

TOWN OF STOW PLANNING BOARD

Minutes of the June 21, 2005, Planning Board Meeting.

Present: Planning Board Members: Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis

Associate Member: Donna M. Jacobs (Voting Associate) – Arrived after the Public Hearing

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:30 PM.

MINUTES

Ernie Dodd moved to approve minutes of the April 12, 2005 meeting, as amended. The motion was seconded by Laura Spear and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

FREEDOM'S WAY HERITAGE ASSOCIATION, INC.

Laura Spear recommended that the Board send a letter of support, as requested by Freedom's Way Heritage Association, in the effort to attain the designation a state and national Heritage Area for the thirty-seven communities in Massachusetts. Karen will forward a letter of support and ask Ms. Aarons to keep the Board updated efforts of the Freedom's Way Heritage Association.

LOWER VILLAGE COMMITTEE UPDATE

Laura Spear reported that the Lower Village Committee is planning a Lower Village Festival on Sunday, October 9, 2005 from 12:00 PM to 2:00 PM to promote Lower Village Businesses and efforts of the Lower Village Committee. Activities will include the Stow Minutemen, Historic Displays, Lower Village Committee informational display and sidewalk sales.

PUBLIC HEARING – STOW HOUSE OF PIZZA

At 8:00 PM, Bruce Fletcher called the meeting to order and explained that the Board is hearing two applications concurrently: A Special Permit/Site Plan and a Subdivision Modification to rescind a portion of the turnaround on Dudley Court.

Susan Sullivan of Inland Survey Inc., DBA Zanca Land Surveying, reviewed the Subdivision Plan, which shows existing property lines through the Dudley Court cul-de-sac. The cul-de-sac was never constructed, and they are proposing to rescind that portion owned by Kostas and Efthia Asprogiannis. Also submitted was a letter from Attorney Michael E. Katin of Scheier & Katin, P. C., confirming ownership of the property.

Dick Sproul of 12 Bradley Lane stated that he is a direct abutter and questioned if there has been a comprehensive, exhaustive review of the proposed plan by all Town departments, such as Police, Fire and Highway. He also noted that approximately 12 to 13 years ago a similar proposal was presented, and there was a long list of concerns raised. He asked that those concerns be made part of the record for this Application. Mr. Sproul is concerned about sight distance. He acknowledged that moving the entrance to the east, as proposed, is an

improvement; however, he is concerned that there is poor visibility looking westward toward eastbound traffic. He also questioned if the proposed increase in traffic has been reviewed in light of the Planning Board's Master Plan for Lower Village. He also noted concern that the slopes at the west side of the site will be extreme. His background is in engineering, and he worked in the municipal sector for 30 years. He is not opposed to the addition but is concerned that the Planning Board's decision addresses all of these concerns. It is unclear to him that a comprehensive analysis has been done. The Town owes the residents assurance that it has done due diligence. He also noted that he reviewed the Plan in the Office on Thursday and is troubled that the opinion letter from Attorney Katin was not available for review.

Bruce Fletcher explained that it is standard practice for the Planning Board to forward Site Plans to Town Boards and Departments for review. It is also standard practice for the Board to review issues such as sight distance and fire truck access. He also noted that the Board agrees that the Plan shows an improved location for the entrance.

Steve Poole reviewed the Site Plan and noted that he will provide a sight distance analysis and is more than happy to review the previous application and address concerns that were raised at that time.

Malcolm FitzPatrick noted that if the access was located at the high point, it might have better sight distance. Steve Poole responded that the grades are tough at that location.

Daisy Dearborn of Meeting House at Stow noted that the biggest concerns from the residents at Meeting House is traffic. Having crosswalks is important. She also stated that there are too many exits and entrances along that section of Great Road. She noted that coming from Domino's Pizza, visibility is very bad because of signage.

Steve Poole noted that they are following the Lower Village Committee's standard streetscape. There will be a split rail fence and low plantings.

Laura Spear asked if they would be willing to construct the access to abutting property that is shown on the Plan in an easement. Steve Poole said there is a 50' strip under other ownership that would prohibit connection to the abutting developed property.

Kostas said that the abutting property owner asked him for access to that property.

Gregory Bebernitz, Lane's End, noted there is a deeded easement designated as a walkway to Great Road located on that lot and questioned how it could be developed, noting that it would make a difference in the traffic pattern. He is concerned about getting across the road with speeding traffic from the west.

In response to a question about screening, Steve Poole noted that the Plan shows a 50' buffer to property lines and the Board typically conditions screening to abutting properties. Steve Poole noted there is a fence along the back of the property. He also noted that they can't plant over the septic system.

Malcolm FitzPatrick said the Plan should show abutting wells.

Linda Sproul questioned what kind of lighting is proposed. Steve Poole said the lights will be shielded and they do not propose a light pole in the back of the property. Laura Spear recommended they review the lighting subcommittee standards. Steve said they have not

chosen the light fixtures but noted that the lighting subcommittee requires full cutoff fixtures. Kostas said lighting will shine downward. He stated that he is trying to improve the property.

Ernie Dodd noted that the Planning Board has contracted with a consultant for a Lower Village traffic study, which should result in a plan to improve traffic circulation.

Warren Fritz, 14 Bradley Lane, said the speed limit should be reduced, noting that you can't get out of Bradley Lane.

Dick Sproul said he understands there were two notices and respectfully requested that the Planning Board table discussion, action, or disposition on Dudley Court to allow time for abutters to review the full file.

Malcolm FitzPatrick questioned the status of Dudley Court. Dick Sproul said it is a paper street, no one pays taxes, and he is the only one that uses it. Bruce Fletcher said the reason it was created was to provide frontage for future development.

Kathleen Willis noted that the Plan shows Burning Bush to be used for landscaping and noted it is an invasive plant. Steve Poole said he will propose something else.

Laura Spear questioned if they have enough water supply for additional business and if they need a public water supply. Steve Poole said they are working with the Board of Health.

Laura Spear noted a letter from Sue Sullivan, the Board's consulting engineer. Steve Poole said he is working with Sue on the issues she raised in her letter.

Karen Kelleher and Laura Spear noted that the Lower Village Committee reviewed the Plan and recommended:

1. Move the streetscape off of Great Road. *Bruce Fletcher questioned why they suggested moving the streetscape off of Great Road. Karen and Laura responded that the right of way should be left to accommodate the potential for improvements to Great Road if recommended, as a result of the Lower Village traffic study.*
2. Require underground wires.
3. Require the easterly entrance be closed at such time an inter-lot connection becomes available.
4. Widen the grass strip in front of the Bank. *Steve Poole said that it is not possible because they need the area for turning radius.*
5. Require construction of the inter-lot connection to the property line.

Bruce Fletcher asked if they considered a pedestrian path to Dudley Court. Mr. and Mrs. Sproul said they would not like that.

Laura Spear noted that typically when the Board receives a request to modify a Special Permit, the Board reviews the original permit for compliance and questioned if there are any outstanding issues. It was noted that the two outstanding issues are that the access should be one-way and the dumpster should be screened.

Kathleen noted that the Lower Village streetscape should apply to this site and reminded them of the requirement for a granite post and rail fence.

Malcolm FitzPatrick feels there should be a stronger buffer to abutting properties, and he doesn't think pine is a lasting buffer. He feels there is a need for more shade trees along Great Road.

Malcolm FitzPatrick questioned how many total square feet is proposed for the addition. Steve Poole said he will provide a list of the total square feet, existing and proposed.

Malcolm FitzPatrick questioned how they determined the number of parking spaces. Steve Poole noted the number of spaces is based on the proposed use, as required in the Bylaw.

Ernie Dodd urged them to protect the existing foundation. Steve Poole said they do not propose to use the existing foundation. They need a new retaining wall in that area.

Laura Spear moved to continue the Hearing to July 26, 2005 at 8:00 PM. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

CRANBERRY CIRCLE

Members discussed a request for a reduction in the number of street trees on Cranberry Circle. Kathleen Willis recommends shrub plantings in the cul-de-sac. Malcolm feels there is a need for additional vegetation on the entire site. Laura Spear and Bruce Fletcher agreed to meet Becky of Alyssa Real Estate at the site on Monday, June 27, 2005 at 8:30 AM. The Board will further discuss this request at the next meeting.

Becky reported that they expect to have the final paving done within the next two weeks.

RANDALL ROAD HAMMERHEAD LOT DECISION

Members discussed the Randall Road Hammerhead Lot decision. Becky of Alyssa Real Estate noted concern about requests made by the McDonalds for a 40' vegetative buffer. Bruce Fletcher said he understands her concern. He is confused about what they are asking for and why, because you won't be able to see anything from their house. Malcolm FitzPatrick and Laura Spear agreed to meet Becky of Alyssa Real Estate at the site on Monday, June 27, 2005 at 8:30 AM to review the location of the driveway and determine if there is a need for screening for abutting properties and restoration of the stonewall.

FAIRWAY DRIVE

Becky of Alyssa Real Estate reported that they hope to have the final paving at Fairway Drive done within the next two weeks. She said some of the street trees will be replaced in the fall. She also noted that, although the Plan does not call for plantings, they will provide some low maintenance plantings.

INDIAN RIDGE ROAD

Becky of Alyssa Real Estate reported that the only outstanding item for Indian Ridge Road is the need for a deed in the right of way. She noted that SCC Associates holds fee in the right of way and Alyssa Real Estate has been unsuccessful in obtaining the required documents from them. The Board agreed to forward a letter requesting the information.

ARBOR GLEN – ENF

Malcolm FitzPatrick suggested that Board Members make a list of what we want to bring to the table for the Arbor Glen AAN for discussion at the next Working Meeting. Members will forward a list of comments for Karen to compile into draft comment letter on the ENF.

Ernie Dodd questioned the extent of cuts and fills at the site. Bruce said it seems the amount of cut and fill is extensive, noting that even the bottom of the basin is in fill.

Donna Jacobs, Associate Planning Board Member, attended the Conservation Commission's Public Hearing and reported that they continued the hearing to August 2, 2005 at 7:30 PM or later. They are hoping to have a joint hearing with the Planning Board. Planning Board Members have no objections to holding a joint meeting. Donna also reported that abutters had some concerns about holding working group sessions before the meeting and discussed whether or not they should be in public session.

Ernie Dodd and Kathleen Willis said they would be willing to participate in a working meeting with the Applicant and engineer. Malcolm FitzPatrick said he also wants to participate and requested that the meeting be posted because a quorum of the Board would be present. Karen Kelleher voiced concern about holding meetings outside of the public hearing. Members agreed to ask for input from Town Counsel on the proposal to hold working meetings (if less than a quorum participates) between sessions of the Public Hearing.

MARBLE HILL SUBDIVISION

Laura Spear moved to use funds held as a performance guarantee for the Marble Hill Subdivision to complete outstanding items, including legal documents for street acceptance. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

ADJOURNMENT

The meeting adjourned at 10:00 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator