

GROTON CONSERVATION COMMISSION

Minutes

September 23, 2003

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

Ed Doucette, Facilities Manager at Children's Extended Care Center, was present to discuss his request for a Certificate of Compliance. Commissioners visited the parking lot which was the subject of DEP #169-278 this past Saturday and noted that vegetation was well-established. B. Ganem said that part of the project involved a replication area. Commissioners requested that an engineer certify that the project was done in accordance with the Order of Conditions and the replication plan.

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

VOTED: to approve the minutes of September 9, 2003, as amended.

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

VOTED: to issue a Certificate of Compliance for 41 Martins Pond Road, DEP #169-702.

Commissioners suggested that the cover letter for the Certificate include the option of mowing the area behind the rose bushes once a year in the fall to keep it in an early successional state.

7:15 p.m. -14 Station Avenue – Notice of Intent Public Hearing continuation from July 22, 2003

B. Ganem reported that the proponent has requested a continuation to October 28, 2003, and upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing for 14 Station Avenue to October 28, 2003.

7:30 p.m. – Conductorlab – Notice of Intent Public Hearing continuation from August 26, 2003.

David Perry of Parsons presented revised (dated 9/22/03) Notices of Intent to the Commission. The revised NOI includes original signatures of the owner of the property where the discharge is proposed to outlet. He reported that the appropriate abutters were notified with the original filing. Riprap has been added to the area of discharge and a data sheet prepared for the bank area. The new Estimated Habitat Map does not show rare species in this area. The proponents have met with the Conductorlab Oversight Committee since the last Commission meeting.

Michelle Collette, Planning Administrator and member of the Oversight Committee, reported that the Committee has met with Mr. Perry to discuss the history of the remediation project, as well as the on-going problem with the manhole at Rt. 119 testing positive for hexavalent chromium. She noted that the proponent has been unable to operate the recovery system at full capacity, and this has hindered the remediation process. The goal in proposing the new outlet, subject to a NPDES permit, is to optimize the treatment system.

Arthur Blackman, member of the Conductorlab Oversight Committee, explained that Honeywell/Parsons has been most cooperative and responsive to the Committee, more so than many of the other parties that have been involved in the 18-year remediation effort. He noted that the main goal is to get rid of the contaminated groundwater that is now buried in bedrock. Flushing and treating the groundwater can go on for decades before the site is returned to normal. He stated that he appreciated this attempt to make the system more effective. A. Blackman said that a drum containing

unknown materials has recently been discovered on site, and he urged Parsons to make every effort to inquire of the former owners where other drums might be buried. He noted that the Committee really has no authority; it is more of a review committee. DEP and the EPA appear to be guided more by politics than scientific policies.

The nuisance of the driveway icing situation has spurred consideration of this discharge pipe. The proponent, Grimes Aerospace/Honeywell, may decide not to do it if there are too many conditions to the work.

Attorney Michael Scott, representing Honeywell, stated that he hoped to provide a context for the development of the Order of Conditions. He noted that communications have improved because it is Honeywell's corporate philosophy to be proactive. The cost of the remediation treatment is \$250,000 per year. Mr. Scott proposed wording that might be included in the Order of Conditions as a finding of fact. Ganem said that this information could be incorporated in the Order under the Findings section if the Commission wishes.

K. Corwin asked if it was possible that input wells on site would not capture contaminated materials which could then move down gradient. D. Perry responded that Parsons is doing soil investigations to determine this, and this was when the 55 gallon blue plastic drum, previously noted by Mr. Blackman, was discovered. The drum was covered by concrete, and a Health and Safety Plan is being developed. DEP was consulted to determine whether this was a 21E reportable condition. Parsons has taken the extra step of looking at the soils to determine contamination. He noted that the pump and treat system works well when the water table is above bedrock. It becomes more problematic when groundwater is below bedrock because the pumps cannot get at it. There is a need to review new technology to address these issues.

B. Clements pointed out that the Order will deal with the discharge, with a temporary disturbance to install the pipe. While the system may not be capturing all contaminated water, it appears that this approach may improve the situation.

M. Scott stated that the Order is not an appropriate mechanism to enforce a numeric value and that this is more appropriately the responsibility of DEP. He asserted that no system could be expected to capture all contaminated groundwater, but that this will improve current conditions. Off site, groundwater quality exceeds the standards set by the state under the Massachusetts Contingency Plan. The DEP representative, Dan Hannon is satisfied that the effort being done now, as well as past measures, are working toward a long term solution.

A. Blackman commented that it is a holding operation as there has been a two year delay in developing the required five year plan. It is anticipated that the Conductorlab Oversight Committee will meet with Honeywell in November. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for Conductorlab, DEP #169-870.

8:11 p.m. – Request for Determination of Applicability – 10 Rustic Trail

Doris Bush explained that she has recently sold this property. As part of the Title V inspection, she was required to replace the septic tank, and this is the work that the Determination covers. Funds are being held in an escrow account pending the issuance of a Certificate of Compliance. She noted that she was unaware that it would be necessary to file with the Commission for the septic tank replacement. E. Owen said that the issue is the area where the heavy machinery came in along the driveway, causing ruts. Because of the shadiness of the site, it will take a long time for grass to become established. Woodchips might help stabilize the site. P. Morrison suggested a negative #2 Determination, but the Commissioners who were present on the site visit recommended that the site be properly stabilized. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the condition that the site be properly stabilized to assure that there is no active erosion.

Mrs. Bush explained that she would lose her escrow deposit unless the Commission issues the Certificate. Her son, Frank Stewart, questioned whether his mother could make the new owner comply. Commissioners asked B. Ganem to contact the new occupant, Scott Buonopane, to decide on a course of action to stabilize the site.

8:30 p.m. – Appointment - Helene Easom

Helene Easom noted that she runs a horse stable on Martins Pond Road and has encountered difficulties traversing the Shattuck property with her riding classes. She noted that a paddock with electric fencing blocks the trail, and she has previously reported this to E. Owen. While she supports using grazing animals to help maintain the land in an open state, she is concerned that it is limiting public access. In addition, H. Easom said she was concerned that goats kept in the paddock can readily escape to follow horseback riders, compromising the safety of both the horseback riders and the goats. She urged the Commission to review the situation.

E. Owen commented that the goal is to keep the grass cropped down but also to not encourage ATV use. He explained that the animals are kept there from approximately May to December, depending on snow cover. Commissioners asked him to re-examine pasturing goats there and to develop a long-term plan because of the brush and stubble on site. For instance, the Commission may have to consider paying for this maintenance. E. Owen will follow up with H. Easom within 30 days to resolve the above issues.

8:45 p.m. – Abbreviated Notice of Intent – 154 Lowell Road

Scott Wilson explained that they are proposing to pave a portion of their driveway which crosses an intermittent stream flowing south toward the wetland at the intersection of Rt. 40 and Schoolhouse Rd. He noted that the current gravel surfacing tends to wash into the stream. To mitigate for erosion, he proposes to install crushed rock to filter runoff. Only those portions of the driveway which are prone to puddling will be paved, leaving the major portion to remain as gravel. S. Wilson maintained that a slight crown in the paved portion will result in water sheeting to each side of the driveway. He proposes a dry laid stone wall at the edges of the paved area that will bridge the stream. The stone wall will also prevent stones and gravel from being deposited in the stream during plowing. There are no plans to use machinery to move stones currently collapsing from the crossing. Light grading will prepare the surface to be paved and crushed rock on either side of the crossing will form the bed for the dry laid stone wall at a later time. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to close the hearing for 154 Lowell Road, DEP #169-873.

8:55 p.m. – Notice of Intent – 23 Radio Road

Homeowner Brian Pittenger stated that he plans to continue repairing the retaining wall that surrounds his property on Lost Lake/Knops Pond. He is doing the repair in 49 foot sections, and this is the third permit for which he has applied. B. Clements noted that everything that has been done thus far has been done well. He questioned, however, the apparent extent of the FIRM floodplain in this area. Mr. Pittenger replied that he has about a half acre of land, some of which disappears into the lake every year. He noted that the summer pool level appears to be 1-1.5' higher than previously, and he felt that the increased height of the retaining wall will mean that his lot no longer loses ground. Commissioners noted that Mr. Pittenger is building outside of the existing retaining wall so that it will not be necessary to use machinery to dismantle the wall. He then backfills the space between the two retaining walls. P. Morrison pointed out that this is an on-going project to compensate for the loss of property. K. Corwin commented that the Commission must hold to standards concerning the loss of flood storage. B. Pittenger estimated that the loss will amount to 4'x1'x49'.

E. Owen pointed out that there are areas in which the new retaining wall has gone out 36" beyond the old wall. Mr. Pittenger explained that there were stairs that project beyond the wall at that location, and he had to install the wall around them. C. Auman agreed that the work had been done very responsibly, and he is open to a way to determine the extent of floodplain on the lot. The work would be done at the time of winter drawdown according to Mr. Pittenger. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to continue the hearing to October 14, 2003.

9:11 p.m. – Notice of Intent – Gibbet Hill Restaurant

Cynthia O'Connell, Landscape Architect, presented a quick overview of the project beginning with the point in 1999

when the wetlands were delineated on site. The delineation was followed up with a subdivision plan that included a replication area. The current proposal calls for the demolition of several buildings, including the office, bull shed, and a metal panel barn. The existing multi-family building will remain. C. O'Connell noted that part of the site drains toward Half Moon Swamp to the north, and the remainder toward a culvert under Rt. 40. The proposed use, a restaurant, requires a significant amount of parking, and the proponent, Steve Webber, intends to use crushed granite surfacing rather than paving the area. No stormwater is directed to the west side of the project, and only overflow will go to the east. Cattle have grazed most of this parcel for over 40 years, creating a disturbed site. The area that is currently pasture, including a pond, will exclude cattle in the future and be re-seeded and re-vegetated.

An on-site waste disposal system is proposed, and soil testing is being done in preparation for finalizing plans. The existing disturbed area allows the Conservation Commission more flexibility in reviewing the plan. Steve Webber, owner of the property, noted that there is an existing roadway next to the wetland to the north and west. He said that he intends to allow cattle to continue grazing in the field to the west of the proposed parking area.

P. Morrison asked whether the water quality in the existing farm pond will improve, and S. Webber indicated that he assumed so as cattle will be excluded from this area in the future. He noted that there are currently so many nutrients in the soil that it may take a few years, however, before the impact of improved water quality can be felt.

B. Clements asked if there was any way to keep the work outside of the 50 foot buffer, and S. Webber responded that moving the parking to the east side would mar the view from Gibbet Hill which is protected by a Conservation Restriction. To K. Corwin's question about reducing the number of parking spaces, C. O'Connell answered that the Planning Board had allowed a reduction from the usual requirement. E. Owen said that the finding of "previously disturbed" does allow flexibility if there is an overall benefit. One of the options might be to manage as a meadow the area that is no longer disturbed by cattle grazing. There is estimated habitat nearby, and this could be an opportunity to improve or extend wildlife habitat.

C. Auman pointed out that the square footage of the buildings to be removed also would be considered disturbed. If there are no technical or feasible alternatives and there is no increase in adverse impacts, through the use of best management practices, the Commission may allow a project to go forward. Snow removal and salt application are two concerns for the future management of the parking area. Special measures are necessary for plowing this type of surface. Placing snow on the area subject to the Conservation Restriction is not an option. C. O'Connell said that the owner may want to consider "grasscrete" for overflow parking areas that must be firm but could allow grass to grow through the material. B. Clements asked if the proposed surfacing will stay firm enough during spring runoff, and C. O'Connell said that proper preparation of the sub-base is crucial. S. Webber stated that he has seen it work in sites in Alaska. Also, a rubber-edged blade is used for plowing.

E. Owen asked if Mr. Webber was amenable to allowing a meadow to grow on the east side of the project. S. Webber responded that ungrazed pasture tends to look scraggly since a lot of thistle grows in.

Abutter Sue Gilbert noted that she has concerns about the screening at the edge of the parking area. The Planning Board has expressed a preference for evergreens to screen car headlights. A split rail fence is shown on the plan at the edge of the parking area. Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to close the hearing pending receipt of an electronic Operation and Management Plan that addresses snow management.

Upon motions by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue public hearings for Notices of Intent for the Unkety Well, Shattuck Well, and Groton Residential Gardens to October 14.

In discussion on the Order of Conditions for Lot 9, Surrenden Farm, Commissioners agreed to require permanent demarcation along the back property lines for Lots 9-4 through 9-13, Lot 9-17, Lots 9-19 through 9-25 and along the edge of disturbance or tree line (whichever is closer to the house) for Lots 9-14 through 9-16. Upon a motion by K.

Corwin, seconded by E. Owen, it was

VOTED: to issue the Order of Conditions for DEP #169-864, Lot 9, Surrenden Farm, as amended.

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

VOTED: to find all of the protected interests, except for fisheries, as significant to DEP #169-864.

Commissioners requested that comments to the ZBA on Washington Green include the note that grading within 50 feet of wetland resource areas would not be allowed under the local Bylaw.

Comments to MEPA on Groton Residential Gardens should stress both the density of the project and its proximity to the wetlands as being particularly difficult to condition to protect the interests of wildlife habitat, pollution prevention, and flood/storm damage. Concerning 160 Townsend Road, Commissioners observed that the work will require wetland filling and the location of a detention basin in the wetlands buffer, activities which require a wetlands permit.

E. Owen prepared a draft plan of properties which require mowing to keep them in an open condition. Batten Woods and Brookside will be excluded from this active management. Baddacook Woods, Groton Woods (corner New Pond and Hidden Valley), Hurd, O'Neill Way, and Whistle Post will be mowed in alternate years, while Eliades, Kaileys Way, McLains Woods, and Wiewal should be mowed annually. The Wiewal parcel is difficult to access. B. Ganem will speak to Bruce Dubey about mowing the properties this year and review previous management expenses in prior fiscal years. Also, there is a management plan for the Crosswinds neighborhood which should be reviewed. If the budget allows it may be possible to mow parcels more frequently.

In other business, to follow up on the Saturday site visit to the W. Groton water tank replication site, members agreed that the erosion control could be removed. The draft letter for Mr. Stephens was read, and Commissioners suggested several changes. B. Ganem stated that Mr. Nutile had come in to the office to discuss the Commission's letter to him. He agreed to try to move the vehicles, but noted that some of them are used in his farming activities and that he has the field at the corner of Hill and W. Main St. His land is in Ch. 61, and Commissioners agreed that it is definitely land in agriculture.

C. Auman reported that he had attended the meeting with the Selectmen and Finance Committee to discuss the preparation of this year's budget. In order to level fund there will be a substantial cut in the expenses portion of the Conservation budget. The early figures are due November 15th.

There being no further business, the meeting was adjourned at 11:04 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 10/14/03