

**BOARD OF SELECTMEN
AUGUST 22, 2005
REGULAR SESSION MINUTES
“APPROVED”**

Present: George F. Dillon, Jr., Chair; John L. Saball, Vice Chair; Robert W. Nordblom, Clerk (arrived at 6:41); Peter S. Cunningham, Member; Mihran Keoseian, Member; Maria Casey, Administrative Assistant and Kathleen Newell, Office Assistant

The meeting reconvened in Open Session at 7:44 P.M.

Public Hearing RE: Wharton Row Road Layout

Mr. Saball moved to open the public hearing. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to continue the public hearing to Tuesday, September 6, 2005, at 7:00 p.m. Seconded by Mr. Nordblom. Unanimous vote.

Public Hearing RE: Earth Removal, Robert C. Black, 68 Burnt Meadow Road, Map/Parcel 242/9

[X] 1. Hearing Opened at 7:45 P.M.

Mr. Keoseian moved to open the public hearing. Seconded by Mr. Cunningham. Unanimous vote.

[X] 2. Read Legal Notice
Published August 5th and 12th, Groton Herald, as per Town Code

2a. 22 Certified Abutter Notification mailed on 8-3-05
2 Return Receipts are outstanding.

[X] 3. Query audience for support either written or in person.
Mr. Dillon read correspondence from the Earth Removal Advisory Committee and Mr. David Moulton.

Ms. Collette reiterated the ERAC report stating that the operation is well managed and well run.

[X] 4. Query audience for objection either written or in person.
Resident Steve Camelis asked what he should be concerned about i.e. trucks in the neighborhood. Mr. Black asked Mr. Camelis how long he had lived in the neighborhood. Mr. Camelis responded since 1998. Mr. Black stated that there would be no difference.

[X] 5. Hearing Closed at 7:52 p.m.

Mr. Saball moved to close the public hearing. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved approval of an Earth Removal Permit to Robert C. Black for Assessors Map 242, Parcel 9, Lot 0, also know as, 68 Burnt Meadow Road, for an earth removal operation to be conducted in full compliance with the Guidelines for Earth Removal Activities Under the Earth Removal By-Law Section IIIA (134-3B) - Existing Operations.

- (1) Hours of operation: 7:00 AM to 5:00 PM on weekdays, as specified in the guidelines.
- (2) That no area shall be excavated so as to allow the accumulation of freestanding water.
- (3) That no final finished slope shall be greater than a gradient of 30°.
- (4) That such earth-removal shall be governed by earth removal regulations as may be promulgated from time to time by the Board of Selectmen.
- (5) The applicant shall stabilize all slopes at the end of the workday.
- (6) No stumps, brush or other wood waste shall be buried on the site.

This permit will expire August 22, 2007.

Seconded by Mr. Nordblom. Unanimous vote.

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Attorney Robert Collins RE: Armstrong Common

Attorney Robert Collins, Mr. Hale Smith and Mr. Richard Commons, Groton School were present for this portion of the meeting.

Attorney Collins submitted a plan stating that the existing road to the performing arts center is shown as Shirley Road. Attorney Collins stated that they were proposing an area of blue stone or brick paving oriented to a tree to distinguish the monument. Mr. Cunningham stated that the agreement had been to integrate the memorial into the redesign of the performing arts center and he is willing to see this plan incorporated into the county plan. Mr. Commons stated Groton School's desire is to honor the late Mr. Armstrong and veterans and they stand ready to proceed. Mr. Commons apologized for any delay or misunderstanding stated it was not intentional.

Mr. Keoseian asked if there were a parallel situation going along with the process or procedure of where the responsibility of maintaining these monuments. Mr. Dillon stated that there were some issues. Mr. Keoseian asked if the process would be better served to set up a meeting with the other boards so that everyone would have a clear understanding of what the procedures are.

Attorney Collins stated that the little plot o land was town owned and the intent was to draw attention to the monument as the monument is currently diminutive and would be more visible with the proposed plan.

Mr. Black stated that the monuments were an issue for the Parks Commission which is the overseer of the commons. Mr. Cunningham stated the Board had a key interest in the project and as the commons are town land and the Board of Selectmen are the overseers of town property the project was within the Board's purview. Mr. Cunningham stated that the commons that are dedicated should be maintained in perpetuity and to relocate them for convenience is not the right thing to do.

Mr. Black questioned if the land monument were actually on Town land after the abandonment of Shirley Street. Attorney Collins stated that the triangle was excluded from the taking. Attorney Collins stated a couple of years ago, when discussing the abandonment of Shirley Street , Groton School had made a commitment to come back to the Board as they had made a very specific agreement with the Board of Selectmen regarding the Armstrong monument. Mr. Cunningham requested a rendition of the proposed common. Attorney Collins asked if he wanted a landscape or birds eye view. Mr. Dillon stated it did not need to be expensive. Mr. Cunningham requested being placed on the Parks Commission agenda.

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Lisa and Joe Fiorentino RE: Main Street Café Common Victualler License

Ms. Lisa and Mr. Joe Fiorentino were present for this portion of the meeting.

Mr. Saball moved to approve a Common Victualler License for The Main Street Café, license to expire December 31, 2005, contingent upon receipt of certificate of insurance. Seconded by Mr. Keoseian. Unanimous vote.

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Don Black, Parks Department and Dan Barton, Historic Districts Committee RE: Playground

Mr. Don Black and Mr. Dan Burton were present for this portion of the meeting.

Mr. Barton stated that the playground is partially in the Historic District. Mr. Barton stated that there is a donor providing the equipment for the new playground and there is not time to advertise for a public hearing and notify abutters.

Mr. Dillon asked what type of hearing/meeting the HDC would have time for. Mr. Barton stated that the HDC would need a week to ten days to advertise for a public hearing and it would set a bad precedent for all other projects coming before them.

Mr. Cunningham asked if the actual locus of the playground fell within the HDC. Mr. Barton stated that a small sliver of land behind the Lawrence Academy houses fronting Main Street was in the HDC. Mr. Barton stated that the HDC had been consistent for any property that has been before it.

Mr. Cunningham asked what in the confines of the structure were going to change as the equipment was being replaced. Mr. Black stated that the new playground fits within the playground footprint.

Mr. Dillon asked about the materials and colors of the new playground and how it matched the previous equipment. Mr. Black stated that the new playground was steel and plastic and would look significantly different. Mr. Barton stated that the HDC members had asked questions relative to materials and colors, also a meeting is scheduled for tomorrow to review the

application, but he will not let his board take any action unless the Board of Selectmen gives permission to circumvent the process.

Mr. Black stated that the playground had been ordered and was due to arrive this week and due to be constructed this weekend with the dedication on September 11, 2005.

Mr. Saball asked how this had gotten to this point. Mr. Black stated that he had advertised that the playground would close on August 1st and he had gone to the Building Department and was told that he didn't need a permit for demolition or construction. Mr. Black stated he had gone to the HDC as a courtesy. Mr. Keoseian stated he believed the procedure had been followed. Mr. Barton stated that the secretary had been on vacation for a good portion of the summer. Mr. Cunningham recommended holding the meeting and trying to contact abutters. Mr. Dillon expressed concern that a building application in the Building Inspector's office had been overlooked. Mr. Dillon stated that an extremely generous gift had been given by the Hansen family and whatever tweaking could be done, should be done. Mr. Nordblom stated that he had a very different view, that he felt very strongly that the public should have its say and the process should be followed. Mr. Keoseian asked if the application could be fast tracked in any manner.

Mr. Barton stated that in the past there have been projects which have taken place which were in the historic district which have been heard after the fact and the notification could be done simultaneously. Mr. Barton stated that based on one meeting, the concerns regarding the project seemed to be minimal.

Mr. Cunningham stated that there was a greater public interest and protocol needed to be examined. Mr. Delaney stated that the Friends of Trees and Tree Warden would donate money for the planting of trees. Mr. Dillon stated that the HDC does have a responsibility and they have maintained their integrity and responsibility. Mr. Keoseian asked if the HDC needed a formal vote. Mr. Barton stated that there was a meeting scheduled to review the application and the applicant was willing to move forward and admit there was a risk of disapproval or fine.

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Planning Board RE: Four Corners Intersection Landscape

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

Mr. Clements stated that the hope of the neighborhood was to keep the area as much a neighborhood as possible. Mr. Clements stated that many trees were lost and it was thought that landscaping would soften the large widening of the roadway. Mr. Clements stated that the developers seemed amenable to contribute funds to add plantings and the plantings would take place in lands under the jurisdiction of Mass Highway. Mr. Clements asked that the Board ask Mass Highway if they would allow these plantings to take place

Mr. Cunningham stated Mass Highway would want to see a drawing and asked if one were ready. Ms. Collette stated that Ms. Lorayne Black was the design architect for the site, but a plan had not been drawn because they did not want to waste artistic renderings if Mass Highway would not allow the plantings. Ms. Collette stated that trees which had been marked for saving had been removed on Sandy Pond Road and there are three developers who are willing to combine their efforts for the plantings. Ms. Collette commended the members of the Four Corners Neighborhood Association for their persistence and work as an advocacy group.

Ms. Casey asked if there were a consensus of the Board. The members affirmed.

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Onorina Maloney, Town Clerk RE: Town Clerk Clerical Assistant

Ms. Maloney stated that due to a resignation she would like permission from the Board to advertise the position. Mr. Keoseian asked if it were understood that the position would not be over (15) hours per week.

Mr. Dillon suggested that Ms. Maloney look at modifying the hours of each Assistant Town Clerk so that only one would be eligible for health insurance.

OTHER BUSINESS

Special Town Meeting Article – Take Positions

Article 1 – West Groton Water/Town Forest well site

Keoseian – Support; Cunningham – at Town Meeting; Nordblom – Support; Saball – Support; Dillon – Support.

Mr. Cunningham stated that he was supportive, but would like to see the Memo of Understanding.

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Article 2 – Water Department Agreement

Keoseian – Support; Cunningham – Support; Nordblom – Support; Saball – Support; Dillon – Support

Article 3 – Dispatcher Contract

Keoseian – Support; Cunningham – Support; Nordblom – Support; Saball – Support; Dillon – Support

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Article 4 – Eminent Domain

Keoseian – at Town Meeting; Cunningham – Support; Nordblom – Support; Saball – Support; Dillon – at Town Meeting

Article 5 – Groton Electric Light Department

Keoseian – at Town Meeting; Cunningham – Support; Nordblom – Support; Saball – Support; Dillon – Support

Disband West Groton Pond and Park Committee

Mr. Dillon thanked the members of the Committee for their all their hard work.

Mr. Saball moved to disband the West Groton Pond and Park Committee, as it has completed all its goals, effective July 1, 2005. Seconded by Mr. Nordblom. Unanimous vote.

Special Municipal Employee Designation – Trust Funds Administrator

Mr. Saball moved the designation of "Special Municipal Employee" status for the position of Trust Fund Administrator. Seconded by Mr. Cunningham. Unanimous vote.

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Appointments – Earth Removal Advisory Committee; Insurance Advisory Committee; Local Emergency Planning Committee and Trails Committee

Mr. Saball moved to appoint Bruce Clements to the Earth Removal Advisory Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to appoint Herbert Woods to the Insurance Advisory Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to appoint John Murphy, Stephen Moulton, Stephen Byrne, and Edward Doucette to the Local Emergency Management Planning Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to appoint Chris Shaffer to the Trails Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to appoint Jim Selders to the Web Site Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

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Reappointments – Insurance Advisory Committee and Trails Committee

Mr. Saball moved to appoint Paul Connell to the Insurance Advisory Committee for the one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Mr. Saball moved to appoint Vic Burton to the Trails Committee for the vacant one-year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

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Minutes

Mr. Saball moved to approve the Regular Session Minutes of July 11, 2005, as amended. Seconded by Mr. Nordblom. 3 in favor, 2 abstentions (Cunningham and Keoseian).

Mr. Saball moved to approve and/ Not Release the Executive Session Minutes of July 11, 2005, Session 1. Seconded by Mr. Nordblom. 3 in favor, 2 abstentions (Cunningham and Keoseian).

Mr. Saball moved to approve and/Not Release the Executive Session Minutes of July 11, 2005, Session 2. Seconded by Mr. Nordblom. 3 in favor, 2 abstentions (Cunningham and Keoseian).

ADMINISTRATIVE OFFICER REPORT

Ms. Casey stated that Steve Prendergast of the School Committee had called the roof construction had started on the Prescott School and was due to be completed in five (5) days and the windows should be twelve (12) days.

Ms. Casey stated that Steve Webber had asked if the Board could start thinking about the FY07 budget parameters i.e. hires and colas as the Finance Committee was meeting the following day and the annual budget letter would be distributed in early November.

SELECTMEN LIAISON REPORT

Mr. Cunningham stated he had attended a reception for Dale Martin of the Senior Center. Mr. Cunningham stated that the Fire Chief's move to the public safety complex should be completed in mid-September.

Mr. Keoseian stated he had contacted both School superintendents and was asked to wait until after school starts. Mr. Keoseian asked what the Board would like him to address with the schools.

Mr. Saball noted the passing of John Hewitt and expressed condolences to his family.

Mr. Saball moved to adjourn at 9:42 p.m. Seconded by Mr. Nordblom. Unanimous vote.

Approved: _____
Robert W. Nordblom, Clerk

respectfully *submitted*,
Kathleen Newell
Office Assistant

Date Approved: September 19, 2005