

**GROTON PLANNING BOARD**  
**AUGUST 26, 2004**  
**MINUTES**

Chairman Eliot called the meeting to order at 8:00 AM in the Town Hall

Members present: Eliot, Barringer, Clements, Degen, Lewis, Perkins and Wilson

**MEETING WITH MARK BOBROWSKI**

The Planning Board met with its consultant, Mark Bobrowski, to discuss concerns about Mr. Bobrowski's work for a developer in the Town of Dunstable. Mr. Bobrowski explained that he met with Town officials in Dunstable over a year ago to discuss a housing project that never materialized. Since that time, Mr. Bobrowski said he has considered working with a developer in Dunstable. However, he said he would only work on the project if it is a "friendly" 40B application under the Local Initiative (LIP) program with the support of the Dunstable Selectmen. There is no conflict of interest and no adverse relationship.

Mr. Bobrowski noted that he is working with the Groton Zoning Board of Appeals on three comprehensive permit projects.

Member Lewis said the newspaper reports are not always accurate. Member Wilson agreed that news articles may contain misinformation. He noted that Groton does care about what happens in Dunstable because of the impact on the Groton Dunstable Regional School District (GDRSD). However, there is not a legal conflict of interest. Member Barringer agreed that the GDRSD is a separate, autonomous legal entity and that Dunstable is a separate municipality.

Member Clements said Chapter 40B is a bad law and every effort should be made to change it. He said the ZBA should be advised not to grant any waivers of local zoning.

Mr. Bobrowski and the Board briefly discussed the Massachusetts SJC's decision overturning the Town of Hadley's Development Rate Limitation provisions. Member Wilson said the proposed amendment to Groton's Development Rate Limitation by-law was too complicated and difficult to defend. However, he said he takes full responsibility for the presentation at the Annual Town Meeting.

Member Degen said he appreciated Mr. Bobrowski's explanation about his role in Dunstable, but his concern is with Groton, not Dunstable. He said Mr. Bobrowski's job with the ZBA is to protect the Town's best interests. The project in Dunstable creates a perceived conflict of interest because it impacts the GDRSD. He said, in Groton, the 40B process moves too quickly. The abutters' concerns should be addressed, and the project should be in the Town's best interest.

Member Perkins noted that Chapter 40B is state law, and Mark Bobrowski should not be blamed for the 40B law. His role is to work with the Town and the developer to negotiate the best project with the least impact on the Town. The ZBA has been well served by Mr. Bobrowski. She said the ZBA has taken abutters' concerns into account.

Chairman Eliot said the Board will not solve the 40B problems and must leave it up to the ZBA to address. She suggested that the Board meet with the Board of Selectmen and ZBA to discuss the broader issues.

The Board then discussed whether or not it should have gone forward with the Development Rate Limitation by-law at the Annual Town Meeting. Member Lewis said the presentation is up to the entire Board, not just one member. If the by-law was too complicated or not ready for presentation, the Board should have postponed it.

The motion was made by Perkins to draft a Letter to the Editor regarding recent newspaper articles. Members Barringer and Wilson will draft the letter for the Board's review. *The motion was seconded and passed with Barringer, Degen, Eliot, Lewis, Perkins, and Wilson in favor; Clements opposed.*

The motion was made by Wilson to go ahead with the contract with confidence in Mark Bobrowski as the Board's

planning consultant. ***The motion was seconded and passed with Barringer, Clements, Eliot, Lewis, Perkins, and Wilson in favor; Degen opposed.***

Member Wilson expressed concern that this controversy not continue and create problems for the ZBA and the Planning Board.

Member Perkins said the Planning Board does not have the right to tell the ZBA what it should and should not do, how to conduct their business, or who to use as a consultant.

Chairman Eliot suggested that many of the issues can be discussed at the Board's next work session on September 23, 2004. She suggested meeting with the ZBA and Selectmen to discuss the Chapter 40B process.

The motion was made by Degen to work with the Selectmen, ZBA, and Groton Housing Authority on the 40B process, in general, as well as possible zoning changes to increase the Town's affordable housing. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 9:00 AM

Respectfully submitted,

Michelle Collette  
Planning Administrator