

**Planning Board
Minutes of Meeting
September 10, 2009**

Approved September 24, 2009

Members Present: Mark Montanari, Chairman; Richard Crowley, Clerk; and, Steve Wheaton and Gregg Champney, Members

Members Absent: Janet LaVigne, Vice Chairman

The meeting was called to order at 7:30 p.m.

Preliminary Subdivision – “Farmers Row” – 22 Lot Residential Subdivision off Great Road – Fletcher: Attorney Douglas Deschenes and Matt Waterman of LandTech Consultants provided an overview of the project. Mr. Deschenes stated that there were two plans, a conventional subdivision plan and an open space plan. He stated that the parcels are under two separate owners, PAM F Inc., and Adjacent Land Company; access to the tubing park is across the parcels; Robins Lane, an unimproved old county road that has become a right of way also goes across the parcels. The existing parcels range in size from 10 to 35 acres; it has 2 existing farm houses and 2000 feet of frontage with 112 acres total. Mr. Deschenes stated that both the conventional and open space layouts consist of 22 lots. The conventional layout has a series of roads including 4 minor roads no more than 750 feet in length with lots from 2.5 to 10 acres; the average lot size is 4.8 acres, with 3300 feet of new main road and a buffer maintained along Great Road. He stated that the wetlands were delineated in 2008 by Norse Environmental; the tubing park would be eliminated in this layout. The open space layout regulations talk about preserving large tracts of land; they propose 2 large open space parcels of 28 and 42.5 acres, preserving most of the tubing park and the back side of Nashoba ski hill; along with a 6 acre lot that includes a field along Great Road, it leaves almost 59 acres preserved. The lots proposed are .75 to 3 acres in size and clustered with smaller frontages.

Mr. Wheaton asked if the open space was contiguous with any other preserved open space. Mr. Deschenes stated that the open space plan would keep the snow tubing park; there are no town-owned parcels adjacent to this site.

Mr. Crowley arrived at the meeting.

Mr. Champney asked about access to the tubing park. Mr. Deschenes stated that access would be through the subdivision road. Mr. Montanari asked about ownership of the antique farmhouse to the west of this site. Mr. Deschenes stated that it was not owned by the applicants; it was supposed to be removed and the site was supposed to be cleaned up. Mr. Montanari agreed that it was not their responsibility to remove the farmhouse, noting that it was supposed to have been removed by the developers of the 40B project.

Mr. Champney asked how much farmland was being preserved. Mr. Deschenes stated that about 9 acres of farmland. In response to a question, He stated that they do not intend to utilize Robins Road; you can still drive down it with the right vehicle.

Mr. Montanari asked if this was what the owners want to do with the property. Mr. Deschenes shook his head no; he stated that the Fletchers are trying to preserve the rights they have today; in filing a preliminary and going into a definitive plan, the zoning will freeze. Mr. Crowley asked about the location of the houses, noting that he liked that the homes were back off Great Road. Mr. Champney stated that he was not a big fan of cluster developments; a lot of land that is being preserved is in the back of the property, and is not really what people want to see preserved; it has the rural farming feel when you drive through and the conventional subdivision plan actually preserves more of the farmland along the roadside than does the cluster. Mr. Deschenes stated that technically, the conventional plan does not preserve any farmland, as the homeowners can use their property for any allowed purpose.

Mr. Montanari stated that the Board should provide some direction on what we would like to see. Mr. Waterman stated that they would only move forward with one plan, as the Definitive Plan would need soil testing and detailed drainage calculations. Mr. Montanari stated that the Board would work with them on an open space plan; some changes would have to be made to the cluster layout.

Don MacIver asked about the plans. Mr. Deschenes stated that the light green represents existing and proposed lawn areas, the fields and the proposed lawns; the dark green is proposed woodland that would not be disturbed. Mr. MacIver asked if they would show the Prime Farmland soils. Mr. Waterman stated that they could do that for the Definitive. Mr. MacIver noted that the plan could change dramatically before the definitive is submitted; the idea is to get a broad brush read whether open space or conventional is better; he prefers open space with an eye toward trying to preserve land.

Mr. Champney stated that he does not like the way the cluster plan is currently laid out; it needs to be tweaked. Mr. Wheaton stated that the Open Space layout provides more flexibility for the layout.

Mr. Champney made a motion to approve the Preliminary Subdivision Open Space Concept for the Farmers Row Subdivision, with the condition that the homes be pulled back from Great Road to save more of the front farmland. Mr. Wheaton seconded this motion and the Board voted 4 to 0 in favor of this motion.

Mr. Montanari stated that the Board is willing to work with the landowners on an open space plan that makes sense for the town if they decide to move forward with it.

Goldsmith Tree Report: Jim Clyde, Tree Warden and Highway Department Superintendent stated that an arborist had reviewed several trees on Goldsmith Street from a tree value point of view, and a copy of the report was provided to the Board for their information. Mr. Clyde stated that he anticipates replacing the trees, but the number of trees will depend upon the funds remaining at the end of the project. Mr. MacIver asked if the Shade Tree Committee has reviewed this. Mr. Montanari stated that the Board had several previous Public Hearings on the tree removal. The Board noted that trees within a foot of the pavement clearly would not survive. Mr. Clyde stated that survey control was still a concern near the 200 Goldsmith Street location. Mr. Wheaton noted it was a thorough review of the trees.

The meeting adjourned for a Public Hearing.

Public Hearing – Aquifer District Special Permit – 2 Spectacle Pond Road – The Stoneyard: Mr. Montanari opened the Public Hearing with the reading of the hearing notice as published in the Littleton Independent on August 20 and 27.

Site Plan Review – 2 Spectacle Pond Road – The Stoneyard: Mr. Montanari noted that the discussion of the Site Plan Review would run concurrently.

Doug Miller and Matt Bombaci of GPR were present with John Croteau of Stoneyard.com LLC. Mr. Miller provided an overview of the project, stating that this was for a Water Resource District Special Permit and Site Plan Review for additional outdoor storage; storage is for pallets of rock materials. He stated that in about 2006 the Conservation Commission had approved additional work near the wetlands, but the Site Plan had not been updated at that time. Mr. Miller noted that comment letters from Roland Bernier and the Police Chief had come in. Mr. Miller pointed to two areas on the plan, stating that these were the new storage areas. Mr. Miller stated that access to the rear storage area was through an off-site easement and a new gravel road across to an existing upland area near Bennett's Brook. He stated that they are proposing a new storage area; the wetlands area is flagged; the Conservation Commission is waiting for the drainage review to be completed. Mr. Miller stated that the area is laid out to drain to a detention and sediment basin with flood storage; some filling will be in a floodplain area; there is a culvert under the driveway and the driveway and storage area will not be paved. He stated that they viewed this as an impervious surface, given that it is in the aquifer protection district and did the drainage calculations assuming it was going to drain like a hard surface. Mr. Miller stated that Dr. Chiang reviewed the calculations, provided comments, and changes were made to the plans based on the comments. Mrs. Toohill stated that Dr. Chiang had not reviewed the revised plans, and he would be available later this month to review the new plans. Mr. Miller stated that no lighting of the outdoor storage area was proposed; materials will be moved in and out of the storage area as the need arises.

Mr. Montanari asked about the letter from Police Chief John Kelly regarding late night noise and lights shining on the motor home park; he noted that now the operation would be even bigger and they would need to do a better job of screening. Mr. Miller stated that no new lighting is proposed; he feels that the lighting issue has been addressed: deflectors were added to the lights and the fence was extended to help eliminate lighting from going onto adjoining properties. Mr. Montanari asked about the noise issues. Mr. Miller stated that he is not aware of any noise complaints after the letter in May when the doors of the facility were left open when they were cutting stone. He stated that the owners had started making sure that the doors were closed when they were grinding. Mr. Champney asked about the fence, reading from the letter from the Police Chief stating noting that the current fence is ineffective in blocking the noise, is not the entire length of the operation, and you can see through the fence. Mr. Miller stated that the fence was not intended to abate the noise; it was extended on the previous site plan. Mr. Montanari asked if they would consider being a good neighbor and adding more screening with additional trees to keep the light and the sight of it away from the residents.

Mr. Croteau stated that it is an Industrial A site and there is quite a bit of screening to where the trailers are. Mr. Wheaton noted that the new storage area would be closer to the

residences; he expressed concern with additional noise. Mr. Croteau stated that they cannot do any work outside after 9 pm or before 7; the second shift will be ending at 9. Mr. Champney suggested a site walk. Following further discussion regarding noise, locations of the trailers and the storage areas, hours of operation, and access to the storage areas, the Board scheduled a site visit for Thursday, September 24 at 6 p.m. Mr. Wheaton asked for a complete Site Plan, showing the existing building, and storage areas along with the new proposed areas. Mr. Miller agreed to provide an overall Site Plan.

Mr. Miller provided an overview of the drainage design and peer review. He stated that Dr. Chiang asked him to change the swale that collects the water that runs to the sediment basin, to add riprap swale in the bottom. He also asked about disturbance in the riverfront area; they are only allowed to disturb 10 percent of the riverfront area, but structural stormwater basins are exempt, so they are under 10 percent; they would rather not move the storage area closer to the wetlands. Mr. Miller stated that he feels the wetlands are the more critical resource, being 20 feet away, than the riverfront that is 200 feet away. He stated that the road is super elevated, runoff flows toward the sediment basin; they will add a line of stone from the edge of the driveway to direct runoff towards the basin.

Mr. Montanari asked how the gravel road would be affected by plowing operations. Mr. Crowley stated that this is the type of business we need in Town. Mr. Montanari stated that he has to try to balance the expansion with the effects on the neighbors. Mr. Croteau stated that he has no problem keeping the doors closed when they are cutting stone and stopping operations at 9 p.m.

Mr. Champney made a motion to continue the Public Hearing to Thursday, September 24 at 7:45 p.m. Mr. Wheaton seconded this motion and the Board voted 4 to 0 in favor of this motion.

Board Business: Draft **Minutes** were reviewed. Mr. Wheaton made a motion to approve, with minor corrections, the draft minutes from the meeting of August 20. Mr. Champney seconded this motion and the Board voted 4 to 0 in favor of this motion.

Mrs. Toohill stated that Attorney Sherrill Gould had requested the Board approve and endorse two Lot Releases for Shelburne Village. Mr. Wheaton made a motion to approve the Lot Release for Lots 1, 4, and 7 and the Lot Release for Lot 3. Mr. Champney seconded this motion and the Board voted 4 to 0 in favor of this motion. The Board endorsed the two lot releases.

The meeting adjourned for another Public Hearing.

Public Hearing – Wireless Telecommunications Special Permit – 550 King Street – IBM: Verizon Wireless; AT&T Wireless, Sprint/Nextel: The Public Hearing was opened with the reading of the Hearing Notice as published in the Littleton Independent on August 27 and September 3, 2009. Attorney Jim Valeriani, Chris Wilkes of IBM, and Amy White of Verizon Wireless were present with RF Engineers Tom Greenwood and Shawn Descharme. Mr. Valeriani thanked Mrs. Toohill for the quick processing of the application and the early meeting date; he stated that they had hoped that this would qualify as an accessory use, but the Building Inspector had determined that it rightly fell under the Wireless Telecommunications Bylaw. Mr. Valeriani stated that the proposed installation is

for three carriers, a specialized use for the facility to provide amplification of cell signals within the building. He stated that IBM is expanding to 2000 people at the Littleton facility and need coverage; none of the existing cell sites in Littleton or Westford do a good enough job inside the building. He stated that the signal will go to repeaters and cables; antennas are about the size of the clock; YAGI antennas are ballast mounted 7 or 8 feet high. He stated that it would be below the height of the penthouse to the rear of the first building very close to Route 495 and within the Industrial A zoning district, where wireless installations are allowed by right.

He stated that Littleton's bylaw primarily deals with tower facilities; this is an unmanned facility, no new tower is proposed; the carriers have a long-term lease. Mr. Montanari stated that this is similar to adding antennas to the water tanks. He asked if reception in cars along Route 495 would be improved. Mr. Valeriani stated that it would not improve reception outside of the buildings at 550 King Street; it was designed to grab a signal and amplify it inside the buildings. Mr. Montanari stated that the Town has been trying to get carriers to put antennas up to increase coverage that is going up and down Route 495. Mr. Crowley stated that this is a great site for cell antennas. Mr. Valeriani stated that the intent is to serve IBM employees, visitors, clients, and vendors on site. Mr. Montanari stated that with no new tower, there is no need for a balloon test or other visual demonstration; he stated that if this were a commercial lease to provide coverage for other areas it would be a good gesture to provide money for Open Space, but this site would not serve the general public. He noted that the Town's Beaver Brook site is about a mile away. Mr. Valeriani stated that site would not help inside these buildings due to the construction. He stated that they did include a Site Plan and photos of what would be on the roof. Mr. Champney asked about equipment cabinets. Mr. Valeriani stated that other equipment would be inside the building in an equipment room.

Mr. Montanari stated that if this were ever to become a commercial enterprise providing coverage for areas outside this site, it would need to come back for further review. Mr. Valeriani stated in that case it would be a whole separate application.

There being no further questions from the Board, and no questions from anyone else present, Mr. Wheaton made a motion to close the Hearing. Mr. Champney seconded this motion and the Board voted 4 to 0 to close the Hearing.

REFERENCE PLANS: "IBM Littleton – IBRD, 550 King Street, Littleton, Mass., 01460", and consisting of the following Sheets: (T-1) Title Sheet; (C-1) Plot Plan; (C-2) Proposed Roof Plan; (C-3) Equipment Room Plan; (C-4) Elevation; and (C-5) Construction Details. (Dewberry Project # 50002925) last revised 08/18/09

The Planning Board, based on the application, and together with the materials and testimony provided at the hearing, made the following specific findings regarding the land in question and the proposed use: The location and the proposed facility: IBM is seeking to resolve wireless telephone service levels and connectivity issues for their employees/visitors using wireless communications services while within the buildings located at their facility in Littleton. Verizon Wireless and the other carriers determined that the signal strength within the building was not adequate to provide reliable service to the IBM employees utilizing existing nearby wireless telecommunication facility base stations. Since the coverage issue is being addressed as a result of a specific customer's request

(IBM), the carriers determined that the best way to enhance the coverage for the customer would be through an in building repeater system. Because a component of the installation consists of a roof-mounted antenna installation, the installation requires a special permit from the Planning Board pursuant to Article XXI of the Zoning Bylaw on Wireless Telecommunications Towers and Facilities.

Each of the three carrier installations is to consist of a separate and stand-alone antenna support mount with one or two small antennas mounted to each of the antenna support mounts for each Carrier, with each supporting-mount extending approximately seven feet above the flat roof on the northerly side of the large rooftop of the main building at the IBM Campus located at 550 King Street, alongside Interstate 495, in an Industrial A zone. The small antenna systems will communicate with each carrier's nearby existing Wireless Facility base-stations, and will relay/amplify the radio frequencies and service inside and throughout the two buildings located on the IBM Campus in order to improve the cellular radio signals to the users inside the building. It is the exterior rooftop antenna-mount component of the installation that is subject to Article XXI of the Bylaw. Additionally, cables and small antennas will be placed throughout the inside of the two main buildings on the IBM Campus, and that component of the installation inside the buildings is a permissible use.

Findings pursuant to Section 173-7.C: Pursuant to Article III, Section 173-7 C. on Criteria for Special Permits, a special permit shall only be granted if it appears to the special permit granting authority, in this case the planning board, that no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of this chapter. There are no exterior changes to the building structure, no increase in height to the building structure, no traffic impacts, no site plan changes, and no signage involved with this installation, and the antenna mounts shall be placed on the rooftop of the main IBM Building and will be barely noticeable, if at all. It is notable that the antenna location is over 500 hundred feet distant from any residential properties along the southerly side of King Street, with a row of relatively mature trees existing along the northerly sideline of King Street. The wireless facility is unmanned with no utility upgrades necessary, so the general criteria are either not-applicable and/or are met. The proposed system is intended to only provide service improvements within the interior of the facility, in this case, IBM buildings.

The Applicant's exterior antennas will not exceed the height of the existing roof structures and no lighting is required and the Applicant's installation will comply with FAA and FCC regulations.

The provisions of Section 173-131 are not applicable to IBM and the Carriers as the proposed In-Building Radio Distribution/Distributed Antenna System (IBRD/DAS) system does not involve a new tower facility and will only involve low-height antenna mounts located on the rooftop of the main IBM building in an Industrial A zone along I-495. There are no exterior signs or signs that will be visible to the public. There are no network interconnections.

Given the low-height of the donor antenna mounts (approximately seven feet in height above the flat rooftop and similar in height to other existing rooftop appurtenances), and given the large rooftop area of the IBM building, located along I-495, a balloon test or other

type of visibility study or on-site demonstration pursuant to Section 173-130 is not believed necessary for this type of IBRD/DAS system. A photograph of a typical IBRD exterior donor antenna and antenna specification sheets was enclosed with the application.

Given the majority of the IBRD/DAS system involves the wiring and cabling inside the IBM Building, with the antenna mounts being capable of being disassembled in a matter of hours by a two person crew, a bond or other type of security pursuant to Section 173-132 is not considered applicable or necessary by IBM and the Carriers.

Additional findings:

1. The Board finds, pursuant to Section 173-133 D that the applicant demonstrated that no lighting is required, and that the installation would comply with Mass. Department of Public Health and FCC regulations concerning radio frequency emissions.
2. The site will enhance cell phone service within the IBM facilities.
3. The balloon test (visual demonstration) was not needed.
4. Section 173-133 of Article XXI on Site Plan Approval addresses the requirements for a site plan accompanying a special permit application for a Wireless Telecommunications Facility (WTF), and also references the general site plan review requirements set forth in Section 173-17 and 173-18 under Article IV on Site Plan Requirements. Given the minor nature of the proposed WTF for the IBRD/DAS system, and given there are no changes to the building or the ground on the site, and given the WTF is an unmanned facility, IBM and the Carriers are providing a basic site plan and building elevation from Dewberry-Goodkind in order to more clearly present the antenna location on the rooftop of the main building on the campus, and these plans comply with the Site Plan Review requirements of the bylaw.

Mr. Champney made a motion to approve the Special Permit as described herein with the following **conditions**:

1. The operation of the equipment shall comply with all applicable FAA and FCC regulations.
2. The height of the installation shall not exceed the height of the penthouse structure on the building. In the event the antennas are modified or upgraded to provide for exterior coverage beyond the IBM Campus, a new special permit application shall be required.
3. If the antennas are not operative for a continuous period of twelve months, the antennas shall be considered abandoned, and the owner shall remove them within 90 days of such abandonment.
4. This Special Permit shall not become effective until this Special Permit is recorded at the Registry of Deeds.

Mr. Wheaton seconded this motion and the Board voted 4 to 0 in favor of this motion. Thus, the Planning Board voted to **grant** the Wireless Telecommunications Special Permit as described above with the above conditions.

The Board noted that they would also waive the 5-year renewal requirement, stating that the Special Permit would run with the IMB lease term on the building.

The meeting adjourned.

Signed,

Richard Crowley, Clerk