

**PLANNING BOARD
SEPTEMBER 17, 2015
MINUTES**

Vice Chairman Giger called the meeting to order at 7:30 PM at the Town Hall

Members present: Giger, Burke, Vega, and Wilson

Members absent: Barringer, Perkins, and Svarczkopf

COMMENTS TO THE BOARD OF SELECTMEN – DAVID ELLIOT, EARTH REMOVAL EXEMPTION

The Board received a request for comments on the Request for a Certificate of Exemption from the Earth Removal By-law submitted by David Elliot to remove 3000 cubic yards of contaminated soil from the former May & Hally Oil Company site at 36 Court Street. The removal of earth material qualifies as an exemption because the excess material results from the Release Abatement Measure Plan under the provisions of Chapter 21E and the Massachusetts Contingency Plan (MCP) 310 CMR 40.0444.

The motion was made by Burke, seconded by Vega, to recommend that the Board of Selectmen grant the exemption. The motion passed unanimously.

PROPOSED AMENDMENT TO THE SIGN BY-LAW

The Board reviewed the Sign Committee's proposed amendment to Chapter 196 Signs to be considered at the 2015 Fall Town Meeting. The Board suggested several edits including changing the name of the "manufacturing" district to "industrial" for consistency with the new zoning districts; requiring removal of temporary signs within the time specified in the by-law; and reinstating time limits on political signs. *(Note: Town Counsel did not approve the time limits on political signs in light of the recent US Supreme Court Decision, "Reed v. Town of Gilbert, Arizona.")*

REVISIONS TO THE SUBDIVISION & SITE PLAN REVIEW REGULATIONS

Board members will discuss possible amendments to the Planning Board regulations at a meeting in October. The discussion will be on the Planning Board's agenda after the Fall Town Meeting. Members will review the regulations in the meanwhile.

NON-USE PROVISIONS

The Board of Selectmen will convene a meeting with Town Counsel, the Planning Board, and the Zoning Board of Appeals to discuss Section 218-6B Nonuse, which states:

"Nonuse. Wherever a nonconforming use or structure has not been used for a period of more than two years, it shall not be reestablished, and any future use or structure shall conform to this chapter."

The nonuse provisions have been in the by-law since 1963. The current non-use provision was adopted in 1978 when the Groton Zoning By-law was recodified based upon the 1975 amendment to the Zoning Enabling Act, MGL Chapter 40A. The Board reviewed a legal summary entitled, "Zoning Update: Is Your Lot "Grandfathered" or Just Old," by Fletcher Tilton, Attorneys at Law, and the case entitled, "Basil W. Bartlett vs. Board of Appeals of Lakeville & another," 23 Mass. App. Ct. 664, 1987. The Board also discussed examples of language on nonuse or abandonment from other communities.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner