

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, February 25, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Rena Swezey, Bruce Easom, and Marshall Giguere present. Chairman Morrison announced that Craig Auman was participating by speakerphone from a geographically distant location. Conservation Administrator Takashi Tada was present.

7:00 p.m. – Presentation: Matt Lambright, Update on Eagle Project at Sargisson Beach
Mr. Lambright requested, for the third time, to be rescheduled to the next meeting.

Moving on to General Business – Land Acquisition, T. Tada announced that he had formally accepted Ellen Anderson's proposal to appraise the West Groton parcels owned by the Harvey family. He will coordinate an appraisal site inspection with Ms. Anderson and the Harveys.

B. Easom provided a brief update on the Schofield Parcel bankruptcy proceedings. The most recent hearing took place on February 19th, to discuss whether the Schofield Estate's assets would be liquidated under Chapter 7 or protected under Chapter 13. The bankruptcy status remains an unresolved issue. The executrix of the Schofield Estate, Carol Van Patten, indicated to T. Tada recently that she was putting the appraisal process on hold until the bankruptcy status of the estate is resolved. Ms. Van Patten canceled the appraisal site walk that was to have taken place on February 13th.

On a related matter, under the heading of Open Session, T. Tada mentioned a letter received from the Westford Sportsmen's Club (WSC) asserting that a presentation on the potential acquisition of the Schofield Parcel, made by B. Easom and M. Giguere before the Commission at its meeting on October 8, 2013, was done so in violation of the Open Meeting Law. The WSC also complained that they were not informed of the presentation. T. Tada informed the Commission that his review of the posted agenda in the Town Clerk's office, and the approved minutes posted on the Town website, clearly indicates that the WSC's assertion is incorrect. The Schofield presentation was properly published on the agenda, and it took place at the scheduled time. The Commission agreed to inform WSC of any future presentations on the Schofield parcel, as a courtesy. T. Tada will formally respond to WSC with a copy of the properly posted agenda that sets the record straight.

Moving on to Land Management, T. Tada relayed a proposal from Michelle Campbell, 641 Martins Pond Road, to remove household debris from Baddacook Field Conservation Land. Ms. Campbell and her husband offered to use their own tractor, pickup, and trailer, if needed, to remove the appliances that have been dumped at Baddacook. Ms. Campbell asked if the Commission would authorize them to do the work and reimburse them for the cost of disposal at the Groton transfer station/recycling center. J. Smigelski suggested that the Campbells could sell the debris to a scrapyards such as MJS Metals in Townsend to cover their fuel costs and make it worth their time. The Commissioners discussed the proposals and agreed it would be best if the

Town could remove the items. T. Tada will contact the DPW Director, Tom Delaney, to see if he could have the debris removed and disposed of using his staff and equipment.

On the topic of the Conservation Restriction for Baddacook Field, T. Tada updated the Commission regarding additional comments from the Executive Office of Energy and Environmental Affairs (EEA). The comments are minor and the EEA Secretary has already signed the original document that was submitted to them. However, they have requested the minor changes be made. Commissioners had difficulty reading Mr. Hughes' handwritten notes; however there did not appear to be any issues with the comments. T. Tada will provide a revised document with the comments clearly typed. The Commission withheld further comment until the Selectmen and Town Counsel, if needed, weigh in.

The Commission moved on to scheduled appointments with three candidates for the vacant seat. A fourth candidate, David Pitkin, was not able to attend.

7:15 p.m. – Interview: Susan Black, 65 Burntmeadow Road

Susan Black, of 65 Burntmeadow Road, has lived in Groton for over 20 years. She has a degree in Forestry from Michigan Technological University. She is a forester and landscaper, and has worked for the New England Forestry Foundation (NEFF). She has also been a water quality monitor for the Nashua River Watershed Association (NRWA).

Chairman Morrison asked why she is interested in serving on the Conservation Commission. Ms. Black said her interest in the Commission is rooted in her love of nature and the outdoors. She has spent much of her life in the woods and on the water. Her first encounter with the Commission, many years ago, was not a positive experience and left her with a negative impression. However, her interactions in recent years have been more positive and she wants to learn more about, and contribute to, the Commission's work. She mentioned the topic of invasive species control as something she was very interested in contributing to.

M. Giguere asked Ms. Black about her familiarity with the Wetlands Protection Act (WPA) and the Groton Wetlands Protection Bylaw (Bylaw). She said she had gained some familiarity over the years, but was by no means an expert. M. Giguere added that the regulatory aspect of the Commission sometimes brings public scrutiny and requires thick skin.

B. Easom asked what her duties/responsibilities were at NEFF. Ms. Black responded that her job involved both forestry (maintenance, trail work, etc.) and public relations (dealing with abutters, handling conflicts with off-road vehicle users, etc.). Groton Place and Keyes Woods are two of the NEFF properties in Groton where she worked. She said she developed thick skin through the public relations side of forestry work.

C. Auman asked what the role of a Commissioner is. Ms. Black said the Commission's role is to enforce the laws/regulations and to educate people about protection of natural resources. The public education could be done through local newspaper articles or in conjunction local groups such as the NRWA.

R. Swezey asked Ms. Black if she was willing to commit additional time to serve as the Commission's representative on another Town committee such as Trails, Community Preservation, Earth Removal/Stormwater Advisory, etc. She said would be interested in some, such as the Trails Committee, but was unsure about others.

J. Smigelski asked for her opinion on herbicide treatment in ponds to control invasive weeds, such as occurred in Lost Lake and as proposed in Baddacook Pond. Ms. Black said that she did not know enough about the specific ponds or weeds to have formed an opinion, but she would like to know more about the issue and review the science-based arguments for and against.

P. Morrison asked Ms. Black if she was able to attend the Commission's twice-monthly regular meetings on Tuesday evenings and associated site walks on Saturday mornings. She said she could make that commitment.

7:30 p.m. – Interview: Mary Metzger, 20 Broadmeadow Road

Mary Metzger, of 20 Broadmeadow Road, has lived in Groton for three years. Previously she lived in Harwich on Cape Cod. She is a retired science teacher and registered nurse, and has extensive volunteer experience with a variety of conservation organizations such as the Harwich Conservation Trust and MassAudubon's Wellfleet Bay Wildlife Sanctuary. Since moving to Groton she has volunteered with the NRWA to monitor beetles that feed on invasive purple loosestrife, and has been replacing invasive plants with native species in her back yard. She is also a writer and has written a number of articles and editorials on environmental themes.

Chairman Morrison asked why she is interested in serving on the Conservation Commission. Ms. Metzger said that she was informed of the vacancy and thought it would be a good fit with her interests and experience, now that she is retired and living in Groton for good. She mentioned her active involvement in similar capacities while living in Harwich, and her experience as a science teacher and environmental writer. She participated in vernal pool certifications and volunteer education while working with the Harwich Conservation Trust.

M. Giguere asked if she was familiar with the WPA and the local Bylaw. Ms. Metzger replied that she had begun to familiarize herself with the WPA and Bylaw, as well as the Open Space and Recreation Plan. She asked about the differences between the WPA and the local Bylaw. M. Giguere explained that the Bylaw imposes additional resource area protections, beyond those established in the WPA. He also asked Ms. Metzger if she would be willing to use her writing skills to assist the Commission. She said she would, even if she did not get appointed to fill the open seat.

B. Easom commented that her resume was very interesting and well-aligned with the Conservation Commission. He asked Ms. Metzger if she was able to make the regularly scheduled meetings and associated site walks. She replied that her schedule was open and she could plan her other activities around the Commission's meeting/site walk schedule.

C. Auman asked about the roles and responsibilities of a Commissioner. Ms. Metzger mentioned that there was a large amount of conservation land in Groton to take care of. She also said the

Commission was responsible for protecting natural resources and balancing the competing uses of those resources.

R. Swezey asked Ms. Metzger if she was willing to serve on other Town committees such as Trails or Earth Removal/Storwater. Ms. Metzger's response was "maybe". She was not familiar with most of the other committees.

J. Smigelski asked about her opinion on herbicide treatment in lakes/ponds. Based on her experience living on Cape Cod where herbicide treatments had been done, Ms. Metzger said she could see both sides of the issue but ultimately viewed it as a costly, temporary solution. She said she sees the point of doing it to maintain ecosystem balance, on the one hand; but on the other hand, she would not take her grandchildren swimming in a pond that had been recently treated.

Chairman Morrison reiterated to Ms. Metzger that she had much to contribute to the Commission based on her experience and writing skills, regardless of the outcome of the appointment process. He explained that the Commission welcomes Associate Members who can play an important role, as well. Chairman Morrison also asked if Harwich had its own Conservation Commission or if these functions were handled by the regional Cape Cod Commission. Ms. Metzger replied that Harwich has its own Conservation Commission.

7:45 p.m. – Interview: Ramona Tolles, 145 Longley Road

Ramona Tolles, of 145 Longley Road, has lived in Groton for 60 years and runs a 22 acre hay farm. She is also an election worker and a volunteer steward for the Groton Conservation Trust's Shepley Hill property.

Chairman Morrison asked why she was interested in serving on the Conservation Commission. Ms. Tolles said she had been thinking about it for a while, and decided to apply when the vacancy was announced.

M. Giguere asked if she was familiar with the WPA, the Bylaw, and the work of the Commission. Ms. Tolles said she had some familiarity with the laws and regulations, and was aware of natural resource protection as a hay farmer and horse owner.

B. Easom stated he was well acquainted with Ms. Tolles through their mutual interest in farming. B. Easom also said he has purchased hay from Ms. Tolles on occasion, and had no specific questions.

C. Auman asked about the roles and responsibilities of a Commissioner. Ms. Tolles said the job of the Commission is to take a common sense approach to the regulations.

R. Swezey asked if she was willing to serve on other Town committees. Ms. Tolles said she had not considered this aspect of the job.

J. Smigelski asked for her opinion on herbicide treatment in lakes/ponds. Ms. Tolles said she believed we need to take action to get rid of weeds.

Chairman Morrison asked if she was able to attend the regular meetings and site walks of the Commission. Ms. Tolles responded that the Saturday morning site walks were a problem due to her obligations to the farm and horses. She also said she did not have a cell phone and was not a computer user; therefore communication could be difficult at times.

Following the interviews, the Commissioners discussed the merits of each candidate, including David Pitkin. At the conclusion of discussion, and by roll call vote, the Commissioners expressed votes of either Yes or No for each candidate (Y = support recommendation to Selectmen; N = not support recommendation to Selectmen). The appointing authority is the Board of Selectmen and it will be up to the Selectmen to make the final choice.

- Susan Black
 - R. Swezey liked her experience in forestry and knowledge of invasive species.
 - P. Morrison liked her comment about importance of public education.
 - C. Auman thought her response to question about roles/responsibilities of a Commissioner was weak.
- Mary Metzger
 - B. Easom thought her resume was strong.
 - R. Swezey and J. Smigelski thought she displayed a bias against weed treatment in the ponds.
- Ramona Tolles
 - Commissioners were unanimous in their opinion that Ms. Tolles seemed a bit overwhelmed and underprepared, and that she would not be a good choice.
- David Pitkin
 - Those familiar with Mr. Pitkin agreed that he proved to be a valuable member of the Commission during his previous term, and was a good fit.
 - He resigned his previous term due to job and family commitments. Will he be able to fully commit to the Commission at this time?
- Roll Call Vote Results

	David Pitkin	Ramona Tolles	Susan Black	Mary Metzger
P. Morrison	N	N	Y	N
J. Smigelski	N	N	Y	N
R. Swezey	N	N	Y	N
B. Easom	Y	N	N	Y
M. Giguere	Y	N	N	N
C. Auman	Y	N	N	N
TOTAL	Y = 3	Y = 0	Y = 3	Y = 1

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

VOTED: 1) to recommend Susan Black and David Pitkin to the Board of Selectmen for consideration of appointment to fill the vacant seat on the Conservation Commission; and 2) to appoint Mary Metzger as an Associate Member.

The vote was unanimous.

8:20 p.m. – Request for Certificate of Compliance (partial): 26 Orion Way, DEP #169-768

In 2012, the owners 26 Orion Way requested a partial Certificate of Compliance (COC) to release the single-family house lot from the blanket Order of Conditions issued for the subdivision. A shed had been built approximately 25 feet from the certified vernal pool wetland located partially in the southeastern corner of the property, and the limit of actual work extended beyond the originally approved limit. At the time, the Commission requested that the shed be moved outside of the 50-foot No Disturb zone and closer to the northern fence. In addition, a restoration area within the No Disturb zone was to be created, and the subdivision-approved limit of work was to be demarcated with signs.

T. Tada provided copies of the revised as-built plan from Matt Waterman of Landtech. The as-built plan shows the shed situated near the northern fence line, with a small portion of the shed within the 50-foot No Disturb zone. It also showed the outline of the restoration area, and the locations of the markers along the original limit of work line. Due to the amount of snow on the ground it would be impractical to conduct a site walk to review the restoration area. Therefore a site walk will be planned when field conditions are more favorable.

B. Easom said he was concerned that a portion of the relocated shed is within the No Disturb zone. There were no other concerns expressed by the Commission.

Moving on to proposed revisions to the Wetlands Protection Bylaw, under Open Session, Selectmen Peter Cunningham (also member of the Bylaw Review Committee) presented the most recent amendment to the Bylaw. In §215-4, Application, Part C, the amendment adds the Groton Water Department and West Groton Water Supply District to the list of departments to be notified by the Commission. Mr. Cunningham said neither the Bylaw Review Committee nor Town Counsel have any objections to the amendment.

M. Giguere restated his opposition to Part C in its entirety, and he also objected to the amendment having been added without prior review by the Commission. Chairman Morrison asked if the amendment exposed the Commission to any additional risk if it failed to notify the water departments. T. Tada stated that inter-departmental notifications are already being done as a matter of routine policy in Town Hall. So in that sense, there was no additional risk or burden to the amendment. T. Tada also reiterated that protection of drinking water supply is one of the interests of the state Wetlands Protection Act and the local Bylaw.

Upon a motion by B. Easom, seconded by R. Swezey, it was

VOTED: to accept the latest amendment to the revised Wetlands Protection Bylaw.

The vote was 4 in favor and 1 opposed (M. Giguere).

Moving on to another Land Management topic, T. Tada presented copies of the annual reports for Surrenden Farm West and Pacer Way (Eliades) properties submitted by Roy MacGregor of Maple Shade Farm. Mr. MacGregor holds the farming licenses on these properties. The Commission asked T. Tada to remind Mr. MacGregor that he has permission to remove the fencing/brush between the two fields at Surrenden Farm West. B. Easom stated for the record that he buys hay from Mr. MacGregor.

Under Open Session, M. Giguere provided an update on the Great Ponds Advisory Committee (GPAC). GPAC's main focus at the moment is the issue of invasive weeds in Baddacook pond, and they have submitted an application to the Community Preservation Committee for funding of an herbicide treatment program. This will be followed by a Notice of Intent to the Conservation Commission. Last month the Groton Water Commission voted unanimously not to support the application of Sonar (fluridone) in Baddacook Pond. The Town's Baddacook Well is located on the southern shore of the pond. B. Easom stated that he would need to file a disclosure form as a customer of the Water Department, and per state Ethics regulations, when the Commission receives GPAC's Notice of Intent.

M. Giguere said GPAC has compiled additional information in response to the Water Commission's rejection of the herbicide treatment. The Water Commission has agreed to hear additional information presented by GPAC Chairman James Leuning at its next meeting (being held concurrently tonight). However, Mr. Leuning was not allowed to make his presentation at the most recent Board of Selectmen meeting. GPAC feels it has been treated poorly by the Selectmen. J. Smigelski asked if the Water Department believes its wells are influenced by surface water in the pond? M. Giguere said the Water Department believes the application of herbicides in the Zone 1 is prohibited, and there is uncertainty regarding the influence of surface water on the well. The Water Department took a conservative view on this issue. R. Swezey pointed out that the Water Department recently applied chemicals directly into the wells to clean them out.

M. Giguere also mentioned the existence of an old deed to the water in Baddacook Pond, which would be in conflict with its status as a Great Pond of the Commonwealth. This is an issue that needs to be resolved from a legal standpoint.

Moving on to other General Business items, the Commissioners signed the January invoice from the Lowell Sun for the Chamberlains Mill NOI legal notice, in the amount of \$133.32.

Upon a motion by J. Smigelski, seconded by B. Easom, it was

VOTED: to approve the meeting minutes for February 11, 2014.

The vote was 4 in favor, with M. Giguere abstaining.

J. Smigelski expressed the need to invoke the Agriculture Bylaw to help give the Town's consulting foresters, Bay State Forestry, more opportunity to carry out their work successfully.

There being no further business, and upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to adjourn the meeting. The vote was unanimous.

The meeting was adjourned at approximately 9:00 p.m.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. Committee Interest Forms: Susan Black, Mary Metzger, Ramona Tolles, David Pitkin
2. As-Built Plan, 26 Orion Way, prepared by Landtech Consultants
3. Annual Reports for Surrenden Farm (West) and Eliades-Pacer Way
4. Proposed revisions to Groton Wetlands Bylaw

Approved 3/11/2014