

GROTON CONSERVATION COMMISSION

Minutes

June 22, 2010

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

In preparation for issuing the Order of Conditions for DEP#169-1038 for 36 Anthony Dr., P. Morrison moved significance for 18 standard conditions and the draft Special Conditions which was seconded by R. Lambert, and it was

VOTED: to issue the Order of Conditions for DEP#169-1038 for 36 Anthony Dr. under the Wetlands Protection Act.

D. Pitkin and B. Easom expressed concern about the proposed filling in the backyard. P. Morrison pointed out the situation was probably exacerbated by the development of Mill Run. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue the Order of Conditions for DEP#169-1038 for 36 Anthony Dr. under the Wetlands Protection Bylaw.

The motion passed with B. Easom voting in opposition.

7:15 p.m. – 7:45 p.m. meeting with Town Forest Committee/Ames Meadow access

A meeting of the Town Forest Committee was called to order at 7:15 p.m. by Chairman Steve Babin with members Carter Branigan and John Sheedy present. Commission Chairman B. Easom reported he had marked the boundaries and a 14 ft. offset, and board members from both committees have had a chance to review it. S. Babin said he was surprised to see where the markers ended up, and he was not in favor of taking down that many large trees. There is still the option of clearing up the encroachment issues on private property.

Ned Cahoon (151 Wharton Row) questioned whether some white markers had ended up on his property. B. Easom said he would be glad to look at the markers to see if any of them were moved or misplaced. He described the technique used to do the marking and noted that the white flags were near the swamp. Member Morrison said he has not seen the demarcation, but understood that the Town Forest Committee was not in favor of a road. He explained that the access would have to accommodate a baler in order to hay the field. Because of the size and number of trees it may be necessary to re-locate the trail more appropriately.

Resident Vin Bisceglia (139 Wharton Row) explained he walked the path with Bruce Dubey who was comfortable with using the existing trail with his tractor with a few minor improvements. He said the 8 ft. width would accommodate his tractor. The culvert was exposed in spots and might

need crushed stone to stabilize the sides. P. Morrison pointed out Mr. Dubey has a rotary mower which is adequate for brush cutting, but a baler is likely to require a 14 ft. width. He mentioned this is a Town that encourages agriculture, and he would not like to see the field abandoned. Mr. Conley may have made a mistake in identifying the soils because the soils map produced by the Natural Resource Conservation Service (NRCS) shows them as important for agriculture. Mr. Bisceglia submitted photographs of the area flooding this spring which he stated was an annual event and also pointed out a lot of wildlife uses the area. He felt the combination of flooding and wildlife made the land inappropriate for farming. P. Morrison said it is likely it could be mowed in August, and there are lots of hayfields like that.

Chairman Easom mentioned he had talked with the NRCS about guidelines for farming in floodplains, and spring flooding is not an indication a parcel is unsuitable for farming. Member Easom asked if residents would be more comfortable if the Commission agrees to growing hay there and not having row crops. Resident Betsy Cahoon (151 Wharton Row) wanted to see the area stay as an open field and questioned why the Commission is looking at haying vs. mowing. M. Giguere said late season grasses could offer grassland bird species food and breeding habitat. If we encourage farming, it could cover the cost of maintenance. It is a way to manage the property without having to pay for maintenance.

C. Auman pointed out the town's Master Plan supports agriculture, and the Commission is responsible for very few open parcels as most are forested. While he supports haying the parcel, it would depend on whether a farmer is interested in such an endeavor. Mr. Auman noted the Town is looking to become a more sustainable community, and supporting agriculture is one component. There is additional value for hay in that taxpayers do not have to pay to have the area maintained. He said he supports haying and sustainability goals. W. Addy had reservations about restricting the land to hay only. R. Lambert stated he would like to see it hayed as it would be one less thing the Commission has to worry about managing. Member Pitkin commented the soils are important state-wide, and he would like to see it as a productive hay field.

B. Easom indicated the preservation of agricultural land is a goal in the current Master Planning process. He felt it was important to grow food for Groton residents in Groton, and this would reduce our carbon footprint, another element of sustainability. It's preferable to use already cleared land rather than cutting forests to create fields. He thought a productive use of Ames Meadow would be to have the land in hay, and this would preserve agricultural land as opposed to letting it return to forest.

Audience members questioned the cost of widening the path vs. how much would be gained by farming. B. Easom mentioned it is likely work on the path could occur as part of forestry management of the Town Forest as that would generally require skidders and landings. Improving the access does not necessarily have to require a separate effort. S. Babin said this area was logged about 15 years ago.

Connie Sartini, reporter for the *Groton Herald*, asked about restrictions such as having to replace the land. Member Wayne Addy pointed out this was not posted as a public hearing, but rather as a meeting between the Town Forest Committee and the Conservation Commission. He questioned whether it was appropriate to get public input at this stage.

Resident Jeff Binder (138 Wharton Row) inquired whether the moving party in the change of use of the property could appropriately hear this matter or whether it would be forwarded to DEP. He questioned whether the Commission has fiduciary responsibility on property it owns.

C. Sartini said the public has been allowed to speak at every publicly posted meeting she has attended over the years. Selectman Anna Eliot added the public should be participants, and a meeting was posted for both boards. The chairmen have the authority to allow the public to speak.

M. Giguere concurred that this was a public meeting. He pointed out hearings are part of the adjudicating process for Notices of Intent, Requests for Determinations of Applicability, and Abbreviated Notices of Resource Area Delineation. Both meetings and hearings are always done in public.

Resident Sue Bisceglia (139 Wharton Row) explained John Greenhalgh had access to Ames Meadow 10 years ago for haying. She said she is 100% organic in her gardening and is for agriculture and should be allowed to speak her concerns. Ms. Bisceglia questioned the purpose of a road to nowhere and expressed concern the neighborhood's point of view is perceived as bad. She thought Groton Local would be very surprised at the amount of flooding in Ames Meadow and noted that any kind of fertilizer would wash into the Nashua River. Her understanding is that the Commission is charged with protecting forests and fields, and she maintained the Commission seems to view the neighborhood as "the bad guys".

Chairman Easom noted the audience had many questions about the feasibility of farming the parcel. He contacted the Farm Bureau and was informed this could be a valuable parcel for certain kinds of farming. He pointed out this is a right-to-farm town and, regarding nutrients washing downstream, the fact that it floods is not a major concern.

Mr. Morrison thanked the Biceglia's for allowing the Town to maintain the parcel through access via their property. He noted, however, that a permanent solution is needed as the next owners may not be as generous. An 8 – 9 ft. wide trail might require some pruning, but not hundreds of trees. He felt it could be kept as narrow as possible and perhaps accommodate small equipment. He also commented that Groton Local has not expressed an interest in Ames Meadow. P. Morrison felt there should be one logical step at a time, and getting access was key at this time.

J. Binder expressed concern about a conflict for the same body to initiate a project and then oversee the permitting. Commissioners pointed out appeals can be made through DEP, but it is premature to raise this issue. Members of the audience questioned how this would be better from a sustainability point of view as it is clearly a change of use which falls under the Wetlands Protection Act. Mr. Binder maintained it was not fair to put Commissioners or the Town in this position. He had never heard of a case in which the Conservation Commission was on both sides of an issue since they are charged with certain responsibilities.

B. Easom asked whether the Commission wished to contact Town Counsel for an interpretation. P. Morrison said managing land is only one of the Commission's responsibilities. D. Pitkin

commented legal access to the parcel is the topic, but at the same time abutters are raising the question of moving party and adjudicatory party. Mr. Easom said this is essentially like asking the Commission to recuse ourselves because we own the land. Mr. Binder mentioned the Board of Selectmen is listed as one of the hearing bodies.

The Commission is concerned about the narrow width of the access and spending money for maintenance. C. Auman pointed out the Commission has the responsibility of maintenance. W. Addy, R. Lambert, and D. Pitkin agreed to refer the question to Town Counsel. Anna Eliot clarified that the Commission will be looking at minimally-sized equipment for haying once during the season using late season grasses. S. Babin thought the trail would handle a 10 ft. wide baler, but these questions might fall within an Executive Session. The trucks moving haybales typically hold at least two tiers of haybales, and the restrictions on the hay could include the number of times it's hayed, type of grasses, and the minimal size for equipment. It clearly has been hayed before as Mr. Greenhalgh did the first year as hay. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to consider Ames Meadow appropriate for the growing of late season grasses for haying.

B. Easom pointed out that Robert's *Rules of Order* says that current actions cannot tie the hands of future boards so the matter would be in the hands of future commissions. It is a statement of what we currently believe. A management plan for late season grasses for a hay crop could be written as a separate document from the deed. Commissioners agreed to talk with Town Counsel about the potential conflict in permitting. In addition, permission will be necessary from the Town Forest Committee as well as abutters with trail encroachments to brush cut in late July or August. Upon a motion by John Sheedy, seconded by Carter Branigan, the Town Forest Committee VOTED unanimously to allow the Commission access with a brush hog or tractor to mow Ames Meadow in late July or early August.

Ray Murphy (161 Wharton Row) maintained the Commission is giving mixed signals on how it wishes to maintain Ames Meadow. He understood the 14 ft. width was off the table as it is a bad idea to remove those large trees. Mr. Murphy questioned why the terms 'revenue neutral' and 'sustainability' were coming up and added the deed does not mention agriculture. He felt the parcel was unsuitable for row crops, and there should be a deed restriction limiting it to hay. The Schwabes must be contacted about permission to access Ames Meadow over the portion of the trail that encroaches on their property, but the Cahoons granted the Commission verbal permission to utilize the trail for a brush hog or tractor to mow Ames Meadow.

7:45 p.m. – 402 Lowell Rd. RDA/shed

(P. Morrison left the meeting at 8:15 p.m.)

Homeowner Alfred von Campe explained they had finished an in-ground swimming pool last year and wished to add a pool shed. The shed will be constructed on site, and they are willing to include some mechanism to handle roof runoff on site. He noted that one roof drip line would drain onto the pool deck. Chairman Easom thanked him for spray painting the proposed location in the field. Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to issue a negative #3 Determination requiring a stone infiltration trench at the roof drip line.

The vote was unanimous.

(P. Morrison returned at 8:25 p.m.)

8:00 p.m. – Groton School NOI/wastewater pipe

Engineer Kelly Whalen was present but requested the hearing be left open until Attorney Bob Collins returns from a meeting with the Water Commissioners. The Commission agreed to do so.

8:15 p.m. – 222 Reedy Meadow NOI/septic system, DEP#169-1042

Neil Gorman of Ross Associates explained he represented the Kelley family for the upgrading of an existing sewage disposal system to meet current Title 5 requirements. This is a gravity fed system called the Presby Environmental. The wetlands have been flagged and run beside the septic system. There is a 15% slope above the house. A 40 ml polybarrier will be used to reduce the amount of grading necessary to install the system. Mr. Gorman estimated there will be a 2 – 3 ft. mound in order to raise the system above groundwater. They are awaiting approval from DEP. The grading is within 18 ft. of the Bordering Vegetated Wetland. The steep slope and the proximity of the well reduced septic design options. No trees are proposed to be removed.

Natural Heritage has agreed with the engineer's assessment that this work qualifies under a MESA exemption. The existing leach field is in the vicinity of the proposed field which is within lawn area. Member Morrison cautioned that extra care should be taken to assure there is no sedimentation from the work site. The current SDS was constructed according to a 1980's plan, and future expansion was designed to occur within the same area. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to close the hearing for DEP#169-1042 for 222 Reedy Meadow Rd.

Resuming the hearing for the Groton School NOI/wastewater pipe, Attorney Collins reminded the Commission that soil borings were done in preparation for designing the replacement pipe location. The spring flooding may have precipitated the break, but the first observation of the leak in the pipe occurred in the middle of wetlands. When DEP was notified, they recommended moving ahead quickly. The Bordering Vegetated Wetlands hook back into the Nashua River. Had the break not occurred in wetlands it is likely this could have been a repair rather than a replacement. MESA received the filing on June 9th so their response is due by July 9th. There are several outstanding items, including a DEP number, the fact the work needs to be accomplished during the summer when the students are on vacation, and the response from MESA.

Kelly Whalen from Newfields explained that this pipe handles treated sewage in which the bacterial count is quite low. He noted it was difficult finding a suitable route and, because the failure is underwater, to determine the extent of the break. In order to do directional drilling, it is necessary to have both a launching and receiving pit. With the outlet in the Nashua River, it would require doing the work from a barge. Their intention is to minimize the number of trees to be removed. Temporarily draining the wetland would be required if the pipe were just repaired.

This would involve replacing several links in the pipe and de-watering of the wetland. It is not possible to send a camera through vitrified clay pipe although it does transition to cast iron at some point.

W. Addy asked if sleeving was considered, and Mr. Whalen replied “We do not know the condition of the pipe because it is underwater.” B. Easom questioned whether it would be possible to have the receiving pit at P4 and then do the open trenching for the remainder of the installation. The entire side of the bank would still have to be horizontally drilled according to K. Whalen, and it may require having to set up in the River. He acknowledged it is possible to turn corners with the drill. Two different contractors would have to be hired.

M. Giguere observed it was difficult to relate the plans to what was seen in the field. He asked the size of the trench and whether the removal of small roots is likely to affect the survivability of the remaining trees. While they originally were looking at directional drilling, this step would increase the amount of disturbance in the buffer zone, but they could go under the wetland. The trench will be approximately 4 ft. deep with manholes 4 – 6 ft. wide. The routing of the pipe has been altered to avoid resource areas and buffer zones to the greatest extent possible. Members agreed to schedule a site visit for July 10th to review the flagging which will either be replaced or re-numbered. Upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to continue the hearing for Groton School to July 13, 2010.

69 Schoolhouse Rd./Myette DEP#169-1040 continuation

At Mr. Collin’s request and upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing to July 13, 2010.

The motion passed with W. Addy voting in the negative.

8:30 p.m. – Appointment Ray Lyons – NEFF/Baddacook Pond land

Attorney Lyons noted that NEFF’s needs have changed over time, and they have paid down their debt. He commented the appraisal had come in about \$100,000 less than they anticipated. He requested a copy of the appraisal which is not usually considered in the public domain. The appraisal for the Mattbob property was released to assist Dick Heaton in the preparation of his testimony before the Housing Appeals Committee.

W. Addy warned of changing plans after closing our options. B. Easom agreed that it was a deal breaker. P. Morrison commented this will be a friendly process so this could change the outcome. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to release the appraisal for the Baddacook Pond land to Mr. Lyons.

The appraisal came in at \$370,000 for a fee simple purchase and \$255,000 for the purchase of a conservation restriction. Both purchases would be covered by Article 97. B. Easom said there’s the potential to use multiple sources of funds as there is a Drinking Water Protection grant that reimburses 50%, the Community Preservation fund, the LAND grant program. This could make

the fee simple purchase more economical. The Water Department has done some testing, and the location is close to the pump system at Baddacook. The test well site is not included in the area proposed to be included in the conservation restriction.

Mr. Lyons said there would be an additional cost to purchase the potential well site. Jim Czupryna did an analysis which approximately doubled the price of the land. The Division of Conservation Services LAND grant application is due July 15. Member Giguere asked if there were plans to extend the Collins land. Mr. Lyons said they have about ¼ acre that is 100 ft. x 100 ft. x 100 ft. Mr. Lyons said the Collins were already encroaching onto NEFF land for part of their septic system. NEFF intends to approach them about buying additional land so they can have a legitimate Title 5 compliant septic system. C. Auman questioned whether this would be done as part of adding to the house. He also asked the benefits of buying this land, particularly since much of it is wetland. Mr. Lyons responded NEFF would make the existing cottage on NEFF land go away. He reminded Commissioners there is a Board of Health permit for a new sewage design system. Chairman Easom asked members for their thoughts and suggestions on R. Lyons' June 22, 2010 memo.

If we are to seek a LAND grant, it must be authorized by the Commission. R. Lyons agreed to keep B. Ganem and B. Easom apprised of NEFF's decision on whether they prefer a conservation restriction or if they would agree to a fee simple purchase. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to authorize the Commission to acquire either a conservation restriction or an in fee interest in the Baddacook Pond property contingent upon getting a grant and the money being used in Groton and a mutually acceptable purchase and sales agreement.

W. Addy voted against the motion, while the remaining members voted in favor.

M. Giguere agreed to talk to Tom Orcutt to determine the Water Department's interest in this proposal. He also volunteered to talk with Anne Gagnon to see if Fisheries & Wildlife might have funds available. Paying for and the timing of the demolition of the cottage and filing of a Notice of Intent remain to be determined. The site is in both estimated and priority habitat for rare species.

9:00 p.m. - 21 Moose Trail DEP#169-1041 continuation

Dan Wolfe noted the applicant proposes an addition to expand rooms, but not increase the number of bedrooms or rooms. The addition will include a 24 ft. x 24 ft. garage with an infiltration trench at the drip line. There is no increase in the height of the building or offset to the property line.

B. Easom felt the Commission should consider the Notice of Intent as a separate issue from the Conservation Restriction on the property. The applicant has brought the issue under the Commission's jurisdiction; it would not affect our process. P. Morrison added we don't care about boundaries. C. Auman said we can issue a permit but should explain to the Building Commissioner about the existence of the Conservation Restriction.

Mr. Wolfe reported three trees will be removed, and the MESA filing has now been submitted. The driveway will be enlarged and gravel extended to the garage entrance. All of it is to be eventually paved. The proposed addition is closer to the resource area than the house is. The shed will be removed, and that is closer to the resource area than the addition. Commissioners worried about the addition of impermeable surfaces to the lot. The concrete slab and hot tub are to be moved to another section of the lot, there is a walkway, all of which contribute to an increase in impervious surfacing. Mr. Wolfe assured the Commission the porous soils on site will allow the infiltration trench as the roof drip line to work effectively.

Member Auman said he shares the concern about increasing impermeable surfacing on the lot, and D. Wolfe agreed to focus on how that is handled. Reductions could be achieved by eliminating some of the pavement and replacing it with permeable asphalt or pavers. Another goal is to assure that no sedimentation reaches the resource area or the conservation-restricted area. Special conditions might include the use of popcorn pavement for all paved areas. B. Easom said he sees several issues: 1) pervious vs. impervious surfaces on the lot, 2) trees that are to be removed; and 3) bringing the garage closer to the resource area than the existing house. P. Morrison felt that the applicant needs a sense of how the Commission views these changes. Mr. Easom mentioned a separate issue is allowing building creep toward a resource area.

Mr. Lyons pointed out it is important to have room for parking and to keep cars off the street. Members observed that the project seems to be more than the lot can handle. D. Wolfe reported he discussed the issues with Building Commissioner Bentley Herget whose concern seemed to be mostly with building height and setback distances. P. Morrison made a motion, seconded by R. Lambert, to consider in a positive way the Notice of Intent taking into consideration the distance to the resource area, the reduction of total impervious surfacing through the elimination of the shed, and the existing driveway removed and replaced with pervious paving.

M. Giguere said this appears to be front loading any decision we might make, and he did not think the Commission needs to vote on it. P. Morrison maintained it wasn't clear to the applicant, and we are discussing the viability of the plan. C. Auman suggested the vote be cut in two, and P. Morrison agreed to withdraw the above motion. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: that consideration be given to the removal of the existing driveway and replacement with pervious paving.

M. Giguere was absent from the room, but the motion passed with B. Easom, C. Auman, W. Addy, D. Pitkin, R. Lambert, and P. Morrison voting in favor.

Another motion by P. Morrison, seconded by R. Lambert, to allow the garage to be two ft. closer to the resource area, failed with B. Easom, D. Pitkin, R. Lambert, and C. Auman voting no, M. Giguere abstaining, and W. Addy and P. Morrison voting yes. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing to July 13, 2010.

9:00 p.m. - 21 Moose Trail DEP#169-1041 continuation

Attorney Lyons acknowledged the draft Wilson/21 Moose Trail Conservation Restriction was voted on at an August 2007 Conservation Commission meeting, and he had received a marked-up copy. He explained that he has amended only one conservation restriction in his career, and he suggested the proposed amendment be sent to Irene Del Bono of the Division of Conservation Services. One of the questions is whether the change invokes Article 97 and also whether the change is acceptable to the Executive Office of Energy & Environmental Affairs. He stressed that he was not asking for Commission approval at this time. His client, Tom Wilson, bought the house and the land with the intention of being able to expand over time. The change to Paragraph K prohibits this.

B. Easom thanked Mr. Lyons for acknowledging the Commission had properly sent the changed word document. He emphasized that it is not the practice of the Commission to try to pull a fast one, and he's glad to have that clarified. In apology, Mr. Lyons said there was a time crunch, and he missed it.

M. Giguere commented getting an opinion at the state level may be a good approach. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to grant Attorney Lyons permission to approach the Division of Conservation Services to see if the proposed amendment 1) invokes Article 97, 2) whether the proper process is being followed, and 3) whether it is acceptable to the state.

The vote was unanimous.

Mr. Lyons agreed to neutralize the language in the second "Whereas" clause in the proposed amendment and will confirm that the conservation-restricted land remains protected and undisturbed. Ms. Del Bono can then make the decision. Chairman Easom stressed the importance of the process part of the question which also raises the question of "does it need fixing?" The Commission requires Ms. Del Bono's comments before making a decision.

Commissioners agreed to review the draft forestry management policy guidelines at a later date.

Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to extend the Order of Conditions for DEP#169-983 for 147 Gay Rd. by three years contingent upon both the Order and the Extension being recorded within 60 days of mailing.

The Board of Selectmen recently expressed concerns about the management of Surrenden Farms, particularly the maintenance of trails and the constraints posed by Fisheries & Wildlife which holds the Conservation Restriction. A meeting with Pat Huckery is scheduled for June 24th at 10 a.m. to review the most recent draft of the Surrenden Farm Resource Management Plan. P. Morrison had attended the Selectmen's meeting, and he reported the Selectmen were all in favor of the Town having more latitude in the maintenance of trails in Zone I. C. Auman pointed out this is an area with very sensitive wildlife habitat and is the only section where trail maintenance

is not allowed. Selectmen appear to be worried that a different arrangement was presented at Town Meeting, in which Fisheries & Wildlife was to have owned the southwest corner. D. Pitkin said it is actually a good thing the land was protected from development and that there are two organizations which have an interlocking relationship via fee ownership and the Conservation Restriction to assure greater protection. M. Giguere added the idea is to leave Management Zone I in a more natural state without maintained trails because trails have an impact on wildlife. He pointed out it has taken two years to develop the plan, and there have been compromises from both sides along the way. The Plan will be reviewed at 5 year intervals. C. Auman and B. Easom plan to attend the meeting on June 24th.

M. Giguere expressed concern that not all of the highway turtle signs have been installed. He has assisted with a few, but there are additional installations, including the two new ones off Hayden Rd.

B. Easom reported the reimbursement request for the Fuccillo parcel has been submitted to the state LAND grant program. Documentation on the survey and legal expenses was inadequate for reimbursement, but we expect to have \$90,000 returned to the Conservation Fund in fairly short order. Several trail flags have been moved on the Fuccillo property, and GELD has submitted a letter approving the use of the trail and parking area which extends onto their property. Members agreed to hold off on installing the trails until we have a clearer idea of where the turtle nesting habitat might be created. A wildlife biologist will have to be consulted before we cut these trails. The habitat idea seems to be a good alternative to encourage turtles not to cross Rt. 40.

Chairman Easom mentioned Meredith Scarlet has installed fencing about 25 ft. upland from the existing fencing, providing a dry trail access on Angus Hill. This is a very generous gesture.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 7/13/10.