

GROTON PLANNING BOARD

JUNE 10, 2004

MINUTES

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

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

Members absent: Barringer

PUBLIC HEARING – ROCKY HILL SPECIAL PERMIT

The Planning Board opened the continuation of the public hearing to consider the application submitted by Fox Meadow Realty Trust for the Rocky Hill development. The Board voted unanimously to continue the public hearing for the Rocky Hill special permit and definitive plan to June 17, 2004 at as requested by the applicant.

PUBLIC HEARING – SAMANTHA REALTY TRUST SPECIAL PERMIT

The Planning Board opened the continuation of the public hearing to consider the application submitted by Samantha Realty Trust to renovate an existing building and construct a new building at 785 Boston Road, located in a Zone III Water Resource Protection District. The applicant requested that the public hearing be continued to a date when the traffic engineers could be present. The Board voted unanimously to continue the public hearing on June 17, 2004 at 8:30 PM.

PUBLIC HEARING – GROTON POLICE TELECOMMUNICATION TOWER

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 Groton Police/NEMLEC for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to add two police antennas to Gibbet Hill Tower's approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Tower, LLC, shown as Assessors Map 224, Parcel 49, on the northerly side of Lowell Road and Westerly side of Shattuck Street.

Chairman Eliot called the public hearing to order. Clerk Degen read the notice published in the May 28 and June 4, 2004 issues of *The Groton Herald*. Police Chief Robert Mulhern was present.

Chief Mulhern presented the plan to add two antennae to the existing telecommunication tower on Gibbet Hill. He said the North East Massachusetts Law Enforcement Council (NEMLEC) is comprised of 43 communities in Middlesex and Essex Counties. NEMLEC provides rapid response teams in emergencies. The equipment on Gibbet Hill is required for communications among the police departments. The antennae will be installed within the existing space on the tower and will not be installed above the top of the tower.

Members of the Board all agreed that this is a good location for the equipment and in the interest of public safety.

The Board voted unanimously to close the public hearing.

The motion was made by Lewis to GRANT a special permit to Groton Police/NEMLEC to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to install two antenna on Gibbet Hill Tower's approved 150-foot monopole style telecommunications tower on land owned by Gibbet Hill Tower, 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:

1. **Social, economic and community needs:** The additional antenna on the Gibbet Hill Farm LLC approved 150-ft monopole telecommunication tower will serve the communications needs of NEMLEC within the Town of Groton and 42 communities in Middlesex and Essex Counties.
2. **Traffic flow and safety:** There are no traffic flow or safety issues associated with the addition of the antenna

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 antenna will be installed below the 150 feet elevation AGL on Gibbet Hill's approved tower. The antenna will be an "omnidirectional fiberglass antenna," approximately 12.8 feet in length and 2.75 inches in diameter as shown on the diagram submitted by the applicant. The antenna will not be very visible from surrounding areas.
5. **Impacts on the environment:** The additional antenna 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 the antenna on the tower for the benefit of NEMLEC will enhance the Town's public safety departments' ability to communicate and provide services in an emergency.
7. The applicant is co-locating its antenna on an approved 150 ft monopole tower owned by Gibbet Hill Tower, LLC.

Conditions:

1. NEMLEC's equipment will be installed below 150 feet elevation AGL on Gibbet Hill, LLC's approved tower that is subject to conditions in Special Permit 2002-05 granted by the Planning Board on February 7, 2002. The antenna will be an "omnidirectional fiberglass antenna," approximately 12.8 in length and 2.75 inches in diameter as described in the specifications submitted by the applicant.
2. The equipment shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.
3. The equipment 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. 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.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.

GROTON DUNSTABLE REGIONAL HIGH SCHOOL EMERGENCY VEHICLE ROAD

The Board learned from several sources that the emergency vehicle access road at the high school had been used for general traffic leaving the site after graduation. The motion was made by Degen to send a letter to the Groton Dunstable Regional School District stating that such use of the emergency vehicle access road was in violation of the site plan approval and terms of the conservation restriction. ***The motion was seconded and passed unanimously.***

GROTON DUNSTABLE HIGH SCHOOL MAINTENANCE SHED

The Board received the final site plan of the Groton-Dunstable Regional High School maintenance shed. The motion was made by Perkins to endorse the site plan entitled, "Site Plan of Land in Groton, MA, Prepared for Groton Dunstable Regional School District," prepared by David E. Ross Associates, Inc., dated May 5, 2004. ***The motion was seconded and passed unanimously.***

PRE-SUBMISSION REVIEW – WILLIAMS BARN

(Members Clements and Degen stepped down because they are members of the Committee.)

The Williams Barn Committee presented a diagram of the Williams Barn parking area to the Planning Board for discussion purposes.

Member Lewis asked who owned the land. Bruce Clements said the Conservation Commission does, but the Williams Barn Committee manages the barn. Member Lewis said he believes the barn should be on a separate parcel from the 100-acre conservation site. He then left the meeting.

Mr. Clements said the Committee would like to use the barn for certain functions and for a weekly farmers' market. There is an existing stone-dust parking area. If more parking is needed for functions, there is room in the field behind the barn. Mr. Clements requested that the Committee not be required to submit a Level II site plan.

Member Perkins expressed concern about dangerous access onto Chicopee Row. She said cars must not be allowed to park on Chicopee Row.

Chairman Eliot said the site plan should be submitted as a Level I and circulated to other town departments for comment.

Mr. Clements said the Committee was hoping to begin the Farmers Market in July. The Board said it would try to expedite the site plan review process.

ACADEMY HILL UPDATE

The Board met with Bruce Wheeler and Brian Ahern of LandWest, design engineer Lawrence Beals, Attorney Louis Levine, and Attorney Ray Lyons to discuss the Academy Hill development.

Mr. Beals presented a progress print of a proposed modification to the approved Academy Hill definitive plan. The proposed changes to the plan were negotiated with the Natural Heritage and Endangered Species Program (NHESP) as part of the MEPA process. The roadway design is the same as shown on the approved definitive plan, but the through road will be gated and used by emergency vehicles only. The total number of units has been reduced from 106 to 94. The 12 bonus units (six single-family and six multifamily) have been removed.

Member Perkins said she is uncomfortable discussing the plan without a public hearing and notice to the abutters. Mr. Beals said they were looking for guidance from the Planning Board before submitting an application to modify the plan. He asked the Board if they were headed in the right direction with the layout, number of units and housing diversity.

Chairman Eliot agreed that the Board should consider a formal application for a modification of the plan. She asked about the status of the MEPA review. Mr. Beals said they are ready to proceed to a final EIR. Mr. Levine said NHESP wants gates across the through road to protect the turtles. If the Planning Board will not approve the road with gates, then the applicant must go back to NHESP.

Member Degen said he voted to approve the plan with a through road as required in the Subdivision Regulations. The definition of a dead-end street limits the length of the road to 1000 ft serving 10 houses. The definitive plan approval is not valid if the through road is gated.

Member Clements said the through road is unacceptable, whether it is gated or not. The proposed density is too great, and the dead-end street is too long.

Mr. Levine said the applicant is considering the submission of a 40B application with greater density for economic reasons. The applicant is looking for direction from the Planning Board.

Board members responded that they would like to see less density, more affordable units, and a reduction in environmental impact. However, none of the specific changes can be discussed until a formal application is submitted to modify the plan. The Board will hold a properly advertised public hearing with notice of the abutters.

COMMENTS TO MEPA – ROCKY HILL DEVELOPMENT

The motion was made by Wilson to submit the following comments to MEPA on the “Rocky Hill and Stratton Hill Developments, Groton and Ayer, Massachusetts, Expanded Environmental Notification Form,” (ENF) prepared by Epsilon Associates, dated April 30, 2004. The Planning Board offers the following comments:

1. In September 2001, the Special Town Meeting voted **unanimously** to approve a concept plan for the Rocky Hill residential development. Since that time, the developer has been working closely with the Planning Board on the various site design issues. The plan provides housing diversity including one existing single-family house, 38 single-family lots, 24 units for people 55 and older, 12 starter homes, and nine affordable units for a total of 84 units.
2. The Board is still in the process of reviewing the special permits, site plan review and definitive plan applications for the overall development. However, the Planning Board already granted the special permit for the nine affordable units on Lot 3 with frontage on Sandy Pond Road. The Board supports the applicant’s request for a waiver in order to facilitate the construction of the very much-needed affordable housing.
3. The proposed protection of approximately 387 acres of unfragmented open space is a great benefit to the Town of Groton and the surrounding area. The importance of protecting critical natural resources in this area is well documented in the ENF. The Town appreciates the generosity of the developer and his approach to the development of this environmentally sensitive land.
4. The ENF did not include the requirement for an Erosion and Sediment Control Permit, pursuant to Chapter 198 of the Code of the Town of Groton, in the list of required local permits. This permit is important in mitigating construction impact and managing stormwater.
5. The Board does have some concerns about the amount of topographic change proposed in the central area of the development shown as “Proposed Over 55 – Lot 1C-5” on Figure 2, Preliminary Site Lay-out. This area is located in close proximity to the wetlands, vernal pools, and endangered species habitats. Careful review should be given to this area of the proposed development. The plan does not have sufficient topographic information

for the Board to comment on grade changes on the remainder of the site. The Board anticipates that this information will be shown on the definitive subdivision plan as required in the Subdivision Regulations.

6. The Planning Board believes the traffic concerns were adequately addressed by the ENF's for the Boston Road Market Place and MassHighway's Intersection Improvement Design for the Four Corners. The traffic studies for both projects included traffic from the Rocky Hill residential development in their analyses.

The motion was seconded and passed unanimously.

REEDY MEADOW ESTATES DEADLINE EXENSION

The motion was made by Degen to extend the deadline for the Reedy Meadow Estates subdivision to August 31, 2004 as requested by the applicant. *The motion was seconded and passed unanimously.*

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

MC/lg