

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

January 24, 2009

Chairman Marshall Giguere called the meeting to order at 8:00 a.m. in the mail room in Town Hall. Members Wayne Addy, Craig Auman, Bruce Easom, and Ryan Lambert were present. Members Peter Morrison and David Pitkin were absent. Conservation Assistant Barbara Ganem was also present.

Former member Kris Corwin covered several issues involved with the proposed revisions to the Guidance for Certification of Vernal Pools. A draft comment letter was sent to members via email prior to the meeting. Member Easom commented the letter should include an observation about the potential consequences of implementing these revisions i.e., the destruction of wetland resources in the Commonwealth over time. He noted that the loss of wetlands led to the serious consequences experienced by New Orleans during Katrina. C. Auman added that he would like to express the Commission's disappointment that they are going in the direction of weakening the regulations, not strengthening them. He pointed out Commissions are left with the job of handling the impacts and effects since it will be our responsibility to regulate and enforce these changes. Commissioners are aware, from personal experiences, that the 100 ft. buffer is inadequate to protect these creatures. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to authorize B. Ganem to send a comment letter, with the above additions, to Natural Heritage on the proposed revisions to the Guidance for Certification of Vernal Pools.

M. Giguere thanked B. Ganem for attending a Community Preservation Committee meeting on the initial feasibility study prepared on the Nashua Rd. property owned by the Groton Housing Authority. He noted he had told them during the meetings on the Mattbob property of the need to file an Abbreviated Notice of Resource Area Delineation to gain an understanding of the wetland resources on the site. This is the parcel that abuts the Sampas property.

B. Easom reported he attended the LAND grant application workshop in Boston on January 21<sup>st</sup>. There were ten other potential applicants, as well as Robert O'Connor, Director of the Division of Conservation Services, and staff member Celia Reichel. One of the points they emphasized during the presentation is that qualified applicants should have no outstanding land conversion issues. The status of the Unkety well may have an impact there. Such items as a title search, title certification, recording costs, and a survey may be included in the costs of the project, but only if they are incurred after the contract with the state is signed. The appraisal costs do not qualify. The monies received through a LAND grant, unless specifically reimbursed to the Conservation Fund in the town meeting article, would go to the general municipal fund. A notice must be placed in the Central Register 30 days prior to closing on the property. Town Counsel, however, advises that the public notice should appear prior to entering into any binding agreement, such as a Purchase and Sale agreement. Before reimbursement occurs, the Town must have signage and

a management plan for the property. There must be reasonable accommodation for people with disabilities.

The application itself is due March 12<sup>th</sup> with the awards expected around mid-April. It is anticipated that closings will occur by mid-May, but the deal definitely has to be concluded prior to June 30<sup>th</sup>. There are questions about whether another warrant article is necessary, and DCS staff is checking on this. According to Mr. O'Connor and Ms. Reichel, there is a couple of million or more in the LAND grant fund. This could increase if projects in the earlier grant round fall through. There is clearly a tight time line in which to get the project done.

A draft Purchase and Sale agreement was previously emailed to members, and this will be discussed at the Tuesday meeting. The source of the LAND grant is from revenue generated by a 30-year bond. Some of the short term budgeting concerns which the state is currently experiencing are tied into budget line items. C. Auman observed it is good to have a presence at these workshops as it demonstrates our interest in having the project funded.

In other business, members noted the Jenkins Rd. affordable housing project has been withdrawn due to the economy. There may be interest on the part of the Town to buy the land if the developer is willing.

M. Giguere asked about the possibility of Community Preservation funding for a basketball court in light of the recent court decision on improvements to a park in Newton. B. Easom said the difference seems to be new recreation vs. refurbishing, with the former case being an allowed use of CPC funds. Chairman Giguere also noted we need to check out the Groton Town Charter to see whether it is the Town Manager, Selectmen, or the Conservation Commission who has final say on the management of conservation lands. A case in Foxborough was recently decided in favor of the Selectmen, and the most recent issue of the MACC newsletter has an article by Alexandra Dawson on the matter. Changes to the Charter are likely to take a Town Meeting vote as well as that of the legislature. B. Easom thought this was most likely a problem that related to cities. C. Auman felt the question should be discussed with Town Counsel before bringing it to the attention of the Town Manager or Selectmen because an amendment may not be necessary.

There being no further business, the meeting was adjourned at 8:33 a.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 1/27/09.**

