

GROTON CONSERVATION COMMISSION

April 22, 2003

MINUTES

Chairman Kris Corwin called the meeting to order at 7:00 p.m. Present were Craig Auman, Alix Chace, Bruce Clements, Kathleen O'Connor, and Evan Owen.. Peter Morrison and Kathleen O'Connor were absent. Barbara Ganem was also present. B. Clements read the public hearing notice.

7:00 p.m. – Notice of Intent Public Hearing for Enright/Boathouse Road

Present: Russ Wilson, applicant's representative

Mr. Wilson explained that his client proposes an upgrade of the septic system. There has been some confusion about the house location as the Assessors have not assigned a house number to the lot in question, correctly identified as Parcel 225 on Map 129. R. Wilson noted that he had moved the septic trench as close as possible to the roadway to decrease potential impacts to the wetlands on site. The system is a Singulair Treatment Tank that, through the use of an aerator, more effectively treats nitrogen, suspended solids, and biological oxygen demand in the effluent. The leaching trench is under the driveway. K. Corwin pointed out that the resource area on site is a floating bog, and that it appears that the foundation is new. Mark Enright stated that it has always been like that. No d-box is proposed, and state approval is required because a number of waivers are requested.

In response to E. Owen's question about the wetland flagging, Mr. Wilson indicated that the wetland starts at the toe of the slope. R. Wilson stated that there is a 10% slope as the elevation drops 1 foot to 4 feet horizontally. R. Wilson stated that the Title V regulations require "maximum feasible compliance" for existing lots. Further, he stated that the footprint of the house will remain the same, and it is likely that the proposed leaching trench will be acceptable to the Board of Health. Soils will be stockpiled between the retaining wall and the trench, with excavated materials spread out on site. after construction is complete. Mr. Wilson explained that the construction sequence would consist of 1) construction of the retaining wall, 2) installation of the tank, and 3) construction of the trench. Commissioners recommended that the plan include the location of the well or the water line, a plan for the retaining wall, and the driveway location.

C. Auman asked if it would be necessary to remove vegetation, and R. Wilson answered that a large pine would be removed, but there is very little additional undergrowth. B. Clements questioned whether the quantity of land disturbance would trigger a filing with the Earth Removal Committee. With the concurrence of the applicant's representative, the hearing was continued to 7:30 p.m. on May 13th, pending the receipt of the above materials.

After review, and upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to approve the minutes of April 8, 2003, as drafted.

K. Corwin reported that she has been contacted about the landscaping for Thompson Park in W. Groton. She has requested that the plant material be native with no invasive species. The landscape plan may include large boulders for sitting and a stone path to the water's edge to prevent erosion. K. Corwin stressed that stabilization is an issue on site and requested that attention be paid to preventing erosion or siltation into the pond.

B. Clements noted that the Williams Barn Committee has reviewed expenditures and recommended an article for town meeting in which they propose returning 10% of the amount or \$3000 to the general fund. Commissioners agreed that this would be a good idea.

7:30 p.m. – Request for Determination of Applicability/Country Day School of the Holy Union

Paula Puglia presented, explaining that there is an existing playground, field, and parking lot. The proposed improvements to the playground are designed to address safety issues. The plan calls for the placement of a 9"-10" layer of crushed stone to be enclosed by plastic timbers at the north end of the play area. A 10' chain link fence will replace an existing 4' chain link fence at the edge of the pond on site. Commissioners commented that, based on egg masses observed in the pond, it appears that there is a vernal pool adjacent to the project, and it is important to protect such resource areas. P. Puglia explained that they are looking for Commission guidance in the placement of hay bales and/or silt fencing. K. Corwin asked if it would be necessary to excavate holes for the fence installation, and P. Puglia stated that was unclear, based on the quotes for the project. K. Corwin requested permission to document the vernal pool species on site, and P. Puglia indicated that she would

need to check with the owners of the property. In preparing the Determination for the project, Commissioners emphasized that extreme care must be taken to avoid silting of the pond. Hay bales, in addition to those shown on the plan, must be available on site to assure that erosion is controlled, materials must be stockpiled away from the wetlands, and work on the fence must be done during a dry time of year. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to issue a Determination of Applicability for the Country Day School of the Holy Union playground upgrade as discussed.

7:45 p.m. – Continuation of Notice of Intent hearing from Gleason/Lot 1/18 Kemp Street

Present: Applicant's representative Stan Dillis

S. Dillis explained that the applicant preferred to locate the septic system rather than the house in the field because of aesthetic reasons. The alternative would be to locate a driveway going through the wetlands, and it was felt that the sewer force main would result in only a temporary disturbance with the land restored to current conditions while a driveway would have long-term impacts. S. Dillis said that the force main would be placed in a sleeve so that cleaning of the line could be accomplished without alteration of the wetlands. He believes that the 1,400 SF of temporary disturbance could be done in one day. K. Corwin asked if it was an intermittent stream, and S. Dillis responded that the topographic maps show the wetlands as the headwaters of Wrangling Brook, not a perennial stream. S. Dillis agreed that it would be prudent to fence the restoration area temporarily to allow vegetation to re-establish itself. There are no new utilities proposed in the wetlands, other than the force main.

E. Owen asked if the soil logs were available, and S. Dillis indicated that so many "augerings" had been done that specific log reports are not available. Commissioners asked if Mr. Dillis had considered alternatives that did not include crossing wetlands. He noted that, in addition to aesthetic concerns, Lot 3 is quite hilly and was not suitable to the construction of a common driveway to service Lot 1. Lot 3 has frontage on Pepperell Road. He noted that the Planning Board limits the length of a common driveway to 1,000 feet. In order to prepare an Order of Conditions, it is necessary that the Commission have the alternatives analysis in writing, and it should include detailed topography of the area. A. Chace also requested a more specific description of the construction sequence.

Commissioners asked the status of the replication area on Lots 1 and 2 Pepperell Road, lots previously subdivided by D. Gleason. S. Dillis noted that, in his opinion, the replication area was not adequate. He commented that the builder should be reminded of his responsibility for carrying out this work.

8:00 p.m. - Appointment – Groton Dunstable Regional School District Building Committee

Present: Steve Prendergast, Chairman, Rob Juusola, and Brian Butler

Rob Juusola, representing the architectural firm responsible for the construction of the new high school on Chicopee Row, stated that work on the emergency access roadway had ceased as of March 15th in accordance with the Conservation Restriction. He introduced Brian Butler who had done early wildlife inventory work at the site. B. Butler observed that the March 15 – June 30 ban on roadway work does not appear to be particularly applicable to the species on site. By May 15th he noted that most adults have left the vernal pools to return to surrounding uplands. This is the time when egg mass surveys are done. The metamorphs begin leaving the pools in mid July. In general, blue spotted salamanders are earlier than the spotted salamanders. B. Butler noted that it is more difficult for salamanders to move through mud than through soils and grasses. He pointed out that it is very difficult to assign animals a boilerplate time period, as there are always individuals who break the rules.

B. Clements commented that the March 15 – June 30 time period appears to not be the ideal period to prohibit construction. Either earlier or later would work better for the species on site. The adult salamanders are migrating between March 15 and April 20; the juveniles begin leaving the pools July 1 and continue until October. B. Butler noted that it depends on the year and when ponds are drying up. The best time to do the remaining work on the roadway is not July as that is the peak time for emerging juveniles to be leaving vernal pools. Commissioners expressed concern about the apparent conflict with the state's opinion, and stated it would be helpful to have something from them authorizing work during the March 15 – June 30 time period. They recommended reviewing the time period with Joel Lerner and Pat Huckery.

In response to K. Corwin's question about the wood frog life cycle, B. Butler replied that the larvae begin hatching in mid-April, emerging onto land in June or July. She noted that she is uncomfortable about violating the Conservation Restriction

although it appears that an end date of Aug. 30 for mowing along the berms would protect emergents better. E. Owens also commented on the conflict with the Conservation Restriction. C. Auman pointed out that the 10 – 15 days is necessary to do the finish work, and although it tends to be wetter in May than July, it appears that May 15th is more appropriate for the species on this parcel. Commissioners agreed that they do not want to give permission for the work to occur and then find that they do not have the authority to do so.

S. Prendergast explained that currently the Project Manager is scheduled to do the road construction July 1 with completion by July 15. Commissioners asked that the May 15th date be cleared with the state. It would also be useful to determine the intent in assigning the March 15 – June 30 time period. It is likely that removing the existing silt fencing before the juveniles emerge would be a positive step. K. Corwin noted that the Commission visited the site on April and has the following concerns: 1) there is silt beyond the hay bales in several areas, 2) the silt fencing has broken down in some areas, 3) in the vicinity of Vernal Pool #1 (nearest the farmhouse), the roadway is below the level of the water in the vernal pool and an additional 8" of gravel will not be sufficient to prevent water from overflowing the pool. She noted that removing the erosion control measures may result in the draining of the vernal pool and asked if the installation of a pipe near the surface of the pool would help maintain the water level in the pool. The pipe would have to be of sufficient strength to withstand vehicular traffic. Continuing with an itemization of the problems noted on site, K. Corwin pointed out that there is construction debris, trash, and silt at the wetland crossing where the arch culvert is installed. In addition, the replication area, scheduled to be constructed prior to the crossing, has not been started. The wetland plantings in the buffer zone will require grade changes in order to replicate the hydrology necessary to establish wetlands. K. Corwin noted that there appears to be a dump (refrigerator, dryer, trash) near Vernal Pool 2 (near the ice house), and these materials should be removed. S. Prendergast suggested that the Superintendent of Schools be contacted about this.

B. Ganem commented that Norm Chauvette, Clerk of the Works for the high school, reports that the gates are to be installed shortly at either end of the access roadway.

The Commission reviewed the interests of significance for the 5 Little Hollow Lane additions, and discussed the conditions to be included in the Order. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to approve the Order of Conditions for DEP File #169-855, 5 Little Hollow Lane as read.

E. Owen abstained from the vote.

9 p.m. – Appointment – Larry Beals and Ray Lyons/Lookout Ridge

Mr. Beals noted that the applicant has received an Order of Resource Area Delineation from the Conservation Commission and is going through the design and planning process with the Planning Board. Based on a conventional subdivision, 75 lots would be possible at the site. The parcel is bounded by Strahan Family Trust property to the west, Groton School to the north, and Ayer to the south. The parcel extends to James Brook in the south. The developer intends to leave 50 acres undeveloped on Farmers Row to the east although it would remain in private ownership for the maintenance of the fields and orchard. Beals reported that there have been a lot of iterations of the plan to create a diversity of housing. Lead arsenate residuals are a concern at the site, but it appears that soil amendments can bring the level below EPA limits. Currently, there are 7 large homes proposed with 225' of frontage and 2-acre zoning. In the northeast corner of the parcel, 30,000 SF lots with a condominium form of ownership are proposed. The center of the parcel will provide 15,000 SF lots. In addition to Farmers Row, much of the frontage on Shirley Road will be left open. Age-restricted (over 55) ownership will be featured in the cluster condominiums in the southwest section. In an arrangement with the Groton Housing Authority, one out of ten of the housing units will be affordable, resulting in a total of 12 or 13 units that will be affordable and 1 unit that will be handicapped accessible.

L. Beals explained that there is glacial till in the north and stratified drift through the middle of the parcel. In the areas where grazing has occurred, there are manure pits in which the soils have essentially been sealed. He pointed out that these are not true wetlands but the result of land use. The developer is working with Ayer to replace the bridge decking on the Shirley Road bridge and to repave the roadway. If Shirley Road is not improved, the developer must put in the roadway between the 15,000 SF condominiums and the age-restricted area. The Planning Board has determined that Joy Lane and the Groton School area is not appropriate for additional traffic. L. Beals reported that test pits are currently underway to determine appropriate locations for septic systems. It is likely that the 15,000 SF lot area will have a community system, and the over-

55 area will have individual septic systems. A Conservation Restriction is proposed on the 50 acres to remain open. Any remaining land would be deeded to the Groton Conservation Commission.

L. Beals stated that the developer has tried to maintain a 50' no-disturb buffer around wetlands at the site, and to observe the 100' no-build buffer as well. He pointed out that Section 215-5, paragraph 3 of the Wetlands Protection Bylaw allows projects which have "a significant public benefit", and he feels there are different levels of wetlands, such as manure pits and agricultural ditches vs. James Brook. The trade off in the design of the project is leaving bigger chunks of land untouched around areas that are more valuable wetlands. He acknowledged that it will be necessary to file a Notice of Intent for the project. The wetland crossing is necessary in order to avoid re-building Shirley Road and will require little more than a 20' pre-cast concrete arch span across an agricultural ditch. L. Beals pointed out that it would be a shame to allow small manmade anomalies to drive the design of the project. Of the 80 acres on site, 60% will be protected. If necessary, detention basins will be in the meadows; if "country drainage" is allowed, and curbing not required, it will be possible to eliminate much of the drainage infrastructure (catch basins, manholes, pipes).

Commissioners asked how many structures are located in the buffer zone, and L. Beals lost count after 17. He pointed out that the Commission must weigh the higher values of certain wetlands, such as James Brook to the south. In Ayer, the project proponent is proposing condominiums at least 200' from James Brook. There are no changes proposed in the stream, although beavers have currently created a 100-acre feet impoundment. K. Corwin noted that isolated wetlands in the forested area do not appear to have been impacted by land use, and the sheer number of units in the buffer is a concern to the Commission. L. Beals noted that this is a concept plan, and it will be possible to tweak the final plan so that more units are located outside of the 100-foot buffer to wetlands.

B. Clements commented that the plan provides a good mix of housing. The final configuration provides for 129 dwelling units, and he urged the proponent to consider reducing this number. In particular, those units in the buffer offer an opportunity to reduce the final number. The Commission is making an important decision and must decide if it is a sufficient public benefit to allow this many dwelling units. Other alternatives include removing the "green", running more common driveways, and some development on Shirley Road.

L. Beals pointed out that the proponent could have 150 dwelling units according to the formula used by the Planning Board. Mr. Lyons commented that larger lots chew up more open space. This design will help meet housing demands in town without losing open space. He noted that the purpose in passing the Bylaw is to protect resources. It has to be determined if the value of fields on Shirley Road, balancing aesthetics with wildlife, outweighs the value of some of the wetlands on site. This type of project allows the developer greater flexibility in design, allows affordable housing, and over 55 housing, but must be evaluated from the perspective of the interests protected under the Wetlands Protection Act. R. Lyons noted that the ANR lots probably represent 1/3 of the profit the developer will realize for the project as there is very little profit to be made in affordable housing. He estimated that it cost \$300-\$400 per linear foot for the development of roadways, and there is a 9000 linear foot roadway proposed. The developer must carry this cost while building the proposed homes. In conclusion, he pointed out that open space will not function ecologically unless it is contiguous and connected to other open space.

B. Ganem reported that she has been contacted about the possibility of long term leasing of conservation parcels suitable for growing highbush blueberries. The individual expects to invest \$10,000 in planting which he would then like to protect with a 25-year lease. Commissioners questioned whether Stillmeadow on Nashua Road, Ames Meadow, or the Eliades parcel would be appropriate sites. It is unclear whether only cleared land is suitable and exactly how such a long term lease would work. This type of arrangement may actually be more appropriate on land owned and managed by the Groton Conservation Trust. Commissioners asked B. Ganem to research the matter in more detail.

Concerning the APR application for Puritan Hill Farm, Commissioners stated that the value should be checked with the Assessors office. There are several advantages to the Town of placing an APR on this property, including its location next to Hillbrook (already protected under an APR) on Old Ayer Road where scenic vistas are particularly valued, connection to the Nashua River Rail Trail, the high value of hilltop lots, and its identification in the Master Plan as a #1 priority for land protection or acquisition. It is uncertain what amount the Town would be committing to if we agree to fund 10% of the restricted value. The Commission agreed to table consideration of the Town's portion of the application until more information is available.

B. Ganem explained that she would be meeting on Friday with an Eagle Scout, Craig Heusser, to discuss the construction of a bridge at Sorhaug Woods. B. Clements asked if something along the lines of a stepping stone bridge is proposed, and B. Ganem indicated that this is a preliminary discussion to go over the filing of a Request for Determination of Applicability for

the project. E. Owen noted that he has not heard from the scout leader whose scouts were interested in a town project, and the Commission suggested a Kaileys Way project.

Regarding the upcoming town meeting warrant articles, it was agreed that K. Corwin will present the Bylaw amendments and Peter Morrison the Conservation Fund article. Commissioners asked whether the printed budget will carry the amount initially proposed by the Commission or the amount recommended by the Finance Committee or Board of Selectmen. If the Commission accepts a 10% budget cut, as requested by the Finance Committee, the amount would be \$180,000, not \$200,000. Commissioners asked B. Ganem to post a Conservation meeting a half hour before the town meeting in the school cafeteria to finalize the Commission's position and presentation. The amendments to the Bylaw are designed to clarify ambiguous situations and to close loopholes in the existing Bylaw.

K. Corwin explained that she would like to approach the Planning Board about permitting conditions for more amphibian-friendly subdivisions, including reducing reliance on hard drainage infrastructure features such as vertical curbs, drains, and grates. The proposed Lookout Ridge may be a good opportunity to create a more amphibian-friendly subdivision.

There being no further business before the Commission, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 5/13/03