet buffers for significant ecological and environmental values. Alexander Woodle asked if this has been done in other municipalities. David Black stated that in priority habitat areas, all of the vernal pools mapped (30 of them) have 200 foot buffers. Natural Heritage would insist on a 200 foot buffer. Marshall Giguere amended this statement saying that Natural Heritage has conditioned use but does not always insist on 200 foot buffers for Groton vernal pools. David Black suggested that excluding vernal pool protection for already developed areas and allowing it in Natural Heritage areas may produce an interesting result.

David Black will share JPEG files with Fran Stanley, who can then distribute the map files to the wetlands bylaw e-mail list. The idea was floated to compose a description of usable land/protected land in Groton based on past Notice of Intent (NOIs). Craig Auman noted that there had been one thousand NOIs in the past ten years.

Peter Cunningham moved to continue the Public Hearing until 4 p.m. on Wednesday April 10, 2013. Steven Webber seconded and motion carried 7:0.

Steven Webber moved to adjourn the meeting. David Black seconded and motion carried 7:0.

Notes by Fran Stanley.