

GROTON CONSERVATION COMMISSION

Open Session Minutes

September 22, 2009

Chairman Bruce Easom called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, Ryan Lambert, Peter Morrison, and David Pitkin were present. Member Wayne Addy was absent. Conservation Administrator Barbara Ganem was present.

Chairman B. Easom explained he had previously met with Town Manager Mark Haddad to discuss the reorganization of the Land Use Departments, and questions were raised by members of the Commission. Both Mr. Haddad and Land Use Director/Town Planner Michelle Collette were present to discuss the reorganization. M. Haddad stressed that the Commission's general operations will not change, and its statutory responsibilities will remain the same. The purpose of the reorganization is more information sharing, improved communications, and providing better customer service. The Form of Intent has been introduced as the mechanism to accomplish these goals. M. Haddad said he appreciated this opportunity to appear before the Commission to discuss the reorganization proposal. He explained the Selectmen would continue to appoint Commissioners. He does not anticipate any change as a result of the modifications to the Charter at the upcoming Town Meeting, but the committees which the Selectmen appoint will be specified, including the Commission.

Mr. Haddad said he foresees no change in the way B. Ganem reports to the Commission. The Land Use Director/Town Planner will report to the Town Manager, but will continue the current relationship with the Planning Board for policy direction. In addition there will be more interaction with all other land use boards. The current bimonthly Land Use Department meetings will continue. M. Haddad stated the reorganization will offer improved communication. Should B. Ganem resign, the Commission will participate in the hiring process, but the final decision will be the Town Manager's with ratification by the Selectmen. M. Collette will sign off on B. Ganem's payroll and will review the Commission budget prepared by B. Ganem. Mr. Haddad commented that the budget will be divided differently this year – the Department of Public Works and the Land Use Departments – but he anticipates a similar meeting between the Finance Committee and individual departments as occurred last year.

The Commission will continue to sign off on Commission expenses, manage conservation land, oversee the development and implementation of the Open Space & Recreation Plan, manage the Conservation Fund, and apply for grants to acquire interest in conservation land. Town Manager Haddad underscored that the reorganization step is important for the Town and expressed the hope that this discussion will alleviate Commission concerns. He noted the duties and responsibilities of the Conservation Administrator were agreed upon in the new job description approved in the spring. Member M. Giguere questioned whether the Commission would have a veto in the hiring process, and M. Haddad replied he has the final authority, but the Selectmen have veto power. He stressed that he has included staff and board members in the hiring process for a new Human Resources Director, and he would certainly work in concert with the Commission.

Member Morrison, acknowledging Mr. Haddad's previous statement that there would be no change in the Commission's statutory authority, questioned the future management of conservation land. The

deeds for some lands do not always specify that the land is to be under the care and custody of the Conservation Commission. M. Collette thought this was probably covered under the legislation forming Conservation Commissions in the state. C. Auman thanked Mr. Haddad for updating the job description for B. Ganem, and M. Collette noted it was long overdue. Mr. Auman cautioned that people can be unhappy with a Commission decision or propose lobbying the Commission, and Ms. Collette pointed out there is an appeal process through DEP or to the court in the case of the Bylaw. She anticipates that the day-to-day work will continue as in the past, but the process will be improved across the different departments.

R. Lambert thanked Mr. Haddad and Ms. Collette for the clarifications. M. Collette said that the intention is to use this as a real opportunity for coordination of services. She explained an in-service training component has recently been added to the Land Use Department meetings. Attorney Bob Collins recently spoke on the subject of non-conforming lots of record, and she has asked engineer Dan Wolfe to do a presentation on Title 5 at the October 7th meeting. The goal is to reach out to professionals in Groton to learn more about the responsibilities of the various departments. Ms. Collette also noted the Land Use Assistant will provide support that is invaluable, including copying, sending out legal notices, and handling phone calls.

7:15 p.m. – 54 Ridgewood Ave. NOI

Engineer Brian Thorne of GPR Associates submitted the green cards for abutter notification. He noted the Commission previously approved an Order of Conditions for this property in June 2008, at which time the applicant had mentioned his intention to return with plans for the boathouse on the south side of the lot. Part of the south lot will have pervious pavers which will help stabilize the slope and control erosion. The boathouse is intended to be open with a lift. A series of retaining walls and stairs are interconnected with a landing at the bottom of the slope. The retaining walls are set back from the mean high water line to allow general public across the shore line. A table outlining the foot by foot compensatory flood storage is provided in the NOI, and it shows 125 cubic feet of fill will be replaced with 139 cubic feet of storage.

Natural Heritage has indicated the applicant will need to file under the Massachusetts Endangered Species Act. An additional component of the plan is to enhance a parking area at the top of the slope, in addition to the one already shown on the septic plans for the north lot. A portion of the stone retaining wall at the top of the slope will be replaced to accomplish this. Also on the north lot, a series of granite steps will lead down to a 10 ft. x 12 ft. dock on fixed helical piers. These are 2.5" hand-augered piers which will be installed during drawdown, the preferred method.

Regarding the construction sequence, Mr. Thorne indicated they plan to work from the waterfront back. A dumpster will be placed at the site for demolition of the house and boathouse, and silt fencing will be installed before both the demo and tree removal occurs. The shore line and terraced area will be stabilized, and a second line of erosion controls will be installed. The terraced area will act as a detention area. The boathouse, shed, and deck will be constructed, and the HDP pipes will handle roof runoff as proposed in the earlier filing. B. Thorne estimated ~500 SF will be disturbed by the project. He acknowledged DEP has advised a wildlife habitat study is triggered by the amount of bank disturbed by the project. DEP has also suggested bioengineering as an option, and GPR has contacted an environmental consultant on this matter. The bank is severely undercut in several locations, but there may be an option to shrink the area of impact.

Jay Webster of Arbor Solutions submitted a plan showing the plant list and mapping of the trees to be removed due to decay or structural weaknesses. Obviously those trees within the footprint of the house and dock will be removed as well as those that could be damaged by digging. These trees will be replaced with trees more structurally sound and functioning at optimal capacity. Mr. Webster said they intend to increase the under story plantings, replacing those removed with species observed in the area. The wall constructed as part of the septic system will be softened with plantings that will also improve the buffer next to the lake.

While understanding the goal is to replace diseased or damaged trees with more desirable stock, C. Auman said the planting plan should show what trees/shrubs you plan to put where. Mr. Webster said the re-planting would increase the filtering capacity of the buffer zone. Mr. Auman said he was encouraged that the applicant was considering something more environmentally friendly. B. Thorne asserted it is necessary to achieve a balance in the work on the entire slope. D. Pitkin asked whether the old Order of Conditions would be left open, and B. Thorne said most of the work has been incorporated into this new Notice of Intent which includes details on the construction sequence. This is actually the third filing for this property, with the first one being for the septic system and the second one for the house.

A crane will be used for tree removal and only those stumps that interfere with construction, i.e., along the waterfront, will be removed. Mr. Thorne agreed to provide a 11' x 17' plan of compensatory flood storage. B. Ganem advised that the filing fee should be re-visited in view of the linear feet of alteration within Land Under Water. In addition to the flood storage plan, B. Thorne said they would prepare a filing with MESA, planting plan, check on the filing fees, prepare a wildlife habitat study, and look into the appropriateness of bioengineering techniques at the site. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing to October 13, 2009 for DEP#169-1026.

Robert Anctil, attorney for Michael McCarthy of 65 Island Pond Rd. was present to discuss his client's construction of a house with no permits or approvals from any departments or boards. He indicated it is his intention to file as though the building is being proposed rather than already built, with the understanding that there are no guarantees that approvals will be granted for any of the structures. One of the first steps is to have the well tested, and that has been done. Deep hole testing will also be done. Mr. Anctil explained that he is introducing himself to each of the boards from which permits will be requested. It is likely they will pursue something like a common driveway with a conservation restriction on a portion of the property. A Notice of Intent will be filed for the second house on the same lot. He indicated that he understood that fines may be associated with the process for obtaining permits.

R. Anctil assured the Commission he is very familiar with the Wetlands Kit for applicants before the Commission. One of the first steps will be to get Building Commissioner Bentley Herget out to the site to do a rough framing inspection, as well as electrical inspection. The next step would be to go before the Planning Board for a lot line determination and then to return to the Commission with a filing. C. Auman noted that an up-to-date survey plan should include such features as retaining walls, driveways, utility poles, sheds, fire pits, houses, garages, etc. He regarded this as a significant violation with work within 100 ft. of wetlands and read the enforcement section (Section 215-11.) of the Groton Wetlands Protection Bylaw. Mr. Auman stated, for the record, that this is a very serious offence, and Mr. Anctil responded "We understand that."

D. Pitkin questioned the time line for filing, and Mr. Anctil said the first step is getting Mr. Herget out to the property, and his client wishes to avoid litigation. He explained Mr. McCarthy already has a home on the property on which some work has been done, and he thought that building permits were properly obtained. The builder died during the construction process. While acknowledging numerous trades worked on the project, R. Anctil had no idea why permits were not pulled. On an informal basis, he said he understood that fines and penalties will be assessed. He maintained that this is a perfectly good structure, and he thought a conservation restriction on a portion of the land is of some value to the Town.

Mr. Pitkin asked if he could provide a date by which the Commission will see him again. Mr. Anctil responded that survey work and hiring an engineer will occur within several weeks. Meanwhile, he noted his client cannot occupy the structure, and the power is shut off. There is to be no habitable use of the property. He estimated it would take 60 to 90 days to get the survey to the Planning Board, and he anticipated returning in the spring. Mr. Anctil said he and Town Counsel are working on the issues.

M. Giguere said he, too, regarded this as an extremely serious violation. He questioned whether there has been any damage, particularly erosion, to the resource areas. P. Morrison inquired about the status of the Ch. 91 filing. B. Ganem said work on the main house, including the deck and dock, as well as tree cutting and the garage are likely to fall under the Commission's jurisdiction. Commissioners recommended the filing of an after-the-fact Notice of Intent to cover all the work done within the 100-ft. buffer. Mr. Anctil said it is a large parcel of land, and he will follow up on the survey work showing existing conditions. He suggested the Commission may want to amend the Building Inspector's order. P. Morrison advised that he make sure the site is stable and remains stable. He noted that having an Enforcement Order in place gives the Commission an avenue to pursue and allows members to visit the site. Mr. Anctil said a letter could be written to his client. An Enforcement Order would be an intermediate step in getting the Notice of Intent filed. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to issue an Enforcement Order for 65 Island Pond Rd. requiring the filing of a Notice of Intent and that the site remain in a stable condition until an Order of Conditions is issued.

The vote was unanimous. A fine may be levied at the time the NOI is filed. Enforcement action does increase filing fees, and there is a chance the Commission could require that the site be restored to original conditions (remove home). B. Easom asked the Commission's expectation regarding the timing. R. Anctil said there are two different issues, getting the property surveyed and identifying the work you want us to do. P. Morrison estimated 120 days was a reasonable time in which to submit the NOI. M. Giguere said he would like to see pre- and post-conditions in the NOI. Mr. Anctil said that will be difficult and asked if the site appeared stable in the interim. B. Easom replied that there is an area under the deck which seems to be eroding. He recommended stabilizing it with gravel that is large enough to not be washed away by rain.

7:45 p.m. – 7 Little Hollow Lane NOI DEP#169-1025 continuation

Engineer Jack Visniewski of Cornerstone Land Consultants reported he has submitted updated plans showing that the fence has been moved forward on top of the wetland markers, as well as the dimensions of the underground propane tank and a planting list for the vegetated areas. He noted that

8 conservation markers will be installed on the fence line itself. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for DEP#169-1025.

8:00 p.m. – 24 Island Pond Rd. NOI DEP#169-1021 continuation

Homeowner Andrew Jenner explained the plan has been revised to show that the southwest corner of the lot will be re-graded to include a set of stairs. The elevation in front of the garage door is 89.8 ft., and he plans to have a fieldstone wall to support the stairs. He wants to avoid over-exposing the sunroom foundation, and the stairs will add 2 ft. of elevation between the 2 terraces. Mr. Jenner said that the entire .93 acre is in the Riverfront Area, and he estimates 2,300 SF or 5.7% of the overall lot will be disturbed by the project. He also thought about 70 yards of fill will be required because portions of the yard will actually have to be excavated. He was not sure whether the 70 yards would be net or gross.

C. Auman noted that redevelopment of the Riverfront Area calls for some improvements to the environment. Mr. Jenner explained the proposed retaining wall has been pulled 5 ft. back into the yard, and that area will be allowed to grow back into natural habitat. Commissioners observed that rain falling from the house eaves was causing some erosion of soils and also advised Mr. Jenner of the need to file a Form of Intent so that the project can be reviewed in a coordinated manner by Town departments. B. Easom questioned whether A. Jenner would be willing to install conservation markers to delimit the area of disturbance.

Resident Sean Gaines (16 Island Pond Rd.) said Mr. Jenner has impressed him as making every effort to protect the land. P. Morrison said the only issue seems to be the net vs. the gross amount of fill, but members thought this could be addressed in the Order of Conditions. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP#169-1021.

8:15 p.m. – 55 Wenuchas Tr. NOI DEP#169-1024 continuation

Surveyor Stan Dillis said he has considered the question of compensatory floodplain storage and put together a plan. In addition Oxbow Associates will be preparing a wildlife study as the Commission previously requested. M. Giguere mentioned that it is also appropriate to file a Form of Intent for housekeeping purposes. Members questioned whether bioengineering techniques could be used along the shore as this would provide better habitat. Mr. Dillis said it is not a stacked block retaining wall, but Oxbow will comment. C. Auman stressed that he would not want to see the entire retaining wall moved further into the lake, and S. Dillis replied it would be moved out the width of the stones.

Attorney Ray Lyons, who represents Mr. May, said this is not a natural bowl of water. Commissioners pointed out it not good practice to encourage further encroachment into the lake. Mr. Lyons maintained it is clear that some of the soils around trees have washed out over the years due to wave action. Questions arose as to whether there should be 1:1 compensation and movement back to the original bank. B. Easom thought the Commission had made a previous decision about the undercut portion of the bank not counting toward compensatory storage. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing to October 13, 2009.

8:30 p.m. – Island Pond Rd./Baker NOI DEP#169-1007 continuation

Attorney Bob Collins noted there had been discussion at the last hearing about the advisability of a less intrusive house location for the abutter. The re-located house is within an area that will be disrupted anyway. The proponents have submitted a letter from Scott Smyers responding to David Black's comments. Surveyor Stan Dillis said he understood the Commission has not had time to go over the comments. He explained that the house was formerly outside of the 200 foot Riverfront Area, as well as the 100-ft. buffer zone. This revised location puts the house 90 ft. from the Todd's house, in an area previously disturbed by the driveway anyway.

P. Morrison questioned exactly how a deed restriction and conservation restriction will work. The plan seems to be to deed the land that is underwater to the Commission. Mr. Collins explained that other private owners own portions of Lower Massapoag. The restriction would prohibit the construction of a house, but could be used for a dock and access to the pond. He thought there could be a deed restriction limiting it to a 4-bedroom house. The restriction would include standard language on structures, no motorized vehicles, and limitations on what could be done there. B. Collins thought it might be difficult to justify a public reason for a conservation restriction, and that is why he is proposing a deed restriction. He indicated he would be happy to prepare a draft. C. Auman pointed out the Commission has seen conservation restrictions done on lots under an acre in size, and this site has very rich habitat. Mr. Collins agreed to work on the language.

Mr. Auman questioned what responsibilities the Commission would pick up if we take ownership of land under water. He also asked what would be the advantages of such an arrangement for the Commission. Mr. Collins maintained it makes no sense for the pond to be in private hands, but the ownership would not include interest in the dam. C. Auman asked how this lot ended up in the current configuration. B. Collins thought there were four rectangular lots with access to the pond and to the road. He thought the land was subdivided around 1953 by the Bakers and Harveys. Mr. Auman commented he did not like the new house location.

B. Easom felt the applicant has demonstrated it is possible to put the house outside of the 200 ft. Riverfront Area, and the Commission should look at how much disturbance of the site will occur. He thought this configuration provided the least disturbance because the driveway will not be as long. He suggested another public good might be a public dock.

Resident Charlie Todd (104 Island Pond Rd.) noted that Bob Pine had encouraged this sort of layout in an earlier hearing as it would involve less disturbance. Mr. Todd maintained that placing the houses within 30 ft. of one another would decrease property values and quality of life. He felt this was a more compelling plan.

B. Easom said the value of property was not really a Commission issue whereas slope and proximity to resource are a concern. Mr. Dillis estimated it would be about 50 ft. to the lot line, and the houses would be 80 – 90 ft. apart. Commissioners agreed to include the site on the next site walks on October 10th. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing to October 13, 2009.

Sean Gaines (16 Island Pond Rd.) said he serves as a steward on the Red Line. He expressed concern about the nature of development near this conservation area and urged the Commission to take their

time in reviewing this project. He pointed out the neighborhood is still suffering from the remnants of over-excavation on a nearby lot. He felt there is no demand for property, it is damaging to the environment, and he is concerned about similar issues on this property. He also stressed the Commission must take a careful look at wildlife. Bob Collins said this has been done. Mr. Gaines indicated he would be willing to be a steward for conservation land.

8:45 p.m. – 27 Whitney Pond Rd. NOI continuation DEP#169-1023

Surveyor Russ Wilson explained that his revised plans show the re-located shed and deck. B. Easom pointed out the plans show that the height of the retaining wall varies and questioned whether he would object to a not to exceed height of 4 ft. Mr. Wilson responded “No”. Commissioners asked if there would be any objection to leaving the hearing open until the project has received approval from the Board of Health in case they want to re-locate any components. Mr. Moore said he has completed his application for a Ch. 91 license. Members reminded the proponent of the need to submit a Form of Intent so that all other land use boards and departments can comment on the project. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP#169-1023 to October 13, 2009

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the minutes of August 8, 2009 as drafted.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the Open Session minutes of August 25, 2009 as drafted.

Upon a motion by D. Pitkin, seconded by M. Giguere, it was

VOTED: to approve the Executive Session minutes of August 25, 2009 as drafted.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the Open Session minutes of September 8, 2009 as amended.

M. Giguere and D. Pitkin abstained from the vote.

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

VOTED: to approve Executive Session minutes of September 8, 2009 as drafted.

M. Giguere and D. Pitkin abstained from the vote.

Selectman Anna Eliot was present and reported the Finance Committee is in the process of reviewing the Town Meeting Warrant and has raised concerns about funding a new Master Plan, as well as two of the Commission’s LAND grant application articles – funding for the Red Line Alternate Connector and the Matbob parcels. She suggested it might be a good idea for Commissioners to attend their next meeting. The Master Plan would require funding in the amount of \$100,000, a major expenditure. While acknowledging that economics are different now, she underscored the need to get

public input to see what people want the Town to become. Ms. Eliot pointed out that \$10,000 of the \$100,000 requested is set aside for public participation.

Members discussed the recent response from the Chairman of the Town Forest Committee indicating the Committee does not see any need to move the trail, which could provide access to Ames Meadow, off private land. The email from Town Counsel David Doneski notes that adverse possession can only be determined by a court of law so technically the Town has no right to use the portions of the trail that currently passes over private land. A. Eliot suggested checking Planning Board minutes and language in the decisions pertaining to the development of the Wharton Row subdivision because it is unlikely that Board would approve a landlocked parcel. Members expressed concern about having no appropriate access to the property for maintenance purposes. It is likely that the culvert under a portion of this trail will need repair sometime soon. B. Ganem was directed to send a letter to the Board of Selectmen asking for their assistance in gaining access to the Ames Meadow parcel. It was also suggested that Mrs. Campbell's former farm manager, Bill Conley, might be able to provide some guidance on the intended use of this parcel which is permanently protected conservation land.

It was noted the Town has aerial photographs from 1952 which are quite helpful for identifying former agricultural land uses. B. Easom has tracked down the negatives for these photographs and has approached the GIS Committee about funding to digitize them. The Committee turned this idea down, and A. Eliot suggested applying to the Community Preservation Committee as these could be considered historic records.

B. Ganem reported there have been recent issues associated with the development of both the Rocky Hill and Academy Hill subdivisions. Outflow from a pipe behind Lot 37 at Rocky Hill has silted in a portion of a conservation area adjacent to a vernal pool. Bill Maher of Nitsch Engineering recommends that the outlet be beefed up and cautioned about beginning work on the planned detention basin before winter sets in. The silt should be removed by shovel. In addition, the Order of Conditions for this project, which covers only the wetland crossing near the entrance to the project from Rt. 119, has expired.

Regarding Academy Hill, Ms. Ganem noted the Order of Conditions calls for conservation markers and boulders on lots with wetlands buffer and erosion controls. All lots which bound on conservation land are to have granite boundary markers to clearly identify the boundaries in the field in the future. The Order also requires the applicant to remove any invasives that occur as a result of the project. Several loosestrife plants were observed in the erosion control line adjacent to the first vernal pool on the left as you go up Fieldstone Dr. B. Easom noted there is a lot of loose soil on the site, and members agreed the applicant should be notified of the need to get the area buttoned up for the winter.

In discussion on the draft Order of Conditions prepared for 246 Lowell Rd., DEP#169-1022, P. Morrison observed this is an after-the-fact filing and also should be buttoned up. He noted the applicant has not installed any stabilization measures or even maintained the original driveway drainage features. He expressed strong reservations about whether the new driveway configuration would work. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to approve the Order of Conditions for DEP#169-1022 under the Wetlands Protection Act as amended.

M. Giguere and P. Morrison voted in the negative.

Members expressed reservations about the applicant complying with the conditions and agreed that a bond should form part of the Order under the Wetland Protection Bylaw. After discussion, it was agreed that \$3000 would be a reasonable amount to serve as an incentive to get the work done, and a Certificate of Compliance applied for. The date by which the bond should be posted will be 30 days from the issuance date. Upon a motion by D. Pitkin, seconded by R. Lambert, it was

VOTED: to approve the Order of Conditions for DEP#169-1022 under the Wetlands Protection Bylaw as amended.

Commissioners informed Attorney Ray Lyons that the matters which he wishes to discuss will be taken up in Executive Session.

The Commission has been notified that the trail between 77 and 89 Hidden Valley Rd. is still being mowed by an abutter despite the Commission's request that he cease doing so in 2005. P. Morrison suggested trail markers and wood chips. B. Easom volunteered to buy the posts for the signs, but P. Morrison said he has some that he is willing to donate. Markers will be placed on both sides of the trail.

In discussion on other land management issues, B. Ganem reported that Roy MacGregor has submitted insurance documentation and paid the \$125 licensing fee for haying the Eliades Conservation Area. Mr. Auman reported the area has been mowed. Brian Lagasse has recommended placing telephone poles (halved) as bollards to block vehicular access to the Redskin Trail Conservation Area. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to appropriate up to \$350 for the installation of bollards at the Redskin Conservation Area.

MassHighway is planning to re-surface a portion of Rt. 119 before winter. The Commission does not typically look for filings for maintenance paving work, but members expressed concern about the portion of Whitman Rd. that was recently paved near the Groton Country Club pond and tennis courts. C. Auman said it appears the road has been widened.

The Commission has been asked to support Senate Bill 90 to maintain a 75% match from the state for the Community Preservation Act. Regarding the request from the Slow Growth Initiative, B. Easom pointed out this appears to be a more political avenue than the Commission typically pursues. Kristin McEvoy has also sent the Commission a letter requesting participation in gathering signatures for the ballot. M. Giguere observed that it appears the 40B process for constructing 40B developments is something you can never win. B. Easom mentioned a Ch. 40B developer in Acton is under indictment for a number of violations including fraudulent accounting procedures that inflated the actual expenses associated with the development. Profits above 20% are supposed to go to towns. D. Pitkin suggested Ch. 90 may need more study before the Commission signs on. The CPA allows a minimum 1% surcharge, but hotel and meal taxes can be added to meet 3%. Currently the City of Cambridge receives 10% of the CPC funds, a big match from the state, and the fund could be seriously impacted if another large city, i.e., Boston, adopts the CPA.

P. Morrison was unable to stay for the remainder of the meeting. Upon a motion by C. Auman, seconded by D. Pitkin, and a roll call vote of M. Giguere, C. Auman, D. Pitkin, R. Lambert, and B. Easom, it was

VOTED: to enter Executive Session, not to return to Open Session, for the purpose of discussing land acquisitions.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 10/27/09.