

**GROTON CONSERVATION COMMISSION**

Minutes

August 12, 2003

Chairman Craig Auman called the meeting to order at 7 p.m. Craig Auman, Kris Corwin, Bruce Clements, and Stacey Laudenslager were present. E. Owen arrived at 7:20 p.m., and P. Morrison arrived at 10:45 p.m. A. Chace was absent. Barbara Ganem, Conservation Assistant, was also present.

7:00 Appointment - Vic Burton/Williams Barn Committee - Mr. Burton explained that the Committee would like to hold a dedication or open house to celebrate the renovation of the Barn on the Sunday of Columbus Day Weekend. A number of volunteers will be necessary to help plan appropriate activities, including tours of the barn. It is an opportunity to look at a piece of Groton's history but also to examine possible future uses of the facility. In addition to use as a trail head, other suggestions have included nature or environmental displays, a destination for nature study for student groups, a farmers' market, or for craft or art shows. It will be necessary to look at both the deed to the property and the Historical Preservation Restriction to determine the future uses of the property. In response to Commissioner Auman's question about the safety of the structure, V. Burton indicated that the Building Inspector would be issuing a permit, perhaps temporary, for public use of the building. B. Ganem will contact Town Counsel to determine future potential uses of the facility. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to approve the planning of an open house for the Williams Barn on Sunday,  
October 12, 2003.

7:05 p.m. – Appointment – Brian Logue/8 Valley Road – To follow up on the Saturday visit to 8 Valley Road, owner-builder Brian Logue was present to discuss work at the site. He pointed out that there is a 7-foot grade change between the roadway and the brook, and there has been no siltation from the site into the wetlands. According to Mr. Logue, the original plan submitted with the Notice of Intent did not allow sufficient room for work on site. He extended the haybale line approximately 20' beyond the proposed erosion control line. The plans also showed the roof runoff will be recharged through gravel underneath the proposed deck. Mr. Logue felt that this measure was inadequate and that erosion would continue to be a problem. He also indicated that planting grass would not properly stabilize the site. Commissioners suggested the use of filter fabric and riprap and pointed out that changing a plan requires that he notify the Commission in writing. Commissioners also noted that the area of disturbance had been greatly extended and that this work was far too close to a perennial stream as stones were being placed twelve feet from the foundation. B. Clements commented that this is a substantial change in the Riverfront Area, but that he is willing to listen to a creative approach to maximize erosion control. Commissioners summarized Mr. Logue's alternatives as either follow the original plan/Order of Conditions or file a new Notice of Intent or the Commission can issue a cease and desist. Mr. Logue agreed to file a new Notice of Intent and to keep the site stabilized.

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

7:15 p.m. - 79A & B Kemp St. Request for Determination of Applicability – Matt Waterman of Landtech Consultants, Inc. explained that his company has recently bought Diversified Engineering, the firm that originally prepared the septic plans. In his capacity as a member of the Groton Board of Health, he voted to approve the plans. He is now representing the seller, Rhonda Wayne, and Chris Reardon who is a partial owner of the building which is part of a condominium trust. Originally built in 1991, it is unclear why the septic system failed in testing done in April, 2002. The permitting process has been extended because it was necessary to get a number of variances from DEP. The Board of Health approved the present plans in May, 2003. Mr. Waterman explained that there is lawn, the house, and a driveway between the proposed septic system and the wetlands. An Innovative Alternative, a Microfast system, is proposed at the site. In addition to the existing septic tank, a primary settling tank will be added to increase aerobic activity before reaching the leaching field. He anticipates that the access will be to the right of the house. E. Owen noted that most of the area where the new leach field will be located is within existing lawn. The trees that will be cut are outside of the 100-foot buffer zone. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue a negative #3 Determination of Applicability with conditions as follows:  
that any changes in the plan require notification of the Commission, no tree cutting  
in the buffer, and all machinery to be kept to the south side of the driveway.

Mr. Waterman indicated that he would provide an as-built plan of the septic system.

7:30 p.m. - 100 Hollis St. – continuation of a public hearing for the Notice of Intent

Bob Pine noted that the hearing was kept open, pending comments from the Natural Heritage Program, but nothing has come in as yet. Mr. Pine requested that the hearing be closed with the Order to reflect any provisions set out by the Natural Heritage Program and asked that the Commission consider issuing the Order this evening. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to close the hearing for DEP File #169-863 for 100 Hollis St.

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

VOTED: to approve the minutes of July 22, 2003 as amended.

E. Owen noted that the Conservation Restriction for the Groton Dunstable Regional High School appears to omit any mention of trail creation or maintenance. Due to the tight schedule, further discussion was delayed until later in the meeting.

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

VOTED: to approve the following wording for a stone “This land donated by the Lacombe Family in memory of the Hanson Family, 9/11/01” for Flavell Crossing.

E. Owen agreed to act as the Commission liaison for Associates who are preparing Site Surveys for individual conservation areas.

7:45 p.m. - Surrenden Farm Request for Determination of Applicability/Shirley Road and Farmers Row – Cynthia O’Connell of Beals Associates explained that the applicant is proposing the remediation of arsenic-contaminated soils at the site. She noted that the Earth Removal Advisory Committee has reviewed this, and it is currently under review by the Board of Health. The consultants have not yet agreed on the proper course of action although the proposed location of the soils has been approved. It is necessary to gather more information about the soils. Temporary settling basins are proposed. C. O’Connell noted that the stockpile area is not within 100 feet of the wetlands, but there is land disturbance activity within 30’ or 40’ of wetlands in the north and central portions of the site. Attorney Ray Lyons stated that there would be no changes to the areas that will be remediated, and the limit of disturbance will not change. S. Laudenslager asked if the stockpile area will have erosion control, and R. Lyons said the Commission may want to include a condition that allows for inspections by the Commission.

Commissioners asked the final height of the stockpile, and Susan Horowitz of the Board of Health estimated that it will be between three and four feet. Josh Degen of the Planning Board commented that his Board felt it was important to preserve the viewshed of this area, and he would prefer not to see an elevated stockpile degrade the viewshed. If it exceeds four feet, it may be necessary to return to the Planning Board for a modification. According to R. Lyons, it has not been established how many acres are being remediated in the four acre remediation stockpile. He did indicate that materials will be graded to match existing grades. S. Horowitz commented that there have been variable hits of arsenic throughout the site, but there is concern that more testing is necessary in the vicinity of the single family condominiums. C. Auman asked if the meeting should be left open until we hear from the Board of Health, and R. Lyons stressed that the Commission and Planning Board can rely on the expertise of the Board of Health. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination providing the appropriate erosion control measures are in place and that any changes require the applicant to come before the Commission again.

8:00 p.m. – Lost Lake/Knops Pond Drawdown – DEP File #169-861 Notice of Intent – Dr. William Eger, Chairman of the Lost Lake/Knops Pond Weed Management Committee, stated that the Committee is recommending a more extensive drawdown than the current three foot drawdown to capitalize on the recent herbicide application to control milfoil. He pointed out that fanwort has become established in a northern cove, and it could possibly spread to the entire Lake in five years without some type of intervention. It does not respond to the earlier diquat treatment. The mechanical action of ice dislodging the root systems is not as effective in a lake such as Lost Lake/Knops Pond because there are few wintertime sources of water to refill the lake and raise the water level at that time of year.

Chairman Auman read into the record a letter from Pat Huckery of the state Natural Heritage Program, dated August 18, 2003. In the letter, Ms. Huckery raises concerns about a species of Special Concern in the Lake, the Bridal Shiner, and the endangered Small Bur-Reed. Dr. Eger commented that the latter species grows in shallow water, and it is thought that the three foot drawdowns have had a positive impact on the Bur-Reed population. He indicated that he was unaware of the existence of the Bridal Shiner in the Lake. The proposed drawdown would not be an additional seven feet, but would be four feet beyond the current three foot drawdown. Dr. Eger noted that the drawdown would allow the water to recede slowly so species could adapt to the changing water levels.

B. Clements asked if the primary target is the fanwort/cabomba. John Diezemann replied that the cabomba is established in a seven to eight foot deep cove where the drawdown would affect the water level. He noted that the Lake is not filled by a stream, but by runoff and snowmelt from the adjacent watershed. The exposure to freezing temperatures would kill the roots as would the compaction of soils. Dr. Eger indicated that he was not a biologist or botanist and could not give the effects on other plants. Elodea is one plant that has survived previous drawdowns, as have the pond lilies. The milfoil spreads into very deep water so it is very difficult to wipe out the entire population with only a drawdown. Commissioners suggested that the Natural Heritage Program would have to provide some assurance that the proposed project would not harm any rare species on site. In addition, K. Corwin asked what effect the drawdown will have on private wells. Dr. Eger replied that in previous attempts to lower the water level, some private wells were affected. To handle emergency situations this time, he noted that the Town will provide emergency contact numbers where residents can call in to report difficulties with their water supply. The Town would also provide a two day supply of non-potable water via a water hydrant. Dr. Eger noted that there are many causes for well failures, and it requires a professional to fully evaluate the situation. He explained that the drawdown in the early 1990's went 18 inches below the normal winter lake level when water supplies appeared to be affected. He pointed out that many of these wells were questionable in the first place because they are shallow and rely on surface water. Dr. Eger reported that the Committee has looked into some sort of financial assistance in the form of low interest loans for these homeowners.

E. Owen said that he represents the Commission on the Weed Management Advisory Committee, and he feels that it is worthwhile to preserve the diversity of life in the Lake. C. Auman pointed out that the letter from Natural Heritage recognized the concerns of homeowners living on the Lake and indicates their willingness to work out a mutually acceptable resolution to the problem.

Resident Diane Berenson, of 54 off Prescott St., stated that her well was not a deep one, but it has been extensively tested. She believes that the proposed drawdown would affect her well, and she has concerns about the impact on the environment. She noted that the effectiveness of the drawdown appears somewhat limited especially with the variability of the weather. Also, there are safety issues with the exposure of muck along the Lake's shore. Ms. Berenson noted that there is no discussion of what impact the drawdown will have on shallow portions of the Lake.

Francis Noyes of 207 Whiley Road expressed concern about the turtle population in the Lake which appears to have diminished over the years he has lived there. He also noted that the area off Comerford Point is good for fish spawning, and he noted that exposing the shore here would impact that resource area. The Lake may take a long time to fill, depending on the weather, and this could further impact habitat. Although his well is over 400 feet deep, there are many residents on the Lake whose wells are far shallower. He suggested placing a coffer dam near the old dam between Lost Lake and Knops Pond in order to retain the water level in Knops Pond.

Sylvia Sangiolo of 215 Whiley Road also noted the diminishing turtle and fish population and pointed out that there is a peat bog where many species over-winter that would drain as a result of the drawdown. She commented that the problem weeds seem to originate in the area of the public boat launch and maybe that area should be treated rather than impacting the whole Lake.

John Diezemann, President of the Groton Lakes Association, said there is an old dam between Knops Pond and Lost Lake at a depth of 3.5'. He noted that there is very little connection between the two lakes during the regular winter drawdown. W. Eger commented that the Advisory Committee looked into an engineering approach as one alternative. One suggestion has been to close off the area around Baby Beach. He noted that the current proposal was prepared in response to public demand that a drawdown take place.

Wendell Post from Grotonwood Heights stated that he has a friend who lives on Valley Road who is very concerned that the water level, which currently comes right to his foundation, would get even higher with a drawdown. Dr. Eger stated that the water level would not be any higher than that of an average spring after snowmelt. Water stays there a long time however.

Ed Colburn stated that this does not appear to be an ideal alternative, and he was concerned about how long it would take for the Lake to fill back up. Diane Berenson pointed out that the whole process is very weather dependent. Unless there is a good freeze, the plant roots will not be affected. If there is a mild winter or early snow cover there would also be limited effectiveness in a drawdown. In addition, she noted that homeowners face the possible safety and financial burden of replacing their water supply well, a factor which could impact her personally due to health concerns.

Bob Conley of Whitney Pond Road questioned what impact the siphon working at full tilt would have on the culvert capacity underneath Rt. 40. Dr. Eger indicated that the water level in Whitney Pond would be below that of typical spring levels due to the limited pumping capacity of the siphon. Cindy Kollarics, 39 Indian Hill Rd., explained that she has helped the Lake Association over the years with plant surveys. She requested that the Commission consider the wetland resource areas that surround the Lake that would be impacted by a drawdown. C. Kollarics suggested that additional surveys of the area would be helpful.

B. Clements commented that Blandings turtles utilize the Lake habitat, and he would like to know the possible impacts on overwintering and hibernation patterns of this species. He asked if the proponents were confident that the drawdown would serve the purpose of removing nuisance aquatic vegetation. Dr. Eger answered that the results could be variable because of the hydrologic variations, but in general, the group feels that it would have some positive effect in reducing the nuisance species. The Committee is well aware of the possible difficulties with private wells preventing an extensive drawdown, but sees the drawdown as a measure that would have less of an environmental effect than other alternatives. He feels that the drawdown attempt must be made in order to fully evaluate all possible alternatives. The Committee has considered an engineering alternative, a weevil that eats milfoil, benthic barriers, and dredging. The drawdown needs to be done in order to provide a clearer picture of what additional measures must be considered.

Dr. Eger pointed out that, because of the soft bottom sediments, it would be economically and probably physically impossible to install the benthic barriers or tarps that would smother vegetation in the 8 acre northern cove where the boat launch is located. Dredging would have enormous environmental costs, and so a drawdown and herbicide application were judged to be the better alternatives. He stressed that there is no perfect solution, but doing nothing is not an option either.

Board of Health Chairman Susan Horowitz commented that it appears that diquat has been taken off the table as a result of the letter from Natural Heritage. A drawdown seems to be a less intensive alternative in the toolbox of alternatives. Those homeowners who have wells that go dry under a drawdown are usually drinking unsafe surface water and should consider installing a new well.

K. Corwin noted that there is no recent wildlife study, but instead the Notice of Intent relies on one prepared when the earlier drawdown was contemplated. Dr. Eger replied that, in the late 1980's, the Town of Groton received a \$300,000 state grant for consultants to prepare a draft lake management report. Although it was never finalized due to lack of additional funding, there were substantial studies that were completed at that time.

Selectmen Fran Dillon commented that the hearing has provided an opportunity for public input. He thanked Dr. Eger for the thorough job he has done in researching the various issues and being flexible and listening to all sides. He agreed that the meeting recommended by the Fisheries & Wildlife Natural Heritage Program would be helpful. Chairman Auman suggested that this hearing be continued until after the meeting with Natural Heritage in order to develop a plan that addresses all concerns. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to continue the hearing for the Lost Lake/Knops Pond Drawdown, DEP  
#169-861 to Tuesday, September 9, 2003 at 8 p.m.

9:00 p.m. – Abbreviated Notice of Resource Area Delineation/160 Townsend Road – Steve Ericksen of Norse Environmental Services noted that the Commission had reviewed the flagging in the field the previous Saturday. There being no further questions and upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue an Order of Resource Area Delineation as drafted for DEP  
#169-865 for 160 Townsend Road.

9:15 p.m. – Thompson Mill Pond Park Request for Determination of Applicability – Tom Delaney, Highway Superintendent, commented that the proposed Park will be located within the area of an existing parking lot that is in poor condition. The

plan, developed by Lorayne Black of Garden Gate Landscaping, provides for erosion control measures at the top of the bank. There are no plans to disturb the natural vegetation on the bank with the exception of the area of the access roadway for the dredging project which will be stabilized under that Order of Conditions.

T. Delaney explained that he will remove the parking lot asphalt with the exception of three, possibly four, parking spots. The asphalt will be removed using a bobcat and dump truck. Walkways and plantings will then be installed. E. Owen noted that the reduction in impervious area is considered an improvement to the site. The area is previously disturbed and located within the Riverfront Area. T. Delaney said there is very little elevation change on site, but the finished Park will be slightly mounded in the center. The Park will not be constructed until after the completion of the dredging project. C. Auman asked if there were any plans for pruning the vegetation along the bank, and T. Delaney indicated that he could if necessary. Abutter Carl Canner asked if the poison ivy will be removed from the site, and Commissioners suggested that this would require an additional filing because of its location on the banks. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination requiring the applicant to return to the Commission with any changes or revisions, the installation of erosion control measures as shown on the plan, and the Commission reserves the right to require additional measures as necessary.

9:30 p.m. – Shattuck Well/off Martins Pond Road Notice of Intent - Water Superintendent Tom Orcutt explained that he plans to complete the Notice of Intent process and put the project before the fall special town meeting for funding. The Shattuck well previously yielded between 250 and 350 gallons per minute, and it is hoped that this yield will be recaptured in the new exploratory wells.

Tighe & Bond consultant David Cameron explained that the pump test will help assure water protection through the use of monitoring wells and staff gages. He noted that they had just become aware that the new Natural Heritage Estimated Habitat map includes this area. Copies of the Notice of Intent have been sent to them. There is an existing cart path around the site, and haybales will remain in place until the disturbed areas are stabilized. It will be necessary to do some pruning to gain access to the site. In order to prevent erosion at the discharge point, the drillers will use a splashboard with geotextile fabric. Commissioners noted that there may be blue spotted salamanders near this area, and fall would be the appropriate time to do the work. A full drilling rig will be used at most locations on this site.

Jim Rutledge of Hemlock Park Dr. asked if the reason the well was originally closed was due to the color of the water. T. Orcutt explained that the color was due to iron and manganese and over pumping that broke the seal. Subsequently, the Town pursued the Whitney well, and the Shattuck well was closed down. The area is currently heavily forested, and the consultant anticipates little soil disturbance. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to continue the hearing for the exploratory Shattuck well off Martins Pond Road to September 9, 2003 at 9 p.m.

9:45 p.m. – Unkety Brook Well/off Chicopee Row Notice of Intent – David Cameron of Tighe & Bond explained that the discharge at this site would outlet on a stony embankment with no wetland vegetation between the discharge and the water body. Staff gages will be installed in emergent wetland vegetation by hand, not machine. The roadway is more accessible at this site. They anticipate a 300 to 500 gallon per minute flow rate. It is estimated that the discharge from the four inch hose will extend three to four feet and continue for eight days. The placement of the gages is designed to provide information on how continuous pumping will affect the shallow root zone and the hydrology of the surrounding wetlands. K. Corwin commented that there are wood and spotted turtles, as well as blue spotted salamanders, near the site. D. Cameron stated that they would have someone scan for animals in front of machinery entering the site. He noted that the brook flows north toward Hawtree, and the discharge will be on the downstream side of the culvert. E. Owen asked if they monitor climatological data, and T. Orcutt answered that there has been a DEM monitoring station at Baddacook for the past five months. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to continue the hearing for the Unkety Brook exploratory well/off Chicopee Row to September 9, 2003 at 9:15 p.m.

B. Ganem reported that Town Counsel has responded to the Commission's inquiry about the deed to the Torrey Woods Conservation Area. While a public water well is an acceptable use of the land, it will have to go through the Article 97 conversion process.

Beth Montgomery inquired about the proposed gift of land in West Groton, and Commissioners explained that it is a small, residual parcel located at the corner of Castle Dr. and Pepperell Rd. that was part of the Throne Hill Subdivision. The lot itself is wooded with a small stream. Commissioners preferred to hear from Town Counsel before signing off on the deed to accept the land. B. Clement asked if there were any costs involved, and B. Ganem said there would be the cost of review and recording of the document.

10:00 p.m. – Request for Amendment to Order of Conditions #169-761/256 Lowell Road – Developer Mike Dermody was present to discuss the proposed change. The new plan shows that the house has been relocated 20 feet further from the wetlands. Also, a pump chamber was eliminated from the septic plan. He noted that the Earth Removal Advisory Committee has encouraged him to terrace the hillside and apologized for his confusion on the amending process. Commissioners agreed that it was a better plan and noted that it is important to be consistent in the amendment process for all applicants. M. Dermody indicated that he did not have the green receipt cards from the abutter notification with him. E. Owen asked where foundation drains will outlet, and M. Dermody stated that there is perforated pipe leading to a dry well for recharge. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to close the hearing for an amendment to the Order of Conditions, DEP #169-761 for 256 Lowell Rd.

B. Montgomery asked why the applicant was required to get an amended Order of Conditions if this project was re-designed to have a lesser impact than was originally proposed. Commissioners responded that they had recently become aware of a DEP Policy, issued in 1995, which addresses how amendments should be made. *(Note – Changing an Order of Conditions is not addressed in the WPA Regulations. The Policies were issued in order to standardize and clarify confusing areas in the Regulations that are subject to multiple interpretations.)*

Regarding the request for a Certificate of Compliance for 246 Lowell Road, Mike Dermody explained that he had hand dug and put stone in a recharge trench for the back porch. He gave the Commission photographs of the area for the record. The house was slightly turned to make the driveway more user-friendly and less steep. The as-built plan shows that the house is located 74.5 feet from the wetlands rather than 56.4 feet. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue a Certificate of Compliance for DEP #169-760/246 Lowell Road.

Commissioners discussed the wording in the Conservation Restriction for the Groton Dunstable High School on Chicopee Row, specifically Paragraph IIIA.6 that appears to allow motorized vehicles on the emergency access road. In other areas, the document does make clear that the Restriction is for conservation values so in practice only maintenance and emergency vehicles would be allowed on the emergency access road. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to approve the signing of the Conservation Restriction for the Groton Dunstable High School/703 Chicopee Row.

K. Corwin, C. Auman, and S. Laudenslager voted in the affirmative, and B. Clements and E. Owen opposed.

Concerning the issue of returning funds for erosion control at the Beach, Commissioners noted that additional measures are necessary which means a need for additional funds. B. Ganem will discuss what further steps would be possible with the contractor who performed the work with the \$9,700 remaining in the account.

(P. Morrison arrived at 10:45 p.m.)

Last Saturday's site visits included a stop at the Nutle property at the corner of Hill Rd. and West Main St. The Commission observed several vehicles parked in an area that is defined as 100-year floodplain on the FEMA map. After discussion, Commissioners agreed to send a letter to the owner, notifying him of the new Bylaw's prohibition against use of land subject to flooding for parking of motor vehicles and giving him a year in which to comply.

E. Owen said he is planning to do some brush cutting and removal of invasives on the Hurd property. Commissioners agreed that it was not necessary to file a Request for Determination since this is an exempt minor activity in the buffer if done in accordance with the draft Regulations.

There being no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 8/26/03**