

**GROTON PLANNING BOARD
AUGUST 10, 2006
MINUTES**

Chairman Wilson called the meeting to order at 7:30 PM in the Town Hall
Members present: Wilson, Capes, Degen, Clements, Eliot, and Perkins
Member absent: Barringer

PUBLIC HEARING (con't) – McGOVERN SPECIAL PERMIT

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

The Board held the continuation of the public hearing to consider the application submitted by H & G Realty Trust for a special permit to use the provisions of Flexible Development to create nine lots on Sand Hill Road.

Attorney Collins said his clients would like to withdraw the application.

The motion was made by Degen to accept the withdrawal of the special permit application without prejudice. *The motion was seconded and passed unanimously.*

AMANDAS WAY PERFORMANCE BOND

The motion was made by Perkins to accept the bond estimate for Amandas Way as \$94,915.24 as recommended in the Judith Nitsch Engineering, Inc. (JNEI) report dated August 10, 2006. *The motion was seconded and passed unanimously.*

AMANDAS WAY SET BACK

The Board received a letter dated August 10, 2006 from Attorney Robert Collins requesting clarification about set back requirements for the Amandas Way flexible development plan. Mr. Collins said the existing house, located at 960 Lowell Road, meets front yard set back requirements for Lowell Road but not from the new subdivision road. The Building Inspector recommended that the developer apply for a variance. Mr. Collins said the variance is not necessary because the Board granted the special permit for Flexible Development under Section 218-26 which states:

“F. Modification of lot requirements. The Planning Board encourages applicants for flexible development to modify lot size, shape, and other dimensional requirements for lots within a flexible development,”

Member Degen said he voted for the special permit with the understanding that the existing house would remain as an affordable unit. He suggested requesting an opinion from Town Counsel.

Member Perkins said, in her opinion, set backs are covered as the “other dimensional requirements” so a variance is not required. Member Eliot agreed that this matter was decided when the Board granted the special permit.

August 10, 2006

Page 2

The motion was made by Eliot to determine that the existing house complies with the special permit for Flexible development and that a variance is not required. ***The motion was seconded and passed with Wilson, Degen, Eliot, and Perkins in favor; Clements opposed; Capes abstaining.***

PRE-SUBMISSION REVIEW - DANCE STUDIO, WILLOWDALE ROAD

Caitlin Brandt of Nashoba Valley Dance Studio met with the Board to request a waiver of site plan review for a change of use from an automotive parts store to a dance studio in the existing building located at 28 Willowdale Road. The site is zoned B-1.

Ms. Brandt submitted a sketch of the parking lot and building. There are six to eight parking spaces available at the present time.

Member Eliot asked how many students would attend a dance class. Ms. Brandt said there would be six to eight students at one time, but most students are dropped off and picked up after class.

Chairman Wilson asked about hours of operation. Ms. Brandt said from 4:00 PM to 6:30 PM.

Member Degen asked about the square footage of the dance studio. Ms. Brandt said there are two separate areas – one is 600 square feet and the other is 1200 square feet.

Member Degen asked what would happen when the parking spaces may be needed by both the dance studio and Andy's Auto. Ms. Brandt said there are additional spaces on the other side of the building near Andy's Auto.

The motion was made by Clements to waive Site Plan Review for a change of use from an auto parts store to a dance studio to be located at 28 Willowdale Road. The site is zoned B-1 and the existing parking area is adequate for the proposed use at the present time. The motion was seconded.

Member Degen stated that he is not comfortable waiving the site plan review requirement and that a Level I site plan should be submitted.

The motion passed with Wilson, Capes, Clements, , Eliot, and Perkins in favor; Degen opposed.

PUBLIC HEARING – SPECIAL PERMIT, SPRINT-NEXTEL

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 Sprint-Nextel Corporation for a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to amend Special Permit PB 2004-11 to allow the removal and replacement of three (3) existing antennas at an antenna centerline height of 150 feet and to install associated equipment on land owned by the Town of Groton. The property is shown as Assessors Map 248, parcel 41, located on the easterly side of Cow Pond Brook Road.

August 10, 2006

Page 3

Chairman Wilson called the public hearing to order. Clerk Capes read the notice published in the July 28 and August 4, 2006 issues of *The Groton Herald*. Attorney Jacqueline Murray represented Sprint at the hearing.

Ms. Murray explained the application to remove Nextel's equipment and replace it with new equipment to serve Sprint-Nextel at the same 150 ft location on the existing tower. Bay Communications owns the tower on property leased by the Town. The configuration of the new equipment is similar to the equipment to be removed. A new cabinet will be installed in the leased area.

Member Capes asked if the new equipment is a change in frequency. Ms. Murray said Sprint and Nextel merged last year and the new array accommodates both carriers.

Member Degen asked if MIT has any concerns about the new equipment affecting its facility on the abutting land. Ms. Murray said if there are any issues with MIT, Sprint-Nextel will resolve them as required in the conditions of Special Permit 2004-11.

Member Eliot read the comments from the Groton Water Department requesting reduced rates for the Town. Ms. Murray said she did not have the authority to make such a decision.

The Board voted unanimously to close the public hearing.

The motion was made by Degen to grant a special permit to utilize the provisions of Groton Zoning By-law Section 218-25.1 Personal Wireless Services Facility to amend Special Permit PB 2004-11 to allow the removal and replacement of three (3) existing antennas at an antenna centerline height of 150 feet and to install associated equipment on land owned by the Town of Groton. The Board granted the special permit based upon the following findings and with the following conditions:

Findings:

1. **Social, economic and community needs:** The proposed 190-ft monopole telecommunication tower will serve the communications needs of the community by improving the quality and service areas of wireless communication within the Town of Groton and surrounding areas.
2. **Traffic flow and safety:** There are no traffic flow or traffic safety issues associated with the proposed facility.
3. **Adequacy of utilities:** The Groton Electric Light Department has indicated that it will be able to serve the proposed telecommunication facility as designed. No other utilities are required.
4. **Neighborhood character:** The proposed facility will be sited in an open area with few existing residential uses in close proximity. The base of the tower will be at a lower elevation than the surrounding topography. The tower will be adequately screened by

location from said existing residences, but the tower will be visible from some portions of Route 40; some hilltop areas in Groton; from the abutting Town transfer station, highway garage, and recreational fields, and from MIT Haystack Laboratory in Westford.

5. **Impacts on the environment:** The proposed facility will have minimal impact on the natural environment. The facility will be located in an open area within an existing municipal use area that includes the Town highway garage and transfer station.
6. **Fiscal impact on the Town:** The proposed facility will have a positive fiscal impact on the Town. The applicants will pay personal property taxes to the Town of Groton for the value of the facility and associated facilities. The applicants will lease the land for this telecommunication facility from the Town of Groton. The construction of this facility will not have a negative effect on the valuation of nearby properties and it will not require any town services.

Conditions

1. The title of the plan shall be corrected to state the tower is located in Groton rather than West Groton. A revised plan shall be submitted to the Planning Board within 30 days.
2. Sprint-Nextel's equipment will be installed on Bay Communications existing tower which is subject to conditions in Special Permit 2004-11 granted by the Planning Board on December 17, 2004.
3. The applicants shall provide to MIT Haystack Observatory administration offices and the special permitting authority contact information (responsible employee, address, telephone number, and e-mail address (if applicable)) within the applicant's organizations for offices responsible for this permitted transmitter and tower facility. This contact information must be updated within 5 working days of any change in said information.
4. As required in §218-25.1, silver paint or galvanized finish shall be used on the portion of the outside of a personal wireless services tower that rises above the tree line in order to blend into the landscape. The new antennae installed by Sprint-Nextel shall be the same color and finish as the existing tower.
5. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.1.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. The special permit for construction of the telecommunication tower on land owned by the Town of Groton is based upon the Lease Agreement dated May 17, 2004 between the Town of Groton and Bay Communications, LLC. All terms and conditions of the Lease Agreement are hereby incorporated into this special permit.
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 unanimously.

August 10, 2006

Page 6

ACADEMY HILL WATER MAIN

The Board received a request from Beals Associates to allow the installation of the water main on the opposite side of the subdivision road and to change the material to be used in the roadway base. The Board also received a report dated August 10, 2006 from JNEI recommending that the Board not allow the use of crushed stone in the road way.

The motion was made by Degen to send a letter to Beals Associates to accept the recommendations contained in the JNEI report dated August 10, 2006 and that the Board does **not** approve the use of crushed stone as a substitute for dense graded crushed stone as required in the Subdivision Regulations. However, the Board does approve the change in the location of the water main as requested in the letter dated August 8, 2006 from Beals Associates. ***The motion was seconded and passed unanimously.***

PUBLIC HEARING – SPECIAL PERMIT, MONARCH PATH

The Board continued the public hearing to consider the special permit applications submitted by Ebrahim Masalehdan to create 13 lots as shown on the Monarch Path subdivision plan. At the request of the applicant, the Board voted unanimously to continue the public hearing on September 7, 2006 at 7:30 PM.

HAC DECISION - GROTON RESIDENTIAL GARDENS

(Members Wilson and Capes left the meeting.)

The Board discussed the Housing Appeals Committee's decision on Groton Residential Gardens Vice Chairman Degen said he would like to discuss the engineering costs incurred by the Planning Board in this matter.

Member noted that this is a ZBA case and not a Planning Board case. The Planning Board has jurisdiction over Mill Run Plaza which is separate from Groton Residential Gardens.

Vice Chairman Degen said he is concerned about the engineer costs to the Board. Member Clement suggested that the Board consult with Town Counsel about jurisdiction.

Member Perkins said the problem must be resolved. It is money well spent if it results in resolution of the matter.

The motion was made by Degen to send a letter to JNEI and FST suspending review of the plans pending an opinion from Town Counsel on the HAC decision. The motion was seconded and did not pass with Degen and Clements in favor; Eliot and Perkins opposed.

The motion was made by Perkins that the Board ask Town Counsel about its standing in this matter. ***The motion was seconded and passed unanimously.***

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Planning Administrator

