

# TOWN OF STOW PLANNING BOARD

Minutes of the May 1, 2007, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, 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 p.m.

## **CORRESPONDENCE**

### **Zoning Board of Appeals Decision**

Members discussed the Zoning Board of Appeals public hearing for a property at Cardinal Court for setback variance from the open space for a swimming pool. Members are concerned about setting precedent for swimming pools close to the open space throughout the development. It was noted that the properties are very close to the Town Beach and there is a specified area in the open space for community recreation. Ernie Dodd will attend the Zoning Board of Appeals Meeting.

### **Meadowbrook Estates (Trefry Lane)**

Members reviewed a letter from Eldamar Development to the Building Inspector concerning the Cease and Desist order with regard to the Emergency Access off of Trefry Lane. Eldamar Development is scheduled to attend the May 22, 2007 Planning Board Meeting to discuss this issue.

### **Arbor Glen AAN**

Members reviewed a draft letter to Pulte Homes, clarifying Section 7.11 of the Special Permit concerning the color of units. Members agreed to send the letter.

**PUBLIC INPUT** - None

## **COORDINATOR'S REPORT**

### **Arbor Glen AAN**

Karen Kelleher reported that Pulte Homes advised that the Postmaster will not approve the mailbox location for the Arbor Gen AAN Development, as shown on the Plan near the guest parking area. Pulte Homes will request a Minor Modification to move mailboxes to the guest parking area closer to Hudson Road.

## **ANR PLAN - WEDGEWOOD ROAD**

Members reviewed an ANR Plan filed by Karen A. Meyer, Rene T. Pelles and Theodore B. Carvalho.

***Laura Spear moved to approve the ANR Plan Entitled "Plan of Land in Stow, MA". Prepared for Karen A. Meyer, Rene T. Pelles and Theodore B. Carvalho, dated April 17, 2007, by Inland Survey, Inc. DBA Zanca Land Surveying, dated April 17, 2007, and authorize Karen Kelleher or Malcolm FitzPatrick to endorse the Plan. The motion was***

***seconded by Kathleen Willis and carried by a unanimous vote of four Members present (Ernie Dodd, Laura Spear, Kathleen Willis and Len Golder).***

## **WARRANT ARTICLES - ZONING BYLAW AMENDMENTS**

### Article 59 – Definitions

***Laura Spear moved to recommend that Town Meeting adopt the proposed amendment to Section 1.3 by removing subsection numbers and listing the definitions in alphabetical order and by amending Section 9.3.11.2 to read as printed in the Warrant. The motion was seconded by Len Golder and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Len Golder).***

### Street Acceptance

Karen Kelleher reported that the Tree Warden will make a recommendation on the Street Acceptance Articles at Town Meeting.

### Indian Ridge Road

Karen Kelleher reported that she received a report from a resident of Indian Ridge Road that some of the street trees have died. She advised Alyssa Real Estate, who indicated that they already replaced the trees once and they do not intend to do any more work, as it is the responsibility of Hudson Road Realty Company. Alyssa Real Estate has been trying to get the Road accepted but cannot because Hudson Road Realty Company holds the deed and will not respond to Alyssa Real Estate's requests. Karen has also been in contact with Mr. Lankau of Hudson Road Realty Company, requesting the deed.

### Snow Property

Members discussed the proposed article for the Town to Purchase the Snow property and whether to make a recommendation to Town Meeting. Members questioned if the property is worth \$1.5 million.

Laura Spear said it would be worth \$1.5 million, if a Special Permit were granted, however the appraisal does not take Special Permits (because it is a discretionary permit) into account in coming up with a value for the property. She feels that the Town has blown many opportunities for acquiring land over the last ten years. This property is in a good location and is suitable for recreation fields. The property could be used for multiple purposes such as recreation, affordable housing and a Council on Aging building.

Len Golder questions if \$1.5 million is really the market price. Ernie Dodd doesn't think so. Laura Spear noted that land value is in the eye of the buyer. Real Estate is subjective and she thinks it is worth it. Len Golder said the difference between the appraised value and the asking price is huge. He would be more inclined to favor purchase, if the price were closer to the appraised value.

Ernie Dodd noted that affordable housing on the parcel is a possibility. Len Golder doesn't think the Town should over pay for any purpose.

Laura Spear said some are afraid of the threat of a 40B development. It was also noted that the property is in the Zone 1 for Bose Corporations well.

The Board was unable to come to a consensus and therefore will not state an opinion at Town Meeting.

Len Golder said it appeared that the cost for the recreation fields were not that bad but the Town needs to also consider the land cost. He feels that funding for recreation fields should be limited to Community Preservation Funds and not Town funds.

Laura Spear said the need is here. Len Golder said that his child played Stow soccer and he doesn't understand what has changed since then. Laura Spear said there are now so many soccer players under the age of 8 in Stow, they now have their own league and there aren't enough fields.

#### Recreation for Stow (Town of Stow Recreation Director's Working Group)

Ernie Dodd feels that the Town should appoint an official committee to take the time to evaluate more properties. It appears that this proposal was rushed. Laura Spear said that the Community Preservation Committee was told they are looking at other properties.

#### Article 65 – Lighting

Russ Willis, Greg Troxel and Bill Chiarchiaro of the Planning Board's Light Pollution Sub-Committee, met with the Board to discuss proposed amendments to Article 65. Russ Willis said they would like to propose some amendments in response to feedback received from Town Boards, citizens and developers.

They received a request to change "Low output fixtures on residential LOTS" exemption to be "Limited number of low output fixtures per LOT or DWELLING UNIT". "On any LOT, or as part of any DWELLING UNIT, up to 10 fixtures with a rated output of 1000 lumens or less may be installed. However, any floodlight, spotlight, or similar fixture must be aimed at least 45 degrees below horizontal." The Sub-Committee does not recommend this change.

The Sub-Committee recommends a change in the table of restrictions to change the restriction for "all light fixtures must be full cutoff" to be the following two entries:

1. "Any floodlight, spotlight, or similar EXTERIOR LIGHT FIXTURE that is not full cutoff." "The fixture must be aimed at least 45 degrees below horizontal."
2. "Any EXTERIOR LIGHT FIXTURE with a rated output of 2000 lumens or more."  
(Use existing text for any EXTERIOR LIGHT FIXTURE.)

Drop the "limited number of low output fixtures on a LOT" exemption; it is unnecessary because such fixtures are no longer required to be full cutoff.

The Sub-Committee recommends adding an for greenhouse lighting, by adding "Exempt from 100,000 lumen Special Permit requirement."

Laura Spear said she heard objections that there are people who have holiday lights on all year, such as the house on Great Road near Whitney Road. Greg Troxel said the definition says 90 days. He said that a spotlight on a door would not comply with the proposed bylaw. Len Golder said they will get objections from people who like to light their house with a floodlight.

Laura Spear suggested keeping the proposed amendments simple.

Len Golder said it is important to relate the bylaw language to watts. He also noted that there are insurance policies that require sufficient lighting for developments such as AAN's. Kathleen Willis noted that when reviewing an AAN Application, their engineer could show compliance. Len Golder said he would not object to light shining on his property. He would only object to lighting that was shining into his window, which would come under the general nuisance laws.

Ernie Dodd questioned if there is a standard that the Building Inspector could use in the case of enforcement. Greg Troxel said there is a meter that could be used for industrial properties and he could simply look at the fixture on residential properties.

Greg Troxel suggested an exemption for spotlights on houses. Russ Willis and Bill Chiarchiao do not agree because it would not be easy to comply with the rest of the Bylaw. Kathleen Willis agrees with Russ and Bill.

Len Golder said that driveway lights should be allowed for security purposes. Greg Troxel said that the Bose lights are in keeping with the Bylaw. It does not prohibit lighting, it just says it must be a full cutoff.

***Kathleen moved to recommend amendments to the proposed lighting bylaw, as recommended by the Light Pollution Sub-Committee and discussed tonight. The motion was seconded by Laura Spear. Len Golder said the changes are an improvement but he doesn't support the proposed bylaw. The motion carried by a vote of three in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and one opposed (Len Golder).***

### **BUTTERNUT FARM**

Members reviewed a draft enforcement letter to Butternut Farm Golf Club and agreed to forward it to Town Counsel for his review.

### **OMNIPOINT**

Members reviewed the draft decision on the Petition of Omnipoint Communications for property located at 339 Great Road. Karen Kelleher will prepare a revised draft, incorporating Board Members comments, for review at the next meeting.

### **RIDGEWOOD AAN**

Members noted receipt of notes from Malcolm FitzPatrick with regard to the proposed RidgeWood AAN.

### **RIVERHILL ESTATES**

Members noted receipt of notes from Malcolm FitzPatrick with regard to the proposed RidgeWood AAN.

Kathleen Willis noted that the Board cannot consider the plan, submitted by Bob Collings, after the close of the Public Hearing. Karen Kelleher will notify Bob Collings.

### **MEETING SCHEDULE**

Members agreed to meet on Monday, May 7, 2007 and Wednesday May 9, 2007 at 9:00 AM.

### **ADJOURNMENT**

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator