

## **TOWN OF STOW PLANNING BOARD**

Minutes of the March 15, 2011 Planning Board Meeting.

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

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

### **MINUTES**

*Kathleen Willis moved to approve the minutes of the March 1, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of five in favor (Kathleen Willis, Lenny Golder, Ernie Dodd, Steve Quinn and Lori Clark).*

*Kathleen Willis moved to approve the executive session minutes of the March 1, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of five in favor (Kathleen Willis, Lenny Golder, Ernie Dodd, Steve Quinn and Lori Clark).*

### **CORRESPONDENCE**

No correspondence was reviewed at this time.

### **PUBLIC INPUT**

No public input at this time.

### **PLANNING BOARD MEMBERS' UPDATES**

#### **Community Preservation Committee (CPC)**

Kathleen Willis reported on the CPC meeting. The Stow Elderly Housing Corporation attended to discuss the Plantation Apartments II Decision. Kathleen stated that the Stow Elderly Housing Corporation agreed that the Decision did not coincide with the warrant article passed at Town Meeting. She stated that they would be coming back to a future town meeting to modify the wording of the warrant article, so that it reads that a portion of the property will be sold. Kathleen also noted that the CPC reminded the Stow Elderly Housing Corporation that they should be upfront with their investors about needing the affordability restriction in perpetuity.

#### **Elementary School Building Committee (ESBC)**

Steve Quinn reported on the ESBC meeting. He stated that they met last night and took a tour of the school building site. Steve stated that the site was extremely muddy and that there were some issues with the fire cisterns and erosion control. He noted that the cisterns were pumping out silty water. They will be going before the Conservation Commission to make modifications to address these issues.

Steve noted that the steel fram is up and they were able to walk in to what will be the future rooms.

### **Other**

#### **Garden Club**

Kathleen Willis noted that the Garden Club presented the Stow RECESS group a \$2,000 check for native and non-invasive landscaping.

### **COORDINATOR'S REPORT**

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

#### **Star Tower/T-Mobile**

Ernie Dodd asked if Star Tower submitted a warrant article.

Karen stated that the Selectmen's Office had received a Citizen's petition article. It was surprising to see that the property owner did not file the petition. She noted that she has not seen petition signature list.

#### **Crow Island**

Karen reported that a Maynard resident inquired about renting canoes and kayaks off the Crow Island property. She stated that he did not intend to build any structures, but only to rent the boats out in the open. She informed him that she would check with the Board about modifying the Special Permit. She spoke with Pat Perry Conservation Commission Coordinator who will check into any necessary Conservation and state permits.

The Board will look into the prior Crow Island Special Permit and discuss a possible modification at an upcoming meeting.

#### **Ridgewood at Stow**

Karen reported that Harry Blackey and Bill Roop had worked out an arrangement with Minute Man Realty on the property where Ridgewood is to be located, and that the property will not be going to auction.

Harry Blackey requested a meeting with the Planning Board to discuss a subdivision plan and the small house lot adjacent to the development.

#### **Lower Village Planning Effort**

Karen reported that she worked with Mike Clayton and Coler and Colentionio on the letter requesting Chapter 90 funds. A draft copy is included in tonight's packet.

#### **Trefry Lane**

Karen reported that the Town's status report had been submitted.

#### **Golf Course Water Monitoring**

Karen stated that Jay Billings had put together a Power Point presentation and would like to attend a meeting to discuss his findings/suggestions. Jack Wallace, Health Inspector, suggested inviting the golf course owners.

#### **Capital Planning Committee**

Karen stated that the Capital Planning Committee would like a Planning Board member to attend their meeting on March 24, 2011 to discuss their request for funding of the Lower Village design alternatives. They also said they could discuss the allocation of Pedestrian Walkway funds. Lori and Steve noted that they could attend.

## **DISCUSSION/ACTION ITEMS**

### **Highgrove Estates Continued Public Hearing**

Steve Quinn opened the Public Hearing Continuance at 7:30PM.

Karen Kelleher reported on the meeting held last week with Planning Board members Steve Quinn and Ernie Dodd, Fire Dept., Rich Harrington, and Pat Perry of Conservation Commission.

At the meeting the Fire Department requested and Stamsky and McNary agreed to the following;

- Cistern to be located in the cul-de-sac to be located to the side of the island for easier access. They also requested that the Homeowner's Association be responsible for keeping access clear of snow.
- They are also concerned that the Street numbers be visible at the entrance of the common drive and that the numbers start after 324.
- They are okay with the 12' driveway width but there should be enough room in the shoulders to accommodate snow.

Rich Harrington explained that they met with the Conservation Commission and agreed to providing easement areas at the back of the site abutting the Conservation Land and the area along the back of the Acton lots in order to maintain a wildlife corridor.

He also noted that the Applicant is willing to work with the Highway Department to improve the drainage system in West Acton Road.

Rich Harrington asked for any additional information from the Police Department.

Karen passed Rich a copy of Police Department comments, which were stated in the previous Decision.

Rich Harrington stated that they are meeting the drainage standards required by the Town and this was confirmed by the Planning Board's consulting engineer.

The video submitted by Bob Flynn of the March 15, 2010 storm and water run off was played and Rich Harrington explained the direction and source of water at the different points of the video.

Resident Jonathan Duprey then provided a CD with images showing additional areas where the video left off, which were displayed at the meeting.

Rich stated that both drainage problems depicted on the DVD and CD are pre-existing conditions, independent of the project.

He noted that if the property owners are willing to provide easements and the town is willing to work with Jim Fenton then they are willing to provide drainage structures free of charge and to assist the Highway Department to improve the West Acton Road Drainage system.

Resident Jonathan Duprey of 3 Canterbury Road stated that he spoke with the Mike Clayton back in 2005 and the Town did help them dig the berm, but they could not go further because of the potential of destroying the root structure of some large trees. Jonathan Duprey stated that an alternative would be to take the three basins and disconnect them from the culvert and connect them down towards West Acton Road to keep the water on the same side of the road and to eventually lead to the wetlands.

Steve noted that these problems are from preexisting issues, not related to the proposed subdivision, but stated that the Planning Board should take initiative in bringing the issues up with the Highway Department.

Ernie stated that the easiest remedy might be to take the water that is pooling on Jonathan Duprey's property and make a pathway to the wetlands.

Rich stated that if an easement is granted, the Town and Jim Fenton would be able to some drainage work. He noted that the piping cost would be incurred by the Town and the applicant would provide the two physical drainage structures and that Jim Fenton will help the Highway Department install the system.

Rich stated again that the Highgrove Estates project would not increase the flow or change the drainage pattern. He noted that they couldn't connect the drainage system to Acton because they have to match the existing water flow pattern.

Kathleen Willis asked Rich Harrington if they had gone in front of the Acton Planning Board. Rich stated that the lots in Acton are ANR lots, which were submitted, but are on hold until they complete the process with Stow.

Kathleen stated that the water going into the wetlands in Acton should be remedied.

Jim Fenton stated that since the March 14, 2010 video, Acton has upgraded their drainage systems in this area.

Kathleen stated that unless the water gets to the wetlands they would continue to have ponding.

Rich Harrington stated that water flows across some lawns and that the way it is flowing is a direct channel, which is similar to what is provided on some of their proposed lots as well. He noted that the right now they have a natural drainage system, the water is flowing downhill towards the wetlands.

Jonathan Duprey stated that the basin is not a natural flow structure, and that the major flow issue is from the French property which is being directed to flow into 3 different basins instead of going across the road when the wetlands would only be about 40ft. away.

Steve Quinn asked what was at the end of Canterbury Lane.  
Jonathan replied that wetlands are at the end.

Steve Quinn asked if this new development and the drainage structure, being installed would control the water coming off the hill.

Rich Harrington said that the water would be controlled in a better manner; the water will be directed to basins, which will slow it down. He stated that the French lot where water is currently cascading off will probably experience less water, but the homes below will experience the same conditions or possibly better.

Resident John French of 310 West Acton Road stated that the water that is along the edge of the road is coming through an aquifer that is supporting his well and others, he noted that there is ledge all along that road.

Ernie stated that the water is coming from the top of the hill.

Rich Harrington stated that this would happen every spring as it always has, but now the water will be directed toward the catch basin to get the water off the road. He said again that they have met all the requirements along the property line and have agreed to helping the Town remedy their existing drainage problems in this area.

Rich stated that they also met with the Conservation Commission who had concerns about protecting wetlands and a wildlife corridor. They agreed to install granite markers to denote the wetlands and woodlands with granite posts, which will be protected, and that this will be included in the deed. (Rich displayed the restricted areas that will stay woodlands, refer to sketch plan dated March 1, 2011.)

In addition Rich stated the applicant is willing to also provide restrictions in the land behind the Kern and French property.

Rich stated that the property owners would own the restricted areas but they would not be allowed to build or do anything in them, allowing further reassurance that the woodlands would not be touch.

Kathleen Willis asked if there was at least a 40ft. setback for the building envelope.

Rich stated that they meet all the requirements of the Hammerhead Lot Special permits, which includes the 40ft setback. He stated that one is an ANR lot.

(Rich handed Karen Kelleher two copies of the updated plans showing the protected land and a letter stating the agreements that were made at both the Conservation Commission meeting and meeting with the Fire Department.)

Kathleen asked Rich to speak about the amount of space at the bottom of the road to allow for vehicle parking (parents waiting for school buses in their cars) as the Police Chief requested in a previous Decision on this site.

Rich Harrington stated that this proposal is only for five homes off the common drive as opposed to the previous proposed 19-lot subdivision. In his experience, he stated, there is likely to be one or two cars waiting at the end and that the pavement is widened at the end of the road and would allow for a car to park and for other cars to get by.

Kathleen Willis asked if they were proposing any streetlights.

Rich Harrington stated that they would most likely use the typical post light.

Kathleen stated that even post lights need to be full cut off lights and that they cannot install spot lights on the corner of houses because the Zoning Bylaw prohibits this. She stated that all lighting needs to be full cut off.

Rich stated that there are several dark sky friendly lighting options.

Jim Fenton said that this would not be a problem.

Kathleen asked for Rich to describe the snow storage plan.

Rich stated that the snow storage would be along both sides of the shoulders.

Kathleen stated that she was concerned with the circle that there would not be access to the fire cistern.

Rich explained that the cistern was placed on the circle where large snow piles would not likely be pushed and that the homeowners are responsible for keeping a clear access to the cistern.

Karen stated that the Town would not have any responsibility for the roads or keeping the cistern clear; It would be the responsibility of the Homeowner's Association. Ernie noted that the Fire Department would maintain the cistern.

Kathleen Willis asked if either Rich Harrington or Jim Fenton have been involved with a project where a lot of responsibility falls on the homeowner's association as is being proposed on this site.

Lori stated that typically the first homeowners understands and follows the responsibilities, but by the second homeowner this information tends to be lost.

Rich stated that he has designed and built private ways in Acton with Jim Fenton.

Jim stated that there have not been any problems that he knows of.

Lori asked what type of documentation would be written to ensure that the homeowners would be aware of their responsibilities.

Jim stated that since this development will include a common drive for each resident involved the maintenance of the drainage system and road ways they can include the information in the common driveway easement deed. He noted that everyone would see this in the deed.

Jonathan Duprey asked how the water would impact the culvert across the road if a 100-year storm were to happen.

Rich stated that the basins are designed to control a 100-year storm, as set by the Town's regulations.

Ernie Dodd stated that if the water overflows it would be directed to the basin.

Jonathan asked if there would be any safety measures across from the entrance of the proposed Highgrove Estates. He noted that ice is a problem in that area and right now there is a guard rail system but believed the rail should be continued further on that side of the road to prevent cars from sliding off the road to his house.

Rich stated that there is only about a 3-5% grade at the end of the road, but if there is a belief that a guardrail is necessary they would be willing to install one.

Jim Fenton stated that he believed metal guardrails, per new state requirements, must replace the wire rail.

Ernie stated that he believes the storm water management from the proposed development will improve some of the current drainage issues. He stated that if a 100-year storm occurs there would be problems all around town.

Kathleen stated that the state should change the storm water management regulations as global warming could increase the likelihood of a 100-year storm.

Steve Quinn stated that this is a much smaller subdivision than has been proposed in the past, water will be controlled, the abutters may see some improvements and the applicant is willing to assist the town with existing drainage problems.

Lenny Golder stated that by adding this development it will not add harm and they are offering to help the town, and maybe this situation will improve for the residents and the Town. Lenny said The Board would be careful in drafting a decision that includes conditions to address concerns stated during the Public Hearing.

Steve stated that regardless of the proposed development, the town should see what they could do to correct some of the drainage issues on West Acton Road.

Ernie Dodd stated that the town is restricted to a certain amount of money they can spend on private ways each year.

Ernie stated that with the previous submittal for 19 units, he stood his ground on the water issues, and the 40 B applications was a bigger problem. He stated that this proposal is the least invasive and a reasonable approach with minimal clearing.

Jonathan Duprey asked if residents could file to make Canterbury Land a public way.

Ernie noted that Kathleen went on a site inspection with the state agency in response to the proposed 40B development and they did not see the problems the site would have with a large development.

Kathleen Willis asked if they had an idea about the price of the homes.

Jim Fenton stated that the homes may go for \$650,00-\$700,000 but will depend on the market.

Steve Quinn asked for any new information or questions from abutters or Planning Board members.

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

The Planning Board will vote at their April 5<sup>th</sup> meeting.

## **PLANNING COORDINATOR'S REPORT CONTINUED**

### **Star Tower/T-Mobile**

Karen reported that she received notice of a petition filed by residents, requesting a change in the Wireless Service Overlay District to include the Wedgewood Country Club property.

Planning Board members asked if this would be considered spot zoning.

Karen stated that she did not believe so, as it is an overlay district land not an underlying zoning district.

Kathleen Willis asked for a copy of the petition and signatures.

Karen stated that she did not have the full copy of the petition with signatures.

Karen also reported that a citizen's petition was filed requesting that the stone building be saved, as well as a petition requesting a secret ballot for the school budget vote.

Kathleen Willis stated that the Board should be prepared to speak about their feelings towards the wireless petition.

Steve Quinn noted that there is an overlay district for a reason and that he gets cell reception in that area and has no problem. He stated that with new technology one would think the overlay district could shrink not grow.

Ernie Dodd referred to a past article he had passed out, discussing new wireless technology that only requires small antennas.

He noted that if the board were to support anything it should be for a restudy of the entire overlay district.

Lori noted that a study was conducted in the area where the extended Wireless Overlay District is being requested, and that the expert stated that the current district is sufficient enough to allow clear coverage in the area.

### **Coler and Colentionio**

Karen reported that Coler and Colentionio sent a final invoice for Phase I.

The Board agreed to approve payment as long as all milestones were hit in the contract.

### **Upcoming meetings**

The Board discussed their upcoming appointments and agenda items.



April 5<sup>th</sup>

- Appointment with Steve Dungan to address his letter to the Planning Board RE: Planning Board Responsibilities
- Discussion on possible Crow Island Special Permit Modification
- Vote on Highgrove Estates Decision
- Vote on Stow Community Park Decision

April 12<sup>th</sup>

- Public Hearing for proposal to amend the Wireless Overlay District
- Discussion of newly submitted Linear Retail sign

April 26<sup>th</sup>

- Lower Village Planning
- Appointment with Jay Billings to discuss Golf Course water monitoring
- Appointment with Harry Blackey and Bill Roop / Ridgewood LLC

### **PLANNING BOARD MEMBERS' UPDATES CONTINUED**

#### **Pedestrian Walkway Planning Sub-Committee (PWP)**

Lori Clark reported on PWP Committees meeting where Sue Carter, consulting engineer, Bruce Fletcher, Highway Department employee and Mike Clayton, Highway Superintendent also were in attendance.

Lori stated that Bruce Fletcher agreed to oversee the project bidding process and construction as an employee of the Highway Department, unless anyone objected the PWP Committee was going to accept his offer. She stated that this would allow the Town to figure out the most efficient way to get materials and piece out the work into phases.

The Planning Board would be paying Bruce's salary through the Highway Department rather than hiring an outside engineer.

Steve Quinn asked if he would have involvement on the vertical granite curbing decision.

Lori stated that the PWP Committee had a tough meeting and ultimately found out that the Town of Sudbury has a town engineer so they do not have to worry about having stamped plans, and because the PWP Committee and Planning Board chose to hire outside of the town they need to consider liability both for the town and the engineer.

Lori stated that there are Mass DOT guidelines that says roads under 45 MPH should be constructed with vertical granite curbing and that Sue was going along with these guidelines as well as her own subjective judgment that unless the sidewalk is 5ft or more from the pavement this is required.

Lori Clark stated that the sub-committee started going down the path of believing they could do add alternatives when going out to bid, which was originally suggested by Bill Wrigley. Then they got word from Jim Salvie who double checked with Bill and Town Counsel about the legality of this and were advised that the Town should not use add alternatives and should stay with the plan. She stated that Town Counsel and Jim Salvie believe that if the town was to build the sidewalks without the granite and something happened down the line, they would be liable.

Lori stated that they even talked about Sue not finishing the plans and hiring another engineer at this point, because it was coming down to a judgment call and her liability.

Lori stated that Bruce and Mike are now on the same page about not needing vertical granite in certain places and stated that they actually hate having it in some areas because it can damage vehicles and it is also makes it difficult for emergency vehicles to drive up onto the sidewalk.

Lenny Golder asked if there was still liability to Sue Carter if she adds a disclaimer.  
Lori stated that Sue was not willing to do that.

She said that they did eventually reach an agreement to change the plans somewhat, but it was certainly not as much of a compromise the PWP Sub-Committee would have liked. She said that everywhere else Towns are building sidewalks without granite curbing and the sub-committee is frustrated because there was no specific guideline that anyone could point to.

Ernie Dodd ask why Jim Salvie would still feel uncomfortable about going against the plan even though it was not written anywhere.

Lori stated that because they hired an expert to do the plans those are considered the guidelines.

Lori stated that they discuss two areas in town where walkways were built in the past few years and a lot of the area has vertical bituminous curbing.

Lori said that Sue told them if the sidewalk was 5ft. or more off the road then no curbing was needed. Lori said she personally was a little concerned about not having any curbing at all.

Brian Martinson asked if it would be possible for the Highway Department to just build the sidewalks or just tell Sue that they do not want a stamped plan.

Steve Quinn stated that he understood where Sue was coming from and not wanting to put her stamp on something she did not approve of.

Ernie Dodd stated that she is a professional engineer and has to follow what she believes is best.

Lori stated that they did agree to areas that are 2-5ft off the pavement to have sloped granite curbing instead of vertical granite curbing. She noted Bruce said it would be less expensive to install.

Lori stated that they did discuss some areas where they could pull the sidewalk back further, although the sub-committee did not want to because they wanted to build momentum and avoid moving fences, plantings etc.

She stated that Kris Wile will be calling the McApplines as their fence is located 6-8ft into the right of way and may need to be moved. She stated that the Town would have to build the sidewalks close to the road and use vertical granite curbing if they don't have the fence moved. The extra curbing would cost the town a significant amount of money.

Kathleen Willis asked why the Town should be responsible for moving the fence if the property owner installed it so far onto the Town's property.

Ernie Dodd said the Town should move the fence.

Lori noted that the house was being rented and is for sale. The property owners live in Boxborough.

Karen asked if Kris spoke with the property owner or the renter.

Lori stated that they had not talked to anyone yet but she is planning on calling them to have this conversation.

Kathleen questioned if Kris should be the one calling and if the call should be coming from someone in an authoritative position.

Kathleen asked if they were proposing to use money from the sidewalk fund to move the fence.

Kathleen asked if a building permit was necessary for the fence.

Lenny Golder asked what the cost would be to move the fence.

Lori stated she was unsure.

Members asked Karen to request the Building Inspector to call the owners and explain to them that the bylaw states fences need to be built 1 ft. off the property line.

Ernie Dodd agreed that Kris Wile should not be the person to call.

Lori stated that Sue is waiting to hear from the PWP on this final section.

Lori stated that the PWP Sub-Committee's big issue is still the cost of the granite and not being able to use something else. She stated that Sue is claiming that granite is visually safer and more of a barrier.

Lori explained that after Sue left their meeting the PWP Sub-Committee continued to talk about their issue with the granite curbing and then Jim Salvie had a conversation again with Bill Wrigley, Town Administrator, to ask about the add alternative during the bid process. They also wanted to know if they could pay someone to modify the plans.

Jim Salvie, Town Counsel, and the Town Administrator said that the Town should build to the plans Sue drew.

Karen Kelleher explained that they stated this because it would be a liability, if something happened. The Town would be at risk if it were found out that the Town did not follow the engineered plans.

Karen Kelleher stated that in the future they may be able to ask the highway department for sketch plans, but the Highway Department would need to build them because you need Engineered Plans to go out to bid.

Ernie Dodd suggested Bruce Fletcher make the plans.  
Karen stated that Bruce was not professional engineer.

Brian Martinson asked why it was necessary to have a stamped plan and suggested perhaps one option would be to hire another engineer who is willing to design plans within the Town's financial constraints.

Lenny stated that this would not be a good idea because the original plan from Sue is on record. Lori stated that the sub-committee discussed hiring another engineer to finish.

Lenny asked how much more it would cost to hire a new engineer to finish or create new plans. Lori said it probably would not be more than the granite curbing.

Lori stated that they were trying to gain consensus building and people in town don't want granite because it doesn't go along with the Town.

Karen Kelleher stated that because of all the discussion about the Plan, Bill Wrigley asked Craig Martin, Building Inspector and professional engineer, to look at the plans and make recommendations or comments.

Craig agreed with Sue's plans and in addition recommended vertical granite curbing in areas where she conceded to the PWP Sub-Committee to sloped granite. He also recommended that the McAlpine fence be moved outside the Right of Way.

Lori stated that she was unsure of what Sue's experience was with traffic engineering but that maybe they should have hired someone who did more work with traffic engineering as they may have not taken such a conservative route.

Steve Quinn noted that if someone hires you to put your stamp on the plan they have to do what they think covers themselves, they are not going to risk their stamp.

Lori Clark stated that she would be interested in asking Coler and Colentionio to look at the plans. Ernie Dodd stated that Sue's plans are already on file and on record.

Steve asked if the compromises mentioned were reached at the end of the meeting. Lori stated that what they got was not all-vertical granite; they got some sloped curbing in some areas.

Lenny asked what the total cost of the new compromised plan would be. Lori explained that they do not have an exact estimate but that the original plan would have eaten up all the money in the sidewalk fund and that the compromised plan is less, so they would have some money left over.

Some Planning Board members asked if they could have the Highway Department build the sidewalks.

Lori stated that the Highway Department would prefer we hire a 3<sup>rd</sup> party contractor to build sidewalks in the future.

Karen stated that it was a matter of staffing.

Ernie also noted that there is not enough equipment even if temporary staff was added.

Lori stated that the sub-committee wanted to know if the Planning Board had any additional concerns.

Lori asked if they are going to create a bid package in sections, separate costs for each, do they need to have a consensus of the Board to either include or not include the section between Town Hall and Town Building.

All Board members said that they should wait on the section between Town Hall and Town Building.

Karen noted that they have the plans so they can proceed with construction in the future.

Steve asked if the only place in town where they would need granite curbing is on Route 117.

Lori stated that part of Sue's judgment was based on the 40 MPH speed limit.

Karen said that Sue noted her judgment was also based on the history of some fatalities on Rt. 117 and that Rt. 117 is a heavily traveled road.

Lori stated that the Sub-Committee is frustrated and does not understand why other towns are able to build sidewalks without vertical granite curbing.

Lenny stated that he believed the Board has two options, to go with the plans they have or get another engineer to create new plans.

Steve Quinn stated that seeking out another engineer could look like the Board is looking for plans they want and it would be similar to saying that you don't like your fire safety plan so you go for an engineer who gives you a plan you like.

Lenny Golder suggested putting their current plan, with the compromises, out to bid and if it is financially feasible then to do it.

Kathleen asked if they have to now follow the Building Inspectors suggestions.

Lenny asked if they had to follow what Craig suggested seeing as it wasn't in writing.

Karen reminded them that she does have the suggestions from Craig on public record.

Lenny said that it seems the way to go was with the compromised plan as agreed to at the PWP meeting.

Lori stated that they would end up paying a lot more than they anticipated and more than what other towns have spent.

Lenny asked if they anticipated constructing more sidewalks in town.

Lori stated that the cost for the sidewalks on Great Road would far surpass what Sudbury paid.

Ernie stated that the Board should have developers build the sidewalks.  
Steve noted that they might need to change the cost per sq. foot.

Lori stated that they would talk to Craig about moving the fence.

Steve noted that they have two professional engineers, two lawyers and the Town Administrator telling them they need to follow the plan Sue created.

Brian Martinson stated that it is not an official plan until it is accepted and he doesn't agree that the paper trail acquired so far would lead to an increased liability to the Town.

Lori stated that another idea was to ask Sue to not finish the plans.

Kathleen stated that the Board should be careful to not damage their relationship with Sue Carter as she is the Planning Board's consulting engineer and does a good job.  
Steve agreed.

Lori agreed with Kathleen but noted that this process has already put a strain on the relationship.

Brian stated that he did not believe the Town is required to accept the plans and noted also that some sidewalks are better than none at all.

Steve agreed but noted there are liability issues to take into consideration.

Lenny stated that if the Town builds sidewalks they are essentially inviting people to walk on them, saying its safe to walk here, as opposed to not having sidewalks at all.

Brian stated that now-a-days people could sue for anything, but in this instance it would be unlikely.

Lori Clark reminded the Board of Jim Salvie's analogy of giving legal advice, if people cant afford to do something that he advises, he gives them alternatives.

Karen noted that it is very different when dealing with municipal government.

Ernie suggested putting in the sidewalks and then adding in granite later.

Lenny stated that this would not be a good idea because then they would not be built to plan or built safely as it would be half a plan.

Ernie stated that it would be safer than walking in the road.

Brian agreed and said that people walk in the street all the time and that the Town maybe unintentionally encouraging it by having roads.

Lenny stated that the Town is not currently encouraging or telling people it is safe to walk on the road.

Steve said that even if he doesn't think there is a liability to build the sidewalks without granite, at this point we have design plans that includes them and to build them without it would put the Town at risk.

Lori stated that in Sudbury the engineer is not liable because they are a Town Employee, the Town would be, but noted that Bruce said the Town's liability is very limited.

Brian asked why we would be interested in paying for a stamp that perhaps we don't want.

Karen noted that they could always put these plans in their back pocket and start on another location in Town that would not require granite curbing.

Steve asked if they could use some of the funds for sidewalks in Lower Village.

Lenny stated one possibility is the Town not go along with the Plans and to do a risk/cost analysis.

Karen reminded them that Town Counsel and Bill said that the risk was too great.

Ernie stated that maybe this is the only area they will end up building sidewalks if we blow all the money then its over and we will have to wait until the account is built up by future developments.

Steve asked if the intent was to go out to bid with two sections.

Lori said yes and that they will leave the section by Town Hall and Town Common out of the bid.

Lori noted for the future she would like to see walkways from West Acton Road to Crescent Street and up to Boxborough Road if there is enough shoulder.

Steve asked if there was sidewalk on the street near Pilot Grove.

Ernie stated that a section that is needed is where the old school house was, around the curb to Pilot Grove Apartments and to then continue to Boxborough Road and up to Packard Road.

Lori noted that Wedgewood Country Club still owes sidewalks.

Lenny asked what the consensus of the Board was about the sidewalk plan.

Karen asked about the Building Commissioner's additional recommendations.

Ernie stated that he did not think it would be necessary to add those into Sue's plan.

Karen asked if Sue should go forward with the compromised plan as agreed to at the PWP meeting and wait for the decision to move the fence (#7).

Planning Board members agreed that the fence should be removed.

Lori stated that they were not going to pose it as a question.

Ernie Dodd noted that the property owner has no choice.

Kathleen stated that it is the financial responsibility of the property owner.  
Karen stated that she would notify Craig Martin about the fence.

Karen asked if Sue should construct the final plans assuming the fence will be gone.  
The Planning Board said yes.

### **Stow Community Park Special Permit Modification**

The Planning Board decided to put off their vote on the modification until their next meeting.

Kathleen Willis read the comments from the Light Pollution Study Sub-Committee;  
She stated that the Lighting Committee would give a pass on the temporary skating lights.  
Kathleen said that Mike Busch would go back out to the park and point the security lights downward and notify the Lighting Committee when he has done so. The Lighting Committee will then go down to the park after dark and inspect the lights, if they do not meet the bylaw they will have to be replaced.

Ernie stated that the lumen output would probably be too high.  
Steve stated that the parcel is so large it would be difficult to surpass the lumen output limit.  
Ernie noted that it is town owned land.  
Kathleen stated that there are about 6- 6 ½ acres.

After the Light Pollution Study Sub-Committee inspects the lighting they will make a recommendation to the Planning Board for the decision.

### **Solar Farms**

Karen stated that she is working on a draft bylaw incorporating the state's model bylaw and other towns that have special permit regulations.

The meeting was adjourned at 10:22PM

Respectfully Submitted,

Kristen Domurad  
Administrative Assistant