

GROTON CONSERVATION COMMISSION

Minutes

July 27, 2004

Chairman Bruce Clements called the meeting to order at 7:00 p.m. Members Craig Auman, Kris Corwin, Evan Owen, and Bruce Easom were also present. Peter Morrison arrived at 7:05 p.m. Stacey Laudenslager was absent. Conservation Assistant Barbara Ganem was present.

Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to approve the minutes of July 13, 2004 as drafted.

Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the Executive Session minutes of July 13, 2004 as drafted.

Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to approve the minutes of July 19, 2004 as drafted.

(P. Morrison arrived at 7:05 p.m. and abstained from the vote.)

Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the Executive Session minutes of July 19, 2004 as amended.

K. Corwin abstained from the vote.

In discussion on the Certificate of Compliance for the Gratuity Road trail bridge, C. Auman commented that Vic Burton should be congratulated for a job well done. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue a Certificate of Compliance for DEP File #169-885, the Gratuity Road trail bridge.

B. Ganem reported that DEP Environmental Analyst MaryAnn DiPinto will visit 101 Boathouse Road in response to the appeal of the Order of Conditions for DEP File #169-889. The site visit will take place on August 5th at 10 a.m. Members B. Clements and C. Auman will try to attend.

E. Owen indicates that he will be unable to continue serving as the Commission's representative on the Weed Management Advisory Committee. The Committee meets the second Wednesday of the month. B. Easom said he is unable to attend these meetings due to conflicts.

B. Clements volunteered to serve as the Commission's liaison to the ACEC Great Ponds Committee. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to elect B. Clements to represent the Commission on the ACEC Great Ponds Committee.

Representatives from the Police Department and the Public Access Board will be meeting Scout James Roberts at the Petapawag Boat Launch to celebrate the completion of the safety stations at six water bodies in Groton at 11 a.m. on July 28th. Members B. Clements, C. Auman, and B. Easom will try to attend.

213 Whiley Road Notice of Intent DEP File #169-895

Attorney Robert Bowen explained that his client originally proposed the pouring of a new foundation and addition of a second story to this 1942 structure. Terry Gensel of Ross Associates indicated that they now propose removing the existing house and putting in a new house within the existing footprint. He noted that they are limited by the Board of Health septic permit to a 1-bedroom house. There will be a deck on the lake side of the house, and there will be some tree removal. The applicant proposes to revise the Notice of Intent and submit a new plan reflecting these changes. C. Auman said the construction sequence will be an important element in this filing. B. Easom asked if the pump house will remain, and the applicant explained that this was constructed by the previous owner and had electricity. K. Corwin asked if the septic system will have a pump, and T. Gensel replied that a pump was unnecessary due to the grade.

The builder, Walter Godfrey, said it is more reasonable to replace rather than repair the structure. Abutter Francis Noyes (207 Whiley Road) noted that, when the lots were put together, the buildings were camps. He asked if this will be a year-round home, and Mr. Bowen responded that they are replacing a seasonal house with a seasonal house. Sylvia Sangiolo (215 Whiley Road) pointed out that her driveway is private, and she is concerned about an increase in traffic and liability issues. She explained that she has difficulties with school busses, trailers with boats, and other cars using her private driveway. Ms. Sangiolo requested that the applicant be formally required to use the first driveway after Sargisson Beach, not the second for construction purposes. She explained that her attorney, Ray Lyons, has researched the deeds and found that the legal access for this lot is not through her private driveway.

Chairman Clements pointed out that this is a legal matter which he assumes the applicant must handle. K. Corwin noted that the Commission is involved in wetland issues, not the right of way. B. Clements confirmed this, stating that the driveway is not within the Commission's jurisdiction. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing to August 10, 2004.

7:30 p.m. – 980 Boston Road Request for Determination of Applicability

Homeowner Michael Gramolini explained that there were several overgrown trees which were ruining the roof of his garage. He plans to thin them out and remove deadwood. The work is within the 100-foot Buffer Zone. Although the house is located outside of the Buffer Zone, some of the grading will fall within this area. K. Corwin mentioned that this area connects with a vernal pool, and some vernal pools are very dependent on an extensive tree canopy which helps control temperatures. Mr. Gramolini plans to install the erosion control measures at the tree line; he assured the Commission he would not remove any trees within the 50-foot Buffer Zone. Some trees have already been removed where the proposed house is located. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination providing a hay bale line is established at the tree line and is maintained throughout the project.

Members reviewed a letter from Kopelman & Paige on the right of way leading to the Nashua River Rail Trail from Paquawket Path. During discussion on whether to go forward with a survey, E. Owen volunteered to check the boundaries to find out if there is any rebar in place.

7:45 p.m. – Reedy Meadow Estates Notice of Intent continuation

Terry Gensel of Ross Associates reported that Oxbow Associates was looking at the site to determine whether rare species are present. As soon as a response comes in from Oxbow, the letter will be forwarded to Natural Heritage. K. Corwin requested that a copy be sent to the Commission as well. B. Easom asked if the site had been re-flagged, and Mr. Gensel responded, "No." Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the NOI hearing to August 10, 2004.

Members next discussed the request from David Moulton for a Certificate of Compliance for the Deerhaven subdivision. It has also been suggested to eliminate a trail entrance from Fawn Terrace. P. Morrison, referring to the original subdivision plan, noted that two sets of trails were originally proposed. One comes in from Rt. 40 and goes around the back of the house lots and the detention basin, eventually joining up with a trail to Burntmeadow Rd. He pointed out that both trails are to be provided, and he didn't see how the Commission could authorize the elimination of one of them. The Notice of Intent references a May 18, 1997 plan while the plan P. Morrison had was dated April 16, 1997.

Commissioners noted that the first house lot on Deerhaven Drive appears to be encroaching on conservation land. The emergency access has been worked on recently. B. Easom reported that he would like to walk the boundaries with Paul Funch. Members felt that the trails need to be completed before the Certificate can be issued. E. Owen pointed out that cleaning the streets would alleviate the current silting of the detention pond. Also, the catch basins should be cleaned. P. Morrison noted that the Commission required that the power source for the community septic system be changed from oil to propane gas and the system was to be tested. The Commission had requested an Operation & Maintenance Plan for the community septic system. Commissioners felt that it was appropriate to request, among other things, that the trails be constructed as originally proposed.

Attorney Bob Collins, representing Dave Moulton, commented that it may be more appropriate to direct hikers away from an active gravel operation. He understood that the trails were in although additional markers may be necessary. He questioned whether a more elaborate sign, that includes a map, might be necessary on Rt. 40. K. Corwin commented that there is no trail behind the detention basin, and P. Morrison noted that there is a steep drop to the wetlands adjacent to the stream. Members agreed that there is a general sentiment to keep the trails as originally proposed although changes are not impossible. Commissioners stressed that this discussion does not represent a preliminary laundry list of the Commission's concerns about the project.

8:00 p.m. – Continuation of request for amendment to an Order of Conditions, DEP File #169-802/Groton Dunstable Regional High School Emergency Access Roadway

Mason Palmer of Ross Associates presented newly revised plans. He noted that a PVC elbow will be added to raise the outlet of the culvert at the vernal pool, and a metal t-post will be installed to mark its location. Language has been included in the bid documents that will allow the engineer to specify what debris within 25' of the emergency access roadway is to be removed. Additional notes and details were added about the handling of potentially hazardous materials, i.e., the snowmobile. No fill will be necessary at the Smith I site, with the exception of the removal of the icehouse. Six inches of clean sand will be brought in, and the area will be seeded to provide stabilization.

For the Smith II site, a conservation seed mix will be planted on disturbed areas. Chairman Clements thanked Mr. Palmer for a very thorough job. C. Auman asked how long the job will take if it is initiated after September 15 as anticipated, and M. Palmer responded that it would be put out to bid as soon as possible, and they would hope to have seeding done prior to November 1. B. Easom thanked him for being responsive to Commission concerns. An extension for the original Order of Conditions was submitted, and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing to August 10, 2004, pending comments from the Natural Heritage & Endangered Species Program.

8:15 p.m. – Groton School Boathouse addition Notice of Intent continuation

Engineer Steve Garvin of Samniotes Engineering explained that generally Natural Heritage is not overly concerned about work in an already developed area. He noted that the revised plans included a reconfiguration of the grading for compensatory flood storage, with all of the grading outside of the 50' buffer zone. In addition, there will be a gas storage enclosure. The gas containers are generally carried by students, and the goal is to reduce movement. The containers will be removed when the Nashua River rises. Attorney Bob Collins noted that there are minimal changes to pervious cover, and there is an improvement on existing conditions with limited disruption of the site. The result is an aesthetic and environmental improvement.

Member Owen commented that he understood the gas storage is a pre-existing use, but the re-location 10-15' further from the River and the fact that it is to be enclosed and locked are improvements. B. Easom commented that it is the Commission's job to protect the resource area, and he felt the change in the cut in the bank is good. C. Auman requested more details on the storage area, and Mr. Garvin indicated that it would have a concrete pad with a containment area for spillage. B. Easom questioned whether there would be a buoyancy issue in the event the River rises, and S. Garvin assured the Commission there would be a dead anchor to prevent this. S. Garvin asked the Commission whether they would prefer to see a sewer line run directly up the hill to the treatment plant or be installed next to the roadway. This will be a 1.25" wide ditch that is 3.5' – 4' wide. Members indicated that a more direct route is probably advisable. Awaiting comments from NH&ESP, and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for the Groton Boathouse addition to August 10, 2004.

8:30 p.m. – Mattbob, Inc. Rt. 119/Boston Road Notice of Intent continuation DEP File #169-880

Attorney Douglas Deschenes, noting that he was not present for the previous meeting, reported that Engineer Mark Sleger had responded to the Commission's questions about the effect of the proposed project on the hydrology of the vernal pool. This letter was also submitted to Judith Nitsch Engineering, Inc., and engineer Sandy Brock was in attendance. She explained that she has reviewed the plan for the Zoning Board of Appeals as a Ch. 40B project. Ms. Brock commented that the project is technically feasible, and there do not appear to be safety issues. She noted that she did not do the full review that she would usually do for conservation commissions. Her review focused on drainage issues, and she felt the re-location of the roadway further away from the vernal pool made a huge difference in the project. The general approach and method of draining the site meets DEP stormwater guidelines. One possible change is in the design of the water quality swale which could be improved by maximizing the length of flow rather than having it a straight shot toward the wetland. The purpose of the detention basins is to enhance the water quality. Because the water drains to an Outstanding Resource Water (the vernal pool), the applicant was required to design the stormwater facilities to handle 1 inch of rainfall. Due to the size of the vernal pool and its surrounding watershed, Ms. Brock stated she agreed with LandTech's assumption that the hydrology of the vernal pool will not be impacted by the project. She explained that treatment to assure water quality is actually more important than the rate and how much water flows to the wetland.

Member Corwin noted that removing trees will change the canopy of the vernal pool and asked if there were any plans for re-planting. Sandy Brock responded that there is excess capacity in the detention basins, but there is concern that capacity will be lost if there is too much vegetation. When asked if it would be possible to move the detention basin out of the buffer zone, Ms. Brock replied that it would interfere with grading for the community septic system. There is also a need to access the detention basin for future maintenance. Planting of herbaceous materials would be acceptable.

K. Corwin questioned whether any measures were in place for loss of salamander migration routes because of roadway construction. Under the current plans no retaining wall or other vertical barrier is proposed to assure that they don't travel to the roadway. Sandy Brock said that unlit tunnels do not work for salamanders, and some mechanism has to funnel them into the tunnel. K. Corwin asked if it would be possible to do a tunnel with a grate, and it was noted that a 6" high vertical surface would be adequate to guide them to the tunnel. D. Deschenes said he did not know if this was technically feasible as his engineer was not present. Noting that there was plenty of available information, Ms. Corwin requested that he look into it. A grated tunnel is in use in Carlisle at Tall Pines on Kimball Road. Sandy Brock indicated that this can sometimes become a maintenance issue, and this will be a privately maintained road. E. Owen pointed out that once some trees are removed around the detention basin, there is a tendency for the remaining trees to lay down.

Attorney Deschenes stressed that most of the work is outside the 100 foot buffer zone with only a small corner of the sidewalk inside the buffer. The ZBA will require a sidewalk in order to provide safe access for children to wait for busses. Member Auman questioned the possible impacts from blasting on the site, and D. Deschenes indicated that there is usually a pre-blasting survey within 1000 feet of the property line in which the applicant's representative would ask permission to videotape homes and wells. Blasting must also be coordinated with the fire department. Sandy

Brock stated that a blasting permit requires very specific information, and Commissioners asked what effect it could have on wetlands. Ms. Brock stated that, in her experience, it would not affect the wetlands, but this depends on the type of rock and the size of the charge. Matt Field stated that he has dug as deep as 11' with the backhoe and has not encountered ledge. He indicated that he had accessed the site by going behind the shed and up the hill.

Chairman Clements asked if any progress has been made on the water line, and D. Deschenes stated the applicant still needs to do the design and that will take some time. C. Auman asked S. Brock how she would review the plan differently for a conservation commission. S. Brock replied she would suggest such items as the lengthening of the water quality swale. She noted that these plans are relatively complete unlike some 40B projects so she does not have many comments.

K. McEvoy (89 Stonebridge Way) asked if some of the housing units were removed, would it be possible to move the detention basin outside the 50' buffer. D. Deschenes stated "yes". Ms. McEvoy asserted this would reduce the impact on migrating salamanders. Ms. Brock indicated that there would not be standing water in the front detention basin long enough to create habitat. K. Corwin commented that eggs deposited in such an area would dry out before maturation. She noted that 10% of the salamander population seeks out a new area in which to lay eggs, while 90% return to their birth ponds. Ms. Brock indicated that the basin is not designed to retain water for longer than 1 day. K. Corwin suggested that an infiltration pond with an under drain system may be better although it might not be large enough to allow time for solids to settle out. S. Brock responded that there would be a little standing water except in the area of the forebay.

K. McEvoy said salamander eggs were observed in the vicinity of wetland flag 76A. D. Deschenes asked when and by whom as the property is posted. Ms. McEvoy indicated that eggs have been found from abutting properties throughout the vernal pool, and she asked the Commission to do everything in their power to alleviate concerns about the survival of the vernal pool in the future. She noted that grading and construction of detention basins within the 100-foot buffer will impact the pool. D. Deschenes maintained that his client has done everything possible to move the work from sensitive areas so that a wildlife study is unnecessary and asked if there were any outstanding issues that should be addressed.

Chairman Clements indicated that he believed we are approaching the time when the hearing can be closed. K. McEvoy said she was concerned about the entire vernal pool and noted that what is done in this development could impact the portion of the vernal pool that is on her property as the outflow reaches the pool. Sandy Brock stated she has looked at the drainage design from the viewpoint of individual drainage points. What is flowing into the wetlands is mitigated through the three detention basins, and there would be no measurable impact on the wetland. She said it is standard engineering practice to look at existing conditions for design points for drainage purposes. The topography of the site determines that most of the water will go to the wetlands, and the detention basins mitigate for the increase in impervious surfaces. Ms. Brock indicated that she has been in practice for 20 years, and this is the standard approach. She said she would have to defer to the Commission in implementing the standards under the Wetland Protection Act, particularly for a critter crossing.

Resident Alinda Zawierucha (718 Great Road, Littleton) questioned whether the Commission has done everything it could to review the project, and P. Morrison pointed out that the applicant has followed-up on all outstanding questions. The outstanding issue appears to be a critter crossing and the feasibility of installing one. Matt Field indicated he was unwilling to do this. He noted that the Commission had encouraged him to look at other accesses, and he has accommodated the request. He felt that incurring another cost for something that is unproven should not be required. K. Corwin pointed out that cost is not considered by the Conservation Commission. D. Deschenes stated that this is a private roadway and a grate would be a maintenance nightmare. E. Owen commented that the one on Kimball Road has been in place for some time, and it is the Commission's responsibility to protect wildlife habitat. Migration routes were not reviewed by a consultant to determine whether it is a practical strategy. In response to S. Brock's suggestion that the Commission may wish to include this as a condition in the Order, K. Corwin said it is not an appropriate condition.

Member Auman noted that 97% of salamanders return to their native ponds and follow the same path coming and going. Only 3% strike out for a different pool, and he felt that this data reinforces the idea that a critter crossing would

be helpful. E. Owen pointed out that the Commission had asked for an extensive wildlife study. He added that the developer of a 40B project is limited to a 20% profit although that business does not have much to do with what occurs in the buffer zone. K. McEvoy asked what the process is after closing the hearing, and members stated that there can be no more input or changes, and the Commission will issue an Order of Conditions. She asked if legal counsel should review the project and requested proof that the hydrology of the vernal pool will not be affected. Sandy Brock assured her that the project meets stormwater guidelines and standards. B. Clements commented that the Commission will review the project for compliance with the interests of the Wetlands Protection Act. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to close the hearing for DEP File #169-880 for Mattbob, Inc.

The motion carried with K. Corwin and E. Owen voting in opposition.

8:45 p.m. (9:30 p.m. actual time) – Lawrence Academy Request for Determination of Applicability

In response to the Commission's Saturday visit to the site, Peter Myette stated he complied with the Commission's request to re-locate the haybales to the top of the slope at the end of the field. In addition the well area has been cleaned up and more haybales have been added. Stockpiled materials have been pulled back from the crest of the hill above the wetlands. E. Owen commented that he had visited the site the prior week, and he was concerned that a wooden stake seemed to mark an area where two feet of fill was proposed to be added, and P. Myette said that is not the case. Both Mr. Myette and Lindy Deasy indicated that they believed the well had been discussed with the Board of Health and Planning Board. Commissioners noted that a well was not shown on the plans submitted to the Commission. They explained that the 600' deep irrigation well has been installed. Commissioners requested that an engineer sign off on the drainage plan. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the public meeting to August 10, 2004 on the Lawrence Academy playing field drainage plan.

9:00 p.m. (actually 9:47 p.m.) 272 Lowell Road request for an Amendment to DEP File #169-762

Todd Lobo of Beals Associates said this property is still owned by the Marion D. Campbell Trust, and Dermco is the applicant. He showed both the old and new plans, noting that there is an existing Order of Conditions for the old plan. The new plan shows all work at least 50' away from the wetlands, with the house and septic system flip-flopped. He stated that it is a significant improvement over the original plans. There is no 100 year floodplain on the site, and the unnamed wetlands eventually drain to Martins Pond Brook. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a two-year extension for DEP File #169-762 to December 4, 2006.

Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for DEP File #169-762 at 272 Lowell Road.

9:15 p.m. (actually 9:52 p.m.) 17 Breakneck Road Request for Determination of Applicability

Homeowner Ed Doucette explained that he has filed the Request for a deck at the back of his house, noting that the Commission visited the site the previous Saturday. He noted that a driveway was put in several years ago, and it changed the grade of the backyard with water ponding at the bottom of the driveway. The area will be seeded into lawn, and he has no intention of extending the lawn beyond the silt fencing. He acknowledged that some grading had been done before the placement of the fencing because he was unaware of the need to file with the Commission. With an amendment offered by B. Easom and seconded by P. Morrison, and a main motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination with the condition that the soils beneath

the deck be suitably stabilized.

In reviewing the draft amended Order of Conditions for DEP File #169-874, for the Gibbet Hill restaurant, P. Morrison suggested that "as necessary" be added to Condition #49. Upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to issue an amended Order of Conditions for DEP File #169-874 for the Gibbet Hill restaurant.

Members agreed to get comments and changes on the draft 5-Year Action Plan for the Open Space and Recreation Plan to B. Ganem, and this will be taken up at the next Commission meeting.

In discussion on the farm Conservation Plan for Groton Center Farms, B. Ganem reported that Dan Lenthall of the Natural Resource Conservation Service has confirmed that he wrote the Plan with the owner. B. Clements indicated that he would like assurance that the work will be done in accordance with practices that protect the resources on site, perhaps with input from the Natural Heritage Program. He also questioned whether anyone with technical expertise has reviewed the proposed application of pesticides. E. Owen commented that, as the farm expands, it is likely that they will be mixing their own pesticides/herbicides on site, and there should be information about where this will be done. No mention is made of whether Integrated Pest Management (IPM) is to be utilized. Members suggested that B. Clements contact D. Lenthall with questions and felt that a visit to the site was in order.

B. Ganem reported that the bids to do the appraisal for the Adamovich land have come in at \$3,500 and \$4,000. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to authorize B. Ganem to contract with Jonathan Avery for the Adamovich appraisal.

If the Commission chooses to apply for a grant from the Self Help program, it will be necessary to do another appraisal and submit the application by October 1, 2004.

Commissioners reviewed the Conservation Restriction Application Forms for the two Eliades lots on Culver Road. Members noted that the property is located next to the town boundary and linking open space with other towns is important. Protecting the riparian area of James Brook is another consideration. Commissioners recommended that the abandoned AT&T power easement on a portion of Lot A-2 should be mentioned although it is not located within the conservation-restricted area. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to sign the Municipal Certification for the Conservation Restriction Application forms for Lots A-1 and A-2, as amended.

K. Corwin abstained from the vote.

At 10:30 p.m., upon a motion by P. Morrison, seconded by C. Auman and a roll call vote of E. Owen, B. Easom, C. Auman, P. Morrison, B. Clements, K. Corwin, it was

VOTED: to enter Executive Session to discuss pending litigation, not to return to Open Session.

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended August 10, 2004.