

TOWN OF STOW PLANNING BOARD

Minutes of the September 07, 2010 Planning Board Meeting.

Present: Planning Board Members: Kathleen Willis, Steve Quinn, Ernest Dodd, Lenny Golder
and Lori Clark
Associate Member: Brian Martinson
Administrative Assistant: Kristen Domurad

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

REVIEW OF CORRESPONDENCE AND MINUTES

Correspondence

Mobil Station

Members of the Planning Board asked about the status of the Mobil station on Route 117. Steve Quinn reported that there is someone who plans to lease the lot for a vehicle inspection space for one year. He does not plan to do any repairs.

Kathleen Willis stated that a special permit is required according to the Zoning Bylaws. Ernie Dodd said that it had been over two years since a gas station was on the site.

Steve Quinn noted that the site might be less than 1,000 square feet, which would make it by right. He also noted that Craig deemed it a similar use to a gas station, but if he changes the use it would require approval.

Kathleen Willis stated this is the same problem they have had with Mr. Presti's site.

Kathleen Willis suggested the Board wait until Karen Kelleher is back from vacation to discuss what the Board would like to do in regards to problems with special permits and uses.

She asked the Board if there was any reason as to why they could not advise the Building Inspector that this use is not allowed.

Mr. Curtis's Letter RE: Zoning at 128 Great Road

The Board requested that Kristen notify the Building Inspector that Mr. Curtis's letter states, "Sign on the building would be the maximum size of 1 square foot for each lineal foot of frontage," and that the bylaw states, "the sign is not to exceed the lesser of one square foot for each one linear foot of building frontage."

Minutes

The Planning Board will review the minutes of the August 17, 2010 meeting at the next Planning Board meeting.

Kathleen Willis moved to approve the minutes of the August 17, 2010 Planning Board Executive Session meeting. The motion was seconded by Ernie Dodd and was carried by vote of four in favor (Steve Quinn, Kathleen Willis, Ernie Dodd and Lori Clark).

Planning Board Member Updates

Board of Health Update

Kathleen Willis reported from the Board of Health meeting on September 2, 2010. Kathleen stated that several Board of Health members noted a sulfur smell coming from the front of town building. Craig Martin was advised and will be investigating the smell.

Kathleen said that Nancy Aresenault reported that Pompositticut School reached between 90 to 100 degrees inside the building and that only one drinking fountain was working.

Kathleen reported that a trash hauler working in Stow had been cited for not paying the Town registration fee. The Board of Health accepted a check for two years of fees (2009 and 2010).

Kathleen noted a flu clinic would be held on November 6, 2010.

Harvard Acres

Kathleen said the Board of Health discussed permit tracking software that may be helpful.

Kathleen Willis suggested the Board of Health make a notation on the deeds of the homes in Harvard Acres that they restrict the number of bedrooms per household, to the current number on lots that don't meet dimensional set back between septic and new wells.

Elementary School Building Committee (ESBC)

Steve Quinn reported on the ESBC meeting. Steve said the extra topsoil from the site will stay in Town and be distributed to a local farm and cemetery.

Steve reported that the enrollment projection data should be available for their next meeting. He stated that the ESBC would discuss the projections and if they believe they should support an article at Town Meeting to build a second floor with classrooms or a just build a shell. Steve said the committee felt it was important to discuss this in order to exhaust all possible avenues that could arise in the future.

[Lenny Golder arrived at this point in the meeting.]

APPOINTMENTS

Collings Revised ANR Plan off Barton Road

Tom Dipersio, Thomas Land Surveyors and Bob Collings were present.

Tom Dipersio stated that their revised plan addressed items that had been missing as stated from the Planning Board's previous review. He noted that they were showing a piece of land, which did not have frontage on an existing road, but claimed that an access road gave access to the lot.

Ernie Dodd stated that the above-mentioned "access road" is an access drive, which is a cart path and does not provide frontage. He also stated that the access drive and parcels he had depicted on the Revised Plan contains land from the Riverhill Estates Subdivision (which is in litigation).

Tom Dipersio showed a plan from the Town of Sudbury (which was distributed to the Board prior to the meeting) where a land locked parcel was created and asked if they could use the language, in the Sudbury Plan.

Ernie Dodd explained that the parcel which was divided in the Sudbury Plan was land locked but because it was conveyed to the abutting property, which has sufficient frontage, it became part of the conforming lot and did not make the lot from which it was carved out from more non-conforming.

The Planning Board also noted that there were several discrepancies in the parcel size and lot lines in Mr. Collings Plan compared to the Town of Stow Assessor's information.

Mr. Collings stated that the Record of Deeds shows his parcel lines as he has them, and that the Town Assessor's are not correct. He stated that he ran into this problem when filing for the Riverhill Estates Subdivision.

Lenny Golder asked Mr. Collings if he had ever questioned or challenged the assessor's maps. Mr. Collings stated that he had not.

Steve Quinn stated that even if the assessor's map and his map had the same parcel dimensions the Planning Board would still not be able to approve the ANR Plan because it show no frontage on an existing road.

Kathleen Willis stated that because parcels depicted on the revised plan contains land from the Riverhill Estates Subdivision (which is currently in litigation), this suggests a redivision of the definitive subdivision plan, which could jeopardize his appeal.

Steve Quinn stated that the Planning Board couldn't endorse an ANR plan that does not meet the required guidelines.

Kathleen Willis moved to deny the ANR Plan for parcel R-25 #16 belonging to Mr. and Mrs. Bob Collings as it does not meet the criteria for an ANR lot. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).

Kristen Domurad will complete a letter to send to Mr. and Mrs. Collings confirming the Planning Board's denial of the ANR Plan for parcel R-25 #16 before October 2, 2010.

COORDINATOR'S REPORT

The Planning Board read through Karen Kelleher's report of the ongoing activities in the Planning Department.

RidgeWood at Stow AAN

The Planning Board suggested waiting until Karen is back from vacation to respond to Bill Roop and Harry Blacky's request to be on the October 5th agenda. The Planning Board suggested having Karen speak with them to reiterate that the Board is not willing to use its attorney or pay

for attorney fees to investigate the concerns related to the Homeowner's Association and Condo Association laws.

Orchard View (Brandymeade Circle) Subdivision

In Karen's notes she stated that there was initially trouble tracking down the bond money \$10,000.00 for the drainage basin at Brandymeade Circle. The original agreement was with Metrowest Bank. Default notice was sent to Metrowest Bank, which came back "addressee unknown". It was found that Metrowest Bank was taken over by another bank and that bank was taken over by TD Bank. It was finally confirmed by Jim Lavoie of TD Bank, that they have the funds in a passbook. He has reviewed the file and said we should expect a check sometime next week.

If the Planning Board does not receive the check by the end of next week Kristen will call to follow up.

Special Town Meeting

Kristen Domurad stated the date for the Special Town meeting has not yet been set.

Derby Woods

Habitech informed the Conservation Commission that they mowed the trails at Derby Woods. Pat asked that someone from the Planning Board join her and Bruce Trefry to inspect the trails.

The trail walk will take place on Thursday 9th at 3:30P.M.

Steve Quinn and Ernie Dodd will be attending the trail walk. Lenny Golder may attend.

Arbor Glen

Karen Kelleher's notes stated, Mr. Martin, a resident of Arbor Glen is following up on Pulte Home's obligations prior to turning the homeowners' Association over to the residents. He is questioning whether the portion of the walking path that is not located in the Open Space Parcels is covered by the easement. Karen contacted Pulte Homes' attorney requesting proof that the easement, as recorded, covers the area in question.

Lower Village RFP

Kristen will mail the Lower Village RFP on Friday, September 17th.

DISCUSSION/ACTION ITEMS

Establish Timeline for Work Plan

Sign Bylaw: Ernie Dodd and Brian Martinson will meet at the end of September to discuss further research needed, then will meet in October/November to pull their information together.

Golf Course and Orchard Zoning: Kathleen Willis and Lori Clark will conduct research on their own and meet in early November to combine their research.

Lower Village: Steve Quinn will have information prepared for September.

Kristen will find the old slide show for lower village and will obtain images from Randall Ardent's workshop.

It was suggested that the Board involve as many people in town as possible to understand all residents and business owners' needs and visions. One idea mentioned was to use the Stow Independent to reach out to the community.

Kathleen Willis suggested the Board revisit the items at Linear Retail before winter.

Adult Entertainment Zones

The Planning Board discussed the need for Adult Entertainment Zoning. They did not see this as a top priority due to the increased online availability of adult materials and the small population in Stow.

Steve Quinn suggested asking if other Towns have addressed the Adult Entertainment Zones and how they have done so.

Lighting and Signage FAQ

The Planning Board reviewed the Lighting Pollution Study Sub-Committee's comments on the Lighting and Signage FAQ.

Kathleen Willis will ask the committee for their final input in regards to the term "PAR" lighting. Kristen will make the changes to the document then provide copies for the Building Department.

Lower Village

Ernie Dodd moved to change the Lower Village Sub-Committee member total from a 7 to a 9 member committee. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark, Lenny Golder).

The Planning Board will request a final report from the Lower Village and ask them to wrap up their efforts by the end of the year in order to have Lower Village needs and any standards defined for the design and engineer firm whom is chosen.

Ernie Dodd motioned to ask the Lower Village Sub-Committee to wrap up their efforts by the end of the year and to provide a report identifying accomplishments, future concerns for the area and defined standards. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).

Kristen will write a final memo acknowledging the work and efforts of the Lower Village Committee and will email this to Lori.

Brian Martinson will discuss this request with the Lower Village Committee at their meeting tomorrow morning and will find out when they will be able to produce this information.

Master Plan Expenses

Kathleen Willis moved to approve the invoice from the Ciccolo Group once the amount is confirmed by Steve Quinn. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).

Lori Clark suggested the Planning Board add language in all future contracts that states they will not pay anything over the estimate listed without prior approval before work is done or money is spent.

Derby Woods Emergency Access Road Request

In response to Habitech's request for the Planning Board's approval of this emergency access way, the Planning Board reviewed their consulting engineer, Sue Carter Sullivan's letter regarding the current status of the emergency access road at the Derby Woods Subdivision.

Ernie Dodd moved to agree with their consulting engineer, Sue Carter Sullivan's current status of the emergency access road at the Derby Woods Subdivision. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).

Taylor Road PCD Lot Release for (3, 4 and 5)

The Planning Board reviewed the letter to Habitech for the release of lots 3,4 and 5 at the Taylor Road PCD.

Kristen will make the appropriate changes, have Steve Quinn review the final document, and then send it to Habitech.

Comprehensive Permits Pilot Grove Apartments II and Plantation Apartments II

Kathleen Willis asked if the Planning Board's comments for Plantation Apartments II had been sent. Kathleen wished to make additional changes that reflect boards discussion of August 17, 2010. Board members agreed to list these changes in an addendum to be sent to the Zoning Board of Appeals.

Kristen will send an addendum to the Zoning Board of Appeals with the following additional comments on **Plantation Apartments II**:

- Pg. 3 (Section 4.1.2) Change first paragraph by deleting after
“(neighboring Lot U11-13-1).”
- Pg. 4 (Section 4.1.3) The Planning Board recommends including a statement that neither building footprint be expanded upon.
- Pg. 5 (Section 4.3.2.3 The Planning Board recommends including a statement that neither building footprint be expanded upon.
- Pg. 5 Use the same language as Pg. 3 response to (Section 4.1.2) for number 13 and 14
- Pg. 8 (Section 6.3) Add an example of the lighting bylaw that “no sign shall be lit from above”
- Pg. 15 Delete last sentence on page.

The Planning Board then reviewed the draft memo of their recommendations to the Zoning Board of Appeals on the **Pilot Grove Apartments II Comprehensive Permit Application**:

- Pg. 4 (Section 6.3.4) Add an example of the lighting bylaw that “no sign shall be lit from below”
- Pg. 4 (Section 6.5) Delete “The Planning Board supports the requested exception.”
- Pg. 6 (2) Delete repeated paragraph
- Pg. 6 (2 ii) Delete Paragraph that starts with, “In accordance with Section 9.2.7.14 of the Zoning Bylaw, the Planning Board recommends that a sidewalk be constructed...”
- Pg. 7 (Section 7.8.3) The Planning Board supports the requested exception.
- Pg. 7 (Section 8.7) The Planning Board supports the requested exception.

ZBA Variance Application for Variance filed by Star Tower Inc and T-Mobile

The Planning Board reviewed their draft response to the Zoning Board of Appeals.

Ernie Dodd moved to send the memo as amended to the Zoning Board of Appeal as the Planning Board’s response to the Application for Variance filed by Star Tower Inc and T-Mobile. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).

The meeting was adjourned at 10:30P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant