

GROTON CONSERVATION COMMISSION

Minutes

February 8, 2005

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

Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to approve the minutes of January 25, 2005 as amended.

C. Auman and M. Giguere agreed to attend the Ch. 40B workshop on February 17th with Jason Talerman of Kopelman & Paige and Mark Bubrowski, the consultant to the ZBA on Comprehensive Permits.

Chairman Clements reported he had looked at the snow disposal site near the Rail Trail at Broadmeadow. He noted the snow was right at the edge of a swamp, and there appeared to be very little vegetation between the stockpile and the wetland. K. Corwin suggested sending a letter to Tom Delaney indicating the Commission is aware that the location does not comply with DEP policies and suggesting we work together to develop a reasonable alternative site. The DEP letter should be included.

K. Corwin volunteered to look into driving a stake within the pond area at the Squannacook Sportsmen's Club to mark the appropriate water elevation. Regarding the site visits on February 19th, members Giguere and Corwin will be unavailable. Commissioners indicated the wetland line should not be confirmed while there is still snow cover.

Peter Myette has agreed to call the Commission when the drainage problem occurs again adjacent to the Hurd parcel. He seems to feel there has been an increase since the trail was cut. E. Owen added Mr. Hurd mows it in August, and Mr. Myette mows the bottom of the hill. Members questioned whether some type of berm or diversionary trench would prevent water from draining toward the Myette parking lot. Since the Commission parking area is not plowed in the winter, ponding would not be an issue.

7:15 p.m. – 160 Townsend Road Notice of Intent continuation

David Kelley of Landtech explained the revised plan, dated February 5, 2005, which includes a preliminary septic design presented to the Board of Health and the ZBA. Based on the current number of proposed units, a 5,280 gallon septic tank is proposed to be connected to a 1,600 gallon septic tank. Both tanks are then connected to a Microfast system that includes a pump and seventeen 70' long trenches stepped up the hill. Mr. Kelley asserted this system will result in a significantly reduced nitrogen level. A pressure dosing system injects effluent into the ground. The pre-system septic tanks reduce the amount of small particulates entering the dosing chambers.

D. Kelley reported that several variances will be necessary from the Board of Health, including time of year in which testing was done, the setback to the driveway, and the fact that the primary and reserve trenches are interlocked. He noted that among the three tanks, there is sufficient storage for 33,000 gallons or six days' worth of flow.

Regarding the Commission's request to move or reduce the number of units within the buffer zone, Mr. Kelley said the ZBA's consultant Mike Jacobs is currently reviewing the pro forma. He expects this to be available at the February 24th ZBA meeting. After this review occurs, the proponents would like an opportunity to revise plans. D. Kelley requested a two month continuation.

P. Morrison asked if Mr. Kelley was familiar with the Ch. 40B project proposed on the Carlisle/Billerica town line in which it was determined the proposed Fast system had not been approved by the state. D. Kelley stated he was aware

of Fast systems in use in other parts of the state, and they were approved as far as he knew.

B. Easom pointed out there would be a hydrostatic head at the trench at the bottom of the sequence going up the hill; he questioned how the effluent will be evenly distributed. Mr. Kelley explained there are a series of valve pits, and small sections of the leaching trenches will be dosed sequentially. The design can change if the number of housing units is reduced.. K. Corwin asked if there are two pumps in case one fails. Mr. Kelley said the valve pits are dosed with a manifold going up the center. These are switched on automatically through an electronic switch. The septic tanks are gravity fed with a generator in the shed. There is a three phase power mechanism with a blower that is automatically switched on. K. Corwin pointed out there can be operational problems as she has experienced this situation in a previous house.

Regarding the proposed replication area, wetlands consultant Steven Eriksen said they did not propose taking soils from the disturbed area because purple loosestrife is present. K. Corwin questioned whether the soils would have a high clay content, and Mr. Eriksen indicated they would add soils with at least a 12 – 16% organic content. He felt that cattails were aggressive enough to out-compete the loosestrife and also would filter out heavy metals. He explained he would mix top soil and composted leaf litter to assure the material would retain water. Members asked how he would handle invasives if they become established in the replication area, and Mr. Eriksen said he would try to pull such materials before seeds are produced. K. Corwin acknowledged the difficulty in accomplishing this daunting task, but noted it would be a multi-year project.

M. Giguere questioned how the proponent will access the detention basin for maintenance, and D. Kelley suggested maintenance could be done to the left of the driveway or a person could walk on the berm of the detention basin and use a shovel to remove materials. He indicated the maintenance plan is contained within the “Storm Water Pollution Prevention Plan” in the NOI filing. Mr. Giguere asked if an analysis has been prepared without the unit in the buffer, and Mr. Kelley replied that would be done after the pro forma review determines the actual profit margin. He said this negotiation is a typical part of the ZBA 40B approval process. M. Giguere asked if it would be appropriate for the Commission to hire its own analyst to review this. Chairman Clements pointed out the ZBA does have representation in preparing this peer review. Member Giguere pointed out their analysis seems to be only the verification of computations rather than a “what-if” review. He suggested the Commission send something in writing to the ZBA, and P. Morrison responded the Commission has done this multiple times and a separate analysis could be expensive. There being no further questions, upon a motion by P. Morrison, seconded by C. Auman, it was

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

7:30 p.m. – 4 Birchwood Avenue NOI continuation

Drew Garvey of R. Wilson Associates explained the revised plans show a cross section of the excavation into the bank for the construction of the foundation of the addition. He noted geotextile fabric will be used to stabilize the bank. No additional bedrooms are proposed in the addition so it will not be necessary to change the septic system. Contractors contacted to do the work do not appear to have a problem with accessing the site. The above-ground propane tanks will be re-located to accommodate access. Mr. Garvey indicated the construction pad will be located within the traveled way.

K. Corwin asked what types of materials will be stored in the shed, and the homeowner, Brad Harper, replied a boat and a small (5 gallon) gas tank are currently stored there. Ms. Corwin recommended that no hazardous materials be stored. Two lines of erosion control are proposed to control any materials coming off the slope. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-912 for 4 Birchwood Avenue.

7:45 p.m. – Sand Hill & Longley Road Abbreviated Notice of Resource Area Delineation

Steven Eriksen of Norse Environmental Services, Inc. acknowledged the Commission may wish to continue the hearing so the wetlands line can be viewed without snow cover. He requested, however, that the Commission consider

confirming the line between wetland flags 8A and 48A where there is an abrupt drop-off in topography and the boundary is very clear. The applicant would like to begin planning for a separate house lot. He agreed the wetland flags do not follow the topography in other locations where there are pressure seeps at the side of the drumlin.

The total length of the delineation is approximately 8,000 linear feet. He estimated the area where they would like more immediate confirmation involves about 800 feet. S. Eriksen agreed to provide the field data sheets and a narrative describing the type of wetland. Mr. Eriksen acknowledged the soil probes should also be shown on the plan which was prepared with an on-ground survey locating individual wetland flags. The topography on the south side is not shown because it is unlikely anything will be built there.

Resident Harlan Fitch (128 Longley Road) asked if the plan should show existing culverts draining on or off the property, and Mr. Eriksen said this would be shown when they develop the actual construction plans. Resident Anna Eliot (129 Longley Road) asked if it would be necessary to request an exception to the 100 foot buffer restriction under the Wetlands Protection Bylaw, and Mr. Eriksen said there is adequate room to allow building. He estimated the site walk would take about an hour to confirm the 800 foot section of the line. Commissioners agreed to meet on the site at 8:15 a.m. on Saturday, February 19th. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-914 to February 22, 2005.

8:00 p.m. – 318 Main Street Notice of Intent

Michael Howard of Epsilon Associates explained that the purpose of the NOI filing is for the replacement of a deteriorated pipe that crossed his client's property. He noted plans that included erosion control measures were put in place as a result of an Emergency Certification issued by the Commission. Best management practices were implemented in the field to control turbidity, and it took half a day to execute the replacement. Member Giguere pointed out the plan lacked details such as manhole covers. The site engineer, Kevin Leverone, indicated the drainage system for the site is 90% complete at this time. None of the drainage system ties into the replaced pipe. He noted the drainage system was extensively reviewed by Judith Nitsch Engineering, Inc. and is mostly completed with the exception of covers and rims. Mr. Leverone explained the replaced pipe is for the sole purpose of carrying upgradient water downgradient. K. Corwin questioned whether a filing should have been done for an underground culvert carrying a stream. P. Morrison noted there was clearly sedimentation downstream from the site, and this is the reason for the Commission's jurisdiction and request for a filing. He recommended that a full detailed plan showing the drainage system for the site be submitted to the Commission, and Mr. Leverone said he could provide that.

E. Owen asked if there were manholes where the pipe changed course. Mr. Leverone said the pipe is a 45° angle that is the same 12" HPDE as the rest of the pipe so no cleanout is necessary. Mr. Leverone explained he did not design the drainage system, but it was an improvement over current conditions which sheet drained onto Champney St. Where the site had formerly been almost entirely paved over, the new owner is planning more landscaped areas. The rate of runoff will be controlled by the Stormceptor on site, but Mr. Leverone could not confirm where drainage then goes.

Commissioners pointed out there has been siltation from the site and wanted to know what plans the proponent has for cleaning the brook area up. Mr. Howard noted there was also utility work in the vicinity at the time of the excavation on his site, and he felt this activity contributed to the problem. Mr. Leverone maintained he observed on-going utility work for at least six weeks, and he has seen a significant amount of siltation in Champney and Main Streets. He noted that a back up of sewer water occurred on his site as the sewer line was crushed by the road project, and they de-watered into his site. Paul Palmer, owner of 318 Main St., said it cost him \$10,000 to pump out the sewer water as a result of the Town's problem. Also, a water main was broken which contributed to the siltation. Mr. Palmer indicated he decided to replace the underground pipe because it was old and deteriorated.

Mr. Roberts said he agreed with the after-the-fact jurisdiction, but he did not concede it was a stream and did not believe it was jurisdictional. He noted his client has been very cooperative in completing the repairs, and he felt there was room to balance the remediation with work done by the other department. Members noted they had smelled gas at the Saturday site visit near the new pump area beneath the canopy. Mr. Palmer said there was currently no gas on site,

and there are pressure valves on all tanks. Because it will be five months before the station opens, the tanks were ballasted with water rather than gas. Mr. Palmer reported that Ensol has been responsible for all reporting and remediation on site when the building and tank were removed. He said nothing required further action on his part although some of the levels were considered reportable.

B. Easom asked how it was determined a 12" diameter pipe was adequate, and Mr. Leverone indicated this was the size of the existing pipe. The pipe material varied from clay to concrete to corrugated steel. A connection between old and new pipe was accomplished with couplings, and Mr. Leverone did not observe how the pipe looked upgradient from his site. Member Auman thanked Mr. Palmer for his responsiveness in trying to resolve these issues. He asked what recommendations the consultant would make for remediation of the downstream site. Mr. Roberts indicated he would want to determine the depth of materials in the wetland which he has not been able to observe due to the weather. Whatever silt is in the area should not be touched until early summer. The material could be removed by a truck vacuum or by shovel, but he could not make a recommendation until he's had an opportunity to look at it. Mr. Palmer agreed to this action provided the responsibility is shared. Member Morrison did not feel the siltation was that major, but it is very visible. M. Roberts agreed there was no urgency about closing the hearing, and upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing to March 8, 2005.

The proponent agreed to provide a set of the stormwater drainage plans to the Commission

8:15 p.m. – 14 Island Road Request for Determination of Applicability

The proponent, Tom Williamson, explained he and his partner purchased the rundown property at foreclosure. He said the footings were there for an existing deck, but the work was shoddy. He noted they have a buyer for the lot, and he wants to tie up all loose ends. The former owner had filed a Notice of Intent for an addition but did not complete the roof framing or the basement floor.

Attorney Nicole Talbot acknowledged the NOI has expired, and the RDA is being looked at for the deck. P. Morrison suggested the house be finished under the RDA. T. Williamson agreed the deck is bigger by several feet than the previous deck, but he cantilevered it over from the footings. Member Auman noted there are bare soils that need stabilization on the slope to the side of the house. The area could be stabilized with mulch. Members agreed the work could be accomplished under a Determination if appropriate erosion control measures are in place. It was estimated the deck is within 10 feet of the water line. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination providing: 1) Erosion control measures are monitored to prevent any possible erosion or siltation from reaching Lost Lake/Knops Pond 2) that the slopes are stabilized; 3) appropriate recharge measures are installed on the addition; and 4) bare soils under the deck are stabilized with appropriate materials to prevent migration of sediments toward the Lake.

Commissioners requested an as-built plan with dimensions, and Mr. Williamson noted the as- built deck plan was submitted with the RDA. B. Easom pointed out it would be helpful to have a reference point that would survive the destruction of the house, and he suggested a mortgage site plan. The applicant will let the Commission know when these measures are completed, and the Commission can then consider issuing a Certificate of Compliance.

8:30 p.m. – 65 Burntmeadow Road NOI continuation

(P. Morrison recused himself from the Commission proceedings.)

Additional information was submitted to the Commission, identified as "A Land Use History of the Black Family Property at Burntmeadow Road, Groton, Massachusetts". Engineer Dan Wolfe of Ross Associates explained he met with the Planning Board to review the Commission's specific requests about slope and width of the proposed driveway, as well as following the contours of the land rather than creating a causeway effect with the driveway. The

Planning Board was amenable to modifying the plan to allow up to a 10% slope for a short segment of the driveway, and this would allow the removal of some grading for the driveway within the buffer zone. To resolve ponding issues at the driveway entrance, the proponent has proposed leaching catch basins on both sides to assure that water does not cross the driveway but will infiltrate into the ground. These would be beehive landscape catch basins and would serve to keep ice off the driveway. Mr. Wolfe added that Natural Heritage had no issues with the plan to hay the proposed conservation-restricted area, and this falls in line with the historical uses of the property. He felt that this was the best layout proposal for the property. The Fire Chief would prefer a shorter length of driveway, but would not be in favor of reducing the width.

Mr. Wolfe pointed out the existing Order of Conditions for a single driveway is still valid and could be built right now, but he felt the proposed plan provides proper safeguards for infiltration and would be done under the Commission's conditions. Member Corwin noted the previous plan called for a narrower driveway (10') that was gravel and served one lot. She did not want to set a precedent of going through a resource area when there is an alternative access. K. Corwin agreed, however, that the revised plans provide a better access. She urged the Commission to be specific about what will be permitted and prohibited in the conservation-restricted area.

B. Easom commented he thought using the existing driveway accessing Mr. Black's house was a better plan to minimize impacts on the resource area. He questioned the feasibility of putting the water line in the easement. Dan Wolfe said the deed is not specific, and the 1978 survey plan states it is a 10' telephone and electric easement. C. Auman asked what the limit of disturbance is and if the same infiltration trenches are proposed. B. Clements acknowledged he was more in tune with B. Easom. If the water line can go in the easement, he preferred using the existing crossing. D. Wolfe said he could find nothing further in the written documents.

K. Corwin asked if the easement can be purchased, and D. Wolfe responded he did not know the answer. He strongly felt this proposal is the better of the two options and asked for the Commission's position before he goes before the ZBA. Chairman Clements said the only thing that bothers him is that he doesn't feel all possibilities have been fully explored. Ben Black stated the electric line is three feet below the ground, and the odds are that the electricity would be disrupted in order to move it to the side of the easement to install a six inch water main. He felt that water and electricity did not mix.

D. Wolfe acknowledged Mr. Morrison made an offer of an easement for the water line, and P. Morrison (37 Burntmeadow Road) said he wondered why that had not come up during his presentation. B. Clements suggested the hearing be kept open for further exploration. D. Wolfe maintained he did not know what the outcome of such negotiations would be, and his interest is to keep the process moving forward. He did not want to see the decision hinge on negotiations that may or may not be successful. P. Morrison said he offered the easement to keep the driveway out of the buffer zone and reduce the impact on that side of the property. K. Corwin recommended a vote be taken on which access is preferred, and the hearing kept open. D. Wolfe asserted he could not pursue issues with other boards unless he knows whether the Commission insists he pursue the easement. B. Clements noted the easement will make it more feasible to use the other access, and he felt more investigation should be done before closing the hearing. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to indicate to the applicant that the Commission prefers the driveway on the southwest side of the property.

M. Giguere, E. Owen, C. Auman, and K. Corwin voted in favor, with B. Easom and B. Clements voting in the negative.

Mr. Wolfe thanked the Commission for the vote. Commissioners urged a discussion on the nature of the proposed conservation restriction. The conservation restriction will permit Bennett Black to continue to use the hayfield with the first haying after July 1. Members asked whether additional structures would be proposed in the restricted area; if so, a specific building envelope should define the location as well as the size of structure, and this must be shown on the plan. B. Clements questioned whether the restriction could preserve a 100 foot wide undisturbed buffer around the pond as this could serve as habitat for ground nesting birds. B. Bennett said he would agree to no fencing or grazing, haying once a year, paying the legal fees, and generating the draft conservation restriction. He did not feel comfortable

limiting the haying to outside the 100 foot buffer, but said he would be agreeable to a 25' wide buffer. M. Giguere indicated he preferred to see it left the way it currently is as it would turn into brush and eventually a tree canopy at the edges if not hayed. B. Bennett said he did not want to see it become brambles. Members asked what kinds of fertilizers are currently used, and Mr. Bennett indicated a minimal amount of chemical fertilizers are used in the spring. No pesticides or herbicides are utilized. B. Ganem said a Conservation Restriction Application Form will have to be filled out and submitted with the restriction. Along with the applicant, members agreed to continue the hearing until the draft conservation restriction is prepared. Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to continue the hearing to March 8, 2005 at 7:30 p.m.

8:30 p.m. – Appointment Josh Webber

C. Auman apologized for the delay in hearing Mr. Webber. Chairman Clements read from the Order of Conditions for the Gibbet Hill restaurant the condition about snow storage. He acknowledged the wording may be confusing, but the Commission's goal is to keep all snow storage outside the 100 foot buffer. J. Webber said it is confusing because this project went all the way through the Planning Board, and there was always the intention to dispose of snow to the west as the plan shows. He noted there is even a detail which shows a break in the fence and plantings. Steve Webber said he had read the Order of Conditions and had no problem with it, but the phrasing presents a difficulty. C. Auman pointed out there are concerns about salt, oils, and sediments entering the wetland if snow is stockpiled in the 100 foot buffer.

In reviewing the project plans, Commissioners pointed out the southern area where snow is dumped is not labeled. Two areas are shown on the plan. S. Webber said it would be a major expense if they have to buy a front end loader. K. Corwin noted that some of the snow pile has gone over the silt fencing as it is quite a steep grade. The Commission has concerns about the sand, salt, oils, and antifreeze reaching the wetland resource area. P. Morrison said he had no problem with the snow storage site that is close to the 100 foot buffer line. Commissioners asked if the snow storage could be limited to two sites (north of the restaurant and the other one shown on the plan), and J. Webber said he did not know if that would be possible, but he would talk to his plower. P. Morrison questioned whether a snow fence could be installed at the toe of the slope. B. Easom said the goal is to prevent snow from reaching the wetland because it contains particulates and motor oil. K. Corwin suggested we continue discussions, but acknowledged that nothing can be done right now.

K. Corwin asked if any other members noticed the article in the last MACC newsletter on the "River Continuity Partnership"; she volunteered to look into the program to see if we could utilize it in Groton.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended March 8, 2005