

**BOARD OF SELECTMEN  
MAY 17, 2004  
REGULAR SESSION MINUTES  
"APPROVED"**

**Present:** Thomas D. Hartnett, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball, Clerk; Peter S. Cunningham, Member; Virginia C. Wood, Member and Administrative Officer Jean E. Kitchen and Kathleen Newell, Office Assistant

The meeting was called to order at 7:00 p.m.

**Proclamation for Thomas D. Hartnett**

Mr. Saball, Ms. Wood, Mr. Cunningham and Mr. Dillon read a proclamation for Mr. Hartnett, proclaiming Tuesday, May 18, 2004 as Thomas D. Hartnett Day. The Board thanked Mr. Hartnett for his hard work and friendship during his service as Selectmen. Mr. Dillon stated he had heard "you should leave things better than you find them" and Mr. Hartnett had accomplished that.

**Earth Removal Exemption Hearing RE: Old Dunstable Road, Map 247, Parcel 52 and Map 247, Parcel 52.1**

Ms. Michelle Collette and Mr. Bradley were present for this portion of the meeting.

Ms. Collette stated the Earth Removal Committee had walked the site on Saturday and made recommendations regarding the existing stockpile slopes. Ms. Collette stated the Committee had learned over the past two years giving a one year time-frame was excessive and by specifying a shorter period of time encourages the developer to get the site stabilized quicker. Mr. Saball asked if the conditions had been reviewed with the developer. Ms. Collette stated Mr. Bradley had walked the site, but had not attended the meeting. Mr. Bradley stated he was amendable to the recommendations. Mr. Cunningham stated the application had had some problems before and asked Ms. Collette if the problems had been rectified. Ms. Collette stated there was a gentler slope and the Committee was satisfied. Mr. Dillon stated multiple locations had been listed as the destination of the removed materials and asked where the material was going. Mr. Bradley stated the material would be transported to Mt. Lebanon Street in Pepperell.

*Mr. Cunningham moved to approve a Certificate of Exemption to the Earth Removal By-Law, Chapter 134, Section 10, for High Oaks Realty Trust, for the removal of 1,600 cubic yards of sand and gravel located on Old Dunstable Road, shown on Assessors Map/Parcel 247/52 and 247/52.1 to include the following conditions:*

1. *No operating on site before 7:00 AM or after 5:00 PM.*
2. *Material taken off site limited to 7:00 AM to 5:00 PM. during school days.*
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 removal of material from the site.*
6. *Slope of stockpiles not to exceed 2:1*
7. *Appropriate dust control measures to be undertaken.*
8. *Applicant must ensure traffic flow is not impeded during operation.*
9. *The retention basin and infiltration wick near the intersection of the driveway and Old Dunstable Road shall be installed prior to the removal of any material from the site. This drainage structure should be operation al to prevent erosion to Old Dunstable Road.*
10. *The existing crushed stone construction entrance shall be maintained and supplemented and more crushed stone, if necessary, to prevent erosion to Old Dunstable Road.*
11. *Dust control is critical in the development of this site. A water truck shall be available to control dust since there is no public water available in this area.*

*The permit shall expire three months from the date of issuance.*

*Seconded by Ms. Wood. Unanimous vote.*

**Bay Communications LLC RE: Cell Tower Lease**

Mr. Carey Diehl, Mr. James Patierno, Highway Surveyor Tom Delaney and Mr. Steve Webber were present for this portion of the meeting.

Mr. Diehl stated he had spoken with Ms. Kitchen and he was submitting a new map for the location of the proposed tower. Mr. Diehl stated he has met with Mr. Delaney and discussed the location. Ms. Kitchen asked Mr. Diehl if he would be doing testing to determine the best conditions. Mr. Diehl stated that would be addressed by zoning. Ms. Wood stated she has some questions on the agreement. Ms. Kitchen stated she and Mr. Dillon had gone over the agreement as well as Town Counsel. Ms. Wood asked how commencement of construction was defined. Mr. Diehl stated when Bay Communications receives a building permit they will start construction. Ms. Wood stated when they receive the building permit the Town should start receiving payment. Mr. Diehl stated when the ground is disturbed the payment will begin. Ms. Wood questioned the wording on page 4 paragraph 1 "Upon termination or expiration of this Agreement, at the option of the Owner, Lessee will remove the facility, at its cost, and any and all of its other property located upon the site..." stating it contradicted with Paragraph 12 and did not specify a time-frame. Ms. Kitchen stated "within 60 days" would be inserted. Mr. Diehl stated paragraph 12 was specific to the building permit. Mr. Delaney stated he would like Bay Communications to narrow down the location as he is doing some work at the Highway garage. Mr. Patierno asked Mr. Diehl if he would be willing to meet with him to discuss the location of the tower as he (Patierno) is an abutter and will be developing the property. Mr. Webber asked Mr. Diehl if he had signed up any tenants yet. Mr. Diehl stated he was working with Nextel.

*Ms. Wood moved to execute the Lease Agreement and authorize the Vice-Chairman of the Board to sign the Agreement between the Town of Groton and Bay Communications, LLC for a Telecommunications Facility at the Cow Pond Brook Road site, as amended and the language between paragraph 12 and 18 shall be consistent and upon commencement of physical construction of the Facility the monthly rent installments will commence. Seconded by Mr. Cunningham. Unanimous vote.*

#### **Lawrence Academy RE: Pesticide Application**

Ms. Linda Deasy was present for this portion of the meeting.

Ms. Deasy stated Lawrence Academy was seeking permission to treat the athletic fields for grubs and to apply weed and feed.

*Mr. Cunningham moved to authorize Lawrence Academy to use and apply pesticide for other than aesthetic purposes on the campus. Seconded by Ms. Wood. Unanimous vote.*

#### **Draft Use of Municipal Buildings Policy**

Martha Campbell and Peter DiFranco were present for this portion of the meeting.

The Board reviewed the draft policy for the Use of Municipal Buildings Policy. Ms. Kitchen stated there were numerous policies within the Town. Ms. Kitchen stated there has always been an allowance for free use by certain groups. Ms. Wood asked if other departments had reviewed the policy. Ms. Kitchen stated this was the first draft for the Board to review. Ms. Wood asked if Williams Barn was not included because they had their own policy. Ms. Kitchen stated she did not know what the Board wanted to include on the policy and asked if the Board wanted a general or specific policy. Mr. Dillon stated alcoholic beverages are not allowed at the Library premises as stated in its policy. Ms. Wood suggested listing the capacity of each building. Mr. Dillon stated a need for delineation of buildings as to whether serving of alcohol is permissible. Ms. Kitchen stated anyone serving alcohol would need to obtain an alcoholic beverages permit from the Board of Selectmen for the event. Ms. Wood suggested forming a group to review the buildings and capacities. Ms. Wood further suggested adding the following buildings: West Groton Fire Station, Williams Barn, the Old School House on Chicopee Row and the Public Safety Complex. Ms. Kitchen stated there might be a problem with the Public Safety Complex due to security concerns. Mr. Dillon stated there could be a general policy, possibly with some exceptions. Mr. Saball asked what the exceptions were. Mr. Dillon referenced the Library's no alcohol policy. Mr. Cunningham concurred with Ms. Wood regarding the formation of a group to review the buildings. Mr. Cunningham stated a need to be consistent in policy. Mr. Hartnett stated he personally feels there should be no alcohol served in town buildings, Mr. Hartnett stated there is already one facility in which alcohol is currently be served which is the Country Club. Ms. Wood stated the Williams Barn Committee is looking forward to being allowed to serve alcohol to increase the revenues generated by bookings of the facilities for weddings, showers, parties etc. Ms. Campbell asked who determines the rental fees as she had inherited the senior

center policy when she took over the position. Ms. Kitchen stated the COA must have set the fees. Ms. Campbell recommended a deposit for cleaning i.e. vacuuming and cleaning of restrooms after an event. Mr. DiFranco stated his agreement with a deposit for cleaning however asked for clarification regarding the police detail.

### **OTHER BUSINESS:**

#### **Draft Conflict of Interest Policy**

Ms. Wood stated there is a tabbed space in the big notebook for Conflict of Interest but there is no policy. Mr. Hartnett stated "if you think you are doing something wrong, you probably are, check with the State Ethics Commission." Mr. Dillon stated he had received a copy of the law when he was sworn at the Town Clerk's office. Ms. Wood stated she was opposed to having a policy as one already exists. Mr. Webber stated a set of guidelines for a chair of a committee would be more effective than a policy. Mr. Hartnett asked the Board's pleasure. Mr. Cunningham stated he agreed with a set of guidelines, but not a policy, which may supercede state guidelines.

#### **Use of Legion Hall**

Ms. Kitchen stated she had obtained a list of groups, which use Legion Hall and there is no problem moving the groups. Mr. Cunningham asked if the groups could be notified of the loss of the facility. Ms. Kitchen stated the change would not take effect until the fall. Mr. Saball stated he had been working with Mr. Black and the Committee was asking for some solid space to work from. Mr. Hartnett stated the Committee would be receiving quantities of paraphernalia, which it will be selling and need a place to store it.

#### **Review/Approve Regular Session Minutes of May 10, 2004**

*Mr. Hartnett moved to approve the Regular Session Minutes of May 10, 2004. Seconded by Mr. Dillon. Unanimous vote.*

#### **ADMINISTRATIVE OFFICER REPORT**

Ms. Kitchen stated the Conservation Commission had approved this year's application of Diquat at Lost Lake.

#### **SELECTMEN LIAISON UPDATES**

Ms. Wood stated there would be an Affordable Housing Task Force meeting on Wednesday.

Mr. Cunningham stated there would be a Haz-Mat Collection on May 19, 2004.

Ms. Wood stated the annual election would be held tomorrow.

Mr. Dillon stated he had been on a tour of the Nashua River with the Greenway Committee.

Mr. Webber suggested the review and approval of minutes be placed after the AO and Selectmen Liaison Updates. The Board concurred.

Approved: \_\_\_\_\_  
John L. Saball, Clerk

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*Respectfully submitted,*  
Kathleen Newell, Office Assistant

Date Approved: May 24, 2004