

TOWN OF STOW PLANNING BOARD

Minutes of the August 9, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Ernie Dodd, Steve Quinn, Lori Clark, and Kathleen Willis
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

Absent: Associate Member: Brian Martinson

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

CORRESPONDENCE

Ridgewood at Stow

Karen confirmed that the comments from Town Departments would be in their packets the night of the Public Hearing for Ridgewood.

Conservation Commission Letter to Distinctive Acton Homes/Highgrove Estates

Kathleen Willis asked for clarification on the Conservation Commission letter. Karen Kelleher stated that the Conservation Commission has the authority to require site inspections. This letter is requesting that the Conservation Commission and Planning Board's engineering inspection fees be in one account instead of two separate accounts. Karen explained that Town Meeting approved Section 53G which allows Boards to collect fees from developers for inspection fees.

Wind Turbine Bylaw

Lori Clark asked about the article on Wind Turbine Bylaws. Karen said that this might be interesting to look at during their working meeting on solar bylaws.

Kathleen noted that they should pay attention to this for residential use.

MINUTES

Kathleen Willis moved to approve the minutes of the August 2, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

Ernie Dodd moved to approve the minutes of the August 2, 2011 Planning Board Executive Session meeting as amended. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

PLANNING BOARD MEMBERS' UPDATES

No updates at this time.

PUBLIC INPUT

No public input at this time.

COORDINATOR'S REPORT

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

Pilot Point Sidewalk

Karen reported that the Town still holds the bond for the Pilot Point development. She explained that Habitech thought they no longer owed the sidewalk that was required along the frontage in front of the Walkup property, as they believed the bond was released to them. It was confirmed with the Treasurer and Accountant that the Town holds the bond.

Phase I Walkway Bid Award

Karen stated that the letter awarding Sections 3 and 4 to Century Paving was sent out today.

Lori Clark noted that the Pedestrian Walkway Planning Sub-Committee (PWP) would need to sit down with Century Paving and discuss the cost of doing a portion of Section 1.

Karen noted that they couldn't award it yet as they do not know what the cost would be.

Karen stated that the Planning Board did not vote to award Alternate C, the handicap ramp at Town Hall. She noted that although it was put into the bid package as an alternative, the plan always intended for one in that location. It was a matter of a note missing on the plan. However, the detail sheet for crosswalks includes a handicap ramp. The Bid for Alternate C was for an additional \$3,000.00. The contract award letter went out with a statement that Alternative C may be awarded if deemed necessary.

Lori stated that Bruce Fletcher said to add it to the bid award in case it is necessary. She thought it was necessary and noted that she thought it was Bruce who was one of the ones who caught that it was missing in the first place.

Karen reported that Bruce said he might be able to adjust the slope in the field so that the ramp is not needed. She noted her concern was that it would not be built to the plan. She asked Bill Wrigley, Town Administrator, about the process and he stated that this would be okay to determine later on, but if it is a major change it should come back to the Planning Board as a change order. He stated that either way, the walkway needs to be ADA compliant. He also suggested having detailed parameters for the project manager, including weekly status reports and a requirement for prior approval from the Planning Board for any change orders.

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Karen reported that Representative Kate Hogan is available to meet on Tuesday nights after August 16th.

Ernie Dodd requested that Karen ask Kate Hogan to find out when CLURPA will be up for discussion again so the Board's meeting with her will be consistent with the state's timeline for this proposed legislature.

Minute Man Advisory Group on Interlocal Coordination (MAGIC)

Karen stated that MAGIC informed her that each Town could only have one voting member. The Planning Board voted to appoint both Karen Kelleher and Donna Jacobs. MAPC currently has Donna Jacobs listed as the Town's voting member and Karen as an active participant. Donna Jacobs stated that she would defer to Karen to serve as the Planning Board's representative. Karen noted that Donna does not always attend MAGIC meetings and suggested the Board take a vote to appoint her (Karen) as voting member at the next meeting.

Wireless Service Facility Overlay District

Karen informed members that a quote was added to their packets from David Maxson, which will be on the agenda for discussion at the next meeting.

Joanne Drive

Karen reported that developers came into the office to view the Joanne Drive Plans. She stated that they seemed very serious about the development and were aware of the limitations on the site with regard to wetlands, Rivers Protection Act, and the Town's interest in the Rail Trail. They are considering a 4-lot subdivision.

Lori Clark asked if the new Assabet River Rail Trail sub-committee would be interested to know this property is being looked at.

Karen said she could let them know.

APPOINTMENTS

Cushing Property/ Jeff Brem and Penny Cushing

Jeff Brem stated that he is looking to design plans for Penny Cushing in order for her to sell her home. He noted that they are hoping to discuss his ideas for the property with Board members, as some are a little unconventional.

He stated that soil testing has not been conducted yet, but they do have a very clear survey and wetland delineation available to them from Habitech's prior plans for the property.

He said they do not have complete soil testing but know its mostly glacial till.

Jeff explained that he envisions three phases:

(Preliminary Plans are available in the Planning Department)

Phase 1 – A three lot ANR Plan:

- Lot 1 (18 acres) shows frontage on Walcott Street for the existing house so it can be sold separate from the remaining land. Jeff explained that he knows the index of irregularity would not comply, but explained that he would cut out a piece of land that does comply and then add the rest of the land where the house sits as an extra parcel. He stated it would be as if someone wanted to add extra land in the future to his or her parcel.

Karen noted that that scenario would apply in the case where a house already exists on the parcel that meets the bylaw. Ernie Dodd noted that anyone could purchase abutting land to his or her developed building lot.

Jeff stated that he has done this before in Westford, Groton and possibly Pepperell.

Karen asked why he would not just configure a hammerhead lot from the existing driveway up to the home.

He stated that he would lose a lot of developable land to potentially sell.

- Lot 2 (4.5 acres) shows frontage on an additional vacant lot with frontage on Walcott Street.
- Lot 3 shows the remaining land with frontage (where the existing driveway is located).

Jeff then explained Phase 2 – A Residential Close Subdivision for two hammerhead lots and one conventional lot. He noted that a driveway already exists and it would just need to be upgraded to 12ft. wide, if required by the Board, for a road. The remainder of the land would be shown as one lot to accommodate a future subdivision.

Phase 3 – Would be the future subdivision

Jeff stated the other issue with the site is that the entire frontage on Walcott Street is mostly wetlands, so access would need to be where the existing driveway is located.

Ernie Dodd noted that you need to show adequate access for ANR lots. Karen noted the bylaw states you need to show a 100' width from the frontage to the building area without crossing the "Wetlands/floodplain District" line. It does not speak to "wetlands".

Jeff stated that he sent a letter to the Building Commissioner, to discuss the index of irregularity issue with him as well. He plans to follow up on his letter.

Ernie Dodd stated that he wouldn't have a problem if some of the lots were accessed by the driveway easement, but would have to review the bylaw. He noted that he sees the first ANR lot with the existing house as a hammerhead lot, but it still would most likely not meet the R-factor ratio.

Ernie Dodd suggested making the proposed subdivision road a paper road so that the existing house could become an ANR lot off that new road.

Lori Clark stated that they would need to get advice from Town Counsel and review the bylaws.

Jeff Brem will send Karen Kelleher a PDF version of his preliminary plans as well as an explanation of his proposal in a narrative.

Penny Cushing agreed to allow Planning Board members to drive up her driveway to get a better understanding for the road and land.

DISCUSSION/ACTION ITEMS

AT&T Wireless Proposal at Hillcrest

Karen Kelleher reported that an AT&T representative contacted her about adding three antennas and extending the canisters to their existing tower. Karen noted that the current cell tower is not in the Wireless Service Facility Overlay District and was allowed by a Court Judgment, as the Planning Board's Decision was denied. Karen stated that Town Counsel advised her that the Judgment would have to be changed.

She explained that Town Counsel said that AT&T could apply to the Planning Board, but the Board would have to deny it because it is not in the Overlay District. She stated that the Board does not have the authority to amend the Judgment.

Ernie Dodd asked why they were able to do this with the tower in the church steeple.

Karen explained that that it was a modification to the Planning Board's Decision which was issued before the Overlay District was established.

Lori Clark suggested the Board tell AT&T that the Board has no authority to modify the judgment and cannot approve a new application because it is not in the Overlay District. AT&T should try to go back to court to have the judgment modified. Lori asked if the Planning Board would support that. Board members agreed.

Karen stated that she will provide copies of the images of the proposed antennas to Board Members.

Memo from Superintendent of Streets – Guardrail for Sudbury Road Sidewalk

Kathleen Willis stated that she drove past the sidewalk and agreed that a pedestrian safety rail is necessary in some areas. She stated that it does appear it is very steep and it would be beneficial but did not think that it was necessary the entire way.

Lori Clark stated that the Board should respond to Mike Clayton but should first go through the entire history of funding requests.

Karen explained that initially the Superintendent of Streets, under the direction of the Selectmen, started to construct the first section of the sidewalk on Sudbury Road, beginning at Barton Road. He was assuming it was okay to charge the sidewalk account. Then the Planning Board advised him that he needs prior approval from them to charge the sidewalk account. The Planning Board then approved a budget he requested for the original section of the sidewalk. Ernie Dodd then recommended easements be obtained and to extend the sidewalk further so that it goes all the way from Barton Road to Pine Point Road. The Planning Board voted to approve additional funding to extend the walkway to Pine Point Road.

Karen noted that the original estimates did not include costs for the stone retaining wall or the guardrail, which Mike came back to the Board to request funding for.

Members thought the cost of the guardrail is excessive. Karen stated that is because it includes labor, Mike is sub-contracting the work out because it would be approximately two weeks worth of work for the Highway Department and he does not have the manpower or time.

Kathleen stated that the estimates from Mike have never been complete. Lori stated that he has been coming back piecemeal and keeps coming back asking the Board for more money. Karen noted that project has changed due to the additional easements. Mike did not anticipate the need for a stonewall or the guardrail for the extended project.

Lenny Golder noted that sometimes with projects, things come up that are unanticipated. He asked how much money was outstanding.

Ernie Dodd stated that Mike has eaten some of the cost from the Highway Department funds.

Lori stated that he never supplied them with a plan.

Karen noted that Mike brought in a plan last week.

Lori stated they should have received the plan when the project began.

Kathleen Willis asked for the amounts they approved. Karen Kelleher provided the Board with copies of the Sudbury Road Sidewalk account, which shows the amounts and dates of the Board's allocated budget.

Kathleen Willis requested descriptions of the funds they approved. She wanted all email and correspondence to explain what they approved.

Karen Kelleher pulled the information and gave Board members copies.

Steve Quinn asked about James Fenton's offer of building the guardrail instead of the sidewalk he owes.

Lenny suggested the Board ask Mike how much money he does have to put towards the guardrail and then the Board could make up the difference. He noted Mike may not have the full \$9,500 but may have some to help cover it.

Lori Clark stated that it is frustrating that Mike is saying it's a safety hazard and then puts it on the Planning Board.

Ernie reminded the Board that Mike doesn't charge the sidewalk fund for their labor.

Kathleen Willis agreed with Lori and stated that Mike was putting the problem on the Planning Board and the Planning Board is not obligated to pay. She stated that she was upset that he did not come in with an accurate scope of the project.

Lori stated that the project has nearly doubled and it was not the Planning Board's project.

Lenny Golder stated that he feels it did become a Planning Board project when the Board agreed to help fund the extension.

Ernie Dodd stated that he helped with extending the sidewalk, but he was acting on behalf of himself as a resident and not as a Planning Board Member.

Kristen Domurad noted that the Board did approve funds to extend the sidewalk, thus approving the sidewalk extension.

Lenny Golder suggested they ask Mike if the Highway Department does not have the manpower now, if they could work on it at a later date.

Ernie Dodd stated that there is a sidewalk there now, and it has made that area much safer than it was.

Lori stated that the Planning Board should write back in response to Mike's letter on the Planning Board's stance and let him know that they were in full support of the project but that he cannot have an open checkbook.

Steve Quinn noted that he came back to the Board four times and each time they were under the impression it was the last request.

Kathleen stated they discussed not spending any more money on this project at a prior meeting.

Lori stated that they should respond to his note, tell him that it has been four times now and they are disappointed to see that he is disappointed in the Planning Board.

Lenny stated the Board should explain that they did not anticipate any additional increases in cost and that they don't have the funds that would be required and they should try to come up with a reasonable solution together.

Steve Quinn suggested using the sidewalk money that will be owed to the Planning Board from the Highgrove Estates project by James Fenton.

Kathleen Willis stated that she personally did not want to throw any more money at this project and doesn't want any future money owed by developers going toward this project.

Kristen Domurad asked the Board if they would have still approved the Sudbury Road Sidewalk if they knew the total cost up front.

Some Board Members stated they would have approved it, but would have still questioned the cost of the guardrail.

Resident Linda Hathaway stated that it seems the issue is more that the Planning Board is upset at Mike Clayton for having to come back for additional funding rather than understanding the need for a guardrail in this area. She stated that she understands their frustration, but if they could put their frustration aside and look at the safety and liability issue as a whole, they may think about it differently. She stated that this sidewalk was really needed and it has been a great addition but it does require a guardrail.

Ernie Dodd noted that in Mike's defense, he didn't know about the retaining wall.

Linda stated that, no matter the frustration, the sidewalk still needs to be completed. She stated that it seems like this location is a good place where the sidewalk funds should be spent. Linda asked if the Phase I Great Road Plans would deplete the entire funds.

Kathleen Willis stated the funds will be depleted.

Steve Quinn suggested that they use money from sidewalk funds they will be collecting from developers in the future.

Lori stated that they don't have the money to award, and can only consider other funds owed.

Kathleen Willis stated that the Planning Board shouldn't feel it is their issue alone to worry about.

Lenny stated that he did say he could put up jersey barriers.

Karen noted that she did not think this was a real solution.

Lenny said he thought that was a temporary measure but since it was not, he suggested the Board act quickly come up with a solution to the safety issue.

Kathleen stated that if the Selectmen were the ones to direct Mike to build this sidewalk it should be their responsibility.

Steve noted it was the Selectmen's responsibility and then it became the Board's once they approved the funds for the extension.

Lenny stated that the Board should explain that all of Planning Board sidewalk funds have been allocated to Phase I Great Road Walkways but they could pursue other options.

Kathleen stated that it was not their responsibility to come up with a solution.

Lenny stated that the Town needs to come up with a solution because it is a safety problem and that the Highway Department, Board of Selectmen and Planning Board need to discuss the situation together.

Ernie Dodd stated that he knows the sidewalk fund is depleted, but as Linda has said, this is a Town project and it is a safety issue. He noted that the sidewalk did solve a major safety issue but it then created other safety issues – potential for people to fall without the guardrail. He stated that he thinks the Board should talk to James Fenton to either get the money or have him construct the guardrail.

Ernie stated that a portion of the sidewalk, on the Pine Point Road end, was not constructed.

Karen said they could ask James Fenton but the decision does not require him to install the guardrail. James Fenton happened to make a statement about the guardrail while sitting the meeting before his agenda item. It was not a commitment.

Ernie Dodd noted that when the Highway Department builds the sidewalks they are taking away from other projects in town.

Karen said that maybe Mike could get another quote from James Fenton.

Steve noted that the overall cost of the Sudbury Road sidewalk is a good price even with the guardrail; it ends up being \$27/linear foot.

It was stated that the Board charges developers \$35 per linear foot.

Board members questioned the size of the guardrail on the plans vs. the quotes. Although the quote is for smaller guardrail than shown on the Plan, it appears to be over designed for the need. Its purpose is to keep a person from falling.

Lori Clark suggested the Board contact the Selectmen and Highway Department to schedule a time to meet and discuss the funding issue. Each party could explore options to determine what is the best interest of the town.

Great Road On-Street Parking at Town Hall and Town Building

Lori Clark explained that Jim Salvie asked for the Board's input on on-street parking next to Town Hall. She stated that Bruce Fletcher had added Alternate B to the Great Road Pedestrian Walkway bids and the cost came back at \$12,000. Then he came back with a different scenario, as the extra cost did not seem supported by the Pedestrian Walkway. The new scenario would move the granite curbing

directly next to the walkway so that in the future the grass could be removed and parking could be placed next to the walkway.

Karen noted that the Selectmen are also looking for the Board's input for on-street parking in general for both sides of the street as described in a memo from Bruce Fletcher

The Board decided to discuss their opinions both on Segment 4 and for on-street parking in general.

Kathleen Willis said she would not be in favor of on-street parking on both sides of the road at Town Hall and Town Building. She said it makes the travel lanes too narrow and if cars are parked and someone is trying to cross the street they would have to walk out onto the street in order to see on coming cars.

Ernie Dodd said that cars cannot park within 20ft. of a crosswalk.

Kathleen was not in favor of on-street parking on either side and therefore there would be no need to alter the Town Hall walkway plan.

Ernie Dodd stated that if parking were needed, he would prefer it only on the south side.

Steve Quinn stated that he did not care to modify the plans or add parking on the north side. He was under the impression that additional parking would not be needed at this time because of the new parking lot expansion. He does not think parking is an issue right now, but if it did become an issue he would support on-street parking on the Town Building side (south side)– not Town Hall side.

Lenny Golder said he thought parking on both sides would be problematic because of sight lines. He said if parking were needed, he would prefer parking on the Town Hall (north) side and then he would be okay with amending the Town Hall walkway plan to remove the grass strip.

Lori Clark said she was not sure if there really was a need for additional parking at this time and if there was need in the future, she would agree with Ernie and Steve that she would prefer on-street parking on the Town Building (south) side. She does not think the walkway plans should be altered.

Lori also noted that it was interesting that Tim Lima, Safety Officer, had previously been against any on-street parking in this area but just recently sent a letter of support for Bruce's plan.

Karen Kelleher explained that Laura Spear, Selectmen's Liaison to the Planning Board, said Jim Salvie, Chairman of the Board of Selectmen, stated he did not want to put Bruce's letter requesting funds for engineering plans for the on-street parking idea on their agenda until they had input from the Planning Board on whether they supported it. Karen explained that the Selectmen were looking for a board or committee to sponsor an article at Town Meeting if they support the proposal. Karen explained to Laura that this plan came directly from Bruce Fletcher and not from the Planning Board or Pedestrian Walkway Planning Sub-Committee. She also noted that Bruce's argument for the engineering funds is so he would have a plan to show to the Planning Board for them to respond to. He didn't expect the Board to render an opinion based the pavement markings. An engineering plan would show whether it would be feasible.

Lori Clark said she was not in favor of sponsoring an article.

Lori said she was open to Ernie's past suggestion of making Common Road a one-way street and providing angled parking. A majority of the Board concurred.

Karen will draft a letter with the Board's response, stating that the majority of the Board was not in favor of making any amendments to the current walkway plan at the Town Hall and felt that if any additional on-street parking were necessary in the future it should be done so on the south side (Town Building side) of Great Road. They feel that the sight lines for both cars and pedestrians crossing the street would be hindered. The majority of the Board would support funding for engineering plans for the future parking scenario at Common Road rather than on-street parking on Great Road, between Town Building and Town Hall.

Highgrove Estates Hammerhead Lot-

Review Open Space Restriction and Common Driveway Easement Documents

Karen stated that she is still waiting to hear back from Town Counsel for his review of the documents and the Applicant's attorney is still working on a Homeowner's Association Agreement to include the requirement for stormwater management and an escrow account. The Board will review the documents after receiving feedback from Town Counsel.

Linear Retail Pylon Sign

Kathleen Willis stated that there were inconsistencies in the total Lumen amount stated on the pylon sign plans. As indicated by the spec sheet, the Flood Lighting should be 650 Lumens each and 1950 Lumens total. She also noted that the height of the sign was not correct.

Kathleen suggested they lower the wattage to 40Watts and then lower them in the field if needed.

Lori Clark suggested to start with 40Watts and see if any more or less is need in the field.

Kathleen Willis stated that the Light Pollution Study Sub-Committee suggested that Linear Retail not be allowed additional lighting until their present lighting issues are taken care of. She noted that they have yet to comply with their special permit.

Karen suggested informing Linear Retail that the Board will not issue a letter of support until the outstanding items in their Special Permit are addressed.

The Planning Board agreed.

Karen will relay this information to Gordon Whitman when he calls this week.

The meeting adjourned at 10:08PM

Respectfully Submitted,

Kristen Domurad
Administrative Assistant