

**GROTON PLANNING BOARD**  
**APRIL 18, 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 – ZONING AMENDMENT**

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendment:

Amend Chapter 218, Zoning, of the Code of the Town of Groton, § 218-30 Water Resource Protection Overlay District as follows:

By adding a new Item [8] under Subsection D(1) Primary Water Resource District (b) Prohibitions:

“[8] Facilities that generate, treat, store or dispose of hazardous waste (see 310 CMR 22.21(2)(a)(7).”

By adding a new Item [5] under Subsection D(2) Secondary Water Resource District (b) Prohibitions:

“[5] Non-sanitary treatment and disposal works (see 310 CMR 22.21(2)(a)(6).”

And by adding a new Item (5) under Subsection E Design Requirements:

“(5) Storage of animal manure, sludge and septage, commercial fertilizers and petroleum products shall comply with the criteria set forth in 310 CMR 22.21(2)(b)”

Chairman Curtis called the public hearing to order by reading the public hearing notice published in the March 29 and April 5, 2002 issues of *The Groton Herald*.

Chairman Curtis noted that the Water Commissioners requested that the Board propose this amendment so the Water Resource Protection Districts would comply with the State’s Division of Water Supply Regulations.

The Board voted unanimously to close the public hearing.

The motion was made by Curtis to support the proposed amendment at Town Meeting. The motion was seconded and passed unanimously.

**ACCESS ADEQUACY DETERMINATIONS**

**Ronald Feola, Indian Road** - The Board considered the request for determination of access adequacy submitted by Ronald Feola for construction of one single-family house on Indian Road.

Mr. Feola said he would prefer to access his lot from Indian Road and not from Whitewood Road. The lot has frontage on both roads. Indian Road is an accepted public way in this location. Mr. Feola said Indian Road is paved and plowed by the Town.

The motion was made by Clements to determine that Indian Road is adequate to serve the proposed house on Lots 124-50 and 124-62 as shown on the plan entitled, “Sewage Disposal system for Lots 1096-1098, 1134-1137, Indian Road, Assessors’ Map 124, Parcel 50, Groton, Massachusetts, Designed for Ronald Feola,” prepared by David E. Ross Associates, dated December, 2001 (plan L-6400). The motion was seconded and passed with Curtis, Barringer, Clements, Degen, Eliot, and Lewis in favor; Perkins abstaining.

**Earl Carter, Long Cope Road** - The Board considered the request for determination of access adequacy submitted by Earl Carter for construction of a house on Long Cope Road. Mr. Carter said he knew the road must be brought up to standard from the paved portion of the road to the end of the frontage of the lot. He noted that there is a fire hydrant at the intersection of Lone Lane and Long Cope Road.

The motion was made by Degen to determine that Long Cope Road will be adequate to serve the proposed house on Lots 250-101 owned by Earl and Bonnie Carter if the following improvements are completed:

1. The road should be constructed to minimum width of 16 ft with an 8" gravel base;
2. The applicant is responsible for notifying "Dig Safe" to locate all utilities prior to the commencement of work;
3. The applicant shall notify the Groton Conservation Trust, owner of the fee in the road, prior to the commencement of work;
4. The applicant shall consult with the Highway Surveyor to ascertain that the proposed improvements meet town specifications.

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

#### **ANR PLAN – McCOLLOUGH, KAILEYS WAY**

The Board considered the Approval Not Required (ANR) plan submitted by Frederick McCollough to change a lot line between two lots on Kaileys Way. The motion was made by Perkins to endorse as Approval Not Required (ANR) the plan entitled, "Plan of Land in Groton, Mass. Prepared for Frederick McCollough," prepared by Hancock Survey Associates, dated March 11, 2002. The motion was seconded and passed unanimously.

#### **ANR PLAN – ORCHARD LANE**

*(Member Degen stepped down and did not participate.)*

The Board considered the Approval Not Required (ANR) plan submitted by the Board of Selectmen showing the layout of Orchard Lane. Selectman Peter Cunningham, Surveyor Stanley Dillis, and Attorney James Gmeiner, representing William Miller, were present.

Selectman Cunningham explained that all parties have agreed to the lay-out of Orchard Lane as shown on the ANR plan. The new lay-out must be approved by a vote of Town Meeting before the plan can be recorded.

Member Perkins asked if the ANR plan will make the existing lots more non-conforming. Chairman Curtis said that is not a consideration for ANR endorsement. *(Note: Zoning By-law § 218-22F(3) states, "Such nonconforming lots may be changed in size or shape or their land area combined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.")*

Chairman Curtis asked if the Planning Board had a copy of the agreement between the Town, Miller and Degen. Planning Administrator Michelle Collette said, "no," because the agreement has not been signed yet.

The motion was made by Lewis to endorse as Approval Not Required the plan entitled, "Orchard Lane Layout – Plan of Land in Groton, Massachusetts; Prepared for the Town of Groton," surveyed by Dillis & Mische, dated March 28, 2002. The motion was seconded and passed unanimously.

The motion was made by Curtis to recommend that the Selectmen and Town Meeting accept the new layout of Orchard Lane. The motion was seconded and passed unanimously.

#### **SITE PLAN REVIEW – KEN-CHRIS-MURPHY REALTY TRUST**

*(Chairman Curtis did not participate because he is an abutter.)*

The Planning Board reviewed the site plan submitted by Ken-Chris-Murphy Realty Trust to renovate a building and reconfigure the parking lot at Two Hollis Street. Owner Dennis Murphy, design engineer Dan Wolfe of David Ross Associates, and several abutters were present.

Vice Chairman Degen read comments submitted by the Board of Health, the Police Chief, the Historic Districts Commission (HDC), the Conservation Commission, the Water Department, and the Sewer Department.

Mr. Wolfe said at the present time the site has only one entrance in a very dangerous location. The traffic will be one way so cars can enter and not exit at this location. The existing parking area is paved but parking spaces are undefined. The driveway has assorted surfaces with some paved and some gravel. The applicant would like to renovate the existing building at the rear of the property to create new office space. The building presently contains a small apartment and a workshop. The existing driveway will be relocated, parking spaces for the disabled will be created, and additional landscaped areas will be provided. Mr. Wolfe said the HDC reviewed the plans on April 16, 2002 and will continue its review at a later date. The Conservation Commission is concerned about impact on the wetlands and James Brook.

Member Perkins asked if the Water and Sewer Departments could accommodate the additional use if the building is converted. Mr. Wolfe said the flows are greater for the existing apartment than they will be for office use.

Member Perkins asked about signage for traffic flow. Mr. Wolfe said all signs must be approved by the HDC.

Member Perkins asked about curbing. Mr. Wolfe said Cape Cod berms will be installed.

Member Perkins asked if there will be any modifications to the lighting. Mr. Wolfe said there is an inappropriate floodlight on the site now. The floodlight will be replaced with low intensity lighting.

Member Perkins asked about the number of parking spaces. Mr. Wolfe said the by-law requires 42 spaces on site. The applicant is requesting a waiver to reduce the number of spaces to 36 plus the ten on-street spaces allowed in the by-law. Some parking spaces will be located on reinforced turf rather than pavement.

Member Clements asked if the parking area to the north of the building is used today. Mr. Wolfe said the stonedust parking area is used on a limited basis today.

Member Clements asked about pedestrian access to the rear of the parking lot. Mr. Wolfe said they hope to create a walkway, but a sidewalk results in more impervious area. They are trying to balance the concerns of the Planning Board, the HDC, and the Conservation Commission.

Member Barringer suggested that the applicant consider closing the existing curb cut and replacing it with one two-way cut. Member Eliot agreed and suggested that the applicant investigate sharing the access with the abutter to the north. Mr. Wolfe said he has not approached the abutter, Geoffrey Marquis, but it would be difficult to use this access and provide sufficient parking. Member Eliot requested that Mr. Wolfe look into the possibility. She added that the proposed number of parking spaces may be too congested for this site.

Member Lewis asked how much of the site will be impervious surface. Mr. Wolfe said he did not know the percentage.

Member Lewis expressed concern about snow plowing and the piles of snow blocking visibility. He recommended that the lights be shut off at night. He added that he is sorry to see the Town lose a rental apartment.

Vice Chairman Degen said he would like to know the percentage of impervious surface. He noted that the Cape Cod berms must be installed properly and he would prefer vertical granite curbing. He asked if the existing cut could be restricted so there is no left turn thereby eliminating the need for a second curb cut.

Vice Chairman Degen asked the size of the building to be renovated. Mr. Murphy said it is about 2600 sq ft and will be used as a lawyer's office.

Vice Chairman Degen asked if there will be a dumpster. Mr. Wolfe said there is a dumpster on the site today. It will

be moved and screened as requested by the HDC. Vice Chairman Degen suggested continuing the site plan review until after the HDC review is complete.

Mr. Wolfe asked the Board for its opinion on the requested waiver to allow 36 parking spaces. He said he would like to know how many spaces will be required before he presents the revised plan to the HDC.

Mr. Murphy said he is trying to improve the site. He will address the concerns about lighting. He said he wants to live in harmony with the neighbors. The proposed new entrance will address public safety issues.

Abutter Bayard Underwood said he is very opposed to the proposed scheme. The star-pack surface was put in place before the HDC reviewed the plan. He said there are 10 curb cuts on this portion of Hollis Street – four on the west side and six on the east side. He said he liked the idea of sharing an entrance with the abutter. Mr. Underwood said this is an environmentally sensitive, historic area. The applicants are not residents of Groton, and the neighbors will have to live with the results. He said the amount of paving proposed is too large a percentage of the lot. The number of parking spaces will increase from 14 to 36 and will add to the turmoil on Hollis Street.

Abutter Elizabeth Reggio asked how many tenants are on the premises today. Mr. Murphy said four: an apartment, lawyers' offices, acupuncture clinic, and a graphic designer.

Mrs. Reggio said traffic exiting Mayfield Drive can only turn right. She asked why traffic from this site cannot be required to do the same thing.

Member Lewis said he is not willing to waive the required number of parking spaces. The motion was made by Lewis that the Board not grant the waiver for a reduced number of parking spaces.

Member Perkins said six more parking spaces will require more impervious surface. In addition, the Board should work with the HDC on this issue.

Member Lewis withdrew his motion.

The Board will walk the site on Thursday, May 2, 2002 at 6:30 PM. The Board will continue its review of the site plan on May 2, 2002 at 8:30 PM.

### **PUBLIC HEARING – SPRINT/TABCOM**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Planning Board held a public hearing to consider the application submitted by Sprint Spectrum, L.P. for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to construct a 120-foot monopole style telecommunications tower and install associated radio equipment on land owned by the American Baptist Churches of Massachusetts (TABCOM), located on Prescott Street, Assessors Map 117, Parcel 19, on the northeasterly side of Prescott Street and westerly side of Gay Road.

Chairman Curtis called the public hearing to order. Clerk Barringer read the notice published in the March 29 and April 5, 2002 issues of *The Groton Herald*. Attorney Scott Lacey represented Sprint at the public hearing.

Mr. Lacey said this is a new application submitted by Sprint to construct a 120 ft monopole telecommunications tower on land owned by the Baptist Church. The location of the tower on the new application is about 150 ft away from the location of the tower shown on a previous special permit application. The previous application was withdrawn because the land was subject to a permanent conservation restriction. The access off Prescott Street is in the same location. The proposed tower will close a gap in Sprint's coverage.

Radio-frequency engineer Nooshin Zareian showed the Board the coverage map with and without the proposed tower as well as other towers that are either approved or under construction. Coverage with the proposed tower was shown on the plan.

Mr. Lacey said traffic counts demonstrate that Route 119 is a heavily traveled road, so coverage is needed. The

proposed tower is located 660 ft from the nearest structure, 138 ft from the lot line, and 306 ft away from the wetlands. The tower will be located on a level area in the middle of the woods so it will not be very visible. Mr. Lacey said Sprint explored alternate sites such as the New England Power Company easement. However height of the utility poles is only 75 ft and Sprint's tower must be 120 ft high.

Chairman Curtis read the comments submitted by the Board of Health, Conservation Commission, and Water Department.

Member Perkins said the coverage map shows the approved tower on Gibbet Hill covering a narrow area. She asked why coverage did not extend down Route 119. Ms. Zareian said the coverage is blocked by Brownloaf Hill.

Member Perkins asked if the access road entrance was moved as requested by the Planning Board. Mr. Lacey said, "yes." Site acquisition specialist Brady Goodell said the cut on Prescott Street is different, but otherwise the access road is in the same location.

Member Degen asked what tower is located near the Littleton-Groton town line. Mr. Lacey said the tower is located on the Spectacle Pond site owned by the Littleton Water Department. Member Degen asked why this tower does not cover Route 119. Ms. Zareian said, "no," it does not provide coverage for a long distance along Route 119. Sprint must provide coverage to the maximum number of people with the fewest sites possible.

Member Lewis asked what the length of the access road will be. Mr. Goodell said it will be about an 800 ft long road with a 12" gravel base.

Member Lewis asked if there will be a light on the tower. Mr. Lacey said, "no," a light is not required by the FAA.

Chairman Curtis requested comments from the public. He stated that the Planning Board can only consider matters under its jurisdiction and cannot address health issues which are covered by the Federal Telecommunications Act and Massachusetts Department of Public Health.

Judy Wilkus asked if she will be able to see 45 ft of the tower from her backyard. Mr. Lacey said, "no." He said Sprint will perform a balloon test so people will be able to see the location and height of the tower.

Chairman Curtis asked about photo simulations. Mr. Lacey said the photographs will be taken during the balloon test.

Mrs. Wilkus asked if the tower is visible from her lot, how will that affect the Board's decision to approve or not approve the special permit. Chairman Curtis said the Board will do what it can to minimize impact on abutters, but it cannot prohibit coverage under the Federal Telecommunications Act.

Mrs. Wilkus asked if there are other locations for the tower on land owned by the Massachusetts Baptist Church. Mr. Lacey said there are setback and wetlands issues if the tower is moved. This site is 660 ft from any residential structures and more than 300 ft from wetlands. In addition, if the tower is moved to a lower elevation, then the height of the tower must increase. Sprint uses a line of sight technology, so the tower must be taller than the surrounding trees.

Chairman Curtis said the Board can discuss alternative locations with the applicant. Mr. Goodell said Sprint looked for the best location on the site. Slopes, wetlands, setbacks, and screening were all taken into consideration. The proposed location is near the power lines and in a wooded, well-screened area.

Abutter Terry O'Neil said this spot is better than the previous location, but he is still not convinced that is the best spot on the 340 acres owned by the Baptist Church. He asked if there will be other carriers on the tower.

Chairman Curtis said the by-law encourages co-location because if there are more carriers on a tower, fewer towers will be needed.

Mr. O'Neil suggested moving the tower closer to buildings owned by the church and farther away from the abutters. Mr. Lacey said the proposed location meets the requirements of the by-law. The tower will be located more than 500 ft away from any structures.

Abutter Winnie Moy asked if Sprint will be the only one to use the tower. Mr. Lacey said, "no," Sprint will share with other carriers.

Mrs. Moy asked how many towers the Planning Board will approve. Chairman Curtis said the Board does not know at this time. All the carriers must provide coverage under the Federal Telecommunications Act.

Mr. Lacey said the proposed tower is designed for multiple carriers and the Planning Board can require that other carriers locate on this tower.

Mrs. Moy asked if the height of the tower will be increased when the trees grow taller. Member Degen said the trees will not grow as high as 120 ft.

Mrs. Moy asked if Sprint has a policy for nuisance compensation. Mr. Lacey said, "no."

Donna Grant said the proposed tower will ruin her backyard. She expressed concern about the impact on her property values if she can see the tower.

Lindy King of Whitaker Lane asked if Sprint had considered the land on the other side of Route 119. Chairman Curtis said the Board can require that the applicant explore other sites.

Scott Wilson stated that the applications are being submitted in a piecemeal manner. He asked if the Board can look at the situation town wide so the towers will be located only where they are needed.

Paul Wilkus asked if Sprint selected this site because the land belongs to the church. Mr. Goodell said Sprint approached the Baptist Church.

Mr. Lacey said more coverage could be provided if the height of the pole is increased. A natural canopy will help screen the tower, but you will still be able to see the tower above the tree line.

Member Lewis said the balloon test is a good indication of how visible the tower will be.

Member Degen requested that Sprint consider moving the tower farther back on the site to minimize the impact on abutters. He added that the Planning Board should hire an appraiser to perform a real estate study to determine impact on property values. Other members of the Board agreed.

Mr. O'Neil said the neighbors want to work with Sprint and the Church. He asked if the balloon test could be done on more than one day so everyone would be able to see it.

Sprint agreed to do the balloon test on Friday, May 3, from 12 noon to 7:00 PM and on Saturday, May 4 from 9:00 AM to 4:00 PM. The Board will walk the site on Saturday, May 4, 2002 at 9:00 AM.

The motion was made by Lewis that the balloon test be done with both a red and silver balloon.

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

Member Degen asked if Sprint will fund a real estate appraisal. Mr. Lacey said they must be sure the appraiser is familiar with this topic and they must have an estimate of the cost of the appraisal first.

Chairman Curtis stated that the Planning Board must be sure that this is the best site and that all other alternatives have been explored.

The Board voted unanimously to continue the public hearing on May 23, 2002 at 7:30 PM.

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator