

**MINUTES  
ANNUAL TOWN MEETING  
APRIL 30, 2001**

The Annual Town Meeting of the Town of Groton was called to order at by Moderator Robert Gosselin at 7:38. Although there was no quorum requirement, there were 101 voters in attendance at that time.

The Board of Selectmen honored the following individuals with Proclamations:

- Harlan Fitch for serving the Town for over 56 years. He has served as Assistant Assessor, Treasurer, Elections Warden, Caretaker of the Clock, Fence Driver and Viewer, Measurer of Wood and Bark, Surveyor of Wood and Lumber, and has served with distinction on many Board's and committees, most notably as a member of the Planning Board for 25 years.
- Jane Murray for her service as a Park Commissioner for 15 years.
- Paul Matisse for his service on the HDC for 14 years and as Keeper of the Clock.
- Cynthia Kollarics for her service on the Conservation Committee for 15 years and for her work on the Greenway Committee and the Earth Removal Advisory Committee.

Michelle Collette made a motion which was seconded to limit debate to 5 minutes or less per speaker.

**The motion carried by a called 2/3 vote.**

**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.

Mr.McKinney spoke on behalf of the Growth Management Advisory Committee, giving the report.

**Article 1: Carried unanimously.**

At this time the chair made a motion to waive the reading of the warrant. Seconded.

**Carried unanimously.**

**ARTICLE 2:** Moved and seconded that the Town will 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:

Selectmen \$ 1,200 Tax Collector \$23,061  
Board of Selectmen, Chrm. 1,350 Town Treasurer 33,240  
Assessors 1,100 Highway Surveyor 51,038  
Board of Assessors, Chrm. 1,250 Tree Warden 1,311  
Town Clerk 45,125 Town Moderator 65

for the ensuing fiscal year.

Finance Committee supports

**Article 3 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 distributed at this Town Meeting.

**Article 4 carried unanimously.**

**ARTICLE 5:see attached budget**

**1) GENERAL GOVERNMENT**

Moved and seconded that the Town vote to appropriate from Conservation Fees Receipts Reserved the sum of \$10,000 to the Conservation Commission and to raise and appropriate the

sum of \$1,372,136 for a total of \$1,382,136 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.

**Carried unanimously.**

**2) PROTECTION OF PERSONS AND PROPERTY**

Moved and seconded that the Town vote to raise and appropriate the sum of \$2,119,236 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 majority.**

**3) SCHOOLS**

Moved and seconded that the Town vote to raise and appropriate the sum of \$9,509,589 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.

*There is a slight difference in the amount to be voted and the amount printed in the budget handout. The Groton-Dunstable School District recertified its' assessment after the budget was printed. The operating expense line should read \$8,205,964*

Mr. McNierney made a motion made that was seconded regarding Article 5 sec: 3) Schools by inserting the language "except for line items 3020 through 3022 which constitute together a single appropriation" at the end of the motion.

**Motion to amend carried unanimously.**

**Carried unanimously.**

**4) HIGHWAY AND HEALTH**

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,308,821 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 unanimously.**

**5) LIBRARY AND CITIZEN'S SERVICES**

Moved and seconded that the Town vote to raise and appropriate the sum of \$741,206 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 unanimously.**

**6) DEBT SERVICE**

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,735,672 for Debt Service as represented by lines 6000 through 6040 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

**Carried unanimously.**

**7) EMPLOYEE BENEFITS**

Moved and seconded that the Town vote to raise and appropriate the sum of \$897,207 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 unanimously.**

**8) WATER ENTERPRISE**

Moved and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$736,268 to the Water Enterprise Fund for FY2002 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Carried unanimously.**

**9) SEWER ENTERPRISE**

Moved and seconded that the Town vote to transfer from Sewer Surplus the sum of \$47,887, and to appropriate from Sewer Rates and Fees the sum of \$651,213, for a total of \$699,100 to the Sewer Enterprise Fund for FY2002 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Carried unanimously.**

**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 2002 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 unanimously.**

**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.

**Article 6 carried unanimously.**

**CONSENT AGENDA**

**ARTICLES 7, 9, 11,16, 21, 24**

Moved and seconded that the 2001 Annual Town Meeting advance for consideration articles 7, 9, 11, 16, 21, and 24.

**(These articles were not moved separately but as part of a consent agenda. The minutes reflect each motion for the record only.)**

**Carried by majority.**

Moved and seconded that the meeting take affirmative action on said articles 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 9 - \$18,000 for roof repairs to Legion Hall

Article 11 - \$20,000 for the purpose of enforcement actions under MGL Chapter 139 Section 3A, Chapter 143 Section 9 and the State Building Code

Article 16 - \$85,000 to purchase a 10 wheel tractor truck for use in hauling and trash disposal

Article 21 - \$43,450 to equip a highway truck for sanding

Article 24 - \$15,250 to purchase a wing plow system for an existing highway truck.

Finance Committee voted to support. Capital Planning voted to support.

Mr. Miner, moved to amend article 7 to reflect a change in the figure from \$200,000 to \$500,000. Mr. Miner's amendment read as follows: ***I move to amend article 7 to be \$500,000.***

Mr. Hutchinson stated that he was not in favor of this because it would require the Town to bond the money. Mr. McNierney stated that we could fund it without borrowing by using the stabilization fund. The Board of Selectmen were not in support of this amount being added to the budget. Mr. Hammer spoke in favor of this article. Mr. Sama spoke against this amendment.

Mr. Degen sought to amend the amendment to increase the expenditure from \$200,000 to \$300,000 by transferring \$100,000 from the stabilization fund. The motion to amend the

amendment reads as follows: the sum appropriated to \$300,000 by transferring \$100,000 from the stabilization fund.

Mr. Carson queried whether it would be transferred from the fund or would adjust the figure for this year's budget. Mr. Morrison stated that the fund is used for acquiring land. He stated that the fund is like a bank account and that the more that is in it the more options are open to the town.

Requires a 2/3 vote. **The motion to amend the amendment is defeated: 160 in favor, 95 opposed.**

Mr. Auman made a motion to amend the amendment *by striking the words \$500,000 and inserting \$300,000 in its place.*

**The amendment to amend (striking \$500,000 inserting \$300,000) carried: 166 in favor, 84 opposed.**

**The amendment as amended (To read \$300,000) carried 163 in favor , 90 opposed.**

**The main motion, article 7 as amended, (to reflect the change to \$300,000) carried.**

[Article 7 now reads that the Town vote to raise and appropriate \$300,000 to be added to the sum already on deposit in the Conservation Fund.]

**The consent agenda articles as amended, carried by majority.**

**ARTICLE 7:** Moved and seconded (as amended during consent agenda) that the Town vote to raise and appropriate \$300,000 to be added to the sum already on deposit in the Conservation Fund.

**Carried by majority.**

**ARTICLE 9:** Moved and seconded (as consent agenda) that the Town vote to raise and appropriate \$18,000 for roof repairs to Legion Hall.

**Carried by majority.**

**ARTICLE 11:** Moved and seconded (as consent agenda) that the Town vote to raise and appropriate \$20,000 to be expended by the Building Commissioner for the purpose of enforcement actions under MGL Chapter 139 §3A, Chapter 143 §9 and the State Building Code (Code of Massachusetts Regulations Chapter 780 §121) in order to make abandoned and unsafe buildings comply with state law.

**Carried by majority.**

**ARTICLE 16:** Moved and seconded (as consent agenda) that the Town vote to raise and appropriate \$85,000 to purchase a new 10 wheel tractor truck for use in hauling and trash disposal.

**Carried by majority.**

**ARTICLE 21:** Moved and seconded (as consent agenda) that the Town vote to raise and appropriate \$43,450 to equip a truck for sanding.

**Carried by majority.**

**ARTICLE 24:** Moved and seconded (as consent agenda) that the Town vote to raise and appropriate \$15,250 to purchase a wing plow system for an existing highway truck.

**Carried by majority.**

**ARTICLE 8:** Moved and seconded that the Town vote to raise and appropriate \$20,000 to help fund celebrations for the 350<sup>th</sup> anniversary of the founding of the Town and to authorize the Board of Selectmen to appoint a committee of not more than twelve members for the purpose of making plans for the commemoration of the 350<sup>th</sup> anniversary of the incorporation of the Town of Groton.

Finance Committee voted to support. Ms. Buck spoke regarding 30 page report on the 350<sup>th</sup> planning and sought support for this article.

**Article 8: Carried by majority.**

**ARTICLE 10:** Moved and seconded that the Town vote to raise and appropriate \$11,000 to repair and paint the exterior of the Senior Center.

Capital planning did not support, Finance Committee supported 5-2.

**Article 10: Carried unanimously.**

**ARTICLE 12:** Moved and seconded that the Town vote to raise and appropriate \$5,000 to hire a student intern to assist the Personnel Board in the drafting of personnel policies, procedures and regulations.

Finance Committee did not support. The Finance Committee felt that the Personnel Board and Town Committees could do this job without an expenditure.

**Article 12 was defeated.**

**ARTICLE 13:** Moved and seconded that the Town vote to raise and appropriate \$50,000 to develop a GIS plan; said funds to be used for salaries and/or consulting fees and expenses.

Finance Committee voted 5-2 in favor, Capital Planning supported. The Computer committee supported.

**Article 13 carried by majority.**

**ARTICLE 14:** Moved and seconded that the Town vote to raise and appropriate \$10,500 for software programs for the Town Clerk.

The Board of Selectmen voted to support. The Finance Committee did not support.

**Article 14 is defeated.**

**ARTICLE 15:** Moved and seconded that the Town vote to raise and appropriate \$8,000 needed to complete the dog pound.

**Article 15 carried by majority vote.**

**ARTICLE 17:** Moved and seconded that the Town vote to raise and appropriate \$30,000 for the purpose of hazardous materials waste disposal.

**Article 17 carried unanimously.**

**ARTICLE 18:** Moved and seconded that the Town vote to raise and appropriate \$55,000 for the purpose of studying the mosquito control problem in Groton, disseminating related public health information, and engaging a mosquito control organization to provide services which include larvaecide treatments and brush cutting.

Mr. Baker made a report. Ms. Mendall made a motion to amend the article in the following manner: *to amend the main motion by adding the following words after the words "cutting"- and to accomplish said goals to join the Central Massachusetts Mosquito control project pursuant to MGL c24 § 5a and other applicable sections.*

Finance Committee voted not to support. Selectmen voted to not support. Mr. Lyman opposed this article as did Mr. McManus. Mr. Wilson spoke wishing the mosquito problem would be solved. Mr. Delaney spoke in favor of this article. Dr. Horowitz spoke in favor. Mrs. Fucillo spoke in favor. Mrs. Lathrop spoke in opposition.

Karl Johnson moved the question. Motion to move the question carried unanimously.

**Motion to amend was defeated.**

**The main motion was defeated.**

The chair accepted a motion by Mrs. Pine to adjourn until Monday May 7<sup>th</sup> at 7:30.

**The motion carried by majority.**

The Adjourned session of the Annual Town Meeting of the Town of Groton was called to order on May 7, 2001 at 7:40 pm by Moderator Robert Gosselin. There was no quorum requirement but at 7:40 there were 100 voters present.

**ARTICLE 19:** Moved and seconded that the Town vote to raise and appropriate \$13,600 for the design and engineering of a road and parking lot between Broadmeadow Road and Station Avenue.

Finance Committee voted to support. Planning Board voted to support. GELD Commissioner's did not support. Mr. Lindemer spoke on behalf of the Commissioner's and stated that the land that is in question belongs to Groton Electric and it might be needed for expansion.

Mr. Marcus stated that the Groton Business and Professional Association was in strong support of this article. Mr. Cunningham responded to the comments of the Elec. Light Dept. stating that this is the perfect time to get the engineering work done. Mr. Hutchinson stated that had the information Mr. Lindemer shared come to light earlier, the Finance Committee might have voted differently. Mr. Hammer spoke in favor of revitalizing the downtown area. Mr. Lyman question why we couldn't move the electric light dept heavy equipment to the Cow Pond Brook site. Mr. Lindemer felt that would increase the cost of doing business.

**Article 19 carried by majority.**

The chair declared a recess to begin the Special Town Meeting. At 8:15, the Annual Town Meeting was reconvened.

**ARTICLE 20:** Moved and seconded that the Town vote to raise and appropriate \$115,000 to purchase a 10 wheel dump truck, sander body for the Highway Department.

Moved and seconded that this article be indefinitely postponed.

**Motion to postpone Article 20 carried unanimously.**

**ARTICLE 22:** Moved and seconded that if the Town vote to raise and appropriate \$30,000 for engineering of sidewalks.

The Finance Committee voted 5-2 to support.

Ms. Rice questioned whether the State would also pay for a sidewalk on the other side of the street. She says it is a safety issue and urged the Selectmen to seek funding for this sidewalk. Mr. Delaney stated that State funding for engineering for this has been done. Mr. Marsh was concerned that the figure might not represent the total cost. Mr. McLaughlin spoke on behalf of the Conductorlab oversight committee. Mr. Lyman questioned why we were spending \$30,000 for engineering design when we are only spending \$13,000 for the rail trail site. Mr. Delaney and Mr. Chamberlin stated that MassHighway has different regulations than those that govern municipalities. Ms. Kneeland was also concerned about the safety issue. Mr. Easom questioned whether the possible contamination of a portion of the site would be fixed with this. Mr. Delaney stated no but that it would become the State's responsibility to fix it.

**Article 22 carried by majority.**

**ARTICLE 23:** Moved and seconded that the Town vote to raise and appropriate \$14,000 to purchase a new fuel monitoring system.

Finance Committee voted to support, Capital Planning voted to support.

**Article 23 carried unanimously.**

**ARTICLE 25:** Moved and seconded that the sum of \$485,000 is hereby appropriated for the purpose of purchasing and equipping a new ladder truck for the Fire Department, and for costs incidental and related thereto; and that to meet such appropriation, the Town Treasurer with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$485,000 at one time or from time to time, under and pursuant to Chapter 44, Section 7(9), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Finance Committee voted to unanimously to support.

**Article 25 carried unanimously.**

**ARTICLE 26:** Moved and seconded that the Town vote to raise and appropriate \$10,000 to implement Statement 34 as proposed by the Governmental Accounting Standard Board.

Finance Committee voted unanimously to support.

**Article 26 carried unanimously.**

**ARTICLE 27:** Moved and seconded that the Town vote to transfer the sum of \$5,000 from Town Forest Receipts Reserved for Appropriation to Town Forest Expense.

Finance Committee voted to support.

**Article 27 carried unanimously.**

**ARTICLE 28:** Moved and seconded that the Town vote to approve the \$9,175,000 debt authorized by the Regional District School Committee of the Groton-Dunstable Regional School District on April 4, 2001 which debt has been authorized for the purpose of paying additional costs of the District's High School construction project, the Town of Groton principal portion is expected to be \$ 5,138,288, subject to an affirmative vote, at a Town Election, on a question to exempt the Town's share of the amounts required to pay for the bonds, or notes, so authorized from the provisions of Proposition to and one half so called, (Massachusetts General Laws, Chapter 59, Section 21C), or take any action thereon.

Ms. Riggert made a presentation on behalf of the School Committee.

Mr. Carson sought to withdraw the motion to put forth article 28 and then introduced the following motion. (corrected main motion).

Moved and seconded that the Town vote to approve the \$9,175,000 debt authorized by the Regional District School Committee of the Groton-Dunstable Regional School District on April 4, 2001 for the purpose of paying additional costs of the Districts High School construction project provided however, that this approval shall not be effective, and said debt shall be disapproved, unless the Town votes, at a town election, in the affirmative on a question to exempt the amount required to pay for the bonds, or notes, so authorized from the provisions of Proposition two and one-half, so called (Massachusetts General Laws, Chapter 59, Section 21C).

Ms. Kneeland spoke against the article. She stated that there was a 3 million increase in the past month. Ms. Riggert responded that the figure included the fee for the project manager and for archeological engineering costs. Mr. Hersch queried the assisted living portion (for children 17-21) of the addition. Dr. Jennings explained that the GDRS system is part of a collaborative with other school districts. We will be earning income from other towns to house these students and have the advantage of not having to transport our children out of state.

**Motion was made to move the question.**

**The question was moved, by a 2/3 majority.**

**Article 28 carried by majority.**

**ARTICLE 29:** Moved and seconded that the Town vote to extend the Groton Sewer District to include the proposed site of the new school for the Groton-Dunstable Regional School District situated between Chicopee Row and Wyman Road/North Road as described in Article 29 of the warrant for this Town Meeting, and subject to the conditions stated thereon.

**Article 29 carried unanimously.**

**ARTICLE 30:** Moved and seconded that the Town vote to rescind the vote taken under Article 14 of the warrant for the October 19, 1998 Annual Town Meeting as printed in the warrant. (as follows)

*"The Town vote to extend the sewer line on Chicopee Row for a distance of approximately 4500 feet from Hollis Street to the proposed school entrance in order to serve the proposed new school, said extension to*

*be an "non-common" sewer line; provided that all costs of designing, laying out and construction and the cost of purchasing extra capacity, as well as an amount equal to the District's share of the general benefit facilities, as determined by the Groton Sewer Commission, shall be paid by the Groton-Dunstable Regional School District, and provided, further, that this sewer line shall not be extended unless the School District has purchased the so-called Walker property located on Chicopee Row as a site for new schools."*

**Article 30 carried unanimously.**

**ARTICLE 31:** Moved and seconded that the Town vote to approve the acquisition by the Groton-Dunstable Regional School District of a parcel of land containing approximately one and eighty-six hundredths (1.86) acres located in the Town of Groton, shown on the old Groton Assessors' Map E23 Parcel B and shown on the new Assessors' Map 230 Parcel 47, which parcel of land will be used by the Groton-Dunstable Regional School District for school purposes.

After some discussion it was decided that an amendment would be forthcoming.

Ms. Wood made an amendment which was seconded which read:

By deleting the words "*which parcel of land will be used by the Groton-Dunstable Regional School District for school purposes.*"

**The motion to amend carried by majority.**

The Article as amended reads:

**ARTICLE 31:** Moved and seconded that the Town vote to approve the acquisition by the Groton-Dunstable Regional School District of a parcel of land containing approximately one and eighty-six hundredths (1.86) acres located in the Town of Groton, shown on the old Groton Assessors' Map E23 Parcel B and shown on the new Assessors' Map 230 Parcel 47.

**Mr. Miller made a motion to move the question.**

**Question is moved.**

**Requires a 2/3 vote.**

Tellers were called and sworn:

Doris Chojnowski Olin Lathrop

Paul Fitzgerald Leona Town March

Melanie Hubbard Jeanne Neimoller

**Article 31, as amended carried 201 in favor, 75 opposed.**

**ARTICLE 32:** Moved and seconded that the Town vote to approve the \$405,500 debt authorized by the Regional District School Committee of the Groton-Dunstable Regional School District on April 4, 2001, which debt has been authorized for the purpose of acquiring a parcel of land containing approximately one and eighty-six hundredths (1.86) acres, shown on the old Groton Assessors' Map E23 Parcel B and shown on the new Assessors' Map 230 Parcel 47, in the Town of Groton for the use of the Groton-Dunstable Regional School District.

Finance Committee supported

**Article 32 carried by majority.**

**ARTICLE 33:** Moved and seconded that the Town vote to approve the establishment of a stabilization fund by the Groton-Dunstable Regional School District, in accordance with the provisions of Chapter 71, Section 16G1/2 of the General Laws.

Finance Committee voted 6-1 in favor.

**Article 33 is defeated (on a voice vote) by majority vote.**

**ARTICLE 34:** Moved and seconded that the Town vote to raise and appropriate \$10,450 for the landscaping and construction of a park area on the grounds of the Town Hall as shown on the plan entitled, "Conceptual Design, Town Hall Park," prepared by Lorayne Black and Robert



Pine, dated February 14, 2001, a copy of which is on file in the office of the Town Clerk. (see attached to minutes)

Finance Committee voted not to support.

New Teller called and sworn:

Peter Carson.

**Article 34 carried by majority: 130 in favor, 76 opposed.**

**ARTICLE 35:** Moved and seconded that the Town vote to raise and appropriate \$20,000 for the preparation of preliminary plans for renovations to the Center Fire Station and Lost Lake Fire Station.

Finance Committee unanimously supports.

**Article 35 carried unanimously.**

**ARTICLE 36:** Moved and seconded that the Town vote to renew the revolving account under Chapter 44, § 53E½ of the General Laws for the purpose of utilizing receipts and fees received under Chapter 198 of the Code of the Town of Groton, Soil Erosion and Sediment Control, said receipts and fees to be credited to said account and expended by the Earth Removal Advisory Committee for administration, oversight and review activities under Chapter 198, with the maximum amount to be expended in said account in the amount of \$10,000 for Fiscal year 2002.

Finance Committee voted 6-0 to support.

**Article 36 carried unanimously.**

At this time the Moderator (Mr. Gosselin) asked the meeting to allow him to step aside to make a statement. Selectman Peter Cunningham was sworn in as Moderator Pro-Tempore, by Town Clerk Bonnie Biocchi. The Moderator Pro-Temp recognized Mr. Gosselin. Mr. Gosselin delivered an address regarding the amendment to article 7 (appropriating an additional \$100,000 to the Conservation Commission) in the opening session of the ATM. He was disturbed that the Conservation Commission accepted the amount as amended. He felt that it disrupted the process and that it set a bad precedent. He called upon the meeting to put forth a representative to make a motion to reconsider this article.

Mr. Cunningham then asked the meeting if there were any members that would like to reconsider. Mr. Chamberlin stated that he did not believe that there was a band of conservation people who were attempting to disrupt the meeting or who worked to support the issues of conservation in an attempt to thwart process.

Mr. Degen spoke saying that he did not feel there was any inappropriate action or “collusion” regarding this article. Mr. Miner stated that there was no conspiracy but rather his amendment was prompted by a reaction to the vote on the CPA (Community Preservation Act) that had recently been voted down by the Town. Mr. Hutchinson stated that the Finance Committee would have heard the point of view of the Conservation Commission or any individual regarding this matter, but that no one approached the Committee regarding wanting to increase the amount. Ms. Pine stated that it is within the right of the meeting to amend appropriations. Mr. Belitsky stated that he does feel that it sets a “bad precedent”. Mr. Morrison strongly stated that the Conservation Commission never talked about any additional appropriation prior to the meeting but in light of the controversy, he would support a motion to reconsider article 7. Mr. Morrison then made a motion, which was seconded, to reconsider. Mr. McNierney thought it should be reconsidered but still supported the appropriation in the amount of \$300,000.

Ms. Lyons moved the question.

**The question was moved by unanimous consent.**

**The motion to reconsider, which required a 2/3 majority, was defeated: 82 in favor 87 opposed.**

Andrew Searle was then affirmed as moderator Pro-Temp in order to reconvene next week's adjourned session of ATM.

A motion was made and seconded to adjourn until Monday, May 14<sup>th</sup>.

**Carried unanimously.**

The Adjourned session of the Annual Town Meeting was called to order by Moderator Andrew Searle at 7:39pm. There as no quorum requirement but at 7:30pm there were 75 voters in attendance.

**ARTICLE 37:** Moved and seconded that the Town vote to amend the vote taken under Article 36 of the warrant for the April 24, 1995 Town Meeting by substituting for the rate payers' annual payment schedule approved thereunder the new debt schedule which is on file with the Town Clerk. (see table)

Payment Schedule				
	Sewer Dept.	Increase to Town	Town Proposed	Total Debt Service
Fiscal Year	Proposed Payment		Payment	
2,002	150,000	16,184	169,859	319,859
2,003	150,000	20,124	157,021	
2,004	150,000	24,157	143,434	293,434
2,005	150,000	28,286	120,515	270,515
2,006	150,000	32,513	106,316	256,316
2,007	150,000	36,840	45,152	195,152
2,008	150,000	41,269	53,611	203,611
2,009	150,000	45,803	98,627	248,627
2,010	150,000	50,448	83,105	233,105
2,011	150,000	-	(93,625)	56,375
2,012	150,000	-	(150,000)	
2,013	51,999	-	(51,999)	

The Finance Committee voted to support.

**Article 37 carried by majority.**

**ARTICLE 38:** Moved and seconded that the Town vote to transfer \$47,887 from the Sewer Enterprise Fund Surplus to the FY02 Enterprise Department Budget. Moved and seconded that this article be postponed indefinitely.

**Article 38 was indefinitely postponed.**

**ARTICLE 39:** Moved and seconded that the Town vote to dedicate a parcel of land shown on Assessors' Map D Block 5, Lot A-9 at 447 Rear, Longley Road, a tax possession acquired through tax foreclosure, as conservation land under the jurisdiction of the Conservation Commission .

The Conservation Commission voted to accept this parcel. Planning Board voted support acceptance of this parcel.

**Article 39 carried unanimously.**

**ARTICLE 40:** Moved and seconded that the Town vote to dedicate a parcel of land shown on Assessors' Map M Block 130 Lot 0 on West Groton Road at the former Leatherboard Mill site, tax possession acquired through tax foreclosure, as conservation land under the jurisdiction of the Conservation Commission.

The Conservation Commission voted to accept this parcel.

**Article 40 carried unanimously.**

**ARTICLE 41:** Moved and seconded that the Town vote pursuant to the authority granted under General Home Rule Powers Expressed in M.G.L. Ch.40, §21, to amend the Wetlands Bylaw by substituting a new non-zoning Wetlands Administration Bylaw, in its entirety, as shown on the handout distributed to the meeting, for the existing non-zoning Wetlands Bylaw designated as Chapter 215, “Wetlands” in the Code of the Town of Groton. (as follows)

**SECTION 215-1: PURPOSE AND INTENT**

The purpose of this chapter is to protect the wetlands, related water resources, and adjoining land areas in the Town of Groton by controlling activities determined by the Conservation Commission to be likely to have a significant or cumulatively detrimental effect upon any wetland resource area or value protected by this chapter, including but not limited to the following interests and values: protection of public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife and wildlife habitat, rare plant or animal species and habitat, agriculture and aquaculture, recreation and aesthetic values. To that end, it is the intent of this bylaw to protect additional wetland resource areas and interests, and to impose additional standards and procedures stricter than those of G.L. c. 131, §40.

**SECTION 215-2: JURISDICTION**

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any of the following resource areas protected by this bylaw, (collectively, “wetland resource areas”):

any wetland, including, but not limited to, any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, creek, beach or bank, reservoir, lake, pond of any size, land under any water body or within 100 feet of any of the aforesaid resource areas; any river or stream, including land within 200 feet of same; or any land subject to flooding or inundation by stormwater, groundwater or surface water.

**SECTION 215.3: EXCEPTIONS**

This bylaw shall not apply to any emergency project or agricultural emergency as defined in G.L. c.131, §40 or regulations thereunder. No application or permit shall be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, sewer, water, telephone, telegraph, or other telecommunications service, provided that written notice has been given to the Commission prior to commencement of work, and provided that all work conforms to performance standards and design specifications in the regulations adopted pursuant to this bylaw.

Notwithstanding any provision of this bylaw to the contrary, the alteration of any residential, business or institutional building or customary appurtenance thereto, such as lawns, gardens, landscaped or other developed areas, where such structure or appurtenance existed prior to the effective date of this bylaw, shall not be subject to this bylaw, but shall be regulated exclusively by the provisions of G.L. c.131, §40.

**SECTION 215.4: APPLICATION**

Permit Application (Notice of Intent) - Written application shall be filed with the Commission to perform activities in or affecting resource areas protected by this bylaw. The

permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission may, where it deems it appropriate, accept as the permit application and plans under this bylaw the Notice of Intent and plans required to be filed under the Wetlands Protection Act, G.L. c.131, §40, and Regulations thereunder, at 310 CMR 10.00, et seq.

Request for Determination (RFD) – Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall be submitted in such form as is required by Regulations adopted hereunder, and may include such information and plans in addition to that required under the Wetlands Protection Act as are deemed necessary by the Commission.

Coordination with Other Boards – Any person filing a permit application with the Commission shall at the same time provide such copies of same in the number and manner provided in the regulations to such town boards and/or officers as the regulations provide, as well as to the Conservation Commission of an adjoining municipality as defined in the regulations.

Application Fee - At the time of a permit application or RFD, or application for Certificate of Compliance, the applicant shall pay a filing fee specified in Regulations hereunder. The fee is in addition to that required by the Wetlands Protection Act. The fee shall be deposited in a dedicated account as provided, for use only for wetland protection activities, from which the Commission may withdraw funds without further appropriation.

Consultant Fee - Upon receipt of a permit application or RFD, or at any point during the hearing process, the Commission may require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services to assist the Commission in reaching a final decision on the application. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law. The Commission may adopt regulations providing for the deposit of such funds in a special account established pursuant to said Act, which provides for the administration of the consultant fee fund in the same manner as provided in G.L. c. 44, §53G.

The Commission may waive the filing fee, consultant fee, and/or costs and expenses for a permit application or RFD filed by a town officer or agency.

#### SECTION 215-5: PERMITS AND CONDITIONS:

If the Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water use which will result therefrom, are likely to have a significant individual or cumulative effect upon the wetland resource area values and interests protected by this bylaw, the Commission shall, within 21 days of the close of said hearing, issue or deny an Order of Conditions for the activities requested.

In any Order of Conditions it issues, the Commission shall impose conditions which it deems necessary or desirable to protect such values and interests, and all activities shall be done in compliance with those conditions. In imposing conditions, the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of

protected resource areas throughout the community and the watershed, which have resulted from past activities, permitted and exempt, or which may result from foreseeable future activities.

The Conservation Commission may grant an Order of Conditions for projects within Wetland Resource Areas if it determines that the granting of such an Order of Conditions will result in a significant public or environmental benefit and that, because of the characteristics of the land, the proposed alterations, and/or proposed mitigation measures, the interests of this bylaw will be maintained.

The Commission is empowered to deny a permit for the applicant's failure to meet the requirements of this bylaw; to submit necessary information and plans requested by the Commission; to meet the design specifications, performance standards, and other requirements in Regulations of the Commission; to avoid or prevent unacceptable significant or cumulative effects upon the wetland resource areas or interests protected by this bylaw; or where it finds that no conditions are adequate to protect such values and interests.

#### **SECTION 215-6: NOTICE AND HEARING**

Any person filing a permit application with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand-delivered, to all abutters at their mailing addresses as shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property

line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall otherwise commence its public hearing within 21 days of the receipt of a completed Notice of Intent or Request for Determination, provided that written notice thereof has been provided at least five business days prior to said hearing, in writing, by the applicant. Said time period may be extended if authorized in writing by the applicant.

The Commission may, in the exercise of its reasonable discretion, continue the hearing from time to time to a date certain announced at said hearing for reasons stated, which reasons may include but are not limited to: curing any defect in notice; allowing additional testimony or documents as may be deemed necessary or appropriate by the Commission; and/or obtaining comment or recommendation of any municipal board or officer referred to in Section 215-4 above.

In all other respects, hearings shall be as provided in G.L. c.131, §40, and Regulations thereunder

#### **SECTION 215-7: PRESUMPTIONS**

Adjacent Upland Resource Areas - are presumed significant to the protection of wetland resources and interests because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operations or maintenance of such activities. Such adverse impacts from construction and use include, without limitation, erosion, siltation, loss of groundwater recharge, degradation of water quality and loss of wildlife habitat.

- A. Prohibited Activity – For the aforementioned reasons, the adjacent upland areas, within 200 feet of rivers and streams and 100 feet of other wetland resource areas protected by this bylaw, are deemed valuable resources under this bylaw. Therefore this bylaw strictly limits any disturbance within adjacent upland areas by prohibiting the following activities or uses:
1. Disturbance of any existing vegetation within 50 feet of any freshwater wetland, except for removal of invasive vegetation only, if done in compliance with standards provided in the Regulations.
  2. Erection of permanent buildings, including, but not limited to, barns, garages, or attached structures
  3. Construction of parking lots or use of land for parking of motor vehicles
  4. Construction or installation of any portion of a new sanitary waste disposal system, including the grading required for the primary and reserve systems
  5. Storage of petroleum products or of hazardous materials, underground or above ground
  6. Placement or maintenance of dumpsters or refuse containers
- B. Order of Conditions – The following activities may be allowed within Adjacent Upland Areas by an Order of Conditions and subject to such conditions as the Commission deems necessary or appropriate to preserve the wetland resource areas and interests protected by this bylaw:
1. Planting of native vegetation or habitat management techniques determined by the Conservation Commission to enhance the wetland values protected by this bylaw
  2. Construction and maintenance of unpaved access paths of not more than four feet in width for non-motorized usage
  3. Maintenance of existing structures, utilities, storm water management structures and paved roads
  4. Pruning for the purpose of vista maintenance, or for removal of diseased or invasive vegetation, if done in compliance with standards provided in the Regulations
  5. Construction of new utility lines where the Commission determines that the proposed route is the best environmental alternative
  6. Sanitary waste disposal system maintenance and, if a system has failed, repair or replacement meeting local and State standards, provided that the maximum feasible buffer is maintained
  7. Construction of an accessory structure associated with an existing structure where the Commission finds that: no practicable alternative site outside the Adjacent Upland Area is available; the size and impact of the proposed structure have been minimized; and the structure is located so as to minimize impact on the Resource Area.
- C. Standards for Altered Areas: Where an adjacent upland resource area is already altered in such a manner that the purpose of this bylaw is not being met, the Commission may issue an Order of Conditions for a project, provided that it finds that the proposed alterations will not increase adverse impacts on that specific portion of the adjacent upland area or associated wetlands and that there is no technically feasible construction alternative.

Seasonal Wetlands - are presumed to provide essential breeding and rearing habitat functions, which presumption, in the case of any seasonal wetland which has not been certified as a vernal pool by the Massachusetts Division of Fisheries and Wildlife, may be overcome by demonstration to the Commission by a preponderance of credible evidence that the basin,

depression or area does not provide the habitat functions specified in the bylaw and regulations for identification of non-certified vernal pools.

#### **SECTION 215-8: REGULATIONS**

After public notice and public hearing, the Commission may promulgate Regulations to effectuate the purposes of this bylaw, and to provide for filing fees and procedures, and for consultant fees as the Commission deems necessary or appropriate. Failure to promulgate such regulations, or the invalidation by a court of law of one or more of such regulations, shall not act to suspend or invalidate any provision of this bylaw.

#### **SECTION 215-9: DEFINITIONS**

Except as otherwise provided in this bylaw or regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, which terms, as used herein, shall include the provisions of G.L. c. 131, §40, and regulations thereunder at 310 CMR 10.00 et seq.

Adjacent Upland Resource Area – shall include lands within 100 feet of any freshwater wetland; marsh; flat; wet meadow; bog; swamp; vernal pool; bank; reservoir, lake or pond of any size; creek, beach or land under water bodies, and lands within 200 feet of rivers and streams.

Alter – shall include, without limitation, the following activities when undertaken to, upon, within or affecting wetland resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or earth materials of any kind ;
- B. Changing of pre-existing drainage characteristics, flushing characteristics, salinity concentration, sedimentation patterns, flow patterns, or flow retention characteristics;
- C. Drainage, or other disturbance of water level or water table;
- D. Dumping, discharging, or filling with any material which may degrade water quality;
- E. Placing of fill, or removal of material, which would alter elevation;
- F. Erecting or placing buildings or structures of any kind, including driving of piles;
- G. Placing of obstructions or objects in water;
- H. Cutting or destruction of vegetation, including cutting of trees;
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater; and
- K. Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Bank – shall include the land area which normally abuts and confines a water body: the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

Freshwater Wetland – shall include all wetlands whether or not they border on a water body. For the purposes of this bylaw, lakes or ponds of any size, all bordering vegetated wetlands, as well as isolated vegetated wetlands with a minimum of 10 contiguous square feet shall be protected.

Person – shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, administrative agency, public or quasi-public corporation or body, including the Town of Groton, and any other legal entity, its legal representatives, agents, or assigns.

Rare Species – shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

Seasonal Wetland – shall include any confined basin or depression subject to flooding or inundation and which contains temporary bodies of water during periods of high groundwater level, spring runoff, snowmelt, or heavy precipitation, for a minimum of 2 continuous months during spring or summer in most years and which are capable of supporting populations of obligate vernal pool species, and are therefore presumed to provide essential breeding and rearing habitat functions for amphibian, reptile, or invertebrate species.

Stream – shall include all rivers and streams shown on the current U.S.G.S. map.

Structure – shall mean any construction, erection, assemblage, or other combination of materials upon the land.

Vernal Pool – shall include any confined basin or depression which, at least in most years, holds water for a minimum of two continuous months during spring and/or summer, and which is free of adult predatory fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, and presumptively includes seasonal wetlands, regardless of whether the site has been certified as a vernal pool by the Massachusetts Division of Fisheries and Wildlife.

The adjacent upland resource area for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression, or one-half of the distance between the vernal pool and any existing house foundation, whichever is smaller. In either case, the adjacent upland resource area for vernal pools shall not extend over lawns, gardens, and landscaped or developed areas existing as of the effective date of this bylaw.

#### **SECTION 215-10: SECURITY**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder, including conditions requiring mitigation work, be secured wholly or in part by one or more of the following methods:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission to insure completion of proposed work or conditions of any permit, said security to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By conveyance of a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Groton, acting through the Conservation Commission, and providing that the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

It shall be a condition of every application for a permit or RFD that the applicant assent to the entry by the Commission or its agent to the subject property at reasonable times for the purpose of conducting site inspections to determine wetland boundaries and the compliance with or violation of this bylaw or any permit or determination thereunder.

#### **SECTION 215-11: ENFORCEMENT**



No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and of the Commonwealth of Massachusetts. Permission to enter land of any applicant shall be granted as a condition of any application and of any permit issued hereunder.

The Commission is authorized to enforce this bylaw and its regulations, and any orders or permits issued thereunder, by violation notices, administrative orders, and/or civil and criminal court actions. Any person who violates any provision of this bylaw may be ordered to restore the property to its original condition, to take such other action as deemed necessary by the Commission to remedy such violation, or may be fined, or any combination of the foregoing.

In addition to any other remedy available in law or in equity, any person who violates any provision of this bylaw, regulations, permits, or order of the Conservation Commission issued thereunder, may, at the option of the Conservation Commission, be subject to non-criminal prosecution pursuant to G.L. Chapter 40, Section 21D, in which case the following penalties shall apply, with each day constituting a separate offense:

- (1) First Offense: \$ 50
- (2) Second Offense: \$100
- (3) Third and subsequent offense: \$300

The provisions of this bylaw and regulations, or of any permit or order issued thereunder, may be enforced by the Conservation Commission, by its agents, by a Commissioner so authorized by vote of the Conservation Commission, or by any police officer of the Town.

#### **SECTION 215-12: BURDEN OF PROOF**

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### **SECTION 215.13: APPEALS**

A decision of the Commission shall be reviewable on the record of proceedings in Superior Court in accordance with G.L. c.249, §4.

#### **SECTION 215-14: RELATIONSHIP TO G.L. c.131, §40**

This bylaw is adopted pursuant to the Town of Groton's Home Rule powers and is independent of G.L. c.131, §40 and/or regulations thereunder. It is the intent of this bylaw to create resource areas, interests, definitions and performance standards that impose more stringent regulation than that imposed by G.L. c.131, §40.

#### **SECTION 215-15: SEVERABILITY**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination issued hereunder.

Mr. Morrison made an amendment, which was seconded, *to amend the main motion by inserting within section 215:3 exceptions, the word "sewer" between electric and gas as appearing in the fifth line.*

Mr. Morrison then explained the process by which the Conservation Commission crafted this updated bylaw. There were six public hearings as well as countless Conservation Commission meetings and developed a consensus among the Selectmen, Board of Health, Greenway Committee, NRWA that this amendment was in the best interest of the town.

The Planning Board voted to support. The Assessors voted not to support.

Mr. Hartnett spoke against the article. Mr. Baker spoke on behalf of the Board of Health who voted to support this article. Mr. Blood questioned Mr. Morrison about agricultural restrictions. Mr. Lapres spoke on behalf of the Greenway Committee who supported this article. Mr. Wilson stated that this article has been on the warrant before and postponed. Mr. Morrison stated that they wanted "buy-in" from all the Boards and felt they now had it. Mr. Belitsky didn't think that it was necessary because he didn't know of anyone abusing the wetlands. Mr. Morrison stated that it would give the Board more ability to prevent builders from building so close to a wetland. Mr. Morrison stated that no current order of conditions would still stand and would not be superceded by this regulation.

Mr. Pine spoke in support of this article especially because of the 50 foot buffer zone. Mr. Miller wanted to know if this bylaw would protect the wetlands created by beavers. Mr Morrison explained what the definition of a wetland was, thereby excluding those created by beavers. There was concern by Mr. Blood that if a person did not feel justly compensated for the loss of value on his property the only place to receive justice would be the courts. Mr. McLaughlin wanted to know how much property would be affected by this restriction. Mr. Morrison stated that it would be difficult to quantify because it's impossible to predict who would be attempting to sell their property. Mr. Patnaude spoke in favor. Mr. Auman spoke in favor. Mr. Lyman spoke in support, questioning if forestry land would fall under this. Mr. Morrison stated that it is considered the same as agricultural. Mr. Lyman also stated that if the beaver problem exists for someone, they should take care of the problem because it could turn the land into wetlands in short order.

**Mr. Miller moved the question.**

**The motion to move the question carried unanimously.**

**The amendment (adding the word sewer) to the article carried unanimously.**

**The main motion as amended carried by majority.**

**ARTICLE 42:** Moved and seconded that the Town vote to amend Chapter 44 of the Code of the Town of Groton entitled Park Commission as printed in the warrant as follows:

Delete §44-1 Duties; Membership; terms.

The town will discontinue the Playground Committee beginning February 2, 1953 and will turn its duties over to the Park Commissioners and increase the number of Commissioners from three (3) to five (5), all to be elected for terms of three (3) years.

Insert §44-1 Duties; Membership; terms.

The Town will discontinue the Playground Committee beginning February 2, 1953 and will turn its duties over to the Park Commissioners and increase the number of Commissioners from three (3) to five (5). Beginning at the annual election in May 2002, one (1) Commissioner shall be elected for three (3) years, two (2) Commissioners shall be elected for two (2) years and two (2) Commissioners shall be elected for one (1) year. Subsequent terms shall be for three (3) years.

**Article 42 carried unanimously.**

**ARTICLE 43:** Moved and seconded that the Town vote to accept the provisions of M.G.L. Chapter 59 §2A (a), as added by Section 40 of Chapter 653 of the Acts of 1989.

According to the Board of Assessors, this would shorten the lag time for taxing new construction or other improvements made to a house.

**Article 43 carried unanimously.**

**ARTICLE 44:** Moved and seconded that the Town vote to amend Chapter 218 of the Code of the Town of Groton, §218-22G Computation of Lot Area, as printed in the warrant. (as follows)  
To see if the Town will vote to amend Chapter 218 of the Code of the Town of Groton, § 218-22G Computation of Lot Area, by striking out the second sentence which reads as follows:

“At least 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 C. 131, § 40.”

And by inserting in its place the following sentence:

“At least 80,000 contiguous square feet or 100% of the lot area, whichever is less, of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40.”

Mr. Curtis made a motion to amend by placing the word “required” before the words “lot area”.

*The motion now reads: “At least 80,000 contiguous square feet or 100% of the required lot area, whichever is less, of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40.”*

Planning Board Chairman Richard Curtis reported that the Board voted unanimously to recommend the adoption of Article 44 with the proposed floor amendment to add the word “required” before the words “lot area”. The purpose of the article is to provide more useable upland area per building lot. Increased upland area is necessary because of the size of the houses being constructed and the new Title Five requirements for on-site sewage disposal systems.

Mr. Lyons had concerns about this amendment because he felt that we should be protecting open space and that it would cause development to grow in other areas that are not already developed.

Mr. McKinney spoke in opposition to this article.

Mr. Miller made a motion to move the question

**Carried by a 2/3 majority.**

**The amendment to the main motion carried unanimously.**

**Article 44 carried by a 2/3 majority: 133 in favor, 47 opposed.**

**ARTICLE 45:** Moved and seconded that the Town vote to amend Chapter 218 of the Code of the Town of Groton to establish a new zoning overlay district as shown on the map entitled, “Hilltop and Slope Overlay District”, dated March 27, 2001, on file in the Office of the Town Clerk, and as shown on the handout distributed to the Meeting.

Mr. Degen made a motion (seconded) that the Article 45 be referred back to the Planning Board for further study and that the Board report back at some future special or annual town meeting.

**Article 45 was referred unanimously.**

**ARTICLE 46:** Moved and seconded that the Town vote to amend Chapter 218 of the Code of the Town of Groton, §218-25, Site Plan Review, by striking out the existing §218-25 in its entirety and replacing it with a new §218-25, Site Plan Review, dated March 27, 2001, the text of which is shown in the handout distributed to the meeting.

**ARTICLE 46: § 218-25 SITE PLAN REVIEW**

Purpose. The purpose of this section is to promote sound development in Groton and to protect the health, safety, convenience and general welfare of the community by ensuring that impacts from development are minimized in accordance with this section. Under this section, a comprehensive site plan review procedure is to be undertaken for uses and structures that may

have impacts relating to traffic, services and utilities, environmental quality, water resources, wetlands, stormwater runoff, and community character.

#### B. Applicability.

- (1) Any application for a building permit, special permit or certificate of occupancy (for a change of use) involving a commercial, office, industrial, institutional, or multifamily use, or structure for such use shall be subject to site plan review.
- (2) In addition, any site changes to an existing commercial, office, industrial, or institutional use, or structure for such use involving the following alterations shall be subject to site plan review in accordance with the threshold levels established in Subsection C below:
  - (a) Any required increase or proposed change to the number of parking spaces either for customers, employees or visitors. (Refer to § 218-23, Off-street parking and loading, for parking requirements.)
  - (b) Any alteration to traffic flow patterns, including access, egress, deliveries and pedestrian access.
  - (c) Any alterations to the drainage system, topography or stormwater runoff patterns.
  - (d) Any changes to loading areas, dumpsters, lighting or accessory structures.
- (3) Under § 218-25E, Presubmission review, the Planning Board may vote to waive the applicant's need to submit an application for site plan review under these provisions if the Board determines the proposed changes to the site are minimal and do not require site plan review.

#### C. Threshold of review.

Level I. Level I review is intended as a simplified submittal which does not necessitate professional preparation. Level I project submittals apply to any application for a construction project or change of use meeting the following thresholds:

- (a) Construction, enlargement or alteration of a parking area resulting in seven (7) or fewer new parking spaces.
  - (b) Construction of an addition or any other alteration of up to two thousand (2,000) square feet gross floor area to an existing commercial, office, industrial, or institutional use, or structure for such use.
  - (c) Any change to the property upon which the structure is located including, but not limited to, traffic flow patterns, drainage and stormwater runoff, loading areas, outdoor seating, landscaping, dumpsters, lighting, or accessory structures.
- (1) Level II. Level II review is intended as the standard site plan review submission and requires preparation of plans by a registered professional. Site plan review for Level II projects is triggered for any application requiring a special permit or for the following:
- (a) Construction, enlargement or alteration of a parking area resulting in a total of eight (8) or more new parking spaces.
  - (b) Construction of an addition or any other alteration that exceeds two thousand (2,000) square feet gross floor area to an existing commercial, office, industrial, or institutional use or structure.
  - (c) Grading or regrading of land to planned elevations, or removal or disturbance of the existing vegetative cover, which involves an area that exceeds five thousand (5,000) square feet of land.

#### D. Procedures.

- (1) By-right applications. Where the application for a building permit mentioned in Subsection B or C above is for a use available as of right, the application shall be accompanied by an approved site plan in accordance with the criteria specified below. Such approval shall be obtained from the Planning Board prior to application for a building permit. The Planning Board shall review and approve, approve with such conditions as the Board may deem appropriate, or not approve the site plan as described in Subsection H below, within thirty (30) days of its receipt of a plan submitted under Subsection C(1), Level I projects, or within forty-five (45) days of its receipt under Subsection C(2), Level II projects, and notify the applicant of its decision. A decision of the Planning Board shall require a motion carried by a majority of Board members holding office at the time of the vote, and shall be in writing. No building permit shall be issued by the Building Inspector without written approval of the site plan by the Planning Board or unless thirty (30) days lapse from the date of the submittal of the site plan under Subsection C(1), Level I projects, or forty-five (45) days from the date of submittal under Level II projects without action by the Planning Board or without a request from the applicant for an extension of time for the consideration of the site plan.
- (2) Special permit applications. If a project requiring site plan approval also requires a special permit, the same procedure for the review of a special permit application shall apply (see § 218-32.1), with the addition of the procedures delineated herein. The applicable decision-making criteria shall be those delineated in Subsection H below. Where the application mentioned in Subsection B or C above is for a use available only by special permit, the special permit application shall be accompanied by submission of a site plan prepared in accordance with the criteria specified below. Site plans accompanying applications for such special permits shall be referred by the Zoning Board of Appeals, where applicable, to the Planning Board within seven (7) days of filing for its review and written report, and no special permit shall be issued by the Board of Appeals without the written approval of the site plan by the Planning Board or unless forty-five (45) days lapse from the date of the application without action by the Planning Board or without a request from the applicant for an extension of time for the consideration of the site plan pursuant to Subsection E below. In the event that the public hearing by the Zoning Board of Appeals is held prior to the expiration of the forty-five (45) day period, the Zoning Board of Appeals shall continue the public hearing to permit the formal submission of the site plan report within the forty-five (45) day period. Where the Planning Board approves a site plan with conditions, and said site plan accompanies a special permit application to the Board of Appeals, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit by the Board of Appeals.

#### E. Coordination with other boards.

- (1) The Planning Board shall transmit a copy of the application and plan to the Board of Selectmen, Board of Health, Building Inspector, Commission on the Handicapped, Conservation Commission, Electric Light Department, Fire Chief, Highway Surveyor, Historic District Commission, Police Chief, Water Commissioners and Sewer Commissioners for their written recommendations. Failure to respond to the Planning Board within fourteen (14) days shall indicate approval by said agencies.

The Planning Board shall explain any departure from the recommendations of the other town agencies in its decision.

- (2) Where applicable, applicants shall submit necessary documents to the Historic District Commission so that the Planning Board and said Commission may coordinate, to the extent feasible, a joint review of the site plan. Where applicable, applicants shall submit copies of the site plan to the Board of Selectmen pursuant to § 218-24B, Promotion of harmonious development, so that the Planning Board and the Selectmen may coordinate, to the extent feasible, review of the site plan. Where an applicant has requested an extension of time for the consideration of a site plan and where said site plan accompanies a special permit application to the Zoning Board of Appeals, the request for extension of time shall be submitted to both the Planning Board and the Zoning Board of Appeals.

F. Presubmission review. Prior to investing in extensive professional design efforts for site plans, it will often prove useful to review the proposed use of land with the Planning Board, in order that general approaches and potential problems can be freely explored. Pencil sketches, which need not be professionally prepared, will assist the discussion and might show some but not all of the information shown on a site plan. At this review, the Board may vote to waive the applicant's need to submit an application for site plan review under these provisions (§ 218-25) or may waive certain submission requirements. Regardless of whether waivers are to be sought by the applicant, the presubmission review is strongly encouraged since it will provide the applicant with important guidance prior to the commencement of the site plan review process.

G. Submission requirements.

- (1) Level I. A site plan shall be submitted that accurately and in detail acceptable to the Planning Board shows all relevant site conditions. Dimensions and scales shall be adequate to determine that all requirements are met. The plan may be prepared by the applicant, however, the Planning Board may require the submission of information prepared by a registered professional if the Board determines that the specific conditions require such information. Such determination shall require a quorum present and a motion carried by a majority of those Board members present. Plans shall show the following, unless waived by the Board:

- (a) Boundary line information pertaining to the land sufficient to permit location of same on ground.
- (b) Dimensions and locations of all existing and proposed structures.
- (c) General description of the existing topography, including any proposed grading changes.
- (d) Parking, loading areas, access and egress provisions.
- (e) Storm drainage, including direction of flow and means of ultimate disposal.
- (f) Provisions for and locations of private or public sewer and water supply, including fire protection measures.
- (g) Location of all utilities, signage, lighting, outdoor storage and trash disposal areas.
- (h) Existing and proposed planting, landscaping and screening.

- (i) All areas subject to protection under the Wetlands Protection Act, MGL C. 131, §40, within one hundred (100) feet of any proposed construction. All easements, restrictions and covenants.
  - (j) Compliance with all applicable provisions of this chapter, including copies of any variances or special permits running with the property.
- (2) Level II. Level II site plans are subject to all submittal requirements of Level I projects and are also subject to the following requirements:
- (a) Plans shall be prepared by a registered architect, landscape architect, engineer or land surveyor unless the Planning Board determines that this requirement may be waived because of unusually simple circumstances.
  - (b) All plans shall be submitted on twenty-four inch-by-thirty-six inch sheets and shall have a minimum scale of one (1) inch equals forty (40) feet. A locus plan shall be provided at a scale of one (1) inch equals two hundred (200) feet and shall show all structures, streets, bodies of water, floodplain elevations, landscape features, historic sites, and environmental resources within the parcel and within three hundred (300) feet of the parcel. All applicable zoning or overlay districts shall be depicted on the locus plan.
  - (c) Existing and proposed topography contour lines shall be delineated at two (2) foot intervals.
  - (d) Calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended.
  - (e) An assessment of traffic impacts and safety conditions. The Planning Board may require that such assessment be carried out by a traffic engineer. An applicant may request a determination by the Planning Board during a presubmission review (Subsection F) of the necessity for a traffic study and the required scope of such a study.
  - (f) A landscaping plan shall be prepared by a Registered Landscape Architect that shows the location of plantings around the perimeter of the building, any buffer landscaping between parcels, and landscaping of the parking area.
  - (g) The Planning Board may, at its discretion, require the preparation and submission of a development impact report that may include, but not be limited to analysis of the impacts of the proposed project on the environment (i.e. wetlands, water resources, open space), and infrastructure and services (i.e. roadways, waste water, schools).
  - (h) The Planning Board may, at its discretion, require the preparation and submission of a scale model prepared by a Registered Architect or Landscape Architect.

H. Decisions. Site plan approval shall be granted upon a determination by the Planning Board that the following requirements have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure compliance with these requirements. The Planning Board may deny approval of a site plan only on the grounds that

the documents required under this § 218-25 have not been submitted or were not submitted at the appropriate time, that the applicable provisions of Chapter 340, Fees, or Subsection K below have not been complied with, or that the project proposed pursuant to the site plan may be so intrusive on the needs of the public that no reasonable conditions can be required that would mitigate the impacts. The following criteria shall be met in order for the Planning Board to approve the site plan or approve the site plan with conditions.

- (1) Site plans shall be designed so that new building construction and other site alteration, after considering the qualities of the specific location, the environmental resources, the proposed land use, the design of building form, grading, access and egress points and other aspects of the development, shall:
  - (a) Preserve trees twelve (12) inches caliper or larger unless it can be demonstrated that such removal is necessary for the location of structures, roads, driveways, and utilities, and it can be further demonstrated that there were no alternatives to said removal (see also § 198-11 of the Code of the Town of Groton, Full land disturbance permit).
  - (b) Provide for landscaping around the perimeter of all structures and the parcel as a whole, including parking areas, to the satisfaction of the Planning Board.
  - (c) Meet the requirements of § 198 of the Code of the Town of Groton relating to soil erosion and sedimentation control, including any land disturbance activities.
  - (d) Integrate the development into the existing terrain and surrounding landscape and protect abutting properties and community amenities. Project sites shall be buffered from adjacent uses if required by the Board, preferably with a natural landscaped buffer. Impacts to hilltops and steep slopes shall be minimized in accordance with § 218-30.2, Hilltop and slope overlay district, if applicable. Obstruction of scenic views from publicly accessible locations shall be minimized. Unique historic and cultural amenities, and stone walls shall be preserved to the greatest extent possible.
  - (e) *Allow no net increase in the rate or volume of stormwater runoff from the 100-year storm event across the boundaries of the site unless provisions have been made to tie into public storm drains with the approval of the appropriate authority and the Planning Board has determined that all reasonable provisions have been made to minimize any changes to runoff from the site. Compliance with all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, shall be demonstrated.*
  - (f) Maximize pedestrian and vehicular convenience and safety both within the site and in relation to adjacent ways. Internal and external traffic circulation, and pedestrian and bicycle access shall be provided to the satisfaction of the Board. Potential traffic impacts shall be mitigated as prescribed by the Board including, but not limited to, measures designed to reduce automobile trip generation, especially on roadways with demonstrated deficiencies in capacity.



- (g) Minimize the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned.
  - (h) Minimize glare from headlights through plantings or other screening. Minimize lighting intrusion on to other properties and public ways with proper arrangement and shielding, while providing for security and public safety.
  - (i) Noise levels shall not exceed dB standards established in the Site Plan Review Regulations.
  - (j) Minimize lighting intrusion on to other properties and public ways with proper arrangement and shielding, while providing for security and public safety.
  - (k) Minimize departure from the character and scale of building in the vicinity, as viewed from public ways. Architectural style shall be in harmony with the prevailing character of the neighborhood to the maximum extent feasible as required in § 218-24B Promotion of Harmonious Development.
  - (l) Prevent contamination of groundwater from on-site wastewater disposal systems (must meet requirements of Title 5 of the State Environmental Code (310 CMR 15.000 et seq.) and applicable Board of Health regulations, as they may be amended). Contamination also shall be prevented from operations on the premises involving the use, storage, handling, transport or containment of toxic or hazardous substances as defined in § 218-30B and regulations of the Department of Environmental Protection and the U. S. Environmental Protection Agency, as they may be amended.
  - (m) Demonstrate that an adequate water supply is available and that there shall be no significant impact to groundwater levels. Groundwater recharge shall be provided for throughout the development and impervious surfaces shall be kept to a minimum.
  - (n) Demonstrate that there shall be no excessive demands on local infrastructure and the ability of the Town to provide services to the development.
- (2) Any new building construction or other site alteration shall be designed so as to provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the requirements of the site plan review regulations.
- (2) Three copies of the site plan approved by the Planning Board shall be submitted to the Board for endorsement. No building permit shall be issued and construction shall not commence prior to endorsement of the approved site plan. One copy of the endorsed plan shall be transmitted to the Building Inspector by the Planning Board.
- I. Performance Bond. The Planning Board shall be authorized to require that an applicant post a performance bond, or any other form of surety acceptable to the Board, as part of the site plan review application process. The Planning Board may specify this requirement in regulations written pursuant to Subsection K below.
- J. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good

cause, be extended in writing by the Planning Board upon the written request of the applicant.

K. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these site plan requirements.

L. Consultant review fees. The Planning Board shall be authorized to impose reasonable fees for the employment of outside consultants in accordance with the requirements and provisions of MGL c. 44 § 53G. Every application for site plan approval shall be accompanied by the fee specified in Chapter 340, Fees.

Planning Board Chairman Richard Curtis reported that the Board voted unanimously to recommend the adoption of Article 46, which will strengthen the site plan review requirements that apply to non-residential development.

**Article 46 carried unanimously.**

**ARTICLE 47:** Moved and seconded that the Town vote to amend Chapter 218 of the Code of the Town of Groton to establish a new zoning district entitled, "P Public Use," and insert a new item "(3) P Public Use" in §218-8. D, and adopt the new Schedule of Use Regulations on file in the Office of the Town Clerk, as printed in the warrant. (as follows)

***Amendment to § 218-13 Schedule of Use Regulations***

(as adopted on May 14, 2001)

USE	R-A	R-B	B-1	M-1	C	O	P
<b>Public, Semi-public and Institutional:</b>							
Church, parish house, religious or denominational school, not conducted for profit	Y	Y	Y	Y	Y	Y	Y
Public schools, museums, libraries and parks, playgrounds, conservation areas, water supply areas or land owned and operated for the public enjoyment or service by a public or semipublic agency	Y	Y	Y	Y	Y	Y	Y
Private golf courses, not including miniature golf	SP	N	SP	N	SP	N	N
Community clubs	N	N	SP	N	N	N	SP
Private schools and camps of educational and charitable institutions in accordance with a site plan as provided in § 218-25	SP	SP	SP	SP	SP	SP	SP
Private educational facilities engaged in research	SP	SP	SP	SP	SP	SP	SP
Recreation, including play areas, nature study, skating, boating, fishing and hunting where otherwise legally permitted	Y	Y	Y	N	SP	Y	Y
Buildings in municipal use	SP	SP	Y	N	N	N	Y
<i>Facilities for servicing and fueling municipal vehicles and equipment</i>	N	N	N	N	N	N	Y
Telephone, telegraph, power and gas transmission and radio-television broadcasting facilities	SP	SP	Y	Y	N	N	Y
Underground gas and utility transmission	Y	Y	Y	Y	SP	Y	Y
Hospital, clinic, sanitarium or nursing home, in accordance with a site plan as provided in § 218-25	SP	SP	SP	N	N	N	SP
Use of land for a public utility	SP	SP	SP	SP	N	N	Y
Cemetery	SP	SP	N	N	N	Y	Y
Personal wireless services facility	PB	PB	PB	PB	N	N	PB
	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>	<b>P</b>

<b>USE</b>								
<b>Agricultural, Floricultural and Horticultural:</b>								
Gardens; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; and greenhouse nursery and similar activities in the field of agriculture	Y	Y	Y	Y	Y	Y	Y	Y
The raising or keeping of horses, goats, sheep, cattle and not over 15 pigs or poultry or maintenance of dog kennels or riding stables	Y	Y	Y	Y	SP	SP		Y
Grazing and farming, including truck gardening and harvesting of crops	Y	Y	Y	Y	Y	Y		Y
Forestry	Y	Y	Y	Y	Y	Y		Y
Nonresidential buildings <sup>3</sup> and structures such as:								
A. Barns or stables for breeding, boarding, hiring or sale of animals	SP	SP	SP	SP	N	N		SP
B. Barns, stables or other farm buildings for the shelter of animals and for the storage of crops raised on the premises	Y	Y	Y	Y	N	N		Y
C. Boathouses, duckwalls and landings	Y	Y	Y	Y	SP	N		Y
Conservation of water, plants, and wildlife	Y	Y	Y	Y	Y	Y		Y
Roadside stand for the sale of principally local farm produce raised in the town, set back at least 50 feet from the street line, and provided that space for customers' cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto any public or traveled way	SP	SP	SP	SP	N	SP		SP
<i>Signs in accordance with Chapter 196</i>	Y	Y	Y	Y	Y	Y		Y
<b>USE</b>	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>		<b>P</b>
<b>Residential:</b>								
Single-family detached dwelling	Y	Y	Y	N	N	N		N
Single-family detached dwelling on a Hammerhead Lot	PB	PB	PB	N	N	N		N
Single-family detached dwelling for a watchman or caretaker and his family employed upon the premises of an industrial concern	N	N	N	Y	N	N		SP
Conversion of a seasonal residence to a year-round residence	SP	SP	SP	N	N	N		N
Conversion of a single family dwelling existing at the time of adoption of this chapter into a two-family dwelling, provided that its external appearance is not significantly different from a single family dwelling	Y	Y	Y	N	N	N		N
Two-family detached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	N	N	N		N
Multifamily use, as allowed by the provisions of § 218-27A Dwelling Conversion	SP	SP	SP	N	N	N		N
Multifamily use, as allowed by the provisions of § 218-27B Subsidized Elderly Housing	SP	SP	SP	N	N	N		SP

Multifamily use, as allowed by the provisions of § 218-27C Planned Multifamily Residential Development	PB	PB	PB	N	N	N	N
The taking of more than four lodgers	SP	SP	SP	N	N	N	N
Rooming or boarding house with not over four lodgers	Y	Y	Y	N	N	N	N
Flexible development or cluster development as allowed under the provisions of § 218-26	PB	N	N	N	N	N	N
Major residential development	PB <sup>1</sup>	PB <sup>1</sup>	PB <sup>1</sup>	N	N	N	N
<b>USE</b>	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>	<b>P</b>
<b>Business:</b>							
For restrictions on the following uses, see § 218-4 (“major projects” and “concept plan” definitions) and § 218-18 Special Use Considerations in R-B, B-1 and M-1 Districts							
Retail store or service establishment	N	N	Y	N	N	N	N
Business or professional office building or bank	N	SP	Y	N <sup>2</sup>	N	N	N
Restaurant or other place for serving food	N	SP	Y	N <sup>3</sup>	N	N	N
Restaurants with drive-through food and beverage service windows	N	N	N	N	N	N	N
Commercial greenhouse	SP	SP	Y	Y	Y	Y	N
Commercial gasoline service station, provided that repairs shall be limited to minor changes and adjustments, that gasoline pumps and equipment shall be so located that vehicles to be serviced are entirely upon the service station lot and that not more than one unregistered vehicle shall be parked outside overnight	N	N	SP	N	N	N	N
Rail or bus stations or bus terminal	N	N	SP	SP	N	N	N
Commuter parking area	N	N	PB	PB	N	N	PB
Funeral home	N	SP	SP	N	N	N	N
Craft shop, provided that no more than five (5) persons are employed	N	Y	Y	Y	N	N	N
Commercial amusement enterprises such as bowling, theater, miniature golf, skating and similar enterprises	N	N	SP	N	N	N	N
Motel, hotel or inn	N	N	SP	N	N	N	N
Commercial repair shop for automobiles, appliances, or other light equipment	N	N	SP	N	N	N	N
<b>USE</b>	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>	<b>P</b>
<b>Business (con’t):</b>							
Automobile salesroom	N	N	SP	N	N	N	N
Wholesale establishment, the principal activities of which shall be the preparation, storage, transfer or distribution of goods (such as building materials and automobile parts)	N	N	SP	SP	N	N	N
Outdoor storage of fuel supplies and fuel products under the appropriate conditions for screening where such areas adjoin a residential district	N	N	SP	SP	N	N	Y
Parking area or garage for use of employees, customers or visitors under the conditions specified in §§ 218-5 and 218-25	N	SP	Y	Y	N	N	Y
Commercial radio and television towers	N	N	<u>PB</u>	<u>PB</u>	N	N	<u>PB</u>

Commercial airport	N	N	N	N	N	N	N
Noncommercial landing fields	SP	N	SP	SP	N	N	SP
Heliport	SP	N	SP	SP	N	N	SP
Recreation and amusement enterprises, such as rental of saddle horses, boats, and/or canoes; sale of bait; golf ranges, pony rides, ski-tow and similar activities; and temporary circus or carnival, under appropriate arrangements for off-street parking and other safeguards for neighboring residential uses, but not including any permanent structures in an O District	SP	SP	SP	N	SP	N	SP
Temporary outdoor storage of materials or equipment	SP	SP	SP	SP	SP	SP	SP
Automatic teller machines, whether the principal or accessory use	N	N	SP	SP	N	N	SP
<b>USE</b>	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>	<b>P</b>
<b>Manufacturing:</b>							
For restrictions on the following uses, see § 218-4 (“major project” and “concept plan” definitions) and § 218-18 Special use considerations in R-B, B-1, and M-1 Districts							
Research laboratories with incidental processing or pilot manufacture	N	N	SP	SP	N	N	N
Manufacturing enterprises	N	N	N	Y	N	N	N
<b>Accessory (see § 218-16):</b>							
Home occupation, as regulated under § 218-16B							
Uses customarily incidental to any principal use on the same premises, and including but not limited to private garages and to activities associated with agriculture, such as barns, stables, and other farm buildings, provided that no building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line <sup>4</sup>	Y	Y	Y	Y	N	N	Y
<b>Miscellaneous:</b>							
Removal of soil, loam, sand and other earth material	N	N	<u>5</u>	<u>5</u>	N	N	<u>5</u>
Driveway or road, provided that there will be adequate drainage and that such driveway or road will not interfere adversely with the natural flow of water in the area (Driveway curb cuts are subject to permits issued by the Board of Selectmen in accordance with § 180-3)	Y	Y	Y	Y	SP	SP	Y

<sup>4</sup> Editors Note: Former accessory use “signs of display advertising goods or services available on the lot,” which immediately followed this use, was repealed 10-15-1990 STM, Article 10

<sup>5</sup> The removal of soil, loam, sand, or other earth material is subject to permits issued by the Board of Selectmen in accordance with the provisions of Chapter 134, Earth Removal

Planning Board Member Carolyn Perkins reported that the Board voted unanimously to recommend the adoption of Article 47 which will establish a new district for publicly- owned land and municipal facilities.

**Article 47 carried unanimously.**

**ARTICLE 48:** Moved and seconded that the Town vote to amend Chapter 218 of the Code of the Town of Groton by rezoning the parcels of land described in the warrant, and as shown on the map entitled, “Composite Map of Groton Massachusetts, Proposed Rezoning to P – Public Use District”, dated March 27, 2001, on file in the Office of the Town Clerk. (as follows)

1. Rezone the following parcels from “O” Official Open Space District to “P” Public Use:

**Property Location Old Map/Parcel New Map/Parcel**

Fairgrounds Jenkins Road I-40, I-41, I-42 217-79

Center Fire Station Station Avenue O-141 113-59  
Lost Lake Fire Station Lost Lake Drive Q-1N1 125-83  
Groton Dunstable Schools Main Street J-46A, J-44B 110-42, 110-43  
Highway Garage/ Cow Pond Brook Rd L-40 248-41

Transfer Station

Lawrence Playground Broadmeadow Road O-227 113-23  
Prescott School Main Street O-158 113-43  
Public Library Main Street O-233, O-234 113-17, 113-18  
Sewer Pumping Station Nod Road I-67O, I-65C 216-70  
Tarbell School Pepperell Road M-50 102-44  
Town Hall Main Street O-143 113-61

2. Rezone the following parcels from “R-A” Residential-Agricultural to “P” Public Use:

**Property Location Old Map/Parcel New Map/Parcel**

Baddacook Well Lowell Road K-43 126-8  
Boutwell School Hollis Street O-76 112-109  
West Groton Fire Station West Main Street M-132A 101-5  
GELD Substation Lowell Road P-25 233-99  
Highway Garage/ Cow Pond Brook Rd L-40 248-41  
Transfer Station/Dog Pound  
Public Safety Building Pleasant Street O-89A 109-3  
Senior Center West Main Street M-100B1 106-38  
Squannacook Hall West Main Street M-106 101-22  
Water Department Reservoir Gibbet Hill O-203 224-20  
West Groton Water District Townsend Road H-59, H-62 206-6, 206-10  
West Groton Water District Townsend Road H-53A 206-11  
West Groton Water District Kemp Street H-48 206-55  
Whitney Well Lowell Road Q-13, Q13C 250-95, 250-96

Planning Board Member Carolyn Perkins reported that the Board voted unanimously to recommend the rezoning of parcels in Article 48 as sponsored by the Board of Selectmen. The parcels to be rezoned all have existing municipal facilities such as Town Hall, the police station, fire stations, schools, the library, transfer station, and highway garage.

**Article 48 carried unanimously.**

**ARTICLE 49:** Moved and seconded that the Town vote to authorize the Board of Selectmen to acquire, by eminent domain under the provisions of Chapter 79 of the General Laws and any other enabling authority, the property located on Route 225 adjacent to the West Groton Mill and shown on Assessors' Map 101 as Parcel 13, and currently owned by Groton Land Holdings, and to amend the vote taken under Article 12 of the April 24, 2000 Annual Town Meeting, which appropriated \$5,000 for the purchase of said property, to authorize the expenditure of such appropriation for an acquisition by eminent domain.

Mr. Canner made an amendment to read as follows: *that the use of said parcel, shown on Assessors Map 101 as parcel 13 be limited to that of a Town park landscaped and maintained for passive recreational use, to serve in perpetuity as an aesthetic gateway to Groton.*

Mr. Blood and Mr. Lyman felt that there should be parking at that site. Mrs. Millet wanted to see the amendment adjusted to include parking. Mr. Cunningham suggested that this amendment be turned down because it was already voted upon in a previous meeting to create a park there. Ms. Blackman supported the idea that Mr. Canner wished to have the commitment in writing that there will be a park.

Mr. Canner amended his amendment to read: *that the use of said parcel, shown on Assessors Map 101 as parcel 13 be limited to that of a Town park, with some parking, landscaped and maintained for passive recreational use, to serve as an aesthetic gateway to Groton.*

Mrs. Allen moved the question.

**The question was moved unanimously.**

**The amendment carried by majority.**

**Article 49, as amended, carried unanimously.**

**ARTICLE 50:** Moved and seconded that the Town vote to allow the payment by the Town of more than fifty percent (50%) of the premium for group health and life insurance for retired employees in accordance with the provisions of Massachusetts General Laws Chapter 32B § 9E. The Finance Committee voted to support. Mr. Hartnett urged the voters to support this.

**Article 50 carried by majority.**

**ARTICLE 51:** Moved and seconded that the Town vote to amend §196 Signs, of the Code of the Town of Groton, the text of which is shown on the handout distributed to the Meeting.

By striking out §196-12-B, Exemptions, which reads as follows:

B. All signs located in the Historic District must comply with the provisions of the Groton Sign Bylaw unless specifically exempted by a Certificate of Appropriateness from the Historic District Commission. Where provisions of the Groton Sign Bylaw are at variance with Historic District Commission requirements, the Historic District Commission requirements shall prevail.

And inserting a new section §196 -16 Historic District Signs, which reads as follows:

A. All signs located in the Groton Historic District must comply with all provisions of the Groton Sign Bylaw unless specifically exempted by a Certificate of Appropriateness from the Groton Historic District Commission. The Historic District Commission may allow a different configuration but no greater sign area than is

B. permitted outside the District, unless there is a documented historic precedent specific to the site or building.

B. Sign Sizes

1. Freestanding signs in residential/agricultural-zoned areas of the Historic District will be no larger than six (6) square feet.

2. Freestanding signs in business-zoned areas of the Historic District will be no larger than twenty (20) square feet. Multi-occupancy business buildings in business-zoned sections may have one (1) freestanding sign with a signboard for each tenant or separate freestanding signs for each tenant. Total sign area for either configuration will not total more than twenty (20) square feet.

3. Strip mall style buildings in business-zoned sections of the Historic District may have one wall-mounted sign for each tenant no larger than twenty (20) square feet.

C. Current signs that do not conform to this section of the Bylaw will be allowed to remain.

Signs for new businesses must comply with all sections of the Sign Bylaw.

**Article 51 carried by majority.**

**ARTICLE 52:** Moved and seconded that the Town vote to accept as public ways the following private ways as laid out by the Board of Selectmen, copies of the layout plans for which are on file in the office of the Town Clerk, and as described in the warrant:

Kaileys Way

Riverbend Drive

Wintergreen Lane

Hickory Drive

**Article 52 carried by majority.**

**ARTICLE 53:** Moved and seconded that the Town vote to raise and \$ 75,000 for the Reserve Fund.

**Article 53 carried unanimously.**

**ARTICLE 54:** Moved and seconded that the Town vote to raise and appropriate \$191,816 to be added to the sum already on deposit in the Town Stabilization Fund.

The Finance Committee supported this article as did the Board of Assessors.

**Article 54 carried unanimously.**

**ARTICLE 55:** Moved and seconded that the Town vote to transfer \$445,736 from the Excess and Deficiency Fund (free cash) for the purpose of affecting the tax rate for the period beginning July 1, 2001 and ending June 30, 2002.

The Finance Committee and Board of Assessors supported.

**Article 55 carried unanimously.**

**ARTICLE 56:** Moved and seconded that the Town vote to rezone from R-A, Residential/Agricultural to B-1, Business the property situated at 3 Boston Road, Groton, MA which is shown on Assessor's Map O as Parcel 282B, and is comprised of approximately 39,652 square feet with 270.56 feet of frontage on Boston Road, all as is described in a deed to Peterborough Oil, Inc., recorded with the Middlesex County Registry of Deeds, South District, in Book 12851 at Page 204.

**Article 56 was indefinitely postponed.**

The Moderator entertained a motion (seconded) to dissolve the Annual Town Meeting.

**Carried unanimously.**

The Annual Town Meeting was dissolved at 10:12pm.

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<sup>2</sup> No building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line

<sup>4</sup> Except "Y" if lot area and frontage are both at least 50% greater than that otherwise required under § 218-20 or other provisions of this by-law.

<sup>2</sup> Bank to be "N" unless at least 50,000 square feet nonresidential floor area exists within 2,000 feet of the proposed building

<sup>2</sup> "N" unless at least 50,000 square feet nonresidential floor area exists within 2,000 feet of the proposed building

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<sup>4</sup> Editors Note: Former accessory use "signs of display advertising goods or services available on the lot," which immediately followed this use, was repealed 10-15-1990 STM, Article 10

<sup>2</sup> The removal of soil, loam, sand, or other earth material is subject to permits issued by the Board of Selectmen in accordance with the provisions of Chapter 134, Earth Removal