



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
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August 4, 2023

Elizabeth Cunniff, Town Clerk  
Town of Groveland  
183 Main Street  
Groveland, MA 01834

Re: Groveland Annual Town Meeting of April 24, 2023 -- Case # 10948  
Warrant Articles # 17, 18, 19 and 20 (Zoning)  
Warrant Articles # 9, 10, 11, 13, 15 and 16 (General)

2023 AUG - 7 PM 3:46  
TOWN CLERK  
RECEIVED/POSTED  
TOWN OF GROVELAND

Dear Ms. Cunniff:

Articles 9, 10, 11, 13, 17, 18, 19 and 20 - We approve Articles 9, 10, 11, 13, 17, 18, 19 and 20 from the April 24, 2023 Groveland Annual Town Meeting.

Articles 15 and 16 - The Attorney General's deadline for a decision on Articles 15 and 16 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 45-day extension is attached hereto. We will issue our decision on Articles 15 and 16 on or before **September 29, 2023**.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608

cc: Town Counsel Adam J. Costa

**ARTICLE 9:** To see if the Town will vote to amend the Town of Groveland General Bylaws section 2-42, by amending the name of the Revolving Fund, Pines Maintenance Revolving Fund, to the Recreation Operation and Maintenance Revolving Fund, create a new Revolving Fund pursuant to G.L. c. 44, § 53E 1/2 to be called the Wetlands Protection Act Revolving Fund as set forth below, and to set the annual spending limits for the following seven (7) revolving accounts established in the General Bylaws for Fiscal Year 2024; or take any other action relative thereto.

Article submitted by Town Administrator

A. Revolving Fund	B. Department, Board, or Committee Authorized to Spend from Fund	C. Fees, Charges, or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable from Fund	E. Restrictions or Conditions on Expenses Payable from Fund	F. Other Requirements/ Reports	G. Fiscal Years
Recreation Operation and Maintenance Revolving Fund	Town Administrator	Fees collected for rentals, events, advertisements, permits	Salaries and expenses for the maintenance of the Pines	None	Annual Report to Town Meeting	Fiscal Year 2024 and subsequent years
Wetlands Protection Act Revolving Fund	Conservation Commission	Filing fees paid pursuant to the Wetlands Protection Act	To pay for consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of the Wetlands Protection Act	None	Annual Report to Town Meeting	Fiscal Year 2024 and subsequent years

A. REVOLVING FUND	C. SPENDING LIMIT FOR FISCAL YEAR 2024
<b>BAGNALL SUMMER PROGRAM</b>	\$250,000
<b>COUNCIL ON AGING</b>	\$15,000
<b>FIRE DEPARTMENT CPR CLASS</b>	\$6,000
<b>GROVELAND DAY</b>	\$30,000
<b>PINES BOAT RAMP</b>	\$25,000
<b>RECREATION OPERATION AND MAINTENANCE</b>	\$50,000
<b>WETLANDS PROTECTION ACT</b>	\$20,000

**NOTE:** As currently authorized the revolving fund only accounts for the Pines and does not consider any of our town fields and recreation areas. This article proposes to broaden the use of the funds to help with maintenance of all the Town recreation areas. The creation of the Wetlands Protection Act Fund will provide

*funds for the administration and enforcement of the Wetlands Protection Act in place of using the Conservation Commission Fee Account. Reports on the revolving funds may be found in Appendix B.*

**BOARD OF SELECTMEN RECOMMENDS: FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS: FAVORABLE ACTION**

**MOTION:** That the Town amend the Town of Groveland General Bylaws section 2-42, by amending the name of the Revolving Fund, Pines Maintenance Revolving Fund, to the Recreation Operation and Maintenance Revolving Fund, create a new Revolving Fund pursuant to G.L. c. 44, § 53E 1/2 to be called the Wetlands Protection Act Revolving Fund as set forth in Article 10 of the Warrant, and to set the annual spending limits for the revolving accounts established in the General Bylaws for Fiscal Year 2024 as set forth in the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** Ruth Rivard

**Vote Majority for Favorable Action so declared the Moderator**

**ARTICLE 10:** To see if the Town will vote to amend Article I, Section 2-1 of the Town of Groveland General Bylaws as follows (underline and bold new, ~~cross-out removed~~):

"Section 2-1 Evening Office Hours. Whosoever shall accept the offices of town clerk, tax collector and town treasurer shall, as a public service to the townspeople, open their offices for town business one (1) evening each week, said evening to be Monday from ~~6:00~~ 4: 00 p.m. to ~~8:00~~ 7: 00 p.m. , except for holidays or unforeseen difficulties, at which time one other evening may be designated."; or take any other action relative thereto.

Article submitted by the Treasurer/Collector

*NOTE: Residents are not visiting Town Hall after 7:00PM and time would be better spent adding hours to the week to provide better service for the residents.*

**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**MOTION:** That the Town amend Article I, Section 2-1 of the Town of Groveland General Bylaws as set forth in Article 10 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** Ruth Rivard

**Vote Unanimous for Favorable Action so declared the Moderator**

**ARTICLE 11:** To see if the Town will vote to amend Article VI, Section 2-123 of the Town of Groveland General Bylaws as follows (underline and bold new, ~~cross-out removed~~):

"Section 2-123. The CIC shall study proposed capital projects involving the planning for and improvement, preservation and creation of tangible assets and projects which 1) have useful life of no less than three years; 2) cost no less than \$420,000 and/or 3) for which the town is authorized to borrow funds."; or take any other action relative thereto.

Article submitted by the Town Administrator

*NOTE: The purpose of this bylaw change is to better define the number which represents a capital item from a repair. As costs increase, many repairs of assets currently owned by the Town may exceed the level where they could be addressed by the maintenance budget and become a capital item. Delays in making these repairs while waiting for a Town Meeting may result in further damage to the asset.*

**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**MOTION:** That the Town amend Article VI, Section 2-123 of the Town of Groveland General Bylaws as set forth in Article 11 of the warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** Ruth Rivard

**Vote Unanimous for Favorable Action so declared the Moderator**

**ARTICLE 13:** To see if the Town will vote to amend Article III, Section 3-3 Licensing of Dogs and Kennels of the Town of Groveland General Bylaws by amending as follows (~~cross-out~~ removed bold new):

"(a) All dogs 6 months old or over must be licensed and tagged. Licensing will be done in the Office of the Town Clerk. The owner or keeper of any dog in the Town shall obtain a license by April 1st of each year. The license fees for dogs shall be as follows:

1. Male ~~\$10.00~~ **\$20.00**
2. Female ~~\$10.00~~ **\$20.00**
3. Spayed Female ~~\$ 5.00~~ **\$10.00**
4. Neutered Male ~~\$5.00~~ **\$10.00**

(b) Kennel license fees shall be as follows:

1. 1 to 4 dogs ~~\$15.00~~ **\$25.00**
2. 5 to 10 dogs ~~\$25.00~~ **\$35.00**
3. 11 or more dogs ~~\$35.00~~ **\$45.00**

(c) The owner or keeper of an unlicensed dog after June 1st shall be ~~fin~~**ed ten twenty** dollars (~~\$120.00~~) per dog in addition to the license fee. ~~The owner or keeper of an unlicensed dog after July 1st shall be fined fifteen dollars (\$15.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after August 1st shall be fined twenty five (\$25.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the Town."~~; or take any other action relative thereto.

Article submitted by the Town Clerk

(Requires a Majority Vote)

**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**MOTION:** That the Town amend Article III, Section 3-3 Licensing of Dogs and Kennels of the Town of Groveland General Bylaws by amending it as set forth in Article 13 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** Ruth Rivard

**Vote Majority for Favorable Action so declared the Moderator**

**ARTICLE 17:** To see if the Town will vote to amend its Zoning Bylaws to delete and replace Section 50-8.2(C) to read as follows:

C. Street line: in any district, no building shall be erected, reconstructed or placed less than the minimum front setback as determined by § 50-8.1 Table of Dimensional Requirements, unless it is determined by the Zoning Enforcement Officer, that the line of houses on the street existing at the time this bylaw is adopted is less than the required setback from the street line, in which case the erected, reconstructed or placed building shall extend no further into the required setback than the adjacent building(s).

Article submitted by the Building Commissioner

(Requires a 2/3rd Majority)

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**NOTE:** *Clarification on language as to the exception for existing non-conforming building setback lines and removal of the inclusion of agricultural use which is exempt under MGL 40A Section 3.*

**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**PLANNING BOARD RECOMMEND:**

**MOTION:** That the Town amend its Zoning Bylaws to delete and replace Section 50-8.2(C) as set forth in Article 17 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** William O'Neil

**2/3<sup>rd</sup> Majority vote required.**

**Vote 2/3<sup>rd</sup> Majority for Favorable Action so declared the Moderator**

**ARTICLE 18:** To see if the Town will vote to amend its Zoning Bylaws to add the following definition of "Building Inspector" to Section 50-2.1 Terms Defined:

Building Inspector: The administrative chief of the Inspectional Services Department in the Town of Groveland who is charged with the enforcement of the Zoning Bylaw acting as the Zoning Enforcement Officer.

Article submitted by the Building Commissioner

(Requires a 2/3rd Majority)

**NOTE:** *The Zoning Bylaw references both the Building Inspector and Zoning Enforcement Officer as the enforcing agent for the bylaw. This definition is to clarify the Building Inspector is the Zoning Enforcement Officer to avoid confusion as to where the enforcing authority lays.*

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**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**PLANNING BOARD RECOMMEND:**

**MOTION:** That the Town amend its Zoning Bylaws to add the following definition of "Building Inspector" to Section 50-2.1 as set forth in Article 18 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** William O'Neil

**2/3<sup>rd</sup> Majority vote required.**

**Vote Unanimous for Favorable Action so declared the Moderator**



**ARTICLE 19:** To see if the Town will vote to amend its Zoning Bylaws to add the following definition of "Farm, Non-Exempt" to Section § 50-2.1 Terms Defined:

Farm, Non-Exempt: An area of land and its buildings used for gain in the raising of agricultural products, livestock, poultry and dairy products to which the exemption(s) of G.L. c. 40A, § 3 does not apply.

Article submitted by the Building Commissioner

(Requires a 2/3rd Majority)

**NOTE:** *The Zoning Bylaw allows for Farm, Non-Exempt under the use the Table of Uses §50-4.5 but has no corresponding definition for the term. Adding the term adds clarity as to what is or is not allowed.*

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**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**PLANNING BOARD RECOMMEND:**

**MOTION:** That the Town amend its Zoning Bylaws to add the definition of "Farm, Non-Exempt" to Section § 50-2.1 as set forth in Article 19 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** William O'Neil

**2/3<sup>rd</sup> Majority vote required.**

**Vote Unanimous for Favorable Action so declared the Moderator**

**ARTICLE 20:** To see if the Town will vote to amend its Zoning Bylaws to delete and replace Section 50-8.2(A) to read as follows:

A. Lot Regularity: No lot shall be created so as to be so irregularly shaped or extended that it has a "Shape Factor" in excess of (32), except that a lot may exceed the required "shape factor" if a contiguous portion of the lot meets the minimum lot area requirement and does not exceed the required "shape factor." The Shape Factor equals the square of the lot perimeter divided by the lot area.

Shape Factor Formula:  $P = \text{lot perimeter}$  and  $A = \text{lot area}$   
 $P^2/A < (32)$

Article submitted by the Planning Board

(Requires a 2/3rd Majority)

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*NOTE: The current Lot Regularity definition allows for the creation of lots that circumvent the intent of the bylaw. This new definition will limit that ability and allow the intention of the bylaw to be met.*

**BOARD OF SELECTMEN RECOMMEND: FAVORABLE ACTION**

**PLANNING BOARD RECOMMEND;**

**MOTION:** That the Town amend its Zoning Bylaws to delete and replace Section 50-8.2(A) as set forth in Article 20 of the Warrant.

**DATE AND ACTION TAKEN:** April 24, 2023

**Motion made:** Kathleen Kastrinelis

**Second:** Ruth Rivard

**2/3<sup>rd</sup> Majority vote required.**

**Vote 2/3<sup>rd</sup> Majority for Favorable Action so declared the Moderator**