

**GROTON PLANNING BOARD  
MAY 30, 2002  
MINUTES**

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

Members present: Degen, Clements, Eliot, Perkins, and Wilson

Members absent: Barringer and Lewis

**MEETING WITH GMAC**

The Board met with GMAC members Steven Webber, Susan Horowitz, Thomas McCuin, and Charles McKinney. Planning Consultant Ralph Wilmer was also present.

Mr. Willmer stated that he reviewed several by-laws from other communities, and the growth cap can be adopted as a stand-alone by-law or as an amendment to the existing § 218-28 Development Rate Limitation. It will be less confusing if the proposed growth cap and Development Rate Limitation provisions are merged into one section. The proposed draft suggests a cap of 80 permits in two years, a phasing technique for subdivisions, and points for achieving community goals such as open space and affordable housing.

Mr. McKinney said GMAC members think this approach will work and would like to avoid a rush of new preliminary plan submissions.

Mr. Webber said the present by-law slows down building in subdivisions, but the new proposal addresses the entire town.

Member Wilson said, as a member of GMAC, he supports the proposed draft provisions.

Member Perkins asked why there are exemptions for existing ANR lots and previously approved subdivisions, but there are no exemptions for affordable housing or conversion of existing dwellings.

Member Eliot added that special development provisions should be defined. Selectman Tom McCuin said this section is for projects such as Rivercourt Assisting Living Facility.

Member Perkins said TDR's should provide incentives for landowners to protect open space. She asked how the building permits will be issued if there are only 80 permits available in 24 months. Mr. Willmer said either on a first-come, first-serve basis or by lottery.

Member Clements said he hopes TDR's are not exempt, because they only benefit developers.

Vice Chairman Degen suggested that the Planning Board, not the Zoning Board of Appeals, be the Special Permit Granting Authority under the Special Development provisions.

The motion was made by Perkins to authorize an additional \$1000.00 from the Planning Consultant budget for FY 2002 so that GMAC can complete the work with Ralph Willmer of McGregor Associates. The motion was seconded and passed unanimously.

The Board will continue its discussion with GMAC on June 13, 2002 at 7:00 PM.

**PUBLIC HEARING – VOICESTREAM SPECIAL PERMIT**

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 Omnipoint Holdings, Inc., a wholly owned subsidiary of VoiceStream Wireless, for a special permit 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 Gibbet Hill Farms' approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Farm, LLC, shown as Assessors Map 116,

Parcel 3, on the northerly side of Lowell Road and Westerly side of Shattuck Street.

Vice Chairman Degen called the public hearing to order. Member Wilson read the notice published in the May 17 and 24, 2002 issues of *The Groton Herald*. Attorney Simon Brighenti and landowners Steven and Joshua Webber were present.

Members Degen and Wilson stepped down, so a quorum was not present. The motion was made by Perkins to continue the public hearing later in the meeting when other members might be in attendance. The motion was seconded and passed unanimously.

### **INFORMAL DISCUSSION – JOSPEH FALZONE, LAND ON FARMERS ROW**

*(Note: Member Degen stepped down.)*

The Board met with developer Joseph Falzone, design engineers Lawrence Beals and Donald Yonika, Attorney Ray Lyons, and Attorney Mark Johnson to discuss development of 160 acres of land located on Farmers Row and owned by the Marion D. Campbell Trust.

Mr. Beals described the site and showed slides depicting the scenic landscape including the orchard and farm buildings. He said Mr. Falzone would like to use the flexible and cluster development provisions of the by-law. He said an ANR plan will be submitted to create a few lots prior to the submission of the special permit applications. The Board noted that § 218-26 B Applicability states that the land may not be eligible for a special permit if ANR lots are created first.

Mr. Beals said they are performing soil tests but they would prefer not to test the orchard if it is not necessary. The Subdivision Regulations require that one in every four lots be tested – not all lots. The Board said it is premature to discuss soil testing at this time.

Member Degen decided that he did not have to step down because he no longer abuts other land owned by the Marion D. Campbell Trust. He added that all his previous issues have been resolved.

Member Degen asked if land could be set aside for a school site. Mr. Beals said 35% of the land must be open space. It is up to the Town to decide what it wants to do with the land. Planning Administrator Michelle Collette said § 218-26D Open Space requires that the land be donated to the Conservation Commission or be subject to a conservation restriction.

Mr. Falzone asked if the Board prefers cluster/flexible or conventional development. The Board responded that it prefers cluster or flexible development.

### **PUBLIC HEARING – VOICESTREAM SPECIAL PERMIT (con't)**

*(Members Degen and Wilson stepped down, so a quorum was not present.)*

The Board held the continuation of the hearing to consider the application submitted by VoiceStream for a special permit to install equipment on the approved telecommunication tower on Gibbet Hill.

Member Eliot chaired the meeting. She said she would prefer to invoke the “Rule of Necessity” under State Ethics Commission guidelines so the conflicted members can participate.

Josh Webber said the lot with the tower is now its own legal entity and is separate from Gibbet Hill Farms. Members Degen and Wilson may not be abutters at this time. However, he requested that the Board continue the public hearing to a time when all members can be present.

The Board voted unanimously to continue the public hearing on June 13, 2002 at 8:30 PM.

### **DISCUSSION WITH SELECTMEN**

Selectman Peter Cunningham and Selectman Tom McCuin met with the Board to discuss coordinating reports and opinions presented at Town Meeting. The recent Mill Run Place concept plan was cited as a recent example of the

Selectmen and Planning Board having differing opinions at Town Meeting.

Selectmen Cunningham said the Selectmen are concerned that the tax base is 97.5% residential and there is very little business in Town. The Board of Selectmen and Planning Board should be working together on this issue.

Vice Chairman Degen said the Planning Board articulated its reasons for not recommending the concept plan at Town Meeting. He said he would like the applicant to submit a new concept plan addressing the concerns expressed at Town Meeting. Selectman Cunningham said many of the Planning Board's concerns could be addressed during site plan review.

Planning Administrator Michelle Collette said the applicant did submit a new concept plan and the public hearing will be held on June 13, 2002.

Member Perkins said the Planning Board must consider many factors when it makes a recommendation to Town Meeting. Traffic and public safety concerns were major issues with the previous concept plan.

Member Eliot added that the voters rely on the Planning Board's recommendation to Town Meeting on zoning issues. The Board members struggled with many issues with this site such as the amount of impervious surface. She added that the Town must find a way to encourage business development.

Vice Chairman Degen noted that the Board supported many businesses including the Rocky Hill concept plan, CVS and Emerson Hospital, Groton Market expansion, the dry cleaners on Main Street.

Member Wilson said each case is unique and must be judged on its merits. He agreed that the Boards should try to work more closely together and attend each other's public hearings.

Selectman Cunningham noted that the majority of the voters supported the Mill Run concept plan. The amount of residential growth is out of proportion and the Town should be more receptive to business.

Member Eliot said the Town should appoint a commission to identify appropriate parcels for business use. The Town should approach this in a manner similar to Devens.

Selectman Tom McCuin suggested that land in the Town Center be zoned R-B rather than R-A to encourage more business use. Vice Chairman Degen said this idea is worthy of investigation.

### **PB APPEAL TO ZBA**

The Planning Board discussed its appeal to the Zoning Board of Appeals on the Building Inspector's determination that the application of herbicides (Diquat) in Lost Lake/Knops Pond is a permitted use under the Zoning By-Law § 2180-30 Water Resource Protection Districts. Selectmen Cunningham and McCuin were present for the discussion.

The Planning Board filed the appeal with the ZBA on May 24, 2002. The Board just received a copy of the letter dated May 29, 2002 from Town Counsel David Doneski to the Building Inspector. The ZBA will hold a public hearing on June 19, 2002.

The Board stated that its primary concern is based upon the overflow of Lost Lake into Whitney Pond (via Cow Pond Brook) and the potential impact on the public water supply wells off Whitney Pond.

Member Clements, also a member of the Conservation Commission, said he believes the risk is minimal and the benefits are great.

Member Degen said toxicologist Susan Sundstrom offered to prepare a risk assessment, but was never asked to do one. He said theoretically, Diquat adheres to the soil. He asked if the Selectmen knew the track record of Lycott Environmental, the firm hired by the Town to apply the herbicides.

Member Degen requested that the Selectmen ask not to apply the herbicides on June 5, 2002 as scheduled. He requested that the application not take place until after the ZBA's public hearing on the appeal.

Selectman Cunningham said the weeds are a public safety issue. Selectman McCuin said he felt very safe with his family using both public and private well water. Selectmen McCuin noted that Sargisson Beach will be closed for one week (June 5 to 12). The beach is not open seven days a week until school is out for the summer.

Member Eliot said her concerns are for the long-term application of herbicides over a period of years and the long-term effect of its use. She did not see a reason to postpone application scheduled for June 5, 2002.

Ray Lyons suggested that the weeds be controlled by a draw down, which can be very effective. If people have problems with their private wells during draw down, perhaps funding can be used to drill new wells or extend town water to the affected homeowners.

Member Degen reiterated his request that the Selectmen check into Lycott's history and postpone the application until after the ZBA's hearing. He asked if members of the Board were willing to seek an injunction in court to prevent the application from going forward. No members were willing to do so.

#### **WEST THRONE PERFORMANCE BOND**

The Board received a report dated May 24, 2002 from John Schmid of JNEI recommending that the Board hold \$75,864.65 in the bond. Member Degen expressed concern that this amount may not be sufficient to cover all the work detailed in the JNEI report.

The motion was made by Perkins to reduce the amount held in the agreements entitled, "Agreement and Contract - Town of Groton Planning Board; Medford Savings Bank; West Throne Subdivision – S & S Realty Trust" for the West Throne subdivision to \$100,000.00 to cover the items contained in the two reports dated May 24, 2002 from Judith Nitsch Engineering, Inc. (JNEI). The motion was seconded and passed unanimously.

The motion was made by Degen to extend the Agreement to May 30, 2003. The motion was seconded and passed unanimously.

#### **APPRAISAL SERVICES - AVERY ASSOCIATES**

The Board received an estimate from appraisers Avery Associates to review the appraisals submitted by Sprint for the proposed telecommunication tower on the Baptist Church property. The motion was made by Perkins to sign the agreement with Avery Associates for an amount not to exceed \$3000.00. The motion was seconded and passed unanimously.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

