

GROTON CONSERVATION COMMISSION

July 8, 2003

MINUTES

Chairman Craig Auman called the meeting to order at 7 p.m.. Craig Auman, Bruce Clements, Kris Corwin, Evan Owen (7:20 p.m.), and Peter Morrison were present. Alix Chace was absent. Barbara Ganem, Conservation Assistant, was also present.

B. Clements reported that the Smigelskis were concerned about David Moulton's work on the agricultural field at Walnut Run.

In discussion on the draft Order of Conditions for 28 Vose Avenue, upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the interests and the Order of Conditions as read.

Selectman Virginia Wood was present to discuss the goals and objectives that the Selectmen have developed for the coming year. She explained that she would be serving as the Selectmen's liaison with the Conservation Commission and was interested in learning about current issues before the Commission. In addition, she requested that the Commission put together its goals for the upcoming year.

C. Auman outlined the following issues: 1) The Commission is in the final stages of updating the Open Space and Recreation Plan. This document outlines goals and objectives for the next five years. Once the draft is completed, town boards, including the Selectmen, will be asked to comment on the document. He noted that it would be helpful to have her facilitate this process. 2) The Commission is near completion of the Regulations to accompany the Wetlands Protection Bylaw. 3) With over 110 parcels covering almost 1,800 acres of open space, land management issues are coming to the fore. The Trails Committee has been very instrumental in trail blazing, clean ups, and general monitoring. Beaver flooding is also a recurring theme in town, and the Commission is exploring liability and legal issues, but at the same time is sensitive to the potential costs of maintenance.

(E. Owen arrived at 7:20 p.m.)

4) While there is roughly \$214,000 in the Conservation Fund, much of the money is committed to use as the town's portion in purchasing Agricultural Preservation Restrictions (APRs). There are currently two APR applications under consideration. C. Auman stressed that diminishing resources in the town require action now. 5) The Commission will hold a public hearing this summer on the proposed drawdown of Lost Lake/Knops Pond, and there is concern about its potential impact on wildlife, particularly Blandings turtles which were recently sighted in the area. 6) The Commission will be discussing with the Water Department the feasibility of installing public water wells on conservation land.

In addition, E. Owen noted that clearly marking the boundaries of conservation land is key to the management of open space. The Planning Board now requires that this monumentation be in place, but there is a lot of property that was not properly marked. V. Wood requested that a copy of the Selectmen's goals and objectives be given to the Commission. Commissioners suggested that it would be helpful to plan quarterly meetings with our liaison and thanked Ms. Wood for her interest.

7:15 p.m. – 120 Reedy Meadow Rd. Request for a Determination of Applicability

Builder David Navien explained that he has installed an underground propane tank within the 100-foot buffer and apologized for doing so. In this after-the-fact filing, he stated that he did not realize that this work required a filing with the Conservation Commission. Commissioners noted that state law requires that work within the buffer, particularly excavations, should trigger a filing with the Commission. Failure to file is a serious offence that can result in fines and the requirement that the area be restored. E. Owen noted that the work, a new driveway and lawn, did not change the grade on the existing plateau above the wetlands, and he estimated that it was about 75' from the haybales to the wetland. K. Corwin asked if there was any grading for the septic system within the buffer zone, and D. Navien

stated that some loam was spread, but the system is at grade. E. Owen confirmed that the site is level. Commissioners pointed out that the storage of hazardous materials in the buffer is a violation of the Groton Wetlands Protection Bylaw.

P. Morrison asked if Mr. Navien has previously worked in Groton, and Mr. Navien replied that most of his work is in Stow. P. Morrison suggested that D. Navien get a copy of the local Bylaw. Commissioners asked what would be involved in moving the tank. D. Navien explained that the 15' by 3' (in diameter) 1000-gallon tank would have to be re-inspected by the Fire Chief, but it would not create a hardship for the homeowner. Commissioners advised Mr. Navien on the process of filing a Notice of Intent, and upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a positive #3 Determination of Applicability, in which the applicant is required to file a Notice of Intent.

7:30 p.m. – Continuation of Notice of Intent hearing for Surrenden Farm

C. O'Connell, Land Architect, explained that there were no outstanding issues identified in the JNEI review of the project. B. Ganem reported that the Highway Surveyor, Tom Delaney, was not in favor of using pavers because of the difficulty in plowing the surface. C. O'Connell stated that she preferred to close the hearing, anticipating that the Planning Board will also close on this project at their Thursday meeting. B. Clements asked if there was any plan to eliminate the circles near the wetland crossing; C. O'Connell indicated that the Planning Board was in favor of this device as a traffic calming measure. E. Owen asked about the soil remediation process associated with the previous agricultural use of the property, and C. O'Connell explained that this was a tilling process that was exempt as an agricultural activity.

B. Clements pointed out that the Board of Health has not agreed to the exact process for remediation. C. O'Connell stated that the Licensed Site Professionals (LSPs) will be meeting to resolve the methodology. Commissioners asked how high the material is to be stockpiled, and C. O'Connell indicated that she did not know. She noted, however, that no more than five acres would be subject to disturbance/remediation at any given time. According to the plan submitted to the Erosion Control Committee, some of the remediation work will encroach on the 100-foot buffer zone. Once stabilized with vegetation, the area could be hayed. C. O'Connell said moving contaminated materials from the proposed residential area to the area under the Conservation Restriction will not make conditions worse as arsenic is already present there. It is a matter of adding the same contaminated materials. Ms. O'Connell indicated that it is likely that the applicant would re-configure the remediation area to avoid the 100-foot buffer if a filing is required. In a straw vote, Commissioners C. Auman, E. Owen, and K. Corwin recommended a filing while Commissioners B. Clements and P. Morrison opposed it.

K. Corwin requested clarification on the water line detail, and C. O'Connell indicated that it could go over or under the culvert at the Shirley Rd. corner. Water Superintendent Tom Orcutt was present and stated that he would prefer to have it go under the culvert at the wetland crossing. An existing 8" water main is to be replaced by a 12" water main. K. Corwin noted that the plan should reflect the change. Tom Delaney, Highway Superintendent, indicated that he too would prefer to see it go under the culvert. C. O'Connell made the change on the paperwork filed with the NOI submittal and noted that this would also be addressed in the road opening permit.

Bruce Easom, 435 Martins Pond Road, pointed out that the level of concentration and duration of exposure to the arsenic contaminated materials are two very different things. If you pick up arsenic in one part of the orchard and move it somewhere else, there is a zero net effect in terms of toxicity. Nothing is cleaned up, only moved around, and now instead of one foot of material, there is now two feet of material. This appears to be either incorrect or disingenuous. LSP Sundstrom is reviewing the matter on behalf of the Board of Health.

Tom Delaney indicated that he was comfortable with the Operation and Maintenance Plan that includes sweeping, mowing, and other maintenance items once the Town accepts the roadway. He confirmed his opposition to using pavers for the circles. C. O'Connell assured the Commission that any changes that come about as a result of Planning Board review would not affect the wetland areas. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for Surrenden Farm, DEP File #169-858.

8:20 p.m. – Appointment with Water Superintendent Tom Orcutt and consultants Omer Dumais and David Cameron from Tighe & Bond

T. Orcutt indicated that he requested this meeting in order to have an informal discussion with the Commission about the feasibility of exploratory wells on conservation land. The access would be through Tom Delaney's property on Chicopee Row. T. Orcutt acknowledged that such a conversion of use of conservation land requires a vote of the Commission, town meeting, and the state legislature. O. Dumais touched on the technical aspects of the exploratory wells, including the state's requirement that public water and wastewater remain within the same watershed under the Interbasin Transfer Act. The location of the proposed wells on the Torrey Woods Conservation Area would place the public water supply in the Nashua River basin. The renovation of the Shattuck wells is allowable because it is pre-existing, even though it is in the Merrimack River basin.

O. Dumais explained that the test wells would consist of 2 ½ inch diameter wells that yield between 20 and 50 gallons per minute. A 5-day pumping test is done to determine the wells' drawdown which is measured by piezometers or staff gauges placed in the area surrounding the site. There is an aboveground discharge pipe. Measuring the effect on the aquifer and surface waters of intense pumping is a state requirement that must be carried out before any public water well is approved.

T. Orcutt noted that the Water Department's consultants have done extensive testing throughout town to locate another source for public water. He commented that this site is the most promising at this time. The uses of land adjacent to a public water supply are quite restricted. In general nothing is allowed within a 400 foot radius of a public well, and that amounts to about 12 acres. Hiking or biking would be allowed uses. T. Orcutt said that the well head and casing can be below ground as will the water main. It is necessary to have access, and a paved driveway is planned. It is anticipated that T. Delaney's land could be used for access, but the details of an access easement must be ironed out.

O. Dumais explained that the discharge would first be routed over a plywood spill pad, using geotextiles and haybales to slow the water and prevent erosion and siltation. It is necessary to discharge a distance away from the well so that it will not immediately percolate back into the soils. The discharge pipe is a 4"-6" steel pipe that is installed on a temporary basis. Monitoring flow rates and collecting water samples are done on a daily basis. The staff gauges are installed by hand as there is no vehicular access. No excavation is necessary other than the actual well drilling. O. Dumais estimated that the process could be done in a three month period, with the 5-7 day pumping test followed by seven weeks for the monitoring of the recovery process.

T. Delaney noted that much of the area is flooded because of beaver activity on Unkety Brook. D. Cameron explained that the proposed well site is well out of the 100-foot buffer zone. DEP is very strict about potential impacts on surface water, and this is the reason for installation of data collection devices. Depending on the site, it might be advisable to discharge to a detention basin, but the method must insure that the discharge is away from the pumped area.

D. Cameron said that the wetlands will be flagged before filing with the Commission. P. Morrison asked for clarification of potential short and long term impacts of a public well. O. Dumais stated that during the exploratory phase everything is temporary and very visible. A permanent installation would involve underground electric cable and a well casing which would be above ground but would be less obtrusive than the temporary installation.

Because of the new water treatment facility (removing iron and manganese) at the Baddacook well, the town will be able to renovate the Shattuck well and bring it back on line. This land is under the control of the Water Department and has a waiver from the Interbasin Transfer Act as previously noted. T. Orcutt stressed that the well at Torrey Woods has the potential to produce the most water without needing treatment. K. Corwin asked what kind of rate is expected, and T. Orcutt indicated that the potential was 800 gallons per minute, but it is likely to be restricted in regular use to 400 – 600 gallons per minute. K. Corwin expressed concern that conservation land is being converted to town land and questioned whether the deed allows this. T. Orcutt said that land use is more restricted in the 12 acre circle around a public well. DEP does recommend fencing the structure that houses the well, but it is unnecessary to fence the entire 12 acres. Because of ATV use in the area, it may be necessary to install alarms in the structure. The 10' by 10' building that houses the Whitney well is fenced.

K. Corwin questioned whether any vernal pools were in the vicinity of the proposed well and indicated that she felt a Notice of Intent was in order. In response to C. Auman's question about the depth of the wells, T. Orcutt said between 40' and 45'. In addition to the monitoring during the seven-week recovery period, it is necessary to monitor the area for two growing seasons. This could restrict the rate of future pumping.

Action items include the review of the deed to Torrey Woods and DEP review of data logs before, during, and after the pump test during the exploratory phase. There is a complete testing process that must be pursued before a permanent production well can come on line. The test equipment would remain in place. A new Notice of Intent would have to be filed for the installation of permanent equipment and trenching of a new water main. P. Morrison moved that the Groton Conservation Commission is supportive of testing for a new water well, provided a Notice of Intent is filed. In discussion, K. Corwin stated that she might have an issue if the deed specifies that the land be held for conservation purposes only. There is a difference between temporary exploration and a permanent installation. T. Orcutt indicated that he would research the deed before doing any testing. P. Morrison pointed out that part of the Commission's charter from the state is to protect water supplies. In terms of timing, T. Orcutt stated that he would prefer to seek funding at the upcoming fall town meeting. K. Corwin suggested amending the motion to include "assuming the deed allows the well to go forward". B. Clements seconded the motion. Both P. Morrison and K. Corwin withdrew their motions, and upon a new motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to support the concept of exploratory well testing on the Torrey Woods Conservation Area with its subsequent use as a permanent public water supply facility, providing the deed does not restrict the use to conservation and the Water Department files a Notice of Intent.

The future routing of the water line will probably be down Chicopee Row. T. Orcutt noted that it will be a very expensive well to develop. D. Cameron said he would flag wetlands only in the vicinity of proposed work, not the entire site. Flags will be numbered in the field and on a plan.

B. Ganem reported that there had been an incident at Sargisson Beach in which a Lost Lake/Knops Pond resident had landed a canoe to swim at the Beach. Despite her claim that she has been doing this for 22 years, she was told that this would not be allowed in the future. Former Conservation Assistant Beth Montgomery was present and confirmed that no boats are allowed to land at the Beach or the points, and this had been the practice throughout her tenure. Commissioners agreed that safety is the main concern and no boat (including canoes) should be landing on the Sargisson Beach conservation land. B. Ganem will convey this information to the resident and look into replacing the "No Landing" sign that used to be posted at the Beach.

Resident Stacey Laudenslager was present to discuss her interest in the Commission vacancy. Explaining that her background is in human resources and education, she noted that her work involves a lot of teamwork, decision-making, and collaboration with others in her field. She said that one of the reasons she moved to Groton is that she enjoys hiking and the benefits of conservation land. P. Morrison stressed the need for Commissioners to commit to a minimum of four meetings a month – two evening meetings, preceded by Saturday morning site visits. While there is a lot to learn in terms of regulations, plants, and laws, there are workshops that can help Commissioners gain these skills. S. Laudenslager stated that she was particularly interested in inventorying natural resources. Commissioners pointed out that there are various levels of experience on the board with some members serving ten years, another seven or eight, and several about three years. It is important that the Commission maintain continuity, and that new Commissioners understand the time commitment. Without a quorum of four members, the Commission is unable to operate. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to recommend to the Board of Selectmen that Stacey Laudenslager be appointed to fill the current vacancy on the Conservation Commission.

P. Morrison and C. Auman indicated that they would be willing to attend the Selectmen's meeting when this matter is discussed.

C. Auman reported that A. Chace has decided to resign and would send a letter tomorrow. She feels badly that she has not completed her obligations, but C. Auman suggested that she could serve as an associate by being the Commission's representative to the Growth Management Advisory Committee. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to appoint Alix Chace as an associate, representing the Conservation Commission on the Growth Management Advisory Committee, pending her resignation from the Conservation Commission.

Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to approve the minutes of June 24, 2003, as amended.

Commissioners received a copy of a letter from Ben DeRuzzo of 519 Longley Rd requesting the Commission to address the beaver flooding on his property. C. Auman asked Commissioners to consider how they would feel if this was their property. P. Morrison pointed out that this sets a precedent for resolving beaver issues all over town. It is not an emergency situation according to the agent for the Board of Health. E. Owen expressed concern that we had indicated to him on site that we would hold a neighborhood meeting. The lack of funding is an issue as is damage to property. While some type of response might be necessary, P. Morrison stressed that it is not this Commission's job to solicit input from neighbors. We get a letter from a disgruntled citizen but this is not an emergency situation. Whose responsibility is it to fix a naturally-occurring problem? The alternatives are to install flow control devices or to trap the beavers. It would be necessary to file a Notice of Intent to go in and control the water. The Commission budget will not cover the cost of either pipes or trapping. Commissioners generally agreed that no action should be taken because the Board of Health has not declared this an emergency. B. Ganem will check on the legal liability of beavers causing flooding on land of others.

The Commission reviewed revised wording for a stone marker for the Hurd property on Skyfields Dr. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve the revised wording for the stone marker at the Hurd property.

Regarding the Ch. 40 B application for West Main St., Commissioners noted that the plan shows no wetlands on site, but there is the possibility of a wet depression. It was agreed that more detailed plans are necessary, particular information on the proposed septic system.

B. Ganem noted that the Notice of Intent has been filed for the Lost Lake/Knops Pond drawdown and asked how the public notification should be carried out. Commissioners noted that the Groton Lakes Association has previously delivered notices by hand, obtaining signatures of residents. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to allow abutters to Lost Lake/Knops Pond to be notified by hand delivery of notices of the NOI public hearing.

B. Ganem said that she has received reports of numerous forts and paintballs on the Groton Woods Conservation Area from an abutter to the Hidden Valley access to the Area. In addition, several inquiries have come in about the use of snowmobiles on this parcel. Commissioners suggested that B. Ganem review the minutes in which management issues were discussed with this neighborhood at a public meeting.

In response to a letter from Kathleen Connolly of Kopelman & Paige on the draft Regulations, Commissioners reviewed and revised the draft. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the Wetlands Protection Bylaw Regulations, as amended.

E. Owen reported that the Rutherfords appear to still be mowing the conservation trail on Skyfields Dr. K. Corwin

remarked that it should be possible to find the rebar that marks the corners of this property. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to empower E. Owen to spend up to \$150 each to place markers on the boundaries of the Rutherford property.

Commissioners thanked K. Corwin for her generous donation of a digital camera for the use of the Conservation Commission.

B. Clements reported that he had visited the proposed gift of land on Pepperell Rd. adjacent to Castle Dr. and recommended to the Selectmen that the land be designated for conservation use.

There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 7/22/03