

TOWN OF STOW PLANNING BOARD

Minutes of the March 13, 2007, Planning Board Meeting.

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

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

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

MINUTES

February 13, 2007 – Laura Spear moved to accept Minutes of the February 12, 2007 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a unanimous vote of four members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

February 28, 2007 – Kathleen Willis moved to accept the Minutes of the February 28, 2007 meeting, as amended. The motion was seconded by Laura Spear and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Malcolm FitzPatrick and Kathleen Willis).

March 1, 2007 - Laura Spear moved to accept Minutes of the March 1, 2007 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a unanimous vote of four members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

PLANNING BOARD MEMBERS' UPDATES

Community Preservation Committee

Laura Spear reported that she mentioned Malcolm FitzPatrick's suggestion to purchase permanent deed restrictions on the affordable units on Elm Ridge Road. She will follow up at the next Community Preservation Committee meeting. She also reported on proposals for the May 2007 Annual Town Meeting:

Recreation Fields

The Community Preservation Committee is meeting this evening with the Recreation Commission, to discuss a request for \$600,000.00 to be bonded against CPA funds for recreation fields. They first wanted funds specifically for the Pine Bluffs area, but there were questions about other possible sites. The Community Preservation Committee asked for a broader scope and for them to prepare a Recreation Master Plan for Stow. The Recreation Commission expects the Master Plan to be completed by April 15, 2007 and wants to have funds ready to apply to a proposal for Town Meeting. The total cost is estimated at \$2,000,000.00.

Leonard Golder ARRIVED at this point of the meeting.

Historic Preservation - Cemetery Committee

The Community Preservation Committee voted to recommend a warrant article for funds for reconstruction/rehabilitation of the cemetery stonewall. The project will also include handicap access to the cemetery.

Historic Preservation - Town Hall Fire Alarm and Sprinklers

The Community Preservation Committee is proposing two warrant articles for the Town Hall:

- 1 - \$4,500.00 for fire alarms
- 2 - Sprinkler system with a generator on the Town Building Site and a cistern on the Crescent Street side of the Town Hall. There is a question as to whether they should install a larger tank, which would easily serve other historic sites and also the Town Building. Municipal funds would be required, if the purpose is to serve non-historic buildings.

Recreation – Lake Boon Restoration

The Town Meeting warrant will also include an article for a restoration treatment of Lake Boon. The Town of Hudson will fund 1/3 of the cost. After the lake is treated, maintenance costs will be approximately \$2,000.00 per year. The Lake Boon Commission is also looking into what they can do to mitigate ongoing runoff issues.

PUBLIC HEARING CONTINUED – RIVERHILL ESTATES SUBDIVISION

At 7:25, the public hearing continuance from February 27, 2007 was called to order.

Len Golder noted that some members have not seen the updated plans and he understands that there are still outstanding issues with the Fire Pond. The Board and its Consulting Engineer has not seen the fire pond plans or calculations.

Tom Dipersio of Thomas Land Surveyors & Engineering Consultants, Inc., reviewed the updated plans.

- Area Tables
- Sheet 2 of 8 updated to identify parcels on the original record plan
- Pavement re-aligned at the request of the Conservation Commission

Laura Spear questioned the drainage structure on Lot 3.

Planning Board Members' comments:

Ernie Dodd:

- Noted that he asked several times that the plan show the floodplain elevation based on the Assabet River Floodplain Report, as this is the report the Floodplain Overlay District is based upon. He doesn't mind if they show the 182' elevation, but asked several times that the reference to the floodplain be removed from the Plan. Tom DiPersio argued that the Assabet River report is based on the Army Corp. of Engineers Study. Ernie repeated that they can leave the 182' elevation, but the floodplain reference on the Plan must refer to what is shown on the Assabet River report.
- Ernie Dodd asked that the plan should be clarified where Recreation/Conservation District line is coincident with the Floodplain District Line.
- The 200' Riverfront buffer should be shown on the plan.
- The plan does not meet the requirements for 10% open space. This issue must be discussed at another meeting. He feels that the 10% should only include land suitable

for development and wetlands cannot count toward the required open space. Malcolm FitzPatrick said it has to be usable open space.

Kathleen Willis noted that the Board is at a disadvantage when the plans are received 24 hours in advance of the meeting. Bob Collings responded that they only changed the tables and open space since the last submission. Kathleen said she thought the Plan they provided the last time was different and that they submitted only one copy at the meeting. Additional copies for Board Members to take home and review were not provided.

Kathleen moved to continue the Public Hearing to April 10, 2007. Bob Collings said they are trying to be flexible. There was no second to Kathleen's motion.

Tom DiPersio said the fire pond volume calculations are included in the plans and showed his copy. Karen Kelleher said that plan was never submitted to the Board or to the Board's Consulting Engineer.

Kathleen moved to continue the Public Hearing to April 10, 2007 at 7:30 PM. The motion was seconded by Len Golder. Karen Kelleher asked if the Applicant is in agreement. Bob Collings asked if there is an earlier date. Members explained the meeting before April 10, 2007 already has a full schedule. The motion carried by a vote of four members (Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Len Golder) and one abstention (Laura Spear).

PUBLIC HEARING - OMNIPOINT

At 7:45 PM, the Public Hearing to consider the Petition of Omnipoint Communications Inc., a wholly owned subsidiary of T-Mobile USA, Inc., for property located at 339 Great Road (First Parish Church) for a Special Permit/Site Plan Approval decision to modify an existing Wireless Service Facility, was called to order.

Attorney Brian Grossman of Prince, Lobel, Glovsky & Tye LLP, representing Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc. explained that they filed for a special Permit Modification. The original Special Permit was granted to Sprint. Stow's Bylaw changed since the original permit. They filed for a Use and Dimensional Variance. However, Town Counsel advised that the appropriate permitting authority is the Planning Board.

Attorney Grossman then reviewed the Petition.

- Non-Conformity
 - Because the site is not located in the Overlay District, if Petition was for a new facility rather than a modification, they would need a "use" variance.
 - The antenna will be 53' above ground level. The Height limitation in the Bylaw is 35'.
- The proposal is similar to the Sprint Facility at the same site. Omnipoint's proposal will include:
 - 3 equipment cabinets
 - An external HVAC unit, which is similar to a residential home unit.
 - 2 very small antennae for E911 service, painted to match the structure.
- There will be minimal traffic. The facility will only require periodic maintenance visits in a SUV-type vehicle, approximately twice a month.

Attorney Grossman reviewed the radio frequency propagation maps indicating a gap in Omnipoint's coverage network. The plan for this facility shows reliable in-vehicle coverage.

A representative from First Parish Church stated that the Church is in support of the proposal.

It was noted that the external antenna is 7" high by 4" wide.

Kathleen Willis asked if it is feasible to landscape in front of the HVAC unit. The Petitioner responded yes.

Laura Spear expressed concern on whether this should be considered a modification or a new permit and referred to the definition of a Wireless Service Facility. She views this as a new facility collocated with another facility. She understands that the original facility was installed under the old bylaw and questioned if a waiver for the 35' height requires approval of Town Meeting. Laura said she needs to talk to Town Counsel.

Ernie Dodd said he talked to Town Counsel and the application proceeded on his advice. Laura Spear said she needs to talk to Town Counsel to get a better understanding.

Attorney Grossman said he shares Laura's concern and that is why they also filed with the Zoning Board of Appeals. He is concerned that, if it were considered a new Application, the submittal package would be more extensive. They would not be allowed to rely on information provided in the original Sprint application.

Kathleen Willis noted that other applications were treated as a new Special Permit. Ernie Dodd noted that the intent of the bylaw is to encourage co-location.

Len Golder questioned how many customers would benefit from the expanded area. Attorney Grossman said it would benefit residents and drive through traffic.

Len Golder noted that it doesn't look like it would cover a large area. Attorney Grossman said it helps narrow existing gaps and dropped calls.

Bob Glorioso of the First Parish Church said the Bylaw makes it too restrictive.

Len Golder asked if there are any specific issues related to the equipment room. Equipment will be located in a secure room with a lock. The cabinets inside the room will also be locked.

Ernie Dodd asked about fire protection. They will comply with fire codes and building codes.

Len Golder asked if the spire will change aesthetically. It will be replaced with a fiberglass one and will look the same.

Ernie Dodd referred to his matrix review of the Bylaw and Rules and Regulations and supports the requested waivers. He asked if there should be any signage indicating RF equipment. Attorney Grossman said all of the equipment will be inside.

Ernie Dodd asked if there will be any hazardous substances. There will be no hazardous equipment. The batteries they use are classified as non-hazardous – no mercury and it requires very low power, similar to a radio.

Ernie Dodd noted that he doesn't see that noise will be an issue.

Karen Kelleher noted correspondence received from the Stow Historical Commission.

Kevin O'Brien of the First Parish Church asked if there would be any objection to the HVAC unit being moved to the rear of the Church. Ernie Dodd said the Board would not have a problem.

Ernie Dodd said the Board has the authority to ask for a bond, but he doesn't feel it would be necessary.

Ernie Dodd said he feels that all cell towers should be reviewed every three years.

Laura Spear asked if there is any concern about interference with the school, fire station, police station or Sprint. Attorney Grossman said they will be far enough away and will be on a different frequency. Laura Spear said she knows the Middle School has interference with the Police Station.

Laura Spear said she still wants to talk to Town Counsel.

Kathleen Willis moved to continue the Public Hearing to March 27, 2007 at 7:45 PM. The motion was seconded by Len Golder and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Len Golder).

PUBLIC HEARING – ZONING BYLAW AMENDMENTS

Public Hearing to consider zoning bylaw amendments was called to order at 8:30 PM.

Ernie outlined the sections to be brought forward at the May 2007 Annual Town Meeting. Malcolm FitzPatrick suggested the subsection numbers and listing the definitions in alphabetical order, in order to accommodate future changes without the need to renumber the entire section.

DEFINITIONS:

Laura Spear moved to accept the proposed amendments to the definition for Assisted Living and Bed and Breakfast, and proposed new definitions relative to lighting, except for street light, as discussed and amended:

ASSISTED LIVING INDEPENDENT ADULT RESIDENCE - Any entity, however organized, which meets all of the following criteria: Provides room and/or board in a residential living environment; provides services to residents who do not require 24-hour skilled nursing care, but need assistance with activities of daily living; and in any event collects payments for the provision of these services.

ASSISTED LIVING INDEPENDENT ADULT UNIT - One (1) or more rooms for cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit contained within an ASSISTED LIVING INDEPENDENT ADULT RESIDENCE.

BED AND BREAKFAST ESTABLISHMENT - A private ~~owner-occupied~~ DWELLING with an on-site manager where ~~at least four but not~~ no more than eight rooms are let and a breakfast is included in the rent.

DIRECT LIGHT - Light that reaches a location from a light source or some part of the fixture containing the source, rather than reflecting off an illuminated surface. Light from filaments or other sources, surrounding glass, reflectors, diffusers, or similar components is DIRECT LIGHT. Light arriving from illuminated ground is not direct light.

EXTERIOR LIGHT - Any luminaire (light fixture) that is either not within a structure having a substantially opaque roof or is installed so that more than half the light output shines outside. A permanently-installed fixture in a screen- or glass-enclosed porch that is not normally climate-controlled or in a greenhouse or similar structure shall be considered an exterior light.

FULL-CUTOFF FIXTURE - A luminaire having a light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. This kind of luminaire emits no light above the horizontal.

INITIAL DESIGN LIGHT OUTPUT - The luminous output of a fixture as determined by specifications of the fixture and lamps (bulbs) that are installed in it, rather than by measuring the actual light output.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Kathleen Willis and carried by a vote of four in favor (Ernie Dodd, Laura Spear, Kathleen Willis, Leonard Golder) and one opposed (Malcolm FitzPatrick).

Laura Spear moved to accept the proposed new definition "PUBLIC STREETLIGHT" as discussed:

PUBLIC STREETLIGHT - An exterior light shining primarily onto a STREET, which is both authorized by the Board of Selectmen and paid for from the Town budget or which is required by the Planning Board.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Leonard Golder and Malcolm FitzPatrick).

OVERLAY DISTRICTS

Laura Spear moved to accept the proposed Bylaw amendment to move Section 3.11, Wireless Service Facility, to Section 5, Overlay Districts, as a new Section 5.3; and to move Section 8.8, Active Adult Neighborhood to Section 5, Overlay Districts, as a new Section 5.4, and to recommend that Town Meeting adopt the proposed changes. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

USES PERMITTED IN THE RESIDENTIAL DISTRICT

Mark Greenbaum, Gleasondale Road, questioned how the proposed changes to historic structures will impact his property, noting that he petitioned the Zoning Board of Appeals in the past to create residential units in the historic carriage house on his property and was denied. Bruce Fletcher questioned what takes precedence; non-conforming status or the proposed zoning? Members explained that the proposed bylaw amendment would provide a vehicle for additional options for his property, such as business use, mixed use, or additional residential units.

Laura Spear moved to accept the proposed new Section 3.2 3.5 (use permitted in the Residential District by special permit, granted by the Planning Board) as discussed:

- 3.2.3.5** *Uses not otherwise permitted in the Residential District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Residential District. This Section shall not eliminate the requirements of Section 3.2.2.5, which shall remain intact as written.*

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

USES PERMITTED IN THE BUSINESS, COMPACT BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS

Laura Spear moved to accept the proposed new uses permitted in the Business, Compact Business, Commercial and Industrial Districts by special permit, granted by the Planning Board as discussed:

- 3.3.2.9** *Uses not otherwise permitted in the Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Business District.*
- 3.4.2.6** *Uses not otherwise permitted in the Compact Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Compact Business District.*
- 3.5.3.12** *Uses not otherwise permitted in the Commercial District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Commercial District.*
- 3.6.3.9** *Uses not otherwise permitted in the Industrial District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that*

such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Industrial District.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

SIGNS

Members discussed the proposed draft article, which is incorrect and agreed that the size of an on-site agricultural sign should be sixteen (16) square feet as recommended by the Agricultural Commission, rather than ten (10) square feet, as stated in the draft.

Laura Spear moved to accept the proposed amendment to Section 6.3.3.1, Subsection 3. as discussed:

- 3. ~~Seasonal Agriculture: One ON-SITE SIGN for uses pertaining to agriculture, as permitted in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and Section 3.2.1.1, each not exceeding four (4) sixteen (16) square feet in area, may be ERECTED.~~**

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

Laura Spear moved to accept the proposed amendment to Section 6.3.4.1, Seasonal Agriculture Signs as discussed:

- 6.3.4.1 ~~Seasonal Agriculture: Two (2) SIGNS for uses permitted in sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and section 3.2.1.1, each not exceeding six (6) square feet in area, may be ERECTED outside of the right of way. Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed;~~**

- 1) SIGNS for uses permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and Section 3.2.1.1, one not to exceed sixteen (16) square feet in area, and other such SIGNS not to exceed twelve (12) square feet, with a total square footage of all such SIGNS not to exceed seventy five (75) square feet.**

- 2) One (1) slot on each community agricultural ladder SIGN posted at the Town entrances, subject to dimension and format requirements of the Planning Board and written approval of the Stow Agricultural Commission.**

- 3) Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed.**

- 4) The Planning Board may grant a waiver from the requirements of this Section.**

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder. Malcolm FitzPatrick said he feels that one large sign is sufficient without the need for additional signs as allowed in the proposed subsection 1. The

motion carried by a vote of four in favor (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder) and one opposed (Malcolm FitzPatrick).

Laura Spear moved to accept the proposed amendment to Section 6.3.4.2, Directional Signs, as discussed:

6.3.4.2 Directional SIGNS for Business located in Stow: *A free-standing pole may be ERECTED at intersections of Town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the Board of Selectmen;*

- 1. The non-agricultural directional SIGNS shall be no larger than 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height.*
- 2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow.*
- 3. Directional SIGNS shall not be illuminated.*
- 4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections.*
- 5. Maximum of two (2) direction SIGN poles per intersection, excluding agricultural directional SIGNS.*
- 6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface.*
- 7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets.*
- 8. A maximum of eight (8) businesses may share a pole for direction SIGNS.*
- 9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners.*
- 10. The colors for the background and lettering and logos may be consistent with the marketing colors and logo used by the agricultural business. There is no restriction to lettering or logo size.*

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

LIGHTING

Malcolm FitzPatrick said the Initial Design Light Output definition is extremely difficult to understand. Greg Troxel said it is a general definition in the Light Industry and therefore, the engineer designing the lighting plan will understand it. Bruce Fletcher noted that he has been fully in favor of the goals of the Light Pollution Study Committee, however, when he tried to apply the standard for a new home, he was unable to comply because he could not find an attractive historic looking fixture. Mark Greenbaum is concerned about where you draw the line for residential lots. Greg Troxel said basically, if you are under 4,000 lumens, you comply.

Laura Spear moved to accept the proposed amendment to Section 3.8.1.5, as discussed:

3.8.1.5.1 The INITIAL DESIGN LIGHT OUTPUT of all exterior lighting on a LOT shall be subject to a cap of 25,000 lumens/acre or 10,000 lumens, whichever is

greater. Fixtures under an opaque covering such as a canopy or in a parking garage shall count as 0.25 of their output if 5-10 feet from the nearest edge, 0.1 at 10-30 feet and 0 for more than 30 feet.

3.8.1.5.2 A Special Permit from the Planning Board is required when installing new fixtures or replacing existing fixtures and the total resulting INITIAL DESIGN LIGHT OUTPUT would be more than 100,000 lumens on any LOT. However, a Special Permit shall not be required when replacing existing fixtures with FULL-CUTOFF fixtures and the total INITIAL DESIGN LIGHT OUTPUT of the replacement fixtures is less than half the total INITIAL DESIGN LIGHT OUTPUT of the removed fixtures.

The Special Permit application shall show the location, type and output of all fixtures. The Planning Board shall impose mitigating conditions to protect abutters not only from DIRECT LIGHT but also reflected light, and shall limit the total light output and hours of use to that which is reasonably necessary. The Planning Board shall require remediation of existing lighting.

3.8.1.5.3 Lighting of athletic fields shall be only by Special Permit from the Planning Board, and shall be exempt from the 25,000 lumens/acre cap. The Planning Board shall require full engineering plans with a design average illuminance of no more than 200 lux. No DIRECT LIGHT shall shine off the LOT containing the field. Athletic field lighting shall be illuminated only while in use and shall not be illuminated between 10 p.m and sunrise under any circumstances. All lighting fixtures shall be set back 500 feet from any RESIDENTIAL or RECREATION/CONSERVATION LOT, and 200 feet from any other LOT.

3.8.1.5.4 The Planning Board may issue a Special Permit for lighting that does not conform to the conditions of the table in Section 3.8.1.5.6 up to 4,000 additional lumens of nonconforming lighting, if the lighting is found to provide a public benefit. The Planning Board shall impose mitigating conditions such as limiting lighting levels, hours of operation, and requiring shielding to protect abutters from unwanted light.

3.8.1.5.5 Shining lasers in excess of 5 mW at wavelengths within the range of human vision or searchlights into the sky, for advertising or any other purpose, is prohibited. Airfield beacons required by the FAA are exempt from this prohibition.

3.8.1.5.6 The table of Fixture-Specific Conditions in Section 3.8.1.5.7 below is modified by the following exemptions:

Exemptions

<u>Situation:</u>	<u>Exemption:</u>
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Exemptions

<u>EMERGENCY LIGHTING FIXTURES</u>	<u>EMERGENCY LIGHTING FIXTURES operated by a public safety agency are exempt. LIGHTING FIXTURES with an INITIAL LIGHT OUTPUT of less than 200 lumens, which are intended to signal the location of emergency services, rather than provide illumination and which are authorized by a public safety agency, are exempt.</u>
<u>Greenhouse LIGHTING FIXTURES for the purpose of supporting plant growth.</u>	<u>Exempt from the 25,000 lumens per acre requirement.</u>
<u>LIGHTING FIXTURES required by the FAA</u>	<u>LIGHTING FIXTURES required to comply with FAA requirements may be installed, but shall not emit more light above horizontal or shine more DIRECT LIGHT onto any other LOT than is required to comply with the FAA regulations.</u>
<u>Low-output fixtures on Residential LOTS.</u>	<u>On a Residential LOT, non-FULL-CUTOFF fixtures having an INITIAL DESIGN LIGHT OUTPUT of less than 500 lumens may be installed, as long as there are five (5) or fewer non-FULL-CUTOFF fixtures after installation. (For this rule, a conventional incandescent bulb of 40W or less shall be considered to have less than 500 lumens output.) (This is intended to allow a moderate amount of light from decorative fixtures that shine light in inappropriate places, equal to approximately that of five (5) 40W incandescent bulbs.)</u>
<u>Seasonal Holiday Lighting</u>	<u>Seasonal holiday lighting may be installed and illuminated, provided that it is illuminated for no more than 90 days in any 270 day period. (This allows nonconforming holiday lighting even if the property is not eligible for the nonconforming fixture exemption. Conforming holiday lighting is not restricted in any way.)</u>

3.8.1.5.7 Each EXTERIOR LIGHT fixture other than a PUBLIC STREETLIGHT must comply with the following specific conditions:

Fixture-Specific Conditions

Fixture-Specific Conditions

<u>Fixture Type:</u>	<u>Conditions:</u>
<u>All EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS)</u>	<u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not be used to illuminate a LOT which is across any STREET.</u>
<u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 4,000 lumens</u>	<u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT or STREET located within a RESIDENTIAL or RECREATION/CONSERVATION district.</u> <u>Must not shine DIRECT LIGHT onto any body of water not on the same LOT as the fixture.</u>
<u>EXTERIOR LIGHT Fixtures (other than PUBLIC STREETLIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens</u>	<u>Must comply with all above conditions and:</u> <u>Must not shine DIRECT LIGHT onto any other LOT located within any district.</u> <u>Must not shine DIRECT LIGHT onto any STREET.</u> <u>Must not shine DIRECT LIGHT onto any body of water.</u>
<u>PUBLIC STREETLIGHTS</u>	<u>Must be FULL-CUTOFF FIXTURES.</u> <u>Must be installed in the proper orientation so as to emit no light above the horizontal.</u> <u>Must be no more than 35 feet above ground.</u> <u>Must not shine DIRECT LIGHT onto any DWELLING.</u>

The table above is modified by the previous exemptions in Section 3.8.1.5.6 above.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

Laura Spear moved to accept the proposed amendment to Section 3.8.3.1, Use Regulations Pertaining to the Residential District - Exterior lighting Signs, as discussed:

3.8.3.1 Exterior lighting shall conform with the requirements of Section 3.8.1.5, except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of SIGNS in conformance with the general regulations included in Section 6.3.1, customary holiday lighting or low level illumination of entranceways, exits and driveways.

Signs shall not be illuminated unless the business is open to the general public and employees are present and ready to receive customers, and shall not be illuminated between 9 p.m. and 7 a.m. Any fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens shall not be considered low level illumination. Any peak illuminance on the ground, a building or a sign, of more than 10 lux shall not be considered low level illumination.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder and carried by a vote of four members (Ernie Dodd, Laura Spear, Kathleen Willis and Malcolm FitzPatrick) and one opposed (Leonard Golder).

Laura Spear moved to accept the proposed amendment to Section 7.7.7, Lighting – Off street parking and loading areas, as discussed:

7.7.7 Lighting - Off-street parking and loading areas used after sunset shall be illuminated while in use. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and Stow and otherwise in compliance with Section 3.8.1.5 of this Bylaw.

A fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens that shines DIRECT LIGHT into the sky or onto any DWELLING on another LOT shall be considered a NUISANCE and not proper lighting under this section.

Parking lot and driveway lighting with a total INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens shall be subject to a Special Permit, which shall show the location, output and type of all fixtures. The total INITIAL DESIGN LIGHT OUTPUT of all fixtures shall not be greater than 6 lumens per square meter of parking lot or driveway.

and to recommend that Town Meeting adopt the proposed change. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

Laura Spear moved to continue the Public Hearing to April 10, 2007 at 8:45 PM. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Malcolm FitzPatrick and Leonard Golder).

ADJOURNMENT

The meeting adjourned at 12:00 AM

Respectfully submitted,

Karen Kelleher
Planning Coordinator