

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

April 24, 2012

Co-Chairman David Pitkin 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, Bruce Easom, Marshall Giguere, Peter Morrison, and Bill Neacy were present. Nadia Madden was absent. Conservation Administrator Barbara Ganem was also present.

Members reviewed the draft March 19<sup>th</sup> minutes, the comments Kevin Kelly had suggested, and the transcript prepared by D. Pitkin. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to amend the minutes of March 19, 2012 to include the transcript of Kevin Kelly's statement.

D. Pitkin voted in the negative while the remaining members voted positively.

Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to approve the minutes of April 2, 2012 as amended.

The vote was unanimous.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to approve the minutes of April 10, 2012 as drafted.

C. Auman stressed the Order of Conditions should clearly state the new wall shall not exceed the existing wall at 7 Baby Beach Rd. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue an Order of Conditions for DEP#169-1077 for 7 Baby Beach Rd. under the Wetlands Protection Act.

The vote passed by majority with M. Giguere opposed.

Upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to issue an Order of Conditions for DEP#169-1077 for 7 Baby Beach Rd. under the Wetlands Protection Bylaw.

7:15 p.m. – Appointment/Water Superintendent Tom Orcutt

Mr. Orcutt was present to discuss the Forestry Cutting Plan for the Shattuck well property. He reminded Commissioners of the collaborative effort to hire consulting foresters Dan Cyr and Jeff

Hutchins from Baystate Forestry who were also present. The Forestry Cutting Plan has been submitted to and approved by the state. There is a written Forestry Management Plan as well. They anticipate 58 mbf of white pine will be removed. Natural Heritage has indicated there are both blue-spotted salamanders and Blanding's turtle at the site so the cutting will be done between November and March, and a 50-ft. natural buffer will be left between vernal pools and logging activities. Skid trails must be located more than 100 ft. from vernal pools. It is likely the area was harvested over 20 years ago. The old Shattuck well has been abandoned but two new wellheads have now been approved. This appears to be a good time to thin out large trees. Mr. Orcutt also said it is their goal to block off ATV traffic as they currently travel very closely to the proposed wellheads. He is actively working with the Police Chief to block ATV access. It is likely boulders will be used on Rt. 40 to prevent access.

The existing well is about 30 – 35 ft. deep and is in sand and gravel. D. Cyr explained they are working to make boundary lines more discernible with pink ribbons surveyed in by Stan Dillis. They do not anticipate conducting a public site walk. C. Auman questioned whether it would be possible to leave a 100 ft. buffer uncut around the vernal pools, and J. Hutchins responded "this would significantly reduce the volume of wood because there is so much frontage on the wetland resource areas." He thought they would be required to maintain about 75% of the canopy within 750 ft. of the vernal pools. Mr. Hutchins explained the forestry cutting law requires notification of residents living within 200 ft. of the actual harvest area. He acknowledged invasives, such as glossy buckthorn and bittersweet, were present on the property. D. Pitkin commented they may want to require that the equipment be washed before going on site. The project has not yet been put out to bid, and it is not anticipated harvesting will take place until November. Commissioners thanked Mr. Orcutt, Mr. Cyr, and Mr. Hutchins for coming to the meeting to explain their goals.

The recent rain has resulted in severe flooding of the fields on John Crow Farm on the Rosenberger land on Old Ayer Rd. The overflow from the recently plowed fields is draining directly into James Brook. B. Neacy recalled a swale had been plowed toward the Brook, and B. Ganem confirmed there was significant flow and the areas where manure was stockpiled were flooded. B. Easom suggested looking into having the water quality tested and also having the Agricultural Commission work with the Groton Conservation Trust to see if there is any resolution to the matter. Another avenue would be the Natural Resources Conservation Service to develop a Farm Plan to manage drainage. B. Easom recommended water sampling both at the beaver dam and at James Brook to determine nitrogen, E. coli, and turbidity levels. P. Morrison commented there is more nutrient loading due to the huge manure piles at the farm across the street. It was thought the Nashua River Watershed Association might be willing to add some test sites to determine what type of nutrient transfer is occurring.

7:45 p.m. – Appointment/GELD Manager Kevin Kelly

Attorney Bob Collins was present on behalf of the Groton Electric Light Department. GELD Manager Kevin Kelly and Light Commissioner Kevin Lindemer were also present, as well as Selectman Anna Eliot. Mr. Collins thought it might save some time to straighten out several areas of confusion before the Light Department re-submits its application. A letter, dated April 24, 2012, suggested four consultants the Commission may wish to consider for the peer review of the GELD application. B. Collins said they would like to make the submittal and have the review done simultaneously. Comprehensive Environmental, Inc. seems well-versed in drainage

issues, but several other companies were suggested such as Civil Solutions and Epsilon, all of which are local. P. Morrison said he would prefer CEI, and M. Giguere underscored the need to review what is done within the 50 ft. buffer, particularly as it relates to wildlife. He would like the consultant to look at current vs. proposed conditions.

Mr. Collins said Oxbow Associates was reviewing the wildlife issues on behalf of GELD. C. Auman said he would like to see the process outlined in the regulations addressed in the peer review. It is anticipated the Commission would send out a scope of services requesting specific deliverables such as a review of stormwater management which could also address Earth Removal Stormwater Advisory Committee requirements simultaneously.

(Selectman Peter Cunningham arrived at 7:50 p.m.).

B. Easom pointed out this process diverges from the Commission's policy for hiring outside consultants. We typically contract directly with the consultant, and B. Collins said he was fine with that. D. Pitkin noted this would change the way we do things by speeding the process up and not getting 3 estimates. He commented that speeding things up has not worked so well for the applicant in the past. P. Morrison pointed out the Town Manager is the chief procurement officer and we will get his blessing. To summarize, D. Pitkin noted we are considering pre-selecting a peer reviewer. D. Pitkin and B. Easom said they were neutral on the choice but noted this company/individual becomes an employee of the Town for the period of the consultation. B. Ganem felt CEI is knowledgeable about the James Brook watershed and assisted in the drafting of the Station Avenue Overlay District design guidelines. Members recommended the peer review address wildlife habitat within the 50' buffer, drainage, stormwater management, and the interests of the Bylaw. As an example, the consultant would make a determination whether an undisturbed buffer or rain gardens improves the situation. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to contract with Comprehensive Environmental, Inc. as the primary peer reviewer with Epsilon as the backup, to be funded by the applicant.

The vote was unanimous.

Reporter Pierre Comtois asked what would happen if the amount is over \$5000, and members indicated they would check with the Town Manager.

8:00 p.m. – Juskalian/Dale Lane Notice of Intent DEP#169-1081 continuation

Surveyor Stan Dillis stated Natural Heritage has responded to the application with concerns about turtle habitat to the east in Half Moon Swamp. The applicant is proposing a 10-acre deed restriction along the edge of the wetlands enclosing Indian Hill. Attorney Bob Collins said there is little impact on the buffer zone, especially with a single family home on 15 acres, 10 of which will be restricted. Mr. Dillis explained he added an infiltration basin to capture driveway runoff, but this is outside of the buffer zone.

Member Giguere asked why a deed restriction is proposed instead of a conservation restriction.

The verbiage may state 'in perpetuity' but that typically works out to 30 years. A classic conservation restriction may be more appropriate. B. Collins said they provided what Natural Heritage requested. They may have trouble finding suitable grantees. B. Collins indicated that Shaw's deed in trust circumvents the in perpetuity.

S. Dillis noted the applicant will fulfill the obligations as set by Natural Heritage. C. Auman said he was okay with that solution if Natural Heritage is in agreement. He was unsure of the workload between a conservation restriction and a declaration of restriction. B. Collins suggested the Commission could include a condition to require the recording of the plan and the restriction prior to the issuance of a Building Permit. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP#169-1081 for Juskalian/Dale Lane.

The vote was unanimous.

Members asked B. Ganem to look into the apparent change in policy on the part of the Natural Heritage Program regarding types of land restrictions.

Per the recommendation of Town Clerk Michael Bouchard, all town boards are to post a meeting for the spring Town Meeting in case they wish to deliberate on a particular matter. For instance, there has been discussion among the Selectmen to offer an amendment to reduce the Commission's funding request from the Community Preservation Committee from \$150,000 to \$75,000. P. Morrison agreed that posting a meeting would give the Commission some flexibility and offered a motion, seconded by B. Easom, and it was

VOTED: to counter proposals to reduce the amount of CPC funding, backed by a presentation by M. Giguere on possible properties to purchase and maintenance and monitoring needs.

The vote was unanimous.

B. Easom agreed to attend the Planning Board meeting on Thursday to request their support for the Commission's CPC request. D. Pitkin said he would not be in town on April 30<sup>th</sup>, but had met with the Finance Committee. B. Easom agreed to prepare a power point presentation for Town Meeting. Upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to authorize M. Giguere and B. Easom to prepare a handout on Article 15 and put together a presentation for Town Meeting.

The vote was unanimous.

The forum on updating the *Open Space & Recreation Plan* has been re-scheduled for May 15<sup>th</sup>. This will be an opportunity for the public to have further input into the goals and objectives for the next 5 years.

M. Giguere, B. Easom, and B. Neacy indicated they were available to attend the May 3<sup>rd</sup> meeting with the Williams Barn Committee to go over the management of the Sorhaug Woods Williams Barn conservation property.

In the area of land management, the Commission took up several outstanding items. The forestry operation at the Farmers & Mechanics property has temporarily been put on hold due to the closing of a biomass plant in Portsmouth. B. Neacy said he was planning to enlist the assistance of Peter Cunningham in working with the Ames Meadow neighbors. The TABCOM Conservation Restriction is still pending; Attorney Collins has proposed using the Division of Conservation Services model to simplify things. The Conservation Restriction on Lawrence Woods has been reviewed by Town Counsel; June Johnson wishes to discuss some of the proposed changes. B. Easom and D. Pitkin continue to work on recording several other GPS points in developing the Angus & Gibbet Hill Stewardship Plan to be approved by the Town, owners, and DEM.

Attorney Collins is looking into whether a marginal reference can be added to the deed for the Fuccillo parcel. The former owner has since died. During the review of priority items for land management at the last Commission meeting, members identified Conservation Restriction monitoring as the #1 priority and to this end member Giguere has talked with the New England Forestry Foundation which will get back to us on whether they would be willing to share in the costs of monitoring.

Member Neacy expressed concern about the recent improvements to the drainage at the base of Gibbet Hill on Rt. 40. He thought parking there could be hazardous. Members explained that, unfortunately, this was the originally designated parking area on the Conservation Restriction plan.

At 8:35 p.m., upon a motion by B. Neacy, seconded by P. Morrison, and a roll call vote of B. Neacy, P. Morrison, M. Giguere, C. Auman, B. Easom, and D. Pitkin, it was

VOTED: to enter Executive Session for the purpose of discussing land acquisitions, not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 5/8/12.**

EXHIBITS

Document	Source	Date
Minutes	Conservation Commission	March 19, 2012
Minutes	Conservation Commission	April 2, 2012
Minutes	Conservation Commission	April 10, 2012
DEP#169-1077	Ferguson/7 Baby Beach Rd.	Filed 12/13/11
Forestry Cutting Plan Baddacook well	Baystate Forestry/Dan Cyr	Proposed start date 11/2012
DEP#169-1081	Juskalian/Dale Lane	Filed 3/23/12