

**TOWN OF STOW
PLANNING BOARD**

Minutes of the April 26, 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

The Meeting was called to order at 7:00 P.M.

MINUTES

April 5, 2011 – Members reviewed minute of the April 5, 2011 meeting, pages 1 through 7. The review will be continued at the next scheduled meeting.

GOLF COURSE WATER QUALITY MONITORING

Jay Billings of Northeast Geoscience, Inc., Board of Health Agent Jack Wallace and Board of Health Member Betty Cormier met with the Board. In 2010, the Board contracted the services of Jay Billings to advise the Planning Board on potential requirements for Water Quality Monitoring at Golf Courses.

Jay Billings outlined the project objective: to design a water quality monitoring program for existing golf courses in Stow and gave a PowerPoint presentation which outlined the project objectives and recommendations (attached).

Jay Billings reported that Jack Wallace provided turf product records from Butternut Farm Golf Club, Stow Acres Country Club, and Wedgewood Pines Golf Club. He reviewed these and also reviewed the surficial geology. He reviewed his findings with the Board;

- A lot of chemicals are not very old and there are no commercial ways to test them.
- Stow Acres Country Club and Butternut Farm were viewed as one set of geology as the surficial geological map indicates glacial outwash deposits, which can transmit high volumes of water and are good locations to locate wells.
- The surficial geological map indicates Wedgewood Pines lies mainly on glacial till, where permeability is low and where one would expect a higher rate of runoff.
- All Golf Courses are required to have licensed pesticide applicators who have continuing education requirements on product handling, storage and application with heavy emphasis on making sure chemicals are not applied at high rates. Because the chemicals are very expensive the Golf Courses try to practice integrated pest management to deal with specific needs. Reporting requirements document how much and what is used for.

Kathleen Willis question how the Department of Agriculture knows that the continuing education is done. Jay responded that the license must be renewed every two years and the applicators have to show proof of continuing education.

Jay also noted that what private homeowners use for their lawns is more worrisome to him, as you don't know what or how much is used.

- Not a lot of products are common to all three courses. DEP has a list of prohibited herbicides, pesticides and fungicides that are prohibited within a Zone II. Although the golf courses are not located in a Zone II, two of those products which are fungicides (Chlorothalonil 82.5% and Triconazole 19.2%) are currently being used on property located in the Water Resource Protection District. Groundwater Protection list of prohibited herbicides insecticides and fungicides in a watershed.

Karen Kelleher noted that the Golf Courses have privately operated public water supplies and questioned why those chemicals are not banned in their wellhead protection areas. Jay noted that DEP regulations only apply to zone 2 wells, which are typically municipal water supplies. He said that he would look at the whole town as a zone 2 but DEP does not.

It was noted that there are most likely alternative products because there are a lot of courses in zone II's.

Kathleen Willis noted it is scary because of all the residential wells. Jack Wallace said that is an alarmist approach. He doesn't think there is reason for alarm at this point. Brian Martinson agrees, he said it is unlikely there would be a hit, as most chemicals have no toxicity. He also noted that most are not being monitored by municipalities.

Lori Clark said that we should be concerned about the items on the ban list because the ban list exists for a reason. Steve noted that it was certainly not unreasonable to see if there are alternatives to the products included on the banned list. Jack Wallace agrees.

Lori Clark questioned if it is possible for Board of Health to adopt a regulation to ban the items on the state's list. Jay Billings agreed that it would be a good idea to prohibit the products listed on DEP's list of banned products. Other Towns have already done that. Jack Wallace agreed to bring it up with the Board of Health.

Jay Billings said the Town of Westford had a course where they were using a fungicide for snow mold, which showed up on their water testing. The Golf Course was told to modify their program by reducing the application rate and to continue monitoring.

- Jay Billings proposed doing testing in specific locations to see what comes up and then determine what do – potentially asking the Golf Courses to modify their program.

Brian Martinson asked Jay if there are any other chemical compounds he would recommend for monitoring. Jay said he reviewed the list of recommended tests and found there are established methods for testing the more persistent mobile chemicals. All are used by at least two courses. He recommends surface samples in August when there are low flows at Stow Acres and Butternut Farm and after a rain event at Wedgewood Pines. He recommended that it would be wise to talk to the Golf Courses in advance. It was suggested that if the golf course owners won't give permission for testing, then we could use homeowners wells. Jay responded that this would be indirect. If testing a homeowner's well, it would be best to test a down gradient shallow well.

Kathleen questioned who should collect the samples. Jack Wallace said he could do it but would rather not. He thinks a lab should do it. He also suggested that Jay Billings collect the samples.

Jack Wallace said we will need the property owners' permission and noted that he is disappointed they didn't appear this evening.

Ernie Dodd said the bottom line is we are concerned about groundwater. Brian questioned if sampling surface water was adequate to protect groundwater. Jay said it is an indirect way to sample the groundwater. He also noted that there are no drinking water standards to determine concern. If detected, we will then need to talk to golf course owner and get them thinking about practice and educate them about what is leaving the course. The chemicals are costly to use and the golf course owners won't want their drinking water contaminated.

Lori Clark suggested testing every five years if nothing shows up.

Jay Billings said all three courses should be tested the same and he doesn't think it is necessary to test Stow-a-Way Golf Course because they do not maintain the turf.

Jack Wallace offered to approach the owners and request permission to go on their property. He will explain that our intent is to be their ally and to help them. He will be visiting the golf courses over the next 2 months for food service inspections. He thinks it is a good idea for Jay to take the tests. It was noted that DEP checks the public water supplies but does not test for turf management chemicals. Jay Billings noted the cost for testing in all three locations would be approximately \$2,500.00. members discussed whether the testing could be funded by the Planning Board and/or the Board of Health. Betty Cormier recommended that the property owner pay. Kathleen agreed that it is not right for town to pay, as the Golf Courses are businesses. It was noted that this is all the more reason to have a ban on certain products, but we need a base line to know what we are dealing with. Hopeful it will be a non-issue.

Brian questioned what would prevent the Board of Health from adopting a guideline. Jack said we need a little more information before adopting a guideline or regulation. There may be other products to look at as well. Brian said the State list is a good start. Jack Wallace said he doesn't want to establish a guideline and then end up having to revise it. Ernie Dodd said it would be legitimate reasoning to have a ban on the products on DEP's list. Jack Wallace said he would like to see one round of data before considering a new regulation.

Steve Quinn said he wonders what chemicals the orchards use. It was agreed that the Board should first focus on the Golf Courses.

Jack Wallace said he will do the best he can to work with property owners, and noted that he is disappointed the owners didn't come to this meeting.

RIDGEWOOD AT STOW ACTIVE ADULT NEIGHBORHOOD (AAN)

Bill Roop and Harry Blackey met with the Board to provide a status report on the RidgeWood at Stow AAN.

Harry Blackey reported that the financial situation on the property has been resolved and therefore there will be no auction.

Harry Blackey noted an article in Globe about depressed housing market. They are hoping that the market will turn around soon so they can move forward with development. As previously discussed, they plan to submit a Subdivision Application to provide for some fee simple lots. Nothing else changes, they will only be drawing lot lines.

Harry Blackey noted that the existing home on Boxborough Road is zoned industrial. Although they have an option on this property, the sale of the property is important to the owners financing and therefore they can't wait for another year. Right now, the use could be residential or industrial. They do have the right to decline an industrial use, however once the grandfather protection goes away, which is a year from now, they won't have that right. There is still a possibility that this lot could possibly go to auction.

Harry noted that because the house lot is zoned industrial it is difficult to market. He is also concerned that someone might purchase the property for an industrial use, which would not be in keeping with the abutting AAN proposal. Harry noted that they had asked the Board to consider rezoning the house lot to residential. Ernie Dodd noted that it makes sense for this property to be rezoned. Karen Kelleher reminded the Board that when the property owner asked the Board to sponsor an article to rezone the property and the Board did not support the request due to concern that the AAN development may not get constructed and could then potentially be developed as industrial. Harry Blackey and Bill Roop noted that, regardless of what happens with the AAN Development, because the house lot is surrounded by residential lots the rezoning would still make sense.

Ernie Dodd noted that the existing house lot would be best used for affordable housing. Harry noted that the property is still on their list of possibilities to develop for affordable housing.

Kathleen said she would rather the property owner do the petition rather than the Board. Harry said it would be helpful to know the PB supports the rezoning before they consider bringing it to Town Meeting. Lenny Golder said he would like to first view the property before taking a position. Steve Quinn said personally he doesn't oppose rezoning to residential but he does not think the Board should support taking any industrial property off the table, especially if their development doesn't go forward. Harry Blackey noted that history suggests use for industrial is limited. Ernie said he would support a proposal to rezone to Residential.

Harry Blackey said the lot is grandfathered for residential use, however that grandfather protection expires in another year because the use is abandoned. The sale of the property is important to the owners' financing and therefore they can't wait for another year. Right now, the use could continue to be residential or industrial. They do have the right to decline an industrial use, however once the grandfathering protection goes away they won't have that right. There is still a possibility that this lot could even possibly go to auction.

LINEAR RETAIL

Gordon Whitman of Linear Retail met with the Board to discuss plans for new signage for the Stow Shopping Center. He explained that the concept is for a reduction in the size of the existing pylon sign from 153 sq. ft. to 129 sq. ft. They also added decorative trim to give softer edge with a less industrial look. In response to feedback from the Board, the sign will be relocated back away from intersection. Linear Retail feels that one giant sign with 18 names would be indecipherable. Therefore, they are proposing two pylon signs. From an economic standpoint, tenants need visibility to help them survive. Linear Retail's motives are upfront clear

that they are trying to get Planning Board approval, although the ultimate decision would be from the Zoning Board of Appeals. Planning Board approval would be a helpful endorsement. Past comments from the Board were directed at preserving the nature of community and not offending the environment.

Resident Daisy Dearborn submitted a copy of the plan with signatures from residents of Meeting House at Stow as an indication of their support for the proposed sign. She noted that they looked at the plan and discussed it. They support the proposed sign because they are all pro business. She noted it would be awful if Stow didn't have businesses.

Lori Clark agreed with Kathleen and noted that both signs are just under 130 sq. ft. and the existing pylon sign is 134 sq. ft. She also noted that it was the Planning Boards hope that the new signs would be in lieu of the Citizen's Bank sign. Gordon Whitman said the Citizen's Bank sign will remain, as a permit has been issued to Citizen's Bank. They will replace the exiting pylon sign and the existing Shaw's size.

Kathleen Willis noted that if you look at the outside dimensions of the proposed sign it is more like 224 sq. ft. per sign rather than 129 sq. ft. as shown on the plan. The dimensions for the existing pylon sign were based on the outside dimensions.

Lori Clark noted the decorative cap alone is about 64 sq. ft. Lenny Golder asked why they don't go with the previous design. Gordon Whitman said they wanted to make the sign look less industrial.

Ernie Dodd said it is clear that a variance is necessary. The Board needs to determine what we think is a reasonable size. Kathleen questioned if the proposed sign allows a slot for each tenant. Gordon Whitman said that a few might have to share a slot.

It was noted that the existing sign is truly 134 sq. ft. and the proposed sign is lower based on Planning Board input. Lenny Golder questioned if the sign could be a little lower. Gordon Whitman said the problem in making it lower is they need to provide a line of sight for cars and also account for snow banks.

Lori Clark said she appreciates that they made the sign lower, which was one of the Board's initial concerns. She would like to try to address the Board's concerns and meet needs of tenants. Ernie Dodd noted that it looks like the competition in Maynard that they were concerned with is no longer an issue. Gordon Whitman said there is still a concern because someone else could come forward. He said Stow has a lot of tenants that are struggling. He noted a letter in the newspaper that 14 tenants signed urging the Boards support. He hears grumbling from them that the Town wants our tax monies but don't want us to make money.

Daisy Dearborn noted that the Board doesn't understand businesses need visibility and a decision should be made. Ernie Dodd noted that it has been a long time because the Board has been waiting for a response from Linear Retail.

Brian Martinson said that to go from 134 sq. ft to 300 sq. ft to serve the same amount of tenants is excessive. Gordon Whitman asked if the Board feels the existing sign is effective. Brian Martinson said that the sign is not effective, but a new sign that size might be. Brian Martinson said a year ago the Planning Board made recommendations to Linear Retail indicating it would support a variance request for new signage under the following conditions:

1. The proposed pylon sign at the east access way shall not exceed the overall height and width of the existing sign and shall be moved further into the sight so that the outside post will begin in the location where the existing sign's inside post exists. Relocation of this sign will eliminate the sight line hazard and therefore, there will be no need for the sign to have a 6'± clearance.
2. The sign at the west entrance shall not exceed the size of the existing (Shaw's) sign. This sign need not be limited to Shaw's as long as the overall dimension does not change.
3. The Citizen's Bank sign, which has no permit, shall be removed.

The proposed signs are larger than existing plus there are two of them. When he drove Route 20 in Sudbury he noted there isn't a single pylon sign. Gordon Whitman noted that you can't compare Route 20 in Sudbury as it has 5,000-6,000 cars per day and Sudbury has a larger population. Stow is thin on population and low on traffic count therefore, it is a challenge to make it a viable working entity. Brian said he understands that to be true but questioned how having two very big signs would help, because there are still fewer cars. Gordon Whitman said the tenants in Stow are convenience services. That's why you need to grab drivers' attention as the drive by. Lenny Golder noted that people already know the stores exist. Gordon Whitman said he is talking about through traffic, not local traffic.

Lori Clark said she agrees the signs need to be large enough. She likes the design which has more character and a less industrial look. She doesn't argue that a 20 sq. ft. sign is ineffective but they are talking about signs that are more than 50% bigger than the existing pylon sign and 100 % bigger than Shaw's sign. She doesn't think it should be that magnitude. Gordon Whitman said the size is based on the number of tenants and letter size. He noted that Linear Retail had to remedy many ails of the shopping center and the remaining issue is that the existing sign is not effective. Lori Clark noted that the second sign is just as big and only representing 7 tenants. She doesn't argue the existing sign is not adequate and there is a need for something as big. The question is the magnitude. There is a point that the size of the sign will change the character of the Town. Gordon Whitman said the larger tenants have larger overhead and have to draw people in. It is a matter of survival. He said this is a \$40,000.00 sign and to put up a sign that doesn't work is a waste.

Nancy Arsenault, Stow Independent, asked what is on the reverse side of the sign. It was noted that the reverse side is the same. Len Golder asked if it is possible to have one sign and different tenants on each sign half on one side and half on the other. Kathleen Willis asked Gordon Whitman if he could promise to reduce the sign if the number of tenants were changed if the number of tenants were changed to fewer larger tenants.

Kathleen said she shares Lori's concern about the magnitude of the sign and how it would look in a community like Stow. She said there needs to be balance to meet the needs of the business needs without compromising the character of Stow. Gordon Whitman said if you want businesses to succeed, they need signage. He said just because we have a plaza with tenants we still have lots of challenges, such as on-line shopping and competing plazas and it could easily become a ghost town. Signage is an economic necessity to have a viable plaza.

Kathleen Willis questioned the lighting. She noted that the sign has LED lighting and asked if it is recessed. It was noted that the LED lights appear to be recessed. She also noted that the overall lighting on the sign adds quite a bit of lumens and we haven't received information on

lumen output for the lot. It was noted that the Board previously waived the requirement for a lighting plan. Kathleen said it appears they are adding 7800 lumens not counting the LED's. Gordon questioned what the requirement for the site is. Kathleen said the cap is 25,000 lumens per acre of a total of 354,000 lumens.

25K lumens per acre. Cap is 354K lumens

Lenny Golder noted that Shaw's is listed on both signs. Gordon Whitman noted that he negotiated with Shaw's for two spaces because they will lose their existing larger sign.

Lori Clark said the ideal situation would be for the signs to be smaller than what is proposed.

Ernie Dodd asked if it is possible to reduce the size of the bank sign. Gordon Whitman said that is not a possibility because they have a permit for the existing sign.

Steve Quinn said he is trying to put the proposed sign size in context with the site and asked how tall the bank building is. He recommended a rendering to put the size in context with the surrounding buildings.

Gordon Whitman agreed to provide a rendering as Steve suggested. He will also clarify the measurements and noted that their goal is for two signs the size of the existing sign. He will submit something for the Board to review at their next meeting.

Gordon Whitman left the meeting at this point.

Lori Clark questioned the Board if there is something we can agree to support. Steve said this is a unique parcel, but 2 ½ times the size of the existing sign is excessive. He said it would have been better to have one large sign and one smaller sign as originally suggests. He said a rendering will help us visualize the impact. Ernie Dodd said he would be comfortable with a 200 sq. ft. sign and a 150 sq. ft. sign. Brian said he thought the letter the Board sent last year was a compromise but maybe it is time for a new compromise. Members agreed to send a follow-up letter to Linear Retail confirming:

- Linear Retail will clarify the discrepancy on the total square footage of the signs
- Linear Retail's intent to have two signs equivalent to or less than the current pylon sign to be lower to the ground and set back onto Linear Retail property.
- Linear Retail will provide a rendering putting the size of the signs in context with the surrounding area/buildings.

MAY 2011 ANNUAL TOWN MEETING

Article 37 – Lower Village Engineering Funds

Members reviewed and approved a PowerPoint Presentation for Town Meeting on Article 37. Lori Clark will present.

Article 40 – Petition to amend the Wireless Service Facility District

Members reviewed and approved the Planning Board recommendation/report to Town Meeting on Article 40:

At its meeting of April 12, 2011, the Planning Board voted to recommend against adoption of Article 40, as sufficient alternatives are available within the existing Wireless Overlay district.

- The existing Wireless Service Overlay District, adopted at the February 2001 Town Meeting is the result of extensive research, study and efforts of the Wireless Bylaw Review Study Committee and the Planning Board, with extensive contributions by technical and legal consultants. The overlay district provides for wireless services in a manner that is least obtrusive to the residential neighborhoods of Stow and complies with the Telecommunications Act of 1996.
- A study was conducted by an Independent Consultant for the proposed location at 215 Harvard Road indicating that the existing overlay district has substantial potential for enabling the improvement of coverage in the northeast region of Stow.
- The Zoning Bylaw allows cell towers with a maximum height of thirty-five feet (35") in any district outside the overlay district. This provision allows for fill-in facilities as may be necessary.

Ernie Dodd will speak to this article.

COMPREHENSIVE LAND USE Reform and Partnership ACT (CLURPA)

Members reviewed and approved a letter for the May 18th Public Hearing on CLURPA. Ernie Dodd and Steve Quinn will attend the hearing. Ernie will read the letter. Ernie Dodd said he will review CLURPA one more time and contact Karen if he has any additional input on the letter.

MEETING SCHEDULE

Lori Clark and Karen Kelleher advised that they are not available for the May 17th meeting. It was agreed to postpone the meeting. The Board will meet on May 24th and May 31st.

ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator