

**GROTON PLANNING BOARD**  
**JANUARY 9, 2002**  
**MINUTES**

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

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

**PUBLIC HEARINGS – ACADEMY HILL SUBDIVISION**

In accordance with the provisions of Chapter 41, Sections 81-U and 81-T, the Groton Planning Board held a public hearing to consider the application submitted by LandWest, Inc. for approval of the **definitive plan** entitled, “Definitive Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts” prepared by Beals Associates, Inc., dated November 27, 2001. The proposed subdivision is located on Assessors’ Lots A-16 owned by Dennis & Helen Magee; A-16A and A-16B owned by John & Roberta Lavalley; A-17, A-18 & A-19, B-1 & H-5 owned by Habitech, Inc.; A-20C owned by Lewis Trust; B-4, B-5 and H-1 owned by Groton Throne Hill Realty Trust; H-2 & H-11 owned by Kern Family Nominee Trust; H-8, H-9 and H-10 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board re-opened the public hearing to consider the application submitted by LandWest, Inc. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26.1 **Major Residential Development** to create ninety (90) lots as shown on the plan entitled, “Preliminary Plan for the Subdivision of Land for Academy Hill in the Town of Groton, Massachusetts”; prepared by Beals Associates, dated April 27, 2001. The proposed subdivision is located on Groton Assessors Map & Parcels A-16 owned by Dennis & Helen Magee; A-16A and A-16B owned by John & Roberta Lavalley; A-17, A-18 & A-19, B-1 & H-5 owned by Habitech, Inc.; A-20C owned by Lewis Trust; B-4, B-5 and H-1 owned by Groton Throne Hill Realty Trust; H-2 & H-11 owned by Kern Family Nominee Trust; H-8, H-9 and H-10 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board re-opened the public hearing to consider the application submitted by LandWest, Inc. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 **Open Space Development** to create eighty-six (86) lots as shown on the plan entitled, “Plans to Accompany Open Space Residential Development Special Permit for: Academy Hill in the Town of Groton, Massachusetts”; prepared by Beals Associates, dated August 7, 2001. The proposed subdivision is located on Groton Assessors Map & Parcels A-16 owned by Dennis & Helen Magee; A-16A and A-16B owned by John & Roberta Lavalley; A-17, A-18 & A-19, B-1 & H-5 owned by Habitech, Inc.; A-20C owned by Lewis Trust; B-4, B-5 and H-1 owned by Groton Throne Hill Realty Trust; H-2 & H-11 owned by Kern Family Nominee Trust; H-8, H-9 and H-10 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by LandWest, Inc. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Open Space Development, subsection 218-26F(2) **Cluster Development**, to create ninety-four units (86 Basic Number, 8 affordable) and 12 Transfer units (8 market rate and 4 affordable) as shown on the plan entitled, “Plans to Accompany Open Space Residential Development Special Permit for: Academy Hill in the Town of Groton, Massachusetts”; prepared by Beals Associates, dated December 17, 2001. The proposed subdivision is located on Groton Assessors Map & Parcels A-16 owned by Dennis & Helen Magee; A-16A and A-16B owned by John & Roberta Lavalley; A-17, A-18 & A-19, B-1 & H-5 owned by Habitech, Inc.; A-20C owned by Lewis Trust; B-4, B-5 and H-1 owned by Groton Throne Hill Realty Trust; H-2 & H-11 owned by Kern Family Nominee Trust; H-8, H-9 and H-10 owned by George G. Hayes; and Pepperell Assessors Map and Parcel 37-30 owned by Charles & Robin

McCann. The properties are located on the easterly side of Townsend Road and southerly side of the Old County Road in Groton and the northerly side of the Old County Road and southerly side of South Road (Route 119) in Pepperell.

Chairman Curtis called the hearings to order and read the notices published in the December 21 and 28, 2002 issues of *The Groton Landmark*. Applicant Bruce Wheeler of LandWest, Inc., Attorney Louis Levine, Attorney Ray Lyons, design engineers Lawrence Beals and Donald Yonika of Beals Associates, William Maher of Judith Nitsch Engineering, Inc. (the Planning Board's consultant), several abutters and residents were present.

Lawrence Beals presented the definitive plan submitted as a by-right plan under the provisions of Footnote 1 in Section 218-13 Schedule of Use Regulations which states:

*“Except ‘Y’ if lot area and frontage are both at least 50% greater than that otherwise required under § 218-20 or other provisions.”*

The conventional definitive plan has 58 lots on the same road layout shown on the preliminary plan. Duplexes will be constructed on each of the lots.

Planning Board consulting engineer William Maher of JNEI presented his report dated January 4, 2002. Mr. Maher said there are a number of engineering details to be addressed, but there are no “show stoppers.” Mr. Maher summarized the items detailed in his report.

Chairman Curtis read the comments submitted by the West Groton Water Supply District, the Groton Water Department, and the Board of Health.

Member Degen confirmed that 58 duplexes will be constructed at this site. Mr. Wheeler said, “yes.”

Marion Stoddart expressed concern about the through road and the impact on the blanding's turtles on this site.

Julie Lisk stated that the plan will unravel the ecosystem and will have adverse impact on birds, turtles, and wildlife.

Member Clements asked what efforts are being made to protect the natural environment.

Attorney Louis Levine said the applicant also submitted a cluster development plan as an alternative to the conventional plan. The cluster plan is a much better plan than the 58-lot conventional plan. He requested that the Planning Board use its discretion and grant the special permit for the cluster development plan.

Mr. Beals said the Pepperell Planning Board approved the definitive plan for the portion of the subdivision in Pepperell, and the Pepperell Conservation Commission issued an Order of Conditions.

Mr. Beals said the applicant submitted the cluster development plan to address the Board's concerns about protecting the migratory turtles on the site and providing housing diversity. The proposed cluster plan will have 86 lots based upon the basic number of lots plan, eight (8) affordable units, and 12 transfer (TDR), multifamily units.

Mr. Beals said the definitive plan shows a collector road with a length of 18,000 ft. The cluster development road will be 12,600 ft long. The cluster plan has one-acre lots and 10 single-family condominiums on 10 acres leaving 64% of the site (191 acres) as open space..

Chairman Curtis read the comments from the Groton Water Department, the Conservation Commission, and the Board of Health.

Member Eliot asked how many lots there would be in Pepperell. Mr. Yonika said there will be 11 lots in Pepperell. Member Eliot said she appreciated the fact that the cluster plan is significantly different than the previous plan.

Member Degen asked where the applicant is getting the TDR lots and requested that a written statement be submitted prior to the next public hearing. He said he would like all the incentive lots to be used for affordable housing. Mr. Beals replied that the Board has the discretion to grant incentive lots, and all the incentive lots could be used for affordable housing.

Member Degen asked what the length of the cul de sacs will be. Mr. Yonika said one will be 1950 ft and the other will be 1000 ft long.

Attorney Louis Levine requested that the Board consider the cluster plan, and if it is approved, the previous application for flexible development will be withdrawn.

Member Barringer confirmed that there will be 12 TDR lots and all will be used for affordable units. Mr. Beals said, "yes."

Member Clements said all his concerns are environmental. He asked if there is a way to use traffic calming techniques on the road through the open space to make it unattractive for people to use it as a through road.

Mr. Beals said the road could be gated or it could have a gravel surface and used as an emergency vehicle access road.

Member Perkins asked about the total number of affordable units. Mr. Yonika said eight are required, and there will be an additional four with the TDR's. Member Perkins asked where the affordable units will be located. Attorney Lyons said they will be mixed in with the multifamily units.

Member Perkins asked what waivers will be required. Mr. Beals said they will request waivers of vertical granite curbing, the width of the connector road down to 18 ft, no sidewalks, and cut and fill in excess of seven feet. Member Perkins requested that the applicant submit a written request for waivers.

Marion Stoddart said she appreciated the applicant's efforts to mitigate environmental damage by reducing the roadway. However, this is still a very significant habitat area for blundings turtles. Mr. Beals said turtle expert Brian Butler studied the site last summer to identify sensitive areas.

Member Eliot said the Planning Board should give the applicant direction on the cul de sac areas and connector road issues. Chairman Curtis said he would like to hear from the Highway Surveyor first.

Member Degen asked if the Board prefers the cluster plan, can the Board ask the applicant to withdraw the flexible development plan. The Board said that decision is up to the applicant.

Chairman Curtis said there are still outstanding engineering issues with the definitive plan. He requested that the applicant submit a letter regarding the TDR's and a written request for waivers.

The Board voted unanimously to continue the public hearing on January 23, 2002 at 8:30 PM.

### **PUBLIC HEARING (con't) – GIBBET HILL TELECOMMUNICATION TOWER**

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

The Board continued the public hearing to consider the application submitted by Gibbet Hill, LLC; Sprint, Cingular and AT&T to erect a 150 ft telecommunication tower on Gibbet Hill. Applicants Joshua and Steven Webber, Attorney Louis Levine (representing Gibbet Hill, LLC), engineer Lawrence Beals, Attorney Jonathan Lazar (representing Sprint), and Brenda Clark of AT&T were present.

Mr. Beals described the site and explained DEM's concern about a visual obstruction from the fire tower. He said they met with the DEM to resolve these issues, and the location of the tower has shifted. Mr. Beals said they would like to construct a 150 ft tower because AT&T needs the height to fill in the gap in its coverage area.

Brenda Clark of AT&T said AT&T has no coverage at the present time. AT&T can locate at 90 ft or 150 ft on the

proposed tower. The 90 ft location will not provide the same coverage and may interfere with the DEM fire tower. The 150 ft location will increase the coverage and result in fewer towers being constructed, especially if all six carriers are located on this tower.

Mr. Beals said the Groton Water Department concerns about the swale were addressed as shown on the plan.

Chairman Curtis read the letter dated January 2, 2002 from the DEM, the comments from the Conservation Commission and the Groton Water Department.

Member Lewis said he would like to see the existing access road improved for emergency vehicle access. Mr. Beals said a new house was constructed recently. Once heavy equipment is done using the road, the road will be repaired.

Member Eliot asked the applicant to provide the Board with information on other towers in the area, how much overlap in coverage exists, and explain why the 150 ft height is needed. Brenda Clark of AT&T said the best option to fill in the coverage gap is for AT&T to locate on the proposed 150 ft tower on Gibbet Hill.

Member Eliot asked to see a map showing coverage by all carriers including location and height of other towers. She said she would like to reduce the number of towers and height of the towers. Member Lewis agreed that the Board must have a clear picture of the coverage areas.

Mr. Beals said he has done a considerable amount of work for AT&T and the site on Gibbet Hill is the best possible location. The tower will generate revenue for Gibbet Hill, LLC. He suggested that the Board also request a map showing coverage if this tower is not constructed.

Member Barringer asked why AT&T needs equipment at 150 ft if Verizon covers the whole town at 80 ft. Cingular's RF engineer explained that Cingular's transmission is similar to Verizon's, but AT&T cannot transmit as far.

Member Barringer asked why AT&T could not locate at 130 ft instead of 150 ft. Joshua Webber said they are negotiating with Nextel for the 130 ft slot. Brenda Clark said the owner of the proposed tower offered AT&T the 150 ft location.

Mr. Beals said the tower will be located in the valley between two hills. The alternative is to construct a 120 ft tower at the top of the hill where it will be much more visible.

Member Barringer asked if the ZBA granted the variance. Mr. Beals said, "yes," but they will have to re-apply since the location of the tower has shifted. They will apply for a variance of the 5% slope requirement at the same time. Member Perkins agreed that the Planning Board special permit and ZBA variance must be based upon the same plan.

Member Clements asked why the Board must approve a 150 ft tower for AT&T if there is adequate coverage for other carriers. Chairman Curtis explained that the Federal Telecommunications Act requires that complete coverage be provided by all carriers. The FCC awards frequency spectrum for universal coverage and competition.

Member Clements said he understands that the Board must comply with the Federal Telecommunications Act, but it is unfortunate that the Town has to be marred with multiple towers.

Attorney Levine said this tower will be constructed in the hub of the Town. The 150 ft tower in the proposed location will be less visible than a 120 ft tower at the top of the hill. This tower will afford space for other carriers in addition to the three before the Board at this hearing.

Member Lewis said the income from the tower will help the landowner keep the land in agricultural use.

Chairman Curtis requested that the carriers look into flush-mounted rather than platform antennae. Attorney Lazar explained that flush mounted antennae take up more space on the tower and would require extra height for other carriers. Chairman Curtis said the problem with the flush-mounted configuration be demonstrated to the Planning Board for the public record.

George Marsh asked for the elevation at the base of the tower. Mr. Beals said 485 ft. Mr. Marsh said he would rather see the 150 ft tower in the proposed location rather than a 120 tower at the peak of the hill.

Chairman Curtis said the Board will continue the public hearing for more information on the visual obstruction from the DEM fire tower, the flush mounted vs. platform configuration, and the coverage maps for all carriers.

Member Lewis requested that the applicant address DEM's issue and to repave the access road. Member Lewis asked if the tower will require a light. Mr. Beals said, "no."

Attorney Levine said each carrier must provide its own coverage information. The only carriers included in this application are Sprint, Cingular, and AT&T.

The Board voted unanimously to continue the public hearing on January 16, 2002 at 9:00 PM.

### **SPECIAL PERMIT DECISION – SPRINT TOWER ON CROWLEY PROPERTY**

The Board discussed Sprint's application to construct a 120 ft monopole tower on the Crowley property. Attorney Jonathan Lazar was present for the discussion.

Member Degen stated his concerns that the tower will detract from the value of homes on O'Neil Way. He suggested that the Board re-open the public hearing so it can have its own real estate appraisal prepared to determine the impact on houses in the area. He said he understands that the Board must treat all carriers equally, but towers can be sited in non-prominent locations so they do not scar the landscape. He said this site is very visible. Towers should be placed where no one can see them.

Member Perkins asked where a tower could be located so that no one could see it. She said she was not in favor of re-opening the public hearing.

Member Barringer said the Board granted a special permit for a tower on the Blood property where the tower will be much more visible than the proposed tower on the Crowley site. Member Barringer said perhaps the Board can do its own real estate appraisal with applications in the future.

Member Lewis said he was not in favor of reopening the public hearing at this time.

The motion was made by Degen to re-open the public hearing if the applicant consents. Attorney Lazar said the applicant does not agree to re-opening the hearing and requested that the Board vote on its decision at this time. Member Degen withdrew his motion.

The motion was made by Perkins to grant the special permit to Sprint 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 Jeffrey Crowley, 550 Main Street, Assessors Map 216, Parcel 91, on the northeasterly side of Main Street, as shown on the plan entitled, "Sprint Spectrum, L.P.; Site Name: Crowley; Site Number: BS54XC118A," prepared by Tectonic Engineering Consultants, dated January 26, 2001, with revisions through July 13, 2002, based upon the following findings and with the following conditions:

#### **Findings:**

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.
2. **Traffic flow and safety:** There are no traffic flow or traffic safety issues associated with the proposed facility.
3. **Adequacy of utilities:** The Groton Electric Light Department has indicated that it will be able to serve the

proposed telecommunication facility as designed. No other utilities are required.

4. **Neighborhood character:** The proposed facility will be sited in a wooded area in a residential zone that includes many existing residential uses. The tower will be visible from many nearby residential properties, though it will be adequately screened by existing vegetation. The applicant submitted a real estate study entitled, "Communications Tower Site Specific Impact Study concerning 550 Main Street, Groton, Massachusetts," prepared by William Patuszek, dated May 17, 2001, which concludes that there will be no substantial difference in property values if the facility is constructed. Conditions attached to this special permit are intended to keep the impact of the facility on the neighborhood to a minimum.
5. **Impacts on the environment:** The proposed facility will have minimal impact on the natural environment. The facility will be located in a wooded area within an existing stand of trees, primarily evergreens that will be preserved as a condition of this special permit. The visual impact will be low to moderate as evidenced by the balloon test required in §218-25.1E(2) and the "Photo Simulation Sprint Spectrum LP – Crowley, Proposed 120'-0" Monopole Installation, Site Number: BS54XC118A, 550 Main Street, Groton, MA 01450," prepared by Tectonic Engineering Consultants, dated June 30, 2001.
6. **Fiscal impact on the Town:** The proposed facility 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 facility and associated facilities.
7. The applicant demonstrated to the Planning Board's satisfaction that the proposed facility could not be located at a more appropriate site and still meet the applicant's needs to provide wireless services coverage as required by federal law, and that the proposed tower height is the minimum necessary for the purpose. The applicant submitted documents including "Statement of Site Acquisition Specialist," prepared by Brady Goodell, dated August 30, 2001, and letter dated November 5, 2001 from Brady Goodell to the Town of Groton Planning Board as evidence of alternative sites considered.
8. The applicant demonstrated to the Planning Board's satisfaction that it has made a good faith effort to collocate the proposed services upon an existing structure or facility.

#### Conditions:

- 1) The applicant must obtain any other permits required from other boards or departments including the resolution of the variance, Case Decision 5-01, with the Zoning Board of Appeals.
- 2) On the annual anniversary date of the issuance of the special permit, the applicant shall submit to the Building Inspector evidence that the facility is in compliance with all state and federal requirements, including compliance with radio frequency emissions. The facility must cease operations if any emissions exceed these requirements.
- 3) Page 6 of Sprint's application to the Department of Public Health states, "In order to demonstrate the realistic worst case, we will hypothetically for this exercise downtilt the main lobe 5 degrees below the horizon toward the exposure area, a scenario which is actually realistic." The downtilt of the lobe shall not be greater than 5 degrees at any time.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
  - 8) 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.
  - 9) 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.
  - 10) 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.
  - 11) 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.
  - 12) 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.
  - 13) Clearing of natural vegetation should be limited to that material which poses a threat or an obstacle to the personal wireless services tower.
  - 14) 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.
  - 15) 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.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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.
- 20) 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.
- 21) 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.
- 22) This special permit shall not be in effect until a certified copy of the special permit decision has been 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.
- 23) 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.
- 24) This special permit runs with the land and applies to any successor in interest or successor in control.

**The motion was seconded and failed to pass with Members Curtis, Barringer, and Perkins in favor; Members**

**Clements, Degen, Eliot, and Lewis opposed. Therefore, the special permit was not granted.**

### **SPECIAL PERMIT DECISIONS – TIDAN/BAKER, ISLAND POND ROAD**

**Hammerhead Lots** – The motion was made by Perkins to grant a special permit to Tidan Corporation & Richard Baker to utilize the provisions of Groton Zoning By-law Section 218-23.1 Hammerhead Lots to create one hammerhead lot shown as Lot 4 on the plan entitled, “Special Permit for Hammerhead Lots and Shared Driveway – Plan of Land in Groton, Massachusetts, Prepared for Tidan Corporation,” prepared by Dillis & Mische, dated May, 2000, with revisions through December 29, 2001, with the following findings and conditions:

#### **Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23.1 and 218-32.1:

1. **Social, economic and community needs:** The proposed hammerhead lot will address the economic and community needs by providing the Town with only one hammerhead lot as opposed to the original two lots as shown on the above-referenced plan. This plan was modified to meet the concerns expressed by neighbors and board members.
2. **Traffic flow and safety:** Traffic flow will be minimized by the creation of one single-family dwelling on a large lot, with a shared driveway, which will reduce the number of driveway cuts on a very difficult road.
3. **Adequacy of utilities:** Utilities will be provided through conventional methods with an on-site sewage disposal system and a private well.
4. **Neighborhood character:** The neighborhood character will be maintained by the creation of a hammerhead lot for single-family residential use. The neighborhood consists of single-family homes.
5. **Impacts on the environment:** This plan represents a reduction by one home from the first plan submitted, less density will result in less environmental impact.
6. **Fiscal impact on the Town:** The fiscal impact to the Town will be less from one single-family house on five acres than from a conventional, two-acre development which may have placed an additional home on the site.
7. **Section 218-23.1 Hammerhead Lots:** The proposed hammerhead lot meets the minimum dimensional requirements (five acres area, 40 feet frontage, and 200 ft set back) for hammerhead lots. The reduction in frontage does not result in a hazardous concentration of egress points because the lot will share a driveway with Lot 3.

#### **Conditions:**

1. Sight distance on Island Pond Road must be improved by regrading the area along Lots 3 and 4 as shown on the plan. There will be a fifty-foot wide re-vegetated buffer along the street using existing trees from the site. The plantings will be guaranteed for two growing seasons or will be replaced, as offered by the applicant.
2. Access to the hammerhead lot shall be over the shared driveway serving the hammerhead lot (Lot 4) and Lot 3 and not through individual driveways because the findings of this special permit are based upon the reduction of multiple driveway cuts on Island Pond Road.
3. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.

4. 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.
5. 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.

**Shared Driveway, Lots 3 & 4** – The motion was made by Perkins to grant a special permit to Tidan Corporation & Richard Baker to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 3 and 4 as shown on the plan entitled, “Special Permit for Hammerhead Lots and Shared Driveway – Plan of Land in Groton, Massachusetts, Prepared for Tidan Corporation,” prepared by Dillis & Mische, dated May, 2000, with revisions through December 29, 2001, with the following findings and conditions:

**Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23D and 218-32.1:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Island Pond Road. It is a narrow winding road which can be difficult in poor weather.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of two driveway cuts on Island Pond Road. Sight distances are adequate for public safety and there will some clearing along the easterly side of Island Pond Road to improve the view as well.
3. **Adequacy of Utilities:** Utilities will not be impacted by the proposed development.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. It will also reduce headlight glare into homes across the street.
5. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land.
6. **Fiscal impact on the Town:** There will be no fiscal impact on the Town.

**Conditions**

1. The construction of the shared driveway must meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. Sight distance on Island Pond Road must be improved by regrading the area along Lots 3 and 4 as shown on the plan. There will be a fifty-foot wide re-vegetated buffer along the street using existing trees from the site. The plantings will be guaranteed for two growing seasons or will be replaced, as offered by the applicant.
3. Access to Lots 3 and 4 shall be over the shared driveway and not through individual driveways because the findings of this special permit are based upon the reduction of multiple driveway cuts on Island Pond Road.
4. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.

5. 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.
6. 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.

**Shared Driveway Lots 1 & 2** –The motion was made by Perkins to grant a special permit to Tidan Corporation & Richard Baker to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to construct a shared driveway serving Lots 1 and 2 as shown on the plan entitled, “Special Permit for Hammerhead Lots and Shared Driveway – Plan of Land in Groton, Massachusetts, Prepared for Tidan Corporation,” prepared by Dillis & Mische, dated May, 2000, with revisions through December 29, 2001, with the following findings and conditions:

**Findings:**

The Planning Board made the following findings based upon the criteria set forth in Zoning By-Law §§ 218-23D and 218-32.1:

1. **Social, economic and community needs:** The community will be better served by having fewer driveway cuts on Island Pond Road. It is a narrow winding road which can be difficult in poor weather.
2. **Traffic flow and safety:** Traffic flow and safety will be improved by having one driveway cut in a safer location instead of two driveway cuts Island Pond Road. Sight distances are adequate for public safety and there will some clearing along the easterly side of Island Pond Road to improve the view as well.
3. **Adequacy of Utilities:** Utilities will not be impacted by the proposed development.
4. **Neighborhood character:** There will be less impact on neighborhood character with fewer driveway cuts rather than individual driveways serving each lot. It will also reduce headlight glare into homes across the street.
7. **Impacts on the environment:** Fewer driveway cuts means less environmental impact on the land.
8. **Fiscal impact on the Town:** There will be no fiscal impact on the Town.

**Conditions**

1. The construction of the shared driveway must meet the minimum requirements of the Shared Driveway Regulations adopted on June 13, 1996.
2. Access to the Lots 1 and 2 shall be over the shared driveway and not through individual driveways because the findings of this special permit are based upon the reduction of multiple driveway cuts on Island Pond Road.
3. This special permit shall not be in effect until certified copies of the special permit decision and the subsequently endorsed ANR plan are 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.
4. 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.

5. 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.

#### **SITE PLAN REVIEW WAIVER**

The motion was made by Lewis to reconsider the Board's vote denying the Highway Surveyor's request for a waiver of site plan review for a new storage building. The motion was seconded and passed unanimously.

Member Lewis said he met with Highway Surveyor Tom Delaney about the proposed construction of a storage building to house heavy equipment at the highway garage. The building will have a cement floor with oil and grease traps. Member Lewis said all his concerns have been addressed.

The motion was made by Lewis to waive Site Plan Review for the construction of the storage building at the highway garage. The motion was seconded and passed unanimously.

#### **FY 2003 BUDGET REQUEST**

The Board reviewed the draft budget request and voted unanimously to request a total of \$95,808.00 for FY 2003. The slight increase in the engineering budget is necessary because the Attorney General ruled that the Board cannot use project review fees for site plan review.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

