



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: August 28, 2013 --
Location: Town Hall, First Floor Meeting Room, 173 Main Street, Groton, MA 01450
Members present: David Black, Steven Webber, Alexander Woodle, Peter Cunningham, Robert Pine, Marshall Giguere
Others: Craig Auman, Bruce Easom, Daniel Wolfe, Barbara Ganem, Ray Lyons, Art Prest, Val Prest, Michelle Collette
Handouts: Comments to Committee by Robert Collins (August 27, 2013)
Comments to Committee by Ray Lyons (August 24, 2013)
Draft minutes (August 21, 2013)

David Black called the meeting to order at 4:05 pm. David Black invited the group to attend to the streams issue, look at three received comments and decide whether to go to Town Meeting in the Fall or Spring. Robert Pine said that the nature of the political process is to get serious at the end. The group might go forward but be prepared to address late commentary and input. David Black suggested that he would be comfortable going to Town Meeting when the Committee has made progress to the extent that just explanation is needed. Marshall Giguere recommends going forward with what can be passed. Either delay or go forward with small changes, leaving streams and grandfathering for better times.

Peter Cunningham moved to approve the August 21, 2013 minutes as amended. Alexander Woodle seconded. Motion carried 3:0 (Scott Wilson absent; Steve Webber, Robert Pine and Marshall Giguere abstained).

Michelle Collette stated that the Town's first master plan describes many Groton streams. The 1986 zoning map is a hand drawn representation of the Charles Eliot written information. The Board of Selectmen wonder how the average homeowner is to understand the operation of the Bylaw's stream definition and a map might help. Committee members wondered whether streams should be named when the USGS does not name streams. Committee members agree that it is not the WBRC's job to change or create a map as it is properly the role of the Conservation Commission. Steven Webber thought that the Town should have a nice clear map. How to determine which streams are perennial and which are intermittent? Have the process allow the Conservation Commission the flexibility to decide which streams are which. Peter Cunningham agreed with this approach as it would allow the applicant to overcome a presumption by presenting other evidence. David Black said that this proof might take a year to obtain. Peter Cunningham said that this was possible but that historical information could be provided too. Robert Pine said that we could draw map making portions of streams, avoid perennial stream language and instead create thoughtfully done map of critical streams. The goal would be to give the Conservation Commission a little bit of discretion but not much.

Val Prest asked that the group deal with the maintenance of streams not just classification of streams. David Black noted that the WPA addresses maintenance and the Town of Groton cannot have its Bylaw relax any Commonwealth required actions. Marshall Giguere stated that maintenance of the stream requires a filing under WPA. Ray Lyons commented that the TOG could exempt certain areas from Bylaw coverage so that the WPA only would apply. This step might be slightly easier for applicants with respect to notice to abutters. David Black asked for a straw vote from Committee members to ask for the Conservation Commission to create a definitive map. Until then, do not make changes to streams. Ray Lyons agreed to a grant of authority to the Conservation Commission to create a town stream map. David Black added that a mechanism should be provided for redefining a stream if you think the designation is incorrect. Michelle Collette noted that the Town needs to have a map before the language goes to the Attorney General. If the map is regulatory, then it does not have to go to Town Meeting. Steve Webber asked how abutters would be notified regarding the creation of the stream map.

David Black would like to see a CAD stream layer from the 1986 Schofield Brothers map. Barbara Ganem stated that she has reviewed both maps -- the USGS map and the 1986 map. They are the same streams just with names.

The group agreed to take vernal pools off the table.

The group next looked at Ray Lyons' language with respect to public benefit. Ray Lyons commented that this language is different because it looks at the issue from the applicant's perspective. He explained that this language gives the Conservation Commission a clearer path to weigh hardship cases and make decision. Basically, Ray Lyons wanted those two model bylaw sentences added at time of the Bylaw's initial adoption and he wants it now. Craig Auman offered that Elizabeth Lane recommended removal of those two sentences. The rationale was that one person's hardship is hard to define – even harder than defining public benefit. Val Prest recommended having an outside consultant or attorney look at this language. Ray Lyons observed that the Zoning Board of Appeals considers hardship as a factor all the time.

Steven Webber left meeting at 5:05 pm.

Art Prest commented that it does not seem like the proposals are ready for Town Meeting yet. David Black noted that Ray Lyon's proposed language for 215 section 3 "demonstrated hardship" is not in the Bylaw now and the Committee has an easy decision to run the language by Town Counsel to see if it is suitable.

Looking to the grandfathering question, the date certain is removed upon advice of Town Counsel and we have the previously altered area language. It is difficult to explain the grandfathering issue to people who are not already familiar with the Bylaw. Peter Cunningham noted that it would be helpful to have the definitions and permit types written up by Barbara Ganem. Work will be done to scan and digitize the 1986 map. Peter Cunningham asked Craig Auman what the Conservation Commission might need from the WBRC and Craig Auman suggested that a letter be written to the chair of the Conservation Commission requesting that the Conservation Commission create a map showing streams. Later, this map might be referenced and included in the Bylaw's definition of streams. Fran Stanley will draft letter subject to David Black's approval to go out to Conservation Commission.

Recent publicity is a problem as there is an aura of the WBRC being confused and there is not enough time before Town Meeting to address this perception. The Committee's to do list includes:

1. Map
2. Letter to Conservation Commission
3. Meet with Lost Lake community to show clear indication of proposed changes.
4. Presentation at Fall Town Meeting would be helpful.
5. After Fall Town Meeting (late October), meet with Board of Selectmen with the final proposal.

Next meeting will be September 11, 2013 at 4 pm. In future, 8:30 am on Wednesday may be a good meeting time for the group.

Robert Pine moved to adjourn meeting. Peter Cunningham seconded. Motion carried 5:0 (Steve Webber and Scott Wilson absent).

Notes by Fran Stanley.