

GROTON CONSERVATION COMMISSION

Minutes

February 8, 2011

Vice Chairman David Pitkin called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, Nadia Madden, Peter Morrison, and Bill Neacy were present. Bruce Easom was absent. Conservation Administrator Barbara Ganem was also present.

7:00 p.m. – Appointment Carolyn Fischer/Groton Housing Trust CPC Application

Ms. Fischer explained the Trust is submitting an application for \$400,000 to the Community Preservation Committee. They plan to partner with the developer of 134 Main St. (formerly Kilbridge's) to create a multi-use project with two retail components and fifteen housing units, three of which would be affordable. She noted portions of the site are within an Area of Critical Environmental Concern (ACEC), and there are wetlands and rare species habitat at the back of the lot. The developer is structuring other sources of equity, but the details of the financing have yet to be worked out. The \$400,000 would be an investment, and the Trust expects to get that back plus a return on the investment, as well as the three additional housing units.

C. Auman said he understood the Trust is looking for a letter of support for their CPC application, but this poses a dilemma for the Commission as we have not seen the full project plans. Conceptually Commissioners may support the idea but have concerns about specific details. N. Madden questioned what the benefits to conservation would be. Ms. Fischer thought this would be a good opportunity to incorporate Low Impact Development (LID) techniques such as permeable pavement. D. Pitkin asked if other towns have done this, and Ms. Fischer mentioned Newton has supported a project in which the city realized returns going back into their housing trust. C. Auman asked how this particular project came to the Committee's attention. C. Fischer said the Trust has been reviewing foreclosed properties in order to add to the Town's affordable housing stock. North Middlesex Bank now holds the note on the foreclosed Kilbridge property and was working with a developer on the financing of a project for the site. This appears to be a good opportunity for the Town to partner with a developer. She said affordable housing units usually go for around \$135,000, but the ones at Academy Hill are \$150,000. The goal in partnering with the developer is both to add to Groton's housing stock and to realize a return on investment down the road. Member Giguere pointed out the Commission will see the Notice of Intent for the project under both the state and local wetlands protection laws. C. Fischer said if the details are not worked out to the satisfaction of all parties, the housing would not be produced. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to support the concept of the \$400,000 Housing Trust application to the Community Preservation Committee, and we look forward to reviewing the design plan for the project.

Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to approve the Open Session minutes of January 25, 2011 as drafted.

N. Madden abstained from the vote.

Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the Executive Session minutes of January 25, 2011 as drafted.

N. Madden abstained from the vote.

In discussion on the Conservation Restriction for the Shattuck Baddacook Pond property, P. Morrison commented this has been in the works for some time. Some of the requirements are the preservation of a viewshed to Baddacook Pond from Martins Pond Road and keeping the field as a field. The Town has conducted one forestry project there in which everything less than 20 feet in height was mowed down, as well as the removal of some hardwood and white pine to provide a clear view of the Pond. Mr. Morrison mentioned a buffer remained around the vernal pools and Baddacook Pond itself. The type of work necessary on this parcel could be combined with forestry activities on other lots such as Farmers & Mechanics. M. Giguere said the forested area is heavily infested with buckthorn. C. Auman noted we are agreeing to a lot of maintenance at this site, including the removal of several structures and removal of brush on the roadside.

7:15 p.m. – Appointment Cara Sanford/Nashua River Watershed Association (NRWA) on Forest Legacy Program

Ms. Sanford said she is working with NRWA Land Protection Specialist Al Futterman to explore the potential for a regional Forest Legacy Program grant application. She submitted several brochures explaining the program and had previously emailed more information for members to review. The Program is run by the USDA Forest Service and will cover 75% of the cost to conserve forestry lands and keep them in forestry uses such as harvesting and for recreational purposes such as hunting or fishing. The hope is to have an aggregation of 1,400 acres in the region in time for a September 2011 pre-application. It is critical that the NRWA has the buy-in of most of the landowners before submitting an application for local review by the Department of Conservation and Recreation which is the state partner for this Federal grant.

DCR's recommendation will then be reviewed by the President and Congress in 2012 or early 2013. C. Sanford said either conservation restrictions (CRs) or fee simple can be considered, but the funds will go further with CRs. A government entity must hold title or the CR itself. Ms. Sanford acknowledged monitoring and enforcing CRs can be expensive, so it will be the Commission's decision whether to hold them. The pre-appraisal process is not reimbursable. She reported there are five Forest Legacy Program areas which extend to the Quabbin, and there are parcels in the western half of Groton which are included.

The Midstate Trail was a recent Forest Legacy project which involved both bargain sales and donations. Ashby, DCR, and the Mt. Grace Land Trust worked to preserve 2400 acres with \$3,700,000 in funding. B. Neacy mentioned the NRWA usually has focused on greenways. According to Ms. Sanford, they would be pursuing CRs because this would involve more land. The 1,400 acre goal would make the application more competitive and partnering with other

towns means this would be done on a regional scale. The Merrimack River watershed is considered a high threat area, one of the top four in the country.

The funding would be 75% of the cost of the project, matched by 25% local cost sharing. This could be through a donation, bargain sale, or donation of a CR on a town-owned parcel. Beaver Brook in Hollis, NH has indicated they are willing to participate in the application, and this could be a significant source of potential cost share funding.

C. Sanford mentioned she has met with the Groton Conservation Trust to discuss what parcels in Groton should be considered. The parcels would have to have a Forest Stewardship Plan that is updated every ten years. The Commission could consider holding CRs, advocating for preserving open space, or participate as a fee holder for parcels. The NRWA will write the grant itself, but needs to know what the Commission sees as interesting parcels that are currently forested or have rare species or provide a good connection to other protected open space. The parcels do not have to be contiguous but must be in the target area. Members thought having the properties in fee would eliminate some of the need for monitoring. The Commission does have specific parcels in mind, but they have only been discussed in Executive Session. Ms. Sanford said the Groton Conservation Trust has given us a list of parcels, and the goal will be to talk with the landowners and, if they have an interest, to exercise due diligence and have appraisals prepared. It is strictly a volunteer program, and landowners can opt out right up to the closing.

P. Morrison said the Commission is interested and asked if there are any instances where the state might hold the CR. Ms. Sanford thought this does happen in some cases. Mr. Morrison felt the Commission supported the concept but would need more information.

7:45 p.m. - 213 Whiley Road Request for Determination of Applicability continuation

Homeowner Jeff Aubuchon was present. B. Ganem contacted Brett Ramsden (contractor for 55 Wenuchas Tr.) for an estimate on the retaining wall at Sargisson Beach, and he indicated the cost for a loose stone retaining wall would run about \$120 per linear foot. There would be a savings for quantity and this would be contingent upon an adequate access. Members estimated the mitigation Mr. Aubuchon was proposing (\$2295) would cover about 20 feet of repair of the wall as part of the payment for filling the lake on his property. P. Morrison asked if this included materials, and B. Ganem said they usually want a specific type of rock for walls.

Member Auman stated his position has not changed. B. Neacy felt it set a bad precedent, and the fill should be removed. He thought the Commission had previously voted to allow filling of the lake, and the only thing that remained was the cost to repair the shore line of Sargisson Beach. J. Aubuchon agreed 20 feet approximated the shore line disturbed on his property. He came away with the impression the Commission thought it was a good idea to get the project started at the Beach. The alternative is to move his wall back which would de-stabilize the shore. Mr. Aubuchon asserted the option to repair the Sargisson Beach retaining wall is a more positive result which is why he proposed it. It would provide a benefit to the Town. B. Easom, D. Pitkin, and C. Auman voted against the idea at the last meeting. The Commission also recently had a similar situation in which a contractor was required to pull a wall back on Wenuchas Way. B. Easom stated, at the last meeting, he did not see the benefit of doing the repair at the Beach. C. Auman objected to the concept, questioning how the Commission can be so inconsistent. B.

Neacy asked whether the state required remediation at the time it issued the \$6000 fine for filling. The state did not require the removal of the illegal fill.

In response to N. Madden's question about whether there is an avenue to appeal if we issue a positive Determination of Applicability, B. Ganem noted these can be appealed. P. Morrison pointed out the Commission could repair 50 ft. of the bank of the peninsula if we get some additional funding. If the Commission accepts \$3000 to allow fill to remain in part of the lake, then we have established a standard. D. Pitkin advocated pulling it back. J. Aubuchon said he understands how others could take advantage of this situation, but he wanted the Commission to understand there are other impacts in removing his retaining wall.

While there is an interest in protecting the peninsula, B. Neacy thought two different votes and directions were taken. J. Aubuchon asked if there is an option to vote or not vote on some aspect he might be able to change. In a straw vote, B. Neacy, D. Pitkin, N. Madden, and C. Auman felt his wall should be moved while members M. Giguere and P. Morrison thought it should not. The larger amount (\$2800) did not sway the vote. P. Morrison protested we can't keep stringing the applicant along, pointing out this is a chance for the Commission to get something accomplished. Mr. Aubuchon said he would prefer not to have a vote taken now in order for him to provide the square footage, explore all his options, and perhaps seek legal advice. Upon a motion by B. Neacy, seconded by N. Madden, it was

VOTED: to continue the meeting on the 213 Whiley Rd. Request for Determination of Applicability filing to March 8, 2010.

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

VOTED: to issue the Order of Conditions for DEP#169-1054 for 836 Lowell Rd. as drafted under the Wetlands Protection Act.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue the Order of Conditions for DEP#169-1054 for 836 Lowell Rd. as amended under the Groton Wetlands Protection Bylaw.

C. Auman, one of the Commission's representatives on the Master Plan Open Space and Recreation Advisory Committee, reported his group has generated three major goals to incorporate into the overall Master Plan goals which the consultant has reworded. The upcoming Master Plan Goals Workshop will give residents an opportunity to comment on all the draft goals, a copy of which was emailed to members earlier.

The Groton Conservation Trust has asked if the Commission would be willing to hold a CR on the Lawrence Park property, and members indicated they were willing but wanted to see the deed first.

M. Giguere reported he continues to try to set up a meeting with the West Groton Water Commissioners or Gordon Newell about the Blood CR. The other items on the land management tickle list remain at status quo.

Mr. Giguere attended the Community Preservation Committee meeting on February 7th. That Committee expects to receive finalized CPC applications by February 22nd, including any letters of support and a fact sheet on the cost of services for different (residential, commercial, and industrial) types of development which M. Giguere had given them. A public hearing is to be held March 1st. On March 21, 2011 the Committee will take its final vote on the warrant articles to be submitted for Town Meeting. It was unclear who will be able to attend the March 1st meeting as M. Giguere is unavailable. He explained the Committee seemed receptive to the amount requested and expressed appreciation for the Commission's wise use of funding to protect land in Groton. Figures were presented on the level of the Conservation Fund after monies are removed for the NEFF Baddacook Pond purchase and the state reimbursement through the LAND grant.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Barbara V. Ganem
 Conservation Administrator

Approved as drafted 2/23/11.

EXHIBITS

Document	Source	Date
Letter	From Housing Coordinator Carolyn Fisher on behalf of the Groton Affordable Housing Trust	2/3/11
Housing CPC Application for \$400,000	Groton Affordable Housing Trust	Submitted 1/7/11
Minutes Open Session	Groton Conservation Commission	1/25/11
Minutes Executive Session	Groton Conservation Commission	1/25/11
Conservation Restriction	Shattuck Baddacook Pond Parcel	Shattuck Baddacook Draft 4 1/26/11
Forest Legacy Program	Cara Sanford/NRWA	Multiple dates
Request for Determination of	Aubuchon/213 Whiley Rd.	Filed 8/11/10

Applicability		
Service Quote #162 for \$2,295 to move waterfront wall @ 213 Whiley Rd.	Godfrey Construction LLC 232 Worcester Rd. Westminster, MA 01473	1/14/2001
DEP#169-1054 Notice of Intent	Blood/836 Lowell Rd.	12/22/10
Groton Master Plan Goals for February 12 Workshop	Community Opportunities Group & Advisory Committees	2/12/11