

GROTON CONSERVATION COMMISSION

Minutes

October 14, 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, Ryan Lambert, Peter Morrison, and newly-appointed member David Pitkin were present. Bruce Easom arrived at 7:15 p.m. Conservation Assistant Barbara Ganem was also present.

Upon a motion by R. Lambert, seconded by W. Addy, it was

VOTED: to approve the minutes of September 23, 2008 as drafted.

Upon a motion by R. Lambert, seconded by D. Pitkin, it was

VOTED: to issue the Order of Conditions for DEP #169-999 as drafted for 10 Robin Hill Rd. under the Wetlands Protection Act.

Upon a motion by R. Lambert, seconded by W. Addy, it was

VOTED: to issue the Order of Conditions for DEP #169-999 as drafted for 10 Robin Hill Rd. under the Wetlands Protection Bylaw with the inclusion of the Collins-endorsed planting plan.

In discussion on the draft Order of Conditions for the Groton School Biomass Project, member Addy questioned whether they were able to move the infiltration basin further out of the wetlands buffer as discussed on the site visit. Commissioners noted that the plan presented during the hearing had not been modified, and no questions were raised requiring this modification. Chairman Giguere commented the engineer explained that there were limitations on the placement and construction of the infiltration basin due to groundwater elevations, but the Commission did require that the basin be adequately designed to handle the volume of water from the site, as well as oil booms to address water quality issues. The Order of Conditions addresses these issues. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue the Order of Conditions for DEP #169-1002 for the Groton School Biomass Project as drafted under the Wetlands Protection Act.

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

VOTED: to issue the Order of Conditions for DEP #169-1002 for the Groton School Biomass Project as amended under the Wetlands Protection Bylaw.

Residents Mr. and Mrs. Joe Bue/14 Island Rd. submitted photographs showing the French drain outlet protected by riprap. There being no further outstanding items to be completed, upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a Certificate of Compliance for DEP #169-946 for the garage at 14 Island Rd.

(B. Easom arrived at 7:15 p.m.)

7:15 p.m. – 246 Lowell Rd. Request for Determination of Applicability

Resident Jon Liebold explained that he has recently filed for and constructed an in-law apartment for his parents. The driveway is problematic due to its steepness, and he proposes to reconfigure the layout to utilize an existing cart path that used to cross over into Brookside Place. He feels this will improve the situation with regard to runoff from Lowell Rd. which currently comes right down his driveway. Mr. Liebold also noted he has built a woodshed within the 100 ft. buffer zone which he can remove if the Commission so desires. In addition, there has been some landscaping which includes stones and plantings.

R. Lambert questioned whether the landscaped area was complete as it appears some of the stone is not very stable. Mr. Liebold said he has used a weed barrier underneath the stone and then done the plantings through the barrier. W. Addy asked if paving and curbing is proposed, and J. Liebold responded in the affirmative. He anticipated that water movement will be directed to his front yard. C. Auman estimated the fire pit was approximately 21 ft. from the resource area as the water has moved up quite a bit due to beaver flooding. J. Liebold thought it has now receded slightly.

Member Morrison questioned whether there was a current wetlands delineation. The original filing for a new house was done in 2000, and this is not a valid delineation for the proposed work. The Request for Determination of Applicability filed for the in-law apartment utilized the old wetlands delineation, but the Commission's Determination did not confirm the wetland line. Mr. Morrison pointed out the wetlands flagging was 10' to 15' within the water at the time of the site visit with the as-built plan. The wetland on the easterly side of the lot is not identified in the RDA for the in-law apartment. Mr. Morrison expressed concern that additional work is being considered without confirming where the wetlands and the buffer actually are located.

Mr. Liebold maintained that the engineer had done auger sampling at the site. The form issued by the Commission, the Determination, did not, however, confirm the delineation of Bordering Vegetated Wetlands. The Determination is good for 3 years and expires in February 2009. W. Addy asked if there is an existing set of conditions that could be extended, and B. Ganem read the only condition attached to the Determination "the applicant shall restore the recharge trenches and assure their future functioning through regular maintenance". Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a positive #3 Determination in which the applicant is required to file a Notice of Intent for the proposed work.

Flagging should be put in place by the edge of Rt. 40, as well as the wetland behind the house, and this will set the buffer zone line.

7:30 p.m. – Conductorlab/Main St. Request for Determination of Applicability

Kerry Tull from MACTEC explained he is the project manager for the site and is the Licensed Site Professional (LSP) who is responsible for conducting on-site investigations and remediation for Honeywell International which owns the Conductorlab site. The RDA covers the re-paving and repair of an existing drainage trench of the driveway entrance which they share with neighbors who own a milk paint and lumber company. He noted the driveway will be slightly re-graded to remove an undulation.

Member Auman asked if the unnamed brook was on the Conductorlab property, and Mr. Tull replied “no”. He observed that brush has been cut and left in the stream bed. Mr. Tull assured the Commission that any tree-cutting work they have done requires that brush be removed from the site. The original Order of Conditions for the site has expired, and that is why the re-paving is being proposed under this RDA. K. Tull stated that silt sacs will be placed in catch basins at the time the work is carried out. Mr. Auman said the paved area should be maintained in the future, including sweeping and inspections and cleaning of the drainage trench.

Mr. Morrison felt Honeywell was taking good care of the site, and Mr. Tull said they are planning an aggressive in situ treatment program. B. Easom expressed concern about flow that is eroding an area to the left of the driveway. Mr. Tull said this land actually belongs to the abutter and is due to the truck traffic involved with the milk paint and lumber business. He noted that the fencing on the Conductorlab site has been damaged by trucks, and this is the reason the red traffic cone was placed on the catch basin. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing haybales or silt fencing are on site in the event there is the potential for sedimentation or erosion to occur.

7:45 p.m. – Gleason/Lot 1 Kemp St. DEP #169-1003

Attorney Ray Lyons explained a Request for Determination of Applicability was previously filed for this project. In 2003, the Commission issued an Order of Conditions for the applicant to install a sewer force main through wetlands. He thought there was a Certificate of Compliance for the project. (*There isn't.*) He noted there is a ditch, which has developed wetland characteristics, that parallels an old farm road. He submitted a copy of an affidavit which he will have signed by the owner, David Gleason, confirming that the farm road was built to reach trees blown down or damaged in the 1938 hurricane and leads to the ‘Clay Pond’ north of the site. The parcel was held privately by Dr. Gleason from 1967 to 2005. Mr. Lyons maintained the road was built for agricultural purposes and is still used today.

Surveyor Stan Dillis said that, based on the discovery of new wetland areas, everything has had to be shrunk down. Nevertheless, half of the house is within the 100 ft. buffer zone, but no work is proposed within the 50 ft. buffer zone other than a trench which will be necessary to connect

the house with the existing force main. Mr. Dillis pointed out he felt Wetlands Protection Bylaw Ch. 215-7.(3) allows the Commission to consider altered uplands such as these which have been disturbed by cattle grazing for the past 100 years. He added that the plans for the proposed single family home show a stone trench at the roof drip line and along the driveway. The dashed line on the plan shows the area of permanent disturbance although there will be temporary disturbance for the trench. Natural Heritage has specified the limit of disturbance.

Member Auman said Ch. 215-7 actually prohibits permanent structures within the 100 ft. buffer zone, and half the house is within this area. He added that the section in the Bylaw which sets standards for previously altered areas states that “the Commission may issue an order of conditions for a project, provided that it finds that the proposed alterations will not increase adverse impacts...” In further elaboration, Mr. Auman said “In my opinion, a pasture makes better wildlife habitat than a house and driveway would.” He listed five elements – food, shelter, breeding area, migration areas, and travel corridors – which are essential for wildlife habitat.

Mr. Dillis said there will be a trade off as a large portion of the lot will be off limits with no permanent alterations. He suggested a conservation restriction on the area where the cattle are currently grazing. S. Dillis acknowledged it would be necessary to re-grade the knob at the front of the lot, and this will result in a 4 foot elevation change. P. Morrison questioned the size of the area which will remain undisturbed, and Mr. Dillis indicated it was between 3 and 4 acres. Members questioned what would be the benefit of the restriction as much of this area is considered wetlands or wetland buffer and is already protected. Mr. Dillis asked that the conservation restriction be considered as a mitigating circumstance.

Member Easom asked if the driveway could be re-located to the other side of the house, and S. Dillis replied this would necessitate a great deal more grading, and there might be a need for a retaining wall. He did not think this activity would be precluded under the Earth Removal Bylaw. The property to the east is now owned by someone other than Dr. Gleason. Moving the driveway would push the grade to 3 to 1 and involve more site work. B. Easom said he was not opposed to additional site work if it offered greater protection to the buffer, particularly if it moved the work to 80 ft. to 100 ft. rather than the current 50 ft.

Mr. Dillis acknowledged the wetland flagging on the east side of the lot was done by others in 2003 while the west side has new flagging. M. Giguere observed the flagging is long gone on the east side. He also pointed out that, while the brook is not shown on the USGS map, it does appear on MassGIS mapping, and there appears to be a good flow from the area of the Clay Pond. Abutter Rob Smith (269 Pepperell Rd.) said the stream typically flows when it rains. Chairman Giguere requested calculations on the watershed size to determine whether the stream meets the WPA definition of perennial.

B. Ganem asked what other uses were permitted by easements to the new owner of the Gleason house on the portion of the lot that is being offered as a conservation restriction. Mr. Dillis said he would look into this and also agreed to provide the green cards to the Commission at a later time. Mr. Smith asked about the gravel piles dumped on the left boundary of the lot, and S. Dillis responded they were left over from the septic line installation and should be cleaned up. R. Smith

questioned whether blasting would be necessary to construct the house, and Mr. Dillis responded “No, the rocks are shaley and will break up easily.”

In summary, the Commission requested more information on the conservation restriction, the size of the watershed, the potential for moving the driveway or the house envelope, and decreasing the house footprint. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing to October 28, 2008.

8:00 p.m. – 402 Lowell Rd. Request for Determination of Applicability

The homeowner, Kristen von Campe, explained they wished to install an in-ground pool. She estimated Martins Pond Brook is located approximately 72 ft. from the work area. The Brook is located about 20 ft. below the yard elevation. The house pre-dates the Rivers Protection Act and the Wetlands Protection Bylaw. Mrs. von Campe explained they will be using a salt system, not chlorine, and they plan to store these materials in a utility room in the garage. They may eventually build a shed.

Member Easom thanked the applicant for marking the proposed pool location prior to the Commission’s site visit. Mrs. von Campe explained they may end up with a smaller pool due to budget constraints. Upon a motion by W. Addy, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing there is no back flushing or draining of water into the wetland area, erosion control measures shall be in place along the existing fence during construction, excess excavated materials shall be removed from the site, the limit of disturbance shall be the existing fence line, and pool chemicals shall be stored under cover.

Commissioners requested notification if the fencing has to be changed.

8:15 p.m. – 7 Baby Beach Rd. Request for Determination of Applicability

Homeowner Joey Ferguson explained he is constructing a shed and would also like to take out several trees, including a pine tree located on the Lake side of the shed and a dying tree. The shed is built with a cut out to accommodate a growing tree. Haybales have been installed in the lakefront area, but it is a very steep grade. Mr. Ferguson said the loose soils at the site are because his neighbor put a load of dirt in the area. Members advised Mr. Ferguson that work in the 100 ft. buffer zone to the Lake requires an advance filing. If it is a minor project a Request for Determination of Applicability can be filed.

Member Lambert recommended that the roots and stumps be left for any trees that are cut. Mr. Ferguson said he planned to do the removal during the winter when the Lake is frozen since one of the trees leans toward the Lake. All brush should be removed. The foundation of the shed consists of three 4 x 4’s on concrete blocks. Mr. Ferguson did not think sona tubes would be appropriate because of the steep grade, and he said the Building Inspector was fine with this. The shed will have a plywood floor, cedar shakes on the sides, and an asphalt shingle roof. Mr.

Ferguson plans to store his 4-wheeler in the shed. Members advised against storing petroleum or chemicals in the shed as any spillage could quickly migrate to the Lake. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination providing staked haybales shall be installed at the toe of the slope prior to the commencement of work, tree cutting shall occur when the Lake is frozen, no storage of gas cans or other petroleum products in the shed, the approved shed foundation consists of blocks and 4" by 4" lumber with any changes reported to the Conservation Commission, no stumping of cut trees, gutters on the shed shall be connected to a French drain. If necessary, any outlet shall be rippedraped to prevent erosion or sedimentation into the Lake, and bare soils shall be stabilized with vegetation or a thick layer of mulch before the haybales are removed.

A portion of land donated to Groton Cemetery Commission is to be designated to the Williams Barn Committee/Town of Groton in an upcoming article proposed for the October 20th Town Meeting. The plan for the land specifies the land will be donated for conservation purposes to be joined with the Sorhaug Woods Williams Barn land, but that is not clear in the warrant article.

Recent NPDES reports from Mary Trudeau on the Academy Hill subdivision specify the need to remove sediments from the vernal pool while the pool remains dry. Commissioners asked that a letter go to the developer requesting that this matter be taken care of promptly.

Members reviewed the draft comments prepared in response to the ZBA's request for comments on the proposed removal of the over-55 age restriction on the Oak Ridge Estates Comprehensive Permit. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to issue the response memo to the ZBA as drafted.

P. Morrison abstained from the vote, with the remaining members voting in favor.

The new homeowner and original applicant have complied with the requirement to install the conservation markers and clean up debris from the corner of the yard at 286 West Main St. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to issue a Certificate of Compliance for DEP #169-987 for 286 West Main St.

B. Ganem presented photographs of 6 Hazelwood Ave. which showed the yard as very sparsely vegetated and the soils continuing to pipe through the retaining wall blocks. Based on the lack of stabilization, members agreed to send a letter to the applicant refusing to issue Certificates of Compliance for DEP#169-587 (tight tank installation) and DEP#169-979 (retaining wall) until these issues are addressed.

The UNH Stormwater Center recently conducted a workshop on their campus demonstrating different types of stormwater treatments, as well as monitoring results under typical New England weather conditions. B. Ganem reported that asphalt porous pavement and concrete porous pavement are used in demonstration parking lots. With proper installation and

maintenance, they are very durable, permeable, and require less salt under frozen conditions. Some of the workshop handouts will be distributed at a future meeting.

B. Easom reported he has been in touch with Acorn Path abutters Chris Colton and Peter Burk about the installation of the trail. They complained about motor bikes digging up the back portion of the property. He suggested sending a letter to abutters asking them if anyone is aware of motor bike use in the area. In addition, regulations for use of the land should be posted at the site. B. Ganem reported that similar complaints have come in from Steve Legge about the Eliades Conservation Area. Commissioners agreed to notify abutters to both conservation areas about this problem in addition to posting the regulations at the trail entrances.

C. Auman requested a letter be sent to the abutters to the Conductorlab property prohibiting the dumping of landscape debris in the unnamed stream.

Upon a motion by P. Morrison, seconded by B. Easom, and a roll call vote of R. Lambert, W. Addy, C. Auman, P. Morrison, B. Easom, D. Pitkin, and M. Giguere, it was

VOTED: to enter Executive Session at 9:10 p.m. for the purpose of discussing land acquisitions and litigation, not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant