

**GROTON PLANNING BOARD
JANUARY 16, 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 HEARING (con't) - MILL RUN PLACE CONCEPT PLAN

The Board continued the public hearing to consider the Mill Run Place concept plan and preliminary subdivision plan. Applicant Robert Walker, Attorney Robert Collins, design engineer Robert Pine, and many residents were present.

Chairman Curtis explained the concept plan process. The Board is holding a public hearing to make a recommendation to Town Meeting. The concept plan must be approved by a 2/3 vote of Town Meeting. If the plan is approved by Town Meeting, a site plan must be submitted for review by the Planning Board under Site Plan Review.

Attorney Collins submitted a letter dated January 9, 2002 addressing the concerns expressed at the last public hearing on November 29, 2001. The land has been zoned B-1 since zoning districts were adopted in 1963, and the site had been used for business prior to the adoption of zoning. The property could be developed by right without concept plan approval by Town Meeting. However, the concept plan requirements include a higher level of design review. A strip development could be constructed by right under existing zoning provisions.

Mr. Pine explained that the threshold for a "major project" is a 10,000 sq ft footprint. The footprint of the proposed grocery store triggers the concept plan requirements. If the applicant developed the site under conventional zoning, a strip development along Route 119 would result. The concept plan approach allows better siting of buildings, more landscaping, and a more aesthetic development. Mr. Pine said the concept plan is sound and asked if the Board wanted the proposed plan or a strip development. Mr. Pine said the building will be in a depressed area on the site with landscaping on a raised area near Mill Street to lessen visual impact.

Mr. Pine described changes to the plan including:

- a change in traffic circulation at the day care center;
- a relocation of the retail building so it is closer to Mill Street;
- a change in the entrance on Mill Street so it would be farther away from an existing house.

Chairman Curtis said the Planning Board received a copy of the notice from MEPA requiring a full Environmental Impact Report (EIR) including a traffic study, drainage calculations, etc. He asked if the EIR should be completed prior to the Town Meeting vote on the concept plan.

Mr. Collins said the material required for the EIR is similar to the material submitted under Site Plan Review. The applicant would like to know if the project will be going forward before spending the money on the engineering for the EIR. The Town has approved other concept plans prior to the submission of an EIR to MEPA.

Member Lewis stated his objections to calling Mill Street a "small country road." He said Mill Street connects Route 119 and Route 111 – it is not a country road. He said there are 4500 to 6500 trips per day on Mill Street. Mr. Collins responded that most of the traffic to and from the site will be on Route 119. Member Lewis said traffic is a major problem with the proposed development.

Member Eliot said the proposed development is not in keeping with the character of Groton, particularly the size and footprint of the buildings and the amount of impervious area.

Member Barringer asked about stormwater management for the site. Mr. Pine said 34% of the site will be landscaped even though the Zoning By-law only requires 10%. The open areas will be used as detention basins. There will be no

net increase in runoff from the site.

Member Barringer asked about access for delivery trucks. Mr. Pine said the entrance on Route 119 is designed to accommodate delivery trucks. He pointed out the loading areas and traffic flow patterns.

Member Clements asked about parking for the grocery store. Mr. Pine showed the parking area in front of the building with islands for planting areas throughout.

Member Clements asked what the total number of parking spaces will be. Mr. Pine said there will be 386 parking spaces for the whole site.

Member Perkins expressed concern about the building design and scale of the grocery store. She asked if it will be about the same size as Donelan's in Littleton. Mr. Collins said it will be smaller.

Member Barringer asked to see details of the facades from Arlington Street and Mill Street. Mr. Pine said they will be submitted to the Board.

Member Lewis requested that a balloon be flown at the highest elevation of the proposed building.

Mr. Alcott said trucks will use the Mill Street entrance and asked that all entrances be placed on Route 119 where they belong.

Mark McCarthy asked if additional land were purchased, would a new concept plan be required. Chairman Curtis said, "yes."

Mr. McCarthy stated that there should be no net increase in runoff from the site especially since he lives downgradient. Chairman Curtis stated that post-development runoff cannot exceed pre-development runoff.

Mr. McCarthy asked if a traffic study was done. Chairman Curtis said a traffic study was submitted by the applicant to MEPA as part of the Environmental Notification Form (ENF). The Planning Board has a peer review of the traffic study done by Conley Associates. Mr. McCarthy asked if the same study can be submitted with the EIR. Mr. Collins said he was not sure.

Mr. McCarthy said the EIR must consider alternatives and mitigation measures. If the EIR is submitted prior to Town Meeting, more information will be available.

Carrie Kneeland stated that the abutting property owned by the Stephens has been purchased by the applicant. She asked if that site is now part of the concept plan. Mr. Collins said, "no," the Stephens property is not zoned B-1.

Abutter Mary Dunham asked about the difference between the concept plan and site plan review and when the size of the building is determined. Mr. Collins said the building cannot exceed the size shown on the concept plan approved by Town Meeting. Ms. Dunham also requested that the EIR be submitted to MEPA prior to the Town Meeting.

James Western said the façade of the building will face Route 119 – not Mill Street – so most of the HVAC equipment will face Mill Street. He suggested that the traffic study submitted by the applicant be compared with the traffic study done for Partridgeberry Woods in 1988.

Lillian Alcott expressed her concerns about noise and traffic on Mill Street.

Laurie Smigelski said she rides her horse and carriage and drives farm equipment on Mill Street in the summer. She said traffic congestion on Mill Street would create a safety issue.

Michael Curry said the site on Route 119 to the east of the Town Center is a much better location for a grocery store and other retail space.

Chairman Curtis asked Mr. Collins when he plans to submit the plan for Town Meeting approval. Mr. Collins said "very soon."

Brian Alcott expressed concern about traffic on Mill Street. He stated how difficult it was when the Pleasant Street bridge was closed and traffic was detoured over Mill Street.

Member Lewis expressed concern about the HVAC equipment, noise, lighting, and pollution resulting from parking lot runoff.

Lillian Alcott asked why the "private road" was not included in the traffic study. After some discussion, the Board determined that the private road was the access to NEBS. She stated that the existing intersection of Mill Street and Route 119 is safer than the proposed intersection.

The Board voted unanimously to continue the public hearing on February 14, 2002 at 7:30 PM.

PUBLIC HEARING (con't) – SPRINT TOWER ON TABCOM PROPERTY

The Board continued the public hearing to consider the application submitted by Sprint to erect a 120 ft telecommunication tower on land owned by the American Baptist Churches of Massachusetts (TABCOM). Attorney Jonathan Lazar, real estate specialist Brady Goodell, and RF engineer Syed Abidi were present.

Mr. Lazar submitted a new information packet to the Board. The location of the tower was moved 40 ft to the north so that a shed on an abutter's property would not be within the 500 ft radius of the tower. A two-mile visibility study with eight view lines was submitted as required in the Zoning By-Law.

Mr. Lazar said the Board walked the site, the RF study was submitted, and a balloon test was done. The location of the shed was confirmed and the tower was moved. There has been no change in the real estate impact study. The access road has been relocated as suggested on the site walk.

Mr. Lazar said the only outstanding issue is the conservation restriction that was never recorded. The Planning Board granted a special permit for the Ridgewood subdivision in 1986, and the Town accepted and signed the conservation restriction submitted by the landowner (TABCOM). However, the restriction was not signed by the Secretary of Environmental Affairs and was never recorded at the Registry of Deeds. The proposed tower is located near the power lines at the edge of the area to be restricted. The tower can be moved out of the restricted area, but it will be closer to a gully and wetlands. Relocating the tower will cause more environmental damage. The tower will be less visible in the proposed location adjacent to the power lines. Mr. Lazar said the church will help expedite the recording of the restriction if the 2500 sq ft area to be leased to Sprint is excluded from the restricted area.

Chairman Curtis said the Board will have to ask Town Counsel for a legal opinion on the conservation restriction.

Member Lewis said the Board granted the special permit and approved the Ridgewood definitive plan with the condition that Parcels A, B & C would remain open. In good faith, the Board did not hold up the granting of building permits. He asked if the Board would have to modify the special permit for the Ridgewood subdivision to allow the tower to be sited on this land.

Member Perkins said if the 2500 sq ft is excluded from the area to be restricted, then other land should be added to the restricted area. Mr. Lazar suggested that they make a contribution to the Conservation Commission instead of adding area. Member Lewis said he would prefer that the same amount of land be added to the restricted area.

Member Barringer said the area near the tower is steep and asked if the access road will meet the grading requirements of the driveway regulations. Mr. Lazar said, "yes," the grading is shown on the plan.

Member Barringer asked about the wetlands and the gully. Mr. Lazar said the tower will be more than 150 ft from the wetlands.

Brady Goodell said they tried to avoid disturbance to the wetlands, there are no existing structures in the area for co-location, the tower will meet the 500 ft setback requirements and will be less visible because it backs up to the power lines.

Member Barringer asked if the equipment can be located on the power lines. Mr. Goodell said, "no," because the utility poles are only 70 to 80 feet and Sprint's equipment must be 120 ft. In addition, the power company strictly limits what can be constructed in its easement area. Sprint has co-located on other power lines when it was feasible.

Mr. Sanford asked if new buildings can be constructed on abutting properties within the 500 ft radius. The Board said it checked with Town Counsel who said, "yes." The provision in the by-law applies only to *existing* structures. The Board will ask Town Counsel for a written opinion.

Mr. Lazar added that the tower meets the setbacks required in the Zoning By-law as well as the setbacks required by New England Power Company.

Michael Scosia said the conservation restriction was on his desk when he became director of Grotonwood. The church wanted the restriction to be recorded, but it did not happen. He said the church is leasing to Sprint for three five-year periods. The land could revert back to open space after the tower is removed.

The Board voted unanimously to extend the deadline to hold the public hearing to February 8, 2002 as requested by the applicant.

The Board voted unanimously to continue the public hearing on February 7, 2002 at 8:00 PM.

PUBLIC HEARING (con't) – GIBBET HILL, LLC 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. Applicants Steven and Joshua Webber of Gibbet Hill, LLC; Attorney Louis Levine (representing Gibbet Hill, LLC), design engineer Lawrence Beals, Attorney Jonathan Lazar (representing Sprint), and RF engineer Syed Abidi were present.

Mr. Beals submitted revised plans to the Planning Board with the location of newly constructed houses shown on the plan. The location of the tower has changed to avoid a visual obstruction from the DEM's fire tower. A note has been added to the plan stating the access road from Lowell Road will be resurfaced and restabilized. There is also a note on the plan regarding the DEM fire tower's sight lines.

Mr. Beals submitted a letter dated January 16, 2002 addressing why the 150 ft height is required. A study of the coverage area was submitted to the Planning Board. The 150 ft tower will provide good coverage with fewer towers. The alternative is a 120 ft tower on the top of the hill where it will be much more visible. AT&T and Cingular provided area coverage information in addition to the information previously submitted by Sprint.

Mr. Beals said if the 150 ft tower is approved, Cingular will be located at 110 ft, Sprint at 120 ft, Nextel at 130 ft, and AT&T at 150 ft. In addition, Gibbet Hill, LLC is offering the town space on the tower for its own needs. The proposed 150 ft tower meets the objective for co-location as specified in the Zoning By-law.

District Fire Warden Rob Johnson said the DEM is still concerned about sight lines from the fire tower. He submitted a letter dated January 15, 2002 from the DEM to the Board.

Member Barringer asked about the 5% slope requirements. Mr. Beals said the area does not meet this provision. The applicant must re-apply to the ZBA for a new variance for the 5% slope as well as the change in location of the tower.

Member Clements asked if the tower will be visible from Mayfield Drive. Mr. Beals said, "yes."

Member Degen asked if the AT&T equipment can be flush mounted at the top of the tower. RF engineer Syed Abidi

said the antennae must be separated by a minimum of ten (10) feet.

Member Barringer asked if AT&T could have its equipment flush mounted because it is on the top. The AT&T representative said, "yes."

Member Perkins asked if DEM's approval is required. Mr. Levine said the Board can include a condition on the special permit regarding resolving sight line issues with DEM.

Member Barringer said the base of the triangle can be calculated to determine the limit of obstruction.

Fire Warden Rob Johnson explained that the purpose of manning the fire tower is to provide early detection as well as the ability to have a clear view of the horizon. He said he is comfortable in the shift in location of the tower, but the view will be limited on the other side.

Member Perkins asked if the fire warden can see when he moves around in the fire tower. Mr. Johnson said there may be an area that is still obstructed.

Carrie Kneeland asked who will be located at the 140 ft elevation. Joshua Webber said they are still negotiating with carriers for this slot.

Attorney Levine said Sprint, Cingular and AT&T are the only carriers before the Board at this hearing. If other carriers are added, a new special permit is required.

The Board voted unanimously to close the public hearing.

Member Barringer offered to draft the motion on the special permit. The Board will act on its decision on February 7, 2002.

Meeting adjourned at 10:15 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

