

**BOARD OF SELECTMEN  
NOVEMBER 25, 2002  
REGULAR SESSION MINUTES  
“APPROVED”**

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

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

**Groton Residential Gardens, LLC**

**Chapter 40B – Affordable Housing Project – 48 units on Main Street**

The Board met with Attorney Douglas Deschenes representing Groton Residential Gardens, LLC and was given a general overview in order for the Board of Selectmen to comment. Mr. Deschenes highlighted the 40B procedure -- The applicant notifies the Board of Selectmen of the intent; the BOS have 30 days to respond to Mass Housing; Mass Housing will make a determination whether the proposal meets their requirements; the applicant applies to the Zoning Board of Appeals (ZBA) for a comprehensive site permit. The applicant is allowed to seek waivers of Zoning and Board of Health and Conservation, however, must meet Wetlands and Title V.

Mr. Deschenes continued with the overview. The 40B is for the property at 535 Main Street, which is just over 4 acres w/ 299' of frontage along Main Street. There will be 48 units of housing; 36 will sell for market rate; 12 will be affordable; 25% of the project must be affordable to those making 80% of median income for this region. The affordable price per unit is proposed for \$145,000 – \$165,000. The proposed market rate price is \$229,000. There will be 5 groups of buildings. Each unit will contain 4 units. Each unit is 1,180 square feet in size and contains 2 bedrooms, 2 baths. There will be a minimum of 2 parking spaces for each unit plus visitor parking. Three of the 48 units will be fully handicapped accessible and of the 3 units – one will be affordable; two will be market price. With the exception of density, the developer plans to meet all zoning as to minimize the impacts of the project. The project is proposed to have public sewer, public water, and underground utilities. The attorney stated that they hope to receive approval in March and complete the project in the late fall.

Mr. Cunningham encouraged the developer to add one more affordable in handicapped mix and would like to see realignment toward 119.

Terri Ragot mentioned that the Housing Partnership has invited the developer to their meeting on December 10<sup>th</sup>.

Carolyn Perkins of the Planning Board asked if they are proposing a playground for the kids. At this time the developer stated only that 30% of open space is required of this application and that he is proposing 50% open space however he has not considered that aspect yet.

The attorney stated that there will be condo fees - less than \$150 per month and prorated for affordable units.

Mr. Bruce Clements of the Planning Board stated that it was his understanding a MEPA review must be done. The developer responded that a MEPA review does not need to be done.

Michelle Collette and Josh Degen, Planning Board encouraged the developer to make an appointment with all the other town departments which will help in process of ZBA comprehensive review if other boards have full information. In this way they can knowledgeably guide/advise the ZBA. Mr. Degen also added that he would like to see a new traffic study for the Mill Street relocation and that this would generate a MEPA study.

Mr. Cunningham read the following from an opinion from Kopelman and Paige regarding comprehensive permits. “A municipality’s failure to meet its minimum housing obligation, nonetheless, is compelling evidence that the regional need for housing does in fact outweigh the objects to the proposal. The denial of a comprehensive permit will rarely be upheld on the basis of considerations such as density, increased traffic or infrastructure concerns, as these matters are considered outweighed by the need for low and moderate income housing, unless the town has met its minimum housing criteria.” Mr. Cunningham mentioned that currently we do not meet the affordable housing ratio and that we are at 1.6% of affordable housing. Terri Ragot stated that we are actually currently at 3% of affordable housing.

Mr. Chamberlin agreed that providing the individual boards with information to guide the ZBA would be greatly beneficial and that this project meets a great socio-economic need for the town.

### **Proclamation For Jack Balonis**

Mr. Cunningham read a proclamation proclaiming November 26, 2002 Jack Balonis Day.

Chief Mulhern commented that Jack has been a phenomenal resource to criminal investigation; is a good detective; is skilled and quite resourceful in knowing the law and motor vehicle code and has the presence to use it. He will be greatly missed and the Chief publicly thanked him for making the police department respected by citizens of Groton.

### **Earth Removal – HGA, Ltd. Nashua Road ~ Still Meadow**

Mr. Chamberlin recused himself from discussion of this agenda item, because he is a Trustee of Groton Conservation Trust, which is a parent organization of the Groton Land Trust. Michelle Collette, Earth Removal Inspector stated that the committee supports this exemption and that it is a routine application. *Mr. Cunningham moved to approve a Certificate of Exemption to the Earth Removal By-Law, Chapter 134, Section 10, for HGA, Ltd. for the removal of 2,000 cubic yards of material located at Still Meadow @ Nashua Road, shown on Assessors Map/Parcels 227/5 to include the following conditions: 1. No operating on site before 8:00 AM or after 4:00 PM. 2. Material taken off site limited to 8:00 AM to 4:00 PM. 3. The roadway must be cleaned at the end of the workday. 4. No operating on weekends or holidays. 5. Applicant shall notify the Earth Removal Inspector prior to commencement of activity. 6. Applicant must ensure traffic flow is not impeded during operation. 7. Slope of stockpiles not to exceed 2:1. 8. Appropriate dust control measures to be undertaken. The removal of material from the site must comply with all applicable permits including: a. Planning Board Site Plan Approval; b. Planning Board Special Permit; c. Conservation Commission Order of Conditions; d. Erosion and Sediment Control permit. Mr. Hartnett seconded. Two in favor (Cunningham, Hartnett); One abstention (Chamberlin).*

### **Interim Treasurer/Tax Collector Appointment**

Mr. Hartnett stated that he would like to recommend Christine Collins for this interim position. He stated that she has been with the Town of Groton for almost six years and is currently the Assistant. Prior to that she was appointed in Hopedale, Mass and prior to that she had been elected Treasurer from Shirley, Mass. He stated that she is a valued asset to the Town. She has management skills and is more than qualified for his position. Ms. Kitchen stated that she checked with Town Counsel regarding payment for this interim position and there are no issues regarding payment. She also stated that the job will need to be rated by the Personnel Board and then advertised. *Mr. Cunningham moved to appoint Christine Collins as Interim Tax Collector/Treasurer from November 30, 2002 until a full-time, permanent individual is identified for that position. Seconded by Mr. Hartnett. Unanimous vote.*

### **Board Of Assessors - Full Time Office Assistant – Rebecca M. Scribner**

*Mr. Cunningham moved to approve the hiring of Rebecca M. Scribner as 34-hour per week Board of Assessors' Office Assistant at Grade 6, Step1. Seconded by Mr. Hartnett. Unanimous vote.* Ms. Scribner will be taking Jane Chalmers position. Mr. Kopec spoke to this recommendation from a pool of 90 applicants and introduced Ms. Scribner.

Rena Swezey, Assistant Assessor, informed the Board that as of January 1, 2003, the Board of Assessors will be open from Monday through Friday from 8:00 a.m. to 4:00 p.m.

### **Groton Business & Professional Association Re: Signage for Businesses on Rail Trail Kiosk**

The Board met with Jane Bouvier, President of GBPA; Elizabeth Holwech, Vice President and Scott Goehringer, Director. They would like to have a business information / map on one side of the kiosk promoting businesses, etc. They informed the Board that Donelan's is donating \$500 toward this effort. They also informed the Board that they would update it periodically and would like to see some type of laminate / plexi glass covering to protect this project.

Mr. Chamberlin noted that according to Danny O'Brien, Rail Trail Planner with DEM, one side of the kiosk would be used for a map of rail trail, with a timeline and pictures on railroad history.

The Board wholeheartedly supported this effort and told GBPA to work directly with DEM and Danny O'Brien to do whatever is necessary.

GBPA informed the Board that they would present a sketch as soon as it was ready.

**Central Mass EMS Corporation**

*Mr. Cunningham moved to appoint Lieutenant Paul Coss as First Responder Representative, EMT Helen Gingras as Government Representative and EMT Joseph Woods as Ambulance Representative to the Central Massachusetts Emergency Medical Systems Corporation effective November 22, 2002, term to expire upon receipt of resignation. Seconded by Mr. Hartnett. Unanimous vote.*

**Alcohol License Renewals**

*Mr. Cunningham moved to approve the renewal of a Common Victualler License, to serve All Kinds of Alcoholic Beverages, for the following establishments:*

*Ralph D. Kelly, Inc. d/b/a Groton Lounge*

*Amesbury Restaurant Corp., d/b/a Groton Jade Restaurant, Raymond Chun Ng, Manager*

*Brenker Inc. d/b/a Beef 'n Ale Restaurant, Kerri Hilberg, Manager licenses to expire December 31, 2003. Seconded by Mr. Hartnett. Unanimous vote.*

*Mr. Cunningham moved to approve the renewal of a Retail Package Goods Store License for the sale of Wines and Malt Beverages to Norman & Rena E. Gagne d/b/a Groton General Store, license to expire December 31, 2003. Seconded by Mr. Hartnett. Unanimous vote.*

*Mr. Cunningham moved to approve the renewal of Retail Package Goods Store Licenses for the sale of All Kinds of Alcoholic Beverages to Groton Market, Inc., John M. Madigan, Manager, and to Denis H. Marchand and Estelle C. Marchand d/b/a Craven's Package Store, licenses to expire December 31, 2003. Seconded by Mr. Hartnett. Unanimous vote.*

*Mr. Cunningham moved to approve the renewal of General On Premise Licenses for the sale of All Kinds of Alcoholic Beverages to the Groton Country Club & Recreation Authority, Brad Durrin, Manager, for the Snack Bar/Lounge, Pavilion, and Function Hall, licenses to expire December 31, 2003. Seconded by Mr. Hartnett. Unanimous vote.*

**Sunday Entertainment Renewals**

*Mr. Cunningham moved to approve Public Entertainment on Sunday for the following establishments, all license to expire December 31, 2003: Amesbury Restaurant Corp., d/b/a Groton Jade Restaurant for disc jockey, piano player, fold singer and small band; Groton Country Club & Recreation Authority for Live Entertainment and disc jockey and Groton Stage Coach Inn & Tavern, Inc. for live entertainment (dinner music), small bands and occasional disc jockey. Seconded by Mr. Hartnett. Unanimous vote.*

**Main Street Committee Appointment – Deborah O'Rourke**

*Mr. Cunningham moved to appoint Deborah C. O'Rourke as Prescott School representation to the Main Street Committee for the term to expire June 30, 2003. Seconded by Mr. Hartnett. Unanimous vote.*

**Closing Town Hall/Annual Employee Holiday Luncheon/December 20<sup>th</sup>/12:30 to 4:00 P.M.** The Board was in unanimous consensus of this request. They requested the Administrative Officer inform the public of this on the website.

**Amend Minutes of 9/3/02**

Mr. Hartnett abstained from this, as he was not a member of the Board during this time. *Mr. Cunningham moved to amend the Minutes of September 3, 2002 to include the following: "Mr. Cunningham moved to submit the following debt exclusion question for the November 5<sup>th</sup> ballot. QUESTION 1. Shall the Town of Groton be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to acquire a conservation restriction and associated easements encumbering a portion of the properties known as the Gibbet Hill Property and Angus Property located on Route 40/Lowell Road, Groton, Middlesex County, Massachusetts and designated respectively as Map 116, Parcel 3A on the Town Assessor's Maps and further described in a deed recorded with the Middlesex South District Registry of Deeds in Book 31800, Page 319 (Gibbet Hill Property) and as Map 234, Parcel 1 on the Town Assessors' Maps and further described in a deed recorded with the Middlesex South District Registry of Deeds in Book 31800, Page 319 (Angus Property)? Seconded by Mr. McCuin. Unanimous vote." Seconded by Mr. Chamberlin. Two in favor (Chamberlin, Cunningham); One abstention (Hartnett).*

**ADMINISTRATIVE OFFICER REPORT**

Ms. Kitchen notified the Board that Growth Management Advisory Committee is looking for Selectmen Representation replacement for Mr. McCuin. Mr. Hartnett offered to fulfill this post. *Mr. Cunningham moved to appoint Tom Hartnett to*

*the Growth Management Advisory Committee as Selectmen Representative for the term to expire June 30, 2003. Seconded by Mr. Chamberlin. Two in favor (Chamberlin, Cunningham); One abstention (Hartnett).*

Ms. Kitchen notified the Board that regarding the Town Accountant position; they interviewed 8 applicants and have selected 3 finalists. She noted that the 3 finalists were unanimously selected by the Town Accountant Search Committee and are being asked back for a second interview this week.

Ms. Kitchen notified the Board that the closing for the MacGregor Property will be the end of this week, the beginning of next and that the title search showed that the easement in question was a solid easement dating back to the 1800's. Mr. Hartnett informed the Board that this money will be taken from the Stabilization Account and that there will be no borrowing.

Mr. Cunningham informed that on Saturday, the 23<sup>rd</sup>, the Board completed the perambulation of the bounds by locating the final marker near "Dead Hole" in Tyngsboro. Mr. Chamberlin noted that Mr. Cunningham deserves a lot of credit for overseeing this project to its completion over the past three years.

*Mr. Cunningham moved to adjourn at 8:40 p.m. Seconded by Mr. Hartnett. Unanimous vote.*

Approved: \_\_\_\_\_  
Thomas D. Hartnett, Clerk

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*Respectfully submitted,*  
Maria Casey,  
Administrative Secretary

Date Approved: December 9, 2002