

## GROTON CONSERVATION COMMISSION

### Minutes

September 25, 2012

Chairman Craig Auman called the meeting to order at 6:30 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Marshall Giguere, Peter Morrison, John Smigelski, and Rena Swezey were present. Bruce Easom arrived at 6:35 p.m. Member Nadia Madden was absent. Conservation Administrator Barbara Ganem was present.

In discussion on whether an Executive Session was necessary, P. Morrison pointed out there is no need to keep information from the public at this stage. With five members present, as well as realtor Jane Allen and owner Marjorie Cox, member Morrison reported that he and R. Swezey met in Ms. Allen's office and arrived at a price acceptable to the sellers (Cox and Walker) of the land on Chicopee Row. It is below the appraised value. The appraisal excluded 5 acres plus the house, barn, and garage belonging to Ms. Cox. The owner has recently realized a subdivision of her land was recorded at the Registry of Deeds in 1999 as a result of the School District's interest in acquiring the land for a new high school. P. Morrison cautioned that the Commission had run into difficulties with appraisals on the Mattbob land on Rt. 119. The appraisal has to match the land we are actually buying. The 1999 plan shows an 11±acre lot was subdivided from the Cox property, and the appraisal reflects 5 acres.

Ms. Allen pointed out the additional cost of \$3000 to change the survey was unanticipated. Ms. Cox said her deed reads that she has 70 acres while this survey states 64.06 acres. R. Swezey indicated that the Assessors' office legally must go by what is stated in the deed. Commissioners questioned whether the 1999 survey actually reflects the correct acreage of the remaining parcel as it has no metes and bounds. The appraisal was based on 64.06 acres with about 400 ft. of frontage on Chicopee Row. By reducing the frontage of the parcel the Commission is purchasing the appraisal could be invalidated, thus disqualifying the grant application. Members recommended talking with Celia Riechel at the Division of Conservation Services on whether the appraisal would have to be re-done and also with the appraiser to ascertain where the 400 ft. originated because it appears to pass through Ms. Cox's barn. Until this issue is resolved, Ms. Allen was advised to do nothing.

C. Auman reported he watched the Selectmen's Monday meeting and was disappointed to hear Josh Degen state that this was a big waste of money. Peter Cunningham wanted to review the appraisals. In the end, Josh Degen and Jack Petropoulos voted to not support the article, and Anna Eliot, Peter Cunningham, and Stuart Schulman indicated they would make a decision at Town Meeting. While this land was not appropriate for a school site, P. Morrison stressed that it is very developable for single family house lots. Members suggested individual meetings with the Selectmen as they are clearly operating without all the information. J. Smigelski, P. Morrison, and C. Auman said they could be available to meet with Selectmen. Ms. Cox said she would prefer to see the land go to the Town rather than to a developer, and Ms. Allen added a developer has offered substantially more.

Andrew Davis (176 Whiley Rd.) asked how long it had taken the Commission to save up enough to make this purchase, and members said this was impossible to say as amounts are added and deducted on an irregular basis.

7:00 p.m. – 5 Baby Beach Rd. DEP#169-1085 continuation

Natural Heritage has weighed in with a ‘no take’ finding. Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to close the hearing for 5 Baby Beach Rd.

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

VOTED: to issue an Order of Conditions, as amended, for DEP#169-1085 under the Wetlands Protection Act.

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

VOTED: to issue an Order of Conditions, as amended, for DEP#169-1085 under the Groton Wetlands Protection Bylaw.

7:15 p.m. – Groton School DEP#169-1084 Soil Remediation continuation

At the applicant’s request and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing for DEP#169-1084 to March 26, 2013.

7:15 p.m. – Lost Lake/Knops Pond Aquatic Weeds Management Proposal, DEP#169-1086

At the applicant’s request and upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP#169-1086 to October 9, 2012.

7:15 p.m. – Appointment Carol Quinn/Lost Lake Sewer Committee

Carol Quinn, Chairman of the Lost Lake Sewer Committee, and Rosemary Blacquier of the Woodard & Curran consulting firm were present. Ms. Quinn explained the Committee has proposed three articles for the upcoming Town Meeting. She noted that planning for bringing sewer to Lost Lake had first been discussed in the 1970’s and most recently a new committee was appointed in 2008 to investigate options.

Ms. Quinn explained the three articles cover 1) a request for \$12.9 million for construction, 2) will define a Lost Lake Sewer District, and 3) allow the Town to enter an agreement with the Town of Ayer to provide wastewater treatment. The concerns about the degradation of the lake, that it is in the Zone II public water source, 90% of the lake properties are on private wells, the soils are very pervious in nature, and the fact that many of the lots are small and on steep slopes have all played a part in this recommendation. There are approximately 380 residential units which could be hooked up. There are an additional 50 at Grotonwoods Camp, and 215 at Four Corners. In a 4 to 1 vote, the Selectmen have supported a 25% Town contribution to the project. It is likely to cost the individual homeowner \$18,000 betterment fee and an additional \$5000 -

\$11,000 to tie in. Ms. Quinn compared this to the \$40,000 to \$50,000 cost of a new septic system. Based on a 25% participation, the Town would add \$190,000 to the annual budget over the next 20 years. Residents would have a \$850 betterment fee per year.

Chairman Auman reported that he, R. Swezey and M. Giguere met with Town Manager Mark Haddad and C. Quinn to discuss a possible process for reviewing multiple sewer connections that will involve work in the buffer zone. It was thought that this could be done using certified installers operating under a standard set of conditions. Going through wetlands to make a connection would be treated under a separate Notice of Intent. M. Giguere agreed that a blanket Notice of Intent with a standard set of conditions would work. Woodard & Curran consultant Rosemary Blacquier reported there are 191 properties that would be involved in this type of filing. She submitted a listing of properties potentially coming under Conservation jurisdiction. P. Morrison concurred with the idea of a blanket NOI. C. Auman commented there would need to be an inspection process to make sure the work is done properly. M. Giguere suggested several members review where the addresses are located on the list. Altogether there are 380 of what is being billed as "equivalent dwelling units". The capacity of the force main is 396,000 gallons per day. This will be a larger diameter pipe. The low pressure part of the sewer will be done with directional drilling. It is anticipated a pumping station will be located on the Sargisson Beach parcel if there is a favorable vote from the Conservation Commission, at Town Meeting, and from the state legislature. It would not be in the parking area, but a pump station with a partially submersible pump could be designed in space near the road.

Easom asked if the property is deed restricted. The Sargisson Beach property was a gift to the Town, and the deed will have to be checked. Ms. Blacquier stressed that it is a concept at this point and no final plans have been developed. The design at this stage is to have gravity flow after Four Corners. Some water testing was done last week, but a study was prepared over a long period of time in 1985. The plants tend to take up the nutrients and thus may not be apparent in the water testing. M. Giguere noted that the results of the survey done last year are available on the Groton web site. C. Quinn commented the figures could be misleading because they were done after a hurricane.

Selectman Anne Eliot said the Lost Lake Sewer Commission is looking for a recommendation at Town Meeting. Andrew Davis (176 Whiley Rd.) asked if there would be opportunities to review the final phase of the buildable plan design as part of the stewardship plans for the Sargisson Beach site. Ms. Blacquier stated the revolving funds specifications are due in October, and it is likely to go out to bid next June. It is at least an 18-month project. Representatives have met with the business community at Four Corners, and there is an upcoming meeting with the Ayer Selectmen.

Erich Garger (46 Redskin Trail) mentioned there are many houses on Lost Lake that have been converted to two-families. He said it would be beneficial to have the nitrogen count reduced in the water. Mr. Garger pointed out the weeds are rampant, and there is raw sewage going into the lake. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to support the three warrant articles proposed by the Lost Lake Sewer Committee: Article 5, the creation of a Lost Lake Sewer System, Article 6, the design and construction

of the Lost Lake Sewer Project, and Article 7, authorizing the Selectmen to enter into an inter-municipal agreement with the Town of Ayer for the discharge of wastewater to the Ayer Sewer Collection System for treatment.

The vote was unanimous.

7:30 p.m. – Appointment Dan Horrigan/Andrew Davis – management at Sargisson Beach

Boy Scout Dan Horrigan plans to do an erosion control project on the Sargisson Beach Conservation Area as an Eagle Scout project. He gave a PowerPoint presentation showing a map of the area where he intends to do work. The placement of a corrugated pipe and cleaning of an existing drainage pipe is within the 100 ft. buffer zone, but Mr. Davis pointed out there is an 8 ft. high barrier between the wetlands and the work. They estimate 44 cubic yards of wood chips will be required to re-surface areas of the driveway and parking lot. B. Easom cautioned against using wood chips that contain invasive plant seeds. P. Morrison urged that the wood chips be from hard woods and exclude bittersweet and buckthorn. Commissioners agreed it would not be necessary to file a Request for Determination of Applicability even though some of the work is within 70 ft. of wetlands due to presence of a hill between the wetlands and the work area. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the Sargisson Beach Erosion Control Plan, dated 9/25/12, as proposed.

The vote was unanimous. Mr. Horrigan mentioned he would need a letter from the Commission to his scout master stating that he was authorized to go forward with this project.

7:45 p.m. – Notice of Intent for a sewer line connection from Public Safety site to proposed Fire Station on Lawrence Homestead property

(Member John Smigelski recused himself and left the room, stating he has a business relationship with the Lawrence Homestead Trust.)

Engineer John Perry of Gale Associates introduced his colleague Lindsay Barbee, wetland scientist Rich Kirby of LEC, and architect Alan Brown of Dorr & Whittier. All of these consultants are working on the proposed central fire station on a portion of the 11-acre Lawrence Homestead property. Mr. Perry indicated he has done the abutter notifications, but did not have the cards available tonight. No DEP number has been issued for this project as yet.

The sewer line is to run from a pump station in the parking lot of the Public Safety Building. It will be necessary to upgrade the pump because it is 20 years old. Directional drilling will be used to go 5 ft. under the wetland and within the 50 ft. buffer zone. The building itself will be located at a high point on the Lawrence Homestead property. The property generally drains to the north and then to the property across the street. There will be an easement agreement with the Lawrence Homestead Trust to run the sewer line across the back of the properties. M. Giguere noted there is no receiving pit shown on the plan, and Mr. Perry explained this will not be a jack and bore operation. The directional drilling will go in at an angle with a 6 in. sleeve of Schedule 11 HDPE piping. This will resist root intrusions. There will also be a 2 in. conduit for a fiber optic cable, but the two conduits will be installed in one operation which can grab 2 or 3 pipes at a time and then pull them through. Some de-watering may be necessary.

Mr. Perry explained there will be a robust erosion control plan using silt fencing and filter socks filled with straw matting. To prevent the trench from becoming a conduit for water flow, J. Perry said they could use clay collar barriers installed on a crushed stone bed. B. Easom asked if the directional drilling is cheaper than the trenching. Mr. Perry said this depends on the length of the run, but the major expense is the mobilization of equipment. There will be a force main from the Fire Station that requires a connection to transition from directional PVC to an HPDE adaptor.

Scott McDonald (2 Farmers Row) asked how much additional water will flow offsite, and Mr. Perry explained the goal is to detain and infiltrate water on site in accordance with Town of Groton rules and regulations. The sewer pipe will be made watertight with two bituminous coatings and joined with flexible rubber gaskets. Pending the receipt of a DEP number and upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing to October 9, 2012.

The vote was unanimous.

8:00 p.m. – Notice of Intent for a residential driveway on Lawrence Homestead property on Farmers Row

John Perry of Gale Associates explained he did not have the abutter notification cards nor a DEP number for this filing. As part of the Town's negotiations with the Lawrence Homestead Trust for the purchase of property for a new central fire station, the Trust requires assurance the three remaining residential lots may be developed in the future. This filing involves a driveway laid out on the lot closest to the wetland. It is positioned slightly within the 100-ft. buffer zone. The lots were subdivided in accordance with the minimum lot widths and frontage requirements. The Town of Groton is the applicant on behalf of the Lawrence Homestead Trust. The driveway will not require fill, but will be 12 ft. wide and paved.

B. Easom pointed out the owner of the lots is the same, and it seems as though some accommodation could be made to move the driveway out of the 100-ft. buffer. Another alternative would be to have a driveway easement. Mr. Perry said the owner wishes to maximize the number of lots. There could be some mitigation within the disturbed area, such as letting the wetlands go fallow rather than being hayed.

Rich Kirby of LEC Consultants pointed out the driveway is in the outer 100-ft. buffer zone, and there is minimal impact. Letting the wet meadow grow could mitigate for intrusion into the area, and it could be protected in the future by placing concrete posts every 50 ft. This would represent a 4 to 1 wetland restoration. The mitigation would essentially be to cease farming in a wetland resource area with physical demarcation in place. M. Giguere said the Wetlands Bylaw prohibits structures within the 100 ft. buffer zone. He asked if there is room to move the lot lines. Mr. Perry replied that the amount of frontage is a limiting factor.

Scott McDonald (2 Farmers Row) asked how the wetland boundary was determined, and members indicated it had been confirmed in the field this past Saturday and was based on soils due to the fact the area is currently hayed. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to October 9, 2012.

(Member Smigelski returned to the meeting.)

8:15 p.m. – Notice of Intent 49 Valley Rd. DEP#169-1088

Drew Garvin of R. H. Wilson, Inc. submitted proof of abutter notification and explained he represents the owner, John Scira. Mr. Scira plans to re-build a 25 ft. by 13 ft. portion of an existing house using twelve 10-in. sonatubes to serve as a foundation for the 1<sup>st</sup> floor and a new 2<sup>nd</sup> story. Mr. Garvin commented there is a 4-ft. high retaining wall separating the front yard from the driveway. Members asked the location of the tubes, and Mr. Garvin indicated he would provide a copy of the architectural drawings to the Commission. No tree removal is anticipated, and silt fencing will be hand dug in along the top of the retaining wall. The area around the sonatubes will be enclosed. Although there is nothing on the Notice of Intent plan, the applicant plans to install gutters along the drip edge of the roof which will empty into a dry well.

B. Easom noted there is a liability created by having a heating oil tank underneath the structure. He suggested some type of containment area or barrier to prevent contamination of the resource area should there be a spill. It was noted Natural Heritage has 30 days in which to respond, and the dry well should be shown on the plan.

Lyle Hamerla (53 Valley Rd.) noted the retaining wall is crumbling and bulging, and he has concerns about it falling into the roadway while this work is being done. Mr. Garvin stated nothing would be done to cut into the roadway. Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to continue the hearing to October 9, 2012.

8:30 p.m. - Notice of Resource Area Delineation DEP#169-1087 continuation – Groton Housing Authority/Nashua Rd.

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

VOTED: to continue the hearing to October 9, 2012.

8:30 p.m. – Appointment Bruce Wheeler and Desheng Wang – Academy Hill Replication Area  
Engineer Desheng Wang of Creative Land and Water Engineering, LLC, and George Gallagher of Habitec, were present on behalf of developer Bruce Wheeler. Dr. Wang explained there was a discrepancy between the approved plan in the Order of Conditions and the adequacy of the replication area. The DEP standards call for a minimum replacement of 1 to 1 while the actual replication area is proposed to be 2,204 SF. He explained the elevation of Flat Pond Brook was 255.95 ft. and the culvert under Townsend Rd. is 255.37 ft. There will be a flow path through the middle of the proposed replication area. The soils in the replication area are not thick enough to support the growth of wetland plants, and Dr. Wang recommended the addition of 11 cubic yards of silty/clay soils to raise the elevation from 257 ft. to 258 ft. In addition, he proposes to add 22 cubic yards of black loam before planting. The original wetland replication planting plan called for cattails, but Dr. Wang proposed alternative forest and shrub wetland vegetation to be an in-kind replacement of the wetland destroyed at the crossing.

M. Giguere questioned the wisdom of locating a replication area so close to the road. B. Easom said he had seen the site before disturbance and observed it was forested with leaf litter. The trees provided shade to the resource area. Mr. Easom asked the source of water for the replication area. Dr. Wang said some of the water will come from the outlet control structure located within the detention basin. He estimated the finish size of the replication area will be 120 ft. by 35 ft. and there will be a channel through the middle of the replication area. He maintained there would be a 2700 SF replication area without counting the sides. An option is to hire a consultant to look at the work and make recommendations to assure the replication area meets the performance standards. Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to accept the location and configuration of the replication area as proposed by Dr. Wang in plans dated 9/11/25 (rev. 9/25/12) with the planting of in-kind woody vegetation.

The motion passed with members C. Auman, J. Smigelski, P. Morrison, and R. Swezey voting in favor while M. Giguere and B. Easom voted in the negative.

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

VOTED: to issue \$250 in fines for failure to comply with the Enforcement Order deadline of September 6, 2012 for the submittal of the plans for the replication area at Academy Hill, DEP#169-970.

The vote was unanimous.

Dr. Wang said he would talk to the contractors tomorrow to see about roughing out the replication area, and plantings could be modified after a Conservation Commission site visit. Commissioners thanked him for coming in.

Four conservation markers have been installed, and the as-built plan shows the house and driveway for 1 Lost Lake Dr. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to issue a Certificate of Compliance for DEP#169-978 for 1 Lost Lake Dr.

In response to a letter from Robert Collins, Esq., dated September 25, 2012, and upon a motion by J. Smigelski made a motion, seconded by P. Morrison, it was

VOTED: to approve Groton School's request to use machinery to clear the swale adjacent to the athletic field, rather than hand pulling the invasive weeds.

Upon a motion by M. Giguere, seconded by J. Smigelski, it was

VOTED: to approve the minutes of September 11, 2012 as drafted.

The vote was unanimous.

After reviewing a site plan showing the proposed location for the shed at 26 Orion Way, and upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to allow the shed to be re-located to the area proposed for restoration, allowing a mowed path to and around the shed.

The vote was unanimous.

Under land management tasks, it was noted the location of the rope swing and trash on the Nashua River shore has yet to be determined. The Conservation Restriction on the Town Forest went on record 9/20/12. That is held by the Dept. of Fish & Game. The placement of barn owl boxes is proposed for Surrenden Farm, Baddacook Field, and Jenkins Rd. Other agricultural fields where they could be placed include The General Field and the Wilkins farm on Fitchs Bridge Rd. P. Morrison is trying to work with Vin Bisceglia on the Ames Meadow Memorandum of Agreement. The Division of Conservation Services is reviewing the draft TABCOM (Grotonwoods Camp) Conservation Restriction.

There are two CRs pending with the Groton Conservation Trust: Lawrence Woods which the Commission will hold and Baddacook Field which the Trust will hold. B. Easom and D. Pitkin are working on recording several other GPS points needed for the development of the Angus & Gibbet Hill Stewardship Plan to be approved by the Town, owners, and DEM (now Department of Conservation & Recreation). Attorney Collins has agreed to add a marginal reference to the Fuccillo deed, directing viewers to the revised plan.

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 10/23/12.**



