

WARRANT, MINUTES AND VOTES

TOWN OF GROTON



2012 FALL TOWN MEETING

**Groton-Dunstable Middle School Auditorium
344 Main Street, Groton, Massachusetts 01450**

Beginning Monday, October 15, 2012 @ 7:00 PM

Attention – Voters and Taxpayers

**Please bring this Report to Town Meeting
FALL TOWN MEETING WARRANT**

**FALL TOWN MEETING WARRANT, MINUTES AND VOTES
OCTOBER 15, 2012**

Town Moderator:

Jason Kauppi

Town Clerk:

Michael F. Bouchard

Deputy Town Moderator

Robert L. Gosselin, Sr.

Finance Committee:

Jay M. Prager, Chairman

Joseph Crowley

Gary Green

Peter J. DiFranco

Michael F. Flynn

Steven Webber, Vice Chair

Robert Hargraves

Board of Selectmen:

Peter S. Cunningham, Vice-Chair

Jack G. Petropoulos, Clerk

Anna Eliot

Joshua A. Degen

Stuart M. Schulman, Chairman

Town Manager:

Mark W. Haddad

Patrice Garvin, Executive Assistant

Proceedings:

The meeting was called to order at 7:03 PM on October 15, 2012. Moderator Jason Kauppi presided.

Middlesex, ss.

Commonwealth of Massachusetts

To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the fifteenth day of October, 2012 at Seven O'clock in the evening, to consider the following:

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Beginning of Business and Announcements

The Meeting was called to order at 7:03 pm on October 15, 2012.

The reading of the Warrant was waived by unanimous vote of the meeting.

Bob Johnson, Veteran’s Agent, led the Pledge of Allegiance.

October 15, 2012 was proclaimed Owen Shuman Day in honor of the retiring Library Director.

A report from the Central Fire Station Committee was offered indicating progress since the last Town Meeting was on plan.

401 voters were present at 7:00 PM. 591 voters were present at 8:45 PM.

MOTION to Limit Debate

Mover: Ellen Todd

I move that debate on each article at tonight’s town meeting be limited to one speech of no more than 3 minutes per speaker with the exception of the first speaker for the article and the first speaker against the article.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3rd Majority

Vote on Motion to Limit Debate: 230 In Favor 171 Against Motion is defeated

ARTICLE 1: PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds a sum or sums of money for the payment of unpaid bills from prior fiscal years, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *Town Meeting approval is required to pay bills from a prior fiscal year. A list of unpaid bills will be provided at Town Meeting.*

Mover: Anna Eliot

MOTION: I move that the Town vote to transfer from the Water Enterprise Excess and Deficiency Fund the sum of \$573 and to transfer from the Excess and Deficiency Fund (Free Cash) the sum of \$124 for a total sum of \$697 for the payment of the following bills of a prior fiscal year:

Bill Trust	\$573
Nashoba Valley Medical Center	\$ 79
W.B. Mason	<u>\$ 45</u>
Total	\$697

Moved and Seconded

Quantum of Town Meeting Vote: 4/5's Majority

Vote on Main Motion under Article 1: Passed by Unanimous Vote

ARTICLE 2: AMEND THE FISCAL YEAR 2013 TOWN OPERATING BUDGET

To see if the Town will vote to amend the Fiscal Year 2013 Operating Budget as adopted under Article 5 of the April 30, 2012 Spring Town Meeting, and vote to raise and appropriate and/or transfer from available funds a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2013, or to take any other action relative thereto.

FINANCE COMMITTEE
BOARD OF SELECTMEN
TOWN MANAGER

Board of Selectmen: *Article Withdrawn*
Finance Committee: *Article Withdrawn*

Summary: *The Fiscal Year 2013 Town Operating Budget was approved at the 2012 Spring Town Meeting in April, 2012. Any changes to this Budget would have to be made prior to setting the tax rate. The purpose of this article is to make any necessary changes to balance the FY 2013 Operating Budget. Handouts will be available at Town Meeting outlining any proposed changes.*

Mover: Peter Cunningham

MOTION A: I move that the Town vote to amend the Fiscal Year 2013 Operating Budget, as adopted under Article 5 of the April 30, 2012 Spring Town Meeting.

MOTION B: I move that the Article 2 be indefinitely postponed.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on Main Motion under Article 2 : Passed by Unanimous Vote

ARTICLE 3: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum or sums of money to be added to the sum already on deposit in the Capital Stabilization Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously

Finance Committee: Recommended Unanimously

Summary: *The Fund has a balance of \$260,000. The financial management goal is to achieve and maintain a balance in the Capital Stabilization Fund equal to 1.5% of the total annual budget. Any balance beyond the 1.5% level should be added to the Capital Stabilization Fund in conjunction with the Capital Plan to reduce overall borrowing and associated costs. The target amount for the Capital Stabilization Fund will be provided at Town Meeting.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to transfer the sum of \$250,000 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Capital Stabilization Fund.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3's Majority

Vote on Main Motion under Article 3: Passed by Unanimous Vote

ARTICLE 4: TRANSFER MONEY INTO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum or sums of money to be added to the sum already on deposit in the Stabilization Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The balance in this fund is \$1.3 million. The financial management goal is to achieve and maintain a balance in the Stabilization Fund equal to 5% of the total annual budget. The target amount for the Stabilization Fund will be provided at Town Meeting.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to transfer the sum of \$500,000 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Stabilization Fund.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3's Majority

Vote on Main Motion under Article 4: Passed by Unanimous Vote

ARTICLE 5: CREATION OF LOST LAKE SEWER SYSTEM

To see if the Town will vote, pursuant to the provisions of Chapter 83 of the Massachusetts General Laws, to establish a sewer system in the Town of Groton to be known as the "Lost Lake Sewer System," to serve the Lost Lake area of the Town, and to adopt the following bylaw, as Chapter 191 of the Code of the Town of Groton, for said purpose, including provisions for the expansion of said Sewer System by a Town Meeting Vote:

Lost Lake Sewer System

§191-1 Establishment

There is hereby established a Sewer System within the Town entitled "Lost Lake Sewer System" comprised of land situated in a geographical area bounded and described on a plan of land entitled "Lost Lake Sewer District" drawn by Woodard and Curran and dated September, 2012, on file with the Office of the Town Clerk. The inhabitants of said geographical area shall be served by a system of sewerage to be provided by the Town within the territorial limits and capacity of said system.

§191-2 Extension and expansion

The system may be extended and expanded to serve an increased land area if there remains sufficient capacity by a majority vote of an Annual Town Meeting or a Special Town Meeting.

§191-3 Assessment for general and special benefit facilities

Pursuant to MGL c. 83, §15, in the assessment of betterments for the Lost Lake Sewer System and any extension thereof. the costs of general benefit facilities including, but not

limited to, pumping stations, trunk and force mains, shall be separated from the costs of special benefit facilities including, but not limited to, the sewer mains serving adjacent properties.

or to take any other action relative thereto.

**BOARD OF SELECTMEN
LOST LAKE SEWER ADVISORY COMMITTEE**

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *This article will provide for creation of a new sewer system to serve the Lost Lake Area and the Four Corners Commercial Properties. Wastewater from the system will be treated in Ayer.*

Mover: Anna Eliot

MOTION: I move that the Town vote, pursuant to the provisions of Chapter 83 of the Massachusetts General Laws, to establish a sewer system in the Town of Groton to be known as the "Lost Lake Sewer System," to serve the Lost Lake area of the Town, and to adopt the "Lost Lake Sewer System Bylaw, as set forth in the Warrant and as on file in the Office of the Town Clerk, as Chapter 191 of the Code of the Town of Groton, for said purpose, including provisions for the expansion of said Sewer System by a Town Meeting Vote.

Moved and Seconded
Quantum of Town Meeting Vote: Majority Vote

Discussion:

- Moderator allowed discussion to address related articles 5, 6 and 7
- Presentation in favor of Article 5
 - Lost Lake Sewer Advisory Committee (Carol Quinn and Angela Garger) on the studies performed and the financial aspects of the project
 - Betterment costs would be borne 25% by Four Corners businesses, 5% by Groton Woods, 25% by Town and 45% by affected homeowners
 - Homeowners cost breakdown:
 - Hookup Fee: \$5,000 to \$11,000 depending upon complexity
 - Operating costs: Estimated at \$500 per year
 - Homeowners with Title V Certifications will not be required to connect, but will be assessed betterment fee.
 - Woodard and Curran (Consultants) – Presentation on the technical aspects of Lost Lake degradation and proposed solution
 - Jack Petropoulos, Selectmen
 - Only dissenting vote from Board of Selectmen on Article 6
 - The proposal is a disputable solution, being based upon 23 year old water quality results
 - The contribution to Lost Lake pollution from Martins Pond Brook is not known and was not measured.

- The Board of Selectmen process to approve a 25% contribution rate was flawed.
 - \$13 million is a preliminary estimate, costs are unconfirmed.
- Planning Board
 - Unanimous support of the project
 - The data trend is towards negative water quality
 - There is a relationship between the Master Plan and the Lost Lake Sewer Project
- Board of Health
 - Unanimous support of the project
- Water Commission
 - Support the project by a 2 to 1 vote
- Sewer Commission
 - Unanimous support
- Conservation Commission
 - Unanimous support
- Sustainability Commission
 - Unanimous support
- Economic Development Commission
 - The project is positive for the business climate in the Four Corners area
 - Unanimous support
- Greenway Committee
 - Support the project as it may have a positive impact on the Nashua River
- Finance Committee
 - Majority in opposition
 - Opposed to the 25% taxpayer subsidy
 - The Town Center Sewer District, used as a funding model, initially had a town wide scope. Fees were insufficient, causing the town to contribute.
 - Recent data is not conclusive; worst case scenarios are conjectural
 - The data doesn't show that Whitney well is compromised
 - Owners of private septic systems are responsible for them – why should Lost Lake systems be any different?
 - Recommend no public subsidy
- Members of the Public
 - What is being voted upon – further study or a \$13m commitment to build the system?
 - This is an ongoing problem at Lost Lake – urge passage as :
 - Home values will increase
 - Increase the tax base
 - Beautify the area
 - Nutrients come from fertilizer and septic systems. How do we know where the nutrients in Lost Lake come from? Have there been ecoli measurements? How many systems have actually failed?
 - Board of Health (in response to question) states that Tight Tanks are an economic detriment to households. Tight Tanks cost \$6,000-\$8,000 and \$300 per month to pump. Urge passage as the project is a cost effective solution.

- Board of Health response to question: Proactive Title V testing is not done. It is done only upon sale or obvious failure.
- The Commercial benefit is unproven.
- If nitrogen is found in a town well, then it is too late to address the problem.
 - Water Commission: Approximately 60% of the community is served by Whitney Well. It measures 0.6 to 0.7 on average for nutrients, with a high of 1.8.
- Groton Woods
 - Financially absorbs 50 edus from the proposed system, more than they would use. They plan to do some development, but to the 50 edu level. They are currently stopped from development due to the inadequacy of their septic. It is cost effective for them to contribute to the system and participate.
- It was acknowledged that runoff from Angus and Gibbet Hills through Martins Pond Brook could be contributing to the Lost Lake issue.
- Concern that the studies are not comprehensive. The proposed project may not solve the problem.
- How much more development would be possible if the sewer system was constructed? This question was addressed by Woodard and Curran in a technical sense by citing limiting factors incorporated in the system. In addition, Zoning controls development.
- Resident does not support as the system would affect his financials badly. Also expressed concerns about the proposal of a low pressure system, which requires electricity to operate.
- What is the impact on Groton's water table if this amount of water is transferred to another basin? Response addressed the environmental studies required by the MWRC indicating satisfactory results.
- Concern that the cost impact affects those in town with the least ability to pay.
- Does the betterment, estimated at \$17,000, vary depending upon the number of houses deferred? Response was that any deferral would be due when the house was sold.
- Statement that a sense of community would suggest that the town contribute to this solution.

Motion to Move the Question of Article 5

Moved and Seconded

Quantum: 2/3rds Majority

Vote: Motion to Move the Question carried by voice vote

Vote on Article 5 Main Motion to Create a Lost Lake Sewer District

Quantum: Majority

Vote on Main Motion under Article 5: Defeated on a voice vote

ARTICLE 6: DESIGN AND CONSTRUCTION OF LOST LAKE SEWER PROJECT

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money, to be expended by the Town Manager, for the design and construction of the Lost Lake Sewer System; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to determine what percentage of the cost of the System shall be paid for by the Town; and, further, to authorize the Board of Selectmen and/or the Board of Sewer Commissioners to assess betterments upon the properties benefitted thereby for the remaining portion of the cost of the System, or to take any other action relative thereto.

**BOARD OF SELECTMEN
LOST LAKE SEWER ADVISORY COMMITTEE**

Board of Selectmen: Recommended 4 to 1
Finance Committee: Not Recommended 4 to 3

Summary: *This article seeks funding for the design and construction of the Lost Lake Sewer System, which will serve the Lost Lake Area and Four Corners Area of Town and transport wastewater to the Ayer Wastewater Collection System. It is proposed that the Town borrow the sum of \$12.9 Million Dollars for the project. In addition, the article proposes to authorize the Board of Selectmen and/or the Board of Sewer Commissioners to assess betterments on the properties served by the newly created Lost Lake Sewer System.*

Mover: Peter Cunningham

MOTION: I move that the sum of \$12,900,000 be appropriated for the design and construction of the Lost Lake Sewer System, said sum to be expended by the Town Manager; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen be authorized to borrow the sum of \$12,900,000 and issue bonds or notes of the Town therefor, pursuant to Massachusetts General Laws, Chapter 44, Section 7 and/or Chapter 29C of the General Laws, as amended; that such bonds or notes shall be general obligations of the Town unless the Treasurer, with the approval of the Selectmen, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended; that the Treasurer, with the approval of the Selectmen, be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to said Chapter 29C, as amended; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen be authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project; and, further, to authorize and establish that twenty-five (25%) of the cost of the System shall be paid for by the Town; and to authorize the Board of Selectmen and/or the Board of Sewer Commissioners to assess betterments, according to the uniform unit method, upon the properties benefitted thereby for the remaining portion of the cost of the System.

Moved and Seconded
Quantum of Town Meeting Vote: 2/3's Majority

MOTION (Mr. Cunningham):

I move that Article 6 be indefinitely postponed

Moved and Seconded
Quantum: Majority

MOTION: Motion to Move the Question to Indefinitely Postpone Article 6
Moved and Seconded
Quantum: 2/3rds Majority
Vote on the Motion to Move to Indefinitely Postpone: Passed by 2/3 Majority

Vote on the Motion to Indefinitely Postpone Article 6
Vote on the Motion to Indefinitely Postpone Article 6: Passed by Majority Vote

ARTICLE 7: AUTHORIZE INTERMUNICIPAL AGREEMENT WITH AYER

To see if the Town will vote to authorize the Board of Selectmen to enter into an inter-municipal agreement with the Town of Ayer for the discharge of wastewater to the Ayer Sewer Collection System for treatment, or to take any other action relative thereto.

BOARD OF SELECTMEN
LOST LAKE SEWER ADVISORY COMMITTEE.

Board of Selectmen: Recommended Unanimously
Finance Committee: No Position

Summary: *This article will permit the Board of Selectmen to enter into an inter-municipal agreement with the Town of Ayer for the purpose of discharging wastewater to the Town of Ayer's Wastewater Collection System for treatment.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to enter into an inter-municipal agreement with the Town of Ayer for the discharge of wastewater to the Ayer Sewer Collection System for treatment.

Moved and Seconded
Quantum of Town Meeting Vote: Majority

MOTION (Mr. Cunningham):
I move that Article 7 be indefinitely postponed

Moved and Seconded
Quantum: Majority
Vote on the Motion to Indefinitely Postpone Article 7: Passed by Majority Vote

MOTION to Adjourn to a Time Certain on Monday, October 29, 2012 at 7:00 PM
Summary: Meeting to be postponed for two weeks to allow participants to watch the Presidential Debate on October 22.

Moved and Seconded

Quantum: Majority

Vote on Motion to Adjourn:

Chair declared Passed by Majority Vote. Seven Voters did not Challenge the Ruling of the Chair.

Meeting was adjourned at 10:00 PM on Monday, October 15.

Monday, October 29, 2012

First Adjourned Session

Ed. Note: Hurricane Sandy hit New York, New Jersey and New England on this day. Due to the weather conditions, it was unsafe to ask the Public to attend Town Meeting.

Jason Kauppi (Moderator), Michael Bouchard (Town Clerk), Joshua Degen, Stuart Shulman, and Tom Delaney convened a brief meeting at the Groton-Dunstable Middle School to open the Adjourned Session of Town Meeting, and adjourn to a Second Adjourned Session on Saturday, November 3 at 9:00 AM at the Middle School Auditorium. The local cable access channel taped the proceedings. Mark Haddad, Town Manager, was also present.

The Moderator called the meeting to order at 7:00 PM.

Mover: Joshua Degen

MOTION: I move to adjourn this session to Saturday, November 3, 2012 at 9:00 AM at the Groton-Dunstable Middle School Performing Arts Center.

Moved and Seconded

Quantum: Majority

Vote on Motion to Adjourn:

Passed by Unanimous Vote

The Meeting was adjourned at 7:00:40 on Monday October 29.

The **Second Adjourned Session** was called to order at 9:02 AM on November 3, 2012.

Announcements and Opening Business

- 117 voters were present at 9:00 AM. 251 voters were present at 9:45. 304 voters were present at 11:50
- November 3, 2012 was proclaimed Valerie Jenkins Day in honor of the Town's retiring Accountant.
- A reminder was announced to vote in the Presidential Election on Tuesday, November 6. Polls will be open 7:00 AM to 8:00 PM.
- The audience was informed of the institution of Town Meeting Voter Registration Cards. These cards were handed to voters upon entrance to the auditorium and will be used to identify voters in the event of a hand count.

ARTICLE 8: COMMUNITY PRESERVATION COMMITTEE FUNDING ACCOUNTS

To see if the Town will vote to amend the vote taken under Article 14 of the 2012 Spring Town Meeting Warrant by revising the Fiscal Year 2013 allocation to the Community Preservation Committee's sub accounts as follows:

	<u>Original Allocation</u>	<u>Revised Allocation</u>
CPC Operating Expenses:	\$ 32,280	\$
Open Space Reserve:	\$ 64,560	\$
Historic Resource Reserve:	\$ 64,560	\$
Community Housing Reserve:	\$ 64,560	\$
Unallocated Reserve:	\$419,640	\$

or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *When the original allocation took place at the Spring Town Meeting, the amount of reimbursement from the Commonwealth was not known and the allocation was based on an estimate of the Town's Community Preservation Fund revenues. The purpose of this article is to account for the additional state Community Preservation Reimbursement and make the appropriate allocations to the various sub-accounts. Please note, that with the exception of the CPC Operating Expenses, none of these funds will be spent without further approval at Town Meeting.*

Mover: Anna Eliot

MOTION: I move that the Town vote to amend the vote taken under Article 14 of the 2012 Spring Town Meeting Warrant by amending the Fiscal Year 2013 allocation of revenues to the Community Preservation Fund to the Community Preservation Committee's sub accounts as follows:

	<u>Original Allocation</u>	<u>Revised Allocation</u>
CPC Operating Expenses:	\$ 32,280	\$ 36,250
Open Space Reserve:	\$ 64,560	\$ 72,500
Historic Resource Reserve:	\$ 64,560	\$ 72,500
Community Housing Reserve:	\$ 64,560	\$ 72,500
Unallocated Reserve:	\$419,640	\$471,250

Moved and Seconded
Quantum of Town Meeting Vote: Majority

Minutes:

- The Conservation Commission pointed out that the CC must fully fund the land purchase and then apply for the land grant. The \$25,000 is necessary to fully fund the purchase. The purchase would then be contingent upon receipt of a land grant. Article 17 is intended to authorize the application for a land grant.
- The Planning Board had no position on Article 9 but were in support of Article 17.
- If Article 17 were to be voted down, the money proposed in article 9 to be transferred would remain with the Conservation Commission.
- If the land in Article 17 was not purchased, a member suggested that the \$25,000 from Article 9 could be deducted from the Conservation Commission at the Spring, 2013 Town Meeting.

MOTION to Lay the Motion under Article 9 On the Table.

The effect of this motion is to set aside this motion under Article 9 for the purpose of deferring action until Article 17 is considered

Moved and Seconded

Quantum: 2/3rds Majority

Vote on Motion to Lay on the Table the Motion under Article 9:

Passed by a 2/3rds Majority

MOTION to advance Article 17

Moved and Seconded

Quantum: Majority

Vote on Motion to Advance Article 17: Motion did not pass

ARTICLE 10: CITIZENS' PETITION – OPPOSITION TO NEW FIRE STATION

To see if the Town will vote to oppose the building of a new fire station on the field located on Farmers Row, shown as Lot 4 on the map entitled, "Approval Not Required Plan, Lawrence Homestead Trust, Farmers Row, Groton, MA, Applicant: Town of Groton, 173 Main Street, Groton, Massachusetts," prepared by Gale Associates and Romanelli Associates, Inc., dated April 24, 2012, recorded as Plan 296 of 2012 at the Middlesex South Registry of Deeds, being shown on Assessors Map 108, Parcel 1-4, which is part of the property formerly owned by the Lawrence Homestead Trust, due to the negative impact the construction of such station will have on the character of the Town and its potential to destroy open space proximal to the Town Center, and, further to see if the Town will vote to place a permanent conservation restriction on said property pursuant to Section 31, 32, and 33, of Chapter 184 of the Massachusetts General Laws as may be amended from time to time, to prevent the construction of said station, or to take another action relative thereto.

CITIZENS' PETITION

Name

Address

Name

Address

Alix Chace	152 Broadmeadow Road	Marylou O'Connor	85 Farmers Row
Michael Chace	152 Broadmeadow Road	John O'Connor	85 Farmers Row
Robert Huguenin	61 Long Hill Road	Scott MacDonald	2 Farmers Row
Nancy Huguenin	61 Long Hill Road	Art Campbell	31 Fir Road
Richard Peterson	141 Hill Road	Tim Broad	46 Hawtree Way

Board of Selectmen: *Not Recommended Unanimously*
Finance Committee: *No Position*

Summary: *We oppose the building of a new Fire Station for the Town of Groton on the field located on Farmers Row in Groton, MA which is formerly the property of Lawrence Homestead Trust. The recommendation of this site by the biased New Fire Station Building Committee will drastically change the character of the Town and destroy the open space proximal to the Town center. The proposed site is a beautiful field, the most beautiful and prominently visible agricultural farm land site still existing today within Groton, the value of which is priceless and which can never be bought back if the proposed development is allowed to take place. We the people want to prohibit building on this land if purchase by the Town and motion that we seek protection of it under State conservation regulations.*

Mover: Jack Petropoulos

MOTION: I move that the Town vote to oppose the building of a new fire station on the field located on Farmers Row, shown as Lot 4 on the map entitled, "Approval Not Required Plan, Lawrence Homestead Trust, Farmers Row, Groton, MA, Applicant: Town of Groton, 173 Main Street, Groton, Massachusetts," prepared by Gale Associates and Romanelli Associates, Inc., dated April 24, 2012, recorded as Plan 296 of 2012 at the Middlesex South Registry of Deeds, being shown on Assessors Map 108, Parcel 1-4, which is part of the property formerly owned by the Lawrence Homestead Trust, due to the negative impact the construction of such station will have on the character of the Town and its potential to destroy open space proximal to the Town Center, and, further vote to place a permanent conservation restriction on said property pursuant to Section 31, 32, and 33, of Chapter 184 of the Massachusetts General Laws as may be amended from time to time, to prevent the construction of said station.

Moved and Seconded
Quantum of Town Meeting Vote: Majority

Minutes:

- The Chair called upon Town Counsel to comment on the effect of Articles 10 and 11.
- Town Counsel
 - Article 10 has two parts. The first part is a statement of opposition to the construction of a fire station. It is an opinion to be voted upon by the meeting. Passage by the meeting would have the effect of an advisory opinion to the Board of Selectmen.
 - The second part of Article 10 asks the meeting to vote to place a conservation restriction on the parcel. In the opinion of Counsel, this would be a grant of authority to the Board of Selectmen, but not a mandatory action.
 - Article 11 asks the meeting to rescind a vote of a previous meeting. An exception to the ability to rescind in when the rights of third parties are affected. In this case, the Board has acted under the authority of a previous vote, and has entered into a Purchase and Sale agreement. In the opinion of

Counsel, the vote can not be rescinded. A vote of the meeting would be advisory only.

- Alix Chace delivered a presentation in support of the Article (opposing the construction of a fire station).
- Jack Petropoulos delivered a presentation opposing the Article (in favor of the fire station).

MOTION to Fix the Method of Voting by Raising of Hands

Moved and Seconded

Quantum: Majority

(Motion does not suppress debate; discussion continued)

- The audience expressed statements of support and opposition to the Article. Sample comments included:
 - Starting over would waste \$800,000 to \$1m already spent
 - Questions on sustainable building methods employed. Building would employ Stretch Code and L.E.E.D.S. standards where possible, but the building would not be submitted for LEEDS certification due to the cost of certification.
 - Opposition to removing prime agricultural land from production.
 - The fire station plan contradicts the Master Plan values. The town should rethink the location, size and cost.
 - It was determined through questioning of the Conservation Commission that, while there is no list of specific parcels today, this parcel was on a list of “targeted” conservation parcels in 2005. However, the parcel would not score highly using the evaluation criteria for conservation land attributes. It is a standalone parcel with no connecting trails, does not habitat rare species, and is not a large parcel. It is scenic and does contain farmland.

MOTION to Move the Question to Fix the Method of Voting

Moved and Seconded

Quantum: 2/3rds Majority

Vote on Motion to Move Fixed Method: Chair declared passed by 2/3rds Majority. 7 voters did not contest.

VOTE on the Motion to Fix the Method of Voting

Vote to Fix Method of Voting: Motion to Fix Method of Voting Defeated

VOTE on the Main Motion under Article 10

Vote on Main Motion under Article 10: Main Motion Defeated

ARTICLE 11: CITIZENS’ PETITION – RESCIND ARTICLE 12 OF 2012 STM

To see if the Town will vote to rescind the action taken under Article 12 of the Spring Town Meeting of April 30, 2012, relative to the acquisition of certain lands from the Lawrence Homestead Trust and other matters, or to amend or modify any aspect or part thereof, or to take any other action relative thereto.

CITIZENS’ PETITION

<u>Name</u>	<u>Address</u>	<u>Name</u>	<u>Address</u>
Alix Chace	152 Broadmeadow Road	Rebecca Pine	100 Hollis Street
Lynn Chace	152 Broadmeadow Road	Richard Peterson	141 Hill Road
Marylou O'Connor	85 Farmers Row	John Levin	56 Boston Road
John O'Connor	85 Farmers Row	Natalie Cain	285 Nashua Road
Gloria Titcomb	65 Riverbend Drive	Helene Cahen-Easom	435 Martins Pond Road

Board of Selectmen: *Not Recommended Unanimously*
Finance Committee: *No Position*

Summary: *The article would seek to effectively cancel or make changes to a vote taken at the 2012 Annual Spring Town Meeting in April that: 1. Authorized the Board of Selectmen to acquire certain land on Farmers Row for use as the site of a fire station; 2. Appropriated the sum of \$350,000.00 for the purchase; and 3. Authorized the Selectmen to enter into any agreements necessary to facilitate the acquisition. Several of the possible changes that citizens can advocate through making a motion at the time of consideration of this article are: 1. placing size limitations on any structures built on the land which would require the Town to modify the current design which has the dimensions of 18,550 sq. ft. and is unnecessarily large; 2. excluding the use of the land as a fire station; 3. not authorizing the sum of \$350,000 for the purchase contingent on ownership status of the land if it is still under ownership of a third party and not the Town at the time of the Town Meeting; 4. movement to seek conservation restrictions on the parcel if purchased; 5. or movement to maintain its agricultural use associated with the tax benefits for which such usage status may be eligible under state and local laws. Please note that the land has been in agricultural use as an active haying field under the ownership of the Lawrence Homestead Trust and such usage could continue helping to preserve the open spaces and character of the Town under the ownership of the Town.*

Mover: Jack Petropoulos

MOTION: I move that the Town vote to rescind the action taken under Article 12 of the Spring Town Meeting of April 30, 2012, relative to the acquisition of certain lands from the Lawrence Homestead Trust.

Moved and Seconded
Quantum of Town Meeting Vote: Majority
Vote on the Main Motion under Article 11: Defeated

ARTICLE 12: CONNECTION TO TOWN SEWER – FARMERS ROW PARCEL 108-1

To see if the Town will vote to extend the “Groton Center Sewer System”, as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include the property shown on Groton Assessors’ Maps as Lot 108-1-1, 108-1-2, 108-1-3, 108-1-4, and as more particularly shown on the plan entitled “Approval Not Required Plan” by Gale Associates, April 2012 on file in the Town Clerk’s Office, provided that all costs of designing, laying, and construction of the connection and the cost of additional capacity and General Benefits Facility Charges are paid by the owner of the property benefited thereby, or to take any other action relative thereto.

**BOARD OF SELECTMEN
BOARD OF SEWER COMMISSIONERS**

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *This article seeks approval to extend the Groton Center Sewer System to include the new Center Fire Station lot on Farmers Row, along with the three adjoining properties between the new lot and the Public Safety Building on Pleasant Street.*

Mover: Jack Petropoulos

MOTION: I move that the Town vote to extend the “Groton Center Sewer System”, as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include the property shown on Groton Assessors’ Maps as Lot 108-1-1, 108-1-2, 108-1-3, 108-1-4, and as more particularly shown on the plan entitled “Approval Not Required Plan” by Gale Associates, April 2012 on file in the Town Clerk’s Office, provided that all costs of designing, laying, and construction of the connection and the cost of additional capacity and General Benefits Facility Charges are paid by the owner of the property benefited thereby, and further provided that such extension shall be contingent upon the appropriation of funds for construction of the new Center Fire Station on said Lot 108-1-4.

Moved and Seconded
Quantum of Town Meeting Vote: Majority

Minutes:

- Q: Would sewer connections be available to other three the Lawrence Homestead Trust (LHT) parcels?
 - R: Yes. The Purchase and Sale Agreement required that sewer connections be made available to the remaining lots. The lots would be assessed a Benefits Facility Charge fee upon connection to reimburse the Town for construction costs. The lots would also pay for a connection fee.
- Q: Does the existence of the sewer line increase the LHT lot values?
 - R: Not according to appraisers. A lot needs to have a waste capability.
- Q: Why did the Town agree to the sewer connections for the LHT lots?
 - R: The fire station needs a sewer connection due to the nature of some of the waste. The LHT was asked to consider the sale of this parcel to the town for the purpose of a fire station. LHT negotiated sewer stubs as part of the sewer easement agreement.
- Q: Is there adequate sewer capacity to support this agreement?
 - R: Yes. This agreement will only become effective should the Town appropriate funds to construct the fire station.

Motion to Move the Question under Article 12
Moved and Seconded
Quantum: 2/3rds Majority
Vote on Motion to Move Article 12: Passed by a 2/3rds Majority

Vote on the Main Motion Under Article 12: Passed by a Majority Vote

Motion to Adjourn to Saturday November 10 at 8:00 AM
Moved and Seconded
Quantum: Majority

Motion to Amend the Motion to Adjourn
I move that the meeting complete Articles 13 and 14 and then recess for one hour
and complete the business of the meeting
Moved and Seconded
Quantum: Majority

Motion to Move the Question (of Adjourning)
Moved and Seconded
Quantum: 2/3rds Majority
Vote on Motion to Move the Question: Passed by a 2/3rds Majority

Vote on the Motion to Amend the Motion to Adjourn: Chair declared passed by a
Majority Vote. 7 voters did not
contest

Vote on the Amended Motion to Adjourn (to recess for one hour and continue the
meeting): Did not pass. 7 voters did not contest. Meeting Continues to Article 13.

ARTICLE 13: *AMEND CHAPTER 218, ZONING, INTENSITY REGULATIONS*

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows, or to take any other action relative thereto:

1. Amend Article IV, Intensity Regulations, §218-20 Schedule of Intensity Regulations, by adding the following entries for the Public Use “P” District as shown in bold italics:

§ 218-20. Schedule of Intensity Regulations.

District	Minimum Lot Dimensions		Maximum Height Feet	Stories	Maximum Lot Coverage (percentage)	Minimum Building Setback		
	Area (square feet)	Frontage (feet)				Front (feet)	Side (feet)	Rear (feet)

R-A ⁵	80,000 ¹	225 ⁴	35	3	25	50	15	15
R-B ⁵	40,000 ^{1,2}	175 ^{2,4}	35	3	25	50	15	15
B-1 ⁵	40,000 ^{1,2}	175 ²	35	3	25	50	15	15
M-1	40,000 ²	175 ²	35	3	25	50	15	15
C	80,000 ²	225 ²	35	3	25	50	15	15
O	—	—	35	3	25	50	15	15
P	40,000^{1,2}	175²	35	3	25	50	15	15

NOTES:

¹ For planned multifamily/residential development, see § 218-27C. For subsidized elderly housing, see instead § 218-27B. For multifamily use by conversion, see instead § 218-27A. For flexible development, see § 218-26F(1). For hammerhead lots, see § 218-23.1.

² No minimum for nonresidential uses.

³ Includes principal and accessory buildings. See § 218-22 for supplementary regulations.

⁴ Lots shown on a residential compound plan (as described in Chapter 381, Part 1, Subdivision of Land) endorsed by the Planning Board pursuant to the Subdivision Control Law may, upon the grant of a special permit by the Planning Board, reduce lot frontage to 50 feet.

⁵ For dimensions applicable to Town Center Overlay District developments, see § 218-30.2.

PLANNING BOARD

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *No Position*

Summary: *The Planning Board is proposing an amendment to the Schedule of Intensity Regulations to establish dimensional requirements for the Public Use "P" District.*

Mover: **Jack Petropoulos**

MOTION: I move that the Town vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as set forth in Article 13 of the Warrant for the October 15, 2012 Fall Town Meeting.

Moved and Seconded

Quantum of Town Meeting Vote: **2/3's Majority**

Minutes (for Articles 13 and 14)

- Planning Board unanimously supports Article 13
- Q: What problem is being addressed?
 - R: Define "Public Use" zoning which is currently a zoning classification but has not restrictions or definition.
- Q: Does this make for "spot zoning"?
 - R: Not considered to be spot zoning. Applies to all public use zones.
- Q: Why zone this parcel "P"? Is there an alternative?

- R: The intent is to have all municipal buildings zoned as Public Use. The alternative on this parcel is to obtain a ZBA Special Permit for this allowed use.
- Q: How does this “P” zoning definition affect existing public buildings?
 - R: Existing buildings are grandfathered. They become non-conforming as may be and would go to the ZBA if needed.

MOTION to Move the Question

Moved and Seconded

Quantum: 2/3rds Majority

Vote on the Motion to Move the Question: Passed by a 2/3rds Majority

Vote on the Main Motion under Article 13:

Passed by 2/3rds Majority. 7 voters did not contest

ARTICLE 14: REZONE PARCEL 108-1-4 FROM “R-A” TO “PUBLIC USE”

To see if the Town will vote to amend the Zoning Map adopted under Chapter 218, Zoning, of the Code of the Town of Groton by rezoning from Residential-Agricultural (R-A) to Public Use (P) a parcel of land located on Farmers Row, consisting of approximately 2.79 acres, shown as Lot 4 on a plan entitled, “Approval Not Required Plan, Lawrence Homestead Trust, Farmers Row, Groton, MA, Applicant: Town of Groton, 173 Main Street, Groton, Massachusetts,” prepared by Gale Associates and Romanelli Associates, Inc., dated April 24, 2012, recorded as Plan 296 of 2012 at the Middlesex South Registry of Deeds, said parcel being shown on Assessors’ Map 108 as Parcel 1-4, or take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously

Finance Committee: No Position

Summary: *The 2012 Spring Town Meeting voted to purchase this parcel on Farmers Row for the purpose of constructing the new Center Fire Station. The land is currently zoned Residential-Agricultural. All municipal buildings are currently on properties that are zoned “Public Use” or “P”. The purpose of this article is to rezone the Farmers Row parcel to be consistent with all other municipal properties.*

Mover: Jack Petropoulos

MOTION: I move that the Town vote to amend the Zoning Map adopted under Chapter 218, Zoning, of the Code of the Town of Groton by rezoning from Residential-Agricultural (R-A) to Public Use (P) a parcel of land located on Farmers Row, consisting of approximately 2.79 acres, shown as Lot 4 on a plan entitled, “Approval Not Required Plan, Lawrence Homestead Trust, Farmers Row, Groton, MA, Applicant: Town of Groton, 173 Main Street, Groton, Massachusetts,” prepared by Gale Associates and Romanelli Associates, Inc., dated April 24, 2012, recorded as Plan 296 of 2012 at the Middlesex South Registry of Deeds, said parcel being shown on Assessors’ Map 108 as Parcel 1-4.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3's Majority

Minutes:

- Planning Board supports this Article unanimously.

Vote on the Main Motion under article 14:

Passed by 2/3rds Majority. 7 voters did not contest.

ARTICLE 15: AMEND CHAPTER 81 OF THE CODE OF THE TOWN OF GROTON

To see if the Town will vote to amend Chapter 81, Town Meetings, of the Code of Groton, by adding the following new section 81-6 so as to incorporate into the Town's general bylaws the authority of the Town Moderator to declare the results of votes requiring, by statute, a two-thirds vote of a town meeting:

§ 81-6 Powers and Duties of the Moderator

The moderator may, without a count being taken, make public declaration of all votes requiring a two thirds vote by statute, and such declaration shall be final unless the ruling of the moderator is immediately contested by seven or more voters.

or take any other action relative thereto.

TOWN CLERK

Board of Selectmen: Recommended Unanimously

Finance Committee: No Position

Summary: *At the April 28, 1997 Town Meeting the Town voted, under the provisions of G.L. c. 39, §15, to authorize the Moderator to declare a two-thirds vote. This article seeks to incorporate the authority given by that vote directly into the Town's Bylaws. Specifically, this Bylaw amendment would formalize the authority previously given to the Moderator to declare a two-thirds vote without a count, subject to that ruling being questioned by seven or more voters.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to amend Chapter 81, Town Meetings, of the Code of Groton, by adding the following new section 81-6 so as to incorporate into the Town's general bylaws the authority of the Town Moderator to declare the results of votes requiring, by statute, a two-thirds vote of a town meeting:

§ 81-6 Powers and Duties of the Moderator

The moderator may, without a count being taken, make public declaration of all votes requiring a two thirds vote by statute, and such declaration shall be final unless the ruling of the moderator is immediately contested by seven or more voters.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Minutes:

- Town Counsel explained that a previous vote of a 1997 Town Meeting gave the Moderator this power to declare 2/3rds votes, and subsequently the Attorney General agreed to this award of vote declaration. Recently, Bond Counsel has questioned the authority. The purpose of this Article is to codify the ability of the Moderator to make 2/3rd Vote declarations.

Vote on the Main Motion under Article 15: Passed by a Unanimous Vote

ARTICLE 16: ESTABLISH AFFORDABLE HOUSING REVOLVING FUND

To see if the Town will vote to establish, under the authority of the Town Manager, a revolving account under Massachusetts General Laws, Chapter 44, §53E½ for the revenue and expenses related to marketing and monitoring Affordable Housing units, said revenue, in the form of receipts and fees, to be credited to said account and expended by the Town Manager for this purpose, with the maximum amount in said account not to exceed \$50,000 for Fiscal Year 2013, or to take any other action relative thereto.

TOWN MANAGER

Board of Selectmen: Recommended Unanimously
Finance Committee: Recommended Unanimously

Summary: *A revolving fund is a tool used by cities and towns to allow a particular department or board to account for its revenues and expenses for particular programs separately from the General Fund. Program expenses can be directly offset by related revenue taken in, and expenditure of those monies requires no additional appropriation. Revolving funds must be authorized annually by Town Meeting at which time spending limits are established. This particular fund will utilize revenue collected in connection with land development for the purpose of promoting occupancy of affordable housing units as they become available. The funds will be spent largely on marketing and monitoring functions.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to establish, under the authority of the Town Manager, a revolving account under Massachusetts General Laws, Chapter 44, §53E½ for the revenue and expenses related to marketing and monitoring Affordable Housing units, said revenue, in the form of receipts and fees, to be credited to said account and expended by the Town Manager for this purpose, with the maximum amount in said account not to exceed \$50,000 for Fiscal Year 2013.

Moved and Seconded
Quantum of Town Meeting Vote: Majority
Vote on the Main Motion under Article 16: Passed by a Unanimous Vote

ARTICLE 17: LAND ACQUISITION – CHICOPEE ROW

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately 49 +/- acres owned by Susan Walker and shown on Assessors' Map 225, as Parcel 55 and approximately 59 +/- acres owned by Marjorie Cox and shown on Assessors' Map 225, as Parcel 54, both parcels to be managed and controlled by the Conservation Commission of the Town of Groton in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes; to transfer a sum or sums of money from the Conservation Fund therefor in advance of a Massachusetts Local Acquisitions for Natural Diversity (LAND) Program grant, with said proceeds to be returned to the Conservation Fund; that the Town Manager or Board of Selectmen be authorized to file on behalf of the Town of Groton any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town Groton to effect said purchase, which conservation restriction may be granted to the Groton Conservation Trust or any other organization qualified and willing to hold such a restriction, or to take any other action relative thereto.

CONSERVATION COMMISSION

Board of Selectmen: *Recommended Unanimously*
Finance Committee: **1 In Favor 5 Against**

Summary: *Applying for a state grant will enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land. This land has frontage on Chicopee Row and is across the street from Williams Barn Sorhaug Woods and is contiguous to McLain's Woods and Watson Way Conservation Areas (Town-owned) and Fitch-Woods (Groton Conservation Trust). At one time, these parcels were proposed for a new high school, but the presence of rare species and multiple vernal pools made the land an unsuitable site. Protecting large tracts of contiguous open space ensures a diversity of wildlife and habitats for generations of Groton residents. The negotiated purchase price for this property is \$716,000.*

Mover: Peter Cunningham

MOTION: I move that the sum of \$716,000 be appropriated for the acquisition by gift, negotiated purchase or eminent domain of a parcel of land of approximately 49 +/- acres owned by Susan Walker and shown on Assessors' Map 225, as Parcel 55 and approximately 59 +/- acres owned by Marjorie Cox and shown on Assessors' Map 225, as Parcel 54, both parcels to be managed and controlled by the Conservation Commission of the Town of Groton in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes; to transfer the sum of \$716,000 from the Conservation Fund therefor in advance of a Massachusetts Local Acquisitions for Natural Diversity (LAND) Program grant, with said proceeds to be returned to the Conservation Fund; that the Town Manager or Board of

Selectmen be authorized to file on behalf of the Town of Groton any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, and the Town Manager and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B, as may be necessary on behalf of the Town Groton to effect said purchase, which conservation restriction may be granted to the Groton Conservation Trust or any other organization qualified and willing to hold such a restriction.

Moved and Seconded
Quantum of Town Meeting Vote: 2/3's Majority

Minutes:

- Planning Board 5 to 1 In Favor; concerned about parking
- Greenway Committee supports the Article

Vote on the Main Motion Under Article 17:
Chair declared passed by a 2/3rds Majority. 7 voters did not contest.

MOTION to take Article 9 from the Table:

Moved and Seconded
Quantum: Majority
Vote on the Motion to Take Article 9 From the Table:
Passed by a Unanimous Vote

Article 9 had previously been moved and Seconded, and is now on the floor.

Quantum: Majority
Vote on the Main Motion Under Article 9:
Passed by Majority Vote

ARTICLE 18: FUNDING TO DESIGN THE REPLACEMENT OF FITCH'S BRIDGE

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money for all professional design services, including surveying, engineering and permitting, related to the construction of a new pedestrian, equestrian and bicycle (non-vehicular) bridge over the Nashua River at the location of the current Fitch's Bridge that will connect Fitch's Bridge Road and Pepperell Road, or to take any other action relative thereto.

GREENWAY COMMITTEE

Board of Selectmen: Recommended Unanimously
Finance Committee: Not Recommended Unanimously

Summary: *Fitch's Bridge, spanning the Nashua River between a public right of way in Groton and Pepperell Road in West Groton, is over 115 years old, has deteriorated significantly, and is closed for use. The Greenway Committee looked at numerous options to create a new pedestrian, equestrian, and bicycle connection in that location. The most cost-effective is the*

removal of the existing bridge and replacement with a prefabricated bridge. This article, if approved, will authorize survey, engineering design, and permitting of the new bridge (estimated engineering cost is \$100,000) with the intent of requesting in the near future construction funding, with the total project costs (engineering & construction) between \$650,000 to \$850,000.

Mover: Peter Cunningham

MOTION: I move that the sum of \$95,000 be transferred from the Stabilization Fund for all professional design services, including surveying, engineering and permitting, related to the construction of a new pedestrian, equestrian and bicycle (non-vehicular) bridge over the Nashua River at the location of the current Fitch's Bridge that will connect Fitch's Bridge Road and Pepperell Road.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3's Majority

Minutes:

- Planning Board supports the Article ; supported by the Master Plan
- Finance Committee opposed to the Article. They favor the destruction of the bridge but not the design of a new bridge at this time.
- Historical Commission supports the Article as highest and best use of the bridge
- Parks Commission supports the Article for safety and public use
- Conservation Commission unanimously supports the Article
- Hazel Grove Agricultural Association unanimously supports the Article
- Q: Why not use CPC funds?
 - R: It is expected that the price will exceed CPC funding ability. Additionally, if State money is used, additional requirements will be placed on the redesign and construction of the bridge.

MOTION to amend Article 18 by striking the words "and/or removal"

Failed due to no "Second"

MOTION to Move the Question for the Main Motion under Article 18

Moved and Seconded

Quantum: 2/3rds Majority

Vote on the Motion to Move the Question: Passed by a 2/3rds Majority

Vote on the Main Motion Under Article 18:

Chair declared passed by a 2/3rds Majority. 7 voters did not contest.

ARTICLE 19: ACCEPT QUAIL RIDGE ROAD AS A PUBLIC WAY

To see if the Town will vote to accept as a public way, Quail Ridge Road, as shown on a plan entitled "Rocky Hill Definitive Subdivision Road As-Built of Quail Ridge Road in Groton, Massachusetts" prepared by R. Wilson & Associates, Inc. dated December 30, 2010, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *To accept Quail Ridge Road as a public way.*

Mover: Joshua Degen

MOTION: I move that the Town vote to accept as a public way, Quail Ridge Road, as shown on a plan entitled "Rocky Hill Definitive Subdivision Road As-Built of Quail Ridge Road in Groton, Massachusetts" prepared by R. Wilson & Associates, Inc. dated December 30, 2010, and recorded with the Middlesex South District Registry of Deeds, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion Under Article 19:

Passed by a Unanimous Vote

ARTICLE 20: ACCEPT A PORTION OF ROBIN HILL ROAD AS A PUBLIC WAY

To see if the Town will vote to accept as a public way, a portion of Robin Hill Road from its intersection with Boston Road to Station 3 + 75, as shown on a plan entitled "Rocky Hill Definitive Subdivision Road As-Built of Robin Hill Road in Groton, Massachusetts" prepared by R. Wilson & Associates, Inc. dated August 15, 2011, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *To accept a portion of Robin Hill Road as a public way.*

Mover: Joshua Degen

MOTION: I move that the Town vote to accept as a public way, a portion of Robin Hill Road from its intersection with Boston Road to Station 3 + 75, as shown on a plan entitled "Rocky Hill Definitive Subdivision Road As-Built of Robin Hill Road in Groton, Massachusetts" prepared by R. Wilson & Associates, Inc. dated August 15, 2011, and recorded with the Middlesex South District Registry of Deeds, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Moved and Seconded

**Quantum of Town Meeting Vote: Majority
Vote on the Main Motion Under Article 20:**

Passed by a Unanimous Vote

ARTICLE 21: ACCEPT FOREST DRIVE AS A PUBLIC WAY

To see if the Town will vote to accept as a public way, Forest Drive, as shown on a plan entitled "As Built Plan and Profile of Forest Drive in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

BOARD OF SELECTMEN

**Board of Selectmen: Recommended Unanimously
Finance Committee: No Position**

Summary: *To accept Forest Drive as a public way*

Mover: Joshua Degen

MOTION: I move that the Town vote to accept as a public way, Forest Drive, as shown on a plan entitled "As Built Plan and Profile of Forest Drive in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion Under Article 21:

Passed by a Unanimous Vote

ARTICLE 22: ACCEPT WINDING WAY AS A PUBLIC WAY

To see if the Town will vote to accept as a public way, Winding Way, as shown on a plan entitled "As Built Plan and Profile of Winding Way in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

BOARD OF SELECTMEN

**Board of Selectmen: Recommended Unanimously
Finance Committee: No Position**

Summary: *To accept Winding Way as a public way.*

Mover: Joshua Degen

MOTION: I move that the Town vote to accept as a public way, Winding Way, as shown on a plan entitled "As Built Plan and Profile of Winding Way in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion Under Article 22:

Passed by a Unanimous Vote

ARTICLE 23: ACCEPT PAUGUS TRAIL AS A PUBLIC WAY

To see if the Town will vote to accept as a public way, Paugus Trail, as shown on a plan entitled "As Built Plan and Profile of Paugus Trail in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously

Finance Committee: No Position

Summary: *To accept Paugus Trail as a public way.*

Mover: Joshua Degen

MOTION: I move that the Town vote to accept as a public way, Paugus Trail, as shown on a plan entitled "As Built Plan and Profile of Paugus Trail in Groton, Massachusetts prepared for Robert Lacombe" prepared by Stamski and McNary, Inc. dated December 20, 2001, and recorded with the Middlesex South District Registry of Deeds, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion Under Article 23:

Passed by a Unanimous Vote

ARTICLE 24: CITIZEN'S PETITION – ZONING AMENDMENT

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as follows:

1. Amend §218-4 Definitions by adding the following new definition to Section 218-4 Definitions:

AGRICULTURAL LABOR HOUSING – A structure or building constructed or used for labor for commercial agriculture as its primary purpose.

2. Amend Section 218-13 Schedule of Use Regulations by deleting the following uses in the Agricultural, Floricultural and Horticultural Section:

	R-A	R-B	B-1	M-1	C	O	P
The raising or keeping of horses, goats, sheep, cattle and not over 15 pigs or poultry or maintenance of dog kennels or riding stables	Y	Y	Y	Y	SP	SP	Y
A. Barns or stables for breeding, boarding, hiring or sale of animals	SP	SP	SP	SP	N	N	SP
Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto any public or traveled way	SP	SP	SP	SP	N	SP	SP

And by inserting the following uses in the Agricultural, Floricultural and Horticultural Section:

	R-A	R-B	B-1	M-1	C	O	P
Agricultural Labor Housing	Y	Y	Y	Y	Y	Y	Y
The raising or keeping of horses, goats, sheep, cattle, pigs, poultry or other domesticated animals for food and other agricultural purposes	Y	Y	Y	Y	Y	Y	Y
Riding stables	Y	Y	Y	Y	Y	Y	Y
Barns or stables for breeding, boarding, hiring or sale of animals	Y	Y	Y	Y	Y	Y	Y
Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto any public or traveled way	Y	Y	Y	Y	Y	Y	Y
Dog Kennels	Y	Y	Y	Y	SP	SP	Y

3. Amend Section 218-13 Schedule of Use Regulations by deleting the following use in the Business Section:

	R-A	R-B	B-1	M-1	C	O	P
Commercial greenhouse	SP	SP	Y	Y	Y	Y	N

And by inserting the following use in the Business Section:

	R-A	R-B	B-1	M-1	C	O	P
Commercial greenhouse	Y	Y	Y	Y	Y	Y	Y

or to take another action relative thereto.

CITIZENS' PETITION

<u>Name</u>	<u>Address</u>	<u>Name</u>	<u>Address</u>
George Moore	39 Pepperell Road	Jennifer Derouin	80 Jenkins Road
Julia Moore	39 Pepperell Road	Alison Enright	15 Heritage Lane
Margaret Moore	39 Pepperell Road	Michelle Collette	43 Windmill Hill Road
James Lavalley	40B Candice Lane	Paula Martin	88 Jenkins Road
Janet Shea	13 Pepperell Road	Denise Goyea	245 Lowell Road

Board of Selectmen: Article Withdrawn
Finance Committee: Article Withdrawn

Summary: *Current Town Bylaws, particularly the schedule of use which regulates what activities are allowed in which town zones, require special permits for many agricultural activities. The proposed amendment would remove this permitting requirement as these activities are actually allowed by right both by Massachusetts State Law and by our Town Right to Farm Bylaw. The amendment also makes specific mention of agricultural labor housing which is allowed by right to house workers in commercial agricultural operations. By clarifying these sections, there should be reduced work and frustration both by Town Hall and by Farmers.*

Mover: Peter Cunningham

MOTION A: I move that the Town vote to amend the Code of the Town of Groton, Chapter 218 Zoning, as set forth in Article 24 of the Warrant for the October 15, 2012 Fall Town Meeting.

Quantum of Town Meeting Vote: 2/3's Majority

MOTION B: I move that Article 24 be indefinitely postponed.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion B Under Article 24:

**Passed by a Unanimous Vote –
Article Indefinitely Postponed**

ARTICLE 25: OFFSET THE TAX RATE

To see if the Town will vote to transfer a sum of money from the General Excess and Deficiency Fund (Free Cash) or from other available funds for the purpose of affecting the tax rate for the period beginning July 1, 2012, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Article Withdrawn
Finance Committee: Article Withdrawn

Summary: *The intent of this article is to use a portion of Free Cash or General Stabilization Fund monies as a funding source for the FY 2013 Budget in order to lower the amount of money required to be raised from taxes or to balance a deficit budget. The amount of Free Cash and General Stabilization Fund monies available for appropriation will be provided at Town Meeting.*

Mover: Stuart Schulman

MOTION A: I move that the Town vote to transfer the sum of \$0 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2012.

MOTION B: I move that Article 25 be indefinitely postponed.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on the Main Motion Under Article 25:

Passed by a Unanimous Vote

MOTION to Dissolve the Meeting

Moved and Seconded

Vote on the Motion to Dissolve: Passed

The Meeting was dissolved at 2:05 PM November 3, 2012

Hereof fail not and make return of your doings to the Town Clerk on or before time of said meeting.

Given under our hands this 24th Day of September in the year of our Lord Two Thousand Twelve.

Stuart M. Schulman

Stuart M. Schulman, Chairman

Peter S. Cunningham

Peter S. Cunningham, Vice Chairman

John G. Petropoulos

John G. Petropoulos, Clerk

Joshua A. Degen

Joshua A. Degen, Member

Anna Eliot

Anna Eliot, Member

OFFICERS RETURN
Groton, Middlesex

Pursuant to the within Warrant, I have this day notified the Inhabitants to assemble at the time, place, and for the purpose mentioned as within directed. Personally posted by Constable.

Constable

Date Duly Posted