

TOWN OF STOW PLANNING BOARD

Minutes of the March 23, 2010 Planning Board Meeting.

Present: Planning Board Members: Kathleen Willis, Leonard Golder, Steve Quinn, Ernest
Dodd and Lori Clark
Associate Member: Bruce Fletcher
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

MINUTES AND CORRESPONDENCE

MINUTES

Ernie Dodd moved to approve the minutes of the February 23, 2010 meeting as amended. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Lori Clark, Kathleen Willis.)

Ernie Dodd moved to approve the minutes of the March 3, 2010 meeting as amended. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Lori Clark, Kathleen Willis.)

CORRESPONDENCE

Massachusetts Central Bus Rapid Transit Path

Karen Kelleher said she would work with Bill Wrigley to schedule a time to meet with MAPC to discuss Transportation initiatives.

Warrant Articles- Flood Plain/Wetlands Overlay District

Karen reported she had reminded Susan McLaughlin from the Board of Selectmen's office of the minor language changes to the Planning Board's warrant articles. Karen also said she has contacted Town Counsel, Jon Witten, to ask seeing as the FIRM map is dated June 4, 2010, if the motion should state the article will be effective June 4, 2010

PUBLIC INPUT

There was no public input at this time.

PLANNING BOARD MEMBERS' UPDATES

CPTC Conference

Kathleen Willis suggested the Board share what they learned at the conference at an upcoming Planning Board meeting.

COORDINATOR'S REPORT

Karen Kelleher updated the Board of the ongoing activities in the Planning Department.

Whitney Homestead

Karen Kelleher reported she received a call from someone interested in the Whitney Homestead for a business retreat and wellness center. The woman is still looking into the financial feasibility. Karen told her she thought the Planning Board would be supportive and explained the historic structure guidelines.

Lot 7 Sylvan Drive

Karen told the Board that the town's Building Commissioner, Craig Martin and town's consulting engineer Sue Carter Sullivan had gone back to the site a few times since the last site walk and had witnessed temporary stabilization measures. Craig Martin had lifted the cease and desist. The issue now is to address the long-term plan for drainage. Karen advised the Board to set a realistic deadline for the owners of Lot 7 and Habitech to create a plan. She said both the owner of lot 7 and Habitech will be working together to create a permanent solution to the drainage problems.

The Hastings had reported a small amount of water on their lawn but it was not problematic so the erosion control measures prove to be working.

Karen Kelleher offered to send a copy of the abutter's email to Bruce Wheeler.

The Board decided mid-May would to be a reasonable amount of time for Habitech and the owner of Lot 7 to remediate the drainage problems..

Steve Quinn said the issue is between the owner of Lot 7 and Habitech, but Habitech is ultimately responsible for the drainage system. The property owners of Lot 7 are responsible for installing the retaining wall, as shown on the approved plan.

Karen asked the Board what they wanted to do if the deadline was not met and suggested holding the occupancy permit.

The Board agreed to recommend the Building Commissioner hold the occupancy permit for Lot 7 until all drainage remediation measures are fixed and a permanent fix is arranged.

Class II License

Karen Kelleher reported that an abutter to 102 Great Road sent a letter to the Planning Board stating she had several issues with the lot, including an oil spill she reported the Board of Health, set backs and metal scraps on her property.

Ernie Dodd suggested the Board forward the letter to Rich Presti, the owner of the property, and to have the Building Commissioner enforce any set zoning violations.

Kathleen Willis explained that the site walk they conducted on this property was purely for information purposes. They asked Mr. Presti to provide information about which businesses were active on the site during his ownership. The Board will review the paper trail from the ZBA and past businesses to determine if two years had transpired without a used car lot use, or if the property is grandfathered.

The Board discussed the proper procedure to determine eligibility for license renewal or permitting and compared the Town of Stow's methods with those received from the Massachusetts Planner's list serve.

Kathleen said they would do research to see if there are lighting violations and Ernie Dodd offered to contact the abutter who sent the letter.

Karen Kelleher reported that Mr. Presti called to confirm he is working on the Board's request.

Kathleen Willis said Mr. Presti told her he had two 21E evaluations conducted on the property. She said it would be helpful to get copies for the Planning Board.

Ernie Dodd said that the state requires a \$20,000 bond for used car businesses. He said the current applicant has a surety bond with Platte River Insurance agency in Nebraska. Ernie Dodd suggested other town boards only except insurers doing business in the State of Massachusetts.

He also suggested clarifying the wording put in the policy to protect the buyer of the car. Ernie also noticed the Town is only charging \$100, when they could be charging up to \$200.

Karen told the Board that email responses from the Mass Planners list serve, explaining how they deal with Class II licenses, are included in to their packets.

The Board discussed legal options that would allow this proposed business to proceed if they are not grandfathered. They concluded the only legal way would be to change the bylaw at town meeting. It was noted that town meeting voted on the existing bylaw which prohibits outside sales in the business district.

The Board will give their comments about the site walk to Karen and she will compile them to share with the Board on the April 6, 2010 meeting.

Resident Brian Martinson encouraged the Board to uphold any bylaw violations to the fullest because the lot has a history of bylaw infractions. He will forward a copy of his prior correspondence to the Building Commissioner.

Kathleen Willis noted that part of the parking lot is actually in the town's right of way along 117 and Rich Presti may want to have the land surveyed, to determine the property line.

Lori Clark said beyond grandfathering rights, she was concerned about the other non-conforming businesses he has started with a disregard to the bylaws and neighbors.

Karen Kelleher said she spoke with Susan McLaughlin and told her the Board would try to get their comments to the Board of Selectmen for their meeting on the 20th as the Planning Board will not be meeting to discuss its findings until April 6th.

Lenny Golder said the Board should have regular site inspections on lots with special permits and that they or the Building Inspector should be vigilant about this so things don't get aggravated.

The Board discussed asking Rich Presti for copies of the 21 E evaluations.

Karen Kelleher offered to check with the Town Clerk about local business licenses.

The Board decided to ask Rich Presti to provide proof of his grandfathering rights with information on active businesses history on the lot.

PUBLIC HEARING CONTINUANCE **ELEMENTARY SCHOOL BUILDING**

The Public Hearing continuance from the March 16, 2010 Public Hearing Session was called to order at 7 P.M.

Kathleen read the public hearing guidelines and asked the Light Pollution Sub-Committee to discuss the lighting plans they had been working on with SMMA.

Greg Troxel of the Lighting Subcommittee explained that there is not a lot of light excess spill shown on the plan and the only area was on the teacher's parking lot.

Greg explained that when the lighting bylaw was created it did not take into consideration LED lights, sensors or dimmers because it was not available at the time it was written.

SMMA proposed to have full parking lot lighting and pedestrian lighting on from 4-6P.M. and after 6P.M. the lighting levels would be at half of their maximum capacity. Other lights would be set on motion sensors.

The Lighting Subcommittee believed that if parking lot lights are on at half their capacity during this time and others are not on as proposed, the lumen output will be at about 4.5 and would meet the intention of the bylaw.

The Subcommittee recommended mitigation approaches for abutters, the applicant requested the parking lot lights be kept on until 10 P.M. every night and the subcommittee recommended turning the lights off at 8 P.M. unless an event was scheduled. The petitioner agreed.

They also requested a condition be added for all exterior fixtures currently on the building or lot to be removed and that all lighting will be full cut off.

SMMA confirmed with Bill Spratt NRSD Facilities Manager on the lighting agreements.

Steve Quinn asked if the Town's bylaw is sufficient given the safety and standards.

Greg Troxel said he believes the town's bylaws to be appropriate, while understanding the professional guidelines for safety he said given Stow's history of never having an issue with people falling, tripping or having trouble in low lit parking lots, the bylaw works for the town. He also said the residents voted for these bylaws and believes the parking lots will be lit to a higher level with the new plan and will end up improving the current situation.

Lori Clark commented that not everyone would see more lighting as an improvement.

Greg Troxel explained that there would actually be less light spillage than what is currently on the site and more light on site.

Resident Malcolm Fitzpatrick of 323 Great Road asked if there would be lighting along the access road where the extra cars would be able to park. SMMA assured him that lighting would be on the lots and driveways.

Jamie Warren then addressed their response comments to the first and second peer review.

Jamie reported that since they last met they had filed a variance for the 4 ft. mounding septic system, the noise bylaw variance and a variance for landscaping, signage and parking requirements.

Jamie reported his feedback from the Fire Chief who requested the bus loop be marked as a "no parking zone" but agreed to other cars parked along the shoulders.

Jamie said this would decrease the extra parking spaces from 90 to 60. He said with this change the total parking spaces will be: 100 marked spaces, 60 shoulder parking spaces for special events.

Jamie said they filed the variance for the noise ordinance and have scheduled a detail analysis of the mechanical equipment with the Zoning Board of Appeals. He said in addition they have added an acoustical wall on the low section of the building where some mechanical equipment will be located to keep with the daytime compliance and showed on the plan that it will not typically be operating at night unless for a night time event.

Jamie said at the request of the ZBA, SMMA would be conducting a noise demonstration for the ZBA at their April 5th meeting.

Ernie Dodd asked why they had not shown compact car spaces. Jamie Warren said they did not, as it is an option.

Lenny Golder asked if there were marked spaces for handicap parking.

Jamie Warren said they have met all the requirements for handicap parking and it is shown on the plan.

Kathleen was assured the variance for signage would not include illuminated signs.

Kathleen Willis asked SMMA to discuss their plan for snow storage.

Jamie Warren said they have tried to balance realistic locations with the limited space they have, due to abutting streams and ponds. SMMA has contacted the school district and they were told the district has the capability to move and push the snow.

Ernie Dodd asked if they would still be piling snow on top of the filtration system.

Jamie said the 5 foot of grade would allow it, he also said they took off trees that were on top of the filtration system.

Jamie explained the changes that have been done to improve the drainage system in response to the peer review.

He said, several catch basins around the school were not working correctly which was causing water to go over the land in areas they had not predicted. Since then Sue Carter Sullivan and SMMA discussed segregating one drainage system from the other so the design will still mitigate peak levels.

Craig Martin said the Highway Department removed the debris from the outlet, which was caused by the collection of debris at the gate. They cut the gate so the water could flow freely. He also spoke with NRSd Facilities Manager Bill Spratt to see if the committee could do ongoing cleaning to maintain the line, they agreed.

Craig recommended locking gates be put at the ends of the pipes so they provide safety for the children but also could be moved during peak flows without having to cut them.

Jamie Warren said the culvert under Great Road was only flowing at half capacity even with taking the pond overflow, which is a good sign.

Jamie reported they addressed the phasing plan suggested in the peer review, for the contractors, specifying location of settling basins in the diagrammatic sections.

Ernie Dodd asked how they plan to address future maintenance issues of the drainage system whose portion is under the school.

Jamie explained that they have designed oversized locking manholes on either side of the building, which Craig reviewed with Plumbing Inspector Eric Sahlberg.

Dan Solien Landscape Architect from SMMA discussed his responses to Kathleen Willis and the peer review comments from William Murray of Places Associates and pointed out on the plan where the recommended plants will be located. [Dan Solien's written response can be found on file in the Planning Department in the SMMA response letter dated March 22nd, 2010]

He said they concentrated on adding effective screening in areas where vegetation did not exist. He explained that the buffer area would have native, low maintenance, draught tolerant plants. Dan also proposed using Dogwood, Inkberry, High bush, Blue Spruce, and Standard Sweet Pepper bush, which grows around 8-10 feet high. Dan said this mixture should provide screening all year round although some are deciduous.

Dan explained that they have added a root barrier in the area where trees are near porous pavement and drainage fields. He said this would be installed 24 inches down so roots would not grow in the direction of the filter bed.

Dan addressed concerns about screening the concrete retention wall for the septic system of Hartley Road. He explained that there is a small amount of space between the retention wall and the road so they have chosen compact cranberry bushes that have 4 season characteristics. The Planning Board felt that planting evergreens would be a better screen because it provides screening all year round.

Ernie Dodd asked how the plants would fair with snow plowing being pushed against them. Dan said this might be challenging and would depend on the scale and frequency of the snow removal.

Malcolm also noted that anything planted in this area should be salt resistant.

The Board discussed alternative screening with Dan. Ivy, vines and murals were suggested.

Dan said if they used ivy they would be able to cover the entire wall within three years but would need to maintain the growth so it does not get into the expansion joints or grow over the wall. Craig Martin agreed that this could be an alternative and would work as long as it was properly maintained.

The Board thanked Dan for his work and for responding to the peer review and Planning Board comments.

Lenny Golder asked Dan to give an over view of the landscaping plan, briefly pointing out where different plantings were located. Dan described the landscaping plan to Lenny.

Kathleen Willis then invited the public to discuss any new items pertaining to the Elementary School Building.

Resident Connie Schwarzkopf questioned if the environment was wet enough in the areas where Clethera was suggested.

Dan told her the Clethera would be planted near the wetlands.

Malcolm Fitzpatrick of 323 Great Road was concerned about screening the mounding septic wall from the angle driving into the bus loop. Dan explained that the plantings would cut the visual impact of the slope as you come in.

Jamie Warren explained that the placement of the septic system was dictated by the perk rates.

Resident Connie Schwarzkopf submitted a letter to the Planning Board to be entered into record on the topic of saving the stone building.

Resident Malcolm Fitzpatrick had concerns about the methodology used for the design of the drainage system. [His notes were submitted to the Planning Board and are on record in the Planning Department].

Jamie Warren responded stating that they followed the Zoning Bylaw and Planning Board Handbook requirements and went above and beyond the required measurement for rate and volume. He said in terms of water infiltration they did a comprehensive series of testing. He said the ground water throughout the site is not related to the pond. Responding to a question regarding the turning radius of the driveways he said they have all been tested and work in both locations.

Ernie Dodd was hopeful that the porous pavement works as it claims to so it could be used in future development sites.

Resident Janet Stiles of 59 Pine Point told the public that a letter from Lew Halprin titled “Non-Truths about the Stone Building” was submitted to the record of the Planning Board and thanked the Board for their willingness to listen to the public and conduct an open process. Janet did not feel that enough time was given to comment on the stone building during the ESBC process.

Resident Susan McLaughlin of 779 Great Road submitted four letters to the Board. One letter was the Stow Historical Commission’s letter to the Massachusetts Historical Commission stating their position on the Stone Apple Barn. Susan said the Stow Historical Commission did not have an opportunity to join into the submission SMMA and the ESBC made to the State Historical Commission’s request for information on the Stone Apple Barn. She said the Massachusetts Historical Commission suggested the topic be handled locally because the ESBC responded with wording indicating they were working with the Stow Historical Commission. Susan said the Stow Historical Commission wants to restore the Stone Apple Barn.

Resident Janet Stiles supported Susan’s statements.

Selectman Laura Spear reminded the Planning Board of the Board of Selectmen’s priorities they voted on, and one was to implement the Elementary School project. The policy statement also asked Boards and Committees to keep in mind that trade offs are sometimes necessary.

Karen will re-distribute a copy of the Board of Selectmen’s priorities.

Resident Janet Stiles disagreed with the approach that has been taken on this project and wanted to remind the Board and Town that the Town is the client.

Kathleen Willis said some may feel there were issues with the process, but the ESBC is representing the Town and were chosen to do so because of their professional background and expertise. She said it has been a very difficult process for everyone.

Resident Bill Byron asked about the use of the recirculation sand filter and the restrictions on using chemicals and cleaning supplies.

Jamie Warren said items not allowed to be dumped into the septic system will be noted in the maintenance plan.

Resident Malcolm FitzPatrick asked about the disposal of left over food and organic waste. Jamie Warren said composting would not be a part of the project nor would garbage grinders although they will have a mixed recycling.

Resident Connie Schwarzkopf said other taxpayers have expertise in these areas as well.

Ernie Dodd said the ZBA would be meeting on April 5th and the noise demonstration will take place after the meeting.

Steve Quinn said the ESBC decided to spend \$1,500.00 for this demonstration to have a quantitative measure for the amount of decibels (db). Steve said this would also help the residents and Board evaluate the noise bylaw.

Steve Quinn said the ESBC would be requesting a variance for the signs. The plan is to have a linear letter board so it is easier to read.

Kathleen Willis encouraged the ESBC to make sure the sign is not too low as to not interfere with plantings under the sign.

The Planning Board supports the knoll as a form of screening for the parking lot off Great Road.

Ernie Dodd moved to close the public hearing for the Elementary School Building renovation and addition. The motion was seconded by Steve Quinn and carried by a vote of five in favor (Ernie Dodd, Steve Quinn, Lenny Golder, Kathleen Willis and Lori Clark.)

DISCUSSION WITH MSBA CONCERNING THE STONE BUILDING

MSBA Conference Call

Karen Kelleher reported that Jon Witten had relayed to her that the MSBA would not respond to the question as to whether retention of the stone building or the site would be considered a change in scope.

Steve Quinn said the MSBA voted unanimously not to memorialize the stone building because there was no support from the Stow Historical Commission. He said they made their decision because of the cost and lack of support to do so.

The meeting was adjourned at 10:35 P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant