

GROTON CONSERVATION COMMISSION

Minutes

February 23, 2006

Clerk Marshall Giguere called the meeting to order at 6:30 p.m. in the Selectmen's Meeting Room in Town Hall. Members Craig Auman, Bruce Clements, Kris Corwin, and Evan Owen were present. Peter Morrison arrived at 7:05 p.m., and Bruce Clements left at 7:22 p.m. Member Bruce Easom was absent. Conservation Assistant Barbara Ganem was also present.

Members of the audience included Ed McNierney, Michelle Collette (departed at 7:12 p.m.), Marian Stoddart, Beverly Rodrigues, Arthur Blackman, and Rick Muehlke.

Arthur Badger Blackett, Project Manager for The Trust for Public Land, outlined the potential funding sources and ownership structure for the \$19.4 million purchase of the Campbell-Strachan properties on Farmers Row and Shirley Road. He indicated that The Trust for Public Land was contacted by the owner of the properties last spring, and a purchase and sales agreement was not signed until January 2006. The owners insisted on confidentiality until a final agreement was in place. The agreement calls for the payment of an assignment fee of \$4.901 million to be paid by March 1. This fee is non-refundable, and TPL has agreed to pay it providing there is strong support from the Board of Selectmen and the Community Preservation Committee. Mr. Blackett explained there has been a range of discussions going on, but TPL is unwilling to pursue the project if it requires a debt exclusion and override. In the summary of proposed funding, the project will require a \$5.65 million commitment from the Town.

B. Blackett noted that the five existing houses on the property will be sold off separately with between 5 - 10 acres of land. Two of the properties, #33 and #194, are of interest to Groton School. The goal is to derive as much money as possible from the sale of the lots. Fisheries & Wildlife has expressed an interest in Lot 8S; they expect to discuss the possible acquisition at their Land Committee meeting in mid-March. If the purchase is satisfactory, a closing would be scheduled prior to June 30th. The second phase of Fisheries & Wildlife could include the purchase, for \$500,000, of the greenway along the Nashua River, on Lot 8N. Altogether, \$1.5 million could be recognized from the sale to Fisheries & Wildlife. Regarding the possibility of other public funds, Mr. Blackett indicated the state's Clean Waters grant may be another possible source.

The proposed ownership structure is to have Lots 6 and 7 go to the Groton Conservation Trust and Lot 8N to the Town with both parties holding reciprocal conservation restrictions. Mr. Blackett estimated the value of the Town's holdings to be about \$12 million. The developer, Joseph Falzone, has retained a 25' right of way to provide access to three existing lots in Ayer.

Ed McNierney, Chairman of the Groton Conservation Trust, stressed that the plan is constantly evolving and adjusting according to where we can get funding. K. Corwin questioned if it is an all or nothing proposition, and Mr. Blackett said it would be possible to just purchase Lots 6, 7, and 8S. TPL is holding two contracts with Mr. Falzone, and one with the Strachan Trust. TPL will oversee the selling of the houses, and TPL will own the land until conveyed to the Town. A transaction to the Town is exempt which saves about \$17,000 in fees on the \$19.4 million project cost. E. McNierney pointed out the ownership of the land would go where the money is.

E. Owen asked whether there are any other Campbell properties, and Mr. McNierney said all parcels in Ayer and Groton are under agreement, with the exception of a small parcel near the Westford town line. C. Auman thanked Mr. Blackett for coming in to explain the project and also for bringing this opportunity to the Town. He questioned whether there were likely to be any additional costs associated with the project, and B. Blackett responded there could be incremental costs associated with reviews by Town Counsel. TPL has covered the costs of surveys, appraisals, engineering, and due diligence in general. He assured the Commission the issue of environmental hazards has been studied extensively. The title search has revealed no survey or encroachment issues. In response to Mr. Auman's question about how TPL will recover its costs, Mr. Blackett indicated that of the \$2.5 million raised in private funding, approximately one quarter will go to TPL. There are also some support payments from Groton School. In exchange for

the payment of the assignment fee at the closing on March 1, TPL will recover costs on the sale of the house lots.

C. Auman questioned whether there are environmental issues on lots other than 6 and 7, and Mr. Blackett said TPL is conducting a Phase I assessment now, but there have never been orchards located there. In fact, Mr. Falzone tested on Lot 8 for background arsenic levels. Because the land has been in one family, it is unlikely there are hazardous wastes present. The houses are all located in upland portions of the lots. B. Blackett said he felt comfortable with the open space and agricultural use of the land, particularly since the Cadmus report and discussions with Dr. Sundstrom. Mr. Auman asked how fluid the plans are, and Mr. Blackett stated TPL will not make decisions on the use of the land, but it is possible that use decisions could drive private donations out of the project.

(P. Morrison arrived at 7:03 p.m.) Upgrading the road to provide access for uses other than conservation could be costly. Ed McNierney, Chairman of the Groton Conservation Trust, said school projects cannot use CPC funds, and the District would have to buy it with both towns passing a debt exclusion. If 8N is preserved as Town of Groton land, there is strong interest in preserving agricultural uses of Lots 6 and 7. The GCT has tentatively agreed, pending a full Board vote, to work with TPL on the fundraising. Mr. McNierney noted he previously had worked to raise money to build the library addition. In a feasibility study conducted for fundraising for that project, it was apparent residents would not donate money to reduce taxes. They would, however, willingly donate for special projects. He noted that future management of the land is a big responsibility. If the preservation of Lots 6, 7, and 8 is to be achieved, one of the things that may have to be considered is the development of portions of the land. Ed McNierney assured the Commission that if any of the land goes into development, it will happen without GCT involvement. Their involvement will focus on private fundraising. But, in order to make the purchase price, some portions may need to be set aside for development. According to B. Blackett, it is extremely hard to raise funds for limited development from either private sources or from the state. He stated it is TPL's intent that this is entirely conservation-based planning. Any properties that go to the GCT will have a conservation restriction placed on them prior to deeding.

C. Auman pointed out that the negotiations for the preservation of Gibbet Hill involved placing conservation restrictions on other lands to increase the value of the package. Mr. Blackett said that is a nice card to have in reserve, and a conservation restriction on the Town Forest would be a good thing.

P. Morrison said it was his understanding when these discussions first got underway that the Town would own all of the land with the exception of the house lots. He thought the 163 acres in Lots 6 and 7 going to the Groton Conservation Trust was a big change. E. McNierney pointed out the project is driven by where the money is coming in. If Fisheries & Wildlife contributes funds, then they will own 8S. He felt the plan still involved keeping land in agriculture, but the ownership differs. There is strong support for agriculture and having the land owned by a private entity such as the Groton Conservation Trust would make it easier from an operations perspective than if the Town owned the land. Placing the ownership of Lots 6 and 7 with the GCT also makes sense from a sequencing perspective.

Chairman Morrison said many Towns are currently operating multi-year contracts to keep agricultural land in production. He acknowledged that raising money is an enormous effort and long-term management is also a lot of work. Mr. Morrison felt the goal of keeping the land in agricultural uses is extremely important. Mr. McNierney asserted the goal is really to have the Town buy as little as possible, with state and Federal dollars coming into the project. The Town cannot buy all the land and have the Town pay all the money. Fleshing out the issues and calming them down in the next couple of weeks is vital to a successful vote at Town Meeting. B. Blackett recommended dual ownership with reciprocal conservation restrictions, but acknowledged there could be future changes in the actual fee ownership.

(B. Clements left at 7:22 p.m.)

The GCT would possess the largest value of the land while the Town purchase is at 25 ¢ on the dollar. The goal is to put the land into conservation, not necessarily own all of the land. P. Morrison apologized for arriving late and not hearing the full discussion. Ed McNierney said all parties need input from this board too. He stated he was committed to do what we need to do to make this project work. Marian Stoddart noted this is an extraordinary opportunity to work together, and success depends on all of us coming together to make it happen. It would be wonderful to identify other payers, state agencies, grant opportunities to protect our well source, state forests and parks, Self-Help, or APR

funds that might help us raise the funds. She also suggested looking at the Conservation Fund as a possible source of funding. P. Morrison indicated there are other projects on the table for which the Conservation Fund may be necessary. There are also concerns that land maintenance needs to occur, and E. McNierney reminded him that managing the lands in this project is likely to require additional funds for maintenance costs.

Arthur Blackman commented he was so impressed with transparency of this project. He acknowledged the project must evolve in response to public input. "When this project is accomplished," Mr. Blackman stated, "our Town will be in tremendous debt to the people who have put it together." P. Morrison pointed out how visible this project is as opposed to some of the other projects the Conservation Commission has worked on. Rick Muehlke added a general thank you to this board for the time spent on this project and other similar projects. He seconded the feeling about transparency and operational perspectives. K. Corwin said she understood TPL was looking for a vote of support, and B. Blackett said that would move the project forward. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to support the conservation of 360 acres (335 acres with the conveyance of the house lots) of the Campbell/Strachan property.

Badge Blackett promised to e-mail the updated Project Summary to the Commission.

Members advised that any work to install the proposed irrigation well at Groton Residential Gardens within 100 feet of wetlands would require a filing with the Commission. B. Ganem will convey that concern to the Board of Health. K. Corwin reported that the Board of Health cannot reject requests for agricultural wells. It was noted that the Commission may need a formal policy since private wells draw water from the same aquifer as public wells, and the Commission needs to be concerned about possible draining of the certified vernal pool at the site.

Upon a motion by K. Corwin, seconded by M. Giguere and a positive roll call vote of K. Corwin, E. Owen, C. Auman, M. Giguere, and P. Morrison, it was

VOTED: to enter Executive Session for the purpose of discussing a land acquisition to return to Open Session at adjournment.

The meeting temporarily adjourned at 7:40 p.m. and reconvened at 7:55 p.m.

In other business, the Community Preservation Committee is holding a public hearing on February 27th to discuss the Campbell-Strachan Trusts/Trust for Public Land project. It was noted there are some who are advocating for putting some of the land into recreational fields, but there may be a better chance to preserve it as open space. It is estimated that 7 acres would be necessary to provide parking and two playing fields. Affordable housing is another option under discussion. The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 2/28/06