

GROTON CONSERVATION COMMISSION

Minutes

March 22, 2011

Chairman Bruce Easom called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Peter Morrison, and David Pitkin were present. M. Giguere arrived at 7:04 p.m. B. Neacy arrived at 7:05 p.m. Nadia Madden was absent. Conservation Administrator Barbara Ganem was present.

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

VOTED: to approve the minutes of March 8, 2011 as drafted.

B. Easom and D. Pitkin abstained from the vote.

(M. Giguere arrived at 7:04 p.m.)

Regarding members' review of the maps prepared by Peter Flinker of Dodson Associates, B. Easom suggested including more destination points on Map 7 such as Gibbet Hill and the castle, Surrenden Farm, Groton Place, and the J. Harry Rich State Forest. The Fairgrounds property should be listed as municipal land, not in conservation.

(B. Neacy arrived at 7:05 p.m.)

The NEFF land is identified as land with unknown protection and should probably be colored in yellow identifying it as unprotected land. The MIT Haystack Observatory is currently under consideration by the state for a conservation restriction. The conservation restriction on the Town Forest is in the works. Members pointed out both the Fuccillo and NEFF Baddacook Pond parcels should be identified as conservation land.

M. Giguere reported on his meeting with the Board of Selectmen and the Finance Committee on the articles for the April Town Meeting Warrant, in particular the \$150,000 Community Preservation Committee (CPC) funding request. He noted Selectman Degen was of the opinion the recent purchase of the Baddacook Pond parcel was ill-advised and foolish. Other questions that came up included the amount of money before and after the acquisition in the Conservation Fund. Mr. Giguere pointed out to the group that the protection of Surrenden Farm was supported by an overwhelming Town Meeting vote although the Conservation Commission was instrumental in getting a Self-Help grant of \$500,000 toward the acquisition. In addition, he indicated the Commission has previously voted to use funds from the Conservation Fund should there be a shortfall in the Surrenden Farm bond payment if the state's CPC match fall below 16%.

Essentially the Commission has agreed to cover the Surrenden Farm loan. The minimum state match for CPC funding is 5%. Groton collects about \$520,000 with the 3% surcharge to pay for

such projects as affordable housing, open space, and historic preservation. A 5% administrative charge covers the expenses of the CPC as well as the salaries (part-time) of the CPC Administrative Assistant and the Affordable Housing Coordinator. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to send a letter to Town Administrator Mark Haddad, with a copy to the Finance Committee, agreeing to cover any shortfall in the Surrenden Farm debt service as a result of the state failing to match the CPC funding at 16%.

Mr. Morrison said the Commission has agreed to this stipulation for the past three years.

Chairman Easom reported the CPC met on Monday to make their final recommendations on this year's applications under consideration for presentation to Town Meeting. He pointed out the Committee failed to approve the \$412,000 request from the Affordable Housing Trust. The Commission's application was reduced from \$150,000 to \$75,000. It is anticipated there will be an unallocated balance of \$381,270.49 as of June 30, 2011. In the past the CPC's policy has been to approve funding for all projects and then assign the unallocated balance to the Conservation Fund. The CPC is allowed to reduce the amount of the funding request. Town Meeting then accepts or defeats the article. Both the amount and scope of the project may be reduced. Mr. Giguere felt it was unclear whether the FinCom or the Selectmen would support the article on Town Meeting floor as they took no official vote.

Mr. Giguere mentioned there were questions at the Selectmen's meeting about the Park Commission's procurement process. The Selectmen has not supported the Commission's CPC application for the past two years. The collapse of the floor at Legion Hall is more a maintenance issue than a historic preservation per the CPC.

7:30 p.m. – 213 Whiley Road Request for Determination of Applicability

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

VOTED: to continue the meeting on the 213 Whiley Road Request for Determination of Applicability to April 12, 2011.

7:30 p.m. – Appointment Patsy Nelson

Ms. Nelson stated she has hatched an idea for a project here in Groton after talking with a friend who participates in garlic mustard pulls in Lincoln. Garlic mustard is a very invasive, non-native plant that can out-compete native wildflower species in the forest understory. The Conservation Commission runs the program in Lincoln, and the pulls are organized simultaneously in many different areas of town. They provide water and vests for the volunteers. P. Nelson indicated she needed some assistance in organizing this event, and member suggested she contact organizations such as the Boy Scouts and the Nashua River Watershed Association. She feels the last Saturday in April (April 30th) would be the optimal day to begin controlling garlic mustard infestations. There will need to be a place to bring bags and to meet with volunteers. Ms. Nelson will work with the Highway Department to organize the pickup.

By scheduling the pull in early spring, seed dispersal will be limited. These plants should not be composted, but rather should go to the landfill, be burned, or be left in plastic bags until the plant is completely dried out. There would have to be a survey to find out where garlic mustard is a problem on conservation lands. Ms. Nelson reported she has observed the plant on Long Hill, the Gibbet Hill trails, and the Petapawag Boat Launch. In general, garlic mustard seems to proliferate in heavily traveled areas, frequently along roadways. Members said general municipal lands would be under the control of the Board of Selectmen. M. Giguere mentioned one mechanism for distributing word about the pull might be through the Stewardship Committee where the video about garlic mustard could be shown. Certainly public notices in the newspaper and on the Groton list serve, plus discussion with Rick Muehlke of the Groton Conservation Trust and the 4-H club, could help educate the public. D. Pitkin commented the Nashua River Watershed Association has done a similar thing with their annual water chestnut pull, as well as the loosestrife beetle control project. Local newspapers such as the *Lowell Sun* are likely to cover the event.

Ms. Nelson thought the plant originated in Europe and was brought here for medicinal purposes. Repeated cuttings can help control garlic mustard, but there are certain times of the year when it is more effective. D. Pitkin questioned whether a liability waiver would be necessary, and members thought this unlikely as the activity was to be undertaken on public land. Members were strongly in support of this effort.

7:45 p.m. –Academy Hill Cherry Tree Lane

D. Pitkin, C. Auman, M. Giguere, and B. Ganem visited Cherry Tree Lane on Academy Hill this past Saturday. Water in the stream was diverted down the side of the road rather than through the culvert. It is clear the culvert should be re-done. The replication area was full of water. The water in the detention basin was very close to breaching the wall which would put silty water directly into Flat Pond Brook. It is disappointing because we went through this with the south entrance to Academy Hill last year. There is a lot of open land above the wetland crossing.

D. Pitkin questioned whether the 5-gallon pails labeled ‘form release material’ observed at the site could be harmful to the environment. Photographs showing silt seeping into the Brook were dated March 16th and 18th, the latter from Mary Trudeau’s report of the same date. Members reviewed conditions from DEP#169-970 which covers the north entrance and many of the houses within Academy Hill.

Selectman Anna Eliot was present and on the point of leaving when members asked if she had any concerns to bring before the Commission. She questioned how the article on CPC funding for the Conservation Fund fared before the CPC. It was noted the amount of funding was reduced to \$75,000. B. Easom mentioned the CPC has voted to set aside an additional 10% bucket for active recreation projects. The study on the Squannacook rail trail, the new ball field at Cow Pond Brook, and the basketball court at the Lost Lake Fire Station were all funded from this bucket. It shows up in the most recent Community Preservation Plan and was set up about two years ago. There are questions about whether this practice has legal ramifications.

The CPC application from the Affordable Housing Trust for \$412,000 to partner with a developer for the re-development of 134 Main St. was rejected because there was no financial

analysis as required on Page 45 of the Community Preservation Plan, no purchase & sale agreement, and no letter of support from the Historic Commission. A letter from the owner (North Middlesex Bank) was not included, and there was reluctance on the part of the CPC to give it to the Affordable Housing Trust which has no track record in managing funds.

Returning to the subject of Academy Hill and taking into consideration the current state of the site, member Pitkin suggested the Commission issue two Enforcement Orders, one to address the more urgent short term siltation problem and another addressing the issue surrounding the wetland crossing which will require a more technical approach. P. Morrison pointed out the condition of the site effectively puts the entire project under the Commission's jurisdiction. The first Order will require the stabilization of the site and assure that no silt goes into Townsend Road. The second would require re-connecting the wetland that has been divided. The implementation plan will restore the wetland stream to the original grade in accordance with the conditions listed in the Order of Conditions.

B. Neacy questioned the possible levels of enforcement, and C. Auman explained each day can be seen as a separate offence with \$50 for the first offence, \$100 for the second, and \$300 for the third and subsequent offences. P. Morrison made a motion to issue an Enforcement Order requiring the development of a plan to stabilize the site. B. Easom suggested including a date certain for the submittal and the caveat that the plan be acceptable to the Commission. P. Morrison withdrew his original motion and substituted a different motion, seconded by M. Giguere, and it was

VOTED: to issue an Enforcement Order requiring the applicant, Bruce Wheeler, to submit a plan, acceptable to the Commission, for the general stabilization of the site, no later than April 6th. The plan must address the conditions outlined in the Enforcement Order and be submitted by April 6th or fines shall be imposed on the basis of \$50 for the first day, \$100 for the second day, and \$300 for the third and subsequent days.

For the wetland crossing, compliance with the conditions outlined in the original Order of Conditions or an improvement acceptable to the Commission is necessary. The original plans may have to be changed to bring the project into compliance with the Order of Conditions. D. Pitkin cautioned that the applicant cannot increase impacts to the resource area under the existing Order. This would require the filing of a new Notice of Intent. Members thought the same schedule would be appropriate to correct the deficiencies with regard to the wetland crossing. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue an Enforcement Order requiring the applicant, Bruce Wheeler, to submit a plan, acceptable to the Commission, to bring the wetland crossing into compliance with the Order of Conditions DEP#169-970. The plan must address the conditions outlined in the Enforcement Order and be submitted by April 6, 2011 or fines shall be imposed on the basis of \$50 for the first day, \$100 for the second day, and \$300 for the third and subsequent days.

Mr. Wheeler will have more time to implement the plan, but the maximum fines for two separate Enforcement Orders will be imposed if he fails to meet the April 6th deadline.

The Commission next took up several land management tasks. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to send a letter to John Maynard requesting the removal of the four trees and fencing placed on Surrenden Farm.

P. Morrison agreed to get in touch with Bob Black about placing boulders on the Redskin Trail Conservation Area. Honeywell is checking with their legal department to see if the company could consider the donation of land that would connect Arlington St. with the Nashua River Rail Trail. The Trails Committee supports this connection.

Mr. Varisco of John Crow Farm has indicated he does not plan to license the Shattuck field at Baddacook Pond this year. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to place an advertisement in the newspaper (cost not to exceed \$100) to request proposals for agricultural management of the Shattuck field at Baddacook Pond.

B. Neacy said the draft Memorandum of Understanding with the Town Forest Committee allows a 10-ft. wide access to Ames Meadow to allow farm equipment to pass. The neighbors appear to be willing to donate their land to the Town Forest Committee to assure the trail is on Town-owned land. An informal meeting with the neighbors and members of the Town Forest Committee and the Conservation Commission is planned. The intent is to bring the field back to a productive hay field. Mr. Neacy said he would email a copy of the draft to members.

B. Ganem has forwarded a copy of the final (signed) TABCOM (Groton Woods Camp) Conservation Restriction for review by Irene del Bono at the Division of Conservation Services. Hopefully this will be ready to record.

D. Pitkin is working on the Stewardship Plan for Gibbet and Angus Hills. This will have to be approved by the Town, owners, and DEM. Meredith Scarlet has recently submitted her Farm Plan for Scarlet (a.k.a. Angus) Hill, and this should be incorporated into the CR Monitoring Report along with her comments and corrections.

The W. Groton Water District has been asked to reconsider their vote not to put a Conservation Restriction on the Blood parcel. Based on the Certificate from the Secretary of the Executive Office of Energy & Environmental Affairs, the CR was a condition of approval.

Chairman Easom requested the details on the potential EPA/Federal Fish & Wildlife Dept. grant to implement turtle habitat improvements at the Fuccillo land. The next grant round would be in February 2012.

B. Easom plans to review a draft letter to the surveyor Russ Wilson to request a correction in the recorded plan for the Fuccillo property. B. Easom and M. Giguere plan to re-check the possible encroachment from 55 Allens Trail to finalize the CR Monitoring Report on Allens Trail.

