

GROTON CONSERVATION COMMISSION

Minutes

March 27, 2007

Vice Chairman Marshall Giguere 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, Holly Estes, and Peter Morrison were present. Chairman Evan Owen arrived at 7:01 p.m. Conservation Assistant Barbara Ganem was also present.

7 p.m. - Appointment - Tom Orcutt/proposed Unkety Brook well

Omer Dumais of Tighe & Bond, a consultant for the Groton Water Department, explained the results of the pump tests were developed through an earlier Order of Conditions, and the Water Commissioners are now at the point where they wish to develop a potential well site. He estimated that 99% of the necessary work would take place on Conservation Commission land; the remaining 1% would be on Tom Delaney's land. They are aware that it will be necessary to get a town meeting vote on the project. Two possible routes for the water line are being considered. Mr. Dumais displayed maps showing the alternative routes, one following the existing Delaney driveway out to Chicopee Row and the other heading cross country to Kaileys Way to connect with the water line in Martins Pond Rd. The Kaileys Way route is considerably shorter, and thus, less expensive and would bring the line closer to the Baddacook treatment plant. Mr. Dumais assured the Commission that passive recreation and logging would be allowed within the 400 ft. radius of the new well. The water line will consist of an 8 in. ductile iron pipe installed 5 ft. below ground.

In response to H. Estes' question about the width of the excavation, Mr. Dumais indicated it would be between 12 ft. and 25 ft. depending on conditions. They do not yet know whether this would be done by trenching with an excavator or using directional drilling. Equipment would be on pads, materials segregated, with the site returned to its natural state. It will be necessary to be able to access the property in the future if repairs are necessary. Mr. Dumais explained that no private property is involved in the cross country route, but it would be necessary to cut some trees. The long route, via Chicopee Row, would enable the Water Department to pick up additional customers.

DEP has reviewed the results of the pump tests and does not predict any effect on the wetlands associated with Unkety Brook. A copy of the full report was sent to DEP. C. Auman asked who the intended customers will be, and Water Superintendent Tom Orcutt said it would be the existing customers served by the Water Department. He explained that the Chicopee Row route would involve a stream crossing at the Delaney's driveway and another further down the road, as well as some work in the buffer zone.

H. Estes expressed concern that parts of the existing trail on Kaileys Way have some very steep slopes that drop off into wetlands. It would be important to see comments from Natural Heritage before making a decision. P. Morrison questioned whether directional drilling would be possible, and it was noted this area has boulders within 15 ft. of the surface, but it may be possible to get under this layer.

B. Easom pointed out that the thing that will ultimately limit growth is the availability of water. He questioned whether increasing water capacity encourages more growth in the Town. T. Orcutt explained the Town currently relies on the main well at Whitney as its water source. There cannot be a building moratorium forever, and this would leave the Town in need of purchasing water supplies from other communities. Mr. Dumais noted having a single large source (700 gpm at Whitney and 200 gpm at Baddacook) leaves the Town vulnerable, and there is a need for redundancy, not to support growth, but to provide an adequate backup to existing supplies. In the permitting for the new well, the Town will not request an increase in the overall volume of water pumped.

C. Auman worried that there would be a shift in resources over time that would create an opportunity for additional growth even though that is not the intent at this time. Tom Orcutt said the Town has an emergency municipal agreement with Westford, but it will not back up the whole Town. There are also issues involved with interbasin transfers since Groton is hooked up to the Pepperell sewer.

M. Giguere observed "Today's emergency becomes tomorrow's capacity." He asked about the process for changing the state permit, and Mr. Orcutt replied there are a number of documents needed and it's a very difficult process. The Town must prepare annual leak detection records, have efficient water meters, and have water conservation policies in place, as well as show an increase in population. The Nashua River watershed is considered a medium stressed basin. The average permitted withdrawal is 65 gallons/person/day. The Merrimack basin is considered low stressed.

Members asked if the proposed well is located within the Riverfront Area or within the buffer zone. Mr. Dumais answered the well is outside of those areas, but portions of the pipeline would be within the buffer zone. Mr. Orcutt indicated he would like to have information on building, the size, wetland implications, and location before going to Town Meeting. He expects to file a Notice of Intent regardless of which route is selected.

E. Owen suggested members look at the installation done by Bob Lacombe in the late 1980's to get an idea of what the water pipe installation would look like in a few years. B. Clements noted the Planning Board is considering requiring water impact reports for subdivisions. Some of the burden will fall on the developer, especially for larger scale projects of 25 to 100 homes. Mr. Orcutt said the Water Commissioners are looking for some guidance from the Conservation Commission.

H. Estes stated she observed increased use of ATVs and snowmobiles once the Whitney Rd. well access roads were in place. Mr. Orcutt said they have recently dropped trees and posted signs to discourage the use of motorized vehicles at the site. T. Delaney did not think this would be a significant connector for recreation vehicles. B. Ganem requested the full report that went to DEP as well as mapping showing the two proposed routes. Mr. Orcutt said they have not been in contact with Natural Heritage about the filing at this time. They expect to get an idea on the footprint of the building and probable pipe route to present to the Commission before it goes to Town Meeting.

7:15 p.m. - Wiewel Conservation Area/Skyfields Dr./Gregory Wertheimer and Stephen Pittman

Mr. Wertheimer (79 Skyfields Dr.) explained that he and his neighbor, Stephen Pittman (75 Skyfields Dr.) were aware the path has been delineated with posts to mark it. They indicated they would like to find a solution on the height of the grass.

Member Clements said he lives nearby and is concerned about the need to create a total difference between private and public lands. He felt a mowed lawn makes the trail uninviting to the public who feel they are trespassing. He suggested mowing a width of 8 ft. - 10 ft. for the trail between the posts and leaving the grass long on the remainder of the 40 ft. - 50 ft. wide band of land that belongs to the town. The land was surveyed recently and boundaries marked.

B. Easom pointed out the trail on Gibbet Hill is approximately 10 ft. wide. P. Morrison agreed with Mr. Clements' suggestion. M. Giguere thought keeping the grass at 5" in height might not be enough. B. Easom stated it is not a unique situation as there are similar problems with other town-owned parcels. The goal is to make the trail acceptable to the public. Mr. Easom added we have gone down this road before, and he hopes to see a different outcome than in the past. If we can come away with a plan to mow a 10 ft. wide strip in the middle of tall grasses, he felt this could be acceptable.

M. Giguere commented mowing our property could be a benefit to the property owner, with the tall grass acting as a fence. He suggested mowing the tall grasses once per year or every other year. Mr. Pittman indicated he has a Kubota rotary tractor which works well on weeds and brush. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to permit the neighbors to mow their lawns and an 8 ft. to 10 ft. trail width between the trail posts at the same height; the remainder of the town-owned land will be cut at the highest setting the tractor will allow.

All voted in favor. The Commission will re-visit the site later in the summer. Mr. Wertheimer said they would very much like to avoid wood chips. B. Clements commented it is great to have stewards of conservation lands, but it is important to delineate the trail in a manner that differentiates the private land from public land. Mr. Wertheimer said

both he and Steve Pittman are hikers and are well aware of this necessity.

7:30 p.m. - 60 Boston Rd. continuation, DEP #169-974

Upon the applicant's request and a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP #169-974 to April 10, 2007.

7:30 p.m. - 1 Lost Lake Dr. continuation, DEP #169-978

Upon the applicant's request and a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP #169-978 to April 10, 2007.

B. Ganem reported that water continues to run across the road from the open driveway at 1 Lost Lake Dr. It is anticipated we will return to the District Court in mid-May for a longer hearing. P. Morrison said he remains concerned about the continued inaction on the part of the applicant to control sedimentation from the site. B. Easom suggested issuing an Enforcement Order requiring the applicant to keep the silt out of the buffer, but it was noted the Commission has already done this. Mr. Morrison requested that photographs of the situation be taken regularly to document what is happening. A construction entrance of crushed stone could help since the ground is no longer frozen. He noted the Commission has also issued fines to get compliance which should be considered a punitive measure, particularly since he has failed to comply. The applicant did file a Notice of Intent and the fines stopped accumulating at that time. The Commission must prove there is a demonstrated history of failure to comply. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to send a letter to the applicant requesting him to control erosion and sedimentation from the site through reinstating the placement of haybales.

P. Morrison questioned whether Natural Heritage is aware of the Enforcement Order, and B. Ganem said "Yes, they have a copy of both the Order and the notices of violation." Members recommended contacting DEP to see if they can assist in gaining compliance.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the minutes of March 13, 2007 as drafted.

Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to approve and issue the Special Conditions, as drafted, for DEP #169-977 for 10 Rustic Trail under the Wetlands Protection Act.

Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to approve and issue the Special Conditions, as amended, for DEP #169-977 for 10 Rustic Trail under the Wetlands Protection Bylaw.

B. Ganem commented that the plan submitted with the Notice of Intent for DEP #169-977 showed differences from the shore line work proposed under DEP #169-931, and she recommended the owner be asked to file for an amendment. P. Morrison said "Unless the changes are significant, it would be a waste of the owner's and the Commission's time." B. Easom argued that the Commission should not use a standard of what we would allow to happen had the applicant filed the plan with the original filing. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to send a letter to owner Scott Buonopane advising him of the need to file

for an amendment for DEP #169-931.

The motion passed with six ayes, and M. Giguere voting in the negative.

M. Giguere reported he had been contacted by Ben Black, Sr. about the snow pile at the Emerson Medical Office Building at 100 Boston Rd. The concern is that sediments will clog the detention basin, and it will cease functioning. Passing around photographs of the site, Mr. Giguere pointed out the snow is piled within a portion of the basin. Members recalled that this had been proposed with the original filing, but it was not envisioned that the snow would be so dirty. B. Ganem mentioned the Certificate of Compliance has been issued, and there are no continuing conditions requiring maintenance of the detention basin as this filing preceded this type of condition. C. Auman added the snow is piled very high with the front sheered off to allow parking. It should probably be removed from the site. There does not appear to be a way the owner can be forced to maintain the detention basin properly until there is a problem.

In other business, B. Ganem listed potential projects for Eagle Scouts, and C. Auman suggested that re-building of the lifeguard stand at Sargisson Beach be added. Members noted the Groton Conservation Trust has run an advertisement for agricultural management of their land which the Town might wish to duplicate. The Commission's budget for FY'08 includes a brush hog, so we will have to investigate the best choice for immediate purchase in July. B. Easom reported he attended the Selectmen's meeting the previous night for discussion on the warrant for the Annual Town Meeting. One of the items concerned the acceptance of Bridge St. as a public way, and there were abutters who apparently have legal documents claiming it is a private way with no access for any other houses. The Selectmen will hold a hearing on whether to accept Bridge St. as a public road next Monday. B. Clements noted this is before the Planning Board this week, and there are a number of questions about the status of the road. P. Morrison questioned why the bridge was built if it is not a public way.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended April 10, 2007.