

## GROTON CONSERVATION COMMISSION

August 26, 2003

## MINUTES

Chairman Craig Auman called the meeting to order at 7:00 p.m. Craig Auman, Bruce Clements, Kris Corwin, and Stacey Laudenslager were present. Alix Chace was absent. Evan Owen arrived at 8:02 p.m., and Peter Morrison at 7:20 p.m. Barbara Ganem, Conservation Assistant, was also present.

Chairman Auman welcomed Marshall Giguere of 230 Burntmeadow Rd. and invited him to share with members why he would like to serve on the Conservation Commission. Mr. Giguere stated that he has been a resident for 17 years and is particularly interested in the wildlife in the area. K. Corwin pointed out that the Commission is responsible for administering the state Wetlands Protection Act, the Rivers Protection Act, and the local Bylaw. Wildlife is one of the interests protected under these laws. She noted that it is a serious time commitment with a minimum of four meetings per month. M. Giguere responded that he is an independent consultant, and he did not think his work would interfere with Commission duties.

B. Clements commented that much of the Commission's work is routine – additions, decks, septic systems – but it is important to assure that the work is done in a way that is not harmful to wetlands such as through the use of siltation barriers. Sometimes projects involve more of a judgment call. The Massachusetts Association of Conservation Commissions provides a newsletter and workshop opportunities for Commissioners to learn. Much of the work involves extensive site visits which provide an opportunity to learn more about Groton. The Commission is responsible for guiding the Town in prioritizing parcels for preservation and also for managing over 1,800 acres of conservation land owned by the Town.

Commissioner E. Owen is coordinating data collection on individual conservation areas, using the Site Survey form. Commissioners explained that they anticipated that a slot is opening up shortly on the Conservation Commission. While there are a number of different aspects to the job, including education on wetlands and legal issues, the learning curve is generally rapid, and the work is satisfying and rewarding. Commissioners pointed out that the hearings are a legal process, and it is necessary that a quorum of at least four members be present before a meeting can even be opened.

M. Giguere asked whether the Commission deals with meadow lands which many bird species rely on for breeding habitat, and members explained that land management does include grass lands on several conservation parcels.

(P. Morrison arrived at 7:20 p.m.)

Mr. Morrison asked how Mr. Giguere became aware of the opening, and M. Giguere commented that he had run into members of the Commission on a Saturday site visit when he and his son were birdwatching nearby. Commissioners invited M. Giguere to stay for the remainder of the meeting to gain a greater understanding of the workings of the Commission.

Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the minutes of August 12, 2003, as amended.

In discussion on the request for a Certificate of Compliance for 10 Rustic Trail, members noted that there is a potential erosion problem on the hill due to the recent replacement of a septic tank. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to require an after-the-fact filing of a Request for Determination of Applicability for the septic system upgrade at 10 Rustic Trail.

After review and discussion of the draft conditions for 100 Hollis St., and upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue an Order of Conditions for DEP #169-863/100 Hollis St. to include a condition that the edge of lawn shall not encroach further into the buffer.

Todd Lobo of Beals Associates requested continuations for Lots 8 and 9, Surrenden Farm. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing for Lot 8 Surrenden Farm to September 9, 2003  
at 9:30 p.m.

and

VOTED: to continue the hearing for Lot 9 Surrenden Farm to September 9, 2003  
at 9:45 p.m.

B. Ganem said that the Commission has previously approved the issuance of the Order of Resource Area Delineation for 160 Townsend Road, and the signature page must be signed tonight.

In reviewing the draft conditions for the 256 Lowell Road amendment, upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue an amended Order of Conditions for DEP #169-761/256 Lowell  
Rd.

Commissioners agreed to accept Mr. Lacombe's offer to reimburse the Commission for the cost of the Flavell Road signs.

7:45 p.m. – Public Hearing/Notice of Intent – Conductorlab

P. Morrison read the legal notice, and David Perry of Parsons, representing Honeywell, gave a brief history of the remediation at the site. He explained that Conductorlab was an electrical circuit manufacturing facility up to the mid-1980's when it was sold. During a 21E study of the property, it was discovered that there was a plume of contaminated groundwater running under the site. The contaminants, which include TCE and hexavalent chromium, polluted private wells. The site fell under the Massachusetts Contingency Plan (MCP) process which is the state version of the EPA Superfund. Groundwater recovery wells were installed to provide treatment to the contaminated groundwater on site. Monitoring wells were installed off site in backyards on Mill St. The on site treatment takes place in the existing building with a discharge to infiltration galleries, comparable to a leach field in private septic systems. D. Perry reported that Parsons has checked the functioning of the infiltration galleries by jet cleaning the piping.

The purpose of this NOI proposal is to divert the flow to the infiltration galleries to a new point discharge. The diversion will alleviate breakout which discharges across the neighbor's driveway, creating an ice hazard in the winter. D. Perry said that originally the wetland had been flagged at the top of the bank, but subsequently the wetland scientist said the Bordering Vegetated Wetland is closer to the edge of the unnamed brook so the discharge pipe will not be located in a resource area.

B. Clement asked if the breakout water is clean, and D. Perry nodded in the affirmative. D. Perry indicated, however, that no dye test has been done to definitively confirm that the breakout is coming from the infiltration galleries. He noted that the monitoring wells are tested semi-annually, and tests are done inside the treatment plant on a monthly basis. To determine the source of the breakout water, it would be necessary to turn off the infiltration galleries, and Conductorlab cannot do this under their current NPDES permit. No surface water sampling has been done at the driveway breakout area. D. Perry explained that all of the water entering the discharge pipe would come from the treatment plant via the distribution box. The treatment plant treats a maximum of 20 gallons/minute so the discharge pipe would not surpass this amount.

Commissioners asked how the applicant would control erosion at the discharge point, and D. Perry questioned whether this is necessary because of the cobbly, rocky nature of the material at the discharge. In addition, questions arose about whether this discharge will help the breakout seep currently apparent on Rt. 119 near the Rail Trail bridge. Mr. Perry anticipates that this situation will be improved, but it will depend on how much of the breakout is due to groundwater. He pointed out that the throughput of the recovery wells has been reduced due to the breakout issue, and this would not be necessary if a discharge pipe is installed. While the elevated levels of chromium at the seep are due to Conductorlab, the actual seep is the responsibility of MassHighway. Mr. Perry noted that somewhere between the seep and the first monitoring well, the contaminant chromium disappears. He reported that Honeywell will work with MassHighway to eliminate the problem. P. Morrison asked if there is a meter controlling flow between the galleries and the discharge pipe, and D. Perry stated that the system is "meterable". Mr. Perry commented that removing groundwater and turning it into surface water will prevent mounding of groundwater and allow them to crank up the treatment process.

(E. Owen arrived at 8:02 p.m.)

As the applicant has failed to contact the Nashua River Watershed Association, K. Corwin requested B. Ganem to notify them about the additional discharge to a tributary of the Nashua River. She also asked for the definition of "clean water". Mr. Perry said that the discharge meets GW2 standards, meaning that it should not be used for drinking water, but it actually meets GW1 standards in most cases. K. Corwin commented that she did not agree with the wetland delineation at the bottom of the slope. D. Perry stated that it was based on plant species listed in the BVW data sheets submitted with the filing. P. Morrison pointed out that the bank is determined by the first significant break in the slope, and he agreed with K. Corwin's assessment that this is a resource area. He also noted that he would prefer to see riprap at the discharge.

Commissioners expressed a desire to hear from members of the Conductorlab Oversight Committee about the proposed remediation. S. Laudenslager asked if it was possible that the bank vegetation has been affected by contamination. D. Perry indicated that contaminants were released directly to this intermittent stream, and much of the bank appears to be backfill rather than natural material.

E. Owen asked how the Commission can approve a discharge that will occur on someone else's property. D. Perry stated that Honeywell was in the process of getting a 30' by 30' easement from the abutter and will do nothing until that permission is granted. The owner of 436 Main St. must also sign the signature page of the Notice of Intent.

C. Auman noted that members of the Conductorlab Committee were present and asked for their comments on the proposal. Michelle Collette indicated that the Committee has not met since April and has not had an opportunity to review the Notice of Intent and formally vote on the plan. She expressed her gratitude to Honeywell and Parsons for the professional and responsive way in which their LSP has handled the Town's concerns.

Hugh McLaughlin, a member of the Conductorlab Oversight Committee from 1990-1998, pointed out that the regulatory authorities have advocated a recirculation system with infiltration galleries. There is some net loss of water through evaporation, but problems typically occur in the spring. This proposal will address the excess hydraulic load and prevent escape of the water. It will help balance flows on site, and this is a necessary procedure that will give us more control over the site. What is currently there was the state of the art 15 years ago, but technology has since offered improvements to the remediation process.

D. Perry stated that the MCP takes precedence over any other laws. DEP receives the plan, and the Wetlands Protection Act has provisions which exempt this kind of remediation. *(NB: The NPDES permit sets the effluent limitations, and it is presumed that the 8 interests of the WPA are protected through that permit. The GCC will issue conditions for the construction phase not the effluent so it is not technically "exempt".)* C. Auman requested comments from the audience, and there being none, summarized the following action items: notify the Nashua River Watershed Association, request comments from the Conductorlab Oversight Committee, and the signature page of the NOI signed by the owner of the property where the discharge will occur. E. Owen commented that they should also provide a sketch of the proposed armoring and the delineation with bank included. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing to September 23, 2003 at 7:30 p.m.

#### 8:00 p.m. Appointment/Vic Burton/Trails Committee and Williams Barn Committee

Concerning the proposed trail bridge on the Gratuity Rd. easement, C. Auman reported that he had a discussion with Barry Cunningham, the current owner of the Lot 1 bridge. Barry has gone to a lot of trouble getting the trail easement legally accepted. It would be difficult to start the process over in order to limit the number of crossings. K. Corwin reiterated her concern about the three culvert configuration due to its effect on wildlife. While amphibians do not like to migrate through dark tunnels, the expense of installing a box culvert may be prohibitive. E. Owen urged that the culvert be sized correctly. Vic indicated that there are two downstream crossings, one of which is a three foot round culvert. He commented that the proposed culverts are smaller (2½ feet), but three are proposed. Tom Delaney originally recommended that the Trails Committee consider black plastic piping. The Commission recognizes the difference in cost and maintenance - \$800 vs. \$2000, just for materials. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the three-culvert conceptual plan for the Gratuity Rd. trail bridge.

The Commission reviewed a letter and proclamation for Cub Scout Troup #11 for trail work and future maintenance on the Groton Woods and Flavell Crossing Conservation Areas, and upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the issuance of a proclamation to Cub Scout Troup #11 for the stewardship of Groton Woods and Flavell Crossing.

V. Burton reported that the Williams Barn Committee is moving forward with plans for an open house on both Saturday and Sunday of Columbus Day weekend. There will be tours of the barn, cider-making, milking of cows, a visual display to include progress drawings of the barn renovation, and nature walks. He urged the Commission to confer with Town Counsel about the future usage of the building. The Williams Barn Committee has been expanded to include members who are interested in the activity phase. B. Clements pointed out that the Williams Barn Committee has never been a formal committee as people have volunteered according to their area of expertise or interest during the different phases of renovation. The Conservation Commission has signed off on the Williams Barn expenditures. P. Morrison agreed that committee oversight of a more formal nature is necessary, particularly as we begin discussions of long term educational programs at the site. If, in the future, it is a formally constituted committee, it must meet open meeting law with posted meetings and minutes of the proceedings. Commissioners thanked Mr. Burton for all his good work on this project.

8:30 p.m. – Public Hearing/Notice of Intent – 120 Reedy Meadow Road

Builder David Navien stated that the propane gas tank has been installed at an elevation approximately 25 feet above the wetlands. He indicated that this location is convenient for the homeowner for delivery purposes and also removes it from the backyard. He apologized for not being aware of Groton's law regulating the installation. He estimated that the location is approximately 20 feet into the Buffer Zone. S. Laudenslager asked if there is a risk of leakage, and D. Navien responded that the tank is made to last 100 years and is not like an oil tank. He indicated that the gas would not flow into the stream. K. Corwin pointed out that this is a violation of the local wetlands Bylaw, not the state Wetlands Protection Act. She noted that the Commission cannot enforce it in one case and ignore it in another; this is the first time an underground tank has been discussed since the Bylaw was adopted. P. Morrison asked the condition of the land where the tank is buried, and D. Navien indicated that it is open with lawns and some trees nearby. This was previously an area that had not been cut in a while, and the hillside leading to the wetland is well-vegetated. D. Navien said it is possible to re-locate the tank ten feet behind the house. The top of the tank protrudes about 2 feet. Commissioners concurred that the Bylaw cannot be waived, and this project would not have been allowed had the applicant applied before doing the work. Discussion ensued on whether propane gas is heavier than air, but there was consensus on gas being a hazardous material and its storage in an underground tank a violation of the Town Wetlands Protection Bylaw.

The Commission agreed to allow Mr. Navien additional time to draw up a "construction removal plan" to re-locate the propane tank this fall.

8:45 p.m. – Public Hearing/Notice of Intent – Groton Residential Gardens – Main and Mill Streets

Brian Lagrasse of JDL & Associates explained that the applicant had previously filed a Request for a Determination of Applicability on a portion of the property, with a negative Determination. Since that time an additional parcel has been purchased, and this is the subject of this filing since work is proposed within the 100-foot Buffer Zone of Bordering Vegetated Wetlands (BVW). The Commission walked the site with B. Lagrasse in the spring to review the wetland flagging. Mr. Lagrasse noted that, although there is a high groundwater table, the lack of mottling in the soils defines these areas as non-wetland.

To investigate the possible existence of a vernal pool on the property, wetland scientist Julie Parrino visited the site on May 23, 2003. Although there was no evidence of obligate vernal pool species, several facultative species were present. However, because there is video evidence of inflow and outflow, Mr. Lagrasse indicated that this site is unlikely to be a vernal pool. B. Ganem asked if the wetlands are currently dry, and B. Lagrasse responded he did not know.

B. Lagrasse explained that three structures, with 24 dwelling units, and some parking and sidewalks are proposed within the 100-foot Buffer Zone. He pointed out that Ch. 40B allows a greater density of housing than would normally be allowed under local zoning laws. One of the goals in designing projects in the Buffer Zone is to avoid, minimize, and mitigate for wetland impacts caused by land development. To this end, B. Lagrasse said the project includes a retaining wall next to the wetland area, appropriate side and back lot line building setbacks, underground infiltrators to handle the additional runoff from the structures and parking areas, oil and gas separators on the catch basins, and recharge trenches to handle roof runoff.

Mr. Lagrasse brought an extra copy of the Notice of Intent package for the consultant who is reviewing the project on behalf of the ZBA. In addition, as a result of the new map from the Natural Heritage and Endangered Species Program, he will submit a copy of the full filing to them. B. Lagrasse said that there would be no additional grading beyond the proposed

retaining wall. Commissioners expressed a preference for a boulder retaining wall, not poured concrete or versa lock. In response to a question about any green areas on site, Mr. Lagrasse replied that a landscaping plan will probably be drawn up. He indicated that most of the existing trees would be removed in order to develop the site. P. Morrison asked what treatment is proposed underneath the decks and requested more details on the rear and side elevations of the buildings.

The Commission outlined its typical condition concerning permanent demarcation to prevent future encroachment into the wetlands, and B. Lagrasse suggested that the applicant could install a post and rail fence or boulder wall on the inside of the haybale line during construction. He commented that the 100 year storm event would not result in an increase in cubic feet per second on site. All stormwater will be maintained and stored on site. Recharge will be accomplished by infiltrators located under the parking area. No discharge to wetlands is proposed. B. Lagrasse stated that the maintenance plan was part of the ENF filing. The site is fairly flat, in general sloping from front to back. He estimated that work was between 6-10 feet away from the wetlands which mandates a filing with the Conservation Commission. It is not a violation of the Wetlands Protection Act to do this, providing the applicant observes the conditions required by the Commission. The proposed density and proximity to wetlands of this project are clearly a concern. About 30,000 square feet of buffer will be altered by this project.

Resident Carrie Kneeland, of 3 Anthony Dr., noted that the driveway will be 35 feet wide while the roadway is only 20 feet wide. Commissioners explained that the project is not approved or disapproved but allowed with conditions or denied. The Commission only has jurisdiction on areas within 100 feet of wetlands, but because three buildings, some parking, and sidewalks are within that 100-foot buffer, the applicant must file. If the applicant is not satisfied with the Order of Conditions issued by the Commission, they may appeal to DEP for a Superceding Order of Conditions. Ms. Kneeland pointed out that under regular zoning, only two single family houses would be permitted on this parcel. She noted that many of the residents on the street have dirt basements that regularly flood, and she is concerned about the soil logs that back up the functioning of the infiltrator systems. B. Lagrasse agreed that soil test pits are necessary in the locations where the infiltrators are proposed. He noted that basement flooding is probably due to high groundwater. The proposed parking area will be raised above the existing grade, and water directed by curbing and slopes to catch basins. It will be treated by oil and water separators and then recharged via the infiltration pit or the systems under the parking lot.

Commissioners summed up the outstanding required information as: (a) filing with the Natural Heritage Program, (b) information about the soils on site, (c) clarification of surfacing under decks, (d) side and rear elevations in the border between the buildings and BVW, (e) plan showing where wetland data plots were done, and (f) stormwater management plan. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to continue the hearing to September 9, 2003 at 10 p.m.

Mr. Navien presented a proposed construction sequence for the removal of the propane tank at 120 Reedy Meadow Rd., and upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue an Order of Conditions for DEP #169-867/120 Reedy Meadow Rd.  
to include the proposed construction sequence.

9:15 (9:55) p.m. – Request for Amendment to the order of Conditions for Groton School Wastewater Treatment Plant – DEP #169-831

Dan Nitzsche, Environmental Scientist from Baystate Environment Consultants, Inc., explained that, during the permitting process, DEP requested the re-location of some of the buildings. The work is no closer to the wetlands, but does involve approximately 1,200 square feet additional work in the 100-foot Buffer Zone. The Commission reviewed the proposed locations and erosion control line at the Saturday site visit. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to close the hearing for an Amended Order of Conditions for DEP #169-831/  
the Groton School Wastewater Treatment Plant.

9:30 p.m. - Public Hearing/Notice of Intent – 21 Moose Trail

Wetland Scientist Lynne Remington of Ross Associates explained that the applicant plans to remove an existing cesspool and replace it with a regular leaching facility. The site has deep, coarse gravels and sand. There is currently a steep slope broken up by terraces down to the shore line of Lost Lake. The slope will be cut back so that it is uniformly flat as required by Title 5. There will be a retaining wall in front of the tree. K. Corwin requested erosion control on the downhill side of the septic

system, and L. Remington agreed that they would be appropriate there and at the corner of the walkway. E. Owen mentioned the outstanding Order of Conditions for this property, which did not include a retaining wall or patio. In addition, there is a letter from the Commission to Thomas Wilson, dated June 14, 2001, to which there has been no response. Mr. Wilson was given a copy of the letter. Commissioners noted that it is their policy not to approve additional work if earlier work was not in compliance with Commission conditions. Upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to close the hearing for a Notice of Intent for 21 Moose Trail.

P. Morrison suggested that the Commission take this opportunity to interview Bruce Eason who has also expressed an interest in serving on the Commission. B. Eason commented that he has previously been before the Commission on issues relating to the Trails Committee of which he has been a member for four years. He noted that he has a doctorate of science in mechanical engineering from MIT. His work experience has centered on air pollution control, EPA methods of testing emissions, and general issues of ambient air quality standard. Mr. Eason indicated that some of the techniques and analyses used in fluid mechanics are similar to those utilized in water pollution. P. Morrison asked if his involvement with other committees might interfere with Commission duties, and B. Eason replied that he serves on an ad hoc committee working on the Squannacook Rail Trail and the Groton Trails Committee. He felt that his background would serve the Commission well.

C. Auman said he would look into the status of A. Chace's membership on the Commission and thanked Mr. Eason for his interest and time. Commissioners agreed that he was a good candidate who has previously worked closely with the Commission on a number of projects. P. Morrison commented that the Massachusetts Association of Conservation Commissions offers a number of workshops and courses to help new Commissioners become familiar with the Wetlands Protection Act and other responsibilities.

P. Morrison made a motion, seconded by K. Corwin, to extend the Order of Conditions for DEP #169-599/Woods Mill Pond Drawdown. B. Clements said he was wary of a drawdown's effect on amphibians. This site is now included in a rare species polygon on the new Natural Heritage & Endangered Species Program map. Commissioners questioned whether a drawdown is planned for this year and noted that the drawdown appears to be an effective measure for reducing aquatic nuisance plants. Commissioners asked B. Ganem to request an opinion from the Natural Heritage & Endangered Species Program on whether the extension would harm rare species. Going back to the original motion, the vote unanimously failed. Hand pulling weeds may be an alternative, and there are questions about whether a fall drawdown is appropriate timing.

Commissioners reviewed the draft Protocols to handle possible well issues associated with the proposed drawdown of Lost Lake/Knops Pond. Number 6 should be changed to reflect the continued hearings and that copies will be available, and upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to approve the draft Protocols for Drawdown of Lost Lake, as amended.

B. Ganem reported that Scott Wilson, 154 Lowell Rd., is interested in paving a portion of his driveway that includes a wetland crossing; Commissioners recommended that he file a Notice of Intent.

Commissioners requested that comments be conveyed to the ZBA in time for their September 4<sup>th</sup> hearing on Groton Residential Gardens, noting that the density and proximity to wetlands results in 30,000 SF of Buffer Zone impacts and that this would not be permitted under the local Bylaw.

B. Ganem reported that a Community Development Forum organized by the Montachusett Regional Planning Commission is planned for August 28<sup>th</sup> from 7-9:30 p.m. at the Country Club. Commissioners are urged to attend and to let others know about the meeting.

There being no further business, the meeting adjourned at 10: 40 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 9/9/03**