

## GROTON CONSERVATION COMMISSION

## Minutes

November 22, 2005

Vice Chairman Bruce Easom called the meeting to order at 7 p.m. in the 2<sup>nd</sup> floor conference room at Town Hall. Members Bruce Clements, Craig Auman, and Marshall Giguere were present. Evan Owen arrived at 7:02 p.m., Kris Corwin arrived at 7:03 p.m., and P. Morrison arrived at 7:15 p.m. Conservation Assistant Barbara Ganem was also present.

Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the minutes of November 8, 2005 as amended.

B. Easom abstained from the vote.

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

VOTED: to accept the Conservation Restriction for The American Baptist Churches of Massachusetts (TABCOM) dated October 26, 2005.

K. Corwin reported she got little out of the stormwater management workshop on November 16<sup>th</sup>, except the fact that Low Impact Development (LID) may be a cheaper alternative for stormwater management. B. Clements noted the LID design may work better than underground systems that funnel water away. Allowing rain to infiltrate where it falls instead of collecting it in a central location could be a better approach. M. Giguere added that many existing stormwater management techniques fail or do not function as designed over time. The goal, according to E. Owen, is to try to get pre- and post-hydrology the same. Mr. Giguere noted that most parking lots put in raised flower beds, and these could be constructed below grade to function as rain gardens. It may be cheaper for developers to construct clustered housing, thereby reducing paved surfacing. Narrower roads using grass pavers are another option. Ms. Corwin added that Low Impact Development is likely to be more amphibian friendly. The workshop presenter was the new DEP Circuit Rider, Kathy Robertson.

P. Morrison arrived at 7:15 p.m.

7:15 p.m. - 23 Radio Road NOI

Ben Osgood of New England Engineering Services, Inc. explained that this lot is surrounded on three sides by the pond (Lost Lake/Knops Pond), and there is a failing septic system to be replaced. A retaining wall extends around much of the shore of parcel. A pressure-dosed infiltrator system is proposed. The tank will be replaced with a 1,500 gallon septic tank and the effluent will be evenly distributed over the leach field. The system will be raised 3' - 3.5', with the bottom of the system at 220.33'. Several waivers will be requested from the Board of Health; it is unknown whether these variances will be granted. Mr. Owen pointed out it is the Commission's assumption that fill from the existing system will be removed to an approved site. Mr. Osgood said a polybarrier will be placed behind the segmental wall that contains the system. He noted the floodplain elevation is the top of the existing segmental block wall at the edge of the pond - 216.33'. Upon a motion by B. Easom, seconded by K. Corwin, it was

VOTED: to close the hearing for 23 Radio Rd.

Member Owen reported he had observed a trench being dug parallel to Old Ayer Rd. to install a pipe he assumed. Dirty water was coming off the slope into the trench. M. Giguere commented haybales have been put across the trench. Regarding the Enforcement Order issued to Lathrop/Heavrin at 122 Old Ayer Rd., upon a motion by B. Clements,

seconded by B. Easom, it was

VOTED: to ratify the Enforcement Order issued to Mr. Lathrop and Ms. Heavrin for work on a trench with wetlands vegetation within 200 feet of James Brook without getting the appropriate permit at 122 Old Ayer Rd..

### 7:30 p.m. - Sewer Commission RDA

Jim Gmeiner, Chairman of the Sewer Commission, and Bob Rafferty of Woodard & Curran were present to explain the project. Mr. Rafferty noted the Sewer Commission is in the design phase for the installation of public sewer on Boston Rd. and nine properties on Old Ayer Rd. A specialist has flagged the wetland, and it is anticipated that the survey will be prepared showing the wetland boundaries and the route the sewer will take based on borings. A Notice of Intent will be filed for the actual sewer work in January or February. All of the borings will be done within the existing road right-of-way. Spoils will go back into the hole with samples removed if necessary. The hole will be patched with asphalt. An auger drill is used, and work will be contained and controlled. No work is proposed in the wetlands. The borings will be 1.5" to 3" in diameter. The design borings will be done as far east as Johnson's, and there will be no need to de-water. The purpose of the borings is to determine whether there is soil, peat, ledge, concrete, etc., underlying the proposed route. Commissioners recommended against doing this work when rain is forecast. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination with the conditions that the work be done during a dry period and that extra erosion control measures be on hand in the event of a severe storm event.

In discussion on Deerhaven, Commissioners noted the area is not stable and requires additional haybales and the correction of a slumping problem. Members agreed it was too early to issue a Certificate of Compliance.

Larry Beals and Cynthia O'Connell apologized for being late for their appointment concerning the construction sequence for Academy Hill. Mr. Beals explained the developer, Bruce Wheeler, plans to begin clearing for the first phase of the project that includes Fieldstone Dr. The Planning Board required this sequence because they wanted to see a diversity of housing constructed early in the project. He provided photographs of the site where the wetland crossing is proposed for Cherry Tree Lane. Noting there have been significant rains over the past month, he felt there was a negligible flow of water to be observed the previous Thursday, November 17<sup>th</sup>. He noted test pit information about the detention basin was mailed to Joe Bellino at DEP in connection with the 401 Water Quality Certificate application. Mr. Beals said the fact that the wetland filling is less than 5,000 square feet means the project is a Category I under the Army Corps general permit. He felt it would be a waste of the Corps' time to review this project since it meets the criteria. K. Corwin noted this is one of the biggest projects the town has reviewed, and she felt it important to have adequate environmental oversight. Mr. Beals argued that it would tie up the regulators and there was nothing to compel them to seek an Army Corps permit. B. Ganem agreed that the <5,000 square feet did qualify as a Category I, but explained that one of the conditions of being accepted as a Category I project is the requirement that work done in wetlands, not just streams, be done during a dry time of year. To qualify under Category I applicants agree to the general conditions.

E. Owen asked if it would be an undue burden in terms of timing constraints. C. Auman questioned whether they felt they were not bound by the time of year. M. Giguere acknowledged the developer may feel as though he has jumped through all hoops, but the Commission's objective is to see the work done at a dry time of year. L. Beals agreed to give it some thought. Cindy O'Connell indicated the emergency access through to Lakin St. will be constructed as part of Phase I so it is not necessary to do the Cherry Tree Lane crossing in the immediate future. B. Easom also encouraged the applicant to include some scheduling flexibility that would allow this work during a dry season. Owner Bruce Wheeler appeared willing to work with the Commission on the issue.

Chairman Morrison observed there is a three year window on Orders of Conditions and he too preferred that the crossing be done during a dry time of year. Regarding the draft Construction Sequence, erosion control will be

installed as a first step and wetland flagging has been completed. Mr. Beals noted there had been modification in the Construction Sequence from that proposed before the Earth Removal Advisory Committee. It is anticipated that Mary Trudeau will act as the wetland scientist for the Academy Hill project. E. Owens urged Mr. Beals to let Michelle Collette know of any changes in the Construction Sequence. Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to accept the Phase I Construction Sequence for Academy Hill.

#### 7:45 p.m. - 531 Martins Pond Rd. RDA

Homeowner Mark Fosberry explained he has a water runoff problem, and he did not realize he also has buffer zone on his lot. Runoff comes down on both sides of the house and has caused a retaining wall to crack. In addition, he reported his well has had high levels of E. coli. He proposes to construct a swale to re-direct water around the house. The trench would involve an excavation 1' to 2' in depth. C. Auman said he would feel more comfortable if an engineer looks at the proposed work. E. Owen noted that when the house was put in, a berm was installed, but it doesn't control groundwater. Members asked if crushed stone would be put in the 30' to 40' swale. No interceptor pipe is proposed. K. Corwin acknowledged something needs to be done to correct the problem, but she was concerned about the potential for draining the vernal pool. Also, she suggested a hydrologist look at the problem. B. Clements stated the owner has indicated the wall failure is due to overland flow. B. Easom recommended having an engineer look at the site. It is important to have the swale properly designed so that it does not drain the vernal pool. The surface runoff before and after should be the same as the homeowner does not want to create runoff on someone else's property. Plans could include a trench parallel to the berm. Upon a motion by M. Giguere, seconded by E. Owen, it was

VOTED: to issue a positive #4 Determination, requiring the filing of a Notice of Intent.

The motion passed with P. Morrison voting in the negative.

#### 8:00 p.m. - Malloy/155 Indian Hill Rd. NOI continuation

At the applicant's request, and upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the meeting to December 13, 2005.

#### 8:15 p.m. - Jenkins Rd. ANRAD continuation

Matt Waterman explained they prepared an analysis of the secondary stream which is connected to the main channel. Based on the analysis, the watershed area for the perennial stream is .42 square miles, and the secondary stream is intermittent. He noted the survey consisted of actual traverse points. They field surveyed the channel and feel confident the aerial map shows the actual stream location based on an overlay with the topographic plan. E. Owen said it was unfortunate to get the plan so late in the design process, but he was satisfied that there is an intermittent stream just off the parcel. B. Clements questioned whether the established Riverfront Area and Buffer Zone areas will have an effect on the proposed work. K. Corwin cautioned the Commission was just confirming a delineation, not reviewing any activity.

In response to Mr. Giguere's questions about the nature of the intermittent stream, Mr. Waterman replied that the wetland consultant, Leah Basbanes, had flagged the stream in an easterly direction to a point where she felt it ended. M. Giguere pointed out that water continued to flow toward the main channel beyond that location, and he was not particularly comfortable with its identification as intermittent. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to accept the revised plan filed for DEP #169-935 for Jenkins Rd.

B. Clements and M. Giguere abstained from the vote.

8:30 p.m. - Whiley Rd. NOI continuation

Matt Waterman explained he did not have an opportunity to overlay the work area with a certified plot plan for this project. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP #169-928 to December 13, 2005.

8:45 p.m. - 160 Townsend Rd. NOI continuation

Attorney Douglas Deschenes acknowledged the Commission's intention to hire a consultant to perform a review of the Notice of Intent and accompanying plans. He requested that any studies relevant to the Wetlands Protection Act be provided to his client. Documents on nitrogen loading and/or waivers from local regulations and their plans for a nitrogen reduction system have been prepared. Dufresne & Henry agree there will be no impacts on the public drinking water supply wells. This charge is somewhat different and should not ultimately re-do things. Mr. Deschenes pointed out his client has considerably reduced the project and has been responsive to a lot of concerns. Although stormwater management has been reviewed, it has not been examined from a conservation point of view or the effect on the wetlands of having a large drainage structure in the buffer zone. B. Clements stressed that the Commission needs assurance that we will not have a repeat of the problems that have plagued Groton Residential Gardens. P. Morrison said the Commission needs to see how the stormwater plan will affect the wetlands. Upon a motion by B. Easom, seconded by K. Corwin, it was

VOTED: to contract with Epsilon Associates, Inc. to provide a review of the filing for #169-908 for Squannacook Hills.

The motion passed with K. Corwin, C. Auman, P. Morrison, and B. Easom voting in favor, B. Clements and E. Owen voting in opposition, and M. Giguere abstaining.

Mr. Deschenes agreed to provide the stormwater management and drainage calculations, as well as plans directly to the consultant.

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

VOTED: to continue the hearing for DEP #169-908 for Squannacook Hills to December 13, 2005.

9:00 p.m. - 10 Redskin Trail NOI continuation

Attorney Douglas Deschenes acknowledged his client had done work without a permit, including the additional 8' by 16' shed. They will file for Ch. 91 permits for both docks, and he noted the size of the docks together is less than 300 square feet in size. E. Owen expressed concern about this much dock. K. Corwin pointed out fees will require adjustment, and Mr. Deschenes indicated his client was willing to pay the additional fees. M. Giguere said the Ch. 91 application will provide an opportunity to test new waters. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-933 for 10 Redskin Trail.

In discussion on the beaver-felled trees on the Woodland Park Conservation Area (off Wildflower Lane), members agreed to respectfully decline to pick up the expense of hardware cloth to protect trees as this would set a precedent for all other conservation lands.

9:15 p.m. - Longley Rd./Sand Hill Rd. NOI

Steven Ericksen of Norse Environmental Services said his client, Brad Bobzien, is proposing minor grading with a 3 to 1 slope with a 4' tall retaining wall in the 100' buffer zone. The work will be 65' from the wetland. Ms. Corwin

indicated this construction falls under the local Bylaw, and it is the intention of the Bylaw that alternatives be fully explored. She questioned why the driveway could not be flipped to the other side of the house. S. Ericksen argued that this is a minor 25' intrusion. His client is preparing for future development that will include no other disturbances in the buffer zone. K. Corwin pointed out there appear to be alternatives to having both the well and grading in the buffer zone.

Mr. Clements said the Bylaw allows minor grading in the buffer and questioned whether this grading is minor in nature. S. Ericksen conceded the work exceeds the definition of minor grading, but the retaining wall itself is 85' from the wetland. The applicant intends to remove at white pines from the area surrounding the house for safety reasons. B. Clements felt the project should include an examination of alternatives and should not exceed the minor grading definition. M. Giguere pointed out that future plans are not before the Commission. C. Auman maintained that it is up to the applicant to demonstrate there is no alternative, especially with a lot size of 52 acres. B. Ganem read the Bylaw Regulations definition of minor grading at Ch. 9.8. E. Owens noted that, if the Commission is to look at the letter of the Bylaw, this plan will not fly. Chairman Morrison pointed out that a slight shift would pull the work out of the buffer, and S. Ericksen said grading could be shifted, but it would still be necessary to take out large pines.

The applicant, Brad Bobzien, said he would also prefer to remove the stumps of the trees. S. Ericksen recommended the Commission look at the individual site which has sandy soils that provide good drainage. P. Morrison indicated the Commission has to work within its own parameters and not set a precedent for future development. The lot owner, George McGovern, was present and said they are working on a development plan for the entire site. He would like the Commission to consider allowing a home on the road with 20 acres then donated to the Town. Unless the Commission is aware of the whole scheme, it may be difficult to visualize.

K. Corwin acknowledged that while this is a great concept, no such plan has been filed with the Commission. P. Morrison indicated the well is probably not a problem, but the tree removal and retaining wall in the 100 foot buffer could be resolved by moving the house slightly. He thought the plan was workable with several modifications. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP #169-940 for Sand Hill Rd. to December 13, 2005.

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

VOTED: to issue the draft amendment to the Order of Conditions for DEP #169-868 for the Shattuck well off Martins Pond Rd.

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

VOTED: to issue the draft Order of Conditions, as amended, for DEP #169-926 for 284 Whiley Rd.

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

VOTED: to issue the draft Order of Conditions, as amended, for DEP #169-939 for Natgun Corp. off Orchard Lane.

B. Easom distributed a draft of the reporting requirements or Memorandum of Agreement for the Community Preservation Committee for B. Ganem to review.

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

VOTED: to issue the draft Order of Conditions, as amended, for DEP #169-930 for Rivercourt at 8 West Main St.

Member Clements mentioned the Commission has previously discussed re-naming the Hurd parcel which currently has

the name “Groton Conservation Area”. C. Auman suggested the Hurds be contacted first as they may not want it named after them. K. Corwin reminded members the Commission paid fair market value for the land, and naming of properties is usually reserved for those who have donated land. Other members noted the land could be developed with houses now were it not for the intervention of Mr. Hurd in buying the property. Ms. Corwin commented that the Hurds retained a 2 acre lot for themselves out of the sale to the Commission. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to re-name the Groton Conservation Area the Hurd Conservation Area.

The vote passed with E. Owen, B. Clements, B. Easom, and C. Auman voting in favor, and K. Corwin, M. Giguere, and P. Morrison voting in the negative.

K. Corwin pointed out the Commission never actually voted on the Academy Hill issue of not getting a permit or a waiver from the Army Corps. Members thought the proponents had indicated they could accommodate the Commission by scheduling the wetland crossing during a dry time of the year.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 12/13/05**