

Warrant, Summary, and Recommendations

TOWN OF GROTON



2014 FALL TOWN MEETING

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

Beginning Monday, October 20, 2014 @ 7:00 PM

Attention – Voters and Taxpayers

Please bring this Report to Town Meeting



Town Meeting Access for Voters with Disabilities

Parking – Universally accessible parking spaces are available in the parking lot in front of the Groton Dunstable Middle School South. There is a ramp providing access from the parking lot to the front door of the Middle School.

Wheelchair Accessible & Companion Seating – Wheelchair spaces, seating for people with mobility issues and companion seats are available in the center aisle on both sides of the auditorium.

Sign Language – A Sign Language Interpreter will be provided for the hearing impaired, upon request, at least one week prior to the meeting.

Speaking at Town Meeting – There will be volunteers available to bring hand-held microphones to voters who have mobility issues or cannot stand in line and wait at the microphones.

Restrooms – Accessible restrooms are available near the entrance to the auditorium.

Transportation to Town Meeting - The Council on Aging van will be available to Groton residents attending Town Meetings at no charge. All riders will be at the meeting prior to the start. However, the van will depart the school at 10 PM regardless of the status of the meeting. The van is wheelchair accessible. Your reservation can be made by calling the Senior Center at 978-448-1170. Seats will be filled on a first come, first serve basis.

Questions or concerns - If you or a member of your household has questions or would like to request a sign language interpreter, please contact ADA Coordinator

Michelle Collette at Town Hall at 978 448-1105 at least one week before the Town Meeting.

**FALL TOWN MEETING WARRANT
OCTOBER 20, 2014**

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 twentieth day of October, 2014 at Seven O'clock in the evening, to consider the following:

ARTICLE 1: PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds a sum or sums of money for the payment of unpaid bills from prior fiscal years, or to take any other action relative thereto.

BOARD OF SELECTMEN

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

Summary: *Town Meeting approval is required to pay bills from a prior fiscal year. A list of unpaid bills will be provided at Town Meeting.*

ARTICLE 2: AMEND THE FISCAL YEAR 2015 TOWN OPERATING BUDGET

To see if the Town will vote to amend the Fiscal Year 2015 Operating Budget as adopted under Article 5 of the April 28, 2014 Spring Town Meeting, and 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 Fiscal Year 2015, or to take any other action relative thereto.

**FINANCE COMMITTEE
BOARD OF SELECTMEN
TOWN MANAGER**

Board of Selectmen: *See Town Manager's Report in Back of Warrant for Recommendations*
Finance Committee: *See Town Manager's Report in Back of Warrant for Recommendations*

Summary: *The Fiscal Year 2015 Town Operating Budget was approved at the 2014 Spring Town Meeting in April, 2014. Any changes to this Budget would have to be made prior to*

setting the tax rate. The purpose of this article is to make any necessary changes to balance the FY 2015 Operating Budget. Please see the Town Manager's Report contained in the back of this Warrant for an explanation outlining the proposed changes.

ARTICLE 3: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum or sums of money to be added to the sum already on deposit in the Capital Stabilization Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously
Finance Committee: Recommended Unanimously

Summary: The Fund has a balance of \$167,891. The financial management goal is to achieve and maintain a balance in the Capital Stabilization Fund equal to 1.5% of the total annual budget. Any balance beyond the 1.5% level should be added to the Capital Stabilization Fund in conjunction with the Capital Plan to reduce overall borrowing and associated costs. The target amount for the Capital Stabilization Fund will be provided at Town Meeting.

ARTICLE 4: TRANSFER MONEY INTO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum or sums of money to be added to the sum already on deposit in the Stabilization Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously
Finance Committee: Recommended Unanimously

Summary: The balance in this fund is \$1.46 million. The financial management goal is to achieve and maintain a balance in the Stabilization Fund equal to 5% of the total annual budget. The target amount for the Stabilization Fund will be provided at Town Meeting.

ARTICLE 5: OFFSET THE TAX RATE

To see if the Town will vote to transfer a sum of money from the General Excess and Deficiency Fund (Free Cash) or from other available funds for the purpose of affecting the tax rate for the period beginning July 1, 2014, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended – 4 In Favor, 1 At Town Meeting (Petropoulos)
Finance Committee: Recommended Unanimously

Summary: *The intent of this article is to use a portion of Free Cash or General Stabilization Fund monies as a funding source for the FY 2015 Budget in order to lower the amount of money required to be raised from taxes or to balance a deficit budget. The amount of Free Cash and General Stabilization Fund monies available for appropriation will be provided at Town Meeting.*

ARTICLE 6: ACCEPT LOCAL OPTION MEALS TAX

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 64L, §2, which would authorize the Town to impose a local sales tax on the sale of restaurant meals originating within the Town of Groton, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended – 4 In Favor, 1 Abstain (Schulman)
Finance Committee: Recommended – 5 In Favor, 1 Against (Green)

Summary: *Acceptance of this State statute would allow the Town to impose an excise of 0.75% on the sales of restaurant meals originating within the Town of Groton. The Department of Revenue would collect the local meals excise at the time it collects the state tax on the sale. The local excise applies to all meals subject to the state sales tax. Under the statute, the Town cannot vary the rate or the meals subject to this excise. It is estimated that this excise will generate over \$100,000 annually for the Town of Groton.*

ARTICLE 7: CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT

To see if the Town will vote to become a member of the Central Massachusetts Mosquito Control Project for a minimum of three (3) years, pursuant to Massachusetts General Laws Chapter 252, Section 5A, Chapter 583 of the Acts of 1973 and any other enabling authority, or take any other action relative thereto.

BOARD OF HEALTH

Board of Selectmen: Not Recommended - 3 Against, 1 In Favor (Degen), 1 ATM (Schulman)
Finance Committee: Recommended – 4 In Favor, 2 Against (Robertson, Bacon)

Summary: *The Central Massachusetts Mosquito Control Project (CMMCP) is a mosquito control project established by legislative act, Chapter 583 of the Acts of 1973. It operates under an assessment procedure and provides a year-round program of mosquito control in 39 cities and towns in both Middlesex and Worcester counties. Services offered include larval and adult mosquito surveillance, larval and adult mosquito control, public education, ditch cleaning and maintenance and research/control efficacy. The program is tailored to meet the specific needs of the member cities and towns, and residents can opt out of any part of the program. Spraying is*

done at residents' request. It is anticipated that the Town will be assessed an annual fee of \$73,000 on our Cherry Sheet for a minimum of three (3) years for a total of \$219,000.

ARTICLE 8: POLICE DEPARTMENT DATA CONVERSION

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 be expended by the Town Manager, to pay for the data conversion and migration of police records for the Groton Police Department, and for all costs associated and related thereto, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended – 4 In Favor, 1 At Town Meeting (Eliot)
Finance Committee: Recommended Unanimously

Summary: *The Police Department currently maintains records extending back to the 1990s on three different servers. Searches for data must take place on three separate systems, lengthening the time searches take and increasing the chance that something is missed. Maintaining these servers is costly, and finding parts to replace failed components is becoming increasingly difficult. Last Spring, the oldest system suffered a hardware failure that resulted in the system being down for two months, with a cost to fix exceeding \$3,000. Many surrounding police departments simply gave up a decade or more of data when their similar-aged servers died or malfunctioned. This one-time expense will take data from two older systems and migrate it to the current system. It should take about three weeks to migrate the data, at which time the older systems can be removed from the network.*

ARTICLE 9: PUBLIC SAFETY BUILDING IMPROVEMENTS – RENAME BUILDING

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 be expended by the Town Manager, to make improvements and necessary repairs to the current Public Safety Building on Pleasant Street, including all costs associated and related thereto, and to rename said building from the Public Safety Building to the Groton Police Department, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously
Finance Committee: Recommended Unanimously

Summary: *Now that the Fire Department has moved out of the Public Safety Building into their new headquarters on Farmers Row, the Police Department will be taking over the entire building. In order to convert the space formerly used by the Fire Department into usable space for the Police Department, various improvements and repairs are required. The purpose of this*

article is to provide the necessary funding to accomplish this task. Additionally, since the building will be occupied only by the Police Department, it should be renamed "Groton Police Department".

ARTICLE 10: SALE OR LEASE OF PRESCOTT SCHOOL

To see if the Town will vote to authorize the Board of Selectmen to sell and/or lease, for a period not to exceed 99 years, the building known as Prescott School, which comprises approximately 27,330 square feet, and all or a portion of the 2.81 acre site on which it is located at 145 Main Street, Groton, Massachusetts, to take all necessary action to comply with the General Laws of the Commonwealth for the disposal of said building, and to petition the General Court for any necessary special legislation, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended – 5 In Favor, 1 Against (Green)*

Summary: *The Board of Selectmen has issued two Requests for Proposals (RFP) to sell the Prescott School. The last RFP generated one proposal to convert the building to a business use and was presented to the 2014 Spring Town Meeting for approval. While the article received majority approval, it did not receive the necessary 2/3's vote required to dispose of municipal property. The Selectmen hired a realtor to help market the property and reissued the RFP. While the previous proposer has notified the Board of Selectmen that he is willing to keep his proposal before the Town for consideration, the Selectmen agreed to review and consider any other proposal received. The Board of Selectmen will present the former or a new proposal to the Fall Town Meeting for consideration.*

ARTICLE 11: TAX INCREMENT FINANCING PLAN FOR PRESCOTT SCHOOL SITE

To see if the Town will vote to authorize the Board of Selectmen to prepare and submit to the Massachusetts Economic Assistance Coordinating Council a certified project application for designation of the property known as the Prescott School located at 145 Main Street, Groton, Massachusetts, and shown on Assessors' Map 113, Parcel 43, as an Economic Opportunity Area, pursuant to the provisions of Chapter 23A of the General Laws; and further, to authorize the Board of Selectmen to enter into a tax increment financing plan with Prescott Place, LLC pursuant to the provisions of Chapter 40, Section 59 of the General Laws, in connection with the development of said property; and to authorize the Board of Selectmen to take such actions as are necessary to obtain approval of the certified project application and to implement the tax increment financing plan, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *Recommended – 5 In Favor, 1 Against (Green)*

Summary: *A part of the previous proposal received for the sale of the Prescott School was a request from the Proposer "Prescott Place, LLC", to enter into a Tax Increment Financing Plan to help finance the proposed renovations to the Prescott School. This is similar to what was done with Capstone Properties when they renovated Rivercourt Residences. The Board of Selectmen is placing this article on the Warrant as a placeholder in the event it decides to move forward with the Proposal received from Prescott Place, LLC for the sale of the Prescott School. A more detailed explanation will be presented to Town Meeting should the Selectmen decide to move forward with this sale.*

ARTICLE 12: *AMEND ZONING BYLAW – TOWN CENTER OVERLAY DISTRICT*

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218, Zoning, as follows:

In Article V, Special Regulations, by deleting the second sentence of Section 218-30.2.A, describing the boundaries of the existing Town Center Overlay District and replace it with the following:

The boundaries of the TCOD are delineated on a map entitled "Town Center Overlay District, Town of Groton, Massachusetts" dated August 22, 2014, a copy of said map being on file in the Office of the Town Clerk.

or to take any other action relative thereto.

***BOARD OF SELECTMEN
PLANNING BOARD***

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*
Planning Board: *Recommended Unanimously*

Summary: *The Board of Selectmen, working in conjunction with the Planning Board, would like to amend the boundary of the Town Center Overlay District to include the Prescott School. Currently, the Prescott School is zoned only for Public Use. As stated previously in this Warrant, the Board of Selectmen is in the process of marketing the Prescott School with the intent of selling the facility. Any intended use of the property would require it to be rezoned. It is the feeling of the Board of Selectmen and Planning Board that adding the property to the overlay district would be the best course of action.*

ARTICLE 13: ENGINEERING FUNDING FOR LOST LAKE WATERSHED

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 be expended by the Town Manager, upon approval of the Board of Selectmen, for the purpose of retaining the necessary experts/expertise to assist the Lost Lake Watershed Advisory Committee in quantitatively determining the level and source of nutrients and phosphates impacting Lost Lake/Knops Pond and all costs associated and related thereto, including the provision of proposed solutions, or to take any other action relative thereto.

**BOARD OF SELECTMEN
LOST LAKE WATERSHED COMMITTEE**

Board of Selectmen: Recommended – 3 In Favor, 2 Opposed (Petrooulos, Eliot)
Finance Committee: Recommended Unanimously

Summary: *The Board of Selectmen recently expanded the Lost Lake Sewer Advisory Committee to a seven (7) member Committee and renamed it the Lost Lake Watershed Advisory Committee. The LLSAC had completed its work and determined that there is still the need for further study of the entire Watershed and that based on the information before them, the installation of a Sewer System may not be the only solution to nutrient loading in Lost Lake. In expanding and renaming this Committee, the Selectmen charged it with the responsibility of reviewing and studying all point and non-point source discharges in the entire Lost Lake Watershed that may impact Lost Lake and Knops Pond. The purpose of this article is to provide funding to the Committee to hire the necessary expertise to help it fulfill this charge.*

ARTICLE 14: CONSERVATION COMMISSION – ACQUIRE PARCEL

To see if the Town will vote to authorize the Conservation Commission to acquire, on behalf of the Town, a certain parcel of land located off Graniteville Road shown as Parcel 71 on Groton Assessors' Map 251 and containing approximately 81.5 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive outdoor recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; to transfer or appropriate from the Conservation Fund a sum of money therefor, 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; to authorize the Conservation Commission to apply for a Massachusetts LAND Program 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; 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 Board of Selectmen to execute all documents and take all actions necessary in connection with such acquisition; or to take any other action relative thereto.

CONSERVATION COMMISSION

Board of Selectmen: Recommendation Deferred Until Town Meeting
Finance Committee: Recommendation Deferred Until Town Meeting
Conservation Commission: Recommendation Deferred Until Town Meeting

Summary: Applying for a state grant will enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land through a fee simple purchase. The LAND grant request is for the Town of Groton's fee simple acquisition of 81.5± acres of land off Graniteville Road. This land has been designated by the Natural Heritage and Endangered Species Program as BioMap II Core Habitat for Species of Conservation Concern, as well as Estimated Habitat for Rare Wildlife. The parcel connects to hundreds of acres of adjacent protected open space owned by the Town and under the control of the Conservation Commission. Across the town line in Westford is the Village View Conservation Restriction and the undeveloped land of Westford Sportsman's Club. In keeping with the Commission's policy and goals articulated in the 2012 Groton Open Space & Recreation Plan, the members believe the acquisition of this parcel is an opportunity to preserve and protect rare species habitat and extend a recreational trail network.

ARTICLE 15: COMMUNITY PRESERVATION FUNDING RECOMMENDATIONS

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2015, and 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, or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPC Proposal A: Sargisson Beach Restoration \$75,000

Summary: The 2014 Spring Town Meeting appropriated \$109,590 to address erosion issues at Sargisson Beach. The project will address and repair the severely undercut and eroding lake banks so as to create improved fishing access to the deepest part of the Lake as well as repair the existing stone wall and provide storm water runoff management to prevent further beach sand erosion. The original project request was \$170,500, but due to available funds it was broken into two phases with Phase I approved at the 2014 Spring Town Meeting. Additional Community Preservation Act funding became available this summer and the Sargisson Beach Committee approached the Community Preservation Committee with an out of cycle application to seek the entire project funding. The Town put the project out to bid in August and broke it out into two phases, with Phase II being contingent upon funding at the Fall Town Meeting. Completing the project all at once will provide the Town with a cost savings. The purpose of this article is to seek the Phase II Funding.

Board of Selectmen: Recommended Unanimously
Finance Committee: Recommended Unanimously
Community Preservation Committee: Recommended – 3 In Favor, 1 Against, 1 Abstain

ARTICLE 16: EXTEND GROTON CENTER SEWER SYSTEM

To see if the Town will vote to extend the “Groton Center Sewer System” as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 12 of the 2012 Fall Town Meeting held on October 29, 2012, to include Assessors’ Lot 115-16, as shown on the plan by Ducharme and Dillis, dated August 31, 2014 on file in the Town Clerk’s Office, provided that all costs of designing, laying and construction of the connection to the sewer system, costs for additional capacity and General Benefits Facility Charges are paid by the owner of the property benefitted thereby, or to take any other action relative thereto.

BOARD OF SEWER COMMISSIONERS

Board of Selectmen: *Recommendation Deferred Until Town Meeting*
Finance Committee: *No Position*
Sewer Commission: *Recommendation Deferred Until Town Meeting*

Summary: *This article seeks approval to extend the Groton Center Sewer System to include Assessors’ Lot 115-16.*

ARTICLE 17: AMEND CHAPTER 128 “DOGS” OF THE GROTON CODE

To see if the Town will vote to amend Chapter 128, “Dogs”, of the Code of the Town of Groton by deleting the words “Dog Officer” throughout Chapter 128 and inserting in its place the words “Animal Control Officer”, or to take any other action relative thereto.

BOARD OF SELECTMEN

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

Summary: *Recently, the Commonwealth of Massachusetts changed the position of Dog Officer to that of Animal Control Officer and placed new requirements on the position. The Animal Control Officer now deals with more than just dogs and is required to obtain special training and certifications to serve in this role. The Town of Groton has trained two employees as Animal Control Officers and is in full compliance with State Law. The purpose of this article is to amend our Dog Bylaw to adhere to this change in State Law.*

ARTICLE 18: LEASE OF LANDFILL SITE FOR SOLAR ARRAY PROJECT

To see if the Town will vote to transfer from the Board of Selectmen the care, custody, and control of all or a portion of the land located at 600 Cow Pond Brook Road, consisting of 43 acres, more or less, shown on Groton Assessors' Map as parcel 248-41, and known as the landfill site, to the Board of Selectmen for the purpose of lease to a solar energy electricity production entity in connection with a Groton Electric Light Department project for the installation of a solar photovoltaic array on said property; and to authorize the Board of Selectmen to take all action and execute all documents necessary in connection therewith, or to take any other action relative thereto.

**BOARD OF SELECTMEN
ELECTRIC LIGHT COMMISSION**

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

Summary: *This article seeks approval of Town Meeting to allow the Board of Selectmen to enter into a long term lease with a solar energy production entity. The Electric Light Commission has been working on creating a Solar Photovoltaic Array on Town property and is ready to proceed with a project on the former landfill site on Cow Pond Brook Road. A full explanation of the project and the company to which the lease will be awarded will be provided at the Fall Town Meeting.*

ARTICLE 19: AMEND CHAPTER 218 – ZONING BYLAW

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-4, Definitions, by deleting Section 218-4 in its entirety and by inserting in its place a new Section 218-4, Definitions, a copy of which is on file in the office of the Town Clerk; and further,
2. In Section 218-8, Classes of Districts, by deleting Section 218-8 in its entirety and inserting in its place a new Section 218-8, Classes of Districts, a copy of which is on file in the office of the Town Clerk; and further,
3. In Section 218-9, Location of Districts, by striking out Section 218-9, which reads as follows: "Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," dated March 10, 2003, revised February 12, 2008, revised March 1, 2011, further revised January 18, 2013, and revised and amended to date, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this chapter." And inserting in its place:

§218-9 Location of districts. Said districts are located and bounded as shown on a map entitled "Town of Groton, Massachusetts — Zoning Map," dated August 22, 2014, on file in the office of the Town Clerk. Said map, with the boundaries of the districts and all explanatory matter thereon, is hereby made a part of this chapter. And further,

4. In Section 218-12, Intention of Districts, by deleting Section 218-12 in its entirety and inserting in its place a new Section 218-12, Intention of Districts, a copy of which is on file in the office of the Town Clerk; and further,

5. In Section 218-13, Schedule of Use Regulations, by deleting Section 218-13 in its entirety and inserting in its place a new Section 218-13, Schedule of Use Regulations, a copy of which is on file in the office of the Town Clerk; and further,

6. In Section 218-14, Special Use Considerations in Conservancy Districts, by deleting Section 218-14 in its entirety; and further,

7. In Section 218-20, Schedule of Intensity Regulations, by deleting Section 218-20 in its entirety and inserting in its place a new Section 218-20, Schedule of Intensity Regulations, a copy of which is on file in the office of the Town Clerk.

or to take any other action relative thereto.

PLANNING BOARD

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *No Position*

Planning Board: *Recommendation Deferred Until Town Meeting*

Summary: *The 2012 Spring Town Meeting voted to ratify Phase I of the Comprehensive Master Plan. The proposed zoning amendments are part of the implementation plan for Economic Development. The changes include converting the existing Business (B-1) District to three new districts: Village Center District, Neighborhood District, and General Business District. The existing Manufacturing District (M-1) will be changed to Industrial District (I). The Use Regulations and Intensity Regulations will be revised to accommodate the size, scale, and locations of each district. Additionally, Conservation and Open Space Agricultural Districts will be eliminated because they are outdated. The proposed Zoning Map and complete text of the proposed amendments are available in the Office of the Town Clerk and can be viewed on the Town's web site: www.townofgroton.org as well as Appendix A in this Warrant.*

ARTICLE 20: AMEND CHAPTER 218 – ZONING BYLAW

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-10, Boundaries of Districts, Item E, by replacing the word “manufacturing” with the word “industrial”; and further,

2. In Section 218-18, Special Use Considerations in R-B, B-1 and M-1 Districts by replacing the phrase “R-B, B-1 and M-1 Districts” with the phrase “R-B, VCB, NB, GB, and I Districts” in the title; in subsection B by changing the caption from “Rezoning to B-1 or M-1” to “Rezoning to VCB, NB, GB or I,” and replacing the phrases “Business B-1 or Manufacturing M-1 District” and “B-1 or M-1 District” with the phrase “Business or Industrial District,” in subsection C(2) by replacing the phrase “at a location zoned B-1 or M-1 prior to January 1, 1990” with the phrase “at a location zoned Business or Industrial (or Manufacturing)” prior to January 1, 1990”; and by replacing the word “manufacturing” with the word “industrial” in subsections C(1) and D(1); and further,

3. In Section 218-23, Off-street Parking and Loading, subsection C (1) by replacing the phrase “B-1, R-B or M-1 Districts” in the first sentence with the phrase “R-B, VCB, NB, GB, or I Districts in the first sentence; and by replacing the phrase “B-1 District” in the second sentence with the words “VCB District” so that the subsection reads as follows:

Location. Required parking shall be on the same premises as the activity it serves in the R-B, VCB, NB, GB, or I Districts. Each parcel in the VCB District shall be credited with five on-street parking spaces if the parcel is located on Main Street (Route 119) between Lowell Road (Route 40) and Pleasant Street. Such on-street parking spaces shall not qualify as meeting parking requirements for the purposes of § 218-25A, Applicability. Parking lots located within the Groton Center area may be shared with the written consent of the landowner and the approval of the Planning Board, provided that such use will not have an adverse effect on the Town; and further,

4. In Section 218-24, Appearance, subsection B, Promotion of Harmonious Development, by replacing the phrase “R-B Residential-Business District, a B Business District, or an M Manufacturing District” with the phrase “R-B, VCB, NB, GB, or an I District.”; and further,

5. In Section 218-30.2, Town Center Overlay District, by replacing the phrase “Business (B-1),” with the words “Village Center Business,” in Subsection A, Definition, and by replacing “B-1” with “VCB” in Subsection C, Applicability and Permitted Use”.

or to take any other action relative thereto.

PLANNING BOARD

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *No Position*

Planning Board: *Recommendation Deferred Until Town Meeting*

Summary: *The proposed amendment changes the references for Business District (B-1) to Village Center Business (VCB), Neighborhood Business (N-B), and General Business (G-B) and the references for Manufacturing District (M-1) to Industrial District (I) wherever they appear in the Zoning Bylaw.*

ARTICLE 21: AMEND CHAPTER 218 – ZONING BYLAW

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-4, Definitions, by adding the following new definition:

ESSENTIAL PUBLIC SERVICES -- Services provided by public and private utilities, whether underground, surface, or overhead gas, electrical, or steam transmission systems and accessories thereto, such as towers, wires, sub-stations, switching stations, compression stations, and other constituent facilities, and structures, vaults, pipes, and water storage tanks.

2. In Section 218-13, Use Regulations, by deleting the following uses :

	R-A	R-B	B-1	M-1	C	O	P
Telephone, telegraph, power and gas transmission and radio-television broadcasting facilities	SP	SP	Y	Y	N	N	Y
Underground gas and utility transmission	Y	Y	Y	Y	SP	Y	y

and replacing them with the following use:

	R-A	R-B	VCB	NB	GB	I	O	P
Essential public services	PB	PB	PB	PB	PB	PB	PB	PB

or to take any other action relative thereto.

PLANNING BOARD

Board of Selectmen: Recommendation Deferred Until Town Meeting

Finance Committee: No Position

Planning Board: Recommendation Deferred Until Town Meeting

Summary: The proposed amendment would require that a special permit application be submitted to the Planning Board for “Essential Public Services” (see definition) in all districts.

ARTICLE 22: ACCEPT ALTERATION OF LAYOUT OF WEST MAIN STREET

To see if the Town will vote to accept an alteration of the public way layout of West Main Street, being the portion lying adjacent to Assessors' Parcels 218-6 and 218-6-1 as the same is shown on a plan entitled "Plan of Land in Groton, Massachusetts Prepared for Richard Kazanjian" dated May 6, 2014 and prepared by Ducharme and Dillis Civil Design Group, Inc. Engineers, a copy of which is on file in the office of the Town Clerk, in order to eliminate the portion of the right of way of West Main Street which is shown on the plan as Parcel A, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommendation Deferred Until Town Meeting*
Finance Committee: *No Position*

Summary: *Approval of this Article will eliminate the portion of the right of way of West Main Street lying in front of Assessors' Parcels 218-6 and 218-6-1 (Groton Nursery and Nashoba Paddler) which has been used as the parking lot serving those properties for over forty years.*

ARTICLE 23: AUTHORIZE CONVEYANCE OF PARCEL ON WEST MAIN STREET

To see if the Town will vote to transfer from the Board of Selectmen the care, custody, and control of all or a portion of the land shown as Parcel A on a plan entitled "Plan of Land in Groton, Massachusetts Prepared for Richard Kazanjian" dated May 6, 2014 and prepared by Ducharme and Dillis Civil Design Group, Inc. Engineers to the Board of Selectmen for the purpose of sale and to authorize the Board of Selectmen to convey Parcel A or allocable portions thereof to the respective owners of Assessors' Parcels 218-6 and 218-6-1 for the sum of one (\$1.00) dollar or such other sum as may be determined by the Board of Selectmen, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommendation Deferred Until Town Meeting*
Finance Committee: *No Position*

Summary: *Approval of this Article will authorize the conveyance of Parcel A which is comprised of 15,912 square feet to the adjacent land owners who have utilized this land as the parking lot serving Groton Nursery and Nashoba Paddler. The current owners and their predecessors in title have improved this land and utilized it as a parking lot for over forty years.*

ARTICLE 24: CITIZENS' PETITION – ELECTRONIC VOTING STUDY COMMITTEE

To see if the Town will vote to create the “Study Committee on Electronic Voting in Groton Town Meeting”, said Committee to be appointed by the Town Moderator; the membership of the Committee shall be as follows: the Town Moderator, the Town Clerk, Town Counsel, Town Manager, Chair of the Groton Board of Selectmen or that Chair’s designee, Chair of the Groton Finance Committee or that Chair’s designee, Groton’s Director of Information Technology or that Director’s designee, and two (2) citizens at large; said Committee’s Charge shall be to study the benefits, implementation procedures and issues, and potential problems associated with the use of electronic voting systems in an “Open” form of Town Meeting, and to make its recommendations, concerning electronic voting, to the Groton Town Meeting no later than its Annual Spring Town Meeting of 2015, which recommendations may include such proposed amendments to the Town of Groton Bylaws as said Committee deems appropriate, or to take any other action relative thereto.

CITIZENS' PETITION

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Robert L. Gosselin	133 Smith Street	Alberta Erickson	464 Boston Road
Peter Myette	69 School House Road	Robert Hargraves	21 Temple Street
Jeffrey Wallens	952 Lowell Road	Gwenneth Wallens	952 Lowell Road
Michelle Collette	43 Windmill Hill	M. Constance Sartini	38 Mill Street
John Giger	152 Whiley Road	Scott Harker	341 Martins Pond Road

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

Summary: *The intent of this Article is to support, and advance, a key recommendation in the final Report of the Groton Town Meeting Review Study Committee, dated February 20, 2014, said recommendation being to investigate the use of electronic voting within the four (4) walls of Town Meeting.*

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 29th Day of September in the year of our Lord Two Thousand Fourteen.

Joshua A. Degen
Joshua A. Degen, Chairman

Anna Eliot
Anna Eliot, Vice Chairman

Stuart M. Schulman
Stuart M. Schulman, Clerk

Peter S. Cunningham
Peter S. Cunningham, Member

John G. Petropoulos
John G. Petropoulos, 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

APPENDIX A

PROPOSED ZONING AMENDMENT ITEM #1 - SECTION 218-4 DEFINITIONS Filed with the Town Clerk on August 22, 2014 Revised on September 29, 2014

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

Amend Section 218-4 Definitions, by deleting Section 218-4 Definitions in its entirety and by inserting in its place a new Section 218-4 Definitions, dated August 22, 2014, on file in the office of the Town Clerk:

§ 218-4. Definitions.

In this chapter the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the present tense include the future. The abbreviation "sq. ft." shall include square foot or square feet. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." The words "building," "structure," "lot," or "parcel" shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual.

Terms and words not defined herein but defined in the Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this bylaw.

ACCESSORY APARTMENT — A separate dwelling unit, complete with its own cooking and sanitary facilities, having not more than one bedroom and functioning as a separate unit. Additions, renovations, and all construction shall meet the requirements of the current edition of the State Building Code. [Added 4-25-2005 ATM, Art. 20, approved 6-1-2005]

ACCESSORY USE OR BUILDING — A use or building which is subordinate and

customarily incidental to and located on the same lot with the principal use or building to which it is accessory.

ADULT DAY CARE -- A day services program designed to provide assistance with activities of daily living and meet the cognitive, social, physical, and medical needs of elderly clients, and provide temporary relief for their caregivers; certified, licensed, or operated under a contract administered by the Executive Office of Elder Affairs or other state agency authorized under the laws of the Commonwealth.

AIRFIELD, NONCOMMERCIAL: A private airstrip restricted to use by the owner of the facility or the owner's invited guests.

ASSISTED LIVING FACILITY – A residence certified by the Executive Office of Elder Affairs, or its successor, under M.G.L. c. 19D to provide room and board and assistance with activities of daily living for three or more adult residents not related by consanguinity or affinity to their care provider, and to collect payments or third-party reimbursements to provide such services. An assisted living facility may include a licensed adult day care center as an accessory use.

AUTOMOTIVE REPAIR SHOP — A shop or garage for the repair of motor vehicles, other than a private garage or a gasoline service station.

BED AND BREAKFAST -- A building or group of buildings intended to be used or used for transient overnight lodging with not less than two nor more than four rooms for paying guests, with guest meals typically included in the room charge and limited to breakfast prepared in a central kitchen. No cooking facilities shall be located in individual guest rooms or suites.

BEDROOM — As defined in Title V of the Massachusetts Environmental Code [310 CMR 15.002].

BOATHOUSE - Boathouse – A permanent, fixed roofed structure constructed for the purpose of permanent, temporary, or seasonal storage of watercraft and located on, over, or proximate to navigable water. Usually constructed in combination with docks, piers, seawalls, or landings - said structures used for purpose of maneuvering watercraft from and to, into and out of said boathouse.

BUILDING — A structure having a roof or cover and forming a shelter for persons, animals or property.

BUILDING HEIGHT — Measured at the vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof and to the ridge in the case of a pitched roof.

CAMP, DAY OR YOUTH – A camp providing facilities for groups of young people such as YMCA camps, Boy Scout or Girl Scout camps, or a similar recreation establishment operated by public or private non-profit organization, with indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

CHILD CARE CENTER – A facility other than a private residence operated on a regular basis and licensed by the Commonwealth of Massachusetts under G.L. c. 15D to receive children not of common parentage under 7 years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. As used in this chapter, child care center includes services known as child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool.

COMMERCIAL RECREATION, INDOOR: A facility operated as a business, open to the public for a per-visit or membership fee, for indoor recreation purposes such as tennis, racquetball, swimming, ice skating, roller skating or similar activities, including a health club or athletic club, but not including indoor recreation programs operated by the Town of Groton or its various departments, or the Groton-Dunstable Regional School District.

COMMERCIAL RECREATION, OUTDOOR: A facility operated as a business, open to the public for a per-visit or membership fee, for outdoor recreation purposes such as skiing, swimming, ball games, golf, or similar customary and usual sports or recreation activities.

CONTIGUOUS — Sharing a common lot line or touching at any point. [Added 5-3-1988 ATM, Art. 34]

CONTRACTOR'S SHOP - An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

CONTRACTOR'S STORAGE YARD - Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

CRAFT SHOP -- A business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship, e.g., candle making, glass blowing, weaving, pottery making, custom woodworking, sculpting, painting, and other associated activities.

DRIVEWAY — An improved access, other than a street, connecting between a street and one or more parking or loading spaces.

DWELLING — A building or part thereof designed, erected and used for continuous and permanent habitation for one or more families or individuals.

DWELLING UNIT — A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and a sink) not shared with any other unit.

EXISTING STREET — A way in existence on May 1, 1980, if qualifying to provide frontage for subdivision of land, as provided at the definition of "frontage."

FAMILY — Any number of persons living together as a single economic unit and

ordinarily using a single cooking facility.

FLOOR AREA, AGGREGATE — Total floor area including all floors of all buildings on the premises. [Added 4-30-2012 ATM, Art. 23]

FLOOR AREA, GROSS — Total gross floor area including exterior building walls of all floor areas of a building or structure. [Added 4-30-2012 ATM, Art. 23]

FLOOR AREA, HABITABLE — The temperature-controlled, finished floor area within a dwelling unit exclusive of unfinished garages, attics and cellars. [Added 4-30-2012 ATM, Art. 23]

FRONTAGE — The length of common boundary between a lot and a way legally qualifying to provide frontage for the division of land, pursuant to § 218-22A and MGL C. 41, § 81L, to be measured continuously along the street line between side lot lines and their intersection with the street line, which provides safe and adequate vehicular access from said way to the principal use of the lot. [Added 4-29-1996 ATM, Art. 18]

GASOLINE SERVICE STATION — A structure or lot used for the sale of gasoline and oil for servicing motor vehicles, other than a private garage.

HAMMERHEAD LOT — A lot having at least forty-foot frontage and five acres' area and meeting the requirements of § 218-23.1. [Added 10-15-1990 STM, Art. 7]

HELIPORT -- An area designed to be used for the landing or takeoff of a helicopter. As used in this chapter, heliport is restricted in use to the owner or operator of the facility.

HOTEL, MOTEL or INN — A building or part thereof or a group of buildings on a single lot providing public accommodations, where space is used for sleeping and appurtenant services by more than four persons as paying guests. For a hotel or motel with units equipped with independent cooking facilities, such units shall not be occupied by any guest for more than two (2) continuous months, nor may guests reoccupy any unit within thirty (30) days of a continuous two-month stay or stay more than a combined total of four (4) months in any calendar year, unless such requirements are specifically waived by special permit from the Board of Appeals. No occupant of such hotel or motel may claim residency at such location.

HOME OCCUPATION — An occupation, business, trade, service or profession which is conducted on the premises used as the residence of the operator of the business and which is not allowed as a principal use, including, in the R-A District, a business office, professional office, craft shop for articles produced on the premises or repair shop for small items.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. [Added 4-25-2011 ATM, Art. 22]

LARGE-SCALE WIND ENERGY CONVERSION DEVICE — A wind energy conversion device that exceeds 65 feet in height. [Added 4-27-2009 ATM, Art. 8]

LODGING HOUSE – A single-family dwelling where more than two but fewer than eight

furnished rooms are provided as lodging for paying guests, regular or transient, for definite periods of times, with facilities for common services such as meals and laundry. No meals are provided to outside guests.

LOT, BUILDING — A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan and having the minimum area and frontage as required by this chapter.

LOT, CORNER — A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street having street side lines or tangents to side lines forming an interior angle of less than 135°. A lot which has legal frontage on both a public way and a proposed subdivision way and one which shall be shown on a subdivision shall be considered part of that plan. [Amended 10-6-1994 STM, Art. 14]

LOT or PARCEL — A single area of land in one ownership throughout defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan.

LOT WIDTH — The distance between the side lot lines measured along the setback line as established by this chapter. The setback line shall be parallel to a straight line connecting the two front lot corners of the lot. (See lot width detail.¹). [Added 10-15-1990 STM, Art. 5; amended 10-6-1994 STM, Art. 15]

MAJOR PROJECT — Development used for business or manufacturing, resulting in either a building whose vertical projection ("footprint") exceeds 5,000 horizontal square feet measured to the outside of its enclosing walls, or 15,000 square feet or more of aggregate floor area which includes all floors of all buildings on the premises. Such development is either construction of a new building or addition to an existing building, where the addition increases the building's floor area by 5,000 square feet or more.²

MANUFACTURING -- An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. Manufacturing includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

MOBILE HOME — A structure designed as a dwelling unit for living purposes, capable of being moved on its own wheels by a motor vehicle, whether retained on wheels or fixed to a permanent foundation.

MOBILE HOME PARK — Land on which two or more mobile homes are stationed for the purpose of human habitation and land which is used in conjunction with land on which mobile homes are stationed.

1. Editor's Note: The Lot Width Detail diagram is located at the end of this chapter.

2. Editor's Note: The definition of "major residential development," which immediately followed this definition, added 10-27-1997 ATM, Art. 19, was repealed 4-28-2003 ATM, Art. 23.

MUSEUM – An institution devoted to the procurement, care, study, and display of objects of lasting interest, value, or historical significance.

MULTIFAMILY USE – A building containing three or more dwelling units.

NACELLE — The frame and housing at the top of the wind energy conversion facility tower that encloses the gearbox and generator and protects them from the weather. [Added 4-27-2009 ATM, Art. 8]

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur. [Added 4-25-2011 ATM, Art. 22]

PERSONAL SERVICE ESTABLISHMENT -- An establishment whose primary business relies on customers coming and going on a regular basis and which provides a nonmedical service directly to the consumer, such as a barber, hairdresser, manicurist, caterer, decorator, dressmaker or tailor, dry cleaner or laundry service, optician, photographer, shoemaker or upholsterer, and similar uses.

PERSONAL WIRELESS SERVICES — Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. [Added 4-27-1998 ATM, Art. 27]

PERSONAL WIRELESS SERVICES FACILITY — A facility for the provision of personal wireless services as defined under the Federal Telecommunications Act. [Added 4-27-1998 ATM, Art. 27]

PERSONAL WIRELESS SERVICES TOWER — Any guyed structure, monopole tower or self-supporting structure that is constructed as a freestanding structure to contain one or more antennas or other equipment intended to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone or similar or related forms of communications. [Added 4-27-1998 ATM, Art. 27]

PRIVATE GARAGE — Covered space for the housing of motor vehicles, no more than two of which belong to other than the occupants of the lot on which such space is located.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production of the photovoltaic system in direct current (DC). [Added 4-25-2011 ATM, Art. 22]

ROTOR — The blades and hub of the wind energy conversion device that rotates during energy conversion device operation. [Added 4-27-2009 ATM, Art. 8]

SEASONAL RESIDENCE — A residence that is used for fewer than 180 days per year. Evidence to document whether a residence is seasonal or year-round may include utility bills, United States Post Office records, principal place of garaging, or sworn affidavits by three abutting year-round residents. [Added 5-3-1988 ATM, Art. 33]

SIGN — Includes any lettering, word, numeral, pictorial representation, emblem, trademark, device, flag or other figure of similar character located outdoors and being a structure or any part thereof or attached to, painted on or in any other manner

represented on a building or other structure and used to announce, direct, attract, advertise or promote, including signs located inside a window only when illuminated or moving, and shall not include the display of merchandise visible through such window. Marquees, canopies, awnings, clocks, thermometers and calendars shall be subject to the provisions of this chapter only when used to display or support signs as defined above.

SMALL-SCALE WIND ENERGY CONVERSION DEVICE — A wind energy conversion device that may be freestanding or mounted on a structure not exceeding 65 feet in height. [Added 4-27-2009 ATM, Art. 8]

SOLAR PHOTOVOLTAIC ARRAY — An arrangement of solar photovoltaic panels. [Added 4-25-2011 ATM, Art. 22]

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) — The Planning Board or the Board of Appeals as designated in this chapter as having the authority to issue special permits. [Added 4-27-2009 ATM, Art. 8]

STORY — The portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than 1/2 of its height above the average elevation of the finished grade adjoining the building. Any part of a building between the topmost floor and the roof shall be deemed a half-story.

STREET — A public way or private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law³ became effective in the Town of Groton, having, in the opinion of the Planning Board, suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STREET LINE — The side line of a street or way, as determined by deeds and plans recorded at the Registry of Deeds, or a building line laid out under MGL C. 82, § 37; where no line is thus legally established, then a line parallel with and 20 feet distant from the center line of a traveled way.

STRUCTURE — Any construction, erection, assemblage, or other combination of materials upon the land made in such a manner as to indicate a purpose that it remains in position indefinitely.

SUBSIDIZED ELDERLY HOUSING — Housing in which 50% of the dwelling units are subsidized under any program or plan that will result in the development of low- or moderate-income housing, such housing which the Groton Housing Authority certifies carries restrictions to limit the eligibility of the occupants and sale price, if applicable to within guidelines as defined in applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization with occupancy reserved to persons 55 years of age or older. [Amended 1-13-1988 STM, Art. 29]

3. Editor's Note: See MGL C. 41, §§ 81K through 81GG.

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 § 218-26. Such transfer lot shall be: [Added 4-28-2003 ATM, Art. 22]

- A. 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;
- B. Not wetlands, as defined in MGL C. 131, § 40, or not land used to satisfy dimensional requirements in any other development of land;
- C. Subject to a permanent conservation restriction pursuant to MGL C. 184, §§ 31 through 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.

WIND ENERGY CONVERSION DEVICE — A device that converts kinetic energy of the wind into electrical power. A wind energy conversion device typically consists of a rotor, nacelle and supporting tower. [Added 4-27-2009 ATM, Art. 8]

WIND ENERGY CONVERSION DEVICE HEIGHT — The distance measured from the natural grade to the highest point on the device during operation. [Added 4-27-2009 ATM, Art. 8]

WIND ENERGY CONVERSION FACILITY — All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind energy conversion devices. [Added 4-27-2009 ATM, Art. 8]

WINDMILL — A device, usually associated with agriculture, that converts kinetic energy of the wind into mechanical power, not electrical power. A windmill is not a wind energy conversion device per these definitions. [Added 4-27-2009 ATM, Art. 8]

WIND MONITORING OR METEOROLOGICAL ("TEST" OR "MET") TOWER — A tower, whose period in existence shall not be greater than 18 months, used for supporting anemometer, wind vane, and other equipment to assess the wind resource at a predetermined height above the ground, erected as part of a wind-energy conversion feasibility process. [Added 4-27-2009 ATM, Art. 8]

PROPOSED ZONING AMENDMENT
ITEM #2 - SECTION 218-8 CLASSES OF DISTRICTS
Filed with the Town Clerk on August 22, 2014

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

Amend Section 218-8 Classes of Districts by deleting 218-8 Classes of Districts in its entirety and by inserting in its place a new 218-8 Classes of Districts, dated August 22, 2014, on file in the office of the Town Clerk.

§ 218-8. Classes of districts.

The Town of Groton is hereby divided into the following classes or districts to be known as:

- A. Residence districts.
 - (1) R-A Residential-Agricultural District.
 - (2) R-B Residential-Business District.
- B. Business districts.
 - (1) VCB Village Center Business
 - (2) NB Neighborhood Business
 - (3) GB General Business
- C. Industrial districts.
 - (1) I Industrial District.
- D. Special districts.
 - (1) O Official Open-Space District.
 - (2) P Public Use District.
- E. Overlay districts.
 - (1) Floodplain.
 - (2) Primary Water Resource.
 - (3) Secondary Water Resource.
 - (4) Recreation District.

- (5) Town Center Overlay District.

PROPOSED AMENDMENT
ITEM #4 - SECTION 218-12 INTENTION OF DISTRICTS
Filed with the Town Clerk on August 22, 2014
Revised on September 29, 2014

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

Amend Section 218-12 Intention of Districts by deleting Section 218-12 Intention of Districts in its entirety and by inserting in its place a new Section 218-12 Intention of Districts, dated August 22, 2014, on file in the office of the Town Clerk.

§ 218-12. Intention of districts.

- A. R-A Residential-Agricultural District is intended as a district of single-family homes and for continuance of forestry and agricultural activities. Land shown as institutional properties on the Zoning Map is so shown for descriptive purposes only and is a part of the R-A District. [Amended 1-13-1988 STM, Art. 28]
- B. R-B Residential-Business District is intended as a residential district with limited business uses frequently associated with residential uses and subject to the issuance of a special permit.
- C. VCB Village Center Business District is intended to provide areas within Village Centers of Groton that allow for a mix of uses including retail, commercial, office, services, and residential of appropriate and walkable scale which contribute to the village's sense of place.
- D. NB Neighborhood Business is intended to provide for areas of mixed uses to serve as small centers providing goods and services within or near residential neighborhoods or as a transitional zone between business areas and residential neighborhoods.
- E. GB General Business District is intended to provide for a range of retail uses and services and commercial activities in appropriate locations along arterial or primary roads.
- F. I Industrial District is intended as a district for manufacturing, research and development, and similar large scale uses.
- G. O Official Open-Space District is intended to include areas which have already been dedicated or used for public or semipublic uses.

- H. P Public Use District is intended to regulate land in public use or land with public facilities. [Added 4-28-2003 ATM, Art. 25]

- I. TCOD - The Town Center Overlay District is intended to promote a socially and economically vibrant town center by enabling development, by special permit, of a mixture of civic, residential and commercial uses consistent with the Town's Comprehensive Plan and the Design Guidelines for the district. [Added 10-22-2007 STM, Art. 15; amended 4-25-2011 ATM, Art. 12]

PROPOSED AMENDMENT
ITEM #7 - SECTION 218-20 SCHEDULE OF INTENSITY REGULATIONS
Filed with the Town Clerk on September 29, 2014

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

Amend Section 218-20 Schedule of Intensity Regulations by deleting Section 218-20 Schedule of Intensity Regulations in its entirety and by inserting in its place a new Section 218-20 Schedule of Intensity Regulations, dated August 22, 2014, on file in the office of the Town Clerk.

§ 218-20. Schedule of Intensity Regulations.

District	Minimum Lot Dimensions		Maximum Height	Stories	Maximum Impervious Coverage (percentage) ³	Maximum or Minimum Building Setbacks		
	Area (square feet)	Frontage (feet)	Feet			Max or Min Front (feet)	Min Side (feet)	Min Rear (feet)
R-A ⁵	80,000 ¹	225 ⁴	35	3	25	50 min	15	15
R-B ⁵	40,000 ^{1,2}	175 ^{2,4}	35	3	25	50 min	15	15
VCB ⁵	10,000 ^{1,2}	150 ²	35	3	75	10 ⁶ max	10 ⁶	10 ⁶
NB	20,000 ^{1,2}	150 ²	35	3	65	15 ⁶ max	15 ⁶	15 ⁶
GB	40,000 ^{1,2}	175 ²	35	3	50	20 ⁶ max	15 ⁶	15 ⁶
I	40,000 ²	175 ²	35	3	75	50 min	15	15
O	—	—	35	3	25	50 min	15	15
P ⁵	40,000 ^{1,2}	175 ²	35	3	50	50 min	15	15

NOTES:

- ¹ For planned multifamily/residential development, see instead § 218-27C. For subsidized elderly housing, see instead § 218-27B. For multifamily use by conversion, see instead § 218-27A. For flexible development, see instead § 218-26F(1). For hammerhead lots, see instead § 218-23.1.
- ² No minimum for nonresidential uses.
- ³ Includes principal and accessory buildings, parking lots, access roads and other impervious surfaces. See § 218-22 for supplementary regulations.
- ⁴ Lots shown on a residential compound plan (as described in Chapter 381, Part 1, 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 50 feet.
- ⁵ For dimensions applicable to Town Center Overlay District developments, see § 218-30.2.
- ⁶ Maximum and minimum building setbacks may be waived by special permit from the Planning Board, where it finds such waiver to be harmonious with the intent of the district and the character and scale of

the building's location.

**Item 5 – Section 218-13 Schedule of Use Regulations
Filed with the Town Clerk on September 29, 2014**

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
1	Public, Semipublic and Institutional:								
2	Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
3	Use of land or structures for public or private non-profit educational purposes	Y	Y	Y	Y	Y	Y	Y	Y
4	Museum, library, park or playground, conservation area, water supply area, or land owned and operated for public use and enjoyment by a public agency or non-profit organization	Y	Y	Y	Y	Y	Y	Y	Y
5	Child care facility	Y	Y	Y	Y	Y	Y	Y	N
6	Adult day care	SP	SP	SP	SP	SP	N	SP	N
7	Private golf course, not including miniature golf	SP	N	N	N	N	N	N	N
8	Private non-profit charitable organization or membership club, e.g., social, fraternal, or professional organization	SP	SP	SP	SP	SP	N	N	N
9	Day or overnight camps in accordance with a site plan as provided in § 218-25	SP	SP	SP	N	SP	N	SP	Y
10	Outdoor recreation, such as nature study, walking trail, or non-motorized boating, fishing, and hunting where otherwise legally permitted; but not including outdoor recreation facilities owned or operated for commercial purposes	Y	Y	Y	Y	Y	N	Y	Y
11	Public Playground, non-commercial	Y	Y	Y	Y	Y	N	Y	Y

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
12	Athletic field, skating rink, or similar facility intended for sports, games, or physical fitness	PB	Y	Y	N	Y	N	Y	PB
13	Use of land or structures for municipal purposes	SP	SP	Y	Y	Y	N	Y	SP
14	Facilities for servicing and fueling municipal vehicles and equipment	N	N	N	N	N	N	Y	N
15	Telephone, telegraph, power and gas transmission and radio-television broadcasting facilities	SP	SP	Y	Y	Y	Y	N	Y
16	Underground gas and utility transmission	Y	Y	Y	Y	Y	Y	Y	Y
17	Use of land for a public utility	SP	SP	SP	SP	SP	SP	Y	N
18	Hospital, sanitarium, assisted living facility, or nursing home, subject to § 218-25	SP	SP	SP	N	SP	N	SP	N
19	Cemetery	SP	SP	N	N	N	N	Y	Y
20	Agricultural, Floricultural and Horticultural:								
21	Gardens; growing and storing of fruits; vegetables, hay, fodder and ensilage; orchards, wood lots and forestry; and greenhouse nursery and similar activities in the field of agriculture	Y	Y	Y	Y	Y	Y	Y	Y
22	Agricultural labor housing	Y	Y	Y	Y	Y	Y	N	N
23	The raising or keeping of horses, goats, sheep, cattle, pigs, poultry or other domesticated animals for food and other agricultural purposes	Y	Y	Y	Y	Y	Y	Y	Y

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
24	Riding stables	Y	Y	Y	Y	Y	Y	Y	Y
25	Grazing and farming, including truck gardening and harvesting of crops	Y	Y	Y	Y	Y	Y	Y	Y
26	Forestry	Y	Y	Y	Y	Y	Y	Y	Y
27	Nonresidential buildings and structures (see footnote #3) such as:								
28	<ul style="list-style-type: none"> • Barns or stables for breeding, boarding, hiring or sale of animals 	Y	Y	Y	Y	Y	Y	Y	Y
29	<ul style="list-style-type: none"> • Barns, stables, or other farm buildings for the shelter of animals and for the storage of crops raised on the premises 	Y	Y	Y	Y	Y	N	Y	Y
30	Conservation of water, plants and wildlife	Y	Y	Y	Y	Y	Y	Y	Y
31	Roadside stand for sale of principally local farm produce raised in the Town, set back at least 50 feet from the street line, and provided that space for customer's cars is available off the right-of-way of the street and is so arranged as not to permit backing of automobiles onto a public or traveled way	Y	Y	Y	Y	Y	Y	Y	Y
32	Commercial Greenhouse	Y	Y	Y	Y	Y	Y	Y	Y
33	Residential:								
34	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
35	Conversion of a seasonal residence to a year-round residence	SP	SP	SP	SP	SP	N	N	N
36	Two family attached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	Y	Y	N	N	N
37	Dwelling unit above the street level floor of a commercial building	N	Y	Y	Y	PB	N	N	N
38	Multifamily use, as allowed by the provisions of § 218-27A through 27C	PB	PB	PB	PB	PB	N	N	N
39	The taking of not more than 4 lodgers in an owner-occupied single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N
40	The taking of more than 4 lodgers in an owner-occupied, single-family detached dwelling	SP	SP	SP	SP	SP	N	N	N
41	Flexible development pursuant to § 218-26	PB	N	N	N	N	N	N	N
42	Business:								
43	For restrictions on the following uses, see § 218-18, Performance Standards for the R-B, VCB, NB, GB, and I Districts								
44	Retail store								
45	<ul style="list-style-type: none"> Store with up to 2,500 square feet gross floor area 	N	Y	Y	Y	Y	N	N	N
46	<ul style="list-style-type: none"> Store with more than 2,500 square feet gross floor area or more but less than 5,000 square feet gross floor area 	N	PB	PB	PB	Y	N	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
47	<ul style="list-style-type: none"> Store with 5,000 square feet gross floor area or more but less than 10,000 square feet gross floor area 	N	N	PB	PB	Y	N	N	N
48	<ul style="list-style-type: none"> Store with 10,000 square feet gross floor area or more 	N	N	N	N	PB	N	N	N
49	Craft shop	N	Y	Y	Y	Y	N	N	N
50	Personal service establishment	N	SP	Y	Y	Y	N	N	N
51	Repair shop for bicycles, small household appliances, or other light equipment, not including vehicles	N	SP	Y	Y	Y	SP	N	N
52	Restaurant serving food for consumption indoors on the premises, but may include accessory outdoor service on a patio or seating area	N	SP	Y	Y	PB	N	N	N
53	Take-out food service establishment, e.g., an ice cream shop or deli, bakery or coffee shop, but no drive-through service, up to 2,500 square feet gross floor area	N	N	Y	Y	Y	N	N	N
54	Take-out food service establishment, e.g., an ice cream shop or deli, bakery or coffee shop, but no drive-through service, of more than 2,500 square feet gross floor area	N	N	PB	PB	PB	N	N	N
55	Business or professional office, not including medical office	N	SP	Y	Y	Y	Y	N	N
56	Bank, credit union	N	N	Y	Y	Y	SP	N	N
57	Automatic teller machines as free standing structure or with exterior access	N	N	PB	PB	PB	PB	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
58	Medical, dental, or mental health care office, excluding a clinic	N	N	Y	PB	Y	Y	N	N
59	Health care clinic for outpatient services, or ambulatory care center, with or without laboratory	N	N	PB	PB	PB	N	N	N
60	Veterinarian	N	N	SP	SP	SP	Y	N	N
61	Kennel or overnight boarding facility for household pets, pet grooming facility and daytime pet care establishment	N	N	SP	N	SP	SP	N	N
62	Funeral home	N	N	SP	SP	SP	N	N	N
63	Hotel, motel, or inn	N	N	PB	PB	PB	N	N	N
64	Bed and breakfast	SP	SP	SP	SP	SP	N	N	N
65	Theatre or cinema	N	N	PB	PB	PB	N	N	N
66	Commercial recreation up to 2,500 square feet gross floor area.; indoor	N	N	Y	Y	Y	N	N	N
67	Commercial recreation of more than 2,500 square feet gross floor area; indoor	N	N	SP	SP	PB	N	N	N
68	Commercial recreation; outdoor	SP	N	SP	N	PB	N	N	N
69	Auto sales	N	N	SP	N	SP	N	N	N
70	Service station, including sale of fuel, motor oil, and related automotive products (no repair services)	N	N	SP	SP	SP	SP	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
71	Retail sale of auto parts and accessories, not for installation on the premises	N	N	SP	SP	SP	Y	N	N
72	Retail sale and installation of auto parts, e.g., tires, mufflers, or brakes	N	N	SP	N	SP	Y	N	N
73	Auto repair, auto body shop and marine repair	N	N	SP	N	SP	Y	N	N
74	Car wash and auto detailing	N	N	SP	N	SP	SP	N	N
75	Small-scale wind energy conversion device	Y	Y	Y	Y	Y	Y	Y	N
76	Large-scale wind energy conversion device	PB	PB	PB	PB	PB	PB	PB	N
77	Wind monitoring or meteorological ("test" or "met") tower	Y	Y	Y	Y	Y	Y	Y	N
78	Windmills	Y	Y	Y	Y	Y	Y	Y	N
79	Large-scale ground-mounted solar photovoltaic installation	PB	PB	PB	PB	PB	PB	PB	N
80	On-site solar photovoltaic installation	Y	Y	Y	Y	Y	Y	Y	N
81	Industrial:								
82	For restrictions on the following uses, see § 218-18, Performance Standards for the R-B, VCB, NB, GB, and I Districts								
83	Research and development	N	N	SP	SP	SP	Y	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
84	Manufacturing	N	N	N	N	N	Y	N	N
85	Contractor's shop	N	N	SP	SP	SP	Y	N	N
86	Contractor's storage yard, including office, yard, and storage facilities for construction or landscape contractor, or similar establishment as a principal use	N	N	SP	N	SP	Y	N	N
87	Sale of building materials and supplies, which may include outdoor storage of lumber products as a principal use	N	N	N	N	N	Y	N	N
88	Outdoor storage of fuel supplies and fuel products	N	N	N	N	N	SP	N	N
89	Wholesale establishment, including preparation, storage, transfer, or distribution of goods, with incidental display space	N	N	N	N	SP	Y	N	N
90	Rail or bus station, or bus terminal	N	N	SP	SP	SP	Y	N	N
91	Commuter parking facility as a principal use	N	N	N	N	SP	Y	SP	N
92	Parking or maintenance facility for commercial vehicles	N	N	N	N	N	SP	N	N
93	Personal wireless service facility	PB	PB	PB	PB	PB	PB	PB	N
94	Commercial radio, television studio, with or without transmitting or receiving tower	N	N	N	N	N	SP	N	N
95	Noncommercial airfield or noncommercial heliport	SP	N	N	N	N	SP	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
96	Accessory (see § 218-16):								
97	Uses customarily incidental to any principal use on the same premises, and including but not limited to private garages, boathouses, and to activities associated with agriculture, such as barns, stables, and other farm buildings, provided that no building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line	Y	Y	Y	Y	Y	Y	Y	N
98	Uses customarily incidental to any principal use on the same premises, including off-street parking in accordance with § 218-23.	Y	Y	Y	Y	Y	Y	Y	N
99	Home occupation, see 218-16B								
100	Family dependent care, see 218-16C								
101	Accessory apartment, as regulated under 218-16D								
102	Family day care home for up to 6 children	Y	Y	SP	SP	SP	N	N	N
103	Dwelling unit, whether detached or attached, accessory to business or industrial use, solely for use as living quarters by security, maintenance, or administrative employee	N	N	SP	SP	SP	Y	N	N
104	Cafeteria, dining hall, conference or function facilities for exclusive use by employees and clientele of a principal nonresidential use	N	N	SP	N	Y	Y	N	N
105	Temporary outdoor storage of materials or equipment accessory to a nonresidential use	N	N	SP	SP	SP	Y	N	N

Line	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
106	Temporary outdoor display and sale of merchandise accessory to a retail use	N	N	Y	Y	Y	N	N	N
107	Miscellaneous:								
108	Removal of soil, loam, sand and other earth material	See Note 9	See Note 9	See Not e 9	See Note 9	See Not e 9	See Not e 9	See Not e 9	See Not e 9
109	Driveway or road, provided that there will be adequate drainage and that such driveway or road will not interfere adversely with the natural flow of water in the area (Driveway curb cuts are subject to permits issued by Director of Public Works in accordance with the provisions of § 180-3 of the Groton Code.)	Y	Y	Y	Y	Y	Y	Y	PB

NOTES:

³ No building for the keeping of horses, goats, sheep, cattle, pigs or poultry shall be nearer than 25 feet to any lot line.

⁹ The removal of soil, loam, sand or other earth material is subject to permits issued by the Board of Selectmen in accordance with the provisions of Ch. 134, Earth Removal.

¹⁰For additional uses which may be permitted in those portions of the R-A, R-B, VCB and P Districts which underlie the Town Center Overlay District, see § 218-30.2.