

**PLANNING BOARD  
OCTOBER 13, 2011  
MINUTES**

Chairman Burke called the meeting to order at 7:30 PM

Members present: Burke, Giger, Parent, Perkins and Wilson

Members absent: Barringer and Capes

**PRE-SUBMISSION REVIEW – LUTH KARATE STUDIO, 306 MAIN STREET**

The Board met with Mike Luth regarding his proposal to convert the former medical office owned by Dr. Borden to a karate/yoga studio. The property, located at 306 Main Street, is zoned B-1. The existing building has about 1100 square feet. The renovations for the change of use would include an addition of 1900 square feet. Two universally accessible bathrooms would be added. There is a shared parking agreement between Dr. Borden and the Workers Credit Union (WCU). Dr. Borden's office has 10 parking spaces and the WCU has 26 spaces for a total of 36 parking spaces. The karate studio will be open between 4 PM and 9 PM and will not conflict with the hours of WCU, except on Thursday evenings. Classes usually have between 3 and 10 students at one time. Only two classes will be run at the same time so there will be a maximum of 17 to 18 cars. Saturday classes will be from 8 AM to 12 noon. Mr. Luth said he does not have a site plan prepared yet, but will work with David Ross Associates.

Member Perkins asked if there is other parking available in the area. Mr. Luth said Dr. Decoteau's office is on the adjoining lot, but the shared parking agreement is with the WCU. Member Perkins asked if 10 spaces would be enough. Mr. Luth said, "yes," since the hours of operation are different than WCU with the exception of Thursday evening. There are no dedicated spaces – the parking is shared with WCU.

Chairman Burke asked what the total number of parking spaces is. Mr. Luth said, "36."

Member Giger asked about easements "E" and "F" shown on the plan and if there are 10 spaces dedicated to Dr. Borden and 26 spaces dedicated to the WCU. He said he had no concerns about the proposed change of use, but the shared parking arrangements should be explicit.

Member Parent asked if all the activities would be conducted indoors. Mr. Luth said, "yes," other than an occasional yoga class that may be held on the lawn. The yoga classes will be held on Tuesday and Thursday mornings with no more than five students per class.

Chairman Burke agreed that the parking arrangement should be defined better, but there does not appear to be any other issues with the proposed use. The site plan should be submitted under the Level II requirements. A special permit from the Zoning Board of Appeals, with a Chapter 40A, section 6, finding may be necessary if the existing building does not meet set back requirements. Lighting, trees to be removed, and provisions for roof runoff should be addressed with the site plan.

The motion was made by Perkins, seconded by Parent, to require a Level II site plan and to waive the traffic study, the landscaping plan, the environmental impact report, the stormwater management calculations, and the topography within 500 ft of the site. The motion passed unanimously.

Member Giger thanked the applicant for the thoroughness of the pre-submission materials.

### **FALL TOWN MEETING**

Carol Quinn of the Lost Lake Sewer Committee met with the Board to ask for its support at the Fall Town Meeting. She explained that the existing sewage disposal systems in the Lost Lake area are inadequate or failing. The percolation rates are very fast with the sand and gravel soils resulting in nutrient loading in the lake. The Committee explored building its own treatment plant, but the costs would be very high. The Town is looking into tying into the treatment plant in Ayer as an alternative. However, a permit for an interbasin transfer would be required because Lost Lake is in the Merrimack River watershed and the Ayer treatment plant is in the Nashua River watershed. The Committee is requesting \$350,000 to prepare an Environmental Impact Report (EIR) to be submitted as required in the Massachusetts Environmental Policy Act (MEPA). In addition to funding for the EIR, the Committee is requesting funds to prepare an application for a low-interest loan to the Massachusetts Water Pollution Abatement Trust and to prepare engineering plans for the tie into the Ayer Wastewater Treatment Plant.

Member Giger stated that he wants to see the Lost Lake sewer problems addressed because the Town has been working on it for decades. However, he said the costs of the betterments and contributions from the tax payer must be sorted out first. He asked whether the proposed district and needs area has been defined and whether it includes Shaw's and the other properties at the Four Corners. He said the Town must sort out how the project would be financed.

Chairman Burke said the sewer system is needed at Lost Lake with the failing sewage disposal systems and degradation of the lake. He said the other issues will be resolved. Member Giger said the Committee must be transparent with the costs and funding sources.

Ms. Quinn said the project started with 100 units around the lake. Others in the area were added for a total of 353 Equivalent Dwelling Units (EDU). There are approximately 50 EDU's at the Grotonwood property. The Four Corners area has 118 EDU's. There are about 89 EDU's with other developable properties. The total is 610 EDU's in the proposed service area.

Chairman Burke noted that the cost is about 50% less if the sewer system is tied into the Ayer Treatment Plant. Without including the commercial properties at the Four Corners, the cost would be prohibitive. He said he is more concerned about enabling development of small lots in the Lost Lake area than about commercial development at the Four Corners. The Lost Lake issues are not going away and must be resolved.

The motion was made by Perkins, seconded by Wilson, to support the Lost Lake Sewer Committee's articles at the Fall Town Meeting. The motion passed with Burke, Capes, Parent, Perkins and Wilson in favor; Giger opposed.

Member Perkins will present the Planning Board's report at Town Meeting.

**PRE-SUBMISSION REVIEW – HANS ANTONSSON, LEWIS PROPERTY, OLD AYER ROAD**

Mr. Hans Antonsson met with the Board to discuss his possible development plans for the 39-acre Lewis property on Old Ayer Road at the intersection of Half Moon Road. Mr. Antonsson said soil testing was done and the wetlands were delineated by Beals Associates. He said he would like to develop the land with a plan similar to the Still Meadow plan off Nashua Road. He proposed to donate approximately 16 acres of open space that abuts other protected open space owned by the Conservation Commission. Mr. Antonsson said he would prefer to use Half Moon Road as access to the 15-17 proposed units/lots on this site. The houses will be smaller, three-bedroom units with 1800 SF floor area.

Member Perkins asked how many conventional lots could be developed. Mr. Antonsson said, "15." She asked about the length of the common driveway. Mr. Antonsson said it is about 1000 ft long.

Member Perkins asked about the proposed water supply. Mr. Antonsson said he would like to create a private water supply system with the well on the protected open space similar to the water supply system at Still Meadow.

Mr. Antonsson asked about Half Moon Road. Town Planner Michelle Collette said it is up to the applicant to submit legal research to determine the legal status of the road. The Planning Board will submit the information to the Board of Selectmen and Town Counsel for review.

Mr. Antonsson asked the Board its opinion of the plan. The Board said it liked the conceptual plan, but reminded Mr. Antonsson that this meeting is only a pre-submission review.

**PRE-SUBMISSION REVIEW – ANYTIME FITNESS, 536 MAIN STREET**

Anthony VivoAmore of Anytime Fitness, design engineer Bruce Ringwall of GPR, Inc., and real estate broker John Amarel met with the Board to discuss constructing a new fitness center facility at 536 Main Street. Mr. VivoAmore said he would like to move his existing business from its 501 Main Street to 536 Main Street.

Mr. Ringwall said the 536 Main Street property, presently owned by Stephen Gillis, is zoned B-1. The Planning Board approved a site plan for Mr. Gillis for a two-story, 10,000 SF office building in 2005. However, the building was never constructed. Anytime Fitness would like to construct a 4900 SF single-story facility with 39 parking spaces. The facility will be open 24 hours a day, seven days a week. The applicant will request the same waivers the Board granted to Mr. Gillis for his site plan. The waivers include one access road to the site, a reduction from 24 to 20 ft in

the width of the access road, and a traffic study. Other waivers include submission of a 1"=20 ft plan and one foot contours.

Chairman Burke asked if the building could be located closer to the street with the parking in the rear of the site. Mr. Ringwall said Anytime Fitness Center clients prefer to park near the street for safety reasons because the facility is open 24 hours. The Board agreed that parking should be in the rear of the site rather than in front.

Member Parent asked the applicant to determine the highest number of parking spaces that would be required in the winter months and to consider snow removal provisions.

Chairman Burke asked about architectural elevations. Member Wilson said he did not like the massive roofs on the building in Mill Run Plaza. Chairman Burke said he prefers a pitch roof with some articulation to break up the massing.

Member Giger asked if the applicant would consider using pervious asphalt. Mr. Ringwall said there are budget constraints with the project. Pervious asphalt may not be affordable.

Mr. Ringwall asked if they could use the Stormwater Advisory Committee regulations for the drainage calculations. The Board agreed.

#### **DESIGN GUIDELINES ARTICLE AT FALL TOWN MEETING**

The Board reviewed the slides to be presented at the Fall Town Meeting, if necessary, for the article requesting \$15,000 funding to develop Design Guidelines for the Town Center Overlay District.

#### **SPECIAL PERMIT DECISION – AT&T/GIBBET HILL TOWER**

The motion was made by Perkins, seconded by Parent, to MODIFY Special Permit 2002-05 to allow three additional antennae to be installed on AT&T's existing antenna array of six antennas located at a height of 150 feet on the tower and to allow the installation of six remote radio heads flush mounted to the monopole behind the antennae. An additional cabinet will be constructed inside the equipment shelter on the ground. The modifications are shown on the plan entitled, AT&T, Site Number MA3174," prepared by Hudson Design Group, dated August 5, 2011, revised September 20, 2011, with the following findings and conditions:

#### **Findings:**

#### **§218-25.1:**

1. On February 2, 2002, the Planning Board granted Special Permit 2002-05 to Gibbet Hill Farm, LLC, for construction of a 150-ft telecommunication tower located at 149 Lowell Road. The addition of AT&T's three (3) additional antennas complies with §218-25.1 H (6) and (7) requiring that antennas be collocated wherever possible and that towers be

“designed and constructed to accommodate the maximum number of uses technically practical...”

2. The telecommunication tower is owned by Cell Tower Lease Acquisition, LLC, of Frederick, Maryland. The applicant submitted a copy of the “Antenna Site License Agreement Between Cell Tower Lease Acquisition, LLC (Licensor) and New Cingular Wireless PCS, LLC (Licensee).

**§218-32.1:**

1. **Social, economic and community needs:** The proposed addition of three (3) antennas on the Gibbet Hill tower will serve the communications needs of the community by upgrading AT&T’s 4G Network. The proposed upgrade will provide a public benefit by allowing customers to download and upload data at significantly higher speeds.
2. **Traffic flow and safety:** There will be no traffic flow or safety issues associated with the addition of the proposed antennas on the Gibbet Hill 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 proposed antennas will be installed at the 150 ft elevation AGL on the Gibbet Hill tower. The antennas 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 proposed antennas will have far less impact than construction of another tower.
6. **Fiscal impact on the Town:** The addition of an array of three antennas and associated ground equipment for the benefit of AT&T 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. The details shown on Drawing Number A-2 of the plans, revised on September 20, 2011, reduced the length of the T-arm from 10-feet to 3-feet to address the abutter’s concerns about visual intrusion. The antenna shall be installed as shown on Sheet A-2 of the revised plan dated September 20, 2011.

2. The applicant shall provide evidence to the Town's public safety officials documenting that the new equipment will not interfere with the Town's emergency communications system. The applicant shall submit to the Building Commissioner written confirmation from the Police Chief and the Fire Chief stating that they are satisfied that there will be no such interference prior to issuance of a building permit. Prior to commencement of commercial use, the applicant shall conduct live testing with the Town's public safety officials to ensure that there will be no interference with the public safety emergency communication network.
3. The three additional antennas will be the same color as those of the existing carriers on the tower.
4. AT&T's additional antennas shall be installed at the 150-ft approximate elevation AGL on the existing 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.
5. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.1 Personal Wireless Services Facility and with the standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards Institute.
6. 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.
7. 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.
8. The applicant must obtain final sign-off from the Building Commissioner and a Certificate of Use and Occupancy, pursuant to 780 CMR of the Massachusetts State Building Code, prior to energizing the antennas and any associated equipment.
9. 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.

10. 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.
11. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

#### **COMPREHENSIVE MASTER PLAN**

The Board decided to hold the public hearing to consider adopting the Comprehensive Master Plan sometime in January.

#### **RIGHT OF FIRST REFUSAL – CROTEAU PROPERTY, 66 NORTH STREET**

The Board discussed the Chapter 61 Release for Assessors Map 229, Parcels 33, 34 & 35, owned by Gerald and Joan Croteau. The motion was made by Perkins, seconded by Parent, to recommend that the Board of Selectmen not exercise its right of first refusal under Chapter 61 for the above-referenced property. The Planning Board is reviewing an application for a special permit to create seven new units on the property. The motion passed unanimously.

#### **MINUTES**

The Board voted to approve the minutes of July 28, 2011; August 11, 2011; August 25, 2011; and September 22, 2011.

Meeting adjourned at 10:30 PM.

Respectfully submitted,

Michelle Collette  
Land Use Director/Town Planner