

TOWN OF STOW PLANNING BOARD

Minutes of the March 9, 2010 Planning Board Meeting.

Present:

Planning Board Members: Kathleen Willis, Ernie Dodd, Lori Clark, Steve Quinn,
Lenny Golder

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

REVIEW OF CORRESPONDENCE AND MINUTES

CORRESPONDENCE

Derby Woods Lot 3 and Lot 7

Steve Quinn was told by Craig Martin that he would not make any more inspections. Craig told Mr. Moran the Planning Board recommended a cease and desist order be placed on the property until measures were taken to stabilize the site.

Karen Kelleher said Craig Martin was out on Thursday and nothing had been done since. Karen said it is important for the site to be stabilized before the rain comes.

Steve Quinn said the drainage system is now filled with silt and was concerned that if the town accepts the road they will assume responsibility of a failing drainage system. He stated that the town still holds bond posted by Habitech.

Karen Kelleher asked when the Board would be available to conduct a site walk before the weekend's predicted rainstorm.

The Board decided to meet early Friday 12th in the morning at 8:30A.M. and Tuesday 16th at 9A.M after the rainstorm. Karen Kelleher will request the Board's consulting engineer, the Building Commissioner, Lot 3&7 property owners and Habitech and their engineers

Elementary School Building Committee Update

Ernie Dodd said he asked Russ Willis to come to the next Elementary School Building Public Hearing. Karen Kelleher said SMMA should have the new lighting plans available for review.

Steve Quinn reported the committee met last night to discuss their visits to the different boards, they are writing a response on all reports made.

He said on the March 22nd meeting they will focus on making a refined plan for the cost estimate. He said the committee will pick their add alternative list at this meeting. Steve expects the bids back on May 15th and to start construction on June 20th.

Pedestrian Walkway Planning Sub-Committee

Lori Clark asked the Planning Board for feedback on the sub-committee's brochure. The Board said they liked the brochure and would provide feedback in writing if they had any suggestions.

Lori reported the sub-committee presented at last week's Board of Selectmen meeting. She stated that Bill Wrigley said there is already a bylaw that requires people to shovel sidewalks in front of their property. Lori said Bruce Fletcher had previously told the committee the town could adopt a statute at Town Meeting creating these laws, but did not think it was an existing requirement.

Karen Kelleher said she is not aware of a bylaw requiring property owners to remove snow from a sidewalk along their frontage but would research the general bylaws.

Lori Clark asked how the sub-committee should go about printing the brochures for Spring Fest. Karen recommended using the Planning Board printing budget and the Master Plan and Consulting Engineer account if necessary.

Steve Quinn suggested placing an article in the Stow Independent.

Lori said they have a draft RFP for design for 4 areas along 117 and will run this by Mike Clayton, Bill Wrigley and the Planning Board.

Karen Kelleher offered to add this item to the agenda for next week's meeting, the Board agreed, as the Pedestrian Walkway Planning Sub-committee would like feedback by March 18th.

COORDINATOR'S REPORT

Karen Kelleher updated the Board of the on going activities in the Planning Department.

Building Permits

Karen Kelleher reported that several building clearance forms came through the office this week; most were from the last of the units from Pulte Homes.

Another was from Kane Builders on Randall Road where they had a few ANR lots; one is to demolish an existing home and are replacing it with a larger home.

Elm Ridge Road Affordable Unit

Karen said Doty Wilbur from the Assessor's office called to report that an affordable foreclosed unit was sold without a restriction. Bob Barrell of the Stow Housing Authority is appealing the sale.

Ernie Dodd said it was unfortunate that the home was not purchased with Community Preservation funds or by the Stow Municipal Affordable Housing Trust.

Walkways Sudbury Road and Pompositticut Road

Mike Clayton called asking for the Planning Board to approve funds for a walkway plan on Sudbury Road and an as built plan for what is currently there.

Karen Kelleher told Mike Clayton she would run a cost estimate by the Board. The Planning Board said they agreed in theory but would need to make sure the cost wasn't too high.

Annual Report

Karen notified the Board of the Annual Report in their packets and to send any edits directly to her.

APPOINTMENTS

Jay Billings of Northeast Geoscience Inc.

Jack Wallace, Health Agent and Marcia Rising, Chairman of Board of Health was present.

Kathleen Willis explained the current zoning bylaw-requiring golf courses in a residential zone to submit testing from monitoring wells to the Board of Health and Conservation Commission. She said because the town does not have a public water supply it relies on ground water.

Kathleen said Butternut Farm Golf Course installed monitoring wells but now state the wells are dry and they aren't able to do proper testing.

Karen Kelleher suggested that the Board of Health might want to institute a regulation requiring all golf courses to install monitoring wells in order to better protect the town's water resource supply. She noted that if it were a Board of Health regulation it could apply to all golf courses, it would not need to go through a zoning bylaw change which requires town meeting vote, and grandfather protection would not apply.

Jay Billings agreed that it should not matter if the golf course is in a Residential Zone or not, all should be monitored.

Kathleen Willis said golf courses are only mandated to send the Massachusetts Pesticide Use Report, to the State, but this information is only filed into record and not reviewed unless a complaint is filed.

Steve Quinn asked how the Town could be sure the submitted records are truthful.

Jay Billings stated the real way to enforce this is making sure the people applying the chemicals are licensed, and sign off on the report submitted to the State.

Kathleen Willis asked if there could be a conflict of interest if the person applying the chemicals is licensed, but is also an owner of the golf course.

Jay Billings explained that the process of turf management has changed over the past few years. He said that the current practice is using an integrated pest management system. This system is based on only using chemicals that are needed in specific problem areas.

Jay stated the problem with designing a testing program is identifying the chemicals that can actually be tested for. He said it is difficult to find labs that are able to test for certain chemicals.

Jay Billings said he had helped some golf courses develop a design program to make sure chemicals are applied in the correct manner. He also worked with towns assisting them with appropriate testing requirements.

The Board asked what the difference was between testing surface water and ground water and the corresponding results each could yield.

Jay Billings said they are both just as important. He stated it is important to test surface water but also ground water because it is not moving as quickly and a bad application of chemicals could still be detected 2 years later.

Jay said testing could become very expensive, making it a difficult issue. Jay said the key is to look at the list of chemicals they are applying, separate those that can be tested. The amount of samples tested per year can also increase the cost. He said another built in control is the fact that chemicals are very expensive to purchase so they are less likely to use more than necessary.

Steve Quinn asked if there was any way to get a reading of comparison levels from the amount of chemicals used on each of the courses.

Jay Billings mentioned articles from the Cape Cod area and the Turf Management Department at University of Massachusetts as good resources.

Kathleen Willis asked for input from the Health Agent, Jack Wallace.

Jack Wallace said it is a great concept, but would want to look at all the information and was concerned that the testing could become too expensive for the golf courses.

Lori Clark asked if they could start out by asking all the golf courses in town for a copy of the Massachusetts Pesticide Use Report document they send to the State. Some Planning Board members thought this could be a good way to tell if some courses are using more than others and may provide some insight to appropriate levels.

Ernie Dodd did note they may not all be the same because of different environments and structures.

Jay Billings said another approach is to have the individual golf courses submit their own plan for chemical applications. He had worked with the Town of Grafton's Health Department and the Town of Westford's Conservation Commission. In Westford he said they settled on a requirement for testing two surface water samples on and off the course in the late summer during slow moving water times. He stated that golf courses that have poor chemical management show up quickly.

Jay said of all chemicals that are detectable, the most dangerous should be tested first at the prime testing season in late summer.

The Board discussed testing wells in neighborhoods that abut golf courses.

Jay Billings said the first step could be having all the golf courses submit a copy of their Pesticide Use Report form and come up with three chemicals from the lists to test.

Marcia Rising said the Board of Health should be careful writing regulations without hard scientific data. She said they might need to hire a professional to help them write the regulations.

Jay Billings said this issue will unfold much easier than most think, and many towns have already done this so using a similar design could be helpful.

Kathleen Willis asked Jack Wallace if he only receives Butternut's Pesticide Use Report forms.

Jack Wallace said he would have to look through his files. He suggested not sending a separate request letter for the forms, but offered to collect them when he conducts his standard food inspections.

Ernie Dodd suggested then looking over all the forms and conducting a meeting with the golf courses to describe the goals for the town to protect the water supply.

Jack Wallace and Marcia Rising both mentioned it would be important to have some data to make sure there is actually a problem and where the cause of the problem is coming from.

Marcia Rising asked if the phosphorous was coming from Elizabeth Brook, Jack Wallace stated that there is agricultural land around the area.

Jack Wallace said wells abutting golf courses typically meet drinking water standards.

Jay Billings agreed, but noted that most drinking wells aren't tested for the chemicals used on golf courses because of the expense to the homeowner.

Jay Billings stated that there are definitely areas where golf course chemicals are a problem and it will be helpful to understand these areas.

Marcia Rising asked if the creation of a Board of Health regulation would change the requirements in the decision for Butternut Farm.

Kathleen Willis explained that this was put in the decision and wouldn't go away.

Karen Kelleher noted that if they came up with a program that applied to all golf courses it would be more equitable.

Ernie Dodd suggested the Town begin by sampling abutting shallow wells and surface water around golf courses.

Jay Billings's recommended only testing shallow wells and avoiding rock case wells because they draw directly from an aquifer.

Kathleen Willis asked Jay how deep the monitoring well should be and if a well is dry could it be re-drilled. Jay Billings said a monitoring well needs to be drilled 10 feet down into water and to leave screening across the water table. He said they are fairly shallow wells and if they have gone dry they most likely need to be re-dug.

Karen Kelleher suggested collecting the Pesticide Use Reports from all golf courses, then work with Jay Billings to create a process for monitoring chemicals.

Jay Billings said he could submit an hourly rate proposal for anticipated scope of work. He said most of the work they discussed would not take much time. Jay suggested testing in late August.

Jack Wallace said he could collect copies of the Pesticide Use Reports forms in about 6-8 weeks when he conducts his food inspections.

Marcia Rising said she was 100% supportive as long as they have hard data on the issue.

Marcia Rising offered to send an email to the Board of Health list serve as suggested by Ernie Dodd asking about monitoring chemical applications on golf courses.

Lori Clark said she liked Ernie Dodd's suggestion of testing abutting shallow wells and surface water first with town money and then decide their next step.

The Board felt it was important to keep the current bylaw requiring testing of monitoring wells for golf courses that are within the residential district, until a new regulation is created.

Karen will send an email on the Massachusetts Planners list serve asking for information on golf course chemical monitoring programs.

Lenny Golder suggested the Board approach the issue as protecting the town's water supply to justify the use of public funds, and to determine if there is a problem.

Ernie Dodd said the Board might be able to use the Engineering Consulting account to fund the testing. Kathleen Willis questioned if the Planning Board would be the appropriate board to take over the monitoring of the ground water supply in town.

Karen Kelleher said she would tell Pat Perry of Conservation Commission about the discussion and suggest they assign a member to join further discussions.

DISCUSSION/ACTION ITEMS

ANR Plan

Karen Kelleher told the Board they had received a partial application for an ANR plan from Bob Collings, they received the plan but are still waiting for the co-owner's signature and filing fee.

Karen reported she had spoken with Town Counsel, Jon Witten, about this lot, as it seemed to be part of the Riverhill Estates subdivision that is currently in litigation. He advised her the applicant would not be able to subdivide Parcel B because it essentially does not exist. In addition, the plan did not appear to have frontage on an existing road, which is a requirement of an ANR plan.

Karen Kelleher said she would draft an outline of her review of the plan and send to Jon Witten for his input.

Letter from Ann L. Deluty, 51 Birch Hill Road

The Board reviewed Ann Deluty's letter to the Board requesting to work within the 10' restrictive easement on Birchhill Road. The Board decided it would be best to look at the original plan and decision before responding to her request.

The Board will review the original decision and plan at the meeting of the 16th.

First Parish Church

Karen Kelleher reported she was asked if the Planning Board had any recommendations in regards to the Town selling the small triangle lot to the First Parish Church. She said the church hopes to build an addition and enlarge the parking lot in the future.

Lori Clark requested that a byway easement be retained.

Ernie Dodd moved to support the town in selling the small triangle lot to the First Parish Church as long as the lot maintains a byway easement along the frontage. The motion was seconded by Steve Quinn and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Lori Clark, Steve Quinn and Lenny Golder.)

Annual Report

The Planning Board suggested the following be added to the Annual Report

- Initiated discussion to define future direction to assure safe drinking water quality for the residents of Stow
- Adding the Attorney General approvals of Town Meeting and Special Warrant Articles
- Adding the date of Attorney General approvals

Upcoming Meetings

The Board decided to Meet on the 1st, 2nd and 3rd Tuesday. They will have a Public Hearing Scheduled for April 20th to discuss the Proposed Zoning Bylaw Amendments for Town Meeting.

Karen Kelleher said the FEMA maps have not yet been sent but will schedule a public hearing date to make sure things are done in time.

Karen will schedule this public hearing, if the maps are not sent time from FEMA, the Board will move "no action."

The meeting was adjourned at 9:50 P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant