

TOWN OF STOW PLANNING BOARD

Minutes of the May 26, 2009, Planning Board Meeting.

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

Associate Member: Tory Fletcher

Planning Coordinator: Karen Kelleher

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

CORRESPONDENCE

495 MetroWest Partnership Annual Conference

Kathleen Willis will attend the 495 MetroWest Partnership Annual Conference on June 4, 2009 at the Westborough Doubletree Hotel. Members will let Karen Kelleher know if they plan to attend, before the May 28, 2009 registration deadline.

495 MetroWest Green Infrastructure Toolkit

Karen Kelleher reported that she has the 495 MetroWest Green Infrastructure Toolkit on CD.

PLANNING BOARD MEMBERS' UPDATES

Elementary School Building Committee (ESBC) – Steve Quinn reported that Ellen Sturgis, Chairman of the ESBC, the Owners Project Manager and Architect will attend a Massachusetts School Building Authority (MSBA) on June 2, 2009. The ESBC is hopeful to have an agreement on enrollment projections, a sign off on the project, as voted by Town Meeting for a Center School add/reno and that reimbursement rates will be set.

Land Use Task Force – Kathleen Willis reported that the Land Use Task Force is meeting on Thursday, May 28, 2009. The Task Force expects to have a final report by the end of June.

Master Plan Committee – Kathleen Willis reported that the Master Plan Committee is meeting on June 3, 2009. The Committee will be discussing a timeline for completion of the Master Plan in time for an October 2009 Special Town Meeting.

COORDINATOR'S REPORT

Karen Kelleher updated the Board on ongoing activities in the Planning Department

Land Use Partnership Act (LUPA) and Community Planning Act 2 (CPA-II)

Planning Board's comments House Bill Nos. S.783 (CPA-2 and House Bill No. S.765 (LUPA) were forwarded to the Joint Committee on Municipalities and Regional Government, Senator Eldridge, Representative Hogan and the Board of Selectmen. She advised that the Planning Board should review proposals in depth. Members agreed to dedicate a working meeting for discussion on this subject.

MAGIC Meeting

The next MAGIC Meeting will be hosted by the Town of Stow and will focus on LUPA. Karen encouraged all Planning Board members to attend.

Planning Board Administrative Assistant

Karen was sad to report that the Planning Department Administrative Assistant, Lois Costello has put in for retirement due to an illness. Her last payroll date is May 27, 2009. Karen will prepare a notice of vacancy and would like to include attendance at Planning Board Meeting to take minutes into the job description. This will allow Karen to more easily participate in the meetings.

SIDEWALK PLANNING

Kathleen Willis reported that Selectmen Dungan is interested in seeing a committee formed and getting something done on sidewalks. Selectmen Laura Spear contacted Kathleen and suggested that the Planning Board discuss whether the Planning Board or Board of Selectmen should take the lead. Members agreed that the Planning Board would have a better sense of the needs and feel that the Planning Board should be the driver. The Board agreed to establish a committee to work on a Sidewalk Master Plan. Karen Kelleher suggested that a Member of the Board of Selectmen be part of the Committee. Ernie Dodd noted that there have been sidewalk committee's in the past that never followed through to final plan. He suggested that the Board should hire a consultant to assist in the Sidewalk Master Plan. It was agreed that the committee should first identify existing sidewalks and come up with priority locations in moving forward. Kathleen Willis said the Town could use some assistance in working with property owners to obtain easements, where necessary. Ernie Dodd noted that there are a number of locations, where sidewalks should have been constructed as required by Planning Board Decision (Derby Woods, Pilot Point, Villages at Stow).

Marcia Rising, Treaty Elm Road, noted that the plan should also include maintenance of sidewalks, noting that the existing sidewalk in front of St. Isadore's Church is in disrepair. Ernie Dodd noted that he understands that there are funds remaining in the bicentennial way account.

Lori Clark said the Board needs to determine the ultimate goal.

Members agreed to establish a Committee comprised of two (2) Planning Board Members, one (1) Member of the Board of Selectman and two (2) members-at-large.

Members agreed to the following duties and work plan as recommended by Tory Fletcher:

Duties:

The Pedestrian Walkway Planning Committee, working under the direction of the Planning Board, will be responsible for preparation of a Draft Pedestrian Walkway Master Plan to expand the town's sidewalk network in keeping with Stow's rural character.

Work Plan:

1. Outreach
 - Boards and Committees
 - Residents of Stow
2. Inventory existing sidewalks
 - Identify existing sidewalks that need repair
3. Analysis
 - Prioritization of most desired segments of Town for sidewalk construction
 - Identify areas that would require easements for sidewalk construction
 - Work with land owners to obtain easements

4. Implementation

- Set policy
 - Establish design standards
 - Work with landowner on site specific designs, where appropriate
 - Review infrastructure projects (e.g. water line) to prevent avoidable conflicts
- Funding
 - Input to the Permit Granting Authority on development applications on the need for sidewalk construction or a recommendation for a fee in lieu of construction so that funds may be redirected to priority segments
 - Existing sidewalk fund
 - Chapter 90 funds associated with repaving and purchase of equipment

5. Maintenance

- Prioritization of sidewalks that warrant snow clearance
- Repainting of crosswalks

Karen Kelleher will inform the Board of Selectmen.

BUTTERNUT FARM GOLF CLUB

Marcia Rising, Chairman of the Board of Health met with the Board to discuss the Special Permit requirement for three (3) groundwater monitoring wells with annual test results to be reported to the Board, the Conservation Commission and the Board of Health. In a letter, dated May 12, 2009, Attorney Mark Burrell stated that the Board of Health controls future testing of the monitoring wells. Marcia Rising advised that Attorney Burrell and a representative from Butternut Farm Golf Club met with the Board of Health. She reported that the Board of Health does not see the need for the monitoring wells because the pesticides and herbicides they use are permitted for the use and they are used very sparingly. They are also required to have a licensed applicator and must file an annual report with the Department of Agriculture. Marcia also noted that an irrigation pond was tested in 2005, but not since then.

Kathleen asked if the Board of Health monitors groundwater or surface water at all. Marcia said they do not because they use very small amounts and reports are filed with the Department of Agriculture. Kathleen Willis said she was distressed when the Planning Board checked with Department of Agriculture and found that they just file the reports. Marcia Rising said monitoring wells are all dry. She said it makes better sense for surface water testing, which they did in 2005.

Len Golder arrived at this point in the meeting.

Ernie Dodd is concerned that they could be doing something to the groundwater and surface water and there is no way of knowing without test results. He also noted that it is a zoning bylaw requirement, which the Planning Board has no authority to waive. He also noted that the Planning Board Members are not experts in this area, but somebody should be minding the store. If the wells are dry, they should be dug deeper.

Len Golder noted that this raises another question in terms of consistency, as the other golf courses do not have the same requirements. Marcia said Butternut is the only golf course that is required to have monitoring wells because of the bylaw. Karen Kelleher explained that the Bylaw requires monitoring for golf courses located in the Residential District. Although Stow Acres is in the Residential District, they are grandfathered from the bylaw requirement.

Wedgewood Country Club and Stowaway Golf Course are located in the Recreation-Conservation District. Marcia Rising said neither the Board of Health or DEP require testing.

Kathleen Willis asked what they should test for if required to do surface water monitoring. Marcia Rising said the easiest thing would be for them to test for the two or three things they use the most.

Len Golder asked if other courses should be required to do testing. Marcia Rising cautioned that you would run into trouble if you asked all of the golf courses to test, as then people will ask why the Orchards aren't require to test. Marcia reviewed the Butternut Farm Golf Club report filed with the Department of Agriculture. There are 16 EPA regulated items they use.

Kathleen Willis asked Marcia if Wheeler Pond is the only place that would make sense to test.

Members reviewed comments from the Conservation Commission, who was not able to attend. They had a list of questions:

1. What parameters should be tested for?
2. Where shall samples be taken for surface water testing?
3. Are there already wells in place for ground water testing, or is this also to be determined? How deep should the wells be? Is there any knowledge of the groundwater elevation at this time?
4. Is Integrated Pest Management an option?
5. Is application of fertilizers up for discussion at this time too?

Len Golder questioned if the Bylaw should be amended to apply to all Golf Courses. Ernie suggested hiring a hydro geologist to talk to the Planning Board before determining the need to amend the bylaw. Marcia Rising agreed and suggested contacting Jay Billings, who worked with the Town on the Wildlife Woods subdivision. Kathleen Willis said if we do hire a consultant, both the Board of Health and Conservation Commission should be involved so we are not working at cross-purposes. Marcia Rising said that maybe the Board of Health could enact a regulation, but they would need more information before doing so.

Kathleen Willis asked if the Board of Health does random testing throughout the Town. Marcia said there are a few areas that have special circumstances that require annual testing.

Ernie Dodd moved to contact Jay Billings to help prepare a statement of work for consulting services to determine the need for a Zoning Bylaw Amendment or Board of Health Regulation. The initial cost for a meeting shall not exceed \$350.00 and the Conservation Commission and the Board of Health should be invited to attend. The motion was seconded by Len Golder and carried by a unanimous vote of five members present (Kathleen Willis, Ernie Dodd, Steve Quinn, Len Golder and Lori Clark.

Marcia Rising said she doesn't want Butternut Farm Golf Club to think they are being picked on. Kathleen Willis explained that this is only one of a long list of outstanding issues concerning the Butternut Farm Golf Club Special Permit.

ZONING BYLAW AMENDMENTS

Members discussed a list of potential Zoning Bylaw Amendments and agreed to bring forth the following amendments to the October 2009 Special Town Meeting:

- Lot area definition to include slope
- Historic Stables and barns

Members agreed to further discuss the following potential amendments for a future town meeting:

- Sign Bylaw
- Design Standards
- Map
- Mixed Use

LINEAR RETAIL

Members noted that Shaw's is storing bark mulch in the parking lot and are concerned that, now that are expanding, they will be wanting outside storage. Karen Kelleher will contact Linear Retail advising that outside storage is not permitted.

ORCHARD VIEW (BRANDYMEADE CIRCLE) SUBDIVISION

Karen Kelleher will forward the revised letter and RFQ, resulting from a meeting with Brandymeade Circle property owners, concerning repair of the Orchard View Subdivision drainage basin to Bill Wrigley for review.

SWEENEY PROPERTY

Karen Kelleher reported that Town of Acton abutters to the Sweeney property requested that representatives of the Planning Board meet with them so they can voice their concerns about the property. Members agreed to invite them to attend the Planning Board Meeting on June 16, 2009 when the Sweeney's will be on the agenda. If a follow up meeting is in order, the Board will accommodate time at another public meeting. The Board would also welcome written comments.

STOW COMMUNITY RECREATION FACILITY

Len Golder recused himself from this discussion, as he is an abutter to the property.

Members discussed the Stow Recreation Commission's request to the Zoning Board of Appeals for a variance from the requirement to install the stockade fence along Old Bolton Road, as shown on the Site Plan approved by the Planning Board. This request is in response to concern raised by Sgt. Lima, Police Department Safety Officer.

Kathleen advised the Board that she sent a letter to the Zoning Board of Appeals advising that:

The Planning Board would like an opportunity to further discuss the fence issue with the Public Safety Officer to pursue the option of a living fence. This issue will be discussed at an upcoming Planning Board Meeting and we will contact you as soon as possible. In addition, any change to the site plan will require an amendment to the Site Plan Approval previously issued by the Planning Board.

Kathleen Willis reported that she spoke with the Safety Officer, and based on that discussion, suggests Installation of a mix of shrubs and trees in lieu of the stockade fence (suggested plantings attached). Kathleen noted that Sgt. Lima does not support anything over four feet in height. Kathleen Willis noted that the Tree Warden convinced the Applicant to save some existing large trees. She is not sure if that means they will not plant the 9 maple trees, as shown on the Site Plan.

Ernie Dodd reported that he spoke with Sgt. Lima and suggested Installation of fence sections placed diagonally with plantings between the sections (see attached). Sgt. Lima is not in favor of anything other than 4' high shrubs so that he is able to sit in his car and look over. Ernie

said he understands Sgt. Lima's concerns but doesn't support removing screening, intended to screen abutter's view of parking lots. If this position was taken throughout town, it would change how Stow looks.

Steve Quinn said he doesn't think it will be unattractive, and because it is Town property, the Town will have ultimate control over it. He suggested waiving the requirement for a fence with funds placed in escrow and then review the site after eighteen (18) months to determine if fencing is necessary for a noise buffer.

Kathleen proposed sending a letter to ZBA following up on her previous memo and the outcome of the meetings with Sgt. Lima; advising them of Sgt Lima's support for plantings in lieu of fencing; and the Planning Board's understanding that the Police Department does not want a totally opaque screen. Ernie Dodd said he doesn't agree. He thinks there is another solution. Kathleen Willis feels that the solution should be plantings.

Ernie Dodd objects to sending a letter at all because it would biased the Zoning Board of Appeals toward a decision to granting a variance.

Members could not come to a consensus and agreed to forward a memo advising that: Individual members had an opportunity to meet with the Safety Officer and understands the public safety concerns, but could not come to a consensus. Members who plan to attend the Zoning Board of Appeals hearing will be speaking as a resident and not a Planning Board Member.

Kathleen Willis noted that the fence will block the view, but probably will not block the noise. She noted that landscaping could also block the view.

BUTTERNUT FARM GOLF CLUB

Members reviewed a draft letter, prepared by Karen Kelleher, in response to the May 12, 2009 letter from Attorney Mark Burrell on behalf of Butternut Farm Golf Club. Karen said, although the letter is draft from the Board, she suggested that it come from Town Counsel. Members agreed to forward the Draft letter, as amended, to Town Counsel for his review and advise as to whether it should be on his letterhead.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator