

## Warrant, Summary, and Recommendations

# TOWN OF GROTON



## 2009 SPRING TOWN MEETING

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

Beginning Monday, April 27, 2009 @ 7:00 PM

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Attention – Voters and Taxpayers  
**Please bring this Report to Town Meeting**

**THE BUDGET HANDOUT FOR ARTICLE 5 IS AVAILABLE  
IN THE BACK OF THE WARRANT**

**SPRING TOWN MEETING WARRANT  
APRIL 27, 2009**

Middlesex, ss.  
Commonwealth of Massachusetts  
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the twenty-seventh day of April, 2009 at Seven O'clock in the evening, to consider all business other than the election of Town Officers and on the nineteenth of May, 2009 at an adjourned session thereof to give their ballots for:

Vote for One	Board of Assessors	3 Years
Vote for One	Board of Health	3 Years
Vote for One	Board of Selectmen	3 Years
Vote for One	Commissioner of Trust Funds	3 Years
Vote for Two	Groton-Dunstable Regional School Committee	3 Years
Vote for One	Groton Electric Light Commission	3 Years
Vote for One	Park Commission	3 Years
Vote for Three	Planning Board	3 Years
Vote for One	Sewer Commission	3 Years
Vote for One	Highway Surveyor	3 Years
Vote for One	Moderator	3 Years
Vote for One	Town Clerk	3 Years
Vote for One	Tree Warden	1 Year
Vote for Two	Trustees of the Groton Public Library	3 Years
Vote for One	Water Commission	3 Years
Vote for Two	Groton Housing Authority	5 Years

**ARTICLE 1: HEAR REPORTS**

To see if the Town will vote to hear and act on the report of the Board of Selectmen and other Town Officers and Committees, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *To hear reports of Town Boards, Committees and Commissions.*

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**ARTICLE 2: APPLY FOR GRANTS**

To see if 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, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *To allow the Board of Selectmen to apply for grants that may come available during the year.*

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**ARTICLE 3: ELECTED OFFICIALS' COMPENSATION**

To see if the Town will vote to allow the following compensation for the following elected officials:

Selectman (four)	\$ 760	Town Clerk	\$ 60,000
Board of Selectmen, Chairman	\$ 910	Town Moderator	\$ 65
Assessor (two)	\$ 760	Highway Surveyor	\$ 80,000
Board of Assessors, Chairman	\$ 910	Tree Warden	\$ 1,443

for the ensuing year, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *To provide compensation for elected officials as proposed by the Town Manager. The Highway Surveyor's salary has been adjusted to reflect the proposed change of the position to Public Works Director.*

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**ARTICLE 4: WAGE AND CLASSIFICATION SCHEDULE**

To see if the Town will vote to amend and adopt for Fiscal Year 2010 the Town of Groton Wage and Classification schedule as shown in Appendix B of this Warrant, or to take any other action relative thereto.

**BOARD OF SELECTMEN  
TOWN MANAGER**

**Board of Selectmen:**  
**Finance Committee:** *Recommended by Majority Vote ( 3 For, 1 Against, 1 Abstain)*

**Summary:** *This article proposes to provide a two (2%) percent COLA for FY 2010 for employees covered by the Personnel Bylaw or who have individual contracts. The actual funding for this adjustment is contained in the proposed Operating Budget for FY 2010 to be voted in Article 5 of this Town Meeting Warrant. In addition, due to the recent change in government, the position of Administrative Assistant to the Administrative Officer has been updated and changed to Executive Assistant to the Town Manager. The position has been reclassified to a Grade 9 from a Grade 7 to reflect added responsibilities and duties. The position of Principal Assessor has been added to reflect changes in the Groton Charter.*

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**ARTICLE 5: FISCAL YEAR 2010 ANNUAL OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum or sums of money as may be necessary to defray the expenses of the Town for the next fiscal year (2010), and act upon the budget of the Finance Committee, or to take any other action relative thereto.

**FINANCE COMMITTEE  
BOARD OF SELECTMEN  
TOWN MANAGER**

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

**Summary:** *Budget – In accordance with Section 6 of the Town Charter, the Finance Committee conducts its annual budget process by receiving the Town Manager’s proposed balanced budget on or before December 31<sup>st</sup>; meeting with department heads and boards; holding public budget hearings in preparation for issuing its recommendations to Town Meeting; and presenting its budget recommendations at spring Town Meeting. The budget handout for this Article is contained as Appendix A of this Warrant. Please also see Finance Committee and Town Manager’s Report which includes the Finance Committee’s and Board of Selectmen’s recommendations.*

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**ARTICLE 6: GROTON COUNTRY CLUB BUDGET**

To see if the Town will vote in accordance with Section 8 of Chapter 533 of the Acts of 1991, as amended by Chapter 115 of the Acts of 1995 and Chapter 387 of the Acts of 1998, to approve the budget of the Groton Country Club Authority, or to take any other action relative thereto.

**GROTON COUNTRY CLUB AUTHORITY**

**Board of Selectmen:**

**Finance Committee:** *Recommendation Deferred Until Town Meeting*

**Summary:** *The legislation creating the Country Club Authority requires that the Authority present its annual budget to the Town for approval. The Budget is contained as Appendix C of this Warrant.*

**ARTICLE 7: FISCAL YEAR 2010 CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money for the purpose of funding the FY 2010 Capital Budget as follows:

<u>Item</u>	<u>Proposed Amount</u>	<u>Department</u>
Bobcat Tractor	\$ 25,000	Transfer Station
Dump Truck	\$125,000	Highway Department
Public Safety Evidence Processing Area	\$ 25,000	Town Facilities
Police Cruisers	\$ 52,000	Police Department
Upgrade Telephone System	\$ 30,000	Police Department
Records Management	\$ 50,000	Police Department
Chief's Vehicle Replacement	<u>\$ 40,000</u>	Fire and EMS
Total Requested:	\$347,000	

or to take any other action relative thereto.

**TOWN MANAGER**

**Board of Selectmen:**

**Finance Committee:** *Recommended Unanimously*

**Summary:** *Section 6-6 of the Groton Charter requires the Town Manager to submit a Capital Improvement Plan to the Board of Selectmen and Finance Committee that lists all capital improvements proposed to be undertaken during the next five years. A copy of the proposed plan is on file in the Office of the Town Clerk. The above listed items are proposed for Fiscal Year 2010. The following is a summary of each request:*

- *The Bobcat at the Transfer Station is 10 years old and is used to move recyclables at the Transfer Station as well as snow removal and other maintenance issues. Due to the increase in recyclables, a larger Bobcat is needed to accommodate the needs of the Transfer Station.*
- *The Dump Truck is over 25 years old and is a front line vehicle in the fleet. It is used for plowing and sanding. This vehicle is getting more and more difficult to maintain is becoming increasingly unreliable for a front line piece. This is a scheduled replacement.*
- *The current evidence processing area located in the public safety building is below standard. The proposal calls for five movable double faced ranges. The system will be constructed with center groove rail system with SST ramp plate. It will provide for secure storage of evidence and weapons.*
- *This request is for the purchase of two police sedans and related equipment for replacement of cruisers that are no longer cost effective to maintain. This would allow the Department to have six marked cruisers. This allows for lesser mileage per year, better maintenance scheduling, assignment of cars to officers and for a programmed replacement scheduled that insures that line cars are rotated out at reasonable mileage and wear and then un-marked cars are rotated in the same fashion.*
- *Technology improvements and reliability are crucial to the Operation of the Police Department. The phone system has not been updated to meet the new demands on the Police operation. Upgrading the phone system will also allow the Town to create a primary and/or back-up Emergency Operations Center at the Public Safety Building. The new system will allow the Department to meet these needs and deal with changes in technology of the Enhanced 911 System and other improvements. This item can be considered a scheduled replacement.*
- *The present storage cabinets in the Police Department provide about 333 linear filing inches. It is completely inadequate to address the file storage needs of the Police Department. Many of the reports and records of the Department are required to be kept for many years. Additional storage is needed badly. The proposal is to provide four Times -2 Storage units. These units will be letter size units with four drawers for hanging folds and three letter size drawers. There will also be four three tier high units with pull out drawers. This proposed system will increase the storage capacity in the same size room to 1920 linear filing inches.*
- *The Chief's current vehicle is a 2001 Ford Explorer and has approximately 75,000 miles. It has been the Fire Chief's vehicle for 8 years. This vehicle will be reassigned to the day staff for responding to emergency calls, station/apparatus maintenance, inspections, etc.*

**ARTICLE 8: WIND ENERGY CONVERSION FACILITIES**

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, by amending Sections 218-4 Definitions, 218-13 Schedule of Use Regulations, and 218-25 Site Plan Review, and by adding a new section 218-25.2 entitled, "Wind Energy Conversion Facilities," as detailed in the Planning Board report entitled, "Wind Energy Conversion Facilities," on file in the Office of the Town Clerk, or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen:**

**Finance Committee:** *Recommended by Majority Vote ( 2 In Favor, 3 Abstain)*

**Summary:** *The proposed zoning amendment will establish a permitting process for wind energy conversion facilities. Small Scale Wind Energy Conversion Facilities (height up to 65 ft) will be permitted by right, and Large Scale Wind Energy Conversion Facilities will require a special permit from the Planning Board.*

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**ARTICLE 9: ACCESSORY APARTMENTS**

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-16D Accessory Apartments and Section 218-13 Schedule of Use Regulations as follows:

1. Amend Item 218-16D(1) Purpose by deleting the words "adding to the number of buildings in the Town, or" in the first sentence. The item as amended will read as follows:
  - (1) Purpose. For the purpose of (a) providing small additional dwelling units to rent without ~~adding to the number of buildings in the Town, or~~ substantially altering the appearance of the Town, (b) providing alternative housing options; and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.
2. Amend Item 218-16D(3)(c) by deleting the words "shall be located in the principal residential structure on the premises" at the end of the second sentence and by adding the words "and may be attached or detached" after the word "and." The item as amended will read as follows:
  - (c) Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 square feet in floor space and may be attached or detached.

3. Amend Item 218-16D(3)(d) by deleting the existing paragraph in its entirety and replacing it with the following:

(d) The accessory apartment shall not detract from the residential character of the property or the neighborhood.

4. Amend Section 218-13 Use Regulations by inserting the following use in the Accessory Section:

	R-A	R-B	B-1	M-1	C	O	P
Accessory Apartments are regulated under § 218-16D	SP	SP	SP	N	N	N	N

or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen:**

**Finance Committee:** *No Position*

**Summary:** *The proposed zoning amendment allows construction of accessory apartments, not to exceed 800 square feet, to be located in accessory structures, whether attached or detached. Accessory apartments require a special permit from the Zoning Board of Appeals.*

**ARTICLE 10: SCHEDULE OF USE REGULATIONS**

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, 218-13 Schedule of Use Regulations, striking out the word “detached” and inserting in its place the word “attached” in the following use in the Residential section:

	R-A	R-B	B-1	M-1	C	O	P
2-family <del>detached</del> attached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	N	N	N	N

or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen**

**Finance Committee:** *No Position*

**Summary:** *The proposed zoning amendment requires that the two units in a two--family dwellings must be attached.*



**ARTICLE 11:                   CHAPTER 119 – BUILDING NUMBERING BYLAW**

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 119 Buildings, Numbering of, by deleting the existing Chapter 119 in its entirety, and by substituting in its place, a new Chapter 119 Buildings, Numbering of, as follows:

**Chapter 119: BUILDINGS, NUMBERING OF**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Groton 4-25-1992 by Art. 18. Amendments noted where applicable.]

**§ 119-1. Statutory authorization**

Pursuant to the statutory authorization granted under MGL C. 40, § 21, and C. 148, §59, the Town of Groton hereby enacts this chapter requiring and regulating the numbering of buildings within the municipal boundaries of the Town of Groton.

**§ 119-2. Purpose**

The standards and regulations set forth within the provisions of this chapter shall have the purpose and effect of promoting the general health, safety, welfare and convenience of the inhabitants of the Town of Groton by reducing the difficulty in responding to individual residences in cases of police, fire, medical or other emergency situations requiring immediate location and response; by facilitating the delivery efforts of the United States Postal Service through the creation of a numbering system for all delivery locations; by decreasing the potential for traffic accidents caused by motorists searching for address locations; by improving local census data gathering capabilities; by improving the accuracy of important legal documents requiring address location information; and by assisting the planning efforts of a growing community.

**§ 119-3. Administration; street list; assignment of numbers; Town Map**

- A. This chapter shall be administered by the Town Manager or his/her designee who shall see that building numbers are assigned to all dwellings, public buildings, businesses and structures used as a place of business or gathering.
- B. The Town Clerk shall prepare and maintain through annual update a street list of the Town of Groton consisting of an alphabetical listing of all streets, with residents or business names listed in the order of their assigned numbers.
- C. The Town Manager or his/her designee shall see to the preparation of a Town Map indicating the approximate location of the numbering system within the Town.

**§ 119-4. Compliance required**

All dwellings, public buildings, businesses, structures, and places of gathering, as determined by the Fire Chief, shall be identified by their properly assigned street number (as assigned and certified by the Town of Groton). It is the responsibility of each property owner to obtain the correct street number from the Town Manager or his/her designee. It shall be the responsibility of the owner/occupant to maintain and attend to the assigned street number(s). Under no circumstance should a street number, other than that which is properly assigned, be displayed.

Numbers shall be displayed within 60 days of the enactment of this chapter or within 60 days of a new street number assignment. New structures must have their numbers properly displayed prior to occupancy.

#### **§ 119-5. Assignment of numbers**

##### **A. New structures**

Whenever any residential or non-residential structure is constructed or developed, it shall be the duty of the owner to procure an assigned number or numbers from the Building Commissioner. The number shall be assigned prior to the issuance of any permits associated with the construction.

##### **B. New subdivisions**

Any prospective subdivider shall show the proposed building numbering system on the definitive subdivision plan or Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in any regulations promulgated pursuant to this Chapter.

##### **C. Building numbering changes**

When it is necessary to correct an existing building number for public safety purposes, the Fire Chief shall assign a new building number. All affected property owners shall be notified in writing of the change. The written notice shall advise that the new number shall become effective 60 days from the date of the notice.

#### **§ 119-6. Regulations**

After public notice and public hearing, the Board of Selectmen shall have authority to promulgate rules and regulations to implement this chapter, to enforce the provisions of this chapter, and to take any other actions reasonable and appropriate to implement this chapter.

#### **§ 119-7. Open Land Numbering**

All parcels of land in the Town of Groton that do not contain buildings will be assigned parcel numbers that are identical to those recorded in the Assessor's database for the Town. Use of these parcel numbers for emergency situations is limited to when no building numbers are available.

#### **§ 119-8. Enforcement**

- A. The Town Manager or his/her designee shall enforce this chapter, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders - The Town Manager or his/her designee may issue a written order to enforce the provisions of this chapter, or the regulations thereof.

- C. Criminal penalty - Any person who violates any provision of this chapter, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense
- D. Noncriminal disposition - As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL C. 40, § 21D, which has been adopted by the Town in the Code of the Town of Groton Chapter 1, § 1-4, Complaints, in which case the Town Manager or his/her designee shall be the enforcing person. The penalty for each violation shall be \$50 for the first violation, \$100 for the second violation, and \$300 for the third violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**§ 119-9. Severability**

If any provision, paragraph, sentence, or clause of this chapter is held invalid for any reason by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

**§ 119-10. Effective date**

This chapter shall take effect upon approval of the Attorney General in accordance with M.G.L., Ch. 40 § 32.

or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:** *No Position*

**Summary:** *Through the adoption of this bylaw it will clarify the existing building numbering procedures for public safety purposes.*

**ARTICLE 12: STORMWATER MANAGEMENT REVOLVING FUND**

To see if the Town will 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, Stormwater Management - Low Impact Development, 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 2010, or to take any other action relative thereto.

**STORMWATER ADVISORY COMMITTEE**

**Board of Selectmen:**

**Finance Committee:** *Recommended Unanimously*

**Summary:** *This article authorizes the use of the revolving fund for technical review and processing of applications submitted under Chapter 198, Stormwater Management - Low Impact Development.*

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**ARTICLE 13: CONSERVATION COMMISSION REVOLVING FUND**

To see if the Town will vote to renew the revolving account under Massachusetts General Laws, Chapter 44, § 53E½ for the purpose of utilizing receipts and fees received for agricultural or silvicultural activities conducted on Town-owned conservation land under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town, with the maximum amount in said account not to exceed \$10,000 for Fiscal Year 2010, or to take any other action relative thereto.

**CONSERVATION COMMISSION**

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

**Summary:** *This article re-authorizes the use of the revolving fund (established in 2007) for the management of conservation land in Groton. Reauthorization allows for reduced fees for management of conservation lands in Groton.*

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**ARTICLE 14: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION**

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption for Fiscal year 2010 for those persons who qualify for property tax exemptions under Massachusetts General Laws, Chapter 59, Section 5, not to exceed \$1,000, or to take any other action relative thereto.

**BOARD OF ASSESSORS**

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

**Summary:** *This article is geared to elderly persons, blind persons and veterans, with service connected disabilities. It would increase the exemption under state statute up to 100% of the exemption.*

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**ARTICLE 15: COMMUNITY PRESERVATION COMMITTEE BUDGET**

To see if the Town will vote to make the following appropriations from the Community Preservation Fund:

Allocation of Community Preservation Funds to the following sub accounts:

CPC Operating Expenses:	\$ 35,000
Open Space Reserve:	\$ 70,000
Historic Resource Reserve:	\$ 70,000
Community Housing Reserve:	\$ 70,000
Unallocated Reserve:	\$455,000

or to take any other action relative thereto.

**COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen:**

**Finance Committee:** *Recommended Unanimously*

**Summary:** *This is an accounting procedure that is necessary to ensure the Community Preservation Committee will have access to the funds raised during FY10. None of these funds will be spent without additional approval at Town Meeting*

**ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2010, and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, and by authorizing the Board of Selectmen, with the approval of the Community Preservation Committee to acquire, by purchase, gift or eminent domain such real property interests in the same of the Town, or enforceable by the Town, including real property interests in the form of permanent affordable housing restrictions and historical preservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing, or to take any other action relative thereto.

**CPC Proposal A: Groton Youth Baseball Field Construction: \$148,152**

**Summary:** *The Groton Youth Baseball League and Parks Commission have requested funds to construct a new baseball field to be located off of Cow Pond Road adjacent to the three existing baseball fields. The Cow Pond Facility is the central location for the youth baseball program and includes three existing fields, two batting cages, a small concession stand, and multiple storage units. This will allow for an additional field to meet the growing baseball population, which has doubled over the last seven years and free up other fields in town for use by other organizations that need more space as well.*

**Board of Selectmen:**

**Finance Committee:** *Recommended by Majority Vote (3 For, 2 Against, 1 Abstain)*

**CPC Proposal B: Allocation to the Conservation Land Fund: \$100,000**

**Summary:** *The Conservation Fund has been used by the Conservation Commission to purchase Conservation Restrictions, Agricultural Preservation Restrictions, and to purchase conservation land outright within the Town of Groton. Placing CPA funds into the Conservation Fund makes them instantly available to the Conservation Commission for acquiring open space that may be available for purchase for only a short period of time. The workload on the Community Preservation Committee will be reduced by having the Conservation Commission be responsible for the acquisition of open space for the Town. The process of negotiating and purchasing open space can be time consuming and span many years. Relying on the expertise of the Conservation Commission in the area of open space acquisition will allow the Committee to focus more of its attention on the new activities of historic preservation, recreation, and community housing.*

**Board of Selectmen:**  
**Finance Committee:** ***Not Recommended by Majority Vote (4 Against, 2 Abstain)***

**CPC Proposal C: Reconnaissance Archaeological Survey: \$ 40,000**

**Summary:** *This project is a continuation of the Groton Historical Commission's program of documenting the historic and archeological resources of Groton. This project also allows for the use of the results in the Town's Master Plan and includes recommendations for interpreting historic and archeological information to the citizens of the Town and visitors to Groton.*

**Board of Selectmen:**  
**Finance Committee:** ***Not Recommended by Majority Vote (5 Against, 1 Abstain)***

**CPC Proposal D: Groton Grange Preservation Project: \$137,000**

**Summary:** *The purpose of this project is to preserve the historic character and use of Groton Grange Hall by stabilizing its historic features and preventing further deterioration and ensure the continued use of Groton Grange Hall as it was historically and maximize its value for public use and benefit. Some of the work proposed would be to replace roofing, repair sills, rebuild the foundation, replace the egress door in the east corner of the building, replace any deteriorating clapboard siding, paint the side exterior of the building and replace and extend the heating system.*

**Board of Selectmen:**  
**Finance Committee:** ***Not Recommended By Majority Vote (1 For, 5 Against)***

**CPC Proposal E: Historic Documents Preservation: \$ 18,500**

**Summary:** *The project request is for funding to restore and preserve historical documents generated by the Town of Groton. This request is part of a multi-year set of requests (past and future) to preserve all the historic records of Groton. These documents record various aspects of Groton's past government. In conjunction with the preservation of the physical landscape and historic buildings, these records help broaden the understanding of the history of Groton. The subject matter and timeframe of these documents make them irreplaceable. There are no copies available. The targeted list of documents for this request date from 1724 , with the latest document dated 1880.*

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

**CPC Proposal F: Phase II Footstone Reinstallation: \$ 2,850**

**Summary:** *This is a request for funding to assist the Old Burying Ground Commission restore 29 footstones to the Burying Ground. Phase I of this project was completed in the fall of 2008 and it is the intention of the Commission to complete Phase II, finishing the project by the Fall of 2009. This is a short term project, however, the benefits of reinstalling these footstones will last for generations and will allow the Commission to continue the legacy of those who made Groton their final resting place.*

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

**CPC Proposal G: Unkety Brook Well Site Phase I: \$ 8,650**

**Summary:** *This request is for the engineering services and appraisal utilizing the Planning Board's consultant to review a "basic number of lots plan" and complete an appraisal based on those findings for the proposed future Well Site at Unkety Brook.*

**Board of Selectmen:**  
**Finance Committee:** ***Not Recommended by Majority Vote (2 For, 4 Against)***

**CPC Proposal H: Unkety Brook Well Site Phase II: \$ 65,000**

**Summary:** *This request is for the purchase of approximately one (1) acre of land associated with the proposed future Well Site at Unkety Brook. This Department of Environmental Protection requirement is needed in order to secure the entire 400' radius around the well head and obtain final approval.*

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

**COMMUNITY PRESERVATION COMMITTEE**

**ARTICLE 17: DEBT SERVICE FOR SURRENDEN FARMS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum or sums of money, pursuant to Massachusetts General Laws, Chapter 44B, Section 5 for debt service for Fiscal Year 2010 for the Surrenden Farm Land Acquisition, as authorized under Article 1 of the April 24, 2006 Special Town Meeting, or to take any other action relative thereto.

**COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen:**

**Finance Committee: Recommended by Majority Vote (4 For, 1 Against)**

**Summary:** *This article appropriates the debt payments for the Surrenden Farms Land Purchase. Funding for this article will come from Community Preservation Funds. The anticipated debt service for FY 2010 is \$492,213.*

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**ARTICLE 18: RESCIND VARIOUS BYLAWS**

To see if the Town will vote to rescind the following Bylaws that are no longer functioning or are in conflict with the Town of Groton Charter approved by the October 22, 2007 Special Town Meeting and the May 21, 2008 Annual Election:

- Chapter 9 – Capital Planning Committee
- Chapter 18 – Capital Growth Program
- Chapter 19 – Growth Management Advisory Committee
- Chapter 65 – Recreation Commission
- Chapter 77 – Town Government Structure and Bylaws Study Committee
- Chapter 86 – Treasurer/Collector

or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee: No Position**

**Summary:** *The following summarizes the reasons for this recommendation:*

- *Chapter 9: Charter Section 6-6 specifies that capital planning is a responsibility of the Town Manager. The duties of the CPC are to review capital improvement proposals and make recommendations regarding capital spending to town meeting. The Town Manager now has responsibility for the expense and capital budgets, submitted to the Finance Committee.*
- *Chapter 18: The impact fees described in this by-law are invalid under Massachusetts law. In general, Massachusetts Courts have ruled that an impact fee, as described in this by-law, is an impermissible tax. If and when Massachusetts law allows such impact fees in some form or other, Groton will have to craft a new impact fee by-law that is consistent with the new state law.*



- *Chapter 19: At the present time the Growth Management Advisory Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee are being performed by other organizations in Town government or are no longer required.*
- *Chapter 65: At the present time the Recreation Commission has no members assigned and is non-functional. Recognizing that the current Recreation Commission has no members and in the interest of economy in town government operations, it makes sense to rescind this by-law and transfer the Recreation Commission responsibilities to the Park Commission, which is currently performing the essential duties of a Recreation Commission.*
- *Chapter 77: At the present time the Town Government Structure and By-Laws Study Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee have been assumed by other organizations in Town government or are no longer required.*
- *Chapter 86: The appointment of a Treasurer/Collector by the Town Manager as well as the powers and duties of the Treasurer/Collector are now defined in Section 5-3, Department of Finance, of the new Town Charter.*

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**ARTICLE 19: BYLAW AMENDMENTS AFFECTING TOWN OPERATIONS**

To see if the Town will vote to amend the Code of the Town of Groton as follows:

Amend Chapter 4 “Aging, Council On” by deleting Section 4.4 in its entirety and replacing it with a new Section 4.4 as follows:

“The Town Manager shall appoint such clerks and other employees as may be required.”;

And, further, to amend Chapter 27 “Inspector of Wires” by deleting Section 27-1 in its entirety and replacing it with a new Section 27-1 as follows:

“The Town Manager shall appoint the Inspector of Wires in accordance with the provisions of M.G.L. c. 166, § 32.”;

And, further, to amend Chapter 84 “Town Property, Sale Of” by adding a new Section 84-1, entitled “Definitions” as follows and renumber the remaining sections of the Bylaw:

“84-1. Definitions. Personal Property – All property other than land and real estate owned by the Town of Groton.”;

And, further, to amend Chapter 84 “Town Property, Sale Of” by amending the new Section 84-2 by replacing the words “Board of Selectmen” with the words “Town Manager” .;

And, further, to amend Chapter 137 “Farming” by amending Sections 137-4(B) and 137-5 by replacing in both sections, the words “Board of Selectmen” with the words “Town Manager.”;

And, further, to amend Chapter 141 "Flood Damage Prevention" by amending Section 141-1(B) by replacing the words "Board of Selectmen" with the words "Town Manager".;

And, further, to amend Chapter 145 "Forest Lands" by deleting the words "with the approval of the Selectmen" in Section 145-1, so that it now reads as follows:

"The Forest Warden may order all forest lands in the Town closed to all persons except the owners or their agents when a period of high fire hazard exists.";

And, further, to amend Chapter 153 "Historic Districts and Commissions" by amending Section 153-3 by replacing the word "Selectmen" with the words "Town Manager.";

or to take any other action relative thereto.

### **BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:** *No Position*

**Summary:** *Section 4-2 of the Groton Charter assigns powers and duties to the Town Manager for the proper administration of all town affairs. The amendments to these by-laws are intended to promote efficiency in the day-to-day operations of the Town by assigning direct responsibility to the Town Manager, and in one case to the Fire Warden, for the operational aspects of these by-laws. These changes modify the several by-laws to be more consistent with the charter.*

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### **ARTICLE 20: AMEND TOWN MEETINGS BYLAW**

To see if the Town will vote to amend Chapter 81 "Town Meetings" by deleting Section 81-1 in its entirety and replacing it with a new Section 81-1 entitled "Town Meetings" as follows:

"§ 81-1. Town Meetings

- A. The Spring Town Meeting by default shall be held on the last Monday in April. If the Board of Selectmen determine it infeasible or undesirable to hold the Spring Town Meeting on the last Monday in April, then, on a year by year basis, the Selectmen may establish a different Monday date, sometime in March, April or May, upon which to hold the Spring Town Meeting so long as they provide formal public notice of that date at least six (6) weeks prior to the date established.
- B. The Fall Town Meeting by default shall be held on the third Monday in October. If the Board of Selectmen determine it infeasible or undesirable to hold the Fall Town Meeting on the third Monday in October, then, on a year by year basis, the Selectmen may establish a different Monday date, sometime during September, October, November or December, upon which to hold the Fall Town Meeting so long as they provide formal public notice of that date at least six (6) weeks prior to the date.
- C. Adjourned sessions of the Spring and the Fall Town Meeting shall be scheduled for subsequent Monday evenings, unless an alternative day is approved by a majority of those present and voting.";

And, further, to amend Section 81-4 (A) by replacing the words “Annual Town Meeting” with the words “Spring Town Meeting”;

And, further, to amend Section 81-4 (B) by adding the word “a” before the word “Town” in the first sentence;

And, further, to delete Section 81-6 in its entirety,

or to take any other action relative thereto.

### **BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:** *No Position*

**Summary:** *All proposed changes in Chapter 81 are necessitated by Section 2-1, Town Meeting, of the new Town Charter. Language had been provided to give the Selectmen some flexibility in establishing an alternate date both for spring town meeting and the fall town meeting. This is deemed necessary because of holidays with floating dates and other events beyond the Selectmen’s control may make the default date for either or both meeting infeasible or undesirable.*

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### **ARTICLE 21: LAND ACQUISITION - BOSTON ROAD**

To see if the Town will vote to authorize the Conservation Commission to acquire, on behalf of the Town of Groton, a certain parcel of land located on Boston Road, shown as parcels 23 and 24.1 on Groton’s Assessors’ Map 253 and containing approximately 25.8 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; and, to transfer or appropriate from the Conservation Fund a sum or sums of money therefore, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program (formerly “self help”) grant with said proceeds to be returned to the Conservation Fund, and further, to authorize the Conservation Commission to apply for a “LAND” grant for such acquisition pursuant to Section 11 of Chapter 132A of the General Laws, and to act as the official representative for such application; and, to authorize the Board of Selectmen to petition the General Court for any special legislation necessary for such acquisition; and, to authorize the Conservation Commission and the Board of Selectmen to execute documents and take all necessary actions in connection with said acquisition, or to take any other action relative thereto.

### **CONSERVATION COMMISSION**

**Board of Selectmen:**

**Finance Committee:** *Recommended by Majority Vote (3 For, 2 Abstain)*

**Summary:** *A similar article was approved at the October 2008 Special Town Meeting. Since that time, the specific parcels have changed (land in Littleton has been excluded from the acquisition), and the purchase price has changed. The Conservation Fund will be the source of funding, and this will not require increasing the tax levy. Applying for the LAND grant will allow the Town to leverage those funds by 60%. A 25+ acre parcel that contains rare species habitat, including a 9 acre vernal pool with surrounding upland, is likely to be developed as a Chapter 40B affordable housing subdivision.*

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**ARTICLE 22: CONDUCT INCOME SURVEY**

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum or sums of money, to submit an application for funding to the Rural Utilities Service, including the required Environmental Report, and to conduct an Income Survey for the Lost Lake area as identified in the Phase 1 Project Evaluation Report completed in 2005, for implementation of Wastewater Collection, Treatment and Disposal and Watershed Quality Improvements; and to authorize the Board of Selectmen to execute all documents and take all actions necessary to carry out the project, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *The Income Survey, to be conducted by a non-profit organization, RCAP, with support and leadership of the Lost Lake Sewer Committee, will determine if the Lost Lake area is eligible for grants and loans available from the Rural Utility Service. The Rural Utilities Service (RUS) funding application and Environmental Report will position the Town for funding opportunities through RUS and to put the project in the queue for potential federal economic stimulus funding. This cost to be borne by the taxpayer and is estimated to cost approximately \$10,000.*

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**ARTICLE 23: PHASE II AND III – LOST LAKE WASTEWATER PLAN**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money, for the planning of Phases II and III of the Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR) for Wastewater Collection, Treatment and Disposal and Watershed Quality needs for the Lost Lake area; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *Phases II and III of long-term planning for wastewater collection, treatment and disposal, including soil investigations; collection, treatment and disposal technology selection and verification of areas needing off-site solutions to define the limits of the project; and submittal of environmental review documents that build on the Phase 1 Project Evaluation Report completed in 2005. Project needs to comply with environmental planning and regulatory permitting requirements prior to designing solutions. This cost to be borne by the taxpayer and is estimated to cost \$300,000.*

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**ARTICLE 24: ACCEPT BROWN LANE AS A PUBLIC WAY**

To see if the Town will vote to accept as a Public Way, Brown Lane, as shown on a plan entitled "As Built Plan of Brown Lane in Groton, Massachusetts prepared for Brown Lane Homeowners Association" prepared by David E. Ross Associates, Inc. dated January 29, 2009, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:** *No Position*

**Summary:** *To accept Brown Lane as a public way.*

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

Given under our hands this 6<sup>th</sup> Day of April in the year of our Lord Two Thousand Nine.

Joshua A. Degen  
Joshua A. Degen, Chairman

Stuart M. Schulman  
Stuart M. Schulman, Vice-Chairman

Anna Eliot, Clerk  
Anna Eliot, Clerk

Peter S. Cunningham  
Peter S. Cunningham, Member

George F. Dillon, Jr.  
George F. Dillon, Jr., Member

OFFICERS RETURN  
Groton, Middlesex

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

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date Duly Posted

**Warrant, Summary, and Recommendations**

**TOWN OF GROTON**



**SPECIAL TOWN MEETING**

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

**Beginning Monday, April 27, 2009 @ 8:00 PM**

**SPECIAL TOWN MEETING WARRANT  
APRIL 27, 2009**

Middlesex, ss.  
Commonwealth of Massachusetts  
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the twenty-seventh day of April, 2009 at Eight O'clock in the evening, to consider the following:

**ARTICLE 1:           CURRENT YEAR LINE ITEM TRANSFERS**

To see if the Town will vote to transfer certain sums of money with the Fiscal Year 2009 budget, or to take any other action thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:**           *Recommendation Deferred Until Town Meeting*

**Summary:**    *To transfer money within the FY 2009 Budget should the need arise. A handout explaining any necessary transfer will be available at Town Meeting.*

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**ARTICLE 2:           TRANSFER WITHIN WATER ENTERPRISE FUND**

To see if the Town will vote to authorize the Groton Water Department to transfer a sum or sums of money from the Water Enterprise Fund Surplus to the Fiscal Year 2009 Water Department Budget, or to take any other action relative thereto.

**BOARD OF WATER COMMISSIONERS**

**Board of Selectmen:**

**Finance Committee:**           *Recommendation Deferred Until Town Meeting*



**Summary:** *This article allows the Water Department to transfer money from its surplus account to cover any deficit in the FY 2009 budget. More information will be provided at Town Meeting to explain any transfer requested under this article.*

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**ARTICLE 3:                   TRANSFER WITHIN SEWER ENTERPRISE FUND**

To see if the Town will vote to transfer a sum or sums of money from the Sewer Enterprise Fund Surplus to the Fiscal Year 2009 Sewer Enterprise Department budget, or to take any other action relative thereto.

**BOARD OF SEWER COMMISSIONERS**

**Board of Selectmen:**

**Finance Committee:**                   *Recommendation Deferred Until Town Meeting*

**Summary:** *This article allows the Sewer Department to transfer money from its surplus account to cover any deficit in the FY 2009 budget. More information will be provided at Town Meeting to explain any transfer requested under this article.*

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**ARTICLE 4:                   STATION AVENUE ENGINEERING**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money to pay for the development of engineering drawings for the reconstruction and/or redevelopment of Station Avenue, and all related costs, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:**                   *Recommendation Deferred Until Town Meeting*

**Summary:** *As part of the redevelopment of Station Avenue under the Station Avenue Overlay District Bylaw, the road needs to be upgraded and utilities need to be upgraded and placed underground. By developing engineering drawings at this time, the construction project will be "shovel ready" and eligible for Federal and State Grants.*

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**ARTICLE 5: EXECUTE A RELEASE DEED**

To see if the Town will vote to authorize the Board of Selectmen to execute a release deed respecting property located on Nashua Road and shown on Groton Assessors' Maps as Parcel 226-63 for the purpose of confirming the absence of any Town interest in the property by virtue of a relocation of Nashua Road previously voted by the Middlesex County Commissioners, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:**

**Finance Committee:**

***Recommendation Deferred Until Town Meeting***

**Summary:** *In 1986 Hannah Smith conveyed parcel 226-63 to George and Deborah Kirk by way of a deed recorded in book 17199 page 045 of 1986. The Town has collected taxes on this parcel from the Kirks since 1986 and Smith prior to 1986. The Town was to take this parcel in 1949 for the relocation of Nashua Rd. There are no recorded records showing the actual taking in 1949 or later. This article authorizes the Board of Selectmen to sign a release deed should it be deemed that the Town has no interest in the property.*

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

Given under our hands this 6<sup>th</sup> Day of April in the year of our Lord Two Thousand Nine.

Joshua A. Degen  
Joshua A. Degen, Chairman

Stuart M. Schulman  
Stuart M. Schulman, Vice-Chairman

Anna Eliot, Clerk  
Anna Eliot, Clerk

Peter S. Cunningham  
Peter S. Cunningham, Member

George F. Dillon, Jr.  
George F. Dillon, Jr., Member

OFFICERS RETURN  
Groton, Middlesex

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

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date Duly Posted