

GROTON CONSERVATION COMMISSION

Minutes

July 10, 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 Ryan Lambert. Peter Morrison arrived at 7:04 p.m. Conservation Assistant Barbara Ganem was present.

Members agreed to schedule the next meeting of the conservation restriction study group (B. Easom, B. Clements, M. Giguere, and H. Estes) for July 16th at 7 p.m. B. Ganem will notify members of the location when the room is reserved. She noted the Commission has received an inquiry about the use of the Fletcher Hill conservation-restricted land as a private well site. This restriction is not signed by the Secretary of the Executive Office of Environmental Affairs so may require renewal after 20 years. Copies of the restriction were included in the Commission's meeting packets, and members recommended getting in touch with Town Counsel to determine what steps may be necessary.

The Erosion Control & Stormwater Advisory Committee has scheduled a meeting on their proposed regulations for July 17th. B. Clements indicated the general idea is to review the guidelines and determine whether any conflicts exist with existing regulations. Both B. Clements and H. Estes plan to attend.

Members agreed to consider Tracy Eliades' request for a three-year extension for the Culver Road filing once the filing fee required under the Wetlands Protection Bylaw regulations has been paid.

The follow-up hearing on 1 Lost Lake Dr. before the Ayer Clerk Magistrate is scheduled for July 27, 2007 at 10 a.m. P. Morrison thought he would be able to attend. B. Easom pointed out the haybales were left open the previous evening.

Chairman Giguere reported the Boxborough Conservation Commission recently issued a generic Order of Conditions allowing general highway maintenance work to go forward. He recommended everyone review the previously emailed document to see if there are conditions which can be adapted to Groton.

B. Ganem reported she was notified by Nashoba Paddler they had a tree next to their canoe launch which they wished to immediately remove due to safety concerns. Before an Emergency Certification could be issued, the tree fell into the Nashua River. P. Morrison noted they do not need Commission permission to clean it up.

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7:15 p.m. - 267 Whiley Rd. RDA continuation

Homeowner Michael Cahill explained he has planted \$100 worth of blueberry bushes on the upper half of the slope. After reviewing current photographs of the site and upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring the maintenance of vegetative cover on the slope to assure it is stable for the long term.

Commissioners briefly reviewed the draft Order of Conditions for 1 Lost Lake Dr. P. Morrison worried that Condition #25 could come back to bite us, and B. Clements questioned whether Bylaw Condition #8 contained sufficient detail.

7:30 p.m. - 92 Kemp St./Highway RDA

Engineer Ken Kalinowski of Marsden Associates explained he had prepared the driveway design for homeowner Lee Edmands who plans to build a house at the top of the hill. The plan is designed to deal with the anticipated volume of water and to help keep it clean. As part of the approval process for the shared driveway, the Highway Department will

replace the catch basin and clean out the silt in the cross culvert that empties into the wetland across the street at 93 Kemp St. The replaced catch basin will provide an increased sump to slow the velocity and allow sediments to settle out. C. Auman said he was glad to see an improvement to existing conditions.

Highway Surveyor Tom Delaney was present and indicated he anticipated the work will take approximately one day. He felt the project was straightforward and easy to accomplish. B. Ganem recommended that trap rock be installed on both sides of the driveway as it approaches Kemp St. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to issue a negative #3 Determination in which the work must be done at a dry time of year, trap rock shall be installed on both sides of the driveway, and a notation that the wetlands delineation is not confirmed by this filing.

7:45 p.m. – Conductorlab DEP #169-927 Amendment continuation

Kerry Tull of Mactec explained there were two primary concerns from the last Commission meeting: the practical measure of whether the catch basin was of sufficient size to collect the anticipated stormwater (including calculations) and the reason for eliminating the drainage trench. Mr. Tull indicated they have decided to go with the re-establishment of the trench. The Project Manager, Mike Apfelbaum, has overseen drilling, maintenance, and upkeep at the site. He explained calculations on the capacity of the drainage trench were prepared for the 5, 10, 25, 50, and 100-year storm events. He maintained that a good bedding surface beneath the trench and a thorough cleaning would assure the future functioning of the trench. He noted that 18-wheelers accessing the adjoining property tend to dislodge the trench. The pitch and re-grading would be done at the time the driveway is re-paved. Mr. Apfelbaum acknowledged the trench has been in disarray for some time.

Member Morrison asked if changing the drainage would affect sub-surface flow in any way, and Mr. Apfelbaum replied “No.” He said eliminating this drainage issue would allow his firm to concentrate on monitoring issues. B. Clements asked the size of the drainage area contributing to the trench, and M. Apfelbaum indicated it was .81 acres. The outfall is currently plugged and the photographs taken during the storm confirm that the drainage trench is not functioning as intended. The downside of using the existing trench design is that it will require maintenance.

The engineers explained they are nearing the last 5% of cleanup necessary for the Conductorlab site. Approximately 120 monitoring and injection wells have been installed to handle TCE and Chromium 6 contamination with a biological treatment method. It is likely the site will undergo extensive redevelopment once it is returned to the real estate market.

Member Lambert asked about potential contamination from the sediments plugging the trench and drain, and Mr. Tull responded the materials will be vactored out, drummed, and removed from the site. Member Auman questioned how salt, hydrocarbons, and sand will be cleansed from the water. M. Apfelbaum explained the bedding surface provided for the trench will serve as a filter, allowing sediments and contaminants to settle out. Filter fabric could also be added. The trench can be cleaned with a leaf blower. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for the amendment to DEP #169-927 for Conductorlab.

8:00 p.m. – 21 Moose Trail NOI #169-982

Attorney Ray Lyons explained the application is to cover all work done on this lot as of June 20, 2007. It also includes the placement of boulders to keep cars and trailers from entering the turtle access. The access will allow turtles to pass from the Lake to the wetland across the street.

Chairman Giguere pointed out the NOI discusses the conservation restriction, and this form is normally not used in connection with a restriction. The NOI does not address the work that was previously done and not filed for on a parcel not owned by the applicant. R. Lyons acknowledged the Town holds legal title, but maintained Mr. Wilson has equitable title although legal remedies must be rendered. Mr. Lyons indicated he was hoping his letter addressed the issue of the NOI not covering unpermitted work. Mr. Giguere said the conservation restriction covers 2,100 SF, and he

would like confirmation from the Division of Conservation Services (DCS) that they accept the restriction before the Commission makes a recommendation to the Board of Selectmen.

Mr. Lyons stated the NOI plan shows everything that has been done on the property, and there will be no other changes except for the addition of one, possibly two, boulders. R. Lyons pointed out the applicant has terraced the property to recharge water into the ground, and he plans to preserve a wildlife corridor. He argued there is a far greater risk of environmental damage now if things are done in the proper order. Mr. Lyons said he has prepared the 'Conservation Restriction Application' form and the field report, required documents in order for DCS to assign a number.

H. Estes pointed out the NOI becomes a historical document, and it needs revision as it does not tell what the purpose of the filing is. The NOI is to document what is there today so that any future changes will be clear. If it is for unauthorized work that was already done, the NOI should accurately reflect this for the record. C. Auman added the NOI should be confined to work done by the current owner. The content of the draft conservation restriction looks acceptable, but B. Clements questioned whether DCS will look favorably on such a small area proposed for the restriction. He asked what it will accomplish, and R. Lyons responded it will tie together the kettle hole and the Lake. The land will be owned by Mr. Wilson. If this is not acceptable to DCS, then there are other ways to tie the land up.

Commissioners recommended Mr. Lyons file an amended NOI and proceed with DCS. R. Lyons said it is likely there will be a town meeting in either September or October, and he plans to meet with the Selectmen prior to that time. He requested the Commission issue a letter reflecting the Commission's overall support of the proposed compromise covering Mr. Wilson's purchase of the land, payment of legal expenses, and withdrawal of litigation.

(B. Easom returned to the meeting at 8:20 p.m.)

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

VOTED: to issue a letter in support of the proposed arrangement with Thomas Wilson regarding 21 Moose Trail.

B. Easom abstained from the vote.

Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to continue the hearing for 21 Moose Trail, DEP #169-982 to July 24, 2007.

8:15 p.m. – 60 Boston Rd., DEP #169-974 continuation

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

VOTED: to continue the hearing for 60 Boston Rd., DEP #169-974 to July 24, 2007.

8:15 p.m. – Appointment Gordon Newell/W. Groton Water District

Chairman Giguere apologized to Mr. Newell for the inconvenience of attending the Conservation Commission meeting to address questions about the transportation of chemicals through resource areas in association with the new water treatment plant in W. Groton. Mr. Newell explained the roadway was constructed with the knowledge that tractor trailers would have to traverse the roadway safely while still minimizing the size of the roadway. To assure safe transport G. Newell said a gate has been installed about 100 ft. off W. Main St. so that trucks can safely pull off the public roadway. A Water Department employee must then unlock the gate and escort the truck to the water treatment plant.

Mr. Newell explained he had been before the Planning Board for a Special Permit and anticipates a review by DEP on
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July 19 . He met with the Fire Chief to see if the ladder truck and Engine 1 could access the site and review the alarms and containment process. The Fire Chief requested color coding and labels on the tank. Data sheets for each of the chemicals are on record with the Fire Chief and posted at the treatment plant. The vehicle used for transportation is an approximately 10 ft. wide low bed 50 ft. in length. G. Newell noted a tree had to be removed to allow safe passage. Flagg took the tree down in pieces, rather than dropping the tree, and ground the stump in place.

C. Auman questioned what types of containers were used for the chemicals, and Mr. Newell indicated the 45% Caustic Potash-Low Chloride (potassium hydroxide) would be delivered by tanker trucks. The first delivery would be 2000 gallons, followed by subsequent deliveries of 1000 gallons four times a year. Sodium Hypochlorite solution is delivered in 5-15 gallon 'car boys' in a regular freight truck. The Sodium Hexametaphosphate is a crystal that is delivered in 50 lb. plastic bags, 1000 lbs. per delivery. B. Easom requested copies of the Material Safety Data Sheets for the chemicals. Mr. Newell reported there are two speed bumps in the roadway adjacent to the wetland resource area to slow users down.

Mr. Morrison reiterated the need for copies of the MSDS for each chemical both at Town Hall and at the onsite storage area. The materials will be stored in a stainless steel box that locks. A catch pail is used when connections to the tank are made. There are check valve controls when filling takes place. If anyone uses the eyewash or shower, an alarm is automatically triggered at the Fire Station. B. Easom questioned what material will the hose used for transfers from truck to tank be, and G. Newell indicated he wasn't sure but it is likely to be impervious to the chemical carried by the tanker. He explained the line is cleared with compressed air. A 2 in. quick connect hose is utilized. Mr. Newell said he holds a Gr. 2 license that allows him to handle such materials. A mock delivery is scheduled for July 19th, and DEP will conduct 3 yr. surveys of the site. B. Ganem asked what measures will be in place for winter deliveries, and G. Newell replied they would be unlikely to take a tank delivery if road conditions are difficult. The chemicals can be delivered in 55 gallon drums in an emergency. The engineers estimated the use of 4000 gallons per year to bring the pH from 5.9 to >5, but the actual use may vary.

Commissioners thanked Mr. Newell for coming in to explain the transportation and storage process for the chemicals to be utilized in the water treatment plant.

8:30 p.m. – 28 Redskin Trail, DEP #169-981 continuation

Wetland scientist Sean Hale said he added a construction sequence, as well as the location of a soil stockpile, to the plan. DEP has issued a number, and there is no 'take' per the letter from Natural Heritage. C. Auman pointed out Mr. Hale also corrected, via email, his previous statement that there is no fill involved with the construction of the septic system. There is about 3 ft. of fill on the house side facing the road. The contour elevations go from 23 ft. to 27 ft. Mr. Auman said the Commission usually prefers that new structures get no closer to the resource area than the existing structures. Mr. Hale indicated the structure would be further away, but the deck is closer. B. Clements questioned how roof runoff will be handled, and Mr. Hale said it will drain into the ground. He was confident roof runoff and driveway runoff will recharge by itself. The driveway surface area is going from 750 SF to 1,200 SF. M. Giguere noted the house footprint has increased by a factor of 2. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for 28 Redskin Trail, DEP #169-981.

Returning to discussion on the draft Order of Conditions for DEP #169-978, upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to issue the amended draft Order of Conditions for DEP #169-978 under the Wetlands Protection Act for 1 Lost Lake Dr.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue the amended draft Order of Conditions for DEP #169-97 under the Wetlands Protection Bylaw for 1 Lost Lake Dr.

B. Easom explained he received an inquiry from the owner of Skinner Farm about an open gate and the lack of activity at the Shattuck land on Baddacook Pond. There was concern about trash and people driving to the shacks near the shore. The electric fence is gone, but B. Easom said he did not observe trash at the site nor evidence vehicles were driving to the Pond. Equestrians are still able to gain access to the site.

Commissioners expressed concern that the area be kept in an open state in accordance with the agreement for the management of the property. If Evan Owen wants to graze horses at the site, the Commission needs a commitment he will keep it maintained. B. Ganem reported Mr. Owen called the Commission to say he remains interested in using the property. B. Easom did not think the field was valuable for hay, but said grazing could be appropriate. It will be necessary to mow the property before the end of summer if nothing is done. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to authorize B. Ganem to contract with Bruce Dubey to brush hog the Shattuck conservation land.

C. Auman abstained from the vote. He explained he is a neighbor of Mr. Dubey's, but he also had concerns about the Commission paying to keep the area maintained. He thought it should be bid out to see if anyone was willing to pay to use the land for grazing animals. B. Easom noted it may need mowing before anything but a goat would graze the property. Commissioners agreed that their first choice would be to have E. Owen continue to use the property to graze his animals, the second choice is to advertise for someone else to do so, and the third choice is to have the property brush hogged. Members also agreed to leave the gate chain open for now.

In response to E. Owen's request to transplant some cider apple trees from the Shattuck land to the Williams Barn property, P. Morrison said he could not think of anyone else more qualified to do this. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to authorize Evan Owen to move apple trees from the Shattuck land to the Williams Barn property.

B. Ganem reported a landowner, Haig Bedigian, has contacted the Commission to determine the process for donating land to the Town. The land consists of 7400 SF on Boathouse Rd. This property borders on the bog behind Mark Enwright's recently re-built cottage. This will probably require a title search and preparation of a deed on the part of Town Counsel. Commissioners requested B. Ganem investigate what steps may be necessary to move this donation forward.

B. Easom reported he is in the process of preparing an application for \$10,000 in Community Preservation funds to prepare an environmental and engineering assessment of developing a portion of the MBTA rail bed from Bertozzi north through the Crosswinds conservation area to Townsend as a walking trail. Townsend has just received a \$20,000 grant from the state Department of Conservation & Recreation to perform a similar study on the same rail bed as it travels through their town. By having a simultaneous study of the feasibility of building the trail through both towns, it will be possible to get on the tip list for transportation funds through the Montachusett Regional Planning Commission (MRPC). B. Easom requested the Commission consider preparing a letter in support of the application. C. Auman asked if there were any quotes for the work, and B. Easom replied Fay, Spofford, & Thorndike, the firm that prepared plans for the Nashua River Rail Trail, has estimated \$8,000 to cover the cost of the study. P. Morrison said re-establishing parts of the rail bed may be difficult, but he is in full support of the effort. B. Easom thought the washed-out portion of the rail bed was not under consideration for restoration. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to send a letter in support of the application for Community Preservation funds to prepare an environmental and engineering study of the MBTA rail bed from the Bertozzi Wildlife Management Area north to the Townsend town boundary.

B. Easom abstained from the vote.

There being no further business before the Commission, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 7/24/07.