

GROTON PLANNING BOARD
JULY 13, 2006
MINUTES

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

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

PUBLIC HEARING (con't) – REEDY MEADOW ESTATES DEFINITIVE PLAN

The Board continued the public hearing to consider the Reedy Meadow Estates definitive plan. Applicant John Lorden, Attorney Robert Collins, and design engineer Gary Shepard of David E. Ross Associates were present.

Mr. Collins said the Board granted the special permits on June 1, 2006. The application for Site Plan Review will be submitted in September for the single-family condominium development.

Mr. Shepard said he met with the Groton Board of Health as requested by the Planning Board. He will meet with the Groton and Pepperell Sewer Departments to discuss extending Pepperell's sewer system to serve the proposed development.

Member Eliot asked about covenants or restrictions on the land. Mr. Collins said he submitted a draft conservation restriction on the open space parcel. He said the restriction is similar to the one he drafted for the Rocky Hill subdivision for the Natural Heritage and Endangered Species Program (NHESP).

Member Perkins asked if there would be a sidewalk. Mr. Shepard said, "yes," a sidewalk will be constructed along the subdivision road as shown on the plan.

Member Degen confirmed that the community sewage disposal system is not on the conservation land. Mr. Collins said, "That is correct."

Mr. Collins requested that the Board vote to grant the requested waivers from the Subdivision Regulations.

1. The motion was made by Perkins to grant the following waivers: § 381-9C(1) to allow a second access in another town because access to the units in the subdivision is entirely within the Town of Groton.
2. § 381-10A3 for a subdivision road serving more than 10 lots to allow an existing ANR lot to access onto the subdivision road;
3. § 381-10E(I) to allow a dead-end street serving more than ten units.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to approve the plan entitled, "Reedy Meadow Estates - Definitive Subdivision of Land in Pepperell & Groton, Mass.," prepared by David E. Ross Associates, Inc., dated January, 2002, with revisions through July 10, 2006, with the following conditions:

Conditions:

1. **Public Water** - The Planning Board urges the applicant to work with the Town of Groton and Town of Pepperell to extend public water to the site. The installation of the public water supply system shall conform to the specifications of the Groton Water Department, the Pepperell Water Department and any intermunicipal agreements that may be in effect.
2. **Public Sewer** - The Planning Board urges the applicant to work with the Town of Groton and Town of Pepperell to extend public sewer to the site. The applicant shall present the plans for the proposed community sewage disposal system to the Pepperell Board of Health for comments and to the Groton Board of Health because the system is located in a nitrogen sensitive area – Zone II of Pepperell’s Jersey Street well.
3. **Site Plan Review** - The landscaping and engineering plans of the private way shall be submitted to the Planning Board as required in § 218-25 Site Plan Review.
4. **Street Names.** The name of this subdivision is “Reedy Meadow Estates” and the name of the subdivision road is “Red Pepper Lane” in Groton. The street name cannot be changed unless the Planning Board holds a public hearing and votes to modify the Definitive Plan because changing the street name may result in confusion for dispatching emergency vehicles to the site.
5. **Area Included in Subdivision and Limit on Number of Lots.** The Reedy Meadow Estates subdivision includes approximately 13.55 acres depicted and described on the Definitive Plans within the ownership of the applicant and identified on Assessor's Map 229, parcel 2. The Definitive Plan is approved for no more than ten new dwelling units, as shown on the definitive plan which has been incorporated into and made a part of this Decision. No lot may be divided with the effect of creating a new building lot. No further subdivision of the parcels is to be permitted except for minor lot line modifications without a prior amendment approved by the Planning Board pursuant to Chapter 41, Section 81-W, MGL.
6. **Private Road and Stormwater Drainage Utility** –A Homeowners Association shall be formed which shall be solely responsible for maintenance of the private driveway way and drainage system on Lot I. A performance bond in the amount of \$5000.00 shall be secured by the Applicant for the benefit of the Town of Groton to provide for maintenance of said private driveway way and drainage utility by the Town or their nominees in the event that the Homeowners Association or the Applicant, in turn, defaults. The Homeowners Association shall be responsible for maintaining a minimum balance of \$5000.00 in the escrow account. The Applicant shall provide to the Town of Groton an agreement, suitable in form and content, setting forth this understanding including all easements required to permit said maintenance.
7. **Fire Protection.** As required in §346-12C Fire Protection and §346-13G Street Signs, the appropriate fire hydrants shall be inspected and approved by the Fire Chief. The street sign shall be installed prior to the issuance of building permits.

8. **Erosion Control Permit.** An erosion and sedimentation control plan must be submitted to the Earth Removal Advisory Committee for its review and approval as required in Chapter 198 Soil Erosion and Sedimentation Control. The erosion and sedimentation control plan shall be appended to the definitive plan as required in §346 8C (1) (c) [1] [c].
9. **Earth Removal.** The removal of any excess earth materials from the site requires a Certificate of Exemption from the Earth Removal By-law. Chapter 134 of the Code of the Town of Groton Chapter 134, § 10 Exemptions, states:

“The above exemptions do not cover the removal of earth materials from the premises involving topographical changes or soil-stripping or loam-stripping activities, nor shall the tentative or final approval of a subdivision plan be construed as authorizing the removal of earth materials from the premises, even though in connection with the construction of streets as shown on the plan.”
10. **Stumps & Brush.** No stumps, brush, wood waste, or construction debris shall be buried on site.
11. **ADA Requirements.** As required in §346-13A (2) of Subdivision Regulations, access ramps for the disabled shall be provided at all intersections and driveways. The ramps shall conform to the Architectural Access Board current regulations (521 CMR) and the Americans with Disabilities Act (ANSI A117.1) current regulations.
12. **Finished Grade Certification.** As required in § 346-8G(1) of the Subdivision Regulations, the as-built plan shall be certified by a Registered Professional Engineer that the grades on all lots have been established in compliance with the drainage and topographical plans and that said grades have been established so as not to create adverse drainage patterns onto adjoining lots or streets.
13. **Open Space.** The 12.60-acre open space parcels, shown as Parcels G and H shall be made subject to a permanent conservation restriction held by the Town pursuant to MGL chapter 184, §§ 31 to 33. The conservation restriction shall meet the requirements of the Groton Conservation Commission and Natural Heritage and Endangered Species Program (NHESP). The conservation restriction must be recorded at the Registry of Deeds and evidence of recording submitted to the Planning Board and Building Inspector prior to the issuance of any building permits or commencement of construction, whichever occurs first.
14. **Recording.** This decision, Special Permits 2006-03 and 2006-04, covenants, and restrictions shall be recorded at the Registry of Deeds at the same time as the definitive plan. No construction or site alteration shall commence until the applicant submits satisfactory evidence of such recording to the Planning Board.
15. **Covenant or Bond.** Prior to endorsement of the definitive plan, the subdivider shall comply with § 346-8E(1) “Final Approval With Bonds” or Surety or § 346-8E(2) “Final Approval With Covenant.” Nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

16. **Special Permits.** This subdivision is subject to Special Permits 2006-03 and 2006-04, granted by the Planning Board and filed with the Town Clerk on . All conditions of such special permits are applicable to the development of this subdivision.

17. **Successors.** The conditions of the definitive plan approval apply to any successor in interest or successor in control.

The motion was seconded and passed with Wilson, Barringer, , Clements, Degen, Eliot, and Perkins in favor; Capes abstaining.

ANR PLAN – ESTATE OF HARLAN FITCH

(Note: Member Eliot stepped down and did not participate.)

The Planning Board considered the Approval Not Required (ANR) plan submitted by the Estate of Harlan P. Fitch. Gary Shepard of David E. Ross Associates presented the plan.

Mr. Shepard said the plan will create parcels of land to be conveyed to family members. Parcels A and B will be combined to form Lot 1 as indicated in the notes on the plan.

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, “Plan of Land in Groton, Mass. Prepared for the Estate of Harlan P. Fitch,” prepared by David E. Ross Associates, dated June, 2006. ***The motion was seconded and passed with Wilson, Barringer, , Clements, Degen, Eliot, and Perkins in favor; Capes abstaining.***

PUBLIC HEARING – OMNIPOINT TELECOMMUNICATIONS

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on Thursday, July 13, 2006 at 8:00 PM in the Town Hall (second floor meeting room) to consider the application submitted by Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA , for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to allow the installation, operation and maintenance of the applicant’s proposed wireless communications equipment, including without limitation antenna and radio communications equipment cabinets, collated on the existing 120-foot monopole telecommunications tower on land owned by Elliot & Doris Blood, 94 West Main Street, Assessors Map 106, Parcel 15, on the southerly side of West Main Street.

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the June 23 and 30, 2006 issues of *The Groton Herald*. Attorney Brian Grossman represented the applicant at the hearing. Landowners Elliott and Doris Blood and their attorney, Richard Larkin, were also present.

Attorney Grossman presented the application for T-Mobile to locate its equipment on an existing 120 ft monopole tower on the Blood’s property. The equipment will be installed at the 107 ft elevation. A 15’ x 15’ ground area will be leased for equipment cabinets. The tower will not be increased in height and no existing vegetation will be removed. T-Mobile has gaps in coverage in the Route 225 area and needs the proposed antennae to fill the gap. In addition, the applicant will install a GPS antenna and a GMS antenna as required in the E 9-1-1 regulations.

Member Degen asked if Sprint owns the tower. Mr. Grossman said, "yes." Member Degen asked if T-Mobile's antennae could be installed with an array similar to Sprint's. Mr. Grossman said he was not sure whether such an array would meet T-Mobile's technical requirements.

Member Degen asked if the color will match the existing tower and Sprint's antennae. Mr. Grossman said, "yes."

Other Board members had no questions or comments.

Abutter Paul Gaj said he can see the tower from his bedroom window and noted that he did not receive notice when Sprint constructed the original tower in 2001. He stated that he does not want to see a large cluster on the tower. The Board apologized to Mr. Gaj for the lack of notification in 2001 due to an omission in the Assessor's records.

Member Barringer asked Mr. Gaj how much of the tower is visible. Mr. Gaj said, "the top 50 feet." Attorney Grossman said the tower cannot support a large number of clusters because there are physical limitations with the number of spaces on the tower.

Mr. Gaj asked about frequency levels. Member Barringer said the Board has no jurisdiction over frequency issues under the Federal Telecommunications Act.

Member Degen asked T-Mobile's radio frequency engineer how closely they could match T-Mobile's array with Sprint's. RF engineer Sean Reid said there are three sectors on each deck and every carrier is different. Attorney Grossman said they do not know the orientation of Sprint's platform.

Planning Administrator Michelle Collette said Section 218-25.1E(1)(a)[12] requires submission of a photosimulation of the proposed equipment. Members of the Board said they did not think the photosimulations would be necessary with the proposed collation. Mr. Grossman submitted a handwritten request for a waiver.

The motion was made by Degen to grant a waiver of Section 218-25.1E(1)(a)[12] which requires submission of eight views of the proposed array as requested by the applicant. ***The motion was seconded and passed unanimously.***

The Board voted unanimously to close the public hearing.

PUBLIC HEARING (con't) – CRYSTAL SPRINGS ESTATES SPECIAL PERMIT

(Note: Member Degen stepped down and did not participate.)

The Board continued the public hearing to consider the application submitted by Albert Patenaude for a special permit to utilize the provisions of Groton Zoning By-law Section 218-26 Flexible Development and Section 218-26.1 Major Residential Development to create eleven (11) lots as shown on the Crystal Springs Estates Preliminary Plan.

At the request of the applicant, the Board voted unanimously to continue the public hearing on August 24, 2006 at 7:30 PM.

ANR PLANS

Ranger Development Corporation, Whiley Road

The Board considered the Approval Not Required plan submitted by the Ranger Development Corporation to change a driveway easement and internal lot line between existing lots on Whiley Road. The motion was made by Clements to endorse as Approval Not Required the plan entitled, "Plan of Land – ANR, Prepared for Ranger Development Corporation," prepared by LandTech, dated April 27, 2006, with the notation, "Such endorsement shall not be determined to constitute any determination of compliance with requirements of the Zoning By-law." *The motion was seconded and passed with Wilson, Barringer, Capes, Clements, Eliot, and Perkins in favor; Degen abstaining.*

The Estate of Thomas Hughes, Redskin Trail

(Note: Member Clements stepped down and did not participate.)

The Board considered the Approval Not Required plan submitted by the Estate of Thomas Hughes. Attorney Julie MacNeil presented the plan resulting from an agreement to settle a property line dispute between lot owners on Redskin Trail

The motion was made by Perkins to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass. Prepared by David E. Ross Associates, dated June 2006, with the conditions that the plan show closure of the lot lines. *The motion was seconded and passed unanimously.*

Dennis Magee, Townsend Road

The Board considered the Approval Not Required plan submitted by Dennis Magee to create two lots on Townsend Road. Mr. Magee presented the plan and noted that the Zoning Board of Appeals granted a variance for upland requirements on Lot B and that the 20-day appeal period had expired.

The motion was made by Degen to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass. for Dennis Magee," prepared by Rose Land Survey, dated May 30, 2006. *The motion was seconded and passed unanimously.*

MILL RUN PLAZA – GROTON RESIDENTIAL GARDNES

(Note: Members Capes and Wilson stepped down and did not participate.)

The Board said Town Counsel requested that the Planning Board and Zoning Board of Appeals meet in executive session to discuss the pending settlement agreement regarding Groton Residential Gardens and Mill Run Plaza. Reporter Connie Sartini asked if information would be available to the public. Vice Chairman Degen said when the matter is resolved.

EXECUTIVE SESSION

(Note: Members Capes and Wilson stepped down and did not participate.)

The motion was made by Barringer to enter executive session to discuss the pending settlement agreement regarding Groton Residential Gardens and Mill Run Plaza and that the Board would return to open session. Town Counsel Judith Cutler, Selectman George Dillon, Highway Surveyor Tom Delaney, and ZBA members Stuart Shulman, Chase Duffy, Cynthia Maxwell, and Jay Prager were also present. *The motion was seconded and passed by roll call vote with Degen, Barringer, Clements, Eliot, and Perkins in favor.*

The motion was made by Perkins to end executive session to discuss the pending settlement agreement regarding Groton Residential Gardens and Mill Run Plaza and return to open session. ***The motion was seconded and passed by roll call vote with Degen, Barringer, Clements, Eliot, and Perkins in favor.***

Vice Chairman Degen announced that a settlement agreement had not been reached by the parties.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator