

## **TOWN OF STOW PLANNING BOARD**

Minutes of the February 8, 2011 Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher  
Administrative Assistant: Kristen Domurad

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

### **CORRESPONDENCE**

#### **Memo from Building Commissioner to Planning Board**

Kathleen Willis asked what the memo entailed from the Building Commissioner.

Karen Kelleher reported that the memo stated the Building Commissioner had received the Planning Board's request about a possible zoning violation at the Presti property and would look into the matter.

### **MINUTES**

*Kathleen Willis moved to approve the minutes of the January 11, 2011 meeting as amended. The motion was seconded by Ernie Dodd and carried a vote of four in favor (Kathleen Willis, Ernie Dodd, Lori Clark and Steve Quinn).*

*Kathleen Willis moved to approve the minutes of the January 25, 2011 meeting as amended. The motion was seconded by Ernie Dodd and carried a vote of four in favor (Kathleen Willis, Ernie Dodd, Lori Clark and Steve Quinn).*

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

### **PUBLIC INPUT**

No public input at this time.

### **PLANNING BOARD MEMBERS' UPDATE**

#### **Community Preservation Committee**

Kathleen Willis reported on the Community Preservation Committee's last meeting. They have scheduled to meet with the Plantation II applicants at their upcoming meeting, as there was some conflict between the wording in the Comprehensive Permit decision and the agreement the applicants had made with the Community Preservation Committee.

#### **Pedestrian Walkway Sub-Committee**

Lori Clark stated that the committee had been discussing acquiring funds for walkway snow removal. She and Jim Salvie will be discussing this with Bill Wrigley to see if they should put this item in the consent calendar for Town Meeting Budget. This way a nominal amount will be put in to start, and could accumulate over time.

Lori noted that Sudbury leases a bobcat, which costs about \$25,000 a year. Karen reported that Sue Sullivan submitted the final plans. Lori stated the committee would be discussing the RFP with Bill Wrigley, and hopes to have one drafted shortly.

### **Elementary School Building**

Steve Quinn reported on the Elementary School Building Committee. He stated that they are behind schedule due to the weather, but are trying to expedite the steel construction.

### **Lower Village Sub-Committee**

Karen Kelleher reported on the Lower Village Sub-Committee. She stated that they plan to review a draft final report by the end of this month and then approve the final report at their first meeting in March for submission to the Planning Board.

### **COORDINATOR'S REPORT**

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

### **Lower Village Planning**

Karen reported that Kenny Caputo is no longer working for Coler and Colantonio and the Board's new contact is Jon Morgan. She noted that Jon worked with the Town on the Stow Recreation Fields. He plans to attend the rescheduled meeting when the Lower Village businesses property owners are present.

Karen stated that he submitted the draft survey plans to the Board last week. Coler and Colantonio sent an invoice for 63% of the work, which totals \$ 8, 500.

Steve suggested they check the invoice with Bill Wrigley to make sure the milestones of the contract line up with the amount requested.

Karen stated that she also spoke with Paul Geurtin about following up on Chapter 90 funds. She explained that Kenny Caputo was working on this. Paul agreed to take over this responsibility and will work with Mike Clayton, Highway Department Superintendent. He stated that because the Town has an existing conditions plan completed, they now have a better chance at obtaining these funds.

### **Planning Board Budget**

Karen reported on her meeting with Town Administrator, Bill Wrigley. He had suggested keeping their typical engineering account, but taking Lower Village Planning out of this account and putting it into a separate fund under capital planning. Karen stated that she drafted a letter to the Capital Planning Committee with this request but has not yet heard their response.

Karen noted that Bill Wrigley suggested moving the GPS request into a separate line item and did not seem too supportive of this request.

Karen noted that the GPS device would be handy and helpful tool but was not critical and suggested taking it out of the budget.

Ernie Dodd noted that they do go out of date very fast.

### **Girl Scout Troop Leader Inquiry**

Karen stated that she received a call from a Girl Scout troop leader asking about possible planting projects for the troop in Lower Village.

Karen suggested to the Board that a garden or plantings at the Stow Community Park might be a good project.

Kathleen suggested the troop plant daffodil bulbs in front of the stonewall at the Stow Community Park as they are resilient and need little to no maintenance. She was concerned that any gardens constructed in Lower Village would need to be well maintained.

Karen will forward these recommendations along to her and suggest she get in contact with the Stow Recreation Department.

### **Community Land Use Reform Partnership Act**

Karen reported that she sent the Board's letter of concern to Senator Jamie Eldridge and Representative Kate Hogan, as well as surrounding towns and the Metropolitan Area Planning Council. She received an email back from Kate Hogan, who expressed that she supports the position of the Planning Board and understands their concerns.

Karen received a letter of receipt from Jamie Eldridge but no response, but did receive an email from Jeff Lacey a member of the Coalition on Zoning Reform. He stated that the committee was/is aware of Stow's concerns but decided to file the bill anyways only making typo corrections. They expect commentary from many other quarters as well and offered to meet with members of the Planning Board/Staff at Stow during the day.

Ernie Dodd stated that the Board should take him up on this offer and invite surrounding Towns who share our concerns.

### **Assisted Living Facility Site Tour**

Karen asked the Board if they would still be interested in visiting the Assisted Living Facility in Somerville. Board members agreed and asked to schedule something in late April or early May.

### **Upcoming meetings**

Karen stated that she plans on attending the Open Space Meeting Wednesday night as they are discussing priority open space parcels.

Karen and Kristen will be attending the Massachusetts Association of Planning Directors meeting on Friday where they will be discussing the new storm water regulations.

### **APPOINTMENTS**

#### **Public Hearing- Andrew Curtis 128 Great Road Special Permit Request**

The public hearing was opened at 7:30PM.

*Ernie Dodd moved to waive the reading of the public hearing. The motion was seconded by Lenny Golder and carried a vote of five in favor (Ernie Dodd, Lenny Golder, Steve Quinn, Lori Clark and Kathleen Willis).*

Steve Quinn reviewed the materials submitted for the petition for a special permit on 128 Great Road for modification to the existing house by changing the front facade windows, doors, and access routes.

Karen Kelleher asked Mr. Curtis if he had the abutters notice receipts.  
Mr. Curtis will file them with the Planning Board tomorrow morning.

Mr. Curtis handed out renderings of the updated plans for the building and parking spaces. He noted that he originally took the Board's suggestion of closing one of the curb cuts, but after measuring the area came to the conclusion that it would make parking at his site very difficult and more of a nuisance for customers as they would have to make a 4 point turn. He noted that since closing the curb cut did not seem like a safe and viable option he was now proposing changes to the existing island separating the two curbs by creating a raised field stone cement block with lush landscaping. He stated that Karen Kelleher had provided him with the Lower Village Streetscape Specifications, but because the size of the lot and length of the island between the two entrances he would not be able to conform to the streetscape.

Board members agreed that in this situation the frontage with both curb cuts and lack of width was much too small to accommodate the Lower Village Streetscape Specifications.

He stated that he is proposing to keep the grills on the windows and doors to make them have more of a house look and to use wooden doors as the Board suggested.

Lenny Golder asked if there was room on the sides of the building and in the rear of the building to allow for parking.

Mr. Curtis stated that there would be enough room but the septic system is located the backyard and would need to be removed. He stated that he was not opposed to this but did not plan on this change right now.

Mr. Curtis stated that he would need about 5 parking spaces for his site to accommodate the drop off/pick up dry cleaners and his one employee office.

The Board concluded that 7 spaces would be required by the bylaw, taking into consideration the use and size of each business.

- 4 spaces for the dry cleaning business

- 2 spaces for the septic office

- 1 space for the potential conversion of the garage to a one-person office

Mr. Curtis stated that he has a permit to construct the garage into an office but does not plan to act on it right now, as he has sufficient space in the upstairs of the building.

### **Public Input**

Resident Gregory Bebernitz of 24 Lane's End stated that he would be concerned if the septic system was relocated as there is already testing done at his site because of the oil spill at the old Mobil Station.

Mr. Curtis stated that he is not proposing to move his septic system at this time. He noted that the septic system meets all title 5 requirements and is adequate for the building.

## **Board Members' Comments**

Kathleen Willis stated that she noticed a delivery van at a dry cleaner across the street pull up in the emergency lane and questioned if this is what Mr. Curtis's tenant had planned to do.

Mr. Curtis stated that they would park in a regular parking space or could back up along next to the building. He noted that all parking spaces are within 20 ft. of the building.

Kathleen also noted that she was happy to see the landscaping proposals and the design of the facade with the window grills and wooden door. She stated that she likes that it will still look like a house as it was one in the past.

Mr. Curtis noted that the middle door will be the working door and the two on the outside will look like French doors.

Ernie Dodd stated that he liked the two entrances and thinks they should be one way in and out. Mr. Curtis agreed and stated that they could stripe the parking spaces at an angle to make the in and out entrances more obvious.

Karen Kelleher recommended adding painted arrows on the ground to designate the in and out access.

Lori Clark stated that it would have been ideal to close a curb cut but understood that eliminating a curb cut was not conducive to the site conditions.

Lenny Golder said that he liked the architecture design creating a residential look for a commercial purpose, which is how the Board is envisioning the future of the Lower Village facade design. He stated that it is a good example of how Route 117 should be developed. He also noted that he liked closing one curb cut.

Mr. Curtis stated that his proposal is keeping both curb cuts.

Lenny stated that he is concerned with having two curb cuts in terms of setting a precedent as the Board is trying to reduce them in Lower Village.

Mr. Curtis explained that he was agreeable to closing one of the curb cuts but after measuring and experimenting with the parking spaces he concluded that people would have to make a 4-point turn to exit the lot. He stated that it is doable but would make it very inconvenient for the customers and creates a possible safety issue with cars backing up onto Rt. 117.

Steve Quinn stated that he believes the proposed uses fit well with the site and that the facade design Mr. Curtis proposed is the type of look the Board is trying to create for the Lower Village. He agreed that it would have been ideal to reduce one curb cut but the current site is not conducive for this change. He noted that future development of the abutting sites might allow for the reduction in curb cuts.

Ernie questioned the setbacks of the handicap access ramps. Mr. Curtis said that he has been working with Craig Martin, Building Commissioner, and will be abiding by all bylaws.

*Ernie Dodd moved to close the public hearing. The motion was seconded by Lenny Golder and carried a vote of five in favor (Ernie Dodd, Lenny Golder, Steve Quinn, Lori Clark and Kathleen Willis).*

*Ernie Dodd moved to approve the Special Permit for 128 Great Road with conditions presented and discussed with the Planning Board. The motion was seconded by Kathleen Willis can carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).*

Board members explained that the decision will also include various elements of the zoning bylaw that pertain to the site such as lighting and signage bylaws, none of which would be of surprise.

Karen Kelleher suggested she draft the decision and send it to the Planning Board as well as Mr. Curtis. If Mr. Curtis has any objections or questions to the findings in the decision he could discuss it with Karen or attend the Tuesday Planning Board meeting when they will vote to approve the decision.

Karen explained that once the Planning Board has approved the special permit and it is filed with the Town Clerk the 20-day appeal period begins, after which he could begin to act on the special permit.

#### **DISCUSSION/ACTION ITEMS**

##### **Bose Corporation Request for Minor Modification of Special Permit**

Lenny Golder recused himself, as he is an abutter.

Lori Clark questioned if she should recuse herself, as she is an employee of Bose Corporation, although she does not work at this site.

Steve Quinn requested, as a rule of necessity, that Lori Clark not recuse herself, as the Board is required to have a super majority vote.

Karen Kelleher explained that Bose had asked the Board to consider a minor modification to their special permit, asking for a time extension on their total build out. She stated that the representative from Bose said due to the economy they have not been able to move forward and know they will need more than the 2 year permit extension act has allowed. They are requesting an extension to December 21, 2021.

*Ernie Dodd moved to consider the request for a modification to the special permit as a minor modification does not require a public hearing and only the timing of the special permit. The motion was seconded by Kathleen Willis can carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark).*

Ernie Dodd stated that they have made all requested improvements and have improved business opportunities in Stow, helping the local economy.

Steve Quinn agreed stating that Bose is a big asset to the Town.

*Ernie Dodd moved to extend the Special Permit for Bose Corporation to December 21, 2021. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, and Lori Clark).*

Karen suggested she would write a draft decision and run it by Town Counsel to make sure the phasing is correct.  
Planning Board members agreed.

### **Stow Community Park**

Lenny Golder recused himself, as he is an abutter.

Karen Kelleher reported that the Recreation Commission is requesting a minor modification to their site plan, to allow temporary lights at the skate rink and to extend the hours of use to 8PM.

Kathleen stated that she would want to be very specific on how they word any modification so that it is clear they would need to come back for the lighting or extended use of any other part of the facility.

Ernie Dodd questioned if the parking lot should be lit if the park is being used after dusk.

Board members asked if any abutter had complained.

Karen Kelleher reported that they have not received any complaints from abutters, but did receive one letter of support from an abutter.

Kathleen asked if anyone knew about the infrared security systems that were installed and if they had any lighting components to them.

Steve stated that the infrared cameras are motion sensitive and video in infrared so it can tape in the dark, there is no lighting component.

### **The Board entertained comments from the Public:**

Abutter Lenny Golder of 67 Old Bolton Road stated that he had some concerns about the lighting of the skating rink.

He suggested the hours of operation end at 6PM, as it is getting lighter out now anyway. He suggested the Board allow them to use the lights until 6PM as a trial period.

Lori Clark noted that it starts getting dark at 4:30PM in December and they are requesting lights for the skating season.

Steve Quinn noted that if they allow for the lighting until 8PM and there are problems, they could revisit the issue.

Lenny stated that one night it did get rowdy and he heard a group of kids by the skating rink around 7PM and that skating brings an unorganized type of sport that can cause rowdiness.

Steve asked Lenny if he was more concerned about the use or the lighting.

Lenny stated it was the rowdiness and the noise.

Steve stated that the skating rink is an asset to the community.

Lenny agreed but stated he disagreed with the hours requested during the winter.

Ernie Dodd stated that he had no problem with the skating rink being lit until 8PM and stated that if there was a problem they could change the decision. He noted that it should be clear that the lights need to be out at 8PM, meaning if they need extra time to clean up they should end playing time earlier than 8PM.

Resident Linda Hathaway of 76 Crescent Street expressed concern that the Recreation Commission had been using the temporary lights all winter before requesting this modification. She was concerned that they will only push the limits with lighting for another use.

Steve stated that he did speak with a member of the Recreation Commission, and mentioned they should have approached the Planning Board before installing the temporary lighting.

Kathleen asked if the neighbors had been notified.

Karen stated that since this was just a request for a minor modification to a site plan, abutters' notices were not required, but if the Board felt it were necessary they could choose to hold a public hearing.

Lori stated that she believed the neighbors should be notified in case they did not hear about the lights.

Steve agreed that abutters should be notified and have a chance to come to express their concerns.

Steve suggested the Board hold a public hearing as early in March as possible.

Kathleen noted she would like to get written input from the Police Department about the extended use since the time has been extended.

Lenny requested that if they extend the lights, they only do so until 7PM.

Karen Kelleher asked the Board how they wanted to deal with the issue in the meantime. She suggested they respond to the their request by letting them know they would like abutters to have a chance to comment and will hold a public hearing in March.

Kathleen noted they should let them know they are currently in violation of their special permit.

All Board members agreed to hold a public hearing for the request of the Recreation Commission to use temporary lights on the skating rink past dusk until 8PM.

Kathleen referenced Walter Lankau of Stow Acres Country Club's letter to the Planning Board reminding them of their previous request to extend lighting on their driving range.

The Board noted this use is very different from the winter season temporary light request at the Recreation Park.

The Board requested Karen write a letter in response to Walter Lankau stating that they will be holding a public hearing for the Stow Recreation Park's request.

### **Lower Village Streetscape Plan**

Karen reported that this streetscape plan is a guide for new businesses or businesses that are requesting a special permit or site plan.

Steve noted that some would be site dependent.

Karen noted that she did send these streetscape specifications to Andy Curtis but because there was not enough depth or width it was not feasible.

Karen stated that Bruce Fletcher, tree warden, suggested the distances between the trees and fencing.

Steve asked if input from residents on these specifications were given.

Lori noted the Lower Village Sub-Committee reviewed the specifications several times.

Karen noted the fencing was installed along the shopping center and other Town owned sections in Lower Village.

*Lori Clark motioned to adopt the Lower Village Streetscape Specifications as a working guideline for the Planning Board. The motion was seconded by Lenny Golder and carried a vote of five in favor (Lori Clark, Lenny Golder, Steve Quinn, Ernie Dodd and Kathleen Willis).*

### **Comprehensive Permit Policy**

Karen reported that Selectmen, Laura Spear had requested a member of the Planning Board be identified as a liaison to a review committee for the Town's Comprehensive Permit Policy.

*Kathleen Willis motioned to appoint Ernie Dodd as liaison to this committee. The motion was seconded by Lori Clark and carried a vote of five in favor (Kathleen Willis, Lori Clark, Steve Quinn, Ernie Dodd and Lenny Golder).*

### **COORDINATOR'S REPORT continued..**

#### **Elementary School Building Construction Hours**

Karen reported that she received a request from the owner's project manager to extend the hours of their special permit to allow them to work on gray holidays (i.e. President's Day). She consulted with Craig Martin, Building Commissioner, as there was no condition in the Planning Board decision that stated they could not work on holidays.

Craig stated that they are not restricted by the Planning Board's decision, but are restricted by the contract between the Town and the Contractors. He noted they would need to seek a modification from the Board of Selectmen. Craig will discuss the issue with Bill Wrigley.

### **Upcoming Meeting Scheduling**

March 1<sup>st</sup> hold Stow Recreation Commission Public Hearing.

March 8<sup>th</sup> hold meeting for Lower Village business property owners

March 15<sup>th</sup> potential for Highgrove Estates Special Permit continuation

The meeting was adjourned at 9:26 P.M.

Respectfully Submitted,

Kristen Domurad  
Administrative Assistant