

GROTON CONSERVATION COMMISSION

Minutes

January 25, 2005

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

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

VOTED: to approve the minutes of January 11, 2005 as amended.

E. Owen abstained from the vote.

Chairman Clements thanked P. Morrison for getting the meeting underway and asked if there was any discussion on the Conservation Restriction for 271 Pepperell Road. B. Ganem reported that both Town Counsel and Joel Lerner have reviewed the current version. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve and sign off on the Conservation Restriction for 271 Pepperell Road, also recommending that the Board of Selectmen sign off on the document.

B. Ganem explained there have been two estimates for the work at the Squannacook Sportsmen's Club. E. Owen noted there is a registered benchmark at the Nashua River bridge. The estimates prepared by S. Dillis include both an arbitrary and the registered benchmark. K. Corwin questioned what we are getting, and members advised it would essentially be a stream gauge or a stake with numbers showing the elevations. P. Morrison suggested it would not be necessary to have the accurate numbers, just a minimum and maximum. M. Giguere commented it might be better to put in the stake and just observe levels over a period of time. B. Easom questioned whether tampering could be an issue, and suggested it might be better to put the numbers on the spillway too. B. Clements noted Mr. Underwood feels that the water is too high if all the boards are put in the dam. K. Corwin had the impression the spillway was small and could be causing a bottleneck or the boards could be causing it. Members thought this could be done by the Commission if a post could be driven into the ice and suggested including this on the next site visit. K. Corwin agreed to spearhead the effort.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing for Reedy Meadow Estates to March 25, 2005 at the applicant's request.

7:15 p.m. – Appointment Vic Burton

Mr. Burton previously submitted information about the history of the type of silo located at the Williams Barn. He explained that the prototype had been designed by a farmer named Bailey who lived in Billerica. The Williams Barn Committee proposes installing a gable roof on the silo as shown on the sketch. The Committee is also seeking permission from the Groton Cemetery Association who may own the land. V. Burton explained the building inspector has approved the design, and Peter Moeller holds the building permit. He noted the debris has already been removed from the silo, and they are not requesting any funds from the Commission. The work is more than 100 feet from wetlands, but the silo is at least partially on conservation land. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to give permission for the construction of the roof over the silo at the Williams Barn Sorhaug Woods property.

As a member of the Williams Barn Committee, B. Clements abstained from the vote. V. Burton announced the Committee also anticipates burning brush the week of February 14th, after having a winter outing with cross country skiing, nature hikes, and refreshments on February 13th. The group has a burn permit, but the practice is to call and get permission from the Fire Department on the day they actually plan to burn. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to allow the brush burning to proceed at the Williams Barn Sorhaug Woods property in accordance with Fire Department guidelines.

Commissioners advised that, due to snow cover and topography, it is unlikely that the wetlands delineation proposed under the McGovern Abbreviated Notice of Resource Area Delineation can be confirmed at this time of year. Members agreed it would not be practical to do the site walk on February 5, 2005, and it is likely the hearing will be continued to a more appropriate time of year..

7:30 p.m. – Sandy Pond/Boston Road – “Whippoorwill Lane” Notice of Intent continuation

Attorney Robert Collins explained that additional plan information which shows the road in more detail, as well as profiles and locations of critical areas, has been submitted. Drew Garvin of Wilson Associates reported he was able to elongate the detention basin and tighten it up to the road so that grading is now 63’ instead of 50’ from the vernal pool. He noted it is necessary to berm around the detention basin, and this requires grading. The pre-constructed U-shaped “bridge” can be put in place at the crossing in one day. Mr. Collins reported that David Moulton and Brian Butler of Oxbow Associates met with representatives of the Natural Heritage program last Friday. The turtle report cannot be made available on the public record.

Commissioner Morrison commended the applicant for reducing work in the Buffer Zone. C. Auman noted the pre-fabricated crossing is helpful also because it will minimize impacts on the wetland. Mr. Garvin said the water line and other utilities will actually be conduited through the bridge, and it will not be necessary to install them under the stream. K. Corwin asked if it would be possible to have a salamander tunnel, and D. Garvin indicated there is a culvert under the roadway. Ms. Corwin recommended something to direct the salamanders into the culvert. Mr. Garvin said he could show the tunnel and curbing on the final stamped plans. The Commission has received a response from Natural Heritage. Mr. Collins noted that the discharge from the detention basin is approximately 70’ to 75’ from the vernal pool. He explained that the Commission will actually hold the fee in the swath in the middle of the project, while the Groton Conservation Trust will hold the conservation restriction. It will be possible to have trails within this area, but will insure that it does not ever go into general municipal use. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing to February 22, 2005.

7:45 p.m. – 65 Burntmeadow Road Notice of Intent continuation

(Commissioner P. Morrison stepped down as he is an abutter to the applicant.)

Lynne Remington of Ross Associates noted the Commission had visited the site with Dan Wolfe the previous Saturday and had an opportunity to look at the alternative access. She submitted an alternatives analysis for Commission review. She maintained it is a limited project under the local Wetlands Protection By-law, but not under the state Wetlands Protection Act. She pointed out the requirements to be considered a limited project include a minimal width and length acceptable to the Planning Board, does not restrict flow, replication (unnecessary in this case because no wetland alteration is proposed), and that there are no viable alternative means of access to the site. Ms. Remington explained the New England Forestry Foundation owns some of the surrounding land, and Mr. Morrison owns another portion, eliminating these options. The Commission has previously suggested utilizing the existing driveway on Mr. Black’s parcel.

Continuing with her analysis, L. Remington stated the alternative access will result in 520 linear feet of disturbance in the buffer while the original location will alter 220 linear feet of the buffer zone. She pointed out the water line must be 5 feet deep, and it is likely there is ledge present that will require blasting. The water line must be brought through a paved roadway and underneath a 24” cross culvert at the driveway wetland crossing. Ms. Remington stressed that this would be significantly more of an impact than the work proposed on the original driveway location. Further, she pointed out, the alternative driveway would devalue a contiguous wildlife corridor. She felt this was a fairly powerful defense of the original location.

C. Auman asked if the consultants received the letter from Natural Heritage, and Ms. Remington stated she thought it was quite positive, indicating the work could proceed as a limited project. Mr. Auman pointed out that whatever is done, it must take into consideration the protection of wildlife habitat. Dan Wolfe, engineer with Ross Associates, pointed out the area is currently a mowed field. C. Auman said he agreed with the consultants’ assumption it is a limited project under the Bylaw.

B. Easom suggested dividing the issue of the water line and driveway and putting the water line to the south while the actual

access would be by way of the existing driveway. D. Wolfe protested the water main would go through 220 feet of buffer zone on the left side, and B. Easom responded it would be a minimal temporary disturbance that would not require blasting. He thought the consultants may be overstating the disadvantages of the alternative access. Ben Black added they hit ledge when the hydrant was installed in Burntmeadow Road.

B. Clements questioned whether private wells are a possibility, and Mr. Wolfe replied the Board of Health requires new construction to tie in with public water if the lot is within 400 feet of a water main.

K. Corwin said she still has concerns about whether this is considered a limited project. She pointed out the lots have been subdivided, and Mr. Black may have created his own hardship. The consultants argued that it is 520 feet of disturbance vs. 220 feet of disturbance. B. Black commented the water main must be covered by five feet of fill. K. Corwin countered the Commission had just reviewed a project in which the water main is going to be aboveground and insulated. Ms. Remington said this pipe must be below ground. B. Ganem asked if directional drilling was a possibility, and L. Remington replied it would require pumping and dewatering to do a boring underneath the culvert. There are also concerns that the culvert is fragile because it is plastic.

K. Corwin asked if it is necessary to have a 16 foot wide shared driveway, and D. Wolfe responded this is a Planning Board requirement. E. Owen questioned the use of salt, and Ms. Remington said infiltration trenches were proposed to guide runoff from the driveway. M. Giguere asked how the two-house restriction on a common driveway would affect this project, and Mr. Wolfe explained the Planning Board had offered a warrant article and their minutes do support two houses as the maximum allowed on a common driveway. This appears to have been an oversight, and it is likely they will consider a zoning change for this year, changing it back to three houses. D. Wolfe said another option would be to go to the Zoning Board of Appeals. He noted the applicant is trying to work out the best approach with the Planning Board, and he preferred to leave this hearing open in order to find out if the Planning Board would consider a reduction in the 16 foot width of the driveway.

B. Easom questioned whether the 10 foot wide telephone and electric easement on the Morrison property could also be used for the water line. D. Wolfe said usually electricity is not run in the same trench as water, but he will look into it. M. Giguere asked if the applicant would be willing to mow once a year in October as this creates good habitat for birds. B. Black said he intends that this area would remain a hayfield. The town encourages agricultural activities, and the field has been in the existing use for over 100 years. He noted he hays once a year, around July 4th, and then mulch cuts later in the season.

K. Corwin requested B. Ganem to contact Natural Heritage to ask what time of year haying is appropriate given the rare species on site. Chairman Clements added they have offered two conditions to insure permanent protection of wildlife, and he thought they were surprisingly lenient with respect to the rare species there. Ms. Remington maintained that none of the species listed in the letter will live in the hayfield, but prefer the huge bog upstream of the pond. She felt the area was valuable for other species. Commissioners agreed to get clarification from Natural Heritage.

C. Auman suggested the applicant may want to consider concessions to make it more desirable for the Commission to grant the proposed limited project status. He noted a project has to qualify for limited project status. B. Clements questioned how firm the use of town water is as the Board of Health may be willing to waive this requirement to prevent disturbance of the wetlands. If the Commission is willing to make concessions, the Board of Health may also consider it. Mr. Black did not know whether wells would be a costlier option than town water. B. Easom suggested private wells may result in fewer disturbances. C. Auman recommended keeping the road as narrow as possible. M. Wolfe pointed out the current slope on the driveway is less than 8%, but the driveway must climb above the natural grade, creating a raised area in the wetland buffer. He noted it may be possible to make the driveway steeper and follow the current contours of the land. In response to the Commission's question about the slope, he estimated it would fall between 10-12%. He also agreed to look into the easement on the Morrison property and acknowledged he had no draft of the conservation restriction in process.

M. Giguere questioned whether it was possible to acquire land or an easement outside of the buffer, and P. Morrison indicated he was in agreement on the continued agricultural use of this parcel, but he didn't think this was an option. Resident Sue Yeager (21 Old Orchard St.) said it would not be possible to turn a hayfield into suitable habitat for Blue spotted Salamanders which need forested areas or for Four-toed Salamanders which require a sphagnum bog. She maintained the pond and hayfield do not support turtle populations because they prefer reedy areas with muck. American Bitterns are also looking for reedy areas. She thought it was odd to require mowing be stopped in the area.

P. Morrison (37 Burntmeadow Rd.) said that right now it is one big hayfield, and both his parcel and Mr. Black's get cut at the same time. He suggested a road at grade would reduce impacts to any rare species, eliminating a causeway that could

impede their progress. He supported keeping both halves in agriculture.

Ms. Remington suggested it would be helpful to get some reading from the Commission as to what they are thinking. Dan Wolfe said the reason he recommended keeping the hearing open is to get clarification from the Planning Board on the width of the driveway. B. Easom said, based on the information now at hand, he would be opposed to the original location but not adamantly so. K. Corwin commented she is still not sure that it has not been subdivided to create a self-imposed hardship. D. Wolfe recommended looking at both alternatives to understand there is clearly less disturbance with an access on the south side. This would not involve a new utility constructed in a resource area. D. Wolfe maintained the Bylaw does include this provision. Chairman Clements added if the access to the left is the preferred access, the Commission's preference is to minimize the width and do the best possible job protecting the rare species. E. Owen requested the total footprint of work for both alternatives. B. Black indicated his driveway was currently gravel, and Mr. Wolfe pointed out it would be likely to require paving if it exceeds a certain percentage slope. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing to February 8, 2005 at 8:30 p.m.

8:15 p.m. Appointment Stan Dillis – 8 Valley Road – Mr. Dillis did not show up for the appointment.

In discussion on the Order of Conditions for Shattuck St., C. Auman suggested the "Findings" section include the statement that this is part of the larger Gibbet and Angus Hill project in which 250 acres was set aside under a Conservation Restriction to be permanently protected. Commissioners recommended a ten foot separation for boulders in Condition 46. The purpose of this condition is to prevent future encroachment into the buffer. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to modify the Findings section and change the spacing to ten feet in #46, and to approve and issue an Order of Conditions for DEP 169-910 for Shattuck Street as amended.

Commissioners acknowledged the lot could still continue in agricultural use in the future.

Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to approve and issue the Order of Conditions for DEP 169-911 for the Groton School floating docks as drafted.

Gordon Newell of the W. Groton Water District was present to explain recent testing for the proposed Town Forest well. He acknowledged there is a long process involved in getting permit approvals for a new well. He reported the most encouraging results were obtained in a dry kettle hole about 500 feet from the rail line. Mr. Newell explained that an 8" test well was dug approximately 60' to 70' deep. DEP approved monitoring wells around the area. These piezometers are electric gauges which constantly monitor water levels over the five day pumping period. He noted the water was discharged to a wetland approximately 150 feet away, on the other side of the railroad. It actually worked out to be a seven day pump test, with the groundwater stabilizing at two feet for a distance of about 600 feet around the test well. Beaver activity caused some of the water levels to rise in the vicinity of the well. The pumping rate was 520 gallons/minute. DEP regulations state that 1014 gallons/minutes or 1.5 million gallons/day require a more difficult hurdle so they are proposing to limit the withdrawal request to 1006 gallons/minute or 1.4 million gallons/day. It is anticipated that pulling 600 gallons/minute would only happen during short term use such as for a fire. Mr. Newell said a withdrawal permit requires a hearing, and there was recently a meeting with a MEPA representative. Natural Heritage has recommended a study of endangered species on site. He explained that Massachusetts Historical had given them a sign off on the project. Mr. Newell said the activities had essentially lasted for seven days, and that was the end of it.

B. Clements indicated that any further work within 100 feet of wetlands or 200 feet of the river would require a filing before the Commission. Mr. Newell said 310 CMR 58.1, Sec. 6 allows exploratory testing. He indicated voters approved funding for the project. G. Newell added the work will require the Natural Heritage wildlife study and an Article 97 vote on the proposed change of use on a portion of the Town Forest. Activities will be restricted within 400 feet of the well after the production well is completed. Logging may be limited in this area, and while people and horseback riders would be okay, motorized vehicles would not be allowed. He mentioned Nashoba Paddler has been offering classes about river ecology at their W. Groton well field. K. Corwin asked if any additional well testing will be done, and Mr. Newell replied only small gasoline powered pumps would be necessary to draw water samples. She asked what consultant the Water District uses, and Mr. Newell said DuFresne & Henry prepared the Environmental Notification Form. Ms. Corwin noted the Town of Groton uses

Tighe & Bond, and they recently filed before the Commission for a similar project on Chicopee Row. Mr. Newell said the quality of this water source was excellent with no iron, manganese, or nitrates. Members thanked him for his report.

Chairman Clements reported the Zoning Board of Appeals did not have a quorum at their meeting on January 21 so their discussion on the Mattbob decision has been postponed. One of the recommendations of the traffic engineer is to have a pervious, 10 foot wide "clear/emergency access zone" on the wetland side of the entrance to the project. C. Auman cautioned against trading protection of the resource area for an emergency event that may never occur. Members agreed a letter should go to the ZBA, and upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to include wording in the letter that the "clear zone/emergency fire lane" represents a further infringement into the buffer of the vernal pool, and the Commission does not support this recommendation. In addition, this proposal goes above and beyond the plan submitted for the Order of Conditions. The Commission maintains its original position and strongly opposes further intrusions into the buffer. Members urge the ZBA to push the project further away from wetlands and supports the effort to reduce the number of units.

In addition, upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to authorize those members who are able to attend the next ZBA hearing to speak on behalf of the Commission in regard to limiting further intrusion into the wetland buffer.

In response to the request from the Planning Board for comments on the David Morton hammerhead plan for Brownloaf Road, members noted the proximity of rare species and the location of the ACEC boundary. Any work within 100 feet of wetlands or 200 feet of a stream will require a filing before the Commission.

B. Ganem asked if Commissioners have any concerns about the proposed FY06 budget which will include an amount of \$12,000 for management of the Crosswinds airfield area. The WHIP grant will reimburse the Town for up to \$9,000 of this amount.

Members C. Auman, M. Giguere, E. Owen, B. Easom, K. Corwin, and B. Clements indicated they plan to attend the MACC annual conference on March 5th.

E. Owen reported there are brush piles on the Shattuck land which should be burned during the winter season. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to authorize E. Owen to burn brush piles in accordance with Fire Department guidelines.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended February 8, 2005