

**PLANNING BOARD
FEBRUARY 12, 2015
MINUTES**

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

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

Member absent: Svarczkopf and Vega

PUBLIC HEARING – SPECIAL PERMIT, T-MOBILE ON BLOOD TOWER

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on February 12, 2015 to consider the application submitted by T-Mobile Northeast LLC/Global Signal Acquisitions III LLC for a Special Permit to replace six (6) antennas at the height of 111 ft on the existing 120-ft monopole style telecommunication tower and to add required ground equipment on land owned by Elliot and Doris Blood, as shown on the plan entitled, "T-Mobile Northeast LLC, Site Name: BS338 Global/Blood Farm TWR, Site No: 4BS1338B," prepared by Tectonic, dated April 22, 2014. 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 Elliot and Doris Blood, 94 West Main Street, Assessors Map 106, Parcel 15, on the southerly side of West Main Street.

Chairman Barringer called the public hearing to order. Member Giger read the public hearing notice posted with the Town Clerk on January 20, 2015 and published in the January 23 & 30, 2015 issues of the *Groton Herald*. Attorney Dan Klasnick represented the applicant at the hearing. Landowner Richard Blood was also present.

The Board received the following documents with the application:

- "T-Mobile Northeast LLC, Site Name: BS338 Global/Blood Farm TWR, Site No: 4BS1338B," prepared by Tectonic, dated April 22, 2014.
- "Application for Modification of Special Permit for Modifications of a Wireless Communications Facility, 94 West Main Street, Groton, MA," submitted by Duval & Klasnick, dated January 15, 2015

Attorney Klasnick presented T-Mobile's application to replace six (6) existing antenna at the 111 ft elevation on the 120- ft tower on the Blood property. The equipment will be installed at the same height as T-Mobile's existing equipment and will be painted the same color. The new cabinet will be installed in the existing fenced-in compound on the ground.

Member Perkins asked if the existing cabinet would be replaced by the new cabinet. Mr. Klasnick said, "no," the existing cabinet will be modernized and a new cabinet will be added.

Member Giger asked if the new antenna would have the same dimensions. Mr. Klasnick said, "yes." Chairman Barringer asked if the orientation would also be the same. Mr. Klasnick said, "yes."

Chairman Barringer asked if the property owner signed the application. Town Planner Michelle Collette said the landowner signed the letter of authorization submitted with the application.

The Board voted unanimously to close the public hearing.

DECISION

The motion was made by Burke, seconded by Wilson, to **GRANT** a special permit to T-Mobile Northeast LLC/Global Signal Acquisitions III LLC to add required ground equipment on land owned by Elliot and Doris Blood, as shown on the plan entitled, "T-Mobile Northeast LLC, Site Name: BS338 Global/Blood Farm TWR, Site No: 4BS1338B," prepared by Tectonic, dated April 22, 2014. The special permit is subject to the provisions of Code of the Town of Groton Section 218-25.1 Personal Wireless Services Facility with the following findings and conditions:

Findings:

§218-25.1:

1. On August 31, 2001, the Planning Board granted Special Permit 2001-10 to Sprint Spectrum, LP, for construction of a 120-ft telecommunication tower on the Blood Property located at 94 West Main Street. The proposed replacement of six antennas and addition of new ground equipment 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 applicant demonstrated to the Planning Board's satisfaction that the location of the T-Mobile's proposed replacement of the existing antennas and addition of new ground at the Blood tower is necessary to provide personal wireless services coverage to the area. The proposed antennas will improve the reliability and efficiency of the network for users in Groton and surrounding towns.

§218-32.1:

1. **Social, economic and community needs:** The proposed upgrade of the antennas on the Blood tower will serve the communications needs of the community by improving the quality of wireless communication within the Town of Groton and surrounding areas.
2. **Traffic flow and safety:** There will be no traffic flow or safety issues associated with the addition of the proposed antennas on the Blood 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 111 ft elevation AGL on the Blood 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 six replacement antennas and associated ground equipment for the benefit of T-Mobile 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. Antenna Color: The antennas will be the same color as those of the two existing carriers on the tower.
2. Equipment Shelter Height: The height of the new equipment cabinet shall not exceed ten feet as required in 218-25.1G (9).
3. T-Mobile's proposed replacement antennas will be installed at the 111-ft elevation AGL on the existing 120-ft tower that is subject to conditions in Special Permit 2001-10. The telecommunications facility will comply with all applicable conditions enumerated in Special Permit 2001-10 granted Sprint Spectrum, LP, on August 31, 2001.
4. The telecommunication facility shall comply fully with all applicable requirements of Groton Zoning By-law § 218-25.1 Personal Wireless Services Facility.
5. 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.
6. By January 1st of each year, the owner or operator of the personal wireless services facility shall submit certification to the Planning Board and the Building Commissioner demonstrating continuing compliance with the standards of the Federal Communications Commission, the Federal Aviation Administration and the American National Standards Institute, including compliance with radio frequency emissions. The facility must cease operations if the facility is not in full compliance.
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. There shall be a minimum of one parking space for each personal wireless services tower to be used in connection with the maintenance of a personal wireless services tower and the facility; however, the Planning Board may require additional parking spaces depending upon the number of providers and antennas and dishes that are to use the facility. The site shall not be used for overnight or permanent storage of vehicles.
9. The carrier shall continue to provide a bond, in a form acceptable to the town, or shall place into escrow, the amount of \$15,000.00 to cover the costs of removing the facility, including the antennas from the subject property and, furthermore, said funds shall be held by an independent escrow agent to be appointed by the carrier and the Planning Board. The carrier shall authorize and, as necessary, shall provide the authorization of the owner of the property to allow the town or the escrow agent to enter upon the subject property to remove the facility when the facility has been abandoned or discontinued.

10. 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.
11. 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.
12. This special permit shall lapse in 24 months (from the date the decision is filed with the Town Clerk and the 20-day appeal period expires), 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.
13. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

PROPOSED ZONING AMENDMENTS

The Board reviewed the draft zoning amendments for temporary construction trailers and Site Plan Review. The Board approved the revisions to the amendment of temporary trailers. The Board decided to remove the multiple references to the Planning Board under Minor Site Plan Review. The proposed amendment is clear that an application or the Land Use Director and Building Commissioner can refer any Minor Site Plan to the Planning Board for review and that the same procedures will be followed.

The draft amendments will be forwarded to Town Counsel for review. The Board will hold a public hearing on March 12, 2015.

EXECUTIVE SESSION

The motion was made by Giger, seconded by Wilson, to enter executive session, pursuant to M.G.L. c.30A, Sec. 21(3) "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." The litigation is the Planning Board v. the Zoning Board of Appeals and Thomas Roche, and the Board would not return to open session. The motion passed by roll call vote with Burke- yes, Perkins – yes, Wilson – yes, Giger – yes, and Barringer – yes.

The motion was made by Giger, seconded by Wilson, to end executive session and to adjourn the meeting. The motion passed by roll call vote with Burke – yes, Perkins – yes, Wilson – yes, Giger – yes, and Barringer – yes.

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner