

MINUTES
ANNUAL TOWN MEETING
APRIL 28, 1997

The Annual Town Meeting was called to order at 7:30 P.M. by the Moderator, Robert L. Gosselin, Sr. at the Groton-Dunstable Middle School.

There is no quorum requirement for annual town meeting. Mr. Gosselin declared that the warrant had been duly posted and accepted a motion to waive the reading of the warrant.

Motion to waive the reading of the warrant carried unanimously.

Mr. Gosselin announced that the Town of Groton has been designated Tree Town USA for the coming year by the Friends of the Trees.

Article 1: Motion made and seconded that the Town hear and act on the report of the Selectmen and other Town Officers and Committees.

There were no reports presented. No vote taken

Article 2: Motion made and seconded to authorize the Board of Selectmen to apply for Federal and State Grants for which the Town is or may be eligible and to expend the funds received thereunder.

Carried unanimously

Article 3: Motion made and seconded that the Town allow compensation for elected officials for the ensuing year as follows:

Board of Selectmen \$1,000 Town Clerk 36,944

Board of Assessors 1,000 Highway Surveyor 42, 518

Tax Collector 19,837 Tree Warden 1,236

Treasurer 28,593 Moderator 65

Motion Carried

Article 4: Motion made and seconded that the Town vote to amend the Personnel By-Law Wage and Classification Schedule set forth in the handout entitled "Wage and Classification Schedule Fiscal 1998". (Copy attached)

Motion carried unanimously.

Article 5-1: Motion made and seconded that the Town vote to appropriate the sum of \$3,000 from Conservation Fees Reserved for Appropriation to the Conservation Commission and to raise and appropriate the sum of \$897,772 for a total of \$900,772 for General Government as represented by Lines 1000 through 1600 as printed in the budget; each line item to be considered a separate appropriation for the purposes voted.

Motion Carried

Article 5-2: Motion made and seconded that the Town vote to raise and appropriate the sum of \$1,496,733 for Protection of Persons and Property as represented by Lines 2000 through 2242 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion Carried

Article 5-3: Motion made and seconded that the Town vote to raise and appropriate the sum of \$7,481,649 for Schools as represented by Lines 3000 through 3022 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried

Article 5-4: Motion made and seconded that the Town vote to raise and appropriate the sum of \$985,966 for Highway and Health as represented by Lines 4000 through 4144 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried

Article 5-5: Motion made and seconded that the Town vote to appropriate the sum of \$5,507.53 from Dog Tax Receipts to the Library and to raise and appropriate the sum of \$356,063.47 for a total of \$361,571 for Library and Citizen's Services as represented by Lines 5000 through 5161 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried

Article 5-6: Motion made and seconded that the Town vote to appropriate the sum of \$15,000 from Gift Funds (Groton School) and to raise and appropriate the sum of \$1,195,844 for a total of \$1,210,844 for Debt Service as represented by Lines 6000 through 6041 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried

Article 5-7: Motion made and seconded that the Town vote to raise and appropriate the sum of \$585,100 for Employee Benefits as represented by Lines 7000 through 7041 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried

Article 5-8: Motion made and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$597,300 to the Water Enterprise Fund to defray all operating expenses, interest charges and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried unanimously

Article 5-9: Motion made and seconded that the Town vote to appropriate the sum of \$60,000 from Sewer Debt Receipts Reserved for Appropriation for Sewer Debt and to appropriate the sum of \$387,450 from Sewer Rates and Fees for a total of \$447,450 to the Sewer Enterprise Fund to defray all operating expenses, interest charges and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried unanimously

Article 5-10: Motion made and seconded that the Town vote to appropriate the income from sales of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from sale of jobbing during Fiscal 1998 for the Groton Electric Light

Department; the whole to be expended by the Manager of that department under the direction and control of the Board of Electric Light Commissioners for the expenses of the ensuing fiscal year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth. The total fund to be appropriated is -0-, Line Item 8040 of the Budget.

Motion carried

Copy of complete Fiscal 1998 Budget attached.

Article 6: Motion made and seconded that the Town vote to appropriate the sum of \$2,500,000 for the purpose of designing, remodeling, making extraordinary repairs to, equipping, and furnishing the Groton Town Hall, including costs incidental and related thereto; and that the Board of Selectmen be authorized to contract for and in the name of the Town for such purpose and to do all things necessary for the accomplishment of the foregoing purpose, including the expenditure of all appropriated funds and any funds received from the Commonwealth of Massachusetts or other sources for such construction; and that to raise such appropriation the Town Treasurer is authorized to borrow the sum of \$2,500,000 under and pursuant to Chapter 44, Section 7(3A), of the General Laws as amended and supplemented, or any other enabling authority, and to issue bonds or notes therefor; provided that the amount authorized to be borrowed hereunder shall be reduced by the amount of any grants received before the sale of such bonds or notes; and provided further, that any appropriation hereunder shall be contingent upon the vote of the Town at an election to exempt from the provisions of Proposition 2 ½ so called, the amount required to pay for the bonds issued to meet said appropriation.

Motion made and seconded to postpone indefinitely.

Motion to postpone defeated.

Article 6 requires a 2/3 vote. Tellers sworn: Karl Johnson, Mark McCarthy, Charles W. Shadan, Bonnie Biocchi, Kathy Harrington, Robert C. Johnson.

Yes 277 No 4

Article 6 carried by 2/3 vote.

Article 7: Motion made and seconded to approve the budget of the Groton Country Club and Recreation Authority in the amount of \$664,199 in accordance with Section 8 of Chapter 533 of the Acts of 1991, as amended by Chapter 115 of the Acts of 1995.

The Finance Committee explained that they had not seen this budget. That a budget different from the one being presented now had been presented to the Finance Committee and there had been no discussion with the Authority on what was now being presented.

The meeting felt that the Authority should meet with the Finance Committee before presenting their budget to the Town.

Motion made and seconded to postpone Article 7 to May 5, 1997 at 7:30P.M. This would be the first article under discussion at that time.

Motion to postpone to May 5, 1997 carried.

Article 8: Motion made and seconded that the Town vote to petition the General Court to enact legislation amending Chapter 533 of the Acts of 1991 "An Act Establishing the Groton Country Club Authority," as amended by Chapter 115 of the Acts of 1995 in accordance with the proposed legislation on file in the office of the Town Clerk. (Purpose to reduce members from seven to five. Copy attached)

Motion made and seconded to postpone indefinitely.

Motion made and seconded to postpone to May 5, 1997.

Motion to postpone to May 5, 1997 defeated.

Motion to postpone indefinitely carried.

Article 9: Motion made and seconded that the Town vote to transfer from Free Cash the sum of \$20,000 for the Town Hall Fuel Tank Removal for excavation, removal and assessment of contaminated soil.

Motion carried

Article 10: Motion made and seconded that the Town vote to transfer from Free Cash the sum of \$7,000 for matching funds to purchase Mobile Data Terminals to be installed in police cruisers. Chief Rider explained that he has applied for a grant to purchase four mobile data terminals. A requirement of the grant, is that the town provide matching funds. If the town is not awarded the grant then these funds will not be spent.

Motion carried.

Article 11: Motion made and seconded that the Town vote to transfer from Free Cash the sum of \$12,000 for the purchase of mobile video cameras to be installed in police cruisers.

Motion carried

The meeting adjourned at 10.45 P.M. to be reconvened at 7:30 P.M. May 5,1997

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Motion to postpone indefinitely carried.

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Motion carried.

Article 11: Motion made and seconded that the Town vote to transfer from Free Cash the sum of \$12,000 for the purchase of mobile video cameras to be installed in police cruisers.

Motion carried

The meeting adjourned at 10.45 P.M. to be reconvened at 7:30 P.M. May 5,1997

**MINUTES
ADJOURNED SESSION
ANNUAL TOWN MEETING
MAY 12, 1997**

The meeting was called to order at 7:35 P.M. by the Moderator Robert L. Gosselin, Sr. There is no quorum requirement for Annual Town Meeting.

Article 31: Motion made and seconded that the Town vote to petition the General Court to enact legislation entitled "An Act Relative to Growth Accommodation Program for the Town of Groton," a copy of which is on file in the Office of Town Clerk.

Section 1. Purpose and Findings

The Town of Groton is undergoing a period of substantial growth in new residential structures. This residential growth has resulted in numerous direct and indirect impacts on the Town and its ability to adequately address those impacts. The Town has experienced accelerated growth requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on town facilities and infrastructure such as water and sewer lines; increased need for capital improvements to its public safety and health services and facilities, parks and playgrounds. Growth related impacts must be paid for by impact fees from developers so that the Town can provide adequate services and infrastructure to support future development.

Section 2. Establishment of a Growth Accommodation Bylaw

- (A) The Town Meeting of Groton may, by Town Bylaw, require the payment of an impact fee as a condition of approval of a development plan for any future development within the jurisdiction of this act. Such By-Law shall be referred to hereinafter as the "Growth Accommodation By-Law". The impact fee shall be imposed on the issuance of building permits for both residential and non-residential projects as defined in the Growth Accommodation Bylaw. The impact fee shall be established by the Town Meeting in the Growth Accommodation Bylaw. The Growth Accommodation Bylaw shall be used solely for the purpose of defraying the costs of capital improvements provided by the Town caused by and necessary to support future developments such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, public safety and health services and facilities, parks and playgrounds.
- (B) The Growth Accommodation Bylaw may be enacted if the following criteria are met:
- (1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, office, commercial and industrial projects and their impact on the following services, including but not limited to: school facilities, public facilities, roads, sewers, water supply lines, affordable housing, public safety and health services and facilities, parks, and playgrounds.
 - (2) The Town shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the Town, the impacts of future development and the need for public facility improvements as a result of future development. Any impact fee which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study. This study shall be adopted by Town Meeting vote.
 - (3) The impact fees shall be established on the basis of the cost projection in the capital improvement plans as described in clause (2) of subsection B of this section two and the

expected level of allowed development pursuant to the Town's Zoning Bylaw, as it may be amended.

(4) The Town shall have the authority to create distinct and separate revolving trust accounts for each impact fee enacted by the Town for the services delineated in clause

(5) of subsection B of section two for necessary improvements resulting from future development. Administration of the revolving trust accounts shall be established by the Growth Accommodation Bylaw. No impact fee shall be paid to the Town's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.

(5) The level of any impact fee shall be reviewed at least every five (5) years and reset as required by Town Meeting based upon the recommendation, if any, of the Board of Selectmen, the Capital Planning Committee, or its successor.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fees were paid shall, upon application of the applicant or his assigns, be returned to such applicant or his assigns with interest from the fee's deposit in an interest bearing account.

Carried by majority

Article 32: Motion made and seconded that the Town vote to amend the Code of the Town of Groton Chapter 180 Roads and Ways, Article II Opening of Town Ways:

By deleting section 5 Permit required; reimbursement for damages, which reads as follows:

"No person or other entity shall dig up or obstruct any portion of any way which the town is obliged to keep in repair without first obtaining a permit in writing from the Highway Surveyor, nor, having obtained such permit, shall he fail to comply with the conditions thereof, and, in addition to any penalty or penalties to which he may be subjected under this Article for failure, he shall reimburse the town for all expenses and damages which the town may be compelled to pay by reason of such unauthorized use or any failure to comply with said conditions."

And by inserting in its place the following:

"No person or other entity shall dig up or obstruct any portion of any way which the Town is obliged to keep in repair without first obtaining a permit in writing from the Highway Surveyor for projects which disturb less than 100 feet of roadway or right of way, or from the Board of Selectmen and the Highway Surveyor for projects which disturb 100 feet or more of roadway or right of way, nor, having obtained such permit, shall he fail to comply with the conditions thereof, and, in addition to any penalty or penalties to which he may be subjected under this Article for such failure, he shall reimburse the town for all expenses and damages which the town may be compelled to pay by reason of such unauthorized use or any failure to comply with said conditions.

The Board of Selectmen shall establish and may, from time to time, amend the fee to be paid to the Town for a permit issued hereunder, and may also adopt rules and regulations for the implementation of this Article."

And under section 6 Violations and Penalties:

--delete the words "twenty dollars (\$20)"

--and insert in their place "two times the permit fee"

Carried unanimously

Article 33: Motion made and seconded that the Town vote to amend the Personnel By-Law Chapter 48 section 16 by deleting sections A-D and inserting in its place the Sexual Harassment

Police of the Town of Groton adopted by the Board of Selectmen November 4, 1996, said policy on file with the Town Clerk. (Copy attached to minutes)

Carried unanimously

Article 34: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-9 Location of Districts and approve a new Zoning Map, as printed in the warrant.

Motion made and seconded to indefinitely postpone article 34.

Motion to postpone carried.

Article 35: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-18. Special Considerations in R-B, B-1 and M-1 Districts:

By striking out Section 218-18C(2) which reads as follows:

“The provisions of this section shall not apply to projects at a location zoned B-1 or M-1 prior to January 1, 1985, if the proposed development would result in a building whose footprint is less than ten thousand (10,000) square feet and would result in less than thirty thousand (30,000) square feet of aggregate floor area, which includes all floors of all buildings on the premises.”

And by inserting in its place a new Section 218-18C(2) which reads as follows:

“The provisions of this section shall not apply to projects at a location zoned B-1 or M-1 prior to January 1, 1990, unless the proposed development results in either:

- (1) construction of a new building whose vertical projection (“footprint”) exceeds ten thousand (10,000) horizontal square feet measured to the outside of its enclosing walls, or whose aggregate floor area is thirty thousand (30,000) square feet or more, which includes all floors of all buildings on the premises; or
- (2) construction of an addition to an existing building, where the addition increases the building’s floor area by five thousand (5000) square feet or more.”

Two-thirds vote required.

Carried unanimously

Article 36: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-18. Special Use Considerations in R-B, B-1 and M-1 Districts as follows:

By striking out Subsection 218-18D(1)(a)[3] which reads as follows:

“The proposal will not cause environmental stress from erosion, siltation, groundwater, or surface water contamination or habitat disturbance on the site.”

And by inserting in its place a new Subsection 218-18D(1)(a)[3] which reads as follows:

“The proposal will not cause environmental stress from erosion, siltation, groundwater or surface water contamination or disturbance to wildlife habitat on the site if the wildlife is officially listed by the Massachusetts Division of Fisheries and Wildlife pursuant to 321 CMR 8.00 as endangered, threatened, or of special concern.”

Require 2/3 vote

Carried unanimously

Article 37: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-22. General Provisions, as follows:

By striking out Section 218-22E Density which reads as follows:

“Density. No more than one (1) dwelling and accessory building customarily incidental thereto shall be located upon any single lot in any district, except as provided in S218-27

Multifamily use.”

And by inserting in its place a new Section 218-22E Density which reads as follows:

“Density. No more than one (1) dwelling with accessory buildings customarily incidental thereto shall be located upon any single lot in any district, except as provided in S 218-26F (2) Cluster Development or S 218-27 Multifamily use.”

Requires 2/3 vote

Carried unanimously.

Article 38: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-22. General Provisions, as follows:

By striking out Section 218-22G Computation of Lot Area which reads as follows:

“Computation of lot area. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. At least forty thousand (40,000) contiguous square feet of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL, Chapter 131, section 40. Each lot shall be capable of containing a one-hundred-fifty-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act, MGL, Chapter 131, section 40, and within which any principal building shall be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the one-hundred-fifty-foot diameter circle.”

And by inserting in its place a new Section 218-22G Computation of Lot Area which reads as follows:

“Computation of lot area. In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. At least forty thousand (40,000) contiguous square feet of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL, Chapter 131, section 40, as may be amended from time to time. Each lot shall be capable of containing a one-hundred-fifty-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act, MGL, Chapter 131, section 40, as may be amended from time to time, and within which any principal building shall be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the one-hundred-fifty-foot diameter circle.”

Requires a 2/3 vote Carried unanimously

Mr. Gosselin, the Moderator, requested that a temporary Moderator be approved. He does not often feel the need to address the meeting. However, he would like to comment on the following article and must step down as Moderator.

Richard Powell took over as temporary Moderator.

Article 39: Motion made and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton as printed in the warrant (relative to Duplex housing units copy attached to minutes)

Requires a 2/3 vote

Tellers called

Yes 70 No 82

Motion defeated

Mr. Gosselin returned as Moderator

Article 40: Motion made and seconded that the Town vote to amend Chapter 81, Article I of the Code of the Town of Groton by deleting Section 81.1 Annual Town Meeting date in its entirety and substituting the language:

81.1 Annual Town Meeting

“The Town shall hold two (2) regularly scheduled Annual Town Meetings, one in the Spring and one in the Fall.

The Spring Annual Town Meeting shall be held the last Monday in April and shall act on the annual town operating and capital budgets, and on other fiscal subjects, and any other pertinent matters.

The Fall Annual Town Meeting shall be held the third Monday in October and shall act on the adoption, amendment, or repeal of bylaws, and such other business, including matters involving an appropriation of town funds, as may properly come before the meeting.

Adjourned sessions of both Spring and Fall Town Meetings shall be scheduled for subsequent Monday evenings unless an alternative day is approved by a majority of those present and voting.

Carried by majority.

Article 41: Motion made and seconded that the Town vote to amend Chapter 81, Article I, Section 81-4, Scheduling of Business, of the Code of the Town of Groton by substituting “any” for “the” before the words “Annual Town Meeting” in the first sentence; by inserting the word “Spring” before the words “Annual Town Meeting” in the second sentence of the text; and by adding the following paragraph to Section 81-4:

“No elected or appointed Town board shall hold a regular meeting when Town Meeting is in session.”

Motion made and seconded to place a period after the word “text” and deleting everything from that point on.

Motion to amend defeated

Carried by majority vote

Article 42: Motion made and seconded that the Town vote, pursuant to Massachusetts General Laws Chapter 39, Section 15, as amended by Chapter 448 of the Acts of 1996 to allow the Moderator to dispense with a count and record of the vote in matters requiring a two-thirds vote by statute, where the vote is clearly overwhelming.

Motion made and seconded to move the question.

Motion to move the question carried

Main motion carried by majority vote.

Article 43: Motion made and seconded that the Town vote to dispose of the 1942 Chevrolet fire engine for the sum of \$1.00 to Squannacook Engine & Hose Company #2 Inc., as provided in MGL C 30B, section 15.

Carried Unanimously

Article 44: Motion made and seconded that the Town vote to approve the concept plan for planned multifamily/residential development pursuant to the provisions of the Groton Zoning By-Law Section 218-27 Section C entitled “Hale Village an Adult Community March 9, 1997 Concept Plan” on file with the Town Clerk of the land owned by “58 West Main Street Realty Trust,” S. Tracy Eliades, Trustee, West Main Street, Groton, shown as parcel M-137 on Assessors maps.

Requires 2/3 vote

Carried unanimously

Article 45: Motion made and seconded that the Town vote to create a Deregionalization Study Committee to be appointed by the Town Moderator to consider the deregionalization of the Groton-Dunstable Regional School District.

Motion made and seconded that Article 45 be postponed indefinitely.

Motion to postpone indefinitely carried

Article 46: Motion made and seconded that the Town vote to transfer from Free Cash the amount of \$20,000 for an independent, professional consultant to advise the citizens of Groton as to the alternative solutions and costs regarding population expansion and educational needs including without limitation the following:

1. Population Impact
2. Regionalization
3. Double Sessions
4. Space Rentals
5. Federal Funds
6. New School Building(s)
7. Access to Present Land Site of GDRSS
8. Building Up And/Or Out of Present Buildings
9. the Site of any Land To Be Acquired
10. Financial Analysis
11. Any Other Alternatives

And to authorize the Moderator to appoint a committee of 5 members to select the independent consultant and to report to the Town at the next Special Town Meeting.

Motion made and seconded to move the question.

Motion to move the question carried

Teller called

Yes 85 No 104

Article 46 defeated

Article 25: Motion made and seconded that the Town vote to authorize the Board of Assessors to transfer the sum of \$69,676 from the Excess and Deficiency Fund for the purpose of affecting the tax rate for the period beginning July 1, 1997 and ending June 30, 1998.

Carried by majority vote

Motion made and seconded to dissolve the meeting.

Carried unanimously Meeting dissolved at 11:15 P.M.