

GROTON CONSERVATION COMMISSION

Minutes

January 13, 2009

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

7:00 p.m. – Appointment/Marion Stoddart

Ms. Stoddart thanked the Commission for putting her on the agenda, and introduced Rick Muehlke, President of the Groton Conservation Trust, and member Susannah Black. She stated she is speaking as a representative of the Groton Conservation Trust, the Groton Land Foundation, the Nashua River Watershed Association, and the Groton Greenway Committee. She spoke in support of the Conservation Commission's efforts to identify priority parcels for acquisition and said these groups wish to work with the Commission to accomplish these goals. She noted the Nashua River Watershed Association is celebrating its 40th anniversary this year and has made the protection of land along the Nashua and Squannacook Rivers its major goal. So far, about 70% of the shore line has been protected, and it is intended to gain the support of the Commission to complete this project.

Acknowledging the Commission was not successful in the first round of Self-Help Program funding for the purchase of the Mattbob property and was in the midst of re-applying, M. Stoddart said these groups have some suggestions for prioritizing parcels and working with willing sellers. She commended the Commission for preparing to apply for Community Preservation funds and asked that the Commission consider applying those funds to purchase other priority parcels if the Mattbob project is not approved. She added that she would encourage and support the Commission's application for more than \$100,000 as this is a great time to acquire land when property values are lower and development has dropped off.

Rick Muehlke also urged the Commission to ask for what is really needed, knowing you may not get what you ask for. Using CPA funds will not affect the tax rate, and it would be a shame not to have sufficient funds when you have a willing seller. Chairman Giguere acknowledged that the Groton Conservation Trust has been a partner and fellow conservator of open space in Groton. Going over the priority list to see how the Commission's and Trust's interests intersect would be a valuable exercise, but identifying priority parcels with willing sellers is sometimes problematic although the Commission would like to become more active in the role of talking with landowners. M. Stoddart added "There is strength in numbers."

C. Auman said he appreciated M. Stoddart's public support of the Commission's efforts before Town Meetings. P. Morrison indicated he would be very interested in melding the two lists and pointed out M. Stoddart was "absolutely right that now is the time to buy land". B. Easom reported that the CPC will have approximately \$1.5 million in CPC funds for the next fiscal year,

but \$500,000 will go toward paying down the Surrenden Farm bond. An additional 10% will go to each of the following: affordable housing, recreation, and historic preservation. The state match has seriously declined, and the number of towns that have adopted the CPA has increased, and there is concern among committee members that future payments for the Surrenden Farm bond will be in jeopardy. He felt that 10% of the \$1 million was a reasonable and good faith request.

Mr. Morrison acknowledged it is the Commission's intention to apply in round 2 for Self-Help funding for the Mattbob parcel. B. Easom said the Commission will attempt to leverage CPC funds at every opportunity. This source of funding is different than revenues from income taxes. M. Giguere agreed that getting together to review priority parcels was important. The Planning Board will also be looking at this process as part of their Master Planning process. The prioritization will take in elements other than conservation as well, i.e., housing, recreation, and schools. In addition, it will be necessary to update the *Open Space & Recreation Plan* in 2010. Ms. Stoddart offered her assistance, and B. Ganem will set up a meeting to begin the process soon. Resident Virginia Bennett asked if this will be open to the public, and Commissioners replied "Yes."

7:15 p.m. – Appointment/Carol Quinn/Groton Local

Carol Quinn thanked the Commission for the opportunity to talk about their community farming proposal. She introduced Diane Carson who explained that Groton Local has been set up as a 501c(3) non-profit organization. Its goal is to promote sustainability. Resident Brad Bigelow volunteered the use of his property and approximately 10 gardeners participated in the first year. In 2008 a Community-Supported Agriculture (CSA) project with 20 shares (three of which were donated to Loaves and Fishes) was developed. The garden is about ½ acre in size and the gardeners recently purchased a drip irrigation system with money raised during a fundraiser. In outlining the benefits of a community farm, Ms. Carson noted they plan to work with the Middle School to raise seedlings and eventually produce crops that provide a sustainable food supply for the community.

Groton Local member Haynes Terkel explained they would like to expand their operations and offer community farming to more people. The conservation land with an open field on Jenkins Rd. appears to be an optimal site that would allow farming on approximately 2-3 acres. Groton Local is aware that the area is currently hayed and is willing to work with the farmer. They would fully manage the day-to-day operations of the garden and maintain an appropriate reporting relationship with the Commission. They practice organic farming and having a CSA system in place would help cover costs up front with individuals buying shares in the farm before the crops are grown. Individual plots are also an option. The group has found it more fun to share the work and harvests.

There is currently no water, but they are looking into potential sources, including public water or a private well. Plantings over time could include fruit trees, specialty gardens (children, flower, or herb), and berry bushes. The group is looking for Commission authorization to utilize this property and provide greater public access. There would be appropriate reporting, soil tests to guide any soil amendments, and discussion with abutters about the activity.

Chairman Giguere said he is in favor of keeping this parcel in agricultural use as he felt this could provide an additional public benefit. P. Morrison questioned how this property was chosen, and Ms. Quinn indicated she had talked with both Michelle Collette and Barbara Ganem prior to visiting the property. She noted it is currently open, flat land which is being farmed so it would require minimal preparation. There is relatively easy access to town water. Member Morrison suggested she look into the Shattuck parcel on Martins Pond Road which has been underutilized as a pasture and has some specimen plantings. He was not aware of whether apple trees that could present an arsenic problem had ever been planted at that location. He felt the Jenkins Rd. property is being well-cared for now.

To continue working with the farmer who hays the Jenkins Rd. parcel would require leaving a wide access free for his equipment. H. Terkel added that the proximity of the parcel to the road was also an asset. P. Morrison asked how many cars are likely to utilize the site, and it was estimated that parking for 6 cars would be necessary.

B. Easom said he would be more comfortable with the process, as a steward for public lands, if the land was utilized for its best purpose. He expressed concern about public land being used for private purposes. He also felt it necessary to have a public process the use the land. A license agreement may be entered for a fixed term up to 3 years. Mr. Easom said there could be issues with a small group in Town using public land for private purposes as the Williams Barn Committee has experienced a similar problem. He stated he would be more comfortable if the process were more open and public. M. Giguere said the Commission could certainly begin the work of putting out a request for proposals. P. Morrison said he liked the idea but just wasn't sure this was the proper parcel.

C. Auman stated he supported the concept and felt it was important to build a sense of community. He felt it was very positive to have this type of local activity. There is currently no formal agreement with the individual who farms the land. While increased maintenance is definitely necessary at the Shattuck property, there should be a bidding process. It is estimated the pasture is between 12 and 15 acres in size, but there are areas that are severely overgrown with brush. Commissioners noted that the parcel is next to the power lines that cross Martins Pond Rd. It is unknown whether public water is available at the site. M. Giguere suggested the Commission start the process of putting out proposal requests. He summed up the discussion as yes, the Commission is interested, but wants to assure that it is a public process and some decisions made as to whether licensing or some other type of longer range leasing will be necessary. It is it long-term it will be necessary to get a Town Meeting vote because it is likely the farmer will have to put in several years of work before the land becomes productive.

7:45 p.m. – Gale/Lowell Rd. NOI continuation, DEP #169-1006

Engineer Steve Marsden and attorney Robert Collins were present to represent the applicant Barbara Gale. Mr. Collins explained he had an idea he wanted to run by the Commission which would minimize impacts and possibly improve the situation as it relates to the Wetlands Protection Act and Wetlands Protection Bylaw. He acknowledged the Commission wants to assure that any project protects the wetlands' functions, including flood storage, habitat, and

filtering water. Mr. Collins said he reviewed DEP's policy on limited projects and noted this lot collects runoff from the hill, and there are some drains associated with Rt. 40. This water, he stated, ultimately goes to Lost Lake/Knops Pond and from there to Whitney Pond where the Town drinking water supply is located. Mr. Collins pointed out that sand and salt are part of the runoff which is likely to reach these waters. He proposed constructing wetlands, as part of the replication requirements, that include a sediment forebay to treat runoff from the roadway, a benefit that does not exist now. He asserted that this falls within the scope of the DEP regulations by offering further protections to the wetland resource areas. Mr. Collins asked the Commission if this is a concept worth pursuing.

Chairman Giguere said he is not really in a position to make a decision without more definitive information. Mr. Collins stated he did not think the use of the Sheedy driveway would have been allowed because it does not meet site distance requirements. He maintained this was not a viable alternative even if his client had legal control of the site. M. Giguere pointed out this was an existing situation for one house, and no one knows how much discretion the Planning Board has on such a determination.

Steve Marsden said the goal is to give the Commission something of redeeming value that would make the situation better. He thought a 2000 gallon tank could be added at the culvert outfall, and the wetland would provide further treatment. This practice is in line with DEP's new stormwater best management practices. Chairman Giguere questioned whether this was sufficient mitigation for the proposed disturbance for the driveway installation which will have a significant impact on the wetland.

Mr. Collins read from 310 CMR 10.55 (4)(b) which he felt allowed the Commission some discretion as long as the project contributes to the protection of the interests outlined in the Wetlands Protection Act. He maintained that all of the runoff is currently going into the wetland untreated and this was significant mitigation for the proposed work. Chairman Giguere pointed out this would fall within the judgment of the Commission and commented Rt. 40 has a shelf area which probably absorbs a certain amount of runoff. The wetland resource area itself is still fairly intact. About a 2 to 1 replication is proposed for < 5000 SF of wetland disturbance.

Member Morrison said there is a lot of silt coming from Shattuck St., as well as from Angus or Scarlet Hill. The runoff from a dirt road contains a lot of sediment. D. Pitkin requested a plan showing the proposed tank. Mr. Marsden said it would have an oil and grit separator and usually has four chambers to capture the first flush of runoff which is likely to have the most pollutants. He also indicated he could talk with the DPW about cleaning up the swale on either side of Rt. 40 so that more runoff would be directed through the stormwater treatment system. DEP does have guidelines for sizing, sediment removal, and the volume of runoff to be handled. The additional sediment forebay would probably reach the 3 to 1 replication requirement under the Bylaw.

B. Collins wondered why the Commission does not consider cubic, rather than square, feet in the sizing of replication areas. B. Ganem commented the standards for replication include language that the replication area is not to include side slopes as part of the measurement and plantings and depths are supposed to be in-kind or representative of the disturbed wetland.

B. Easom urged that the value of a conservation restriction should not be dismissed as the Commission has to make a determination whether the benefits outweigh the disturbances and also consider future benefits. B. Collins said there are good regulations in the Town, and this could add something to protect the watershed area surrounding Lowell Rd. Members questioned where culverts were located upgrade and downgrade of this site and also mentioned the issue of the amount of grading which exceeds that authorized in the Bylaw. Mr. Marsden indicated that about 4 ft. of fill will be necessary for the driveway, but they will use critter-friendly open bottomed box culverts and not disturb the stream channel. If all the mitigation efforts are added up, it may have a cumulative positive effect. C. Auman said he did not have a sense of what the drainage area is. Water is coming across Rt. 40, and a swale may reduce sheeting and direct flow into a stormwater management system. P. Morrison said the public benefit could be safety. With the applicant's concurrence, it was

VOTED: to continue the hearing to February 24, 2009.

8:00 p.m. – 47 Off Prescott St. RDA

Rob Tardiff of Soilsmith Designs explained he was representing Nancy Woodle since Douglas Smith was unable to attend the meeting on her behalf. Ms. Woodle was also present. The project is a replacement septic system in which a cesspool was upgraded to a septic tank within the 50 ft. well radius. The system has already been built as Mr. Smith was not aware of the Commission's requirements. Mr. Tardiff acknowledged this is a violation of the 100 ft. setback, but they have maintained as much of a buffer as possible. He noted that adding a leaching field was a significant improvement.

Chairman Giguere commented this is not the first after-the-fact filing the Commission has had, but we do urge applicants to file with us first and then the Commission typically has conditions which govern how the work is to be accomplished. He noted that it is the homeowner's responsibility to file for work within the 100-ft. buffer zone. M. Giguere commented a fence has been added to the property, and this is not shown on the submitted plan. Any work within 100 ft. requires a prior filing with the Commission. The Commission reviews what is proposed and monitors how the project is executed.

B. Easom, noting the Commission visited the site when it was snow covered, asked what the site was like before it was disturbed. Ms. Woodle replied it was sort of grassed and no trees had to be removed. Hydroseeding was done in late October or early November, but the grass was not growing before the snow came, and it is likely there are bare soils there currently. P. Morrison stated the Wetlands Protection Bylaw protects the 100-ft. buffer, but there are state regulations which also govern what is done within this 100-ft. buffer zone, and this work was in violation of state law. He indicated he was disappointed in both the designer and contractor who should be familiar with the Wetlands Act although it is possible the applicant was not knowledgeable about the law. Member Morrison acknowledged the installation of the septic system is an improvement, but haybales are probably needed around the work area.

C. Auman said that filing with the Commission is technically the responsibility of the owner, and it is not fair to other people who file before proceeding with their work. R. Lambert asked if there were any changes in grade, and it was noted none were shown on the plan. B. Easom asked if a reserve leach field is necessary, and engineer Dan Wolfe, who was in the audience, explained this is not necessary for septic upgrades. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to issue a fine of \$50 to Douglas Smith of Soilsmith Designs.

Ms. Woodle sketched in on the plan, as well as signing and dating the changes, the existing fence and woodshed which were not shown on the septic plan. It was noted Mr. Smith is a registered sanitarian in the state. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring the applicant to assure the stability of the site as soon as possible in the spring; the Commission will inspect the site in the spring to assure that grass is emerging and that all construction materials have been removed; and haybales or silt fence shall be utilized as a precaution if vegetation has not grown in.

8:15 p.m. – 25 Ridgewood Ave. NOI

Engineer Dan Wolfe explained that this 2-bedroom home has a significant drop-off from the road to the house. There is an existing well and cesspool at the site. It is necessary to locate the holding tank at the top of the hill, at least 50 ft. from the well. A suction pump will be located in the cellar, with an alarm to alert residents of a failure, and a pumping chamber will connect to the holding tank. Mr. Wolfe stated the pumping chamber is 53 ft. from the next door neighbor's well. A silt fence will protect the installation of the sewer line and force main, as well as the disconnection and filling in of the cesspool. It is likely the construction will involve a sluiceway to bring sand to fill in the cesspool.

Although the holding tank is 75 ft. from the house, it is 26 vertical feet. A one horsepower pump is proposed, and an area approximately 30 in. by 36 in. will be excavated for the pumping chamber itself. No tree removal is necessary, and it is anticipated the work will be done by hand. The self-draining force main will be between 18 in. and 24 in. deep. Pumping records will be required by the Board of Health. The work will probably take place after snow melt as this is not considered an emergency situation.

Abutter Brad Harper (4 Birchwood Ave.) said this year-round home is a rental property. W. Addy expressed concern that the system could freeze, and Mr. Wolfe indicated it is a sealed system. Erosion control is proposed during the trenching process. The Board of Health has approved the concept, but the project has to go to DEP for final approval of the holding tank design. Excavated soils will be removed from the site unless it is possible to use them for backfilling the cesspool. B. Harper pointed out this is a very steep slope, but he felt the slope soils were unlikely to move. He said he was glad they are updating the system but has concerns about the distance from his well. Because part of the property lot line is within the paved right of way, the area where the tank will be installed will be re-paved and can still be used as a parking

area. The system is designed so that the roof stack will continue to provide venting. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for 25 Ridgewood Avenue.

8:30 p.m. – 60 Valley Rd. NOI

Engineer Dan Wolfe explained the cesspool is in failure, and the peat soils mandated a holding tank. He indicated it should be a fairly easy installation. The question of buoyancy is eliminated by the use of a concrete holding tank. Mr. Wolfe said the driveway is fairly accessible although not plowed during the recent site visit. He maintained it is possible to negotiate the driveway even in the spring. The driveway does appear to encroach on property belonging to others. M. Giguere asked whether there was any documentation that grants an easement for access as the Commission will want to assure the holding tank can be pumped regularly.

It is necessary to file the NOI with Natural Heritage because the property is within Estimated Habitat; they have 30 days in which to respond. B. Easom expressed concern that the pumping truck has a clear and open access, including snowplowing during the winter. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing for 60 Valley Rd. to February 24, 2008.

8:45 p.m. – Gleason/Kemp St. NOI continuation, DEP #169-1003

Surveyor Stan Dillis and attorney Ray Lyons were present to represent the applicant David Gleason. R. Lyon said an open question from the last hearing involved the question of whether the project constitutes a public or environmental benefit. S. Dillis presented an alternatives analysis during the initial filing in 2000, and a force main was installed at the wetland crossing. An Enforcement Order was issued and it was necessary to file a new Notice of Intent and wetlands were flagged that were not shown in the original filing. They made the house footprint smaller. A letter from Fisheries & Wildlife requires that the remainder of the lot be restricted from development. The question is whether under the local wetland Bylaw there is an environmental or public benefit.

Mr. Lyons explained that they did not build the house when they originally got the permit because it was Dr. Gleason's hope to find a 'gentleman' farmer buyer who would purchase both 18 Kemp St. and the adjacent house lot. The building envelope required by Natural Heritage would allow temporary disturbance for the extension of the sewer main to the house. All other activities would be restricted, and Mr. Lyons maintained this was a significant public benefit and was a far better result with this plan.

Members mentioned that the offer of a right of first refusal or other type of restriction were possibilities that were to be explored with Dr. Gleason. R. Lyons acknowledged the owner has serious reservations about a restriction on grazing as the property has been farmed for hundreds of years. The cattle have been pastured there for years with no problems, and Dr. Gleason felt the farming operations should still be allowed. In summary, the plan remains as originally

submitted. B. Ganem read Condition #30 from the original Order of Conditions for DEP #169-854 which restricted grazing cattle from the wetland crossing area which was to be restored with vegetation. There is no Certificate of Compliance for this filing.

Chairman Giguere read the letter from Fisheries & Wildlife, dated July 17, 2008, on the limitations to work on this lot. C. Auman pointed out it does not mention a building envelope which is to be permanently restricted under the MESA filing. Mr. Dillis said that approximately 3.5 acres of the 4.7- acre lot were restricted by the statements in the letter. Everything else is off the table according to Mr. Lyons although he maintained the Commission could effectively impose a conservation restriction in the Order of Conditions. He said a conservation restriction is very difficult to amend and that land and circumstances do change. He felt the Commission could get the same results with a grazing restriction in the Order particularly if it is included as an in perpetuity item in the Order as offered by the applicant. Mr. Lyons said this would make it binding.

B. Easom commented the landowner says that there has been no problem with cattle grazing there, but the Commission is worried about the resource area, not the cattle. He said he would be okay with including a grazing restriction in the Order as he needs to believe we are doing something to protect the resources. He felt the Commission would not allow the house within the buffer zone under any other circumstances and this would not set a precedent for other proposals. R. Lambert said the applicant has tried to find a conservation buyer. B. Easom commented the restriction only begins when he builds the house. Otherwise he does not need to restrict anything. The abutter, Mr. Petropolis, is currently using some of the property for grazing. M. Giguere noted the Commission will not vote on the Order tonight. P. Morrison commented the existing agreement with Mr. Petropolis grandfathers in the current cows, but this would not bridge to the next owner. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for Kemp St., DEP #169-1003.

Attorney Ray Lyons, representing the New England Forestry Foundation (NEFF), explained his client was interested in selling water rights and land along the eastern shore of Baddacook Pond to the Town. He pointed out NEFF is the largest private landowner in the Town (*over 1000 acres*). Noting there is a tested well site, Mr. Lyons said the acquisition would include all of the eastern shore, a house, and water rights. It is NEFF's intention to submit an application for funding through the Community Preservation Committee (CPC) this year. The Board of Water Commissioners has indicated they are already submitting a CPC application to finalize the proposed Unkety Brook well site and cannot act as a co-applicant. Mr. Lyons stated that the valuation of the water rights is relatively modest, and asked the Commission how he should proceed. It is hoped that the CPC funds will provide a 50% match for a state grant.

Mr. Lyons explained he also represents Lee Edmands who owns 30 acres of backland to NEFF property near the Throne which she would like to keep in conservation. She plans one house and has agreed to improve the roadway for access to the W. Groton water tank. The funds NEFF gains through the sale of this land would, in part, be utilized to acquire the Edmands land. R. Lyons requested Commission support for the CPC application as a good faith effort toward NEFF.

Water Superintendent Tom Orcutt explained he had submitted a CPC application last year for the Unkety well site and was not funded. He is returning with a revised plan in this year's round and does not want to be a co-applicant competing for the same resources. He noted there is a 5-year window in which to build at the Unkety site, and the Baddacook/NEFF site is third or fourth on his priority list. He commented it is necessary to protect about 1 square mile around a well, and this is the purpose of the application.

Mr. Lyons said NEFF feels it needs a co-sponsor and was hoping that either the Conservation Commission or Board of Selectmen would fill this role. If there are any roadblocks, they will return to the Commission. P. Morrison said if it weren't for the Commission's current project for which the Conservation Commission is seeking CPA funds, he would be in favor of the proposal. T. Orcutt pointed out the intrabasin transfer act complicates the development of the Baddacook/NEFF well. This well would be a withdrawal from the Merrimack basin, and it is more costly and difficult to clear the regulatory hurdles involved with developing the Baddacook/NEFF well. Both the Whitney and Shattuck wells already withdraw from this basin, and there are limits on the amount that can be withdrawn from multiple wells. The treatment plant is nearby, however. Zone I for the well would involve a 400 ft. radius while the Zone II is determined by pumping influences, and it is unknown how many acres this would involve or its precise location. Mr. Lyons maintained that the real value is in the house lot, the water rights, and the Baddacook shoreline.

Mr. Lyons explained that what is on the table is purchase of either the fee or a conservation restriction on a 40 to 60 acre portion of Wharton Plantation. Members reviewed the wall aerial map to see the location. C. Auman said he has always considered NEFF to be a conservation agency, and this could be the first nibble at having the Town buy all of NEFF's land. Mr. Lyons said this is an opportunity for leveraging state EOEEA water supply monies. The money would be staying in Town if the Edmands land is purchased with the proceeds of the sale. He acknowledged there is no formal appraisal at this time.

B. Easom said technically the application does not need a co-sponsor. He also stated he understood that watershed monies go unspent from year to year. The Conservation Commission is also looking for funds through the CPC, and we would have cross purposes similar to those outlined by the Water Department. He thought it would be helpful if the bounds were more clearly defined and the specific acreage within the 50 ft. and 100 ft. buffer zones of wetlands were identified. He stressed that the Commission needs to know exactly what the Town would get by acquiring this land. It is also necessary to have a good idea of the value of comparable land and what a house not built costs to buy as the Town would have no interest in keeping the existing house and, in fact, would incur costs to raze it. It appears that a high percentage of the site is wetland. The value of the house is in its location, but what would be the costs to rebuild.

Mr. Lyons assured those present that the mortgage on Wharton Plantation has been paid off by NEFF, and he stated this land will not be back on the table. He noted that breaking out property lines costs money, and this is why a full-blown plan has not been prepared. Chairman Giguere indicated he felt the Board of Selectmen would be more likely to serve as a co-applicant although the Commission may support the application.

Resident Marion Stoddart said she was surprised that NEFF is offering to sell part of Wharton Plantation to Groton. She thought Mr. Wharton, who served as a Selectman, forester, and President of the National Parks Association, would be disappointed to see this proposal and added that water should be available to the Town at no cost.

This land was a gift to establish NEFF, and she felt selling it causes some concern about other properties NEFF owns. If the Town does not buy the land, she questioned whether it would then be offered to some other body. These are important lands used for forestry and conservation purposes and while she understands some of the money will go toward the purchase of the Edmands property, she asked whether NEFF would then turn around and try to sell that to the Town or someone else.

R. Lyons interrupted, saying he had to cut Ms. Stoddart off as this was approaching slander. He stated NEFF was offering a conservation restriction or ownership in order to protect the land forever. It is NEFF's intention to use the money gained from the sale to protect additional land for conservation, and it is not to be utilized for operating expenses. He expressed extreme disappointment in Ms. Stoddart's comments.

M. Stoddart stated she was speaking for herself, not as a representative of any organization. She said she understood NEFF's goal of upgrading its holdings. She said she hoped that NEFF would continue to own and make the land available to the Town for water rather than sell the land. She explained she serves on an advisory committee to NEFF and is very supportive of their work. In fact, her own property directly adjoins NEFF land. She expressed the hope that NEFF will continue to acquire land for forestry management and she was aware that many of their properties are also utilized for recreation. She urged that NEFF make their land available to the Town for water.

Mr. Lyons recommended that Ms. Stoddart bring her concerns to the attention of the NEFF board. He explained that a restriction was originally offered but after discussion with the directors at NEFF it was determined a sale would be preferable. It was suggested that Mr. Lyons speak with the Board of Selectmen to see if they would consider being a co-applicant with NEFF, but Commissioners were generally supportive of the project. Chairman Giguere thanked Tom Orcutt and Marion Stoddart for their comments.

Water Superintendent Tom Orcutt noted he was aware the Commission was exploring the possibility of having some forestry work done on several parcels. He said the Water Department is also looking into this on the Surrenden Farm water parcel, and landholdings around the Baddacook, Whitney, and Shattuck wells. He suggested looking into doing a request for quotes for a forester to manage many different properties for the Town, including those held by the Parks Commission. M. Giguere said there may be grants available if we are looking at a management plan for the whole Town. Mr. Orcutt said typically the goal would be to have the timber harvest pay for the forestry management plan plus deliver some extra funds. He commented that harvests done while he worked in Fitchburg covered 'payments in lieu of taxes' in forests owned by Fitchburg Water in abutting communities. The Town Forest Committee also works with a forester. With everything done piecemeal now, it may be an opportunity to prepare

a town-wide request for a consulting forester to give us direction on where and what is ready to harvest.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the Open Session minutes of December 23, 2008 as drafted.

Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to approve the Executive Session minutes of December 23, 2008 as drafted.

B. Easom said he plans to attend the LAND grant workshop on January 21, 2009 to better understand the application process for the second grant round.

Regarding the request for a Certificate of Compliance for 330 Lost Lake Dr., members noted the snow cover prevents confirmation that the site is stabilized, but everyone's recollection is that the parcel appeared to be finished. A site visit will be scheduled for the spring.

B. Easom will work with B. Ganem to finalize the draft CPC application for \$100,000 for their preliminary review. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to authorize the submission of a draft proposal for \$100,000 to the Community Preservation Committee to be allocated to the Conservation Fund.

The state has promulgated revisions to its guidance for the certification of vernal pools, requiring documentation of additional egg masses as one of the criteria for certification. Members suggested contacting former member Kris Corwin for ideas on how to respond to the state's request for comments. They are due by January 27th, and members agreed to meet to approve a letter prior to the due date.

There being no further business, upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to enter Executive Session for the purpose of discussing a land acquisition, not to return to Open Session at adjournment.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 1/27/09.

