

**GROTON PLANNING BOARD  
AUGUST 23, 2001  
MINUTES**

Chairman Curtis called the meeting to order at 7:30 PM in the Town Hall

Members present: Curtis, Barringer, Clements, Eliot, Lewis and Perkins

Member absent: Degen

**PUBLIC HEARING (con't) – BATTEN WOODS DEFINITIVE PLAN**

The Board continued the public hearing to consider the Batten Woods definitive plan. Design engineer Peter Parent of Diversified Engineering presented the plan.

The Board received a report dated August 1, 2001 from John Schmid of Judith Nitsch Engineering, Inc. (JNEI). Mr. Parent responded that the cut and fill calculations are noted on the plan, the applicant will install the granite bounds on the corners of conservation land as required in the regulations even in the wetland areas, and the Earth Removal Advisory Committee issued an Erosion and Sedimentation Control permit for the project.

Member Lewis asked about the granite bounds on the corners of conservation land. Mr. Parent said the applicant requested a waiver so the granite bounds would not be required where lot corners were in wetlands area - off-set points would be used instead. However, the applicant met with the Conservation Commission, and the Commission wants the granite bounds. The applicant is withdrawing the request for this waiver. Member Lewis said the bounds would be installed to meet the specifications of the subdivision regulations. Mr. Parent said, "yes."

Member Lewis expressed concerns about the amount of cut and fill needed to construct the homes. He said the houses should be constructed on existing grades. He asked if 21,267 cubic yards is the total amount to be removed from the site, including the roadway and lots. Mr. Parent said, "yes."

The motion was made by Lewis to grant the following waiver:

Section 346-10D(5) to allow a cut of the centerline grade greater than seven (7) feet between Stations 5+10 and 8+74, through the cul de sac. The maximum cut is sixteen (16) feet between stations 7+50 and 8+50. Approximately 2900 cubic yards of excess material is to be removed from the site as a result of roadway development. The greater cut allows the dwellings and limit of work to be significantly farther away from the wetlands.

The motion was seconded and passed with Curtis, Barringer, Clements, and Perkins in favor; Lewis abstaining. The motion was made by Lewis to grant the following waiver:

Section 346-11D so that curb inlet stones are not required as recommended in the report dated August 1, 2001 from the Board's consulting engineer, John Schmid of Judith Nitsch Engineering, Inc. (JNEI).  
The motion was seconded and passed unanimously.

The motion was made by Lewis to approve the definitive plan entitled, "Batten Woods Village, Forge Village Road, Groton, Massachusetts, Middlesex County," prepared by Diversified Civil Engineering, dated June 8, 2001, with revisions through July 19, 2001, with the following conditions:

1. Sound granite bounds shall be installed at every lot corner of the open space parcel as required in Section 346-13F(2).
2. The name of this subdivision is "Batten Woods Village" and the name of the subdivision road is "Orion Way". These names cannot be changed unless the Planning Board holds a public hearing and votes to modify the definitive plan because changing the names may result in confusion for dispatching emergency vehicles to the site. After the road is accepted as a public way, any name change must be approved by the Board of Selectmen

pursuant to MGL Chapter 85, section 3.

3. As required in § 346-12C Fire Protection and § 346-13G Street Signs, the fire cistern shall be inspected and approved by the Fire Chief and the street sign shall be installed prior to the issuance of any building permits.
4. The fire cistern shall be installed as shown on the definitive plan. Construction must be approved by the Fire Chief.
5. The drainage system shall be installed to prevent surface water runoff from collecting on Forge Village Road.
6. Public water shall be supplied to each lot in the subdivision as required in § 346-12A of the subdivision regulations. The installation of the public water supply system shall conform to § 346-12C Fire Protection and the specifications of the Groton Water Department.
7. No stumps, brush or wood waste shall be buried on site.
8. As required in Section 346-13A(2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
9. As required in Section 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
10. As offered by the applicant, 24.62 acre Open Space parcel shall be deeded to the Town of Groton to be managed by the Conservation Commission. The Planning Board will not release any lots from covenant until the deed conveying the open space parcel to the Town has been recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board.
11. The definitive plan approval and all easements, covenants, and restrictions shall be recorded at the Registry of Deeds along with the definitive plan. No construction or site alteration shall commence until evidence of such recording is submitted by the applicant to the Planning Board.
12. Prior to endorsement of the definitive plan, the subdivider shall either file a bond as required in Section 346-8E(1) Final approval with bonds or surety or Section 346-8E(2) Final approval with covenant. Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.
13. This subdivision is subject to Special Permit 2001-03 granted by the Planning Board and filed with the Town Clerk on April 20, 2001. All conditions of the special permit are applicable to the development of this subdivision.
14. The conditions of the definitive plan approval apply to any successor in interest or successor in control.

The motion was seconded and passed with Curtis, Barringer, Clements, and Perkins in favor; Lewis opposed.

## **PETERBOROUGH OIL**

The Board received a letter dated August 23, 2001 from Attorney Robert Collins withdrawing Peterborough Oil's application submitted under the provisions of Site Plan Review. The motion was made by Perkins to accept the withdrawal of the application without prejudice. The motion was seconded and passed unanimously.

## **INTEGRITY ESTATES**

*(Member Barringer did not participate because he is an abutter.)*

The Board received a letter dated July 6, 2001 from Integrity Builders requesting that the Board grant a waiver to eliminate the street light and a letter dated August 3, 2001 from Tree Warden Robert T. Delaney regarding street trees in the Integrity Estates subdivision. The motion was made by Lewis that the Planning Board will agree that the elimination of the street light is a minor change and does not require a public hearing to modify the plan if all the residents in the subdivision sign a letter of agreement. The motion was seconded and passed with Clements, Lewis and Perkins in favor; Curtis and Eliot opposed.

## **PUBLIC HEARING – ROCKY HILL RESIDENTIAL CONCEPT**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following petition submitted by Robert Collins and others:

“To see if the Town will vote to approve the concept plan for residential development under Groton Zoning By-law § 218-27 for property owned by David C. Moulton and Fox Meadow Realty Corporation situated at Boston Road and Sandy Pond Road (being a portion of the land shown on Assessors’ Map U as Parcel 61-C) shown on a plan entitled “Rocky Hill Concept Plan for Residential Development”, prepared by Pine and Swallow Associates, dated July, 2001, on file with the Town Clerk, or take any action thereon.”

Chairman Curtis called the hearing to order. Clerk Barringer read the notice published in the August 3, 2001 and August 10, 2001 issues of the *Groton Herald*. Applicants Robert Lacombe and David Moulton, Attorney Robert Collins, design engineer Robert Pine, and many abutters were present.

Chairman Curtis explained the process of concept plan approval by a 2/3 vote of Town Meeting. The Special Town Meeting will be held on September 24, 2001.

Attorney Collins said three public hearings are being held on four articles: 1) to approve the concept plan for residential use; 2) to approve the concept plan for business use; 3) to amend the Water Resource Protection District; and 4) to accept the gift of land to the Town.

Mr. Collins said the 650-acre site was formerly owned by Lone Star Properties. The 16-acre parcel at the intersection of Boston Road and Sandy Pond Road is zoned Business (B-1), and the remaining land is zoned Residential-Agricultural (R-A). In 1989, a Special Town Meeting approved a concept plan for development of this site with 260,000 sq ft of commercial development and 245 housing units.

Mr. Collins said the two developers have a life-long commitment to this community. Each has developed several subdivisions. Mr. Lacombe developed Laurel Cove, Groton Woods, and Flavell Crossing. Mr. Moulton developed Valleria Drive, Smith Farms, Deer Haven, and Walnut Run. Both live in close proximity to the site. They understand local issues and local concerns. Combined, Mr. Lacombe and Mr. Moulton have donated over 300 acres of open space.

Mr. Collins said the proposed development consists of 130,000 sq ft of commercial space and 82 housing units including 38 conventional homes, 24 “empty-nester” homes, 12 detached “starter” homes, and eight affordable homes in two quadraplexes. Two parcels will be donated to the Groton Electric Light Department (GELD) – one on Sandy Pond Road for offices and operations and one off Nathan Nutting Road for a future substation. Approximately 350 to 400 acres will be donated as open space. The open space area is one of the most important areas in the Town to protect because of its size, the landforms, and wildlife habitat. Massachusetts Audubon Society is very interested in having an ownership role in the open space. The land will be deeded to Audubon with a conservation restriction held by the Groton Conservation Commission. A portion of the site will be used as a wildlife sanctuary with rules and regulations controlling access and use of the land. The conservation restriction will be reviewed by the Conservation Commission and Groton Conservation Trust periodically. The developers have agreed to set up an endowment for the land and construct a small parking area.

Mr. Pine described the geology of the site including the large rock formation known as “Rocky Hill.” He noted that Lone Star wanted to quarry the site in the early 1980’s. There is a valley in between Rocky Hill and the adjacent

Snake Hill. There is a sense of wilderness in this quiet, remote area. Mr. Pine said the proposed open space area was walked on bio-diversity day with EOEA Secretary Robert Durand, and naturalists E. O. Wilson, Peter Alden, and David Sibley. Mr. Pine stated that there is a potential total of 1500 acres of protected open space in this area.

Mr. Pine said all the development will take place on the eastern side of the power lines with open space on the western side. A 100 ft buffer of natural vegetation will be preserved to provide screening along Route 119, and a 50 ft wide natural buffer will be provided along abutting properties.

### **PUBLIC HEARING – ROCKY HILL BUSINESS CONCEPT PLAN**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following petition submitted by Robert Collins and others:

“To see if the Town will vote to approve the concept plan for business development under Groton Zoning By-law § 218-18E for property owned by Robert Lacombe and Long Pond Realty, LLC, situated at Boston Road and Sandy Pond Road (being a portion of the land shown on Assessors’ Map U as Parcels 61-1 and 61-C) shown on a plan entitled “Rocky Hill Concept Plan for Business Development”, prepared by Pine and Swallow Associates, dated July, 2001, on file with the Town Clerk, or take any action thereon.”

Chairman Curtis called the hearing to order. Clerk Barringer read the notice published in the August 3, 2001 and August 10, 2001 issues of the *Groton Herald*. Applicants Robert Lacombe and David Moulton, Attorney Robert Collins, design engineer Robert Pine, and many abutters were present.

Mr. Pine described the proposed commercial development in the former gravel removal area at the Four Corners. He said the development will be on two levels to work with the topography of the site. There will be a 60,000 sq ft supermarket with other commercial buildings in a campus-type layout. There will be multiple access points with islands to separate parking areas.

Mr. Collins summarized the review process for the commercial development including a 2/3 vote of the September 24, 2001 Special Town Meeting, a subdivision plan for the road and drainage system, special permits for both the commercial and residential portions of the site, and site plan review for the commercial and multi-family portions of the development. Mr. Collins said it will take about two to three years to obtain all the permits, and there is an eight-year zoning freeze in State statute for the subdivision plan. The proposed construction schedule is as follows:

- 2003 – commence construction of 24 “empty nester” units
- 2004 – commence construction of 38 conventional homes
- 2004 – commence construction of 12 “detached” starter homes
- 2005 – commence construction of 8 affordable units

Chairman Curtis read the comments from the Board of Health, the Conservation Commission, the Police Chief, the Water Department, and Groton Electric Light Department, and the Groton Dunstable Regional Schools.

Mr. Collins said they will meet with the Water Department to discuss the possibility of siting a storage tank in this area.

Mr. Pine said the 1989 concept plan included land for a school and fire station when Lone Star owned the land south of Sandy Pond Road. Lone Star sold that land to New England Power Company. There is no appropriate location for a new school on the land north of Sandy Pond Road other than the area to be used for the commercial development.

Member Lewis asked about the plans for the signalization and improvements to the Four Corners intersection. Mr. Collins said the Board of Selectmen and Massachusetts Highway Department (MHD) are working together on reconfiguring this intersection. The plans are available in the Selectmen’s office.

Mr. Pine added that an Environmental Notification Form (ENF) must be submitted to MEPA for the proposed curb cut

on Route 119, so the intersection issues must be resolved at that time.

Member Lewis asked if the Four Corners Restaurant will be relocated. Mr. Collins said the change to the location of the restaurant is shown on the design plans in Selectmen's office.

Member Lewis asked why the land will be donated to Massachusetts Audubon instead of the Groton Conservation Commission. Mr. Collins said they met with the Conservation Commission and Groton Conservation Trust on several occasions to discuss protecting the open space. The town of Groton will have a legal interest in the property because the Conservation Commission will hold the Conservation Restriction. He said whatever agency owns the land must have the resources to manage it. Massachusetts Audubon will have an endowment for long-term maintenance. Mr. Collins said everyone will have a role to play. Member Lewis said it is his preference that the Groton Conservation Commission own the land.

Member Lewis asked how much fill will be needed to bring the depression up to finish grade. Mr. Pine said the area will be filled with material from the site.

Member Lewis asked that the residential area include a sand lot and play area for children.

Member Lewis asked what impact the proposed supermarket will have on the market in the Town center. Mr. Collins said he did not know when the new supermarket would be constructed. The two supermarkets can co-exist.

Member Lewis asked about drainage. Mr. Pine said the site is self-contained and all recharge will be on the site.

## **PUBLIC HEARING – PROPOSED AMENDMENT WATER RESOURCE DISTRICT**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following petition submitted by Robert Collins and others:

“To see if the Town will vote to amend the Water Resource Protection Overlay District, § 218-30 of the Groton Zoning By-law, and map by removing from said overlay district those portions of the land owned by Long Pond Realty Trust, LLC, and Fox Meadow Realty Corporation, which are described in a deed recorded with the South Middlesex Registry of Deeds in Book 28127 at Page 79, shown on Assessors' Map U as Parcels 61-1, 61-2, and 61-C, and as shown on the plan entitled, “Water Resource Districts, Groton, Massachusetts”, prepared by IEP, Inc. dated January 3, 1984, and which is on file with the Town Clerk, or take any action thereon.”

Chairman Curtis called the hearing to order. Clerk Barringer read the notice published in the August 3, 2001 and August 10, 2001 issues of the *Groton Herald*. Applicants Robert Lacombe and David Moulton, Attorney Robert Collins, design engineer Robert Pine, and many abutters were present.

Chairman Curtis read the comments from the Water Department.

Mr. Collins said they may not go forward with the proposed amendment.

The motion was made by Perkins to continue the public hearing on September 6, 2001 at 7:30 PM. The motion was seconded and passed unanimously.

The Board continued its consideration of the Rocky Hill Residential and Business Concept Plans.

Member Barringer asked if the B-1 area is 16 acres. Mr. Collins said, “yes.” Member Barringer asked the total square footage of the retail space. Mr. Collins said 160,000 sq ft. Member Barringer asked how much impervious surface will there be including buildings and parking lots. Mr. Pine said he does not know at this time, but a special permit is required under the Water Resource District. Member Barringer asked how many parking spaces will there be. Mr. Pine said whatever is required in the by-law – the details will be worked out during Site Plan Review. Mr. Collins said, in addition, the applicant must go through the process with MHD and MEPA for the curb cut.

Member Barringer asked about the access roads. Mr. Collins said the main road will be built to collector road standards and the internal roads will be lanes and shared driveways. There will be a combination of town roads and private roads maintained by a homeowners association. All road construction will meet the standards of the subdivision regulations.

Member Barringer asked who will own the common land within the development. Mr. Collins said the homeowners association.

Member Barringer asked about the affordable units. Mr. Collins said they will be rental units with limited equity deed restrictions.

Member Eliot asked if there will be 400 acres of open space in Groton. Mr. Collins said, "approximately."

Member Eliot asked which supermarket will be located there. Mr. Collins said he did not know yet.

Member Eliot asked if a gas station will be part of the development. Mr. Collins said, "no," it would not be allowed in the Water Resource Protection District.

Member Eliot asked about plantings. Mr. Pine said that will be determined during the site plan review process.

Member Eliot said she appreciated the variety of housing types. She said she would like to see more trees planted inside the parking areas.

Member Eliot asked about the land at the end of Nathan Nutting Road. Mr. Pine said this land will be donated to the Groton Electric Light Department for a future sub-station. She asked if there is room for a parking lot to serve the open space off Nathan Nutting Road. Mr. Pine said there are too many safety concerns about the intersection of Nathan Nutting Road and Route 119 to use the road as a primary access to the open space.

Member Eliot requested that land be allocated for a school and fire station. Mr. Pine said the land cannot be used for a school because the land is not an appropriate school site. Mr. Collins reiterated that land for a school is not part of this concept plan. The owners will not negotiate for a school site.

Chairman Curtis opened the hearings for public comment.

Warren Humphrey asked if restaurants and fast-food establishments are allowed in the B-1 District. Mr. Collins said, "yes."

George Marsh asked about the land to be donated to GELD. Mr. Pine showed the location of the two-acre site near the power line on Sandy Pond Road. And the 12-acre site off Nathan Nutting Road.

Arthur Blackman said the Town cannot ask these developers to solve all our space problems. This is not a good site for a school. He said the Town is extraordinarily lucky to have such generous developers who will protect this open space.

Harlan Fitch requested that people refer to the road as "Nathan Nutting Road" rather than "Nate Nutting Road." He said the affordable houses are needed. A truck driver earning \$25,000.00 a year can only afford a house selling for \$100,000.00.

Clifford Drubin said this is the best plan he has seen in 25 years. He asked about the intersection of the new road and Route 119 where the land is below existing grade. Mr. Pine said fill will be required, but this location has the best sight distances in both directions.

Assessor Ed Kopec asked how this site will compare with Victory Market in Townsend. Mr. Pine said this area has

much less drop off from Route 119 than Victory Market.

Chris Kelley asked if a map showing land in Ayer could be provided. Mr. Collins said they will bring one to the next meeting. Mr. Kelley asked if there will be access to the site from Ayer. Mr. Collins said there is a subdivision in Ayer, and this is not an ideal access point.

George Marsh stated that this is a great plan with a significant land donation. Massachusetts Audubon is one of the oldest conservation organizations in the Commonwealth. There is considerable public benefit with this plan.

The motion was made by Perkins to continue the public hearing on the residential concept plan on September 6, at 7:30 PM. The motion was seconded and passed unanimously.

The motion was made by Perkins to continue the public hearing on the business concept plan on September 6, at 7:30 PM. The motion was seconded and passed unanimously.

### **SPRINT SPECIAL PERMIT DECISION**

The Board reviewed and revised the draft special permit for the telecommunication tower to be constructed by Sprint on land owned by Blood on West Main Street.

The motion was made by Perkins to grant a special permit to Sprint Spectrum, L.P. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to construct a 120-foot monopole style telecommunications tower and install associated radio equipment on land owned by Elliot & Doris Blood, 94 West Main Street, Assessors Map 106, Parcel 15, as shown on the plan entitled, "Sprint Spectrum, LP; Site Name: West Groton – Rt. 225; Candidate Name: Blood Farm; Cascade Number: BS54XC133C," based upon the following findings and with the following conditions:

### **Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-25.1 and 218-32.1:

1. **Social, economic and community needs:** The proposed 120-ft monopole telecommunication tower will serve the communications needs of the community by improving the quality of wireless communication within the Town of Groton and surrounding areas. The tower will be located on a 76-acre parcel of land that is zoned M-1 (Manufacturing).
2. **Traffic flow and safety:** There are no traffic flow or safety issues associated with the proposed tower.
3. **Adequacy of utilities:** The Groton Electric Light Department has indicated that it will be able to serve the proposed telecommunication tower as designed.
4. **Neighborhood character:** The proposed tower will be sited on a 76-acre parcel of land that abuts the 500-acre Town Forest. The applicant submitted a real estate study entitled, "Communications Tower Site Specific Impact Study," prepared by Shepherd Associates, dated July 22, 2001, concludes that there will be no substantial difference in property values.
5. **Impacts on the environment:** The proposed tower will have minimal impact on the natural environment. The tower will be located in an open field requiring minimal clearing of vegetation. The visual impact will be slight as evidenced by the balloon test required in §218-25.1E(2) and the "View shed Analysis; Sprint – Blood Farm Proposed Monopole Installation," prepared by Tectronic Engineering Consultants, dated August 1, 2001.
6. **Fiscal impact on the Town:** The proposed tower will not have an adverse fiscal impact on the Town because it will not have a negative effect on the valuation of nearby properties and will not require any town services. The applicant will pay personal property taxes to the Town of Groton for the value of the tower and associated

facilities.

7. The applicant demonstrated to the Planning Board's satisfaction that the location of the personal wireless services tower is suitable and that the size and height of the tower is the minimum necessary for the purpose.
8. The applicant demonstrated to the Planning Board's satisfaction that it has made a good faith effort to collocate the proposed tower upon an existing structure or facility.

**Conditions:**

***The telecommunication facility shall comply with the requirements of § 218-25.1:***

- 1) Any extension, addition of cells or construction of a new or a replacement personal wireless services facility or accessory structures, buildings or equipment shall require the issuance of a new special permit under this chapter.
- 2) The placement, construction and modification of a personal wireless services tower and its accessory structures, buildings and equipment shall be performed in accordance with all applicable local, state and federal requirements for the operation of such a facility. In addition, the following location and siting requirements shall apply:
- 3) Notwithstanding the requirements of § 218-20, the personal wireless services tower shall be setback from the property lines of the lot upon which it is to be located for a minimum distance that is at least equal to the height of the tower.
- 4) The required setback for a personal wireless services tower from designated wetlands, water bodies and areas with a slope in excess of 5% shall be at least 150 feet.
- 5) The personal wireless services tower shall be setback a minimum of at least 500 feet from all existing buildings.
- 6) Fencing shall be provided to control access to the base of a personal wireless services tower in order to prevent access to the tower. The fencing shall be compatible with the scenic character of the town and shall not consist of barbed wire or razor wire.
- 7) Announcement signage shall be provided that indicates "No Trespassing" and "Danger" and a telephone number which shall provide twenty-four-hour access to the operator of the facility in the event of an emergency. Signage shall not be placed above a height of ten feet and shall comply with all other signage requirements set forth under Chapter 196, Signs.
- 8) Accessory structures for the personal wireless services tower shall be limited to one structure per antenna or dish or other transmitting device, but shall not exceed six (6) structures on the tower. Accessory structures shall be constructed so as to share a common wall. No structure shall exceed 400 square feet in size and 10 feet in height. Each structure shall be of the same design and color as every other accessory structure.
- 9) Clearing of vegetation and trees at the site of a personal wireless services tower shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which shall minimize marring and scarring of the landscape or silting of streams.
- 10) The timing and method of clearing rights-of-way leading to a personal wireless services facility shall take into account soil stability, the protection of natural vegetation, the protection of adjacent resources, such as the protection of natural habitat for wildlife, and appropriate measures for the prevention of silt deposition in watercourses.
- 11) Clearing of natural vegetation should be limited to that material which poses a threat or an obstacle to the personal wireless services tower.



- 12) Clearing of portions of the location for the personal wireless services tower shall take place only when necessary to the construction, maintenance and operation of the tower.
- 13) The visual impact of any personal wireless services facility and any personal wireless services tower shall be minimized to the maximum extent possible by:
  - a) The applicant has demonstrated to the Planning Board's satisfaction that the proposed personal wireless services tower is the minimum height necessary to accommodate the transmitter/receiver. The height of the proposed monopole structure will be 120-ft as stated in the application. However, the base of the structure shall be capable of supporting an increase in height to 150 ft in order to accommodate other carriers in the future.
  - b) Silver paint or galvanized finish shall be used on the portion of the outside of a personal wireless services tower that rises above the tree line in order to blend into the landscape.
  - c) Night lighting of the personal wireless services tower (aside from security lighting at the base of a tower) shall be prohibited unless required by the Federal Aviation Administration. If the Federal Aviation Administration requires lighting, then the lighting used shall be the minimum lighting required.
  - d) The personal wireless services tower shall be sited in such a manner that the view of the tower from other areas of the town shall be as minimal as possible.
  - e) Collocation of personal wireless services facilities is encouraged. When technically not practical, any new personal wireless services facility shall be sited so that the resulting personal wireless services tower is separated from every other facility and tower so that if one tower falls, it will not strike another.
  - f) There shall be a minimum of one parking space for each personal wireless services tower to be used in connection with the maintenance of a personal wireless services tower and the facility; however, the Planning Board may require additional parking spaces depending upon the number of providers and antennas and dishes that are to use the facility. The site shall not be used for overnight or permanent storage of vehicles.
- 14) Performance guaranty - The carrier shall provide a bond, in a form acceptable to the town, or shall place into escrow the amount of \$100,000.00 to cover the costs of removing the facility from the subject property and, furthermore, said funds shall be held by an independent escrow agent to be appointed by the carrier and the Planning Board. The amount of the surety shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. The carrier shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.
- 15) The facility shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was constructed for a period of one year or more. Once abandonment or discontinuance has occurred, the carrier shall remove the facility from the subject property within 90 days. In the event that the carrier fails to remove the facility, the town shall give notice to the carrier and, if appropriate, the independent escrow agent that the facility shall be removed forthwith, and the town or the escrow agent, after affording written notice seven days in advance to the carrier, shall remove the facility.
- 16) In the event the amount of the surety is insufficient to cover the costs of removal, the town shall place a lien upon the property to cover the difference in cost.
- 17) The applicant shall provide the Town with a Certificate of Insurance coverage for bodily and other injury for \$5,000,000.00. The applicant shall maintain insurance coverage for as long as the tower exists.
- 18) Annual certification shall be provided by the owner or operator of the personal wireless services facility to the Planning Board and the Building Commissioner demonstrating continuing compliance with the standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards

Institute.

19) Prior to the commencement of construction at the site, the applicant shall submit the following:

- a) Certified drawings and structural engineering calculations, prepared by a registered professional engineer in the Commonwealth of Massachusetts.
- b) Documentation of bonding and insurance certificates as required in Conditions # above.

20) This special permit shall not be in effect until certified copies of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.

21) This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit and subsequently approved ANR plan shall constitute commencement of substantial use.

22) This special permit runs with the land and applies to any successor in interest or successor in control.

The motion was seconded and passed unanimously.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator