

GROTON CONSERVATION COMMISSION

Minutes

February 22, 2005

Chairman Bruce Clements called the meeting to order at 7:00 p.m. Members Craig Auman, Kris Corwin, Marshall Giguere, Peter Morrison, and Evan Owen were present. Bruce Easom arrived at 7:04 p.m. Conservation Assistant Barbara Ganem was also present.

7:00 p.m. – Appointment – Al Futterman – Program and Outreach Director for the Nashua River Watershed Association (NRWA)

Mr. Futterman thanked the Commission for its support of the NRWA's successful application for an EPA grant, "Protecting Today's Waters for Tomorrow". He noted the NRWA is the lead agency, partnering with the New England Forestry Foundation, Beaver Brook Association, and the Trust for Public Land. There are 53 active stakeholders, including the Commission, who have agreed to contribute to the process. Of the 530 square miles in the Nashua River watershed, approximately half is included in the sub-basin watersheds of the Squannacook and Nissitissit Rivers which are relatively pristine and sensitive to the degradation caused by increasing impervious surfaces. These areas are currently 67% forested with 7% covered by impervious surfaces. As we approach 10% impervious, the degradation becomes more pronounced. Rapid, unplanned growth, especially in a Zone I, can impact water quality.

A. Futterman explained there are seven elements to the source water stewardship plan which will be implemented during the next 18 months. They have adopted a data collection method based on a GIS model. This yields an objective Conservation Priority Index (CPI) on individual parcels. Part of the implementation plan will be to encourage landowners to continue to hold their land in forestry. To achieve this end, NEFF will be the lead partner in setting up a forestry cooperative in which landowners can share equipment and foresters. Beaver Brook Association will take the lead in preserving riparian buffers along agricultural areas and in invasive restoration. NRWA will hire a "Smart Growth Circuit Rider" to work with towns on a regional perspective. Another element of the plan is to have a UMASS professor and students prepare a survey to determine why support of clean drinking water doesn't translate into support of increasing taxes to protect water sources.

EPA wants sources of pollution quantified, and this will be another element of the project. Mr. Futterman explained the draft CPI is currently being tweaked to include soils data. In Groton the focus has been on W. Groton where there may be an opportunity to do a large application that includes multiple parcels to the Forestry Legacy Program. This would be similar to the recent Pepperell Springs project. C. Auman commended Mr. Futterman on an excellent and broad program and congratulated the NRWA on receipt of the grant. He felt the Commission would be very interested in working with the NRWA once the model objective criteria are fully developed. A. Futterman indicated a team of hydrologists and geologists are working on the project, and he agreed to send the PowerPoint presentation to the Commission.

Attorney Robert Collins suggested the Planning Board regulations could be tweaked to steer development to areas that preserve water quality.

7:15 p.m. – Whippoorwill Lane NOI continuation, DEP #169-909

Attorney Robert Collins spoke on behalf of the applicant David Moulton. He reported revised plans were submitted to the Commission this morning. The applicant has been going through the MEPA process as well as the rare species program. The draft Conservation Permit is expected to be completed within the next week. A conservation restriction will be given on the 387 Massachusetts Audubon parcel but there have been some changes. B. Ganem recommended the draft be passed through the Division of Conservation Services before town counsel reviews it.

C. Auman asked that the land to be donated to the Town be shown on the plan, and Mr. Collins highlighted approximately 45 acres of open space internal to the subdivision on the submitted plans. Access for the MassAudubon portion will be provided off a cul-de-sac within the subdivision. It is proposed this land will be donated to the Town with a conservation restriction held by MassAudubon. C. Auman pointed out this donation is an integral part of the plan as mitigation for work taking place in the upland resource area. Mr. Collins indicated granite bounds will be installed at all corners of the lots bordering on the

donated land. The internal open space will provide a buffer between commercial and residential development.

B. Easom commented there is grading within the area proposed to be donated to the Town. R. Collins responded this is necessary in order to re-grade a knoll to provide material for the roadway. This will create a natural earthen dam across the valley. He mentioned the entire site had been a gravel operation 50 to 70 years ago. Bob Pine has designed the project to work with the existing landscape. B. Easom estimated the dam will be approximately 13' high.

K. Corwin questioned how large the openings will be in the proposed trash rack on the culvert. Mr. Collins replied the Planning Board requires the grate for safety reasons, and the catch basin sizes are supposed to be small in accordance with Natural Heritage requirements concerning the three rare species on site. Natural Heritage has indicated curbing could not be granite. The applicant is also providing turtle nesting areas in two locations on the other side of the power lines. B. Clements indicated construction is likely to be limited to the driest seasons in the Order of Conditions. K. Corwin pointed out it is possible to use pre-fabricated culverts that admit some light which wildlife are more likely to use. R. Collins said this may not be advisable due to salts and sands in road runoff. It is proposed to run all utilities, including the water line, within the conduit on the bridge, and Mr. Collins agreed to provide this detail.

C. Auman inquired about the timing of events, and the response was "between now and Labor Day 2005" providing the permits are in place. Commissioners asked if the EOEI Secretary has issued a permit, and Mr. Collins said this appears to be pending. Upon a motion by P. Morrison, seconded by K. Corwin, it was

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

7:45 p.m. – Academy Hill NOI and request for amendment to DEP #169-783

Cynthia O'Connell of Beals Associates assured the Commission that notification of Pepperell residents has occurred, and most of the green cards have been returned. The green cards for abutter notification were submitted to the Commission. Larry Beals explained the project has undergone a number of changes since the originally approved plan. The through roadway connecting with the Pepperell portion of the project has been eliminated through the purchase of an additional lot with frontage on Townsend Road. The Planning Board has amended their Special Permit with a number of conditions. A Notice of Project Change was filed with MEPA. The issue of rare and endangered species was a very difficult hurdle.

As a turtle barrier, the proponent proposes a 4' high chain link fence with hardware mesh at the base to allow the passage of small creatures. Nesting habitat is also proposed. The second access for the project will parallel an existing driveway. C. O'Connell explained the alignment and drainage is the same for the original part of the project. Additional drainage design to treat stormwater is proposed. The ANRAD for the project did include resources next to the Bissell lot, and is included in the NOI. Three new detention basins are proposed to treat stormwater. There will be a Stormceptor at the toe of the slope which then drains into an existing culvert. Three Stormceptors are proposed throughout the project. A major difference in the plan is the amount of open space preserved. Drainage calculations were submitted with the filing. The topography pretty much defines the wetland which the Commission will view when the snow cover has melted for the second access.

P. Morrison asked how much open space is to be preserved, and L. Beals stated 216 acres or 70% of the site. The plan is to deed the land to the Town to be managed by the Conservation Commission. C. Auman said the elimination of the through road is a major improvement over the original plan and asked the number of units. Mr. Beals indicated the number was reduced from 111 or 117 to 94. Some of the units will be single family houses, while others will be multi-family and affordable units because the Planning Board wanted a diversity of housing.

B. Easom requested the net change in buffer zone disturbance between the old and the new plan so there will be quantitative evidence to compare the two plans. The applicant's representatives indicated the filing was done under the Wetlands Protection Bylaw. It is likely the land to be given to the Town will have some restrictions due to the presence of archaeological and historical sites that are not to be disturbed.

There will be long term monitoring of the nesting areas which must also be maintained. In response to the Commission's question about whose responsibility this would be, Mr. Beals said it would not fall on the Commission. These plans are outlined in the EIR. K. Corwin asked who will hold the Conservation Restriction and Mr. Beals suggested maybe Natural Heritage. No filling or wetland crossings are proposed in BVW under the new filing. Commissioners requested a list of houses and septic systems with work, including grading, within the buffer zone. Commissioners discussed whether partial Certificates of Compliance could be issued. E. Owen questioned the phasing of the project, and L. Beals indicated he did not

know for sure. No work can be done until a definitive Conservation Permit is issued by Natural Heritage. It is likely Phase 1 will include the first access road, and Phase 2 the second access road. The Planning Board has conditioned their permit to allow drainage into the forested area, with protection against erosion. The center line of the road has been staked. E. Owen asked if the Stormceptor units will be town maintained, and the response was those in public ways will be maintained by the town. M. Giguere questioned whether there would be any kind of demarcation to prevent lawn creep, and L. Beals agreed to come up with some recommendations. B. Clements said it appears that the work within the 100 foot wetland buffer zone is not in compliance with the Wetlands Protection Bylaw. It was not filed as a limited project because the work is under 5,000 SF of wetland alteration and now there is a second access without a crossing. Mr. Beals commented there is a seven foot cut and fill requirement, and it is not possible to eliminate the crossing where 1,500 SF of wetlands will be altered. The new roadway for the second access will be significantly wider than the existing driveway. The roadways would be comparable to those at Partridgeberry.

K. Corwin commented the original Order of Conditions was filed prior to the implementation of the new Bylaw. P. Morrison noted a mitigating factor is the deeding of 216 acres of conservation land to the Town. B. Ganem questioned why the wetland crossing is not at the narrowest point of the wetland, and L. Beals responded the Planning Board limits the amount of cut and fill to 7'. Ms. Ganem continued with several questions on the plans submitted with the request for an amendment to DEP #169-783 and the new NOI: where is the replication area located; on Page G2, what is the purpose of the outlet structures; on Page G9, no erosion control measures are shown, the 50' and 100' buffer zones are not shown, the basin is unlabeled, does the applicant have authorization to hook up with the Town drainage system, and what is the grade of the roadway approaching Townsend Road. Ms. O'Connell estimated the grade was about 10%, and the applicant does not have authorization to hook up to Town drainage.

Resident David Solomon (614 Townsend Road) requested clarification on how this is a violation of the Town's Wetlands Bylaw, and members explained the 100 foot buffer to a wetland is considered a resource area under the Bylaw, and no structures are allowed within that area. Mr. Solomon indicated he is concerned about the roadway's impact on his septic system and well. His home has been there 30 or 40 years, and this roadway, which is near his driveway, will create substantially more traffic. He questioned, in particular, its effect on his well which he estimated to be between 30' and 75' from the proposed roadway. Members were uncertain whether there is a specified setback for a road and a well. Upon a motion by C. Auman, seconded by P. Morrison, it was

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

8:00 p.m. (8:55 p.m.) Appointment – Stan Dillis

Mr. Dillis explained he was before the Commission on the Request for a Certificate of Compliance for an existing house at 8 Valley Road. The applicant was required to create an alternative floodplain area to compensate for some fill added within the Brook. He noted some adjustments were made in the field for the design of the compensatory floodplain storage area as they wished to preserve 8 or 10 mature trees. A berm was created along the edge of the storage area at 197' and when the water elevation reaches this level, it will overflow into the storage area. Plantings were proposed in the basin to stabilize the slope. The applicant, Brian Logue, assured the Commission the area was loamed and seeded. Member E. Owen noted the silt fencing needed to be removed. K. Corwin asked if any of the tree roots were disturbed. She felt that shrubs would help hold the bank. B. Easom pointed out that changes in the design plan require the applicant to come back before the Commission. Mr. Dillis said the basin was moved over about 15' and perhaps the contractor did not realize it was a change. Mr. Easom commented the elevations are not enough to shoot grades so how can there be certainty the volume is adequate. Mr. Dillis said the shape is different, and the new basin is deeper than proposed. He explained the surface area at each elevation must be equal to the volume of fill. K. Corwin asked if he could supply calculations and verify they are correct. Mr. Dillis reassured the Commission that no trees were damaged during the excavation. Mr. Owen said he had noticed a pile of loam at the site and questioned whether that was spread before or after the as-built plan was prepared. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a Certificate of Compliance for 8 Valley Road and authorize B. Ganem to release it once the erosion control measures are removed and all disturbed areas are vegetated or stabilized.

E. Owen abstained from the vote, and B. Easom voted no.

8:15 (9:10) p.m. – McGovern ANRAD – Longley/Sand Hill Roads

Three Commissioners visited the site with Steve Eriksen on Saturday to review wetlands flagging 1A through 66A. The only change on site was for WF25A which was moved approximately 5 feet up. Mr. Eriksen asked if the Commission would be willing to send a letter informally approving the flagging. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to informally confirm the wetlands flagging 1A through 66A with a slight alteration for flag 25A.

Member Corwin urged that any proposed crossings occur at the narrowest point in the wetlands. Also, Commissioners requested copies of the results of soil probes done on site. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing to April 26, 2005.

Commissioners suggested several changes in the minutes of February 8, 2005 and decided to hold approvals until the next meeting.

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

VOTED: to issue the draft Order of Conditions, as amended, for 4 Birchwood Avenue, DEP #169-912.

In discussion on the warrant articles to present at the spring town meeting, members questioned whether funding from the Community Preservation Act is likely to be available this year. Mr. Easom explained the CPA surcharge will go on tax bills in August 2005. The CPA Committee anticipates presenting an article which designates 10% of the funds to each of the following categories: open space, historical purposes, and affordable housing. The matching funds from the state will not be available until the fall, however, and the Committee expects to make recommendations on specific projects at the 2005 fall town meeting. If \$40,000 is available from the CPA, members concurred the proposed \$200,000 article could be reduced to \$160,000. Some of the projects which the Committee is considering are the restoration of Fitchs Bridge and the restoration of historic records in the Town Clerk's office. With the Conservation Fund, the Conservation Commission has the authority on what is done with the funds in the Fund. The Fund must be funded at a minimum of \$.5 million in order for the Commission to act quickly when land becomes available. No specific project will be proposed by the CPA Committee at the spring town meeting, but in future years, it is anticipated they will make recommendations at that time. The Commission agreed to include an article for \$200,000 for the spring warrant, noting that lands along the Nashua River are important to preserve.

B. Ganem explained the Shattuck Conservation Restriction/Baddacook viewshed is an unfinished part of the agreement the Town made with the Groton Conservation Trust. The Commission holds a CR on the property on the homestead side of the street, and the Trust was to hold the CR on the Town-owned property on the Baddacook Pond side of Martins Pond Road. Right now, the land is held in general municipal use without any permanent protection. The CR has already been signed by both the Commission and the Selectmen, but Joel Lerner (on behalf of the EOEA Secretary) refused to sign off on the state level without a town meeting vote to permit this CR. Members noted that, in addition to the \$50,000 put up by the Water Department for this purchase, the Commission also voted to spend \$100,000 from the Conservation Fund. Commissioners agreed to include an article relative to this and withdraw it if research proves it unnecessary.

Regarding the proposed regulations to accompany the Scenic Roads Bylaw, B. Clements agreed to report back to the Commission on the outcome of the hearing on February 24th.

Relative to the project at 318 Main St., Commissioners discussed their preference for when the clean up at the brook and wetland below the Middle School should occur. B. Ganem reported the Water Department has agreed to do the clean up providing it is not too expensive. Members concurred the clean up could occur now rather than waiting until the area is dried up.

Members acknowledged the improvement in the Academy Hill plan but expressed reservations about the density of housing in an area populated by rare and endangered species. People will want to walk their pets through the open space area. B. Easom commented the applicant is operating in concert with Natural Heritage, but not giving us anything for the disturbance within the 100 foot buffer. P. Morrison noted DEP would allow work in the 100 foot buffer zone. Their only recourse is an appeal to Superior Court. B. Clements commented the EOEA Secretary has not issued a Certificate at this point. He observed the lesser build alternative has not been fully investigated. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to send a letter to MEPA expressing strong concerns about the continuing density of the project.

K. Corwin reported she has installed a ruler at the Sportsmen's Club dam. In addition, she said the boards in the dam were replaced as of last Friday. The water level is currently 5.5" below the level of the cement, and K. Corwin will continue to monitor levels with assistance from abutters.

B. Ganem distributed photographs taken behind the First Parish Church adjacent to Rt. 40. Water was pooling near the intersection with the driveway that goes behind Lawrence Academy. Neither the culvert outletting to the detention basin nor the culvert leaving the basin had much water in it, but water did appear to be pouring from the Lawrence Academy driveway and there was a lot of water on Rt. 40. She reported Planning Administrator Michelle Collette visited the site the day after and observed that the whole area had drained. She asked members to keep an eye on the area as they drive by.

Some members had an opportunity to observe the flooding that is occurring adjacent to the parking area for the Hurd parcel. Tom Delaney will look at the site in the spring to determine if there is a plugged culvert.

B. Ganem reported the W. Groton Water District has recently held a round table discussion on the proposed public water supply well in the Town Forest. They are aware of the Commission's concerns about the rare species on site. They anticipate it will be about a year before they approach Town Meeting to begin the Article 97 process.

C. Auman said there was little new information presented at the Comprehensive Permit workshop given by Mark Bubrowski and Jay Talerman. He noted it is important to carefully audit projects after the fact to determine the profit level. Mr. Auman suggested it may be more important for the Town to get extra affordable units in the negotiations with developers providing it is not in a sensitive area. The Town is committed to building 25 affordable units per year in three out of four years according to the recently accepted Affordable Housing Plan for Groton. M. Giguere noted there can be "friendly" 40Bs under the Landowner Incentive Program (LIP) if the developer is willing to work with the Town. He commented it is important to get all concerns on the table, with input from all boards, when the Selectmen submit their letter regarding the Pre-Application. Mr. Giguere said this period can be extended if the Town requires more detail. He also pointed out the issue of site control is important, and whether or not they have title should be determined up front.

Chairman Clements commented Westford has recently voted to use some of their Community Preservation funds to purchase the East Boston Camp. B. Easom noted there is pressure on the Community Preservation Trust Fund, but there are individuals who are fighting for its preservation. He said the Fund currently has about \$120 million, and they anticipate a 100% payout through 2009.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

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Approved as amended 3/8/05