

## GROTON CONSERVATION COMMISSION

### Minutes

February 24, 2009

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

#### 7:00 p.m. – Presentation by Eagle Scout/Wharton Plantation trail bridges

Eagle Scout Alex Graham explained that he and members of his troop, Troop 1 of West Groton, replaced three trail bridges on the Wharton Plantation. He showed before and after photographs of the bridges. New components were installed on two of the bridges while decking was added to a third bridge. Dirt ramps were added at the bridge ends so that bikers and ATV users could get up to the bridge level.

C. Auman asked about the process for getting labor and materials for the project. A. Graham said it took 3.5 days to complete the bridge work. Some of the materials came from the Highway Department. The bridges were constructed either of 1 x 6 or 2 x 6 lumber with 4 x 8 beams used on the largest of the bridges. Rails were installed on the bridge sides to prevent horses from slipping off the bridge. Screws were used in lieu of nails, and the ends of the bridges are supported by cinders to prevent rot.

P. Morrison questioned how many people were involved in the project, and A. Graham said his fellow troop members, as well as their families, assisted with the work. There were probably 20 in total. Adults supervised the use of power tools as required by scouting rules. A Community Preservation grant supported the purchase of materials for the project. Mr. Graham said he has completed all the requirements to become an Eagle Scout and expects to participate in a Court of Honor next month. Members thanked him for his work on the bridges at Wharton Plantation. *Groton Landmark* reporter Pierre Comtois asked when the work occurred, and A. Graham stated the project was completed October - November, 2008. Wharton Plantation itself is accessed from Rt. 40 and Old Dunstable Rd. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to send a letter on Mr. Graham's behalf thanking him for making the trails more accessible for hiking and biking at Wharton Plantation.

C. Auman requested a change to the minutes concerning Chicopee Row in which he requested a specific estimate of the cost of a bridge at the site. Upon a motion by R. Lambert, seconded by W. Addy, it was

VOTED: to approve the Open Session minutes of February 10, 2009 as amended.

B. Easom abstained from the voting.

B. Ganem explained the land use departments were implementing a new process for filing for building projects or changes in the use of an existing building within the Town. Applicants will be required to complete a “Form of Intent” describing the proposed project and providing contact information. It is hoped this will streamline the process by helping applicants learn in the early stages what permits are likely to be necessary in order to complete the project. While the forms will be on paper at this time, it is envisioned that this will become part of the computerized streamlined permitting process that will allow all departments to know what the issues are and the status of permitting for individual addresses just by accessing online data forms.

The Community Preservation Committee (CPC) is scheduled to meet on March 2<sup>nd</sup> to discuss all of the pending applications. The Commission’s application will be heard at 7:45 p.m., and C. Auman and M. Giguere plan to attend, and B. Easom will be there as well as Chair of the CPC. Members thanked Mr. Auman for attending the meeting with the Selectmen to request a letter of support. C. Auman indicated the Selectmen wish to gain an understanding of all the projects before voting despite the fact that it is the responsibility of the CPC to divvy up the funds according to the most worthy projects. He noted that only three CPC applicants had requested letters of support from the Selectmen.

7:15 p.m. – 7 Baby Beach Rd. NOI

No applicant was present, and the hearing was kept open while other business was conducted.

Scout Grant Brining plans to construct and install three signs on conservation properties as his Eagle Scout project. Commissioners mentioned Sampas Woods, the Hurd parcel, and the south entrance to the Groton Woods trail network which connects to Carmichael Swamp and Orion Way as suggested sites for new signs. If the Mattbob purchase goes through, the Commission has previously discussed naming that parcel after Bruce Clements.

Chairman Giguere asked members to review the proposal from Bay State Forestry for forestry projects on the Farmers & Mechanics parcel and Williams Barn Sorhaug Woods and compare it to that submitted by Gary Gouldup several weeks ago. This will be a topic of discussion at an upcoming Commission meeting. Water Superintendent Tom Orcutt has suggested the Town may wish to look into having a forester on board as a consultant for all forested Town-owned parcels.

The Weed Harvesting Committee has submitted a report for weed harvesting in Lost Lake/Knops Pond during the summer of 2008. Before harvesting can continue, the Division of Fisheries & Wildlife has requested the applicants engage a qualified botanist to conduct a plant survey for Small Bur-reed. They recommended doing this as early as June 15<sup>th</sup>, but preferably during the Small Bur-reed flowering period in August or September. If harvesting is also proposed for Baddacook Pond, B. Easom suggested using the same botanist to do a survey for that pond. He also expressed concern for the funding of a professional to do this, but it was noted the Weed Harvesting Committee does receive some Town funding.

With no applicant appearing for the 7 Baby Beach hearing, upon a motion by R. Lambert, seconded by P. Morrison, it was

VOTED: to continue the hearing for 7 Baby Beach Rd. to 7:15 p.m. on March 10, 2009.

7:30 p.m. – 331 Pepperell Rd. NOI, DEP #169-1012

Engineer Dan Wolfe submitted the green cards for abutter notification. He explained that extensive septic testing was done on this 5.25 acre lot. Many of the sites revealed ledge at a 2 ft. depth. There are also pockets of wetlands throughout the site, including one across the street. Working with the 100-ft. offset to the well, he was able to locate the upgrade within the front yard. A Presby system can go lower in the ground, and an impervious barrier is allowed for septic upgrades.

Member Pitkin asked if it was normal to place a new system on top of an old system, and D. Wolfe acknowledged it is more complicated, but it can be done. The existing system has failed. The old septic materials will be re-used for the breakout area of the slope and will be buried. The old septic tank will be pumped and either crushed or removed. B. Easom questioned whether the septic system could be moved to the south/southwest side of the lot, and it was noted the topography rises sharply in this area. Mr. Wolfe said the design of the system, according to Title V standards, should prevent any traveling of leachate through the culvert under the driveway into the wetland on the opposite side. For maintenance, the system will need periodic pumping similar to conventional systems.

Abutter Leigh Hurte (321 Pepperell Rd.) asked about the markers on her land, and Mr. Wolfe said they were associated with the survey testing process and could now be removed. P. Morrison questioned whether the Commission could accept the Natural Heritage letter after the closing of the hearing. Dan Wolfe asked if it would be possible to close the hearing and issue an Order the same night, and members indicated this could be done. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to March 10<sup>th</sup>, pending the receipt of a letter from Natural Heritage.

7:45 p.m. – 60 Valley Rd. DEP#169-1009 continuation

Natural Heritage has notified the Commission that there is no adverse impact to rare species for the installation of a tight tank. D. Wolfe suggested including a condition requiring pumping in the summer or fall to avoid having to access the site during the wet season. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP#169-1009.

There have been complaints registered with several boards and staff about the property at 124 Mill St. Some type of pallet business is being conducted near the gate, but it appears to be temporary in nature. P. Morrison urged the Commission to be consistent in its enforcement of the regulations. B. Easom recalled seeing a separate crossing with some type of bridge. Members questioned whether there is permanent damage. W. Addy said he was more concerned with vehicles near the wetland area. The shed was removed and the Commission determined whether

materials were in the buffer zone when a police officer escorted Commissioners during its site visit to the property. B. Easom advised treating it as a heads up of a problem which may be serious and adding it to our site walk schedule.

Six members plan to attend the MACC Annual Conference on February 28<sup>th</sup>. Commissioners will meet at 7:15 a.m. in the Town Hall parking lot to carpool.

B. Ganem noted there is a 3-week hiatus between meetings at the end of March, and she requested vacation time from March 30 to April 6.

8:00 p.m. – Groton Community School, DEP #169-1013

Surveyor Stan Dillis explained the school plans two additions to the existing building. As you face the building, additional classrooms are to be added to the left side while a multi-purpose auditorium is to be added to the right. This section is to be rented out to bring in additional income. He noted the filing is coming in under 310 CMR 10.58 (5) for re-development in the riverfront area. They plan to do 1:1 mitigation for the additional square footage by exchanging permeable pavers for portions of the pavement in the existing parking area. Stormwater, currently untreated, will be directed to bioretention areas at either end of the parking area. Mr. Dillis maintained the project meets the intent of a re-development project under the Wetlands Protection Act.

Mr. Dillis explained that school officials were working with an architect to make this a green building. Roof runoff will be directed to a cistern to provide irrigation water for the grassed playground area. Chairman Giguere noted the Commission had previously urged a 2-story building be considered. S. Dillis said this would require an elevator to provide access, and the substrate is not suitable to support a 2-story structure. The architect has determined this is not a viable option, and a slab on grade is proposed. C. Auman said he was very concerned about how close the existing parking area is to Cady Brook. The proposed addition will also bring the structure still closer to the Brook than existing conditions. Mr. Auman noted that snow is being pushed into the buffer of the Brook. The proposed bioretention areas/rain gardens will be approximately 20 ft. from the Brook. Mr. Dillis maintained that this, combined with the removal of pavement, will result in an overall improvement at the site. He stated the drainage calculations included in the Notice of Intent support the sizing of the bioretention areas and show that existing conditions are being cleaned up. The applicant is not proposing restoration [310 CMR 10.58 (5) (f)] or mitigation [310 CMR 10.58 (5) (g)] of degraded riverfront areas. Mr. Auman thought there were some improvements but he would prefer to have the addition closest to the Brook moved to the other side.

S. Dillis indicated there are cost and feasibility issues for the school. M. Giguere pointed out that there was discussion about the current building not being able to support a second story in the earlier filing, but the issue of the substrate at the site was not a factor. Mr. Dillis said the auditorium space would be utilized during school hours, but could generate another revenue stream for the school.

C. Auman said he liked the idea of rain gardens and pervious pavement, but had questions about the effectiveness so close to the Brook. He asked whether some of the parking spaces could be removed, and S. Dillis responded “this would require a waiver from the Planning Board.”

Member Pitkin questioned whether an expansion of student capacity is anticipated. The school has not hooked up to the public sewer yet and has capacity under Title V. P. Morrison noted that the loss of 7 parking spaces would be required for the addition to the rain garden. Fifty-one (51) spaces are required for the school. There is overflow parking up by the bank and real estate office.

With the proposed building expansion, B. Eason questioned how the classrooms could not interfere with the use of the auditorium. He pointed out there is currently classroom space right up against the auditorium and more classrooms are proposed closest to Cady Brook. Mr. Dillis said the auditorium and administrative offices would be located at opposite ends of the building. Placing administrative offices in the middle of the building would involve a lot of interior remodeling. The auditorium end of the building is a library at this time so this is likely to involve some interior work anyway. Chairman Giguere added the addition is hard to digest because it is so close to the Brook, and it is necessary to mitigate or minimize disturbance. Mr. Dillis acknowledged the school will need to approach the Planning Board about increasing the size of the infiltration area to make an improvement on a 1:1 ratio. He also offered to provide some insight into the architect’s plans at the hearing continuation. B. Ganem reminded him that a Stormwater Checklist must be submitted for the project. In addition, snow storage is not advised in bioretention areas. C. Auman requested that the Commission contact the Planning Board about the potential for reducing the number of parking spaces. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing for the Groton Community School, DEP#169-1013 to April 28, 2009.

8:15 p.m. – Groton School, DEP#169-1014

Attorney Bob Collins said the school has been required by DEP to incorporate a phosphorus removal system into their sewage treatment plant. The design has attempted to remove the work as far as possible from the wetlands. In addition, a culvert repair is proposed at a wetland crossing, and they plan to install a 2<sup>nd</sup> culvert to help with drainage on the existing road to the plant and boathouse. The overall result will be a more environmentally friendly treatment plant. A request for comments was received by Natural Heritage on March 13<sup>th</sup> and they have 30 days in which to respond. The site is not likely to attract wildlife, but is in priority habitat. Mr. Collins thought that improvements were exempt under the regulations.

R. Lambert asked the status of the request for a Certificate of Compliance for DEP#169-831 for the sewage treatment plant, and Mr. Collins stated “It is in the works.” Members asked for a construction sequence and suggested consulting the NOI checklist included in the Bylaw regulations. Mr. Collins said the 2<sup>nd</sup> culvert will handle flow from the installation of a drainage swale and does not involve wetlands.

Engineer Kelly Whalen stated MSDS sheets will be posted in the building and have been submitted to the Board of Health which has jurisdiction over chemicals, and he will submit them to the Commission as well. The applicant is scheduled to meet with that Board on March 2<sup>nd</sup>. A containment system is proposed for the 3 chemicals used for the treatment process – caustic soda, alum, and a polymer. Thousand gallon polyethylene tanks will be contained within concrete walls with a 6-in. lip all around the building. A drain will be fitted with a sump pump which would capture any spilled materials to return to the treatment system. The building itself will be constructed on footings. Mr. Whalen explained the proposed building location took into consideration the presence of electric and sewer lines coming from the school buildings, as well as the septic tank that serves the boathouse.

A 4<sup>th</sup> sludge bed is proposed for the area where sand is currently stockpiled. Sand is used to refresh the other sludge beds as needed. Member Addy noted the Commission spends a lot of time trying to get buildings outside the 100-ft. wetland buffer where there will be less impact. Mr. Whalen said they did not want to construct the building over high voltage utility lines, and it is necessary to have an adequate turning radius for trucks delivering chemicals to the buildings. He indicated it would be necessary to do some blasting to remove ledge in the location of the proposed sludge bed. The 100-yd. long ledge will have to be taken down about 5 ft. He did not think it was a realistic risk that a crack in the bedrock, caused by blasting, could lead to leachate reaching the wetland.

C. Auman asked whether there will be any waste materials precipitated by the treatment process, and Mr. Whalen said the materials will go onto the sludge beds for 6 to 12 months and then be shoveled off for removal to a landfill about once a year. He noted this is a complicated sewage treatment plant that depends on biological processes for treatment. Some of the piping is old, and there is infiltration causing the effluent to occasionally increase from 100,000 gallons to 400,000 gallons, a situation that could not be handled by a conventional treatment plant. A 30,000 gallon septic tank gets pumped twice a year. An organic mat builds up on the sludge beds and several yards of material must be removed. Sand is added approximately every 5 years to refurbish the beds.

Members recommended submitting a convincing narrative on the proposed location. M. Giguere asked the depth of the slab, and it was noted the footings will be at grade or below as the road is higher. The bottom of the gallery will be at the existing grade. Minimizing work in the buffer zone is preferred, and Mr. Collins questioned whether eliminating the grading outside the 4 ft. deep frost wall would be considered an improvement. Upon a motion by R. Lambert, seconded by B. Easom, it was

VOTED: to continue the hearing for DEP#169-1014 for Groton School to March 10, 2009.

8:30 p.m. – Lowell Rd./Gale DEP#169-1006 continuation

Attorney Bob Collins noted that he and engineer Steve Marsden had previously offered, given the constraints of this property, some ideas that would improve the situation. He pointed out that 310 CMR 10.55 (4) (b) allows the Commission some discretion when there is no other alternative. The roadway size has been reduced, the elevation of the driveway has been

depressed, the proposed drainage detention system would cleanse impurities, the house disturbance has been pulled back, a conservation restriction on 50% of the site is proposed, and runoff will receive treatment that removes oil. He felt the overall improvements to the site were substantial. Mr. Collins wrapped up his comments by saying this solution is good evidence of the need to proceed slowly.

Steve Marsden said that two best management practices with a LID component would deal with runoff from impervious surfaces. The culvert outlet shows an area that is sandy and dirty. The proposed 'grit and oil/water separator' will capture oil floating to the surface and then outlet to bioretention areas offering pre-treatment before the water reaches the replication areas. Both of the bioretention areas will outlet via level spreaders. Flowering plants will be planted in the replication area, and this will be more acceptable to Mr. Brindle, the neighbor. Mr. Marsden maintained that this system will result in 80 – 90% TSS (Total Suspended Solids) removal.

Mr. Collins summarized by saying six significant improvements have been proposed over what is there now and what the Wetlands Protection Act requires. M. Giguere noted the driveway is 400 ft. long, and the driveway regulations require a turnaround. Mr. Marsden said waivers will be requested for the turnaround and to reduce the width of road shoulders. The waivers are necessary in order to reduce the size of the driveway. He stated that all work will be done from the driveway even though the haybales appear to enclose a much larger area of disturbance than the 4,985 SF of fill given on the plan. The retaining wall will be two blocks high, and the actual limit of work is within the area of the retaining wall. A 10 ft. wide driveway with two 1 ft. wide shoulders and two 1 ft. wide retaining walls will result in a 14 ft. wide driveway width multiplied by the 400 ft. length (wetland disturbance) which yields a conservative estimate of 5,600 SF of wetland filling. He assured the Commission the 4,985 SF computations were based on a computer generated figure. The filling was reduced by straightening and narrowing the driveway.

C. Auman asked if the replication area meets the 3:1 ratio required under the Bylaw. Mr. Marsden said it is closer to 2:1, but the two bioretention areas will increase overall water storage. Mr. Auman questioned what percentage of water goes into this system, and Mr. Collins said it would be from the mid-portion of Shattuck St. to the culvert outfall. He pointed out there is a great deal of water that typically crosses Rt. 40 in the spring. C. Auman noted that there should be supporting documentation that sight distances are inadequate for a shared driveway. B. Easom recommended consulting the replication area checklist in the Bylaw regulations and questioned whether a wildlife study and peer review were necessary for the project. He gave Mr. Collins a copy of the meeting notes pertaining to this project.

Town Planner Michelle Collette said, as a point of information, it would be necessary to get permission from the Highway Surveyor for a driveway curb cut, and the Board of Selectmen have jurisdiction over individual driveways. Member Morrison said he did not like the idea of coming up with new questions. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing for Gale/Lowell Rd., DEP#169-1006 to March 10, 2009.

9:00 p.m. – Appointment Capstone Project/Station Avenue Sub-committee

Kevin Lindemer from the Groton Electric Light Department, Town Planner Michelle Collette, and Selectwoman Anna Eliot were present as representatives of the sub-committee. Mr. Lindemer presented a concept plan, dated October 2008, for the Station Avenue Mixed-Use Development. He noted that the proximity of some of the work to wetlands is one of the issues. Building 4 is proposed within the wetland buffer zone. There is no new direct disturbance of wetlands, and the proposed project is completely within the GELD property. There has been some preliminary engineering and wetland flagging but GELD wants to avoid a fatal design flaw that could render the project a non-starter. It would be the first property to be developed under the Station Avenue re-development plan.

A. Eliot reminded the Commission that this is subject to the 43D expedited permitting process, and building within the buffer zone requires the developer to come before the Commission. Chairman Giguere asked if there was a potential for restoration of some of the de-graded wetlands as mitigation for working in the buffer zone. Mr. Lindemer said the project will add usefulness to the Rail Trail and add affordable housing, but there are always trade-offs to make a project more acceptable.

M. Collette pointed out wetland flagging was added by GPS to a Dillis & Ducharme plan, but there are requirements in the re-development plan for low impact development techniques. She noted this is a previously disturbed site, and there is currently no stormwater treatment there. There is on-going work to improve water quality in James Brook for which additional grant money was allocated. This project could be considered a public benefit to the Town on multiple levels. M. Giguere added that wetland restoration is also a public benefit. M. Collette commented low impact development techniques are required in the Station Avenue re-development plan. One of the requirements is that there be no snow storage, and snow must be removed off-site.

K. Lindemer said the entire site is disturbed, and there will be an overall improvement to current conditions. M. Giguere commented the wetland has a lot of invasives, and their removal could be part of the project. Mr. Lindemer said this is an opportunity to turn the area into something nice, and other properties, such as May & Hally, Buckingham Bus, and the Prescott School, could be included eventually.

It is anticipated that all of the existing GELD buildings will be demolished. Some of existing impervious surfacing will be removed, and more added. B. Easom asked if there was any pollution on site and, according to M. Collette, it was tested years ago and GELD was given a clean bill of health. He added the Town should consider placing conservation restrictions on municipal lands as a bargaining chip in negotiations. The concept plan calls for retail space on the ground floors of Buildings 1, 2, and 3, with office space on the 2<sup>nd</sup> floors. In Building 4 all 14 rental units will be considered as affordable housing. Even though there is no proposed playground, the proximity of the Rail Trail and the library playground complement the project. No through street to Broadmeadow is proposed, but it will provide emergency egress.



A. Eliot noted the Town is in the process of forming a private housing authority or trust, a non-profit which will deal with the restrictions on the property. C. Auman said he appreciated the idea of a centralized core for the community, but he was expecting more of a village concept. This project looks more like the suburbs. Sub-committee members noted this represents only 2 acres of the 12-acre Station Avenue Overlay District. The design guidelines will be very important going forward.

P. Morrison asked if transformers were ever used on the site and if there has been any environmental damage since the original study. Mr. Lindemer replied transformers have not been used by GELD and, in fact, creosote is not used on light poles. C. Auman said he agrees with the previously disturbed designation and sees the value in improving drainage and adding rain gardens. A. Eliot said she appreciated the Commission's input. The Commission will be part of the process going forward. C. Auman thanked her for her help when he appeared before the Board of Selectmen.

9:15 p.m. - Appointment Ray Lyons/Gleason re-consideration

Stan Dillis submitted revised plans for the Gleason project on Kemp St. Attorney Ray Lyons decided not to attend as Town Counsel has advised the Commission will need a new filing in order to re-consider the filing under the Bylaw. He has asked the Commission to consider holding a meeting on March 17 with the intention of having a decision before the appeal period under the Bylaw has lapsed. P. Morrison said the Commission could issue a positive Determination requiring that the plan be recorded. M. Giguere expressed concern that it is basically a 30-year deed restriction, not a permanent conservation restriction. Morrison thought the Commission and landowner could agree to remove it earlier, but it is good for 30 years.

Filing a Request for Determination of Applicability essentially buys time in which to get a decision within the appeal window. P. Morrison said he was under the assumption we could re-consider at this meeting. All members agreed to the March 17 meeting date.

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

VOTED: to enter Executive Session, not to return to Open Session, at adjournment.

The meeting was adjourned at 9:57 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 3/10/09.**