

**GROTON PLANNING BOARD
OCTOBER 16, 2008
MINUTES**

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

Members present: Perkins, Barringer, Burke, Capes, Giger, Hess, and Wilson

ANR PLAN – GROTON CEMETERY ASSOCIATION

The Planning Board considered the Approval Not Required (ANR) plan submitted by the Town of Groton and the Proprietors of the Groton Cemetery. Thomas Hartnett represented the Groton Cemetery and Selectman Anna Eliot represented the Town at the meeting.

Mr. Hartnett explained that the Groton Cemetery would be donating 35,999 SF, shown as Parcel A on the plan, to the Town of Groton to be used for parking at the Williams Barn. However, the Town must do a friendly eminent domain taking of the property because there is stipulation in the deed from the Williams family to the Groton Cemetery stating that the land could only be used for a cemetery. The heirs of the Williams family have consented to the change of use of the land to be conveyed to the Town. The Town Meeting will vote on the eminent domain taking on October 20, 2008.

Community Preservation funds were used to pay for the survey and preparation of the ANR plan. The surveyor's note on the plan states: "Parcel A is not a building lot, but is to be conveyed to and annexed with adjoining land of Town of Groton Conservation Commission to form one undivided lot."

The motion was made by Barringer, seconded by Wilson, to endorse as Approval Not Required the plan entitled, "Plan of Land in Groton, Mass. Prepared for the Town of Groton Williams Barn Committee," surveyed by David E. Ross Associates, dated February 2008. ***The motion passed unanimously.***

PUBLIC HEARING – PROPOSED ZONING AMENDMENTS

In accordance with the provisions of Chapter 40A, § 5, M. G. L., the Planning Board held a public hearing to consider the following proposed zoning amendments.

Chairman Perkins called the public hearing to order. Clerk Burke read the legal notice posted with the Town Clerk on September 25, 2008 and published in the September 26 and October 3, 2008 issues of *The Groton Herald*. Selectman Anna Eliot, Selectman Peter Cunningham, and Gary Hoglund, member of the working group, were present.

Wind Energy Conversion Facilities

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, by amending Sections 218-4 Definitions, 218-13 Schedule of Use Regulations, and 218-25 Site Plan Review, and by adding a new section 218-25.2 entitled, "Wind Energy Conversion Facilities," as detailed in the Planning Board report entitled, "Wind Energy Conversion Facilities," on file in the Office of the Town Clerk, or take any action thereon.

Accessory Apartments

Amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-16D Accessory Apartments and Section 218-13 Schedule of Use Regulations as follows:

1. Amend Item 218-16D(1) Purpose by deleting the words "adding to the number of buildings in the Town, or" in the first sentence. The item as amended will read as follows:

- (1) Purpose. For the purpose of (a) providing small additional dwelling units to rent without ~~adding to the number of buildings in the Town, or~~ substantially altering the appearance of the Town, (b) providing alternative housing options; and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.
2. Amend Item 218-16D(3)(c) by deleting the words “shall be located in the principal residential structure on the premises” at the end of the second sentence and by adding the words “and may be attached or detached” after the word “and.” The item as amended will read as follows:
 - (c) Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 square feet in floor space and may be attached or detached.
3. Amend Item 218-16D(3)(d) by deleting the existing paragraph in its entirety and replacing it with the following:
 - (d) The accessory apartment shall not detract for the residential character of the property or the neighborhood.
4. Amend Section 218-13 Use Regulations by inserting the following use in the Accessory Section:

	R-A	R-B	B-1	M-1	C	O	P
Accessory Apartments are regulated under § 218-16D	SP	SP	SP	N	N	N	N

Wind Energy - The Board discussed the proposed wind energy facilities by-law.

Member Barringer said the maximum height of 400 ft is the equivalent of a 30-story building. Mr. Hoglund said utility-scale towers much be 60-80 meters high with blades of 40 meters. He said such a tower height is needed because the wind resources are not great in this area.

Member Barringer said the Town should promote sites that are most effective. Mr. Hoglund said the Federal Aviation Administration (FAA) controls any tower with a height greater than 200 ft. Mr. Hoglund said 400 ft height is consistent with the current technology. If the by-law is too restrictive, the Town is shutting the door to such facilities.

Mr. Hoglund said homeowners can install towers and other wind energy facilities with a height up to 65 ft. Any facility greater than 65 ft will require a special permit from the Planning Board.

Member Barringer said the Board should encourage smaller-scale, appropriate devices.

Member Giger said the working group used models prepared by the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) and the Cape Cod Commission as a starting point. The group tried to draft a by-law with enough flexibility for homeowners and enough control for larger scale facilities.

Member Wilson said he agrees with Member Barringer that a 30-story structure is unthinkable for Groton. He asked why the Town would permit anything that size. He said he supports small-scale facilities for homeowners. He suggested going forward with the small scale facilities now and waiting until a later date for large scale facilities.

Mr. Hoglund said he has been investigating the possibility of installing wind energy towers on Chestnut Hill for more than two years. The economics are improving for site development costs. He said a 200 ft tower is an absolute minimum for the project to succeed.

Selectman Eliot said the Sustainability Commission is very supportive of the proposed by-law. She said the Board must consider the public benefit from wind energy.

Member Hess said he could envision a 30-story tower on sites that are not visible. However, he asked what the public benefit is if the towers are visible on the horizon. He said the views would be altered by wind towers so the Board must justify why they are important. He asked why members of the Sustainability Commission and the Groton Electric Light Department were not present at the hearing.

Mr. Hoglund said the Planning Board would have the ability to control large-scale projects since they are subject to the grant of the special permit.

Member Burke said under the existing provisions of the by-law, it is ambiguous at best that the Board has any control. The visual environment is very important. The applicant must do crane and balloon tests and submit visual simulations with the special permit application. Member Burke suggested that the Board lower the 400 ft height and allow the Board to make its decision on a case-by-case basis. Since the FAA controls anything with a height greater than 200 ft, the Board may want to use 200 ft as the limit with the Board having extra scrutiny for towers greater than 200 ft.

Member Capes said he agrees with this approach since the proposed amendment, as written, gives the Board the authority to approve towers with greater height.

Member Wilson said the crane and balloon testing will not give a true idea on the visual impact. He said he wants to be sure the Board understands what it will be permitting.

Reporter Connie Sartini asked about noise. Member Barringer referred to the Department of Environmental Protection noise provisions on pages 7 and 8. The noise cannot exceed 10 decibels above ambient noise.

Mrs. Sartini asked about guide wires setbacks. Member Burke said they are the same as building setbacks – 50 ft front and 15 ft side and rear.

Mrs. Sartini asked about tower setbacks. Member Burke said the set back must be 1.5 times the height of the tower.

Mrs. Sartini asked for more explanation on noise impacts. The Board discussed a variety of examples such as lawn mowers, dishwashers, traffic, etc. Member Burke said the DEP sets the standards as stated in the proposed amendment. If the wind facility exceeds that standard, it is in violation of the law.

Member Giger said the applicant would be required to submit measurements demonstrating ambient noise levels.

Selectman Peter Cunningham asked why towers are not allowed in the "C" Conservancy and "O" Open Space districts. Chairman Perkins said the Conservancy District is a wetlands district and the Open Space District contains protected open space. Property could be rezoned by a 2/3 vote of Town Meeting, and an Article 97 vote of Town Meeting and the State Legislature is required to convert use of protected open space.

Selectman Cunningham said Surrenden Farms would have been a good location for wind towers, but now the land is restricted.

The Board discussed whether or not it should reduce the height from 400 ft to 200 ft now or wait until the discussion at Town Meeting.

The motion was made by Burke, seconded by Barringer, to revise the text of Section 3.b.1.a to read "200 ft" rather than "400 ft". ***The motion passed with Perkins, Barringer, Burke, Capes, Giger, and Hess in favor; Wilson opposed.***

The motion was made by Burke, seconded by Giger, to recommend adoption of the Wind Energy Conversion Facilities provisions at Town Meeting. ***The motion passed unanimously.***

Member Burke will present the Planning Board report at Town Meeting.

Accessory Apartments - The Board discussed the proposed amendment to the accessory apartment provisions to allow accessory apartments in garages, barns and stand-alone structures.

There were no comments from the public.

The motion was made by Wilson, seconded by Barringer, to recommend adoption of the amendment to the Accessory Apartment provisions. ***The motion passed unanimously.***

Chairman Perkins will present the Planning Board report at Town Meeting.

The Board voted unanimously to close the public hearing.

PUBLIC HEARING – CRYSTAL SPRINGS ESTATES

The Board voted unanimously to continue the public hearing on the Crystal Springs Estates special permits on October 23, 2008 at 7:35 PM as requested by the applicant.

DESIGN REVIEW COMMITTEE

The motion was made by Wilson, seconded by Capes, to appoint Fay Raynor to the Station Avenue Overlay District Design Review Committee with the term to expire on June 30, 2009. ***The motion passed with Burke, Capes, Giger, and Hess Wilson in favor; Perkins and Barringer abstaining.***

The motion was made by Hess, seconded by Wilson, to appoint Lorayne Black to the Station Avenue Overlay District Design Review Committee with the term to expire on June 30, 2010. ***The motion passed with Perkins, Barringer, Burke, Capes, Giger, and Hess Wilson in favor; Burke abstaining.***

The motion was made by Hess, seconded by Wilson, to appoint Dan Barton to the Station Avenue Overlay District Design Review Committee with the term to expire on June 30, 2011. ***The motion passed unanimously.***

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MONARCH PATH

The Board received a report dated October 16, 2008 from Nitsch Engineering regarding final paving, catch basins and curbing at the Monarch Path subdivision.

The motion was made by Giger, seconded by Wilson, to send a letter to Ebrahim Masalehdan requiring that the catch basin frames and grates be installed at binder course level and the curbing be installed so the drainage system will function as designed. This work must be completed prior to November 15, 2008. ***The motion passed unanimously.***

Member Giger expressed concern that the contractor has constructed stone walls at both entrances to the subdivision. The stone walls are not shown on the plan and may be obstructing sight distances on Gilson Road. The design engineer should verify that the sight distances comply with the subdivision regulations and AASHTO standards.

The motion was made by Wilson, seconded by Barringer, to include the design engineer's certification on sight distances in the letter to Mr. Masalehdan. ***The motion passed unanimously.***

Meeting adjourned at 9:30 PM

Respectfully submitted,

Michelle Collette
Town Planner