

**BOARD OF SELECTMEN
AUGUST 9, 2004
REGULAR SESSION MINUTES
“APPROVED”**

The meeting began at 7:05 P.M.

Present: George F. Dillon, Jr. - Chair; Peter S. Cunningham - Vice Chair; John L. Saball - Clerk; **Virginia C. Wood - Member; Robert W. Nordblom - Member; Jean E. Kitchen - Administrative Officer and Maria Casey - Administrative Secretary to the Board of Selectmen.

Rescue Canine Commendations - James Stefely & Denni and Nancy Graupner & Simon

The Board of Selectmen (BOS) recognized and commended James Stefely and Denni and Nancy Graupner & Simon regarding their successful search and rescue of a missing person on Reedy Meadow Road. Chief Mulhern and Rescue Director Leroy Johnson were in attendance for this commendation.

Chapter 40B, Affordable Housing Proposal, Townsend Road, “The Village @ Throne Hill”

In accordance with Selectmen Policy 03-02, Consideration of Comprehensive Permit Applications, the BOS sent out notification of the Public Notice to all abutters, notified the Town of Pepperell as a courtesy and met with Mark O’Hagan of MCO Associates who presented the plan. Mr. O’Hagan stated that the Planning Board had already approved the roadway last year when it was submitted differently as Academy Hill.

The total development area is in excess of 300 acres. The proposal calls for the development of a total of 200 housing units in which 140 are proposed as single-family homes and 60 are proposed as town-home condos. The single-family homes are proposed to be approximately 2400 sq. ft., 3 bedrooms and 2.5 baths. The town homes range in size from 1800 to 200 sq. ft. with 2 bedrooms. Thirty of the town homes have been specifically designed to be suitable for the needs of 55+ and provide for a master bedroom on the first floor and the opportunity for one-level living. All units have a one or two garage and full basements. Town Water and a Wastewater Treatment Facility would service the site. Two hundred acres will be protected Open Space available for passive recreation to residents.

Fifty of the proposed housing units would be sold to qualified first time homebuyers with income at or below 80% of the median income for the area – approximately \$64,000 for a household of four plus interest, taxes and association fees. They would be sold by lottery and up to 70% of the homes would be set-aside for Groton residents.

Ms. Wood stated her concern with the private road. If it is constructed without our Engineers overseeing the project, she inquired if the road was going to be built to Groton’s Subdivision standards. She added further than say ten years down the road, when the roadway begins to fall apart, she could envision two hundred unhappy homeowners approaching the BOS to have the road rebuilt.

Mr. O’Hagan stated that the road would be built to Subdivision Standards and that a fee of \$20,000 per month is part of the Association Fees, which would be held in reserve to maintain the road and the treatment center. He reiterated that the Planning Board approved the road and that they are not going to change it and that the Planning Board could inspect the road.

Mr. O’Hagan further added that the Town could use the option of accepting the road as a public way and maintain it.

Ms. Wood deferred to Michelle Collette, Planning Administrator, regarding their memo submission with comments specifically #2, which states that the Planning Board subsequently approved the Academy Hill definitive plan on May 14, 2002 with waivers and conditions. However, the Board does not agree with the applicant’s summary of the waivers contained on Page H-5 of the Supplemental Draft EIR.

Mr. Dillon inquired if there is a list of waivers for review. Mr. O’Hagan stated that this is a conceptual plan, which they will await our feedback and that it’s very rare that the concept plan is the plan submitted to the ZBA as the applicant takes town’s concerns and often will make amendment.

Mr. Cunningham stated that density is of concern and related environmental concerns, as well as the access road connected in Pepperell. He likened the overall picture of the proposal as a dog “terrier” and recommended the applicant keep the units more toward the snout area of the terrier. He felt that if the applicant made those suggested changes, the design in that area would be better received.

Mr. Saball stated that his concerns are the density and it’s impact on Townsend Road at the intersection of Route 119.

Mr. Cunningham concurred and informed the applicant that the intersection is already extremely busy, as well as the traffic entering on Route 119.

Mr. Dillon added that also the traffic would be impacted due to another 40B project in process for Squannacook hills.

Police Chief Mulhern stated that he met with the applicant numerous times on the previously submitted plan known as Academy Hill and that the plan was acceptable. He further added that regarding road designs and development, he defers to the Fire Chief's recommendation stating that if the fire trucks can go on the roads, a police cruiser certainly can. Further he accepted gate with the restriction that there be keys, transponders, Knox boxes, power switch, and breakable gates due to distance of the gate in the scope of the project. Additionally, he defers to the Engineers to do a study regarding traffic and sight lines and ensures that their recommendations are addressed.

Mr. Nordblom inquired what economic benefit there was for the applicant for him to change his decision to submitted the project under Chapter 40B.

Mr. O'Hagan replied that it wasn't an economic change but that Natural Heritage and Planning Board were not comfortable with a gated roadway and cul de sac length.

Mr. Nordblom suggested that deed restrictions and covenants for the gated road in conjunction with National Heritage that would occur with the roadway.

Mr. Josh Degen, who was representing himself as an individual, stated that the Town is at a "crossroads" with 360 units currently proposed, which the ZBA will adjudicate, and in general reference to the 40B's, this doesn't give the town time to plan for infrastructure, Police, Fire, Schools and Town Hall and that the impact is huge for many years to come. He also stated that the BOS should have an Affording Housing Plan submitted to the State.

As Planning Board Member, he stated that Academy Hill has been before the Planning Board for three years and has received approval for 117 units, including 10% of affordability. He confirmed that National Heritage has a letter regarding the species that are threatened, and feels that this very "same project" faces the very same problems. He encouraged the BOS to review the Planning Boards comments.

Ms. Wood stated that indeed the BOS did hire MRPC to do a plan and after a year, she, along with the Affordable Housing Task Force presented a plan to the BOS and upon approval, it was sent to the State on Friday, in fact. She further added that the AHTF forwarded the Plan through Michelle Collette to the Planning Board for comments and only received comments from Member Carolyn Perkins. Ms. Wood added, "The Plan is not a savior." If the plan is approved by the State, that only allows one-year reprieve, two years maximum to meet 10% of affordable housing. She informed Mr. Degen that the Affordable Housing Plan lays out the responsibility Planning Board for which they must utilized to meet our Master Plan Guidelines and that all Boards need to work together to help each other achieve that end.

Planning Board Member Bruce Clements restated that this plan does not address the issues that were problematic with National Heritage, as well as the density and requests an additional +/- 80 units.

Planning Board Administrator Michelle Collette suggested that the proposed name of this project "The Village at Throne Hill" be modified to avoid any confusion with name duplications. The Town currently has West Throne Subdivision, Throne Hill Subdivision. This application would be the third one.

Oliver's Grille & Pub RE: Keno Application

The BOS held a public hearing regarding a Keno Application with Mass State Lottery Commission for Oliver's and the Public Hearing Checklist is attached herein. Ms. Wood moved to recuse herself, as she is a restaurant owner. Mr. Russell Kimball and Ms. Cheryl Hryniewicz, owners of Oliver's, were in attendance for this portion of the meeting. Mr. Kimball stated that they wanted Keno to increase their traffic, especially with "dead" spots in the afternoon. He further stated that the Keno would be in the bar area, which is sports oriented. Ms. Hryniewicz stated that due to the No Smoking Ban, they have lost customers.

Mr. Cunningham stated that he was in support of this license going forward because he felt it would not be a detriment to the area and that the BOS needs to trust the proprietorship of the operation.

Mr. Dillon added that there have not been any complaints to the Town regarding Oliver's since they began operation and that this Keno application is not precedence setting, as two other establishments have had Keno.

Resident Michelle Collette was in attendance to speak in opposition to this application and state-sponsored gambling. She felt it was the most regressive form of taxation.

Mr. Nordblom was concerned about the traffic that would result due to this application, noting that Whiley Road, during traffic hours, is difficult to get out onto Route 119. Mr. Kimball replied that with the Four Corners/Shaws Project, a light is being placed at Whiley Road and should take care of Mr. Nordblom's concern.

The Board of Selectmen was in consensus that they would take no action and not request a hearing in front of the Mass State Lottery Commission, as per the letter sent to the BOS.

**Ms. Wood left the meeting at 8:20 p.m.

Board of Assessors & Planning Board RE: Increase of Town Revenue Base

The BOS met with the Board of Assessors (BOA) with members Hugh McLaughlin, Sylvia Sangiolo and Eddie Kopec in attendance. Mr. McLaughlin has previously sent a memo to the BOS entitled "Need to increase the Town's Revenue Base," with a spread sheet dated 6/2004 entitled "BOA Analysis of Groton and Neighboring Town Budget Structure – Assessed Values, Revenue and Spending Patterns," copies of which are attached. Mr. Kopec stated that the Town has seen a 10% loss of commercial tax base with house prices skyrocketing. He recommended that rather than "spot zoning" the Town should have zoned areas and that a lot of commercial property has not shown on the map as commercial as it is more difficult to reveal

Mr. McLaughlin reviewed the Analysis Spreadsheet stating that Groton is on the lower end of commercial, industrial and personal property and that consumer services can be rated predictably. The Residential Class is the most-service intensive at 95.5% and that the residential rate cannot continue to cover the services. He further elaborated that with regard to the Concept of new growth with new revenue and obligation sources that it is not reasonable to look at 10 to 20 million of new growth if it's all residential housing because you are also adding another 600,000 worth of services to these new residents. He'd like to create a better understanding with Planning Board (PB), BOS and BOA to where the housing values. Regarding affordable housing plan the BOS is working on, he felt it a noble idea however noted that again the Town will incur obligations which will add to the toll. He felt that Groton is only ½ developed and has the potential of about 20,000 people build out but commercial balances out residential.

Ms. Sangiolo presented a sheet, "Gross vs. Net New Growth," copy attached. She stated that for properties over \$600,000, the Town will break even and that the Town needs commercial that does not put kids into the schools. She hopes that the BOA, BOS and PB can work as a team to encourage commercial. Regarding affordable housing, she'd like to see more condos geared towards professional, small ranches for 55 and over, and small lots for assisted living which will help keeping the substantial size of low impact and maintain our schools to be financially viable.

Mr. McLaughlin stated that the planning process could help to influence this blend.

In attendance for the PB, Josh Degen stated that he appreciate the BOA's concerns and feels they are very valid. The PB is working very hard through flexible zoning and cluster zoning. He mentioned all of the projects that are currently in process as an example. Regarding the economics, Mr. Degen stated that the PB is aware of the uniqueness and feels it beneficial to invite soft businesses into town for zoning.

Mr. Cunningham stated that there are a lot of elements to this piece. He further added that Groton has the perception is that some of the requirements for new zoning has limited some possibility of business, which is a PB piece. He inquired if they would be supportive to certain changes for zoning for new commercial applicants coming in. He used Station Avenue as an example of prime area for commercial and mixed use. He inquired if we should look at the changes to zoning to make this happen now.

PB Administrator Michelle Collette congratulated the BOA for bringing this to the forefront and wondered of the BOA how and why new growth does not pay for itself. She had compiled a list of "Rezoning 1963 – 2003," attached herein, which have taken place over the last four years. She added that Rivercourt was a worthwhile town project and that maintaining a delicate balance is important. Additionally, Michelle stated that upon review of the Master Plan in 1999 relative to economic issues, this was brought to the forefront however did not progress due to a lack of volunteers.

Mr. Dillon stated that this type of dialogue needs to continue under business development portion of the Board of Selectmen's Goals.

Ms. Connie Sartini, speaking as a resident and neighbors of a commercial development currently going on, stated that it's important to have the neighbors as part of the planning progress, especially relative when commercial sites are being placed in existing neighborhoods. In other areas, not populated, residents who "buy into" this area after the fact know what they are getting vs. existing neighborhoods.

Board of Selectmen FY05 Goals and Objectives

Mr. Cunningham moved to accept and approve the Board of Selectmen FY05 Goals and Objectives dated July 26, 2004. Seconded by Mr. Saball. Four in favor. (FD, PC, JS, WN).

Main Street Committee – Change in Representation and Appointment

Mr. Cunningham moved to amend the Main Street Committee membership number from seven to five members and with representation to the Main Street Committee as follows: Police Department (Police Chief or Lieutenant); Highway Department (Highway Surveyor Tom Delaney); Member-at-Large (Edward Kopec); Groton Business Association (Jane Bouvier); Groton

Business Owner (Karin Shea, Pastore's Restaurant). Seconded by Mr. Saball. Four in favor (FD, PC, JS, WN).

Mr. Cunningham moved to appoint Karin Shea to the Main Street Committee as Groton Business Owner Representative for the one-year term to expire June 30, 2005. Seconded by Mr. Saball. Four in favor (FD, PC, JS, WN).

Fire Protection/Hydrant Fee Task Force

Mr. Cunningham moved to appoint the following to the Fire Protection/Hydrant Fee Task Force for the one-year term to expire June 30, 2005: Mike Brady as Citizen-At-Large Representative; Steve Webber as Finance Committee Representative; Jay Prager as Capital Planning Representative; John Llodra as Groton Water Ratepayer Representative and Don Kennedy as West Groton Water Ratepayer Representative. Seconded by Mr. Saball. Four in favor (FD, PC, JS, WN).

Reappointments

Mr. Cunningham moved to appoint Karen D. Reif to the Emergency Management Agency as Radio Officer for the one-year term to expire June 30, 2005. Seconded by Mr. Saball. Four in favor (FD, PC, JS, WN).

Minutes

Mr. Cunningham moved to approve the Work Session Minutes of July 26, 2004. Second by Mr. Nordblom. Four in favor (FD, PC, JS, WN).

Mr. Nordblom moved to adjourn the meeting at 9:20 p.m. Seconded by Mr. Saball. Four in favor (FD, PC, JS, WN).

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Maria Casey,
Administrative Secretary
to the Board of Selectmen

Date Approved: September 27, 2004

Attachments (5)

1. Oliver's Grille & Pub Public Hearing Checklist
2. Memo of June, 2004 - Need to increase the Town's Revenue Base
3. Spread sheet dated 6/2004 entitled "BOA Analysis of Groton and Neighboring Town Budget Structure – Assessed Values, Revenue and Spending Patterns
4. Gross Vs. Net New Growth Handout
5. Rezonings 1963 – 2003 Handout