

GROTON CONSERVATION COMMISSION

Minutes

October 11, 2011

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 1st floor conference room in Town Hall. Members Craig Auman, Bruce Easom, and Bill Neacy were present. Members Marshall Giguere, Peter Morrison, and David Pitkin were absent. Conservation Administrator Barbara Ganem was present.

7:00 p.m. Appointment Carol Quinn/Lost Lake Sewer Committee

Carol Quinn and Tom Orcutt, Groton Water Superintendent, were present to discuss three articles on the Town Meeting Warrant for October 17. Article 14 is for funding to update the Town's application for a low interest loan and grant package for the design and construction of sewer infrastructure in the Lost Lake area. The income survey will allow Lost Lake area residents to apply for loans. Article 15 will look for \$40,000 for an engineering review of the proposal to transport wastewater to Ayer. The third article, Article 16, is a request for \$350,000 to cover the cost of filing an Environmental Impact Report. Ms. Quinn explained the hookup with Ayer would involve at least one mile of sewer pipe between Four Corners at Sandy Pond Rd. and the Ayer Sewer Treatment Plant. One of the environmental impacts will be the transfer of water from the Merrimack watershed to the Nashua watershed.

Chairman Madden asked how much of this amount would go toward the actual preparation of the Environmental Impact Report. According to Ms. Quinn and Mr. Orcutt, some of the funding will involve layout of the low pressure sewer. Woodard & Curran have held preliminary talks with the state and with stakeholders. An intrabasin transfer is the biggest obstacle to this proposal, and the state will look for offsets within Groton. Mr. Orcutt said the Ayer hook-up represents a 30 – 35% cost savings over having a facility at Groton Woods with a pump at the Lost Lake Fire Station. Tight tanks continue to be installed around Lost Lake. When these tanks are pumped, the effluent is transferred to Pepperell. He felt the Committee would be remiss not to ask for this article from an environmental perspective.

C. Auman questioned whether there are commitments from the rate payers. Betterments will be assessed to fund the construction and design phase. There have been several outreach meetings, including encouraging public response to the income survey. \$400,000 has already been spent, and the betterments would mean getting the money up front. B. Neacy thought this type of question was better suited for the Board of Selectmen and was inappropriate for this session.

Mr. Orcutt said the Shattuck and Whitney Pond wells are in the Merrimack River basin so some of our recharge is already going into the Merrimack watershed. C. Auman expressed concern about losing water from Groton. T. Orcutt said the Town must look at multiple buckets as it is not healthy to take water from a single source. The Unkety and Shattuck wells help balance out our withdrawal points. We have about 43' of rain in New England every year, and this offers recharge as well. The Town Forest well can also be considered as backup.

Commissioners asked if there is a map showing who is to be serviced under this proposal. This information is posted on the Town Lost Lake Sewer Committee web site, and a listing of streets to be served will be available for Town Meeting. Ms. Quinn pointed out this would only serve the Lost Lake area. N. Madden asked if surveys of residents who are willing to hook up have been done. Ms. Quinn responded the outreach had gotten at some of this information, but no direct survey was done. Ms. Madden asked if a cost benefit analysis was prepared, and Ms. Quinn indicated the betterment was likely to be between \$12,000 and \$15,000 and would have been \$35,000 had the facility been located within Groton. B. Neacy did not think this was within the purview of the Commission and made a motion, seconded by B. Easom, suggesting the Commission move forward with a vote in support of the three articles. B. Easom made a motion, seconded by B. Neacy, and it was

VOTED: to amend the original motion by adding the phrase “based on the expected improvement in water quality”.

Returning to the original motion, it was

VOTED: to support the three articles proposed by the Lost Lake Sewer Committee based on the expected improvement in water quality.

N. Madden abstained from the vote as she did not feel she had enough information to make an informed decision.

7:15 p.m. Sgrosso/2 Wyman Rd. Notice of Intent DEP#169-1067 continuation

At the request of the applicant and upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to continue the hearing to October 25, 2011.

C. Auman suggested some revisions to the minutes of September 27, 2011, and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of September 27, 2011 as amended.

C. Auman reported D. Pitkin, N. Madden, and he had visited 25 Ridgewood Ave. on Saturday and observed the tight tank was put in very neatly and the trench area re-seeded. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1008 for 25 Ridgewood Ave. contingent upon the removal of silt fencing and haybales.

Member Auman explained the owner of 27 Whitney Pond Rd. has installed stepped down stone retaining walls with planting areas which creates attractive habitat while stabilizing the hillside. Upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1023 for 27 Whitney Pond Rd.

contingent upon the removal of haybales.

7:30 p.m. Stark/22 Birchwood Rd. Request for Determination of Applicability

Wetland scientist Steve Ericksen explained the Commission has previously determined his client had dumped fill and was cutting trees within 100 ft. of a wetland. He maintained the area in question was not a wetland based on soils and vegetation. Portions of the filled area are within 90 ft. of Lost Lake/Knops Pond. He thought parts of an old septic system may be located at the bottom of the kettle hole. C. Auman, D. Pitkin, and N. Madden did several soil borings with the auger and observed the soils to be sandy with no clay and no adhesion. N. Madden confirmed they saw no redoximorphic features in the soils, and there were maple seedlings taking hold in the area.

Members asked what additional work is involved with creating the parking area. Paving will be added to the 10' to 15' area within the 100-ft. buffer zone. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination advising the owner 1) to take care that no sediment or siltation occurs into Lost Lake/Knops Pond and 2) to rescind the Determination of Applicability and Enforcement Order issued on August 25, 2011.

Members referred to a letter from Attorney Robert Collins on the Town's right of first refusal on the Croteau property on North St. Mr. Collins explained a preliminary design plan showing four single family homes and one triplex has been submitted to the Planning Board. The forested portion of the land would be left intact. There is a horse farm to the north of the property, and they may be interested. He acknowledged the Town has the right of first refusal in accordance with Ch. 61 requirements which apply only to the middle lot of the three parcels. B. Collins felt this plan would preserve what needs to be preserved.

B. Easom asked if there is a signed purchase and sale agreement, and Mr. Collins stated the Croteaus plan to sell once they have permitting in place. Development will be located within the previously disturbed quarry area. B. Collins said the remainder of the site has viability for preserved uses. N. Madden asked if there are other protected lands nearby, and it was noted the conservation-restricted land owned by the School District is across the street. B. Easom asked about the development potential and appraised value of the property. He felt it was premature for the Commission to give up its rights until we know how the property is appraised at fair market value. Mr. Collins said the land includes someone's residence. The preliminary design was submitted under flexible development with 35% of the land, exclusive of wetlands, to be set aside. Upon a motion by B. Neacy, seconded by C. Auman, it was

VOTED: to recommend to the Selectmen that we not pursue the purchase of the Croteau parcel.

The motion passed with three voting in favor, and B. Easom voting in the negative.

7:45 p.m. Iovino/583 Lowell Rd. Notice of Intent DEP#169-1065 continuation

Surveyor Stan Dillis explained this is the third iteration of the planting plan and shows that some clusters of plants have been added closer to the house. Future disturbance of the lot will be limited by a fence. Stumps will be left in place but ground down outside of the mitigation area. Attorney Bob Collins added that markers could be placed on the fence. S. Dillis explained that hydric soils were used in the most recent wetland delineation which differs slightly from the wetland line used in the construction of the home prior to the implementation of the Wetlands Protection Bylaw. He noted Natural Heritage has not responded as yet because they wish to see what the Commission approves. N. Madden questioned why the fence represents the limit of disturbance, and Mr. Collins indicated his client will need room to build a garage. He pointed out the planting plan calls for putting back 50% more trees than were taken down. C. Auman, seconded by B. Neacy, made a motion to close the hearing contingent upon the letter from Natural Heritage. B. Easom expressed reservations about this as the public will not have an opportunity to have input, and he felt it was an important matter of procedure. C. Auman withdrew his motion.

Attorney Collins questioned whether he should file for the proposed garage as an amendment of this Order, and members advised this should be a new Notice of Intent as it represents additional impacts to the wetlands. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing to October 25, 2011.

8:00 p.m. Pollard/10 O'Neill Way Notice of Intent continuation DEP#169-1068

Resident Jeffrey Pollard explained he wished to install a gunite in-ground pool and will obviously abide by the conditions set by the Commission. N. Madden asked if there is any likelihood the pool excavation will intersect the water table, and J. Pollard replied they had dug 7 ft. down for the addition foundation and no water was encountered. He noted the home was raised when it was built, and there is a finished basement on the addition which is 1 ft. lower. He estimated the size of the pool will be 40 ft. x 17 ft. with a patio going out 10 ft. on the left and 12 ft. on the right as you face the house. A tanker will be used to lower the pool level in the winter, and he plans no chemical storage as there will be a salt system.

B. Neacy asked what will happen to materials excavated for the pool, and Mr. Pollard said he planned to use them to grade the front of the property. Mr. Neacy stated he was uncomfortable with that, and Mr. Pollard agreed to have them removed from the site. An excavator will access the site on the wetland side of the house. B. Ganem explained the time table for receiving an Order of Conditions, and Mr. Pollard was uncertain how late in the season the pool people do installations. N. Madden observed that the work could spill over into the spring, but the Order is good for three years. C. Auman advised the work should be done at a dry time of year. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to close the public hearing for DEP#169-1068 for 10 O'Neill Way.

8:15 p.m. Christie/308 Townsend Rd. Request for Determination of Applicability continuation

Resident Chris Christie explained he wished to build a 10 ft. x 16 ft. deck attached to his screened porch. The deck will be supported by sona tubes, and he plans to do the work himself. The work is estimated to be 30 ft. from Bordering Vegetated Wetlands. C. Auman asked what

will be done with the material from the sona tube excavations, and Mr. Christie said he would use it in his garden or flower beds if it was suitable. Mr. Auman cautioned against depositing it near the wetlands. Mr. Christie anticipates dirt will underlay the deck. Upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to issue a negative #3 Determination in which any excavated materials are removed outside the 100 ft. buffer zone of the wetlands.

Chairman Madden reported on the October 6th meeting with the Planning Board to discuss the proposed project at 134 Main St. Planning Board members were informed the Commission regards any house within the buffer zone as very controversial. D. Pitkin, B. Easom, C. Auman, and N. Madden underscored the fact that the Commission's perspective is not totally decided. They conveyed the idea it would be very problematic to put more houses in the buffer zone. C. Auman felt it was a good meeting in that the message was clear. A lot of different scenarios were presented, and the applicant seemed concerned about the proposed changes. Planning Board Chairman Russ Burke arrived at 8:25 p.m. and stated the Planning Board had concerns about the phalanx of garages presenting a sea of pavement on the right as you enter the cul-de-sac. They had asked the applicants to prepare alternate site configurations, knowing the implications for the topography of the site. Mr. Burk said his Board felt it was important to confer with the Conservation Commission. From a design point of view it is good to spread out the curb cuts and consider side loading garages, but he understood that the existing encroachment is already taxing the maximum alternative of what the Commission will tolerate. Alternative B reduces the number of curb cuts and creates a larger area of green space. Another concern is that there is no road side line definition. Alternative B is no more intrusive into the wetlands buffer than the existing plan. Mr. Burke felt the discussion was valuable and productive, and he had decided to avail himself of the Commissioners' kind invitation to attend the Commission's hearing. Planner George Barringer had also arrived earlier, but left due to the applicant's decision to request a continuation of their hearing. R. Burk stressed that the joint meeting will make the project work a little better, and both boards have to consider the long term effects of both the built and environmental environment. He indicated he is open to further dialogue with the Commission.

8:30 p.m. Mt. Laurel Development 134 Main St. /DEP#169-1062 continuation

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

VOTED: to continue the hearing for DEP#169-1062 for 134 Main St. to October 25, 2011.

B. Ganem reported severe erosion problems at the Squannacook Hill site (160 Townsend Rd.) during a significant rain event on September 28 - 29. The Commission reviewed a letter outlining compliance issues under DEP#169-980 and an Enforcement Order that has already been issued. The Zoning Board of Appeals is currently deciding whether to grant the project a third 2-yr. extension. An Enforcement Order was also issued by the Earth Removal & Stormwater Inspector because of silty runoff from the site reaching Townsend Rd. Upon a motion by B. Neacy, seconded by B. Easom, it was

VOTED: to ratify the Enforcement Order issued by B. Ganem on September 29, 2011.

There have been some improvements in the erosion control measures at the Academy Hill site, but there has been no movement on the implementation of the culvert mitigation proposal. Comprehensive Environmental, Inc. has attempted to contact Beals Associates to get their time table in order to prepare an appropriate monitoring schedule and estimate fees, but there has been no response to date.

9:00 p.m. Cloyd/2 Loomis Lane Notice of Intent DEP#169-1064 continuation

Resident Ken Cloyd distributed copies of the site plan prepared by Ross Associates. The work shown includes an addition to the house, removal of two trees, and loaming and seeding of the disturbed areas. One of the trees will be removed due to an infestation of bittersweet and the other is dropping limbs. He pointed out vegetation in the yard has now grown in thickly. Members mentioned there are a lot of invasive plants at the site, and it's important to keep the edge of Martins Pond Brook well-vegetated with native plant material. Mr. Cloyd said he planned to grade and loam the site and clear out bittersweet. C. Auman questioned whether there was a planting plan, and K. Cloyd indicated he cannot afford a plan or plants, but could perform the labor to get rid of invasives. Members agreed to include conditions to visit the site and help identify invasives to be removed. Upon a motion by B. Neacy, seconded by B. Easom, it was

VOTED: to close the hearing for 2 Loomis Lane, DEP#169-1064.

Member Neacy explained he still needed to talk with neighbors about the Ames Meadow site. B. Easom asked if it would be helpful to have someone meet personally with the Division of Conservation Services about the TABCOM Conservation Restriction. He expects to record several additional GPS points to finish the Angus and Gibbet Hill Stewardship Plan. N. Madden offered to assist with this effort. Member Easom has not had an opportunity to request corrections in the metes and bounds for the Fuccillo land. He indicated he felt the Allens Trail CR Monitoring Report was ready for finalization.

Selectman Peter Cunningham requested a brief moment on the Commission's agenda to discuss proposed parking within the 50 ft. buffer zone on the Groton Electric Light Department site on Station Ave. The revised plan (Option 3-F) brings the fire station closer to the Nashua River Rail Trail so that portions of the building and parking will be within the buffer zone. In addition, the GELD engineer has stated the site will require 3 ft. of fill to accommodate the proposed drainage system. Members said the plan showing both a fire station and anticipated GELD facility has not been reviewed by the Commission. The Electric Light staff and board indicated the footprint of the fire station would match that of the existing garage, and a comparison of pre- and post-construction impervious surfacing was to be prepared. Members expressed extreme concern with the amount of impervious surfacing proposed for the lot by the siting of both facilities. Noting no formal plan has been submitted for Commission review, Commissioners agreed that alternatives that have fewer impacts to the wetlands need to be evaluated. B. Neacy summed up the Commission's viewpoint by stating "Yes, we have a problem with the parking in the buffer zone."

There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 10/25/11.

EXHIBITS

Document	Source	Date
Minutes	Conservation Commission	9/27/11
Handouts for Town Meeting, including FAQs	Lost Lake Sewer Committee	Submittals for 10/17/11 (attached)
Letter from Robert L. Collins	Croteau Property/66 North St.	9/27/11
Certificate of Compliance DEP#169-1008	25 Ridgewood Rd.	Signed 10/11/11
Certificate of Compliance DEP#169-1023	27 Whitney Pond Rd.	Signed 10/11/11
Request for Determination of Applicability	Stark/22 Birchwood Ave.	Filed 9/27/11
Request for Determination of Applicability	Christie/308 Townsend Rd.	Filed 9/13/11
Notice of Intent	Pollard/10 O'Neill Way	Filed 9/13/11
Enforcement Order Squannacook Hill, DEP#169-980	Conservation Commission	9/29/11
Notice of Intent	Cloyd/2 Loomis Lane	Filed 4/12/11
Option 3-F (w/GELD & Fire Station structures)	GELD/Station Ave. Maguire Group/Places Associates, Inc.	9/9/11 (attached)

Handouts for 10/17/11 Town Meeting

The Final 2011 Master Plan and its relationship to the Lost Lake Sewer Project:

“Groton has an impressive legacy around preserving and protecting natural resources. The town can now focus on filling gaps in natural resource protection and ensuring that key natural resources, such as drinking water and agricultural land, are secured for future generations.”

Sustainability of natural resources:

“Groton has critical wastewater infrastructure needs; some of which are being addressed and others which require increased attention. This is a key area of focus for the town, for it affects

environmental health, as well as land use and economic development consequences for different areas of town.”

“Continue to pursue funding and implementation for a Lost Lake wastewater treatment facility, and study the potential for wastewater treatment in West Groton. Evaluating the suitability of public or private wastewater treatment facilities for different areas of town and providing the appropriate infrastructure reduces groundwater pollution in vulnerable areas while allowing adequate groundwater recharge in others.”

“In 2002, Groton completed a twenty-year wastewater management plan that identifies Lost Lake/Knops Pond as a priority area for intervention due to the prevalence of small lots with individual septic systems. In 2005, the Board of Selectmen and Sewer Commissioners issued a report that recommends a comprehensive watershed management program for this area. To guide the program, Groton established the Lost Lake Sewer Committee in 2008 and commissioned a feasibility study shortly hereafter. The study revealed high nutrient concentrations, including phosphorus and fecal coliform, in the Lost Lake/Knops Pond watershed. The 2010 Fall Town Meeting approved funds to apply for two grants that could pay for the project: a grant from the Massachusetts Water Pollution Abatement Trust (a component of the State Revolving Loan Fund), and a U.S. Department of Agriculture (USDA) Rural Development Grant. At the time of this writing, the Committee had submitted its application for the USDA grant, and the Town’s consulting engineering have completed a draft plan for the facility”.

TOWN OF GROTON

LOST LAKE SEWER ADVISORY COMMITTEE

September 27, 2011 V1.0

Frequently Asked Sewer Questions



What are “betterments”?

Service by a public sewer is an improvement over on-site wastewater disposal (i.e. septic systems, etc.) of such lasting duration that it is considered to be in perpetuity. Therefore, when a municipality constructs public sewers, the value of those properties abutting the sewer line are said to have been improved or “bettered”. In Massachusetts, sewer betterments are governed by Chapters 80 and 83 (excluding Sections 1 and 2 of Chapter 80) and are under the jurisdiction of the Department of Revenue. Sewer betterment assessments are monies intended to pay back all

or a portion of the debt service of the "local share" of the sewer construction and associated engineering capital costs.

How much are betterment charges and when would I have to pay them?

The betterment assessment for a single family home is projected at \$18,000 to \$24,000 for the most feasible solution if the entire project cost is covered by property owners in the proposed sewer area. Other financing options are being actively explored

Assessments can be paid in full when assessed or apportioned and paid over time. Current projections using State Revolving Funds show betterment payments over twenty years come to 1,000 to \$1,800 per year, again for the most feasible solution and if the entire project cost is covered by property owners in the proposed sewer area.

Do I have to pay the betterment if I don't connect?

Yes, per Massachusetts General Law, Chapters 80 and 83.

What will happen to any unpaid betterment assessment balances when my property is sold?

The betterment will need to be paid off when the property is sold.

Will my property tax be affected by the betterment of my property with installation the sewer system?

There are no real estate assessment criteria for sewer connection that would affect your assessment. If sales of homes connected to sewer sold at a premium, assessed values would eventually reflect that market data.

What happens if interest rates or construction costs go way up, won't I be faced with huge betterment increases?

This is not likely because:

- 1) State Revolving Fund costs are expected to be stable.
- 2) Our construction cost estimates are conservative and include contingencies.

Why was a low pressure sewer system design selected?

A low pressure system would be less expensive to install and operate over the long term than a gravity system. The pipe size is smaller, not buried as deep since it doesn't need a fixed slope which minimizes the cost risks of removing ledge or other unsuitable material and may be run uphill eliminating a number of costly pumps stations needed to serve a gravity system. At the same time this system allows flexibility in that the collection system could be adapted to evolving needs over time.

This allows the use of horizontal directional drilling which eliminates the wholesale digging up of roads and properties, limiting the environmental impacts. Instead, small excavation pits would be dug to insert and receive the end of the pipeline, and where each property connection is made. This technique was used for the Boston Road extension of the Groton Center system. It greatly reduced the excavation costs, traffic interference, inconvenience of excavating deep trenches on narrow roads (which could close access on many roads around Lost Lake), and paving needs.

How does the pump system work? What are its' storage capacity? What happens in a power outage?

Most grinder pumps systems have about 24 hours of storage, depending on water use. During a power outage those residents on private wells will not be using pumped water. Those with backup power (generator) can use the grinder pump. If you have public water, be conservative with your water use until the power returns.

E-one FAQs are located at this website:

http://www.eone.com/sewer_systems/service/grinder-pump-faq.htm

What is the estimated cost for individual connection fees?

These costs will vary by site, distance to connect, terrain, and installation costs, town water vs. well, etc.

What are the estimated yearly Operating and Maintenance (O/M) fees?

These costs are currently being negotiated with the Town of Ayer.

How will the sewer usage be calculated?

Sewer usage will be determined by the properties' water usage, for those on well water, there will be a water gauge installed on the well, at the time of sewer hookup. For those on town water, no additional equipment is required

When I sell my house or business, will I need a Title 5 compliant system?

In most cases, properties having private wastewater disposal systems of any kind must have a "passing" Title 5 system before the property can be transferred. Properties connected to a municipal wastewater disposal system are relieved of this requirement.

However, state regulations (315 CMR 15.00) waive inspection of a system from the time of title transfer if the owner or person acquiring the title has signed an enforceable agreement to upgrade the system or connect to a sanitary sewer or shared system within 2 years.

I just installed a fully compliant Title 5 private system at great expense, why should I be required to pay into a municipal system?

Except for the annual betterment charge, you wouldn't be required to do so right away. When, and whether, to connect into and use the municipal system, except in cases of private system failure as determined by the Board of Health, will be an individual property owner's decision. (If a system fails and sewer is available, you have to connect.)

I just installed a Title 5 private system with variances. Will I have to connect to the municipal system?

Besides the annual betterment charge, you will need to work your individual connection time frame with the Board of Health. Some innovation alternative (I/A) systems, such as a Presby will require hook-ups within 60 days.

I installed a "tight tank" – will I have to connect to the municipal system?

Yes, within 30 days.

If I don't connect right away, will I be able to connect at a later date?

Yes.

What if I can't afford the one time connection fees?

As an incentive to initial connection, we anticipate that property owners who connect right away will be allowed to pay a portion of the connection costs over time. Grinder pump costs and connection fees would certainly qualify. State and Federal programs provide funds to allow individual property owners to borrow the costs for sewer/septic upgrades; the Town will apply to participate in this program.

What is involved in decommissioning my existing septic system?

The pipe to the existing on-site system is disconnected when the grinder pump is installed. The septic tank then has to be pumped out by a licensed septic hauler and the tank must be removed or the tank punctured and filled with sand or other material to render it unusable.

What is the timeline for the installation of the sewer project?

Construction is planned to start in the Spring 2014.

Can the district be changed or expanded?

Yes. The Sewer Commission can recommend changes to the district for Town Meeting approval if needs change over time.

What happens if the project is not approved?

The project will be stalled until the town is willing to consider the issue again. Meanwhile, property owners will be on their own for solving and funding their Title 5 compliance issues. The problems in the Lost Lake Area have been well documented for over 40 years – it's not going away and the solutions continue to increase in price.

