

TOWN OF STOW PLANNING BOARD

Minutes of the August 16, 2011 Planning Board Meeting.

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

Absent: Associate Member: Brian Martinson
Administrative Assistant: Kristen Domurad

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

CORRESPONDENCE

Letter from Habitech - Pedestrian Walkways - Members reviewed the letter from Habitech in response to the Planning Board's letter requesting that they grant an easement and construct the sidewalk along the Villages at Stow frontage as shown on the Segment 2 Pedestrian Walkway Plans.

Habitech proposed that they would grant an easement to install a walkway along Route 117, excluding installation of granite curbing and provided that the Town of Stow provides the police details at no cost to Habitech, and that:

- Habitech would be relieved of its offsite (approximately 332.12 linear feet) responsibility from Derby Woods
- Pilot Point bond would be released to Habitech without any additional work to be done by Habitech

Members reviewed Habitech's ongoing developments in Stow and determined the following status of their obligations with regard to the requirement for sidewalks:

- In accordance with the Derby Woods Subdivision Approval, Habitech is required to construct approximately 886.19 linear feet of sidewalk along the existing Harvard Road frontage, as shown on the Plan. In its original decision, the Board waived the requirement to construct a sidewalk along the existing Harvard Road frontage, adjacent to the existing wetlands at flags WF#1 through WF#8 (332.12 linear feet), provided that they construct an equal length of sidewalk on the opposite side of Harvard Road (if easements are obtained), or construct an equal amount of sidewalk elsewhere in Town (as determined by the Board.)

Members agree that the 332.12 linear feet of sidewalk should be constructed at the Villages at Stow Development.

- In accordance with the Villages at Stow Comprehensive Permit Decision, Habitech is required to construct a sidewalk along Great Road, from Harvest Road to Hudson Road. Bose Corporation constructed the section between Harvest Road and Orchard Drive and Habitech is now obligated to construct the sidewalk from Orchard Drive to Hudson Road. In addition, the Decision waived the requirement for construction of a sidewalk from Harvest Road to the Villages at Stow westerly property line (approximately 177 linear feet) provided that Habitech make a contribution to the Town of Stow Sidewalk Fund in the amount of \$10,556.00, which has not yet been received.

Members agreed to requests that Habitech grant an easement, as shown on the attached plan, and to construct 100 linear feet of sidewalk in lieu of a contribution to the sidewalk fund. Habitech would still be obligated to construct the sidewalk from Orchard Drive to Hudson Road.

- In accordance with the Pilot Point Subdivision Approval, Habitech was required to construct a sidewalk along the entire frontage of the Pilot Point Subdivision. A portion of this sidewalk was constructed (up to the Walkup Driveway), however Habitech is still obligated to construct the sidewalk along the Pilot Point Subdivision frontage beyond the Walkup Driveway.

Members agreed that the sidewalk should be completed, as required in the Decision. The Board will release the performance guarantee upon satisfactory completion of the sidewalk.

Members reviewed and commented on each item of Habitech's proposal as follows.

- Habitech would install the sidewalk along Route 117, excluding the installation of granite curbing. The Town of Stow would provide the police details at no cost to Habitech.

Planning Board Members are in agreement that installation of granite curbing and the cost for police details should be the responsibility of Habitech, as Habitech would have the same responsibilities if the 332.12 linear feet of sidewalk were constructed elsewhere.

- Habitech would be relieved of its offsite (approximately 332.12 linear feet) responsibility from the Derby Woods Subdivision Approval.

The Planning Board agrees that Habitech would be relieved of this responsibility, in exchange for constructing 332.12 linear feet of sidewalk along Great Road at the Villages at Stow property, in accordance with the Segment 2 Pedestrian Walkway Plan – including installation of granite curbing and provided that Habitech is responsible for police detail.

The Planning Board would also agree to recommend that the Zoning Board of Appeals waive the requirement for a \$10,556.00 donation to the Town of Stow Sidewalk fund provided that Habitech agrees to construct 100 linear feet of sidewalk (in addition to the 332.12 linear feet noted above) along Great Road at the Villages at Stow, in accordance with the attached plan.

- Pilot Point bond would be released to Habitech without any additional work to be done by Habitech.

The Planning Board does not agree to release the bond for the Pilot Point Subdivision until Habitech satisfies its obligation to complete the sidewalk construction along the entire frontage of the Pilot Point Subdivision.

Karen Kelleher will respond to Habitech, outlining the Board's position:

In exchange for a sidewalk easement and construction of a sidewalk along Great Road at the Villages at Stow (approximately 431 linear feet), with all associated costs and in accordance with the Segment 2 Pedestrian Walkway Plan, the Planning Board will:

1. Relieve Habitech of its obligation for offsite construction of 332.12 linear feet of sidewalk at the Derby Woods Subdivision.
2. Relieve Habitech of its obligation to make a contribution to the Town of Stow Sidewalk fund in the amount of \$10,556.00 as required by the Villages at Stow Comprehensive Permit.

3. Alternatively, if Habitech does not agree to constructed the additional 100 linear feet as noted in item 2 above, Habitech will be required to construct 332.12 linear feet of sidewalk, as noted in item 1 above, and make a donation in the amount of \$10,556.00 to the Town of Stow Sidewalk Fund.

Bruce Wheeler, of Habitech, will be invited to Meet with the Board if he has any questions.

MINUTES

Kathleen Willis moved to approve the minutes of the August 9, 2011 Planning Board meeting as amended. The motion was seconded by Steve Quinn and carried a unanimous vote of five members (Ernie Dodd, Kathleen Willis, Lenny Golder, Steve Quinn and Lori Clark).

PLANNING BOARD MEMBERS' UPDATES

Board of Health - Kathleen Willis reported on the Board of Health meeting that she attended last week:

- Kennel - The Board of Health had a lengthy discussion about the kennel. They plan to add structures and lighting. The plan is to install exterior lighting equipped with a motion sensor Kathleen reminded them of the requirement for full cut-off fixture and the response seemed to be that they did not think the requirement for full cut-off light fixtures would apply due to the location of the Kennel. Kathleen suggested the Board send a memo to the Board of Health and the Building Inspector reminding them of the zoning bylaw requirement.

Karen Kelleher will send a note to the Board of Health and the Building Inspector.

- Fines - The Board of Health also discussed concerns about fines not being paid. Susan Latham, Animal Control Officer voiced her frustration that there is a significant amount of fines that have not paid. She also works for the Town of Bolton, which is part of Worcester County. When they go to court to seek payment of the funds, the Worcester Courts are good about requiring payment. Middlesex County Courts do not support the Town in collecting fees. Kathleen suggested that they review their policy for a possible solution to ensure that fines are paid.
- Elm Ridge Rd Stable– The Board of Health sent a letter to the Elm Ridge Road resident, giving them until August 31, 2011 to comply with the requirement to move the stable off the abutting property and to renew the stable license. If they do not comply, the Board of Health will assess fines. Kathleen also noted that two other stable licenses have not been renewed.

PUBLIC INPUT

No public input at this time.

COORDINATOR'S REPORT

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

Cushing ANR Plan – Karen reported that she reviewed the ANR Handbook to see if there was any case law that addressed the Preliminary ANR Plan as presented by Jeff Brem for the Cushing Property. Chapter 40A requires that an ANR Lot must have access from a public road and Jeff Brem indicated that the entire frontage is wetlands. The Preliminary Plan presented by Jeff Brem does not show adequate access from Walcott Street.

The ANR Handbook referenced a similar case where the courts upheld an ANR denial. The Court reminded the Applicant that the ANR should show that the lots have safe and efficient access to an existing public roadway and concluding that the common driveway constituted a road system, which required approval by the Planning Board under the Subdivision Control Law.

Karen also came across the concept plan, prepared for the Community Preservation Committee, when the Town last had the right of first refusal on the property. That plan showed wetlands and that one ANR lot would be feasible.

Karen forwarded the Plan to Jeff Brem and also advised him of the concern about the ANR Plan.

Linear Retail

Linear Retail plans to submit their application for a variance for proposed pylon signs to the Zoning Board of Appeals by September 6th for an October Hearing, and asked for an updated list of outstanding items. Gordon Whitman said he was hoping to have a letter of support from the Planning Board to be included with the application. Karen told him the Board would be reviewing a draft letter this evening.

Metropolitan Area Planning Council (MAPC)

MAPC called this afternoon to advise that they will be filing for a Sustainable Communities Grant for local pedestrian and bicycle planning for Towns around the Assabet River and asked if Stow would be interested in participating. Karen noted that assistance would be helpful for work on the walkway master plan.

Arbor Glen Site Walk

Karen reminded members of a site walk at Arbor Glen on Thursday, August 18th at 9:00 a.m. Kathleen and Ernie will attend.

Warrant Closes September 30th.

MINUTEMAIN ADVISORY GROUP ON INTER-LOCAL COORDINATION (MAGIC)

Kathleen Willis moved to appoint Karen Kelleher as the Planning Board Representative to MAGIC. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members (Ernie Dodd, Kathleen Willis, Lenny Golder, Steve Quinn and Lori Clark).

STOW SHOPPING CENTER (LINEAR RETAIL)

Members reviewed and approved a draft letter to Linear Retail concerning the proposed pylon signs and outstanding Special Permit compliance issues. *(Letter on file in the Planning Department)* Steve Quinn noted that he doesn't feel strongly about the tree replacement at Citizen's Bank but does not object to sending the letter.

SUDBURY ROAD PEDESTRIAN GUARDRAILS

Karen Kelleher reported that she did not contact the Highway Department and the Board of Selectmen to arrange a meeting to discuss the issue of funding the Sudbury Road pedestrian guardrail, as Mike Clayton, Supt. of Streets contacted her with a suggestion for funding. It appears that the Highway Department has an account for construction of sidewalks along Great Road. He cannot use this account for Sudbury Road but suggested that the Planning Board fund the guardrail out of its Sidewalk Donation account and the Planning Board use an equal amount from his account for the Great Road Project. Karen checked with the Town Accountant who advised that the funds were from a 2002 Special Article, which appropriated \$40,000.00 for construction of sidewalks along Great Road. The current balance is \$16,091.80. Karen said that the cost for the guardrail is \$9,525.00 and Mike said he would like to retain the balance of the account (\$6,591.80) for maintenance of Great Road walkways.

Kathleen Willis said she is not in favor of this proposal and feels that the Board should still meet with the Highway Department and the Board of Selectmen.

It was noted that this is a Town project.

Steve Quinn noted that technically it would be Highway Department funds used for this project.

Lori Clark questioned whether the account could be used for maintenance because the vote was for "construction" of sidewalks along Great Road.

Len Golder said he thinks the guardrails should be installed as soon as possible because it is a public safety issue. He said the Board could discuss the issue of remaining funds later.

Kathleen noted that she previously suggested a moratorium on funds for the Sudbury Road project and the Board agreed. She questioned why the Board would continue to feel obligated to pay for this project.

Kathleen questioned what this account was used for if the account was initially for \$40,000.00 and there is \$16,091.80. She does not recall sidewalks being constructed on Great Road since she lived here. Karen said she is not sure of the date, but the highway department did install a sidewalk along Ministers Pond.

Members noted that they feel that the cost seems high and the guardrail is over-designed. Karen suggested that if Mike is technically using highway funds, the design should be left up to him as Supt. of Streets. She also noted that MassHighway references an average cost for a pedestrian guardrail to be \$35.00 per linear foot and the quote is for less than that.

Members questioned whether it is the Highway Department or Board of Selectmen that have control of the account if Mike's recommendation to use the funds for the Pedestrian Walkway is allowable. Karen Kelleher said she would ask the Town Administrator and Town Accountant the following questions:

1. Does use of Account # 0200-40-420-70-78200-0000 require Selectmen Approval?
2. Can Account # 0200-40-420-70-78200-0000 be used for maintenance of sidewalks? (The warrant article specifically states "construction" and does not mention "maintenance".
3. If it is determined that the account cannot be used for maintenance, can the account be used toward the Planning Board's Great Road Pedestrian Walkway Plan?

SOLAR BYLAW/WIND TURBINE BYLAW

Karen Kelleher explained that the Draft Solar Bylaw included in their packets reflects changes the Board suggested at a previous meeting. She also noted that the warrant closes on September 30th and suggested the Public Hearing be held on September 13th. Members agreed to forward their individual comments on the updated draft to Karen to be incorporated into a final document to be posted with the Public Hearing Notice. Members will discuss the updated draft at the September 6th meeting.

WIRELESS SERVICE OVERLAY DISTRICT

Planning Board reviewed and approved the proposal from David Maxson of Isotrope, LLC and agreed to move forward. However, the Board determined that it will not be possible to have something ready for the November 7th Special Town Meeting. There are only have three more meetings scheduled before the warrant closes and those meetings are already booked with public hearings. The Board is willing to work with David Maxson on a potential bylaw amendment for the 2012 Annual Town Meeting. When responding to David Maxson, Karen will advise him that services shall be limited to the quoted price unless authorized by the Board in advance.

PLANNING BOARD GOALS

Lori Clark explained the outline for Planning Board Goals provided in the Board's packet. Members agreed to review the list and think about any changes or additions to the goals for discussion at a future meeting.

Respectfully Submitted,

Karen Kelleher
Planning Coordinator