

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 6, 2016

Note: This was a special meeting focused on land owned by Jodie Gilson (approx. 16.5 acres off Dale Lane) enrolled in Chapter 61A and proposed to be sold to an abutter, Edward Juskalian.

Chairman John Smigelski called the meeting to order at 5:38 p.m. with Susan Black, Eileen McHugh, and Olin Lathrop present in the 2nd Floor meeting room. Bruce Easom participated remotely by speakerphone. Peter Morrison (Vice Chairman) and Marshall Giguere were absent. Conservation Administrator Takashi Tada was present.

5:38 p.m. – Discussion (cont'd): Ch. 61A Land off Dale Lane (Gilson)

Bob Collins, attorney for Mr. Juskalian, presented a proposal to place a permanent Conservation Restriction on approximately 14 acres of land. The proposed agreement includes a concept plan (preliminary survey) prepared by Stan Dillis of Ducharme & Dillis Civil Design Group. The intent is to protect the most environmentally significant portion of the land, while preserving a future buildable house lot on Dale Lane for Mr. Juskalian. The 14 acres proposed for protection would be contiguous with the Town's Half Moon Swamp Conservation Area and include land adjacent to wetlands and a potential vernal pool. The first step would be to record a deed restriction (legally binding for 30 years) that would be replaced by a permanent CR within 5 years. This land protection could be claimed as mitigation for single driveway wetlands crossing that would be required for a new house on the buildable lot; it could also be included as part of the Open Space requirement for potential development project on the former Lewis parcel to the south (Parcel 221-20; also owned by Juskalian).

O. Lathrop asked what would happen with the roughly five acres of land immediately east of Mr. Juskalian's house lot. Mr. Collins said the thought was to merge this portion of land with the existing house lot. O. Lathrop said he would like to see some of this land included in the CR; however he agreed that the 14 acres proposed for protection were the most valuable wildlife habitat.

E. McHugh asked why the proposal specifies a five year period for placing a permanent CR on the land. Mr. Collins said this would allow enough time for both the CR review process and the Special Permit process for a development on the former Lewis property.

Mark Gerath of the Groton Conservation Trust asked why the future house lot is not included in the proposed CR. Mr. Collins said it would be tough to convince the Division of Conservation Services that including the house in the restriction would have a public benefit. Mr. Gerath also reminded the Commission that its only leverage is its ability to buy the land outright.

Russ Burke of the Planning Board said the key point is to define the area to be protected. He had formulated a different scenario involving a second purchase-sale agreement with Mr. Juskalian;

however, the proposal presented by Mr. Collins would achieve a similar result through a cleaner and less costly process.

Mr. Collins said he would ask Stan Dillis to prepare a more defined plan of land for its regular meeting on 9/13/2016, if the Commission is comfortable with the proposed agreement.

S. Black asked about the distinction between the Gilson land and the former Lewis parcel. Mr. Collins explained that Mr. Juskalian already owns the former Lewis parcel (32 acres) to the south of the land being sold by Ms. Gilson. Mr. Juskalian would like to explore the development potential of the parcel.

Chairman Smigelski and B. Easom both said they liked the CR proposal.

[B. Easom signed off at 6:30 p.m.]

Tom Gibbons, attorney for Jodie Gilson, asked a procedural question about the 120 day deadline under Ch. 61A should the Town choose to purchase the land. T. Tada said he received an email opinion from Town Counsel stating the Town's obligation within the 120 day period is to notify the parties of its intent to purchase the land. The Town does not have to complete the purchase within the 120 days. Mr. Gibbons asked if he could have a copy of Town Counsel's opinion. T. Tada will check with the Town Manager to make sure it is okay to forward.

Upon a motion by O. Lathrop, seconded by S. Black, it was

VOTED: to withhold a recommendation to the Board of Selectmen for one week, to give Attorney Collins and Mr. Juskalian time to have a more defined plan of land prepared.
The vote was unanimous (4-0).

6:30 p.m. – Upon a motion by E. McHugh, seconded by S. Black, it was

VOTED: to adjourn the meeting. The vote was unanimous (4-0). The meeting was adjourned at 6:30 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. Notice to convert land under Ch. 61A (Gilson)

Approved 2/14/2017