

**TOWN OF STOW
PLANNING BOARD**

Minutes of the April 12, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Lori Clark, and Ernest Dodd
Absent: Kathleen Willis
Associate Member: Brian Martinson

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

MINUTES

March 29, 2011 Meeting - IEP Wetlands Re-digitization

Planning board members discussed their meeting with Rob Rogers of Aerial Survey who digitized the IEP Wetlands map and Floodplain maps for the Planning Board.

Lori stated that the Board decided that the purpose was not to change the Wetlands/Floodplain Overlay District, but just to get a more accurate representation. Rob Rogers explained to them that the IEP map scale was different and did not line up with the town line map when it was digitized therefore did not translate well. The Board decided that the zoning bylaw could just reference the actual IEP map instead of creating something new in digital form.

Karen asked if they discussed the option of doing away with the wetlands map from the overlay district.

Lori stated that they did discuss this but didn't want to change the bylaw. She said they could use it as a starting point.

Kristen Domurad asked if they would want to put a note in the bylaws that the IEP map is for planning purposes only and not to have it as an end all be all for the overlay district.

Lori stated that Ingeborg had mentioned some important reasons to keep the wetlands layer in the overlay district and the Board didn't feel comfortable completely getting rid of it.

Lori said they did not want to change the bylaw, so they could just leave out the IEP from the digitized map and just refer to the hard copy map.

Kristen noted that Ingeborg had stated at their meeting that it will be very difficult for the Planning Board and engineers to determine where the IEP Wetlands areas are located by using a hard copy version, as Rob Rogers was unable to digitize correctly because the scales were off.

Steve Quinn noted that it ultimately comes down to what is on the ground.

Lori stated that there was a definite reason as to why Ingeborg wanted to keep the IEP Wetlands Layer in the overlay district. She noted that Ingeborg had worked with the person who created the IEP Study.

Kristen noted that her reason was to add another layer of protection.

Karen stated that after looking at the digitized IEP map it was clear that it is not correct, as the digitized map shows homes built in areas now shown as wetlands and areas that were previously protected are now outside the overlay district. She questioned if the Board should just keep the existing IEP digitization.

Steve stated that it is tough to use that map to interpret what is on the ground, and that maybe they could just use the map as a guide.

Karen reminded them that the overlay district is different than the Conservation Commission determining actual wetlands and that the overlay district's restrictions are separate from their determinations.

Kristen questioned if it would be fair to have a Wetlands overlay district that put restrictions on private land where wetlands did not actually exist.

Lori stated that the Board felt that there was a means for owners to dispute the map by going to the Zoning Board of Appeal.

Karen reminded the Board they would need to present the new digitized maps at town meeting.

The Board decided they would present the IEP Wetlands section separate from the Floodplain section and put on separate reduced hard copies.

Karen noted concern that it will be difficult for the Planning Department and Building Department to determine if a parcel is in the Wetlands Overlay District as the hard copy IEP map is difficult to relate to actual parcels.

Lori Clark moved to accept the minutes of the March 29, 2011 Planning Board meeting. The motion was seconded by Lenny Golder and carried a vote of three in favor (Steve Quinn, Lori Clark and Lenny Golder).

The Board will review the minutes of April 5, 2011 at their next meeting.

PLANNING BOARD MEMBERS' UPDATES

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Lenny Golder stated that he saw Representative Kate Hogan, who indicated to him that she opposes the CLURPA bill as all four of the towns she represents opposes it.

Karen stated that Representative Hogan was unable to attend the meeting tonight, but that she has also voiced her support for the Planning Board's position on the proposed legislation.

Pedestrian Walkway Planning Sub-Committee

Lori Clark stated that the McAlpines had contacted the Planning Office.

Karen Kelleher stated that Heidi Glover-McAlpine requested a copy of the Great Road layout to give to her attorney. A copy was mailed to her. She also came in this week and stated that the building inspector did not require her to obtain a building permit to reconstruct her fence as the height did not warrant a permit. Karen informed her that she would need to seek a permit from the Highway Department if she wished to construct the fence within the Town's Right-of-way. Karen also informed her that Bruce Fletcher would be in contact with her to coordinate the tree and fence removal.

Karen stated that a hold harmless draft document was forwarded to the Sub-Committee.

Lori stated that they are finishing up the draft and will try to have Mrs. Glover-McAlpine sign it.

Lori stated that Bruce Fletcher confirmed with the fence company that the town will be saving the McAlpines some money by dismantling the fence for them, but it's the McAlpine's choice if they want the town to do this or not.

COORDINATOR'S REPORT

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

Karen reported that Kathleen was unable to attend tonight's meeting but forwarded comments on the agenda topics for this evening.

Karen noted Upcoming events/deadlines for Town Meeting:

April 27th

7:30 p.m. Stow Town Official Work Session

12:00 p.m. Power Point Presentations due to Town Clerk

Solar Bylaw

Karen reported that she completed and forwarded a draft solar bylaw to Jon Witten with question about requiring Special Permits and if the Board should consider allowing by right uses in certain areas because Chapter 40A stated the use shall not be unreasonably regulated. Karen suggested that, if necessary the use could be allowed by-right in the Industrial District.

Lower Village Engineering

Karen reported that the request for Chapter 90 funds was denied, but that the Finance Committee and Capital Planning Committee support the Planning Boards capital request for Lower Village engineering funds.

Lori Clark volunteered to make the presentation for the Lower Village capital planning fund request at Town Meeting.

495/MetroWest Development Compact

Karen reported on a meeting with Joan Blaustein of Metropolitan Area Planning Council (MAPC) concerning the 495 MetroWest Development Compact. Selectman Laura Spear was also present.

She stated that MAPC is working on a regional map showing priority development areas and priority preservation areas. They identified areas that are protected by conservation restrictions/agricultural preservation restrictions/etc. and noted key parcels for protection/development. They told Joan, the Boards are focusing on Lower Village and the Gleasondale Mill and also noted they wish to take a look at zoning for golf courses.

Joan will forward a map for the Board to review and then would like to meet with the Planning Board in May.

MAGIC Meeting

Karen stated that the focus of the meeting was on transportation issues and TIP (Transportation Improvement Program). She stated that the information at the meeting indicated that projects need to be shovel-ready to get funding. She got the impression that the Board will need to seek funding elsewhere for design plans and will discuss this further with Coler & Colantonio.

APPOINTMENTS

Public Hearing- Wireless Service Overlay District

Petition to amend the overlay district to include 215 Harvard Road

Lenny Golder 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 (Steve Quinn, Lenny Golder, and Lori Clark).

Attorney Scott Lacy of Prince Lobel and Caleb Miller of Star Tower Company LLC presented their proposal.

Scott Lacy stated that Star Tower is proposing a bylaw amendment to include the property at 215 Harvard Road in the Wireless Service Overlay District. He stated T-Mobile couldn't fulfill their gap in coverage through the Town's existing overlay district. The applicant felt the existing overlay district did not provide a lot of coverage, and all this amendment would do is put this property in overlay district, they would still have to come back to Planning Board and comply with the requirements. He stated that by adding this site to the overlay district, it increases flexibility for boards.

Scott Lacy stated that the ZBA did not think they had the authority to grant the variance, because in Stow you cannot grant use variances, which is understandable because it is a State law, but there is also Federal law involved in this case. Scott stated that amending the overlay district would make it easier. He stated that, alternatively the litigation would just proceed and the judge would make a decision.

Lenny Golder asked if this would be considered spot zoning.

Scott Lacy stated that it would not be considered spot zoning because it is an overlay district and one can always add and subtract parcels within an overlay district. This was confirmed by Town Counsel.

Lenny Golder asked if this would set a precedent for other people to request their property to be added to the overlay district.

Scott stated that no precedent would be set, because each proposal would stand on it's own and in this case there is a lot of testimony and evidence that the carrier has. He stated that it would not set precedent if someone came forward with a request without comparable history and information.

Lenny Golder asked what the carrier had done for a study for the evidence. Scott Lacy stated that a coverage study was conducted and submitted in their application to the ZBA.

Steve Quinn asked if their study showed optimal spots where the company wanted their sites versus areas that are possible.

Scott Lacy stated that T-Mobile feels that the spot they submitted provides more coverage where as areas within the overlay district just overlaps coverage they already have, which would be redundant.

Lori stated that it doesn't mean that you can't get the same coverage in the current overlay district through other measures.

Scott Lacy stated that the applicant says multiple sites would not provide enough coverage and adding this parcel would make it easier and that is what the litigation is about.

He then showed some of the images from Star Tower's coverage study.

Lori Clark stated that the ZBA hired a third party consultant, David Maxim, to offer an objective opinion with a coverage study. They found that there were other alternatives available and that it was not necessary to have the tower placed outside the overlay district.

Scott stated that they are not discounting David Maxim's report, and that the report did not say there weren't any problems in coverage within the Town of Stow, but they do disagree with some parts of their study.

Karen Kelleher asked if this parcel were added to the overlay district if the applicants would still apply for a special permit for the same configurations, which include the variances needed from the ZBA from height and setback requirements.

Scott stated that they would still need to apply for height and setback variances.

Resident Janet Moffat of 185 Harvard Road asked if the applicant could place the cell tower further into the 215 Harvard Road property if the parcel was rezoned into the overlay district because the current proposed location is very close to residential homes and they are concerned with resale value.

Scott stated that if the property is included in the overlay district a cell tower could be placed anywhere on the site.

A Planning Board member asked if the proposal would be the same.

Scott stated that they would submit the same proposal.

Karen Kelleher stated that copies of the 3rd party consultant's coverage study could be made available. She stated that David Maxim's findings were not in full agreement with what the applicant's study proposed, and his study stated other options within the overlay and bylaw were available.

Lori stated that the ZBA rejected the application and now Star Tower has submitted a warrant article for Town Meeting, to amend the Wireless Service Overlay District to include property at 215 Harvard Road. She stated the Planning Board is required to hold a public hearing and will make a recommendation

Karen noted the Planning Board is required to make a recommendation and the warrant article will require a 2/3rds vote at Town Meeting.

Lori noted that the applicant is pursuing different options and will continue with their lawsuit if they do not get approval at Town Meeting.

Lenny Golder asked if people with cell phones tested the area to see if they get a signal.

Attorney Scott Lacy stated that there is a methodology to test for coverage strength and David Maxim, the third party consultant, used the same method as their consultant.

Steve Quinn noted that he plays golf at Wedgewood Pines Country Club and always gets a clear cell signal. He asked how other cell companies have been able to achieve coverage within the overlay district for that area and why they weren't able to.

Attorney Lacy stated that other companies have tower locations possibly in another town or a higher tower. He stated that the reason the FCC has declared a ruling is that each carrier stands on their own, it just matters what that carrier has the ability for.

Lenny Golder asked how the court determines appropriate coverage.

Attorney Lacy stated that there is no hard number, and the court system has a lot of different facts to evaluate but there is no specific number only the end user's reasonable expectation.

Steve Quinn stated that if a judge found that 5 carriers were able to accomplish clear coverage within the Town's overlay district but one could not, would they not ask if there was other ways they could try to make it work?

Attorney Lacy stated that this is what the lawsuit is about, it will increase the flexibility for the Town if they approve the proposed amendment to the overlay district.

Steve Quinn noted it would be much simpler for the Applicant if the proposal were passed by Town Meeting rather than the company pursuing the lawsuit.

Attorney Lacy stated that all they were just asking for the parcel to be included in the overlay district.

Lenny Golder moved to close the public hearing for the petition to amend the Wireless Service Overlay District. The motion was seconded by Lori Clark and carried a vote of three in favor (Lenny Golder, Lori Clark and Steve Quinn).

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Senator Jamie Eldridge met with the Board to discuss their concern about the proposed CLURPA legislation.

Senator Eldridge stated that he has re-filed the Bill with Representative Stephen Kulik. He noted that when the Planning Board offered their comments last year the bill had been reported out of committee and they had made the decision of going forward with the bill and re-file it in the same form.

He updated the Board on the current status of the bill; CLURPA was filed as well as LUPA (Land Use Partnership Act) by a different senator, which is all going to the Regional and Municipal Government hearing on May 18th. He stated that the Smart Growth Coalition, Massachusetts Planners Association, CHAPA and MAPC all weighed in with their comments. He stated that he is no longer the senate chair for this bill, but the bill has gained a lot of momentum and is being heard early.

Senator Eldridge also noted that Mass Public Health has endorsed this bill as one of their top five interests.

Senator Eldridge stated that he would be happy to go through the Board's concerns.

Steve Quinn noted that Planning Board Member Ernie Dodd has spent a considerable amount of time reviewing the bill and may arrive late for this discussion.

Steve stated that specifically for a small town like Stow, that lacks infrastructure, this bill does not fit well. He stated that the bill makes it impossible for the Town to gain opt-in status, at no fault of their own.

Karen Kelleher noted that it appears Stow is actually penalized due to of lack infrastructure.

Lori Clark stated that it is highly unlikely that the Town could ever become an opt-in community, therefore reforming Chapter 40A to CLURPA really provides no benefit to the Town of Stow.

Senator Eldridge stated that most of the reforms are statewide. He cited proposed reforms such as eliminating ANR (Approval Not Required), Transferable Development Rights, and Development Impact Fees. He noted there are certainly added benefits to being an opt-in community.

Board members stated that their concern is that the ability to opt-in more should be more practical for towns with no infrastructure, such as Stow.

Senator Eldridge stated that a majority of the authors of CLURPA are from small western Massachusetts towns and was curious as to why they did not share these same concerns.

Kristen Domurad asked him if these were small towns with or without public infrastructure.

Senator Eldridge stated that they were small towns without infrastructure; he stated that one was Wendall, MA. He also noted that the density for Towns without infrastructure is reduced to 2 units per acre.

Steve Quinn stated that in Stow's situation, a requirement of "reduced to not less than 2 units per acre is too much of a burden. He stated that the Town has to follow Title 5 Septic requirements and legal well setbacks. Steve stated that 2 units per acre is difficult to achieve.

Senator Eldridge asked if this was true in every part of town.

Steve noted that there may be some small parts of town you could find where this could be achieved but overall the town has trouble with density building.

Karen Kelleher stated that the Town has actually had difficulty with cluster developments which allow a reduction in lot size to 20,000 sq. ft. . She stated that it is difficult to accommodate well and septic on a 20,000 sq. ft. lot and therefore the open space parcels are sometimes used for shared septic systems or leach fields.

Lenny Golder stated that Stow Farms was able to achieve a high density. Karen noted that Stow Farms has an open space parcel that was taken into consideration in sighting wells and septic systems.

Lenny stated that in general he was surprised that this legislation was generated by legislators from small towns, as it does not allow for towns to maintain a rural character. He stated that he would like to see more incentives for affordable housing and more opportunities for infrastructure and transportation.

Karen noted that it is not from a lack of trying. Stow has tried to coordinate a shuttle between the Acton Commuter rail and Stow, but it has been difficult to generate due to lack of funds and users.

Lenny Golder said he wished there was some aspect of the legislation that protects smaller residential homes and encourages rental units.

Karen noted there are incentives for rental units in Chapter 40B.

Senator Eldridge stated that Chapter 40R also gives extra aid for this type of development and asked if the Town has considered this.

Planning Board members reminded Senator Eldridge that they lack public water and sewer and public transportation which makes them ineligible for Chapter 40R.

Senator Eldridge stated that the Inclusionary Housing Bylaw, which is proposed in CLURPA will be helpful to towns.

Lori Clark stated that the Town has already adopted the Inclusionary Housing Bylaw. Lori noted that the Town has not done much to limit development, there just hasn't been a high demand for development.

She asked how the capacity target relates to what is truly the demand. Senator Eldridge stated that they cannot control the market but you can plan so there is capacity for the market, but that this is for the opt-in communities. He said that you could change zoning which makes it possible.

Lenny Golder stated that he understands and supports requiring diversity in housing, but in terms of a total target number, this has the potential to completely change the community extremely fast without gradual increase.

Senator Eldridge asked, in terms of infrastructure, what the town is looking for or needs in order to opt in.

Steve Quinn explained that the town needs public water and or sewer. He stated that right now the town is looking for a water source and supplier for the Lower Village Businesses because they are not able to expand and may not be able to stay there in the future without this. He stated that the entire town is strictly on independent wells and septic systems.

Senator Eldridge stated that he is on an infrastructure committee and they are looking into ways to get state revenue for towns that lack infrastructure.

Steve Quinn stated that CLURPA refers to aligning the Master Plan with the current Zoning Bylaws.

Senator Eldridge stated that all other New England states require the master plans be consistent with the Zoning Bylaws.

Lori stated that getting acceptance from Town Meeting on a Master Plan is highly unlikely, if at all possible.

Lenny Golder stated that the last Master Plan they tried to pass at Town Meeting was not approved. He said that the goals were accepted and Boards and Committees worked off those goals.

Senator Eldridge asked why the Board thought the Master Plan did not pass at town meeting.

Planning Board members explained that it is a huge document with several sections across a large spectrum. They noted that it is very difficult to get alignment on the entire document by all parties.

Lenny noted that in the past the Board slowly presented pieces of the master plan and were able to get zoning bylaws passed that way.

Lori noted that for small towns that are completely short of volunteers, it takes a long time to create a master plan.

She stated, in general this bill proposes changing the definition of what a master plan is. She said that the master plan is considered a long-term vision for the town, which sometimes is not in line with the current zoning. She stated that the goal is to move the current zoning towards what the master plan vision is. Lori said that requiring the master plan to be aligned with the current zoning bylaw gives the town no plan to look forward.

Senator Eldridge stated that towns could benefit from the master plan being aligned with the zoning bylaws. He stated that this bill would help small communities give a rebuttal to developers who try to go against the zoning bylaws because the master plan would back the towns up.

Lori noted the amount of time it takes to make a zoning bylaw change could be up to a year- for just one. She said that in order for towns to become an opt-in community towns will just dumb down their master plans, scrap the vision for the town, and create a master plan that is exactly what the status quo is—thus making the master plan meaningless.

Senator Eldridge stated that it could be possible that the document could be both how the town sees itself and where they want to go.

Lori said the way CLURPA currently reads, they must be consistent.

She noted that bylaws are detailed and a vision in a master plan is directional. She said it takes a lot to get consensus on exact details, if this bill passes with the current language a master plan will stop being a long-term vision and will be formulated with the sole purpose of getting passed by town meeting.

Senator Eldridge asked the Board for suggestions on improving the bill.

Lenny stated that requiring consistency between the zoning bylaws and master plan is the problem.

Lori stated that this should be revisited as well as the requirement for it to be passed at town meeting.

Senator Eldridge stated that the authors of the bill had a strong preference in making sure that the master plan is approved by town meeting as they are the residents and there would be a lot of push back.

Kara Minar member of the Harvard Planning Board stated that their town is just about to complete their updated master plan. She stated that they are a town of 26 square miles and what the bill proposes for a build-out capacity and what is possible is not aligned.

She stated that the town is basically cliff and clay and as an example, one resident with a 6-acre parcel had nowhere to perc for a well. She stated that this bill would be a disincentive and makes towns that can't opt in face penalties. Kara noted that towns that are not able to opt-in at no fault of their own will be shipping out tax dollars to other towns.

Kara stated that Harvard residents are very involved in the master planning effort and she still could never see everyone aligning on some of the provisions. She also agreed that the bill would make towns go backwards just to be able to opt-in.

She stated that their town had a drive-thru bylaw, and trying to pass that with a 2/3rds vote has been extremely difficult.

Karen Kelleher stated that Stow tried to pass an accessory apartment bylaw and this did not pass town meeting.

Kara stated that in reality the capacity goals would not work in practice. She said that this is due to geology and topography in Harvard. She also stated that there is value in town character and that this bill would make every town look alike.

Senator Eldridge said that in terms of housing capacity, that is just one part of the opt-in communities. He stated that there are statewide changes that are not a part of the opt-in like getting rid of ANRs, adding Inclusionary Housing. .

Kara stated that their town has a problem with water and sewer in their commercial district because there is not a lot of opportunity to pass perc tests.

Senator Eldridge stated that it would be the same thing to the Community Preservation Act for those towns that don't get the state match.

He also noted that most of the opt-in communities are embracing a lot of the housing aspects.

Kara explained that the capacity issue in the housing piece is the main problem.

Karen Kelleher explained that most 40B (Comprehensive Permit) Developments in Stow aren't able to achieve the density this bill requires opt-in communities to have due to the land area required to locate a well and septic.

Kristen Domurad noted the requirement for Master Plan and Zoning Bylaw consistency could create the potential for Town's to be vulnerable to a lawsuit if there in the event there might be even one inconsistency between the two plans.

Senator Eldridge asked if the current master plan does the same thing.

Lenny Golder explained that there is no current mandate to have the master plan a legally binding document.

Lori Clark stated that it does not seem that the legislative authors will achieve some of the goals they are hoping for with this bill.

[Ernie Dodd arrived at this point in the meeting.]

Ernie Dodd stated that the development impact fees portion would be beneficial, but it does not allow you to include the main things that actually impact a town such as schools and police.

Senator Eldridge stated that Chapter 40R provides extra funding for those aspects.

Karen Kelleher reminded him that Stow is not eligible for Chapter 40R because of the lack the infrastructure necessary to meet the density requirements.

Ernie Dodd stated that CLURPA is for the big towns not small towns, it hurts small towns and that even if the town wanted to charge for impact fees, they would have to conduct a comprehensive study, which they don't have the resources to do. Ernie suggested the state come up with standards for development impact fees.

Senator Eldridge stated that 11 million dollars of assistants to help towns become opt-in communities has been added to this law.

Lenny stated that maybe there should be a three tiered system or multiple tiers; one for small towns without infrastructure, one for small towns with infrastructure, and one for cities.

Kristen Domurad asked if Boston was included in CLURPA.

Senator Eldridge stated that they were not included because Boston is unique. He stated that CLURPA was geared towards towns.

Ernie Dodd stated that CLURPA does not give towns more power, there are some improvements but overall it takes away Home Rule. He stated that what we have now is better than what CLURPA proposes.

Ernie stated again that he did not understand why the committee couldn't see the small towns needs. He noted Stow has had industrial land on Rt. 117 and it has never been developed, Stow is not easy to get to from Rt. 495 and makes development difficult. He stated that the proposed legislation forces things on the town that does not apply here.

Lori reinforced that it is the lack of infrastructure not necessarily the size of the town—it's infrastructure.

Steve Quinn stated that they are grouping together all towns/cities to meet the same thresholds. He stated that a requirement may be achievable for Somerville but not even possible for Stow.

Lori Clark asked if Senator Eldridge thought there was a chance that some of these concerns could be worked out.

Senator Eldridge thought some of them could and that he would keep the Board up to date. He encouraged the Board members to attend the hearing and to testify. He noted that Developers and Real-estate groups do not support the law.

Board members thanked Senator Eldridge for his time.

Members agreed that it would be important to have a representative of the Board attend the public hearing on May 18th to read a statement of their concerns. Ernie Dodd and Steve Quinn offered to attend.

The Board will draft a letter for Ernie Dodd to read at the hearing.

DISCUSSION/ACTION ITEMS

Highway Department Request for Sidewalk Funds for Sudbury Road

Karen Kelleher explained that the Highway Department is requesting an additional \$11,000 to the amount the Board originally budgeted for in order to complete the Sudbury Road walkway. Most of the additional costs is for a guardrail.

Board members were concerned that this line item was not foreseen when the original funding request was submitted and they were caught off guard by it.

Lenny Golder moved to approve an additional \$1,843.00 to allow the Highway Department to complete the work needed on the retaining wall and sidewalk construction and to request that the Highway Department provide more detail on the guardrail specs as well as copies of the quotes for the guardrail before releasing additional funding. The motion was seconded by Ernie Dodd and carried a vote of four in favor (Lenny Golder, Ernie Dodd, Lori Clark and Steve Quinn).

Stow Community Park

The Board reviewed the draft decision modification for Stow Community Park. They agreed to change the language to better explain how the security motion sensor lights shall be adjusted.

The the lights shall be facing downward; instead of stating that they shall be placed horizontal.

Crow Island

Karen reported that Mr. Donahue does not have a clear plan for his proposed canoe and kayak rental business at Crow Island at this time and recommended that he meet with the Board to explain his vision and get some guidance from the Board. Members agreed.

Stow Shopping Center Planters

Karen Kelleher stated that she spoke with Kathleen Willis who was contacted by Roger Sturgis, the landscaper for the Linear Retail Shopping Center.

Kathleen relayed to Karen that Roger Sturgis has questions about the planters and asked if the planters were more important than the streetscape landscaping. She told him that her opinion is that both are just as important, but the Board should have input. Linear retail also suggested planter boxes not be placed in front of Ace Hardware, Shaw's or Red Ginger because they have items in front. Kathleen feels that planter boxes should be placed consistently throughout the plaza but the Board should also have input on this.

Karen stated that she and Kathleen looked back in the minutes and the decision and found that the Planning Board did not state any specific details (i.e. location, type or number of planters) in front of the building, just that there should be planters. Karen stated that she believes Roger Sturgis was looking for input and has not yet come up with a specific proposal..

Board members agreed that they should review a site plan of the shopping plaza to view where poles, door openings and trash cans are located in order to suggest a consistent evenly spaced out plan for the planters.

CORRESPONDENCE

Lori Clark requested the Board review the email sent from Marie Giles. Steve Quinn asked if the memo was sent to Craig Martin, Zoning Enforcement Officer. Karen stated that the memo was sent to Craig and the Planning Board was copied.

Brian noted that he spoke with Marie Giles about the issue and she told him she was disappointed that the Planning Board did not follow up on her original complaint and that the Town didn't have Mr. Presti clean up his site. He stated that he informed her she should send a letter to the Zoning Enforcement Officer, and to copy the Selectmen and Planning Board.

Karen stated that this would be the proper procedure, to send a zoning complaint to the Zoning Enforcement Officer.

Steve stated that he was under the impression the trailer was moved from her property and there were no longer issues, as they had not heard from her.

Ernie Dodd noted that she stated lights on Mr. Presti's property was a nuisance. Ernie stated that this should be taken care of, but the fence issue has been grandfathered.

Discussion/Vote on Public Hearing- Wireless Service Overlay District Petition to amend the overlay district to include 215 Harvard Road

Steve Quinn stated that the ZBA had hired an outside consultant and found that all alternatives had not been exhausted. He stated that the current overlay district was not set up randomly. Board members agreed.

Lenny Golder moved that the Planning Board recommend against adoption of Article 40, as sufficient alternatives are available within the existing Wireless Overlay district as indicated in a study conducted by an independent consultant and further that the bylaw allows cell towers with a maximum height of thirty-five feet (35") in any district outside the overlay district. The motion was seconded by Ernie Dodd and carried a vote of three in favor (Lenny Golder, Steve Quinn, and Lori Clark).

The meeting adjourned at 10:35p.m.
Respectfully Submitted,

Kristen Domurad
Administrative Assistant