

GROTON CONSERVATION COMMISSION

Minutes

October 18, 2010

Chairman Bruce Easom called the meeting to order at 6:15 p.m. in the cafeteria at the Groton Dunstable Middle School. Members Craig Auman, Marshall Giguere, and David Pitkin were present. Member Bill Neacy arrived at 6:30 p.m. Members Nadia Madden and Peter Morrison were absent. Conservation Administrator Barbara Ganem was present.

B. Easom introduced the topic of the Purchase & Sale Agreement (P & S) for the acquisition of the NEFF Baddacook Pond land. Mr. Lyons has signed off on the Agreement as NEFF's representative. The draft includes some of the language the Commission has previously requested, but not all. C. Auman pointed out Article 16 on the Town Meeting warrant requires permission to apply for the LAND grant and returns any grant to the Conservation Fund. He questioned why it is necessary to have a Town Meeting vote since the funds are available from the Conservation Fund. Chairman Easom said he had been informed that any land acquisition by the Town requires a 2/3's vote of Town Meeting. The documents associated with the LAND grant application have already been submitted and signed off by the Selectmen.

(Bill Neacy arrived at 6:30 p.m.)

NEFF is apparently suggesting a consensual taking to avoid any opportunity for another buyer to step in, and this would not appear as a sale for NEFF. B. Neacy said he wants to assure that the Town is not losing rights with this approach. *(NB Town Counsel said during the Town Meeting that the eminent domain mentioned in the Article is 'friendly' since it is by mutual agreement and would avoid a later title challenge.)* B. Easom expressed concern that the Commission should acquire the same rights and easements for access via Baddacook Pond Road as were outlined in the appraisal. The proposed access is actually an easement from Old Dunstable Rd. The same easements and rights should also apply to our purchase, particularly the access by the Town well at Baddacook. Chairman Easom questioned whether the easements acquired by the Commission would then be subject to Article 97. He suggested maybe this should be subject to a separate negotiation between the Board of Selectmen and NEFF.

M. Giguere pointed out this revision does not incorporate our request that all rights and easements be included in the Purchase & Sale Agreement, and he has a major problem with that. Members were in agreement that negotiations are continuing, and we have not yet reached an agreement on the P & S.

B. Easom reported the Community Preservation Committee had voted two in favor, one opposed, and one abstention, which constitutes a majority vote in favor of supporting Article 16.

Jenkins Rd. is another topic on the Town Meeting warrant, and this would involve getting a survey on the adjacent Farmers & Mechanics property. There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 10/26/10.

EXHIBITS

Document	Source	Date
Draft NEFF Purchase & Sale Agreement	Ray Lyons	9/29/10 signed by Ray Lyons as attorney for NEFF