

TOWN OF STOW PLANNING BOARD

Minutes of the August 25, 2009 Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher

Administrative Assistant: Kristen Domurad

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

REVIEW OF CORRESPONDENCE AND MINUTES

Minutes

August 25, 2009- Ernie Dodd moved to approve the minutes of the August 18, 2009 meeting, as amended. The motion was seconded by Steve Quinn and carried by a vote of three in favor (Ernest Dodd, Steve Quinn, and Kathleen Willis).

August 18, 2009- Ernie Dodd moved to approve the minutes of the August 18, 2009 executive session meeting, as amended. The motion was seconded by Steve Quinn and carried by a vote of three in favor (Ernest Dodd, Steve Quinn, Kathleen Willis).

Correspondence

Kathleen commented on the Town of Bolton's recent Zoning Board of Appeals Decision from the correspondence in the August 18, 2009 meeting. She also wanted to explore the addition of Massachusetts General Law into the Stow Zoning Bylaws.

No Public Input

PLANNING BOARD MEMBER UPDATES

Steve reported that the Elementary School Building Committee (ESBC) met August 24, 2009. Their schematic design plans are now defined and will be ready to send to the MSBA by the submission date of September 2, 2009. The MSBA will be having their board meeting on September 29, 2009, and a Public Hearing will be held on October 5, 2009 for the warrant article. The Stow Recreation Committee attended the meeting and expressed interest and desire to keep tennis courts on site. The Conservation Commission and architect explained that the lack of space would make this difficult, i.e. the wetlands, and the tree line, which the Conservation Commission showed interest in keeping. Although an idea of building the courts on top of the leeching field would avoid the issue with space the MSBA would not reimburse the cost, so funding would have to be found elsewhere.

The cost estimate for site work is slightly above 8% of the total project due to well and septic needs as well as fire protection. The MSBA will not pay for any part of the project that is over 8%.

Elevation drawings will soon be available for residents. Steve assured the board that there would be a “joint board” presentation; ESBC has already met with the Fire Chief and the Conservation Commission. The ESBC would like to have this meeting sometime in September. The ESBC wants to concentrate on outreach to Council on Aging, SAPN and CCS to get the information out while the architect is finalizing his plans for the MSBA.

Kathleen reminded the Board that Karen has released the chapters from the Master Plan Committee through email to all members for review.

Ernie notified the Board that Connie Ottowitz called about screening the Recreation Center, Kathleen and Karen advised her that the Board would be in executive session for this discussion and would get back to her.

[Lenny arrives at 7:18PM]

COORDINATORS REPORT

Karen notified the Board that Janet Styles called and wanted to attend a Planning Board meeting to discuss the Collings Entertainment Events. Karen advised Janet that the Planning Board did not issue the permit for his event and recommended speaking with the Board of Selectman or Board of Health. Janet also expressed interest in speaking at a Board meeting about other issues, Karen and Kathleen recommended having Janet attend a meeting and to speak during Public Input. Kathleen said the Board would be happy to point her in the right direction if the issues were not under the Planning Board’s jurisdiction.

LUPA vs. CPAII

Karen notified the Board that the LUPA vs. CPAII graph has been finished but the comments still need to be added, and the Board will need to finish evaluating the LUPA vs. CPAII redline copy. Ernie suggested creating a letter to Senator Eldridge and Representative Kate Hogan with important issues attached in a simplified chart. Steve added that the letter should be drafted in a way that is easy to read and gives an overview of their concerns, knowing they will not be able to incorporate every grievance into the letter. Kathleen agreed, and mentioned that Senator Eldridge advised her to be specific about the items the Board would modify so he can best represent the town.

The board discussed some issues they found while reading through the LUPA and CPAII documents;

- There are a lot of changes that are made that don’t seem to serve a purpose, such as transfer of development rights.
- The board discussed the positive and negatives of aligning the Zoning Bylaws with the Master Plan (It would force the Master Plan to be updated more frequently and could craft it to fit with the Zoning Bylaws, but the Master Plan should be a forward looking document and not be constrained by what currently exists.)
- LUPA only changes the length of time Grandfathering is allowed for Planned Communities, but does not change it for others who have not or cannot opt in.
- Towns should be able to require developers to build Affordable Homes or give money for off site construction of Affordable Homes

- LUPA discusses ecologically friendly developments, but the Board cannot dictate how the buildings are made, this is under the building permits jurisdiction.
- LUPA 40A, Land Use dispute avoidance section puts small towns, like Stow at a disadvantage because they do not have funds to hire professionals to deal with constant litigation. The intent is worthwhile for cities such as Boston, but would not be feasible for small towns, and would defeat the purpose of having a public hearing because it does not adhere to the open meeting law. It would move having the dispute first before the plan was even filed. Most Board members in small towns are volunteers and have full time jobs and would not be able to put as much time into this process. There is already a mechanism in place for disputes-for both sides.

Kathleen shared her concern that the LUPA and CPA discussion needs to be drawn to a close, and all Board members should submit comments on the documents by this Friday. All Board members agreed to have their concerns noted and sent back to Karen and Kristen by Friday. Karen offered to send out Ernie's copy with his notations for the rest of the Board to add their notes to. Karen and Kristen will compile the comments and concerns into one document. The Board will then come to a consensus on what they will stress in the letter to Senator Eldridge.

Warranted Items for Town Meeting

The Board read through suggested amendments for the Zoning Bylaws, specifically: The definition of Passive Recreation (1.3) and the insertion of the terms Passive Recreation for section B and C as well as Wireless Services Facilities (5.3.7).

The board came to an agreement of the definition, "PASSIVE RECREATION" to present at town meeting:

"Activities, which are non-motorized, non-commercial, and non-competitive and require little or no modification to the natural landscape."

Review and Comment Draft Master Plan Housing Section

The absolute deadline for comments on the Draft Master Plan Housing Section from the Planning Board was Friday August 28th. Any additional changes will be compiled and edited by Karen and then forwarded onto the Master Plan Committee. A copy of the recommended changes can be found in the Planning Board packets.

The meeting adjourned at 11:20 P.M.

Respectfully submitted,

Kristen Domurad
Administrative Assistant