

**GROTON PLANNING BOARD  
FEBRUARY 7, 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

**MOMENT OF SILENCE**

Chairman Richard Curtis requested a moment of silence in memory of Isabel Beal. Mrs. Beal, the Town's diarist and historian, was an invaluable resource to the Planning Board. She will be greatly missed by the Planning Board and townspeople.

**ANR PLAN – ROBERT LACOMBE, SHELTERS ROAD**

The Planning Board received a letter dated February 7, 2002 from Attorney Robert Collins withdrawing the ANR plan submitted by Robert Lacombe for land on Shelters Road and Boston Road. The motion was made by Perkins to accept the withdrawal of the ANR plan. The motion was seconded and passed unanimously.

**PRE-SUBMISSION REVIEW – SHANKLIN CORPORATION**

Garrett Shanklin and design engineer Stephen Mullaney of David E. Ross Associates met with the Board to discuss an addition to Shanklin Corporation's conference center on Sandy Pond Road.

Mr. Mullaney said an additional, gravel-surface parking area will be constructed, but there will be no expansion of the intensity of the existing use. Mr. Mullaney requested that the Board consider the site plan under the Level I provisions and not require a traffic study. Other waivers requested in the letter dated February 1, 2002 from David Ross Associates included a reduction in the number of parking spaces and a gravel surface parking lot.

Member Degen requested that the applicant submit photographs of the site with the application.

Member Eliot said she had no problem with the waivers. She requested that the area include a paved walkway for foot traffic. Mr. Shanklin said he would install more lights along the pedestrian pathway.

Member Clements asked how the parking spaces would be identified. Mr. Mullaney said it would be an open gravel area with people directing parking. Member Lewis requested that the potential parking spaces be shown on the plan.

Chairman Curtis said if the parking area will be paved, drainage calculations will be required.

The motion was made by Lewis to require a Level I site plan for the proposed changes to the Shanklin Corporation site. The motion was seconded and passed unanimously.

**SPECIAL PERMIT DECISION – VOICESTREAM WIRELESS**

The Board discussed the draft special permit decision prepared by Planning Administrator Michelle Collette for Voicestream Wireless to add equipment to Sprint's telecommunication tower on the Blood property on WestMain Street.

The motion was made by Curtis to grant a special permit to Omnipoint Holdings, Inc., a wholly owned subsidiary of Voicestream Wireless, to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to co-locate antenna and required ground equipment on Sprint's approved 120-foot monopole style telecommunications tower on land owned by Elliot & Doris Blood, 94 West Main Street, Assessors Map 106, Parcel 15, on the southerly side of West Main Street, with the following findings and conditions:

**Findings:**

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

1. **Social, economic and community needs:** VoiceStream's additional antennae on Sprint's approved 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 safety issues associated with the addition of VoiceStream's antennae on Sprint's approved tower.
3. **Adequacy of utilities:** The Groton Electric Light Department has indicated that it will be able to serve the proposed telecommunication facility as designed.
4. **Neighborhood character:** The additional antennae will be installed at 110 ft on Sprint's approved tower to be sited on a 76-acre parcel of land that abuts the 500-acre Town Forest.
5. **Impacts on the environment:** The additional antennae will have minimal impact on the natural environment and will have far less impact than construction of another tower.
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 associated facilities.
7. The applicant demonstrated to the Planning Board's satisfaction that the location of the VoiceStream's antennae are necessary to provide coverage to the area.
8. The applicant is co-locating its equipment on an approved 120 ft monopole.

**Conditions:**

1. VoiceStream's equipment will be installed on Sprint's approved tower which is subject to conditions in Special Permit 2001-10 granted by the Planning Board on August 31, 2001.
2. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.
3. On the annual anniversary date of the issuance of this 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.
4. 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.
5. The visual impact of any personal wireless services facility and any personal wireless services tower shall be minimized to the maximum extent possible. As required in §218-25.1, 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. The additional antennae installed by VoiceStream shall be the same color, finish and triangular orientation as the equipment and tower to be installed by Sprint.
6. 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.
7. 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.

8. Performance guaranty - The carrier shall provide a bond, in a form acceptable to the town, or shall place into escrow, the amount of \$15,000.00 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 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.
9. 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.
10. This special permit shall not be in effect until a certified copy 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.
11. 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 shall constitute commencement of substantial use.
12. 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.

### **AMERICAN FARMLAND TRUST FORUM**

The Planning Board and Nashua River Watershed Association will co-sponsor a forum on preserving farmland on March 21, 2002. Cris Coffin of the American Farmland Trust will be the guest speaker.

### **PUBLIC HEARING (con't) – SPRINT/TABCOM SPECIAL PERMIT**

The Board continued the public hearing to consider the application submitted by Sprint to construct a telecommunication tower on land owned by the American Baptist Churches of Massachusetts. Attorney Jonathan Lazar, representing Sprint, real estate expert Brady Goodell, and RF engineer Syed Abidi were present.

Mr. Lazar submitted a letter dated January 30, 2002 to the Planning Board regarding the signed conservation restriction that was never recorded at the Registry of Deeds. The restriction was required as part of the special permit for the Ridgewood subdivision plan. Mr. Lazar said Sprint will use all due diligence to be sure the restriction is properly recorded. He asked that the restriction not apply to the 2500 sq ft area to be leased to Sprint.

Chairman Curtis said the Board requested a legal opinion from Town Counsel on the status of the conservation restriction and has not received a response yet. Mr. Lazar suggested that the Board continue the hearing until it receives Town Counsel's opinion.

Chairman Curtis said the Board has three options: 1) close the public hearing and deny the special permit on the basis that the tower will be sited on land subject to a conservation restriction executed in good faith; 2) extend the deadline to allow the applicant to modify the application and location of the tower; or 3) modify the Ridgewood definitive subdivision plan and special permit with the consent of the lot owners in the subdivision.

Mr. Lazar requested that the Board continue the hearing until it receives Town Counsel's opinion.

Ridgewood subdivision resident Terry O'Neil said he found out about the application when Sprint did the balloon test. He said he does not object to towers, but the Church owns a very large parcel of land and could site the tower farther away from the existing houses.

Paul Wilkus of Gay Road said he, too, just learned about the hearing, and requested more information on the application.

Chairman Curtis said the applicant submitted engineering data to site the tower in the location shown on the plan. However, the Board discovered that the proposed site is part of the land that was designated as protected open space when the Ridgewood subdivision was approved. The Board is waiting for an opinion from Town Counsel on the status of the conservation restriction that was executed but never recorded at the Registry of Deeds.

Mr. Lazar agreed that the restriction should be recorded.

Member Eliot expressed concern that the people in attendance did not receive notice of the hearing. Planning Administrator Michelle Collette said the Ridgewood subdivision lot owners are beyond 300-ft from the parcel with the proposed tower so notice was not required. However, if there are any changes to the Ridgewood subdivision plan or special permit, notice to the lot owners in the subdivision is required. Chairman Curtis stated that notice to abutters within 300 feet of the subject parcel with were sent when the first hearing was called as required in State statute.

Jamie King said it is a good decision not to go forward at this time. The siting of a tower on land subject to a conservation restriction sets a bad precedent. He asked if the site was chosen by the Church because it is far away from the existing camps on the Church's property.

Mr. Lazar said the site was selected because it is near the existing powerlines to minimize visual obstruction. The Board voted unanimously to extend the deadline to hold the hearing to February 15, 2002.

The Board voted unanimously to continue the hearing on February 14, 2002 at 9:00 PM.

### **PUBLIC HEARINGS (con't) – ACADEMY HILL SP & DEFINITIVE PLAN**

The Board continued the public hearings to consider the special permit applications and definitive plan submitted by LandWest for approval of the Academy Hill Subdivision. Applicant Bruce Wheeler, design engineers Lawrence Beals and Donald Yonika of Beals Associates, Attorney Louis Levine, and Attorney Ray Lyons were present.

Mr. Beals said they met with John Schmid of Judith Nitsch Engineering, Inc. (JNEI) and all the engineering issues with the definitive plan have been resolved. The Board received a report dated February 6, 2002 from JNEI confirming this statement.

Mr. Levine said he would prefer to focus on the cluster development plan rather than the definitive plan. If the Board grants the special permit for the cluster development, the applicant will modify the definitive plan rather than submit a new plan.

Chairman Curtis read the comments from the Police Chief and the Fire Chief. Mr. Lyons said the comments were based upon the cluster plan.

Member Clements said the conventional plan shows 58 lots. Mr. Beals said, "yes," but duplexes can be constructed by-right on each lot for a total of 116 units. Member Clements said perhaps the duplex units will be more affordable than single-family. There will be less traffic impact with 58 lots and more open land. Member Clements said he believes there would be less impact with the conventional, 58-lot plan.

Member Degen said the JNEI report refers to waivers that will be required for the cluster plan. Member Degen asked the applicant to submit a written list of the waivers being requested for each plan.

Mr. Levine said no waivers are requested for the 58-lot conventional plan. Mr. Beals said they will submit a list of waivers for the cluster plan. He said they met with the Police and Fire Chiefs to discuss road construction standards.

The Fire Chief thought the proposed 18 ft width for the connector road is adequate for fire protection purposes. However, the response was not as good to the question of using a different type of surface such as gravel. Mr. Beals said the applicant would like to use a lighter color pavement and install gates that could be locked in the spring and summer. Signs will be installed to indicate that no motor vehicles are allowed.

Mr. Beals stated that all lots have a minimum of 30,000 sq ft upland area and 100 ft frontage. There are no wetlands included in the lot areas. Sixty-one percent of upland portion of the site will be preserved as open space. The required affordable units will be provided. The requested waivers will result in better design. The waivers will include a 1450 ft dead-end cul de sac, granite curbing, the pavement width, and the amount of cut and fill will be five feet above the maximum in one area.

Mr. Levine said the Board's engineer acknowledged that the definitive plan complies with the subdivision regulations. The Planning Board has the discretion on whether to grant the special permit for the cluster plan. If the special permit is granted by the Board, the definitive plan will be modified to comply with the cluster plan. The applicant met with the Police Chief, Fire Chief and Highway Surveyor to discuss public safety issues. The affordable housing issues will be addressed.

Chairman Curtis noted that the Board received written comments from the Police Chief and Fire Chief.

Member Perkins expressed concern about the gates on the connector road being locked especially for school bus and emergency vehicle access.

Mr. Lyons said the gates will be open during the school year and locked during spring and summer. Mr. Levine said other locking mechanisms can be used, or the road through the sensitive habitat area can remain open if the Planning Board wishes.

Chairman Curtis noted that the road will be constructed as a subdivision road and will become a public way in the future. Once the road is a public way, it is under the control of the Selectmen and the Highway Surveyor. Mr. Levine said the road does not have to be accepted as a public way.

Member Degen said he prefers no gates on the road, but the road should be constructed so it is less inviting to use. Member Perkins agreed that methods such as speed bumps could be used rather than gates. She said she is very concerned about sacrificing public safety.

Mr. Beals said the road can be designed with different pavement color and signage to discourage through traffic. Chairman Curtis said the details of the construction standards for the connector road can be worked out at the definitive plan stage.

Member Barringer said traffic can be discouraged by other traffic calming methods so the road does not have to be gated.

Member Lewis said he does not want an unpaved road – some type of pavement is necessary.

Mr. Levine said the cluster plan was designed to respect the turtle habitat areas as requested by the Planning Board. Mr. Lyons said they are working with Brian Butler, and the best method is to install gates. Member Lewis said there must be two access routes for safety reasons.

Member Clements asked when the Environmental Impact Report will be submitted to MEPA. Mr. Levine said it is pending. Member Clements asked about the number of dwelling units. Mr. Beals said there will be a total of 106 units including 12 affordable units. Mr. Levine said the applicant responded to the Board's request for housing diversity, there will be 66 single-family units and 40 multifamily condominiums. Mr. Beals added that the conventional plan could result in 116 duplex units.

Member Clements said the habitat issue is very important. He asked who will maintain the nesting sites. Mr. Beals said these areas will be on the land deeded to the Conservation Commission.

Member Barringer asked how much frontage the lots on the cul de sac have. Mr. Beals said 217 ft, 150 ft, 147 ft, and 123 ft. Member Barringer asked if the frontages can be reduced and the roadway shortened to meet the subdivision regulations. Mr. Yonika said changing the frontages would result in more impact on the wetland areas. Member Lewis agreed that staying out of the environmentally critical areas is a good idea.

Member Degen asked the length of roadway that will be reduced from collector road to minor street standards. Mr. Beals said 11,000 ft. Member Degen said vertical granite curbing is very expensive. He asked if the applicant would consider relocating lots 48-53 to preserve open space in exchange for a waiver for granite curbing. Mr. Levine said they would look at it.

Member Degen asked the applicant to explain how they calculated 38 incentive lots (TDR's). Mr. Lyons said the upland area in Groton totals 265 acres. The by-law requires 35% of the upland area be set aside as open space. 35% of 265 is 172 acres. An additional 71 acres upland area will be set aside as open space. 71 acres divided by 80,000 sq ft is 38 TDR's.

Member Eliot said her concerns have been addressed. The cluster plan is the best alternative other than an outright purchase of the land by the Town.

Carrie Kneeland said the priority boils down to traffic impact or protected open space. She said the cluster plan will result in traffic burden on the abutters. Member Clements said he agrees that the Footnote 1 plan results in less traffic.

Member Clements stated that the road must be constructed or bonded in Pepperell. Mr. Beals said the definitive plan was approved in Pepperell.

Mr. Levine said the conventional plan creates easy access to and from Route 119 and Townsend Road. The through road will create more traffic impact. The road on the cluster plan will not be an attractive cut through for commuters.

Chairman Curtis reiterated the Board's request for a written list of waivers.

The motion was made by Perkins to continue the public hearing on February 14, 2002 at 7:00 PM. The motion was seconded and passed with Curtis, Barringer, Degen, Eliot, Lewis and Perkins in favor; Clements opposed.

The motion was made by Lewis to accept the request for an extension on the definitive plan to April 1, 2002. The motion was seconded and passed unanimously.

### **SPECIAL PERMIT DECISION – GIBBET HILL TELECOMMUNICATION TOWER**

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

The Board discussed the draft special permit decision prepared by Member Barringer for the telecommunication tower on Gibbet Hill.

The motion was made by Barringer to grant a special permit to Gibbet Hill Farm, LLC with co-applicants AT&T Wireless, Sprint Spectrum, and South Western Bell Mobile Systems (Cingular Wireless) to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to construct a 150-foot monopole telecommunications tower and install associated radio equipment on land owned by Gibbet Hill Farm, LLC. The proposed tower is shown on the plans entitled, "Plans to Accompany Special Permit Application for Gibbet Hill, Map 116, Parcel 3; Prepared for Gibbet Hill Farm, LLC in the Town of Groton, Massachusetts," prepared by Beals Associates, dated September 25, 2001 with revisions through January 16, 2002, with the following findings and conditions:

#### **Findings:**

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

218-32.1:

1. Social, economic and community needs: The proposed 150-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 with few existing residential uses in close proximity. The tower will be adequately screened locally by existing vegetation and by location, but the tower will be visible from nearby residential areas including Groton Center.
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 location of the 150 ft tower in a saddle between two hill tops will reduce the apparent height of the tower from most observing locations and; therefore, reduce the visual impact of this structure. The visual impact will be low to moderate as evidenced by the balloon test required in §218-25.1E(2) and by 24 photo simulations submitted by the applicants (Sprint, AT&T, Cingular).
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 it will not require any town services. In addition, the applicants will pay personal property taxes to the Town of Groton for the value of the facility and associated facilities.
7. The applicants demonstrated to the Planning Board's satisfaction that the proposed facility could not be located at a more appropriate site and still meet the applicants' needs to provide wireless services coverage as required by federal law, that the proposed tower height is the minimum necessary for the purpose, and that the proposed 150 ft tower height will reduce requirements for additional telecommunications towers in the town of Groton. The applicants submitted documents including the memorandum dated January 16, 2002 from Beals Associates and the area maps submitted by Sprint, AT&T and Cingular.
8. The applicants 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 and has encouraged collocation of these and future proposed services on this proposed tower. A 150 ft tower will permit collocation of up to 6 carriers on this facility thereby reducing the number of additional towers at or near this site that would otherwise be required to fulfill adequate telecommunications coverage. In addition, two carriers have stated that collocation of their facilities on this tower will reduce the likelihood that additional towers will be required in other locations in Groton in order to effect adequate telecommunications.

### Conditions:

1. The applicants must obtain any other permits required from other boards, departments, or agencies including application for any required variances from the Zoning Board of Appeals.
2. Before energizing any transmitter antenna located on the proposed tower, the applicants shall submit to the Building Inspector a report documenting existing baseline radio emission field strength data at, but not limited to, the following locations: the cabin of the DEM fire tower; the location on the Groton water reservoir structure closest to the proposed tower; at the closest location on each of any other structures within the 500 ft circle centered at the tower base that were in existence at the time the Special Permit was granted; and at each antenna location on the proposed tower . In the event that the applicants cannot gain access to said locations, then the Applicants shall report radio emission field strength data at the applicant's property boundary closest

to said structure.

3. Within 30 days of energizing each and any carrier's transmitter antenna array, the applicants 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 in effect at the time at, but not limited to, the following locations: the cabin of the DEM fire tower; the location on the Groton water reservoir structure closest to the proposed tower; and at the closest location on each of any other structures within the 500 ft circle centered at the tower base that were in existence at the time the Special Permit was granted. The facility must cease operations if any emissions exceed these requirements.
4. On the annual anniversary date of the issuance of the special permit, the applicants 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 in effect at the time at, but not limited to, the following locations: the cabin of the DEM fire tower; the location on the Groton water reservoir structure closest to the proposed tower; and at the closest location on each of any other structures within the 500 ft circle centered at the tower base that were in existence at the time the Special Permit was granted. The facility must cease operations if any emissions exceed these requirements.
5. The carrier locating its antennae at 150 ft AGL, designated by the applicant as AT&T, shall use flush-mounted antennae.
6. During construction and operation of the tower and facilities, the applicants shall make every reasonable effort to minimize detrimental effects on normal operation of the DEM fire tower.
7. As offered by Gibbet Hill Farm, LLC, space on the tower will be made available for the Town of Groton's equipment at no cost to the Town (see memorandum dated January 16, 2002 from Beals Associates).
8. The applicant, at its expense, will improve and maintain the access road to the site to the minimum standard required for all weather access by emergency services.
9. 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.
10. 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:
11. § 218-25.1 states, "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." The applicant shall obtain a variance from the Zoning Board of Appeals of this provision.
12. § 218-25.1 states, "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." The applicant shall obtain a variance from the Zoning Board of Appeals of this provision.
13. 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.
14. 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.

15. 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.
16. 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.
17. 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.
18. Clearing of natural vegetation should be limited to that material which poses a threat or an obstacle to the personal wireless services tower.
19. 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.
20. 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 applicants have demonstrated to the Planning Board's satisfaction that the proposed personal wireless services tower is the minimum height necessary to accommodate the transmitter/receivers. The height of the proposed monopole structure will be 150-ft as stated in the application
  - 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) 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.
21. Performance guaranty - The carriers 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 carriers 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.

22. 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.
23. 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.
24. The applicant shall provide the Town with a Certificate of Insurance for coverage of bodily and other injury for \$5,000,000.00. The applicant shall maintain insurance coverage for as long as the tower exists.
25. 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.
26. 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 21 and 24 above.
27. This special permit shall not be in effect until a certified copy 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.
28. 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 shall constitute commencement of substantial use.
29. This special permit runs with the land and applies to any successor in interest or successor in control.

Member Clements stated that the visibility of the tower from the Historic District is unacceptable.

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

### **GIBBET HILL LOT RELEASE**

The motion was made by Eliot to release Lot 8 in the Gibbet Hill subdivision from the covenant. Lot 8 will be used for construction of the telecommunication tower subject to the conditions in the special permit. The motion was seconded and passed unanimously.

### **SPRINT-CROWLEY SPECIAL PERMIT DECISION**

The Board discussed the draft findings and conditions prepared by Member Degen who said he based the findings on a substantial difference in real estate values, the lack of a proper study by the site acquisition specialist, and the impact on the environment.

The motion was made by Degen to **DENY** Sprint's application 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 Jeffrey Crowley, 550 Main Street,

Assessors Map 216, Parcel 91, on the northeasterly side of Main Street. The denial of the special permit is based upon the reasons as stated in criterion 4 and 5 below. The applicant has failed to meet two of the six criteria as required by Zoning By-Law 218-32.1.

### **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 would have served 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 were no traffic flow or traffic safety issues associated with the proposed facility.
3. **Adequacy of utilities:** The Groton Electric Light Department had indicated that it would have been able to serve the proposed telecommunication facility as designed. No other utilities were required.
4. **Neighborhood character:** The proposed facility would have been sited in a residential zone that includes many existing residential uses. The tower will be visible from many nearby residential properties. 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. The definition of 'substantial difference' when applied to the value of money, means different things to different individuals. **If the tower were to devalue a property, one may interpret that to be substantial.**
5. **Impacts on the environment:** The proposed facility will adversely impact the natural environment. The erection of a 120' monopole tower will scar the landscape. The tower will be unsightly set within the open space. The tower may interfere with the migratory patterns of the many species of birds, which frequent the surrounding river and fields. Additionally, the applicant failed to demonstrate that a tower, which had less of degrading effect on the environment, could have provided similar coverage. Finally, the alternative site analysis provided by the applicant was inadequate. The original site acquisition specialist had incomplete or missing data. The board asked for supporting documentation. Sprint told the board that the individual that performed the study was no longer working for Sprint. No written notes on the process were kept. After many months, Sprint provided a written documentation of the study. The new site acquisition specialist, Mr. Brady Goodell, provided the board with the study. The data contained within his report may have been faulty. Mr. Goodell was not the same person that made the contacts with the alternative locations. Without notes or direct contacts, Mr. Goodell could not fairly assess the feasibility of other surrounding sites.
6. **Fiscal impact on the Town:** The proposed facility would not have had an adverse fiscal impact on the Town. The applicant would have paid property taxes to the Town of Groton for the value of the facility and associated facilities.

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

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

