

GROTON CONSERVATION COMMISSION

Minutes

July 12, 2005

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

B. Easom questioned whether all members were sworn in and suggested everyone check their cards from the Town Clerk.

7:05 p.m. - Appointment - David Loring/Tighe & Bond

Mr. Loring reminded the Commission the Water Department filed about 2½ years ago for the installation and replacement of water lines in Groton. (E. Owen arrived at 7:05 p.m.) Schoolhouse Rd. was not included in the original filing because it was not anticipated there would be enough money, and the original funding amount drove the project route. Mr. Loring explained Schoolhouse has asbestos cement water lines that have had repeated breaks and leaks. There is a resource area near the road, and the Water Department is requesting permission to allow the installation of the water main in the Schoolhouse roadway. D. Loring noted the depression was about 500' down the road from Martins Pond Rd., and they anticipate installing about 2000' of new water line within Schoolhouse Rd. He estimated approximately 300' of erosion control measures would be necessary in order to sawcut the roadway, excavate, and complete hookups. The work will take approximately ten days, and the old main would be abandoned in place. He pointed out the contractor is currently mobilized in the area and asked the Commission if an amendment to the original Order was possible.

C. Auman commented the work is in a paved area and he felt there were likely to be negligible impacts. He expressed disappointment that the Water Department is responding to a major project on a financial basis. B. Clements said this is a procedural problem, and he asked if it is an emergency. He thought it would be more appropriately addressed through the existing Order of Conditions with a request for new work in an area not previously identified. K. Corwin explained that an amendment requires a public hearing and notification of abutters.

Member Owen reported there are currently sawcuts in the road, and they appear to have scraped the road. He questioned whether the line is already installed. At any rate, he agreed that the erosion control measures were working. K. Corwin said the depression is a vernal pool although it is not certified. She confirmed wood frogs were calling in the area every spring. Ms. Corwin concurred there were procedural concerns. M. Giguere also noted Schoolhouse was closed to traffic yesterday. Mr. Loring asked if the Commission could make a determination it was not significant. K. Corwin noted this requires the public hearing and abutter notification. If it is found to be a significant change, the Commission would expect a new Notice of Intent. D. Loring pointed out a filing would cause delay and added costs to the Town. E. Owen agreed that the scope of the work has not changed, just the location. M. Giguere noted an emergency is a matter of health or safety. A member of the audience, Bob Pine, commented the process has clearly been blown and suggested a strongly worded letter to the Water Department. In effect, it has become an emergency because some of the work has already been done.

Member Clements noted the Commission visited the site on Saturday and observed no disturbance at that time. He suggested an after-the-fact Request for Determination might be in order. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to issue a \$50 fine for work done without a wetlands permit.

B. Clements voted in the negative while the remaining members voted yes.

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

VOTED: to issue a severe letter of reprimand to the Water Department.

All were in favor of the vote.

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

VOTED: to issue an Emergency Certification with a follow-up filing of a Request for

Determination of Applicability within 30 days.

All were in favor, and the Emergency Certification will reference the original Order of Conditions and violation.

7:15 p.m. - Police Station Request for Determination of Applicability

The Commission clarified Bob Pine's statement that he anticipated a negative Determination, pointing out it is likely to be a positive Determination due to the proximity of wetlands. Mr. Pine explained the Police Department has been coping with inadequate parking, particularly during the times when the EMTs meet during the evening. A dangerous situation exists, and he has been asked to look at the site. He noted there is a limited upland site, and wetlands essentially encircle the police station. Based on the proximity of wetlands at the rear of the building, he noted there has been some agreement to plan additional parking to the right of the access driveway under the public good provision of the Bylaw. He indicated he would add 6 paved parking spaces and 13 grassed parking spaces.

B. Clements questioned the nearest point of work to the Bordering Vegetated Wetland (BVW), and Mr. Pine said it would be approximately 30'. He explained the police prefer to park in the back, and the grassed area would be used for overflow conditions. He noted there are safety issues without additional parking. Building Maintenance Supervisor John Estabrook explained there is currently no handicapped parking at the police station. Mr. Pine said he was looking to the Commission for a sense of direction on how the expansion should proceed, but he really did not see alternatives to what was presented.

Member Owen said he sees the police station as a part of the Town's infrastructure. There are Cape Cod berms there presently with a catch basin that drains directly to the wetland. It was not known whether these are hooded catch basins with oil/grease separators. The parking area would be pitched toward the wetland with a trench of crushed stone. K. Corwin indicated there is a vernal pool to the left and above the existing parking area. She noted sand was visible within this wetland during a winter visit. Ms. Corwin said she would prefer parking before the wetland crossing, and Mr. Pine said he did not think it would be used. He noted the wetland at the front of the site is clearly degraded with loosestrife dominating. Mr. Pine acknowledged some of the work to the left of the driveway would be within 20' of the BVW. Ms. Corwin said her preference was to see parking nearer the road.

M. Giguere questioned why large trees were felled recently, and Mr. Estabrook explained that dead trees were cut down for safety reasons. Mr. Pine noted that large trees would be protected for the parking lot expansion. He noted the police were not in favor of adding parking to the right as they prefer to park behind the building. B. Easom said he agreed with K. Corwin's suggestion as it appears parking could be kept almost 50' from the replication areas and still preserve some landscaped screening from the road. Perhaps this could be set aside for visitor parking. C. Auman agreed that more parking is needed, but is this the final improvement or will more be necessary as the town grows. He thought the addition of asphalt will make a big difference. Mr. Pine noted the grids sometimes used for grassed parking have been found to heat up and kill the grass, and there are more successful alternatives available. He estimated these grassed parking spaces would be utilized once or twice a week. B. Ganem asked if there is an opportunity to improve the catch basins at the site so cleaner water is going into the wetland.

B. Easom pointed out the Commission would be looking to a private landowner with a similar site to provide some mitigation measures. B. Clements mentioned C. Auman's suggestion that more pervious parking spaces be planned. B. Easom recommended consideration be given to snow removal, salt use, or an appropriate maintenance plan. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to issue a positive Determination, requiring the filing of a Notice of Intent.

7:30 p.m. - Bob Pine/100 Hollis St. Request for Determination of Applicability

Mr. Pine explained he had filed almost three years ago to start the removal of invasive plants at this site, and he noted he is pleased with the results thus far. Showing photographs of the site through the various stages of treatment and growth, Mr. Pine reported a “Brontosaurus” had been used to cut the buckthorn and chip the wood in place. The invasives continue to grow, but there are a number of herbaceous plants that have taken hold. He noted some wildflowers were planted, and asters, cattails, dogwood shrubs, and ferns have become established on their own. The site requires continued scything of coarser plant materials.

E. Owen thought the site looked good, and K. Corwin advised the removal of invasives is likely to be a never-ending task. She recommended only native New England flowers be utilized, and Mr. Pine agreed to provide the list of plant materials he has used. M. Giguere noted woodcock and bluebirds were visible during the site visit. C. Auman congratulated Mr. Pine on his efforts, saying it was interesting to see a restoration project of this magnitude. Mr. Pine explained he is filing a new Request because his Determination is due to expire in August. Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination with the condition native grasses and wildflowers

from the Northeast shall be used in any re-vegetation effort.

7:45 p.m. - Kneeland/692 Chicopee Row Request for Determination of Applicability

Homeowner Radley Kneeland explained 6 to 8 trees were cut at the base of the hill behind his home. He estimated it is approximately 225' from Unkety Brook according to the Town GIS maps. Runoff from the hill collects at the base, forming a wetland depression. He plans to terrace the hill and eventually use it for sledding. He explained he was not aware of the need to file before doing the work, but now he realizes what the procedure is. Noting he had grown up on the property, Mr. Kneeland said there was formerly a horse corral at the bottom of the hill.

M. Giguere noted preserving the tree canopy near a wetland is important. B. Easom asked if he would consider adding some shrubs, i.e., blueberries, to demarcate the area. C. Auman explained the Commission's jurisdiction extends to 100' from the wetland, and Mr. Kneeland responded he had no plans to do any further work in the area. Mr. Owen estimated the tree cutting occurred within 30' or 40' of the wetland. Upon a motion by M. Giguere, seconded by E. Owen, it was

VOTED: to issue a negative #3 Determination providing the area is stabilized (i.e., blueberry bushes) and no brush piles/tree stumps are pushed into the wetland area.

7:45 p.m. - 160 Townsend Rd. Notice of Intent continuation

With the applicant's consent and upon a motion by M. Giguere, seconded by E. Owen, it was

VOTED: to continue the hearing for 160 Townsend Road to August 23, 2005.

8:00 p.m. - Appointment - Alan Striebel

Mr. Striebel said he had requested time on the Commission's agenda to discuss what he perceives as a serious problem on Longley I. He noted he had asked adjacent neighbors, Tony Moorhead and Shawn McCadden, to attend as well. Mr. Striebel submitted a narrative in which he explained the history of a cart path originally constructed by Charles Morgan to access a gravel pit on the Longley I Conservation Area when the subdivision was originally constructed. Mr. Striebel reported there is now a six-foot deep 10 acre pond impounded by the road with a submerged 14" pipe on town property. He said he moved into his house in 1982, and there were some wetlands on the south end of his property. He stated this area is now flooded, and it has become dangerous to use the Rail Trail. Mr. Striebel pointed out the Town is teetering on a problem with litigation, and he wanted to let the Commission know what is going on.

Member Giguere asked if this is an emergency situation, and Mr. Striebel indicated it was very important for a number

of years. He said he will be meeting with the health department on July 18th or August 1 to discuss West Nile virus. He noted that the state web site recommends draining areas with standing water to alleviate the mosquito problem. Mr. Striebel recommended the removal of the old road which is acting as a dam. He indicated there used to be a two-foot wide creek behind his house, and the south portion of his lot was only wet at certain times of the year.

B. Easom asked the source of the blockages at the culverts, and Mr. Striebel said they are silted in. He stated the pipe is visible downstream. C. Auman said he was glad an appointment with the Board of Health is scheduled as they will make a determination as to whether it is an emergency. Mr. Striebel replied it is not encroaching on his septic system, but there is a problem with mosquitoes since the area became flooded. He maintained there are no beaver visible today, and he has not seen beaver dams for three years. Hundreds of trees have been killed by the flooding.

Acting Chairman B. Easom asked Mr. Striebel to shorten his responses. Member Clements said the Commission can look at the all around safety of the area. He questioned the proposed method for dealing with the problem, noting the Town is not prepared to expend the kind of money that seems required. E. Owen asked if there is any beaver activity as that is the usual source of silted in pipes. He noted the Board of Health may not be germane to the issue as they are concerned when groundwater impacts septic systems and wells.

Setting aside the Board of Health issue, Mr. Striebel pointed out the Commission manages the property. He questioned whether the Commission sees a serious problem at the interface between town-owned conservation property and private property. He explained he did not own the property, and the road is acting as a dam causing flooding on his property. The permanent solution is to realize what is being done to private property, and he believed the land should be returned to its condition prior to Charles Morgan building a road. He acknowledged this would cost x amount of the budget. Commissioners commented the Commission is primarily interested in preserving land and some parcels are maintained by mowing. It was estimated road removal could easily cost between \$10,000 and \$20,000.

Mr. Striebel stressed the first step is for the Commission to interpret this as a problem. He conceded it may take the courts to decide. B. Easom noted the Town could talk with the manager at Willard Brook to see if this is seen as a problem for the Nashua River Rail Trail. Abutter Shawn McCadden (102 Paquawket Path) said the culvert under the Rail Trail is draining at about 30% capacity. He noted the water is a magnet to his dog, and his children are at risk. He maintained it is not a beaver problem as the pipe is full of soil. There is the potential to damage the Rail Trail, and grass and trees on his property are being killed by the flooding. He stated he has been felling dead trees since he moved in in 1998. He thanked the Commission for the opportunity to share his concerns. Abutter Tony Moorhead (98 Paquawket Path) had similar concerns and comments.

B. Clements asked if opening up both culverts was necessary, and Mr. Striebel recommended putting it in the budget and doing it. E. Owen re-phrased Mr. Striebel's comment as "You are asking the Commission to admit it is the Commission's problem." B. Easom requested suggestions for a possible course of action. M. Giguere recommended contacting the Highway Department to see whether access to the area is possible. DEM could be asked to address the downstream culvert. Also, the Board of Health's view on whether this constitutes an emergency could affect the time frame. Commissioners thanked Mr. Striebel for coming in, and Mr. Owen noted he was not saying he agreed with Mr. Striebel's assessment of responsibility. Mr. Striebel reiterated it is the Commission's problem, and the source of the problem is the Conservation Commission's negligence and lack of management. Members declined to make a statement at this time.

8:15 (actually 9:00) p.m. - Deerhaven Sediment Forebay RDA continuation

Attorney Robert Collins noted Bill Maher's comments (Judith Nitsch Engineering, Inc.) recommended more frequent cleaning of the sediment forebay than had been proposed. He saw no problem with this and said the original pipe will be removed, but a temporary pipe will carry drainage to the detention basin. He stated the area would be stabilized with haybales, hydroseeding, or stone, and he added a note to that effect to the plans. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) Providing the

sediment forebay is cleaned four times/year and inspected monthly, 2) erosion control measures must be in place prior to the commencement of work and be properly maintained until the site is fully stabilized, and 3) sediment must be prevented from entering the existing detention basin.

8:30 p.m. - 11 Highland Ave. NOI continuation

Mark Szela recapped the project which involves an addition to a single family house and a new septic system. He noted swing ties were unnecessary as the Commission will get as-built typography prepared and stamped by a professional surveyor which should be adequate. He said the compensatory area will be maintained as beach and lawn, but they do not plan to bring in more sand. He said the engineered plans show the detail for the retaining wall, and he assumes the same method will be utilized for stairs constructed of segmental blocks. The steep slope area next to the beach will be grassed, and jute mesh could be used to help it become established. B. Clements asked if the re-built retaining wall will occupy the existing footprint, and Mr. Szela replied "yes". He explained he is proposing a larger compensatory storage area than will be filled in case there are any errors during construction. Mr. Szela said the work on the retaining wall will be done during the Lake drawdown. He said he anticipated using any excavated materials for grading on the site. The septic permit will limit the house to two bedrooms. B. Easom thought more details should be provided for the stairs, and Mr. Szela said it will be the same as for the retaining wall. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-925 for 11 Highland Road.

149 Reedy Meadow Rd. RDA

The applicant has requested the meeting be continued, and upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the meeting to July 26, 2005.

9:00 p.m. - 28 Vose Avenue RDA

Homeowner Benjamin Krywucki explained he plans to install a deck 16' out from the back of the house and 18' toward the driveway. He estimated the deck is 55' from the wetlands. To kill the vegetation beneath the decks, a 4 ml geotextile fabric with a gravel substrate will be installed. Members agreed this is a fairly straightforward project, with the most significant issue being the outlet of the existing drain pipe. Mr. Krywucki said he plans to extend the pipe under the deck about 23" above the ground level. E. Owen pointed out there has been some scouring at the splashguard for the pipe, and it is being moved closer to the wetlands. M. Giguere suggested it could end at a crushed stone area under the deck. B. Easom noted the intention is to prevent it from running off the roof and into the wetlands as surface water. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) No erosion or sedimentation shall reach the water, 2) any excavated materials shall be removed outside of the 100' buffer, and 3) no surface flow shall occur from the gutter into the wetland.

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

VOTED: to approve the minutes of June 28, 2005, as amended.

Discussion followed on the location of floodplain for 55 Wenuchas Trail. Members expressed concern about the lack

of a vertical control for the floodplain. The footings for the retaining wall should have been provided rather than the top of the wall. In the future, the Commission will require that better calculations be included with filings. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to issue the draft Order of Conditions for DEP #169-923 for 55 Wenuchas

Trail as drafted.

Members recommended several changes to the draft Order of Conditions for mechanical harvesting at Lost Lake/Knops Pond, and upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to issue the draft Order of Conditions for DEP #169-924 as amended.

Members expressed surprise that the Paquakwet Path flooding issue was not characterized as a beaver problem. Regarding the survey for the right-of-way from Paquakwet to the Rail Trail, E. Owen recommended the Commission consider having the center line of the ROW marked, and this would avoid hedges and cutting of vegetation. Magnetic nails, no further apart than 100', or metal rebar will be detectable to a metal detector. B. Ganem will ask for updates for the estimates prepared in 2003.

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

VOTED: to issue a Certificate of Compliance for DEP #169-881 for 37 Cow Pond

Brook Road.

In discussion on a Certificate of Compliance for 100 Hollis St., members questioned whether any type of permanent demarcation has been installed at the edge of disturbance. C. Auman expressed concern that the issue was not raised during the site visit or earlier tonight. K. Corwin made a motion, seconded by M. Giguere, and it was

VOTED: to send a letter to Mr. Pine stating the site was not in compliance with Condition #39

of the Order of Conditions.

C. Auman reported site clearing has occurred at Groton Residential Gardens, and B. Ganem explained she had met with the contractors on site to go over erosion control. The Commission still has oversight under the Superseding Order of Conditions.

B. Ganem advised the Recreation Commission may be able to meet with the Commission on July 26th to discuss lifeguard staffing and supervision. B. Easom reported the Community Preservation application is due August 17th, but the Board of Selectmen wish to meet with those who are requesting funding ahead of that time. He noted a maximum of \$400,000 is available, and as much as 85% could go for open space.

There being no further business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

Approved as amended July 26, 2005