

ANNUAL TOWN MEETING APRIL 24, 2000

(With adjourned sessions May 1,2000 and May 8,2000)

The Annual Town Meeting of the Town of Groton was called to order by Moderator Robert Gosselin at 7:38 pm. Although there was no quorum requirement, there were 322 voters present at 8:00. There was an announcement regarding Candidates Night, scheduled for May 2nd. Selectman Peter Cunningham recognized the following individuals for their service to the Town, who had passed away within the last year: Maureen D'Agostino, Wayne Johnson, Harrison Ripley, William Ryder, Ed Sandstrom, Ray Tolles and Nellie Sargisson.

A motion was made and seconded to waive the reading of the warrant.

The motion carried unanimously.

ARTICLE 1: Moved and seconded that the Town vote to hear and act on the report of the Selectmen and other Town Officers and Committees.

The School Committee reported on the status of the School Building program. In May, blue spotted salamander eggs were found. In June, a School Committee and the Building Committee were told that they were required to do a study. In September, MEPA presented an analysis which showed that some changes would need to be made. At this point, the committee decided to go forward with the Walker site until it was discovered that the migration patterns of the Salamander could not be studied until next year. At this time, the School Committee and Building Committee voted not to pursue this site further. Currently, the Building Committee is continuing to look for sites.

Article 1 carried by majority vote.

ARTICLE 2: Moved and seconded that the Town vote 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.

Article 2 carried unanimously.

ARTICLE 3: Moved and seconded that the Town vote to allow the following compensation for the following elected officials:

Board of Selectmen \$ 1,200 Tax Collector \$22,281
Board of Selectmen, Chrm. 1,350 Town Treasurer 32,116
Board of Assessors 1,100 Highway Surveyor 49,312
Board of Assessors, Chrm. 1,250 Tree Warden 1,311
Town Clerk 43,091 Town Moderator 65

for the ensuing year.

The Town Clerk, Bonnie Biocchi made a motion (seconded by Mr. Miller) to amend article 3 which read: to allow the following compensation for the Town Clerk: 43,599.

Ms. Biocchi then made a presentation to the public to explain that since all town employees were receiving a 3% cost of living adjustment, she felt the elected officials should be receiving the same 3% cola, as was the tradition in town.

Peter Cunningham spoke regarding the position of the Board. He stated that the information given to them regarding other officials showed that the salaries of the Tax Collector/Treasurer and Highway Surveyor needed to be adjusted, and that the Clerk's position had been brought to parity at the fall town meeting. He agreed with the Clerk that the Selectmen can only make a recommendation and that Town Meeting is what sets an elected officials salary.

Frank Bellitsky stated that the Federal Government set the COLA at 3%. Tom Hartnett and Gloria Fucillo also spoke in favor of the 3% being applied equitably.

The motion to amend carried by majority.

ARTICLE 3: as amended carried by majority.

ARTICLE 4 : Moved and seconded that the Town vote to amend the Personnel By-Law Wage and Classification Schedule as set forth in the Schedule, as printed in the Warrant & Summary.

Article 4 carried unanimously.

ARTICLE 5:

1) General Government

Moved and seconded that the Town vote to appropriate from Conservation Fees Receipts Reserved the sum of \$6,000 to the Conservation Commission and to raise and appropriate the sum of \$1,185,011 for a total of \$1,191,011 for General Government as represented by lines 1000 through 1600 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion made and seconded to amend article 5 by replacing the figure in line item 1240 in the General Budget to read \$43,599 and to change total General Government to read \$1,191,518.00.

The motion to amend carried by majority vote.

Main motion carried by majority vote.

2) Protection of Persons and Property

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,966,729 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.

Carried by unanimous vote.

3) Schools

Moved and seconded that the Town vote to raise and appropriate the sum of \$8,892,261 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.

Carried by unanimous vote.

4) Highway and Health

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,220,468 for Highway and Health as represented by lines 4000 through 4145 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Carried by unanimous vote.

5) Library and Citizen's Services

Moved and seconded that the Town vote to raise and appropriate the sum of \$660,866 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.

Carried by unanimous vote.

6) Debt Service

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,631,668 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.

Carried by unanimous vote.

7) Employee Benefits

Moved and seconded that the Town vote to raise and appropriate the sum of \$768,443 for Employee Benefits as represented by lines 7000 through 7041; each line item to be considered as a separate appropriation for the purposes voted.

Carried by unanimous vote.

8) Water Enterprise

Moved and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$707,950 to the Water Enterprise Fund for FY2001 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Carried by unanimous vote.

9) Sewer Enterprise

Moved and seconded that the Town vote to appropriate from Sewer Rates and Fees the sum of \$658,385 to the Sewer Enterprise Fund for FY2001 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Carried by unanimous vote.

10) Electric Light

Moved and seconded that the Town vote to appropriate the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from the sale of jobbing during Fiscal 2001 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.

Carried by unanimous vote.

ARTICLE 6: Moved and seconded that the Town vote in accordance with Section 8 of Chapter 533 of the Acts of 1991, as amended by Chapter 115 of the Acts of 1995, to approve the budget of the Groton Country Club and Recreation Authority, as shown in the handout distributed at Town Meeting.

Carried by majority vote.

The Country Club presented the Town with a check for \$65,000 as a lease payment.

The Country Club moved to advance articles 28 and 29 for consideration.

Article 28 and 29 were advanced.

ARTICLE 28: Moved and seconded that the Town vote to raise and appropriate the following sums to fund a Town recreation program:

Wages \$20,000

Expenses 10,000

and to authorize the Board of Selectmen to seek special legislation authorizing the removal of Town recreation programs from the jurisdiction of the Groton Country Club & Recreation Authority.

A presentation was made by the Walter Flewelling in support of this article. Selectwoman Wood spoke against the article. Selectman Cunningham spoke in favor of this article. Tom Hartnett spoke in favor of this article. Liza Judge spoke in favor of the article. Becky Pine queried whether there would be a conflict with programming at the Peter Twomey Youth Center. Ms. Judge responded that they have discussed the type of programming.

Article 28 carried by majority.

ARTICLE 29: Moved and seconded that the Town vote to amend the Code of the Town of Groton Chapter 65 Recreation Commission, Section 1 Establishment; membership, as follows; By deleting the word "seven (7)" in the first and second sentence and inserting in its place "three (3)".

Article 29 carried by unanimous vote.

ARTICLE 7, 8 & 9: Moved and seconded that the 2000 Annual Town Meeting advance for consideration articles 7, 8, and 9 and that the meeting take affirmative action on said articles without debate, provided however that if two voters, prior to the taking of the vote, request the right to debate a specific article, then said article shall be removed from this motion and acted upon in the ordinary course of business; and I furthermore move that the town vote to raise and appropriate the following amounts for the purposes stated in said articles:

Article 7--\$200,000 to the Conservation Fund

Article 8--\$33,500 for engineering and construction costs for repair of Sargisson Beach

Article 9--\$4,000 to create a viewshed on Town owed property (Shattuck land) Assessors Map 232 Parcel 56

Harlan Fitch requested to debate the 3 articles being combined and would like to have the ability to vote on each article by itself. Hugh McLaughlin concurred. It was then decided that the three articles would be considered at the same time but that each article would still be debated or discussed individually.

Selectmen and Fincom and Growth Management Advisory Committee voted to support Article 7 unanimously. Brooks Lyman commented that open space would need to be purchased only by taxation.

Article 8: Selectman, Fincom, Conscom all supported this article. Hugh McLaughlin shared concerns that this might be a long-term commitment. Peter Morrison and Michele Collette agreed that it was long overdue to put tax dollars toward this.

Article 9: The Selectmen and Fincom voted to support this article. Harlan Fitch questioned what the money would actually pay for? Selectwoman Wood stated that the viewshed would be partially subsidized by the cutting and selling of trees. Bob Lewis had concerns regarding possible abutter problems. Alan Hoch stated that he felt that in cutting the trees, we would be creating an erosion problem. Mr. Cunningham stated that the erosion problem would not exist because of the topography of the land. In addition, Dr. Lewis negotiated that the viewshed be restored when selling this land the town. Mr. Pine stated that this is a contractual obligation. David Carle spoke regarding shrub habitat and ecological issues and felt this was an unfortunate by-product of this contractual obligation. The Moderator spoke regarding the manner in which the contractual obligation came to be. He stated that it was intended to make the property even more beautiful.

Article 7 carried by majority.

Article 8 carried by majority.

Article 9 carried by majority.

ARTICLE 10: Moved and seconded that the Town vote to raise and appropriate \$10,000 for legal and surveying expenses to locate and document the borders of Jenkins Road as they are related to Parcels I-37, I-37A and I-37B as shown on the former Assessors' maps.

Ed McNierney spoke on behalf of the Trails Committee. This appropriation has been requested to settle a legal dispute regarding the boundaries of the Frederick's land.

Robert Gardner, Atty at Law, spoke in support of the Frederick's. Considerable discussion ensued resulting in most speakers speaking in favor of this article.

Article 10 carried by majority.

The chair entertained a motion to adjourn until Monday, May 1st at 7:30.

The motion to adjourn carried unanimously.

**ADJOURNED SESSION
OF THE ANNUAL TOWN MEETING
May 1, 2000**

The adjourned session of the Annual Town Meeting was called to order by Moderator Robert Gosselin at 7:37pm. There was no quorum requirement. The Special Town Meeting will be called to order at 8pm. Bruce Clemens made an announcement regarding the removal of land from Chapt. 61. The land in question is the Throne. The total land will cost about 2.1 million for a total of approx 138 acres. Mr. Clemens wanted to make the public aware that this may come before the voters soon.

ARTICLE 11: Moved and seconded that the Town vote to raise and appropriate the sum of \$60,000 to repair the Squannacook River Dam at the W. Groton Mill Property on the Squannacook River.

Selectman and Fincom voted to support, Capital Planning voted to not support at this time. Mrs. Fucillo questioned whether or not we would always own the dam. Mr. Cunningham responded in the affirmative. Mrs. Whitney spoke in favor of keeping the dam in good repair in the event that we might want to generate electricity in the future from that site. Carol Canner questioned as to what would happen in a flooding instance. Mr. Cunningham responded that the gates that were there to generate water at the mill were not appropriate to control a flood.

Article 11 carried unanimously.

ARTICLE 12: Moved and seconded that the Town vote to raise and appropriate \$5,000 to purchase the property located on Route 225 adjacent to the West Groton Mill and shown on Assessors' Map 101 as Parcel 13, currently owned by Groton Land Holdings.

This would enable the area of West Groton Square which is now a parking lot, to become a park. The Selectmen support, Fincom Support (4-2). Growth Mgmt Advisory Committee voted to support unanimously.

Mr. Canner informed the voters that a grant has brought in \$29,000 to dredge the pond. He believes it will be a real enhancement to the Town. Jamie Greacen, chair of the Landfill capping committee spoke in support.

This requires a 2/3 vote.

Article 12 carried unanimously.

ARTICLE 13: Moved and seconded that the Town vote to raise and appropriate \$31,000 to remove asbestos in two detached out buildings/sheds on the West Groton Mill property.

Selectmen, Fincom, Capital Planning voted to support.

Article 13 carried by majority.

ARTICLE 14: Moved and seconded that the Town vote to raise and appropriate \$35,000 to remodel and enlarge the Fire Chief's office and Main Fire Station bathroom.

The moderator recessed the ATM to open the Special Town Meeting.

At 8:04 pm there were 181 voters present. The quorum requirement was 118. The STM was called to order and was immediately recessed to continue the ATM.

A presentation was made to show the condition of the building. The Fincom voted unanimously to support the renovation, the Selectmen voted to support, Capital Planning voted to support.

Mr. Miller questioned how long has it been in this condition. Mr. Rider stated that it was last remodeled in 1962. Mr. Patierno questioned whether it could be done for \$35,000.

Article 14 carried unanimously.

The ATM was recessed.

The Special Town Meeting was reconvened. Motion made and seconded to waive the reading of the warrant. Carried unanimously.

The ATM was reconvened at 8:50pm

ARTICLE 15, 16, 17 & 19: Moved and seconded that the 2000 Annual Town Meeting advance for consideration articles 15, 16, 17, and 19 and that the meeting take affirmative action on said articles without debate, provided however that if two voters, prior to the taking of the vote, request the right to debate a specific article, then said article shall be removed from this motion and acted upon in the ordinary course of business; and I furthermore move that the town vote to raise and appropriate the following amounts for the purposes stated in said articles: Consent agenda was not followed

Article 15--\$27,514 to purchase a mower for park and field maintenance

Tom Delaney spoke in support of this article. Fincom voted to support. Capital Planning voted to support.

Article 15 carried unanimously.

Article 16--\$30,000 to purchase a vehicle for the Fire Chief

The current vehicle (1994) has 87k miles and has engine problems.

Fincom, Selectman, voted to support. Capital Planning voted not to support.

Article 16 carried unanimously.

Article 17--\$65,000 to purchase a back hoe for the Highway Dept.

Selectman, Fincom and Capital Planning voted to support.

Article 17 carried unanimously.

Article 19--\$10,000 for the repair of sidewalks

Selectmen and Fincom voted to support. Capital Planning voted to support.

Becky Pine encouraged a sidewalk to the Post Office.

Article 19 carried unanimously.

ARTICLE 18: Moved and seconded that the Town vote to raise and appropriate \$20,000 to purchase a dump truck/sander body for the Highway Department.

Moved and seconded that this article be indefinitely postponed.

Article 18 postponed indefinitely.

ARTICLE 20: Moved and seconded that the Town vote to appropriate the sum of \$1,330,000 for the purpose of capping and closing the landfill, and for costs incidental and related thereto; and that to meet such appropriation, \$1,000,000 shall be transferred from the Stabilization Fund, and the Town Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of \$330,000 at one time or from time to time, under and pursuant to Chapter 44, Section 8(24), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefor.

DEP has required us to cap the Landfill. Jamie Greacen spoke to this issue as the chair of Landfill Capping addressed the steps the committee has taken to cap the landfill in an appropriate manner.

Fincom voted to support. Capital Planning voted to support.

Gary Hogland asked who the project manager would be. He wanted to be sure the landfill closing was done properly, with appropriate oversight. Jamie Greacen assured the voters there would be a project manager.

Pete Olsen questioned how much was in the stabilization fund. \$1.4 mil is currently in the fund.

Rod Hersch spoke against it because he felt it was an effort to put a school on that site, and the town doesn't have a good track record regarding landfill capping. An amendment to Article 20

was offered by Mr. Hersch as follows: before any additional town funds are spent on capping the landfill, the capping committee shall conduct an investigation to account for all previous funds that the town appropriated by town meeting and spent. A full and complete report shall be issued to the town at the next town meeting. If it is found that any of the funds were spent on any item not related to the capping of the landfill, then the commission shall seek all possible legal recourse, to include both civil and criminal actions, to recover those funds. Completion of this investigation, report and attempt at recourse shall precede any work on the landfill.

Town counsel stated the amendment was proper.

Mr. Greacen said that the possibility of a school site has no bearing on the Committee's decision. The DEP has informed the town that it must be done now or a consent order will be written up and penalties may be assessed.

Chris Long, wanted to know if the DEP would approve a non-conventional cap. Mr. Greacen said that it would have to be approved by the DEP whether conventional or not.

Arthur Blackman congratulated the committee for bringing this to the town at this time because the landfill base is in groundwater. He felt it should be done now before further contamination takes place. He doesn't believe it is important to support the amendment.

Jim Patierno wanted to know if there is an engineering plan in place. Mr. Greacen stated that the design work is almost done.

Mr. Miller supported the amendment.

Ann Walsh, Town Accountant, stated that everything that was spent on the landfill capping in the past was legal and aboveboard.

Mr. Cunningham stated that everything that has been done has worked to a certain degree. He asked voters to not support the amendment and to support the main motion.

The motion to amend will require a majority vote. The motion to amend was defeated.

Article 20 carried unanimously.

ARTICLE 21: Moved and seconded that the Town vote to raise and appropriate \$15,000 for the preliminary design of the restoration of Fitch's Bridge.

Historic Preservation, Safety and possible access to the Throne are all benefits to the Town. Fincom voted to not support (4-3). Capital Planning voted to support.

Brooks Lyman wanted to know if the bridge could be upgraded for use for emergency vehicular traffic. Mr. Chilcoat stated that the town would not be eligible for the Historic Restoration grant. Mike Brady spoke in favor based on safety concerns. Chief Rider also had concerns regarding safety issues. Barney Blood asked for support due the historic significance of this bridge.

Article 21 carried by majority.

ARTICLE 22: Moved and seconded that the Town vote to transfer the sum of \$34,700 from the Sewer Enterprise Fund Surplus to the Fiscal Year 2001 Sewer Enterprise Department Budget.

Fincom and Selectmen voted to support. Capital Planning took no position.

Article 22 carried by majority.

ARTICLE 23: Moved and seconded that the Town vote to transfer from Emergency Medical Services Receipts Reserved for Appropriation \$143,000 to purchase and equip a new ambulance. Selectmen and Fincom voted to support. There is offsetting revenue. Capital Planning voted to support.

Article 23 carried unanimously.

ARTICLE 24: Moved and seconded that the Town vote to transfer the sum of \$25,000 from Water Department Surplus to purchase restrictions over a parcel of land adjacent to Baddacook Pond shown as Assessors' Parcel K-52-O on the former Assessors' maps.

Selectmen and Fincom voted to support.

Article 24 carried unanimously.

ARTICLE 25: Moved and seconded that the sum of \$900,000 be appropriated to be expended by the Electric Light Department for the purchase and installation of electric power transformers, switchgear, and control equipment to upgrade the present substation, and for costs incidental and related thereto, and to meet such appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of \$900,000 at one time or from time to time, under and pursuant to Chapter 44, Section 8, of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Kevin Lindemer, Electric Light Commissioner, stated that the unit failed yesterday. He also stated that this would have no impact on the tax rate. The Fincom voted to support. Virginia Wood stated that she had not taken a position but that now she was in favor of it. Capital Planning voted to support (4-1).

Article 25 carried unanimously.

ARTICLE 26 & 27: Moved and seconded that the 2000 Annual Town Meeting advance for consideration articles 26 and 27, and that the meeting take affirmative action on said articles without debate, provided however that if two voters, prior to the taking of the vote, request the right to debate a specific article, then said article shall be removed from this motion and acted upon in the ordinary course of business; and furthermore it was moved and seconded that the town vote to raise and appropriate the following amounts for the purposes stated in said articles: **did not follow consent agenda.**

Article 26--\$24,000 to replace the library roof cap and repair the library skylight

The Selectmen and Fincom voted to support. Capital Planning voted to support (2-1-2)

Article 26 carried unanimously.

Article 27--\$60,000 to purchase and install a replacement computer system in the library.

Selectmen and Fincom voted to support. Capital Planning voted to recommend a 30k expenditure. Valerie Jenkins stated that the 60k cost would include training, and maintenance. The in-house staff will be able to administer the system.

Article 27 carried unanimously.

ARTICLE 30: Moved and seconded that the Town vote to amend the Code of the Town of Groton Chapter 48 Personnel Section 12 Administrative Order No. 6: Classification and Wage/Salary Schedule by adding subsection A.(6) as follows:

When an employee works more than eight (8) hours of overtime immediately prior to coming on duty for a regular work day the employee will remain at the overtime rate, even during a regular work day, until he/she gets an eight (8) hour relief period.

Moved and seconded that this article be indefinitely postponed.

Article 30 is indefinitely postponed.

ARTICLE 31: Moved and seconded that the Town vote to authorize the Board of Selectmen to expend the proceeds, in accordance with MGL Chapter 44 Section 53, in excess of \$20,000 of insurance funds received, or to be received, for repair of water damage at Town Hall.

Article 31 carried unanimously.

ARTICLE 32: Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, as printed in the Warrant

The Selectmen voted to support. The Planning Board voted to not support (4-2). Brooks Lyman felt that the Planning Board needs to redefine open space and bring it before the town. Betty Irelan felt that the 1963 bylaw's intent was to keep the land free of structures. Virginia Wood

spoke in favor because it opens up opportunities for townspeople. She also stated that Planning Board requires site plan review to address traffic/safety issues. Norman Garvin felt that it would create problems for the abutters. Barney Blood felt that we should reject this article in support of the Planning Board. Pat Roche spoke in favor of community building and felt that preventing any further structures would not support that concept. Becky Pine asked if this was just a zoning article. Ms. Wood replied yes and that the Planning Board would still have the final say. Ms. Pine was in favor of this article but that it might be better at the Town field. Mr. Clemens spoke in favor of listening to the voice of the abutters. Mr. McKinney spoke in favor of a bandstand but that this article may not be the way to do it. He felt that the planning board should create its own zoning amendment. Barney Blood Moved the question. The question was moved.

The chair declares the article defeated for failure to reach a 2/3 majority.

The chair entertained a motion to adjourn until Monday May 8, 2000. The motion was seconded.

The motion carried unanimously.

The adjourned session of the annual Town Meeting was called to order at 7:40pm by Moderator Robert Gosselin on Monday May 8, 2000. Chris Long made an announcement regarding Biodiversity Day to be held June 9-11th.

ARTICLE 33: Moved and seconded that the Town vote to authorize the Board of Selectmen to accept an easement from GTP Development, L.L.C. for the purpose of widening Boston Road and/or the installation of a sidewalk, shown as "Proposed Easement 10' Wide and Parallel to the Sideline of Boston Road, for Future Widening and/or Sidewalk Installation" on a plan entitled "Plan of Easements in Groton, Massachusetts, Prepared for: G.T.P. Development, L.L.C." dated December 10, 1999 by Dillis and Mische, Inc." and on file with the Town Clerk.

Representative Robert Hargraves made an announcement regarding the funding of engineering plans in the State Budget.

Article 33 carried unanimously.

ARTICLE 34: Moved and seconded that the Town vote to amend Chapter 84 of the Code of the Town of Groton as follows:

Deleting the title "Town Property, Sale of" and inserting in its place "Town Property, Sale or Acquisition of"

And by adding the following :

Article III Gifts and Easements

84-3 Acceptance of gifts of land and easements.

The Board of Selectmen is authorized to accept gifts of land of less than 40,000 sq. ft. and easements of less than 40,000 sq. ft. on behalf of the Town without a Town Meeting vote provided no appropriation of funds is necessary for the acquisition. The Board of Selectmen is also authorized to grant, on behalf of the Town, nonexclusive easements over or in property which the Board of Assessors has determined to be less than 40,000 square feet in size without a Town Meeting vote.

The Selectman voted to support. The Fincom voted to not support.

Arthur Blackman felt the town should not give away the authority to accept land. Mr. Miller moved the question. The motion to move failed.

Article 34 is defeated.

ARTICLE 35: Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, §218-28 Development Rate Limitation, in accordance with the Planning Board's "Report on Growth" as required in §218-28D Periodic Review recommending that §218-28 be retained and amended as printed in the Warrant. (As follows)

By striking out the first sentence of § 218-28A(2) Small Development which reads as follows:

"Permit issuance will result in not more than twelve (12) new dwelling units having been authorized within that subdivision or contiguous parcels which have been in the same ownership at any time subsequent to May 1, 1980, within the previous twenty-four (24) months, except that up to six (6) additional dwelling units per year may be authorized on lots established under the provisions of § 218-26G, Transfers.

And inserting in its place the following sentence:

"Permit issuance will result in not more than ten (10) new dwelling units having been authorized within 1) that subdivision or 2) contiguous parcels which have been in the same ownership at any time subsequent to May 1, 1980 or 3) an area of development for which access is provided by a common road network approved by the Planning Board under the Subdivision Control Law after April 24, 2000, within the previous twenty-four

(24) months, except that up to six (6) additional dwelling units per year may be authorized on lots established under the provisions of § 218-26G, Transfers.

Planning Board Chair Carolyn Perkins gave a brief presentation regarding the Growth Management and the Master Plan. Of 351 communities we are 32nd in growth. Edna White queried if this amendment passed, would it be the final amendment offered by the Planning Board to limit Development. Ms. Perkins responded that there is no limit on the number of amendments that can be offered and that this was a temporary measure until the Master Plan was finished.

Article 35 carried by a 2/3 majority as declared by the chair. No one challenged the ruling of the chair. The decision stands.

Article 35 carried by a 2/3 vote.

ARTICLE 36: Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, §218-26 Open Space Residential Development, as printed in the Warrant. (As follows)

By adding the phrase “equal to one and one half (1.5) times the fair-market value of the applicable number of such lots” immediately following “In lieu of providing the affordable lots, the applicant may negotiate an agreed upon payment...” in § 218-26F(1)(f) Affordable housing requirements.

And by adding the phrase “equal to one and one half (1.5) times the fair-market value of the applicable number of such units” immediately following “In lieu of providing the affordable units, the applicant may negotiate an agreed upon payment...” in § 218-26F(2)(f) Affordable housing requirements.

Arthur Blackman spoke about the need for affordable housing and how this would circumvent the requirements for affordable housing.

Growth Management voted to support. Fincom voted to not support.

Article 36 carried unanimously.

ARTICLE 37: Moved and seconded that the Town vote to amend Chapter 198, Soil Erosion and Sediment Control, by adding new provisions to limit land clearing and removal of vegetation as described in the text entitled, “Proposed Amendment to Chapter 198,” a copy of which is on file in the Office of the Town Clerk. (As follows)

**PROPOSED AMENDMENT TO CHAPTER 198
SOIL EROSION AND SEDIMENT CONTROL**

*(Chapter 198 was adopted at the Town Meeting on October 26, 1998;
the proposed amendments are shown in bold italics)*

§ 198-1 PURPOSE

The purpose of this Chapter is to eliminate or reduce the harmful impacts of soil erosion and sedimentation on the public health, safety, and welfare, and the environment by prohibiting increase in sediment-laden runoff from land-disturbing activities and wind blown dust, ~~and~~ by prohibiting erosion along bodies of water, ***and by regulating clearing activities to preserve existing trees and vegetation.*** This Chapter regulates activities with potential for such impacts by regulating soil erosion and sedimentation activities and providing for land disturbance permits. For activities above the thresholds of jurisdiction under this Chapter, either a full or limited land disturbance permit is required, and compliance with permit conditions. By implementing the controls in permit conditions and in this Chapter, and in regulations promulgated pursuant to this

Chapter, erosion and sediment shall be controlled so as to protect water quality, flood storage, stream flow, wildlife habitat, aquatic resources, abutting properties, and public health and safety.

§ 198-2 JURISDICTION

The Earth Removal Advisory Committee (the Committee), as established under the Code of the Town of Groton, § 134-12, shall have authority to promulgate rules and regulations to implement this Chapter, to review permit applications, to perform monitoring and inspections, to grant or deny permits, and to enforce the provisions of this Chapter, and to take any other actions reasonable and appropriate to implement this Chapter. No person shall excavate, cut, grade, or perform any land-disturbing activity as described in § 198-11 or 198-12 without first applying for and receiving an approved full or limited land disturbance permit from the Committee in accordance with this Chapter. The Conservation District may provide technical services to the Committee in the review of plans or any other matter under this Chapter.

§ 198-3 AGRICULTURAL, FORESTRY AND OTHER EXEMPTIONS

1. The provisions of the Chapter shall not apply to work performed for normal maintenance or improvement of land in agricultural or forestry use.
2. *The provisions of the Chapter shall not apply to the removal of hazardous trees as defined in § 198-21 below.*
3. *The provisions of the Chapter shall not apply to routine maintenance of vegetation and removal of dead or diseased limbs or trees necessary to maintain the health of cultivated plants, to control noxious weeds or vines in accordance with a Department of Environmental Management (DEM) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety.*

§ 198-4 APPLICATION PROCEDURES

Where a full or limited land disturbance permit, as described in § 198-11 and 198-12 of this Chapter, is required, a written application shall be submitted to the Committee. The application shall be signed by the owner of the property on which the proposed activity is to be conducted. In addition, the applicant, if the applicant is not the owner, shall sign the application. If the owner or applicant is an entity which is not a natural person, the chief executive officer or other officer or agent with legal authority to bind the entity shall sign the application. All applications and supporting plans and other documentation shall be filed with the Committee in duplicate by certified mail or hand delivered to the Committee at the Town Hall, or other address as may be designated by the Committee. Upon receipt, the application shall be marked with the date and time received and a file number shall be assigned.

§ 198-5 COORDINATION WITH OTHER BOARDS

Any person filing a permit application with the Committee shall submit a copy thereof at the same time, by certified mail or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, and the Building Inspector at the Town Hall or other address designated by the Committee, and Conservation District which is located at 319 Littleton Road, Westford, Massachusetts 01886. The person filing such application shall at the same time submit to the Committee a written notice that these copies have been submitted to these other agencies. The Committee shall not take final action on an application until such boards and officials, or their designee, have had fourteen (14) calendar days from their receipt to submit written comments, if any, to the Committee. Upon request of the applicant to the Earth Removal Inspector, the applicant shall be provided with a copy of such written comments, if any, and shall be permitted to respond to them prior to final action by the Committee.

§ 198-6 COMPLIANCE AND EMERGENCY AUTHORIZATION

No land-disturbing activity shall take place, unless exempt by the terms of this Chapter, without compliance with a land disturbance permit issued by the Committee, with the plans approved by that permit, and with any rules and regulations promulgated by the Committee. In addition, any land-disturbing activity shall comply with all federal, state and local statutes, regulations, and bylaws and shall obtain and comply with any other necessary permits, licenses, or other approvals.

In the event that the Earth Removal Inspector determines, after an inspection, that an emergency situation exists with respect to soil erosion or sedimentation control under this Chapter and that the procedures set forth in §§ 198-11 and 198-12 cannot be complied with without substantially endangering the public health, safety, welfare or the environment, the Earth Removal Inspector shall take whatever action may be appropriate consistent with the purposes of this Chapter. Such action may include authorization of such land disturbing activity as the Inspector deems prudent to stabilize disturbed or eroding land or other action which the Inspector deems necessary to protect the public health, safety, welfare or the environment. If such emergency action is taken, the Committee shall review said emergency action at its next meeting and may take whatever action it deems necessary under this Chapter, including issuing an order that a land disturbance permit application be filed or an enforcement or violation order be issued under § 198-18 or 198-19 of this Chapter.

§ 198-7 MODIFICATION OF PLANS

Any change, in or alteration of, a land-disturbing activity authorized in a land disturbance permit or the plans submitted therewith shall be submitted to the Committee before any change or

alteration in the activity occurs. If the Committee determines that the change or alteration is substantial, the Committee may require that an amended application be filed. If any change or alteration from the land disturbing activity approved in the original permit occurs during any land disturbing activities, the Committee may require the installation of interim erosion and sedimentation control measured before approving the change or alteration.

§ 198-8 FEES

The Committee by regulation shall promulgate an application fee schedule for full and limited land-disturbance applications and compliance certificates. The fee schedule shall be reasonably related to the costs of processing, reviewing and acting upon the application. The fee specified in such a fee schedule shall be made payable to the Town of Groton and shall accompany the permit application or request for certificate of compliance. The Committee may require an additional fee for review of any change in or alteration from an approved permit.

Said fee shall be paid into a special account set up by the Town Treasurer and may be expended by the Committee for the purpose allocated without further appropriation in accordance with the provisions of General Laws, Chapter 44, § 53E½.

§ 198-9 BOND

The Committee may require that the applicant post a performance bond payable to the Town, as a condition of a permit, in form and content approved by the Town Treasurer before construction may commence. This bond shall ensure that the installation and maintenance of soil erosion and sediment control procedures are completed as approved by the Committee, within a time specified in the permit. Performance bonds shall not be required for applications submitted by Town departments.

If satisfactory to the Committee, the applicant may substitute a certificate of guarantee or cash bond payable to the Town in lieu of a performance bond. Any performance bond or certificate of guarantee shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth.

§ 198-10 CERTIFICATION

At the time of application, the applicant shall certify in writing the name of the person who is responsible for erosion and sedimentation control for the land-disturbing activity which is the subject of the application. Said person shall ensure that said activity takes place in accordance with the application, plan and permit conditions.

§ 198-11 FULL LAND DISTURBANCE PERMIT

The following land-disturbing activities shall require a full land disturbance permit:

- A. Excavating, grading, or other activity disturbing an area of more than 40,000 square feet or a volume of earth resulting in a total quantity of 1000 cubic yards; OR
- B. Land-disturbing activities resulting from construction as shown on a definitive subdivision plan. Permits are not required for definitive subdivisions approved prior to the effective date of this chapter unless an emergency situation exists as described in § 198-6.

The following information shall be submitted with any full land disturbance application: a plan adequately describing the proposed activity; the items specified below; and any additional information specified in regulations promulgated by the Committee. The applicant shall submit any additional information requested by the Committee or the Conservation District during review of the application.

Detailed engineering plans for proper soil erosion and sediment control shall be submitted including the following, at a minimum:

1. A locus map, legend, and north arrow;

2. A scale showing one inch equals forty feet;
3. Title blocks identified by project name or parcel;
4. Delineation of the total land area to be disturbed;
5. Boundary lines of lots and delineation of land area where activity is to be performed;
6. Contours showing existing and proposed elevations and/or contours at two foot intervals;
7. Symbols for sediment and erosion control practices including detail and elevation;
8. Existing and proposed roadways;
9. Delineation of wetland areas;
10. Delineation of the 100 year floodplain;
11. Street profiles showing proposed grades and elevations;
12. Proposed storm drainage systems;
13. All bodies of water, including streams, rivers, lakes and ponds, within 100 feet of the proposed activity;
14. A description of construction activities, in sequence, which specifies the expected date of soil stabilization and completion;
15. Temporary and permanent soil erosion and sediment control measures;
16. Temporary and permanent seeding and other vegetative controls.

17. Survey of existing vegetation including the following information:

a) Major upland vegetation located on the site, including trees, shrub layer, ground cover and herbaceous vegetation.

b) Location of all trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities.

c) Line clearly showing the limit of vegetation clearing and specimen trees to be saved.

If any structural soil erosion and sediment control is deemed necessary in the judgement of the Committee, the detailed engineering plans shall include the following additional information:

1. Detailed location of any dam or basin;
2. Plan view of any dam or basin;
3. Spillway designs showing calculations and profiles;
4. Emergency spillway designs showing calculations, profiles, and cross-sections;
5. Runoff calculations for peak runoff during a 100 year storm;
6. Notes and construction specifications;
7. Type of sediment trap;
8. Drainage area to any sediment trap;
9. Volume of storage required;
10. Outlet length or pipe sizes;
11. Storage depth below outlet or clean-out elevation;
12. Embankment height and elevation;
13. A portable safety fence surrounding any basin or trap, not less than forty-two inches in height with openings not more than three inches in height, firmly anchored at spacing no greater than eight feet.

§ 198-12 LIMITED LAND DISTURBANCE PERMIT

The following land-disturbing activities shall require a Limited Land Disturbance permit:

- A. *Excavating, grading, or other activity which disturbs an area greater than 20,000 square feet but less than 40,000 square feet or a volume of earth greater than 500 cubic yards but less than 1000 cubic yards.*

B. Activity disturbing an area of land greater than 5000 square feet if soil cut or filled exceeds four (4) feet in vertical depth at its deepest point as measured from the natural ground level.

An application for a Limited Land Disturbance Permit shall, at a minimum, include a sketch of the parcel or parcels on which the activity is to take place, drawn so as to include soil erosion and sediment control practices, roadways, waterways, building or buildings to be constructed, topography, and a stabilized construction entrance, ***and limits of vegetation clearing.***

§ 198-13 DECISION

The Committee shall act on an application within thirty (30) calendar days of receipt of the application. The Committee may issue a Full Land Disturbance Permit or a Limited Land Disturbance permit if it finds the following:

A. The land disturbing activity is consistent with the purposes of this chapter,

B. The land disturbing activity does not cause or increase soil erosion and sediment, and

C. The applicant has proposed adequate measures including retaining natural vegetation to control soil erosion and sedimentation that may result from the land-disturbing activity.

If the permit is denied, the Committee shall specify its reasons in writing. The decision approving or denying the permit shall be mailed or hand delivered by the Committee to the applicant.

§ 198-14 APPEAL

The applicant or any person whose property is damaged or affected by the proposed land disturbance activity may appeal a final decision of the Committee on a land disturbance permit application. Any such appeal shall be in the nature of a petition for certiorari to the Superior Court for Middlesex County or other court of competent jurisdiction.

§ 198-15 STABILIZATION

In considering any land disturbance permit under this chapter, the Committee shall require that the applicant employ the following practices. (The "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas" prepared by the Department of Environmental Protection, dated March, 1997, may be used as a reference.)

A. Vegetative stabilization measures shall be employed. All perimeter dikes and slopes, basin or trap embankments shall be stabilized with sod, seed, and anchored straw mulch within seven calendar days of disturbance. All other disturbed areas shall be stabilized to prevent erosion and sedimentation from reaching public or private ways, abutting properties, or wetland areas.

B. Topsoil shall be stripped from disturbed areas and stockpiled in an approved area and stabilized with temporary vegetative cover or alternative erosion control measures if left for more than thirty calendar days. Perimeter sediment controls shall be installed around stockpiled topsoil.

C. During the months of October through March, when seeding and sodding may be impractical, an anchored mulch or other stabilization methods may be required by the Committee.

D. In the design of the land disturbing activity, priority shall be given to retention of specimen trees, existing stands of trees, trees at the perimeter of the site, and contiguous vegetation with adjacent sites in order to prevent erosion and sedimentation onto abutting properties.

E. The understory vegetation beneath the dripline of the preserved trees shall also be retained in an undisturbed state. During clearing and construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before clearing or grading occurs. The fencing shall be maintained until construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the

essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

§ 198-16 EXTENSION

A full or limited land-disturbance permit shall be valid for one year from the date the permit is issued. The Committee may grant extensions for additional time upon written request for renewal no later than 30 days prior to expiration of the permit.

§ 198-17 INSPECTION

The Earth Removal Inspector in his/her discretion, may conduct an inspection at any stage of land disturbing activity to ensure compliance with the terms of this Chapter and any land disturbing permit. The Committee also may require the applicant to submit periodic reports at any stage of construction. Upon the completion of the land-disturbing activities allowed under a land disturbance permit, the applicant shall notify the committee and request an inspection.

§ 198-18 ENFORCEMENT

The Committee, Earth Removal Inspector or other authorized agent of the Committee shall have the authority to enforce this Chapter. An enforcement order may require that any land-disturbing activity in violation of this Chapter be stopped and may include an order to remove equipment and perform site restoration. An applicant or owner may request a hearing before the Committee regarding an enforcement order. If the Committee determines that a violation has occurred, or that enforcement is required, it shall issue an order consistent with this Chapter. Within thirty (30) days thereafter the applicant or owner may appeal the decision of the Committee regarding enforcement by filing a petition in the nature of a petition for certiorari in the Middlesex Superior Court.

§ 198-19 VIOLATIONS/PENALTIES

- A. Violations of this Chapter may be punished in the following manner as the Committee may elect:
1. By filing an action seeking injunctive relief in the Middlesex Superior Court or other court of competent jurisdiction.
 2. By filing an application for a criminal complaint in the Ayer District Court or other court of competent jurisdiction.
 3. By non-criminal disposition under General Laws, c. 40, § 21D and the Code of the Town of Groton, Chapter 1, § 1-4, in which case the Earth Removal Inspector or other agent authorized by the Committee shall be the enforcing person.
- B. Any violation of this Chapter, any regulation promulgated hereunder, or any land disturbance permit shall be punishable by a fine of \$50 for the first violation, \$100 for the second violation, and \$300 for the third violation. Each day that a violation occurs shall be a separate violation. These penalties shall be applicable to both criminal and non-criminal enforcement as described above in § 198-19A.

§ 198-20 EDUCATION

The Committee, within its available resources, should provide education programs on soil erosion and sediment control to the general public and persons regulated by this Chapter. The Committee shall provide guidelines and advice to ease the permit application process and foster acceptance of good erosion control practices.

§ 198-21 DEFINITIONS

ANCHORED MULCH: Mulch consisting of straw, wood chips, hydro-seed, emulsifier, and other appropriate materials, bound together by anchored pegs and twine.

APPLICANT: Any natural person, individual, partnership, corporation, trust, agency, department, political subdivision, or other legal entity requesting a soil erosion and sediment control permit for proposed land-disturbing activity.

CALIPER (diameter in inches): *American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be measured at six (6) inches above the ground up to and including four (4) inch caliper trees, and twelve (12) inches above the ground for larger sizes.*

CLEARING – *Removal or causing to be removed, through either direct or indirect actions, trees, shrubs, or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; or any filling, excavation, grading, or trenching in the root area of a tree which causes irreversible damage.*

CUT: The removal or excavation of soil, sand, gravel, stones, or other earth material from the land.

CONSERVATION DISTRICT: The Middlesex Conservation District or its successor or other agency designated by the Earth Removal Committee

DIAMETER-BREAST-HEIGHT (DBH) – *The diameter of any tree trunk, measured at four and one-half (4.5) feet above existing grade.*

DRIP LINE - *An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips to the ground.*

EARTH REMOVAL ADVISORY COMMITTEE: The Earth Removal Advisory Committee as established in Chapter 134-12A.

EARTH REMOVAL INSPECTOR: The Earth Removal Inspector as established in Chapter 239, § 9.

ENGINEERING PLAN: A plan developed by a professional engineer, landscape architect, land surveyor, or other person duly qualified, whose name appears on said plan.

EROSION: The process by which the ground surface is worn by natural forces such as wind, water, ice, gravity, glaciers or by artificial means.

ESSENTIAL ROOT ZONE – *An area located on the ground between the tree trunk and ten (10) feet beyond the dripline of a tree which is required for protection of a tree's root system.*

FILL: Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, and includes the conditions that result from that act.

GRADE: An act by which soil is cleared, stripped, stockpiled, or any combination thereof.

HAZARDOUS TREE – *A tree with a structural defect or disease, or which impedes safe sight distances or traffic flow, or otherwise currently poses a threat to life or property.*

LAND-DISTURBING ACTIVITY: Any action that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LANDSCAPE ARCHITECT – *A person licensed by the Commonwealth of Massachusetts to engage in the practice of landscape architecture.*

ONE HUNDRED YEAR FLOODPLAIN: An area delineated under the Federal Emergency Management Act (FEMA) indicating the extent of flooding as a result of a 100 year flood.

PERIMETER CONTROL: A measure that prevents erosion and sedimentation through the use of earth and dikes at the outer extent of land-disturbing activities.

PERMIT: The full or limited land-disturbance permit issued by the Committee authorizing land-disturbing activity in accordance with the requirements of this Chapter.

PROTECTED TREE/VEGETATION – *A tree or area of understory vegetation identified on an approved site plan to be retained and protected during construction.*

SEDIMENT: Organic material or minerals transported or deposited by the movement of wind, water, ice, gravity, glaciers, or by artificial means.

SEDIMENT BASIN: A temporary barrier or dam constructed across a drainage way or at another suitable location to intercept and trap sediment.

SEDIMENT TRAP: A temporary sediment control measure formed by excavation or embankment to intercept and trap sediment.

SPECIMEN TREE – *A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic or cultural landscape or its value in enhancing wildlife habitat. Any tree with a DBH of six (6) inches or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing with a DBH of four (4) inches or larger are eligible to be considered specimen trees.*

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The inclined surface of a fill, excavation, or natural terrain.

SOIL: Any earth, sand, rock, gravel, or similar material.

STRIP: Any activity which removes the vegetative surface cover including but not limited to tree removal, clearing, grubbing, and storage or removal of topsoil.

TREE: *A self supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential at maturity for a trunk diameter of two (2) inches and potential minimum height of ten (10) feet.*

UNDERSTORY VEGETATION – *Small trees, shrubs, and groundcover plants, growing beneath and shaded by a canopy of trees.*

WETLAND: Any resource area which is subject to the Wetlands Protection Act, GL C. 131, § 40, or Chapter 215, Wetlands, of the Code of the Town of Groton.

§ 198-22 SEVERABILITY

If any provision of this Chapter is held to be invalid, such invalidity shall not affect any other provision of this Chapter.

§ 198-23 EFFECTIVE DATE

This Chapter shall take effect upon approval of the Attorney General.

Article 37 carried unanimously.

ARTICLE 38: Moved and seconded that the Town vote to amend Chapter 81, Article I of the Code of Groton Section 81.1 Annual Town Meeting Date, as printed in the Warrant.

Mr. Miller spoke on behalf of this article, which he had submitted. He felt that a Special Town Meeting requires a quorum. He viewed the quorum as important and that money articles should be only in the Spring unless they come up at a Special Town Meeting.

Fincom voted to support. The Selectmen voted to not support. Board of Assessors voted to support. The Treasurer Tax Collector supported this article. Edna White spoke against the article. Rep. Hargraves spoke in favor of this article. Paula Martin asked to move the question. The question was moved by majority.

Tellers called and sworn as follows:

Stephen Boczenowski Richard Lodge

Paul Funch Paul Fitzgerald

Patrick Parker Roach Rick Muelke

Article 38 carried by majority: 80 in favor, 38 opposed.

ARTICLE 39: Moved and seconded that the Town vote to re-zone from M-1(manufacturing) to R-A (residential agricultural) the premises situated on Gilson Road owned by Laura M. Cunningham being shown on the "old" Assessors' Map V as parcels 82 and 83 and upon the "new" Assessors' Maps as Map 253 Lot 2 and Map 135 Lot 38, consisting of some 31 acres more or less and further described in a deed recorded with Middlesex South Registry of Deeds in Book 6122 at Page 378; and to approve a Concept Plan entitled "Gilson Woods" prepared by T.F. Moran, Inc., said Plan being on file with the Town Clerk.

The Chair explained that there will be a motion to divide this question and there will be a motion to amend the concept plan.

Mr. Degen made the motion to divide the question: Moved and seconded to divide the questions regarding Article 39 by separating out and considering separately the issue of whether to approve the Concept Plan under Section 218-27 C of the Town of Groton Zoning Bylaw for certain land on Gilson Road which is the subject of the Article from the question of whether the Town will vote to re-zone said land from M-1 to R-A. The land in question is situated on Gilson Road owned by Laura Cunningham being shown on the “old” Assessors’ Maps as Map 253 lot 2 and Map 135 lot 38, consisting of some 31 acres more or less and further described in a deed recorded with the Middlesex South Registry of Deeds in Book 6122 at page 378. Further moved and seconded that the portion of Article 39 concerning approval of the Gilson Woods Concept Plan be considered first.

The question was divided by majority vote.

A presentation was made regarding the concept plan. Planning Board supports this plan (4-2). A minority report was given by Joshua Degen who made a motion to amend the concept plan as follows: To strike out thirty-five housing units and replace with a maximum density of twenty-two housing units with a road length not to exceed 1000 feet while still complying with all provisions of 218-27C, Planned Multi-family/Residential Development.

Ben Hammer spoke in favor of the concept plan, which he preferred to a Comprehensive Permit. Mr. Clemens stated he felt that we were being asked to choose between two bad plans. Kristen McEvoy, spoke against the concept plan and would like to see a lower density. Atty. Geimner stated that Commons Development is legally bound to go forward with a Comprehensive Permit if this zoning change fails. He also spoke to the issue of density stating that this concept plan has a much lower density than Stonebridge Way. Terri Ragout spoke in favor of the plan and also stated that she wasn’t concerned about the Comprehensive Permit Process because the Town had successfully dealt with this in the past. Mr. Gmiener responded to Mrs. Ragout’s question that the developer was not obligated to build the concept plan, as shown. Rodney Hersch questioned if the Comprehensive Permit process could only be used on RA land. Atty. Geimner stated that Comprehensive Permit could be done on any type RA or M1. Gloria Fuccillo and Bill Miller spoke in favor of the article as did Bob Pine and Leslie Lathrop.

Motion to amend is defeated.

The Concept Plan carried by a 2/3 vote: as called by the Moderator. The decision of the chair was challenged. Tellers were called.

The Concept Plan carried by a 2/3 vote: 109 in favor 19 opposed.

Article 39 (The petition to rezone) carried by a 2/3 vote: 114 in favor, 11 opposed.

ARTICLE 40: Moved and seconded that the Town vote to zone as business (B-1) three parcels of land situated on Townsend Road owned by the Hollingsworth and Vose company which are shown on Assessors Map H as Parcel 30 (which consists of approximately 2.247 acres and is described in a deed recorded with the Middlesex South District Registry of Deeds in Book 24926 at page 346) as Parcel 56 (which consists of approximately one half acre and is described in a deed recorded with the Middlesex South District Registry of deeds in Book 30871 at Page 047) and as Parcel 57 (which consists of approximately one quarter acre and is described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3454 at Page 241), all of which parcels are currently zoned as Residential (R-A).

Moved and Seconded that this article be indefinitely postponed.

Article 40 was indefinitely postponed.

ARTICLE 41: Moved and seconded that the Town vote to adopt MGL Ch. 41 §108L Career Incentive Pay Program.

Moved and seconded that this article be indefinitely postponed.

Article 41 was indefinitely postponed.

ARTICLE 42: Moved and seconded that the Town vote to re-zone from M-1 (Manufacturing) to R-A (Residential/ Agricultural) the premises situated off Sunset Road owned by Brox Industries, Inc. containing 23 acres more or less as shown on Assessor's Map 253, lot 23 (previously Assessor's Map V, Parcel 81, Lot 0) described in deed recorded with Middlesex South District Registry of Deeds, Book 26237, Page 574.

The Planning Board voted not to support because of poor sight distances, and they wanted to wait for the Master Plan report to be completed. Fincom voted not to support as they would like to see M1 land retained. Growth Management voted not to support.

Gloria Fuccillo wanted to know what kind of Manufacturing would be appropriate in a residential neighborhood. Ben Hammer stated that he would like to see a concept plan similar to the Cunningham property. Joshua Degen stated that the property lines are still in question in that area. George Hall stated that no subdivision plan would be submitted until land court issues were resolved. Dann Chamberlain spoke in support of this article. Karl Johnson stated that it would add more children to the school system. Carolyn Perkins talked about the various uses for manufacturing. Paul Funch spoke against the article. Virginia Wood , Alan Hoch, Matt Hickox and Tony DeBruyn spoke in favor of this article.

Tellers were called and Bruce Easom was sworn in as teller.

Article 42 carried by a 2/3 majority: 88 in favor, 19 opposed.

ARTICLE 43: Moved and seconded that the Town vote to request that the Board of Selectmen amend the Town's traffic rules and regulations to maintain Broadmeadow Road as a two-way street, and to request the Board of Selectmen form a committee to study existing and developing traffic patterns in the Town of Groton and make recommendations which will serve to improve the flow of traffic.

After considerable discussion, a motion was made to move the question.

The question was moved by majority.

Article 43 was defeated.

ARTICLE 44: Moved and seconded that the Town vote to raise and appropriate \$10,000 for the purpose of microfilming and digitizing the Town's historic records to preserve them and make them more easily accessible.

Andrew Searle sponsored this article. This is component of a funding package which will total \$126,000.

Fincom voted to support. Selectmen voted to support.

Article 44 carried unanimously.

ARTICLE 45: Moved and seconded that the Town vote to raise and appropriate \$75,000 for the Reserve Fund.

Article 45 carried unanimously.

ARTICLE 46: Moved and seconded that the Town vote to raise and appropriate \$384,634 to be added to the sum already on deposit in the Town Stabilization Fund.

Article 46 carried by majority.

ARTICLE 47: Moved and seconded that the Town vote to transfer \$279,132 from the Excess and Deficiency Fund (free cash) for the purpose of affecting the tax rate for the period beginning July 1, 2000 and ending June 30, 2001.

Article 47 carried unanimously.

The chair entertained a motion to dissolve the ATM.

A motion was made and seconded to dissolve the Annual Town Meeting.

The Annual Town Meeting was dissolved at 11:14pm