

TOWN OF STOW PLANNING BOARD

Minutes of the June 15, 2010 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Kathleen Willis, 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**

Kathleen Willis moved to approve the minutes of the June 1, 2010 meeting, as amended. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Lenny Golder, Steve Quinn, Kathleen Willis, Ernie Dodd and Lori Clark).

CORRESPONDENCE

Lighting Complaint on Boxboro Road

Karen Kelleher explained that the Boxboro Road property owners submitted details on the lighting fixture they intend to purchase to Craig Martin, Enforcement Officer. The Lighting Committee deemed it acceptable.

Kathleen noted, the Lighting Committee wouldn't normally classify the fixtures as full cut off, but they were labeled as such.

PUBLIC INPUT

No public input.

PLANNING BOARD MEMBERS' UPDATE

Pedestrian Walkway Planning Committee

Lori Clark reported that a representative from the "Walk Boston" organization would be attending their next meeting to discuss opportunities for a children's walking program. She explained that the Alice Eaton Fund is for health related programs for children, which they hope to obtain funding to generate enthusiasm for walking in Stow.

Golf Course Water Monitoring

Brian Martinson reported on the meeting held with Jack Wallace and Jay Billings. Brian reported that they looked through all material in the Pesticide Use Reports submitted by Wedgewood Country Club, Butternut Farm Golf Course, and Stow Acres Golf Course. Stow Away Golf course was the only one not to submit. They were not sure if this was because they do not use pesticides or if they were just not submitted. Brian said he required that Jack Wallace contact Stow Away to make sure they are being fair with all courses.

Brian said they created a reasonable scope of work. Jay Billings will first look through the data sheets and highlight chemicals that are of concern and prioritize the potential chemicals that should be targeted.

Brian Martinson told Karen Kelleher that Jay Billings will contact her and ask for the IEP water study that was done in the 1970s. He then listed the action items they hope to plan for:

1. Ask golf courses for their Integrated Pest Management plan
2. Ask Jack Wallace to visit areas where the chemical storage facilities are located and determine if they are a vulnerable.
3. Confirm applicators licensure
4. Ask golf courses for Hazard Communication Program
5. Have a face to face meeting with the grounds managers of the properties to walk around the site and point out where specific storage items or chemicals are used

Brian Martinson said Jay Billings did not do a comparison of total chemical usage between the golf courses, but that they could ask him to.

Elementary School Building Committee (ESBC)

Steve Quinn reported that the ESBC would not be meeting until after the groundbreaking ceremony on Thursday. He said the site would be turned over to the contractor next Monday when the children are out of school.

Joint Boards Meeting to Discuss the Blacksmith Shop

Steve Quinn reported that the meeting was well attended and there were several ideas for saving the blacksmith shop. A few people discussed having a volunteer group dismantle the building, save the frame and store it until a project and place is established. The owner's project manager of the elementary school building said they might be able to remove the debris.

Ernie Dodd noted the Selectmen are ultimately responsible for the building.

Karen Kelleher asked if the building loses its historical significance if the only part of the building worth saving is the frame.

Ernie Dodd noted that some parts could be saved.

Steve Quinn said another avenue residents are looking into is selling or giving it to Sturbridge Village or listing it on Craig's List.

Lenny Golder suggested seeing if there is an association of people who collect blacksmith shops.

COORDINATOR'S REPORT

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

Town Boards Member Recruitment Night

Karen reported that the Town moderator with the Board of Selectmen and Town Clerk would be hosting a recruitment night for town board committees.

Monday, June 21st, 7:00-8:00 PM, Stow Town Hall

Steve Quinn and Ernie Dodd will attend.

Center School

Karen told the Board the final plans for the Elementary School Building had been received and that Sue Carter Sullivan, Planning Board's consulting engineer, will pick up a set when she is next in Town.

Karen reported that the NPDES Permit was e-filed on 6/10/10 and that the groundbreaking ceremony will be held on Thursday at 10:00 A.M.

Stow Shopping Center

Karen reported that Gordon Whitman plans to attend tonight's meeting for the review of their Special Permit, but would not be prepared to discuss signage. He seemed upset about the Board's letter outlining what they are willing to support.

Steve Quinn asked Lori Clark what the results were for the Lower Village speed analysis average to see if the information given by Linear's sign contractors, Barlo Signs, was consistent. Lori Clark remembered it being in the 30-39 MPH range, but noted that they did not count cars pulling out of lots or turning and only counted the lead car in packs.

Ernie Dodd said the existing sign is readable to him now and suggested that the Board recommend it be redone but kept the same size, Steve Quinn agreed.

Master Plan Committee

Karen told the Board the Master Plan Committee is working on rescheduling its (hopefully last) meeting. Tentative date is June 28th or 29th, provided we can get a quorum. So far two members were not available.

APPOINTMENTS

Harry Blackey and Bill Roop of Ridgewood LLC

Bill Roop asked if it were possible in the future to change the affordable housing deed rider to help the homeowners by allowing them to sell their houses themselves if they found a qualified buyer.

Karen Kelleher explained that even resale units are subject to the affordable housing lottery, which is overseen by the Housing Authority.

Ernie Dodd agreed, stating that the State would not likely approve the deed rider if it is not in the appropriate format.

Harry Blackey noted a few minor changes they made to their documents in comparison to the document submitted by Arbor Glen.

Harry then discussed their proposal to the Board to sell some units as individual lots in hopes to appeal to a more diverse population.

He noted the issues on Sylvan Drive in the PCD cluster development. Harry said they visited the site and understood the seriousness of controlling individual lots.

Harry said that Ridgewood would have significant control over the lots because it would all be under a homeownership association, binding people to the specific regulations specified under the special permit. He also noted that all roads, drainage, septic and wells would be completed before any house is built.

Harry Blackey further explained that the condominium association and homeowners' association would fall under a larger umbrella homeowners' association of the entire complex. He stated that all items in the special permit would be included in the umbrella homeowners' association, unless it only pertains to one or the other. It is required by special permit that the Planning Board review these documents.

Harry Blackey explained that they had not decided if they want to allow other contractors to build the houses, or if they will develop the entire project themselves. He explained that they would like to give consumers the option of buying the land now and building on it later, still being limited to the requirements under the special permit (2 bedrooms, AAN restricted etc.)

Bill Roop explained the process they would take to create the individual lot lines. First they will create ANR lot in order for the parcel to be conveyed to the Conservation Commission. Second, they will create a parcel for the development of town houses with condominium ownership. They will then submit a subdivision plan to create lot lines for the detached units so the lots can be conveyed.

Steve Quinn asked how they would control the units being built too far back on the lot where grading and drainage could become an issue for homes down hill.

Bill Roop said they do not see this being a problem as the Plans already show a limit of construction.

Lenny Golder asked about the difference in legal liability of a condominium association as opposed to a homeowners association and if they held a similar level of legal control. He noted that Harvard Acres is a homeowners association and are not as tightly controlled.

Bill Roop assured him that the controls in the special permit are very specific and they would transfer these to the homeowners association and condominium association documents.

Harry Blackey assured the Board that the affordable units would be constructed as stated in the special permit and they would be designated before construction begins.

Kathleen Willis advised both Harry Blackey and Bill Roop that the original lighting fixtures they recommended to Ridgewood are no longer suggested because the full cut off apparatus is adaptable and homeowners are removing parts making the lighting noncompliant.

Steve Quinn said he agreed that the idea Ridgewood had presented is a good marketing tool and allows for a diversity of options for home buyers, but he wanted to make sure safeguards were in place so abutters are not adversely effected.

Bill Roop requested they only submit aspects of the subdivision plan that are necessary, instead of submitting new documents of the entire plan, as those parts have not changed and may be confusing in the future.

Karen Kelleher suggested the Board review the submission requirements and get back to both Bill Roop and Harry Blackey with their decision.

Board members agreed.

Karen Kelleher offered to contact Town Counsel, Jon Witten, to review their request to sell lots individually in the AAN subdivision.

Gordon Whitman of Linear Retail: Review of Stow Shopping Center Special Permit

Gordon Whitman reported on the final construction. He noted they are revisiting their design of the pylon sign and that some storefronts are being completed.

The Board then reviewed the Linear Retail Special Permit.

7.4 Parking spaces in the rear of the building shall be restricted to employees only.

- Upheld

7.5 Handicap spaces shall be clearly marked and accessible at all times.

- Upheld

7.8 The Petitioner shall address requirements of the 2008 Massachusetts Storm water Management Handbook to the best extent practicable.

- Upheld

7.9 Prior to issuance of an occupancy permit, a landscape plan shall be submitted to and approved by the Board.

- Kathleen Willis will be working with Roger Sturgis to complete the plan.
- Planters will be installed after the facade is completed and trashcans are spaced accordingly.

Kathleen Willis stated that the plan was modified to show snow storage and that it is not allowed in the landscape strip, but was stored there this past winter.

Gordon Whitman explained that they had no choice. He said during the winter the designated space was taken up by construction.

Steve Quinn commented that he did see the snow storage move from that area once construction was finishing up.

Gordon Whitman said the spirit of the special permit was not violated.

Kathleen Willis asked if, in future conditions, the Planning Board could add a note for applicants to notify the Board if they run into a similar situation where they may need to temporarily be in noncompliance with a condition.

Linear Retail is currently working with Kathleen Willis on the landscape plan and will continue to do so.

Kathleen Willis reported on her meeting with Roger Sturgis. She said they discussed items that were not visible, but were on the landscape plan. Some plants did not make it through the winter and others were never planted.

Roger Sturgis told Kathleen he would get in touch with Gordon Whitman to discuss her suggestions including hardy plants, Vinca and Daffodils.

Gordon Whitman said all plants on the plan were to be planted by Roger Sturgis and that he would discuss these issues with him.

Kathleen asked if something could be planted at the west side of the shopping center in front of the sewage clean out area closer to the fence.

Gordon said he was under the impression that extra loam or plantings were not to be added to the area to deter roots from getting into the system.

Ernie Dodd noted that the area seemed to have enough set back from the road so that some plant types may work.

7.10 The Petitioner shall address requirements of the 2008 Massachusetts Storm water Management Handbook to the best extent practicable.

- Upheld

7.11 The pond area shall be cleared of trash and maintained trash free.

- Upheld

Gordon Whitman reported that they frequently have the pond area cleared of trash and maintained as such.

7.13 The Plan shall show the general location for all dumpsters.

Kathleen Willis told Gordon Whitman, they noted an awful smell coming from the dumpster behind the Shaw's plaza at their last site walk.

Gordon said he would relay this message to Shaw's.

7.14 Trash receptacles shall be placed at 50-foot intervals, along the storefronts of the site.

- In progress

Kathleen Willis asked when Linear Retail plans to install trash cans according the special permit. Gordon Whitman said he has black trashcans on order, and passed out a picture (this image can be found in the Planning Department).

Gordon Whitman asked for the Board's lenience on the amount of trashcans required by the special permit. He explained that the special permit would dictate 16 cans at a distance of 50 ft apart, and he would like to put in 10 because he thinks 16 would become too crowded. He also would like the opportunity to place them according to where the most use would be rather than 50ft apart.

Ernie Dodd suggested the Board allow him to start by spacing out ten trashcans and then if they feel more is necessary they can discuss it later.

Steve Quinn asked Gordon what his mechanism was for cleaning and emptying the trashcans.

Gordon said they empty them about three times a week, and the trashcans located near Dunkin Doughnuts and Shaw's are to be cleaned out daily or when full, by the tenants.

7.14 Litter shall be cleaned from the site on a daily basis.

- On going

Lori Clark expressed concern that trash is not getting picked up on a daily basis. She told Gordon that every year Stow residents do a clean up in the Lower Village area and trash is always a problem in the outer and inner landscaped areas of the parking lot.

Gordon Whitman told the Board that he has a maintenance team that is supposed to clean the area 5-6 times a week and that Roger Sturgis is in charge of keeping the landscaped areas clean.

Gordon Whitman said he would review the thoroughness of the work being done.

7.15 Prior to issuance of an Occupancy Permit, the Petitioner shall plant three (3) Canadian Hemlock Trees in the general location shown on the 1997 Site Plan.

- Upheld

Kathleen Willis said the location of the Cedar trees make it difficult for people pulling out of Samuel Prescott Drive. She and Roger Sturgis suggest moving them to create better visibility.

7.17 Signage shall be installed indicated hours for all trucks, including delivery and trash removal shall be limited from 7:00 A.M. to 5:30 P.M.

- Upheld

7.18 The “No Idling of Engines” sign shall be replaced

- Upheld

7.19 The entire length of stockade fence in the rear of the shopping center abutting Red Acre Road properties shall be repaired and maintained, as shown on the Plan.

- On going

Kathleen Willis told Gordon that the fence is in need of repair behind Papa Gino’s.

She also noted on the site walk in Lower Village a locked receptacle that looked to be filled with some type of liquid was observed behind Papa Gino’s. Kathleen asked if he knew what it was. Gordon said he would look into this matter.

7.20 There shall be no outside storage and display in the parking lot or in the fire lane.

- Upheld

7.24 The back door of the Fitness Center shall remain closed at all times.

- On going

Gordon Whitman said he had not heard of any complaints.

Kathleen mentioned complaints she had heard.

Karen Kelleher suggested she tell the individuals to put their complaints in writing or call the Planning Board or Gordon Whitman to relay this information.

7.25 All outside activities shall comply with Section 3.8.1.3 (Noise) of the Bylaw.

- Upheld

7.26 All exterior lighting shall comply with Section 3.8.1.5 (Exterior Lighting) and Section 6.3 (Signs) of Bylaw.

- Lighting on Shaw's sign on the building sign is not in compliance. The existing fixtures were to be removed and replaced with the same gooseneck fixtures used in the rest of the plaza.
- Citizen's Bank building has floodlights that are not in compliance with the bylaw, lights on the building and at the drive up window.

Gordon Whitman explained that Citizen's Bank has their own landscaper and rents the entire area and building. In terms of maintenance they control the entire area themselves.

He is not sure of Linear Retail's legal rights to take care of the problems on the site themselves, he said he would check with their lawyers to determine Linear Retail's right to make the changes and charge Citizens Bank.

7.27 No additional parking lot lighting shall be added to the site unless required for safety purpose and approved by the Board.

- Upheld

7.27 Parking lot lighting shall be reduced to the extent practicable for safety concerns, from 10:00 P.M. until the earliest business opening time in the morning.

- Gordon Whitman said the lights in the parking lot do not have the capability to be dimmed, but he would look into turning off a few select amount of lights and keeping the perimeter lights off.

7.28 DIRECT LIGHT shall not shine onto any residential LOT.

- All wall packs in the back of the building need to be removed

7.29 (Sign Lighting) will be discussed in detail at a later meeting with Gordon Whitman.

Lori Clark noted that on a regular basis several tenants keep their lights over their business on after business hours.

Brian Martinson also noted that neon illuminated "open" signs are left on over night in some stores.

Kathleen Willis said the Lighting Committee would like to meet with Gordon Whitman to come up with lighting that will best meet the needs to illuminate the sign. She said with a white background the lettering will show up better, requiring less illumination.

Gordon Whitman said he had visited the "starrynightlights" website and is in the process of choosing some lighting options to discuss.

Kathleen noted the last time she asked for photometric plan, other Board members were not in favor. She said extra lighting might put Linear over the lumen cap, which a photometric plan would clarify.

Steve Quinn told Gordon that the Lighting Committee is very knowledgeable and if he would like their assistance, the Board could supply contact information.

Karen Kelleher offered to give him this contact information.

Gordon Whitman assured Kathleen Willis, the Lighting Committee would be consulted in some way, and that he plans to continue review the lighting fixtures from the suggested website.

Gordon Whitman said he would look into the other lighting matters mentioned.

7.31 The Petitioner shall work with the Board on signage for the site, including the location of the ladder sign.

- This matter will be discussed in further detail at a later meeting with Gordon Whitman.

7.32 The sprinkler systems shall meet the requirements of the Fire Department.

- Gordon Whitman advised the Board that during a rainstorm this spring flooding had knock out the control room equipment. They are currently working with the Stow Fire Department, specifically Captain Benoit while they wait for their new pump to be installed.

7.34 Approval of DEP for the expansion and change in use in regards to the adequacy of public water supply shall be obtained prior to issuance of an Occupancy Permit.

- Upheld

7.37 Special Permit Modification No. 3 granted by this Decision, shall be recorded in the proper Registry of Deeds...

- Upheld

7.37 Proof of recording 19997 Site Plan Approval...

- Upheld

Steve Quinn thanked Gordon Whitman for his time and asked him to contact Karen Kelleher when he is ready to meet again about signage.

Planning Board Priorities

The Board categorized their priorities from Low to High (High being the most important), then taking all High categories, they discussed the time commitment each would take and set dates to discuss them further.

1. Lower Village- *High Priority*

Time frame: Long, but should be started this year.

- list of goals
- Master plan for lower village
- open process, public forum
- consultant will be needed
- involve lower village community and business owners
- zoning for lower village

July 6, 2010 meeting, review request for consulting services.

Karen will give an update at the next meeting about the Lower Village Committee's plans to put benches on the lower common.

2. Sign Bylaw- High Priority

Time frame: Medium

- Could be a part of number 1 within master plan

Karen will putt together sign bylaws from Groton and Sudbury as well as the Lower Village Committee's draft sign bylaw. She will collect pictures of signs at plazas in Hudson.

2. Adult Entertainment Zone- Low

3. Golf Course and Orchard Zoning- High Priority

- Get more information about build out from Donna Jacobs and discuss this issue with Town Counsel, Jon Witten.

Schedule a discussion on this topic for a Planning Board meeting in August the latest.

4. Golf Course Water Monitoring- Current Priority

- Keep discussing with Board of Health and Jay Billings

5. PDC Bylaw- Medium Priority

7. Special Permit Review- On going

- Create process and decide what types of SP to focus on first

8. Zoning Compliance Discussion- High Priority

- Not a long term project
- Meet with Craig Martin, Building Commissioner to help PB better understand current policy in the next few weeks

9. Review Section 3.9 (Non-Conforming Uses)- Low/Medium Priority

- Look at Carlisle's updated bylaws, written by Jon Witten

10. Floodplain Wetlands Overlay District- Low Priority

11. CLURPA-High Priority, mandatory

- Make copies of the proposed legislation
- Schedule meeting in August

Find out when public response period is over.

12. Stretch Code-Medium

Butternut Farm Golf Course Outstanding Issues

Steve Quinn suggested they send a letter to Butternut Farm Golf Course, stating that their bond will be held until outstanding issues are resolved.

Karen Kelleher said the Board could have Jon Witten, Town Counsel; send the letter as of the Planning Board's last report, members agreed.

The meeting adjourned at 10:48 P.M.

Respectfully Submitted,
Kristen Domurad
Administrative Assistant