

**PLANNING BOARD  
OCTOBER 4, 2012  
MINUTES**

Chairman Giger called the meeting to order at 7:15 PM at the Town Hall

Members present: Giger, Barringer, Parent, Perkins, Svarczkopf and Wilson

Members absent: Burke

**APPOINT DESIGN REVIEW COMMITTEE**

The Board voted unanimously to appoint the following members to the Design Review Committee:

<b>Member</b>	<b>Term Expires</b>
Lorayne Black	2013
Daniel Barton	2014
Fay Raynor	2015

  

<b>Alternate</b>	<b>Term Expires</b>
Maureen Giattino	2013
Walter Platt <sup>1</sup>	2013

Member Wilson will act as the Planning Board liaison to the Design Review Committee.

**CONSERVATION COMMISSION ARTICLES**

Commission Members Marshall Giguere and Craig Auman met with the Board to request its support of Articles 9 and 17 at the Fall Town Meeting for the purchase of properties owned by Cox and Walker located on Chicopee Row.

Mr. Giguere presented Power-Point slides detailing the connectivity with other conservation properties, rare species habitat, Zone III of the future Unkety well site, and other natural resources that would be protected by the acquisition of the 16 acres. The price for the land is \$716,000 and the Commission applied for a LAND grant in the amount of \$400,000.00. Access and parking for the site will be located on Chicopee Row.

Member Barringer asked about the boundary lines. Mr. Giguere said they were taken from a previously endorsed Approval Not Required plan.

Member Parent asked if the land acquisition meets the grant criteria. Mr. Giguere said, "yes," with the rare species habitat and connectivity to other open space, the Town has a good chance of receiving the grant. They will not know until December.

Member Wilson asked about the value of the property. Mr. Giguere said the Commission had the land appraised by a licensed appraiser qualified by the Division of Conservation Services. Mr. Auman added that the appraiser evaluated over 20 deep hole and percolation tests as part of the appraisal.

Member Perkins spoke in favor of protecting the land. She said she served on the Building Committee when the Groton Dunstable Regional School District wanted to build the new high school on the property. She said it is a beautiful parcel with significant natural resources. She added that several ANR lots could be developed with the amount of frontage on Chicopee Row. Acquisition of this property preserves valuable wetlands, natural resources, and a future public water supply area.

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<sup>1</sup> Please note that Mr. Platt declined acceptance of the appointment to the Design Review Committee.

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Mr. Giguere said the land has significant wetlands and eight vernal pools, but it also has considerable upland area on the rear portion of the site.

The motion was made by Perkins, seconded by Svarczkopf, to support the purchase of the Cox-Walker land on Chicopee Row. The motion passed with Barringer, Parent, Perkins, Svarczkopf and Wilson in favor; Giger opposed.

#### **COMMENTS TO THE CONSERVATION COMMISSION – LOST LAKE NOTICE OF INTENT**

The Board met with members of the Groton Lake Association including Arthur Prest, Val Prest, Alex Woodle, and Savos Danos of the Groton Ponds Advisory Committee to discuss the Board's comments to the Conservation Commission on the Notice of Intent to apply herbicides to control weeds in Lost Lake and Knops Pond.

Selectman Josh Degen stated that the Board of Selectmen is the applicant on the Notice of intent because the presence of weeds results in a decline in property values. The Town treated the weeds with Diquat around ten years ago but the weeds grew back.

Art Prest said he has lived at the lake since 1947 and retired in 2010. He said he is appalled at the growth of invasive weeds. He said the lake is dying. The weeds are a severe problem that cannot be addressed by annual drawdowns. The weed harvester does not work and benthic barriers are too expensive. The Natural Heritage and Endangered Species Program determined that there are no endangered species in the lake.

Savos Danos said he is the manager of the Littleton Water and Light Department as well as a member of the Great Ponds Advisory Committee. The Littleton Water Department used the herbicide Sonar to treat weeds in Spectacle Pond in 2005. The herbicide application has had no negative impact on the Littleton Water Supply. Long Lake and Spectacle Pond are treated annually.

Val Prest said he has lived on the lake for many years. Sargisson Beach is infested with weeds so people cannot swim in the lake. The quality of the lake affects properties around the lake.

Alex Woodle of the Groton Lake Association and Great Ponds Advisory Committee said the Notice of Intent is not only for the herbicide application – it will address stormwater runoff, boat access, and public education for homeowners.

Chairman Giger clarified that the Board of Selectmen is the applicant – not the Lake Association - as listed on the Notice of Intent. Selectman Degen and Mr. Prest said the Board of Selectmen is the applicant.

Member Barringer asked about the three chemicals that would be used. Mr. Danos said they will use Sonar and Diquat. The third chemical has not been approved by the state yet. Member Barringer said the chemical cannot be used unless it is registered. Mr. Prest agreed and said they are considering only using Sonar.

Member Barringer asked about the impact on private wells around the lake. Mr. Danos said the wells are in the substrate of the lake – not in the lake.

Member Perkins asked what authority the state has over the project since Lost Lake and Knops Pond are Great Ponds. Mr. Danos said the Department of Environmental Protection must review the permit.

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Member Svarczkopf asked who would pay for the treatment. Selectman Degen said the Town will fund the project using Community Preservation Funds or other town funds. Art Prest said the Groton Lakes Association is fund raising for the project, too. They have done a considerable amount of outreach and public education.

Member Wilson said he supports cleaning up the lake but asked about nutrient loading and the proposed municipal sewer system. Art Prest said the association is very supportive of the sewer project and understands why it is important. He added that many nutrients are coming from Martins Pond Brook. Mr. Danos added that the nutrients from the brook should be addressed by stormwater management improvements.

Chairman Giger asked who is liable for the project. Selectman Degen said, "the Town."

Members Svarczkopf and Wilson said they did not feel they had enough technical information to vote on a recommendation to the Conservation Commission. Member Barringer said the Board cannot make a recommendation against an EPA-licensed applicator and approved chemicals. However, the Board can express concerns about bio-mass degradation and related issues.

The motion was made by Barringer, seconded by Perkins, to send the following comments to the Conservation Commission:

1. The Board is concerned that successful destruction of the invasive weed biomass now present in the water body will lead to unintended consequences as the material decomposes. How will the phosphorous and nitrates cycles of the lake be controlled during and after this application or successive applications of chemical control agents? How will Chemical Oxygen Demand and Biological Demand be monitored and controlled as the material decomposes? How will any side effects of said chemical application(s) be remediated if observed?
2. The Board supports the installation of the proposed Lost Lake Sewer System to mitigate, control, and reduce nutrient loading in the lake that now contributes to seasonal blooms of said invasive species.
3. The Board supports efforts to control stormwater management and strongly supports any initiative to reduce and or eliminate use of fertilizers in the watershed, particularly domestic residential use of fertilizer and other ground chemical applications on waterside parcels.
4. All herbicide applications must be done in a manner consistent with all applicable state and federal regulations and acceptable use and at concentrations not to exceed the minimum required to affect desired outcome.

The motion passed unanimously.

#### **PUBLIC HEARING (con't) – PROPOSED ZONING AMENDMENT**

The Board continued the public hearing on the proposed zoning amendment to the Schedule of Use Regulations sponsored by the Agricultural Commission by citizens' petition. Members of the Agricultural Commission George Moore, Meredith Scarlett, John Smigelski, Selectman Anna Eliot, and Board of Health member Susan Horowitz were present.

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Chairman Giger read the letter dated October 3, 2012 from Attorney Robert Collins, the email message dated October 4, 2012 from Town Counsel David Doneski, and the email message dated October 4, 2012 from Planning Board member Russ Burke.

Ms. Scarlett said the Agricultural Commission did not object to adding a definition of agriculture as long as it is consistent with the Right-to-Farm bylaw. Mr. Moore added the Right-to-Farm by-law was modeled on State Statute.

Member Barringer said he is in favor of the Right to Farm provisions, but he is concerned with farming on land zoning Conservancy (C), Open Space (O), or Public Use (P). He said the Town would be better served if special permits are required in such zoning districts.

Ms. Scarlett said if the Town leases farmland in the Open Space or Public Use District, the special permit requirements would be redundant.

Mr. Smigelski cited the neighborhood opposition to a proposed community garden on conservation land off O'Neill Way. He noted that a farmer cannot lease public land for more than ten years.

Chairman Giger said the C, O and P Districts are for the benefit of the public. Without the special permit requirements, there would be no public process. Selectman Anna Eliot said there is a process including public hearings that are held before the Town leases land.

Member Svarczkopf said the Board is not questioning today's farming operations, but there may be future uses that are not innocuous or appropriate. Neighbors are not notified unless there is a special permit process. Residents and families may have concerns regarding manure management, noise, odors, etc.

Ms. Scarlett said the Comprehensive Master Plan expressed support for farming and agricultural uses in Groton. She asked why the Planning Board thinks special permits should be required before she can farm her land. There are many regulations in place today. The special permit process does not provide any added value to the Town. She said farmers are being treated like corporate polluters rather than local farmers.

Mr. Moore said the Board of Health has jurisdiction over farming operations. Member Svarczkopf said people have a right to a peaceful existence.

Ms. Scarlett said she has to comply with many restrictions on her farming operation.

Dr. Horowitz said she agreed that the Planning Board should consider the rights of abutters. She noted a few instances when the keeping of pigs had very negative impact on abutters. She said the Board of Health had to go to court to resolve the matter, but it took over a year.

Ms. Scarlett said she agreed that the Board of Health has jurisdiction over health issues. Dr. Horowitz said the Board of Health does not necessarily have the power to resolve issues. She said abutters should have an opportunity to express concerns.

Mr. Moore said the Agricultural Commission is there to assist in such matters to avoid legal challenges

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that cost money and take time. Ms. Scarlett reiterated that this is why Groton has a right-to-Farm By-law.

Member Parent noted that agricultural uses may be limited to more than two or five acres as stated in Chapter 40A, section 3.

Kay Martland asked why dog kennels are allowed by right in the Residential-Agricultural (R-A) District. Chairman Giger said anyone who has more than three dogs is eligible for a "kennel" license.

The Board discussed possible floor amendments to the warrant article including changing the "Y" to "SP" in the C, O and P Districts. Town Planner Michelle Collette said the Board should ask the Moderator and Town Counsel for an opinion because such an amendment would be more restrictive and may not be approved by the Attorney General.

Selectman Eliot said she believes the Planning Board is being very derogatory to the farming community.

Kay Martland said not all properties are suitable for agricultural use and should be rezoned to residential use only.

Chairman Giger said the Board has two options – to recommend adoption of the amendment or not to recommend it to Town Meeting. He said the Board could make a floor amendment to add a definition of agriculture.

Mr. Moore said the Agricultural Commission will meet on Wednesday, October 10, 2012, to discuss the proposed amendment.

The Board voted unanimously to continue the public hearing on October 11, 2012 at 7:30 PM.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner