

# **TOWN OF STOW PLANNING BOARD**

Minutes of the June 8, 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**

### **MINUTES**

No Minutes to review.

### **CORRESPONDENCE**

#### **Hazard and Mitigation Workshop**

Kathleen Willis suggested sending Chief McLaughlin a copy of this workshop invitation.

#### **Master Plan**

Karen Kelleher reported that the Master Plan Committee meeting would be postponed.

### **PUBLIC INPUT**

No public input

## **PLANNING BOARD MEMBERS' UPDATES**

### **Planning Board Contact Information**

Kathleen Willis suggested creating a distribution list with phone numbers and emails for Board members.

### **Elementary School Building Committee (ESBC)**

Steve Quinn reported on the ESBC. The committee awarded a contract during the bid process last week to PJ Sella. The bid came in at about \$5 million under the estimated amount, which allowed them to include 6 items from their alternate list.

Steve noted some alternatives chosen were; a fence along the back perimeter of the playground abutting the woods, granite instead of asphalt curbing, rubber flat surface for the play area, linoleum instead of PVC.

The project is expected to cost \$33 million.

He explained that the Committee chose not to add the green roof considering the cost (\$143, 000) and potential for a second floor addition in the near future. They were also told that a curriculum had not been created for using the green roof.

Steve noted that there was mixed support for the green roof among committee and school board members due to the maintenance and above mentioned future expansion.

Steve noted the project is likely exceeding the Mass Chips requirements even without the green roof and that the architects are big supporters of sustainable designs.

Kathleen Willis stated she was under the assumption that the green roof was part of the actual plan, not an alternative. She asked if this would impact the drainage calculations.

Steve Quinn said drainage was calculated without the green roof therefore it would not be impacted.

Steve reported that the ESBC discussed reviewing their application with MSBA to include construction of the future addition where the green roof would have sat. He explained that some members have considered asking MSBA to include funding for shell of the edition, and leave the inside to complete at a later date.

### **COORDINATOR'S REPORT**

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

#### **Joint Boards Meeting**

Karen reported that a Joint Boards meeting would be held on June 10<sup>th</sup> at 7:00 p.m. to discuss the future of the Blacksmith Shop.

#### **Center School**

Steve Quinn explained the blacksmith shop would need to be moved for the installation of utilities. He said Hudson Light and Power requires the utility pole line to run above ground and would run across the current location of the blacksmith shop.

#### **Derby Woods – Lot 7**

Karen said Sue Sullivan reported the site was in good condition, she noted the following comments;

- Silt removed and stone installed
- A settling basin is in place.
- Swale is better defined
- Five trees to be moved to provide access to the drainage easement
- Photo's to be provided showing the roof drains directed into a recharge system and overflow to the drainage system.
- Not yet seeded or permanently stabilized
- Reviewed the driveway pitch and doesn't see a problem. The driveway was installed when the lot was developed and has not been problematic.

- Amy Hastings had asked Sue Carter Sullivan about additional plantings, Sue advised Karen that additional plantings would not impact drainage and should be discussed between the Hastings and Habitech.

### **Arbor Glen**

Karen told the Board about reports from the Conservation Commission of earth removal activity and a loam screening operation at Arbor Glen. Karen referred to site photos from Conservation Commission outlining other items that should be addressed before Pulte completes the project. Craig Martin will coordinate a site walk with The Planning Board/Conservation Commission and Pulte.

### **Center School**

Jamie Warren will be forwarding final plan sets incorporating all final construction plans and modifications required by the Planning Board and Conservation Commission. The only change noted in the Planning Board Decision was for a detailed snow removal plan, which will be included in the cover letter with revised plans.

### **Golf Course Monitoring**

Jack Wallace said that he received reports from Butternut Farm, Stow Acres and Wedgewood and will set up a meeting with Jay Billings. After he meets with Jay Billings, they will report back to the Planning Board.

Karen Kelleher suggested a Planning Board member attend the meeting.

Brian Martinson was asked to attend the meeting, he agreed.

Karen Kelleher will send him background information on this item.

### **Stow Shopping Center**

Karen reported that the Board is scheduled to meet with Gordon Whitman next week for an update on outstanding special permit issues. Gordon replied to an email stating they are still mulling over the negative Board reaction to their pylon proposal and the effective alternatives. He said they might not be ready to talk about the entrance pylon that evening.

### **Dunster Drive**

Karen Kelleher asked the Board for a consensus on the request from residents to eliminate the turn around on Dunster Drive. Board members agreed that Habitech should work with the Highway Department and Sue Carter Sullivan, Planning Board Consultant Engineer, to remove the turn around when the emergency access road is constructed.

### **Planning Board Dinner**

Karen reported that the Wildwood Steakhouse has private functions rooms, that require a \$200 refundable deposit and Scupper Jacks also has private function rooms free of charge.

The Board decided to book with the Wildwood Steakhouse, choosing dinner option 2.

## **APPOINTMENTS**

### **Edward Hastings 14 Sylvan Drive**

Mr. Hastings stated that he wished he had been consulted more, but was pleased with the efforts to fix the issues with drainage on lot 7.

He mentioned that Sue Carter Sullivan had been very thorough in her site inspections.

Mr. Hastings noted some concerns he still had with the property:

A high volume of water comes down from the swale, and they witness a good amount of erosion after a heavy rainstorm. They are concerned that with a heavy, long storm the erosion of the swale may increase. He was also concerned about the drainage off lot 4.

Steve Quinn relayed to Mr. Hastings that the site had not been completely stabilized and that Sue Carter Sullivan and Craig Martin would be overseeing it until it is completely established.

Mr. Hastings's other concern was the berm on the corner of lot 4 and lot 5. He stated that there is a low point in the swale and if a failure were to happen this is where it would be.

Steve Quinn told Mr. Hastings they could request a write up on the drainage system and design.

Mr. Hastings was also concerned that after lot 6 is developed, the drainage could change again.

Steve suggested the Hastings contact the Highway Department if in a few years they notice silt building up in the catch basin.

Ernie Dodd recommended asking Bruce Fletcher about ideas about on going maintenance of the town's drainage systems.

Karen Kelleher assured Mr. Hastings that his concerns would be sent to Sue Carter Sullivan and Craig Martin. She will also ask Sue for the updated information in writing for the Board.

Mr. Hastings asked if the town could withhold the bond money from Habitech for one year from the completion of drainage modifications to ensure functionality.

Karen said it is unlikely that Habitech will ask for their bond within the year, as they have not completed the project.

Ernie Dodd suggested waiting to vote on the road acceptance until the drainage modifications have gone through a year's time.

Mr. Hastings asked to be notified when the Planning Board will accept the bond release.

## **DISCUSSION/ACTION ITEMS**

### **Ridgewood**

Karen Kelleher reported that she sent Bill Roop a copy of Arbor Glenn's Affordable Housing Deed Rider to reference. Bill Roop is scheduled to meet with the Board at their next meeting to discuss plans for their subdivision.

Karen explained that the Ridgewood subdivision will be very different than the Derby Woods subdivision. Bill Roop does not expect complications from selling off lots, as they will have strict criteria for development of the lots.

### **Planning Board FY 2011 Priorities**

The Board discussed several items as priorities for the fiscal year 2011.

-Creating a Lower Village Master Plan including:

- Traffic and Pedestrian Safety Master Plan
- Zoning
  - Set goals
    - Revive relationship between town and business association
  - Methods to achieve goals
    - Zoning Bylaw Amendments
      - Economic target area
    - Design standards
  - Common
    - Create a “sense of place”

-Sign Bylaw

- Review and update Bylaw
  - Review draft document from Lower Village Sub-Committee
  - Design standards for signs
  - Review area Town bylaws (Groton and Concord)

-Adult Entertainment Zone

-Golf Course and Orchard Zoning

-PCD Bylaw

- PCD by Right
- Designate Open Space first

-Review Town of Carlisle New Zoning Bylaw

-Special Permit Review

- Establish timeline for review of special Permits

-Zoning Compliance Issues

- Meet with Zoning Enforcement Officer
- Create a Users Guide, or series of articles
- Establish standard process for zoning enforcement issues

-Review Section 3.9 (Non-Conforming Uses)

-Floodplain Wetlands Overlay District

- Review floodplain studies

-CLURPA (Comprehensive Land Use Reform and Partnership Act

- Review and comment

### **Lower Village Request for Consulting Services**

Karen Kelleher reported that Coler and Colantonio and Mike Clayton, Highway Superintendent, discussed putting together a proposal for services to apply for SAFETEA-LU grant funds, additional Chapter 90 funds for special projects such as Lower Village street and utilities improvements.

### Review of Draft Letter

The Planning Board reviewed the draft letter written by Karen Kelleher for a preliminary study and design options for the Lower Village.

The Board decided not to request services for a final design plan until they reach the 50% point in the preliminary study, an existing conditions plan, and a phasing plan for implementation. [For specific revisions see draft in Planning Department] The Board plans to pay for the services through the Planning Board consulting account.

Karen Kelleher suggested holding a public forum to gather information and to better understand the residents' and business owners' desires for Lower Village.

The Board will add this to their agenda for the following week and will plan to meet with Mike Clayton and Bill Wrigley, Town Administrator.

Lori Clark noted that the Board should state their goals for the Lower Village and their reasons for these goals, so Coler and Colantonio could provide alternatives to achieve the same objective.

### **Lower Village Site Walk**

In general, Kathleen Willis noted several lighting violations in Lower Village.

Steve Quinn said that it is difficult for the Board to hold business accountable unless there is something they want in return.

Steve Quinn suggested requiring special permit renewal for businesses occupancy permit.

*Karen Kelleher will check with Jon Witten if this is a possible option, as well as acquiring bonds for special permits.*

Steve Quinn suggested inquiring to Jon Witten how other towns deal with non-compliance issues.

Karen Kelleher noted that other towns have full time zoning enforcement officers.

Brian Martinson stated that Board of Selectmen in other towns dedicates more efforts to this cause than Stow.

Karen Kelleher suggested discussing this with Craig Martin and the Board of Selectmen if it is a Planning Board priority.

The Board then discussed the violations observed in Lower Village pertaining to each site, and decided which items were appropriate to report to Craig Martin, Enforcement Officer.  
(Items designated with an asterisk \*, are to be noted in the letter sent to Craig.)

### **Beef and Ale**

1. 6 Post Lights
  - a. None are full cut-off
  - b. In various states of disrepair
2. Bare bulb on telephone pole at Presti property line
3. Several small flood lights around bldg – not full cut- off
4. 2 box flood lights on west side of bldg
5. 1 additional non full cut-off

*Board members noted the non-compliant “Mr. Beefy” sign on the building should be removed. \**  
*They also discussed the “for lease” sign which needs a permit and to meet size requirements. \**

### **Bank of America building**

1. Lights that are not full cutoff
  - a. 2 box lights on the back corners
  - b. 1 double flood light on building
  - c. 1 entrance light
  - d. 1 box light in front
  - e. Sign lights facing up

### **B of A Curves, Cafe, etc.**

1. In roof at rear of bldg 2 floodlights on extensions appear to shine directly out \*
2. 2 unshielded, not full cut-off flood lights- rear of bldg
3. front of bldg – 1 box flood (pointed downward but not full cut-off)
4. Ladder sign = lighted from below – these lights should be removed so they aren’t left on inadvertently – not always on \*
5. Curves has a sign (banner) in addition to bldg. sign \*

### **Mobile Station site**

1. One box flood – west side of bldg
2. Neon sign on west side of bldg
3. Sign area adjoining Tara Professional is uplighted

### **Tara Professional**

1. Flood lights on rear door – not full cut-off

### **Stow Travel, Kitchen Design, etc.**

1. Oversized “for lease” sign \*
2. Above sign’s location creates a hazard for traffic leaving the site – visibility obscured \*
3. Cleaner’s has neon signs in window – on after business hours
4. 2 Floodlights (not full cut-off on west side of bldg.)

5. Don's Painting sign, - not for business on premises; could be considered temporary, however

### **50' Easement between about Stow House Plaza**

1. Who is responsible for clearing/ maintaining?

### **Stow House of Pizza/ Dentist/ Bank Plaza**

1. 2 box flood lights on east side (by driveway to rear) \*
  - a. Shine light into egress of east bound rt. 117 drivers
  - b. This is a hazard and needs immediate removal
2. 1 Hudson Light and Power box flood light also shines light onto eyes of east bound 117 drivers
3. Ladder sign – uplighted and no permit number \*
4. Ground mounted flood light in front of bank, shines light on bank and upward \*
5. Unshielded flood light – rear of bank building
6. 1 unshielded PAR light – rear of bank building
7. 2 unshielded PAR floodlights – bank drive-up lane
8. Lower lot (field) needs mowing and trash pick up
9. Trash on hillside – west side of bldg (by Pizza entrance)
10. Neon light in window – on at night
11. No screening or landscaping between upper parking lot and 117
12. Erosion on side of Stow House Building
13. Pole light with double box lights

### **Gymnastics**

1. Sign on 117 – oversized, no permit number and location blocks visibility for entering/exiting to 117 – creates a hazard \*
2. unshielded floodlights at both sides of building

### **Post Office**

1. Multiple security lights around bldg – not shielded or full cut- off

*The Board decided to delay their discussion of the items observed at the Linear Retail property, as Gordon Whitman of Linear Retail is scheduled to meet with the Board at their next meeting.*

### **Linear Retail**

1. Shaw's/Osco sign uplighted (at West Entrance)
2. Tree removed from Citizen's Bank – needs replacement
3. 3 uplighted flood lights surrounding Citizen's Bank pole sign
  - a. have been off recently – should be removed
4. Floodlight from ground, below shopping center sign (east entrance from 117) shines directly on bank – not full cutoff
5. Box flood lights not full cut- off Citizen's Bank East side over door, over bank sign on building and at drive-up window
6. Video Signals – internally lighted movie posters in window
7. Barber shop – moving sign (barber pole)
8. Papa Gino's – no sign permit number on building
9. Shaw's sign on bldg. – no permit number



10. Shaw's – outside display and storage – firewood, plants and planting materials
11. Uncovered dumpster, rear of Shaw's – small over whelming
12. Trash behind Shaw's, near fire pond and dumpster
13. Property boundary fence – east side – needs repair
14. Neon signs in windows of Star Farmer's, Dollar Store, and Ace Hardware
15. Global Fitness lettering sign – appears over- sized
16. Winter snow storage occurred in parking island prohibited
17. Trash receptacles every 50 ft. – None present with exception of 1 at Shaw's
18. No planter boxes at store fronts
19. There already appear to be excessive signage for Shaw's
20. The following lights were observed to be on, after the close of business: ACE Hardware, Star Farmer's, Stow Decorating, Kid's Cuts and Crafts and Pet Source
21. Numerous lights on sides and rear of all businesses that are not full cut- off – only 1 full cut-off light fixture was observed – per special permit, all were to comply
  - a. See written comments from Lighting Sub. Committee for more details and memo from Brian Martinson dated 5/26/08
  - b. Numerous lights are not in compliance on this site
  - c. If lights aren't being used they should be removed
    - i. Flood lights on west side of Shaw's
    - ii. Flood lights over 3 vendors/ receiving doors
    - iii. 2 Global Fitness (in rear)
    - iv. ACE Hardware 1 fixture
    - v. 6 lights at various delivery doors
    - vi. 5 additional lights – rear and sides of buildings
22. On east side rear of buildings (near Papa Gino's) a large rusted, locked metal box containing a drum of liquid?
23. Numerous issues with landscaping
24. Bushes planted on Samuel Prescott block the view of traffic when exiting the parking lot

#### Other

*The Board also noted several lawn signs (cardboard signs with wire frames) throughout the Lower Village area and on the west end of Route 117, from Hudson Road to Bose. \**

#### Linear Retail

Given the History of zoning issues, Lori Clark suggested sending future correspondence to Linear Retail's upper management along with Gordon Whitman, to ensure issues are taken care of.

Steve Quinn suggested sending a letter to Gordon Whitman and copying the above-mentioned people, stating the Board's recommendations for the pylon signs.

Karen Kelleher suggested the Board should send a letter to the ZBA with the Planning Board's position, that no hardship exists.

Lori Clark stated that the Plaza had survived all these years with the current pylon signs that are in complete disarray and still they are not faced with a hardship. She said if they have been fine without a larger sign for so long why would they be faced with a hardship now. She reiterated

that the Board is willing to support a variance for improved signage in the same size of the current non-compliant signs.

Lenny Golder suggested having several [around 3] smaller signs to get away from having one sign too high.

Other Board members did not support this idea.

Karen Kelleher offered to send a letter to Linear Retail before next meeting, stating that the Board is willing to support a sign bylaw variance that would allow a new pylon sign to replace the existing pylon sign, but not to exceed the current non-conforming size and that it shall be moved back so the beginning of the sign sits where the end of the existing sign is. They also support a variance allowing a second sign in the same location as the existing Shaw's sign, not to exceed the current size, but not limiting the number of store names on it, and that all above recommendations are in conjunction with removing the illegal Citizens Bank sign.

The Board also asked Karen to remind Linear Retail that part of the special permit was to work with the Board on a creative sign idea for the shopping plaza, and that the Board was shocked when they were presented two signs doubled in size.

#### Lighting Violations and Hazards

Steve Quinn asked, in the instance where Hudson Light and Power provide lighting, if it were the lighting company or renter's responsibility to change the lighting that creates a hazard on public roads.

He offered to call Bill Gould from Hudson Light and Power Company to better understand their roll in the maintenance of nuisance and hazardous lighting.

#### **Special Permit Reviews**

##### Butternut Golf Course

Steve Quinn noted the Board's time spent on Butternut Golf Course outstanding issues to comply with their special permit. He suggested sending Butternut Golf Course a letter stating that the Town would not return their bond money until all outstanding items are fixed.

He noted that it is very difficult to get a contractor to do the work because of the circumstances, and that the Board should not devote more time to the problem if the owners are not willing to fix the items.

Board members agreed with Steve Quinn's approach and asked Karen Kelleher to discuss this option with Town Counsel, Jon Witten.

The meeting adjourned at 10:20 P.M.

Respectfully Submitted,  
Kristen Domurad  
Administrative Assistant