

TOWN OF STOW PLANNING BOARD

Minutes of the December 6, 2005, Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:00 PM.

The Public Hearing to consider proposed amendments to the Stow Zoning Bylaw Sections: Section 3.9 (*Non-Conforming Uses and Structures*), Section 3.8.1.10 (*Erosion Control*) and Section 6.2 (*Common Driveways*) was called to order.

There was no public in attendance for the Hearing.

Section 3.8.1.10 (Erosion Control) – Malcolm FitzPatrick said this proposed amendment gives additional concern about areas greater than 1 acre however, it should be made clear that we are still concerned about erosion for areas less than 1 acre.

Ernie Dodd moved to recommend that Town Meeting adopt the proposed amendment to Section 3.8.1.10 of the Zoning Bylaw. The motion was seconded by Malcolm FitzPatrick. Kathleen Willis asked if the comments raised at the November 15, 2005 meeting were addressed. Karen Kelleher responded that those issues have been addressed in this draft. The motion carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Malcolm FitzPatrick moved to amend the proposed amendment by changing the semi-colon after the word “development” to a comma. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Bruce Fletcher will present this article at Town Meeting.

Section 6.2 (Common Driveways) - Malcolm FitzPatrick said he wants to make sure that we have appropriate measures in the Subdivision Rules for common driveways. He also wants to be sure that it is clear a common driveway does not provide frontage. Malcolm FitzPatrick also noted concern about the Board of Health allowing mounded systems, which is contrary to their regulations.

Ernie Dodd moved to recommend that Town Meeting ADOPT the proposed amendment to Section 6.2 of the Zoning Bylaw. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear).

Kathleen Willis will present this article at Town Meeting

Section 3.9 (Non-Conforming Uses and Structures) – Members discussed the memo from the Zoning Board of Appeals, dated December 2, 2005, recommending the proposed amendment be moved “no action” and that a panel of representatives of the ZBA and Planning

Board with the Building Inspector be formed to develop an amendment satisfactory to all to be considered at a future town Meeting. Malcolm Fitzpatrick said he is against holding off, noting that the Board worked hard on this proposal with Town Counsel. Malcolm also noted that he thinks Section 3.9.7.2 should be amended to refer to the Zoning Board of Appeals in order to be sure it is clear that it is not the Building Inspector. Bruce Fletcher feels that the Board should hold off to allow time to meet with the Zoning Board of Appeals.

Members noted that the suggestions in Paragraphs 2 and 3 of the Zoning Board of Appeals memo is not legal, as suggested, because the Building Inspector cannot have discretionary powers. It was noted that Section 3.9.6.3 are merely examples.

Ernie Dodd moved to recommend that Town Meeting ADOPT the proposed amendments to Section 3.9 of the Zoning Bylaw, as written. The motion was seconded by Kathleen Willis. Malcolm Fitzpatrick moved to amend the motion by changing word “applications” in the first paragraph of Section 3.9.7.2 to “Special Permit Petitions”. Ernie Dodd agreed to the amended motion. The amended motion carried by a vote of four in favor (Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear) and one opposed (Bruce Fletcher).

Malcolm FitzPatrick will present this article at Town Meeting.

The Public Hearing was closed at 7:50 PM.

Article 2 – Purchase of Minute Man Property

At its meeting of November 30, 2005, the Planning Board voted to strongly recommend AGAINST purchase of the Minute Man site for a school or any municipal purpose for the Town. Bruce Fletcher reported that he was asked by Steve Dungan of the School Building Committee whether the Planning Board's position on a new school would change if Town Meeting voted to purchase the Minute Man property. He responded that he did not think the vote would be different because four members spoke about using the existing site or finding the best site. He said if Board members disagree with his response, he will call Steve Dungan and let him know.

Malcolm FitzPatrick said he feels that an Active Adult Neighborhood (AAN) is the best use for the Minute Man site. He also feels it is a good site for affordable housing and noted that he thought the School Building Committee is opposed to affordable housing on this site. Laura Spear said that the School Building Committee presented a plan to the Community Preservation Committee (CPC), which included an affordable housing component at 60%.

It was also noted that the only way market rate houses could be built on the site is if they were part of a 40B development, or if the Zoning were changed. Laura said although the School Building Committee met with the CPC and presented a mixed-use concept plan, they are not yet in a position to ask CPC for funds. They have not gotten far enough to have an official motion for Town Meeting. It was also noted that Bob Wilber and Kathy Sferra are not working on the plan. The School Building Committee is working with the consultant.

Laura Spear said she still does not have enough information to make a determination to support the article or not.

Bruce Fletcher asked, if a plan is presented showing market rate housing on the property, does the Planning Board want to publicly state a position on the issue?

Article 5 – Purchase of Crescent Street Property

Ernie Dodd moved to recommend AGAINST purchase of the Crescent Street property because the proposed use, a parking lot, cannot meet the setback and screening requirements of the Zoning Bylaw. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear).

Article 4 – Citizens Petition – No recommendation.

Article 6 – Right to Farm Bylaw and Article 7 - Establishment of an Agricultural Commission

Kathleen Willis moved to recommend that Town Meeting approve Article 6 – Right to Farm Bylaw and Article 7 - Establishment of an Agricultural Commission. The motion was seconded by Laura Spear. Laura Spear noted that adoption of these articles sends a message that the Town values its rural heritage. The motion carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear).

MINUTES

November 15, 2005 – ***Laura moved to accept minutes of the November 15, 2005 meeting, as amended. The motion carried by a vote of four in favor (Bruce Fletcher, Malcolm FitzPatrick, Ernie Dodd and Laura Spear) and one abstention (Kathleen Willis).***

FAXON FARM

Members discussed the location of the picket fence at Faxon Farm, which was installed in the right-of way and in accordance with the Plan. Laura Spear questioned, if the Town wants to expand the road and the fence is in the way, would we have the right to move it?

Malcolm FitzPatrick doesn't like the way the pavement is installed around the telephone pole. Bruce Fletcher noted that the Board met with the property owner and discussed the location of the fence and the sidewalk. He also noted that, if it were not paved, there would be a triangular piece of dirt around the pole. The sidewalk was located in a manner as to meet up with the crosswalk. Malcolm suggested locating the walk on the other side of the pole and moving the fence back. Laura Spear said she agrees that it could be a safety issue. She feels that we were given a bait and switch by the developer on the fence issue.

Malcolm moved to require the fence be moved diagonally back to accommodate a full width sidewalk on the north side of the pole. The motion was seconded by Laura Spear. Bruce Fletcher asked if there should be pavement on the east side of the pole. He is concerned that the Board is getting picky, noting the Board's charge is to protect health safety and welfare. Laura said we have gone down a long path with this developer. She said we should be concerned with following the plan. She thinks it is reasonable to ask them to move the fence out of the right-of-way. It was agreed that two sections of the fence should be moved 8' back. The motion carried by a vote of three in favor (Laura Spear, Kathleen Willis and Malcolm FitzPatrick) and two opposed (Bruce Fletcher and Ernie Dodd). Karen Kelleher will check to see if there is a need for a redline plan change.

LOWER VILLAGE

Members discussed the November 16, 2005 Joint Meeting with the Lower Village Sub-Committee to hear an update from Gary Hebert of Fay Spofford and Thorndike on the Lower Village Traffic Study. Laura Spear said it was very helpful to hear the pros and cons of the various solutions. Malcolm FitzPatrick said he doesn't like the roundabout. He thinks it will

slow traffic and is concerned about the exit from the Steppingstones site. He said we don't have to slow traffic down. We have to facilitate traffic. The problem with Lower Village is more of what we want it to look like in terms of open space and buildings near the road. Bruce Fletcher said, if you want to facilitate turns and pedestrian traffic, slowing traffic is better. If the Roundabout slows traffic coming into the village, it will accomplish multiple goals. Malcolm said it will create a big eastbound backup.

BUTTERNUT FARM

Ernie Dodd reported on a site meeting at Butternut Farm with Bruce Fletcher and Karen Kelleher.

Club House Site Plan

Ernie said it appears that most of the work at the club house is complete. The Pages indicated that an as-built plan is forthcoming. He noted that they planted 18" shrubs instead of installing a fence. He is comfortable with the change, however the shrubs are very small and asked if the Board feels 18" is sufficient. Bruce Fletcher said he can't imagine that the intent of the bylaw is that the opaque screen would be provided immediately after planting.

Ernie noted that he feels additional trees should be planted along Wheeler Road to better screen the lower parking lot. The Pages agreed to plant an additional 3 trees.

Ernie reported that they still need to address the Maintenance Building Site Plan. The Pages acknowledged that there is a need for additional fencing. They also indicated that they would like to use spruce trees because they are having trouble getting hemlock. They stated they do not need the parking at the clubhouse and if so, there is no need for plantings on that side of the Gleasondale Road frontage. They feel existing vegetation is sufficient. They also noted that the plan shows rhododendrons in front of the fence on Gleasondale Road and do not think they will survive due to snow plowing and road salt. Ernie suggested that they mark up a plan showing the changes they would like to make to the Maintenance Building Plan.

Board members reviewed the request for Bond Reduction. Laura Spear noted that they need certification or an as-built plan for the catch basins and a redline plan change showing what they did and what they do not want to do. She wants to be sure that the Board goes by the book in this era of litigation. In this situation, she feels that the Board has gone over and above in accommodating the application.

Ernie Dodd moved to authorize a reduction in the amount of \$11,250.00 (\$7,500.00 plus 50% contingency) for installation and testing of 3 monitoring wells. The motion was seconded by Laura Spear. Malcolm questioned if there is sufficient funds for the remaining items. Members responded yes. The motion carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear)

The meeting adjourned at 10:00 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator