

## GROTON CONSERVATION COMMISSION

### Minutes

August 9, 2011

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, Peter Morrison, Bill Neacy, and David Pitkin were present. Member Bruce Easom was absent. Conservation Administrator Barbara Ganem was present.

In discussion on land management at the Sawtell Conservation Area, members viewed the collapsing culvert this past Saturday with Paul Funch of the Trails Committee. They questioned whether the headwall is gone or the culvert itself has failed. Tom Delaney will be contacted about this matter. Behind Lot 9 (21 Sawtell Dr.) members noted blueberry bushes were planted, grass clippings have been deposited, and squares of turf have been left there. Letters will be sent to the current owners of Lots 8 and 9 to ask for their cooperation in not encroaching on the trail.

It appears that invisible dog fencing has been installed on a portion of the Hawtree Conservation Area, and there may be some encroachment on the south side of the detention basin. The basin is located off the end of the cul-de-sac and has a lot of goldenrod, but no woody growth at this time. Members agreed that the invisible fencing and treated lawn areas are intimidating for potential trail users and requested a letter go to neighbors on Lots 16, 17, and 18 so that they are aware of appropriate uses of conservation land.

Commissioners also viewed the access to Longley II. The trail runs along a wooded area, and members spoke with the adjacent property owner, telling him there was no problem with mowing that section of the trail. The sign is partially covered, and members requested the Trails Committee be contacted to clear branches away from the sign.

Two plans were recorded for the Northwoods subdivision, both prior to the land being donated to the Conservation Commission. The location of an easement on Lot 4 is what is at issue. Both plans are referenced in the deed, one being recorded in 1991 and the second in 1993, which went on record in 1997. B. Neacy felt it important that the Commission have clear title to the land and upon a motion by B. Neacy, seconded by P. Morrison, it was

VOTED: to refer the matter to Town Counsel for clarification.

#### 7:15 p.m. – Appointment Bill Eger and Andy Robinson

Dr. Eger explained he first observed the effects of the woolly adelgid on hemlocks when he was in the Great Smoky Mountains many years ago. Five weeks ago, he observed the parasite on hemlocks within his own backyard. New generations appear in October, and he found evidence on lower branches, samples of which he brought in for the Commission to view. Maine has made it illegal to bring hemlock into the state. The wood has to be burned because cut branches may have eggs that could still hatch out.

Andy Robinson explained this was an insect that arrived in the US in 1924 from China. It tends to be dormant during the hot months, but come out to feed when cooler temperatures arrive. They inject a toxin and feed on the starches that hemlocks need to survive. They reproduce asexually twice a year. There has been some success with biological controls such as a type of Chinese ladybug. It was first seen in MA in 1998, but has now spread to all New England states, as well as the eastern seaboard. It can feed in winter and thrives on eastern and southern hemlocks. Arnold Arboretum has treated its hemlocks with dormant oil and a root herbicide, and time will tell whether this is a successful treatment.

B. Neacy thanked Dr. Eger and Mr. Robinson for bringing their concerns to the Commission. He asked what should be publicized. Dr. Eger said he had removed and bagged branches where he could see the woolly adelgid infestation. The hemlocks are located near his birdfeeder, and he estimated the infestation may have been there for more than a year. P. Morrison said it sounds as though we should keep an eye on this and see whether the Arnold Arboretum approach works. Chairman Madden suggested this was something that should be brought to the attention of the general public. Mr. Robinson said there is a lot of information from the extension service, UMASS, and the USDA. B. Neacy pointed out this is something our consulting foresters can watch for as they survey area forests.

7:30 p.m. – 134 Main St. Notice of Intent #169-1062 continuation

At the applicant's request and upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to continue the hearing for 134 Main St. to August 23, 2011.

7:30 p.m. – Forestry Management – Farmers & Mechanics discussion

Adam Burnett said he had followed up with written comments after the last meeting and was disappointed to have had no response from the Commission. He maintained there is evidence of pit and mound features throughout the Farmers & Mechanics parcel. He felt this strongly favored the development of old growth characteristics at the site and questioned the wisdom of using the property to make a profit. Further there is evidence it has not been cut. Mr. Burnett thought that New England Forestry Foundation intensively manages some of its land while the Conservation Commission can choose to manage its land or not. This parcel is within the floodplain and has soft, fragile soils.

Previously A. Burnett alerted the Conservation Commission to the problem of ATV traffic on the property, and signs were posted because the Commission recognized the need to protect the site. He asked why it is so important to cut this emerging old growth stand. He did not want to see herbicides used on the 20-acre property. He offered to donate \$1000's worth of hand labor to remove invasives without herbicides. Mr. Burnett said he genuinely cares for the land and offered to look at other forest stands on conservation areas. He expressed an interest in applying his expertise to managing forest modifications. He maintained this forest is in good shape with a multi-story canopy, and herbicides should not be used.

Member Neacy said Mr. Burnett has made some good points. The Commission does have the charge of managing land as guided by the state. Everyone has their interests. He indicated he has

contacted New England Forestry Foundation and expects to have them present for the next Conservation Commission meeting.

P. Morrison said the Commission's apparent lack of response is due to the fact that it would be a violation of open meeting law, a state statute, if the Commission issues a letter without holding a meeting where all members and the public can be heard. Mr. Morrison mentioned we have had stewards on other conservation lands who no longer were able to carry out their volunteer work and the Commission ends up addressing the same issue over and over again. He would like to see a solution that addresses the problem in perpetuity. M. Giguere commented the Commission does have a sub-committee of stewards which he heads, and he would be more than happy to have new members join. He added the Commission has recognized over the years we have a huge problem with sites infested with invasives. This is an opportunity to do habitat enhancement and restoration, and projects such as this are not free. Our properties have been surveyed by the consulting forester, Bay State Forestry Services, which came up with a list of recommendations. Yes, it will generate some income, but we are not currently in a position to fund these activities otherwise. Mr. Giguere encouraged Mr. Burnett to sign up for the stewardship program. The Commission is interested in managing for the long term and for future generations.

C. Auman pointed out the state forester has now approved the forest cutting plan which provides the details for the work. This includes the importance of opening the canopy and some removal of mature trees. N. Madden invited any town officials who wished to address the topic to come forward. Selectman Anna Eliot said she had nothing to add at this time. Marion Stoddart, Chairman of the Greenway Committee, explained her Committee had not yet reached a decision.

Resident Ray Ciemny (54 Fitchs Bridge Rd.) said he walks this property frequently. He felt having independent foresters in would support community-based forestry. Mr. Ciemny asked whether it's a question of having funds or that all conservation land is open for forestry. M. Giguere said it depends on the forestry plan. P. Morrison said management is actually a change for the Commission. Fundraising is not the bottom line. The Commission has put out public information about forestry management and, in this case, has received opposing views. There are neighbors who do not want to see mature trees cut, and it is the Commission's job to manage conservation lands. Mr. Ciemny said it is heartbreaking to see the property skiddered.

B. Neacy emphasized this is an integrated long term plan. Foresters surveyed our properties and identified 36 properties on which to put together active forest management plans. Mr. Burnett protested he sees blue marks everywhere. M. Stoddart commended the Commission for developing a town-wide forestry action plan. She thought it worthwhile to have the support of a forestry consultant and finds the Commission's desire and interest in informing the public and allowing public participation on what kind of plan to implement is worthwhile. Her particular concerns on this parcel relate to the river, and she expressed the hope the plan would take into account the importance of protecting land along the river in order to continue to provide shade for fish and to preserve wildlife habitat. The plan should protect the river from pollution and provide access for the public. She mentioned a series of workshops which the Commonwealth of Massachusetts is holding throughout the state on parcels that are managed for habitat and forestry.

Ms. Stoddart summarized her understanding of tonight's meeting is that the Commission is receiving comments from the public, and there may be more at the next meeting. Once the Commission has finished listening to everyone, a decision will be made. Chairman Madden thanked Ms. Stoddart for raising questions about the river and public access. Bay State forester J. Hutchins confirmed there will be a 50 foot filter strip that is not cut, and he believed that adequate to protect the river.

Mike Penko (1 Grafton Rd., Upton, MA) explained that he and Adam Burnett are co-workers at the Army Corps of Engineers, and he serves on the Upton Conservation Commission and has prepared stewardship plans for local conservation areas. He asked about the overall town-wide forestry plan and where old growth will be encouraged. The Farmers & Mechanics parcel has, in Mr. Penko's opinion, excellent potential for establishing old-growth characteristics. M. Giguere mentioned Williams Barn Sorhaug Woods is the poster child for invasives, and the foresters looked at all the properties. Farmers & Mechanics was one of the strongest potential sites for forestry. The Commission will have to arrive at a consensus on exactly where the forest will be managed for old growth. Williams Barn may be appropriate as there is not much marketable timber there. The goal is overall management using sustainable practices. Mr. Penko said he will have written comments. He raised questions about keeping companies separate who write the stewardship plan, then prepare the forestry cutting plan, mark the trees, and then manage invasives. He asked how this can be a balanced plan in terms of values as the forester is set to benefit. M. Giguere said is useful to have broad services available to develop a broad management plan. Bay State comes highly recommended and has an excellent reputation with extensive experience in managing municipal lands.

M. Penko argued there is a potential for conflict with this process. Wendy Good (560 Longley Rd.), a member of the Trails Committee and Friends of the Trees, recommended the Commission look to the Harvard Forest as a source of information for managing old growth. She noted there is not much land left to benignly grow forest and recommended setting aside a certain portion to manage for old growth. The forester will look at it from the point of view of species diversity, not a source of wood products. M. Giguere said species diversity is definitely a goal.

Aaron Green again raised the issue of conflict of interest. Both P. Morrison and B. Neacy commented the forestry consultant was asked to prepare a management plan and cutting plan, and they will oversee the cutting and management of invasives. They have nothing to do with the work of cutting the trees as this is done by loggers. A. Eliot pointed out this is standard operating procedure and what was advertised in the request for proposals.

Mr. Ciemny felt the infestation of invasives within the Williams Barn property made it unlikely any control would be possible. Mike Powers, a forester with Bay State Forestry who has been licensed for 15 years in MA, explained Bay State carries out the goals and objectives provided by their clients. He had an opportunity to look at the marking of Farmers & Mechanics and would not change a thing. The work will enhance the growth of this particular stand while enhancing wildlife habitat. The white pine stand is still going to be a white pine stand after the work is done. Some of the large trees will be removed while others will remain. Bay State will supervise the project by putting it out to competing logging operators and assuring there is little

residual damage to the stand during the actual cutting. State Forester Laura Dooley will inspect it as well. Many properties are managed for different values, and the plan takes all of those into consideration and makes broad recommendations for maintenance and enhancing the value of forest health.

Mr. Burnett complained of the first notice (mailed 7/13/11) he received about the cutting, and forester Eric Radlof explained this is the standard state form for notifying abutters when a forestry cutting is to take place under Ch. 132. After assessing all the properties, particular parcels were selected based on a number of factors. Mr. Radlof said it is customary for foresters to write the plan and oversee the operation. This is not a conflict of interest. Some of the standing dead trees are marked while some are left to provide valuable wildlife habitat. Culling out some of the trees leaves room for more productive trees to flourish.

7:45 p.m. – Appointment Lisa Wiesner & Jean Nordin Evans - use of O’Neil Way for a community garden

Ms. Evans explained the direction she and Lisa were leaning toward is the formation of a 501(c)(3). The community garden in Concord is a town-run entity. Forming a non-profit entity would provide an opportunity to form a planning committee with neighbors, and they can provide good leadership. The goal would be to lay some groundwork for next year. They have a copy of the standard license form the Commission uses. Once their plan is developed, the Commission would advertise the availability of the land and review any proposals that come in. The proposal should be based on the Commission’s Farm Policy. Members understood A 501(c)(3) may get provisional status from the IRS, and that was okay with them on a temporary basis.

8:00 p.m. – 6 Redskin Trail Notice of Intent DEP#169-1061

Sanitarian Jeff Hannaford submitted confirmation of abutter notification. He explained his client was under a Board of Health order to repair the septic system. The water table is not an issue on this high site above Lost Lake/Knops Pond. It is not possible to use the sloped area and to observe the appropriate offset to the neighbor’s well so a 40 ml poly barrier is proposed. The proposed septic system location had a knoll sloping to the street which has now been cleared and removed. He noted the haybales and silt fencing have to be correctly installed, and he will oversee this. The old septic tank will be pumped and crushed, and this work is inside the haybale line. C. Auman commented the work commenced before the applicant had filed. N. Madden questioned whether the location of the septic tank is sufficiently secure to keep it from sliding down the hill. Mr. Hannaford said the septic tank itself is 5.5 ft. deep, and there will be 4 ft. of cover material over it, and he can’t imagine it moving. The poly barrier should adequately handle and retain effluent. The only thing that might move the tank is water pressure. No response from Natural Heritage has come in, but members felt this would fall under the septic exemption. There being no further questions, upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to close the hearing for DEP#169-1061 for 6 Redskin Trail.

8:15 p.m. – Cloyd/2 Loomis Lane Notice of Intent

The applicant has requested a continuation, and upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing for 2 Loomis Lane to September 13, 2011.

8:30 p.m. – Appointment Kevin Kelly/GELD Pre-Submission Review of GELD facilities on Station Ave.

Kevin Kelly explained they have a basic conceptual drawing for the new Electric Light facility at Station Ave. He introduced Tom Cousineau, the architect, and Sue Carter, the engineer, from the consulting firm Places Associates, Inc. with which they are working. The wetland delineation approved by the Commission overlays the plan. Garage bays will be in the back and offices in the front of the building. There will be parking for the public and for employees. Existing conditions will be improved through control of invasives such as Japanese knotweed and bittersweet and meeting the stormwater management standards, including the control of roof runoff. They would like to slide the building further north to provide room for a fire station. If allowed to work within 25 ft. of the wetland, it would provide an opportunity to control invasives. Mr. Kelly said combining administrative and garage facilities into one building and pushing the building to the rear of the site, it is possible to minimize impact, and minimizing impacts by placing the building at the rear of the site. The building will not appear too imposing on the site.

M. Giguere observed there is more than a significant disturbance in the buffer zone, and the proposed structure appears to be much larger than what is there presently. Mr. Kelly said they are struggling to minimize impacts to the wetland and still leave surplus land for future development. Member Giguere said the Commission's goal is to minimize impacts on wetlands. Mr. Kelly maintained the proposed project would not eliminate the development of Station Avenue because the facility is pulled away from the Rail Trail so that area could be developed whether a fire station is built there or the area is left to be beautified.

S. Carter said the design has a south facing garage which is based on the long turning radius and vehicle maneuvering required by GELD equipment. They do not want these vehicles turning or maneuvering on Station Avenue. They would like to move the facility further northeast. C. Auman asked about the process for demolition. He questioned why a new facility is needed. K. Kelly said there will be 40% more square footage. T. Cousineau explained the building will accommodate new space needs and function more efficiently. The size of the parking area was estimated to be 13,000 SF. The proposed design allows no room to maneuver behind the building without encroaching on wetlands. The elevation is 309 ft. at Station Ave. so they estimate the water table is at 304 ft. but no testing has been done. The plan is to do recharge below the parking lot. All plans for Fuccillo have been abandoned, and Mr. Kelly said they would be moving a trailer out there during construction of the new facility, but they are not currently proposing to move to the Fuccillo lot because it has critical habitat and steep slopes, and they anticipate it will cost \$900,000 to develop.

Chairman Madden asked how the Commission wishes to proceed, especially taking into consideration the potential for setting precedent. Members recommended manipulating the building to get it out of the 50 ft. buffer. Protecting wetlands and water resources from development impacts is the Commission's goal. B. Neacy stated he has significant concerns with this plan, and he would like to see a better balance between supposed needs and protection of

water resources. P. Morrison asked how old the newest building is on the site, and Mr. Kelly thought probably 30 years. There have been no expansions in the past 10 years. The garage is between 25 and 30 years old.

For projects that impinge on the buffer zone more than existing conditions, the Commission typically looks for mitigation measures such as a permanent conservation restriction or donation of parcels such as a share of Fuccillo or Nate Nutting. Mr. Kelly pointed out the latter site is being considered as the location of a future sub-station when the Town's population grows. D. Pitkin asked whether there is room for expansion on this site. Mr. Kelly said the new facility would allow for three additional line men and three more office workers. He thought it would be adequate for at least 50 years or until the Town reaches 18,000 residents. He indicated the Light Commission may be willing to consider a conservation restriction for mitigation. C. Auman asked if hazardous materials are present in the transformers stored in the garage. K. Kelly said there would be pole storage at the sub-station. M. Giguere asked if there is a plan for containment, and K. Kelly said the building will include a large pool.

Members noted the access to Batten Woods (previously treated with bark mulch) has now grown over and converted to lawn. They agreed to look at a possible source of bark mulch.

B. Neacy said he had invited NEFF in to discuss the proposed cutting at Farmers & Mechanics but was not sure whether it would be Whit Beals or Hylton Haynes. Members felt that public outreach is important when community-based forestry is undertaken. They agreed to defer the decision on cutting the property until this third perspective is presented.

Regarding the Ames Meadow access question, B. Neacy reported the proposed Memorandum of Agreement is circulating among the neighbors, and he thought the Commission could discuss it at a September meeting with the next step the Selectmen.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 8/23/11.**

#### EXHIBITS

Document	Source	Date
Sawtell Conservation Area management file	Conservation Commission	Land acquired in 2001

Hawtree Way Conservation Area management file	Conservation Commission	Land acquired in 1997
Longley II Conservation Area management file	Conservation Commission	Land acquired 1985
Forestry Cutting Plan	Bay State Forestry/Farmers & Mechanics	7/18/11
Farmers & Mechanics Land Management File	Conservation Commission	Land acquired by eminent domain in 1967
Forest Stewardship Plan	Bay State Forestry/Farmers & Mechanics	5/11
Notice of Intent DEP#169-1061	Veduccio/6 Redskin Tr.	File 7/22/11
New office & garage facilities	GELD/23 Station Ave.	Plan for review by Maguire Group Inc. & Places Associates, Inc
Ames Meadow management file	Conservation Commission	Land acquired in 1999