

**GROTON PLANNING BOARD  
JANUARY 8, 2004  
MINUTES**

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

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

**SITE PLAN REVIEW – RAYMOND LELIEVRE, TOWNLINE ROAD**

The Board reviewed the site plan submitted by Raymond Lelièvre to convert an existing, 1960 sq ft building from a single-family house to an office building. The business-zoned property is located on Townline Road (Route 119) near the Townsend and Pepperell borders. Mr. Lelièvre said he plans to use the current parking area along Route 119.

Members of the Board expressed concern about the possibility of cars backing out onto Route 119. ViceChairman Degen stated that §218-23 Off Street Parking prohibits parking lot configurations with cars backing out onto a public way. A variance from the Zoning Board of Appeals (ZBA) would be required. Member Lewis explained that lighting, dumpsters, drainage, and snow stockpiles are all matters of concern during the site plan review process.

Member Perkins asked about the location of the sewage disposal system. Mr. Lelièvre pointed it out on the plan. Member Perkins asked how many offices would be in the building. Mr. Lelièvre said four.

The Board encouraged the applicant to work with a professional engineer to design the parking lot for this site. Mr. Lelièvre said he did not think the parking lot would be an issue because the existing building had been used as a business in the past. He said he is not planning to change the paved parking lot.

Member Eliot said elevations must be shown on the plan so the Board can evaluate the flow of runoff and the drainage system. She asked Mr. Lelièvre if the property has access on Proctor Road. Mr. Lelièvre said it does not have access on Proctor Road at the present time, but he would consider adding a driveway on Proctor Road. However, he noted that there is an existing house nearby on the abutting property on Proctor Road.

Vice Chairman Degen read comments from the Police Chief, the Board of Health, the Sewer Department, and the Water Department.

Members of the Board will walk the site on their own time.

The Board voted unanimously to extend the deadline to January 31, 2004 as requested by the applicant.

The Board voted unanimously to continue its review of the site plan on January 29, 2004 at 7:30 PM.

**LOST LAKE FIRE STATION**

The Board considered a request from the Building Committee to waive the width of pavement for the access road to the parking lot at the Lost Lake Fire Station. The addition to the fire station is presently under construction. Planning Administrator Michelle Collette said the area in question is near the slope along the edge of the concrete sidewalk. The access road is currently paved with a width of 26 ft, including the area for the asphalt berms. TheSite Plan Review Regulations require a pavement width of 24 ft. The Committee is requesting waiver to allow a width of 20 ft or 22 ft in this location so that the slope along the edge of the sidewalk will not be as steep. The landscaping plans shows landscape timbers and junipers along the slope between the sidewalk and the driveway.

The Board received a memorandum dated January 8, 2004 from the Fire Chief supporting the request for a waiver because there will be sufficient width for fire trucks to access the parking lot and rear of the building.

The motion was made by Lewis to waiver the pavement width to 20 ft along the edge of the concrete sidewalk on the southerly side of the building. *The motion was seconded and passed unanimously.*

# **GIBBET HILL RESTAURANT**

The Board met with Joshua Webber regarding a minor change in the site plan for the Gibbet Hill Restaurant. Mr. Webber said the Board approved the site plan for a 200-seat restaurant and a 200-seat function hall. The restaurant will have only 180 seats rather than 200. The plan for 400 seats required 205 parking spaces, and the Board granted a waiver to allow 173 spaces with 24 overflow spaces. The revisions to the plan with 380 seats requires 189 spaces, so the revised plan is in closer compliance with the parking requirements.

Mr. Webber said he would like to remove eight overflow parking spaces in order to modify the footprint of the function hall. He presented a revised plan showing the proposed change and a calculation of parking spaces. The change will be shown on the as-built plan.

*(Chairman Barringer arrived.)*

The motion was made by Lewis to accept the change as a minor modification to the function hall and number of parking spaces. ***The motion was seconded and passed with Degen, Clements, Eliot, Lewis, Perkins, and Wilson in favor; Barringer abstaining.***

# **SPECIAL PERMIT DECISION – VERIZON ON GIBBET HILL TOWER**

The Board deliberated its decision on the special permit for Verizon to locate its equipment on the Gibbet Hill tower. Town Counsel Patricia Cantor, Verizon's Attorney James Valeriani, Verizon's RF Engineer Jarod Robinson, tower-owners Steven and Joshua Webber, and abutter Bill Willcox were present.

The Board reviewed two separate draft decisions, one for approval of standard-array equipment and the other for approval with a condition for flush mounted equipment.

Chairman Barringer stated that no other carriers were required to flush mount equipment on this tower. AT&T and T-Mobile agreed to do so voluntarily. Nextel was allowed to install its standard array without any peer review by the Board.

Member Degen said the Board has had a learning curve with applications for telecommunication towers. The Board hired David Maxson to review the application and has been working with Town Counsel on this matter. The applicant did not demonstrate that there would be a significant gap in coverage.

Member Clements said because Verizon's equipment will be installed at a higher elevation, it should be flush-mounted.

Chairman Barringer noted that the applicant stated that it could not install all its equipment in the 10 ft leased area on the tower if the equipment is flush mounted.

Member Degen said the proposed microwave dish is a luxury. The Board cannot differentiate between the types of Personal Wireless Services Facilities. The Board is not denying coverage to the area.

Town Counsel Patricia Cantor said the law states that the applicant must prove that there is a gap in coverage. However, 100% coverage is not the standard. Small gaps are not considered a prohibition in service. A decision with a condition to flush mount would be defensible.

The Board reviewed the reports dated November 6, 2003 and December 18, 2003 from its consultant, David Maxson of Broadcast Signal Lab.

Chairman Barringer asked if financial impact on the applicant could be considered a denial of service. Town Counsel Patricia Cantor said the Board must base its decision on the record of the proceedings.

Member Degen noted that the applicant made statements at the November 6, 2003 public hearing regarding the standard array and relocation of the microwave dish from the DEM fire tower to the Gibbet Hill Tower. Town

Counsel said the statement in the minutes should be referenced in the Board's findings.

The motion was made by Lewis to recess from the special permit deliberations in order to approve minutes of the proceedings. *The motion was seconded and passed unanimously.*

## MINUTES

The motion was made by Lewis to approve the minutes of November 6, 2003. *The motion was seconded and passed unanimously.*

The motion was made by Lewis to approve the minutes of November 13, 2003. *The motion was seconded and passed with Barringer, Clements, Eliot, Lewis, Perkins, and Wilson in favor; Degen abstaining.*

The motion was made by Lewis to approve the minutes of November 20, 2003. *The motion was seconded and passed with Barringer, Clements, Eliot, Lewis, Perkins, and Wilson in favor; Degen abstaining.*

The motion was made by Lewis to approve the minutes of December 4, 2003. *The motion was seconded and passed with Barringer, Clements, Degen, Lewis, Perkins, and Wilson in favor; Eliot abstaining on the portion involving Children's Extended Care.*

The motion was made by Lewis to approve the minutes of December 11, 2003. *The motion was seconded and passed with Barringer, Clements, Degen, Eliot, Lewis, and Perkins in favor; Wilson abstaining.*

## SPECIAL PERMIT DECISION – VERIZON ON GIBBET HILL TOWER

The Board continued its deliberations on the Verizon special permit.

Attorney Valeriani requested that his letters dated September 19, 2003 and November 6, 2003 be part of the record of the proceedings. The Board said the materials would be referenced in the decision.

The motion was made by Clements to grant a special permit, subject to § 218-25.1 Personal Wireless Services Facility, and approve the site plan, subject to §218-25 Site Plan Review, to Cellco Partnership, dba Verizon Wireless, to collocate antenna and required ground equipment on Gibbet Hill Tower's approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Tower, LLC, 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:

#### §218-25.1:

1. The addition of this antennae array is consistent with and complies with §218-25.1 H (6) and (7) that antennae be co-located wherever possible and that towers be "designed and constructed to accommodate the maximum number of uses technically practical..."

The Planning Board granted Special Permit 2002-05 on February 15, 2002 to Gibbet Hill Farm, LLC, for construction of a 150 ft telecommunication tower. The Board waived the 120 ft height limitation in order to provide all extant licensed carriers sufficient space to collocate on the tower.

Special Permit 2002-05, Finding #8 states:

"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.”

2. The applicant has not demonstrated to the Planning Board's satisfaction that the location of the Verizon's standard antennae array on the Gibbet Hill tower is necessary to provide personal wireless services coverage to the area. The applicant submitted the following evidence to the Board:
  - Affidavit from Radio Frequency Engineer Jared Robinson (Item #4)
  - Three Radio Frequency Plots showing “Existing coverage”, “Coverage without Groton Site”, and “Proposed Coverage” (Item #9 submitted with the application)
  - Letter dated November 12, 2003 from Attorney James Valeriani in response to the Board's request that Verizon flush mount its equipment
  - The minutes of November 6, 2003 state:
 

“Mr. Valeriani said the 150 ft monopole was approved two years ago with four carriers. When Verizon moves its equipment to the new tower, it will increase its coverage by 58%. The PCS overlay and microwave dish will be installed on the tower as well. The microwave dish must be at least 95 ft to connect with the South Acton tower. Mr. Valeriani said Verizon's needs are different than other carriers. He noted that Verizon's proposed installation is smaller in diameter than Nextel's.”
3. The Planning Board believes that flush mounting equipment will not have the effect of prohibiting coverage. The applicant did not submit radio frequency plots to the Board demonstrating coverage with flush mounted equipment. At the present time, the applicant has equipment located on the nearby DEM fire tower. Coverage maps submitted by the applicant show that there is currently adequate coverage from the equipment on the DEM fire tower to provide service to the area.
4. The Planning Board granted a special permit on February 15, 2002 for the construction on the tower at a height of 150 ft, which exceeds the 120 ft height requirement in §218-25.1H (2). The equipment will be located at elevation  $\pm 138$  ft between two other carriers with flush-mounted equipment - AT&T at 150 ft and VoiceStream at  $\pm 128$  ft. Standard array antennae are located at elevations below 120 ft with Nextel at  $\pm 108$  ft and Sprint at  $\pm 118$  ft AGL.
5. The Board received a report dated November 5, 2003 from its consultant, David Maxson of Broadcast Signal Lab, evaluating the documents submitted by the applicant. The Planning Board's consultant concluded that equipment on the DEM fire tower and flush-mounted equipment on the Gibbet Hill tower would provide coverage to the service area.
6. The Board received a letter dated November 6, 2003 and photographs from abutters Bill and Susan Willcox and Timothy Steel regarding adverse visual impact on their properties

## §218-32.1

1. **Social, economic and community needs:** The additional antennae array on the Gibbet Hill Tower 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 and additional equipment as designed.

4. **Neighborhood character:** The additional personal wireless services equipment will be installed at the 130-140 ft elevation AGL on Gibbet Hill's approved tower. The antennae is co-located on an existing tower thereby minimizing impact on the neighborhood character in contrast to the applicant erecting an additional tower in or near the same location in order to serve its needs.

The letter and photographs from Willcox and Steel show why flush-mounting the equipment to be installed at 130 – 140 ft elevation on the existing tower will help minimize adverse visual impact on abutters.

The tower, located in a very scenic vista, is visible from the Town Center, Route 40, and Hollis Street as shown in the photographs submitted with the application (Item #5). The area surrounding the lot with the tower is subject to a permanent conservation restriction purchased by the Commonwealth of Massachusetts and the Town of Groton. In addition, the tower is visible from the Historic Districts.

The Planning Board approved the selection of the site for the existing tower because it would have less visual impact than a tower situated at the top of Gibbet Hill and would provide sufficient space for collocation. The flush mounted equipment will have less visual impact than a standard array installed at the proposed elevation of  $\pm 138$  ft.

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 construction of an additional antennae array on the tower for the benefit of Verizon will not alter negatively 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.

### Conditions:

1. Verizon's equipment will be installed between the 130 and 140-ft elevations AGL on Gibbet Hill Tower, LLC's approved tower that 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 Tower 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 antennae array installed on the tower by Verizon shall be the same color and finish as other approved carriers' equipment on the tower and will be oriented so that the plane faces of the antennae arrays are in the same plane as other existing arrays on the tower.
7. Verizon shall flush mount its equipment to minimize visibility because the 130-140 ft lease space is located

above the 120 ft limit in §218-25.1H(2).

8. As offered by Verizon at the public hearing, landscaping shall be provided to screen the abutting property shown as Assessor's Lot 224-21. The applicant shall submit a landscaping plan to the Planning Board for its review and approval prior to the issuance of a building permit. The landscaping shall be installed prior to final sign-off by the Building Inspector. The Planning Board encourages the applicant to work with the abutting property owner on the proposed landscaping plan.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. This special permit runs with the land and applies to any successor in interest or successor in control.

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

## **MINUTES**

Member Degen requested that the Board approve its minutes on a weekly basis. The Board agreed.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette  
Planning Administrator

