

**MINUTES  
ANNUAL TOWN MEETING  
APRIL 28, 2003**

The Annual Town Meeting was called to order at 7:38 by Moderator Robert Gosselin. Although there was no quorum requirement, there were 319 voters in attendance. The Moderator entertained a motion to waive the reading of the warrant. It was moved and seconded. The motion carried unanimously. Town Clerk Bonnie Biocchi led the meeting in singing America the Beautiful and Mr. Belitsky led the auditorium in the Pledge of Allegiance.

Proclamations were awarded to Steve Hahn, headmaster of Lawrence Academy, and William Polk, headmaster of the Groton School, who are both retiring this year. Representative Hargraves offered a citation on behalf of the House of Representatives to both gentlemen. Rep. Hargraves went on to present a Proclamation to Bob Gosselin for his thirty years of service as Town Moderator. Mr. Gosselin received a standing ovation.

Dr. Mary Jennings, Superintendent of Schools, presented proclamations to both Mr. Hahn, and Mr. Polk.

Selectman Hartnett wished to publicly thank Steve Morlock, Steve Webber and the Web Site Committee for all the hard work and volunteer hours they have invested in the development of the town website.

The Moderator announced that upon completion of articles 1-7, Mr. Webber will be asking the meeting to advance for consideration article 31. Mr. Degen will advance for consideration articles 21, 22, and 23.

Mr. Fitch made a motion to limit debate to 3 minutes per speaker except for principle proponents and opponents who may be indulged for 20 minutes. The motion passed by a 2/3 majority, as called by the Moderator.

**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. Prendergast reported that the new High School project is on time and under budget.

**Article 1 carried unanimously.**

**ARTICLE 2:** Moved and seconded that the Town vote to authorize the Board of Selectmen to apply for Federal and State Grants for which the Town is or may be eligible and to expend the funds received thereunder.

**Article 2 carried unanimously.**

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

Selectmen \$1,200. Town Clerk \$48,409.

Board of Selectmen, Chrm. 1,350 Town Moderator 65

Assessors 1,100 Highway Surveyor 55,196.

Board of Assessors, Chrm. 1,250 Tree Warden 1,311.

For the ensuing year.

Mr. Fitzgerald made a motion, which was seconded, to amend the salaries of the Town Clerk and Highway Surveyor. His intent was to remove the Cost Of Living Adjustment (COLA) of 2% for the salaries of these elected officials. Finance Committee chair, Garrett Boles recommended against supporting the amendment. Mr. Miller spoke against the amendment. Ms. Fucillo spoke against the amendment. She urged the meeting to support the COLA for the two elected officials. **The amendment was defeated.**

**Article 3: Carried by majority.**

**ARTICLE 4:** Moved and seconded that the Town vote to amend the Personnel By-Law Wage and Classification Schedule for the period July 1, 2003-Dec. 31, 2003 and for the period January 1, 2004-June 30, 2004 as set forth in the Schedules in the April 28, 2003 Annual Town Meeting Warrant, Summary, and Recommendation document. (see attached document).

Moved and seconded that the Town vote to amend the Personnel By-Law Wage and Classification Schedule for the period July 1, 2003-Dec. 31, 2003 by adding the position of Treasurer/Tax Collector as Grade 14.

Joan Hutchinson, on behalf of the Personnel Board explained the wage and classification schedule and its implementation. She spoke about how below average Groton's workers were paid and that they should be brought up-to-date.

Mr. Fitzgerald made a motion, which was seconded, to delete the 2% COLA. Mr. Todd Hutchinson spoke on behalf of the Finance Committee and stated that the 2% COLA was preferable to some members over the entire wage and classification plan. Kevin McElearney spoke in favor of the amendment. Mr. Searle stated that in 1999 when the Bennett study was completed, a commitment was made to perform a salary study every two years. He spoke in favor of the wage and classification plan. Mr. McNierney spoke in favor of the wage and classification plan. Steve Boczenowski spoke on behalf of the Finance Committee who voted to support the plan. Selectman Chamberlin spoke in favor.

Mr. Miller moved the question. The question was moved by a 2/3 majority as called by the Moderator. **The motion to amend was defeated.**

Mr. Lyman spoke regarding the phasing in of the wage and classification plan. He moved to amend the main motion under article 4 by eliminating the Personnel Bylaw Wage and Classification Schedule "Fiscal 2004 (July 2003)" as printed in the warrant and changing the Personnel Bylaw Wage and Classification Schedule "Fiscal 2004 (January 2004) as printed in the warrant to read "Fiscal 2004 (July 2003). The Finance Committee thought that would put a strain on the budget as the money was not allotted for it.

Mr. Miller moved the question. The question was moved unanimously. **The amendment was defeated.**

**Article 4 carried by majority.**

**ARTICLE 5:** Moved and seconded that the Town vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the Town of Townsend for the purpose of providing Advanced Life Support (ALS) ambulance service.

**Article 5 carried by majority.**

At 9 pm there were 638 voters in attendance.

**ARTICLE 6:**

Mr. Boles made a presentation regarding the financial status of the town and the budget.

Mr. Maloomian, a former member of the Finance Committee, urged the meeting to vote down the budget.

Mr. Maloomian made a motion that the FY04 Finance Committee budget be sent back to the Finance Committee for a complete review and resubmission to an adjourned session of the 2003 Annual Town Meeting.

Mr. Wilson spoke in favor of supporting the budget as prepared. He stated that many hours of thought and work had gone into the preparation of this budget. Mr. Cunningham spoke against Mr. Maloomian's motion. Mr. Boles spoke adamantly in opposition to Mr. Maloomian's amendment. Mr. Delaney spoke against the proposal to "cut" the front end loader and "tinker" with his budget. Ms. Mendall spoke in opposition to the motion. Mr. Browne spoke seeking a way to contain the budget. He supported the motion. Mr. Lyman stated that we have "an excellent public school system, that the cuts in state aid are real and that unfunded mandates are real." He stated that the "pain" should be evenly distributed.

Mr. Miller spoke in support of the school override. Julie Alwick spoke against the motion. There was considerable debate before Mrs. Pine moved the question. The question was moved, as declared by the Moderator

**The motion was defeated.**

### **1) GENERAL GOVERNMENT**

Moved and seconded that the Town vote to appropriate from Conservation Fees Receipts Reserved the sum of \$15,000 to the Conservation Commission and to raise and appropriate the sum of \$1,393,772 for a total of \$1,408,372 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 by majority.**

### **2) PROTECTION OF PERSONS AND PROPERTY**

Moved and seconded that the Town vote to appropriate from Emergency Medical Services Receipts Reserved the sum of \$50,000 to Emergency Medical Services and to raise and appropriate the sum of \$2,274,330 for a total of \$2,324,330 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 \$19,596,649 for Schools as represented by Lines 3000 through 3035 in the budget, exclusive of line 3034 Additional Groton Dunstable Regional School District Additional Expenses: Tier 1 Override, and line 3035 Additional Groton Dunstable Regional School District Additional Expenses: Tier 1 Override, Lines 3000 and 3010 to be considered together a single, separate appropriation for the purposes voted, and lines 3020, 3021, 3022, 3023 and 3030 to be considered together a single, separate appropriation for the purposes voted, provided, however, that the amounts in lines 3010, 3023 and 3030 shall be appropriated only to the extent received by the Town from the Commonwealth.

A motion was made and seconded to amend line item 3000 entitled operating expenses of Nashoba Valley Technical High School District by striking FY04 Finance Committee recommendation of \$343,891 and inserting \$406,416.

Mr. Boczenowski spoke against the amendment. Superintendent Judy Kliemewicz spoke in favor of the amendment.

Tellers were called and sworn as follows:

Joelle Graham Georgess McHargue

Melanie Hubbard Constance Sartini

Robert Johnson

Teller affirmed:

Andrew Searle.

**The motion to amend carried 345 in favor, 177 opposed.**

An amendment was made by Steve Boczenowski to correct the language in the main motion to reflect Tier 1 and Tier 2 to read as Tier 1a and Tier 1b.

**The amendment carried.**

Moved and seconded, in addition to the amounts voted under Lines 3000 through 3030 in the budget, the Town vote to raise and appropriate the sum of \$1,476,323, as shown in Line 3034, Additional Expenses: Tier 1A, Override, to pay the assessment of the Groton-Dunstable Regional School District for the ensuing year, provided, however, that this appropriation shall be contingent upon a favorable Proposition 2 ½ override vote at an election, under Massachusetts General Laws Chapter 59, Section 21C, clause (g).

Moved and seconded in addition to the amounts voted under Lines 3000 through 3030 in the budget, the Town vote to raise and appropriate the sum of \$1,004,427, as shown in Line 3035, Additional Expenses: Tier 1B, Override, to pay the assessment of the Groton Dunstable Regional School District for the ensuing year, provided, however, that this appropriation shall be contingent upon a favorable Proposition 2½ override vote at an election, under Massachusetts General Laws Chapter 59, Section 21C, clause (g).

Superintendent Jennings made a motion to postpone the discussion of article 6.3 until the adjourned session on May 5<sup>th</sup>.

**Carried by majority.**

**4) HIGHWAY AND HEALTH**

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,324,646 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 \$814,546 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 \$1,712,574 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 by majority.**

**7) EMPLOYEE BENEFITS**

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,418,691 for Employee Benefits as represented by lines 7000 through 7041 in the budget; each line item to be considered as a separate appropriation for the purposes voted.

A motion was made by to amend line item 7040 by striking the number \$817,000 and replacing it with the figure \$610,635. A lengthy discussion ensued regarding equity and the legality of such a measure.

Mr. Fisher moved the question. The question was moved unanimously.

**The amendment was defeated.**

**Carried by majority.**

A motion was made and seconded by Mrs. Pine to adjourn until Monday, May 5<sup>th</sup> at 7:30 pm.

**Carried by majority.**

The adjourned session of the Annual Town Meeting was called to order by Moderator Robert S. Gosselin at 7:30 pm. There was no quorum requirement but there were 223 voters in the auditorium at that time. The chair entertained a motion, which was seconded, to advance for consideration articles 21, 22 and 23.

**The motion carried unanimously.**

**ARTICLE 21:** Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by deleting existing section 218-30, Water Resource Protection Overlay District in its entirety, and substituting therefor a new section 218-30, Water Resource Protection Overlay District, the text of which is on file in the Office of the Town Clerk. (As follows)

**SECTION 218-30**

**Water Resource Protection Overlay Districts**

**A. Purpose.** The purpose of the Water Resource Protection Districts is:

1. to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses;
2. to preserve and protect existing and potential sources of drinking water supplies;
3. to conserve the natural resources of the Town; and
4. to prevent temporary and permanent contamination of the environment.

**B. Authority.** The Water Resource Protection Districts are created pursuant to authority provided by G.L. c. 40A and the Home Rule Amendment, Article 89 of the Amendments to the Constitution of the Commonwealth.

**C. Definitions.** For the purposes of this Section, the following words and phrases shall be defined as follows. References to statutes and regulations shall be deemed a reference to such laws and regulations as of the effective date of this section.:

**Aquifer** - Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

**Automobile graveyard and junkyard** - An establishment or place of business which is used, maintained, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, as defined in G.L. c. 140B, s. 1.

**Commercial fertilizers** - Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, as defined in G.L. c. 128, s. 64.

**De-icing chemicals** - Sodium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.

**Earth Removal** - The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

**Hazardous Material** - Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under G.L. c. 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

**Impervious surface** - Material or structure on, above, or below the ground that does not allow precipitation to penetrate directly into the soil.

**Landfill and open dump** - A facility or part of a facility for solid waste disposal (excluding transfer facilities) established in accordance with the provisions of 310 CMR 19.006.

**Recharge Areas** - Areas that collect precipitation or surface water and carry it to aquifers.

**Sanitary Wastewater** - Any water-carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers, or any other source.

**Soil conditioner** - Any manipulated substance or mixture of substances whose primary function is to modify the physical structure of soils so as to favorably influence plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, as defined in G.L. c. 128, s. 64.

**Storage or landfilling of sludge and septage** - Use of land to store sludge or septage as those terms are defined in 310 CMR 32.00.

**Wastewater treatment works** - Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, all as defined and regulated by 314 CMR 5.00.

**Water Resource Protection District I (WRPD I)** - The protective radius required around a public water supply well or wellfield, as set forth in 310 CMR 22.02's definition of "Zone I."

**Water Resource Protection District II (WRPD II)** - WRPD II is bounded by the **most extensive** of the following parameters: (a) that area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions that can realistically be anticipated, as set forth in 310 CMR 22.02's definition of "Zone II;" (b) Interim wellhead Protection Areas, as established in the Town and defined by 310 CMR 22.02; and (c) the surrounding high and medium yield aquifers within the Town, having a transmissivity of 1,350-4,000 ft<sup>2</sup>/day (potential well yield 100 to 300 gal/min).

**Water Resource Protection District III (WRPD III)** - That area of land beyond the area of WRPD II from which surface water and groundwater drain into Zone II, as that term is defined in 310 CMR 22.02.

**C. Establishment of Districts.** The Water Resource Protection Districts are herein established as overlay districts. The Water Resource Protection Districts are described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Water Resource Protection Districts, Town of Groton," dated March 10, 2003, All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

**D. Boundary Disputes.** Where the bounds of the Water Resource Protection Districts are in dispute, as delineated on the Water Resource Protection Districts Map, the burden of proof shall be upon the owners of the land in question to show where they should properly be located.

Resolution of boundary disputes shall be through a special permit application to the Planning Board. Any application for a special permit under this subsection shall be accompanied by documentation prepared by a person who meets the following two requirements:

\* Is experienced in delineating hydrogeologic zones in Massachusetts; and has one of the following credentials:

TITLE	CONFERRING ENTITY
Registered Professional Hydrogeologist	American Institute of Hydrology
Certified Professional Geologic Scientist	American Institute of Professional Geological Scientists
Registered Professional Engineer, Sanitary	Commonwealth of Massachusetts
Certified Ground Water Professional	Association of Ground Water Scientists and Engineers
Certified Professional Soil Scientist	American Registry of Certified Professionals in Agronomy, Crops, and Soils, Ltd.

1. WRPD II Boundary Disputes. Where the WRPD II boundary is determined by: (a) that area of the aquifer that contributes water to a public water supply well or wellfield under the most severe pumping and recharge conditions that can realistically be anticipated, as set forth in 310 CMR 22.02's definition of "Zone II," the applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00, as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located; (b) an Interim Wellhead Protection Area, the applicant shall provide the results of a survey by a registered surveyor; (c) a medium yield aquifer having a transmissivity of 1,350-4,000 ft<sup>2</sup>/d (potential well yield 100 to 300 gal/min), the applicant shall provide geologic and hydrologic information to show transmissivity rates at the subject property.

2. WRPD III Boundary Disputes. The applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00 for the delineation of "Zone III", as administered by the Massachusetts Department of Environmental Protection, to show where the boundary should properly be located.

3. The Planning Board shall not grant a special permit under this subsection unless the applicant demonstrates that the provisions governing the Water Resource Protection Overlay District(s), under this Section 218-30 may be waived without detrimental effect to water quality as specified herein.

**E. Use Regulations.** The Water Resource Protection Districts are overlay districts superimposed over the underlying districts set forth in this Zoning By-Law. Within a Water Resource Protection District, the requirements of the underlying district continue to apply, except where the requirements of the Water Resource Protection District are more stringent.

1. Uses within WRPD I. Uses within WRPD I shall be governed by the standards set forth in 310 CMR 22.00 with regard to "Zone I" therein.

2. Uses within WRPD II and WRPD III. Uses are prohibited where indicated by "N" in the following schedule, and require a special permit where indicated by "SP", even where the underlying district requirements are more permissive. Uses permitted in a Water Resource Protection District are indicated by "Y". Where a portion of the lot is located partially within WRPD III and partially outside the Water Resource Protection Districts, site design shall, to the extent feasible, locate potential pollution sources outside the District boundaries.

	<b>WRPD II</b>	<b>WRPD III</b>
<b>Principal Uses</b>		
(a) Manufacture, use, storage, transport, or disposal of hazardous materials as a principal activity	N	N
(b) Landfills and open dumps	N	N
(c) Automobile graveyards and junkyards	N	N
<b>Principal Uses, con't</b>	<b>WRPD II</b>	<b>WRPD III</b>
(d) Wastewater treatment works for non-sanitary wastewaters that are subject to 314CMR 5.00, including privately owned facilities, except replacement or repair of existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s)	N	SP



(e) Wastewater treatment works for sanitary wastewaters that are subject to 314 CMR 5.00, including privately owned facilities	SP	SP
(f) Landfilling of sludge and septage	N	N
(g) Storage of sludge and septage	SP	SP
(h) Road salt stockpile or storage of other de-icing chemicals in the following manner:		
▪ outside a structure	N	N
▪ within a structure designed to prevent the generation and escape of contaminated runoff or leachate	SP	SP
(i) Gasoline station, motor vehicle repair or body shop, marine repair shop, car wash	N	N
(j) Earth removal, in accordance with the Groton Earth Removal By-Law; provided, however, that no earth removal shall take place within 6 feet of historical high groundwater as determined from monitoring wells and historical table fluctuation data compiled by the USGS, except for excavations for building foundations, roads or utility works, unless the substances removed are redeposited within 45 days of removal to achieve a final grading greater than 6 feet above the historical high groundwater mark	N	SP
(k) Any building, structure or use, except single family dwelling, to be served by on-site wastewater disposal system with a design capacity of greater than 10,000 gallons per day or design capacity of 110 gallons per day of wastewater per 10,000 sq. ft. of lot area as required by 310 CMR 15.00	SP	SP
(l) Single family dwelling provided that 10,000 sq. ft. of lot area shall be provided for each 110 gallons per day of sewage disposal design as required by 310 CMR 15.00	Y	Y
(m) Single family dwelling with less than 10,000 sq. ft. of lot area provided for each 110 gallons per day of sewage disposal design as required by CMR 15.00	SP	SP
<b>Accessory Uses</b>		
(a) Underground storage of hazardous materials, including fuel oil and gasoline	N	SP
(b) Aboveground storage of hazardous materials in quantities greater than associated with normal household use, other than fuel oil for residential heating purposes	SP	SP

<b>Accessory Uses, cont'd</b>	<b>WRPD II</b>	<b>WRPD III</b>
c) Any use generating hazardous wastes in quantities greater than associated with normal household use, except (1) very small quantity generators, as defined by 310 CMR 30.00; (2) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390; (3) waste oil retention facilities required by G.L. c. 21, s. 52A; or (4) treatment works approved by the DEP for treatment of contaminated ground or surface waters	N	SP
(d) Storage of animal manure. (Within WRPD II, such storage must be within an enclosed building or contained in accordance with the specifications of the U.S. Soil Conservation Service)	SP	Y
(e) Storage of commercial fertilizers and soil conditioners. Within WRPD II, such storage must be within a structure designed to prevent the generation and escape of contaminated runoff or leachate	SP	Y
<b>Other Uses</b>		
(a) Rendering impervious more than 15 percent of the lot, or 2500 sq. ft., whichever is greater, excluding operations associated with the construction or occupancy of a single-family dwelling	SP	Y
(b) Stockpiling and disposal of snow and ice containing de-icing chemicals, if brought in from outside the district	N	SP
(c) Industrial and commercial uses which discharge process wastewater on-site	SP	SP

**F. Special Permit Procedures.**

1. Special Permit Granting Authority. The Special Permit Granting Authority (SPGA) shall be the Planning Board. Such special permit may be granted if the SPGA determines that the intent of this Section 218-30 as well as the specific criteria herein are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.
2. Review by Other Boards and Officials. Whenever an application for a special permit is filed with the Planning Board under this Section, said board shall transmit within six (6) working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Fire Chief, Water Department and/or West Groton Water Supply District for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board. The Planning Board shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the Planning Board by the date of the Public Hearing, but in any case within thirty-five (35) days of receipt by the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after

having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35 day period, the Planning Board shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

3. Applicability. Any special permit required under this Section shall be in addition to, and separate from, any other special permit required under this By-Law.
4. Submittals. All applications for special permits shall contain the information listed below, unless waived or modified by the SPGA, with reasons therefor.
  - A. A site plan, submitted on 24-inch by 36-inch sheets, on a minimum scale of one inch (1") equals 40 feet (40'), and prepared by a Registered Professional Engineer and a Registered Land Surveyor. Site plans submitted under this section shall also include the following:
    - (1) All property lines;
    - (2) All adjacent public streets;
    - (3) All existing and proposed buildings, structures, parking areas, and service areas;
    - (4) All facilities for sewage, refuse, and other waste disposal;
    - (5) Facilities for surface water drainage, both temporary and permanent;
    - (6) Future expansion areas.
  - B. A narrative statement detailing all of the information set forth below, if applicable:
    - (1) A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials, including but not limited to road salt or de-icing chemicals, manure, and fertilizers or soil conditioners, to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

- (2) A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.
- (3) For underground or aboveground storage of hazardous materials, certification by a Registered Professional Engineer that such storage facilities or containers are (i) in compliance with all applicable federal or state regulations, (ii) in compliance with design specifications, as prepared by a Registered Professional Engineer, and (iii) are designed with secondary containment adequate to contain a spill the size of the container's total storage capacity.
- (4) For any proposed activity on a lot which will render more than 15 percent of the total lot area or more than 2,500 sq. ft. impervious, a description of a system for groundwater recharge, by stormwater infiltration basins or similar system covered with natural vegetation, that will be provided that does not degrade groundwater quality,. Dry wells shall be used only where other methods are infeasible. Such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.
- (5) For stockpiling or disposal of snow from outside the district, earth removal, storage of sludge or septage, manure storage, treatment works, and/or discharge or process wastewater, a narrative statement, prepared by a Registered Professional Engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises, and on any wellfield(s) downgradient from the proposed activity or use, accompanied by a description of the measures proposed to protect such wellfields, premises and adjacent areas.

**G. Special Permit Criteria.** Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated herein, that surface and groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing surface or groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

**H. Decision.** The Planning Board may approve, approve with conditions, or deny an application for a special permit that is governed, in any manner, by the provisions of this Section. Chairman Joshua Degen presented the Planning Board report voted to support the proposed amendment.

**Article 21 carried by a 2/3 majority. There was one voice opposed.**

**ARTICLE 22:** Moved and seconded that the Town vote to amend Chapter 218 Zoning, of the Code of the Town of Groton Section 218-26, Open Space Residential Development; Section 218-4, Definitions; Section 218-13, Schedule of Use Regulations; and section 218-20, Schedule of Intensity Regulations; as shown in the warrant. (As follows)

### **Article 22**

### **Flexible Development**

**Original text filed with the Town Clerk on March 17, 2003**

**Revised text filed on April 28, 2003**

**ARTICLE \_\_\_\_.** TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAWS BY DELETING EXISTING SECTION 218-26 IN ITS ENTIRETY AND BY

**MAKING THE FOLLOWING CHANGES REGARDING NEW SECTION 218.26,  
ENTITLED FLEXIBLE DEVELOPMENT:**

**Item 1. Add a new Section 218-26, entitled Flexible Development, as follows:**

**SECTION 218-26 FLEXIBLE DEVELOPMENT**

**A. Purpose.** The purposes of this section, Flexible Development, are:

1. to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
2. to preserve historical and archeological resources; to protect the natural environment, including varied landscapes and water resources;
3. to protect the value of real property;
4. to promote more sensitive siting of buildings and better overall site planning;
5. to perpetuate the appearance of the Town's traditional New England landscape;
6. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
7. to offer an alternative to standard subdivision development;
8. to promote the development of housing affordable to low, moderate, and median income families; and
9. to promote the development of housing for persons over the age of fifty five.

**B. Definitions.** The following terms shall have the following definitions for the purposes of this section:

1. "Affordable to persons or families qualifying as low income" shall mean affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income.
2. "Affordable to persons or families qualifying as moderate income" shall mean affordable to persons in the Lowell metropolitan statistical area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.
3. "Affordable units" shall mean any combination of dwelling units restricted in perpetuity as affordable to persons or families qualifying as low or moderate income. The affordable restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.
4. "Contiguous open space" shall mean open space suitable, in the opinion of the Planning Board, for the purposes set forth herein. Such open space may be separated by the road(s) constructed within the Flexible Development. Contiguous open space shall not include required yards, if any.
5. "Housing for persons with disabilities" shall mean a dwelling unit in compliance with the standards of the Americans with Disabilities Act and pertinent Massachusetts standards.

**1.3 Applicability.** In accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town.

**1.4 Procedures.** Flexible Development may be authorized upon the issuance of a special permit by the Planning Board. An application for Flexible Development shall be filed in accordance with the rules and regulations of the Planning Board.

1. Where the Flexible Development is a subdivision of land, a development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board. Final engineering details regarding Flexible Development may be provided during the course of definitive plan review. In the event that the Flexible Development does not involve the subdivision of land, the development plan shall conform to the requirements for the applicable plan as set forth in such rules and regulations.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation, including an Order of Resource Area Delineation.
3. Data on proposed wastewater disposal shall be submitted with the application and shall be referred to a consulting engineer for review and recommendation.
4. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.

**1.5 Design Process.** Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, houselots, and contiguous open space.

1. *Understanding the Site.* The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
2. *Evaluating Site Context.* The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
3. *Designating the Contiguous Open Space.* The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
4. *Location of Development Areas.* The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.
5. *Lot Lines.* The final step is simply to draw in the lot lines (if applicable).

**1.6 Modification of Lot Requirements.** The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

**1.7 Basic Maximum Number of Dwelling Units.** The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could

reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning requirements, subdivision regulations, health regulations, wetlands regulations and other applicable federal, state and local requirements (hereinafter, the Yield Plan). The Yield Plan shall be prepared in conformance with the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board; provided, however, that in simple cases, such requirements may be waived by the Planning Board. In any event, the proponent shall have the burden of proof with regard to the design and engineering specifications shown on such Yield Plan.

1. The required affordable units for developments with more than ten units shall not count toward the Basic Maximum Number.

**1.8 Density Bonus.** The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. All dwelling units awarded as a density bonus shall be two bedroom units. The density bonus for the Flexible Development shall not, in the aggregate, exceed forty (40%) percent of the Basic Maximum Number. The required Affordable Units shall be considered as dwelling units awarded as a density bonus and shall be counted in this computation. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site set aside as contiguous open space, over and above the required thirty-five percent (35%), a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 30% of the Basic Maximum Number. For the purpose of this section, the “contiguous open space” shall not include any wetlands as defined in GL Chapter 131, § 40.
2. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
3. For each transfer lot, as defined in Section 218-4, two (2) dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

**1.9 Affordable Component.** As a condition of the grant of any special permit for a Flexible Development for any development creating more than ten dwelling units, Affordable Units shall be required as follows:

1. 10% of the units shall be affordable to persons or families qualifying as low income; or
2. 15% of the units shall be affordable to persons or families qualifying as moderate income.

In computing this requirement, the total number of dwelling units (i.e., the total of the Basic Maximum Number and the density bonus units) shall be used. Numbers shall be rounded **up** in the computation of this requirement.

**1.10 Types of Buildings.** The Flexible Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than five (5) dwelling units. The architecture of all multifamily buildings shall be residential in character. Residential structures shall be oriented toward the street serving the premises and/or the required parking area. The Planning Board may require housing for persons with disabilities in appropriate circumstances.

**1.11 Roads.** The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and

acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

**1.12 Parking.** Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

**1.13 Contiguous Open Space.** A minimum of thirty-five percent (35%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction pursuant to G.L. c., 184, ss. 31-33 and enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

1. For the purpose of this section, the “contiguous open space” shall not include any wetlands as defined in GL Chapter 131, § 40.
2. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
3. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to ten percent (10%) of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.
4. Underground utilities and drainage easements to serve the Flexible Development site may be located within the contiguous open space.

**1.14 Ownership of the Contiguous Open Space.** The contiguous open space shall, at the Planning Board's election, be conveyed to:

1. the Town or its Conservation Commission;
2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for which such open space may be used as set forth above; or
3. a corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities if the trust or corporation fails to provide adequate maintenance, and shall grant the Town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. In the event that such maintenance is not properly conducted, the Town or its agent may enter upon the land and perform such maintenance, and the applicant shall convey such temporary easement(s) as may be necessary for such purpose. The Town shall be reimbursed for any expenses associated with such maintenance. In the event that reimbursement is not forthcoming, the Town may lien the properties within the Flexible Development to ensure such payment. Each individual deed, and the declaration of trust or articles of incorporation, shall include



provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

4. In the alternative, a conservation restriction pursuant to G.L. c. 184, ss. 31-33, shall be placed on the land.

**1.15 Buffer Areas.** A buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

**1.16 Stormwater Management.** Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

**1.17 Decision.** The Planning Board may approve, approve with conditions, or deny an application for a Flexible Development after determining whether the Flexible Development better promotes the purposes of this Flexible Development By-Law than would a conventional subdivision development of the same locus.

**1.18 Relation to Other Requirements.** The submittals and permits required by this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

**Item 2. Add the following new definition to Section 218-4:**

TRANSFER LOT - A parcel of land with not less than 80,000 square feet used to establish a density bonus in a Flexible Development, as set forth in section 218-26. Such Transfer Lot shall be (1) determined by the Planning Board to be of special importance because of its visual prominence or potential vista blockage, ecological significance or fragility, value as agricultural or recreational land, critical relation or proximity to the Town's drinking water supply, or because it is identified in the Town's open space plan; (2) not wetlands, as defined in G.L. c. 131, s. 40, or not land used to satisfy dimensional requirements in any other development of land; (3) subject to a permanent conservation restriction pursuant to G.L. 184, ss. 31-33, or conveyed to the Town, or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or other appropriate purpose consistent with the open space uses designated in § 218-26.

**Item 3. Delete from Section 218-13, the Schedule of Use Regulations, the entry "Flexible development or cluster development as allowed under the provisions of s. 218-26" and substitute therefor:**

Flexible Development  
pursuant to . § 218-26 PB N N N N N N

**Item 4. Delete, in Section 218-20, Schedule of Intensity Regulations, note 1, the words "For cluster development, see s. 218-26F(2)."**

Planning Board Chairman Joshua Degen presented the Planning Board report to support the proposed amendment.

The Planning Board voted to support. Growth management voted to support.

Mr. Fitzgerald spoke against the motion stating that he saw it as rent control.

**Article 22 carried by a called 2/3 vote, with approximately 10 voices dissenting. Hearing no objections, the decision of the chair stood.**

**ARTICLE 23:** Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-26.1 Major Residential Development; section 218-4, Definitions; Section 218-20, Schedule of Intensity Regulations; and Section 218-23D; as shown in the warrant. ( as follows)

## **Major Residential Development**

**Original text filed with the Town Clerk on March 17, 2003**

**Revised text filed on April 28, 2003**

**Item 1. Add a new section 218-26.1, entitled Major Residential Development, as follows:**

### **SECTION 218-26.1 MAJOR RESIDENTIAL DEVELOPMENT**

A. Purpose. The purpose of this section is to assure a public voice and public authority in consideration of alternative approaches to residential developments which, because of their impacts, are of importance to the Town, as stated in “Groton 2020: Planning Directions,” Groton’s Comprehensive Plan.

B. Definition. Major Residential Development shall mean the division or subdivision for residential purposes of any tract of land or adjacent tracts of land in common ownership as of October 1, 1997, which would result in any of the following:

1. An increase by six (6) or more lots above the number there two years earlier;
2. More than two (2) lots with driveway access onto a street existing at the time of lot creation, unless no such lot has a driveway location within 600 feet of the driveway location of another lot being created in the same division or subdivision of land;
3. More than one (1) lot with no potential site for construction of a dwelling any part of which would be less than 200 feet from a street existing at the time of the creation of such lot.

C. Special Permit Required. A Major Residential development shall require the grant of a special permit by the Planning Board in accordance with the provisions set forth herein.

D. Procedures. Applicants for Major Residential Development shall submit **both** of the following plans:

1. A conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable federal, state and local requirements. This conventional plan shall be prepared in conformance with the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board; provided, however, that in simple cases, such requirements may be waived by the Planning Board. In any event, the proponent shall have the burden of proof with regard to the design and engineering specifications shown on such conventional plan. Where the applicant intends to proceed pursuant to Section 218-26, Flexible Development, the conventional plan may be the Yield Plan, as defined therein.

2. An alternative development plan, as set forth below:

- A. For division or subdivision of land so as to create one or two lots: A shared driveway and/or hammerhead lot special permit plan pursuant to Section 218-23.1, hereunder.

- B. For division or subdivision of land so as to create from three to eight lots: A Residential Compound Plan as set forth in the Planning Board’s Rules and

Regulations governing the subdivision of land; or, a Flexible Development Plan, pursuant to Section 218-26.

C. For division or subdivision of land so as to create nine or more lots: a Flexible Development Plan, pursuant to Section 218-26.

E. Review. The Planning Board may engage a landscape architect or an economic analyst, at the expense of the applicant, to review the conventional and the alternative plan, and to make a recommendation with regard to the decision of the Planning Board, as set forth in subsection G, below.

F. Other Required Submittals. The Planning Board may require an applicant for Major Residential Development to submit the following additional materials:

A. Economic Impact Analysis, comparing the impact as to town services and schools of the conventional and alternative plans;

B. Narrative and tabular materials describing the plans, including the number and size of proposed dwelling units, proposed phasing, and other special features of the development.

C. Other information as may be necessary to make the decision set forth below.

G. Decision. The Planning Board shall approve or approve with conditions as a Major Residential Development, whichever plan, conventional or alternative, best promotes the objectives of:

1. Traffic and pedestrian safety;
2. Economic impact;
3. Preservation of recreational facilities, open spaces, agricultural resources, and unique natural features;
4. Housing for persons or households over the age of fifty-five (55), for persons with disabilities, or for low or moderate income households, as defined by the Commonwealth's Department of Housing and Community Development; and
5. Groton 2020: Planning Directions, Groton's Comprehensive Plan.

**Item 2. Delete the definition of Major Residential Development from Section 218-4.**

**Item 3. Add the following note 4 to Section 218-20, the Schedule of Intensity Regulations, attaching such note to the frontage requirement in the R-A and R-B Districts:**

<sup>4</sup>Lots shown on a Residential Compound Plan (as described in Chapter 346, Subdivision of Land) endorsed by the Planning Board pursuant to the Subdivision Control Law, may, upon the grant of a special permit by the Planning Board, reduce lot frontage to fifty (50) feet.

**Item 4. In Section 218-23.D, delete the entire sentence after the words "no more than ...." and substitute the words "two lots".**

Planning Board member Carolyn Perkins presented the Planning Board report to support.

Planning Board voted to support. The Growth Management Advisory Committee voted to support.

**Article 23 carried by a 2/3 majority, as declared by the chair.** There were no objections.

The Moderator recessed the ATM. At 7:55 there were 567 voters in attendance. The chair called the STM to order. The Moderator recessed the STM and reconvened the Annual Town Meeting.

The Moderator explained that the meeting would now take up the motion for the school budget and asked that the main motion be re-read as follows:

Moved and seconded that the Town vote to raise and appropriate the sum of \$19,596,649 for Schools as represented by Lines 3000 through 3035 in the budget, exclusive of line 3034 Additional Groton-Dunstable Regional School District Additional Expenses: Tier 1a Override, and line 3035 Additional Groton-Dunstable Regional School District Additional Expenses: Tier 1b Override, Lines 3000 and 3010 to be considered together a single, separate appropriation for the purposes voted, and lines 3020, 3021, 3022, 3023 and 3030 to be considered together a single, separate appropriation for the purposes voted, provided, however, that the amounts in lines 3010, 3023 and 3030 shall be appropriated only to the extent received by the Town from the Commonwealth.

The Moderator stated that there was an amendment to the NVTHS budget that will be reflected in the final amount

The School Committee made a presentation to the meeting detailing the proposal and what possible cuts may be made. Mr. Wilson, offered a presentation in which he stated that it was possible that the chapter 70 money may very well be restored, according to recent conversations with Representative Hargraves.

Mr. McKinney read a statement signed by Rep. Hargraves, that urged voters to support the Tier 1b over-ride, saying that the State budget was still in a state of flux and that the school district should not be penalized due to the cuts in State aid.

At 9 pm there were 737 voters in attendance.

Mr. Wilson, Finance Committee chair, spoke regarding consistency issues. The Moderator opened the floor to debate. Ms. Leonard spoke regarding the possibility of the re-instating of the state budget. Superintendent Jennings stated that the school committee could certify the assessment at a lower amount. Ms. Osbourne asked how pre-school, kindergarten and extended day tuition fit into the budget. Mr. Young stated that they apply the projected revenues to the budget, prior to making budget recommendations. Mr. Fitzgerald spoke in support of both Tier 1a and 1b over-rides.

Mr. Brown stated that Groton has one of the highest debt amounts in the state. He suggested not cutting teachers and looking for other ways to cut, such as other staff. Mr. Maloomian stated that 60% of our budget goes to the school. He wanted to know why the Selectmen weren't working harder to bring about a cohesive approach to the problem. Mr. Cunningham spoke in support of both levels of the over-ride. He stated that the Finance Committee and the school committee did meet on several occasions but perhaps more could have been done. Mr. Chamberlin stated that the Selectmen should not be "micro-managers" but assured the meeting that he would be more pro-active in the future. Mr. Hartnett stated that he supported the full amount of the over-ride. He also stated that appointing the Finance Committee members is an important job of the Selectmen but that it is an independent board and not beholden to the BOS.

Mr. Kopec read a statement from Mr. Bellitsky. A motion was made to move the question. Seconded. The question was moved by a 2/3 declared vote.

The motion was re-read and corrected by the Moderator to reflect the total amount as \$19,659,174.

**The motion carried unanimously.**

A contingency appropriation was moved onto the floor tier1b: \$1,004, 427.

**The motion carried by majority.**

The second contingency appropriation \$1,436, 323 (tier 1a) override.

**The motion carried by majority: 473 in favor, 172 opposed.**

**8) WATER ENTERPRISE**

Moved and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$928,569 to the Water Enterprise Fund for FY2004 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Carried by majority.**

**9) SEWER ENTERPRISE**

Moved and seconded that the Town vote to appropriate from Sewer Rates and Fees the sum of \$701,593 to the Sewer Enterprise Fund for FY2004 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Carried by majority.**

**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 2004 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.**

The Moderator entertained a motion to adjourn. Seconded.

**Carried unanimously.**

The Annual Town Meeting was adjourned at 10:10 pm until May 12, 2003 at 7:30pm. The Moderator then reconvened the STM. (see separate minutes)

The Annual Town Meeting was called to order at 7:32 pm on Monday, May 12, 2003 by Moderator Robert S. Gosselin. Although there was no quorum requirement there were 77 voters in the auditorium.

**ARTICLE 7:** 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.

The Finance Committee voted to support.

**Article 7 carried unanimously.**

**ARTICLE 8:** Moved and seconded that the Town vote to transfer \$21,985 from the Sewer Enterprise Fund Surplus to the fiscal 2004 Enterprise Department Budget.

**Article 8 carried unanimously.**

**ARTICLE 9:** Moved and seconded that the Town vote to transfer from free cash \$127,300 to purchase a front-end loader for the Highway Department

The Finance Committee voted to support.

**Article 9 carried unanimously.**

**ARTICLE 10:** Moved and seconded that the Town vote to raise and appropriate \$39,000 to purchase and replace the Police, Fire and EMS radio dispatch system.

The Finance Committee voted to support.

**Article 10 carried unanimously.**

**ARTICLE 11:** Moved and seconded that the Town vote to raise and appropriate \$16,675 to re-shingle the roof at Squannacook Hall.

The Finance Committee voted to support. The Board of Selectmen voted to support.

**Article 11 carried unanimously.**

**ARTICLE 12:** Moved and seconded that the Town vote to raise and appropriate \$75,000 for costs associated with the acquisition evaluation of the land described generally as follows:

Property in the Town of Groton off Gilson Road, Groton Assessors' Map 135, Lot 38 and Map 253, Lot 2, adjacent to the Littleton town line.

for the purpose of use as an elementary school site, including land appraisal, engineering and legal costs.

The Finance committee voted to oppose (3-5). There was considerable discussion as to whether or not the site would even be available given the recent court decision that allowed the seller to sell to any buyer. Mr. Wilson asked what the lease agreement would be. Mr. O'Sullivan stated that the intent was to lease it to the school for \$1. Mr. Degen queried whether or not the Town has gotten consent of the landowner. The Town has not gotten consent. Mr. Degen further stated that the town might be able to get land for free if they grant waivers to a builder that is currently before the planning board. Representatives of the family stated that they were actively pursuing over 55 housing on that land. Mr. Fitzgerald spoke against the article. Mrs. Hargraves spoke against the article. She asked to postpone indefinitely. The chair stated that he would accept the motion to postpone after he accepted the motion to amend. The motion to amend was as follows: By adding the following providing however that no funds should be expended hereunder unless the Board of Selectmen has determined that the owner of the land is interested in selling the land for the purpose of a school.

Mrs. Hargraves made a motion to postpone indefinitely. Seconded.

Mr. Funch spoke in favor of the main motion. Mr. Cunningham spoke against the amendment.

**The motion to amend was defeated.**

At 8:35 there were 194 voters in the attendance.

**The motion to postpone was defeated.**

**Mr. Moulton moved the question. The question was moved unanimously.**

Tellers called and sworn:

Michael Manugian.

**Article 12 carried by majority: 77-67.**

**ARTICLE 13:** Moved and seconded that the Town vote to raise and appropriate **\$75,000** to be added to the sum already on deposit in the Conservation Fund.

The Finance Committee and the Board of Selectmen voted to support.

**Article 13 carried by majority.**

**ARTICLE 14:** Moved and seconded that the Town vote to raise and appropriate \$50,000 for the Reserve Fund.

The Finance Committee voted to support.

**Article 15 carried unanimously.**

**ARTICLE 15:** 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 not to exceed \$10,000 for Fiscal Year 2004.

The Finance Committee voted to support.

**Article 15 carried unanimously.**

**ARTICLE 16:** Moved and seconded that the Town vote to amend Chapter 153, Historic Districts and Commission, of the Code of the Town of Groton as printed in the warrant, as follows:

To see if the town will vote to amend Chapter 153, Historic Districts and Commission, of the Code of the Town of Groton by deleting from section 153-2.A(1), Establishment of districts, the phrase “Town of Groton date March 2, 1964, scale one inch equals four hundred feet” and substituting therefore “Town of Groton dated March 10, 2003”;

and by deleting from section 153-2.A (2), Establishment of districts, the phrase “Town of Groton dated March 2, 1964, scale one inch equals four hundred feet” and substituting therefor “Town of Groton dated March 10, 2003”;

and by deleting from section 153-2.A (3), Establishment of districts, the phrase “Town of Groton dated March 2, 1964, revised January 11, 1965, scale one inch equals four hundred feet” and substituting therefor “Town of Groton dated March 10, 2003”;

**Article 16 carried unanimously.**

**ARTICLE 17:** Moved and seconded that the Town vote to accept the conveyance of a parcel of land to be managed by the Town Forest Committee, consisting of approximately 8.5 acres, described in a deed recorded with Middlesex South Registry of Deeds in Book 27198, Page 090, being shown as Parcel 5 on Assessors’ Map 210.

The Finance Committee voted to support.

**Article 17 carried by majority, one voice dissenting.**

**ARTICLE 18:** Moved and seconded that the Town vote to amend the Groton Wetlands Protection Bylaw, designated as Chapter 215 in the Code of the Town of Groton, as printed in the warrant as follows:

MOVE to strike:

A.) CHANGE Subsection 215-7.A (1) (b), Prohibited Activity, from “Erection of permanent buildings, including, but not limited to, barns, garages, or attached structures” TO “Erection of permanent structures, including, but not limited to, barns, garages, or attached structures”

B.) CHANGE Subsection 215-7.A (1) (c), Prohibited Activity, from “Construction of parking lots or use of land for parking of motor vehicles” TO “Construction of parking lots/driveways or use of land for parking of motor vehicles”

C.) ADD to Subsection 215-7.A (1), Prohibited Activity, a new paragraph (g) as follows:

“Grading except for minor grading as defined in the Regulations adopted under this chapter.”

AND REPLACE WITH:

A.) *ADD to Subsection 215-7.A (1), Prohibited Activity, a new paragraph (g) “Driveways or retaining walls except if done in compliance with the Regulations.”*

B.) ADD to Subsection 215-7.A (1), Prohibited Activity, a new paragraph (h) “Grading except for minor grading as defined in the Regulations adopted under this chapter.”

A.) CHANGE Subsection 215-7.A (1) (b), Prohibited Activity, from “Erection of permanent buildings, including, but not limited to, barns, garages, or attached structures” TO “Erection of permanent structures, including, but not limited to, barns, garages, or attached structures”;

B.) CHANGE Subsection 215-7-A (1) (c), Prohibited Activity from “Construction of parking lots or use of land for parking of motor vehicles” TO “Construction of parking lots/driveways or use of land for parking of motor vehicles”;

C.) ADD to Subsection 215.7A (1), Prohibited Activity, a new paragraph (g) as follows: “Grading except for minor grading as defined in the Regulations adopted under this chapter.”

Ms. Corwin made a motion to amend by striking sections A, B and C and replacing with:

*B.) ADD to Subsection 215-7.A (1), Prohibited Activity, a new paragraph (g) "Driveways or retaining walls except if done in compliance with the Regulations."*

B.) ADD to Subsection 215-7.A (1), Prohibited Activity, a new paragraph (h) "Grading except for minor grading as defined in the Regulations adopted under this chapter."

There was an amendment to the amendment adding: "adopted under this chapter." Seconded.

**The amendment carried.**

**The main motion as amended carried unanimously.**

**ARTICLE 19:** Moved and seconded that the Town vote to authorize the Board of Selectmen to join with the Board of Selectmen of the Town of Pepperell in petitioning the General Court for special legislation relative to the boundary between the Towns of Groton and Pepperell, as printed in the warrant, as follows:

An Act amending Chapter 383 of the Acts of 1991, entitled

**"AN ACT RELATIVE TO THE BOUNDARY BETWEEN THE TOWNS OF GROTON AND PEPPERELL"**

Be it enacted, etc., as follows:

Section 1. Section 1 of Chapter 383 of the Acts of 1991 is hereby amended by deleting said section and substituting the following new section:

Section 1. The following described lines shall hereafter comprise certain portions of the boundary line between the Town of Groton and the Town of Pepperell: Beginning at a witness mark (WM1) at the corner of Groton and Pepperell a distance of about 87 feet easterly of the center of the Nashua River, said witness mark having coordinates X = 635440.6773 feet, Y = 3063644.7752; Thence along the existing boundary line between Groton and Pepperell N 73°-31'-26" E a distance of 2082.975 feet to a stone bound on the town line at Longley Road/Groton Street, having coordinates X = 637438.1201, Y = 3064235.5437; Thence continuing N 73°-31'-26" E a distance of 4066.506 feet to the corner at stone bound GP(a), having coordinates X = 641337.6453, Y = 3065388.8765; Thence S 23°-13'-40" W a distance of 330.025 feet to the corner at stone bound GP(b) having coordinates X = 641207.4873, Y = 3065085.6021; Thence N 70°-13'-41" E a distance of 1211.560 feet to the corner at stone bound GP(c) having coordinates X = 642347.6226, Y = 3065495.4432; Thence N 68°-50'-38" W a distance of 301.767 feet to the corner at stone bound GP(d) having coordinates X = 642066.1947, Y = 3065604.3540; Thence along the existing boundary line between Groton and Pepperell N 73°-31'-26" E a distance of 3213.312 feet to a stone bound having coordinates X = 645147.5600, Y = 3066515.7059; located at Yvonne Drive, a public way within the Town of Pepperell; Thence continuing N 73°-31'-26" E a distance of 1075.87 feet to the Dunstable-Groton-Pepperell town corner having coordinates X = 646179.2520, Y = 3066820.8416.

Coordinates used in this act are based on the Massachusetts Coordinate System, Mainland Zone, as described in sections eight to thirteen, inclusive of chapter ninety-seven of the General Laws.

Section 2. This Act shall take effect upon its passage.

**Article 19 carried unanimously.**

**ARTICLE 20:** Moved and seconded that the Town vote to adjust the eligibility factors for the property tax exemption for senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C, in accordance with Section 51 of Chapter 184 of the Acts of 2002, to become effective starting in Fiscal Year 2004 as follows:



1. By increasing the allowable income for applicants to \$20,000 for single persons and \$30,000 for married persons; and
2. By increasing the allowable assets for applicants to \$40,000 for single persons and \$55,000 for married persons.
3. Maintain the current exemption amount of \$1000 per eligible household.

The Finance Committee voted to support.

**Article 20 carried unanimously.**

**ARTICLE 24:** Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by deleting existing section 218-28, Development Rate Limitation, and substituting therefor a new Section 218-28, Rate of Development and 218-28.1, Subdivision Phasing, the text of which is on file in the Office of the Town Clerk.

Moved and seconded that article 24 be indefinitely postponed.

**Article 24 was indefinitely postponed.**

**ARTICLE 25:** Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton to add a new district, entitled Open Space - Agricultural (OS-A) District, as printed in the warrant, as follows:

Item 1. Add the following entry to section 218-8D:

(4) OS-A Open Space - Agricultural District

Item 2. Add the following to section 218-12:

g. Public Use District is intended to regulate land in public use or land with public facilities.

h. OS-A Open Space-Agricultural District is intended to regulate parcels within the town permanently restricted pursuant to G.L. c. 134, ss. 31-33, so that such parcels may be assessed and taxed at a uniform rate most advantageous to the owners thereof. No parcel shall be included within the OS-A District unless such permanent restriction pursuant to statute shall be first verified by town counsel. Uses allowed in the district shall be those consistent with such permanent restriction.

Planning Board voted to support, Growth Management voted to support.

Ms. Collette moved to amend the article to read "General Law Chapter 184" instead of Chapter 134.

**The motion to amend carried.**

The motion as amended reads:

Item 1. Add the following entry to section 218-8D:

(4) OS-A Open Space - Agricultural District

Item 2. Add the following to section 218-12:

g. Public Use District is intended to regulate land in public use or land with public facilities.

h. OS-A Open Space-Agricultural District is intended to regulate parcels within the town permanently restricted pursuant to G.L. C184, § 31-33, so that such parcels may be assessed and taxed at a uniform rate most advantageous to the owners thereof. No parcel shall be included within the OS-A District unless such permanent restriction pursuant to statute shall be first verified by town counsel. Uses allowed in the district shall be those consistent with such permanent restriction.

**Article 25, as amended, carried as declared by the Moderator.**

**ARTICLE 26:** Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton and the Zoning Map by deleting from section 218-9, Location of Districts, the phrase “Town of Groton, Massachusetts – Zoning Map, dated March 1, 1998,” and by substituting therefor, “Town of Groton, Massachusetts – Zoning Map, dated March 10, 2003, revised April 28, 2003,” a copy of which is on file in the Office of the Town Clerk. The Planning Board voted to support. GMAC voted to support.

**Article 26 carried by 2/3 majority.**

**ARTICLE 27:** Moved and seconded that the Townvote to amend Chapter 196, Signs, of the Code of the Town of Groton as shown in the warrant paragraph A5 and substituting in it’s place the following:

After considerable debate, the chair entertained a motion to postpone indefinitely.

**Carried by majority. Article 27 was indefinitely postponed.**

**ARTICLE 28:** Moved and seconded that the Town vote to amend Chapter 196, Signs, of the Code of the Town of Groton as shown in the warrant, as follows:

By deleting the following sub-section:

**§196-8 Temporary Signs**

- B. Temporary signs can only be displayed for less than thirty (30) days in a calendar year. They must meet the same standards of compatibility, readability, nondistractability and safety as permanent signs. Temporary signs to be placed on Town property require the approval of the Selectmen. No temporary sign shall exceed twenty (20) square feet.

*And inserting in its place the following sub-section:*

**§196-8 Temporary Signs**

- B. Temporary signs may only be displayed for less than sixty (60) days in a calendar year. Temporary signs must meet the same standards of size, compatibility, readability, illumination, nondistractibility and safety as permanent signs. Temporary signs to be placed on Town property require the approval of the Selectmen. No temporary sign shall exceed sixteen (16) square feet.

**Article 28 carried by majority.**

**ARTICLE 29:** Moved and seconded that the Town vote to raise and appropriate or transfer from available funds a sum of money to be added to the sum already on deposit in the Town Stabilization Fund,

Moved and seconded that this article be indefinitely postponed.

**Article 29 was indefinitely postponed.**

**ARTICLE 30:** Moved and seconded that the Town vote to transfer a sum of money from the Excess and Deficiency Fund (free cash) for the purpose of affecting the tax rate for the period beginning July 1, 2003, and ending June 30, 2004.

Moved and seconded that this article be indefinitely postponed.

**Article 30 was indefinitely postponed.**

**ARTICLE 31:** Moved and seconded that the Town vote to rezone from R-A (Residential-Agricultural) to B-1 (Business) certain premises situated at 55-61 Lowell Road owned by Gibbet Hill Farm, LLC, consisting of approximately 280,697± square feet or 6.444± acres of area, which premises is a portion of the land described in a deed recorded with Middlesex South District Registry of Deeds in Book 31800, Page 319, being shown as Parcel 3 on Assessors’ Map

116 and to approve a concept plan entitled “Concept Plan, Proposed Restaurant, Gibbet Hill in the Town of Groton, Massachusetts,” prepared by Beals Associates, Inc., said plan being on file with the Town Clerk

Mr. Webber made a brief presentation. The Planning Board voted to support.

The Board of Selectmen voted to support.

There would be between 150 –200 seats in the restaurant. The herd (of cows) will also remain intact. Mrs. White spoke in support.

Mr. Blackman spoke in support.

**Article 31 carried by a 2/3 majority.**

**ARTICLE 32:** Moved and seconded that the Town vote to accept the provisions of Chapter 148, Section 26H, Lodging or Boarding Houses; Automatic Sprinkler Systems.

The article was sponsored by Chris Kelley, former fire chief, as a citizen’s petition. He stated that there is a built-in five year time frame for compliance. The Moderator read a statement from Fire Chief Bosselait urging voters to defeat this article in order to better research this issue. Attorney Hall suggested that this article be indefinitely postponed. Jennifer Mieth from the Office of the State Fire Marshall urged the meeting to accept this section of the law. Dr. Bruner spoke in support.

**Article 32 was defeated.**

**The chair entertained a motion to dissolve the meeting. So moved. The meeting was dissolved at 10:58pm.**