

TOWN OF STOW PLANNING BOARD

Minutes of the June 1, 2010 Planning Board Meeting.

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

Associate Member: Brian Martinson
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

REVIEW OF CORRESPONDENCE AND MINUTES

Correspondence

Community Land Use Reform Partnership Act (CLURPA)

Karen Kelleher advised the Board that new proposed zoning reform legislation, CLURPA, has been released. It is a mixture of both the Land Use Partnership Act (LUPA) and the Community Preservation Act II (CPAII).

Minutes

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

Kathleen Willis moved to approve the minutes of the April 6, 2010 meeting, as amended. The motion was seconded by Ernie Dodd and carried by a vote of five in favor (Ernest Dodd, Steve Quinn, Kathleen Willis, Lenny Golder and Lori Clark).

Kathleen Willis moved to approve the minutes of the April 13, 2010 meeting, as amended. The motion was seconded by Ernie Dodd and carried by a vote of five in favor (Ernest Dodd, Steve Quinn, Kathleen Willis, Lenny Golder and Lori Clark).

Kathleen Willis moved to approve the minutes of the April 18, 2010 meeting, as amended. The motion was seconded by Ernie Dodd and carried by a vote of five in favor (Ernest Dodd, Steve Quinn, Kathleen Willis, Lenny Golder and Lori Clark).

PUBLIC INPUT

No public input

PLANNING BOARD MEMBER'S UPDATES

Pedestrian Walkway Sub-Committee

Lori Clark reported on the public forum. A few residents were opposed to a paved byway on the upper common. In response the Pedestrian Walkway Committee decided to eliminate that section of the byway from Phase I plans to keep momentum and support for the project. The

committee plans to keep the proposed byway along the town building side of Route 117 although there was one opponent who was concerned about the loss of parking spaces. The committee did not feel the loss of two parking spaces was a big enough loss to change this section of the plan because of the future addition to the Town Building parking lot.

The Pedestrian Walkway Planning Committee called Sue Carter Sullivan from Places Associates to revise the proposal as such.

Ernie Dodd noted that moving the Council on Aging to Pompositticut St. School would also alleviate parking at Town Building.

Elementary School Board Committee

Steve Quinn reported that sub-bids were due earlier that day and general contractor bids are due next Monday June 14, 2010. By next week final prices will be in. He stated that the bid process is very quick because all bidders have been pre-qualified.

Lower Village Committee

Karen Kelleher reported that the Lower Village Committee plans to invite Mike Clayton, Highway Superintendent, to their next meeting to discuss permanent traffic islands. She noted that the Board might want to consider moving forward with permanent solutions after a Lower Village Master Plan is agreed upon.

COORDINATOR'S REPORT

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

Derby Woods Lot 7

Karen reported that Jim Morin and Habitech are now in contact with one another and finalizing the plans to address erosion problems. Karen said she would hear from Sue Carter Sullivan when they have completed their plans.

Brook Mill Road Subdivision

Karen told the Board a resident living in the Brook Mill Subdivision called inquiring about a possible underground tank that was possibly removed from her property during the construction of the subdivision. The plans showed the underground tank to be moved. The resident was referred to the Fire Department to confirm the removal of the underground tank.

Media

Karen told the Board Matt Gunderson from the Globe West inquired about the Collings case. She responded with, no comment, as the case is in litigation.

APPOINTMENTS

Rich Presti, 102 Great Road Violations

Mr. Presti asked the Board if they had been enforcing the bylaws fairly throughout town and Ernie Dodd assured him they are attempting to correct violations across town.

Mr. Presti asked for clarification on the zoning bylaw term, "storage."

Kathleen Willis said it is not a defined term in the zoning bylaw, but would mean anything being stored or displayed outside of a structure.

Steve Quinn said outside storage on a residential lot, could be considered a messy yard and no bylaws exist to prevent this, even if the residential use is in a business zone.

Ernie Dodd stated that the storage of unregistered cars on a residential lot would be controlled by the general bylaws which states no more than one unregistered car may be on one lot at any time. The Board reviewed the list of violations with Mr. Presti.

Item #1

- Mr. Presti said the trailer had been on the property for about twenty years. He explained that the tenant pushed the trailer back from where it originally set and was requested by the neighbor to move it back. The tenant moved the trailer back to a location that the neighbor agreed to.
- Mr. Presti cleaned the trash from behind and on his lot.

Mr. Presti said the two trailers, which were claimed to be storing scrap metal, were actually filled with the tenant's storage items.

He noted that he forwarded all complaints to the tenant about keeping the property cleaned and fixed. Mr. Presti explained that the tenant is struggling financially but promised to fix the issues as soon as possible. Mr. Presti has given them 30 days to fix the property.

- Mr. Presti claimed he could not abide by the 50ft. vegetative buffer set back requirement because the house predates the residential set back requirements of that bylaw, and the set back would extend into the living room of the next house.

Ernie Dodd agreed that the landscape buffer of 50ft. should not be required as his building is pre-existing.

Karen Kelleher noted that this requirement is intended for businesses not residential lots.

- Mr. Presti said he put up steel posts with orange fencing to catch trash and to keep cars from parking so close to the property line.

Item #2

Contractor's Garage

- Ernie Dodd noted that this is a business and should comply with the 50-foot buffer noted in the ZBA decision. Mr. Presti asked if they could revisit this item.

Logging Operation

- Mr. Presti said it is not a logging operation. He claimed the owner cuts trees down off site and brings some back to cut for firewood. Mr. Presti said they do not chop that frequently and has never received noise complaints.
- Ernie Dodd said it is not a permitted use in the business district.

Main Building/Stepping Stones parking lot

- Mr. Presti said Mrs. Perry the owner of Stepping Stones has a parent drop off plan, which has been in place for many years. Mr. Presti and Mrs. Perry have found this plan to be very effective over the past years. Mr. Presti did not feel it was his responsibility to solve the problem of through-traffic on 117.

- Kathleen offered a solution of having the highway department stripe the boundary of the road and property. Mr. Presti was in favor of this idea.
- Mr. Presti said he would remove the old business sign on the vacant space

Dave's Auto Repair

- Ernie Dodd said this business needs a sign permit and needs to comply with the bylaws by acquiring a special permit from the ZBA

School Buses on Property

- Mr. Presti said he had never received a complaint about the school buses parking on the property, he only knows about the one property owner's letter. He hopes that in the future property owners would contact him directly.
- Mr. Presti said the school buses have been parking on this property for 10-30 years. He bought the property 6 years ago and claimed it was an existing use at that time. Wayne Erkkinen, the previous owner, told him school buses have been parking there since 1992.
- Ernie Dodd said the use would have to predate 1968 and be continuous, non-conforming use.

Lighting

- Mr. Presti said he was issued a complaint a few years ago by the building inspector Craig Martin. In response, Mr. Presti had the light adjusted so the fixture faced downward.
- Mr. Presti called Husdon Light and Power to discuss options for dealing with the other lighting issues on the property. He is waiting to hear back from them.
- Kathleen suggested he speak with the Lighting Committee
- Mr. Presti said the reason Wayne Erkkinen put the lights in was because of vandalism on the property. He also noted the light was there before neighbors homes were built.

The Board asked Mr. Presti if they could continue their discussion after their appointment with Linear Retail, he agreed.

Linear Retail

The Board reviewed their notes from the site walk with Gordon Whitman of Linear Retail, their attorney Mark Brunell and Bill Bernard of Barlo Signs.

Gordon Whitman said they scheduled a meeting with the ZBA for a July Public Hearing and is looking for the Planning Board's input. He thanked Board members for attending the site walk.

Gordon said they would take the suggestion of moving the pylon sign back to the edge of where the current sign is located. He said the lowest edge of the sign would be 6 ft. off the ground so this would allow for complete visibility for drivers entering route 117.

Steve Quinn suggested a pylon sign where the east proposed pylon sign would sit. Instead of a 6ft. gap on the bottom, he proposed they put the other business names (businesses on the proposed west pylon sign) on the bottom. He noted that since the sign will be moved back, cars will not need the 6ft. visibility underneath. Steve said this would eliminate the need for two large pylon signs, and also suggested keeping the smaller Shaw's sign on the west end of the Plaza.

Lori Clark asked why the owners felt they needed to double the size of the current size.

Gordon Whitman referred the Board to Bill Bernard, Linear's sign engineer's visibility chart describing the key elements and size of a functional sign.

Gordon argued that the reason for the need to increase in size is for business survival. He stressed Linear's concern of the Price Chopper and Market Basket coming into neighboring towns. He said they need to create a destination center where people will shop, and they desperately need to keep their anchor store.

Lori Clark said that Shaw's prices are extremely high compared to the current competitors. She also noted that other competitive factors would determine their stability, not the size of the sign.

Gordon Whitman explained that they offered Shaw's a space on both pylon signs in exchange for adding some of the other store names on the west pylon.

Kathleen Willis commented on shopping plazas in neighboring towns that only have a plaza name sign near the road and utilize the signs on the storefronts identify themselves to customers. She asked if they had any statistics on these shopping centers viability.

Gordon Whitman said he knew the plazas she was referring to but would not be willing to take that risk. He told the Board if Shaw's sales drop below 10-20% they will move out, leaving the plaza anchorless.

Lori Clark stated that the current sign is not attractive and is clearly falling apart, for these reasons it is not effective, not necessarily the size.

Lori had hoped Linear Retail would have come to the Board with a sign design that was around the same size as the current non-conforming sign but with a more effective design.

Gordon Whitman said they hired a sign expert to create effective signs; they came up with two pylon signs with average letter sizes of 7-10 inch.

Gordon Whitman said they would ask Citizen's Bank to remove their sign and potentially add them to the pylon sign.

Lori Clark noted Citizen's Bank has signs on their building, which has full visibility from Route 117.

Gordon Whitman asked for the Board's consensus on Steve's suggestions.

Most Board members felt more comfortable with this idea than the two large pylon signs.

Steve Quinn also noted that most businesses have 7-inch letters on 20-inch blocks and wondered if they could make the blocks smaller to take up less space.

Gordon explained that some businesses rent larger spaces and expect a larger sign space on the pylon.

Mark Burrell noted the bylaw states that freestanding signs need to be visible according to the bylaw section 6.3.3.2.

“One (1) primary free standing SIGN visible from the main public way not exceeding twenty (20) square feet in area.”

Gordon Whitman said the site has a lot of challenges already including the far set back design and large parking area in the front.

Steve Quinn encouraged public comments.

Resident Russ Willis of 45 Walcott St. said that Stow is a rural town and the proposed signage does not need to be the same size as those who compete in large commercial strips, because it is the only large plaza in town. He stated that the current sign is not in compliance, but he would accept a renovated sign in that size. He said the two signs proposed are outrageous.

Resident Ross Perry of 4 Circuit Drive explained that the spirit of the bylaw was to keep signs small and consistent with the rural feel of the town. He cautioned that the town should draw a line on size limit because if a new plaza came into town, they will want to compete with the existing plaza by having an even larger sign. He also suggested size of the signs on the pylon should be related to the amount of frontage each store has in the building, as opposed to the area of sq ft.

Resident Brian Martinson of 43 Pompositticut St. agreed with the other residents' comments. He said the proposed pylon signs are outrageously large and that the existing sign does not comply. He stressed that the two proposed pylon signs are not in keeping with the visual aesthetics of the Lower Village.

Lori Clark noted that when they first wrote the special permit, indicating Linear Retail was to consult with the Planning Board prior to applying for a variance from the ZBA, the Planning Board knew the size would be larger than what the bylaw allows but never two larger pylons that were 62% wider and 52% higher.

Kathleen Willis reminded Linear Retail that The Board had asked them for over two years to submit sign ideas. She said the Board negotiated the amount of trees and landscaping in the original decision because Linear argued that they did not want anything obstructing the signs on the building.

Lori Clark asked if the pylon would be taller than the power lines.

Gordon Whitman said the sign would be moved back and would not affect the power lines.

Gordon Whitman said he heard the Board's concern about aesthetics, but argued that the Town couldn't have it both ways. They need an environment where businesses can succeed but cannot do so without the opportunity to be seen.

Brian Martinson suggested that they could have it both ways and believed they could come to a compromise.

Lenny Golder suggested adding landscaping around the signs to soften the image. Gordon Whitman said they would be open to this idea.

Lenny also suggested having several smaller signs along the frontage. Other members of the Board were not in favor of this idea.

Steve Quinn told Linear that they would have a difficult time getting support from the Planning Board with the current design.

Mark Burrell said that Linear Retail would need to optimize every option they have, including the sight line to signs on the building.

Mark said that reducing the size to 4-5 inches would be pointless. He stated that 10 inches is optimal and 7 inches is the absolute minimal according to the sheet shown by the sign designers. Mark noted that traffic in the Lower Village has gotten slower so drivers could see some building signs but would not turn their heads to see the east side shops.

Ernie Dodd said that most people living in Stow know where Shaw's is located. Mark Burrell argued that the site needs a sign to capture drivers who don't live in Stow.

Gordon Whitman said that 50% of the shoppers at Shaw's come from outside of Stow.

Steve Quinn asked each Board member to give any last comments.

Steve thought the proposed pylon sign should be smaller. He suggested Linear Retail make the signs as small as they can but with visibility through creative design. He noted that the current proposal would be a tough sell with the Town.

Ernie Dodd suggested using standard letters for all signs and that 16ft wide pylon is too large for Stow.

Lenny Golder agreed the sign needed creativity and suggested including shrubbery. Lenny said the current sign is too small and may need to be increased in size but not to the extent of the current proposal.

Associate Member Bruce Fletcher said signage is needed on the street because they are crucial for drivers not familiar with the area. He agreed the size was much too big, and did not support having more than two signs. He suggested making the two pylon signs smaller. He noted this is a unique property and that no other area in town has a plaza this large, and therefore is not concerned about precedent.

Kathleen Willis requested Linear Retail come back to the Planning Board to discuss outstanding issues in their special permit and issues about lighting. She told Gordon, Linear would need a photometric lighting plan to know how many lumens could be used for the new pylon sign.

Steve Quinn asked Gordon if their engineer could compare the amount of lumens in the current sign to the proposed sign, instead of a study on the entire site.

Gordon Whitman explained that it is a very expensive process to have a lighting engineer complete this type of work.

Kathleen Willis said the proposed sign does not meet the criteria for full cut-off and suggested finding alternative fixtures for the sign.

Karen Kelleher offered to send the link “starrynightlights.com” website for alternative full-cut off fixtures.

Gordon Whitman said they would look into other fixtures.

Ernie Dodd and Steve Quinn agreed that a lumen output study did not seem necessary.

Gordon Whitman said the parking lot lights have an option so they can be dimmed and he will check to see if this condition is being met.

Gordon said he was willing to consider the Board’s comments.

Linear Retail will be scheduled to meet with the Planning Board to review amendments to their proposal on June 15th at 8:30 PM.

Steve Quinn asked Gordon if he was interested in meeting with the Lighting Committee. Gordon said they would review the alternative fixtures from the web link first.

Kathleen Willis said she is trying to determine compliance with the landscaping plan and would like to meet with Roger Sturgis in person to discuss the landscaping.

Gordon will put Kathleen Willis in contact with Roger Sturgis.

Rich Presti, 102 Great Road Violations, continued.

General Site Conditions

Monitoring Wells

- Mr. Presti said he has been working with the Town to implement a water system for Lower Village and has signed agreements with the Department of Environmental Protection. He said his site is monitored once a month and will be until, and if a water system is put in the Lower Village.
- He also noted that Stepping Stones uses bottled water even though the tests have passed every time.

Kathleen Willis noted that reports have never been given to the Board.

Grease Traps

- Mr. Presti explained that the requirement for grease traps is outdated and grease traps are now outlawed. He said all grease traps on the site were pulled out and filled with concrete.

Special Permit Requirements

- Mr. Presti said special permits from 1988 and 2001 have a number of conditions attached to them. He stated it was his understanding that special permits have a life span of two years and if no building had commenced within those years it is expired along with the attached conditions.
- Mr. Presti stated that several items listed in this letter are actually voided because the special permit was never acted upon.

- Mr. Presti asked the Board to review the ZBA decisions and to explain if the site is pre-existing non-conforming site and therefore exempt from outside storage.

Paving Parking Area

- Mr. Presti said he cannot afford to pave the whole area, and if he did he would then face difficulty with the Conservation Commission.
- He noted that businesses, churches and town owned land have parked cars on dirt lots
- He asked for fairness and warned the Board that enforcing in this manner they will put people out of business.

Mr. Presti explained that he knew the logging company was not in compliance with the bylaw but his alternative was to keep the lease with an existing body shop that could compromise the site's ground water, ruining the site for future development.

Mr. Presti said he wants to develop the site but is restricted by water limitations. Mr. Presti said he has plans to develop the site in a way that would make Stow residents happy, but currently being restricted by water makes it difficult to financially keep the property without having issues strictly complying with the bylaw.

He told the Board a franchise car dealership had come to him with interest to do business on the property but he does not want develop the lot in this way.

Mr. Presti said there are several items on the non-compliance list that he was not aware of and would need time to address them and report back. He said there are several items he is willing to address but would need relief from others.

Mr. Presti said if the Board hard lines him, it would make it very difficult to do what is right for that property in Lower Village. He said he couldn't financially conform to all the items listed and if he is required, he would most likely have to sell the property.

He requested time to address some of the issues and for the Board to review the questions he raised.

Ernie Dodd said they would review the questions raised but wanted to point out that grandfathering only applies if there has not been a two-year lapse in the use. Ernie Dodd noted that a lot of things could be corrected by obtaining special permits, which would clear up a lot of the non-conforming issues.

Steve Quinn said he would like to discuss this as a Board and suggested meeting together with Mr. Presti at a later date.

The Board decided to discuss the issues raised by Mr. Presti at the July 6th meeting and to make an appointment for Mr. Presti on the July 20th meeting.

Ernie Dodd thanked Mr. Presti for his efforts toward getting water to Lower Village.

DISCUSSION/ACTION ITEMS

Voting Associate Member

Board members reviewed Bruce Fletcher and Brian Martinson's applications.

Brian Martinson said he has lived in Stow for over 20 years. He noted the level of experience Bruce has to offer and noted that Bruce will most likely be willing to give advice when needed. Brian got involved in town activities, mainly for personal reasons but then became interested in Planning Board soon after. He said he does a lot of background research into projects and believes he plays a good devils advocate. He noted that he makes decisions on accurate information and thinks he could provide an analytical edge.

Lenny Golder asked Brian how flexible he would be in regards to special permits, in terms of giving a business the opportunity to correct something.

Brian said his style is very situational. He believes he can be flexible and said he has demonstrated that. Brian said he is pro business but thinks it needs to operate within the society they live in and. There are approaches for improvement and feasibility within the confines of the Law. There maybe room for interpretation.

Brian said he has been an advocate for clarifying the bylaw for of "open" signs.

Steve Quinn asked Brian what he sees as a Planning Board priority for the next year.

Brian stated, whether laws are enforced or not there has to be some clarity between the Zoning Enforcement Officer and the Board of Selectmen. People need to know their job. Brian also said monitoring the implementation of the Center School Plan should also be a priority.

The Board acknowledged Bruce Fletcher's qualifications and knowledge of the Town and it's Bylaws. They noted his invaluable experience but felt he was unable to commit to attend regularly scheduled meetings.

The Board believed Brian Martinson had a lot to could bring to the position, including knowledge of environmental sciences.

Ernie Dodd moved to appoint Brian Martinson as the Voting Associate Member of the Planning Board. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lenny Golder, Kathleen Willis, Lori Clark) and one against (Steve Quinn).

MAGIC appointment

Kathleen Willis moved to appoint Donna Jacobs as the Planning Board MAGIC representative. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Kathleen Willis, Ernie Dodd, Lenny Golder, Steve Quinn, Lori Clark).

Blacksmith Shop

The Planning Board determined that committing to moving the blacksmith shop before July 30th was beyond their Board's charge.

Ridgewood AAN

Karen Kelleher reported that she spoke with Bill Roop and expressed the Planning Board's concern about selling off lots in the subdivision. He told her he also shares that concern and would like to talk with the Board on how they plan to control sold lots.

Steve Quinn said this could be helpful when dealing with future developments.

Karen told the Board Bill Roop also sent in deed riders, one similar to that of Arbor Glenn but the Affordability Deed was an old form. Karen sent him a copy of the correct form.

DerbyWood Phase II

Karen told the Board that abutters have requested removal of the existing turnaround. Mike Clayton, Mark White and Sue Carter Sullivan, Planning Board's consulting engineer, agreed.

Ernie Dodd requested they have a chance to review this site before making a decision. Steve Quinn suggested each Planning Board member drive by the site before the meeting next week.

Karen reported that Sue Carter Sullivan said it would make the project easier because of issues locating underground utilities.

Lighting

Karen told the Board the Lighting Committee would be submitting their recommendation to the Board of Selectmen with a recommendation on a light at Town Hall.

Lenny Golder said he drove past Stow House of Pizza and the lights were off. Steve Quinn said the problem with some of the current lighting owned by Hudson Light and Power in the Lower Village is photocell style and not time clocks.

Lenny mentioned other town lights that are not full cut off. Ernie Dodd said it might be worth the Town's money to change some of the fixtures so the Town could set the example.

Golf Course Monitoring Wells

Karen told the Board she had not received the water monitoring reports.
Karen offered to send a formal memo checking on the status of the reports.

Planning Board Annual Dinner

The Board will look into dining options at Wildwood, Gibbet Hill, Wayside Inn and River rock.

Looking Ahead

Steve Quinn suggested the Board discuss their 2010-2011 priorities at next weeks meeting.

The meeting was adjourned at 10:45 PM

Respectfully submitted,
Kristen Domurad
Administrative Assistant