

**BOARD OF SELECTMEN
JULY 11, 2005
REGULAR SESSION MINUTES
“APPROVED”**

Present: George F. Dillon, Jr., Chair; John L. Saball, Vice Chair; Robert W. Nordblom, Clerk; Administrative Officer Jean E. Kitchen, and Kathleen Newell, Office Assistant

Absent: Peter S. Cunningham, Member and Mihran Keoseian, Member

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

Habitat for Humanity RE: Map 226, Parcel 47

List of attendees enclosed herein.

Mr. Dillon stated that this would be an informational meeting for a Local Initiative Petition (LIP). Mr. Dillon explained the LIP process in which the Board of Selectmen along with the developer of the property would sign the application which would then go before the HCDC and the HCDC seeing the endorsement would give the project more “weight”. Mr. Dillon stated that the Zoning Board of Appeals usually goes along with the conditions set by the Board of Selectmen, but they can set more conditions. Mr. Dillon stated that more information was needed before the Board of Selectmen could endorse the LIP or if the project should take its course through the Chapter 40B process. Mr. Boczenowski stated that Habitat for Humanity had built a house on Whitney Pond Road which had been a successful project. Mr. Boczenowski stated that the most difficult part was receiving the land and the land donated is usually difficult to develop.

Mr. Boczenowski stated that Dr. Decoteau had donated the land which is now owned by Habitat for Humanity. Mr. Boczenowski stated Habitat for Humanity wants to build an affordable single family unit as a friendly Chapter 40B project. Ms. Ragot stated that a friendly Chapter 40B welcomes input from the community. Mr. Boczenowski stated that Habitat for Humanity would be holding an informational meeting on the site on Saturday at 10:00 a.m. and then displayed pictures of Habitat for Humanity houses.

Ms. Ragot asked if the Board had further researched the LIP program because the property is non-conforming and a LIP doesn't apply.

Mr. Dillon noted that the Zoning Board of Appeals ruling was going through the land court and asked what the status of the ruling was. Attorney Lyons stated that the status was either in limbo or it had been withdrawn by the applicant.

Mrs. Aronis stated that she had been told the lot was unbuildable and she had tried to purchase the property. Mrs. Aronis further stated that the Board of Health conditions will impact the Comeau's property.

Attorney Lyons stated that there could be a merging of zoning purposes and the lot was approved by the Planning Board. Mr. Comeau stated that the lot had been merged and lost its rights as a buildable lot. Mr. Comeau stated that the lot had been established in the 1980's and the original owner couldn't build on the lot, and the proposed lot is in close proximity to his well.

Ms. Kitchen stated that she was confused because Ms. Ragot stated that the project would not be a LIP and Attorney Lyons' letter stated it would be a LIP. Attorney Lyons stated that a LIP was a friendly Chapter 40B in cooperation with the Board of Selectmen, community and neighborhood. Mr. Dillon asked what process Attorney Lyons was pursuing. Attorney Lyons stated he was looking for approval of the Board.

Mr. Boczenowski stated that Habitat for Humanity was not in a rush to build and they had come before the Board to appear before the neighborhood and to cut down on the red tape.

Mr. John Goodale expressed confusion and asked why a set of confusing parameters was being presented to the Board. Mr. Dillon stated that if Habitat for Humanity were to pursue a LIP the Board of Selectmen would play a bigger part in the applications process. If they chose a Chapter 40B the HDCD would notify the Zoning Board of Appeals and Board of Selectmen and if approved the HDCD would send a letter to Habitat for Humanity. Ms. Kitchen noted that for a LIP the Board of Selectmen would sign the applications and for a Chapter 40B the Board would offer comments.

Mr. Comeau stated that the Chapter 40B is an extremely powerful piece of Massachusetts Legislation which strips the community of its rights. Mr. Comeau further stated that there would be a series of significant variances which would impact the neighbors. Ms. Ragot asked how it would be different if the application went before the ZBA. Mr. Comeau stated that the neighborhood would be protected by the Town.

Mr. Boczenowski stated he had been told that the lot was buildable and it was a legal snafu which the former owner had been required to go before the ZBA.

Mr. Comeau read and excerpt from the Zoning Board of Appeals decision stating that it had been “transparently ineffective to defeat common ownership restrictions”.

Attorney Lyons stated that a lot being deemed unbuildable usually means soil conditions, etc.; the Planning Board did approve the parcel as a lot and the road is in place, the Board of Health had approved the SDS and well for the lot. Attorney Lyons stated the lot is currently unbuildable in a legal sense.

Ms. Heidi Collins expressed concern with the lack of information and that septic systems have been an on-going issue in the neighborhood and would be a concern for low-income family. Attorney Lyons stated that the variance was not for the septic, but for the setback requirements for the well.

Mr. Gary Collins asked if Habitat for Humanity had explored doing a land swap with the Conservation Commission.

Mr. Dillon agreed with Ms. Heidi Collins that there had been a lack of information and confirmed that there would be an informational meeting at the site. Mr. Goodall asked if there would be a written statement of what the position will be. Attorney Lyons stated that it would not be ready by Saturday.

Richard A. Sargent and Dana P. Sargent RE: Renewal of Agreement with R & D Realty Trust

Mr. Richard Sargent was present for this portion of the meeting.

Ms. Kitchen stated that the agreement would allow service to Moison’s store across the Prescott school property and would only be used when the school was not in session or not being used. Mr. Saball asked if the Fire department had keys to the gate. Mr. Sargent stated that both Police and Fire had access to the locks. Ms. Kitchen noted that the agreement was for three (3) years. Mr. Sargent asked if it could be extended to five (5) years. Ms. Kitchen stated it could not be extended with out going before Town Meeting.

Mr. Saball moved to execute the Agreement by and between R & D Realty Trust and the Town of Groton for the use of a private way with the terms and conditions set forth in the Agreement, dated July 11, 2005. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Gordon K. Newell, West Groton Water District RE: Town Forest Property

Mr. Gordon K. Newell, Groton Water Commission Chris Kelley, Groton Water Superintendent Thomas Orcutt, Town Forest Commissioners Harlan Fitch and Steve Babin were present for this portion of the meeting.

Mr. Newell stated that there were two reasons for coming before the Board; they had closed on the Blood property and the Water District is now the owner of the 100 acres.

West Groton Water District had met with the Conservation Commission regarding the best route to the well site on the Town Forest property either via Ames Meadow Road or an alternate route. Mr. Newell distributed a letter from the Conservation Commission; West Groton Water had had a site walk with Conservation and they (W. Groton Water) were seeking a letter of support from the Board of Selectmen to help facilitate the project. Mr. Newell stated that the Board had been provided copies of the proposal so far. Mr. Newell stated that they had redesigned the direct route which eliminates all grading and cuts in the Town Forest. Mr. Newell further stated that he had spoken with a contractor about doing boring under the rail trail to mitigate the impact and he was also working with Natural Heritage.

Mr. Newell stated that they were trying to resolve the language for the agreement with Groton Water District and the language should be available for Special Town Meeting.

Mr. Dillon stated he had read the letter and was concerned that it says the Board of Selectmen had reviewed the proposal and it has determined that a town well would not be a change in of use. Mr. Dillon asked if it was a change in the use. Mr. Newell stated that it was not.

Mr. Fitch stated he was not sure that West Groton Water was exempt from filing an exemption from Chapter 97 and that Town Counsel had said West Groton Water would need to go before the legislature for approval. Mr. Dillon stated that that was also a concern of his, that there was a conflict of use. Mr. Newell stated that after the Special Town meeting vote, W. Groton Water would make an application under Chapter 97. Mr. Dillon stated that would indicate a change in use. Mr. Dillon further stated that the Board was in receipt of a decision from Town Counsel which was contrary. Ms. Kitchen asked if Mr. Newell could reword the proposal and asked who it was being sent to. Mr. Newell stated it would be sent to Natural Heritage. Mr. Dillon asked that Mr. Newell work with Ms. Kitchen on the wording of the document.

Mr. Fitch expressed concern that there would be several remaining items undone at the time of the Special Town Meeting and asked if the motion could be contingent upon completion. Mr. Dillon stated that the W. Groton Water Department was at this time the primary reason the Special Town Meeting was being held on September 12, 2005. Mr. Fitch asked if the legislature would act before September 12th. Mr. Dillon stated that they did not need to, the application just needed to be in process. Mr. Newell stated that they just needed to submit the application.

Mr. Fitch stated that the Town Forest Committee had a letter to the Selectmen and Water District setting forth questions they would like answered. Mr. Newell stated that the survey work for that had been done and there were drawings in the works.

Mr. Dillon stated that it had been his understanding that the Town Forest Committee had had a series of meetings and the route that the pipe would take had been accepted. Mr. Fitch stated he had some reservations. Mr. Babin stated that the Committee had just received a copy of the letter from W. Groton Water District and the opinion from Town Counsel.

Mr. Newell stated the plan was being drawn, the engineering part had been finished on Friday and the moment it is completed he will show it to the Town Forest Committee and the fears of cuts and fills will be eliminated.

Ms. Ganem stated that the Conservation Commission had made a decision based "between a rock and a hard place" as no habitat studies had been conducted, the Commission had voted that this would be the better choice based upon the information at hand, not all information had been received.

OTHER BUSINESS

Open Special Town Meeting Warrant and Discussion

Ms. Kitchen stated she would review the dates listed on the memo.

Mr. Saball moved to open the Special Town Meeting Warrant and close it on Thursday, July 14, 2005 at 4:00 p.m. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Reappointments – Emergency Management Agency; GIS Steering Committee; Great Pond Advisory Committee; Groton Country Club & Recreation Authority; Historic Districts Commission; Historical Commission; Insurance Advisory Committee; Old Burying Ground Committee

Mr. Saball moved to appoint Stephen A. Legge to the Emergency Management Agency for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Laura Degroot to the GIS Steering Committee for the two-year term, term to expire June 30, 2007. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Cynthia Kollarics to the Great Pond Advisory Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Edward MacMahon to the Groton Country Club & Recreation Authority for the three-year term, term to expire June 30, 2008. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Richard C. Dabrowski to the Historic Districts Commission for the three-year term, term to expire June 30, 2008. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Richard C. Dabrowski to the Historical Commission for the three-year term, term to expire June 30, 2008. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Kevin P. Kelley to the Insurance Advisory Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Mr. Saball moved to appoint Carolyn M. French to the Old Burying Ground Committee for the one-year term, term to expire

June 30, 2006. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Reappointments Special Police Officers - Littleton

Mr. Saball moved to appoint the following Special Police Officers from Littleton for the one-year term, term to expire June 30, 2006: Officers Robert Bielecki, Lisa Bonney, Pablo Fernandez, Erin Fowler, James Frohock, Jack Hebert, John Janakos, Chief John M. Kelly, Matthew King, David Leslie, Jeffrey Patterson, Matthew Pinard, Robert Raffaelo, Robert Romilly, and Jason Truscello. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

Vote to Release Overlay Surplus

Ms. Valerie Jenkins was present for this portion of the meeting.

Mr. Saball moved to request release of the surplus from the Overlay Account from the Board of Assessors. Seconded by Mr. Nordblom. 3 in favor, 2 absent (Cunningham and Keoseian).

ADMINISTRATIVE OFFICER REPORT

Ms. Kitchen stated that there would be a lot of street construction and delays could be expected. Ms. Kitchen stated that a request had been made to close Temple Drive on July 27, 2005 and the Chief of Police was reviewing the request.

SELECTMEN LIAISON REPORT

Mr. Dillon congratulated the 350th Anniversary Committee and the Fire/EMS department for a job well done on the July 4th festivities. Mr. Dillon stated the Board members needed to review the goals and objectives and assuming agreement to proceed with meeting with their assigned committees.

Mr. Saball moved to enter into Executive Session at 8:25 p.m. in accordance with MGL Chapter 39, Section 23B, for the purpose of discussing strategy with respect to collective bargaining position. And secondly, to consider purchase, exchange, lease or value of real property and will not reconvene into Open Session. Seconded by Mr. Nordblom. Roll Call Vote: Dillon – yes; Saball – yes; Nordblom – yes.

Approved: _____
Robert W. Nordblom, Clerk

respectfully submitted,
Kathleen Newell
Office Assistant

Enclosure: Attendance Sheet for Habitat for Humanity RE: Map 226, Parcel 47

Date Approved: August 22, 2005