

GROTON CONSERVATION COMMISSION

Minutes

August 26, 2008

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Wayne Addy, Craig Auman, Bruce Easom, Ryan Lambert, and Peter Morrison were present. Conservation Assistant Barbara Ganem was also present.

7:00 p.m. – National Grid Notice of Intent DEP#169-997 continuation

A letter from Natural Heritage advises there will be no adverse effect on rare species from the proposed National Grid project. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-997.

Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue the draft Special Conditions, with amendments, under the Wetlands Protection Act for DEP #169-997.

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

VOTED: to issue the Special Conditions as drafted under the Wetlands Protection Bylaw.

No ‘in perpetuity’ conditions will be included in either set of conditions.

Chairman Giguere reported Leslie Chaput has proposed mowing the Shattuck-Lewis property in November. Bruce Dubey estimated the cost of mowing to be \$1700 with an additional \$600 if brush/trees are to be cleared from field edges. John Smigelski felt that Martins Pond Rd. is too narrow for his farm equipment. P. Morrison said he was uncomfortable about leaving the field area unmowed until November. C. Auman pointed out that sumac and other growth is becoming well-established in the area. B. Easom suggested having it mowed and then having Leslie use the field for grazing. Another option might be to put it out to bid for grazing using the \$2300 estimate as the minimum. P. Morrison noted the Commission is required to keep it in clean condition, and the contractual information is available in meeting minutes. M. Giguere expressed a preference for using a license in the future. Mr. Morrison said we should be clear in our letter to Ms. Chaput about expectations. Highway Surveyor Tom Delaney mentioned there is a lot of old electric tape which makes the area look a little ratty.

C. Auman expressed an interest in serving as the Commission liaison to the Sustainability Committee. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to nominate C. Auman to serve as Commission liaison to the Sustainability Committee.

There may be a conflict in meeting dates because currently the Sustainability Committee meets on the 2nd and 4th Tuesdays as well.

Mr. Silva of 29 Boathouse Rd. has not complied with the Commission's request to file a Notice of Intent for the construction of a new dock. He received the first inquiry in June. P. Morrison suggested the Commission consider an Enforcement Order and give him an option of removing the dock or filing the NOI. B. Easom said he would be concerned about the removal without a filing. It was agreed to send an Enforcement Order requiring a filing by the date of the next meeting, September 9th, after which time fines will commence. The fine schedule will be included with the Enforcement Order.

7:15 p.m. – Squannacook Dam repairs Notice of Intent DEP#169-996

Highway Surveyor Tom Delaney and engineer Denis Bell from Haley & Aldrich were present. Mr. Bell explained the status of the dam changed from one of significant hazard to high hazard as a result of the renovation of the mill into Rivercourt which serves as housing for senior citizens. The dam is inspected every two years, and the 2006 inspection revealed there are sections of concrete missing from the face of the dam, and there is general wear and tear on the dam. The proposed project involves work in Land Under Water and Bank, and they plan to phase the work so that half of the dam is kept dry with a coffer dam upstream to de-water the work area. A check dam will be installed downstream. A jackhammer will be used to chip away deteriorating concrete, and wooden forms will be used to re-build the dam face. Erosion control measures are shown on the NOI plan. Already mixed concrete will arrive in pump trucks with a 150 ft. boom. The dam itself is built on a ledge of rock, and the chipped concrete will be removed from the site.

They anticipate the work will take place this coming winter which is considered a relatively low flow period. The impact on wildlife is likely to be minimal because of the time of year and the fact that the site will be de-watered slowly. There is a tree about 12" to 14" in diameter which must be removed from the Shirley side of the dam. It will also be necessary to remove brush from the work area also on the Shirley side.

In response to questions about the viability of the dam as a source of hydroelectricity, Mr. Bell replied it is considered a marginal site because of the 10 ft. to 12 ft. height of the dam which can produce only 2 – 3 ohms of power. The capital costs involved would be high although it probably was an economical source of power when the user was the mill but not in this day and age. C. Auman pointed out the job is likely to be messy and asked how the debris would be handled. Mr. Bell said it would probably have to be removed on a daily basis, and Mr. Auman recommended this be subject to a great deal of care and control.

B. Easom expressed concern that the submersible pump would end up discharging silty water into the Squannacook River, and he did not want to see a plunge pool formed at the pump discharge point, particularly with 10 ft. of head. Mr. Bell said that a 2 in. pump will be used and assured the Commission there would be no scouring at the discharge point. He indicated there will be two separate pours for the concrete for each phase of the work. The concrete trucks will thus be present for 4 days, and the pours will have to be done during a period that is above freezing.

Member Morrison noted he has photographs of the dam completely dry. He expressed a preference for the removal of the dam as it appears to be an obsolete structure. He thought this could be a better alternative than constantly having to maintain the dam. Tom Delaney said the Town has applied for additional earmarked funds for dam repairs, and dam removal could be an issue for Shirley residents who have frontage on the pond backed up by the dam and also rely on wells which have a connection with river water elevations. There may be a trend to remove dams, but there could be aesthetic impacts to consider as well.

W. Addy questioned how much material is behind the dam, and Mr. Bell estimated there is about 18 in. of sediment. He expressed concern about collecting materials from the downstream area before they enter the river, especially during the winter. Mr. Bell indicated the materials will be picked up by hand and put in a crane bucket. Regarding brush clearing, he does not anticipate the need to remove any shrubs larger than 12 ft. in height. Stumps will be removed or ground in place. D. Bell stated that it will not be necessary to de-water the last few inches of water, and this is where the sediments will be concentrated. The goal is to de-water the work area at the front of the dam.

M. Giguere asked what will happen if higher than normal flows are encountered during the proposed work. Mr. Bell acknowledged this is always a risk, and they would have to start over with the installation of the coffer dam which is only designed for a 10 yr. storm. P. Morrison asked if the Commission can issue the Order of Conditions but also ask Tom Delaney to talk with the Board of Selectmen about the removal of the dam. Dennis Bell said the state Riverways Program is pushing the dismantling of dams, but one of the considerations is the acreage of upstream wetlands which must be replicated. He also pointed out there is likely to be 8 ft. of muck behind the dam which consists of sediments collected during the Industrial Revolution that could contain heavy metals. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for the Squannacook Dam repair, DEP #169-996.

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

VOTED: to send a letter to the Board of Selectmen asking them to investigate the possible benefits of removing the Squannacook River Dam.

7:30 p.m. – 65 Rawding Rd. Request for Determination of Applicability

Engineer Ralph Romano of Global Engineering explained there are three houses on one lot, and there is one existing failed septic system. The site consists of all gravel with a 2 minute perc rate. The proposed upgrade includes the installation of a 6 line Presby system, an alternative system approved by DEP. The 4 bedroom house will be served by one septic tank, and the 2 bedroom and 1 bedroom houses will be served by a second septic tank. The septic system has been sited as far as possible from the Lake. Mr. Romano said that usually there would be a mounded system, but with this product the final grade will remain the same as the existing grades. There will be no change in slope. He anticipates the installation will take 5 days, and the surface will then be repaved. The existing septic tank will be pumped and crushed in place.

Chairman Giguere said the Commission typically hears septic system repairs under a Notice of Intent and uses the Request for Determination of Applicability for minor projects such as decks. Mr. Romano explained that this alternative technology provides for better treatment of effluent and all work will take place under the existing paved surface with no change in grades. The driveway is currently bermed at the edges. Asphalt will be saw cut and removed from the site.

Members inquired as to whether the dock has been filed for, and owner Michael Ricciardelli indicated it will be necessary to have an engineered plan prepared for the dock although he maintained it had been there since the 1950's. There is an existing Order of Conditions for the garage on site for which no Certificate of Compliance has been issued. Mr. Ricciardelli said there are requirements for gutters, and B. Ganem read several of the conditions necessary to close out the project. Regarding the pile of asphalt observed at the site, Mr. Ricciardelli indicated it was cheaper to have all of the asphalt removed by a 10 wheeler at one time.

With the Commission's concurrence that it would not be necessary to file a NOI, upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination requiring 1) All asphalt removed for the sewage disposal system installation shall be removed off site on a timely basis and 2) haybales shall be installed as shown on the plan prior to the commencement of work.

7:45 p.m. – 133 Gratuity Rd. Notice of Intent DEP#169-998

Neil Gorman of Ross Associates turned in the green cards and explained there is a brook at the back of the lot which defines the start of the Riverfront Area. In addition, there is Bordering Vegetated Wetland associated with the brook. A replacement septic tank and pump chamber will be installed with a force main to run under about 2 – 2.4 ft. below the existing grade of the paved driveway. Mr. Gorman stated the Board of Health has approved the septic system upgrade. They will follow Title 5 sizing for the number of bedrooms, and the size of the house cannot change. In order to reduce the amount of mounding, there is breakout grading that extends into the 100-ft. buffer zone. They plan a siltation barrier around the limit of work.

B. Easom noted the Commission had questions about wetland flags #5-8 behind the house so it may be necessary to take a second look at the flagging for another project although it is not likely to impact this project. W. Addy asked why they were not rehabilitating the existing septic system, and Mr. Gorman explained it is likely the system is within the groundwater. With a split level house, there is not enough room to site a mounded system between the house and the road.

M. Giguere asked if how they will get the force main under the driveway, and Mr. Gorman replied it is likely they will cut a trench in the pavement. R. Lambert noted the Commission observed quite a lot of debris within the resource area, and Mr. Gorman said the Board of Health has related complaints from neighbors about getting the site cleaned up. He estimated that it will be necessary to remove eleven trees (mixed pine and oak), two of which are in the buffer zone. Stumps will have to be removed to allow for the septic system. There being no further questions, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-998 for 133 Gratuity Rd.

8:00 p.m. – Squannacook Hills DEP #169-908 amendment

Steve Ericksen explained the proposed changes to the original plan, some of which have been generated by the Town's engineer (Nitsch Engineering) who reviewed the plans for the ZBA. These include relatively minor changes to lighting, a handicapped ramp, drainage trench, bus shelter, and dry wells within the detention basin. The goal is to have everyone working from the same set of drawings to implement the project.

W. Addy asked if the handicapped access walkway could be located outside the 100-ft. buffer. Mr. Ericksen said this is in compliance with the Wetlands Protection Act and was approved that way by the Commission. M. Giguere questioned whether it was servicing only one unit and whether it could be moved. C. Auman said he understood the changes were the result of review by the ZBA that incorporated recommendations made by the Planning Board and the town's engineering consultant. The engineers want an infiltration swale on the west side which runs to the wetland eventually. The trench drain has a 4 ft. sump and flows to a man hole. Member Morrison stressed that drainage in this part of town has been a problem, and we want to avoid this issue. He suggested weekly reports, and Mr. Ericksen indicated he would be doing the reports, based on weekly inspections and photographs of the site to assure that any problems are corrected right away.

A trench drain instead of a culvert is proposed to connect the wetlands at the base of the driveway near Townsend Rd. Resident Wes Blair (19 Windmill Hill Rd.) said there are existing water problems on the hill, and he is concerned about surface drainage into the wetlands. He maintained there is water there year round, and it could back water onto the hill. S. Ericksen said the site is downhill of the aforementioned property, so surface water is not likely to reach his neighborhood. Mr. Blair said his neighbor's driveway washed out this summer, so the water does not always seep into the ground. He pointed out this can cause a severe icing problem on Townsend Rd. in the winter, and he questioned what will go on once this project is underway. He said he hopes someone looks into this as there is a pre-existing water problem at the site.

M. Giguere commented the Commission will take jurisdiction if drainage issues are not immediately addressed. Mr. Ericksen said the water will continue to head down hill into the two wetland areas, but there should be no net change in runoff. The detention basin will retain water and slowly meter it out to the wetland. S. Ericksen offered Mr. Blair his card and asked him to call if there are any concerns as the developer is willing to work with neighbors.

B. Easom acknowledged that cutting into the hillside is outside the Commission's jurisdiction, but questioned what would happen if an underground spring is encountered. Mr. Ericksen explained there are solid drains because of radon and water. Roof runoff is handled with dry wells. The soils are Woodbridge which have a perched water table at about 18 in. Water would move slowly through the frangipan layer, and it is easy to control. This type of soil, according to Mr. Ericksen, is very unlikely to have springs. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to close the hearing for an amendment to DEP #169-908 for Squannacook Hills.

8:15 p.m. – Appointment/DeFreitas – 47 Boathouse Rd.

Chairman Giguere noted there is an issue related to work done outside of an Order of Conditions, including a shed and dock. There is an open Order which permitted the installation of a tight tank. A Certificate of Compliance was not issued due to discrepancies between the as-built plan and what was observed in the field. Additional work has been done which is not reflected on the original NOI plan. Mr. Giguere added that the shed was built without a permit, and the Commission requires that a filing for work already done. Mr. DeFreitas mentioned he proposes other work, including the construction of a pergola and a screen room, and the filing has not been done due to family issues. It was noted the NOI should include all proposed work, as well as the shed and dock. B. Easom summarized it as a paperwork problem, and asked that no additional work be done without first filing. It was agreed the filing should be submitted no later than November 25, 2008.

8:30 p.m. – ANRAD/Island Pond Rd. DEP#169-1000

Sanitarian Brandon Ducharme of Ducharme & Dillis explained this is a filing to ascertain the boundary of wetland resource areas on a 9 acre lot. The lot is located on the south side of the road and an intermittent stream goes through a portion of the site. The USGS topographic map identifies this as a perennial stream, for which there would be a 200 ft. offset for Commission jurisdiction. Mr. Ducharme said the filing includes photographs of the stream dry for 4 days in a consecutive 12 month period. These photographs were taken at the beginning of July which was not a period of time when the state declared a drought status. He said he believed this depicted a stream with intermittent characteristics according to the state definition in the Wetlands regulations.

Mr. Ducharme stated there is an existing cart road which they intend to use to provide access for soil testing. He asked that the Commission certify the boundary demarcation. The soil testing will be done using a small excavator or tired backhoe. It is anticipated the testing can be done in a single day with the holes backfilled. Using the cart path will provide the path of least resistance to access the site.

Chairman Giguere remarked that he has observed significant flows in the stream that flows under Old Dunstable Rd. and is a tributary to this stream. He questioned whether there were any impoundments upstream from the intermittent stream which the Commission observed as a muddy channel during the site walk. Mr. Ducharme said they observed no impoundment above the stream. It is likely it is a losing stream which flows in part of the watershed and then disappears in other parts where there are ice contact soils. He confirmed that the stream bottom is characterized by scouring and high banks which indicate significant flooding events with high velocity flow. He explained that for a perennial stream we would be looking for duration of flow unless a drought advisory is declared.

M. Giguere asked why do a delineation when the determining factor is the USGS topo map under the Bylaw. Mr. Ducharme said he was doing the evaluation based upon the WPA regulations, but is asking for a permit under the Bylaw to do the testing. Mr. Giguere noted the local Bylaw has a 200 ft. buffer zone for any stream shown as perennial on the USGS map. He noted there was significant flow in April 2007 when both the Red Path Line trail and Island Pond

Rd. collapsed. He added that he didn't think the Commission had a problem with the wetland flagging itself.

Mr. Ducharme said the testing will involve excavating four 8 – 10 ft. deep holes. Accessing the site for testing will involve cutting down quite a few trees. B. Easom pointed out there are several piles of debris at the edge of the cart path. He also questioned whether it would be necessary to do additional excavation at the end of the cart path in order to gain access to the proposed test site. P. Morrison noted the Commission has had previous experience with a stream that disappears underground or becomes intermittent in the middle.

Abutter Charlie Todd (104 Island Pond Rd.) said he had reviewed the filing and asked if the Commission was approving the delineation of wetlands.

Because two filings were under discussion, Clerk W. Addy read the legal notice for the Request for Determination of Applicability for Island Pond Rd. to open that portion of the meeting.

8:35 p.m. – Island Pond Rd. Request for Determination of Applicability

Mr. Todd said that there was no rain during the period in which the photographs were taken. He noted the stream in question flows any time there is rain. Commissioners explained that, under state law, if a stream is observed dry for four days during a consecutive 12 month period, it is considered intermittent.

Mr. Todd also questioned whether the 150' circle for building must be free of buffer zone or wetlands. C. Auman answered that the applicant is not applying to build a house, and there is no discussion of what might occur on the site in the future. The Commission is just reviewing the delineation in preparation for doing deep hole testing.

Abutter Shawn Gaines (16 Island Pond Rd.) said he considers himself a steward of the Red Line Path property and has noted a number of changes since the washout and reconstruction occurred. He stated they put in an additional pipe because of the heavy flow through the areas when it rains. Water used to flow across the Red Line Path, but now there is a huge drain at the bottom since the roadway has been re-built. Mr. Gaines added that he felt this wetland should have the strongest support possible.

P. Morrison said "Fortunately, the Groton Wetlands Protection Bylaw offers protection to the stream as a perennial stream. Our Bylaw goes beyond the Wetlands Protection Act." Mr. Gaines said he disagrees with whatever determination is calling this stream intermittent as it is a torrent during winter. Members said that is why the Bylaw is written the way it is.

Owner Richard Baker said the land has been in his family for 70 years. The tax bill is \$4000 - \$5000 per year, and his family wants to determine whether the 9.4 acre parcel is developable. He noted that water flows away from land belonging to his neighbors. He pointed out that the drainage problem is not going to occur again because the DPW did an excellent job fixing the road, and the water will just flow through. He stated the property's value is currently assessed at \$300,000.

M. Giguere said the project is going through the proper processes with the filing of an ANRAD and an RDA. Abutter Nancy Todd (104 Island Pond Rd.) raised concern about preserving the land as the only possible place for development would be an area where critters currently go. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to approve the wetlands delineation for DEP #169-1000.

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

VOTED: to issue a negative #3 Determination requiring 1) Haybales or silt fencing shall be on site and available in case of erosion/sedimentation issues and 2) No storage of fuel or parking of vehicles within the 200 ft. Riverfront Area.

8:45 p.m. – Robin Hill Rd. Notice of Intent DEP#169-999

The applicant has requested a continuation and upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing for DEP #169-999 to September 9 at 8:15 p.m.

9:00 p.m. – ANRAD/227 Boston Rd. DEP#169-1001

The applicants have requested a continuation and upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP #169-999 to 8:45 p.m. on September 9.

9:00 p.m. – Lowell Rd. Notice of Intent continuation – no DEP #

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

VOTED: to continue the hearing for Gale/Lowell Rd. to September 9 at 7:45 p.m.

The Webber Family is planning an event for September 7th in which they will close the top of Gibbet Hill from 3 p.m. through the end of the evening. This is in keeping with the Conservation Restriction. They are to post notice of this at trail entrances 1 week prior.

Commissioners reviewed a request from Kevin Hardiman of Ross Associates to not require additional plantings to stabilize the Riverfront Area on the Elliott Blood property, DEP #169-988 off W. Main St. Members agreed that the photographs of the site demonstrated it was sufficiently stabilized. Commissioners recommended that the Order be recorded and the applicant file for a Certificate of Compliance if the project is complete.

There being no further business, upon a motion by C. Auman, seconded by B. Easom and a roll call vote of R. Lambert, C. Auman, B. Easom, P. Morrison, W. Addy, and M. Giguere, it was

VOTED: to enter Executive Session at 9:30 p.m., not to return to Open Session, for the

purpose of discussing a land acquisition and pending litigation.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 9/9/08.