

TOWN OF STOW PLANNING BOARD

Minutes of the October 5, 2010 Planning Board Meeting.

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

The Meeting was called to order at 7:03 P.M.

REVIEW OF CORRESPONDENCE AND MINUTES

Correspondence

Letter from Planning Board to Pompositticut Use Study Group

Ernie Dodd stated that he opposes the idea of moving the Library into the Pompositticut School. He stated that he does not oppose moving the Library temporarily to the Pompositticut School while renovations were made on the Randall Library, but that it should be moved back.

Kathleen Willis noted that this was not their primary recommendation, but that members were not opposed to the idea.

Minutes

Kathleen Willis moved to approve the minutes of the September 21, 2010 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of four in favor (Kathleen Willis, Ernie Dodd, Steve Quinn, Lori Clark).

Public Input

No public input at this time.

PLANNING BOARD MEMBERS' UPDATES

Community Preservation Committee (CPC)

Assabet River Rail Trail

Kathleen Willis reported that there might be a warrant article sponsored by the CPC for Special Town Meeting requesting \$45,000 to pay for the Town's portion of the design for the construction of the rail trail on Track Road.

Cemetery Department Updates

Kathleen reported that Ron (GH) Gledhill of the Cemetery Department updated the committee on the headstone restoration project. GH told them he would be reviewing the RFP responses.

Stow Affordable Housing Committee

Plantation Apartments II Comprehensive Permit Application

Kathleen reported that Greg Jones stated they wanted to expand onto the rear of the existing house on the Plantation Apartment 40B site. He was advised that he could not sell the house and parcel without jeopardizing CPC funds.

On a side note Kathleen expressed her frustration that Greg Jones stated the Zoning Board of Appeals had asked the applicant's attorney to write the decision instead of the Zoning Board of Appeal's attorney.

Bill Byron, member of the Zoning Board of Appeals, stated that he believed Greg Jones was referring to the Zoning Board of Appeal's asking Town Counsel, Jon Witten to write the decision.

Pedestrian Walkway Sub-Committee (PWP)

Lori Clark updated the Board on the PWP committee's progress. She reported that Chair, Kris Wile met with the Town's safety officer, Sergeant Lima, to discuss the conceptual plans submitted by consulting engineer, Sue Carter Sullivan.

Stow Center

Sergeant Lima reiterated that he wants crosswalks on all four ways of 117 and Route 62. He agreed with Sue's recommendation to move the crosswalk on Great Road, from the Town Hall to Town Building, further west as the site line would be better and allow for safer access to cross Crescent Street and Route 117.

Lori stated that the PWP committee discussed this suggestion and felt that it would make the crossing awkward.

Lori asked Karen about the status of the new parking lot at Town Building.

Karen said that money was appropriated for it but she would check the status of this project.

Lori Clark stated that the safety officer believes the two parking spaces near Town Hall are dangerous parking spots.

The Planning Board did not feel strongly about losing the two parking spaces near Town Hall on Route 117, some mentioned that parking on the other side is a much safer option.

Harvard Road Area

Lori Clark noted that Sergeant Lima agreed with Sue's comments on crosswalks on the east side. He also recommended using reflective material for crosswalk paint. He stressed that he wanted several methods to denote a crosswalk, such as signs, painting on the road.

Board members suggested stand alone lights that flash when someone is walking across the crosswalk.

Hudson Road Area

Lori reported that Sergeant Lima thought the crosswalk should be straight across the intersection, he was worried that as cars turn they will not see the crosswalk if it is set back.

Lori noted that the committee is having a difficult time compiling their suggestion for the Planning Board, as there are conflicting opinions between the safety officer, the consulting engineer and the committee.

Lori Clark stated that the PWP Committee expects to have an initial draft designs by the end of this month. They would like to be put on the Planning Board's agenda and the Selectmen's agenda, get alignment and approval from both Boards and then hold a public forum in November.

Karen Kelleher noted that when the committee brings all the information to the Planning Board to make a decision they could also meet with the Board of Selectmen.

The Planning Board agreed to meet with the Pedestrian Walkway Sub-Committee at their October 19, 2010 meeting.

Lori Clark said they had not heard back from Habitech regarding their request for an easement or their requirement to build the sidewalks.

Karen Kelleher stated that she flagged this out to Ed Tarnuzzer and Sue Carter Sullivan because Habitech had asked for a bond reduction.

Karen Kelleher recommended the PWP committee move forward assuming Habitech will build the sidewalk along Route 117.

Elementary School Building Committee (ESBC)

Steve Quinn reported that the committee met last night and that construction is on schedule.

COORDINATOR'S REPORT

Karen Kelleher reported on the ongoing activities in the Planning Department.

Master Plan

Karen reported that the Master Plan is completed and in the final printing stages.

She will distribute an electronic copy to Planning Board members.

She stated that Marcia Rising, chair of the Master Plan Committee would like to attend a Planning Board meeting in November to hand the document to the Planning Board for approval.

Policy for trail construction

The Conservation Commission is scheduled to meet with the Board on October 19th to discuss a policy for trail construction.

Lower Village Existing Conditions Plan

Karen reported that proposals for the Lower Village Existing Conditions Plan are due October 15th. She has heard from each of the companies that received the RFP.

Derby Woods

Karen reported that she received a complaint that the owner of Lot 7 had removed hay bales and deposited them over the stonewall into the Open Space Parcel. She spoke with Mr. Morin and he confirmed the hay bales were placed over the stonewall but are still on his property to compost.

She also received a complaint from owner of Lot 7 about the lack of erosion control measures on lots 3 and 4. Lot 4 installed trees and used Lot 3's driveway, the site is now under control.

The owner of Lot 7 requested an as-built plan for the changes to the detention basin. Typically the standard practice is to receive an as-built plan with the final roadway plans. Karen asked the Board if they would like to request an as-built plan for this particular area now.

The Board did not think it was necessary to ask the developer to provide an as-built plan before the final roadway plans are submitted.

Karen will let Mr. Morin know the as-built plan is not required until the roadway is complete. It is not standard practice to require interim as built plans.

Stow Shopping Center

Karen sent follow-up note to Linear Retail about the pylon sign. Gordon Whitman's response was that Linear ownership is having trouble supporting a pylon sign that is not big enough to be effective, he continues to search for design compromises.

Kathleen Willis noted a book that describes what makes a place a great area to live. One section of the book was about reducing the size of signage.

Karen suggested sending Gordon Whitman some examples of pylon signs that the Board finds appropriate.

Kathleen Willis stated that Linear Retail still has outstanding items in their special permit and that planter boxes were never installed. She noted trashcans were purchased and look nice.

Karen Kelleher stated that at a previous meeting it was stated that the trashcans at the Dunkin Donuts store was overflowing.

Karen will send a letter to Linear Retail and Dunkin Donuts asking them to fix the problem.

Lori Clark also noted that there are still lights on after hours. Steve Quinn noted that Citizen's have been turning their lights off.

Lenny Golder stated that having a meeting with the business owners verses sending enforcement letters might be a better way to reach the businesses and that they may have concerns about lighting that they would like to discuss with the Board.

Lori Clark and Brian Martinson noted that the businesses owners need to take responsibility and that it is more of a matter of thoughtlessness.

Steve Quinn stated that it might be as simple an issue as the person closing the stores at night doesn't know or forgets to shut the lights off. He suggested notifying the onsite person at Linear and storeowners.

Karen Kelleher will notify Linear Retail and carbon copy the storeowners.

Deerfield Lane Open Space Parcel

Karen stated that there is a warrant article to transfer the Deerfield Lane property from the care, custody and control of the Conservation Commission to the Board of Selectmen for use in

conjunction with the development a public water supply. Karen advised the Town Administrator and Town Counsel that it is the Planning Board's opinion that a variance and special permit modification is required. Town Counsel is researching this issue.

Sweeney Property

Karen said Rich Harrington of Stamski and McNary said they are in the process of wrapping up the plans for submission.

Wetland Floodplain Map

Karen reported that she received some of the preliminary wetland floodplain files today. She hopes they will be finalized this month.

Orchard View Drainage Basin

Karen reported that she received a check from TD Bank and will be sending out the request for proposals this week

Planning Issues

Karen stated that Kristen has spent a lot of time compiling sample bylaws design standards and photos (signs mixed use and affordable housing).

Affordable Housing

Karen and Kristen attended a workshop, "Fostering Local Support for Affordable Housing". At this workshop a representative from Oxbow Partners, who did an affordable housing development in Wayland (89 Oxbow) spoke about the process. It was a citizen committee that helped move the development forward. The Town purchased the property and put out an RFP for a developer.

Other presenters where, Lynn Peterson from the Women Institute or Housing and Economic Development, and Karen Green from the Yarmouth Community Development Department.

APPOINTMENTS

Karen Kelleher reported that Donna Jacobs was not able to attend due to illness. Donna mentioned that The Stow Municipal Housing Trust were looking at two parcels in town for a Habitat for Humanity project, but that they may have constraints. Karen will ask Donna if she could let the Board know which parcels they are looking at so the Board can evaluate possible constraints.

DISCUSSION/ACTION ITEMS

Memo from Building Commissioner/Zoning Enforcement Officer

Lori Clark stated that she did not find the memo helpful and that it did not answer any of their questions. Brian Martinson agreed.

Kathleen Willis asked why Craig Martin, Building Commissioner did not attend the meeting. Karen Kelleher stated that he decided to write a memo in response to the Planning Board member's questions and that if they needed further clarification that he would be willing to come to another meeting.

Brian Martinson asked why the memo wasn't more explicit because The Board's request was to better understand the zoning officer's interpretation of the Presti Property.

Karen Kelleher stated that their questions were not specific to the Presti Property, and that it would be difficult to explain the reason for an interpretation unless it was on a specific site.

Resident Nancy Arsenault, Partner of the Stow Independent, asked for clarification if the Planning Board oversees the Building Commissioner/Zoning Officer as she thought it was the Selectmen.

Lenny Golder stated that they work in parallel to one another, but the Selectmen are the building commissioner/Zoning Enforcement Officer's boss. He noted that it might be a good idea to start with town properties that are not in compliance to set an example for private properties. He noted lighting at the new Stow Recreation Facility does not look like it is full cut off.

Lori Clark stated that the Building Commissioner's answer to number 6 was inadequate and did not explain what process he invokes to achieve compliance.

Steve Quinn stated that the Building Commissioner referenced M.G.L Ch. 40A Section 7, which would mean that he applies that section of the bylaw.

Kathleen Willis stated that his responses were not sufficient to the questions they had asked.

Lori Clark said that it would be more productive to meet and discuss their questions with Craig Martin.

Karen reiterated that he was willing to meet with the Board to further explain his answers. She noted that he also said at some point members of the Planning Board may have to agree to disagree with his judgments.

Lori Clark said she was not sure she had enough information to know if she was in disagreement with the Zoning Enforcement Officer.

Steve Quinn stated that in his professional and Board/Committee experience with the Building Commissioner he has always known him to take his job seriously and to make sound judgments.

Kathleen Willis stated that he is only a one-person department and until he lets the Board of Selectmen know he needs additional staff the Planning Board will continue to have these issues.

Steve Quinn stated that he did not think it would be likely for the Town to approve a new position for enforcement.

Resident Nancy Arsenault stated that the Town of Acton has a Sub-Committee who reports to the Building Inspector with a list of prioritized zoning violations. Nancy noted that talking to business owners in a friendly manner versus conducting sitewalks and sending violation notices would come across less anti-business.

Steve Quinn agreed that they could accomplish more with a simple friendly method like this.

Nancy stated that the Sub-Committee she mentioned was part of an Economic Development committee. She noted that the Town of Maynard has a similar committee whose focus is working with business owners on both feedback on things they are doing well and zoning issues that need to be addressed. She noted that business owners have been making several positive comments about this committee.

Ernie Dodd noted the Stow Lighting Committee talks with residents and businesses to ensure compliance.

Nancy noted an important aspect of the economic development committees is that they also contact the businesses owners giving them positive reinforcement not just when they are doing something wrong.

Steve Quinn agreed that an Economic Development Committee would be a great idea.

Lori Clark stated that the Planning Board should meet with Craig to discuss this idea.

Nancy noted that it would be a good idea to have people from different Boards on this committee. She said that currently the Planning Board is perceived as enforcers and that if the approach was changed they will have a better opportunity to change things in the Town, especially with Mr. Presti's site.

Steve Quinn suggested holding a meeting with appropriate Boards and Departments to gain alliance.

Nancy suggested hosting events with business owners. One example was to host an event in the new Red Ginger Restaurant to introduce old businesses owners to new ones and to officials in Town. Here, she said, information could be passed out in a friendly manner.

Steve Quinn asked Bruce Fletcher of the current status of the Stow Business Association. Bruce noted they met last night and are working toward being a stronger group in Town. Bruce said they plan to start an electronic newsletter.

Nancy said that there are several businesses in Town that are not well known to the public or even Board members, such as a high end bakery at the Airfield.

Nancy also stated that the Town of Harvard recently launched an Economic Development Council and that the Town of Bolton lists commercial vacancies on their town website.

She also commented on several home businesses, which could also benefit from working with the Town.

Brian Martinson said that some businesses have been chronic problems from a zoning stand point and that zoning discussions have taken place with the owners. He stated that ignorance of the laws is not the root cause of the problem

Karen Kelleher said that some of the articles from the Towns mentioned stated that chronic offenders eventually came around with this new approach and that they not only have been complying but are providing positive feedback on the new committee.

Nancy said that the Planning Board has a lot of responsibilities and that they should help create a new committee to take care of these other issues.

Steve Quinn stated that Craig is very thorough and noted that his determinations for the Auto Inspection business and Tara Professional did state that special permits were necessary. Steve said he believes he is assuring compliance to the best of his ability.

Brian Martinson stated that he wished the Zoning Enforcement officer was more vigilant in enforcing zoning bylaws, especially of those properties that have had chronic problems.

Lenny Golder stated that with an economic development committee some of these issues could be solved and that the Planning Board should get in contact with the Selectmen.

Steve Quinn recommended they invite Board of Selectmen Chair, Laura Spear to a meeting.

Brian and Kathleen expressed concern that they were combining two issues, zoning compliance and economic development, Lori agreed.

Lenny Golder stated that an economic development committee would help with compliance.

Brian Martinson said that they are two different matters.

Lori Clark noted that the Planning Board had asked Linear Retail several times to finish outstanding items and was concerned the project would be incomplete. She and Kathleen noted that the Building Commissioner/Zoning Enforcement Officer should take action.

Karen Kelleher reminded the Board that they had written out the policy for dealing with open site plans and special permits and that Craig Martin agreed to this. She stated the first step in that policy is for the Planning Board to send a notice to the applicant giving them a 30 days notice before filing a formal complaint to the Building Commissioner.

Kathleen Willis requested a memo be sent to the Building Commissioner/Zoning Enforcement Officer reiterating outstanding issues and that the Planning Board is looking for Linear to comply with all issues before closing the permit.

Karen will put together a list of items that have not been addressed and send a memo to Craig with these items, also a separate memo to Linear Retail owners, copying Gordon Whitman and Craig with outstanding issues.

Steve Quinn noted that the Planning Board should get aligned with the Selectmen by having Laura come to a meeting and discuss the Economic Development ideas.

Brian Martinson requested they still meet with Craig Martin to discuss zoning issues. Lenny Golder stated he believed this conversation should be a part of the larger meeting on Economic Development, as the Board already met with Craig.

Lori Clark stated that the purpose of meeting with Craig was to discuss open issues around his interpretation and gaining an understanding of his thought process.

Lenny stated that Craig gave answers to all the questions, and that the real issue is the human factor and how you put it into practice, and that this would be difficult to describe. He noted it would be more helpful to do this with a larger party.

Ernie Dodd stated that the Building Commissioner/Zoning Enforcement Officer's boss is the Selectmen.

Lori Clark said it would not be right to make his performance the focus of the meeting in front of his boss.

Brian Martinson stated that he thought everyone wanted to understand how Craig grandfathered the issues on the Presti Property and that his memo did not describe this.

Karen stated they would have been better off asking Craig questions about the Presti's Property directly in context.

Steve Quinn suggested if members are still concerned with Craig's method of interpretation on the Presti Property grandfathered uses to discuss it with him individually.

Lori Clark stated if no one else on the Board cared she would meet with Craig.

Steve Quinn stated that the Planning Board does not have authority over Craig and Town Counsel clarified this. He noted the Board had spent a lot of time on something they have no authority over.

Lori stated that the whole issue is about what they can expect to come from his Department based on his guidance. She believes if they had gone about asking the questions differently they would have gotten answers.

Steve stated that he is concerned the reason they feel the questions were not answered sufficiently was because the answers were not written in the way they desired.

Ernie stated that he wants to know more about the logic that goes into making decisions and that they may want to change the bylaws based on way they are interpreted.

Kathleen stated that at least four of the Board members want answers from Craig and that they vote as a Board to do things and not do things.

Lenny Golder asked if they would ask about grandfathering issues applying to restaurants and uses in general opposed to just Mr. Presti's Property.

Kathleen Willis stated that an example of the lack of clarity of Craig's letter was his response to number 4. Kathleen stated that a wood cutting operation in no way falls into what he was quoting in number 4, same as or consistent uses.

Lori Clark stated that they feel it warrants a discussion because several people on the Board want to know.

Lenny said he would be okay with a discussion about how grandfathering applies in different situations.

The Board discussed dates to have Craig attend a meeting.

Karen Kelleher noted that Steve would like to focus next meeting as a working meet for Lower Village Planning efforts.

Steve Quinn reminded the Board how they were discussing Lower Village Planning at their last meeting and the importance of planning efforts for this area in Town before it is developed with the current zoning.

Lori Clark agreed the Board should look at ideas and designs that they would want in the area.

Ernie Dodd stated that the Lower Village would be a good area for an assisted living facility.

The Planning Board will request that Craig Martin, Building Inspector, attend their December 7, 2010 meeting to discuss these matters.

Ernie Dodd said they just need to get clarification and the logic that goes into the decisions he makes.

Karen asked board members what they plan to do if they still disagree with his answers.

Kathleen and Lori said they just wanted to understand his reasoning.

Arbor Glen AAN

Trail Access

Karen Kelleher explained that Mark Mastroianni, of Pulte Home's interpretation is that the portion of the trail that crosses condominium land along the eastern side of the site, which connects Open Space B to Heather Lane, was never intended to be available to the public. He also argued that this stretch has no value to the public as the path leads between private homes to a private way Heather Lane. Karen argued that the Plan shows a continuous loop and that the public trail was never intended to have a "no public access" portion making it a dead end.

Ernie Dodd moved that the Planning Board find that the "entire" length of the trail "as shown on the plan", including the portion that crosses condominium land along the eastern side of the site which connects to Heather Lane, and including the use of Heather Lane, was always intended to be for public access. The easement documents for the trails should include these areas. The motion was seconded by Lenny Golder and carried a vote of five in favor (Ernie Dodd, Lori Clark, Kathleen Willis, Steve Quinn, Lenny Golder).

Request for Bond Reduction

Karen reported that Pulte Homes had asked for a bond reduction for the Arbor Glen AAN and requested to be put on the Planning Board's agenda. Karen said that a As-built plan has not be submitted, several driveways are not complete and Sue Carter Sullivan observed several puddles in the road. Kathleen noted that she walked the site and has a list of outstanding items that she will provide to Karen to pass along to Pulte Homes and Sue Carter Sullivan.

Derby Woods Planned Conservation Development

Bill Avery would like to change his driveway access, which connects to Dunster Drive. Sue Carter Sullivan suggested the Board make a site visit to view the proposed location as she is concerned that it may appear as a continuation of the road.

Ernie Dodd is available on Monday and Wednesdays to attend a site walk. Steve Quinn also offered to attend.

Pedestrian Walkway Planning Sub-Committee

Lori Clark moved to appoint Joelle Spear as a voting member and Phyllis Fitzsimons as an associate member of the Pedestrian Walkway Planning Sub-Committee. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Lori Clark, Ernie Dodd, Steve Quinn, Kathleen Willis and Lenny Golder).

Ongoing Maintenance of Detention Basins

Karen Kelleher said she put together a draft list of basins that require maintenance. She noted she would pull out each plan to note what type of basin is located at each site and any specifications.

Karen will then forward the list to Mike Clayton, the Planning Board agreed.

Kathleen Willis suggested providing the methods on how to take care of each basin and to ask Sue Carter Sullivan, the Planning Boards consulting engineer for maintenance requirements if they are not written on the plan.

Ridgewood Estates proposed Subdivision Plan

Karen reminded the Board that Harry Blakey and Bill Roop of Ridgewood Estates will be attending their October 19, 2010 meeting where they will bring their attorney's legal argument for the condo and homeowners association. They will also be requesting a filing fee reduction.

Kathleen Willis asked if the filing fee really cost as much as Harry Blacky and Bill Roop had estimated.

Karen explained that the cost of the filing fee is a calculation on the linear feet of road way which is added to a base fee. Bill Roop and Harry Blacky's argument is that they are not submitting a full subdivision review because it is already done through their Active Adult Neighborhood Special Permit.

Karen suggested reducing the fee to the cost of processing the application and amount of hours Kristen and she will put into the process.

Lori Clark suggested they also take into consideration time for reviewing the legal documents for the condo and homeowners association.

Karen agreed, and noted they should require a fee deposit for legal fees as she will have to discuss the documents with Town Counsel.

Steve Quinn suggested researching subdivisions in Littleton by the same developers as they had done a similar ownership method.

The meeting was adjourned at 9:34PM

Respectfully Submitted,

Kristen Domurad
Administrative Assistant