

GROTON CONSERVATION COMMISSION

Minutes

Thursday, April 22, 2010

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

Chairman Steve Babin called the meeting of the Town Forest Committee to order with members Carter Branigan and John Sheedy present. Selectman Anna Eliot was present, in addition to neighbors of the Ames Meadow Conservation Area Ray Murphy (161 Wharton Row), David and Sheila Schwabe (159 Wharton Row), and Vin Bisceglia (138 Wharton Row).

Anna Eliot noted there is an existing trail in the Town Forest but part of it encroaches on land owned by the Schwabes and Murphys. Ms. Schwabe asked why an access is needed to Ames Meadow. Ms. Eliot explained that before the subdivision was built there always had been access to this parcel, and the existing trail was always used for access to the 17-acre Ames Meadow property. The land was always farmed and has been in agricultural use historically. The Town Forest is owned by the Town, and the Planning Board cannot create a land-locked parcel. It was known that the Town Forest would provide the access to the parcel. Everybody has a right to reach their property. The Conservation Commission is responsible for managing Ames Meadow and the Town Forest Committee is responsible for managing the Town Forest.

Steve Babin maintained this was never the access to the property. When the property was owned by Gibbet Hill Farm they could drive across their own property to get to Ames Meadow. He had no idea why or when the culvert was put in on the existing trail. A. Eliot pointed out the access via the field was not always accessible. She acknowledged Mr. Murphy was willing to convey some of his property where the trail encroachment occurs. The access has existed since the neighborhood was created.

Mr. Murphy claimed the access was a secondary issue, and it is possible to create a land-locked parcel if no buildings are to be built on it. He questioned the Commission on what they intend to do with the land. B. Easom responded it is the intention of the Commission to have access to the land just as we have access to similar parcels of land in Town. Members propose having any activity at the site consistent with the language in the deed. As an example, Town Counsel has advised organic farming could be considered consistent and this appears to mirror conversations with the farming community.

Vin Bisceglia said the wildlife that exists on the property is extraordinary. He pointed out the Town approved 30 houses near the site, and Ames Meadow is the last vestige of a buffer to the Nashua River. He objected to adding fertilizers or changing the chemistry of the River by improving the soils. The entire 17-acre parcel was under 2 – 3 ft. of water during the recent flooding, and he indicated he did not understand why any activities were even being considered

back there as it is the last vestige of nature. He questioned where the animals are going to go. He said he thought the Town Forest Committee had forbid motorized vehicles, and he couldn't believe the Commission would go against its own charter. Mr. Bisceglia asked if there were monetary considerations at work that force conservation to defend this role. He commented it is an example of buyer beware.

Member Morrison thanked Mr. Bisceglia for allowing the Commission to access the land for brush hogging over the past few years, noting the parcel requires occasional mowing to keep it in an early successional state. V. Bisceglia said it has not been mowed in 3 years, and Mr. Morrison pointed out we are still trespassing as we are using someone else's land for access. Mr. Bisceglia argued the Commission is developing a pristine lot as farm land. He urged board members "to do your job" and stated "We are well capitalized, and we will pursue this further." He protested the development and "destroying our backyard".

A. Eliot stressed that we are not meeting to argue but to examine alternatives about the access. S. Babin said years ago when the Town was working through the subdivision permitting process, the Town Forest Committee asked about the access. He recommended checking with Bruce Dubey who has indicated to him that he can get equipment through the existing trail access, but the Town Forest Committee had requested notification about the timing. He questioned why a 14-ft. road is necessary and maintained that tilling and plowing the soils would result in all the top soils going downstream. Selectman Eliot pointed there was a fire last week in a remote conservation parcel, and sometimes the maintenance of trails becomes very important in such situations. D. Schwabe said it's useless to send fire trucks to a location such as this, and the Town has planned it that way.

P. Morrison said his favorite crop would be hay which would be a productive use of the land. The Commission is not in the business of destroying a neighborhood. Hay is considered an agricultural crop. Soil amendments generally include the use of lime or fertilizers such as spreading manure. The fields at Surrenden Farm are an example. R. Murphy asked how the Commission could even consider this with the flooding that just occurred. Members pointed out the fields along Rt. 119 near the Nashua River are frequently flooded, yet provide a viable crop.

B. Easom said it his belief conservation should request and get access for all purposes under the deed but refused to continue when repeatedly interrupted. R. Murphy said, as a taxpayer, "I am entitled to hear what is planned." A. Elliot asked those present to review the value of maintaining the property. Agriculture could be essential to keeping the soils in place. Town Counsel has weighed in, and organic farming is one possibility.

B. Easom commented communication with Town Counsel is confidential, and the Commission would probably need permission from the Board of Selectmen to release his comments. If the Selectmen recommend doing so, the Commission would make it public. R. Murphy questioned whether the public was being treated appropriately as it appears that things are happening behind the neighborhood's back with the discussion about fire access and developing farm land. A. Eliot maintained nothing has occurred behind the scenes, because all of the Conservation Commission meetings are posted public meetings. R. Murphy argued that his group does not deserve to be treated in this strident manner. S. Schwabe asked whether there is an idea in mind about what

the Commission intends to do as there seem to be different messages from the Commission. Commissioners said it can depend on the type of proposal we get and pointed out the neighbors were invited for a site walk and nothing we have done can be construed as secret. It may be necessary to get a tractor with brush hog, to do tree trimming, a tractor with mower, or a bailing machine through the existing trail. D. Schwabe questioned what type of money might be taken in annually, and what is the harm in letting it return to its natural state.

A. Eliot said the Commission is responsible for maintaining the property, and it has historically been in agriculture, and we have lost a lot of agricultural land in Groton. Haying can be a very important mechanism to preserve open space and maintain properties. The top soil is a commodity. Mr. Murphy commented the former farm manager said it was poor soil as it was sandy. Ms. Schwabe said she was not deeding her land for a trail if it is to be used for a 14 ft. access. Selectman Eliot said the Commission needs to access the land. B. Easom indicated the Commission could consider making biannual requests to the Town Forest Committee or there's a change in membership or they change their minds. He stated he would bow to the decision of the Committee or the Selectmen. A. Eliot said the Selectmen meet with lots of people who use the trails in the Town Forest. If there is a fire hazard, it would be nice to have trails big enough for fire truck access. S. Babin pointed out the trail would have to be gated to prevent unauthorized motorized access. He noted his Committee was responsible for the management and care of the Town Forest just as the Commission has responsibility for conservation land. The Committee does not want a 14 ft. road, but would like to clear up the encroachment issues. Mr. Babin disagreed that the access is insufficient.

V. Bisceglia asked why not leave it as it is. P. Morrison mentioned we could have an influx of invasives, the habitat would change, and we would not be maintaining it in an early successional stage. While he prefers haying, other members of the Commission may not agree to do that. It requires at minimum a tractor and a bailer. John Sheedy asked whether the Commission would want to do two cuts. A. Eliot mentioned the site probably needs to be brush-hogged at this stage. V. Bisceglia said it would have to be a rough cut and advised doing a site visit to see the extent of recent flooding.

P. Morrison asked how the neighbors felt about having the field limed and cut in July and again in October. R. Murphy said he felt it was not necessary. A. Eliot said we are trying to come up with a cost neutral solution, and haying could be that solution. M. Giguere advised using a hay program with late season warm grasses. S. Schwabe asked about the level of disruption and expressed a need for more information. V. Bisceglia offered to meet with Bruce Dubey to determine whether he is able to access Ames Meadow via the existing Town Forest trail. B. Ganem estimated the cost for brush-hogging to be in the \$600 range.

C. Auman underscored the need to consider the sustainability of Groton. It would be a plus for taxpayers if it is possible for the Conservation Commission to generate a cost neutral maintenance program for the property. A. Eliot noted hay is used for feed but also for erosion control. The goal is to improve the land as part of the maintenance. C. Auman urged those present to take a bigger view by looking at the total benefit rather than from a selfish perspective.

V. Bisceglia said if it contains organic farming there could be a continual parade of trucks in and out of the parcel. There are children in the road, and flooding is a concern. He said he is trying to understand what happens in return for haying and costs. P. Morrison asked if he was contacting Bruce Dubey for haying or brush hogging. P. Morrison suggested the Conservation Commission meet with the Agricultural Commission to see whether machinery can do the proposed treatments, turn, and bale within the limits of the current trail.

J. Sheedy mentioned there are still trespass issues on that particular trail. S. Babin said he was okay with a 10 ft. width. We need a surveyor to find out where the bounds are. B. Easom offered to assist with measurements laid out within a couple of inches of the bounds. A. Eliot suggested a site walk. There are rocks that confuse the bounds. Mr. Easom will do a GPS survey and mark 14 ft. from the boundary. Ms. Schwabe said she hoped a site walk would yield more information. P. Morrison indicated the Commission is looking for a solution that will span the ages. He mentioned the property should be mowed soon. R. Murphy said he did not want organic farming back there. P. Morrison said the Commission will have to take this under advisement with all 7 members present. Mr. Bisceglia advocated designing a strategic approach to the problem. P. Morrison summarized the neighbors' concerns as high traffic, noise, smell, and a threat to children living in the neighborhood.

Mr. Babin said this could coincide with the Town Forest Committee's regular monthly meeting scheduled for May 20, 2010. The Conservation Commission will have to post their meeting for that date. C. Auman asked about the width of access for haying. D. Schwabe said 14 ft. could be narrow for haying equipment. S. Babin said he was dead set against a 14 ft. width. P. Morrison said we are not talking about a maintained road, and B. Easom read from the Commission's January 28, 2009 letter in which the cart path is described. S. Babin said no timber harvests are proposed in this area so the Town Forest Committee does not plan to conduct a harvest in connection with the trail widening. Mr. Babin indicated his Committee had voted to allow widening up to 10 ft. Mr. Branigan said members do not plan to do any forestry cutting until the economy picks up and we can get money for the harvest. Gary Gouldrup is their forester.

There being no further business, the meeting was adjourned at 8:10 p.m.

Sincerely yours,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 5/11/10.