

**TOWN OF STOW
PLANNING BOARD**

Minutes of the May 31, 2011 Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

Absent: Associate Member: Brian Martinson

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

MINUTES

Kathleen Willis moved to approve the minutes of the May 24, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Lenny Golder, Steve Quinn and Lori Clark).

CORRESPONDENCE

No correspondence was discussed.

PLANNING BOARD MEMBERS' UPDATES
Board of Health Liaison, Kathleen Willis

Kathleen Willis reported on the Board of Health meeting held on May 26, 2011. She stated Jack Wallace, Health Inspector believed they were only required to request permission to conduct water-monitoring tests at Butternut Golf Course. Kathleen stated that it was her recollection that it had been suggested by the Board of Health that all courses be tested, as to treat them all equally. She noted more specifically, the two courses that are using banned substances should be tested.

Lori Clark asked if the Board of Health still had the intention of adopting a policy for golf course water monitoring.

Kathleen Willis stated that she did not get the impression that the Board of Health was discussing this, but it seemed to be the Planning Board's hope that they would adopt a policy.

Lori Clark suggested the Planning Board adopt a zoning bylaw with this requirement. Karen advised that they might want to look into a general bylaw, as a zoning bylaw would not require pre-existing golf courses to comply due to grandfathering rights.

Kathleen Willis reported that the Conservation Commission conducted a site walk on the wetlands located at Stow Acres Country Club, and found a dumping area with contaminated substances. The Board of Health was contacted and the area has been appropriately cleaned.

Karen Kelleher will put together a summary of highlights from the meeting in which the Planning Board and Board of Health discussed the water monitoring of golf courses.

The Board will review the draft and send it to the Board of Health and copy the Conservation Commission.

Lenny Golder suggested a joint boards meeting in the near future with a focus on this subject.

Kathleen Willis also noted that a property owner on Elm Ridge Road is still encroaching onto the Open Space land adjacent to the property and that they also have not renewed their stable license.

ELEMENTARY SCHOOL BUILDING COMMITTEE (ESBC)

Steve Quinn reported that the ESBC would be meeting next week.

PEDESTRIAN WALKWAY PLANNING SUB-COMMITTEE (PWP)

Lori Clark reported on the PWP Committee. She stated that Karen Kelleher reviewed the Derby Woods Subdivision Decision, which states that Habitech is required to either build a walkway on a section of Harvard Road if easements were acquired, or build one in an area designated by the town. Karen drafted a letter, formally requesting Habitech build the walkway near the Villages at Stow and reminded them of the donation they still owe for the Villages at Stow project.

Karen Kelleher reported that Town Clerk, Linda Hathaway stated that they are looking at both October 17th and November 7th for a Special Town meeting date. Karen noted that either of the dates should allow enough time for the walkways to be constructed if an easement is required for the Villages at Stow section. She stated that typically the construction season is extended. Members noted that an October meeting would be best because a November date would be dependent upon the weather. If we have a cold November the construction season could end earlier than November 15th as stated in the Subdivision Rules.

COORDINATOR'S REPORT

Karen Kelleher updated the Board of the on going activities in the Planning Department.

Planning Office Schedule

Karen reported that she and Kristen Domurad would be attending the MAPD Annual conference on June 9th and June 10th as well as the Chapter 40B Session on June 15th in Marlborough.

Mr. Presti's Letter to Mrs. Giles

At the request of Planning Board members, Karen Kelleher asked Craig Martin, Building Commissioner and Zoning Enforcement Officer for a copy of his response to Mrs. Giles, concerning her complaint.

Karen stated that Craig informed her that his only written response to Mrs. Giles was an acknowledgment of his receipt of her complaint within the required time limit. Craig contacted Mr. Presti, who informed him that he and Mrs. Giles would be meeting to discuss her complaints and that they would be working it out. Craig Martin stated that

he had not heard from Mrs. Giles since the two neighbors met and assumed it had been resolved.

Steve Quinn asked if anyone had heard from Mrs. Giles since.

No one had.

The Planning Board agreed they did not need to send Mrs. Giles a letter and that if Mrs. Giles reaches out to someone, they can advise her to contact Craig if she still has concerns.

Pedestrian Walkway Planning Sub-Committee

Karen stated that a notice for walkway committee members was posted for a term to expire on December 31, 2011. *Notices will be sent to existing members.*

Riverhill Estates

Karen Kelleher advised the Board that Town Counsel, Jon Witten stated that the Board does not need to act on the Court's decision on the Riverhill Estates Subdivision. The Court ruling states that Mr. Collings should file a modification, or a new subdivision plan. As Collings no longer has control over a portion of the land he will have to file for a new subdivision plan. Jon stated that the two-year time period starts when the new application is filed.

Karen stated that her concern was that the project could be delayed indefinitely, but Jon advised that it is basically a dead project, as ownership of the land has changed.

Karen will ask Jon about the land ownership and the related filing requirements if the new landowner signs on.

Town Building Parking Lot Expansion

Karen Kelleher reported that the Town Building parking lot expansion public hearing for Site Plan Approval has been set for June 14th, 2011 at 7:30PM.

Taylor Road PCD

Karen stated that Habitech was unable to acquire a drainage easement from the Delaney Project. He plans to move forward with the original drainage plan, which will require him to remove several trees. Karen informed him he would be responsible for obtaining approval for any street trees by contacting the tree warden.

Karen said that Habitech is looking for an occupancy permit for their last unit. She stated that the Board still holds their bond but it expires in August and Habitech has still not finalized the Conservation Restriction easement or drainage. Karen said she spoke with Pat Perry of the Conservation Commission who informed her that Habitech's attorney is still working through the document.

Kathleen Willis stated that the last time she drove by the Taylor Road PCD their lighting was not in compliance and that this was an outstanding issue.

APPOINTMENTS

Joan Blaustein Land Resource Planner, Metropolitan Area Planning Council (MAPC)
495/MetroWest Development Compact Regional Study

Joan Blaustein explained that the State had asked MAPC to conduct a study with the purpose of creating a shared understanding and plan for State, regional and local investment in infrastructure (road improvements, transportation needs and other). She said MAPC is meeting with 37 towns to collect data about the high priority development and preservation areas. The next step will be holding two regional forums where they will display all the data collected from the different local communities, as well as displaying a regional map showing priority areas on a regional level. Joan stated that the outcome of this study could result in Executive Orders as the South shore study has, but could not be completely sure how the study would eventually be used.

The workshops will be held on June 15th, 2011 in Westborough and June 21st in Boxborough.

Joan displayed a map showing the outcome of her meeting with Selectman Laura Spear and Planning Coordinator Karen Kelleher, who informed her of priority development and preservation areas, which were outlined in the Open Space Plan and Master Plan. Joan noted that not everything on the map she presented tonight would end up on the regional map. She stated that they have come up with about 10 criteria, which they are still working on, to develop this map. Joan noted that at the workshops they will review these maps and ask residents if there are criteria they were missing and to share their opinions.

Joan asked for the Board's top three areas in town for preservation and development.

Board members were hesitant to single out only three areas for preservation, as the criteria and use of the study for the regional map had not been set yet. They suggested adding all golf courses and orchards and farms as well as any of the areas already identify by Laura Spear and Karen Kelleher.

Kristen Domurad will send Joan the parcel numbers for the properties mentioned.

Steve Quinn stated that it will be very important to have some type of protection for the golf courses, as that land is more likely to be sold all at once vs. the orchards which could be sold off acre by acre.

Board members felt the top three locations for development was Lower Village, Gleasondale Mill, and Bose Facility. Board members also suggested adding the White Pond Road Industrial Zone area as a potential for mixed development and preservation. They discussed using different zoning techniques that would allow for development that maintains scenic view sheds.

Joan noted that the purpose of this study is to put the properties on the radar not necessarily discuss the specific techniques in how to protect it.

Joan asked what type of infrastructure improvements the Town of Stow needs, she noted that Karen Kelleher had already informed her of the need for a public water and/or septic system and a parking area for the Assabet River Rail Trail was suggested near the Maynard town line.

Lenny Golder stated that the entire Route 117 gets backed up specifically in Lower Village, and that this problem is related to connecting routes and surrounding towns.

Kathleen Willis stated that she was concerned how this information would be used and questioned if there would be consequences with the pending Comprehensive Land Use Reform and Partnership Act (CLURPA).

Joan stated that CLURPA has not been enacted yet and that she did not see it fitting into the outcome of this study.

Joan stated that MAPC is preparing the regional maps for the State and she does not know in what context the state intends to use the map and encouraged the Board to attend one of the Public Meetings in June. Members noted concern about identifying sites on the map without knowing the overall plan. Karen noted that she is concerned that this map may end up taking precedent over the Master Plan and Opens Space Plan and therefore might be included to show everything.

Board members plan to attend the June 15th, 2011 workshop in Westborough, MA. They will restrict the June 14th meeting to the Town Building parking expansion public hearing.

Karen Kelleher stated that Joe Mullen of Clock Tower in Maynard said he was amenable to having a shuttle service run out of the parking area there for Maynard and Stow residents.

ACTION/DISCUSSION ITEMS

Lower Village Committee

Karen Kelleher reported that Don McPherson would be attending the next Planning Board meeting to present the Lower Village Final Report. Planning Board members reviewed the report and didn't have any questions. Karen Kelleher reported that she received two quotes today for the gateway sign.

Linear Retail

Karen stated that Gordon Whitman of Linear Retail asked that tonight's meeting be postpone, as they have not come to an agreement with one of their tenants, Shaw's, on the size of the lettering and thus have not done any further work on the sketches.

Ernie Dodd suggested sending Gordon Whitman the pictures he took from Sudbury, showing several shopping plazas with smaller pylon signs.

Lenny Golder noted that in the Essex/Ipswich area there is shopping center with a Shaw's as the anchor store and no pylon sign at all and wondered why Shaw's would be giving Gordon a hard time in this location but not others.

Arbor Glen

Karen Kelleher stated that Pulte Homes is not ready to request the bond reduction at this time, as they have further work to do on the landscaping. She noted that the public access easement is completed and was reviewed several times by Town Counsel with his approval.

Board members will read through the document and be prepared to sign at their next meeting.

Kathleen Willis stated that she conducted a site walk at the Arbor Glen AAN with an arborist and would put together the information for the Board's next meeting.

Highgrove Estates Plan Endorsement

Karen Kelleher explained that the consulting engineer, Sue Sullivan, who recommends endorsement, had reviewed the plans. Planning Board members endorsed the plan. Karen Kelleher explained that the final homeowners documents are needed prior to issuance of the first building permit. She noted the applicant is still working on the legal documents and suggested that the Board hold off on their review until the final version is received and reviewed by Town Counsel.

Pedestrian Walkway Planning

Kathleen Willis moved to direct the Pedestrian Walkway Planning Sub-Committee to include the walkway section on the north side of Route 117 that runs along side the Town Hall to the Phase I bid package, contingent on the Town Building parking lot expansion being complete. The motion was seconded by Steve Quinn and carried a vote of four in favor (Kathleen Willis, Steve Quinn, Lori Clark and Ernie Dodd) and one opposed (Lenny Golder).

Solar Bylaws

Karen Kelleher referred Planning Board members to the draft bylaw she drafted which was a compilation of the state's model solar bylaw and other solar bylaws from Massachusetts towns. It was reviewed by Town Counsel and contains his comments.

Board members reviewed the draft bylaw and made the following recommendations;

- Increase the setback from abutting property lines and view sheds that would allow for proper screening which would not create shadows on the photovoltaic devices.
- Increase screening, consider vegetative screening.
- Allow solar farms \ by right with site plan approval (including screening and specific guidelines) in the Industrial and Commercial Zones.
- Consider allowing solar farms in other parts of town under a strict Special Permit bylaw, as geographic and other conditions may dictate proper location.

Karen noted that when a solar company called asking about the Town's solar bylaws, he was interested in parcels greater than 10 acres, but was mostly interested in 20-acre parcels.

Kristen will create a map showing all parcels in town with 10 or more acres and elevation levels.

The Board suggested looking at other states and how they have drafted bylaws for solar farms. They will also research Massachusetts's towns with solar farms that were built after the bylaws were enacted.

The Planning Board will hold a future working meeting to review solar bylaws.

The meeting adjourned at 9:48P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant