

TOWN OF STOW PLANNING BOARD

Minutes of the July 12, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Lori Clark, and
Kathleen Willis
Associate Member: Martha Monroe

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

Absent: Planning Board Member: Ernie Dodd
Associate Member: Brian Martinson

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

MINUTES

Kathleen Willis moved to approve the minutes of the July 5, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of four in favor (Kathleen Willis, Lenny Golder, Steve Quinn and Lori Clark).

CORRESPONDENCE

Application for Stow Cafe Common Victualer License

Karen Kelleher referenced an email from the Selectmen's Office, which asked for the Board's comments on a renewal of a victualer license for Stow Cafe. She noted that the business had changed ownership, but no changes to the use or site. The Fire Department and Board of Health both responded that they would support the renewal contingent on inspections.

Planning Board members had no objection to the license renewal.

Department of Housing and Community Development (DHCD)

– Subsidized Housing Inventory Letter

Kathleen Willis asked for clarification on the letter from DHCD. Karen Kelleher explained that this letter was an update in response to additional building permits/ occupancy permits sent to DHCD from the Planning Department. She noted that all units eligible to be counted are currently being counted, and that the 18-month time period between a building permit issuance and occupancy issuance has not lapsed for any of the units.

Conservation Bylaw - Mass Planners List Serve

Kathleen Willis stated that she would be interested in discussing the Conservation Bylaw listed in an email through the MassPlanners List Serve at an upcoming meeting. She noted that this bylaw requires 75% open space where Stow only requires 60% open space. She also stated that there are penalties for conventional lots.

Conservation Commission Filing - Canoe Rental Business on Crow Island

Karen Kelleher stated that the applicant spoke with the Building Commissioner, Craig Martin, for a business license and said he was all set with the Conservation Commission and Planning Board. Karen advised Craig that the applicant still needed to come before the Planning Board for a Special Permit. Craig Martin reported to Karen that the applicant advised he plans to sell and rent boats. Karen noted that his initial proposal to the Planning Board did not include sales. Craig will hold onto his license application until the applicant meets with the Planning Board for the required permits.

PUBLIC INPUT

No public input.

PLANNING BOARD MEMBERS' UPDATES

Elementary School Building Committee (ESBC)

Steve Quinn was unable to attend the last meeting.

Board of Health Liaison – Kathleen Willis

Kathleen Willis stated that she and Lori Clark attended the Board of Health meeting last Thursday. She reported that 12 Salamander Lane in Wildlife Woods is having septic problems and the next Flu clinic will be held November 5th, 2011. Due to limited supplies they will be first offered to those without health insurance and then for the elderly and children.)

Golf Course Water Monitoring

Kathleen Willis reported that Jack Wallace, Health Inspector met with the turf managers of Butternut, Stow Acres and Wedgewood golf courses to discuss seeking alternatives to the Department of Environmental Protection Agency's Zone II public water supply area banned substances. He plans on meeting with them again next week.

Jack seemed to indicate that a daytime meeting might be best.

Kathleen said that Jack would be back in contact with the turf managers.

She noted that Butternut agreed to one water sample in August, although two were recommended by Jay Billings. Kathleen assumes that Butternut will be paying for the testing, as it is part of their special permit. The cost factor is about \$1,000.00.

Lori Clark stated that she recommended to the Board of Health that it should be explained to the golf course owners/turf managers that the Town is looking into introducing a new regulation in the near future, which would ban all substances currently banned in the DEP Zone II public water supply areas, and that the Town highly recommends they start working on phasing out any of these chemicals now, as it will soon become mandated.

Kathleen stated that the Board of Health agreed to put this in writing to the golf owners and turf managers.

Karen Kelleher stated that it does sound logical, as Stow has many wells spread throughout town and several surrounding golf courses.

Lenny Golder stated that the Board should ask for a copy of the letter the Board of Health sends to the golf courses.

Kathleen stated that Jack Wallace still does not have the Wedgewood Pines Country Club pesticide reports.

Email from Jeff Lacy RE: Comprehensive Land Use and Partnership Act (CLURPA)

Lenny Golder asked for clarification about the email as to what recommendation he received positive feedback on.

Karen stated that Jeff believes the recommendation for alternative adoption methods of the Master Plan was well received by other members of the drafting committee. Jeff Lacy requested a follow up meeting before July 29th.

Pedestrian Walkway Planning Sub-Committee

Karen stated that the pre-bid conference was held on Monday. Only one bid holder was present. The pre-bid conference was not mandatory but when asked, we responded that it was highly recommended. Bids are due on Friday 15, 2011 at 2PM.

Karen reported that she spoke with Dave Coia of Habitech who informed her that their administrators are currently reviewing the sidewalk obligations for their current development sites in Stow and are evaluating their options.

Karen Kelleher offered to send a note to Kathy Netburn, Habitech's counsel, advising that the Board will need a final decision within two weeks so we will know how to move forward on awarding a contract.

Lori Clark stated that sub-committee was still discussing deeding the easements to a non-profit for the land at the Villages at Stow as a back up plan. This process will be necessary for the Todesco property for a 3ft section of the walkway.

Kathleen Willis stated that it seemed like a big exercise for such a small area.

Lori Clark stated that Jim Salvie drafted the documents, which have been reviewed by Town Counsel.

Karen Kelleher asked if Stow Athletic Recreation Supporters (STARS) were agreeable to accepting the easement.

Martha Monroe stated yes, and Jim Salvie is forwarding the draft easement documents to them for feedback.

DISCUSSION/ACTION ITEMS

Town Building Parking Lot Expansion

Craig Martin, Building Commissioner was in attendance.

The Board reviewed the draft decision.

Kathleen Willis stated that she felt much more comfortable with the revised draft as it clearly stated the Board's reasons for waiving certain plan requirements and for the municipal exemption.

Karen Kelleher explained to the Board that she did not include the drainage calculations and plan note that Craig Martin recently provided in the decision because it was not discussed during the public hearing. However the Board can use those documents as satisfying conditions of the Site Plan Approval.

Lenny Golder stated that he still had concerns about paving the expanded parking area and asked if it were possible to use grass in the area where the proposed parking lot row abuts the old parking lot, and pave the new parking lot row that is closest to the conservation land so that the pavement would serve as a barrier to any car fluids that could make its way into the wetlands.

Craig Martin explained that the issue with drainage and separation of the car fluids is actually an infiltration problem and not a run off issue. He stated that the pavement captures car fluids and directs it to the drainage structures which then filters solids/car fluids out before directing the water run off into the wetlands.

Kathleen stated that she believes the Town needs the 14 spaces and that parking on the grass would create problems for plowing.

Karen noted that Mike Clayton stated maintenance would be very difficult if the parking extension were not paved.

Craig stated that there would be issues in the springtime with people getting stuck in the mud, and in the winter, the plows would rip up the grass.

Lenny Golder suggested keeping the four spaces along the street near town hall. Kathleen stated the parking spaces across the street would no longer be there once the walkway is put in. Lenny Golder suggested moving the walkway to the other side of the Town Hall (Crescent Street). Lori Clark stated that the Request for Proposals has been sent out and they do not plan on changing them.

Craig noted that they are honoring the conservation restriction line and are keeping the grading and retention wall outside of the restricted area. He stated that no other trees would be removed or relocated except the weeping cherry tree, which is diseased.

Craig Martin explained the additional drainage information he provided. He stated that they could flatten out the slope across the parking lot from 2% as shown, to 1% and keep the catch basin where it is currently shown. He stated that this would allow for a little retention in the parking lot for high peak storm events. This would provide for some temporary ponding to retain water on site for a longer period of time..

Steve Quinn stated that if a developer were building this, The Board would require the full set of plans, but the difference in this case is that the Town will be doing the work and if something needs to be fixed, it could be done by the Town without going through the process of calling in a bond as we would with a developer.

Planning Board members agreed that changes to the plan in the field would be acceptable and that a marked up plan would serve as an asbuilt plan for the future.

Karen will make a note in the decision that changes in the field shall be shown on the plan, to serve as an as built plan.

Lenny Golder asked if the parking lot is used heavily by the Council on Aging.

Craig Martin stated that it does get heavy use from the Council on Aging as well as during tax time and when other groups meet at Town Hall.

Lenny stated that the COA may be moving to Pompositticut School and parking would no longer be an issue.

Steve Quinn stated that the space would most likely be replaced by another use, which may draw in more people.

Kathleen Willis moved to approve the Town Building Parking Lot Expansion Special Permit with conditions as drafted and discussed. The motion was seconded by Steve Quinn and carried a vote of three in favor (Kathleen Willis, Steve Quinn and Lori Clark) and one opposed (Lenny Golder).

COORDINATOR'S REPORT

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

370 Hudson Road

Karen reported that the property owner's engineer explained that his client had changed his mind about his plans for the property and they would contact the Board at a later date.

Sweeny Property in Boxborough near Trefry Lane

Karen Kelleher reported that she spoke with the Town Planner of Boxborough who confirmed that the Sweeneys' plan to move forward with their Subdivision Plan in Boxborough. Karen informed her that the emergency access road decision in Stow had expired and the applicant would need to reapply.

Martha Monroe stated her deed indicates that it is "Ken Kaulback", and not anyone else, who has rights to the right of way. Karen said she has not reviewed the language in the deed but typically the easement goes with the properties and not specific owners. Typically the easements include the language "successors or assigns".

Martha noted she had not received a final letter from the court regarding the litigation over the clean up of the emergency access easement. Karen said she has not seen a response from the court either.

Karen stated she would check to see if Jon Witten had received any notice from the court.

Karen noted that she was surprised to hear that the Boxborough Planner did not think there was a condition in the decision that the decision shall lapse, if a substantial use has not commenced within two years, except for good cause. Martha stated that she remembered reading the Boxborough Planning Board minutes, which stated that the application had expired.

Karen will discuss this with Town Planner in Boxborough.

Arbor Glen – Conservation Commission Site Walk

Karen reported she and Pat Perry, Conservation Administrator had not heard back about the Conservation Commission's site walk.

Wildlife Woods Resident Request to Mow Open Space areas

Karen reported that the Selectmen would be reviewing the red-lined contract from Town Counsel. Karen stated that she explained to the property owner that the Board's reason for only wanting an 8-foot path mowed between lots 60 and 61 was to ensure that residential uses do not encroach onto the open space parcel. The property owners' reasons for wanting to mow the entire area between lots 60 and 61 were for aesthetics and concern about ticks. Karen Kelleher suggested using a split rail fence to mark off the property lines, that way they could mow the entire open space path. She stated that Ernie agreed with this idea.

Lori Clark stated that if the reason is aesthetics then the property owners seem to want the open space to look like part of their lawn, which is not the purpose of the open land.

Kathleen stated she supported the Boards original condition that the mowed area be limited to an 8-foot path to access the open space.

Karen noted that Lenny Golder stated that they should add insurance liability for the landscaper, but that the neighbor should not be listed as the main person in the agreement, it should be a representative of the homeowners association. Karen noted that the draft included in the Planning Board's packet does not include Town Counsel's redline changes. She stated that Anthony Parrinello objected to the document as he is personally listed as the responsible party. Karen stated that she suggested to Mr. Parrinello that it might be better to have the Homeowner's Association be named. She also reminded him that the creation of a homeowners association is required in their special permit and they are required to conduct annual water testing.

Lower Village Bench Donation Policy

Karen reported that the Selectmen would be reviewing the Lower Village Common policy and Mrs. Decker's offer to donate a bench tonight. The Selectmen are looking for the Planning Board to be the designated board to approve the location for the donated bench. Mrs. Decker stated she would like to locate the bench in the shade.

Board members had not objection to the Planning Board approving the location and the physical location could be designated on site.

Hillcrest Tower

Karen reported that Jaclyn Swenson, of KJK Wireless, representing A T & T Wireless stopped by the office to ask about the process of making a change to the existing monopole at Hillcrest Ave., which would bump out a section of the monopole to accommodate a larger antenna. Karen spoke with Town Counsel who advised that the amendment should come back to the Planning Board.

Karen will send additional information to Town Counsel, once received from the applicant for further counsel.

DISCUSSION/ACTION ITEMS

Hammerhead Lot Special Permit – Homestead Lane

The Board will vote on the Special Permit at their next meeting, as they did not have a proper quorum to vote.

Coler and Colantonio Review of Proposal

The Planning Board reviewed the proposal and made the following comments:

- Add language that pre-written approval will be needed for any additional costs incurred
- The First Phase (existing contract) should be completed before beginning Phase II

Board members requested that Karen ask Mike Clayton, Highway Superintendent, Bill Wrigley, Town Administrator and Bruce Fletcher to review the contract.

Board Members also discussed having Sue Sullivan, the Board's Consulting Engineer review the work plan portion of the contract.

Karen noted that the Board should have a ten-year plan for the Capital Planning Committee for Lower Village.

Karen Kelleher suggested she set up a meeting with Coler and Colantonio and Mike Clayton, after receiving suggestions from Mike Clayton and Bill Wrigley. .

Linear Retail Pylon Sign

Board members reviewed their comments on the pylon sign in order for the Board to be aligned for the August 2, 2011 meeting with Linear Retail.

Lori Clark stated that again, Linear Retail did not calculate the total square feet correctly. She referred to the calculation page that she wrote up.

Lori stated that in their calculation of the existing sign they included all necessary elements, but in their calculation of the proposed sign they only calculated the panels the lettering was on, they did not count the legs of the sign or the plaza name area.

Lori Clark noted that she did research on the Department of Transportation's requirements for guided street sign lettering. She found that they only require 6 inches for major roads in rural towns. Where Linear is using 8-18 inches for their lettering.

Steve Quinn also noted that they could also reduce the panel size, and could do so even more if the letters size were reduced.

Lori noted that the Board had not discussed materials, but stated that these proposed pylon signs are similar to those on Route 9 in Westborough. She stated that it doesn't fit into Stow's rural character.

Lenny Golder stated that the Town wants more businesses in Lower Village and as new businesses come in they will compete with the sign size and then Stow will have large signs everywhere.

Steve Quinn stated that they should find out what size lettering is necessary in order to see the signs from 200ft. because the signs on the building may already meet the need.

Kathleen Willis stated that the height of the sign is much too high. She noted that they asked Linear to move the sign back so that it does not block visibility as the current sign does, so the extra height underneath is unnecessary.

Steve noted that the current height is 13 ¼ ft. and the proposed height is 16ft.

Lori Clark asked if there was a sense of the total lumen output on the site.

Kathleen Willis stated that the Lighting Committee, who discussed their concerns with Gordon Whitman, brought this up. She noted that they never got a photometric plan because the Planning Board told them they didn't need to provide it. She stated that they knew Linear was already probably close to the maximum lumens without the sign lighting, and that without the data it's difficult to know for sure. Kathleen noted that the Lighting Committee was not happy with the Planning Board's decision to not require the photometric plan.

Karen asked if the proposed pylon sign needed to be lit, as the current one is not.

Martha Monroe stated that a possible reason for the proposed lighting on the sign is to prevent vandalism.

It was noted that the current sign has never been vandalized.

Steve Quinn stated that he remembered there was a rough calculation for lumens on the site and Linear Retail was not even close to the maximum allowed.

Kathleen stated that this new proposal would add 7,800 lumens which does not even include the LED lighting proposed under the crest of the sign.

Lori noted they have issues turning off the current lights at the close of business, she stated that any new lights on the sign should have timers.

Karen asked the Board how they felt with having two signs the same size as the current sign, as there was discussion at one meeting about keeping the Shaw's sign the same size. She also noted that Linear Retail was not willing to remove the Citizen's Bank sign.

Steve Quinn stated that he thought it would look more symmetrical if they were both the same size.

Martha agreed that the signs should look uniform.

Board members agreed on the following issues and suggestions to send to Gordon Whitman of Linear Retail:

- There is a discrepancy in the calculations—the current proposed signs are much larger than the existing signs.
- The Board would support two signs the same size as the existing sign.
- The Board requests lowering the actual sign by shortening the legs to 3ft.
- All lighting should be full cut off

- Ways to accomplish the reduction in size:
 - Reduce size of lettering to 6 inches
 - Reduce panel size

Board members were not necessarily happy with having two signs the same size of the proposed, but felt it was a compromise.

Kathleen stated she would ask the Lighting Committee to take a look at the proposed lighting at their meeting tomorrow night.

Floodplain/Wetlands Overlay District Digitized Maps

Karen Kelleher stated that there were two parts to reviewing the maps; one was to accept the work completed by Aerial Survey and the other was to discuss how they wanted to proceed with keeping both the Floodplain and Wetlands as one district, specifically keeping the IEP Wetlands Study.

Karen recommended that the Board accept the work completed by Aerial Survey as all the deliverables had been received and executed correctly.

Board members reviewed the printed maps and agreed.

Karen stated that the IEP Wetlands Study map was hand drawn and did not digitized correctly because the original scale was not correct; therefore some shapes are shifted, as indicated in a note on the map.

Lori Clark stated that she remembered Ingeborg Hegemann from the Conservation Commission not wanting to get rid of the IEP map from the zoning overlay district and they discussed just referring to the hand drawn map.

Karen stated that the issue is that engineers cannot accurately depict the map, and Planning Staff cannot accurately assist residents/engineers in accurate depiction. She stated that it could always be used to give people a general idea instead of a zoning district.

Karen reminded the Board that if a property is within the Floodplain/Wetlands Overlay District and the Conservation Commission doesn't find any wetlands on the ground the property is still un-buildable because it's within the wetlands district.

Lori stated that Ingeborg wanted another layer of protection.

Steve Quinn stated that the Conservation Commission could use the IEP map as a guide. Kristen Domurad noted that Pat Perry had asked for a map with Mass GIS wetlands shown, which actually depicts the type of wetland.

Kathleen Willis suggested a joint meeting with the Conservation Commission and the Planning Board to discuss the wetlands overlay district.

The meeting adjourned at 9:40PM

Respectfully Submitted,

Kristen Domurad
Administrative Assistant