

TOWN OF STOW PLANNING BOARD

Minutes of the July 19, 2011 Planning Board Meeting.

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

Absent: Planning Board Member: Lori Clark
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 12, 2011 Planning Board meeting as amended. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder, and Steve Quinn).

CORRESPONDENCE

APA Zoning Practice- Practice Solar

Kathleen Willis stated that the Board should research personal solar use for roof-mounted systems, as well as others discussed in this month's APA Zoning Practice issue.

Ernie Dodd stated that personal solar use might be part of the current building code.

The Board will look into personal solar use such as height restrictions, allowing by-right or as an accessory use.

PUBLIC INPUT

No public input.

PLANNING BOARD MEMBERS' UPDATES

Kathleen Willis –Lighting Issues at Linear Retail

Kathleen Willis reported on the Light Pollution Study Sub-Committee's meeting last Wednesday, in which they discussed Linear Retail's proposed sign lighting.

She stated that Russ Willis drove behind the Linear Retail site during the day and found that the non-compliant fixtures had not yet been removed. She said one had been replaced with a PAR exterior spot light, all of which are not in keeping with the zoning bylaw or their special permit.

Steve Quinn noted that when he went on the site last year he also noticed that the non-compliant spot lights were being used.

Kathleen reported that the Lighting Study Sub-Committee would be writing a letter to the Planning Board about Linear Retail and the lighting situation. She stated that the sub-committee feels that the lumen output exceeds the limitations in the bylaw and they suggest eliminating the

LED lighting on the proposed signs. They also said the only way they can determine if the site is compliant with the lighting bylaw is if they submit a photometric plan. Kathleen also reported that the sub-committee finds the proposed sign lighting fixtures do not meet the requirements of the zoning bylaw as they are not full cut-off fixtures, and that they find the proposed lighting to be excessive.

Kathleen said they also noted that the lighting is 30% greater than the lighting at the School. She is not sure if they meant the site as a whole or the sign lighting.

Kathleen will check her notes to confirm what is 30x greater than the lighting of the new school building parking lot.

Kathleen said the sub-committee also feels that a Special Permit for lighting should be required.

Landscaping at Linear Retail

Kathleen Willis stated that she spoke with the landscapers while at the Stow Shopping Plaza. She said the landscaping looked very nice but mentioned the lack of watering to some of the workers. The landscapers told her that the irrigation system did not function properly and that there was poor pressure—they said it was inadequate to landscape properly.

Kathleen requested that she bring this up when Gordon Whitman attends the next Planning Board meeting.

The Planning Board agreed.

Elementary School Building Committee (ESBC)

Steve Quinn reported that the ESBC did not meet this week.

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Ernie Dodd stated that he reviewed the comment draft of CLURPA and was supposed to meet with Jeff Lacey and Lenny Golder this morning but the meeting was cancelled. He noted that it might be more productive to meet with Representative Kate Hogan to discuss the Board's issues with the legislation, as Jeff Lacey is already aware of all the Board's concerns. Kate Hogan indicated that she would support the Planning Board.

Ernie Dodd reviewed some of their concerns outlined in the comment draft.

Ernie Dodd stated in addition that he has concerns about Stow being a part of the Metropolitan Area Planning Council, as there are 101 communities and Stow is a minority who does not receive equal support.

Karen noted that at the sub-committee meeting (Minuteman Advisory Group for Interlocal Coordination) MAGIC also express that they wish to push MAPC to recognize the different needs and characteristics of smaller rural towns within their region.

The Planning Board will review their CLURPA comments then set up a meeting with Rep. Kate Hogan at a meeting in August.

COORDINATOR'S REPORT

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

Ridgewood at Stow Active Adult Neighborhood (AAN)

Karen reported that Harry Blackey submitted a Definitive Plan for the Ridgewood AAN. He would like to get on the Planning Board's agenda for the public hearing as soon as possible. The Board will schedule Ridgewood for a September meeting.

Pedestrian Walkway Bid Closing

Karen reported that two bids were received last Friday for the Great Road Walkway project. She stated that the Pedestrian Walkway Sub-Committee would be meeting on Wednesday of this week to review the bids and make a recommendation to the Planning Board to award the bid.

Karen reported that Kristen Domurad had been assisting the sub-committee and was present for the bid openings. The sub-committee asked for us to follow up with one of the bidders to clarify how much linear feet of vertical granite curbing was assumed and if they included the Police Detail when the bids were calculated. Karen felt it would be necessary to ask these details of both bidders. Board members agreed that both bidders should be asked the same questions.

Ernie Dodd stated that he thought the bids came in high. He suggested that the Town hire temporary employees for the job of installing the walkways under the direction of the Highway Department.

Karen stated she thought this process was discussed before going out for bid and it was decided to go out for bid. She agreed to discuss this option with Bill Wrigley, Town Administrator.

Karen referred Board members to the bid results and discussed the alternatives and pricing.

Board members noted that Alternative B was a significant increase. Ernie Dodd asked why alternative B (to remove the grass strip and push the walkway back for on street parking) had been added and who suggested it.

Kristen stated that Bruce had suggested the alternative to allow for parking in addition to the walkway.

Kathleen Willis asked about the longevity and difference between the 3 and 4-inch thickness in paving.

Steve Quinn stated that typically it is the tree roots that ruin walkways.

Ernie Dodd stated that as long as a proper sub-base was installed a three-inch thickness should not make much of a difference.

Karen Kelleher reported that the Sub-Committee had been trying to work out an agreement with Stow Athletic and Recreation Supports (STARS) to accept the easement at Villages at Stow and Tony Todesco's property, which would allow the Town to build the walkways without having to wait for town meeting.

She noted that through the correspondence between the Sub-Committee and STARS, she got the impression that they will not accept the easements, as they stated that they don't have insurance and have concerns with liability.

Karen reported that she put together a spreadsheet of all the linear feet of sidewalk owed by Habitech throughout Town.

Karen stated that Dave Coia, of Habitech, mentioned that Habitech's administrator is looking over the sidewalks owed and should hear back from them by July 26th.

Hillcrest Street Cell Tower Modification

Karen stated that she received plans for a modification to for the Hillcrest Street Cell Tower, and forwarded them to Town Counsel to confirm the proper permitting process. Karen explained that the existing Tower is not in the Overlay District and that the Planning Board denied the Special Permit Application under the old bylaw. The Denial was appealed and was eventually constructed in accordance with a Court Judgment.

Karen will pull out the judgment for the Planning Board's review.

Light Pollution Study Sub-Committee

Karen reported that the Light Pollution Study Sub-Committee is officially down to two Members. Karen asked the Board if they wanted her to post a vacancy for the sub-committee and if so did they want to post for a three or five member committee.

Karen asked the Board if they wanted an update from the sub-committee.

Ernie Dodd stated that they serve as an advisory group to the Planning Board and did not find it necessary for an update.

The Board agreed that the posting should be for a three-member sub-committee.

It was noted that the original charge for the Sub-Committee was to create a Lighting bylaw. The Lighting Bylaw has already been created. The Planning Board agreed to change the charge of the Lighting Sub-Committee to an advisory board.

Karen Kelleher will rewrite a draft charge for the Light Pollution Study Sub-Committee and post for a vacancy.

Arbor Glen Site Visit to view Landscaping

Karen stated that she sent a letter about the remaining landscaping issues in response to Pulte Home's request for bond release. She stated that Pulte Homes would like to conduct a site walk with all parties.

Kathleen Willis requested that an additional member from the Planning Board should attend and they should try to make the meeting early in the morning. She suggested they contact Keith Barnard's, the arborist who conducted the site walk, email to identify the locations prior to the site walk.

Linear Retail Pylon Sign

Karen stated that she forwarded the Board's comments from last weeks meeting to Linear Retail. Gordon Whitman did confirm that they only included the white space on the proposed sign in their calculations and claimed that is how Craig Martin, Building Commissioner would interpret the size of the sign.

Karen stated that she would talk to Craig, but based on his past decision –specifically a recent home business sign on Great Road, he counts the entire structure.

In her comments, Karen also noted that members of the Board mentioned that the proposed sign is not in keeping with Stow and resembles signs more similar to Route 9 in Westborough, MA. Steve Quinn stated that he wished Linear would make more of an effort with their design, as the Planning Board has made a compromise on what they would support in terms of the size of a sign.

Lenny Golder questioned how much business they are losing due to the dilapidated sign. He doesn't believe the new sign would make any difference in terms of the amount of business they would attract.

Board members noted they should be maintaining their current signage if they are so worried about losing business.

Sudbury Road Sidewalk

Karen Kelleher reported that Mike Clayton, Superintendent of Streets, sent a letter that he is expecting another invoice in the amount of \$2,900 for paving the Sudbury Road Sidewalk. Mike asked if the Planning Board could fund it, but said if they weren't able to he could try to find money in the Highway Department budget to pay it.

The Planning Board requested Mike use the Highway funds for the additional costs mentioned.

Karen also reminded him of the Board's request for details on the type of guard rail as well as copies of the three quotes. Mike will be sending this to Karen shortly.

Ernie Dodd stated that he walked the Sudbury Road sidewalk and that it was constructed very nicely. He noted that several people were already using it.

Ernie stated that it seemed there was only a 50-75ft. area where a guardrail would be needed. He suggested using plantings and wild seed in the areas that are currently just dirt.

Ernie stated that James Fenton seemed to think the price of the proposed guardrail was very high and that he does owe a sidewalk along the frontage of the Highgrove Estates.

Karen noted that James Fenton was present at a meeting when the Board discussed the cost of the guardrail and inferred he thought the price was high. She suggested that he might possibly quote a lower price.

Kathleen stated that the Board was concerned about not having enough money to complete Phase I of the walkway plan.

Kathleen Willis moved that the Planning Board not expend additional funds to the Highway Department for the invoice of anticipated \$2,900.00 for paving. The motion was seconded by Steve Quinn and carried a vote of four in favor (Kathleen Willis, Steve Quinn, Ernie Dodd and Lenny Golder).

DISCUSSION/ACTION ITEMS

Homestead Lane Hammerhead Lot Special Permit

Kathleen Willis moved to approve the Hammerhead Lot Special Permit at Lot#2 on Homestead Lane. The motion was seconded by Steve Quinn and carried a vote of four in favor (Kathleen Willis, Steve Quinn, Ernie Dodd and Lenny Golder).

Taylor Road (PCD) Planned Conservation Development-Conservation Restriction

Karen Kelleher reported that the Conservation Commission and Habitech's attorney both requested that the Board not add language requiring Conservation Commission approval for maintenance related to the driveway and water and septic. She stated that Kathy Sferra of the Conservation Commission stated that this language is not typically in a conservation restriction but the applicant was willing to keep it for the other sections.

Kathleen Willis stated that Habitech is going onto two-property owner's land to change the lighting, as they did not install full cut off lights. She questioned if there was any documentation on their deed about the lighting bylaw.

Karen stated that they have been made aware of it as Habitech is changing the fixtures on the first two homes that were sold and the others will have the required style of lighting.

Kathleen Willis stated that she thinks its important to put this language about full cut off lighting in the deed for homeowners so that requirements are clearly stated. Ernie Dodd noted that full cut off lighting is only one requirement of many in zoning bylaw that we don't require in deeds. Karen noted that the requirement for full cut-off lighting is noted in the recorded decision.

Karen noted that the Board could request that the Building Commissioners hold off on signing the occupancy permits if lighting is not full cut off.

Ernie Dodd stated that homeowners are essentially going to do what they wish with their lighting after anything is installed as most homeowners throughout Town do.

Kathleen stated that the Building Commissioner should make sure that the lighting is compliant.

Solar Bylaw for Commercial Use

The Planning Board reviewed the draft solar bylaw Karen compiled and made the following comments:

- Solar Renewable Energy Installations should be located by right in the Industrial and Commercial Zoning District, and allowed with Special Permit in all other districts.
- Setback Requirements should be stated in the Rules and Regulations so that the Planning Board could modify them by increasing a setback if necessary.
- Height Restrictions should be stated in the Rules and Regulations so that the Planning Board could modify them if necessary.
- A visual barrier should be 35ft. deep, and any fencing being used as a visual barrier shall be opaque.

- Average height restriction on solar installations shall be 10feet. , and should be stated in the Rules and Regulations so that the Planning Board could modify them if necessary.
- Appurtenant Structures shall be subject to reasonable regulations in the zoning bylaw
- Right to access should be further researched
- Financial Surety- all companies should be licensed in Massachusetts (use the same language as stated in the Subdivision Rules and Regulations)
- Add the typical standards from the Rules and Regulations for Erosion Control special permits
- Edit pg.6 “i” side to site

Kathleen Willis questioned if there was anyway the Town could make sure that any solar facility is a taxable entity.

Karen stated that she doesn't think it would be appropriate for a Zoning Bylaw but would speak to Assessor's Office about this.

The meeting adjourned at 9:50 P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant