

GROTON CONSERVATION COMMISSION

Minutes

March 11, 2008

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 Easom, Holly Estes, Ryan Lambert, and Peter Morrison were present. Member Wayne Addy was absent. Conservation Assistant Barbara Ganem was also present.

Upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to approve the Open Session minutes of February 12, 2008 as drafted.

R. Lambert abstained from the vote.

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

VOTED: to approve the Executive Session minutes of February 12, 2008 as drafted.

P. Morrison abstained from the vote.

Upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to approve the Open Session minutes of February 29, 2008 as drafted.

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

VOTED: to approve the Executive Session minutes of February 29, 2008 as drafted.

Chairman Giguere noted there has been no response from the Rosenbergers to the Commission's letter. The deadline was March 10th. B. Easom asked if he was claiming farming activities were exempt, and M. Giguere said the letter from the son indicated the family understood only the state has the power to enforce anything on the APR. Clearly, the APR document states the Town of Groton is a co-holder of the APR with the state, and property on both sides of Old Ayer Rd. is covered.

P. Morrison suggested waiting until the property goes on the market as it's become difficult to deal with the current owner at this time. B. Easom stressed that it is the Commission's responsibility to protect wetlands. C. Auman noted the Commission advised they get assistance from a professional after they had a beaver issue during which a new streambed was excavated to relieve ponding of James Brook. The replacement of the culvert that carried the farm road across the Brook is the issue. After the breach in 2004, a new farm road culvert was installed this past fall. Mr. Auman recommended sending another letter requesting a Request for Determination of Applicability and mentioning the Commission's authority to issue fines.

The APR does not obligate the owner to keep the land in agriculture. Although the orchard has not been maintained, there has been active haying of fields in the north section of Assessors' Parcel 222-26 on the east side of Old Ayer Rd., but there is also a second access for this activity.

7:15 p.m. – 37 Boathouse Rd. NOI, DEP #169-991

Bob Elliott of Russ Wilson Associates, Inc. represented the applicant, Thomas Pickol. Mr. Elliott acknowledged the Commission's Saturday visit to the site to review the work to upgrade a septic system that has failed. The proposed system has a 500-gallon pump chamber, eight 4 ft. by 8 ft. Cultec chambers, and a 40-mil poly barrier on three sides. Using the poly barrier allows the system to be reduced about 40%. There is a 3 ft. offset to the groundwater, and the system itself is located 27 ft. from the wetland while there is grading between 9 ft. – 10 ft. from the BVW.

Chairman Giguere asked if there would be less disturbance using a tight tank, and Mr. Elliott estimated the disturbance with the proposed system would cover an area of about 16 ft. by 17 ft. while the tight tank would disturb an area of 17 ft. by 10 ft. The cost of maintaining the proposed septic system would amount to \$4,600/year with \$200 of that in electrical costs. There is a required maintenance schedule for this system. A tight tank would have to be pumped at a cost of \$1,200 - \$1,500 per pumping. B. Elliott indicated Ira Grossman of the Nashoba Board of Health felt this was a doable system, and DEP would prefer to see a system rather than a tight tank. The Board of Health could appeal the DEP decision, but members did not seem to favor this option at the last BOH meeting. The cost of the system would be \$17,000 initially. Mr. Elliott also pointed out the filing covers the installation of a water line from the hydrant at an adjacent property. It is likely this would be brought down Boathouse Rd.

R. Lambert asked how often the tight tank would have to be pumped, and B. Elliott responded four times a year was typical. The ground elevations for a tight tank would be 1 ft. higher than the present elevation. He noted DEP had requested confirmation that the filing had gone to the Natural Heritage Program, and the submitted green card shows they received it on February 26th. They have 30 days in which to respond. The BOH has not made a decision on the system, and their meeting has been continued to April 7th.

C. Auman asked about potential problems involved with having a tight tank, and B. Elliott commented homeowners will sometimes bypass a tight tank for laundry use. He noted DEP likes the idea of recharging on site. The house was built in the mid-1920's, and the current owner indicates he has never had the system pumped. The groundwater is 32 inches below the surface, and it is necessary to have 3 ft. of clearance to the groundwater. They will be digging down 5 ft. for the system. In considering the tight tank vs. the jet system, it is 17.5 ft. x 16 ft. with an increase in surface elevation of 1 ft. It would save about 16 sq. ft. of disturbance and keep the work 25 ft. away from the BVW. The proposed pump system would run approximately 6 times a day for 1 – 1½ minutes at a time. It is estimated the cost of electricity will be \$16 - \$20/month. The pump chamber has an alarm which is activated when the effluent reaches a certain level. The effluent is sprayed evenly throughout the Cultec chambers. The system has to be serviced twice a year, and DEP likes the idea of having recharge on site. Mr. Elliott indicated the pine tree and a maple tree will have to be removed.

Member Estes noted the area where much of the system is proposed appears to be filled. Mr. Elliott replied they were able to get a 2 minute percolation rate as the fill was coarse, sandy material, and it is likely it was put in before the Wetlands Protection Act came into existence. The size of the proposed system could handle a 3 bedroom house. They were not able to get a large excavator in to the site because of overhead wires.

P. Morrison said he shared DEP's concerns about a tight tank and thought the proposed system a better alternative. Mr. Elliott stated there will be a deed restriction requiring twice-a-year maintenance with records sent to both the BOH and DEP. B. Easom observed it appears there is a better chance of the system being maintained than the tight tank, but B. Elliott said he couldn't really say whether that would be the case. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to March 26, 2008.

B. Elliott cautioned that the junk and other debris should be removed first as it would not be a good idea to have trucks travelling over the system once it's installed. He thought perhaps a 10 ft. wide buffer could be maintained against the wetland edge if the proposed septic system is approved.

7:30 p.m. – 176 Shelters Road NOI, DEP #169-990

Bob Margolis, the contractor representing homeowner Nancy Robinson, explained that the new (2002) well and septic system have never been used or connected to the cottage. The septic system was designed for a 3 bedroom house. Chairman Giguere noted the Commission visited the site on Saturday. He commented there is an old filing for which the Order and two extensions were never recorded although the work appears to be completed. In addition, the deed for this property contains a restriction requiring all structures to be at least 40 ft. from the lake. The plan before the Commission is to remove the existing house and replace it with a larger structure.

C. Auman requested that any proposed driveway be shown on the final plan. He commented the Commission typically encourages people to not have structures any closer to the water than they currently are. He asked that both the 50 ft. and 100 ft. buffer zones be shown on the plan. The wetland at the back of the lot has the appearance of a vernal pool. Ideally, it would be best to not be any closer than 50 ft. to both resource areas – the lake or the vernal pool. No grading changes are proposed. A basement is proposed for a portion of the building while a slab will be used next to the septic system. Mr. Margolis asked what the definition of a vernal pool is, and members explained it is a depression which may dry up for periods of time that contains specific organisms and provides habitat for specific wildlife.

P. Morrison questioned what will be done with the materials excavated from the cellar hole, and Mr. Margolis replied they will be trucked offsite and stored at his brother-in-law's farm to be utilized later for backfill. The water table is estimated to be at 6 ft., so the cellar excavation will not exceed that depth. Commissioners advised Mr. Margolis of the need to send the filing to Natural Heritage. Homeowner Nancy Robinson explained that 2 of the 3 docks on her site

actually belong to her neighbor. Members recommended she apply for a Ch. 91 license, and she confirmed she is in the process of doing this.

Members summarized by stating that the petroleum products stored in the shed should be removed, the original Orders and Extensions recorded, buffer zone lines and driveway shown on the plan, and final structure dimensions shown. The porch is considered an impervious surface because it is roofed. B. Easom pointed out the roof slopes toward the lake, and there should be some mechanism to control roof runoff. Mr. Margolis said they could consider using gutters to direct water into a dry well. The roof will actually divert some of the runoff to both sides of the house. Members encouraged him to capture the runoff so that it can be recharged without causing erosion into the lake. Pending the above revisions and upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to continue the hearing to April 8, 2008.

The Housing Court has recently issued a finding that the structure at 124 Mill St. (Truax) be removed by May 15. Members thought the process of removing the building could be covered by a Request for Determination of Applicability. While the filing itself is free, the legal notice publication fee is \$30. Such a filing would allow the Commission access and hopefully allow measures that would protect the resource areas to be put in place before the demolition. If there is no compliance, the Commission can then consider fines or an Enforcement Order. It was agreed to send a letter requesting a filing for the demolition of the building.

There are several Eagle Scout projects in the planning stages: John O'Brien is proposing wood duck and kestrel boxes. Appropriate sites include Williams Barn Sorhaug Woods and Surrenden Farm, and there may be other areas that should be considered. Grant Brining is interested in doing a kiosk at Surrenden Farm. An outdoor amphitheater is proposed at Groton Dunstable Regional High School by Mackey Garvey. Those projects that involve work on conservation land or near wetlands will come before the Commission at a public meeting.

Regarding the Conservation Restriction for 21 Moose Trail members advised removal of the snowmobile and trail groomer observed on the conservation-restricted area during the Saturday site visits. The owner is required to put in boulders as part of the Order of Conditions. Members acknowledged the existence of the concrete pad within the CR area but felt that removal would cause more damage than allowing it to remain in place. The CR specifies concrete and asphalt will not be allowed going forward. Questions arose as to whether the boundary demarcation is permanent as it appeared there were just wooden stakes. Commissioners agreed boulders should be placed where the constriction in the CR is located in order to prevent motorized vehicles from traversing the protected land. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to sign off on the Conservation Restriction which has previously been reviewed by the Commission and by Town Counsel.

Chairman Giguere reported three volunteers have stepped forward to act as stewards on different conservation parcels: Eliades, Redskin Trail, and Brookside Place (off Mara Lane). He said he would like to institute a stewardship program by having the Commission appoint them as

associate members, but with no power to vote. He felt the Commission could use some help on managing conservation parcels, and he asked members to read the press release and proposed stewardship packet and get back to him with suggestions or revisions. He volunteered to head up this effort.

C. Auman congratulated him on the work he had done and noted this has been on the back burner for some time. If the land stewards are appointed associates, it will give them a sense they are part of something. Having started as an associate on the Commission, Mr. Auman thought this could also be a good mechanism for recruiting new members eventually.

B. Ganem reported she is anticipating a Notice of Intent filing for the repair of the Squannacook Dam in W. Groton. The state has ordered the town to take steps to improve the dam because it is considered a significant risk to residents living downstream. Members questioned why the dam could not be torn down since it is no longer serving a purpose. Because half of the dam is within Shirley town bounds, it will be necessary to also meet with the Shirley Conservation Commission, and Commissioners agreed to hold a joint public hearing if the Shirley ConsCom is willing.

Jeff Ritter has asked the Commission to comment on the proposed Squannacook River Rail Trail so that the consultants can address any concerns in the feasibility study. The route of the Rail Trail is shown on an old (1988) topographic map and some of the wetland features are not apparent. Any work on the Trail is likely to require a Notice of Intent filing as there are probably two wetland crossings that the railroad bed makes. B. Easom mentioned the 10-week turtle study which revealed the rare turtle population was more likely located south of Bertozzi, rather than in this location. The letter should address the matter of wetlands and wildlife, including rare species if applicable.

P. Morrison, Commission liaison to the Station Avenue Committee, reported there are a number of sub-committees (parking, design, traffic), as well as the permitting sub-committee on which he serves. The proposed permitting process draft was emailed to members earlier in the week. Mr. Morrison pointed out most government agencies are now accepting pdf filings in an effort to save paper. Full size paper filings could be required for the files while members get them electronically. The Station Ave. Committee is requesting pdfs as part of the filing process for the streamlined permitting. Although all members have computers, some members expressed concern about the difficulty of reviewing pdfs.

Mr. Morrison said the Committee is attempting to consolidate all the permitting costs, based on estimates from individual departments, and make the streamlined permitting process enticing, albeit expensive, for developers. B. Ganem estimated \$5,000 for the possible hiring of outside consultants to review those portions of the Station Avenue project that fall within 100 feet of wetlands or within the Riverfront Area. Mr. Morrison said this amount appeared to be out of line with that given by other boards, but it was noted this is comparable to what is given in the Regulations that support the Wetlands Bylaw. It is unclear whether it will even be necessary to hire an outside consultant, and any unused funds would be returned to the applicant. Commissioners agreed to keep the figure at \$5,000.

Attorney Bob Collins has requested a partial Certificate of Compliance for several parcels at the Rocky Hill development. Members were uncomfortable granting Certificates at such an early stage, especially when some of the lots requested have not even built upon. P. Morrison pointed out we lose jurisdiction and control of the project. A letter will be sent to Mr. Collins, copied to Dave Moulton, indicating the Commission will not sign off on a partial. DEP #169-909 deals with the subdivision roadway and drainage infrastructure, but no houses were included as all of the work is outside the buffer. Nevertheless, three of the lots do have wetlands buffer on them, and as-built plans will be requested to confirm there has been no work in buffer zones.

Several members visited the Rocky Hill subdivision site and noticed some issues regarding erosion control. A letter will go out to Mr. Moulton about this matter, requesting compliance prior to the next site visit.

Chairman Giguere said he would like to have a meeting of the Conservation Restriction Monitoring Committee next Monday, March 17th at 7:30. Members B. Easom and H. Estes requested a reminder email.

There being no further business, the meeting was adjourned at 9 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 3/25/08.