

TOWN OF STOW PLANNING BOARD

Minutes of the August 11, 2009 Planning Board Meeting.

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

Associate Member: Tory Fletcher

Planning Coordinator: Karen Kelleher

Administrative Assistant: Kristen Domurad

The Meeting was called to order at 7 P.M.

Kathleen will be attending the Board of Selectmen's meeting to discuss the possibility of putting utility wires for a new Hudson Light and Power pole on Randall Road underground. All board members supported this suggestion.

[7:05 Lenny Golder, arrives at meeting]

Kathleen excused herself to speak at the Board of Selectmen's meeting and turned the meeting over to Ernie, until her return.

MINUTES

August 11th, 2009- Steve Quinn moved to approve the minutes of the August 4th, 2009 meeting, as amended. The motion was seconded by Lori Clark and carried by a vote of four in favor (Ernest Dodd, Steve Quinn and Lori Clark)

CORRESPONDENCE

Karen Kelleher advised the board that the only discussion from "correspondence" that are necessary to discuss would be in executive session.

PUBLIC INPUT

No members of the public were present.

Karen Kelleher asked if there were other topics that would warrant discussion among the Planning Board. In response to Lenny's question on the traffic light outside of Bose Corporation on Route 117, Lori mentioned that light has been working and gets triggered when a driver is exiting Bose or Stow Villages as the light, even if they are turning right. Some people are not used to the light going to red.

Steve updated the Planning Board about an Elementary School Building Committee meeting he attended, in which they have adopted a schematic design, which is similar to the one approved back in 2006. The ESBC's goal is to have the design completed by the end of August or beginning of September. ESBC is working on getting information out to the Public as a reminder about the project. The School Building Committee is confident that the design will be approved, especially with the 50% reimbursement to Town will receive for the project.

Karen brought up the current situation with Maynard Schools and their desire to acquire funding to expand, but are being told to merge with a surrounding town, but all surrounding towns are part of a regional school which makes this difficult for them.

COORDINATOR'S REPORT

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

Cathy Buckley from Boston Regional MPO Visit

Cathy Buckley came to the office yesterday to walk around the area and take pictures of the sidewalks/lack of sidewalks. She was able to get an idea of where she would be leading the group for the "Walkable Communities Workshop" on August 24th. Karen relayed to the board Cathy's plans for the session; a quick presentation, a walking tour, followed by a session inside with maps to mark up in groups. Ernie asked about the contact person about the sidewalks in Sudbury and Karen mentioned that she has an entire folder to pass onto the new committee.

Karen updated the board that the Notice of Vacancy for a Light Committee member was posted, and that Margaret Tucker, a previous Pedestrian Walkway Subcommittee candidate, will be attending their next meeting.

Karen explained to the board that Peter Smith will not be purchasing the Whitney Homestead after completing due diligence. The wetlands, and challenges of water and sewer would make it too difficult for him to afford. Peter Smith is still interested in building in Stow so Karen put him in touch with Bob Wilbur from the Community Preservation Committee.

Tory mentioned that Department of Environmental Protection is receiving calls from property owners from Harvard Acres to Lower Village concerning the water line. She has concerns that the inclusion of the waterline may entice a car wash to Lower Village. It would be convenient but the traffic in that area is already congested and this would only increase it, especially during the winter months. Lori agrees that it would definitely increase the traffic on Rt.117 and Kathleen also foresees it being an eyesore. Karen mentioned a main concern might be that it would not keep with a pedestrian oriented village, which the town is striving for.

[Ernie returns the meeting over to Kathleen.]

APPOINTMENTS

Pedestrian Walkway Planning Subcommittee Candidate Interviews:

Kathleen explained to each candidate why the board was interviewing the 11 applicants and if each could talk about their interests and qualifications. She also asked each candidate if they would be interested/willing to be an associate member if they were not chosen for the subcommittee.

Candidate 7: Kate Lane

- She has lived many different towns, and countries and believes that sidewalks bring communities together. She enjoys walking and meeting people in town and her kids like to walk as well, they would also like to ride their bikes to school but she will not allow them due to safety.
- Kate believes that sidewalks are fundamental to a town because they allow one to walk safe and preserves the outdoors.
- She asked what the town was looking for in a candidate; Kathleen explained what was on the vacancy listing.
- Her full time job is project planning for a drug company, pulling together ideas and thoughts executing an then strategy.

All board members thanked Kate Lane and welcomed the next candidate.

Candidate 8: Mary Hunt

- Mary has lived in town for over 30 years; she bikes all over and knows all the streets, and she wants to make a difference in the community.
- She has noticed some specific areas in town that could benefit from sidewalks, and sidewalk updates.
- She is a strong advocate for physical fitness in the community and believes that sidewalks are a great way to help people get around town while staying fit.
- Mary thinks sidewalks should have a destination, some that currently exist are just randomly placed with a random ending point, she suggested connecting the sidewalk on Harvard Rd. to all the rails and Rt. 117.
- She brought a few articles, “Safe Routes to School” and “International Walk to School”, currently there are many issues in town about bussing children to school.

All board members thanked Mary Hunt.

Extended Conversation on Sidewalks

The board discussed some ideas and plans for sidewalks such as having crossing guards for kids walking to school once sidewalks are implemented, figuring out plowing for the winter on the sidewalks, allowing room for biking on the roads, but balancing space for sidewalks. The board suggested creating a map of existing sidewalks, and designating where, developers still “owe” sidewalks. Lori and Kathleen suggested making note of the areas that sidewalks might not be necessary and to talk with developers to create sidewalks off-site instead.

The board was very impressed with each candidate’s qualifications and enthusiasm for the position and Sidewalk agenda. In addition, Karen asked who out of the Planning Board, in addition to Tory Fletcher, would be interested in joining the committee as the other Planning Board representative, Lori Clark volunteered.

After thorough discussion about each candidate, the board voted on two members at large. The board also voted to appoint the two representatives coming from the Planning Board.

Ernie Dodd moved to appoint Kristina Wile and Martha Monroe as Representatives at Large ,and Tori Fletcher and Lori Clark as Representatives from the Planning Board to the Pedestrian Walkway Subcommittee. The motion was seconded by Lenny Golder and carried by a vote of five in favor (Steve Quinn and Lori Clark, Kathleen Willis, Ernie Dodd, Lenny Golder.)

DISCUSSION/ACTION ITEMS

Kathleen’s Update from the Board of Selectmen’s Meeting

The Representative from Hudson Light and Power, said the price of putting the services underground costs about 200k, opposed to keeping it aboveground for 50k. Kathleen mentioned that we should get in touch with property owner, Roger Kane, and invite him to our next meeting to discuss the possibility of putting services underground Steve thought the price of 200k seemed very high compared to past experience. Overall they would like to take care of this matter quickly to try and get them underground before it is too late.

Land Use Partnership Act: Side by Side Comparison

The board discussed their main concerns with both documents, they are as follows:

- CPA is more Home Rule oriented.
- LUPA provides for a Declaration of Development Intent to gain grandfather protection as opposed to a requirement to file a Subdivision Plan. The Board does not support this change.
- Both LUPA and CPA-2 provide for Development Impact Fees, provided the Town completes a study. Requirements for the study would be a significant cost to the Town. LUPA requires that Development Impact Fees be spent within 5 years and CPA-2 allows for ten years. If fees are not spent by the Town within the prescribed time, those fees go back to the developer. The Dev. Impact Fees might be a positive thing, but the administrative cost (including the necessary study) would be very difficult to take on, and communities do this now by just negotiating with the developers.
- Under LUPA, a town cannot get money from developers for mitigation fees for schools.
- Impact Fees under LUPA cannot go towards Libraries, Municipal Offices, Parks, Child Care or Traffic, CPAII is much more lenient.
- Concerning voting on Zoning regulations, LUPA would change the 2/3rds vote to a majority vote, unless the Board voted to keep 2/3rds vote.
- Under LUPA zoning laws have to comply with the town's Master Plan; in order to get Master Plan's passed by-laws would have to be so watered down, and this seems almost unrealistic
- There are no planners on the LUPA committee, no local representation and they are carrying out goals of the State but not the local towns, towns will lose their individual identity this way because state goals would be applied across the state. Infrastructure, and transportation methods are all different town to town, one at least needs to take into consideration these characteristics that make them each very different
- Many towns would like to have more industry but it is difficult to get them here because of the town's lack of infrastructure.
- The vesting period under both LUPA and CPAII would change to 3 years, which is good but with LUPA you need to be an opt-in community in order for this to happen
- Opt-in issues: Stow, most likely will **not** be able to opt-in, by no fault of their own and they will be penalized with the vesting period, grandfathered for 8 years rather than the change to 3 years, and they will be denied grants and money for infrastructure and may not even be able to apply for many grants that get put out there. Kathleen gave a good example of roundabouts and losing the opportunity for funding projects such as these.
- LUPA requirements open up the town to unplanned development, it goes hand and hand into housing production plans and increases build out
- LUPA encourages Affordable Housing but does not acknowledge units under 40B or Age Restrict Units
- LUPA and CPAII both have provisions for Site Plan Review, which is good, but CPAII gives 90 days to make a decision, and right now we have 60 days and then 90 days after a hearing closes, CPA II by-law could dictate the time period—it would be difficult to get the site plan reviews done in 90 days. Typically it is difficult to have developers get their drawings in within the two weeks they currently have.

[Karen had a question for Lenny concerning appeals for site plan approval on page 17. Lenny said this new plan would allow for an appeal process for site plans, it is describing what the appeal process for site plans would be.]

- One positive thing about LUPA is that the design review section actually gives towns more authority.
- In Chapter 41.D the Master Plan requirements that CPA II is proposing to change does not look that bad.

The board discussed prioritizing their main concerns in the two pieces of legislation being worked on; LUPA and CPA II in order to give Senator Jamie Aldridge feed back about the town's needs both for current revised zoning laws.

Stow Community Recreation Park

Lenny Golder recused himself, as he is an abutter to the property.

Kathleen asked Karen if she could fax John Witten a copy of the Sergeant Lima's letter and the ZBA's letter to get input on the interpretation of the ZBA variance and to ask;

- Do public safety concerns trump zoning law?
- What happens if the Planning Board chooses to ignore the concerns from the police department and goes forth with the zoning ordinance from the ZBA to do what they can to meet the intent of the by-law?
- To what degree would the Planning Board be setting the Town up for a future liability, if they put up a screen?

The board discussed whether or not the modification would require a public hearing process.

The Planning Board was surprised to see the height of the storage shed, because there were no details on the plan. Kathleen suggested that we should require more detail in future plans.

Ernie moved to enter into Executive Session for the purpose of discussing ongoing litigation and to adjourn at the conclusion of Executive Session. The motion was carried by a unanimous roll call vote (Kathleen Willis, Leonard Golder, Steve Quinn, Ernest Dodd and Lori Clark).

EXECUTIVE SESSION

The meeting adjourned at 10:03P.M.

Respectfully submitted,

Kristen Domurad
Administrative Assistant