

GROTON CONSERVATION COMMISSION

Minutes

June 12, 2007

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, as well as Conservation Assistant Barbara Ganem. Potential member Ryan Lambert was also in attendance.

7:00 p.m. – Appointment Stan Dillis

Mr. Dillis indicated he wished to first discuss the work at the Groton Community School. Based on questions that arose during the Saturday site visit, S. Dillis said that snow removed from the parking area is generally pushed to the east side of the lot. The company that does the lawn maintenance for the school, Kazanjian Landscaping, states they fertilize three times a year. Mr. Dillis said no one appears to know why the monitoring well is at the site. Member Morrison suggested the request for a Certificate of Compliance should include a letter which notes the exceptions between what was built and what was proposed. C. Auman asked if he was confident there was no need for a sediment basin, and Mr. Dillis said “After six years, I do not think it is necessary now.” In response to a question about whether herbicides are used, Mr. Dillis replied “I do not know.”

B. Easom commented he did not notice any sand or salt on the parking lot. The president of the Parents Association Betsy Kehoe said the parents hold clean up days in the spring and fall. A leaf blower is used to remove leaves and sand. Mr. Easom requested that leaves and lawn clippings not be deposited near wetlands. B. Clements asked if it would be possible to discontinue the use of fertilizers and pesticides, and S. Dillis said it’s important to maintain a good grass cover since children play there.

Chairman Giguere summarized the Commission’s requests, in order to issue a Certificate of Compliance, as additional information about lawn maintenance, a letter from an engineer, and offsite disposal of lawn debris.

Mr. Dillis explained another matter before the Commission is the Enforcement Order issued to Mr. Gleason of 18 Kemp St. and the proposed mitigation plan. He described the site as dryer at the time of the May 30th site visit. The goal is to plant alders, supplemented by plugs of wool grass and lurid sedge, at the wetland crossing where the pipe is already installed. The old haybales will be removed. B. Clements said he was glad to see a stabilization plan in place. The contractor who will do the work will be given the plan.

Concerning the significant erosion observed at the rear access drive for Lawrence Academy during the Saturday downpour, Mr. Dillis indicated the erosion control barrier was not in great shape. Some of the haybales were overtopped by silt. S. Dillis said conditions will be improved by the installation of curbing in the upper parking area today. An additional row of haybales will also be installed at the base of the slope. The Stormtech units will be vacuumed out and the catch basins cleaned. Lawrence Academy will work with Tom Delaney on the repair of the road where a sink hole has recently formed. Some of the riprap has disappeared, forming a weak point in the roadway. Organic matter clogged the grate, and the water overtopped the haybale sediment barrier. Mr. Dillis said he observed some coarse sand at the culvert outlet but no silt staining on the leaves of downstream vegetation. He noted the driveway is currently not built to standards, and this is expected to occur in the next week when paving is done. A stone recharge trench is proposed to mitigate potential erosion problems at the base of the driveway.

P. Morrison recommended cleaning up the slope behind the haybales and extending the jute matting around the corner to stabilize the slope down to Rt. 40. Mr. Dillis said the mitigation plan calls for the cleaning of the three existing drains and checking and cleaning out the culvert under Rt. 40. The headwall has collapsed, and it would probably be a good idea to rebuild and repair the eroded section of the roadway. He noted Lawrence Academy wishes to maintain good relations with the Town and will cooperate to perform the necessary repairs.

B. Easom pointed out there was silt at the end of the parking lot, and S. Dillis said haybales would be added at any area with bare soils. C. Auman noted this is a significant slope and yet no planting or landscaping has occurred, and there is no matting. S. Dillis said it is the intention to restore the whole slope, but the new curbing will capture a lot of the runoff now. Mr. Dillis said his company has been doing regular construction inspections, but their most recent letter was received after this event. Commissioners pointed out the site is a very visible one in Town. H. Estes questioned what will happen if it rains tomorrow, and Mr. Dillis said the new curbing will direct runoff to the Stormtech units. He added that the erosion control measures had worked until this blowout. Paving will also bring several other catch basins on line to capture runoff further uphill. B. Clements said he is confident the problem is being addressed. Chairman Giguere cautioned that the area south of the parking lot remains bare and will be catching some of the runoff. He requested haybales to close up any bare areas at the end of the work day, and Mr. Dillis indicated he would add this note to the mitigation plan.

7:15 p.m. – Appointment Ray Lyons

Mr. Lyons explained that two lots numbered 4732 and 4733 adjacent to 21 Moose Trail were taken for taxes, and the resident Tom Wilson has offered a conservation restriction on a portion of the land if the Town allows him to purchase the property. At the Commission's request, Mr. Lyons has obtained a second opinion about the viability of a turtle access on the conservation restricted area. Dr. David Black indicated that he thought no work should be done as it could introduce invasives and compact the area through the use of heavy equipment. A boulder might be placed at the boat ramp and at the road to discourage traffic. Mr. Lyons also noted he had provided a draft copy of a conservation restriction. The restricted area begins about 2 ft. outside of the existing fence. There is a slope and a flat area that will be subject to the restriction. B. Easom noted the existing boundary of the property is at the hot tub.

Mr. Lyons said the Board of Selectmen will have to agree to sell the parcels and would present the matter to town meeting. He pointed out there is still a lawsuit claiming adverse possession, but his client is willing to buy it for its assessed value. C. Auman thanked Mr. Lyons for getting a more detailed explanation of the turtle access and asked what will happen to the concrete boat ramp. Mr. Lyons said it will be left as is with a boulder placed to prevent use of the ramp. He added he has included a draft letter for the Commission to send to the Board of Selectmen in support of this proposal. B. Clements asked if the claim of adverse possession is in progress, and R. Lyons responded it will be withdrawn if his client can purchase the property. Mr. Clements indicated he liked the plan. P. Morrison said he was glad to see this case almost closed and welcomed the information from David Black. He looks forward to seeing the matter totally resolved. Mr. Lyons said owner T. Wilson is willing to pay the \$3000 assessed value to the Conservation Fund. He will also be responsible for back taxes and legal expenses, as well as assist with the legal costs in having Town Counsel review the wording of the conservation restriction and warrant article.

Mr. Lyons asked if it would be possible to file a Request for Determination of Applicability for the placement of the boulders. B. Ganem pointed out the Commission has agreed to issue Certificates for work associated with the septic system and with the addition, but previously issued a positive Determination of Applicability requiring a Notice of Intent for the remainder of the work on the lot. Commissioner Morrison said the Commission frequently hears after-the-fact filings and, in fairness to all applicants, it will be necessary to have Mr. Wilson file a Notice of Intent. Chairman Giguere indicated the Commission will consider the letter to the Board of Selectmen after it has had an opportunity to review it. Mr. Lyons agreed to file the NOI in time for the Commission's July 10th meeting.

7:30 p.m. – Request for an amendment to DEP #169-927 for Conductorlab

Kerry Tull, a licensed site professional and project manager on behalf of Honeywell, the owner of the site, explained there is a drainage line which runs across the driveway near the entrance. It empties into the unnamed brook that eventually joins with Gratuity Brook. The proposed plan is to re-grade the driveway, remove the storm drain, and redirect flow to the catch basin in Rt. 119. That catch basin will be vactored out prior to the work.

Member C. Auman said the Commission visited the site on Saturday and observed silty water from bare soils within the fenced-in area running through the haybales. Mr. Tull said there are several areas where there has been on-going soil excavation and testing. The intent is to bring the bare surfaces up to grade and pave at the same time the driveway

entrance work is done. He added the erosion control measures could be reinforced and the paving would eliminate exposed soils. The elimination of the slot or interceptor drain appeared to be the lesser of two evils according to K. Tull.

C. Auman pointed out there always seems to be water on Rt. 119 at this location. Mr. Tull said there is a surface seep that freezes. During installation of the sewer pipe a concrete collar was installed to prevent water from moving through the installation trench, but this was supposed to be removed when the installation was completed. Groundwater comes up through the seep, and Mr. Tull said he has conveyed this information to both the Conductorlab Committee and MassHighway.

P. Morrison thanked him for the explanation about the water on Rt. 119 and asked if it was his position that the removal of the storm drain will not affect the conditions at the site now. Mr. Tull said the plume from the site runs in a lobe perpendicular to the direction of the sewer. H. Estes asked if MassHighway was amenable to receiving additional stormwater in their storm drains and did he think the catch basin was capable of handling the additional stormwater. Photographs of the site during the Saturday rain show silty water bypassing the catch basin. Mr. Tull said these photographs emphasize the need to re-grade and pave the driveway entrance. B. Clements pointed out that nothing appeared to be working properly, including the interceptor. He asked if removing one of the methods for capturing runoff would improve the situation. Mr. Tull said the flow in the interceptor goes right into the brook while flow coming out of the catch basin would at least be cleaned. It is their intent to prevent siltation by paving the whole area so there will be no exposed soils. Mr. Clements said this will increase the velocity of the runoff. K. Tull pointed out there will be no increase in the amount of sheet flow from the site than exists there now. The flow will also be cleaned by the time it reaches Gratuity Brook. B. Clements said we do not want lots of stormwater on Rt. 119, and treatments that facilitate infiltration may be more appropriate.

Member Easom requested stormwater calculations that show the catch basin on Rt. 119 is able to handle the flow. He also suggested curbing to prevent stormwater from overtopping the catch basin and running down Rt. 119. Mr. Tull said Honeywell is committed to improving the situation. M. Giguere expressed concern about the catch basin's capacity. He thanked Mr. Tull for all the work going down the chain to Honeywell. B. Clements said the plan calls for the elimination of half the drainage system, and he has questions about how runoff will be controlled. P. Morrison, seconded by C. Auman, made a motion to accept the proposed change in the Notice of Intent, but the motion failed with five members voting against, and P. Morrison voting in favor. Mr. Tull agreed Mactec does not want to rush forward with the project, and he will assure the exposed soils are stable at the site. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing to June 26, 2007.

7:45 p.m. – 155 Indian Hill Rd. RDA

Peter Hnath explained he planned to purchase the property out of foreclosure. The lot with the barn and septic system was sold separately to another buyer. There is no existing septic system on the lot where the 200-year old home is located. Jack Visniewski had completed some soil testing on the lot, but there are limitations due to ledge. This plan calls for the placement of the septic tank and pump chamber under the front lawn of the house. This is within the 100-ft. buffer of the wetlands across the street. Mr. Hnath also proposes a subsurface drainage system at the rear of the house approximately ten feet deep to re-direct groundwater.

Mr. Morrison pointed out the owner will be living on a road with an unusual geological feature – a drumlin – which can present interesting hydrological conditions. The water table can be close to the surface. He recommended both projects be undertaken together. B. Easom questioned why the septic tank and pump chamber could not be located outside of the 100-ft. buffer zone, and Mr. Hnath replied the existing well requires a certain offset. C. Auman thought this an improvement on the original plan to locate the septic system on the other side of the street. M. Giguere noted there is a 40 ft. rise in the hill behind the house, and he was concerned about opening up the sewer line trench. It is anticipated the trench will be at least two feet deep. Members recommended the trench be opened and closed quickly and that extra haybales be available at the site.

Mr. Hnath indicated he will probably come back before the Commission to construct a garage and asked if the Commission could offer any advice. Members cautioned against the use of heavy equipment and suggested closing up the site at the end of the day with haybales. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing that, in addition to the haybale barrier shown on the plan, the applicant shall provide an erosion barrier along the construction access and shall have extra haybales and silt fencing on the site to assure no sediment reaches the wetlands.

8:00 p.m. – 76 Pine Trail RDA

Homeowner Jeanne Shirshac explained she wished to place a 27-foot round aboveground pool next to the pond that is part of Lost Lake. She lives next to the public boat launch, and the pool will be installed within a flat area. B. Clements asked if there would be any excavation, noting pools are typically placed on sand to provide a level surface. He advised Ms. Shirshac that no siltation should head toward the Lake. M. Giguere suggested any excavated materials might be placed under the deck. P. Morrison questioned whether the water will be treated with bromine or chlorine and requested that any backwashing of the filter or draining of the pond be directed away from the wetland.

Member Easom pointed out chlorine is a poisonous gas and will kill living critters and reiterated the need for keeping the pool water out of the Lake. C. Auman asked if it was possible to put the pool in front of the house. H. Estes concurred with previous comments about keeping pool water out of the Lake. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination requiring grading to be kept to a minimum, any draining of the pool shall be done upgrade of the pool and not toward Lost Lake, applicant shall have access to haybales or silt fencing during construction, pool chemicals shall be stored in a closed container either under the deck or in the house, and any excavated materials shall be removed off site.

8:15 p.m. – 435 Chicopee Row RDA

Lyle Webster of Platt Builders explained he represented the homeowners, John and Ellen Nyilis who were previously before the Commission for the construction of a retaining wall. When you enter the lot there is a two-car garage straight ahead. The proposed addition will be at the other end of the house and will not involve any clearing of vegetation. M. Giguere noted the Commission observed white stakes placed within existing lawn. He asked how equipment will enter the site.

Mr. Webster said they could go in at the lower level in the back, within the 100-ft. buffer zone because the septic system is located in front of the house. There is currently no definite plan for the addition. P. Morrison said he is disappointed it's not possible to stay above the wall, but he thought their last project was done well. He suggested a dry well or French drain to capture roof runoff, haybales at the limit of work, access away from the buffer zone, and loaming and stabilizing disturbed areas as soon as possible.

B. Easom pointed out the work is 45 ft. from the wetland according to the submitted plan. He asked how excavated material will be kept from going down the hill. With the creation of more impervious surfacing there is a need to handle the runoff. He questioned whether the existing house has anything to handle roof runoff, and Mr. Webster replied, "There are no gutters there now." C. Auman read a section from Conservation Commission handbook in which it is recommended that negative Determinations only be utilized when the work is more than 50 ft. from the wetland. B. Clements said he believed the details involved in this filing should be handled with a Notice of Intent.

P. Morrison said his opinion was 50-50. If access is below the wall, he would like to see an NOI. If access is above the wall, he felt an RDA would suit. If the project can be moved at least 50 ft. from the resource area, that would also improve the situation. B. Easom advised designing the project according to what is wanted rather than approach it

from a short term perspective that could later be regretted. B. Clements pointed out there are no details for the project, and we've talked about heavy machinery and fertilizer use. P. Morrison made a motion, seconded by C. Auman, to issue a negative #3 Determination in which all work should be more than 50 ft. from the resource area, haybales and silt fencing should be installed at the top of the bank or 50 ft. from the resource area and shall represent the limit of disturbance at the top of the retaining wall, roof runoff shall be handled appropriately, disturbed areas shall be loamed and seeded or otherwise stabilized, the use of fertilizers and pesticides shall be limited within the 100 ft. buffer.

In discussion, Mr. Webster said this would keep all of the work beyond the retaining wall, and the haybales would be placed above the retaining wall. H. Estes said she thought an NOI should be filed as we do not know definitively where the Bordering Vegetated Wetland is located. In addition, the Commission has more control through the NOI process. The motion failed to carry a majority with P. Morrison, C. Auman, and M. Giguere voting in favor, and B. Easom, B. Clements, and C. Auman voting in the negative. C. Auman made a second motion, seconded by B. Easom, to issue a positive Determination and this motion also failed to carry a majority with H. Estes, B. Clements, and B. Easom voting "aye", and M. Giguere, P. Morrison, and C. Auman voting in the negative. B. Clements reiterated the importance of filing an NOI because of the size of the project.

C. Auman asked whether the deck is considered a structure, and Mr. Webster indicated it would be on piers. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a #3 Determination which includes all of the former conditions as well
as a requirement that the limit of work shall be the top of the wall and the top of
the slope where the wall adjoins the lawn and the Commission shall be notified
at least five days before the project is to begin.

P. Morrison, M. Giguere, B. Easom, B. Clements, and H. Estes voted in favor, and C. Auman abstained from the vote.

8:30 p.m. – Appointment Rita Addison

Rita Addison and David Zeltzer were present to discuss the feasibility of changes to the residence at 666 Lowell Rd. for which the Commission issued an Order of Resource Area Delineation (#169-944) confirming the delineation of the Bordering Vegetated Wetland. They explained they were considering making an offer on the property, and this was not an application. The property borders Woods Mill Pond, and the existing house is within the 100-ft. buffer zone. Ms. Addison explained they wished to renovate on the same footprint and convert to a year round house. Their interest is in green construction and design. The Title V system failed in November 2005, and the owner is required to repair it by November 2007. She added they did not wish to carve up the property, but they would like to reorient the roof from its current east-west perspective to a north-south orientation so they can take advantage of passive solar energy.

Chairman Giguere advised filing a Notice of Intent for the proposed work. Member Morrison commented there is a stream from the New England Forestry Foundation property that crosses under Rt. 40 to this property. He thought Ms. Addison and Mr. Zeltzer would make good stewards of this sensitive property. B. Easom asked if it would be possible to move the house out of the buffer zone, but it was noted the location of the floodplain and Riverfront Area was not defined in the previous filing. Ms. Addison questioned the idea of renovating and expansion, asking if it still possible. Mr. Easom agreed with the idea of maximizing passive solar opportunities.

Member Auman said a theoretical discussion is difficult for the Commission, especially without plans. He asked if the driveway location will change, and Ms. Addison replied they would enlarge the area somewhat to allow trucks to pull around during construction. She added the house would be turned and expanded approximately 600 SF. A slab with no excavation is proposed. B. Ganem commented there could be issues under the Massachusetts Endangered Species Act (MESA) as the property is located within estimated habitat according to the Natural Heritage maps. This is another layer of review if the proposed house exceeds more than half of the existing footprint. If the existing house is 1,200 SF, an addition could not exceed 600 SF without a state MESA filing.

H. Estes asked whether testing has been done for the septic system as that will affect the design and location of an upgrade. Member Clements urged the parties to notify Natural Heritage, and expressed his desire to see more people in town who are interested in green development and low impact designs. Chairman Giguere thanked them for coming in

to discuss their plans with the Commission.

8:45 p.m. – 57 Old Ayer Rd. DEP #169-980 continuation

Homeowner Paul Riley explained he has been assigned a DEP number, and Natural Heritage has indicated they have no concerns relative to rare species. He estimated there is approximately 1000 cubic yards of material to be removed, and he agreed they would be moved offsite. Commissioners advised him to contact Michelle Collette, staff for the Earth Removal Advisory Committee, and the Board of Health. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to close the hearing for 57 Old Ayer Rd.

9:00 p.m. – 193 Duck Pond Dr. RDA

Lyle Webster of Platt Builders explained his client, the CEO of ENSR, desired to have a filing with the Commission to determine if any of the work involving a portico at the front door and screening in of an existing deck fell under the jurisdiction of the Conservation Commission. He noted beavers have been active in Duck Pond, and the water elevation may be altered. Roof runoff can be tied into the existing drain system. H. Estes asked how much disturbance is likely in the backyard, and Mr. Webster said the carpenter's truck will need to access the site, and they plan to install a stone patio with a crushed stone base. No tree clearing is proposed or necessary. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination in which haybales will be installed at the limit of disturbance, notify Conservation Commission five days prior to work, and roof runoff shall be appropriately handled.

9:15 p.m. – 1 Lost Lake Dr. continuation, DEP #169-978

Applicants Chris Tofte and Dana Lorden were present for the hearing. They explained there is a letter from Natural Heritage, dated June 4, 2007, which explains the constraints as far as landscaping. They pointed out Maryann DiPinto of DEP had no issues with the underground propane tank, and Conservation members noted it is a local Bylaw Regulation that prohibits underground tanks in the 100-ft. buffer. This is not in the jurisdiction of DEP. Member Clements commented several Blanding's turtles have been observed recently near the site. The landscaping plan is designed to eliminate nesting habitat and discourage the turtles from returning to the site due to shading.

P. Morrison said he has observed that the haybales are probably missing from the driveway more than 50% of the time, and it is the owners' responsibility to see that the site is maintained properly. The driveway haybales are to be closed at the conclusion of every work day. Mr. Tofte and Mr. Lorden blamed their realtors for not replacing the haybales, and Commissioners requested they be taken care of on a regular basis. Silt has been observed running across the road during rain events. C. Tofte felt that only paving will help and the haybales do very little. Members pointed out they will at least slow the water down. Member Morrison indicated the Commission's stop work order is still in effect, and the Commission can issue no Order of Conditions without a survey plan. He added the Commission is not looking for an as-built plan, but a certified plan that shows what is out there now.

Mr. Morrison read the letter from Natural Heritage into the record. He commented that, no matter what timetable Natural Heritage has given for the landscaping work, the Commission needs an accurate plan of the site as stated at the last meeting attended by Mr. Lorden and Mr. Tofte. Mr. Morrison added that the current haybale line is almost at the edge of the road, not as shown on the sketch that accompanied the NOI.

P. Morrison pointed out there has been delay after delay, and the stop work is still in effect. The next step is, and always has been, to get a plan showing what is proposed to be built. The requirement for a plan reflects the difference between state and local regulations. Elevations should be shown on the plan. Mr. Lorden indicated they will get on it immediately. H. Estes questioned why the work changes were penciled in on an old plan, especially if the tank is coming out. Member Morrison commented the Commission was willing to do a Determination because the applicants

planned to use an existing driveway and only a slight portion of the septic system grading fell within the 100-ft. buffer zone. Now, almost everything in the 100-ft. buffer zone is disturbed. H. Estes questioned what is so complicated about what the Commission has requested. She pointed out that builders must figure out what is needed to obtain permits and provide the requested information. If there are changes from the original plan, it is the builders' responsibility to officially request a change in the plan. Ignorance of the law is not an excuse.

Mr. Morrison reminded the applicant that a driveway within the 100-ft. buffer zone would not be allowed under the Groton Wetlands Protection Bylaw. He underscored the need for an accurate plan since the filing is incomplete without one. It should reflect the new driveway, the water line, the pre- and post-construction elevations, the removal of the underground propane tank, and the location of the silt fencing/haybale line (original and proposed). H. Estes stressed that the revised plan should cover all of the work, and the applicant should make sure it is complete. The applicants were asked to provide a design that assures the existing driveway will not direct water onto Lost Lake Dr. Mr. Lorden stated it would be possible to have a negative grade so that runoff drains into the bushes on either side of the driveway rather than into Lost Lake Dr.

Member B. Easom commented he had observed no haybales in place across the driveway entrance when he drove by Sunday evening. He noted the turtle crossing highway signs are in place at the site and stressed the need to keep the site closed. Blanding's turtles do not breed until they are 20 years old. With the applicants' concurrence, it was

VOTED: to continue the hearing for DEP #169-978, 1 Lost Lake Dr. to June 26, 2007.

Resident Ryan Lambert was in attendance and has submitted a Committee Interest form to serve on the Conservation Commission. Commissioners asked if he was still interested in the position after having accompanied the Commission on site visits and attending Commission hearings. Mr. Lambert answered "Yes.". Members commented there are good training classes offered through the Massachusetts Association of Conservation Commissions (MACC). Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to send a letter to the Board of Selectmen recommending the appointment of Ryan Lambert as a member of the Conservation Commission.

B. Ganem noted the Selectmen may take the appointment up at their next meeting on June 25th.

During discussion on a representative to serve on the Earth Removal/Stormwater Management Committee, H. Estes said she was interested in learning more about stormwater management. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to nominate Holly Estes to serve as the Conservation Commission representative on the Earth Removal/Stormwater Management Committee.

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

VOTED: to approve the minutes of May 22, 2007 as drafted.

9:30 p.m. – Appointment Tom Orcutt and Water Commissioners

Tom Orcutt, Water Department Supervisor, Water Commissioners Larry Swezey and Mike Brady, consultant Dave Loring from Tighe & Bond, and Tom Delaney, Highway Department Surveyor and resident of 402 Chicopee Row, were present. Mr. Orcutt said there had been a preliminary site walk to explore the cross country route from the proposed Unkety well to Kaileys Way. He indicated there are no plans to actually construct the well in the next 5 to 10 years, but the Water Commissioners are interested in moving a step closer to protecting a potential well site. The steps involved include the acceptance of the preliminary route, placing conservation restrictions, and acquisition of land for a well, before the Town is able to count on at least two new water sources.

The two sources are the proposed new Shattuck well which will provide 250 gallons per minute, and the proposed new Unkety well which is likely to provide 283 gallons per minute. It is necessary to have a 400' protected radius around the wells and then to connect the two sites to the treatment plant. The new supply line will follow the existing distribution system. All structures associated with the well are proposed to be underground. An offsite building would be constructed on Chicopee Row which is 1,000 ft. from the proposed well and then water mains would run 8,000 ft. along Chicopee Row.

If the cross country route to Kaileys Way is chosen, the route would be 500 ft. shorter, and there would be more opportunities to hook up additional water customers. Directional drilling will be used to minimize impacts. This route is likely to be less expensive. Mr. Orcutt pointed out the Water Department already owns the land where the Shattuck well is proposed. It would be necessary to get easements over conservation land and land owned by Tom Delaney for the Unkety well. Infrastructure maintenance is likely to involve monthly inspections. The submersible pump has a lifespan of 15 to 20 years.

Mr. Loring displayed an aerial photograph on which he described the proposed Kaileys Way route which follows a ridge, avoiding wetlands for much of its length. Member Auman asked how destructive is the drilling process itself. Mr. Loring explained the depth of the line can vary between 6 ft. and 20 ft. Some of the line would be in an open trench while directional drilling requires entrance and receiving pits at various intervals. He estimated it was 6,000 ft. to Kaileys Way.

Chairman Giguere confirmed that this installation would follow an existing cart path. Mr. Loring indicated it would be possible to direct the drilling under significant trees. The final installation route would be about 8 ft. wide, which would be comparable to the existing cart path. T. Delaney pointed out there is very little off road traffic there currently as the trail does not really go anywhere. It does head toward Brooks Orchard, but it is not generally considered a through road. He thought that ATV traffic was likely to stay out on the power lines.

The previously mentioned 400 ft. radius must be under the control of the Water Department, but it is not necessary that they own it if there is some kind of permanent limitation on the uses. H. Estes asked if there would be anything above ground, such as fencing. Mr. Orcutt said the well casing would be locked and secured, and he did not anticipate the need for a fence. He said disturbed soils, such as the entrance and receiving pits, would be restored to natural conditions and seeded with a conservation mix. Ms. Estes noted that invasive plants are likely to become established in disturbed areas, and the best management is to identify and eradicate them early. She thought long term monitoring might be necessary. Mr. Loring indicated Tighe & Bond has previously used a biologist to act as a 'sweeper' to identify wildlife and vegetation.

In summary, there are two routes to the water distribution system currently under consideration. Other alternatives, going to the Chestnut Hill water tank or via Sawtell Rd., have been deemed unacceptable at this stage. The Article 97 process must be followed for conversion of conservation land. Member Easom asked if electricity is necessary to run the pump, and Mr. Orcutt said this could be underground. Chlorination and pH treatments would be done at Chicopee Row. Mr. Easom said he preferred to see the water line following the existing roads rather than run through pristine conservation lands. He noted the installation is a disturbance, and it is likely to need replacement at some point, creating a legacy of disturbance down the road.

Superintendent Orcutt pointed out the Water Department is limited by the fact the Shattuck well is in the Merrimack River basin while the Unkety is in the Nashua River basin. Because of the location of the sewer treatment facility in Pepperell, the Shattuck well is considered an out of basin transfer which requires more extensive permitting. The third public well is the Town Forest well currently under development by the W. Groton Water District which can be shared by Groton water customers under an agreement. Mr. Orcutt said only 26 customers can be picked up along Chicopee Row, and this is a very expensive project, and the Water Commissioners need to get a feel for how best to proceed.

Either way, this is estimated to be a \$2.5 to \$3 million project which may not include the costs involved with the distribution or supply line. H. Estes questioned the goals of the Water Department – is it to provide water wherever it's needed now or to develop sources for the future. Mr. Orcutt indicated it is to make town water available as needed. He noted the new Chestnut Hill storage tank has resolved some of the issues for the next 50 years, but we are facing

increasing limitations on where water wells can go in the future. The Water Department has to look at all possible sources for 50 years out. If a subdivision goes in within 2,500 ft. of the distribution system, the developer must hook up. The Board of Health requires individuals to hook up if their house is within 500 ft. of the distribution system.

H. Estes acknowledged there is a need to balance the public good piece with converting conservation land. She thought putting in the cross country line would be inappropriate as there is a value attached to maintaining conservation land as is. Mr. Orcutt said his responsibility is water supply, and he is trying to gauge whether a well field is acceptable. He pointed out "If there is a contamination issue, the Town would be required to bring water in."

Chairman Giguere said he is hearing members have a concern with the water line and prefer the access to Chicopee Row. Water Commissioner L. Swezey admitted it is very difficult to plan this far ahead, but there are certain things that are necessary to lock up at this point. The Water Department needs to deal with this part right now so we do not lose a future well site. Mr. Giguere commented there are issues with vernal pools in the vicinity of the proposed well, and we do not know for sure what impact the well will have. Some of the testing was done under frozen conditions and we do not know whether they will be affected in any way. P. Morrison advised the Chicopee Row route appears to be the better route. Members thanked the parties for the background information.

Upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to approve the Academy Hill Escrow Agreement as prepared by Town Counsel.

In discussion on whether to apply for Community Preservation funding this year, members agreed to ask for \$200,000. The application is due August 1.

The Commission walked the proposed Sampas trails this past Saturday. B. Easom, who also serves on the Trails Committee, said the proposed trail connects with trails on private lands. M. Giguere and B. Clement thought the property was important for wildlife and perhaps shouldn't have trails. Mr. Easom said it is most likely to be used by neighborhood trail users. The proposed bridges (3) would help preserve the banks of the streams. P. Morrison made a motion, seconded by B. Easom, to allow the Trails Committee to build the trails as marked. The motion failed with B. Easom and P. Morrison in favor, C. Auman, M. Giguere, and B. Clement opposed, and H. Estes abstaining from the vote.

Regarding the request for comments from Jeff Ritter on 50 Valley Rd., B. Easom pointed out the Commission has, for the most part, set a policy of not parting with property with frontage on a water body. The landowner would not be able to compile parcels in order to construct additional structures. Mr. Easom commented these lots really have a negative value because of the legal costs necessary to sort the ownership out. The question arose as to how titles are transferred if no one really knows the boundaries.

Commissioners requested a meeting with the Personnel Manager sometime in the fall to go over the proposed personnel evaluation process.

B. Ganem reported there are additional costs associated with the title insurance necessary to obtain the Self-Help reimbursement for Surrenden Farm. This is a condition of the grant which was apparently overlooked during the closing. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to authorize the expenditure of approximately \$2575 to cover the cost of title insurance for Lots 6A, 6B, and 7 on Surrenden Farm.

Member Auman read from the MACC Handbook a section pertaining to the issuance of Determinations in which they recommend requiring a Notice of Intent for any project that requires more than two or three conditions. There being no further business, the meeting was adjourned at 11 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted June 26, 2007