

**PLANNING BOARD
MARCH 8, 2012
MINUTES**

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

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

Members absent: Capes

PRE-SUBMISSION REVIEW – VERIZON WIRELESS, 94 WEST MAIN STREET

The Board met with Carl Gehring, consultant to Verizon Wireless, regarding the installation of replacement equipment on the telecommunication tower on the Blood property at 94 West Main Street.

Mr. Gehring said Verizon submitted an application for a building permit to replace certain equipment on the existing tower. The Building Commissioner denied the application on the basis that a modification of the original special permit is required. Mr. Gehring said he is requesting the Board's interpretation under the provisions of Section 218-31 of the Zoning By-law. The Planning Board granted a special permit for the tower constructed by Sprint in 2001. Verizon collocated on the tower in 2008. There are 12 antennas at 100 ft AGL today. The new antennas will be installed in the same location. Mr. Gehring said he does not believe the change warrants a modification of the special permit.

Member Barringer said the special permit is based upon the plans and specifications submitted by the applicant. Mr. Gehring said the antenna models are not specified in the special permit decision. He said the Federal Telecommunications Act of 1996 made permitting telecommunication towers easier. The new federal law adopted on February 22, 2012 said local boards may not deny requests for minor applications like simple equipment replacements. Chairman Burke responded that the new federal law does not preclude the special permit process as long as the Board does not deny the application.

Mr. Gehring said Verizon will keep the 48" antennas, remove three 58" long antennas, and replace them with three 74" long antennas. They are not going to use the 99" antennas as specified in the special permit. The application falls under the new federal law. There will be no changes to the ground equipment.

Chairman Burke asked if the antenna array will remain on the same mounting platform. Mr. Gehring said, "yes."

Board members agreed that the proposed changes were not substantial because there are no changes to the mounting platform or ground equipment and the antennas are similar in appearance.

Member Giger said the Building Commissioner made the right decision by referring the matter to the Planning Board to make a determination on whether the proposal was a substantial

change. Member Parent agreed that it is helpful for the Board to have a dialogue with the applicant.

Building Commissioner Milton Kinney said the Zoning By-law requirements are very clear about modification to the special permit. The Board thanked Mr. Kinney for working with the Board on this application.

The motion was made by Giger, seconded by Parent, that the proposed modification as described in the letter dated February 15, 2012 from Gehring & Associates does not constitute a substantial change and is permissible under Special Permit 2008-01. The motion passed unanimously.

ZONING INTERPRETATION

The Board met with Building Commissioner Milton Kinney to discuss Section 218-22G
Computation of Lot Area:

In computing the area of any lot, no part of a public or private way and no part of a pond or river shall be included. At least 80,000 contiguous square feet or 100% of the required lot area, whichever is less, of every lot laid out for residential use shall be land exclusive of area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40. Each lot shall be capable of containing a one-hundred-fifty-foot-diameter circle within which there is no area subject to protection under the Wetlands Protection Act, MGL C. 131, § 40, and within which any principal building shall be located. All easements, except easements specifically serving the individual dwelling, shall not intersect with the one-hundred-fifty-foot-diameter circle

Mr. Kinney asked the Board if the entire house had to be contained entirely in the 150 ft circle.

Chairman Burke said the circle must not include wetlands or easements, but the by-law does not address ledge or steep slopes.

Member Perkins said the 150 circle was not intended to limit the size of the house.

Member Giger said the house must comply with all the rules and regulations such as set back requirements.

The Board agreed with the Building Commissioner that the entire house does not have to be within the 150 ft circle.

AMANDAS WAY PERFORMANCE BOND REDUCTION

The motion was made by Barringer, seconded by Wilson, to reduce the amount held in the "Agreement and Contract – Town of Groton Planning Board, Enterprise Bank and Trust Company" to \$2421.60 for the Amandas Way Subdivision as recommended in the report dated February 14, 2012 from Nitsch Engineering. the motion passed unanimously.

PRESCOTT SCHOOL REUSE COMMITTEE

Member Parent informed the Board that he could no longer serve on the Prescott School Reuse Committee due to a change in his work hours.

The motion was made by Perkins, seconded by Wilson to recommend that the Town Manger appoint Member Burke as the Planning Board's representative on the Prescott School Reuse Committee. The motion passed unanimously.

MINUTES

The Board voted to approve the minutes on October 6, 2011; October 27, 2011; November 3, 2011; November 10, 2011; November 17, 2011; December 1, 2011; December 8, 2011; December 15, 2011; and January 12, 2012.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner