

GROTON CONSERVATION COMMISSION

Open Session Minutes

April 27, 2010

Chairman Bruce Easom called the meeting to order at 6:30 p.m. in the 2nd floor conference room in Town Hall. Members Wayne Addy, Craig Auman, Marshall Giguere, Ryan Lambert, and David Pitkin were also present. Peter Morrison arrived at 7:05 p.m. Conservation Administrator Barbara Ganem was present.

Board of Selectmen Chairman Peter Cunningham and member Fran Dillon were also present. Upon a motion M. Giguere, seconded by W. Addy and a roll call voted of W. Addy, M. Giguere, C. Auman, D. Pitkin, R. Lambert, and B. Easom, it was

VOTED: to enter Executive Session to discuss pending litigation to return to Open Session at adjournment.

The meeting resumed at 7:15 p.m. in the 2nd floor conference room of Town Hall.

7:00 – 8:00 p.m. – Appointment Joint Meeting w/Sustainability Commission and Peter Flinker of Dodson Associates/Master Plan

Mr. Flinker explained he is the subcontractor working on the open space, conservation, and sustainability components of the Comprehensive Master Plan. Community Opportunities Group is in charge of the overall Master Planning process. Green infrastructure is another component. One of the considerations is developing a functional network of connected open space. Groton is approaching the point of making final decisions on what land should be conserved and what land should be developed. These decisions can focus on general infrastructure networks that need to be preserved, such as trails on Town-owned lands or possible or desirable ways to organize where we need to connect lands. P. Flinker has previously met with the Trails Committee and the Agricultural Commission.

Mr. Flinker showed a map with parcels that are preserved under conservation and agricultural restrictions and how it fits with prime agricultural soils or those of state-wide importance. He pointed out the maps help us to understand the implications for the ecosystems and forestry management. Water supply protection might include protection of wetland resources, forests, floodplain, and wildlife habitat. Towns generally focus on ecosystems and water supply.

Steve Webber noted that people in Groton are likely to state their highest priority is the preservation of the Town's agricultural heritage. He suggested the mapping needs to address whether our priority is preserving water supplies or feeding people. He gave as an example Broadmeadow which has been ditched and used to be farmed as recently as 40 years ago, but is now an extensive swamp. P. Flinker pointed out that hay was frequently cut on marshes years ago because the land was already cleared of trees.

Mr. Flinker said a water quality map might include water resources and ecosystems. The percentage of impervious surfacing concentrated in the village portion of the Town could affect water quality. It would also include wells, mapped aquifers, and Zone II's. Most of Groton's water supply wells are coincident with lands in wetlands or floodplain. There is also value in protecting river corridors. D. Pitkin noted a lot of this data is available through Mass GIS. M. Collette commented Groton's GIS consultant, Applied Geographics, has also used such resources as the floodplain mapping from the Federal Emergency Management Agency (FEMA) and soils mapping from the US Department of Agriculture. Leo Laverdure questioned whether the mapping will calculate residential density such as units/per acre in Groton, and Mr. Flinker responded this would be beyond the scope of the Master Planning process. As an example of the impervious data layer, the capped landfill shows as impervious. P. Flinker stressed the need to understand where we are going with planning process and an example will be the Community Forum to be held on May 13th.

Ecological and biodiversity mapping takes into consideration certified vernal pools, potential vernal pools, and rare species habitat as defined in the priority and estimated habitat identified by the Natural Heritage & Endangered Species Program (NH&ESP). The Biomap, also produced by the NH&ESP, generally follows edge of forest or subdivisions. Mark Archambault, Nashua River Watershed Association Circuit Rider, asked if the Biomap was also done on the basis of tract sizes. P. Flinker said the discussion will center on what we need to preserve to keep these species viable. Sometimes it is patches connected with corridors but this will have to be brought down to the neighborhood level in Groton.

B. Easom questioned whether making it this fine falls beyond the scope of the Master Plan. Mr. Flinker acknowledged the Town may decide to list goals or objectives to gather more data. Mr. Easom pointed out the Commission spends most of its time working on wetland issues, but there are upland issues which we rarely get into. Getting some balance between the disproportionate time devoted to wetlands and factoring in uplands that you want to protect should be one of the goals. M. Giguere also acknowledged the Commission tends to get bogged down in regulatory process. He noted that wetlands drawn from the MassGIS layer, which is based on aerial photographs, can differ significantly with what is on the ground. Uplands are important as vernal pool critters live in uplands for most of their lives but breed in vernal pools.

P. Flinker said his job is to help the Town set priorities, create a point system, and make the process more transparent. Wetland complexes are important and definitely part of the larger system. The goal is to avoid cutting off key areas that would die if isolated and to also look at where low impact development techniques would be appropriately sited.

Richard Hewitt said our forests are not real healthy and may not be as useful for wildlife as they could be. Chairman Easom said the Town is the process of trying to prepare a Request for Proposals to hire a town forester. P. Morrison pointed out the New England Forestry Foundation also has management plans for its forests. This can certainly be an action item to manage more public lands.

Mr. Flinker displayed a map of Groton's natural resources. If a parcel has three levels of importance it gains more value in the landscape planning process. In Groton, the river corridors

and water bodies coincide with where water supplies are available, making protection easier. Forest lands may be assigned more points if it is known Blanding's turtle habitat. The major corridor of development is Rt. 119 which splits significant habitats. P. Flinker explained the concept for land use planning determines what elements we need to keep in order to assure that water supplies, uplands, and animals are sustainable. The overlap with open space helps us make decisions on what to protect. Other considerations could be for potential recreational and agricultural uses. Michael Roberts added that cultural resources are also important, and this is part of the archaeological study currently underway in Groton. Active discussion and planning will serve to set up a process to move forward for the next ten years, but it is necessary to look at things as part of a functional system. Rural character is very important to the Town. Mr. Roberts stressed that retaining character and creating a sustainable community are both tied to quality of life issues for residents.

B. Easom liked the point system to identify attributes of rural character. P. Flinker noted an inventory of historic sites will help keep stories alive for future generations, and the setting provides a loose journey to get to it. Carl Flowers expressed concerns about the capability of making a living as a farmer between competition from wildlife and affordability of farm land. He questioned the ability for younger generations to buy or run a farm and was particularly concerned about the transfer of land to the next generation. B. Easom noted the Commission has been involved in licensing Town-owned land to farmers to encourage agricultural use of conservation land. State law only allows a limited term for the license which makes it very difficult to attract a farmer who is willing to invest in the land. P. Flinker noted that would require a change in state law and the planning process is about large policy goals and building a consensus for the political process.

Leo Laverdure asked if there were any plans to prepare a time series map which could show the changes in the community from the 1930's. B. Easom mentioned the Town does have aerial maps from 1952. This could provide insights about patterns of development. Topographic maps also provide a time line for when structures were in place. W. Addy said it would be helpful to overlay the natural resources map with the protected land to see where there are gaps in such areas as river corridors.

M. Collette mentioned the protection of land in Groton did not happen overnight as there has been a historic progression such as the acquisition of Town Forest, Rocky Hill in 2006, and the early efforts of William Wharton to buy land in the 1930's during the depression and to found the New England Forestry Foundation. She emphasized the need to have the vision go out for a long period of time. The key question is what part of the system is already protected and what are the key parcels we need to protect for the next seven generations. Mr. Flinker encouraged attendees to come to the May 13th community forum to discuss ways to engage town maps and turn them into action items. The information will eventually be posted to the Town's web site. The Master Planning process will also involve updating the parcel prioritization list that was done 10 years ago. In general only parcels that exceed 10 acres in size were categorized with different attributes such as suitability for general municipal, school, or conservation uses, much the same criteria as set forth tonight. S. Webber suggested the Town not restrict this prioritization to parcels over 10 acres.

8:00 p.m. – Appointment Roy MacGregor

Mr. MacGregor indicated he was hoping to have a decision made on the management of the Surrenden Farm piece. He understood it was the Commission's preference to keep it as a hayfield. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to send a certified letter to Fisheries & Wildlife urging them to expedite the process of making a decision on the farmer to hay the Surrenden Farm fields before we lose another growing season.

Mr. MacGregor said he was in front of the board last year and was given the go-ahead by the Commission. He asked why the Commission can't authorize it again this year. Commissioners explained we are talking about a five-year license, and the state is our partner. R. MacGregor said it was likely the fields would need mowing around the end of June or first of July dependent on the weather. B. Easom said he preferred to handle the mowing as part of the license. Upon a motion by P. Morrison, seconded by R. Lambert it was

VOTED: to request Ray MacGregor to mow Surrenden Farm between late June and July 2010.

B. Ganem asked if he would be given the hay free, and Commissioners indicated it would be free until the licensing process is completed. R. MacGregor requested a copy of the letter to Fisheries & Wildlife.

8:15 p.m. – Fire Department/718 Townsend Rd. RDA (practice burn)

Chief Joe Bosselait said he was aware of the house at 718 Townsend Rd. that is to be demolished, and the Fire Department is interested in conducting live fire training. He noted they are still looking into the proximity of wires at the site, and will also monitor wind conditions for the scheduled date of the burn.

Chairman Easom reminded the board of the request for an Extension for the Academy Hill project Order of Conditions in which the Commission included a condition that the developer demolish the house which has become an attractive nuisance. Former firefighter Steve Morlock came in to discuss it with the Commission to ask if we could delay the request for removal until the spring to allow time for a training burn.

Member Morrison asked what preventive measures will be taken to assure that only the house is burned. He also questioned how many units would be on site. Chief Bosselait said they would block off one lane of Townsend Rd., and the fire hydrant is quite close to the house. He explained it will not be necessary to use a lot of water flow as it is a very controlled type of burn for which straw pallets are used as starters. W. Addy asked what will be left once the burn is conducted, and the Chief thought it would be minimal ash. He commented DEP has to approve the training exercise which will be done from 10 a.m. to 4 p.m. depending on weather conditions. Neighbors will be notified ahead of time and all petroleum products will be removed, as well as the oil tank. Chief Bosselait said the builder would be responsible for removing any remnants of the building remaining after the burn.

It may also be necessary to get a demolition permit and the manifest for whatever landfill to which the material is taken. Chief Bosselait said they need to have access to the garage which is currently padlocked as the firefighters must have full access to every room according to DEP requirements. Members questioned whether there should be a meeting to straighten out all of these issues. The Chief indicated the burn is likely to be conducted over a weekend in May. The house has been tested for asbestos, and the Building Inspector has approved the draining and removal of the oil tank. B. Easom asked if the cellar foundation will be filled in or removed. It is likely it will have to be removed as it is the site of the future north entrance to Academy Hill.

B. Easom questioned whether there would be haybales on site, and it was suggested the developer is likely to have some on the construction site. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a negative #3 Determination providing a follow-up meeting is scheduled with developer Bruce Wheeler, the Fire Chief, and representatives from the Conservation Commission to assure 1) electricity and water utilities are shut off; 2) extra haybales are available from the construction site; 3) access to the garage and removal of materials stored there; 4) apply for demolition permit; and 5) determine refuse destination.

8:30 p.m. – Murphy/144 Shelters Rd. NOI retaining wall

R. Lambert recused himself as he is a family friend of the applicant. Homeowner John Murphy explained they had purchased the property in the 1980's, and a retaining wall made of railroad ties was in place at the time. He plans to remove the ties and re-construct the wall with loose fitting granite in multiple sizes. High water during the past summer did a number on the retaining wall. Members had inquired how far the water goes out during winter drawdown, and Mr. Murphy submitted photographs of the retaining wall when the water level is down. Immediate abutters were notified about the hearing, but the requirement under the Bylaw is for notification to all abutters within 300 ft. Members explained that the entire process has to occur in an open session, and the abutter notification process must be completed before the hearing is conducted. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing to May 11, 2010.

Mr. Lambert was called back in at 9:20 p.m.

Upon a motion by D. Pitkin, seconded by M. Giguere, it was

VOTED: to approve the minutes of April 10, 2010 as drafted.

P. Morrison abstained from the vote as he was not present.

Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to approve the minutes of April 13, 2010 as drafted.

P. Morrison abstained from the vote.

Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to approve the draft special conditions for DEP#169-1023 for 27 Whitney Pond Rd. under the Wetlands Protection Act.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the draft special conditions for DEP#169-1023 for 27 Whitney Pond Rd. under the Wetlands Protection Bylaw.

In discussion on possible fines for the applicant for 35 Common St., P. Morrison pointed out the Commission has never voted a money value for fines, and this would be part of the normal process. The agricultural proposal, including removal of invasives, is mitigation for the previous violation, and we should provide a clear paper trail to future Commissions. We never previously voted on an amount for fines or a period of time. It is an invalid statement. The Order should, however, reserve the right to issue fines if he does not fulfill his obligations. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue the draft special conditions as amended for DEP#169-1037 for 35 Common St. under the Wetlands Protection Act.

The motion passed with a majority vote with M. Giguere voting in the negative.

Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to issue the draft special conditions as amended for DEP#169-1037 for 35 Common St. under the Wetlands Protection Bylaw.

W. Addy and M. Giguere voted against the motion.

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

VOTED: to issue a Certificate of Compliance for DEP#169-1025 for 7 Little Hollow Lane.

Upon a motion by R. Lambert, seconded by M. Giguere, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1014 for the Groton School Phosphorus Treatment Plant.

Commissioners reviewed data prepared by B. Easom on the Surrenden Farm debt service. Some of the details included the 5% Community Preservation administrative budget. The state anticipates higher percentages this year than last. Senate Bill 90 is still pending and that would guarantee 75% reimbursement from the state through an increase in fees at the registry. Chairman Easom asked the Commission if they wished to generate a letter similar to the one

done last year on the debt service. One of the added expenses which CPC has this year is the community housing coordinator. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to send a letter to the Board of Selectmen indicating the Commission would be willing to contribute from the Conservation Fund to the Surrenden Farm debt service should the state matching percentage fall below 19%.

Before considering the Extension for Culver Rd. Lots A- & A-2/Eliades, DEP#169-886, members decided to do a site visit.

To follow up on the meeting on the access for Ames Meadow, B. Easom explained he has been reviewing the survey plans. There is a missing bound between the subdivision and Town Forest, but he has found 3 bounds. M. Giguere offered to assist with the surveying project. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to authorize B. Easom to purchase supplies such as paint sticks and flags up to \$50.

Mr. Easom said he would also flag the 14 ft. offset which the Commission has requested. He noted it may be better to actually go out further to avoid some large trees, and this step would also preserve the neighbors' privacy. M. Giguere announced the Agricultural Commission was doing a site walk on April 28th at 6 p.m. to assess the suitability of the access and whether the land is appropriate for farming.

The Trails Committee has recently sent a letter concerning the Jenkins Rd. access, and Chairman Easom asked the Commission to consider sending a letter in support of this effort. P. Morrison noted the Commission is responsible for managing the Farmers & Mechanics parcel so we have an interest in acquiring a right of access. Upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to send a letter in support of the April 20, 2010 letter from the Trails Committee to the Board of Selectmen about the Jenkins Rd. access.

It is hoped this will help resolve the issue of the right to pass from the Farmers & Mechanics parcel to Fitch's Bridge. M. Giguere reported he recently attended the Keystone program and as part of the training, they gave participants copies of an 1830 map of local communities. This mapping shows Jenkins Road 200 ft. from the edge of the Nashua River. The River's course has not changed much since that time. There are no questions of fact in dispute, and it is timely to put it in the courts at this point. The negotiation is where the access is located, and the intent is to go for all legal uses, pedestrians, equestrians, and motorized vehicles.

Member W. Addy has recently announced he does not plan to request re-appointment to the Commission, effective as of June. Commissioners expressed appreciation for his participation and pointed out there was certainly no dissatisfaction with his level of contribution to the Commission. In fact, his point of view often offers a new and different perspective on wetland

projects. Members said we should advertise the opening, and it was hoped he could stay on until we have a new member in order not to jeopardize quorums.

In discussion on various land management issues, we are working toward a June 1 deadline for wrapping up the management plan and other information required for the LAND reimbursement for the Fuccillo land purchase. Further discussion on the Town-wide forestry RFP is scheduled for May 11th. The Trails Committee will be installing the Rules and Regulations signs at Farmers & Mechanics, in addition to the already installed signs prohibiting ATVs. We are currently awaiting authorization from Honeywell to use a GPS to determine the preferred trail location from Arlington St. to the Nashua River Rail Trail. Members requested that B. Ganem look into the best option for providing water to the Shattuck fields on Martins Pond Rd. Commissioners agreed to send two letters to Attorney Robert Collins to address the Allens Trail encroachment issues and to follow up on the TABCOM conservation restriction. It is anticipated that W. Groton Water District Superintendent Gordon Newell will be following up with the Commission about the conservation restriction for the Blood parcel. CD versions of the draft monitoring report on Angus and Gibbet Hills have been distributed to members and will be on the agenda for May 11th. The memorial stone for the Bruce Wyatt Clements trail at Williams Barn has been dedicated, and members will include this site on the next Saturday site walk.

There being no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 5/11/10.