

# **TOWN OF GROVELAND**

## **ANNUAL TOWN MEETING WARRANT**

***COMMONWEALTH OF MASSACHUSETTS***

***Essex,ss:***

To Ronald C. Weeks, Chief of Police of the Town of Groveland, in the County of Essex

### **GREETINGS:**

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Annual Town Meeting to meet at the **Dr. Elmer S. Bagnall School**, on **Monday, April 29th, 2002 and May 20th, 2002 both @ 7:30 P.M.** to vote on the following Articles:

Meeting called to order by the moderator at 8:15 P.M. Chairman of the Finance Committee, Christopher Reddy, explained the procedure that the finance board took in putting together the town budget. Finance asked that all budgets expenses be decrease by 2% from last year. And that all (non-contractual) salaries be increase at a level not to exceed 1.9%. They reviewed all budgets and thus came to a balanced budget for the town. The Finance Board asked the people should they wish to increase a line item, they should point out where the monies will come from, (that is to say what other line items).

ARTICLE 1: To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal Year 2003, as permitted by Massachusetts General Laws, Chapter 44, Section 53F; or take any other action relative thereto.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: April 29, 2002**

**ACTION TAKEN: Motion made and seconded for favorable action. No discussion took place. Voted unanimous favorable action.**

ARTICLE 2: To see if the Town will vote to authorize the Selectmen to petition the State for any sum available under provisions of chapter 90, said funds to be apportioned and expended by and under the direction of the State Department of Public Works (Massachusetts Highway Department) in accordance with said statutes; or take any other action relative thereto.

Article #2 submitted by Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL**

**ACTION TAKEN: Motion made and seconded for favorable action. No discussion took place. Voted Unanimous favorable action.**

ARTICLE 3: To see if the Town will vote to raise and appropriate the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) for the purpose of funding the mandatory Phase II Storm Water Rule; or take any other action relative thereto.

Article #3 above submitted by Road Commissioner.

**EXPLANATION:** The Town of Groveland, and all other regulated small municipal storm sewer systems are required by March, 2003 to apply for a General Permit from EPA for storm water discharges. This permit application, or Notice of Intent, must include proposed Best Management Practices and Measurable Goals for six Minimum Control Measures. These Control Measures have been established by EPA and are expected to result in significant reductions of pollutants discharged into local rivers and streams.

**BOARD OF SELECTMEN RECOMMEND UNFAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE VOTED: April 29, 2002**

**ACTION TAKEN: Motion made and seconded for unfavorable action. Discussion:**  
**Peter Kachmar, speaking for the Road Commissioner, stated that at this time the Road Commissioner agrees to this recommendation. Voted Unanimous unfavorable action.**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) for the purpose of continuing the Groveland Road Management Program funding for its seventh year, for Fiscal Year 2003, which, when combined with state Chapter 90 funds and town approved Highway Department funds, will enable the road improvement projects listed below beginning July 1, 2002; said vote contingent upon approval by the voters at the Annual Town Election on May 6, 2002 of a Capital Outlay Exclusion Ballot Question to increase the levy limit in the amount of the aforementioned appropriation FOR THE 2003 FISCAL YEAR ONLY; said funding, which, when combined with the debt service on the requested borrowing for a Highway Department Facility, will result in no increase in Road Improvement taxes from last year's Capital Outlay Exclusion fund; or take any other action relative thereto.

1. Center Street: From House Number 20 to House Number 56
2. Other projects as determined by the Road Commissioner

**NOTE 1:** The \$150,000 Capital Outlay Exclusion will be used in combination with Chapter 90 State Highway funds and Highway Department funds to finance the above road improvement project and other road improvement projects as finances warrant.

**NOTE 2:** This year's Capital Outlay Exclusion request for \$150,000 is \$40,000 less than the \$190,000 Capital Outlay Exclusion request approved by the citizens of the town for the last five years for road improvement projects. The reason for the \$40,000 reduction in the request is addressed in Warrant Article #5 below.

Article # 4 submitted by Groveland Road Study Committee.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**ROAD STUDY COMMITTEE RECOMMENDS FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: April 29, 2002**

**ACTION TAKEN:** Peter Kachmar, chair of the road study spoke. He stated that the usual 190,000.00 monies appropriated for road work each year was being split this year. He explained that 150,000.00 will be earmarked for road work on Center St. house number 20-56. And if monies were left in this dollar amount, then they would be used for other project, determined by the Road Commissioner. He went on to state that the remainder of \$40,000.00 will be applied to the debt exclusion proposed in article 5 of this town warrant, for the Highway garage facility.

**Discussion:** Resident asked why was not all of Center St. in this particular area being done? Peter responded that due to the amount of repairs need in this section only this portion of it could be done at this time.

Debbie Webster, Wood Street spoke of her concerns about the Road Study projects. She stated that Center Street as well as other project schedule for work this year are not completed, why? Response was that the monies were exhausted back in November of 2001.

Peter pointed out that: 1. Drainage project on Main Street was a top priority.  
2. All roads, which were scheduled for last year, will be done.

Webster stressed that the roads, which were specified for work, will be the ones that are worked on? Peter stated that yes most of the monies allocated will be spend on the assigned said roads.

Mr. Trask, Washington St. stated for the record that last year the road Study Committee stated that the work to be done was for engineering work only.

Mr. Daniel Haskell, Governor's Road asked, "Did the drainage project for Main Street go out for bid?" Answered by Peter, no. They did this project in-house. They did this so that they would not have to pay the prevailing wages. He went on to ask how much did the drainage project go over bid? Thomas Moses, Finance director, responded that it went over 180 to 190 thousand. Peter stated that those monies over-spent came out of the Highway budget.

Nancy Lewandowski, Pike Drive stated that the drainage job was done in house so as not to put it out for bid.

Voted Majority in favor of the article.

**ARTICLE 5:** To see if the Town will to raise and appropriate the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), for the purpose of constructing a Town Highway Department facility on the prepared site located on Center Street, and, to meet this appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow such amounts and to issue bonds and/or notes of the Town therefore, payable in accordance with the provisions of the applicable sections of the General Laws of the State of Massachusetts, or any other enabling authority; said vote contingent upon approval by the voters at the Annual Town Election Ballot on May 6, 2002 of a Debt Exclusion Ballot Question; or take any other action relative thereto.

**NOTE 1:** This Warrant Article would provide the funding for a badly needed Highway Department Facility on the Town Highway Department prepared site on Center Street.

**NOTE 2:** The debt service on said borrowing, when combined with the Capital Outlay exclusion request of \$150,000 will result in no increase in Road Improvement taxes from last years Capital Outlay Exclusion funding. The tax impact of the debt service when combined with this year's Capital Outlay Exclusion request keeps the tax bill for an average home in Groveland for FY2003 THE SAME as it would have been for a \$190,000 Capital Outlay Exclusion Request. This year's Capital Outlay Exclusion request for \$150,000 is \$40,000 less than the \$190,000 Capital Outlay Exclusion request passed by the town for the last six years of the Road Management Program. This \$40,000 reduction in the Capital Outlay request is what enables the funding of a badly needed Highway Department Facility on the prepared site on Center Street, while keeping the Road Management Program tax on an average Groveland home for FY2003 THE SAME AS IT WAS FOR FY2002.

Article #5 above submitted by Groveland Road Study Committee

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**ROAD STUDY COMMITTEE RECOMMENDS FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE WAS VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION. DISCUSSION: PETER KACHMAR, ROAD STUDY CHAIRMAN STATED THAT THE SITE HAS BEEN PREPARED AND THE PROJECT IS NOW READY TO START THE BUILDING PROCESS. RESIDENTS ASKED WHY HAVE THE FINANCE BOARD RECOMMENDED UNFAVORABLE ACTION.**

**FINANCE BOARD RESPONDED AS FOLLOWS:**

- 1. THERE WERE NOT ENOUGH BIDS FOR THE PROJECT.**
- 2. THAT THE TOWNS TRACT RECORD AS TO KEEPING UP THE BUILDINGS WE NOW HAVE ARE NOT GOOD.**

**PETER STATED THAT THE BID OBTAINED WAS ADEQUATE FOR THIS PROJECT.**

**KERNIT CROSS, BUILDING SUPT FOR THE TOWN, STATED THAT NOW WITH A CAPITAL PLANNING COMMITTEE IN PLACE THAT THE TOWN BUILDING NEEDS ARE BEING ADDRESSED.**

**BARBAR SHEEHAN, CHAIR OF SELECTMEN STATED THAT THIS PROJECT SHOULD HAVE BEEN STARTED SEVEN YEARS AGO. SHE INVITED MORE PEOPLE TO JOIN THE ROAD STUDY COMMITTEE.**

**SHE ALSO STATED THAT A MEMBER OF THE FINANCE COMMITTEE SHALL NOW BE A MEMBER TO THIS COMMITTEE.**  
**DUE TOO A TWO-THIRDS VOTE BEING NEEDED A HAND COUNT WAS DONE. RESULTS AS FOLLOWS:**  
**FAVORABLE: 124 Unfavorable 145 article was defeated.**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED FIFTY-FOUR THOUSAND DOLLARS (\$154,000.00) for the purposes listed below, and to meet such appropriation, to authorize the Treasurer, with the approval of the Selectmen, to borrow such amounts and to issue bonds and/or notes of the Town therefore, payable in accordance with the provisions of the applicable sections of the General Laws, or any other enabling authority, said vote to be contingent upon approval by the voters at the Annual Town Election on May 6, 2002 of a Debt Exclusion Ballot Question that, if successful, would exempt the debt service of said bonds and notes from provisions of Proposition 2 1/2, so called, or take any other action relative thereto.

Replacement of Library and Town Hall Roofs (Chapter 44, section 7(3A))

Replacement of 1-Ton Dump Truck for Highway Department (Chapter 44, section 7(9))

Ductwork in Town Hall

Replacement of Assessors' DOS-based Appraisal Software with Windows-based Software

Note: The approximate cost of this Article would be \$06/s 1,000 on the tax rate, or about \$15 per year for a house with an assessed value of \$250,000.

Article #6 above submitted by the Capital improvement Committee.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE/UNFAVORABLE ACTION**

**CAPITAL IMPROVEMENT COMMITTEE RECOMMENDS FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED ON: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION. DISCUSSION: JEFF PAPPAS SPOKE FOR THE CAPITAL COMMITTEE. HE EXPLAINED THAT THE FOUR PROJECTS ABOVE WERE THE SECOND STEP IN THEIR PLAN TO ADDRESS THE NEEDS OF THE TOWN.**

**RICHARD HODGES, UNION ST, ASKED WHAT THE COST WAS FOR THE SOFTWARE PROGRAM FOR THE ASSESSORS DEPARTMENT. THOMAS MOSES EXPLAINED THAT IF WE STAY WITH THE TOWNS CURRENT PROVIDER THE COST WOULD BE 20 THOUSAND. QUESTION WAS ASKED WILL IT HAVE TO GO OUT FOR BID? HE STATED NOT IF WE STAY WITH OUR CURRENT PROVIDER.**

**VOTED 2/3/FAVORABLE ACTION.**

**ARTICLE 7:** To see if the Town will vote to approve that portion of the 2003 Fiscal Year Supplemental Operating Budget of the Pentucket Regional School District that requires an override; and to raise and appropriate the sum of TWO HUNDRED TWO THOUSAND DOLLARS (\$202,000.00) for the purpose of paying the town's share of the Supplemental Operating Budget assessment, contingent upon approval by voters of a Proposition 2-1/2 Override Ballot Question to allow the town to levy an additional \$202,000.00 in real estate and personal property taxes; or take any other action relative thereto.

NOTE: The Supplemental Budget is the total increase in the District's operating budget over last year.

History:	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
Base Budget	\$3,420,326	\$3,767,824	\$4,048,521
Supplemental Budget	333,285	280,697	266,654
Capital Budget	173,303	173,631	149,163
Stabilization Budget	0	0	0
Total Assessment	\$3,926,914	\$4,222,152	\$4,464,338
Percentage Increase	7.3%	7.5%	5.7%

Article #7 submitted by Finance Director

**BOARD OF SELECTMEN RECOMMEND NO ACTION**

**FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN:** MOTION MADE AND SECONDED FOR FAVORABLE ACTION. TOM MINICHELLO, FINANCE BOARD MEMBER STATED THAT BECAUSE THE SCHOOL DEPARTMENT HAD ASKED FOR A LINE BY LINE (DETAILED BUDGET) AND HAD NOT RECEIVED IT WAS THE REASON THE BOARD HAD RECOMMENDED UNFAVORABLE ACTION.

MARGARET MUENCH, CHAIR OF PENTUCKET SCHOOL BOARD EXPLAINED THAT THE FINANCE BOARD HAD RECEIVED ALL THE INFORMATION THEY NEEDED. SHE STATED THAT THE SCHOOL DEPARTMENT HAS NO CONCRETE FIGURES AT THIS POINT IN TIME FROM THE STATE.

TOM AGAIN STATED THAT THE FINANCE BOARD NEEDED WHAT THEY ASKED FOR AND DID NOT RECEIVE SAME.

TOM DROUGAS, UPTACK ROAD ASKED WHAT HAPPENS IF THIS ARTICLE DOES NOT PASS. ANSWER WAS THE SCHOOL DISTRICT WILL NOT GET THEIR SUPPLEMENTAL BUDGET BUT WILL STILL HAVE THEIR OPERATING BUDGET IF PASSED LATER IN THIS MEETING.

KAREN LETOURNEA, SCHOOL BOARD MEMBER, EXPLAINED THAT THE DISTRICT NEEDED THESE MONIES FOR TEACHER SALARIES.

PETER SLETTEHAUGH 16 VIEW HILL RD. STATED THAT THE TERM SUPPLEMENTAL IS NOT THAT. IT IS PART OF THE REGULAR BUDGET.

SELECTMEN WILLIAM DARKE STATED THAT THE SELECTMEN AS WELL AS THE FINANCE BOARD HAD ASKED FOR A LINE ITEM BUDGET YET THE TOWN DID NOT RECEIVE ONE FROM THE DISTRICT.

CAROLE GRAZIO, SCHOOL BOARD MEMBER ASKED THAT THE SUPT. OF SCHOOL BE ALLOWED TO SPEAK. HE WAS GRANTED PERMISSION TO DO SO. HE EXPLAINED THAT MEETINGS WERE HELD AT THE SCHOOL AT OPEN HEARING AND THAT PUBLIC OFFICIALS HAD BEEN INVITED TO ATTEND. HE STATED THAT THE PENTUCKET DISTRICT HAS THE LOWEST PER PUPIL IN THIS AREA. HE SAID THAT THIS SUPPLEMENTAL BUDGET IS NEEDED TO KEEP STAFF AND PROGRAMS.

**KATHLEEN KASTRINELIS, VIEW HILL ROAD FELT THAT THE TOWN SHOULD HAVE RECEIVED INFORMATION FROM THE SCHOOL DISTRICT, HOWEVER NOT A DETAILED BUDGET.**

**QUESTION WAS**

**ARTICLE 8:** To see if the Town will vote to approve that portion of the Fiscal Year 2003 Rubbish Removal Expense that requires an override; and to raise and appropriate the sum of ONE HUNDRED EIGHT THOUSAND TWO HUNDRED ELEVEN DOLLARS (\$108,211.00) for rubbish removal, contingent upon approval by the voters of a Proposition 2-1/2 Override Ballot Question to allow the Town to levy an additional \$108,211.00 in real estate and personal property taxes; or take any other action relative thereto.

Note: Total rubbish removal costs for Fiscal Year 2003 will be \$441,326. Last year's appropriation, minus 2% is included in the Omnibus Budget. The amount in this warrant article represents the increase needed beyond the amount included in the Omnibus Budget.

Article #8 submitted by Finance Director

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD NO RECOMMENDATION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION.**

**DISCUSSION: PETER SLETTEHAUGH, VIEW HILL RD., ASKED DID THE TOWN GO OUT FOR BID? JACK BEVELAQUA, CHAIR OF BOARD OF HEALTH SAID THAT IT DID NOT HAVE TO GO OUT FOR BID UNDER MASS. STATE LAWS. THAT IT ALLOWED THE PRESENT CONTRACTOR TO EXTEND THEIR PRESENT CONTRACT. QUESTION WAS RAISED WHAT WOULD THIS NEW CONTRACT COST THE HOMEOWNER? IF APPLIED TO A HOUSE OF \$240 THOUSAND, THEN THE COST WOULD BE \$60.00 PER YEAR. JACK BEVELAQUA EXPRESSED THAT THIS CONTRACT WAS BASED ON \$77.00 PER TON DUMPING FEES. IF THE TOWN RE-CYCLES MORE THEN THE COST OF THIS RUBBISH CONTRACT CAN GO DOWN. IN FACT IF IT DOES THEN PERHAPS THE TOWN COULD THEN ASK FOR AN UN-DER-RIDE ON THE RUBBISH CONTRACT AT SOME TIME.**

**QUESTION WAS VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) for the following public works purposes, contingent upon approval by voters of a Proposition 2-1/2 Override Ballot Question to allow the Town to levy an additional \$30,000.00 in real estate and personal property taxes; or take any other action relative thereto.

Public Works .Cemetery Part Time Wages	\$12,000.00
Public Works .Highway Road Machinery Expense	<u>\$18,000.00</u>
<b>Total</b>	<b>\$30,000.00</b>

Note: The approximate tax rate impact of this Article is .07/s 1000 of assessed value, or \$17.50 per year for a house assessed at 250,000:00.

Article #9 above submitted by Finance Director.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION. DISCUSSION: CLARK JENKINS, SALEM ST. ASKED WHY DID THE TOWN NEED AN OVERRIDE FOR \$30 THOUSAND. IT WAS EXPLAINED IT WAS BECAUSE THE TOWN DID NOT HAVE THESE MONIES. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 10: To see if the Town will vote to raise the following sums to defray Town charges for the ensuing year ending June 30, 2003 and make appropriations therefore, or take any other action relative thereto:**

**ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of FOUR HUNDRED SIXTY-NINE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE DOLLARS (\$469,873.00) for use of the Water Department, said sum to be offset by Water Department Revenue; or take any other action relative thereto.**

NOTE: Commissioners' stipend .	\$ 900.00
Superintendent's salary .	\$ 42,292.00
Office Manager .	\$ 26,023.00
Equip. Operators/Laborers .	\$ 92,375.00
Overtime & On Call .	\$ 19,934.00
Expense-	\$176,185.00
Health Insurance .	\$ 27,649.00
Retirement-	\$ 21,515.00
Bond Debt Prin. & mt. .	<u>\$ 63,000.00</u>
TOTAL .	\$469,873.00

Article #11 above submitted by Water/Sewer Commissioners.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE  
FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION. NO DISCUSSION. VOTED MAJORITY FAVORABLE ACTION.**



**ARTICLE 12:** To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED FIFTY SEVEN THOUSAND SIX HUNDRED NINETY-TWO DOLLARS (\$157,692.00) for use of the Sewer Department, said sum to be offset by Sewer Department Revenue; or take any other action relative thereto.

NOTE:

Commissioners' stipend .	\$ 300.00
Superintendent's salary .	\$ 7,463.00
Office Manager .	\$ 5,907.00
Equip. Operators/Laborers .	\$ 15,582.00
Overtime & On Call .	\$ 4,820.00
Expense .	\$ 29,944.00
Health Insurance .	\$ 4,879.00
Retirement .	\$ 3,797.00
Haverhill Wastewater Plant .	\$80,000.00
Haverhill Capital Bond .	\$ 5,000.00
TOTAL .	\$157,692.00

Article #12 above submitted by Water/Sewer Commissioners.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECOND FOR FAVORABLE ACTION. NO DISCUSSION TOOK PLACE. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 13:** To see if the Town will vote to fix the salary and compensation of all elective and appointive officers of the Town for the twelve months ending June 30, 2003. Fixing of salaries according to Articles 9 -11 above.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION .**

**FINANCE. BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOTION TO AMEND ARTICLE AND SECONDED ( TO CHANGE LAST LINE TO READ articles 9-12). MOVED AND SECONDED FOR FAVORABLE ACTION AS AMENDED. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 14:** To see if the Town will vote to reauthorize the Veasey Memorial Park Revolving Fund as established at the Special Town Meeting held December 2, 1996 and. authorized by Chapter 44, Section 53E-1/2 of Massachusetts General Laws. The purpose of this fund is for the Conservation Commission to pay operating costs of Veasey Memorial Park. The Conservation Commission may expend from this account an amount not to exceed TWENTY THOUSAND DOLLARS (\$20,000.00) for Fiscal 2003; or take any other action relative thereto.

The Conservation Commission shall give a report to the FY 2003 Annual Town Meeting detailing the total receipts and expenditures of this fund for Fiscal 2002.

Article #14 above submitted by Conservation Commission.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED FOR FAVORABLE ACTION. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 15:** To see if the Town will vote to reauthorize the Groveland Police Revolving Fund as established at Annual Town Meeting held June 30, 1992 and authorized by Chapter 44, Section 53E 1/2 of Massachusetts General Laws. The purpose of this fund is to allow receipts received from the General Court and Registry of Motor Vehicles pertaining to motor vehicle fines to be expended without further appropriation for the operation and maintenance of the Highway Safety Patrol Car. The Police Chief may, upon approval of the Board of Selectmen, expend from this account an amount not to exceed FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) for Fiscal 2003. All monies received in excess of Forty-Five Thousand Dollars to be deposited in the Town's General Fund Account. The operation and maintenance of the Safety Car Program to be at no cost to the taxpayer.

The Police Chief shall give a report to the FY 2004 Annual Town Meeting detailing the total receipts and expenditures of this fund for Fiscal. 2003.

Article #15 above submitted by Police Chief.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOTION MADE AND SECONDED TO DISPENSE WITH THE READING. VOTED TO DISPENSE WITH THE READING FAVORABLE. NO DISCUSSION. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 16:** To see if the Town will vote to reauthorize the Pines Recreation Boat Ramp Revolving Fund as established at Special Town Meeting held October 13, 1992 and authorized by Chapter 44, Section 53E V<sub>2</sub> of Massachusetts General Laws. The purpose of this fund is to allow receipts received from the sale of Pines Boat Ramp and Mooring Permits to be expended without further appropriation for the purchase of floats, safety equipment, walk ramp, necessary hardware for installation, and maintenance and repair of Pines Boat Ramp. The Pines Recreation Development Committee may, upon approval of the Board of Selectmen, expend from this account an amount not to exceed THREE THOUSAND DOLLARS (\$3,000.00) during Fiscal 2003.

A representative of the Pines Recreation Development Committee shall give a report to the FY 2004 Annual Town Meeting detailing the total receipts and expenditures of this fund for Fiscal 2003.

Article #16 above submitted by Pine's Recreation Development Committee.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED TO DISPENSE WITH THE READING. VOTED FAVORABLE TO DISPENSE WITH THE READING. NO DISCUSSION. VOTED FAVORABLE ACTION BY MAJORITY VOTE.**

**ARTICLE 17:** To see if the Town will vote to reauthorize the Recycling Revolving Fund as established at Special Town Meeting held March 4, 1991 and authorized by Chapter 44, Section 53E 1/2 of Massachusetts General Laws. The purpose of this fund is to allow receipts received from fees paid at appliance and tire drop off days, hazardous waste disposal days, and donations made to the recycling fund to be expended without further appropriation for the maintenance and operation of the town's white goods and tire programs, and the household hazardous waste disposal day. The Board of Health may, upon approval of the Board of Selectmen, expend from this account an amount not to exceed SEVEN THOUSAND DOLLARS (\$7,000.00) for Fiscal 2003; or take any other action relative thereto.

The Board of Health shall give a report to the FY 2004 Annual Town Meeting detailing the total receipts and expenditures of this fund for Fiscal 2003.

Article #17 above submitted by Board of Health.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOTION MADE AND SECONDED TO DISPENSE WITH READING. VOTED FAVORABLE TO DISPENSE WITH THE READING. MOTION TO AMEND ARTICLE AS FOLLOWS:**

**I JACK BEVELAQUA DO HEREBY MOVE THAT ARTICLE 17 BE AMENDED IN SENTENCE TWO (2), TO READ: THE PURPOSE OF THIS FUND IS TO ALLOW RECEIPTS RECEIVED FROM FEES PAID AT APPLIANCE AND TIRE DROP OFF DAYS, HAZARDOUS WASTE DISPOSAL DAYS, AND DONATIONS MADE TO THE RECYCLE FUND TO BE EXPENDED WITHOUT FURTHER APPROPRIATIONS, FOR THE**

**MAINTENANCE AND OPERATION OF THE TOWN'S WHITE GOODS, TIRE PROGRAM, HOUSEHOLD HAZARDOUS WASTE DAY AND PAY-AS-THROW STICKER EXPENSES.**

**MOTION MADE AND SECONDED FOR FAVORABLE ACTION AS AMENDED. VOTED MAJORITY FAVORABLE ACTION.**

**ARTICLE 18: To see if the Town will vote to raise and appropriate the sum of FIVE THOUSAND SEVEN HUNDRED SEVENTY-SEVEN DOLLARS AND 67/CENTS (\$5,777.67) for the purpose of paying one-tenth of the town's allocated portion of the response costs and other damages in connection with the remediation of the Charles George Land Reclamation Trust Landfill located in Tyngsboro, MA. as required in the consent decree entered in the case of United States v. Charles George Trucking Co., et al ; or take any other action relative thereto.**

Note: Ninth often payments due. Final payment due 9/15/2004.

Article #18 above submitted by Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED TO DISPENSE WITH READING. VOTED FAV. TO DISPENSE WITH THE READING. MOVED AND SECONDED FOR FAVORABLE ACTION. VOTED UNANIMOUS FAVORABLE ACTION.**

**ARTICLE 19: To see if the Town will vote to raise and appropriate TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) to purchase a new computer system for the Assessing Department; or take any other action relative thereto.**

Article #19 above submitted by the Board of Assessors. ~

**BOARD OF SELECTMEN RECOMMEND UNFAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS UNFAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION: MOVED AND SECONDED TO DISPENSE WITH READING. VOTED FAVORABLE TO DISPENSE WITH READING. MOVED AND SECONDED FOR UNFAVORABLE ACTION. VOTED UNFAVORABLE ACTION BY MAJORITY VOTE.**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate the sum of NINE HUNDRED DOLLARS (\$900.00) for the purpose of providing this amount to be William R. Dewhirst, Jr. Post 7366, Veterans of the Foreign Wars of the United States, Groveland, MA to pay for heat, electricity, and maintaining its meeting place and any expenses to support this request in Fiscal 2003; or take any other action relative thereto.

Note: Authorization for this appropriation is provided in MGL, C. 40, S. 9.

Article #20 above submitted by VFW organization.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE/ ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED TO DISPENSE WITH READING. VOTED FAVORABLE TO DISPENSE WITH READING. MOVED AND SECONDED FOR FAVORABLE ACTION. VOTED FAVORABLE ACTION BY UNANIMOUS VOTE.**

**ARTICLE 21:** To see if the Town will vote to transfer the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) from the interest earned in the Town Development Fund (Pine's Recreation Development) for the purpose of upgrading two ball fields, re-mulching the playground area, placing barrier poles, loam for grading around backstop of fields 1 and 2, grading of roadway with Lynn pack, waterproofing of buildings and general maintenance of the Pine's Recreation area; or take any other action relative there.

Article #21 above submitted by the Pine's Recreation Development Committee.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

employee could help the town financially and could also have a significant cost to the town also. He sated that in larger communities this type of bill would help them because they would not replace the employee. However, in small town we would usually replace them, due to small size department. Mr. Richard Lombard stated this bill seemed to give more benefit to the employee rather then town.

**ACTION TAKEN:** Moved and seconded for favorable action as amended. Voted majority in favor of amendment.

**Moved and seconded for article as amended. Voted Majority in favor.**

**ARTICLE 23:** To see if the Town will vote to make the office of Road Commissioner an appointed office, to be filled by appointment of the Board of Selectmen, in accordance with General Laws Chapter 41, Section 1 B; or take any other action relative thereto.

Article #23 above submitted by the Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE/UNFAVORABLE ACTION**

**PERSONNEL BOARD RECOMMENDS FAVORABLE/UNFAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS .NO RECOMMENDATION**

**DATE ARTICLE VOTED:**

**ACTION TAKEN:** Due to State Law this article had to pass on this warrant and also at the annual town election. Due to the fact that it was defeated at the polls this article was withdrawn from consideration

**Date Action took place on this Article: June 12, 2002**

**ARTICLE 24:** To see if the Town will vote to make the office of Town Clerk an appointed office, to be filled by appointment of the Board of Selectmen, in accordance with General Laws Chapter 41, Section 1 B; or take any other action relative thereto.

Article #24 above submitted by the Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND**

**PERSONNEL BOARD RECOMMENDS : No one present**

**FINANCE BOARD RECOMMENDS .NO RECOMMENDATION**

**Action Taken:** Due to State Law this article had to pass on this warrant and also at the annual town election. Due to the fact that it failed at the polls, this article has been withdrawn for consideration.

**Date Action was taken on this article: June 12, 2002**

**DATE ARTICLE VOTED: APRIL 29, 2002**

**ACTION TAKEN: MOVED AND SECONDED TO DISPENSE WITH READING. VOTED FAVORABLE TO DISPENSE WITH READING. MOVED AND SECONDED FOR FAVORABLE ACTION. VOTED UNANIMOUS FAVORABLE ACTION.**

**At 8:19 P.M.**

**On a Motion by and seconded from the Board of selectmen the meeting was called for adjournment to be resumes on June 3<sup>rd</sup>, 2002. Voted unanimously in favor. One June 3, 2002 due to a lack of a quorum, the meeting was re-schedule for June 12, 2002. Meeting will be held at the Town Hall Meeting room. Annual town meeting will be held after the special town meeting has been concluded.**

**On June 12, 2002, Annual town meeting was called to order at 8:35 P.M. by Richard Hodges, Union Street, who was duly elected to serve as temporary moderator, in the absence of Moderator Valerie Osborne. Resumption of annual town meeting was started with Article 22.**

**ARTICLE 22: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter – Section – (previously known as House Docket #4950), which provides an early retirement incentive program for certain employees; or take any other action relative thereto.**

**Article #22 above submitted by the Finance Director.**

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION with a second, with the submission of the following article as amended:**

**FINANCE BOARD RECOMMENDS NO RECOMMENDATION**

**Article 22 as amended to read: I Elizabeth Gorski, 182 Washington Street, do hereby move the following: To see if the Town will vote to accept the provisions of the Massachusetts General Laws, Chapter 116 of the Acts of 2002, which provided an early retirement incentive program for certain employees, or take any other action relative thereto.**

**Discussion: Mr. Mosses, Finance Director explained that this article was printed before the state had assigned a number to the bill. Thus the reason for the amended article. James Dole, Uptack Rd. for an explanation of this article: Moses explained depending on the individual who wished to exercise the option to take advantage of this bill, that depended on years of service the employee had, and or the age of the**

**ARTICLE 25:** To see if the Town will vote to make the office of Tree Warden an appointed office, to be filled by appointment of the Board of Selectmen, in accordance with General Laws Chapter 41, Section 1 B; or take any other action relative thereto.

Article #25 above submitted by the Board of Selectmen.

**BOARD OF SELECTMEN : To Withdraw Article**

**PERSONNEL BOARD RECOMMENDS:** Not Present

**FINANCE BOARD .NO RECOMMENDATION**

**DATE ARTICLE VOTED:** June 12, 2002

**ACTION TAKEN:** Due to this article must pass both at the Annual town meeting as well as the Annual Town Election, and because it failed at the election this article was withdrawn.

**ARTICLE 26:** To see if the Town will vote to amend it's General Bylaws .Personnel Bylaw .Section 2-93. Responsibility of the Board of Selectmen by striking the third sentence which reads "The Personnel Advisory Board shall be composed of five members for three-year overlapping terms, one member of which shall be a town employee" and adding the following sentence in its place: "The Personnel Advisory Board shall be composed of five regular members for three-year overlapping terms, one member of which shall be a town employee, and one alternate town employee member"; or take any other action relative thereto.

Article #26 above submitted by the Personnel Advisory Board.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**PERSONNEL ADVISORY BOARD RECOMMENDS:** Not Present

**FINANCE BOARD .NO RECOMMENDATION**

**ACTION TAKEN:** Moved and seconded for favorable action. No discussion took place. Voted Unanimous favorable action.

**Date article Voted:** June 12. 2002



**ARTICLE 27:** To see if the Town will vote to accept the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) from the Groveland Municipal Electric Department Operation Account to Town Estimated Receipts to reduce the Tax Rate for the twelve months ending June 30, 2003; or take any other action relative thereto.

Article #37 above submitted by the Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**Action Taken: Moved and seconded for favorable action. No discussion took place. Voted unanimous favorable action.**

**DATE ARTICLE VOTED: June 12, 2002**

**ARTICLE 28:** To see if the Town will vote to appropriate the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) for the Reserve Fund, said amount to be transferred from the Overlay Surplus Account; or take any other action relative thereto.

Article #28 above submitted by the Board of Selectmen.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE**

**FINANCE BOARD RECOMMENDS FAVORABLE ACTION**

**ACTION TAKEN: Moved and seconded for favorable action. No discussion took place. Voted Unanimous favorable action.**

**ARTICLE 29:** To see if the Town will vote to accept the provisions of Chapter 40, Section 8G of the Massachusetts General Laws, authorizing agreements with other cities and towns to provide mutual aid programs for police departments; or take any other action relative thereto.

Article #29 above submitted by the Police Chief.

**BOARD OF SELECTMEN RECOMMEND FAVORABLE ACTION**

**FINANCE BOARD - NO RECOMMENDATION**

**ACTION TAKEN : Moved and seconded for favorable action. No discussion took place. Voted Unanimous favorable action.**

**ARTICLE 30:** To see if the Town will vote to amend its Zoning Bylaws by adding the following Section 500; or take any other action relative thereto:

## **SECTION 500**

### **CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)**

#### **I. PURPOSE AND INTENT**

1. The Primary Purposes for CSD are the following:

- a) To allow for greater flexibility and creativity in the design of residential developments;
- b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archeological resources in a manner that is consistent with a municipality's master and open space plan, if any;
- c) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
- d) To minimize the total amount of disturbance on the site;
- e) To further the goals and policies of the master and open space plans;
- f) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.

2. The Secondary Purposes for CSD are the following:

- a) To preserve and enhance the community character;
- b) To preserve and protect agriculturally significant land;
- c) To protect the value of real property;
- d) To protect community water supplies;
- e) To provide for a diversified housing stock;
- f) To provide affordable housing to persons of low and moderate income.

#### **II. ELIGIBILITY**

1A. Minimum Size of Tract. To be eligible for consideration as a CSD, the tract shall contain a minimum of five (5) acres.

2. **Zoning Classification.** Only those tracts located within the Residential Districts RA & R-B shall be eligible for consideration as a CSD.
3. **Contiguous Parcels.** To be eligible for consideration as a CSD, the tract shall consist of a parcel or set of contiguous parcels.
4. **Land Division.** To be eligible for consideration as a CSD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, s. 81P, provided, however, that CSD may also be permitted where intended as a condominium on land not so divided or subdivided.

### **III. SPECIAL PERMIT REQUIRED**

The Planning Board may authorize a CSD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the following provisions:

### **IV. PRE-APPLICATION**

Conference. The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water and Sewer Board, Fire Department, Police Department, and Municipal Light Department. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed CSD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a CSD special permit.

2. **Submittals.** In order to facilitate review of the CSD at the pre-application stage, applicants are strongly encouraged to submit the following information:
  - A. **Site Context Map.** This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
  - B. **Existing Conditions/Site Analysis Map.** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

- C. Other Information. In addition, applicants are invited to submit the information set forth in Section VI. I in a form acceptable to the Planning Board.

3. Site Visit. Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the SCD. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water & Sewer Board, Fire Department, Police Department, and Municipal Light Department.
4. Design Criteria. The design process and criteria set forth below in Section V should be discussed by the parties at the pre-application conference and site visit.

## **V. DESIGN PROCESS**

At the time of the application for a special permit CSD in conformance with Section VI.I, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and a Certified Professional Engineer and considered in determining the layout of proposed streets, house lots and open space.

1. Step One: Identifying Conservation Areas. Identifying preservation land by two steps. First, Primary conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
2. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
3. Step Three: Aligning the Streets and Trails: Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Lot Lines: Draw in the lot lines, unless the CSD is utilizing Condominium Ownership.

## **VI. APPLICATION PROCESS**

### **1. Application**

An application for a special permit for a CSD shall be submitted on the form(s) provided by the Planning Board in accordance with the rules and regulations of the Board. Applicants for CSD shall also file with the Planning Board eight (8) copies of the following:

#### **Concept Plan**

The Concept Plan shall include a Sketch Plan and a Yield Plan (see section VII). The applicant shall submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section IV.2 above. Additional information

reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

**A. Sketch Plan.**

The Sketch Plan shall be prepared by a certified Landscape Architect, or by a multi-disciplinary team of which one member must be a certified Landscape Architect, and shall address the general features of the land, and give approximate configurations of the lots, open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section V above, and the Design Standards according to Section X below, when determining a proposed design for the development.

**(1) Quality Standards**

The conceptual plan shall be drawn at a scale of one hundred feet (100') to the inch or such other scale as the Board may accept. The plan shall be designated as a "conceptual plan".

**(2) Required Content.**

The Sketch Plan shall include the following::

- a. The subdivision name, boundaries, north point, date, legend, title "Concept Plan," and scale.
- b. The names of the record owner and the applicant, and the name of the Landscape Architect that prepared the plan.
- c. The names, approximate location, and widths of adjacent streets.
- d. The proposed topography of land shown at a contour interval no greater than ten (10) feet. Elevations shall be referred to mean sea level.
- e. The location of existing landscape features including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section V.1. Proposals for all site features to be preserved, demolished, or moved shall be noted on the Sketch Plan.
- f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
- g. Lines showing proposed private residential lots, as located during Step-Four, Section V.4, with approximate areas and frontage dimensions.
- h. All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, communities buildings, off-street parking areas, etc, shall be shown on the plan and described in a brief narrative explanation where appropriate.
- i. The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- j. Proposed roadway grades
- k. Official soil percolation tests for the purpose of siting wastewater treatment options are not required for the Concept Plan. However, a narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its

likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.

1. A narrative explanation prepared by a certified Professional Engineer proposing systems for storm water drainage and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether soft or hard engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins, it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any storm water management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
  - m. A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system.
  - n. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
  - o. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
  - p. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
  - q. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
  - r. **If the** municipal sewer system is to be used a narrative explanation prepared by a certified Professional Engineer, detailing the proposed sewer extension system shall be submitted.

#### **B. Yield Plan.**

Applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield determined according to Section VII, Basic Maximum Number (of lots/units/bedrooms).

- C. Relationship between Concept Plan and Definitive Subdivision Plan. The Concept Plan special permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- (1). An increase in the number of building lots;
- (2). A significant decrease in the open space acreage;
- (3). A significant change in the lot layout;
- (4). A significant change in the general development pattern which adversely affects natural landscape features and open space preservation:
- (5). significant changes to the storm water management facilities; and/or
- (6). significant changes in the wastewater management a systems;
- (7). significant changes in the wetlands and/or wildlife habitat resource areas.

## 2. Procedures

Whenever an application for a CSD special permit is filed with the Planning Board, the applicant shall also file within five (5) working days of the filing of the completed application, copies of the application accompanying the development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Water and Sewer Department, Police Chief, Fire Chief, Town Engineer and/or Consultant, Board of Selectmen, Road Agent, and Municipal Light Department for their consideration, review and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35-day period, the Planning Board shall continue the public hearing to permit the formal submissions of reports and recommendations within that 35-day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

## 3. Site Visit.

Whether or not conducted during the pre-application stage, the Planning Board shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

## 4. Other Information.

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a special permit for a CSD with the public hearing required for approval of a definitive subdivision plan.

## VII. BASIC MAXIMUM NUMBER (OF LOTS/UNITS/BEDROOMS)

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth above in Section VI. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

## VIII. REDUCTION OF DIMENSIONAL REQUIREMENTS

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for lots with a CSD, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
2. Lot frontage shall not be less than **50 feet**. The Planning Board may waive this requirement where it is determined that such reduced frontage will further the goals by this bylaw.

3. Each lot shall have at least 2/3 of the required setbacks for the district unless a reduction is otherwise authorized by the Planning Board.

4. Lots may be reduced in area according to the following schedule<sup>3</sup>:

Minimum Open Space (%)	District Minimum Lot Area (sq. ft.)	CSD Minimum Lot Area (sq.ft.)
50	District RA-43,560	10,000
50	District RB-30,000	10,000

<sup>3</sup>It should be noted that this table is for conceptual purposes only. Lot areas subject to 50% open space requirements were reduced by three-quarters; areas subject to 70% open space requirements were reduced by seven-eighths.

## IX. OPEN SPACE REQUIREMENTSS

1. Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
  - A. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract, which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.
  - B. The open space shall be contiguous. Contiguous shall be defined as being connected. Open Space will still be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.
  - C. The open space shall be used for wildlife habitat and conservation and the following additional purposes [choose]: historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).
  - D. Wastewater and storm water management systems serving the CSD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
2. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:



- (a). the Town or its Conservation Commission;
- (b). a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
- (c). a corporation or trust owned jointly or in common by the owners of lots within the CSD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles or incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

## **X. DESIGN STANDARDS**

The following Generic and Site Specific Design Standards shall apply to all CSD's and shall govern the development and design process:

### **Generic Design Standards**

- (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and to configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- (b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (c) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
- (d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

### **2. Site Specific Design Standards**

- (a) **Mix of Housing Types.** The CSD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structures shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.
- (b) **Buffer Areas.** A buffer area of twenty-five (25) feet may be provided at the following locations: (a) perimeter of the property where it abuts residentially zoned and occupied properties; (b) certain resource areas on or adjacent to the tract like ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes; and (c) existing public ways. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disrobed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein.
- (d) **Drainage.** The Planning Board shall encourage the use of "soft" (non-structural) storm water management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- (e) **Common/Shared Driveways.** A common or shared driveway may serve a maximum number of three (3) single-family units.
- (f) **Screening and Landscaping.** All structural surface storm water management facilities shall be accompanied by a conceptual landscape plan.
- (g) **On-Site Pedestrian and Bicycle Circulation.** Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (h) **Disturbed Areas.** Not more then twenty five (25)% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

## **XI. DECISION OF THE PLANNING BOARD**

The Planning Board may grant a special permit for a CSD if it determines that the proposed CSD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors;

Whether CSD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;

2. Whether the CSD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;

Question was asked? Who determines which method the open space will be determined. Wally stated that the owner would have that determination. Question was asked if the owners of the area own this land will it be taxable? Answer was yes. Scott Trask, Washington St. was concern about fire trucks being able to maneuver in this type of plan layout. Wally stated that all town departments, including public safety would have input to the design of this development. James Dole, Uptack Rd., expressed that this was a better use of open space.

Question was moved. Voted 2/3 majority in favor of the amendment. Motion made and seconded for favorable action on the motion as amended. Voted 2/3/favorable for the amended article.

**Date Article Voted: June 12, 2002**

**ARTICLE 31:** To see if the Town will vote to amend its Zoning Bylaws by adding the following new section 107.2.3. to Section 107.2: Building Permits and Fee; or take any other action relative thereto:

107.2.3. The application process of obtaining a building permit shall include a multi board/town office approval list signed by the Chairman or designated person from each board or office. This approval from each board and town office is mandatory before obtaining a building permit from the Building Inspector.

EXPLANATION: The purpose of this change is to eliminate any discrepancies from any one board or office's rules and regulations that should be complied with before the issuance of a building permit. All boards and offices shall check for compliance with their rules and regulations before signing the approval list.

This zoning bylaw change was a recommendation by the multi-board meeting to eliminate any confusion in the building permit process and to prevent any building before all signatures were present. This would install a safety net through each board's required signatures, enforcing their respective rules and regulations.

Article #31 above submitted by Groveland Planning Board

**PLANNING BOARD RECOMMENDS FAVORABLE ACTION FOR THE AMENDED VERSION AS PRESENTED:**

Article #31

June 12, 2002

**I Walter F. Sorenson Jr., hereby move that the Town Vote to amend Article 31 of the Annual Town Meeting Warrant by:**

**Deleting the words " To amend its Zoning Bylaws" and "new Section 107.2.3. to Section 107.2.: Building Permits and Fee" and adding in their place the words "adopt the following General Bylaw – Sec. 4.2. – Building Permits" , so that Article 31 shall read as follows:**

**Article 31: To see if the Town will vote to adopt the following General Bylaw:**

**Sec. 4.2. Building Permits. The application Process of obtaining a building Permit shall include a multi-board/town office approval list signed by the Chairman or designated person from each Board or Office. This approval from each Board and Town Office is mandatory before obtaining a Building Permit from the Building Inspector.**

**Purpose: The purpose of this change is to eliminate any discrepancies from any one Board or Office's Rules and Regulations that should be complied with before the issuance of a Building Permit. All Boards and Offices shall check for compliance with their rules and regulations before signing the approval list.**

3. Whether the CSD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
4. Whether the CSD reduces the total amount of disturbance on the site;
5. Whether the CSD furthers the goals and policies of the [choose] open space and master plan(s);
6. Whether the CSD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.
7. Whether the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.

## **XII. INCREASE IN PERMISSIBLE DENSITY**

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the CSD shall not, in the aggregate, exceed thirty percent (30)% of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
3. For every two (2) dwelling units restricted to occupancy for a period of not less than fifteen (15) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

Article #30 above submitted by Groveland Planning Board

## **PLANNING BOARD RECOMMENDS FAVORABLE ACTION WITH THE FOLLOWING AMENDED ARTICLE:**

### **Article 30:**

**Date: June 12, 2002**

- I. **Walter F. Sorenson, Jr. do hereby move that the Town vote to amend the Town's Zoning Bylaws by adopting the following "Section 500, Conservation Subdivision Design Bylaw (CSD)", in place of the Section 500 Conservation Subdivision Design Bylaw (CSD) printed in the Annual Town Meeting Warrant:**

**Article 30:** To see if the Town will vote to amend its zoning Bylaws by adding the following Section 500; or take any other action relative thereto:

Action: Motion made and seconded for favorable action to this amendment:

## **SECTION 500**

### **CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)**

#### **I. PURPOSE AND INTENT**

1. The Primary Purposes for CSD are the following:
  - a) To allow for greater flexibility and creativity in the design of residential developments;
  - b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archeological resources in a manner that is consistent with a municipality's master and open space plan, if any;
  - c) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
  - d) To minimize the total amount of disturbance on the site;
  - e) To further the goals and policies of the master and open space plans;
  - f) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.
2. The Secondary Purposes for CSD are the following:
  - a) To preserve and enhance the community character;
  - b) To preserve and protect agriculturally significant land;
  - c) To protect the value of real property;
  - d) To protect community water supplies;
  - e) To provide for a diversified housing stock;
  - f) To provide affordable housing to persons of low and moderate income.

## **II. ELIGIBILITY**

1. **Minimum Size of Tract.** To be eligible for consideration as a CSD, the tract shall contain a minimum of five (5) acres.
2. **Zoning Classification.** Only those tracts located within the Residential Districts RA & R-B shall be eligible for consideration as a CSD.
3. **Contiguous Parcels.** To be eligible for consideration as a CSD, the tract shall consist of a parcel or set of contiguous parcels.
4. **Land Division.** To be eligible for consideration as a CSD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, s. 81P, provided, however, that CSD may also be permitted where intended as a condominium on land not so divided or subdivided.

## **III. SPECIAL PERMIT REQUIRED**

The Planning Board may authorize a CSD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the following provisions:

## **IV. PRE-APPLICATION**

Conference. The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water and Sewer Board, Fire Department, Police Department, and Municipal Light Department. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed CSD, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request of the applicant, and at the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a CSD special permit.

2. **Submittals.** In order to facilitate review of the CSD at the pre-application stage, applicants are strongly encouraged to submit the following information:
  - A. **Site Context Map.** This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
  - B. **Existing Conditions/Site Analysis Map.** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

C. Other Information. In addition, applicants are invited to submit the information set forth in Section VI. I in a form acceptable to the Planning Board.

3. Site Visit. Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the SCD. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, Road Commissioner, Water & Sewer Board, Fire Department, Police Department, and Municipal Light Department.
4. Design Criteria. The design process and criteria set forth below in Section V should be discussed by the parties at the pre-application conference and site visit.

## **V. DESIGN PROCESS**

At the time of the application for a special permit CSD in conformance with Section VI.I, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and a Certified Professional Engineer and considered in determining the layout of proposed streets, house lots and open space.

1. Step One: Identifying Conservation Areas. Identifying preservation land by two steps. First, Primary conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.
2. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
3. Step Three: Aligning the Streets and Trails: Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Lot Lines: Draw in the lot lines, unless the CSD is utilizing Condominium Ownership.

## **VI. APPLICATION PROCESS**

1. Application

An application for a special permit for a CSD shall be submitted on the form(s) provided by the Planning Board in accordance with the rules and regulations of the Board. Applicants for CSD shall also file with the Planning Board eight (8) copies of the following:

**Concept Plan**

The Concept Plan shall include a Sketch Plan and a Yield Plan (see section VII). The applicant shall submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section IV.2 above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soil maps.

**A. Sketch Plan.**

The Sketch Plan shall be prepared by a certified Landscape Architect, or by a multi-disciplinary team of which one member must be a certified Landscape Architect, and shall address the general features of the land, and give approximate configurations of the lots, open space, and roadways. The Sketch Plan shall incorporate the Four-Step Design Process, according to Section V above, and the Design Standards according to Section X below, when determining a proposed design for the development.

**(1) Quality Standards**

The conceptual plan shall be drawn at a scale of one hundred feet (100') to the inch or such other scale as the Board may accept. The plan shall be designated as a "conceptual plan".

**(2) Required Content.**

The Sketch Plan shall include the following::

- a. The subdivision name, boundaries, north point, date, legend, title "Concept Plan," and scale.
- b. The names of the record owner and the applicant, and the name of the Landscape Architect that prepared the plan.
- c. The names, approximate location, and widths of adjacent streets.
- d. The proposed topography of land shown at a contour interval no greater than ten (10) feet. Elevations shall be referred to mean sea level.
- e. The location of existing landscape features including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major long views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section V.1. Proposals for all site features to be preserved, demolished, or moved shall be noted on the Sketch Plan.
- f. All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Sketch Plan.
- g. Lines showing proposed private residential lots, as located during Step-Four, Section V.4, with approximate areas and frontage dimensions.
- h. All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, communities buildings, off-street parking areas, etc, shall be shown on the plan and described in a brief narrative explanation where appropriate.
- i. The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the subdivision in a general manner.
- j. Proposed roadway grades



- k. Official soil percolation tests for the purpose of sitting wastewater treatment options are not required for the Concept Plan. However, a narrative explanation shall be prepared by a certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.
- L. A narrative explanation prepared by a certified Professional Engineer proposing systems for storm water drainage and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether **non-structural or structural** engineering methods will be used and the number of any detention/retention basins or infiltrating catch basins, it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any storm water management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan.
- m. A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system.
- n. A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.
- o. All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- p. A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds, with an accompanying narrative explaining their general purpose.
- q. A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.
- r. **If the municipal sewer system is to be used a narrative explanation prepared by a certified Professional Engineer, detailing the proposed sewer extension system shall be submitted.**

#### **B. Yield Plan.**

Applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield determined according to Section VII, Basic Maximum Number (of lots/units/bedrooms).

- C. Relationship between Concept Plan and Definitive Subdivision Plan. The Concept Plan special permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- (1). an increase in the number of building lots;
- (2). a significant decrease in the open space acreage;
- (3). a significant change in the lot layout;
- (4). a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
- (5). significant changes to the storm water management facilities; and/or
- (6). significant changes in the wastewater management a systems;
- (7). significant changes in the wetlands and/or wildlife habitat resource areas.

## **2. Procedures**

Whenever an application for a CSD special permit is filed with the Planning Board, the applicant shall also file within five (5) working days of the filing of the completed application, copies of the application accompanying the development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Department of Public Works, Water and Sewer Department, Police Chief, Fire Chief, Town Engineer and/or Consultant, Board of Selectmen, Road Commissioner, and Municipal Light Department for their consideration, review and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35-day period, the Planning Board shall continue the public hearing to permit the formal submissions of reports and recommendations within that 35-day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

## **3. Site Visit.**

Whether or not conducted during the pre-application stage, the Planning Board shall conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.

## **4. Other Information.**

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for a special permit for a CSD with the public hearing required for approval of a definitive subdivision plan.

## **VII. BASIC MAXIMUM NUMBER (OF LOTS/UNITS/BEDROOMS)**

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth above in Section VI. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

## **VIII. REDUCTION OF DIMENSIONAL REQUIREMENTS**

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for lots with a CSD, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
2. Lot frontage shall not be less than 50 feet. The Planning Board may waive this requirement where it is determined that such reduced frontage will further the goals of this bylaw.

3. Each lot shall have at least 2/3 of the required setbacks for the district unless a reduction is otherwise authorized by the Planning Board.

4. Lots may be reduced in area according to the following schedule<sup>3</sup>:

Minimum Open Space (%)	District Minimum Lot Area (sq. ft.)	CSD Minimum Lot Area (sq.ft.)
50	District RA-43,560	10,000
50	District RB-30,000	10,000

## IX. OPEN SPACE REQUIREMENTS

1. Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
  - A. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract, which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.
  - B. The open space shall be contiguous. Contiguous shall be defined as being connected. Open Space will still be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.
  - C. The open space shall be used for wildlife habitat and conservation and the following additional **purposes** : historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).
  - D. Wastewater and storm water management systems serving the CSD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.
2. Ownership of the Open Space. The open space **shall be conveyed** to:
  - (a). the Town or its Conservation Commission; or
  - (b). a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

- (c). a corporation or trust owned jointly or in common by the owners of lots within the CSD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the in **adequate** maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles or incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

## **X. DESIGN STANDARDS**

The following Generic and Site Specific Design Standards shall apply to all CSD's and shall govern the development and design process:

### **Generic Design Standards**

- (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and to configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- (b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (c) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
- (d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

## **2. Site Specific Design Standards**

- (a) **Mix of Housing Types.** The CSD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structures shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.
- (b) **Buffer Areas.** A buffer area of twenty-five (25) feet may be provided at the following locations: (a) perimeter of the property where it abuts residentially zoned and occupied properties; (b) certain resource areas on or adjacent to the tract like ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes; and (c) existing public ways. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disrobed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein.
- (d) **Drainage.** The Planning Board shall encourage the use of “soft” (non-structural) storm water management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- (e) **Common/Shared Driveways.** A common or shared driveway may serve a maximum number of three (3) single-family units.
- (f) **Screening and Landscaping.** All structural surface storm water management facilities shall be accompanied by a conceptual landscape plan.
- (g) **On-Site Pedestrian and Bicycle Circulation.** Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (h) **Disturbed Areas.** Not more then twenty five (25)% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

## **XI. DECISION OF THE PLANNING BOARD**

The Planning Board may grant a special permit for a CSD if it determines that the proposed CSD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors;

1. Whether CSD achieves greater flexibility and creativity in the design of residential developments than a conventional plan;
2. Whether the CSD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;

3. Whether the CSD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
4. Whether the CSD reduces the total amount of disturbance on the site;
5. Whether the CSD furthers the goals and policies of the open space and master plan(s);
6. Whether the CSD facilities the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.
7. Whether the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.

## **XII. INCREASE IN PERMISSIBLE DENSITY**

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the CSD shall not, in the aggregate, exceed thirty percent (30)% of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units **permanently** restricted to occupancy by persons over the age of fifty-five, by a **recorded restriction enforceable by the Town**, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
3. For every two (2) dwelling units **permanently** restricted to occupancy by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development **a recorded restriction enforceable by the Town**, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

Article #30 above submitted by Groveland Planning Board

## **PLANNING BOARD RECOMMENDS FAVORABLE ACTION WITH THE FOLLOWING AMENDED ARTICLE:**

**Moved and seconded to dispense with the reading. No discussion, voted to dispense with reading. Discussion: Walter Sorenson, Chairman of the Planning Board explained that this article was put together using guidelines from the Commonwealth of Massachusetts. Along with the planning board as well as town counsel modifications were made to make this article work for the best interests of the citizens of Groveland. This article will do the following for Groveland residents:**

**Produce less roadways for Groveland to maintain.**

**Provide more open space.**

- **By putting space in jurisdiction of Conservation Committee/ of Town of Groveland**
- **Wildlife Area**
- **Or be part of the owners of that particular development.**

**This bylaw was a recommendation by the multi-board meeting to eliminate any confusion in the Building Permit process and to prevent any building before all signatures were present. This would install a safety net through each board's required signatures, enforcing their respective Rules and Regulations.**

**Submitted by Walter Sorenson.**

**Action Taken: Discussions : Ed Reed, 70 Gardner street expressed that this procedure would be cumbersome to the citizens. That it would be difficult to get all needed signature.  
Question moved. Voted Majority in favor for amendment. Moved and seconded for favorable action on article as amended. Voted 2/3 majority for favorable action.  
Article Voted on June 12, 2002**

**There being no further business, Motion was made and seconded to dissolve Annual Town Meeting at 9:18 P.M. Voted unanimous to dissolve said meeting.**

you are directed to serve this Warrant by posting attested copies thereof in said Town, one copy in each of the three parts of Town known as Savaryville, the Village, and South Groveland, fourteen (14) days at least before the time of holding said meeting.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Precinct Clerk, at the time and place of said meeting.

Given under our hands this \_\_\_\_ day of April in the year of our Lord two thousand two.

Barbara A. Sheehan, Chairman

Elizabeth A. Gorski

William H. Darke

Richard T. Sciacca Town Clerk

Ronald C. Weeks, Police Chief

**OFFICER'S RETURN**

I have notified and warned the inhabitants of the Town of Groveland who are qualified to vote in Town Affairs by posting true and attested copies of this Warrant at the Town Hall, Savaryville and South (3roveland. Said copies not having been posted less than fourteen days before the time of said meeting.

Richard T. Sciacca, Town Clerk

Ronald C. weeks, Police Chief



**ARTICLE 31:** To see if the Town will vote to amend its Zoning Bylaws by adding the following new section 107.2.3. to Section 107.2: Building Permits and Fee; or take any other action relative thereto:

107.2.3. The application process of obtaining a building permit shall include a multi board/town office approval list signed by the Chairman or designated person from each board or office. This approval from each board and town office is mandatory before obtaining a building permit from the Building Inspector.

**EXPLANATION:** The purpose of this change is to eliminate any discrepancies from any one board or office's rules and regulations that should be complied with before the issuance of a building permit. All boards and offices shall check for compliance with their rules and regulations before signing the approval list.

This zoning bylaw change was a recommendation by the multi-board meeting to eliminate any confusion in the building permit process and to prevent any building before all signatures were present. This would install a safety net through each board's required signatures, enforcing their respective rules and regulations.

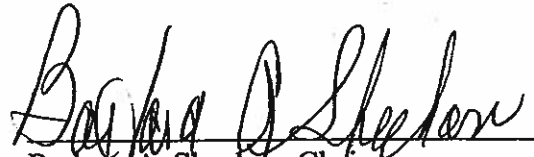
Article #31 above submitted by Groveland Planning Board

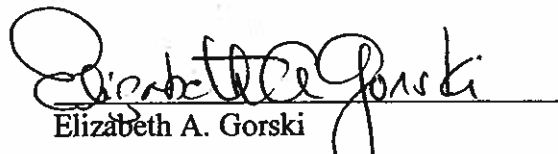
**PLANNING BOARD RECOMMENDS FAVORABLE/UNFAVORABLE ACTION**

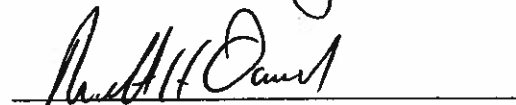
And you are directed to serve this Warrant by posting attested copies thereof in said Town, one copy in each of the three parts of Town known as Savaryville, the Village, and South Groveland, fourteen (14) days at least before the time of holding said meeting.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Precinct Clerk, at the time and place of said meeting.

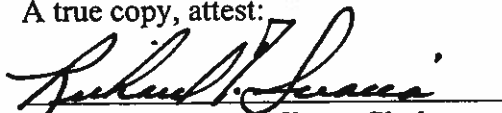
Given under our hands this 16<sup>th</sup> day of April in the year of our Lord two thousand two.

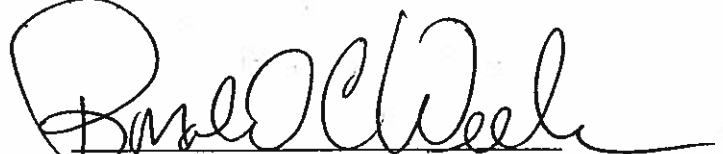
  
Barbara A. Sheehan, Chairman

  
Elizabeth A. Gorski

  
William H. Darke


A true copy, attest:

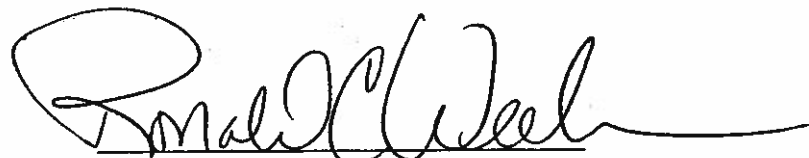
  
Richard T. Sciacca, Town Clerk

  
Ronald C. Weeks, Police Chief

#### OFFICER'S RETURN

I have notified and warned the inhabitants of the Town of Groveland who are qualified to vote in Town Affairs by posting true and attested copies of this Warrant at the Town Hall, Savaryville and South Groveland. Said copies not having been posted less than **fourteen** days before the time of said meeting.

  
Richard T. Sciacca, Town Clerk

  
Ronald C. Weeks, Police Chief