

**PLANNING BOARD
JUNE 11, 2015
MINUTES**

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

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

Members absent: Perkins and Svarczkopf

**PUBLIC HEARING – SPECIAL PERMITS SHARED DRIVEWAY & FLEXIBLE DEVELOPMENT
MARTIN PROPERTY, 88 JENKINS ROAD**

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Paula Martin for a special permit to utilize the provisions of Groton Zoning By-law Section 218-23D Shared Driveways to create a shared driveway serving two lots as shown on the plan entitled, "Plan of Land in Groton, Massachusetts, Prepared for Paula Martin," prepared by Ducharme & Dillis Civil Design Group, Inc., dated May 1, 2015. The proposed shared driveway is on land owned by Paula Martin, Assessors' Map 217, Parcel 80, located on the northerly side of Jenkins Road.

Chairman Barringer called the public hearing to order. Clerk Vega read the notice posted with the Town Clerk on May 19, 2015 and published in the May 22 and 29, 2015 issues of *The Groton Herald*.

Applicants Paula and Kelly Martin, Attorney Robert Collins, and design engineer Stan Dillis of Ducharme & Dillis Civil Design Group were present.

Chairman Barringer called to order the continuation of the public hearing on the application for Flexible Development for the Martin property.

Attorney Collins presented the application for a shared driveway serving two lots submitted as requested by the Planning Board. Lot 2 will have 22 ft of frontage on Jenkins Road, and 76,233 SF of open space in the rear of the lot.

Mr. Dillis said the gravel driveway will be constructed to shared driveway standards (see Chapter 381 – Part 4 Shared Driveways).

Member Wilson asked about the length of the shared portion of the driveway. Mr. Dillis said about 100 ft will be shared. Member Wilson asked if there would be a turn-around area. Mr. Collins said vehicles can turn-around in the existing driveway.

The Board voted unanimously to close the public hearing on the Flexible Development application. The Board voted unanimously to close the public hearing on the Shared Driveway application.

The motion was made by Burke, seconded by Wilson to grant the special permits for the shared driveway and flexible development as one decision.

Land Use Director/Town Planner Michelle Collette asked if the open space would be deeded in fee to a conservation organization or made subject to a conservation restriction. Attorney Collins said, "either."

The motion passed unanimously.

COMMENTS TO ZBA – MOULTON VARIANCE, 39 AMES ROAD

The Board reviewed the application for a variance submitted to the Zoning Board of Appeals by David Moulton, 39 Ames Road, for a setback variance for a new garage. Members of the Board had the following questions:

- What are the topography and grading issues with the site?
- Is this application for a variance based upon “circumstances relating to soil conditions, shape or topography of such land or structures...?”
- Where will access to the garage from Ames Road be located? Has the DPW Director issued a Driveway Permit for a new driveway, if any, for the garage?
- There are wetlands on the southerly side of Ames Road. Has the applicant consulted with the Conservation Commission about any wetlands issues related to the proposed project?

Town Planner Michelle Collette will attend the public hearing.

PUBLIC HEARING – VERIZON WIRELESS, 600 COW POND BROOK ROAD

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on June 11, 2015 to consider the application submitted by Bell Atlantic Mobil of Massachusetts, Ltd., d/b/a Verizon Wireless, for a Special Permit to collocate telecommunication transmission equipment on an existing tower/base station located at 600 Cow Pond Brook Road, as shown on the plans entitled, “Site Name: Groton 3 MA, Address: 600 Cow Pond Brook Road, Groton, MA 01450,” prepared by ProTerra Design Group, LLC, dated July 3, 2014, with revisions through May 15, 2015. 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 192 ft monopole, owned by SBA Towers, is located on land owned by the Town of Groton, 600 Cow Pond Brook Road, Assessors Map 248, Parcel 41, on the easterly side of Cow Pond Brook Road.

Chairman Barringer called the public hearing to order. Clerk Vega read the public hearing notice posted with the Town Clerk on May 19, 2015 and published in the May 22 & 29, 2015 issues of the *Groton Herald*. Attorney Thomas Hildreth represented the applicant at the public hearing. Site acquisition specialist Brendan Gill and Carl Gehring of Gehring & Associates were present.

Attorney Hildreth said he is following up on work done by Attorney Carol Holahan, on behalf of Verizon Wireless, in the fall of 2014 and April 2015. He described the change in the Federal Law requiring only administrative approval for collocations or changing equipment on existing towers. He asked the Board to approve Verizon’s requested collocation as an administrative change.

Member Burke said the Board is aware of the change in Federal law. However, the Zoning By-law has not been amended to be consistent with Federal law. He said the special permit process is typically pro forma for collocation and equipment replacement applications.

Member Giger said the Board works through the process with the applicant.

Attorney Hildreth said the tower was constructed by Bay Communications on land leased from the Town of Groton in 2004 (see PB 2004-11). The Planning Board subsequently granted special permits in 2008 and 2012 to Nextel and Sprint to install equipment on the tower owned by SBA Communications. Sprint is the only carrier at elevation 150 ft on the existing tower. Verizon Wireless is proposing a similar array at elevation 192 ft. A 12' x 26' cabinet with an internal generator and a new propane tank will be installed in the existing ground compound. The fenced in area will not be expanded.

Member Giger asked about the capacity of the generator. Attorney Hildreth said it would be 50 kW.

Member Giger asked about the color of the propane tank. Attorney Hildreth said it would be white.

Member Giger asked if the applicant had any dialog with MIT, owner of the abutting land and Haystack Observatory. Attorney Hildreth said he reviewed the record from 2004 and the same rules apply. There have been no reported problems since the tower was constructed. . The Federal Communications Commission (FCC) rules and regulations apply to the present application. This is not a local Planning Board issue. If there are any problems, Verizon will work them out with MIT.

The Board voted unanimously to close the public hearing.

The motion was made by Burke, seconded by Wilson, to grant a special permit to Bell Atlantic Mobil of Massachusetts, Ltd., d/b/a Verizon Wireless, for a Special Permit to collocate telecommunication transmission equipment on an existing tower/base station located at 600 Cow Pond Brook Road, as shown on the plans entitled, "Site Name: Groton 3 MA, Address: 600 Cow Pond Brook Road, Groton, MA 01450," prepared by ProTerra Design Group, LLC, dated July 3, 2014, with revisions through May 15, 2015. 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, §§ 218-25.1 and 218-32.1:

§218-25.1:

1. On December 14, 2004, the Planning Board granted Special Permit 2004-11 to Bay Communications and Nextel Communications for construction of a 190-ft telecommunication tower on property owned by the Town of Groton located at 600 Cow Pond Brook road. The addition of the proposed array of 12 antennas and required 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 Verizon Wireless' proposed array of 12 antennas on the existing tower is necessary to provide personal wireless services coverage to the area.

§218-32.1

1. **Social, economic and community needs:** The proposed array of Verizon's 12 antennas on the existing 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 existing tower and 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 192 ft elevation AGL on the existing tower located on the site of the Town's transfer station and DPW facilities. 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 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 12 antennas and associated ground equipment for the benefit of Verizon Wireless 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. **Fuel Storage Permit:** The applicant shall comply with the Fire Department regulations for a fuel storage permit for the proposed propane tank.
2. **Antenna Color:** The array of 12 antennas will be the same color as those of the existing carrier on the tower.
3. **Equipment Shelter Height:** The height of the equipment shelter shall not exceed ten feet as required in 218-25.1G(9).
4. **Verizon Wireless' proposed antennas** will be installed at the 192-ft approximate elevation AGL on the existing tower that is subject Special Permit 2004-11.
5. The telecommunication facility shall comply all applicable requirements of Groton Zoning By-law § 218-25.1 Personal Wireless Services Facility.
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 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.
9. The applicant must obtain final sign-off from the Building Inspector 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.
10. 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.
11. 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.
12. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

VERIZON EQUIPMENT CHANGE, GIBBET HILL TOWER, 149 LOWELL ROAD

The Board met with consultant Carl Gehring to discuss Verizon Wireless' plan to change equipment on the telecommunication tower at Gibbet Hill. Mr. Gehring said the tower was constructed in 2004 before Federal Law changed in 2012 (see Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012). Mr. Gehring stated that Section 6409 states that such changes are subject to "administrative approvals, not discretionary, special permit, zoning approval." (See letter dated April 3, 2015 from Carl Gehring to Building Commissioner Edward Cataldo and the letter dated June 8, 2015 from Carl Gehring to the Planning Board.)

Mr. Gehring said Verizon will swap out three antennas at the 138 ft AGL on the 150 ft tower. Remote radio pads will be added. There will be no change in the height of the tower and no changes to ground equipment.

Chairman Barringer asked if there would be any dimensional changes to the equipment. Mr. Gehring said the changes would be minimal.

The motion was made by Burke, seconded by Wilson, to send a letter to the Building Commissioner stating that the Board verified that "no substantial dimensional modifications to either the tower or site compound are being proposed," as stated in the letter dated June 8, 2015 from Gehring and Associates and that the work shown on the plans entitled, "Site Plan, Prepared for Verizon Wireless, Groton DEM MA, 149 Lowell Road, Groton, MA 01450," prepared by Hudson Design Group, dated November 17, 2014, does not constitute a substantial change and is permissible under Special Permit 2004-01. The motion passed unanimously.

REVISIONS TO NESSP TEMPLE SITE PLAN

The Board met with design engineer Ian Rubin and General Contractor Nalin Mistry to discuss minor changes to the entrance to the site of the NESSP Temple on Boston Road.

Mr. Rubin said they have not started clearing trees yet. The tenants will move out of the house on Saturday. The house will be demolished in two weeks.

Mr. Mistry said they would like to get the project done quickly. He said they met with the Conservation Commission about proposed changes to the entrance near the wetlands and the retaining wall. The Conservation Commission did not have any issues with the proposed changes. Mr. Mistry said the mound of ledge in the center of the site would not be removed. The landscaping around the ledge will be similar.

Chairman Barringer asked if the curb cut would be the same. Mr. Mistry said, "yes," it would be in the same location. He said they would like to clear the trees as soon as possible. They will use the parking area near the existing house for trees clearing vehicles.

Member Vega asked if the proposed pond and fountain would be eliminated. Mr. Mistry said, "yes."

Member Wilson asked about landscaping. Mr. Mistry said the area at the top would be landscaped and slopes around the plateau would be stabilized. Member Wilson asked how steep the slopes would be. Mr. Rubin said the slope is 1:5 or 20%.

Member Giger asked about impact on parking. Mr. Rubin said there would be no changes to parking.

Member Giger asked if people with disabilities would have access to the top of the plateau. Mr. Mistry said they could add a footpath to provide access but it is not in the budget. Member Giger said it is important to ensure access to the plateau for all people.

Member Giger asked about the new sign at the entrance to the site. Town Planner Michelle Collette said the temporary sign is located in Littleton so it is subject to Littleton's sign requirements. Member Giger asked where the permanent sign would be located. Mr. Rubin said it would be in Littleton.

Member Burke said the applicant should submit a landscaping plan to the Board for its review. Chairman Barringer said an updated engineering plan and lighting plan must also be submitted to the Board. Mr. Mistry agreed to do so.

June 11, 2015

Page 7

COMMENTS TO THE ZBA – TARBELL SCHOOL CONVERSION, 73 MAIN STREET

The Planning Board decided to defer its comments to the ZBA on the Tarbell School conversion to residential use until after the Planning Board reviewed the site plan on June 25, 2015.

CENTER FIRE STATION LANDSCAPING

The Board will review the approved landscaping plan for the Center Fire Station to be sure the landscaping, as planted, complies with the plan. The Board will discuss the matter at its meeting on June 25, 2015.

Meeting adjourned at 9:00 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner

