

TOWN OF STOW PLANNING BOARD

Minutes of the March 1, 2011 Planning Board Meeting.

Present: Planning Board Members: Kathleen Willis, Steve Quinn, Lenny Golder & Lori Clark
Associate Member: Brian Martinson
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad
Absent: Planning Board Member: Ernie Dodd

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 February 15, 2011 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of the three members present (Kathleen Willis, Lori Clark and Steve Quinn).

Correspondence

Email from Joe Ianelli

Lori Clark asked if Joe Ianelli was an abutter to the Highgrove Estates proposed project. Karen stated that he was an abutter from Acton.

Email from Steve Dungan RE: Planning Board Duties

Lori Clark asked what had spawned the email from Steve Dungan. Karen stated that she did not know and stated Craig Martin, Building Commissioner was also unaware this message was being sent.

Brian Martinson stated that Steve Dungan explicitly mentions the issues with the flags and that it may have to do with the Planning Board talking about the flag issue at the Presti Property in Lower Village.

Kathleen Willis stated that she believed this issue was resolved, as the flags and banners have been removed.

Karen stated that at one point Steve Dungan inquired about the pylon sign at Linear Retail. It was explained to him that Linear Retail brought the Planning Board a design that was very large and did not fit with the town or vision of Lower Village. She stated that the Selectmen also felt this way when seeing the plans. Karen explained to Steve that the Board was willing to work with Linear Retail and to support a variance for a smaller sign, but that they had not come back to the Board since their original submission. Karen stated that Steve seemed to understand this.

Steve Quinn noted that he had a conversation with Steve Dungan and Laura Spear about the Linear Retail sign and he seemed to understand that.

Brian Martinson stated that he was happy Steve Dungan wrote this letter because it invites a conversation with the Board of Selectmen on this topic, which would be helpful.

Lori stated that this letter was from Steve Dungan personally, not as a selectmen.

Brian stated that the Board should invite him to a Planning Board meeting to discuss his letter.

Kathleen agreed that this was a good idea.

Brian stated that there may be some misinformation in the email and that it would be worth talking about and clarifying.

Lori stated that Jim Salvie mentioned the email to her and that maybe it would be a good idea to discuss those issues with the Board of Selectmen.

Kathleen stated that they should first meet with Steve Dungan as he sent a letter as a resident and that this would give them an idea if it would involve the entire Board of Selectmen.

Lori agreed with Kathleen's suggestion.

Steve Quinn asked if they planned to meet with everyone that writes a letter or email to the Board.

Kathleen Willis stated that Steve Dungan was questioning how the Planning Board was conducting business and that it was different than anyone just sending a letter.

Lori Clark stated that he is on the Board of Selectmen even though he stated he wrote the email as a resident. She stated that she wanted to understand his concerns because they may have been resolved.

Kathleen Willis stated that she would rather not meet with him the same night as the public hearing because the discussion could take a while.

Karen stated that the next available meeting would be in April.

Board members ask Karen to contact Steve Dungan to see if he is available to meet on April 5, 2011.

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

PUBLIC INPUT

No public input at this time.

PLANNING BOARD MEMBERS' UPDATES

Board of Health

Kathleen Willis reported on the Board of Health meeting. She stated that they are looking into shared town nurse services with surrounding towns. The Board is also considering the consolidation of trash pick among the municipal buildings. The Board of Health will be having a presentation about living with coyotes. They will also be holding public hearing on March 24, 2011 about an encroachment on the Deerfield Lane open space parcel.

Elementary School Building Committee (ESBC)

Steve stated that the ESBC would be meeting next Monday.

COORDINATOR'S REPORT

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

Lower Village Sub-Committee

Karen stated that the Lower Village Sub-Committee final report is drafted and will be reviewed at their next meeting. She expects the committee to wrap up the final draft in the next one or two meetings.

Pedestrian Walkways

Karen stated that she has received several emails on pedestrian walkways, mostly concerned with the walkway plans next to the Town Hall. She stated that there are emails supporting both sides but as of today more pro than con.

She stated that the department received a request from Linda Hathaway as a resident inquiring about the Pedestrian Walkway Sub-Committee's charge. She drafted a response explaining how their work plan has evolved over time and will update it based on tonight's meeting.

Karen stated that Bill Wrigley, Town Administrator stopped by the Planning Department concerned about conversations he had about misunderstandings or communication breakdown between the Pedestrian Walkway Sub-Committee and Places Associates. In response Karen set up a meeting with Steve Quinn, Lori Clark, Sue Sullivan of Places Associates and Mike Clayton, Highway Superintendent to discuss the issues all together.

Trefry Lane

Karen stated that there are emails to discuss in executive session on the Meadowbrook Estates subdivision.

Highgrove Estates Proposal

Karen stated that Rich Harrington would be meeting with her, the Fire Chief and Steve Quinn on Thursday March 3, 2011. Steve Quinn and Ernie Dodd will represent the Planning Board.

Star Tower/T-Mobile

Karen stated that Linda Hathaway, Town Clerk reported that she was told Star Tower/T-Mobile had filed an appeal with the Federal Courts under the Telecommunication Act. The Town Clerk has not received any notification but found out through a conversation with Star Tower's attorney.

Linda Hathaway explained that because they were filing an appeal under federal courts they had a 30-day appeal period, she is not sure if this appeal has gone through the correct process as she has not received notice. Linda is waiting on a call from Jon Witten, Town Counsel, on this subject.

Metropolitan Area Planning Council (MAPC)

Karen reported that the sub-group MAGIC (Minuteman Advisory Group on Interlocal Coordination) of MAPC would be meeting on Thursday in Bolton. She noted next month Stow would be hosting the meeting.

Solar Bylaws

Karen stated that Kristen had compiled bylaws from surrounding Towns on Solar photovoltaic, which the Board should discuss at an upcoming meeting.

ACTION ITEMS/ DISCUSSION

Community Land Use Reform Partnership Act (CLURPA)

Karen Kelleher referred Board members to Senator Eldridge's letter in response to the Planning Board's concerns in the CLURPA.

Lori Clark expressed frustration that Senator Eldridge had not addressed any of the Planning Board's concerns but planned to push the legislation through despite these factors.

Board members stated that the proposed legislation puts small towns at a great disadvantage and does not give the same benefits to towns without infrastructure.

Karen stated that in his letter he did say he would be willing to come to Stow to meet with the Board. Karen suggested meeting with surrounding Towns' Planning Boards before meeting with Senator Eldridge and to also invite them to a meeting with Senator Eldridge.

Karen stated that Kate Hogan had stopped by the Planning Department, read the letter and said she fully supported the Planning Board's position and will help pass along the Board's concerns.

Steve asked Karen to reach out to surrounding Towns' Planning Boards.

Karen said she would be attending the MAGIC meeting on Thursday and would mention this to those attending.

CPTC Conference

Kristen reminded the Board the CPTC Conference deadline was within the next week and to let her know who would like to attend.

PUBLIC HEARING -

Stow Recreation Commission request for a minor modification to allow temporary lighting of the skating rink

Steve Quinn opened the public hearing at 7:30PM.

Lenny Golder recused himself, as he is an abutter to the property.

Kathleen moved to waive the reading of the public hearing notice. The motion was seconded by Lori Clark and carried a vote of three in favor (Kathleen Willis, Lori Clark, and Steve Quinn).

Mike Busch, representative of the Stow Recreation Commission explained the Commission's request. He stated that they are aware they put the lights up before seeking a modification to the special permit and apologized for not doing so ahead of time.

Mike stated that the skating season is now over as the nighttime temperatures are not cold enough to freeze since sunlight hours are increasing. He noted that in general the skating season is only about 6 weeks.

Mike stated the Recreation Commission is seeking a minor modification to their special permit to allow temporary lighting on the skating rink during the skating season. They request the lights to be used from dusk until 7PM for skating and 7PM-8PM for ice maintenance and clean up.

Mike asked Lenny Golder what his feelings were towards the rink as he is an abutter. Lenny Golder stated that the past two weeks had been very quiet at the rink. He noted that he was more sensitive to the noise that comes from the extended use of the skating rink. Lenny stated that because skating is an unorganized sport it has caused rowdiness. He stated that he would not have a problem with the lights being on until 6PM.

Steve Quinn asked Mike Busch for any other additional information about their request. Mike stated that the Commission would like to continue to use the temporary lights in the same manner they had used them this year for the next year or years to come.

Board members asked Mike if the skating rink would actually close at 7PM to the public. Mike stated that it would, and that a group comes at 7PM to start cleaning and resurfacing the rink.

The Board then took comments from abutters.

Nancy Aresnault Co-Owner of The Stow Independent and resident at 267 Red Acre Road stated that she had taken her kids and their friends to the skating rink several times this winter. She said her kids loved it; it was free, easy to get to and a great thing for the Town. She also noted that the temporary lights could not be seen from the road and that they were quite small, only lighting up the skating rink.

Mike Busch stated that he has been the main Recreation Commission contact person for the abutters. He noted he had not received any calls or complaints from anyone abutting the property.

Steve stated the Board had only received one comment from an abutter, which was in favor of lighting the rink.

Resident Linda Hathaway of Crescent Street stated that the Recreation Commission should have come to the Planning Board before using the temporary lights. She questioned if this was an indication of the Commission pushing the limits in the future.

Mike Busch stated that when the rink was originally planned out they did not think about the lighting issue. He said that he knows they should have come to the Board first, and is working with some members of the Commission in understanding the governmental process for things such as this.

Resident Linda Hathaway asked if they had plans to light up the baseball field.

Mike stated they did not have plans to light up the baseball field and that if there are any plans in the future, not in the special permit, they will make sure to come to the Planning Board before proceeding.

He also noted that residents would be getting a notice prior to holding large events such as SpringFest and the Gobbler.

Kathleen Willis asked Karen Kelleher if the as-built plan and red line change to the plan was received.

Karen stated that they were.

Kathleen asked Mike if there were any other lights on the storage shed or pavilion.

Mike stated that the pavilion has recess and florescent lights across the ridge. The Barn has four motion detected security lights, which only come on when triggered. He stated they are on the corners of the barn.

Kathleen asked for clarification on whether the lights were part of the camera or actual motion detection lights.

Mike said that there are infrared cameras and motion detection lights.

Kathleen stated that the Recreation Commission should have come to the Planning Board for a modification to their special permit before they installed the motion detection security lights as they aren't in compliance with the Special Permit.

Mike stated that they installed the security cameras and motion detection lights at the request of the Police Department, and that they did not think about coming to the Planning Board but apologized if they should have.

Kathleen asked if they have gotten any complaint from neighbors about the security lights and asked Lenny Golder if he could see the motion detection lights from his house.

Lenny, as an abutter, said he could not.

Mike stated he had not received any complaints.

Lori Clark asked if the temporary lights for the skating rink were gone now since the skating season was over.

Mike stated that the temporary lights were frozen in place by the snow, but as soon as they are thawed out they would be removed. He stated that they were taken into the barn every night until the snow froze them in place.

Kathleen asked if the type of security motion detection lights they installed were the spot light type, paired or singular.

Mike stated that he was unsure but they might be paired, he asked if the Board could consider keeping the security motion detection lights up as they were a request from the Police Department. He stated that they could tilt them down more to adhere to the bylaw.

Mike noted that the motion detection lights do stay on sometimes longer than they would like and that it can light up part of the basketball court enough to shoot some hoops.

Kathleen stated that she hoped it was not the intention of the Recreation Commission to have the motion detection lights so people could play basketball past the hours allowed in the special permit.

Mike stated that it was not, and that the park is closed after dusk. He said the Police Department monitors the park at designated times to make sure no one is there after the park closes.

Karen stated that if the light is on after dusk, this would indicate to the police or an abutter that someone is there past hours.

Mike stated that if someone were at the park after hours they are told to go home.

Kathleen stated that people could be staying after hours and playing basketball games if the motion detection light stays on.

Mike stated that the amount of light from the motion detection lights would not allow people to play a basketball game, only shoot hoops which the police monitor and would tell them to go home.

Kathleen Willis stated that the light fixtures may be adapted by adding a shield to direct lighting in an appropriate manner.

Mike stated that they would be happy to add them and that their intention is only to light the doors.

Kathleen said she would get the manufacturer's information to the Recreation Commission.

Kathleen stated that a deer could trigger the motion detection lights and they could potentially stay on longer. She noted again that although the lights can possibly be modified they were not part of the current special permit.

Steve Quinn asked Karen if they could add the motion detection lights to the special permit modification.

Karen stated that this could be in scope with their request for the lighting of the skating rink if the Board wanted to add them into their modification.

Steve Quinn stated that the only concern given was from the Safety Officer, stating that he would only be concerned about the temporary lights being stolen.

Mike assured the Board that they could bring them into the shed every night unless they are frozen into the snow.

Steve Quinn asked for additional comments from the Board and Public before closing the hearing.

Lenny Golder, as an abutter, reiterated that he felt it would be more sensible for the temporary lights to be shut off at 6PM as this would mean less noise and rowdiness.

Steve Quinn stated that the park is available for use until dusk, and in the summer months this could mean the park is open until 9PM. He noted that as far as disruption to abutters it is not extending the hours of operation any more than they would be other natural times in the year.

Lenny, as an abutter, stated that hockey was a different type of activity that creates more noise, because it is unorganized, unlike basketball.

Linda Hathaway asked if there were electrical outlets the lights were being plugged into directly or into extension chords.

Mike stated that the temporary lights are plugged directly into the electrical outlets at the pavilion.

Kathleen Willis moved to close the public hearing for the Stow Community Park Special Permit modification. The motion was seconded by Lori Clark and carried a vote of three in favor (Kathleen Willis, Lori Clark and Steve Quinn).

Karen stated that she could draft an approval with conditions and would include that the temporary lights are allowed for lighting the skating rink during the skating season until 7PM and allow them to be used until 8PM for clean up and maintenance of the rink as well as allowing the security lights with adaptation to make them full cut off. She will also indicated that the temporary lights are to be put away every night unless they are frozen into the snow. The Board agreed that 2-3 temporary lights were allowed.

Kathleen stated that they should be more specific about the type of light.

Mike stated that he would find how much wattage/lumens of both types of lights so that the Board can write in a similar equivalent if they decide to change the halogen lights.

Kathleen stated they should consult with the Light Pollution Study Sub-Committee.

Steve Quinn asked if they seemed interested in attending the Public Hearing.

Kathleen said she was not sure if they were informed of the Public Hearing.

Co-Owner of the Stow Independent, Nancy Aresenault, stated it was in the Town newspaper two times.

REVIEW OF PEDESTRIAN WALKWAY PLANS

Lori Clark reported on the meeting that she, Steve Quinn, Karen Kelleher, Mike Clayton (Highway Superintendent) and Sue Sullivan (Consulting Engineer) had last week.

Lori stated that they walked through the plans and discussed the granite curbing as the plans prepared by their consulting engineer showed almost the whole area with vertical granite curbing which is twice as expensive as alternatives.

Lori reported that Sue recommended vertical granite curbing in areas where the speed limit is 40MPH and a walkway would be placed less than 5 feet from the pavement to the sidewalk. Lori stated that Sue was making recommendations based on the Mass Highways guidelines.

Lori said they walked through the plans page by page. Sue agreed to change one area by eliminating the need for vertical granite curbing.

Lori said the PWPC had not planned to have a 5-foot setback because they did not want to make disruptions in areas of the Town's right of way where residents had fences or plantings etc. Lori noted that at this meeting they discussed a 400ft stretch that could be moved back to 5ft in the right of way.

She stated that Mike Clayton, agreed with the consulting engineer that granite curbing should be installed in the areas shown on the plan due to safety reasons. He also noted that bituminous curbing is less durable and would not last.

Lori said although the consulting engineer and town's highway superintendent stated vertical granite curbing was necessary, the PWPC questioned the need for granite as it drove the cost of walkways up significantly. The PWPC conducted research into the Sudbury sidewalks as they did not use vertical granite curbing. She stated that Sudbury did not use vertical granite curbing because it was not installed on a state roads and thus didn't have to follow the Mass Highway standards. She stated that due to the conflicting information the sub-committee was confused as what to think.

She noted the sub-committee had not met since her meeting with Karen, Sue, Mike and Steve.

She stated that the question for the Planning Board is should they use granite curbing or not.

Kathleen asked if there were any other areas where they could move the walkways back 5ft. in the right of way.

Lori stated that due to grades and setbacks, the 400ft stretch already identified is the only area where a 5 ft. setback is possible.

Lori said the PWPC questioned if 2-3ft back from the road may not require vertical granite curbing in all areas but their consultant and highway superintendent say otherwise.

Kathleen asked if the public safety officer weighed in on the matter.

Lori said they had not discussed this with him yet.

Lenny Golder stated that if Mass Highway guidelines require the vertical granite curbing as a barrier between traffic there must be reason to take the issue into concern.

Lori stated that if the Town had resources to build the walkways themselves they would be making their own decisions and not necessarily what the engineer plans say.

She stated that most existing sidewalks in town have bituminous curbing.

A Board member noted that the new walkway installed by the Highway Department on Pompositticut Rd. has vertical granite curbing.

Brian Martinson stated that there is only vertical granite curbing on part of the walkway.

Lori stated that the walkways don't get a lot of traffic right now.

Lenny Golder stated that once the proposed walkways were built they would connect the existing walkways along Rt. 117, connecting more neighborhoods. He noted that if they are trying to encourage walking they should take into consideration that more people will be using them and will need to accommodate higher traffic.

Lori Clark stated that she believed the new walkway would experience the same amount of traffic as the existing walkways.

Lenny Golder stated that there would be more traffic because more people would have access to them and the sidewalks will connect to more places.

Karen Kelleher stated that she would hope the PWP Committee's goal is to encourage and increase pedestrian activity.

Kathleen Willis asked resident Bruce Fletcher (previous Highway Superintendent) if issues about curb materials was a problem when he was Highway Superintendent.

Bruce Fletcher indicated this issue never used to come up but noted that there were a lot of things to take into consideration when deciding on curb materials. He stated that he believed the safety issue was overrated. He noted there are 4 types of berm; cape cod, upright bituminous, sloped granite and vertical granite. He said the two-sloped versions can be driven over and the upright curbs are considered a barrier.

Lenny Golder stated that barrier curbs probably are helpful in icy conditions so that cars do not slip onto the sidewalk.

Bruce stated that if the car were traveling at a higher speed, it would not stop them from driving over vertical granite curbing.

Kathleen asked if sloped granite curbing was less expensive.

Bruce stated that it was less expensive and easier to install. He noted that if you drive to any of the surrounding towns you could see that there are several areas where vertical granite curbing is not used.

Bruce stated that there are several different publications on which type of berm to use and that Mass Highway's standards are just one of the many publications.

Bruce said that there are some negative aspects of vertical granite curbing;

- It can be less safe for bikers who would not be able to get off the road quickly.
- Snow plows can't plow the snow off the road easily and snow can build up.
- Cars cannot drive up onto the sidewalk if an emergency vehicle needs to get by
- Catch basins can fill from poor plowing and creates additional icing.

Bruce stated that there is an issue if the consulting engineer is insisting on this type of curbing because she may not stamp the plans. Bruce suggested asking for 90% stamped plans.

Karen Kelleher stated that Sue Sullivan was worried about liability because of the speeds on Rt. 117.

Bruce suggested allowing her to put a disclaimer on her plans.

Lenny Golder stated that he was concerned because he felt the decision should be based on people with experience in the field. He noted that the Board should take Bruce's expertise into consideration and assesses all information from him, Sue and Mike.

Bruce stated that the Sub-Committee needs to work with their design engineer and think about it from her perspective. He stated that the Pedestrian Walkway Sub-Committee Board proposed that he be hired as him as a project manager. He has not yet decided.

Kathleen stated that it would be helpful for Bruce to put his comments into writing for the Board, Bruce agreed to do so.

Lori stated again that she had not discussed this with the Pedestrian Walkway Sub-Committee but will at their next meeting.

Karen Kelleher suggested that it might be helpful to also discuss the issues with their design engineer.

Lori stated that the sub-committee needs to eventually align themselves on a final direction to give to Sue.

Steve Quinn asked if Sudbury has used certain design standards.

Jim Salvie, member of the PWPC and Board of Selectmen, stated that he called the Sudbury Town Planner and asked if they needed to use vertical granite curbing. They informed him that the town was not required to use vertical granite curbing because it was not a State road. Karen Kelleher stated that this was true.

Jim Salvie stated that he was surprised there were such strong feelings toward having vertical granite curbing, he thought that the project would be more client driven and recommendations rather than dictating.

Lori stated that in the business world a project such as this would be client driven and that it would be based on what one could afford and if they could not afford something then an alternative would be used. She stated that vertical granite curbing drives up the cost by more than twice.

Jim Salvie stated as an attorney when he gives people advice, they have the option to either adhere by the advice or not.

Lenny Golder stated that the question really comes down to a cost/risk analysis.

Karen Kelleher suggested the sub-committee and Planning Board discuss this issue with Mike, Sue, and Bruce.

Steve Quinn asked Bruce if there was ever an instance where vertical curbing was an absolute must.

Bruce stated that it would be a definite consideration if there were a retaining wall. He stated that vertical asphalt could be used if it is backed up by another material. Bruce stated that granite is generally used on curves where the radius is a potential problem, but on long stretches you would find asphalt.

Jim Salvie stated that although he was unsure of the speed limits on Rt. 117 in Sudbury, the road is a lot curvier and probably gets more traffic than Stow and there is no granite curbing and he did not think it was 5ft from the edge of the road way.

Bruce stated that Ducharme and Dillis engineers, who constructed sidewalks in Bolton, had used cape cod berm with sidewalk behind it. Bruce said he spoke with the engineer who had the same feelings that Sue had but his firm still created the plans for the Town how they wanted them.

Karen questioned if the conditions were the same as on Rt. 117 in Stow (Speed, width of road etc).

Steve Quinn stated that if they are potentially considering Bruce as a project manager they may want to include him in on the conversations with Sue and Mike.

Lori Clark stated that another issue the PWPC had was the crosswalk at Hudson Road. She stated that the stop line is after the crosswalk. She noted that Mike and Sue were okay with this plan but it did not seem right to the PWPC.

Karen suggested maybe having two stop lines one in front and one behind.

Bruce Fletcher stated that he looked at this plan and noted there did not seem to be any other way to design it.

Lori suggested they consider some type of warning sign or indication for drivers.

She also noted that Sue researched pricing for solar powered crosswalk signs at the Harvard Road crosswalk. She said they would cost approximately \$10,000 per sign.

Kathleen asked if the PWPC envisioned the money coming from the sidewalk fund.

Steve Quinn questioned if there were grants for this type of sign.

Kathleen stated that she would prefer asphalt curbing because of the cost of granite, but understands Sue's dilemma because of her professional standing.

Lenny Golder asked if the PWPC decided if these would be three season or four season walkways.

Lori reminded him that plowing the walkways and walkway maintenance is an existing issue. She noted that the PWPC would do some research into pricing for Phase II but will not be taking this on as part of their charge. She noted the Board of Selectmen and Planning Board should work together on this issue.

Bruce Fletcher stated that Mike Clayton is working on a cost estimate for snow removal.

Jim Salvie said that he requested Mike research this information for the Pedestrian Walkway Sub-Committee as they are starting to look into it. He stated that they are going to try to get this issue on the consent calendar for next year.

Lori stated that Mike had a few minor drainage modifications but has not discussed them with the PWP yet, they will be meeting next Thursday.

Special Permit Modification for Bose

Lenny Golder recused himself as he is an abutter.

Karen reported that she drafted the modification and the Town Counsel reviewed it. The Board reviewed the modification and signed the document.

Solar Farms

Karen stated that they would need to discuss this at an upcoming meeting.

Linda Hathaway stated that Canton had leased town property to a solar company is and generating revenue as well as powering their town buildings.

Executive Session

Kathleen Willis motioned to enter into executive session for the purpose of discussing on going litigation concerning Meadowbrook Estates and to adjourn at the conclusion. The motion was carried by a unanimous roll call vote (Kathleen Willis, Steve Quinn, Lenny Golder, Lori Clark).

The meeting adjourned at 9:38 PM.

Respectfully Submitted,
Kristen Domurad
Administrative Assistant