

**PLANNING BOARD
JUNE 28, 2012
MINUTES**

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

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

Members absent: Barringer and Perkins

PUBLIC HEARING – SPECIAL PERMIT, SPRINT, 600 COW POND BROOK ROAD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board will hold a public hearing to consider the application submitted by Sprint to modify Special Permits 2004-11 and 2006-08 to:

1. Replace existing CDMA indoor cabinet with (2) MM-BTS indoor cabinets. Install (1) fiber distribution box within existing equipment shelter.
2. Remove (3) existing CDMA antennas and replace with (3) network vision antennas & 6 RRH's. Consolidate existing (9) IDEN single pole antennas to (6) IDEN dual pole antennas.
3. Replace existing GPS antenna with similar.
4. Remove all existing CDMA Coax cables & install (3) hybriflex cables from equipment cabinet to antennas.

The proposed modification is shown on the plan entitled, "Sprint Vision, Site Number BS72XC009, Site Name: 600 Cow Pond Brook Road, Groton, MA 01450," prepared by Salient Architects, LLC, and Alcatel Lucent, dated September 10, 2011. The modification of the special permit is subject to the provisions of Code of the Town of Groton Section 218-25.1 Personal Wireless Services Facility. The existing tower is located on land owned by the Town of Groton, Assessors Map 248, Parcel 41, at 600 Cow Pond Brook Road.

Chairman Giger called the public hearing to order. Clerk Parent read the public hearing notice posted with the Town Clerk on June 5, 2012 and published in the *Groton Herald* on June 8 and 15, 2012. Sara Colman of Airosmith Development represented the applicant at the public hearing.

Chairman Giger read a disclosure he filed with the Town Clerk regarding his previous employment with Alcatel-Lucent and that he retired on August 8, 2008. He indicated that he had no involvement or interest in Sprint, Nextel, or Sprint Nextel.

Ms. Colman said the application is to replace three existing antennas with three new antennas. There are 12 antennas on the tower today and the number will be reduced to nine. Six radio heads will be added above the antennas. There will be changes to the ground equipment inside

the shelter. The CDMA cable will be changed to hybriflex cable inside the monopole. Sprint is requesting the change to upgrade its technology. There will be no increase in the height of the tower.

Chairman Giger asked if the equipment services 3G technology now and would it be upgraded to 4G. Ms. Colman said, "yes."

Chairman Giger asked about the purpose of the radio heads. Ms. Colman said they are power-surge protectors.

Member Burke asked if the mounts are being changed and, if so, is there any difference in size. Ms. Colman said the mounts will be changed. The new ones will be about two feet taller for three of nine and the same size for six of the nine antennas.

Member Svarczkopf asked if there would be anything above the CDMA on the tower. Ms. Colman said, "no." She said Sheet A4 of the plans shows what the equipment on the monopole will look like.

Member Parent asked if Sprint is the only carrier. Ms. Colman said "yes."

Member Parent asked about the height of the three larger antennas. Ms. Colman said the existing antennas are 51" tall and the three new antennas will be 72" so the height difference is 21".

The Board voted unanimously to close the public hearing.

The motion was made by Wilson, seconded by Parent, to MODIFY Special Permit modify Special Permits 2004-11 and 2006-08 to:

1. Replace existing CDMA indoor cabinet with (2) MM-BTS indoor cabinets. Install (1) fiber distribution box within existing equipment shelter.
2. Remove (3) existing CDMA antennas and replace with (3) network vision antennas & 6 RRH's. Consolidate existing (9) IDEN single pole antennas to (6) IDEN dual pole antennas.
3. Replace existing GPS antenna with similar.
4. Remove all existing CDMA Coax cables & install (3) hybriflex cables from equipment cabinet to antennas.

The modification is shown on the plan entitled, "Sprint Vision, Site Number BS72XC009, Site Name: 600 Cow Pond Brook Road, Groton, MA 01450," prepared by Salient Architects, LLC, and

Alcatel Lucent, dated September 10, 2011. The modification is granted 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, Section 218-32.1:

§218-32.1:

1. **Social, economic and community needs:** The proposed modification of the equipment on the tower will serve the communications needs of the community by upgrading Sprint's 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 existing tower and Cow Pond Brook 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 same elevation of 148 AGL on the existing tower as the equipment to be replaced.
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 replacement of Sprint's antennas and associated ground equipment for the benefit of Sprint will have a positive fiscal impact because the applicant will pay personal property taxes to the Town of Groton for the value of the associated facilities.

Conditions:

1. The new antennas will be the same color as those of the existing carriers on the tower.
2. Sprint's new antennas shall be installed at the 148-ft approximate elevation AGL on the existing tower that is subject to conditions in Special Permits 2004-11 and 2006-08. The telecommunications facility will comply with all applicable conditions enumerated in said special permits.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

RECOMMENDATIONS TO THE SELECTMEN

The Board of Selectmen requested that the Planning Board recommend a representative to the Underground Utilities Study Committee and Williams Barn Committee. The motion was made by Burke, seconded by Parent, to recommend that the Selectmen appoint Scott Wilson as the Planning Board representative to the Underground Utilities Study Committee and Tim Svarczkopf as the Planning Board representative to the Williams Barn Committee. The motion passed unanimously.

ACADEMY HILL SUBDIVISION

The Board met with George Gallagher of Academy Hill, LLC to discuss a number of issues related to the Academy Hill subdivision.

Phase III Bond - the Board received a report dated May 29, 2012 from Nitsch Engineering with an estimate of \$150,871.35 to complete Cherry Tree Lane (Stations 22+50 to 32+67). Academy Hill, LLC submitted an insurance bond as surety.

Member Burke asked what would happen if the premium on the bond is not paid. He said the Town should receive evidence at least 30 days prior to the expiration date that the developer has renewed the bond and paid the premium.

Chairman Giger suggested including a condition that if the premium is in arrears, then the bond is payable to the Town.

The motion was made by Parent, seconded by Wilson, to accept the bond in the amount of \$150,871.35 to complete Cherry Tree Lane (Stations 22-50 to 32+67). The motion passed unanimously.

Lot Release – Academy Hill, LLC, requested that the Board release Lots 11-13 and 19-23 with frontage on Stations 22+50 to 32+67.01 on Cherry Tree Lane.

Member Burke said he would like to have a less boilerplate form of lot release with reference to the bond, provisions for renewal 30 days prior to expiration, and a date for completion of the work. He asked that the standard Lot Release Form (Form J) be rewritten to include these provisions.

Mr. Gallagher requested that the Board consider releasing Lots 12 and 19 because the buyers for these two lots are waiting for building permits.

Affordable Housing - The Board and Mr. Gallagher discussed the affordable housing build-out schedule for the remaining seven affordable units. A total of ten affordable units were required in the special permit. The affordable units have been constructed to date. Housing Coordinator Fran Stanley and Affordable Housing Trust member Allen King were present.

Member Burke asked how many condominiums have been constructed. Mr. Gallagher said 13 have been completed to date and two are under construction. This includes the three existing affordable units.

The Department of Housing and Community Development (DHCD) requires the developer to enter into a regulatory agreement with the Town. The developer and Housing Coordinator Fran Stanley are working with the DHCD on the regulatory agreement for the remaining seven units at Academy Hill.

Member Burke said the developer should apply for building permits for two additional affordable housing units now so he could catch up with the required 5:1 ratio. He suggested that Mr. Gallagher work with Housing Coordinator Fran Stanley on a revised schedule. The

occupancy permits for the houses on Lots 12 and 19 should be dependent upon the completion of the two affordable units.

Mr. Gallagher consulted over the telephone several times with developer Bruce Wheeler about the affordable housing issues. Mr. Gallagher reported that one of the existing market rate townhouses on Lot B would be provided as an affordable unit and a building permit would be submitted for the other affordable units. He said Mr. Wheeler agreed that the affordable units would have occupancy permits prior to the occupancy permits for Lots 12 and 19. He said Mr. Wheeler would submit a written agreement for the Board's consideration prior to the July 14, 2012 meeting. The Board agreed and stressed that the affordable housing schedule must be subject to a written agreement between Academy Hill, LLC and the Planning Board.

The motion was made by Burke, seconded by Parent, to release Lots 12 and 19 from the covenant with the understanding that two additional affordable units would be constructed and have occupancy permits prior to the issuance of occupancy permits for Lots 12 and 19. The motion passed unanimously.

GROTON WOODS SURETY RELEASE

The Board received confirmation from DPW Director Tom Delaney regarding the condition of Forest Drive and Winding Way in the Groton Woods subdivision. The Board agreed to sign the letter releasing the \$5000 held in a passbook by the Town Treasurer as voted conditionally at the Board's meeting on March 29, 2012.

ROCKY HILL SURETY RELEASE

The motion was made by Burke, seconded by Parent, to reduce the amount held in the "Agreement and Contract – Town of Groton Planning Board, Middlesex Savings Bank" for the Rocky Hill subdivision as follows:

Robin Hill Road	(Station 0+00 to 3+75)	0.00
Robin Hill Road	(Station 3+75 TO 20+50)	\$270,261.64
Robin Hill Road	(Station 20+50 to 30+50)	\$176,278.38
Quail Ridge Road	(Station 0+00 to 8+30.34)	0.00
Cardinal Lane	(Station 0+00 to 6+71)	\$120,757.46
TOTAL:		\$567,297.48

The motion passed unanimously.

Meeting adjourned at 9:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner