



**BOARD OF SELECTMEN
AGENDA**

April 12, 2010

6:15 P.M - Call meeting to order

Approve Minutes: March 15th & March 22-Open & Executive

Approve Warrants:

PW # 10-40	\$ 106,667.26
DW #10-38A	\$ 18,438.70
BW # 10-41	\$1,043,080.98

NEEDS ATTENTION

1. Please sign Purchase and Sale Agreement between Websters and Town of Groveland
2. Request from resident Tom Wakefield to serve as an alternate on the ZBA. Would you like to meet with him? See his attached letter of interest.
3. Please vote to have Philip Trapani of Georgetown continue to serve as Subregion 3 representative on the Merrimack Valley Metropolitan Planning Organization. See attached memo from Merrimac Valley Planning Director.
4. See letter from Groveland Garden Club

AGENDA APPOINTMENTS

6:20 P.M. – Mark McCabe – request Cemetery pick up truck (formerly owned by Light Department) be declared surplus property for the purpose of salvaging

6:45 P.M. – Zoning Board of Appeals

–Next Meeting: Monday, April 26, 2010 @ 6:30 P.M. @ Bagnall School

MINUTES
BOARD OF SELECTMEN

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Meeting called to order at 6:15 P.M. at Town Hall.

Present Donald N. Greaney and Chairman William H. Darke.

Absent Elizabeth A. Gorski

Cemetery Commissioner Mark McCabe

Cemetery Commissioner Mark McCabe met with the Selectmen and requested the vote to declare as surplus equipment the early 1990s Ford Ranger Pickup truck that was formerly owned by the Groveland Light Department. Upon motion duly made by Greaney, seconded by Darke, it was

VOTED: To declare the early 1990s Ford Ranger Pickup Truck presently in the possession of the Riverview Cemetery Department as surplus equipment to be salvaged.

Warrants

Moved Greaney, seconded Darke, and it was

VOTED: To approve Warrants #DW10-40A, #PW10-40 and BW #10-41.

Purchase & Sale Agreement

The Board reviewed and signed the Purchase & Sale Agreement delivered by Conservation Commission Chairman Mike Dempsey for the Webster property off Wood Street which abuts town forest property.

Appointment to Merrimack Valley Metropolitan Planning Organization

At the request of Merrimack Valley Planning Commission, and upon motion duly made by Greaney, seconded by Darke, it was

VOTED: To appoint Philip Trapani, of Georgetown to serve as Region 3 representative on Merrimack Valley Metropolitan Planning Organization.

Zoning Board of Appeals

At the request of the Selectmen, Zoning Board members Dole, Young, and Taylor met with the Selectmen to discuss the Decision on Groveland Auto Repair's application to relocate the business to Salem Street from the former Groveland Getty site in Elm Park.

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Also present were four or five residents/customers/relatives of the owner of Groveland Auto Repair. The owner is presently out of the country. Chairman Darke asked ZBA Chairman Dole what the vote on the Decision was and Dole replied it was unanimous; that it had to be a super majority because one member had missed one of the hearing nights. Later in the evening ZBA members Young and Taylor told the Selectmen that they were not in favor of many of the provisions the Chairman had included in his Decision but felt their hands were tied. They stated they voted to grant the Decision as Dole had written it rather than vote to Deny because the applicant needed to move his business due to his Lease expiring and the hearings had already taken several months to complete.

Dole told the Board that he felt a lot of inconsistencies had been told to the ZBA by the applicant, i.e., the number of parking spaces was changed; that the applicant's attorney was very argumentative right from the start; that they refused to put guardrails to keep cars from going down the banking to Salem Street. Dole stated the Fire Chief gave him 80 pages of material to read regarding hazardous waste materials and that Board of Health member Robert O'Hanley gave him another 20 or 30 pages of information. Dole told the Selectmen the applicant's Lease stated the parking area would be paved in the Spring; that he (Dole) feels it should be paved and lined for safety of the public. Dole also stated that the applicant had inaccurate plans of the new site and they refused to do anything. Dole told the Selectmen "we have a right to know what's in your building" and asked "why are they arguing what we ask them for?"

Dole told the Board that the applicant told the ZBA that repair cars would be dropped off at night. Dole asked the Selectmen "all that run off from the cars fluids, where will it go?" Dole told the Board that Health member Bob O'Hanley told the ZBA that you can stick a shovel in the ground anywhere at the Groveland Getty site and find contaminated soil. The Selectmen commented that the recent occupant of that garage site had not been there that long.

Chairman Darke told Dole that it seems the biggest contention is the large area to be paved; that it's way beyond 15% of the area. Darke told Dole he had driven up and down Salem Street a number of times and saw that vehicles are parked on unpaved areas at the used car places on Salem Street, an auto repair shop, and noted that much of Mello's, Kendall Construction, Valley Tree properties are not paved and have vehicles there. Darke told Dole that although he understands what Dole is saying, he asked whether this applicant was being held to a greater standard and Dole replied that he was not.

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Dole told the Selectmen that site plan review is required and the results will be sent to the Building Inspector; that the Planning Board gets to decide whether they want site plan review on this Decision; that if the Planning Board does not, then the applicant doesn't have to comply with those provisions.

ZBA member Phil Taylor addressed the Selectmen and told them that he feels a lot of what Dole is saying is his personal opinion not that of the ZBA full membership; that he (Taylor) has a different opinion and that he disagrees with a lot of what is in the Decision. Taylor told the Selectmen he thinks there is a lot of disagreement on the Zoning Appeals Board.

ZBA member Deb Young told the Selectmen she feels Dole was over reaching when he put down all of the provisions in that Decision; that the applicant needed a decision and the Chairman would not take out some of the provisions the Board members weren't in favor of. Young told the Selectmen she felt the applicant was very compliant with everything the ZBA asked of him. It was mentioned that it could take two years in Appeals Court; that the applicant did choose to go forward but that Young and Taylor were happy with all the information they received from the applicant.

Chairman Darke told the ZBA members that he had driven up and around the site the applicant was hoping to move to and noted that the pavement ends and there is crushed stone. He asked if any amount of paving the applicant would have to do would trigger storm water management. Young responded that water treatment is a concern for the applicant too; that they discussed all the problems and the applicant was willing to have his customers stop and park on the pavement only. Darke asked why the other businesses don't have it and Taylor responded they may be grandfathered but wasn't sure. Dole told the Board that the applicant was remodeling the new space before they got their permit. Chairman Darke stopped discussion and stated because of the Appeal having been filed with the Court, they should enter into closed session.

Executive Session

Moved Greaney, seconded Darke, and it was

VOTED: To enter into Executive Session in accordance with MGL Chapter 32, Section 23B, subsection (3) for the purpose of discussing pending litigation.

GREANEY, DARKE – "Aye"

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Executive Session was entered at 7:40 p.m. and closed at 8:18 p.m. The Board announced it will return to Open Session at the close of Executive Session for the sole purpose of adjourning the meeting. A copy of the Board's Executive Session Minutes is on file in a separate binder in the Administrative Assistant's Office.

Following the close of the Executive Session ZBA member Deb Young told the Selectmen she has concerns regarding ZBA decisions on allowing in-law apartments and feels that applicants have been treated differently. Young asked that the Board ask Town Counsel if an in-law apartment can be in a separate building on the same lot as the main dwelling or must it be part of the main dwelling?

Adjournment

There being no further business to come before the Board, moved Greaney, seconded Darke, and it was

VOTED: To adjourn.
Adjourned at 8:16 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant