

## GROTON CONSERVATION COMMISSION

### Minutes

June 26, 2012

Vice Chairman David Pitkin called the meeting to order at 7 p.m. Members Bruce Easom, Craig Auman, Marshall Giguere, and Peter Morrison were present. Bill Neacy arrived at 7:01 p.m. Chairman Nadia Madden was absent. Conservation Administrator Barbara Ganem was present.

Resident Andrew Davis explained he had consulted with B. Ganem and is planning a cleanup at Sargisson Beach for June 30, 2012. Members of Groton Local are regularly assisting with the cleanup of Sargisson Beach on Mondays. The amount of weeds that end up on the Beach appears to be increasing this year. Boy Scout Troops 1 and 3 may also be volunteering for the cleanup. Members suggested notifying the stewardship list. P. Morrison and M. Giguere thanked Mr. Davis for organizing this event. Members expressed their appreciation for the well-thought out plan. C. Auman recommended contacting the 'Talk About Groton' list serve as well, and B. Easom thought the Parks Commission should also be notified. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to authorize the cleanup of Sargisson Beach scheduled for June 30, 2012.

The vote was unanimous.

Mr. Davis said he would also like to make plans to address erosion and stormwater issues at Sargisson Beach. Where leaves have been removed on slopes, the surface is prone to erode which he thought could be helped by the placement of wood chips, similar to what has been done just outside the Sargisson Beach gate. Rainwater would be absorbed by this surface rather than creating gullies down the slopes. He said parking outside the gate remains an issue, and he is attempting to work with the police on this matter. He suggested the Commission may wish to consider leaving the gate open from the time the water level starts rising in the spring until the winter drawdown. Fishermen frequently park on the road side, and there can be 3 - 8 fishermen with 5 or 6 cars at a time.

He also noted the area should be posted for ticks, and there has been some vandalism of trees. His thought is to lower operating costs for the Beach by using volunteers. Some of the work he is proposing may rise to the level of a Notice of Intent. The Commission needs to make a determination whether this Beach is to be open only to Groton residents as that will determine signage.

7:15 p.m. – Groton Conservation Trust Request for Determination of Applicability Duck Pond trail work

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

VOTED: to continue the meeting to consider the trail work at the Duck Pond

Conservation Area to July 10, 2012.

7:15 p.m. Appointment Roger Cruz

After the Conservation Commission visited Hayden Rd. on April 7, 2012, members had requested an updated site plan showing an additional pipe emptying into the pond. Member Giguere agreed the site looked stable. Mr. Cruz reminded the Commission about the flooding he experienced because his basement was not draining well. He returned to the Commission with a request to add a flood drain which was approved. He explained there are PVC pipes installed under the slab which hook up to a sump pump, and this second pipe serves the same function.

Commissioners expressed concern that the flows from the pipes not cause erosion. Members also noted some trees were cleared at the back of the lot, and Mr. Cruz explained they were damaged in the October storm. He has continued to plant new trees along the pond. B. Eason pointed out there is the potential for contamination from oil supplied for a furnace which could pose a risk if there is a pump failure and or pumps oil to the stream. He felt this would not hold up the Certificate as the Commission has previously approved a pipe. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a Certificate of Compliance for DEP#169-777 for 162 Hayden Rd.

7:30 p.m. – Groton School Notice of Intent soil and groundwater remediation.

Attorney Robert Collins was present and introduced Sean Hale of Epsilon Associates and David Lang, both of whom are consulting on the project for Groton School. He noted there are two areas, one the north area which consists of older materials and the south area where the wetland flagging starts. It is suspected that the south area covers what was an old drainage ditch. It is unfortunate that it needs to be moved because of the water flowing through the materials. Such materials as galvanized materials show up as zinc in the groundwater monitoring wells. Arsenic also shows up, probably the remnant of when some of the area was an orchard. The School has been working proactively with testing going on for the past three years. Working with the Department of Environmental Protection, they have developed a Massachusetts Contingency Plan in which the area to the south will be moved to the north and then capped and revegetated.

Lynnfield Engineering has developed the contingency plan. Mr. Collins mentioned he is hoping for a determination of 'no take' from the Natural Heritage & Endangered Species Program. S. Hale noted the Commission walked the site this past Saturday and reviewed four resource areas: 3 Bordering Vegetated Wetlands (BVW) and 1 Isolated Land Subject to Flooding (ILSF). There would be some land clearing for the capped fill which will be built into an existing slope. He commented the ISLF does not have a buffer zone except under the Wetlands Protection Bylaw. The existing cart path will make a good access with the addition of gravel in low spots. Some vegetation will have to be cleared. An area in the south section will be set up for de-watering in place. The cap will remain as an open meadow site. He estimated there was 1,600 SF of temporary impact to the wetland. A 5 ft. wide buffer is proposed around the intrusion to provide a margin in which to do the work. All of this area will be the subject of a wetland restoration plan.

B Collins said there will be some erosion control measures that go into the resource area, and he suggested a temporary forebay for the period in which work is occurring. There is natural drainage toward the Groton School Pond. In Section 5 of the NOI, the plan is to restore to existing topography. They will not be excavating but scraping the wetland at the existing grade. The construction of an earthen berm will help maintain the resource area according to Mr. Collins. A "New England Seed Mix" will be used in the resource areas while the area to be capped will be loamed and seeded. B. Collins agreed to provide an invasive control maintenance plan. B. Easom questioned the volume of materials to be moved. The test pits and monitoring wells have determined how far down one has to go to reach the natural materials. It is likely this will be down to the grade of the adjacent road. The plan is to replicate the natural topography. All of the unnatural (fill) materials have to be removed.

The work will be scheduled for a dry period, hopefully when the school is not in session. The proposed grade will be around 308 ft. to 310 ft. Between 7 ft. to 10 ft. will be removed. The bulk of materials are going outside the 100-ft. buffer zone to wetlands.

David Lang explained he consulted for Groton School but was not the Licensed Site Professional (LSP) for the Contingency Plan. The level of cleanup is reviewed by DEP, and they determine the ecological risk assessment and the type of cleanup to be done. The plan is to be protective of humans and the environment, including plants, and must take into consideration construction standards over the long haul. The design includes a synthetic cap which does not allow infiltration and contains layered drainage features. During periods of high groundwater the filled materials are exposed to water which can leach out chemicals and minerals. S. Hale added that the subsurface waters are moving. There will be a settling basin on the southeast side of the south area.

A teacher at Groton School, David Black, reported there are 3 wetland systems with vernal pools near the proposed work. He asked how the remediation could affect the hydroperiods for these pools, such as increasing the flow early in the season or decreasing the flow at critical times. He advised paying attention to maintaining the natural flow of water in this area.

Attorney Collins assured him the water flow would remain the same as it is now. In addition seasonal water quality data will continue to be collected. M. Giguere requested pre- and post-calculations for the watershed to assure the vernal pools stay charged. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to continue the hearing to 8:15 p.m. on July 10, 2012.

#### 7:45 p.m. – 30 Lost Lake Dr. Request for Determination of Applicability

Homeowner Rita McKinley explained they wished to install an above-ground pool in their backyard. Commissioners expressed concern about back flushing and discharging chlorine treated pool water. Ms. McKinley said there is a swale on the opposite side of the backyard where water could be discharged. A trench will be dug for an underground conduit to carry electricity to the pool. The trench will be 18 in. deep, and it is not anticipated the work will take longer than a day. Members cautioned Ms. McKinley about removing trees and shrubs close to the resource area. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination providing water from pool drawdown/back flushing shall be drained toward the other side of the lawn, away from the wetland side.

Review of the May 22nd minutes will be postponed until the next meeting.

Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to approve the minutes of June 12, 2012 as drafted.

M. Giguere reported the Commission had heard from a member of the Trails Committee with concerns about the condition of the trails at the Farmers & Mechanics Conservation Area. He said the forestry cutting is completed, and Mr. Giguere showed the Commission photographs of the site taken this afternoon. Dan Cyr has seeded the area with a meadow mix. Overall, he said he was impressed with the whole site. He showed some of the rutting on the skid roads, but really felt this was easily remediated with minimal raking. A mountain biker was using the trails at the time of his visit. He thought the Commission may want to post the site with the year in which the forestry was carried out, similar to what the New England Forestry Foundation does.

The loggers have done what was specified in the Forestry Cutting Plan, and Mr. Giguere felt they had done an excellent job. Resident Andrew Davis asked the purpose of the cutting, and members informed him the harvest was done to improve the health of the forest and to generate income for the management of other conservation areas such as invasives control. Approximately 30% of the canopy was cut, and the Commission received a \$29,000 bid for the work.

Members generally agreed it would be helpful to conduct a site walk with abutters and the forester sometime next spring. This is a good opportunity to think about things we could have done better, and one of them is to invite abutters to a site visit before the marking occurs.

Commissioners agreed to postpone 1 until the appointment of new members has occurred.

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

VOTED: to issue an Order of Conditions, as drafted, for DEP#169-1083 for 6 Weymisset Rd. under the Wetlands Protection Act. The vote was unanimous.

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

VOTED: to issue an Order of Conditions, as drafted, for DEP#169-1083 for 6 Weymisset Rd. under the Wetlands Protection Bylaw.

Haybales have been installed at the headwall to the street storm drains at 7 Hemlock Park Dr. The headwall connects to a series of manholes and catch basins on Lowell Rd. and Lost Lake Dr. P. Morrison asked how much silt has entered the stormwater system. He thought this depression acted as a detention basin at the corner of Hemlock Park and Lowell Rd. Members did not

observe silt at the Saturday site walk, and B. Easom indicated he saw nothing that alarmed him. P. Morrison said the Commission has, in the past, taken jurisdiction if silt ends up in a resource area. D. Pitkin asked if the Commission wished to require another RDA or issue an Enforcement Order. B. Easom thought we should do nothing. P. Morrison argued for parity between property owners. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to send a letter to the owner of 7 Hemlock Park Dr. asking that he respond by July 9<sup>th</sup> with information about when he intends to do the re-planting.

The motion passed by majority vote, with P. Morrison voting in the negative and the remaining members voting in favor of the motion.

The new owner of 26 Orion Way has inquired whether the Commission is agreeable to an alternative location for the shed. Members expressed a preference for the location near the fence line. For 36 Orion Way, engineer Matt Waterman has prepared an as-built plan (submitted 6/26/12) with the no-disturbance line depicted in red. This essentially preserves the 50-ft. buffer zone. Condition #47 of DEP#169-768 reads: "After completion of the work, the applicant shall permanently mark the edge of disturbed areas to ensure no further inadvertent encroachment into buffer. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant." The proposed markers appear to comply. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to approve the proposed no-disturb line for 36 Orion Way, and allow the removal of the conservation marker nearest the detention basin.

The vote was unanimous.

John Smigelski, a new Conservation Commissioner, was present for the meeting and expects to begin serving his term on July 1, 2012.

B. Easom said he would like to discuss the Ferguson property on 7 Baby Beach Rd. Vice Chairman D. Pitkin reminded the Commission that the pictures of the deck, showing it overhanging Lost Lake/Knops Pond by several feet, were at odds with the Order of Conditions. Mr. Easom thought the Commission should ask Mr. Ferguson what he intends to do about this discrepancy. P. Morrison raised concerns about forcing the moving of the house. The result would be he gets no Certificate of Compliance. The deck could be removed. P. Morrison said this is a road without a clear path and is likely to require hiring a lawyer. Putting together documentation and proceeding as though it will end up in court is the likely outcome. B. Neacy said it is not as though he is cutting through wetlands. B. Easom said it sets a precedent to allow applicants to not follow their Order of Conditions. He maintained he was not saying we should take him to court, but to tell us why he can't remove the deck. M. Giguere estimated there is a 1.5 ft. extension, and it would be time consuming to pursue the correction. P. Morrison argued that Commissioners need to put things in perspective. C. Auman thought asking him could be a reasonable starting point. B. Easom said, if not enforced, why even have a plan? B. Neacy

commented regulations are sometimes not black and white; he suggested considering how much impact it has on the resource area.

For example 213 Whiley Rd. had to remove the fill they put in the floodplain. Where do you draw the line? Ch. 91 requires a filing for extending something over the lake. B. Easom stressed that this is an opportunity to draw a line in the sand firmly and clearly. D. Pitkin remarked that the condition is very clear. We could do an Enforcement Order, a letter, or do nothing. B. Easom made a motion, seconded by C. Auman to send a letter asking how the applicant plans to comply with Condition #34 "The deck shall not extend over any portion of the lake" as noted in DEP#169-1016. The vote failed with B. Easom and D. Pitkin voting yes, and B. Neacy, P. Morrison, M. Giguere, and C. Auman voting in the negative.

B. Neacy said it has been a pleasure serving with the Conservation Commission; he commended fellow members for the great job they do. He felt the recent action by the Board of Selectmen was uncalled for and showed a weak sign of leadership. While their response was very forceful, he stressed that one interest should not supersede another. Commissioners thanked him for his service to the Conservation Commission and the Town of Groton. D. Pitkin noted that the next Wetlands Bylaw Review Committee is scheduled for 4 p.m. on June 27, 2012.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 8/14/12.**

#### EXHIBITS

Document	Source	Date
Request for Certificate of Compliance, DEP#169-777	Cruz/162 Hayden Rd.	Order of Conditions issued 3/15/06
DEP#169-1084	Groton School soil & groundwater remediation	Filed 6/11/12
Request for Determination of Applicability	McKinley/30 Lost Lake Dr.	Filed 6/30/12
Minutes	Conservation Commission	6/12/12
DEP#169-1083	Prest/6 Weymissset Rd.	Filed 5/14/12
Request for Determination of Applicability	7 Hemlock Park Dr.	Filed 2/29/12