

**GROTON CONSERVATION COMMISSION**

## Minutes

September 27, 2005

Chairman Peter Morrison called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Bruce Clements, Kris Corwin, Bruce Easom, Marshall Giguere, and Evan Owen were present. Member Craig Auman was absent. Conservation Assistant Barbara Ganem was also present.

Members B. Clements, E. Owen, and M. Giguere reported on the Low Impact Development workshop they attended today. Noting that a wealth of information was covered, they indicated the focus of the meeting was the utilization of strategies to eliminate large detention basins by keeping stormwater where it originates. A local example is the use of under drains at Shaw's Supermarket. M. Giguere said the University of New Hampshire StormWater Center is actively testing various stormwater management methods. Of interest were tests showing that swales are useless for the removal of nitrates and pollutants, but gravel beds are good for reducing Total Suspended Solids (TSS). In addition, tests showed that the "Vortex", an underground structure claimed by the manufacturer to remove 80% TSS in practice only removed 24%. Another notable failure was geo-fabric membrane failure after only 9 months operation. Porous asphalt can be good for recharging, depending upon the application. The goal is to keep stormwater on site and recharge the groundwater. An interesting finding is that 30% to 40% of existing stormwater systems do not work, and it is expensive to remediate failed systems. B. Clements noted the workshop also covered such new strategies as green roofs and rain gardens. Best management practices (BMPs) should probably include a variety of methods to control runoff, TSS, and pollutants.

Regarding the request for a Certificate of Compliance for Ames Meadow (DEP 169-597), K. Corwin commented this is supposed to be a grassed swale, but it is full of invasives and a lot of woody shrubs and saplings, including buckthorn. The Town of Groton has not accepted the roadway. This is not the wetland crossing but a culvert with a headwall receiving drainage from the roadway and detention basin. Cynthia O'Connell from Beals Associates was present, and explained the Commission had recently issued a Determination to allow the guardrail to be built at the headwall and requiring the removal of invasives. She noted construction was completed seven years ago. Two men worked all one day handpulling Reed canary grass from the swale. Members noted the trees and shrubs should be cleared out of there. Ms. O'Connell committed to their removal, and upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP #169-597 with the condition

that they bring the water quality swale into a functioning state with vegetation

cut to not exceed 6" in height.

K. Corwin was opposed to the vote with the remaining members voting in favor.

7:15 p.m. - Natgun Request for Determination of Applicability - Chestnut Hill Water Storage Tank

Anthony DiGiovanni from Natgun explained that his company built the water storage tank at the top of Chestnut Hill. In order to bring heavy equipment into the site, they modified the access road at a sharp corner. This activity disturbed a wetland buffer, and they installed silt fencing and haybales. This filing is to restore the slope and prevent continued erosion into the wetland.

(B. Easom explained he was an abutter and left the room.)

Mr. DiGiovanni said they wish to improve the situation, and B. Clements asked what the slope would be. Mr. DiGiovanni replied the dropoff would be less sharp, changing from 2 to 1 to 3 to 1. Mr. Clements asked if there was any intention to remove the siltation from wetlands. Mr. DiGionvanni noted he was not aware there were any wetlands

at the site when this project started. Members commented the delineation had been reviewed by the Commission under a filing for Brooks Orchard. K. Corwin indicated the Commission has a good relationship with the Water Department, but this is a situation where the wetland has been silted in, and it should be cleaned up because there is a lot of material in the wetland. The material that has washed into the wetland appears to be the same material as has accumulated against the silt fence. The silt has now dried and is caked and cracking.

A. DiGiovanni indicated some of the material was the result of the topography of the hill. Members pointed out riprap may be more appropriate in order to recharge and divert the water coming down the hill. Mr. DiGiovanni noted the work is complete, and it is his intention to restore the area Natgun disturbed. The materials arrived recently as evidenced by the lack of vegetation, not as a result of normal wear and tear on the road. Members noted the wetland is acting as a sediment forebay because the outlet culvert is so high. The slope should be stabilized without extending the road bed into the wetland. Mr. DiGiovanni stated they would add 4" of topsoil to help stabilize the slope. B. Clements asked if they would restore to the conditions there before they did the work, and he did not feel it should be necessary to take extraordinary measures.

Mr. DiGiovanni said it was an existing road which they had to widen slightly at a turn to accommodate large construction vehicles. The construction of the water storage tank is complete, and the only vehicles using the roadway now would be pick-up trucks and possibly dump trucks. E. Owen said the large open area at the top of the hill probably contributes to the amount of water coming down the road. Tom Orcutt, Superintendent of the Water Department, noted the original filing did not delineate the wetland so they are technically working under the old Water Department filing. He noted the Commission may determine it is a wetland. When the Water Department noticed the problem, riprap was added to widen the road perhaps 4' to 5', and erosion control was installed. T. Orcutt instructed them to clean out the wetland, either by hand shoveling or with a back hoe or bobcat. Members noted the delineation for Brooks Orchard is six or seven years old. The methodology for cleaning out the wetland must be determined however. B. Clements asked if would be possible to have a large backhoe on the road reach in and pull materials from the wetland. A. DiGiovanni responded this could be done and then use hand shovels for the remainder of the materials. It also might be possible to use a vacuum truck, but T. Orcutt thought the area might be too tight for a vacuum truck to get at more than 100 square feet of the damaged area.

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

VOTED: to issue a positive Determination for work in a resource area that will require the filing of a Notice of Intent.

The vote was unanimous.

Members then discussed how the clean up of the wetland should be handled. Mr. DiGiovanni explained his company had no way of knowing the area was even a wetland. Chairman Morrison said the positive Determination would require a more detailed look at the proposed work and give the Commission more control over how it is done through the filing of a Notice of Intent. The Commission will not say how to accomplish the removal of silt, just that a work plan with more information must be developed. T. Orcutt said he did not think the road needs to be touched, just that the slope be stabilized and the wetland cleaned out. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue an Enforcement Order to the Water Department requiring that they present a plan for the restoration of the wetland on either side of the access road to the Chestnut Hill water storage tank.

The vote was unanimous.

7:30 p.m. - 10 Redskin Trail NOI - DEP #169-933

The applicant failed to notify abutters, and upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing for 10 Redskin Trail to October 11, 2005.

7:30 p.m. - Appointment Don Black

Mr. Black explained Don Smith has made an offer to the Town to renovate the existing farm house and perhaps create a museum. Affordable housing is not his desire, but he is willing to establish a trust fund to endow the restoration project. The School Committee wants the property torn down to avoid liability issues. D. Black asked the Commission how viable is the project, in view of the Conservation Restriction held by the Conservation Commission and Mr. Smith's age. (96 years old). Chairman Morrison replied the process is time-consuming and would involve a town meeting vote and approval of 2/3's of both houses of the legislature.

M. Giguere commented the state Historic Commission appeared to have some interest in the preservation of the foundation of the building, and this may provide some leverage with the state in modifying the CR. B. Clements noted there are sensitive wetlands behind the house, and there are two different rare species present. Mr. Black said one alternative would be the removal of the house from the premises and go back and rebuild in the future. Commissioners thought it was possible, but would involve a long, drawn-out process. B. Easom stressed that building momentum for the project is an important aspect and recommended getting the endowment in place and getting a town meeting vote as the first steps.

7:45 p.m. - 284 Whiley Road NOI continuation

The applicant has requested a continuation and upon a motion by B. Easom, seconded by E. Owen, it was

VOTED: to continue the hearing for 284 Whiley Road to October 11, 2005.

8:00 p.m. - Whiley Road NOI continuation

The applicant has requested a continuation and upon a motion by B. Easom, seconded by E. Owen, it was

VOTED: to continue the hearing for Whiley Road to October 11, 2005.

8:00 p.m. - 216 & 218 Longley Road NOI continuation

Member Corwin noted the Natural Heritage & Endangered Species Program has expressed concerns about the use of salt and sand in rare species habitat. If there is any widening of the driveway, they should be notified. There being no questions from the audience, upon a motion by E. Owen, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-932.

8:10 p.m. - Baddacook Well Request for Determination of Applicability

With no applicant present, the meeting was left open.

8:15 p.m. - Rivercourt NOI continuation

Upon the applicant's request and a motion by B. Easom, seconded, by E. Owen, it was

VOTED: to continue the hearing for Rivercourt to October 11, 2005.

Appointment - Josh and Steve Webber/Station Avenue

J. Webber explained the Groton Electric Light Department is selling their land on Station Avenue, and the Request for Proposals is due in November. His family is considering developing the Station Avenue area, but it will depend on the wetland issues. He felt this development could be a tremendous benefit for the town. The value of the land is dependent on the treatment of wetlands. E. Owen said his view of the area is that it is previously disturbed. B. Easom

stressed that the Commission cannot guarantee confidentiality in the discussion because everything is part of the public record. P. Morrison cautioned the Commission can discuss the general feasibility of the project as long as the proponent understands this is not binding.

S. Webber indicated it was his intention to use the already disturbed areas for parking, and this could include the Buckingham and May & Holly properties, but only the GELD property is for sale at this time. The Town owns the McGregor lot, but the Webbers are in the process of acquiring land on the left side of Station Avenue which they envision as a row of buildings for retail. Based on the Town GIS maps, J. Webber estimated there is between 1500 SF - 1800 SF of wetland behind the McGregor site. They wanted to know whether parking could be allowed in the wetland, not just the wetland buffer. K. Corwin questioned how large an area they were talking about and noted the site is full of phragmites. P. Morrison questioned whether this would be permissible under the significant benefit to the town clause in the Bylaw. He noted the amount of filling (under or over 5000 SF) would also influence the decision. The Commission will review the requirement for replication, and the Commission would also have to confirm the wetlands flagging. The Commission walked the site when the Housing Authority was considering something there. E. Owen stated this would be a good test of the Bylaw as the matter was important enough to the Town to establish a study committee and it is in the Master Plan. B. Clements pointed out it cannot be exempted from the Wetlands Protection Act, and P. Morrison concurred that Ch. 131, section 40 would be applicable. Commissioners agreed to include the site on the next Saturday site walks.

Returning to the Baddacook Well Request for Determination of Applicability, Water Department Superintendent Tom Orcutt explained there are two issues at the Baddacook well: 1) the repair of the roof damaged by a falling tree which is part of an insurance claim and 2) taking down additional trees to prevent similar future problems. K. Corwin noted aggressive tree cutting is proposed even near the shore of Baddacook Pond. T. Orcutt indicated it is not their intention to stump the cut trees, and they would be willing to re-plant something with low growth patterns. E. Owen suggested shadbush might be appropriate. B. Clements objected to trees being cut so close to the shore line. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the conditions that there be no stumping and that appropriate shrubs be re-planted, particularly in the shore area.

Members B. Easom and B. Clements voted in the negative, but the motion carried with four positive votes.

#### 8:30 p.m. - Gamlin Trail Bridge Request for Determination of Applicability

Ed McNierney, President of the Groton Conservation Trust, explained the Trust just recently passed papers to purchase the Gamlin property so they are now the owners. Chairman Morrison noted the Determination would pass to the new owners as they would be considered the successor in interest. Paul Funch reported Justin Minot has put a trail in on the property and intends to install a simple wood bridge that would serve the purposes of avoiding crossing an unstable beaver dam, improve access for the elderly or less capable, and improve safety during wet times of the year. The bridge will have no footings in the wetland and will span the wetland on existing rocks. Mr. Funch also noted there will be some slight filling of "potholes" in the lower beaver dam that is covered with soil and grasses. There being no questions from the audience and upon a motion by M. Giguere, seconded by B. Clements, it was

VOTED: to issue a negative #3 Determination for the Gamlin Trail Bridge.

#### 8:45 p.m. 10 Rustic Trail Notice of Intent continuation

Todd Lobo explained he had revised the plans to show the 50' and 100' buffer zones, the 100-year floodplain, deck supports, wall material details, and the top and bottom elevations of the wall, all based on true datum. It is their intent to replace the wall at the same elevation. In clarifying a question from E. Owen, Mr. Lobo replied it was difficult to show the slight grading changes, but it was his client's intent to stop the area from eroding. M. Giguere questioned the dimensions of the stairs, and T. Lobo replied there are more details in the literature. The stairs will be built from 6" by

6" by 1' wall blocks. The retaining wall will be 135 linear feet. T. Lobo suggested added to the conditions that the stairs would be 6' at the top and 9' at the bottom with a 5' length.

M. Giguere noted trees were already removed from the site, and Mr. Buonopane indicated no stumping was done. In response to Mr. Easom's question, Mr. Lobo replied the existing retaining wall is constructed of pressure-treated railroad ties. It is proposed to replace these with concrete blocks. Mr. Easom said it was his understanding a wildlife study was necessary if more than 49' of retaining wall is proposed and in going from railroad ties to interlocking blocks.

E. Owen noted a case could be made for more openings but hazardous materials are being removed which he felt yielded a net benefit. K. Corwin said a loose stone wall would have more crevices for wildlife. Neither B. Clements nor M. Giguere felt a wildlife study was necessary.

B. Clements asked if the upper retaining wall would displace flood storage. Mr. Lobo said it was intended to hold back the terrace. K. Corwin requested the flood storage numbers. The floodplain line comes from FEMA and the water edge is controlled by the dam. Mr. Lobo said the NGVD disc is located on the side of the dam. Chairman Morrison said if we close the hearing we are still waiting for floodplain information, and we need something for the contractor to go by. K. Corwin reiterated that flood storage calculations are necessary. B. Clements pointed out it is not our issue when the proponent hires his contractor, especially when we need certain data. The plan should be revised and storage data provided. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP #169-931 to October 11, 2005.

Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for 298 Riverbend Drive for DEP #169-554.

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

VOTED: to issue a Certificate of Compliance for 120 Reedy Meadow Road, DEP #169-867.

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for 100 Boston Road, DEP #169-663.

B. Ganem reported comments on the Draft Environmental Impact Report for the proposed W. Groton well were due at MEPA by October 24<sup>th</sup>. The Commission agreed to walk the site during the next Saturday site visits.

#### 9:15 p.m. 53 Island Road Notice of Intent

Homeowner Brian King explained wave action was undercutting the bank where trees are located adjacent to Lost Lake/Knops Pond on his property. They are proposing replacing a retaining wall to help stabilize the slope and preserve the trees. Green cards were submitted, and it was noted DEP has issued a file number. M. Giguere inquired how the site would be accessed, and Mr. King replied he would hand carry the blocks from a storage area on his driveway. The work would take place when the water is lowered. Commissioners thought erosion control was probably unnecessary, but it would be helpful to have a roll of silt fencing on site in case of an emergency. B. Clements cautioned the retaining wall should be constructed within the same footprint and should not take away from the Lake. The wall is proposed at the base of a slope, and there is a considerable drop in elevation. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-934 for 53 Island Road.

Members explained the Commission will issue a wetlands permit after the next meeting in two weeks.

Members discussed an article that appeared in the Groton Landmark incorrectly identifying encroachment problems as

being in the wetland buffer rather than on town-owned conservation land. B. Ganem noted a retraction was printed in the subsequent edition.

B. Easom reported the Community Preservation Committee recently took a straw poll on the 2005 applications. The skateboard park proposal has been withdrawn, and the Squannacook Hall windows did not receive good support. Both Fitch's Bridge and the affordable housing proposal received good support. Some of the projects which were not urgent and could be postponed until the next round of funding will be encouraged to do so. It is anticipated \$800,000 will be available next year as opposed to the \$400,000 available this year. P. Morrison indicated he would be attending the September 28<sup>th</sup> meeting of the CPC.

Recusing himself from the discussion, Chairman Morrison remained in the room for the Commission's review of Ben Black, Sr.'s request to do maintenance work at the dam to the pond that impounds Burntmeadow stream. B. Clements said he was not in favor of letting the work go forward without some type of Commission oversight. K. Corwin also felt he should file. E. Owen said he is essentially adding gravel or riprap which constitutes work in a resource area, and the Commission has to be consistent. M. Giguere noted this is filling in a resource area, and he needs to file.

Abutter Peter Morrison (37 Burntmeadow Road) commented there is erosion adjacent to the dam due to the settling of the pond. He estimated the pond was put in between 10 and 15 years ago, and they left a rocky bottom. The base of the dam is currently visible, and it is apparent something needs to be done. Originally, they packed clay around it, but putting riprap or trap rock may be a better solution. E. Owen said the exposed footings could lead to some undermining. Members questioned why the water level was lower than usual. Mr. Black has estimated about 10 cubic yards of material would be necessary, but the repair of a dam is allowable. Members have not seen a Farm Plan for this property. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to require the filing of a Notice of Intent because the proposed work is

filling in a wetland resource area, and there is potential for erosion to

occur along Burntmeadow Road.

Five members voted in favor with P. Morrison not voting.

In discussion on the forestry project proposed for Crosswinds, K. Corwin noted that haying would not be appropriate for turtle habitat. It was agreed to meet with Crosswinds neighbors on October 25, 2005 at 8 p.m. The Commission may wish to consider assuring a 20' buffer around abutting properties in which no trees will be cut, but this will be discussed at the meeting.

B. Ganem explained that the Action Plan Map is a required element in the *Open Space & Recreation Plan*. It is intended to be a graphic representation of the areas in which the Commission wishes to focus its efforts in the next five years. In general, recreation includes trail connections and networks, agriculture will cover both farms and forests, and wildlife will concentrate on those areas identified by the Natural Heritage & Endangered Species Program as core habitat for rare and endangered species. Commissioners requested that the area where the Wharton Plantation is located be included under agriculture. B. Clements noted there are two Indian Hill Road labels on the draft map, one of which mislabels the road. Rather than prepare numerous paper copies of the OS&RP, members recommended CDs be provided to some town departments.

B. Ganem reported a complaint had come into the Commission office about the cutting of wetland vegetation at the Malloy property at 155 Indian Hill Road. E. Owen said he believed the property had not been in agricultural use for the previous five years as the previous owners did not have horses. He suggested this was a conversion to agricultural use and that a Request for Determination of Applicability should be filed. Chairman Morrison said the Assessors' records on Ch. 61 are not open to the public, and he did not feel the Commission could require receipts showing a commodity was sold. Members agreed to require the filing of a Request for Determination of Applicability.

K. Corwin said she has completed the work on the Commission's property list with mapping for the web site. There has been some difficulty, however, in transferring it to the site. She volunteered to help with formatting it to meet the

Web Site Committee's requirements.

K. Corwin noted applicants are required to replicate wetland fill areas that are under 5,000 SF so this would apply to the Station Avenue project.

Commissioners agreed with K. Corwin's suggestion to do a trial Conservation Commission sign using plastic wood which can be routed. Fence posts are now made out of this material as well.

B. Easom suggested the Commission re-consider the naming of the Hurd parcel which has informally been called the Groton Conservation Land. Members noted the naming vote had previously been deadlocked at 3 to 3, and the matter was never officially resolved. Mr. Easom said it might be nice to revisit the naming and give the property a more descriptive title such as the name of the person who helped facilitate the protection of the parcel. E. Owen said he was always in favor of naming it after Mr. Hurd, but some members were equally opposed to the idea. Commissioners agreed to table the motion until all 7 members are present.

Upon a motion by E. Owen, seconded by M. Giguere, it was

VOTED: to approve the September 13, 2005 minutes, as amended.

B. Easom and K. Corwin abstained from the vote.

B. Ganem said she would be unavailable for the site walk on September 8, 2005.

There being no further business, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

**Approved as amended October 11, 2005**