

GROTON CONSERVATION COMMISSION

Minutes

October 23, 2007

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Easom, Holly Estes, Ryan Lambert, and Peter Morrison were present. Member Bruce Clements has resigned, effective October 10, 2007. Conservation Assistant Barbara Ganem was present.

A member of the audience, Wayne Addy, introduced himself and said he was interested in the vacant position on the Conservation Commission. He indicated he had served in Connecticut on the local wetlands board for 18 years, including participating in several court cases. He advocated for negotiation as the chief tool for protecting wetlands. During his tenure on the wetlands board, a local wetlands regulation that included a 250 ft. buffer around vernal pools was put in place.

7:00 p.m. – Appointment – Elizabeth Currier, Personnel Manager

Ms. Currier explained she has recently rolled out an annual performance evaluation program tool for use by individual town departments. The library, personnel board, and senior center all had used different tools, and this consolidates an evaluation program for all town employees. She noted the Conservation Commission has been better than most about regular staff evaluations. Many departments have done them only sporadically because there has been no support system in place. She explained she had presented a workshop for employees who conduct evaluations this past summer. The workshop addressed such issues as areas that need to be developed or areas where an employee performs especially well. She acknowledged it is very difficult to measure performance.

The employee prepares a self-evaluation to reflect on their own performance and developmental goals, and each board member prepares a separate evaluation which is then consolidated by the board chairman and discussed with the employee. P. Morrison asked if there is supposed to be feedback on what occurs next. Ms. Currier recommended the board enter Executive Session to discuss personnel matters. B. Easom stated, "It is my understanding, from the Open Meeting law, that minutes from an Executive Session become part of the public record once the matter is resolved." E. Currier clarified that only certain positions must have their evaluations shared and for everyone else the information is confidential.

Chairman Giguere said he felt comfortable with the process, but pointed out the Commission has recently gone through the process of re-writing the job description and requesting a change of title for B. Ganem. E. Currier noted that there were several other employees in the same position, all of whom were advised to wait until the contract re-opens for discussion which she thought would be in the later part of 2009. She explained that a salary study is necessary to assure employees are adequately paid. Members commented that it is an unfair situation in which an employee is working in excess of their current job description. Ms. Currier said that re-opening the contract could result in challenges from other employees. Only the Board of Selectmen have authority to open the contract in a process called impact bargaining.

B. Easom asked about hiring a second person to reduce the work load. He noted the Community Preservation Committee has recently created a new, intermittent position. E. Currier said we also need to look at resources and look at grades for the position. M. Giguere suggested creating a second new position which has greater responsibilities. The position would be advertized and posted internally. E. Currier acknowledged this might be a way to get around union difficulties. Mr. Giguere asked if she could get back to him about the question. P. Morrison pointed out there is a precedent for establishing a new, formerly non-existent, position. Ms. Currier mentioned there are very serious issues with this year's budget, and she and the Selectmen are trying to work with attrition and may not automatically fill empty positions. Commissioners pointed out they were specifically told to wait to bring this matter forward until after the union was in place.

E. Currier promised to get back to the Commission on this matter and to double check on the timing for re-opening the union contract. C. Auman asked whether she would work through this process for the Commission. Ms. Currier answered that she would look into the question of a second position, but cautioned it would be necessary to go before the Board of Selectmen and the Finance Committee for grades and job descriptions according to existing requirements. She indicated she would get back to Chairman Giguere about this matter by tomorrow or Thursday. The personnel evaluation process is to be completed by January.

In further discussion with potential Commissioner Wayne Addy, P. Morrison asked if he understood the time commitment involved in being on the Commission. Mr. Morrison explained the Commission meets twice a month usually preceded by a Saturday site visit. There are also occasions when a member represents the Commission on or before other town committees or participates in MACC workshops or annual meetings. Mr. Addy said these commitments fell within his expectations of the job. He acknowledged he does have occasions when he must travel out-of-state in relation to his paying job. Members responded to his question about voting in absentia by indicating they did not believe Massachusetts law allowed such voting, but this could be clarified with Town Counsel. In fact, board members may only miss one meeting and still be qualified to vote on a decision in accordance with the recently adopted Mullins rule.

Member Auman asked Mr. Addy how he became interested in serving on the wetlands board, and Mr. Addy responded he felt this was a way to give back to the town and he became a member of the wetlands board basically by default. C. Auman stressed that the Commission must be a strong advocate for protecting natural resources in town and in conserving open space. Mr. Addy noted that protecting wetland buffers requires negotiation skills to put best uses into practice. Chairman Giguere announced he would entertain a motion to recommend the appointment of Mr. Addy, and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to recommend to the Board of Selectmen the appointment of Wayne Addy
as a member of the Conservation Commission.

Mr. Addy said he has an appointment with the Board of Selectmen on November 5th and will forward his resume to the Commission.

7:30 p.m. – Request for an amendment to DEP #169-962/Kiley 601 Lowell Rd.

Attorney Robert Collins, representing homeowner Robert Kiley, explained he was in a unique situation in which his over-zealousness to resolve a situation backfired. In preparing a letter to the Commission outlining the steps which needed to be addressed, he included the need to record an agreement on abandoning the former driveway around the Baddacook well. This step has not been resolved because there are issues that remain with New England Forestry Foundation (NEFF) although all other residents on the driveway are on board. He explained his client has complied with recording the Conservation Restriction and is requesting a Superseding Certificate of Compliance for the construction of the house and septic system from DEP. Mr. Kiley would like to get the construction of the garage underway now while conditions are dry.

Chairman asked if Mr. Collins was suggesting we remove Condition #24 from the original Order. It was noted only a modification of #24 is necessary. P. Morrison offered a motion, seconded by B. Easom, and it was

VOTED: to remove the requirement requiring the applicant to provide NEFF signoff on the common driveway.

The driveway is currently crushed stone, and there are no plans to pave at this time. The driveway goes to the gate at the entry to the NEFF property. Attorney Ray Lyons, who was in the audience, indicated he represented NEFF and he believed there were no intentions to have the driveway made bigger or wider, and he confirmed this is the approximate boundary line between the properties. He acknowledged that the agreement cannot proceed without NEFF's signature, but there is a good chance matters can be resolved in the near future. Francoise Forbes (abutter at 597 Lowell Rd.) said she is looking forward to the time when all the users of the driveway can share the costs of its maintenance.

Continuing with the earlier discussion, P. Morrison made a motion, seconded by C. Auman, and it was

VOTED: to not issue a Certificate of Compliance for the garage until the driveway agreement has been signed by all parties and recorded.

7:45 p.m. Appointment/Ray Lyons

Attorney Lyons explained he has been representing NEFF concerning a house on Baddacook Pond and is exploring ways to permanently protect the eastern shore of Baddacook Pond, a portion of the Wharton Plantation. One method would be to sell water rights to the Groton Water Department. Mr. Lyons distributed a map showing the area associated with water supply and another area that could be subject to a conservation restriction. Two test wells reveal there is a viable water source although the yield is undetermined. Public access and forestry management activities would continue. R. Lyons is meeting with appraisers on Thursday, and he felt it was important to hear from the Commission where this proposal could go.

Mr. Lyons explained this could provide mitigating funds from Town with the chief value being the water rights. Distributing a map of the site, he noted the red line shows a potential easement to the new filtration plant at Baddacook Pond. The blue line would allow maintenance to occur at the water supply well, and R. Lyons suggested that perhaps a deeded public access right could come from Self-Help funds. This would be way to leverage Community Preservation, Conservation Fund, and state funds. He pointed out the Commission may wish to mention this during the discussion on the application for Community Preservation funds at the upcoming Town Meeting continuation.

B. Easom said this type of acquisition would be an approved use of Community Preservation funds. P. Morrison asked whether this could be funded out of the existing Conservation Fund/Community Preservation fund, and B. Easom responded affirmatively. Mr. Lyons acknowledged that approximately half of the 55 – 60 acres under discussion were wetlands, and 10 – 12 acres was upland. M. Giguere questioned whether there are state funds available to purchase water rights. Tom Orcutt cautioned that these monies cannot be used to fund the acquisition of Zone I land. R. Lyons said he needs to know which values to emphasize in order to gain more funds as leverage. The appraisal will be based on the best price value.

M. Giguere questioned whether the Commission needs to be involved with the appraisal. It was noted that two appraisals are typically necessary for Community Preservation or state funds. B. Easom said any legitimate cost associated with the acquisition of open space is eligible for Community Preservation funds. The submitted map does not show additional protected areas around Baddacook Pond, and Mr. Lyons told the Commission that perhaps 3/4s of the pond shore line is protected in one way or another.

B. Easom asked what kind of time frame we are talking about, and Mr. Lyons said he thought the appraisals could take two to four months, so he would expect late February. Member Auman asked what kind of motivation NEFF has since this is a conservation organization. It seems to involve a financial obligation for land purchased in Maine. R. Lyons indicated he understood the question relative to land which should be considered protected already. Mr. Auman reiterated why the Town is now being asked to pay for a conservation restriction. He commented the wetlands may serve as a protective tool for the parcel, but why should the Town pay for a CR on wetlands. Mr. Lyons pointed out the state likes to run numbers on how many acres were saved, and this statement is always part of the equation when legislators are considering future funding.

Mr. Auman pointed out Wharton Plantation is 700 acres and inquired whether this is just a beginning nibble. Mr. Lyons stated that NEFF has made good progress in paying down the mortgage on the parcel. It was originally appraised at \$11 million when Wharton Plantation was mortgaged. He maintained that NEFF does not want to see the land developed as they would never get another donation. Relative to the water rights, however, this would provide a protected area along Baddacook Pond if catastrophe should strike. B. Easom said it appears to be mostly wetland and unbuildable so he would anticipate the appraisal will be fairly modest.

P. Morrison pointed out there is at least one house that could be built. B. Easom said he would like to see the language of the water easement established before we acquire a conservation restriction. R. Lambert said it's important to just

find out what is on the ground. H. Estes questioned whether there is an upland approach to gain access to the proposed well site. She also asked if there is enough upland for a well site. Mr. Lyons maintained there is an esker with dry land from Rocky Hill Road to the well site.

T. Orcutt said the Water Department has no funds to utilize for matching purposes, but they are willing to prepare the application to the state if matching funds could be made available. Rather than the proposed 100-foot buffer to the wetlands, they would prefer to see a 200-foot buffer maintained. It was noted that how much land we acquire will be according to how much we can afford. He indicated the pump tests were done about eight years ago, and it does appear to be a viable site. It is in the Merrimack River basin, however, and the Town will be hard pressed to get it unless we have explored all other sites in the Nashua River basin. It is a good site to be able to add to the water supply equation in the future. In general, there is a 400 ft. arc that encircles the Zone I for a public water supply well. Part of that arc would be within Baddacook Pond, and questions arose as to whether motor boats can be restricted on a Great Pond. Mr. Orcutt said we can't control that. There are likely to be limitations on how much water can be pumped from a given water source, and one way to manage this is to alternate pumping from different wells on different days.

C. Auman clarified that we are looking, at a minimum, to water rights and no future structures. He suggested preparing a cost/benefit analysis on protection of the shore line. Mr. Lyons asserted that 2/3's of the shore line is upland even though there are considerable wetlands at the back of the shore frontage. C. Auman asked how many upland developable lots are there. Mr. Lyons explained there are 183 acres with a mile of road frontage on this side of Wharton Plantation. He noted funding is needed for a second appraisal. P. Morrison said he is coming away with two basic points –we can use money from the Community Preservation funds voted at the upcoming Town Meeting which does have some restrictions, i.e., can't pay for equipment or signage, but it is possible to use 'old' Conservation Funds for maintenance. There are no additional funds coming in within that category however. He noted the utility of that money is very different. R. Lyons said this could be managed in the discussion at Town Meeting. P. Morrison said there are two or three other possibilities that the Commission is also considering, one of which was appraised at \$10 million years ago, another we are in the middle of negotiations, and one we are watching. This would be an additional project. Mr. Lyons indicated NEFF does not necessarily need a check tomorrow, and payments could be pushed out for a while.

C. Auman thought it premature to pay for an appraisal because we have no sense of the value of the property and no idea of its affordability. Mr. Auman asked the intent of the individual who donated the property. Mr. Lyons said Billy Wharton assembled this land from many parcels, many of which were in an early successional state due to a fire. He and several others studied what the Germans were doing to manage their forests, and attempted to create a similar system here using good forestry management techniques that would create income and maintain a healthy forest that sustains itself through management through the 1940's and 1950's. The NEFF Board of Directors comes from all over New England and made the decision that this was a very good project in Maine and worth the costs associated with a mortgage. Mr. Lyons added the Town of Groton would not have to worry about water supply if this conservation restriction is in place.

Mr. Auman said he was disappointed to learn that the NEFF land isn't already protected and that the citizens of Groton are now being asked to put up funds to protect it. Won't this lack of protection of NEFF land discourage people from donating money or land to NEFF in the future? P. Morrison pointed out when the Town was looking for a site for the new high school, Wharton Plantation was one of the parcels investigated, so it is not beyond reason that we could have gone in that direction. The Groton Conservation Trust buys land and may develop a portion in order to protect the remainder. B. Easom noted the land is owned by a non-profit organization, but from a legal point of view, its future direction depends upon what their Board of Directors decides. R. Lyons said this is true of most non-profits, such as MassAudubon or Groton Conservation Trust. Mr. Lyons thanked the Commission for the opportunity to speak to them and also pointed out this kind of arrangement gets the best bang for the buck.

Water Superintendent Tom Orcutt acknowledged there seemed to be some confusion about the article coming up on the Town Meeting warrant, and he would like to clarify the language. After reading the proposed Article 9 (see attached), Mr. Orcutt told the Commission they would have to be satisfied with the language of the conservation restriction before going to the Selectmen for the presentation to the state legislature. He stated the Board of Water Commissioners would never bring the document forward without the consent of the Conservation Commission. P. Morrison said he did

not have a problem with the language of Article 9 as it currently stands.

It was noted the article does not state we will have an agreement about the management of Zone I in place. B. Easom commented the Commission was asked, last night, to take a vote to authorize the transfer of control of the property to the Water Department under certain conditions. A unanimous vote was necessary in order to do this. He stated he supported the idea in general, but getting into the mechanics of transferring control of this parcel to the Water Department created difficulties for him. We talked about conditions under which this would occur, but there was concern that we were voting to authorize a bargaining process that neither the Groton Conservation Commission nor the Water Department had agreed to. Mr. Orcutt said, it took the West Groton Water District three months to hammer out an agreement to proceed with the transfer of a portion of the Town Forest before going to the Selectmen. The process takes time, but in order to begin the process, the Conservation Commission must take a vote.

B. Easom questioned whether this has to be a majority or a unanimous vote to even begin the Article 97 process. B. Ganem reported Town Counsel has advised this vote be unanimous. B. Easom said he would be comfortable voting tonight based on a condition that this board is given an opportunity to vote unanimously once negotiations are completed. It was noted, however, that a majority vote is required for the agreement.

Water Commissioner Gary Hoglund said we cannot begin discussion about the perimeter of the site. He pointed out the Water Department has invested \$200,000 to investigate Torrey Woods as a water supply site and needs to lock the site in now. It is necessary to move the steps along to get it registered with the state. It was noted that 15 – 20 years out, DEP requirements may change. B. Easom said this does not appear binding on either of us. T. Orcutt agreed it has to be broad, but the chief thing is the understanding between parties. T. Orcutt said he has listed several talking points which will have to be addressed in the agreement. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: that the Groton Conservation Commission supports Article 9 as proposed on the October 22, 2007 Town Warrant.

All voted in favor with no abstentions.

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

VOTED: to approve the minutes of October 9, 2007 as amended.

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

VOTED: to approve the minutes of October 22, 2007 as drafted.

Members H. Estes and C. Auman abstained from the vote.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve and issue the special conditions for 70 Hayden Rd. DEP #169-986 under the Wetlands Protection Act.

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

VOTED: to approve and issue the special conditions for 70 Hayden Rd. DEP #169-986 under the Wetlands Protection Bylaw.

In discussion on conditions at 60 Boston Road, Commissioners questioned whether a fine should be issued for the stockpile of stone in the wetland and wetland buffer. P. Morrison made a motion, seconded by R. Lambert, to approve the draft special conditions for 60 Boston Rd. Commissioners felt that any snow in excess of what could be stored in the snow storage area should be removed from the site. It was noted there could be public safety issues if the snow stockpile grows too high.

Member Auman pointed out there are two documents which the Commission needs to consider: 1) a draft denial and 2) a draft approval of the proposed project. He felt that members need to understand there are options. Chairman Giguere said a case could be made for denying the project on the basis of water quality issues. Member Estes noted she is unfamiliar with the process for denying a project. A project can be denied on the basis of insufficient information, in which case the Commission must enumerate the missing items or it can be denied because it is impossible to condition the project to assure that the natural resources are protected. P. Morrison also pointed out the Commission needs to do something under the local Wetlands Bylaw. C. Auman suggested another way of looking at it is what the applicant can do differently, such as reduce density. The site will have multiple trucks with potential oil issues, as well as roofing materials. The applicant's consultant maintains that the proposed plan improves on what is there now. Some of the wetland area has previously been mowed as a lawn. There has been a change of use in that the roofing business is far more intense than the previous business that occupied the site.

B. Ganem confirmed that the project meets the stormwater standards set DEP. R. Lambert questioned what will happen at the site if the project is denied. The applicant is left with the choice of appealing the decision or re-submitting a revised plan. They would have to delay any site improvements until they have a permit in hand. B. Ganem mentioned the Board of Health order for the applicant to hook up with Town sewer because of the failed septic system. A denial would prevent this from happening unless the Commission chooses to approve one part of the project while denying the other. Chairman Giguere acknowledged it is a high bar to prove it is a water quality issue. DEP may or may not incorporate our conditions into a Superseding Order of Conditions. P. Morrison cautioned that there is no guarantee that our concerns will be addressed in a SOOC.

In general, members agreed that the density of the site is of grave concern, but this is not one of the standards which DEP upholds. P. Morrison suggested issuing an Order with a requirement for weekly monitoring reports. He then added B. Ganem could be authorized to take whatever enforcement steps are necessary to gain compliance. C. Auman read from the preface to the 2005 WPA regulation changes on buffer zones:

“Since the buffer zone was adopted as a regulatory mechanism in 1983, research on the functions of buffer zones and their role in wetlands protection has clearly established that buffer zones play an important role in preservation of the physical, chemical and biological characteristics of the adjacent resource area. Although jurisdiction over work in the buffer zone remains contingent upon a conclusion by the issuing authority that work near resource areas will result in their alteration, review of work in the buffer zone is likely to contribute to the protection of the interests of the Act. The potential for adverse impacts to resource areas from work in the buffer zone increases with the extent of the work and the proximity to the resource area.

Extensive work in the inner portion of the buffer zone, particularly clearing of natural vegetation and soil disturbance is likely to alter the physical characteristics of resource areas by changing their soil composition, topography, hydrology, temperature, and the amount of light received. Soil and water chemistry within resource areas may be adversely affected by work in the buffer zone. Alterations to biological conditions in adjacent resource areas may include changes in plant community composition and structure, invertebrate and vertebrate biomass and species composition, and nutrient cycling. These alterations from work in the buffer zone can occur through the disruption and erosion of soil, loss of shading, reduction in nutrient inputs, and changes in litter and soil composition that filters runoff, serving to attenuate pollutants and sustain wildlife habitat within resource areas.”

Member Auman pointed out this project has gone from an area formerly treated as lawn to an almost completely impervious surface. B. Easom recommended the findings section be expanded to explain the extraordinary nature of this filing, particularly its proximity to the BVW, the amount of activities clustered in a small area, and the high intensity use of the site. Returning to Mr. Morrison's motion, seconded by R. Lambert, it was

VOTED: to approve and issue the special conditions under the Wetlands Protection Act for DEP #169-974 for 60 Boston Road with the addition of Condition #13 from the Bylaw Special Conditions.

The motion carried with members Morrison, Lambert, Easom, and Estes voting in favor, and Auman and Giguere voting in opposition.

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

VOTED: to approve and issue special conditions under DEP #169-974 for 60 Boston Rd., with the modification of Condition #13 to required the removal from the site of snow that exceeds the area of the designated snow stockpile.

The motion passed, with P. Morrison, R. Lambert, B. Easom, and H. Estes voting in favor, and M. Giguere and C. Auman voting in the negative.

In discussion on issuing fines for the violation that has already occurred, P. Morrison made a motion, seconded by R. Lambert, and it was

VOTED: to issue an Enforcement Order to Patricia Hughes-Ortiz, applicant for 60 Boston Rd., to stop work until the Order of Conditions is issued and recorded.

With the Enforcement Order, the Commission will issue a \$50 fine for the violation. In addition, the fine structure laid out in the Bylaw Regulations will be included.

Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to issue a \$50 fine and a copy of the Regulation fine schedule to Patricia Hughes-Ortiz.

In other business, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve a three-year Extension for DEP #169-641 for the annual replacement and removal of boards in the dam belonging to Hollingsworth & Vose.

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

VOTED: to approve a three-year Extension for DEP #169-904 for Sargisson Beach.

M. Giguere and B. Ganem will meet with Jeff Ritter and Dr. Bill Eger on October 31 at 10 a.m. to discuss the status of the Great Pond designation in relation to Knops Pond/Lost Lake. Over time lakefront residents have received mixed messages about the status of the pond as apparently former state representative Augusta Hornblower sent letters to shorefront residents stating it was not a Great Pond at the time she owned a home on the lake. It appears the lake is better protected having the 'Great Pond' designation. This was how the Town got funding in the 1980's to do the feasibility study at the lake. B. Easom questioned whether Ch. 91 reduces the Commission's authority, and members thought not, although it may confuse the issue. B. Easom said he could attend the October 31st meeting, but would like a clear mandate from members about the Commission's position relative to the Great Pond designation. P. Morrison suggested the Commission affirm that Knops Pond/Lost Lake is a Great Pond. Members added that the Commission does not support the effort to change the designation of Knops Pond/Lost Lake as a Great Pond. P. Morrison withdrew the original motion. Upon a motion by H. Estes, seconded by B. Easom, it was

VOTED: to support the state's designation of Knops Pond/Lost Lake as a Great Pond.

P. Morrison abstained from the vote.

Bruce Dubey has reported to the Commission that there are issues with abutters dumping landscape debris and grass clippings in the Eliades Conservation Area. This complicates the mowing of the areas and actually resulted in damage

to his equipment. Commissioners agreed to send a letter to abutters warning that this type of encroachment costs the Commission and the Town additional money for repairs.

Commissioners agreed to raise the legal notice publication fee from \$25 to \$30 to reflect the increase in costs passed on to the Commission to place the legal notices in the *Groton Herald*.

B. Ganem explained that improvements in the form of a new roof and siding have taken place at the barn opposite 155 Indian Hill Road. The new owner has been verbally informed of the need to file a Request for Determination of Applicability and has not followed through. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to send a letter to the owner requiring the filing of a Request for Determination of Applicability.

In 2004 the Commission issued an Enforcement Order to Andrew Rosenberger for excavation of a new channel for James Brook to bypass an area flooded by beavers. He was asked to file a Notice of Intent to repair the work and failed to do so. An old cart path has been recently restored, presumably with a culvert to allow the flow of James Brook. Commissioners agreed that the problem cannot be ignored as flooding could result on adjacent properties. B. Ganem indicated she thought the farm is now being managed by the King family from Townsend, and she will contact them to further discuss the matter with the Commission.

B. Ganem asked the Commission how they would like Mr. Elliott to handle the violation that has occurred at 35 Common St. Members agreed the wetland should be fully delineated, and a wetland scientist should prepare a detailed plan for how and when the disturbed area should be restored. The pole barn cannot even be considered until this is resolved.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended November 13, 2007.

Excerpt from October 22, 2007 Town Meeting Warrant follows:

ARTICLE 8: ADOPT AND ACCEPT TOWN CHARTER

To see if the Town will vote to:

- 1) approve and adopt the proposed Town Charter that is set forth in Appendix A to this warrant; and
- 2) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to place on the ballot of the next regularly scheduled municipal election a question regarding adoption of the proposed Charter; and
- 3) authorize and empower the Board of Selectmen to appoint a Town Manager pursuant to General Laws Chapter 41, Section 108N, subject to approval of the General Court, and a majority vote on the ballot question regarding adoption of the proposed Charter.

Or take any action thereon.

Sponsored By: BOARD OF SELECTMEN

Board of Selectmen: Recommendation – 5 Support

Finance Committee: Recommendation – 6 at Town Meeting

Summary: This article would create a Town Manager form of government for Groton. The charter, once approved at this Town Meeting, would be sent to the state legislature for its approval as a ‘special act’. It would then be placed on the ballot at the next subsequent town election and would only be implemented with voter approval. The substance of the reforms proposed by the charter is that the day to day administration and management of town government would be performed by a Town Manager who would be reportable to the Board of Selectmen. This would replace our present form of governance where multiple boards and committees are responsible for the daily operation of town government. The Proposed Charter can be found in Appendix A.

ARTICLE 9: TORREY WOODS CONSERVATION AREA

To see if the Town will vote to authorize the Board of Water Commissioners to enter into an agreement with the Conservation Commission to utilize a portion of Torrey Woods Conservation Area, Map 231 – Parcel 94 – Lot 0 and a portion of the Sawtell Drive Conservation Area located on MAP 232 – Parcel 9- Lot 0 as a municipal drinking water resource and to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts under Article 97 of the Amendments to the Massachusetts Constitution for any special legislation necessary therefor, or take any action thereon.

Sponsored By: BOARD OF WATER COMMISSIONERS

Board of Selectmen: Recommendation – 5 at Town Meeting

Finance Committee: Recommendation – No Position

Summary: Passage of this article and the related special legislation will permit the Groton Water Department to place a municipal drinking water well on a parcel(s) of land under the management and control of the Groton Conservation Commission. The Water Department will manage the Zone I area of approximately 12.4 acres +/- as identified under Department of Environmental Protection regulations at 310 CMR 22.00.