

GROTON CONSERVATION COMMISSION

Minutes

August 8, 2006

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

7:00 p.m. - Appointment/Cynthia Theriault - Beals Associates engineer for Academy Hill

Ms. Theriault explained the applicant and contractor wish to use different stormwater management units than the Stormceptors originally proposed. Information about the CDS units was submitted in February, and she maintained this is an equivalent unit and asked if there were any questions or issues. One of the units is within the 100-foot buffer zone and the other two are located in the middle and at the end of Cherry Tree Lane. The CDS units will handle more flow, and particulate matter is separated out by gravity. Both types are maintained through the use of a vacuum truck. They are very similar, and the work will be the same according to Ms. Theriault.

B. Easom questioned what happens when the screen becomes plugged, and Ms. Theriault replied it is self-cleaning. C. Auman asked why the substitution is proposed, and she responded the cost is the chief reason. Maintenance may have to be more frequent since the CDS unit holds less, but C. Theriault said they would both have to be checked every six months. It is unlikely the screen will have to be replaced frequently as it is stainless steel. The maintenance check will determine whether the sump has reached 15% capacity. The homeowners association will probably have a contract for maintenance with the manufacturer. B. Clements noted the Stormceptor is cleaned when the sediment reaches 10" while the CDS unit is cleaned when it reaches 3". He recommended the Order of Conditions be modified.

In response to M. Giguere's question, Ms. Theriault stated the discharge rate to the stream will remain the same. Only the maintenance is likely to change, but that schedule will be determined after the six month check. The Operation & Maintenance (O & M) plan has been revised to address the new CDS units. However, the original O & M plan for Stormceptors has already been recorded with the deed. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to require the applicant to file for an amendment to the Order of Conditions for DEP #169-917.

Commissioners explained there is a history of things falling through the cracks when an unofficial modification is made, and they unanimously voted to require a formal amendment.

With C. Auman suggesting changes and making a motion, seconded by B. Clements, it was

VOTED: to approve the minutes of July 25, 2006, with amendments.

7:15 p.m. - 292 Main St. NOI

Brandon Ducharme of Dillis & Ducharme explained there is an existing failed catch basin with wetlands to the back and side of the lot. The structure caved in, and the plan is to excavate the old components and install a four ft. diameter drain hole and couple pipes to the new catch basin. If there are clogged drains, it may be necessary to rotor rout or jet the lines to clear them out. All of the runoff in this area heads toward this catch basin. He noted the pavement would be sawcut and the excavated material put in a truck. The catch basin would be installed and the pavement patched.

C. Auman commented the plans only show two catch basins. The cut pipes may be outside of the manhole. It is anticipated there will be 6-8 in. of compacted ¾" stone placed in the bottom of the hole, and the existing pipes will be reattached using couplings. The pipe will be ABS plastic. Mr. Ducharme said the risks for the project include encountering groundwater. It would be necessary to use a dewatering pump and pump the water to an area surrounded

by haybales with crushed riprap. Mr. Auman explained he had concerns about the whole system as we do not have reliable information about where the pipes are going or whether the system has integrity. He suggested using a camera to locate the pipes and see if they are sound.

The owner of the property, Dr. Peter Breen, said he understood the area had once been a meadow, and there is now a culvert that starts at the swamp behind Dr. Bruner's garage. He noted he has owned the office for 15 years, and this year's flooding was the worst he has seen with two back-to-back storms in May. There was even a ponded area on the other side of Rt. 119, and that resident called MassHighway who came in to clean out the second catch basin shown on the plan. He said his wish is to have the system repaired as quickly as possible as water has continued to flood his property due to the plywood covering the collapsed catch basin hole. He pointed out the situation creates a hazard for patients using his parking lot. He said he would be happy to utilize a camera to check the status of the drain lines.

E. Owen said, if an upgraded pre-cast concrete catch basin is to be installed, he recommended that a sketch be made of the inlets and outlets. B. Easom asked if sediments will be captured from the water flowing from the parking lot. Mr. Ducharme noted there is a 4 ft. sump in the catch basin that will handle the sediments. He estimated it would have to be cleaned about every 6 months when it is 2/3's full. The cleaning could be done with a dredge bucket or vacuum truck. Mr. Auman commented there is actually a stream flowing through the pipes, not a stormwater management conduit. Mr. Ducharme noted it was not running today, and this would be a good time to get the work accomplished.

Member Giguere asked if there would be any treatment for oil from the parking lot, and Mr. Ducharme said an oil-water separator is usually used in industrial applications. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to close the public hearing for DEP #169-963 for 292 Main St.

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7:30 p.m. - 601 Lowell Rd. NOI

Attorney Robert Collins provided some historical context for this project, concluding with the statement that it would be good environmentally to have a garage. He acknowledged that, at first, the project does not fit within the confines of town regulations because of its proximity to the municipal well. He asserted having vehicles parked on a gravel surface this close to a public town water well is not a good idea. A two car garage with appropriate controls to minimize impact to wetlands and a very sensitive area is a better alternative.

Brandon Ducharme explained there are two resource areas on the parcel - Baddacook Pond and the Bordering Vegetated Wetland associated with Baddacook Brook. A 24' by 26' slab garage is proposed with recharge trenches at the roof drip line. He has now staked the footprint of the garage, and the overhead wires are quite close. In order to provide a 10 foot clearance, the applicant proposes to move the utility pole. It will be necessary to remove six trees - 23" and 9" DBH pine trees, and several oaks and red maples. The soil borings were done at wetland flag #8 where a transect was done reflecting both wetland and upland characteristics. There is also floodplain associated with Baddacook Brook on the lot.

B. Collins reiterated there is a lot of history on the lot. Not all of the work required under DEP #169-368 has been done. He thought that filing included the house and septic system. A second filing was done for the driveway. The new driveway provided an alternative access for homes formerly served by the driveway to the Baddacook pump station. This was favored by the Water Department and required by DEP. Mr. Kiley has agreed to a conservation restriction on 5 acres and then offered additional acreage, bringing to 12 acres of preserved land, as a solution to the adjudicatory process. There is no Certificate of Compliance for the driveway as the Commission had concerns the replication area had not re-vegetated correctly. He acknowledged the Commission may wish to see the earlier matters resolved before a new project begins. The Wetlands Bylaw allows no structures within 100 feet of wetlands, but Mr. Collins pointed out there is a provision that seems to provide some discretion to the Commission - Ch. 215-5 for a "public or environmental benefit". He agreed that the local Bylaw does apply to the new work.

M. Giguere asked precisely what is the environmental benefit and if there are plans to pave the driveway, and the applicant, Bob Kiley, answered “no” to paving. According to Mr. Kiley it will be an environmental benefit to move the driveway so that vehicles are no longer parallel to the Pond. Mr. Collins added that there is also a benefit in keeping cars under cover as a first line of defense. The garage has been filed under the Bylaw, as a new project. Members pointed out the re-location of the driveway was part of the settlement for constructing the house and septic system and could not again serve as a benefit for the construction of the garage.

Commissioners requested that the location of the soil borings and the trees to be removed be shown on a revised NOI plan. Mr. Collins estimated this project has been in the works for 21 years. B. Easom questioned whether a covered garage would provide more protection for the public well. He asked if Tom Orcutt, the Water Superintendent, could provide comments.

C. Auman noted that, in December 2003, Mr. Collins presented information about the conservation restriction, but the Commission has no way of knowing whether the proposed garage is located within the land proposed to be subject to a conservation restriction. There also appears to be a significant donation of land with a strategic location near a well field. E. Owen pointed out the Commission is supposed to consider alternatives and asked if there is any other suitable location for the garage. Mr. Collins explained the driveway was placed as rationally as possible. Attaching it to the house is unlikely because of the lot lines. The permitting for the house actually preceded the new Wetlands Bylaw. The garage is at least 50 ft. away from the house.

Tom Orcutt, Water Superintendent, said the goal of the Water Department and DEP was to limit public access near the well by constructing a new driveway. This will reduce the potential for contamination to a public water source. Mr. Orcutt said the relocation of the driveway, building of a garage, and housing vehicles is a benefit for the water supply. To remove vehicles from a gravel surface to a concrete slab definitely provides an additional benefit according to T. Orcutt.

Abutter Chris Forbes (597 Lowell Rd.) said he has signs which state ‘private’ over his portion of the driveway, but in the past, there have been instances of fire, beer cans, and other insurance issues. He thought such incidents were occurring less often recently because of the new driveway. C. Auman asked if all vehicles that travel over the driveway end up on a concrete surface. B. Ganem questioned whether a wetland specialist was on site during construction of the replication area, and Brandon Ducharme said he was there to make certain the area was deep enough to assure inundation and plant survival. The white pine did not make it, but he reported there are red maple, green ash and obligate grasses there that represent 75% re-vegetation with wetland species. B. Clements encouraged him to get something on a plan to provide documentation the replication area is working. The trees to be removed as well as the telephone pole that is proposed for re-location should be shown on the plan. Mr. Collins thought the draft conservation restriction had been submitted to the Commission. Upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to continue the hearing for DEP #169-962 to August 22, 2006.

7:45 p.m. - Reedy Meadow NOI continuation

Mr. Ducharme submitted a letter requesting a continuation and upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the Reedy Meadow common driveway filing to August 22, 2006.

8:00 p.m. - Highway Department NOI continuation

Highway Superintendent Tom Delaney explained he needs to work with Misty-Ann Marold of Natural Heritage to determine what special requirements are necessary for rare species habitat. Using larger pipes is not always appropriate as we may want to keep existing conditions. This is part of the process necessary for the issuance of an Order of Conditions. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the Highway Department NOI hearing.

8:15 p.m. - Steven Byrne/Groton Dunstable Regional High School cross country trail bridge

Mr. Byrne explained a trail bridge is necessary on a portion of the cross country trail which crosses a small stream. The bridge size will be 12 ft. long by 6 ft. wide. M. Giguere said the Commission had visited the site, noting the wetland spread out at a bend in the trail, but the bridge will cross at a narrow section of the stream. No supports will be in the water, and it is anticipated pressure-treated wood will be used, and the decking will be Trex. Commissioners advised they prefer no arsenic-treated wood and blocking the current access over the stream would protect the resource area.

Paul Funch of the Trails Committee said he has been advised by safety and emergency personnel to keep the trails open to assure that emergency vehicles can access trails. Easom questioned whether the gate is kept locked. Only trees with a diameter of 2" or 3" will be cut so the stream will remain shaded. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to issue a negative #3 Determination with the conditions that the stumps remain in _____ place, the temporary access way is permanently blocked with logs, use of Trex and non-arsenic based pressure-treated wood, and no supports in the middle of the wetland are used.

8:30 p.m. - Public Safety Building NOI continuation

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

VOTED: to continue the hearing for DEP #169-961 for the Public Safety Building to September 12, 2006.

8:30 p.m. - Appointment/Gordon Newell - W. Groton Water District Superintendent

Mr. Newell previously submitted a plan where trees are proposed to be removed to accommodate the well drilling rig for the new well in the Town Forest. He noted an additional 120 linear feet of silt fencing will be installed adjacent to the area where the driveway will have embedded stones pushed into the surface. He explained this driveway will see little traffic and maintenance will be minimal. He requested the Commission's permission to remove the two trees from the buffer area as observed by the Commission at the August 5th site visit. B. Easom noted there will also be some cutting into the banking, and Mr. Newell pointed out this is an area where surface runoff will run in the opposite direction from the wetland resource area.

He assured the Commission he would minimize disturbance as long as it does not interfere with the access for the truck. The stump for the first tree can probably be left in place. C. Auman noted this is a well thought out plan, and he was confident the project could be carried out appropriately. Mr. Newell said that 21 trees will be removed from the Town Forest, and they will be milled into 10 ft. lengths. The Order of Conditions for this project allows the removal of trees under Conditions 24 and 25. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to approve the revised plans as submitted by the W. Groton Water Department.

8:45 p.m. - 122 Old Ayer Rd. NOI continuation

Homeowner Scott Lathrop said he appears to be moving backwards in the process of fixing the driveway. At the time they purchased the property, 9 years ago, he maintained there was a dirt entrance to the back of the parcel. He has a different recollection from that of Highway Superintendent Tom Delaney who maintains there are materials flowing off the driveway creating ice patches. He stated he was prepared to install a culvert last fall and was stopped in the middle of the project. Mr. Lathrop indicated he had done nothing further to the driveway since he was instructed that they were in violation. He remains concerned about access in case of a fire. He noted that the Wetlands Protection Act,

MGL Ch. 131, §40, states that violators are subject to fines for failure to 'restore land to its original condition' which is what he wished to do. Mr. Lathrop said he was willing to do whatever is the consensus of the Commission and Highway Superintendent.

B. Clements said his position would be that, whatever the prior existing conditions, there is a need to correct the problem of stormwater being carried onto a public way or into a wetland.

Highway Superintendent Tom Delaney said that previously there had been a small swale there which could be crossed with a tractor. Over time and as a result of construction of the new barn, this swale has filled in causing water to flow out into the street and freeze in the winter. He suggested a culvert as a way to keep the water flowing within the swale. To prevent siltation, Mr. Delaney suggested the use of riprap. He explained that his job is to maintain public safety.

M. Giguere commented he is familiar with the swale, pipe, and flow coming down the driveway and going across the road. Currently there is erosion and siltation there, and he would prefer to see the original swale. He thought it likely the average fire truck would crush a small culvert. T. Delaney said an 8 in. culvert covered by 8 in. of fill is fairly strong, but would require regular maintenance and cleaning. If the culvert started acting as a dam, it would be necessary to scoop it out.

Member Easom pointed out the hearing tonight is to resolve the problem and disturbing the area twice without a permit creates a worse situation. The Commission will supervise the process going forward, but will not be responsible for engineering it for you. He cautioned members against giving advice. Mr. Auman commented the restoration requirement is for someone who has filled wetlands, and we are here to improve the situation. He asked if Mr. Lathrop had anyone who could engineer the project. Mr. Lathrop replied the driveway is currently non-functional, and he wants a usable access. C. Auman said the Commission usually responds to a plan drawn up by the applicant or a consultant, and in this case, there is no plan, and the Commission cannot make recommendations.

Tom Delaney said he has had years of experience, and he thought the minimally acceptable approach is a swale. B. Easom maintained the Commission needs a sketch showing the length and depth of the swale, and this is the only way to know we are in agreement over what is to be constructed. The cross section and an aerial view of the proposed swale and whatever is needed to control water and silt should be shown on a plan. In order to move the project forward, T. Delaney offered to assist Mr. Lathrop in developing a workable plan. Chairman Owen said the Commission will look for a stable environment with any sediments flowing through stone to control erosion. Natural Heritage has not commented on the plan as yet, and their comments are not due until after the next meeting on August 22nd. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the hearing to August 22, 2006 for 122 Old Ayer Rd.

9:00 p.m. - Lost Lake Drawdown NOI continuation

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

VOTED: to continue the hearing for DEP #169-861 for the Lost Lake Drawdown to August 22, 2006.

After review of the draft Order and revision of Condition #23, and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue an amended Order of Conditions for the improvements on the Nashua River Rail Trail between Smith and Peabody Streets on the Groton School Pond.

Dr. Breen, 292 Main St., has indicated some urgency in repairing the catch basin while conditions are dry. The Commission discussed a draft Order of Conditions for DEP #169-963, making several amendments. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to issue the amended Order of Conditions for DEP #169-963 for 292
Main St.

Commissioners expressed dismay over the recent resignation of member Kris Corwin. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to send an enthusiastic thank you letter for her years of service on the Commission, noting the Commission's appreciation of her offer to continue her work on vernal pools.

To fill the vacancy, Commissioners agreed to post a public notice in the newspaper.

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

VOTED: to elect Bruce Easom as Clerk of the Commission.

Member Giguere reported he had visited the Longley II Conservation Area with Ed McNierney with a PDA type device with a GPS receiver and with a Magellan GPS unit. Fortunately, the visit coincided with a time when many satellites were overhead. Mr. McNierney had uploaded the Assessors' maps, as well as the aerial photograph of the town. Mr. Giguere said this device was able to come within 2 meters of property bounds. The Magellan GPS unit was less accurate and appears to be more appropriate for seeing where you have been, not determining where you are going. The PDA device with the receiver is used with an antenna, and the estimated cost is around \$1,500. The Water Department paid over \$5,000 for their device and does not have 'real time' information on the unit, but it does tell where you are in the field. M. Giguere thought the external antenna is worthwhile. Borrowing the Water Department GPS unit, as it is available, may be an option, and Chris Coutu can provide training, also as he is available. B. Clements suggested talking with Larry Swezey who has had a lot of experience using GPS. Mr. Giguere will prepare a write up of the current GPS options.

Member Clements reported he attended the Ayer Planning Board meeting on August 3, 2006 for a hearing on the proposed expansion of the Nashoba Medical Center. Engineer Goldsmith of GPR explained the project which proposes a medical office building and may include multi-level parking. The presenters stated there is an urgent need to get more doctors into the area. Approximately 70 more parking spaces will be gained through an expansion of parking at the front of the current hospital. A zoning change designating the hospital area as a special use zone was approved at the Ayer town meeting, apparently without a concept plan presented. Groton abutters on Pacer Way urged the hospital to consider preserving some open space as well as the existing tree line.

Mr. Clements noted there was very little information about the overall plan with only a design for the new medical office building and additional parking shown. C. Auman commented there was a recent newspaper article which showed impressive architectural renderings of a new building to replace the hospital and included housing for interns.

B. Ganem said that the houses on Wharton Row are nearing completion, and no one has applied for a Certificate of Compliance for the wetland permits. Commissioners reviewed the draft letter to remind owners about the necessary steps to satisfy their permits, and it was agreed to send it out to those who had wetland filings.

During the site visits on August 5th, Commissioners had an opportunity to see the 21-acre Carter parcel off of Allen's Trail. The fact that it has frontage on Woods Mill pond, is in rare species habitat, and abuts Groton Conservation Trust land and New England Forestry Foundation land makes it a very attractive parcel. B. Clements suggested the Commission consider a joint effort to protect the land with the town applying for a Self Help grant. B. Ganem will contact GCT and NEFF to determine their interests. The parcel does have two 20 ft. wide accesses from the Lost Lake area, but these are very steep. The 30 ft. wide access from Allen's Trail is not adequate for more than one house according to zoning, but could be allowed under 40B. Although the property is currently assessed at \$149,000, the appraised value is over \$500,000. The Community Preservation fund is also an option for funding.

Regarding the Whispering Brook Conservation Area, members agreed to send a letter to the owner of what appears to

be an irrigation system drawing water from the wetland. B. Clements complimented M. Giguere on the survey report he prepared for the Eliades Conservation Area which included an extensive bird list.

The applicant for DEP #169-952 at 98 Indian Hill Rd. has inquired whether a proposed modification in his plans would require re-filing or an amendment. The house preceded the Wetlands Bylaw, and the deck is within an existing lawn area. Commissioners agreed to consider it as an amendment.

B. Ganem reported that Groton Residential Gardens plans to connect with the state drainage system in Rt. 119. Commissioners requested a letter be sent to Mr. Walker or his representatives requesting a response, within two weeks, to the Commissioner's Enforcement Order for installation of the well within the 100-ft. buffer zone. He will be subject to a fine of \$50, with each day a separate offense under the Bylaw.

There being no further business, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 8/22/06