

**GROTON PLANNING BOARD
NOVEMBER 29, 2007
MINUTES**

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

Members present: Wilson, Capes, Eliot, Giger, Hess, and Perkins

Member absent: Barringer

PRE-SUBMISSION REVIEW – MYETTE’S, BOSTON ROAD

Fran Alary met with the Planning Board to request a waiver from Site Plan Review requirements to park a 5’ x 7’ hot dog stand in Myette’s parking lot located at 120 Boston Road. The property is zoned B-1. The hot dog stand will be open from 10 AM to 2 PM.

Vice Chairman Wilson asked if there would be any signs installed. Ms. Alary said, “no,” the hot dog stand is on wheels so it is temporary. There will be folding signs and no permanent tables.

Member Capes asked what businesses are there today. Mr. Myette said his landscaping/equipment sales business and Curves. Member Capes asked about peak hours. Mr. Myette said the peak is early in the morning and late in the afternoon.

Member Perkins asked how many parking spaces are available. Mr. Myette said about 25. She asked if employees park in the rear of the building. Mr. Myette said about 15 cars park in the back of the site. Saturday is their busiest day.

Member Perkins asked if the hot dog stand would be open on Saturdays. Ms. Alary said “yes,” but it will not be busy during the winter.

Member Hess said this seems like complimentary times for the various businesses to share the parking spaces. He asked if the hot dog stand is a temporary building. Ms. Alary said, “yes,” it is on a trailer with wheels. Member Hess asked if the stand should meet set back requirements and what would an abutter think about the matter. Town Planner Michelle Collette said only structures must meet setback requirements. The Building Inspector must make the determination on whether the hot dog stand is a structure.

Member Giger said Skyfields Drive and conservation land are located to the east of the site and there is business-zoned land to the west so there are no residential abutters.

Member Eliot said the parking lot is never full and there is good sight distance in both directions. She suggested that the Board grant the waiver with the provision that it can require Site Plan Review if there are any problems.

Member Perkins asked Mr. Myette if he discussed the proposed hot dog stand with his neighbors. Mr. Myette said the closest house is 300-400 ft away.

Member Giger asked if the hot dog stand will be on the premises all the time. Ms. Alary said, “no,” it would be moved to other locations.

Member Giger asked about water and trash removal. Ms. Alary said there is a water tank on board and there are provisions for disposal of gray water. They will remove all trash.

Member Giger noted that there have been problems with a similar hot dog stand in Littleton. He asked if the applicant had spoken with Johnson's Drive-In. Mr. Myette said, "yes," he spoke with the owner of Johnson's Drive-In Restaurant, and he is neutral to unhappy about the proposed hot dog stand.

The motion was made by Eliot to waive Site Plan Review for Fran's Franks hot dog stand with the condition that the Board review the matter in one year and that it reserves the right to require submission of a site plan if it receives any complaints or concerns. ***The motion was seconded and passed with Members Capes, Eliot, Giger, Perkins and Wilson in favor; Member Hess opposed.***

ACADEMY HILL AFFORDABLE HOUSING REQUIREMENTS

The Board met with developer Bruce Wheeler and Attorney Louis Levine to discuss the phasing of the affordable housing units at the Academy Hill subdivision.

Mr. Levine said Mr. Wheeler is not asking the Board to change or waive the number of affordable units, only to alter the timing of construction. Approximately 6000 ft of the subdivision roads have been constructed and there are four houses under construction now.

Member Hess asked if any of the houses are completed. Mr. Levine said only the model home.

Mr. Levine said the affordable units will be located on Lot A with the town house units to be served by a common sewage disposal system. The developer is trying to establish the single-family houses first and is requesting a one-year reprieve for the construction of the affordable units. The infrastructure costs are too high to build the affordable units, given the present market conditions.

Member Capes asked how the timing change would affect the Town's quota. Town Planner Michelle Collette said the Town will not meet its 25 unit requirement for 2007, with or without the Academy Hill affordable units.

Member Capes asked if the developer would catch up with the phasing plan in one year or if construction would still depend upon market conditions. Mr. Levine said the developer would like to construct four affordable units and 23 market rate units for a total of 27 units in the next phase of construction. The developer has already installed more than 6000 ft of road way. The cost of the infrastructure, including the sewage disposal system, for the townhouses is approximately \$1 million dollars.

Member Capes asked about the level of risk to the project. Mr. Wheeler said the project is economically challenged, but it is not at risk.

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Member Perkins noted that the affordable units are for people who need housing, not just to keep out Chapter 40B projects. She asked if the developer would be willing to build all the affordable units in one year. Mr. Wheeler said, "yes."

Member Eliot said the rate of construction of the affordable units impacts the Town as a whole. She suggested that Mr. Wheeler submit a written agreement for the Board's consideration. The Board agreed that the developer should submit a proposal to the Board.

Member Hess asked whether it was the developer's choice to include the affordable units in the town houses and not in the single-family units. Member Eliot said the Board and the developer worked hard to negotiate the conditions for the special permit and definitive plan decisions. It was a very lengthy process.

Member Hess asked if the affordable units could be single family rather than town houses. Mr. Wheeler said it would not work economically.

Member Giger said the affordable units must be intermingled with the market rate units, so six to nine units must be constructed in order to have the first three affordable units. He noted that the Rocky Hill developer constructed all nine affordable units first.

Mr. Levine said they would come back to discuss the matter with the Board at its meeting on December 13, 2007.

SIGN BY-LAW REVISIONS

The Board met with Jason Kauppi and Michael McElroy of the Sign Committee, Dan Barton of the Historic Districts Commission, and Building Inspector Bentley Herget to discuss amending the Sign By-law to incorporate it into zoning.

Mr. Kauppi said the existing by-law is very difficult to enforce as written because the Sign Committee has no staff and no one to enforce the by-law. The Planning Board and Building Inspector are in a better position to work with sign permits and to enforce the by-law.

Mr. Barton stated that the Historic Districts Commission is not interested in giving up its authority over signs in the Historic Districts. However, he says he agrees that there must be a better way to enforce the by-law. There are three violations at the present time, but the HDC has no enforcement power.

Member Perkins asked how the Sign Committee and HDC jurisdictions differ. Mr. Barton said the HDC has jurisdiction over signs in the Historic Districts and the Sign Committee has jurisdiction for signs everywhere else in the Town. Mr. Kauppi noted that the HDC reviews aesthetics, but the Sign Committee only looks at size and location of signs.

Michael McElroy said he researched other Town's by-laws and provided the Board with copies from Stoneham and Wellesley. He said many by-laws included tables to indicate the size and types of signs permitted in each zoning district.

Member Perkins asked the Building Inspector for his opinion. Mr. Herget said the Sign By-law would add to his work load, noting that his hours were cut when he was hired.

Member Perkins asked who grants sign permits today. Mr. Kauppi said the Sign Committee grants the permits under the existing provisions. The Committee issues an average of two or three permits a month. Member Perkins said the Selectmen must be involved in the discussion about the time it will take for the Building Inspector to enforce the Sign By-law. Member Giger agreed that the Selectmen must provide support for the Building Inspector's office for the administration of the by-law.

Mr. McElroy said issuing permits is not as much work as enforcing the by-law. Mr. Barton added that the definition of "temporary signs" must be addressed.

Member Hess asked where the Sign Committee will fit in the new provisions. He said the revised by-law should address aesthetic concerns as well as dimensions and placement. Mr. Barton said Amesbury has a Design Review Committee that has jurisdiction over signs.

Mr. McElroy noted that Mill Run Plaza is an example of how the Sign By-law is not working well. There are many illegal signs on the premises because one large sign for all the businesses is not permitted in the by-law.

The Board will review samples of by-laws from other communities and work with the Board of Selectmen, the Sign Committee, the HDC and the Building Inspector on revisions to the by-law.

RE-ENDORSE REEDY MEADOW ESTATES

The Board voted unanimously to re-endorse the Reedy Meadow Estates definitive plan since more than six months has passed since the original endorsement on April 26, 2007.

PUBLIC SAFETY BUILDING – WAIVER REQUEST

The Board received a letter from Police Chief Donald Palma requesting a waiver of Site Plan Review requirements to install additional lighting on the public safety building located at 99 Pleasant Street.

The motion was made by Eliot to request that the Police Department submit specifications including a catalog cut, location, number and height of the new lights to be installed. ***The motion was seconded and passed unanimously.***

(Member Perkins left the meeting.)

SPECIAL PERMIT DECISION – VERIZON WIRELESS ON GIBBET HILL

The motion was made by Eliot 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 add a single two-foot diameter microwave antenna to the existing Personal Wireless Services Facility at Gibbet Hill on property owned by Cell Tower Lease Acquisition, LLC/Unison Site Management, LLC, with the following findings and conditions:

Findings:

The Planning Board made the following findings based upon the criteria set forth in Chapter 218 Zoning of the Code of the Town of Groton, §§ 218-25.1 and 218-32.1:

§218-25.1:

1. The addition of this 2-ft microwave antenna is consistent with and complies with §218-25.1 H (6) and (7) requiring that antennae be collocated 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.

2. The applicant demonstrated to the Planning Board's satisfaction that the location of the Verizon Wireless' 2-ft microwave antenna on the Gibbet Hill tower is necessary to provide personal wireless services coverage to the area. The proposed addition of the microwave connection with the existing Littleton site will improve the reliability and efficiency of the network for users in Groton and surrounding towns.

§218-32.1:

1. **Social, economic and community needs:** The additional 2-ft microwave antenna 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 will be no traffic flow or safety issues associated with the addition of the 2-ft microwave antenna on Gibbet Hill's existing tower and existing access road.
3. **Adequacy of utilities:** The Groton Electric Light Department indicated that it will be able to serve the proposed telecommunication facility and additional equipment as designed.
4. **Neighborhood character:** The additional 2-ft microwave antenna will be installed at the 141 ft approximate elevation AGL on Gibbet Hill's approved tower. The microwave antenna will be collocated 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.

5. **Impacts on the environment:** The additional 2-ft microwave antennae 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 2-ft microwave antenna on the tower for the benefit of Verizon Wireless will have a positive fiscal impact because the applicant/owner will pay property taxes to the Town of Groton for the value of the associated facilities.

Conditions:

1. Verizon Wireless' 2-ft microwave antenna will be installed at the 141-ft approximate elevation AGL on Gibbet Hill Tower, LLC's approved tower that is subject to conditions in Special Permit 2002-05. 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.
2. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.1 Personal Wireless Services Facility.
3. The placement, construction and modification of a personal wireless services tower and any 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.
4. By January 1st of each year, the owner or operator of the personal wireless services facility shall submit certification 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, including compliance with radio frequency emissions. The facility must cease operations if the facility is not in full compliance.
5. 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 platform installed on the tower by Verizon shall be the same color and finish as the other approved carriers' equipment on the tower. . The 2-ft microwave antenna will be a "CompactLine Antenna, Single Polarized, 2ft, SB2-105AC" (or a substantially similar model, not to exceed 2-ft in diameter) as shown on the diagram submitted by Verizon Wireless with the special permit application.
6. 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.

7. 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.
8. The carrier shall continue to 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, including the new 2-ft microwave antenna, 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.
9. The applicant must obtain final sign-off from the Building Inspector and a Certificate of Use and Occupancy, pursuant to 780 CMR of the Massachusetts State Building Code, prior to energizing the 2-ft microwave antenna and any associated equipment.
10. 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.
11. 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.
12. 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.

STATION AVENUE

The Board reviewed the draft outline and flow charge for the Station Avenue Redevelopment Committee and various subcommittees.

The motion was made by Hess to dissolve the existing Station Avenue Redevelopment Committee because its tasks were accomplished with the adoption of the Station Avenue Overlay District at the October 22, 2007 Special Town Meeting, to establish five committees to work on tasks on the Priority Development Site established pursuant to Chapter 43D, and that the Chapter

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43D Committees report to the Planning Board at its meeting on alternating Thursdays. ***The motion was seconded and passed unanimously.***

The Board will develop a charge for each of the Chapter 43D-Priority Development Site Committees and appoint members at its meeting on December 13, 2007.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette, Town Planner