

TOWN OF STOW PLANNING BOARD

Minutes of the November 20, 2007, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, Laura Spear, Kathleen Willis, Leonard Golder and Steve Quinn

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:00 p.m.

MINUTES

October 9, 2007 - ***Laura Spear moved to approve minutes of the October 9, 2007 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a vote of three in favor (Laura Spear, Kathleen Willis and Steve Quinn) and one abstention (Ernie Dodd).***

October 23, 2007 – ***Kathleen Willis moved to approve minutes of the October 23, 2007 meeting, as amended. The motion was seconded by Laura Spear and carried by a unanimous vote of four in favor (Ernie Dodd, Laura Spear, Kathleen Willis and Steve Quinn).***

PUBLIC INPUT

Mark Greenbaum of 472 Gleasondale Road asked for advice on filing requirements for a Special Permit under the newly adopted Bylaw (Section 3.2.3.5 Uses not otherwise permitted in the Residential District) to allow a residential unit in an existing barn. Members briefly reviewed the application form and proposed plans and advised that there is no need for a development impact statement or drainage calculations, as the proposed use will be located entirely within an existing structure. Members advised that the site plan should show the existing structures and proposed parking areas for the additional unit.

Mark Greenbaum will prepare an application packet for the Board to review before he formally files the application.

PLANNING BOARD MEMBERS' UPDATES

Lower Village Sub-Committee

Fence

Laura Spear reported that the Lower Village Sub-Committee met with the Faxon Farm Developers, Bill Roop and Harry Blackey, to discuss the requirement for them to provide fencing in the Lower Village, in lieu of the required fence for the Faxon Farm Development. Bill Roop and Harry Blackey offered to donate \$6,000.00 to purchase materials. The Lower Village Committee felt that it would be best to accept \$6,000.00 worth of materials and have the Highway Department and/or volunteers install the fence.

Karen Kelleher noted that the Planning Board determined that the required length of fence to be 160' and Bill Roop and Harry Blackey estimated the length to be 120'. Ernie Dodd said they measured 160' off the plan from the Picket Fence to Elm Ridge Road. Laura Spear noted that the Lower Village Sub-Committee estimates the need for 160' of fence to be located at certain locations around the common and the Town-owned land adjacent to the Shoemaker property.

Karen Kelleher also noted that, during the Lower Village Sub-Committee Meeting, Bill Roop and Harry Blackey noted that the estimated cost for a wood post and rail fence, as required by the Special Permit, is approximately \$2,000.00. After the Lower Village Sub-Committee Meeting, Karen Kelleher checked the file and found that, at its meeting of November 8, 2005, the Planning Board voted to accept the Applicant's offer to install a **granite** post and rail fence required by the Decision for Faxon Farm, in accordance with the standard adopted by the Planning Board, in a location elsewhere in Lower Village to be determined under the guidance of the Planning Board.

Planning Board Members agreed to leave it up to the Lower Village Sub-Committee as to whether Faxon Farm will purchase materials and/or install the fence.

Pedestrian Refuge Islands

Ernie Dodd reported that the Board of Selectmen voted to approve the revised plan to use recycled plastic/rubber curbing for the temporary pedestrian refuge islands, rather than jersey barriers, as recommended by the Lower Village Sub-Committee, Highway Department and Police Department.

Community Preservation Committee

Laura Spear reported that the Community Preservation Committee reconsidered its vote to support the Warrant Article for purchase and development of the Snow Property and withdrew its support for the December 3, 2007 Special Town Meeting Warrant Article. There was concern about lack of detailed information to support the amount of money to develop the fields. She also noted that there is concern that there are two separate articles (Board of Selectmen and Recreation Commission/Community Preservation Committee) and therefore, a representative of the Board of Selectmen, Recreation Commission and Community Preservation Committee are now working on a plan in hopes of coming up with one common article.

Steve Quinn noted that the cost for development seems excessive. Laura Spear agreed that there is not enough detail information to back up the request for development funds. Nancy Arsenault of the Stow Independent asked if there was consideration to just purchase the property and come back with a proposal for development at a future town meeting. Laura Spear said that is what the Board of Selectmen proposed, but the argument was that it might never happen if development funds are not appropriated at the December 2007 Town Meeting.

Ernie Dodd noted that, if the Community Preservation Committee does not support the article, then Town Meeting cannot vote.

COORDINATOR'S REPORT

Karen Kelleher reported on ongoing activities in the Planning Department:

Riverview Estates – Bob Collings gave notice to the Conservation Commission of his intent to start work on the Fire Pond. This activity would be in violation of the Planning Board's Subdivision Approval, which is under appeal. The Subdivision Approval is subject to many conditions, the first of which is an endorsed plan. Pat Perry of the Conservation Commission advised that the Order of Conditions also included conditions that must be met before the Applicant is authorized to commence work. This will become an enforcement issue for the Planning Board, if the Applicant starts work.

Crow Island – Over the weekend, a complaint was filed with the Police Department, of a biplane flying over residential homes to and from Crow Island. Upon investigation, it was noted that a helicopter was at the site and a hanger had been constructed. It appears that the structure was

built without a Building Permit or a Special Permit Modification from the Planning Board. The Building Commissioner will be in contact with the property owner.

Members discussed the fact that Zoning prohibits landing fields and question whether Mass Aeronautics can supercede zoning. Karen Kelleher will research and report back on this question.

Kettell Plain Road

Karen is in the process of obtaining quotes for Kettell Plain Road As-Built Plans. It appears the quotes will be greater than \$10,000.00; therefore, the Uniform Procurement Act (Chapter 30B) requires at least three oral or written quotes.

Lower Village Water

DEP confirmed that Assabet Water Company made the final list for funding the low interest loan application for the proposed Lower Village public water supply.

Bob Maynard of Assabet Water Company will be meeting, at the Stow Town Building on November 27, 2007, with Lower Village property/business owners to review his proposed plan.

PUBLIC HEARING – BUTTERNUT FARM GOLF CLUB

At 7:55, the Public Hearing to consider a request for modification to the Special Permit for Butternut Farm Golf Club was called to order.

Ernie Dodd reported that neither the Applicant nor their Engineer is able to make the meeting. It was noted that, despite the fact that notices were sent to both the Applicant and Engineer, and the Notice of Public Hearing was sent to property owners by the Applicant, both said they did not hear of the meeting until today. Members voiced frustration about the ongoing non-compliance issues and noted that the problem is the Applicant has never been forced to comply.

Ernie Dodd suggested continuing the Public Hearing to January 8, 2008 and make it clear to the Applicant as to what has to be done. He would like them to respond to the Board's Consulting Engineer, Sue Sullivan's, report and that their response and revised plans should be submitted two weeks in advance of the meeting. Laura Spear said the Board should not set the expectation that only those items in Sue's report need to be addressed.

Members noted items that they feel should be addressed:

1. How will Conservation Commission issues be addressed?
2. Require more detailed information on the bridge
3. Does the Plan comply with parking requirements, in light of the fact that the tent takes up parking spaces?
4. The Plan should show that the parking spaces meet the requirements of the bylaw.
5. Does the proposal for placement of approximately 150-linear feet of paving over and across the culvert access strip from Parking Area C to the Overflow Parking area reflect Conservation Commission Approval?
6. Is there adequate access to the fuel tank?
7. Timetable for completion.
8. Response to Sue Sullivan's letter.
9. Response to abutter Stephen Kenneson's letter.

Kathleen Willis is concerned it will appear that the Board is backing off on the threat for enforcement action. Laura Spear said that it should be clear that the January 8, 2008 Public Hearing continuance is their last chance. Members discussed what action will be taken, if a

response is not received. Fines? Rescind Occupancy Permit? Ultimate enforcement would be to pull the occupancy permit.

It was suggested that the Board of Selectmen be notified of the outstanding issues when considering an application for a liquor or common victual license.

Members agreed to forward a letter to Butternut Farm Golf Club advising them of the Public Hearing continuance to January 8, 2008 to afford them time to address the Board's concerns.

Laura Spear moved to continue the Public Hearing to January 8, 2008 at 7:30 p.m. and to notify the Petitioner that the hearing was continued to January 8, 2008 to afford them time to address the Board's concerns, and require that documentation and plan modifications addressing the following items must be submitted to the Board no later than December 26, 2007.

- 1. How will Conservation Commission issues be addressed?***
- 2. Require more detailed information on the bridge.***
- 3. Does the Plan comply with parking requirements, in light of the fact that the tent takes up parking spaces?***
- 4. The Pan should show that the parking spaces meet the requirements of the bylaw.***
- 5. Does the proposal for placement of approximately 150-linear feet of paving over and across the culvert access strip from Parking Area C to the Overflow Parking area reflect Conservation Commission Approval?***
- 6. Is there adequate access to the fuel tank?***
- 7. Time table for completion.***
- 8. Response to Sue Sullivan's letter.***
- 9. Response to abutter Stephen Kenneson's letter.***

The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn).

WARRANT ARTICLES

Snow Property

Ernie Dodd suggested that the Planning Board take a position on the warrant articles relative to the Snow property. Steve Quinn said, from a planning perspective, the proposal is not a bad idea, but financially, it seems like a blank check. Ernie Dodd said it is irresponsible for Town Meeting to be asked to vote for that amount of money without any detail.

Laura Spear said the proposal is mid-stream of being changed and doesn't think it's fair for the Planning Board to vote, when we don't know the plan.

Animal Control Bylaw

Ernie Dodd said he does not agree with the proposal to change the responsibility from the Board of Selectmen to the Board of Health to hold a public hearing on dog complaints.

Members agreed that the Board will not take a position on non-zoning articles.

LOWER VILLAGE MIXED USE OVERLAY DISTRICT.

Members reviewed the draft Lower Village Mixed Use Overlay District Bylaw (08/14/07 draft) and agreed to the following changes:

Section 5.5.5.1 – Remove last paragraph

~~The Special Permit can be denied if, in the judgment of the Planning Board, any of the above criteria are deemed to be detrimental to the Lower Village Overlay District~~

Add the following at the end:

The Planning Board may consider other criteria.

Section 5.5.5.2.1 – Change the first paragraph to read:

Ground floor uses

Within Overlay Area A, first-floor units facing all town roads shall be reserved for ~~retail and service establishments, restaurants, and office~~ non-residential uses as specified in Section 5.5.4.2, except as specified below. Within Overlay Area B, first floor units facing all town roads shall be reserved for ~~office~~ non-residential uses as specified in Section 5.5.4.3, except as specified below.

Section 5.5.16 – Add the following

The Special Permit must meet the mandatory findings as specified in Section 9.2.6 and Special Conditions as specified in 9.2.7, and other applicable sections of this Bylaw.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator