

**BOARD OF SELECTMEN
OCTOBER 21, 2002
REGULAR SESSION MINUTES
“APPROVED”**

Present: Chairman Dann Chamberlin, Clerk Peter S. Cunningham, Administrative Officer Jean E. Kitchen, and Administrative Secretary Maria Casey.

The meeting was called to order at 7:00 P.M.

ACADEMY HILL

Mr. Chamberlin announced that we received a letter from Executive Office of Environmental Affairs regarding Academy Hill stating the draft EIR submitted on this project does not adequately and properly comply with their regulations which he stated was good news for the town and that state oversight can sometimes have positive benefits for the Town as we see here. He thanked the Planning Board in their efforts by applying our zoning bylaws and negotiating with the developer.

CARMICHAEL ESTATES II AGREEMENT

Planning Administrator Michelle Collette was in attendance. Judith Cutler of Kopelman & Paige drew up this agreement. The agreement came about due to Developer Max Curtis defaulting. Carmichael Estates is at the end of Hayden Road. The insurance company will pay the Town of Groton \$60,000. Ms. Collette wanted to personally extend much gratitude and thanks to all residents of the subdivision for their patience. She stated that it's been a long haul and has proved very frustrating. She also wanted to thank Tom Delaney and his crew for having plowed subdivision for the last two years and keeping up normal maintenance.

Mr. Cunningham moved to accept agreement between town of Groton and Lumberman's Insurance Company dated 10/21/02. Seconded by Mr. Chamberlin. Unanimous vote.

Mr. Degen, Planning Board, explained that there are three methods of bonding money. The best way is to have a developer put a sum of money into an account and to have the work checked off by the Town Engineer. The second is a Tri-Party Agreement. And the third way is an Insurance Bond. Unfortunately the choice of method is up to developer at time of the subdivision according to state statute.

MEETING W/ PLANNING BOARD, HISTORIC DISTRICT COMMISSION & BUILDING INSPECTOR Regarding Demolition of Historic Buildings & Teardowns

Mr. Chamberlin stated that he initiated this effort when there was an unfortunate teardown of 19th century teardown on Hollis Street being replaced by a “mansion” this summer and also noticed back in childhood hometown, west of Chicago, an epidemic of teardowns. He added that what is disappearing is affordable housing. He felt that the implications for affordable housing are enormous; as such in towns like Lexington, Concord, Sudbury, and that it was heading Groton's way. He said that part of his motivation was to preserve the Town Center and to be proactive to see what we can do to reduce the impact or number of teardowns of less affordable housing in the future.

Mr. Cunningham concurred and added that also this summer there was an old barn with great historical significance being torn down off of Pleasant Street. A demolition permit was issued. He would like to see some type of implementation that when any historic building (over 50 years old) is scheduled for demolition that there be a “cooling off period” in order that any interested parties could be contacted. He would like to schedule a forum for lawyers, town counsel, and all interested parties to brainstorm.

Mr. Richard Chilcoat, a member of the Historic District Commission (HDC) was in attendance on their behalf. The HDC had some informal information from Mass. Historic. He also noted that there are other communities (86) that have a bylaw on the books, Littleton, Westford and Carlisle to name a few, which speaks to historic teardowns. The bylaws in other communities had different variables such as the tripping mechanism or different “cooling off” periods of time. He also noted that the Historical Commission was not represented at this meeting.

It was also noted however that 40C, Mass General Laws for the Historic District, would be much more restrictive than any bylaw that would be drafted and that they have their own application and review process.

He stated there should be a method where the town and landowner can work out deal to make it economical for affordable housing. He also stated that the Town should consider setting land aside for these historic buildings to be moved on if ever the

case arose and/or should set up a fund in order to cover the cost of moving these buildings and covering all the associated costs with it.

Mr. Chamberlin agreed with that idea and stated that that was why the BOS called this meeting to gather everyone together and be able to “think both inside and outside the box” and to be proactive.

Carolyn Perkins, representative for the Planning Board, said at times she was baffled about bldg permit process. She felt that another issue to be considered is how there are loopholes that have been used in the past. She referenced how the application process for a renovation, specifically that one wall remains standing of an existing structure, seems to circumvent a more difficult process of demolition and rebuilding. She felt it pertinent to look at the distortion of its intent regarding whether it’s a teardown/rebuild or an addition.

Bruce Clements, representative for the Planning Board, agreed with Ms. Perkins regarding loopholes and mentioned that Andover had a very good bylaw regarding teardowns and demolitions of historic structures. He suggested looking at many bylaws and deciding if their provisions apply to Groton, to pass it along to Town Counsel and recommend to Town Meeting.

Mr. Chamberlin remarked that because Kopelman & Paige is the largest municipal firm, they have access to a myriad of information and we could have them give us their best 4 to 6 bylaws with brief commentary of the pros and cons of each one.

Mr. Chilcoat said that he has a ½ dozen bylaws that could be forwarded for consideration, as well as noted that in 1989 Groton had a draft that could be reviewed.

Mr. Cunningham was pleased with the plethora of information and recommended that there are now more areas that we could proceed with, keeping in mind that perhaps we should considering closing the building loophole first and then proceed with the teardown and historic building bylaws.

Mr. Lewis added that the third issue to consider is obtaining property for low-income housing.

Mr. Harlan Fitch stated that newer buildings change the aspect of the original building and with regard to tear downs, you’ll have to provide a replica as the HDC requires that the structure maintain the appearance of structure being renovated

Mr. Chamberlin recommended that we can proceed and attempt to achieve some consensus of going forward with town counsel’s guidance.

Mr. Matt Waterman, representative for the Board of Health (BOH) agreed with Ms. Perkins assessment of closing the building loophole but also added that some of the permits for these “additions” as in the case of many “camps” in Lost Lake area, we should be more lenient toward repairs, granting variances, as in many cases the buildings that go up in their stead are more structural and appealing to the eye.

Mr. Chamberlin noted that he spoke with Dr. Horowitz of BOH and she would also support this effort.

Michele Collette, Planning Board Administrator, talked of many Master plan meetings with people from the various villages, i.e. w. Groton, town center, and Lost Lake regarding non-conforming structures on non-conforming lots. She said that there is extra burden that the ZBA makes the applicant jump through extra hoops in order to get a building permit for repairs. She cautions on a bylaw that people can’t perform repairs with a delay of six to nine months. She and the Building Inspector, Mike Tusino, have kept a list of places in Groton that have been demolished that should have been demolished. These houses were in deteriorated condition. They were uninhabitable, and blight in condition. Nicer and newer homes, which benefit to town, were put in their place. She said it was “all about a delicate balance.” She felt the focus should be more at zoning rather than historic and recommended a Zoning Workshop be available with Town Counsel.

Mr. Clements agreed that there is the need for affordable housing and spoke of how the town bought a house by Groton Housing Authority that was converted to affordable housing. He felt we would need input from the Groton Housing Authority, as well as Community Preservation, to acquire these less costly houses to convert.

Mr. Chamberlin said that there were strong supporters of Community Preservation currently on the BOS and with declining revenue and tight budgets; this could be even tougher sell. The first year Community Preservation was being matched 100 % by state and the Town didn’t vote for it.

Mr. Lewis said that if you have an open debate on issues such as these and throughout the processes a majority people have an active role in them, they would support it. He felt it a healthy way of doing it, which is what the Planning Board often does.

Mr. Chamberlin agreed and added that we should encourage plenty of press, to have them open and inclusive.

Mr. Lewis said people will come if you advertise, especially if it applies to their neighborhoods and would recommend some Thursday evening in conjunction with a Planning Board meeting.

Josh Degen, Planning Board representative, made a summary of the discussion and recommended that we look at closing the loophole first then a bylaw for historic teardowns and affordable housing recommendations.

Mr. Steve Moulton cautioned that we consider individual's rights. He noted that sometimes people forget that those who buy and pay for their houses should be able to demo, repair, upgrade, as they deem necessary.

ROAD OPENING PERMIT – Tavern Road

Mr. Fitch questioned whether this would be an appropriate time to bring up concerns regarding traffic and signage while road openings are ongoing. He commented that signs should be in place as part of the BOS' requirements.

Ms. Kitchen responded that these permits are distributed to all appropriate boards prior to the issuance, as well as the Police Chief, and it is incumbent upon the applicant to set traffic detail, signs, etc. with the Police Department. Ms. Kitchen also notified the BOS that along with payment for the road opening permits, the Certificate of Insurance, naming the Town of Groton, as an additional insured, is a requirement.

Mr. Don Haberman, the applicant, was present.

Mr. Cunningham moved to approve the Road Opening Permit for a cut of 230 lineal feet for the purpose of a 6" water main extension on Tavern Road contingent upon receipt of a Certificate of Insurance. Seconded by Mr. Chamberlin. Unanimous vote.

ROAD OPENING PERMIT – Hemlock Road

Mr. Raymond Paczkowski was representing the applicants of Hemlock Road opening permit for the curb cut on Hemlock Road at lost lake drive. Mr. David Welch was also present.

Mr. Cunningham moved to approve the Road Opening Permit for a cut of 500 lineal feet for the purpose of waterline extension on Hemlock Road contingent upon receipt of a Certificate of Insurance. Seconded by Mr. Chamberlin. Unanimous vote.

Mr. Welch added that an additional 60' was requested for the Mavilia property.

Mr. Cunningham moved to amend the motion for Hemlock Road from 500' to 560 lineal feet. Seconded by Mr. Chamberlin. Unanimous vote.

ROAD OPENING PERMIT – Spruce Road

D & J Construction had representation for this road opening permit. *Mr. Cunningham moved to approve the Road Opening Permit for a cut of 300 lineal feet for the purpose of a 6" waterline installation on Spruce Road. Seconded by Mr. Chamberlin. Unanimous vote.*

MEETING W/ CHIEF MULHERN Regarding Proposed Policy

"Appointment of Retired Officers as Special Police Officers"

Chief Mulhern summarized the drafted policy he seeks. He mentioned that he would rather offer the details to his retirees rather than go outside of town, as well as it allows the retirees to supplement their income if they so choose. He noted that there are a large amount of details. These officers are obviously trained in traffic control and saw it as a "win/win" situation. He felt he had a little more control of the details using retirees vs. outside of Towner's. He told the BOS that if the retiree wanted to do details, they would serve under the Police Chief, are required to have medical exams at their own costs. He told the BOS that the union is aware of this policy and support this. There is some liability under 111F; however he felt the benefits outperform the liabilities. He said the age cap is 70 years of age. These officers are not entitled to grievance. They would be appointed annually.

Mr. Cunningham inquired why the policy was limited to officers who retired after July 1, 2002. Chief Mulhern responded that they had to come up with a starting point and he knew that officers who were eligible for the ERI (Early Retirement Incentive) were interested in this policy.

Mr. Chamberlin inquired if this policy excluded anyone.

Mr. Cunningham recommended that if anyone prior to this date decides to apply, they be considered inclusive of this policy.

Mr. Chamberlin stated that this was a well-drafted policy that would accomplish good things.

Mr. Cunningham moved to adopt the "Town of Groton – Appointment of Retired Officers as Special Police Officers" policy. Seconded by Mr. Chamberlin. Unanimous vote.

Scholarship Committee Appointment – Barbara P. Ritz

Mr. Cunningham moved to appoint Barbara P. Ritz to the Scholarship Committee for the term to expire June 30, 2003. Seconded by Mr. Chamberlin. Unanimous vote.

Special Police Officer Appointment – Eileen Lundstrom

Mr. Cunningham moved to appoint Eileen Lundstrom as Special Officer for the term to expire June 30, 2003. Seconded by Mr. Chamberlin. Unanimous vote.

Sign Election Warrant

Mr. Cunningham moved to sign the State Election Warrant for Tuesday, November 5, 2002. Seconded by Mr. Chamberlin. Unanimous vote.

Mr. Cunningham moved to sign the Town Election Warrant for Tuesday, November 5, 2002. Seconded by Mr. Chamberlin. Unanimous vote.

Main Street Committee Charge

Mr. Chamberlin noted that the BOS was reviewing the committee profile drafted by the Administrative Officer based on the Town Center Traffic and Pedestrian Safety Hearing that took place last week. Mr. Chamberlin also noted that Tom Delaney seemed to have a "quick read" on what things are and are not "doable" and that perhaps he, as well as the Police Chief, should be members, as opposed to being conferred to, in the spirit of saving time. Mr. Cunningham agreed although felt we should consult with them first.

Mr. Cunningham moved to form the Main Street Committee as outlined in the Committee Profile as amended to read as follows "With representation as follows: Highway Surveyor or his designee; Chief of Police or his designee; One member representing Groton Business and Professional Association (GBPA); one representing Prescott School, one representing Main Street Residents and two Citizens-at-Large for a total of five (5) members for a term to expire June 30, 2003. The Committee is charged to Review Conway School of Design Plan and other sources regarding traffic calming, signage, crosswalks, parking and aesthetics; obtain input from schools, businesses and residents; design a plan, defining financial implications, responsibilities and permits required for proposed improvements to Main Street. Seconded by Mr. Chamberlin. Unanimous vote.

Mr. Cunningham moved to adjourn at 8:20 p.m. Seconded by Mr. Chamberlin. Unanimous vote.

Approved: _____
Peter S. Cunningham, Clerk

Respectfully submitted,
Maria Casey
Administrative Secretary

Date Approved: November 12, 2002