

**GROTON PLANNING BOARD
MARCH 26, 2009
MINUTES**

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

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

Member absent: Wilson

PUBLIC HEARING (con't) – PROPOSED ZONING AMENDMENT

The Board continued the public hearing to consider the proposed Wind Energy Conversion Facilities amendment.

Member Giger said he would present his power point slides at the Groton Public Library on March 29 and April 19, 2009.

Bob Pine submitted information from the Clean Energy States Alliance on avian impact from wind turbines. The article also contained information on the impact on bats.

Susan Horowitz asked why abutter notification is not required for small scale devices. Member Burke responded that small scale devices are allowed by-right to encourage alternative energy use. The small scale devices must meet the standards set forth in the bylaw including height, scale, setback, etc. Noise is governed by the Department of Environmental Protection (DEP) Noise Regulations, 310 CMR 7.10. Solar panels are allowed by right. Generators are also allowed by right, and they can be noisier than wind facilities.

Ms. Horowitz said people would like to know about wind energy facilities in advance. Member Burke said a building permit must be posted in a conspicuous place. Abutters can appeal the issuance of a building permit to the Zoning Board of Appeals.

Member Barringer said 310 CMR 7.10 allows 10dB above current ambient noise. He added that the small scale towers cannot be above 65 ft which is not above the tree line.

Mr. Pine said the State of Oregon says wind turbines cannot exceed 55 dB at the property line. He suggested that the Board consider setting a maximum noise level. Member Barringer said if there is no wind, there is no noise from the facility. If there is wind, the background noise level is higher.

Member Burke said he did not think wind energy facilities should be subject to more stringent regulation than other uses.

Member Giger said there are a number of methods to notify abutters about a small scale facility such as placing a notice in the newspaper or posting a notice at the site. Ms. Horowitz suggested sending certified letters to abutters.

Arthur Blackman said people do not always have time to read the newspaper. Abutters should be notified about anything new in order to mitigate the impact. He said audible noises could be disruptive to neighbors. Notice should be by certified mail.

Member Barringer said leaf blowers and lawn mowers are in the 90-95 dB range. We cannot regulate everything that makes noise. He asked why would we selectively regulate small scale wind energy facilities and not regulate similar uses.

March 26, 2009

Page 2 of 4

Member Burke said he understood concerns about notice, but there is an issue of fairness and equity. Notice is not required for other by-right uses. He asked why wind energy facilities should be treated differently.

Ms. Horowitz said we do not know what the impact from wind towers will be. That is why notice should be sent to abutters. Selectman Eliot said there have been windmills in Groton on farms for many years.

Mr. Pine advocated for concept plan approval by Town Meeting for large-scale towers similar to multifamily or commercial developments with greater than 10,000 SF floor area. A 500-ft tower is as high as a 40-story building.

Chairman Perkins said the tower in Newburyport is 290 ft. She said it is very difficult to obtain a 2/3 vote of Town Meeting.

Member Hess said Mr. Pine's photo-simulations are radically misleading because they do not consider ground level and placement on the horizon.

Richard Curtis said he agreed that large scale towers should be approved by a 2/3 vote of Town Meeting because they will have significant visual impact.

Member Burke said the proposed by-law requires a 2/3 vote of Town Meeting. It is a question of what the Town thinks about alternative forms of energy. If a concept plan is submitted to Town Meeting for approval, it can be defeated by one-third plus one of the voters. It is the policy of both the federal and state government to promote clean energy sources and to move away from fossil fuels.

Member Barringer said if the by-law does not pass, there are no regulations or restrictions in place other than FAA regulations.

Member Giger said Groton's wind resources are lower. There are not many locations that are suitable, which is why towers require a greater height.

Member Barringer agreed that there are not many parcels that could support a wind turbine. In addition, it is very expensive to prepare the technical data and install the facility.

Member Giger said the length of the permitting process is a concern to applicants. Requiring a 2/3 vote of Town Meeting may scare applicants away and developers will go elsewhere.

Mr. Curtis said, as a former Planning Board member, concept plan approval has not frightened other developers and it gives the Town more control than the special permit process.

Selectman Eliot said requiring a Town Meeting vote would discourage clean energy and other advancements. Developers would not invest in an expensive meteorological tower if a Town Meeting vote is required.

Mr. Pine said he objects to the question being framed on the basis of being in favor of alternative energy. It is not fair to characterize those who object to the proposed by-law.

Ms. Horowitz asked if shorter towers would work in Groton. Mr. Pine said, "yes."

Member Burke said it is a matter of wind dynamics. More energy is needed to turn the blades. More energy is produced at greater speeds. Efficiency must be considered before making an investment in a wind tower. The required height could change as technology improves.

Member Barringer said the FAA requires lights for structures greater than 200 ft and regulates air space over 500 ft above ground level.

Selectman Peter Cunningham said a Town Meeting vote is more political than the Planning Board's review of a special permit application. He said he supports the by-law as proposed by the Planning Board.

Rick Muehlke asked about the duration of the balloon or crane test. Chairman Perkins said balloon tests usually last one day for telecommunication towers, depending upon the weather. Mr. Muehlke urged the Board to require a longer time period for balloon tests.

Mr. Blackman said the technology is changing and other forms of energy are being explored. Proposals based upon current technology should be presented to Town Meeting. It is the best way for the Town to make a decision. It should not be left up to the Planning Board.

Member Hess said he appreciates the concerns, but a vote of Town Meeting is based upon superficial rather than factual information.

The Board adjourned the public hearing until later in the meeting.

ANR PLAN – MATTBOb, BOSTON ROAD

The Board considered the Approval Not Required plan submitted by MattBob to change lot lines between three parcels located off Boston Road at the Groton-Littleton town line. The motion was made by Barringer, seconded by Giger, to endorse the plan entitled, "Plan of Land in Groton and Littleton, Mass. Prepared for MattBob," prepared by R. Wilson Associates, dated March 23, 2009. ***The motion passed unanimously.***

PUBLIC HEARING (con't) – PROPOSED ZONING AMENDMENT

The Board continued the public hearing on the proposed Wind Energy Conversion Facilities by-law. The Board discussed comments made at the public hearing including the suggestions for concept plan approval, requiring notice to abutters for small scale facilities, and a longer duration of balloon tests.

Board members understood why a longer duration of balloon tests would be desirable. However, the logistics of longer testing would be very difficult to accomplish. In addition, photo-simulations are required and are a very accurate representation of the proposed facility.

The Board agreed that small scale facilities are by-right and notice to abutters should not be required. Wind facilities should not be treated differently than other by-right uses. Noise is regulated by the DEP.

The Board agreed that requiring a concept plan approval for large-scale towers would discourage developers. A wind turbine is a very costly project and a 2/3 vote of Town Meeting would be prohibitive. The Planning Board's public hearing on a special permit application is a much better forum for technical review. The Board must consider the tax benefit to the Town and the financial benefits to the ratepayers. Notice is published in the newspaper and mailed to abutters for special permit applications, so people will have an opportunity to participate in the process.

The motion was made by Burke, seconded by Barringer, to amend the findings section to include an additional item:

(6) the use demonstrates economic and energy benefits to the Town.

The motion passed unanimously.

The Board voted unanimously to close the public hearing.

The Board discussed its presentation to Town Meeting.

T-MOBILE EQUIPMENT ON GIBBET HILL

The Planning Board reviewed the e-mail correspondence from the Fire Chief regarding the proposed use of a hydrogen fuel cell for the T-Mobile installation at the Gibbet Hill telecommunication tower. The motion was made by Barringer, seconded by Burke, to send a letter to T-Mobile stating that the Planning Board determined that a modification of the special permit is required as stated in Special Permit 2002-05, Condition #9:

Any extension, addition of cells or construction of a new or a replacement personal wireless services facility or accessory structures, buildings or equipment shall require the issuance of a new special permit under this chapter.

The motion passed unanimously.

OPEN MEETING LAW REMINDER

The Board discussed the need to be cautious about e-mail correspondence and not to engage in any electronic deliberations.

Meeting adjourned at 11:00 PM

Respectfully submitted,

Michelle Collette
Town Planner