

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, April 22, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski (Vice Chairman), Rena Swezey (Clerk), Marshall Giguere, Bruce Easom, Craig Auman, and Susan Black present. Associate Member Mary Metzger was present. Conservation Administrator Takashi Tada was present.

7:00 p.m. – Public Meeting: RDA, Squannacook Hall, 33 West Main Street

Dan Wolfe of David E. Ross Associates presented the application on behalf of the Town of Groton. The Town proposes to convert the existing building to four residential apartment units. A concept plan was approved last year by voters at Town Meeting. A gravel parking area is proposed behind the building to address the parking shortage. A portion of the proposed parking lot is within 100-feet of flagged wetlands to the northwest of the property. The plan shows the proposed parking lot contiguous with a conceptual parking lot on the abutting property of the Christian Union Church; however, no parking on the abutting property is being proposed at this time. An old drywell/cesspool will be decommissioned and some trees will be removed as part of the project. An infiltration trench is proposed along the edge of the parking lot to intercept runoff.

J. Smigelski asked about the capacity of the proposed infiltration trench and the discharge of water from the abutting Christian Union Church's sump pump. Mr. Wolfe responded that the trench was more than adequate to handle runoff from the relatively small parking lot, and the discharge from abutting property will no longer be allowed. B. Easom asked how many layers of material would be laid in the trench. Mr. Wolfe explained that the trench design calls for one layer of crushed stone, at least 2 feet deep, with a 4-inch peastone filter layer on top. B. Easom also asked about the sump pump in Squannacook Hall. Mr. Wolfe said he was unaware of the sump pump. Halsey Platt, the prospective buyer of the property, added that they intend to fill in the unused basement with stone and will maintain low humidity conditions for the old wooden columns. M. Giguere asked if the unidentified concrete pad behind the building could be indicative of an old septic system or other structure. Mr. Wolfe said they could not be sure until they dig it up.

Upon a motion by C. Auman, seconded by R. Swezey, and amended by B. Easom, it was

VOTED: to issue a Negative #3 Determination for Squannacook Hall, 33 West Main Street, with special conditions for:

1. Basement to be filled with crushed stone.
2. Old drywell/cesspool to be decommissioned, as shown on revised plan.
3. Parking lot to be constructed with pervious gravel surface.
4. No discharge of water to be allowed.

The motion was approved unanimously.

7:15 p.m. – Public Meeting: RDA, 59 Baddacook Pond Road

Dan Wolfe of David E. Ross Associates presented the application on behalf of David Alexander, 59 Baddacook Pond Road. The applicant proposes to construct a new garage attached to the existing house, with regrading and reorientation of the existing gravel driveway for a sufficient turning radius. The work will be done in a previously disturbed area (existing gravel driveway) and a portion of the work is within 100 feet of Baddacook Pond. The proposed garage is approximately 62 feet from the pond; the proposed limit of work is 52 feet from the pond.

B. Easom asked about the proposed garage elevation. Mr. Wolfe said they chose the proposed elevation based on a desire to minimize grading and to balance the cutting and filling required create a sensible access between the house and garage. At M. Giguere's request, Mr. Wolfe confirmed that the proposed slopes are less than 3:1.

Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue a Negative #3 Determination for 59 Baddacook Pond Road, with a special condition that the erosion controls be installed according to plan and inspected by the Conservation Administrator prior to the start of work.

The vote was 6 in favor, with S. Black abstaining.

7:20 p.m. – Public Meeting (cont'd): RDA, GELD Solar Project, Nate Nutting Road

The applicants requested continuation of the public meeting to May 13, 2014, to resolve issues with NHESP relating to rare species habitat.

Upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to continue the public meeting for GELD Solar to May 13, 2014.

Moving on to General Business – Minutes, the Commission reviewed the draft meeting minutes from April 8, 2014. M. Giguere requested that the following sentence be inserted under the topic of the Public Meeting for GELD Solar Project:

- “However, M. Giguere also stated that he believed the Commission could consider the project as a public benefit under §215.5.C of the Bylaw.”

Upon the motion by M. Giguere, it was

VOTED: to approve the minutes of March 25, 2014, as amended.

The vote was unanimous.

On the topic of the Order of Conditions for Chamberlains Mill Subdivision, 373 Lowell Road (DEP #169-1103), the Commission reviewed the draft Special Conditions under the Wetlands Protection Act (WPA) and the Groton Wetlands Protection Bylaw (Bylaw). As a relatively new

member who was not present for the public hearings on this application, S. Black will abstain from voting.

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

VOTED: to issue an Order of Conditions under the WPA for Chamberlains Mill Subdivision, DEP #169-1103, as amended.

The vote was 6 in favor, with 1 abstention (S. Black).

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

VOTED: to issue an Order of Conditions under the Bylaw for Chamberlains Mill Subdivision, DEP #169-1103, as amended.

The vote was 6 in favor, with 1 abstention (S. Black).

7:45 p.m. – Public Hearing (cont'd): NOI, Proposed Temple, NESSP Inc., DEP #169-1104

The applicants submitted written request to continue the public hearing to the next regular meeting on May 13, 2014. They need more time to revise their drainage calculations and finalize the plans for connecting to town water.

Upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to continue the public hearing for NESSP Proposed Temple, DEP #169-1104, to May 13, 2014.

The vote was unanimous.

Moving on to another General Business item, the Commission considered a request to invalidate the Order of Conditions (OOC) for Surrenden Farm subdivision, DEP #169-858. The project never commenced but the OOC still appears on the title for the existing house property at 133 Shirley Road. The owners would like to close out the OOC.

Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to issue a Certificate of Compliance, under the category of “Invalid Order of Conditions”, for DEP #169-858.

The vote was unanimous.

Moving on to General Business – Land Acquisition, T. Tada said he had not heard from the appraiser regarding Parcels 106-31 and 106-32 in West Groton. M. Giguere reported that the parcels have now been listed by the owners, David and Martha Harvey, for \$299,000.

T. Tada reminded the Commission that the appraisal site inspection of the Schofield Parcel would take place on Thursday with Carol Van Patten (Executrix) and Ellen Anderson (appraiser). B. Easom will lead the walk to the Schofield Parcel from Acorn Path via Groton Woods Conservation Area. B. Easom reported that the judge in the bankruptcy court proceedings issued a decision that allows Ms. Van Patten to continue overseeing the disposition of the Schofield Estate.

Moving on to General Business – Land Management, T. Tada provided an update on Baddacook Field debris removal. Michelle and Jason Campbell, of 641 Martins Pond Road, completed the removal of household appliances and related debris from the field. The items were disposed of at the Transfer/Recycling Center with the cooperation of DPW Director Tom Delaney and his staff. The Campbells said they uncovered an antique disc harrow that was too large to remove from the site. B. Easom said he would ask if the Williams Barn Committee was interested in adding the disc harrow to the barn's antique collection. M. Giguere suggested sending a letter of thanks to the Campbells.

On another General Business topic, T. Tada updated the group on the GELD Building project on Station Avenue. The invasive species removal within the construction area has been largely completed.

On the topic of the Commission's presentation to Town Meeting, B. Easom recommended a PowerPoint slide presentation that would highlight the "return on investment" in land conservation. Chairman Morrison said he would deliver the presentation before Town Meeting. He will get together with B. Easom and M. Giguere to work on the presentation.

8:00 p.m. – Public Meeting: Agricultural Use Proposal at O'Neill Way Conservation Area
Jean Nordin-Evans, presented her proposal to graze two cows on the field at O'Neill Way Conservation Area. She is looking for an initial "trial" period of six months from May to November. She currently keeps the cows on her property at 18 O'Neill Way, and would continue to do so after the trial period. Her proposal includes a four-strand electric fence around the grazing area. Water would be supplied from her property via hose or truck-mounted fiberglass tank. Ms. Evans said the beef and milk from the cows would be for her family's private use.

B. Easom mentioned that the Commission conducted a site walk over the weekend to look at the field, the cows on Ms. Evans' property, and the fencing materials she proposes to use. He asked if George Moore, Chairman of the Agricultural Commission, could speak to the proposal. Mr. Moore said he supports the idea of grazing two cows on the property. He believed the land area was appropriate for such use, and he thought the proposal was adequate in terms of fencing, water, etc.

M. Giguere brought up the fact that the southern portion of the property contains wetlands, and asked about the management of manure. Ms. Evans responded that she would respect any restrictions that the Commission might put on the grazing, and would place the electric fence accordingly. She asked one of her collaborators, Ridge Shinn, to talk about manure management. Mr. Shinn said the proposal by Ms. Evans follows the recommended grazing

density of one cow per acre. At this density, there will be no concentration of manure and therefore no impacts to the wetland from nutrient runoff; also there will be little, if any, odor from the manure. The rotational grazing of the cows will have the effect of increasing the fertility of the soil and enhancing biodiversity. He also pointed out that the electric fence is harmless because it utilizes a low impotence, pulsating current that delivers high voltages for only a fraction of a second each time.

C. Auman asked what the condition of the field would be after six months of grazing. Mr. Shinn said the rotational grazing should result in an improvement of the field due to the input of nutrients and organic matter. C. Auman also asked about plans to have a shelter for the cows. Ms. Evans said she wanted to have a mobile shelter, but it would be mostly for aesthetic purposes. The cows won't use the shelter under normal circumstances. C. Auman asked if there was any consideration given to protecting the trees on the conservation property. Ms. Evans said she was open to any recommendations by the Commission. In addition, C. Auman asked the applicant to describe the benefits of the proposal to the neighbors. There would be no direct benefits.

S. Black seconded C. Auman's concern about protecting the trees. She said cows can do significant damage to trees, and there is at least one willow tree on the property that could be harmed. S. Black said she has experience keeping cows and other animals, and is generally supportive of the proposal. However, she expressed concern about the broad opposition to the proposal by the neighbors.

R. Swezey said she asked David Doneski, Town Counsel, about liability to the Town if someone were to suffer an injury on the property. Mr. Doneski's advice to R. Swezey was to consult the Town's insurance provider to see if the existing policy covers personal injury from electric fences or other risks associated with the keeping of livestock. If the policy does not cover such personal injuries, then they would need approval from the Board of Selectmen to add a rider. R. Swezey also questioned if the proposed activity was compatible with the stated purposes of the deed. She asked Ms. Evans why she couldn't graze the cows on her own property. Ms. Evans replied that her property was too wooded.

J. Smigelski said he supports the proposal. Chairman Morrison said there is electric fencing along portions of the Gibbet Hill trail, and they have not had any problems with it. B. Easom mentioned that he owns a 15-acre farm with animals and, in his experience, children will either do as they are told and not touch the electric fence, or they will learn not to touch the fence after the first shock.

Chairman Morrison mentioned that Groton is a Right To Farm town. He then invited public comments on the proposal. The vast majority of public comments were opposed to the proposal. Patricia Karohl, 515 Main Street, presented a letter opposing the proposed grazing. The letter was signed by 12 residents in the neighboring condominium development, Groton Residential Gardens. The residents are worried about the safety of the electric fence, the limitation of public access to the field, and the aesthetics of the proposed use. Ms. Karohl said she would like to see the field converted to a butterfly/pollinator garden. Michael Leisten, 8 O'Neill Way, was opposed to the proposal on the basis of incompatibility with the conservation and passive

recreation purposes of the deed. He also stated that the Right To Farm Bylaw only refers to private land. Barbara Williamson, 509 Main Street, asked if any of the beef from the cows would be sold for profit. Ms. Evans said no. Joan Guimond, 505D Main Street, said that voters at Town Meeting who vote for protection of open space do not have farms in mind. Goro Matsuo, 521C Main Street, said he worried about the safety of his two small children if there are cows and electric fences on the field. He also wondered how it would affect his property value, as well as his right to enjoy his property free of the sounds and odors of cows. Mr. Matsuo asked if one of the proponents could provide data to support the claim that there would be no discernable odor from the cows. Paul Andrews, 505C Main Street, was opposed to allowing one person to have exclusive access to the only public open space in the neighborhood.

A small number of residents spoke in favor of the proposal. Helene Easom-Cahen said electric fences are not harmful and she supported the grazing proposal. She asked if the land was classified as agricultural. The Commission clarified that the land was deeded to the Town as open space to be protected for conservation and passive recreation. Lisa Wiesner, 38 Fitch's Bridge Road, said she supported the grazing initiative but wanted to see more public involvement in the long-term planning of the land use at O'Neill Way. Ms. Wiesner is a member of the Sustainability Commission. Andrew Teichner, an agricultural historian and resident of Boxford, also voiced his support.

M. Metzger asked about the plans for a butterfly garden. Ms. Karohl said there were no plans, but the Groton Sustainability Committee support the idea of it.

The Commission summarized the outstanding issues that need to be clarified before it could make a decision. These issues will require input from the Town Manager and/or Town Counsel.

1. Compatibility of the proposal with the language stated in the deed.
2. Restricting the use/maintenance of public open space to a single person/family.
3. Liability to the town resulting from electric fencing, livestock, etc.

B. Easom pointed out that any land use agreement would be in the form of a License, rather than a Lease, per the provisions under Article 97. The Commission agreed to continue the public meeting to May 13th.

9:00 p.m. – Discussion: 134 Main Street, Boynton Meadows – Review of Documents

The Commission reviewed the draft Conservation Restriction and the draft Trail Easement for Boynton Meadows development. T. Tada confirmed that these draft documents have been revised to include all of the changes requested by Town Counsel David Doneski. However, the supporting plan for the Trail Easement incorrectly shows a five-foot wide easement across the property, rather than the ten-foot easement described in the document. Rob Anctil, attorney for Boynton Meadows, acknowledged via email that the Trail Easement plan needs to be corrected. R. Swezey urged the Commission to make sure all of the documentation is in order before approving anything.

Moving on to member updates, M. Metzger said the next monthly installment of her nature calendar, A Swarm Of Drumlins, was ready. She also pointed out that it is difficult to hear in the

meeting room, even in the front rows of seats. T. Tada will ask the IT staff if they can install a PA system in the room.

M. Giguere reported that he did a forestry presentation before the Shirley Conservation Commission. He will be leading a forestry walk for Conservation Stewards at the Farmers & Mechanics parcel this Saturday, April 26. He also asked T. Tada to review the Wetlands FAQs and have them published in the Groton Herald.

R. Swezey reported that the Groton Lakes Association submitted a donation of \$5,000 to the Sargisson Beach Committee in honor of Steve Marrantini, who passed away recently.

There being no further business, upon a motion by J. Smigelski, seconded by M. Giguere, it was

VOTED: to adjourn the meeting at 9:15 p.m. The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. RDA, 33 West Main Street, Squannacook Hall
2. RDA, 59 Baddacook Pond Road
3. RDA, GELD Solar Project, Nate Nutting Road
4. NOI, Boston Road (Mattbob), NESSP Inc., Proposed Temple
5. CR and related documents, Boynton Meadows, 134 Main Street
6. Agricultural Proposal, O'Neill Way Conservation Area

Approved 6/10/2014