

GROTON PLANNING BOARD**JUNE 27, 2002****MINUTES**

Chairman Degen called the meeting to order at 7:00 PM in the Town Hall

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

AMES MEADOW SUBDIVISION – TOWN FOREST SIGNS

The Board received a memorandum from the Town Forest Committee requesting installation of directional signs to the Town Forest. The conditions of approval of the Ames Meadow definitive plan require installation of such signs. The developer requested permission to install the signs some time ago, but the Sign Committee did not approve the signs.

The motion was made by Perkins to send the information to the developer and request that the directional signs be submitted to the Sign Committee for its review. The motion was seconded and passed with Degen, Barringer, Clements, Perkins and Wilson in favor; Eliot and Lewis abstaining.

ZBA PUBLIC HEARING

The Board discussed the ZBA public hearing that will be continued on July 10, 2002 to consider the appeal filed by the Planning Board on the herbicide application in Lost Lake/Knops Pond located in the Water Resource Protection District. Member Lewis expressed his opinion that the chemical application is beyond “normal household use” and is therefore prohibited in the Water Resource Protection Districts by-law. The Planning Board will meet on July 10, 2002 at 7:30 PM prior to the ZBA public hearing.

PUBLIC HEARING (con’t) –SPECIAL PERMIT, VOICESTREAM/GIBBET HILL

(Member Degen stepped down because he abuts other land owned by Gibbet Hill Farms.)

The Planning Board continued the public hearing to consider the application submitted by VoiceStream to add equipment to the approved telecommunication tower to be located on land owned by Gibbet Hill Farm, LLC. Attorney Simon Brighenti and Radio Frequency Engineer Raza Rizvi represented VoiceStream at the hearing.

Mr. Brighenti said he investigated the difference in coverage between standard-mounted and flush-mounted equipment as summarized in his letter dated June 17, 2002 to Planning Board.

Mr. Rizvi stated that there will be a difference in coverage and sound quality with flush-mounted equipment.

Member Lewis asked if it is only an issue of sound quality and clarity. Mr. Rizvi said the brackets would have to be installed at a downward tilt. Mr. Brighenti said the equipment should be offset from the tower so it can be moved up and down. Fine tuning will be needed. Pure flush mounting would not work, but VoiceStream is willing to install modified flush-mounted equipment. However, the applicant prefers standard-mounted equipment like the other carriers on the tower.

Member Eliot said she appreciated the modified flush-mounted design. She asked if the installation can be changed to flush mounted in the future as technology changes.

Member Wilson said the tower already exists for a good purpose. The tower was approved with standard equipment for other carriers. He asked why flush mounting this equipment would make a difference.

Member Eliot said her goals would be to enable other carriers to come back with flush-mounted equipment. Member Wilson said when the technology changes, the equipment can be retro-fitted.

Member Perkins said she agreed that standard-mounted equipment has already been approved for the other carriers on this tower.

Member Clements asked what will be the distance from the center of the tower. Mr. Brighenti said, “five feet.”

Vice Chairman Barringer said he could go either way. The Board asked the other carriers to investigate flush mounted equipment. Sprint and Cingular said they could not, and AT&T agreed to use flush-mounted equipment at the top of the tower.

Vice Chairman Barringer asked the elevation of VoiceStream's equipment. Mr. Rizvi said 128 ft from the ground.

Vice Chairman Barringer asked height of the fire tower. Mr. Brighenti said it is much lower.

Vice Chairman Barringer said if VoiceStream's equipment is modified flush mounted with a downward tilt, you must consider the impact on the fire tower. He said the Planning Board cannot consider health impacts, but the carriers must take this into account.

The Board voted unanimously to close the public hearing.

The Board will act on its decision at its meeting on July 11, 2002.

PUBLIC HEAIRNG (con't) – SPECIAL PERMIT, SPRINT/TABCOM

The Board continued the public hearing to consider the application submitted by Sprint to construct a 120 ft monopole tower on land owned by the American Baptist Churches of Massachusetts. Attorney Scott Lacey, land acquisition specialist Brady Goodell, and planner Michael Koperwhats of Vanasse, Hangen, Brustlin, Inc. (VHB) represented Sprint at the hearing.

Mr. Lacey submitted a visibility report prepared by VHB, dated June 2002. Mr. Koperwhats explained the visibility analysis and photo simulations. He said the model was prepared considering topography within a two-mile radius. He said the tower will be visible from areas adjacent to the site and from the top of Skyfields Drive. He said visibility of less than 3 to 5% is considered not highly visible. This site has a visibility of 1%.

Member Wilson said according to the plans, Sprint is proposing a platform antennae. He asked if an interior antennae could be provided instead. Mr. Lacey said, "yes."

Member Perkins asked if the pole would have to be wider. Mr. Lacey said, "yes." The proposed pole is 20 ft wide but it would have to be 26 ft wide with interior antennae.

Member Perkins said if co-location is still possible. Mr. Lacey said, "yes," if other carriers can utilize lower elevations on the pole.

Member Barringer asked what is the vertical distance required with interior antennae. Mr. Koperwhats said five to six feet. Member Barringer said does this leave room for co-location at lower elevations. Mr. Lacey said, "yes," depending upon the needs of the other carriers.

Chairman Degen said the by-law requires co-location, if possible. He prefers the look of the stealth tower and asked what other carriers can use this type of technology. Mr. Koperwhats said Nextel cannot, and Cingular needs two slots on one pole.

Chairman Degen asked if four of the six carriers can use this technology. Mr. Lacey said five of the six can, but Cingular needs more space.

Chairman Degen said the Board will ask its RF engineer for an opinion on this question.

Member Lewis asked what will happen if the sixth carrier comes in with an application for another tower because it cannot use this tower.

Mr. Lacey said the Town of Princeton only allows stealth towers.

Mr. Lacey submitted an appraisal and affidavit from the appraiser as requested by the Board. Mr. Lacey agreed that the appraisal will be submitted to Avery Associates for peer review as described in the proposal submitted by Avery

Associates to the Planning Board.

Mr. Koperwhats described the proposed access road which will have a four foot drop in two areas. These areas can be graded and stabilized with retaining walls or the low spots can be filled to provide better access to the site. The tree to be saved is shown on the plan, but a portion of the stone wall must be removed.

Member Barringer asked if the existing break in the stone wall can be used instead. Mr. Koperwhats said, yes.” Mr. Lacey said the plan will be modified to show the change.

Member Clements asked how the sound quality is affected with interior mounting. Mr. Koperwhats said the signal is weaker, but the technology is improving.

Chairman Degen asked the distance of the access road to Prescott Street. Mr. Koperwhats said it is 220 ft. Chairman Degen asked how the equipment will be delivered to the site. Mr. Koperwhats said on a flat-bed, tractor-trailer truck. Mr. Koperwhats added that the turning radius for the truck will be determined.

Member Lewis said it is up to the contractor to figure out how to deliver the equipment even if they have to close the road.

Abutter Judy Wilkus said she will have a seasonal view of the tower. She said she thought the applicant would be investigating alternative sites. She asked who would review the appraisal for the Planning Board.

Chairman Degen said the Board would send the appraisal to Avery Associates of Acton, MA. Brady Goodell said they explored several alternative sites on the 300-acre parcel owned by the Baptist Church. There are many constraints such as the 500 ft setback from any structures and the 150 ft setback from wetlands.

Member Lewis requested that Sprint submit a plan showing other sites that were investigated. Mr. Lacey said the other sites were not surveyed if they had other constraints. It would be difficult to locate them on a plan. Member Lewis said an exact survey is not necessary – just show circles on the plan and explain why the other sites were eliminated. The Board agreed that this information would be helpful.

Abutter Terry O’Neil said he was not notified when the balloon test would take place. Members of the Board said the June 1, 2002 date was determined at the public hearing on May 23, 2002. Written notice of the balloon test is not sent to abutters.

Mr. O’Neil asked if the tower is visible for less than 1% of the area, how much of that area is owned by the Baptist Church. He said he understood that the Planning Board requested the applicant to look at other sites either on land owned by the church or on land owned by others. He said it is his impression that Sprint is being disingenuous about investigating other sites on land owned by the church. The first site was selected because it was the least obtrusive to the church’s activities. He said if the applicant needs a slope variance anyway, why not request a variance for setback from structures owned by the church. The church’s structures are not inhabited 365 days a year. Mr. O’Neil said the letter from Sprint’s attorney to the ZBA requested a continuation of the ZBA hearing because Sprint was looking into other sites.

Mr. Lacey said they were investigating a 700-acre site on Route 119. However, that land will be subdivided and they do not know where the houses will be located at this time. In addition, the 700-acre parcel would require a much longer access road and the grades are very steep. Construction of the access road would require blasting ledge.

Mr. O’Neil reiterated his concerns about not knowing about the June 1 balloon test so he could have taken pictures from various locations.

Member Perkins said the Board is requesting its consultants to review the visibility report and the appraisals.

Chairman Degen added that the Board will receive written reports from its consultants – RF engineer David Maxson and appraiser Avery Associates. The Board must review the special permit application in accordance with the Zoning

By-law including the 500 ft setback from existing buildings.

Mr. Lacey said the By-law was adopted by a vote of Town Meeting and can be amended by a vote of Town Meeting. The applicant must comply with what the Zoning By-law requires.

Debra Nicholson said Sprint's representatives took photographs from her driveway without her permission. Mr. Lacey said they should not have been on her property. The engineer said he thought he had consent and apologized for the error.

The Board will request that RF engineer David Maxson attend the continuation of the public hearing. The Board may also request that Jonathan Avery attend, depending upon his analysis of Sprint's appraisal.

The Board voted unanimously to continue the public hearing on August 8, 2002 at 7:30 PM.

PUBLIC HEARING (con't) – HANNAFORD GROCERY STORE CONCEPT PLAN

The Board held the continuation of the public hearing to consider the Hannaford Grocery Store concept plan. Attorney Robert Collins represented the applicant at the hearing.

In his letter dated June 26, 2002, Mr. Collins requested that the Board continue the hearing until some time in August. Mr. Collins said the applicant needs time to meet with the abutters and prepare revisions to the plan.

Member Lewis suggested sending a memorandum to the Board of Selectmen requesting that the Planning Board be given adequate time to review the concept plan before Town Meeting.

Member Perkins agreed and suggested that November might be a good time for a Special Town Meeting. Other members said the Board should not recommend a specific date.

Abutter Carrie Kneeland said the abutters already met with the applicant. The sooner the Town Meeting is held, the better.

Abutter Ronald Alcott said the plan was voted down at the Annual Town Meeting so he did not understand the rush to schedule another Town Meeting.

Mr. Collins said Hannafords cannot wait forever. An extension to the Purchase and Sales Agreement was granted – but it is not forever.

Chairman Degen said the Planning Board is not required to make a recommendation to Town Meeting according to the letter dated June 27, 2002 from Town Counsel.

Mr. Collins said he prefers that the Selectmen not set the date for Town Meeting until the hearing process is concluded. The Board asked Mr. Collins to send a letter to the Selectmen stating his request for additional time. Mr. Collins said he would do so.

The Board voted unanimously to continue the public hearing on July 25, 2002 at 7:30 PM.

The motion was made by Perkins to send a memorandum to the Selectmen requesting that the Selectmen give the Planning Board adequate time to review the Hannaford Grocery Store concept plan prior to the Special Town Meeting and indicating that the Planning Board's request is based upon the applicant's need for more time as detailed in the letter from Attorney Collins. The motion was seconded and passed unanimously.

PRE-SUBMISSION REVIEW – LAWRENCE ACADEMY

(Member Wilson stepped down because he is an abutter.)

The Board met with Lawrence Leizure of Lawrence Academy and Stephen Mullaney of David Ross Associates for a pre-submission review of Lawrence Academy's proposed new dormitory and classroom building as summarized in the

information packet dated June 21, 2002 prepared by David Ross Associates.

Mr. Mullaney stated that the school would like to begin construction this fall with completion this spring. Mr. Mullaney said the project is exempt as an educational use under Chapter 40A, section 3. Lawrence Academy is requesting a waiver of the number of required parking spaces as well as the need to provide information on lighting, signage, and landscaping. Mr. Mullaney also requested that a traffic study not be required for this Level II submission.

Member Lewis said the Board must review the parking requirements. An overview of the total parking available on the campus would be helpful. He said Lawrence Academy does an excellent job with landscaping, but he would still like to see a planting plan submitted with the site plan.

Member Lewis also mentioned the problem the First Parish Church is having with groundwater breakout in the area of Lawrence Academy's tennis courts. He asked if the engineer would observe groundwater elevations during construction.

Member Perkins said information on drainage is required, but she did not have a problem waiving the traffic study.

Member Clements said he would like to review lighting, signage and landscaping.

Member Barringer agreed that the traffic study could be waived, but details on lighting, signage and landscaping should be submitted with the site plan.

Chairman Degen agreed. He suggested using underground retention structures if possible. He said the amount of pavement could be reduced by parking on turf.

LETTER FROM THE BOARD OF SELECTMEN

The Board discussed the letter dated June 24, 2002 from the Board of Selectmen to the the Planning Board via e-mail. The letter took issue with various statements to the press made by Chairman Degen. The Board said Chairman Degen should make it clear when he is or is not speaking on behalf of the Planning Board.

The motion was made by Barringer that the Planning Board not respond to the Selectmen's letter or meet with the Selectmen to discuss it because it is not germane to the Planning Board. The motion was seconded and passed unanimously.

GROTON SCHOOL TEMPORARY CLASSROOMS

The Board met with Attorney Robert Collins to discuss his letter dated June 20, 2002 requesting waiver of site plan review for Groton School's temporary classrooms. Mr. Collins said the temporary structures will be situated behind the Visual Arts Center and will remain in place for about five years. The area is presently being used for construction equipment. No new parking is required, there will be no foundation, and there are no wetlands in the area.

Board members agreed that the temporary classrooms will have minimal impact. However, the Board wanted the plan to be circulated to public safety officials for comment. The Board also requested that the temporary structures be set back at least 15 ft from the access road. Mr. Collins agreed.

The motion was made by Lewis to approve the Phase I site plan for temporary classrooms submitted by Groton School as described in the attached letter dated June 20, 2002 from Attorney Robert Collins. The Board approved the site plan with the following conditions:

1. The structure shall be setback a minimum of 15 ft from the access road.
2. The public safety officials shall approve the plan prior to building permit issuance.
3. All disturbed areas will be landscaped after the temporary structures are removed.

The motion was seconded and passed unanimously.

The Board also discussed the letter dated June 20, 2002 from Attorney Collins to the Building Inspector regarding the height of Groton School's proposed performing arts center. Mr. Collins said the building will exceed the 35 ft height limitation in the Zoning By-law. However, he believes that the school is exempt from this zoning requirement and cited the recent Mormon Church decision in Belmont, MA. The Board said the Building Inspector must make this determination as zoning enforcement officer

GILSON ESTATES BOND

The Board received a request from Mark Scolnick of Gilson Estates Trust for a release of an expired insurance bond for the Gilson Estates subdivision. The motion was made by Lewis to release the performance Bond No. 134499 from the Frontier Insurance Company because the Board is now holding a Gulf Insurance Company bond dated November 20, 2001. The motion was seconded and passed unanimously.

Meeting adjourned at 10:30 PM

Respectfully submitted,

Michelle Collette
Planning Administrator