

GROTON CONSERVATION COMMISSION

Minutes

August 30, 2011

Vice Chairman David Pitkin called the meeting to order at 7:15 p.m. in the 1st floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, and Peter Morrison were also present. Members Bruce Easom, Nadia Madden, and Bill Neacy were absent. Conservation Administrator Barbara Ganem was present.

Kevin Kelly, General Manager of the Groton Electric Light Department (GELD), greeted the Commission and introduced Kevin Lindemer and Rob Hersh of the Groton Electric Light Commission, and Bill Murray of Places, Inc., one of GELD's consultants. Other attendees for portions of the meeting included Chairman of the Selectmen, Anna Eliot, and Art Campbell of *The Groton Line*.

V. Chairman Pitkin explained the discussion with GELD is the only item on tonight's agenda. Mr. Kelly mentioned that the MacGregor house (now demolished) was located within 25 ft. of the wetlands. The goal has been to leave as much land near the Rail Trail open, and that means pulling the new GELD building as far back as possible into the wetland buffer. He pointed out all of the GELD buildings are currently within the wetland buffer, and it is their plan to upgrade the facility. The pole yard adjacent to wetlands will be moved to the substation on Lowell Rd. All transformers will be moved out there as well. K. Kelly said he came away from the last meeting with the Commission with the distinct impression the members did not want to see land disturbances within the 50 ft. buffer zone to the wetlands.

C. Auman understood the GELD facility falls under the expedited permitting process, and this was a pre-review meeting, not a hearing. Light Commissioner K. Lindemer indicated GELD previously had something going with Capstone in which they hoped to recover value from the land on Station Ave. Acknowledging that plan fell through, he pointed out GELD decided it would not be desirable or economical to re-locate to the Fuccillo property on Lowell Rd. as originally planned. They have a Memorandum of Understanding with the Selectmen to maximize the amount of area available for development in the Station Ave. area.

The conceptual plan (identified as Option 1, dated 8/8/11) previously presented to the Commission included a 2nd story which they plan to use as commercial rental space which would necessitate more parking area. They have now re-considered this plan, but it is their goal to have two buildings – the GELD administrative offices/garage and a fire station – constructed on the lot. Mr. Lindemer disagreed that the Station Ave. plan was dead because now there would be industrial buildings anchoring the space. He stated the market killed the original plan for Station Ave., but the project is still developable should the market again favor development. The GELD Commission is determined not to do anything that would increase tax rates or electric rates, and he pointed out this is a public benefit for the Town. Conservation Commission members asked how this will be accomplished with large trucks frequently moving in and out of the site.

K. Lindemer commented this is a central location, and it will save taxpayers' and rate payers' money. GELD needs flexibility to deliver critical emergency services. Also under consideration is the location of a fire station which would have ingress from Broadmeadow for lighter vehicles to access the site. Mr. Lindemer believes savings could be identified through the location of both the fire station and the GELD facility on the site, and they have already identified some synergies with this proposal.

C. Auman said he would like to have a plan that shows where the MacGregor house was formerly located in relation to the new building. Mr. Lindemer said a part of the stormwater management plan would be located there. Mr. Auman pointed out if you are replacing the building he would like to see most of it outside of the 25 ft. buffer zone to wetlands. He questioned how trucks egressing and ingressing from one place would not be visible from Station Ave. The Town Center Over District guidelines will control what we anticipate for a fire station. The new GELD structure would require 100 square feet within the 25 ft. buffer zone according to Mr. Lindemer.

M. Giguere said "whether we are talking about a 50 ft. or 100 ft. buffer zone, we have the same problem as last time." A previously disturbed site is proposed to be replaced with substantially more impervious surfacing. He said he would like to see the numbers for the total increase in imperviousness. Paving over the entire site is going to lead to further degradation of the wetland. K. Kelly maintained that any Station Ave development is going to be dense. M. Giguere argued that re-development of the site should be done within the same footprint of disturbed land, and he felt GELD was asking the Commission to hold GELD to a different standard. Private residents at the lake do not come closer to the lake than existing structures. A lot of impervious surfacing is proposed for this site.

Mr. Lindemer mentioned some of the land might be subject to a conservation restriction plus GELD is planning to get rid of invasive species. He said there may be land along the Rail Trail that could be under a restriction. K. Kelly also pointed out they would be treating stormwater which is not currently happening. M. Giguere described invasive control a long term process and not a temporary effort in order for there to be any benefit to the resource area. K. Lindemer asked if invasive removal is an exercise in futility, and members pointed out it is required on an on-going basis. There may be no benefit if invasives continue to surround the site. Members also said monitoring a conservation restriction is a long-term headache, and typically the Commission looks for particularly sensitive areas that may be forested or contiguous with other protected lands. In this case a conservation restriction is not that appealing. Mr. Lindemer said it would be a piece that is not disturbed through the development.

P. Morrison thought there could be value in protecting the corner nearest the bank parking lot as there might be a change in ownership and land can be divided. A donation may also be an option that could protect the land. Members stressed they need to know the combined square footage of all the parking and buildings, both before and after construction. Mr. Morrison asked about the rest of Station Ave. as he served on the original committee and wondered whether all the square footage would be used just for GELD, between the parking out back and the buildings in front.

D. Pitkin said he saw the biggest trouble as both the fire station and GELD going on one site, but this plan is the first of many steps necessary to make that happen. He felt the Commission needed a clear idea of the fire station footprint. He questioned how GELD can know something is cost effective until you know what is required.

P. Morrison acknowledged the area is going to be re-developed. Capstone wanted to work with us, and greater density is proposed there. K. Lindemer thought this plan was a good start and a way to save the town money. Selectman Eliot said the Station Ave. Overlay Committee foresaw some type of development in which jobs are created, as well as retail space, mixed use housing, and it was identified as a location for increased density. With the downturn in the economy, that vision has evaporated. Groton's application for the Public Works Economic Development (PWED) grant does address the creation of jobs. She pointed out the construction of a fire station and GELD does not create jobs and does not fulfill the requirements of the PWED grant. The Memorandum of Understanding signed by the Board of Selectmen requires a close analysis of the anticipated costs to build on Station Ave. Ms. Eliot felt this same cost analysis was necessary for building at the Rt. 40 site.

K. Lindemer said there have to be many compromises, and it's always ends up whether you can build and whether it is cost effective to have the fire station here. Members questioned how the Commission can make a decision based on hypotheticals. C. Auman said the Commission requires the applicant to demonstrate that there are no economically feasible alternatives. Mr. Kelley explained the design standards for the TCOD require that the garage bays not face the street. K. Lindemer reiterated GELD's need to move the project forward and to talk about the conceptual plan presented tonight.

Commissioners noted that part of the discussion tonight was proposed mitigation measures, and GELD owns other properties within the Town, such as Sandy Pond and the recently purchased Fuccillo land on Rt. 40. K. Lindemer maintained GELD's position is that there would be no disposal of land until GELD has made the decision to do so, and they are not prepared to talk about it at this time. It is not on the table because GELD may want to sell it or do something on the land themselves. Mr. Lindemer asked if the Commission would consider mitigation offered offsite if we can get past the buffer issue and have approval on the fire station. P. Morrison asked where the fire station would be located, and K. Lindemer responded it would be within the same footprint as the existing "barn", but it may be moved slightly or may be square.

Mr. Lindemer presented plans identified as Option 3 and dated August 23, 2011. Although he stated this plan was sub-optimal, he noted the size of the parking area has been reduced with the elimination of the 2nd floor. C. Auman questioned whether an upgrade to the road that leads to Broadmeadow would be required to locate a fire station at the site. The Town is also required to provide parking for Rail Trail users. C. Auman underscored the Commission's need to not set a precedent and to always keep in mind the balance of mitigation and land development.

K. Lindemer pointed out they won their Washington Green 40B appeal before the Housing court, the only case to be found in favor of a town. It is GELD's position it was unsafe to put affordable housing next to the substation so they are pleased to have protected the land surrounding the substation. P. Morrison advised looking to the future when more of this land may become

developable. As mitigation, Mr. Lindemer suggested setting aside approximately 2.2 acres of the GELD (Fuccillo) property on Lowell Rd., adjusted to the power lines on the northwest side of the property. Submitting a Plan of Land with the area highlighted in yellow, Mr. Lindemer said GELD would consider placing this under a conservation restriction.

C. Auman pointed out the Commission has never approved anything this close to a wetland, and it would engender much criticism. K. Lindemer asked about creating wetlands elsewhere, and Commissioners said there are technical issues and success rate questions that are of concern. When members asked if part of the Nate Nutting property could be considered, K. Lindemer indicated they may need a buffer to a substation, and GELD is trying to plan ahead for future needs they can't anticipate. M. Giguere stated the Commissioners have nothing before them filed as a Notice of Intent. K. Kelly assured him this is a preliminary discussion to provide a framework for the filing, and he understood the Commission could give no guarantee of how the vote will come out. M. Giguere felt the Commission was being put in an uncomfortable position, which members have encountered before, where we have negotiated and massaged a position and then we have voted "no" on the final product. K. Lindemer pressed for more understanding as he did not want to see GELD's efforts go to waste.

Mr. Lindemer said the additional costs for having a 2nd story involved the requirement they have an elevator and two staircases to be ADA-compliant with an estimated cost of \$1 million. The Option 3 plan pulls the building back 15 ft. from the wetland. Although this is sub-optimal in K. Lindemer's opinion because of reduced square footage, the building costs would be about \$28/square foot and include payment of prevailing wages as required for municipal entities. The Rt. 40 parcel will be used for outside storage of equipment. P. Morrison thought this a more palatable plan. He had no issue with getting rid of the 2nd floor, squaring up a fire station within the barn footprint, and addressing parking for the fire station later. K. Kelly stated a lot of the parcel would disappear into green space.

D. Pitkin noted we are still looking at less than a 50 ft. buffer to protect the wetland resources. Mitigation must be addressed under this project, not in the future. M. Giguere asked if it was possible to minimize impervious surfaces to reflect what is there now. He stressed the need to get as much out of the buffer zone as possible. He saw a minimal value associated with the conservation restrictions as it was either wetland or buffer zone. He added the Commission had never given its blessing to Capstone as there had been no Notice of Intent filing.

C. Auman commented this becomes precedent-setting and violates much of the Wetlands Protection Bylaw. He wanted to know how much is pervious now and how much will become impervious. He was not enthusiastic about two conservation restrictions on Station Ave., but thought the donation of land next to Lowell Rd. facility could be useful. A conservation restriction or donation on Sandy Pond Rd. could work. Member Auman encouraged some improvement in what has been shown the Commission. Access is certainly an issue for the fire station. M. Giguere mentioned the Sandy Pond property has rare species, and K. Lindemer repeated GELD's need to plan for their future needs.

M. Giguere and D. Pitkin asked what is on the table that could move this project forward. Mr. Lindemer said GELD is trying to cut its costs on the development of this property, and they are

not asking the Conservation Commission to give up its rights on other properties. Members cautioned that a conservation restriction is valuable only if the land is developable. Mr. Lindemer protested that everyone will have to compromise here and asked why that isn't enough? C. Auman pointed out GELD is proposing a significant intrusion into the wetland buffer, and GELD must demonstrate there is a substantial benefit for the environment. K. Kelly said there will be less drainage from the new GELD facility, and we do not have to force anyone out. Mr. Lindemer said he has a problem with 2.2 acres not being enough to justify a precedent. He argued that other town departments declare surpluses, and GELD needs the opportunity to make negotiation into the future. He indicated GELD would talk to the Commission when it is time to develop. Their goal is to save the Town money.

Member Giguere said he appreciated the public benefit in GELD's reliability and low rates. He expressed concern, however, about the difficulty of holding a conservation restriction and suggested the land be put under the care and custody of the Commission as a donation. The property does not necessarily require public access. Mr. Giguere also advised that this would have to go to a Town Meeting vote. K. Lindemer agreed to bring the matter up for discussion at the next GELD meeting. M. Giguere said developing a conservation restriction is not an easy task, and involves attorneys. He said he would personally support a donation once Mr. Lindemer has had an opportunity to check with his board.

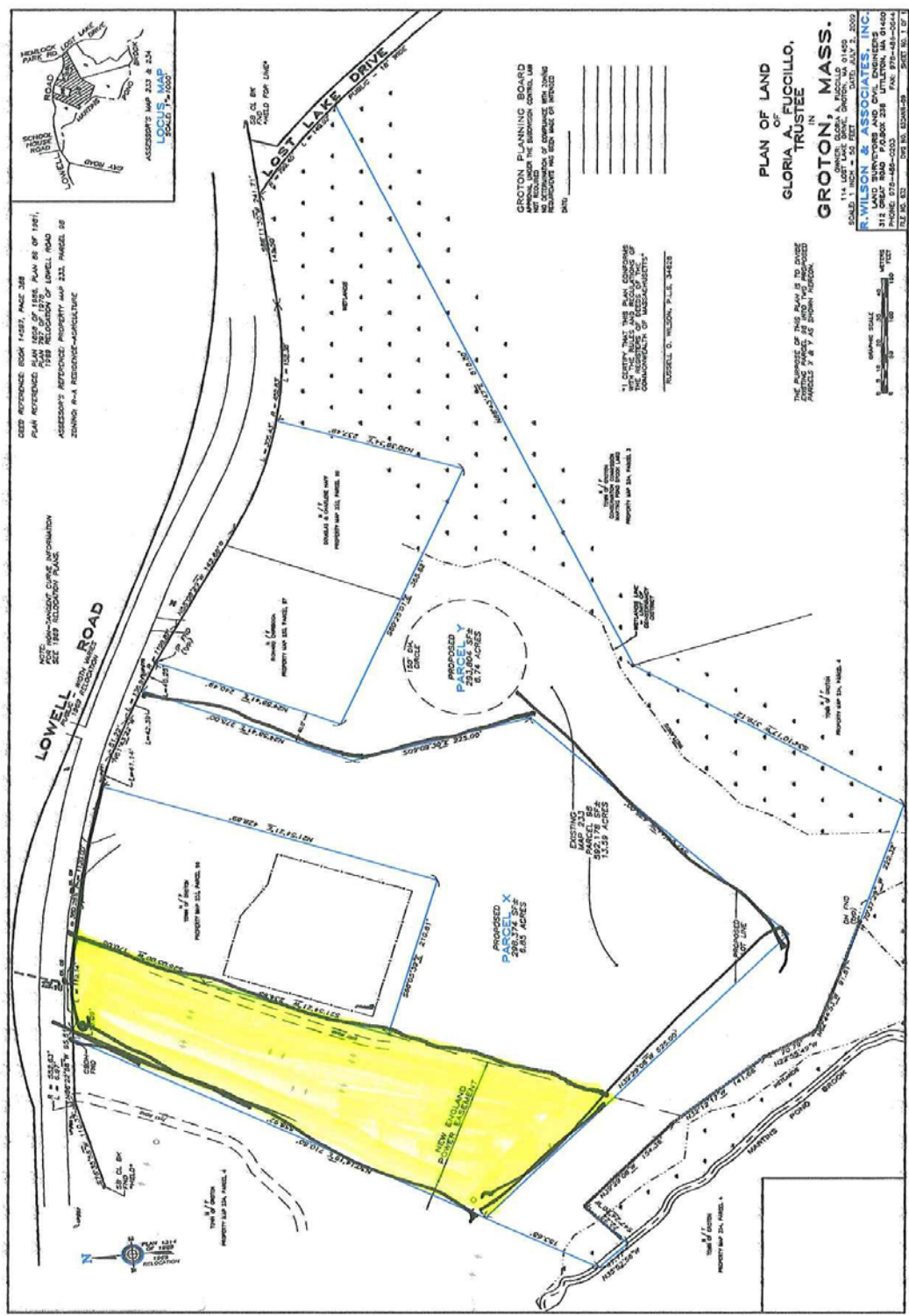
D. Pitkin said he would prefer to see less stuff in the 50 ft. buffer, but wanted to make sure we are aligned. To move forward, Option 3 is preferable to Option 1 with the transfer of land at two corners and on Lowell Rd. Invasive control is valuable, but on an on-going basis, at least a 5-year plan. He concluded by stating the wetlands should figure in the social, conservation, and rate payer benefits. K. Kelly said he plans to finish the Notice of Intent before Town Meeting. The transfer of land requires Town Meeting approval and he appreciated the opportunity to get feedback from the Commission.

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 9/13/11.



Rec'd 8/30/11
GRC mtg.

N 2.2 Acres