

GROTON PLANNING BOARD

JULY 11, 2002

MINUTES

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

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

ACCESS ADEQUACY DETERMINATIONS

Whitewood Road – The Board considered the request for determination of access adequacy submitted by Patrick Blouin for Whitewood Road. Attorney Ray Lyons represented the applicant at the meeting.

Mr. Lyons submitted a survey prepared by David Ross Associates showing the lot and right-of-way of Whitewood Road owned by the Groton Conservation Trust. Mr. Lyons said fire trucks can easily access the 15-18 ft wide, gravel road.

Member Perkins asked who will be responsible for plowing and other maintenance. Mr. Lyons said the road is not a paper street – it is constructed and passable today. He suggested that the Planning Board include as a condition of approval that there be “no parking” within the right of way of the road.

Vice Chairman Barringer read the comments submitted by the Building Inspector.

Member Lewis said the improvements must be done with the consent of the owner of the road. He asked about constructing a “t” turn-around. Mr. Lyons said the Groton Conservation Trust would like to see minimal disturbance to the land in this area. Member Perkins said the public safety officials did not request a “t” turn-around.

Abutter Beth Montgomery said when she built her house at the end of Whitewood Road, a “t” turn-around was not required.

Vice Chairman Barringer asked where vehicles will park if they cannot park along the road. Mr. Lyons said vehicles will be parking on Mr. Blouin’s lot.

(Chairman Degen arrived.)

Member Degen asked if the Town plows Whitewood Road. Mr. Lyons said, “yes.”

The motion was made by Lewis to determine that Whitewood Road is adequate with the following conditions:

1. The road must be improved to a width of 16 ft with an 8” gravel base from the end of the existing pavement to the end of frontage of the applicant’s lot.
2. There shall be no parking in the right-of-way.
3. The consent of the owner of the road is required before the road can be improved.
4. It is the applicant’s responsibility to maintain adequate access to the lot at a standard acceptable to the public safety officials.

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

Valley & Tamarack Roads – The Board reviewed the request for determination of access adequacy submitted by real estate broker Richard Collango for Valley Road and Tamarack Road. The motion was made by Lewis that the Board take no action because the landowner did not sign the application and the application is incomplete. The motion was

seconded and passed unanimously.

SPECIAL PERMIT DECISION – VOICESTREAM/GIBBET HILL

(Chairman Degen stepped down because he is an abutter to land owned by Gibbet Hill, LLC)

The Board reviewed the draft special permit decision for VoiceStream to add its equipment to telecommunication tower on Gibbet Hill. VoiceStream's attorney, Simon Brighenti, was present.

The Board debated whether to permit standard-mounted or flush-mounted antennae. The applicant is willing to install flush mounted equipment. Member Wilson said the other carriers already have approval for standard mounted equipment, so he did not see the benefit of requiring flush mounted for this one carrier. Vice Chairman Barringer said using modified flushed mounted equipment reduces the visibility by 20%. Member Lewis said he prefers the flush-mounted equipment if it will reduce visibility and if the applicant is willing to install it. Mr. Brighenti said flush-mounted equipment has lower capacity, but it will serve their needs for now and well into the future.

The motion was made by Perkins 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 Gibbet Hill Farms' approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Farm, LLC. The Planning Board granted the special permit based upon the following findings and with the following 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 additional antennae array on the Gibbet Hill Farm LLC approved 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 safety issues associated with the addition of the antennae array on Gibbet Hill'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 array will be installed at 128 feet elevation AGL on Gibbet Hill's approved tower. 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 additional antennae array 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 Gibbet Hill 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 construction of an additional antennae array on the tower for the benefit of VoiceStream will not alter the fiscal impact on the town of this personal wireless facility. 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 antennae array on the Gibbet Hill tower is necessary to provide coverage to the area.
8. The applicant is co-locating its equipment on an approved 150 ft monopole.

Conditions:

1. VoiceStream's equipment will be installed at 128 feet elevation AGL on Gibbet Hill, LLC's approved tower which is subject to conditions in Special Permit 2002-05 granted by the Planning Board on February 7, 2002.
2. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.
3. The telecommunications facility will comply with all applicable conditions enumerated in Special Permit 2002-05 granted to Gibbet Hill Farm LLC by the Planning Board on February 7, 2002.
4. 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.
5. 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.
6. The visual impact of any personal wireless services facility and any personal wireless services tower shall be minimized to the maximum extent possible. The additional antenna installed by VoiceStream shall be designed and constructed as a Modified Flush Mount antenna array as described and offered by the Applicant in the public hearing process. The additional antennae array installed on the tower by VoiceStream shall be the same color and finish as other approved carriers' equipment on the tower.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.

(Member Eliot arrived.)

SITE PLAN REVIEW – KEN CHRIS MURPHY REALTY TRUST

The Board continued its review of the site plan submitted by Ken Chris Murphy Realty Trust. Design engineer Dan Wolfe of David E. Ross Associates was present.

Mr. Wolfe said the Historic Districts Commission approved the plan and issued a Certificate of Appropriateness. All the changes requested by the Board are shown on the revised plan.

Member Eliot asked which trees will be removed. Mr. Wolfe said they are designated on the plan. Member Eliot expressed concern that the site construction would endanger the survival of the trees to remain, especially the large tree near Hollis Street. Mr. Wolfe said there are 30 paved parking spaces required by the Planning Board. Four handicapped accessible spaces will be provided.

Chairman Degen expressed concern about one of the accessible spaces causing damage to the specimen tree. He asked if this space could be left unpaved or eliminated to preserve the tree. Mr. Wolfe said the accessible spaces must be paved, and they are situated in different locations to provide access to separate areas of the building.

Abutter Richard Curtis asked about the lighting plan. Mr. Wolfe said all the overhead lights will be replaced with shielded lamps on posts as shown on the detail submitted to the Board. Mr. Curtis expressed concern that lights not shine on abutting properties. Members of the Board agreed that lighting is an important consideration.

Member Eliot reiterated her concerns about preserving existing trees. She said if the trees to be saved die, they should be replaced with 5-6" caliper trees. She also said there should be vertical granite curbing along the sidewalk instead of Cape Cod berms. Other members of the Board agreed. Mr. Wolfe agreed to change the plan to show vertical granite curbing near the sidewalk.

The Board will act on the site plan at its meeting on July 25, 2002.

GIBBET HILL LAND PRESERVATION

(Chairman Degen stepped down because he is an abutter to land owned by Gibbet Hill, LLC)

The motion was made by Lewis to authorize Member Scott Wilson and Planning Administrator Michelle Collette to write a letter of support to EOEIA Secretary Robert Durand and others in support of funding to acquire conservation restrictions to protect Gibbet Hill and Angus Hills. The motion was seconded and passed unanimously.

MEETING WITH MARK BOBROWSKI

The Board met with Attorney Mark Bobrowski to discuss the implementation phase of the Comprehensive Master Plan. The Board said it would like to focus on the following areas:

- Water Resource Protection Districts
- Hilltop & Slope Zoning
- Conservation Zoning Techniques including:

Major Residential Development
Flexible and Cluster Development
TDR provisions

Mr. Bobrowski will prepare a contract with a scope of services and fees for the Board's consideration. The Board will

meet with Mr. Bobrowski on September 12, 2002 to discuss the Water Resource Protection Districts provisions.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator