

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, April 14, 2015

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Mary Metzger, Marshall Giguere, and Bruce Easom present. Rena Swezey arrived after conclusion of the Earth Removal Stormwater Advisory Committee meeting. Conservation Administrator Takashi Tada was present.

#### 7:00 p.m. – Discussion: Ian Henriques, Scout Troop 3, Eagle Project at Sargisson Beach

Ian Henriques presented a report on his Eagle project to reduce erosion and improve access at the North Point of Sargisson Beach. The work was completed during the first week of January 2015. The centerpiece of his project was the construction of box steps leading from the picnic area down to the reconstructed stone retaining wall around the North Point bank. The steps will provide clear access to the wall for fishing and other recreational use, while protecting the soil and exposed tree roots from damage. He also used landscape timbers to create a terrace on the slope below the picnic area to reduce erosion. Mr. Henriques said he will spread additional mulch in the terraced area later this spring (early May) and move the excess gravel left from the box step construction. He requested reimbursement for materials/supplies expenses in the amount of \$270.41. He also requested a letter of commendation from the Commission in support of his Eagle candidacy. The Commissioners thanked Ian for a job well done.

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

VOTED: to reimburse Ian Henriques for materials/supplies in the amount of \$270.41. The vote was unanimous. T. Tada asked him to submit copies of his receipts for reimbursement processing.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to issue a letter of support and commendation for Ian Henriques. The vote was unanimous. T. Tada will prepare the letter as soon as possible.

Taking up General Business, the Commission considered a request for Certificate of Compliance (COC) for the driveway paving at 216 & 218 Longley Road, DEP #169-932. The applicant is Gregory Melone, 216 Longley Road. The Commission conducted a site walk on 4/11/2015.

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

VOTED: to issue a Certificate of Compliance for 216 & 218 Longley Road, DEP #169-932. The vote was unanimous.

7:15 p.m. – Public Hearing: NOI, Grading/Filling, 146 Ames Road (Patierno) – DEP #169-1124

Applicant: James & Patricia Patierno

Representative: Dan Wolfe, David E. Ross Associates

Site walk: 4/11/15

Dan Wolfe presented the Notice of Intent (NOI) on behalf of the applicants. He submitted revised plans that have the corrected lot number and acreage references, as well as the boundary of the Commission's property to the north of Ames Road. The proposed project involves the grading and filling of an excavated area on the south side of Ames Road, near the intersection with Gay Road. The area appears to have been excavated in the 1960's to provide access to the garage of the former house on the lot. The former house has been removed and the old septic system will be abandoned in place. The proposed new house and new septic system are outside of the 100-foot Buffer Zone of Bordering Vegetated Wetland (BVW) located north of Ames Road. The applicants propose to fill and regrade the excavated area, and add a 50-foot stone recharge trench to handle any runoff from Ames Road. Mr. Wolfe explained that they surveyed the roadway and identified a relatively small portion that drains to the property; otherwise the majority of Ames Road drains to the north. There is an existing well in the area of proposed fill; therefore they will also extend the well casing vertically to maintain a height of 18 inches above finished grade. He also mentioned that the property is located within rare species habitat, according to the Natural Heritage & Endangered Species Program (NHESP). Mr. Wolfe provided a copy of the NOI to NHESP, along with supplemental information per their request. A determination letter is forthcoming, but has not been received yet.

M. Metzger asked about the process of filling the excavated area. Mr. Wolfe said they would bring in common fill material that is free of unsuitable or organic material, then loam and seed. The existing soil is coarse sand and gravel, and a suitable sandy loam will be spread prior to seeding with a native seed mix.

M. Giguere expressed concern over the volume of runoff coming from the property and entering the wetland across Ames Road and asked if there was an Operations & Maintenance Plan for the recharge trench. Mr. Wolfe said there was not. He reiterated that their survey identified only a small portion of road surface that drains to the area in question, and the existing sand-gravel substrate facilitates rapid infiltration. Also, the finished grade in the area will be gently sloped (1:12).

B. Easom mentioned that the Commission observed tapped maple trees around the wetland on the Commission's property across Ames Road. He also requested that T. Tada inspect the fill and loam that is brought in, before it is used onsite. Mr. Wolfe agreed to notify T. Tada when the material is delivered. B. Easom then asked for input from Craig Auman, resident of 95 Ames Road and former Commission member. Mr. Auman said he was unaware of any drainage problems on this particular section of Ames Road. He noted that the wetland on the Commission's land across the road is a certified vernal pool that provides habitat for salamanders and turtles. He expressed concern about the timing of the work in relation to amphibian and turtle migrations. Mr. Wolfe said NHESP would likely weigh in on this issue if the work posed any threat to rare wildlife. He said the applicants would request continuation of the hearing to allow for receipt and consideration of NHESP's determination.

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

VOTED: to continue the hearing for 146 Ames Road, DEP # 169-1124, to the next regular meeting on 4/28/2015. The vote was unanimous.

7:27 p.m. – Public Meeting: RDA, Addition to Existing House, 28 Townsend Road (Broughton)

Applicant: Chris Broughton

Site walk: 4/11/15

Chris Broughton presented his plan to replace the existing kitchen and crawlspace with a larger expand the kitchen and add a mudroom, office, and full basement to the existing house at 28 Townsend Road. The existing kitchen and crawlspace will be removed. The proposed addition is in a previously disturbed area consisting of the house, lawn, and landscaping. Some of the work will occur within 100 feet of the BVW located to the north beyond the paved driveway.

M. Giguere recommended placing erosion controls along the edge of the driveway and around the proposed soil stockpile area. B. Easom requested adding a French drain around the new addition to capture runoff from the expanded roof area. He also requested gravel be placed under the deck. Chairman Smigelski suggested landscape fabric and stone as an alternative to gravel under the deck for mitigating runoff.

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

VOTED: to issue a Negative #3 Determination of Applicability to Chris Broughton, 28 Townsend Road, subject to the following three (3) special conditions:

1. Place erosion controls along the driveway and around the stockpile.
2. Install a stone trench or French drain (18" x 18" minimum) around the new addition to capture the increased roof runoff.
3. Place gravel or filter fabric/stone under the deck to mitigate runoff.

The motion was approved unanimously.

7:35 p.m. – Public Meeting: RDA, Parking Area Improvements, The General Field (Groton Conservation Trust)

Applicant: Groton Conservation Trust (Robert Pine, Trustee)

Site Walk: 4/11/15

Chairman Smigelski and S. Black recused themselves from this matter due to business associations with the Groton Conservation Trust on the General Field parcel. Bob Pine, Trustee, presented the proposed parking/entrance area improvements at the General Field located off Farmers Row. Improvements will include removing some old asphalt to clarify the designated parking areas, regrading of irregular topography, creation of wildflower meadows, sitting areas, accessible paths (stone dust surface, less than 5% grade), and informational signage. A portion

of the work to convert asphalt to meadow lies within 100 feet of an intermittent stream and BVW to the northwest of the work area.

M. Metzger asked if the new signs would indicate that the General Field is an agricultural area with actively managed hayfields. Mr. Pine said this was a good idea and the Trust would consider it. He also said they would have a clear trail map to encourage people to stay on the designated trails. M. Giguere said it looked like a great project that fits within the Building Envelope prescribed in the Conservation Restriction (CR) held by the Commission. B. Easom requested a separate project notification letter from the Trust for inclusion in the CR file. Mr. Pine agreed to provide a separate letter to this effect.

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

VOTED: to issue a Negative #3 Determination of Applicability to the Groton Conservation Trust for improvements at the General Field, subject to the following two (2) special conditions:

1. Provide separate notification letter to the Commission as CR holder.
2. Indicate the working farm status of the fields on new signage.

The motion was approved unanimously.

7:50 p.m. – Discussion: Trail Intersection Signage, Olin Lathrop, Trails Committee

Olin Lathrop of the Trails Committee presented examples of trail intersection signs used by various groups such as the National Forest Service, Appalachian Mountain Club, Mount Grace Land Trust, *et al.* He also demonstrated two test signs the Trails Committee tried along the Bruce Clements Trail at Williams Barn/Sorhaug Woods. The signs were made of reflective metal by prisoners in a Massachusetts state prison. The Trails Committee would like to get formal approval from the Conservation Commission to put up similar signs at trail junctions on other Commission properties.

M. Giguere asked if the Trails Committee had discussed signage with Mike Roberts of the Historical Commission, who is putting together guidelines for interpretive signs. Mr. Lathrop said he would confer with Mr. Roberts.

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

VOTED: to approve the trail intersection signs proposed by Mr. Lathrop of the Trails Committee for use on Conservation Commission properties.

8:05 p.m. – Public Hearing (cont'd): NOI, Baddacook Pond Herbicide Treatment (Board of Selectmen) – DEP #169-1123

Applicant: Board of Selectmen (Selectmen)

Representatives: Great Pond Advisory Committee (GPAC)

Russ Harris of *The Groton Herald* stated that he would record the proceedings. Chairman Smigelski reopened the public hearing and began by reviewing the punch-list of four (4) outstanding issues/questions from the previous hearing on 3/24/2015. T. Tada read through the list of four items. Updates on each item are noted as follows:

1. Commission will request clarification from Town Counsel about the status of Baddacook Pond as a Massachusetts Great Pond. Did Town Counsel consider this point when providing his legal opinion of 1/7/14 re: the Water Department's water rights?  
Update: Pending.
2. The Planning Board will discuss the relevance of a Special Permit under Town Zoning Bylaws to apply herbicide within the Zone II. Planning Board will discuss this issue at its regular meeting on April 2<sup>nd</sup>.  
Update: Planning Board issued a revised comment Memorandum dated 4/8/15 based on Town Counsel legal opinion that the use of Sonar in the Zone II does not require a Special Permit. The Planning Board withdrew its comments of 5/6/15.
3. Commission to request an updated, concise list of questions from the Board of Water Commissioners (BOWC).  
Update: Pending. On 4/14/15 the BOWC provided an undated letter raising three points of concern. Upon further clarification it was noted that the BOWC intended to submit a five-point memorandum to the Commission in advance. However, this memo was not received prior to the start of this hearing.
4. GPAC to provide copies of letters from Groton residents who support the proposed Sonar treatment in Baddacook Pond.  
Update: Jim Luening provided copies of 12 letters of support from residents and stakeholder groups in Groton.

Gary Hoglund, Chairman of the BOWC, addressed the Commission's request for an updated list of concerns from the BOWC. Mr. Hoglund read from a memorandum dated 4/14/15 that was not provided to the Commission prior to this hearing. The BOWC's concerns include:

- a) Lack of full scientific due diligence on the impacts to human health and the environment of Sonar herbicide (fluridone).
- b) Need to protect Groton's limited drinking water resources.
- c) BOWC owns the water rights and has legal authority over activities within the pond.
- d) BOWC would be ultimately responsible for remediation of the water supply in the event of a problem. BOWC seeks indemnification and assurance that the costs for any such remediation be the responsibility of the Town, not the water rate payers.
- e) In response to previous criticism about not holding public hearings, Mr. Hoglund asserted that the BOWC cannot hold public hearings until it has answers to its questions.

P. Morrison took issue with Mr. Hoglund's last point and said the purpose of a public hearing is to hear from the public and gather information. T. Tada noted that Tom Orcutt of the Water Department had provided specific information about the Emergency Response Plans (ERP) after a question was raised during the last hearing.

B. Easom said he would like to hear from George Barringer, Planning Board member with a PhD in chemistry. Mr. Barringer is an industry consultant with expertise in separation chemistry and experience protecting groundwater in the Pine Barrens Reserve, New Jersey. He submitted separate comment packets on 3/24/15 and 4/14/15. Mr. Barringer spoke to the following points:

- a) Application of Sonar herbicide in the pond is essentially irreversible due to chemical persistence.
- b) There is a lack of toxicity data on Sonar and, importantly, on its transformation products.
- c) The depth of the pond will limit the growth of weeds.
- d) The herbicide will kill all plants, not just the invasive Fanwort (*Cabomba sp.*).
- e) The Chemical Fact Sheet from the fluridone innovator, Eli Lilly, draws attention to a wide variety of acute toxicity responses in different animal species.
- f) The U.S. EPA's most recent assessment of fluridone cited the need for further endocrine studies.
- g) It is practically infeasible to separate the Zone II from the Zone 1 in Baddacook Pond.
- h) There is no clear benefit of Sonar use to the general population.

M. Metzger asked for clarification on the extent of Fanwort infestation in Baddacook Pond, given Mr. Barringer's point about the pond depths. Bill Strickland, GPAC member, said the current extent of infestation is 35 acres of the 76-acre pond, predominantly in the near-shore (littoral) zone. M. Metzger also asked about the difference between toxicity studies and drinking water standards. She asked if it was fair to summarize Mr. Barringer's concerns as "too many unknowns". He said the two main points are that the baseline data on Sonar herbicide date back to 1984 and are therefore not up to date with current methods of assessment; and that there is a need to fill in the gaps on epidemiological studies such as endocrine effects.

P. Morrison asked about the toxicity of chlorine in drinking water. Mr. Barringer said he did not know, but could find out if needed. Mr. Orcutt pointed out that this hearing was not about chlorine in drinking water.

B. Easom, who holds a PhD in mechanical engineering and is an air quality expert, mentioned the fact that Sonar herbicide is not allowed in the European Union because there has been no laboratory research on the chemical in recent years. European environmental standards are generally stricter than those in the U.S.

Michelle Collette, Town Planner and resident on Windmill Hill Road, brought up the Town's experience dealing with contamination from the former Conductor Lab site on Main Street. Thirty years ago, residents were told they could drink the water coming from the Conductor Lab facility. Ms. Collette is also a former Conservation Commissioner and pointed out that the protection of drinking water resources is the original mandate of the Commission. She also mentioned new studies that link the use of herbicides such as Roundup to negative health effects on infants and pregnant women. She stated that it was not worth the risk to apply Sonar in Baddacook Pond, and she commended the BOWC for its firm stance in opposition to the NOI.

Val Prest, resident on Highland Road, said the continued eutrophication of the pond would result in real toxicity concerns. Mr. Luening asked that a comment letter received today from Savas

Danos, Groton resident and former general manager of the Littleton Water Department, be read into the record. P. Morrison read the letter from Mr. Danos, dated 4/14/15, that repudiates the arguments raised in Mr. Barringer's earlier comment letter. Mr. Danos noted that chemicals such as chlorine and hydroxides are routinely added to water supplies in controlled quantities to make the water potable and less corrosive. These chemicals are highly toxic in concentrated form. He reiterated that Sonar is approved for use in drinking water at concentration levels much higher than that proposed in the Baddacook Pond NOI.

Mr. Luening then provided additional counterpoints to the arguments raised by Mr. Barringer and the BOWC. In particular, Mr. Luening stated:

- a) Sonar is less toxic than table salt.
- b) It degrades over time (i.e., is not irreversible).
- c) It has never been found in drinking water wells.
- d) It does not kill off native plant species.
- e) It does not kill fish.
- f) Fanwort is a legitimate threat to pond ecosystems throughout New England.
- g) Groton is losing Baddacook Pond as a recreational and natural resource.
- h) The danger of weed entanglement/drowning is real.

Art Prest, President of the Groton Lakes Association, said Sonar was delisted in Europe due to economic factors, rather than any health or toxicity concerns. He asked if Mr. Barringer had any data to support his concerns about Sonar transformation products such as N-methyl Formamide (NMF), which has never been detected in field conditions. Mr. Barringer clarified that he was not referring to specifically to NMF.

Mr. Hoglund said the BOWC has been asking for real field testing data from Littleton and other sites, but nothing has been provided. He said you won't detect it if you don't test for it. Jim Gmeiner, member of the BOWC, added that the Littleton Water Department only tested for Sonar in Spectacle Pond for a period of 45 days, and the Neponset Reservoir tests only spanned 67 days. Art Prest pointed out that the BOWC's own tests during the 2013 Sonar treatment of Lost Lake/Knops Pond produced "no detect" results. Mr. Gmeiner responded that the BOWC's results were limited due to the testing costs. He also said the BOWC has legitimate concerns about human error such as lowering of the dam boards prematurely, and acts of god such as heavy rains, which resulted in a detection of Sonar in the surface water downstream of Lost Lake following the 2013 treatment. He noted that this was a violation of the Order of Conditions.

Rick Covenov of Pleasant Street provided input as a non-abutting resident whose family enjoys canoeing and swimming. He said Town residents benefit when the ponds are safe and attractive for recreation. He said his family would not swim in Lost Lake/Knops Pond prior to the 2013 herbicide treatment to reduce the weed infestation. Now they can swim safely in those ponds. Larry Hurley, of Lost Lake Drive, said he lives on Whitney Pond and has observed an increase in weeds in Whitney Pond.

Russ Harris of *The Groton Herald* asked Mr. Barringer if juveniles are more sensitive to chemical toxicity. Mr. Barringer said juveniles tend to be more sensitive than adults.

P. Morrison suggested continuation of this public hearing in order to resolve **the two (2) outstanding items as of this hearing:**

1. Clarification from Town Counsel about the status of Baddacook Pond as a Massachusetts Great Pond.
2. Toxicity of chlorine in drinking water. Mr. Barringer said he would follow up on this.

There being no further relevant discussion, the Commission asked GPAC if it agreed to a continuation of the public hearing. Mr. Luening agreed.

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

VOTED: to continue the public hearing for Baddacook Pond NOI, DEP #169-1123, to 4/28/2015. The vote was unanimous.

Moving on to other General Business, the Commission reviewed draft meeting minutes from 3/10/15 and 3/24/15.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to approve the 3/10/15 meeting minutes as written. The vote was unanimous.

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

VOTED: to approve the 3/24/15 meeting minutes as written. The vote was unanimous.

Under General Business – Land Management, M. Metzger provided invasive species updates. She reported that Rick Muehlke of the Groton Conservation Trust has an herbicide applicator's license and wondered if it made sense for the Town to have a licensed applicator. She also reported that the Trails Committee will allow her to use their extensive email distribution list to help recruit volunteers for invasives control projects. Lastly, she mentioned that Olin Lathrop of the Trails Committee had drafted a charge for the Selectmen to review in consideration of establishing a Town-wide invasives committee. The Selectmen will take this up after conclusion of Annual Town Meeting.

On the topic of Land Management Stewards, M. Metzger drafted a letter that she would like to send to all the volunteer property stewards to focus their efforts this year on managing invasive species and promoting native pollinator plants, where appropriate. Chairman Smigelski gave the go-ahead to send the letter.

Moving on to Land Acquisition under General Business, T. Tada mentioned that the FY16 LAND Grant application cycle is now open, with a deadline of July 15, 2015. R. Swezey said she reached out to the owners of the West Groton parcels that the Commission offered to



purchase last year, but have yet to hear back from them. The owners, David & Martha Harvey, had previously indicated to R. Swezey that they remain interested in seeing the land protected. M. Metzger reiterated her suggestion that the Allen parcel on West Main Street would be an excellent acquisition. B. Easom also restated his recommendation to prioritize the Best property on Longley Road because it would provide a trail connection between the Nashua River Rail Trail and several existing conservation lands including Shepley Hill (GCT), Walker-Cox, Williams Barn-Sorhaug Woods, Fitch-Woods (GCT), McLain's Woods, *et al.* B. Easom mentioned the trail easement granted by Anna Eliot across her property on the west side of Longley Road. If a purchase of Ms. Best's property is not feasible, then a trail access easement over her property would be enough to achieve the desired trail connectivity.

Moving on to CPC Updates, B. Easom said he would introduce the CPC warrant articles at Annual Town Meeting which opens Monday, April 27<sup>th</sup>. When the Conservation Fund motion comes up, he will ask that the Commission be allowed to make its presentation. T. Tada displayed the draft PowerPoint slides and the Commission made minor edits to the content. M. Metzger suggested adding data and maps reflecting the shortage of protected BioMap2 Core Habitat within Groton. T. Tada will submit the final PowerPoint presentation by the end of this week for inclusion in the Town Meeting Packet, as requested by the Selectmen.

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

VOTED: to adjourn the meeting at 10:00 p.m. The vote was unanimous.

Notes taken by

Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**

1. NOI, Baddacook Pond Herbicide Treatment (Selectmen), DEP #169-1123
  - a. WPA Form 3, Notice of Intent
  - b. Assessors Map
  - c. USGS Locus Map
  - d. Project Description
  - e. Notification to Abutters
  - f. Certified Abutters List
  - g. Copy of MESA Filing Fee Check
  - h. "Baddacook Pond Baseline Survey 2011", prepared by ACT, dated 7/2011.
2. Supporting Documents, Baddacook Pond NOI:
  - a. GPAC PowerPoint Presentation (J. Luening)
  - b. MassDCR Rapid Response Plan For Fanwort, prepared by ENSR
  - c. Baddacook Well Zone I – map figure provided by GPAC

- d. Material Safety Data Sheet for SePRO Sonar herbicide (fluridone)
  - e. Sonar fact sheets, compiled by GLA
  - f. Article re: drowning in Framingham, MA
  - g. USDA-NRCS Soils Maps for Baddacook & Spectacle Ponds
  - h. Baddacook Well MPA Testing Results, provided by MassDEP
  - i. Letter from SePRO's Regulatory Affairs Manager, Laurent C. Mézin, dated 2/23/2015.
3. Comments & Responses To Comments on the Baddacook Pond NOI:
- a. BOWC Memorandum to BOS *et al*, dated 1/28/2014.
  - b. Response to BOWC titled, "Restoration & Revitalization of Baddacook Pond". Prepared by A. Prest on behalf of the GLA, dated 2/10/2014.
  - c. BOWC Memorandum to BOS *et al*, dated 9/23/2014.
  - d. Response to BOWC titled, "Baddacook Pond Environmental Restoration – Answers to Water Commission Questions". Prepared by GPAC.
  - e. Email correspondence from Hotze Wijnja, PhD., Environmental Chemist for MassDAR, dated 2/23/2014.
4. Additional information/comments presented during Baddacook Pond NOI public hearing, 2/24/2015:
- a. Groundwater and Public Policy Leaflet #2, "How Contaminants Reach Groundwater". Prepared by Arthur G. Hornsby, University of Florida, for the Groundwater Policy Education Project. Copy presented by Jim Gmeiner, BOWC.
  - b. Article from the January 2015 issue of *Civil Engineering* magazine relating to cyanotoxins in drinking water. Copy presented by Val Prest.
5. Additional information/comments received between the 2/24/2015 public hearing and the 3/10/2015 public hearing on Baddacook Pond NOI:
- a. "Neponset Reservoir, Aquatic Vegetation Management Program, 2009 - Year End Report", prepared by ACT. Final draft dated 12/30/2009. Copy provided by Jim Luening on 2/24/2015.
  - b. Legal opinion from Town Counsel David Doneski of Kopelman & Paige, P.C. Original email dated January 07, 2014. Forwarded by Tom Orcutt on 2/25/2015.
  - c. Photograph of Baddacook Pond outlet grate, taken by J. Luening and provided via email, 2/25/2015.
  - d. Email from J. Luening to Board of Selectmen *et al*, re: hiring of outside consultant, dated 3/2/2015.
    - i. Email reply from Mary Metzger to J. Luening, dated 3/2/2015.
    - ii. Email reply from Jim Luening to M. Metzger, dated 3/3/2015.
  - e. Email correspondence from J. Luening to MassDEP Drinking Water Program, dated 3/5/2015.
  - f. Email reply from Robert Bostwick, MassDEP Drinking Water Program, to J. Luening, dated 3/9/2015.
  - g. List of drinking water reservoirs treated with Sonar, prepared by SePRO. Copy provided by J. Luening, 3/10/2015.
6. Additional information/comments received between the 3/10/2015 public hearing and the 3/24/2015 public hearing on Baddacook Pond NOI:

- a. Map figures re: Baddacook Pond inlets/outlet locations and extent of Zone 1. Provided via email by Bill Strickland, 3/11/2015.
  - b. NHESP Determination Letter, File #09-26352, dated 3/11/2015.
  - c. Documentation of water rights from BOWC submitted by T. Orcutt on 3/12/2015, including:
    - i. "History of Groton Water" by Groton Water Dept., 9/10/1987.
    - ii. "Acts of the Town re: Water Department", summary of 1982 Annual Town Meeting.
    - iii. Copy of House Bill #323, Ch. 338, "An Act to Incorporate the Groton Water Company" (Legislative Act of 1897).
    - iv. Excerpts from Groton Water Company Annual Reports referring to specific legal cases re: "taking" of water rights of Baddacook Pond.
    - v. Copy of Quitclaim Deed from Groton Water Co. to Town of Groton.
  - d. Email from T. Orcutt re: Baddacook Well water consumption summary, dated 3/13/2015.
  - e. Email from J. Luening to Planning Board re: Open Meeting Law, dated 3/15/2015.
  - f. Email from Marielle Stone, MassDEP Central Region Deputy Director, in reply to J. Luening, dated 3/17/2015.
  - g. Email from J. Luening re: Planning Board regulation of pesticides, dated 3/18/2015.
  - h. Email from T. Orcutt to A. Prest, GLA, re: Solar Bee water circulator by Medora Corporation, dated 3/18/2015.
  - i. Email from T. Orcutt re: Code of the Town of Groton (Bylaws), Ch. 90 – Water, dated 3/19/2015.
  - j. Email comments from M. Metzger, dated 3/20/2015.
  - k. Email from J. Luening to M. Stone re: MassDEP's comments on the NOI, dated 3/22/2015.
  - l. Fax from Susan Horowitz, DVM, re: comments from risk assessment expert Susan Sundstrom, PhD.
  - m. Revised Comment Letter from MassDEP, email dated 3/24/2015.
  - n. Planning Board Memo requesting continuation of NOI public hearing, dated 3/24/2015.
  - o. Comment letter from George Barringer, PhD, dated 3/24/2015.
7. Additional information/comments received between the 3/24/2015 public hearing and the 4/14/2015 public hearing on Baddacook Pond NOI:
- a. Email from Art Prest, dated 3/25/2015, re: history of DDT ban by USEPA.
  - b. Email from Tom Orcutt, dated 3/25/2015, re: Groton Water Dept.'s Emergency Response Plan.
  - c. Email from Luening, dated 3/25/2015, re: 1898 State Board of Health Report on Baddacook Pond as secondary water source.
  - d. Email from Luening, dated 3/26/2015, re: MassDEP's revised comments.
  - e. Email from Orcutt, dated 3/26/2015, disputing Luening's interpretation of 1898 State Board of Health Report.
  - f. Email from Luening, dated 3/28/2015, re: Planning Board meeting on 4/2/15.

- g. Email from Luening, dated 4/8/2015, with attached letters of support from:
    - i. David & Lucy Alexander, 59 Baddacook Pond Rd.
    - ii. William Strickland, 534 Martins Pond Rd.
    - iii. Claire & Peter Macy, 716 Martins Pond Rd.
    - iv. Neil Murray & Georgianna Collins, Baddacook Pond Rd.
    - v. Chris & Francoise Forbes, 597 Lowell Rd.
    - vi. Groton Lakes Association (GLA), Arthur Prest, President.
    - vii. Peter & Margaret Roberts, 158 Hemlock Park Dr.
    - viii. New England Forestry Foundation (NEFF), Christopher Pryor, Director of Forest Stewardship.
    - ix. Robert Kiley, 601 Lowell Rd.
    - x. Great Ponds Advisory Committee (GPAC), Jim Luening, Chairman
    - xi. Jim Luening, 711 Martins Pond Rd.
  - h. Letter from Alex Woodle, dated 4/10/2015, in response to Barringer's comment letter of 3/24/2015.
  - i. Email from Luening, dated 4/12/2015, in response to Barringer's comment letter of 3/24/2015, including nitrate testing results and additional field studies of NMF transformation product (non-detect results).
  - j. Email from Luening, dated 4/13/2015, addressing several of BOWC's questions.
  - k. Letter from Savas Danos, dated 4/14/2015, in response to Barringer's comment letter of 3/24/2015.
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- 8. Eagle Project Report, Sargisson Beach (I. Henriques)
  - 9. NOI, 146 Ames Road (J. Patierno), DEP #169-1124
  - 10. Meeting Minutes, 3/10/2015 & 3/24/2015
  - 11. RDA, The General Field (Groton Conservation Trust)
  - 12. RDA, 28 Townsend Road (C. Broughton)
  - 13. COC, 216 & 218 Longley Road (G. Melone), DEP #169-932
  - 14. Letter to Conservation Stewards Group
  - 15. Conservation Fund PowerPoint presentation

**Approved 4/28/2015**