

## **TOWN OF STOW PLANNING BOARD**

Minutes of the November 1, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Ernie Dodd, and Lori Clark  
Associate Member: Brian Martinson  
Planning Coordinator: Karen Kelleher  
Administrative Assistant: Kristen Domurad

Absent: Planning Board Members: Kathleen Willis and Steve Quinn

The Meeting was called to order at 7:10 P.M.

### **MINUTES**

*Ernie Dodd moved to approve the minutes of the October 18, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried a vote of the three members present (Lori Clark, Ernie Dodd, and Lenny Golder).*

### **CORRESPONDENCE**

No Comments

### **PLANNING BOARD MEMBERS' UPDATES**

#### **Globe Newspaper Article on Solar Panels**

Lenny Golder stated that he read an interesting article on Town's sighting solar projects on old landfills, on town property.

#### **Pedestrian Walkways**

Lori Clark stated that the Pedestrian Walkway Committee was unsure of Century Paving's timeline.

Ernie Dodd noted that he spoke with Bruce Fletcher, project manager, who told him that Century Paving would be coming back to finish the punch list by next Saturday and that the rest of the walkway would be postponed until the next construction season.

Lori stated that there was a slight issue at the end of Gates Lane, where some puddling has occurred. Bruce indicated that the puddling was due to the walkway but didn't know if this was an error in the design or construction, he will be investigating and getting back to the Board.

Karen noted that the invoice for the granite posts came in higher than Bruce expected. He did not realize that the quote didn't include delivery. Bruce said that he would need to find funds for the rails elsewhere as there is only eight dollars remaining from the Planning Board vote.

Lori said the Walkway Sub-Committee is working on their priority for the Phase 2 report. They are currently working on the final write up. She said the Sub-Committee held a public hearing to determine criteria for priority walkways and now plan to collect more information by way of a

survey. They plan to implement a survey first for residents that live on the highest priority streets to see if walkways would be supported, then they will survey residents throughout Town.

Ernie Dodd suggested the Planning Board announce information about the survey at Town Meeting.

### **COORDINATOR'S REPORT**

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

#### **AT&T**

Karen stated that she received an electronic filing from AT&T for a request to modify the original court decision. Karen stated that she already spoke to AT&T's attorney and informed her that the Board did not have the authority to modify a court decision, which Karen also confirmed with Jon Witten, Town Counsel. AT&T's attorney stated that they knew this, but plan to take a different approach and are still going to ask for the modification from the Planning Board. Karen stated that she had already contacted Jon for a recommendation on how the Board should respond and is waiting to hear back from him.

#### **495/MetroWest Development Compact**

Karen reported that there would be a follow up presentation on two separate dates to discuss the findings. One meeting is in Framingham the other in Worcester at 6PM and another during the day for staff. Board Members are also invited to the daytime meeting.

#### **Cushing Property**

Karen reported that Jeff Brem stopped by the office yesterday to look over the Cushing property while Ernie Dodd was in the office. He is trying to figure out how he can move forward, knowing he will need to file a subdivision plan. He stated that they conducted a percolation test at the bottom on the property where he was proposing an ANR lot, but stated that he is not sure now if that property will even perc. Karen noted that it might be best to do the perc tests before designing the entire layout, as some areas on the property may not be buildable.

Karen noted that he is now looking at doing a small subdivision with a cul-de-sac that would consist of a lot containing the existing house and one additional lot near Walcott Street. Karen suggested that he bring the lot line for the additional lot to the Hudson Town Line, as that area is mostly wetlands and floodplain and could not be used as frontage. They also discussed making the existing house lot a hammerhead lot off of a cul-de-sac road and cutting off the area that wraps down to Walcott Street as it would not be needed for frontage and would help achieve the lot shape requirement.

Karen explained that this scenario would require that he file an application for subdivision approval. He would like to file the subdivision plan to serve the two lots, including the existing lot, and request a waiver to construct the road. The remaining land (two parcels, one on each side of the driveway) would be considered parcels with a not to be further subdivided until the subdivision is modified and the roadway is constructed to provide adequate access. Both Karen and Ernie made it clear that they could not speak for the Board and he should bring forth a concept plan to the entire board before moving forward.

### **Habitech Walkway Obligations**

Karen stated that she spoke with Bruce Wheeler today about an email he sent regarding Habitech's offer for their sidewalk obligations.

Bruce Wheeler proposed that they would grant an easement and construct the walkways in exchange for release of the \$30,000.00 bond the board is holding for Pilot Point and payment to Habitech in the amount of \$33,950.00 for construction of the walkway as shown on the plans for Segment 2 and a small portion of Segment 2. Karen relayed to him that the Board would not be allowed to pay them to construct the walkways without putting the segment back out to bid and that, prevailing wages would also apply. In addition, the Board does not have \$33,950 left in their budget.

Ernie Dodd stated that he would be fine if the Board kept Habitech's obligations at the status quo and acquiring an easement from the Villages at Stow Condominium Association once Habitech was gone.

Karen stated that Bruce Wheeler was willing to negotiate further with the Board and suggested meeting with him and Attorney Levine sometime next week.

Board members decided to set up a meeting with Bruce Wheeler for either next Monday anytime after 3:30 or Tuesday any time after 2:30PM.

### **DISCUSSION/ ACTION ITEMS**

#### **Town Meeting Preparation**

Karen reported that Hudson Light and Power made a suggested amendment to the Solar Photovoltaic bylaw. It was suggested that the switchgear and metering also be allowed above ground. Board members were in support of adding this amendment at Town Meeting.

Karen also reported that Hudson Light and Power is currently in discussion with a solar company for a project at the Teradyne property.

The Board reviewed the Power Point slides and made recommendations to take out slide 8 and 9 and to combine slide 5 and 7.

Ernie Dodd agreed to present the warrant article on behalf of the Planning Board.

#### **Pedestrian Walkways**

Lori Clark recapped the October 3<sup>rd</sup> Planning Board meeting in which the Board approved an additional \$25,000 for a portion of Segment 1 to be constructed by Century Paving. She reported that Bruce Fletcher suggested that for approximately \$8,000 more, Century Paving would construct an additional 100 linear feet of Segment 1 on the westerly side of Applefield Farm to Old Bolton Road.

Lori noted that with this, they could construct walkways along the most dangerous sections to Old Bolton Road.

***Ernie Dodd moved to authorize an additional \$8,000 to the current contract with Century Paving for construction of approximately 100 linear feet of sidewalk from the westerly side of***

*the Applefield curb cut to the end of Segment 1. The motion was seconded by Lenny Golder and carried a vote of three in favor (Ernie Dodd, Lenny Golder and Lori Clark).*

### **Schedule Meeting with Town Counsel**

Karen reported that she received a formal request from Mr. Colling's attorney for Mr. Collings to meet with the Board without town counsel. She reiterated that the Board would be willing to meet with Mr. Collings only as a full board and with Town Counsel present.

Karen stated that Jon Witten, Town Counsel said to schedule a meeting and he would attend. Karen suggested the Board reserve the rest of that meeting to address items they want to discuss with Jon.

Board members agreed they would like to also discuss the AAN Bylaw, and the AT&T application.

Lori Clark noted that the Board should formulate their own opinions on possible changes to the AAN Bylaw before actually meeting with Town Counsel, so they have a better direction.

Board members agreed.

Karen will added an agenda item for their next meeting to discuss the AAN Bylaw and fee simple lots, and will schedule a meeting with Jon and Mr. Collings in December.

### **Planning Board Goals**

The Board reviewed their charter and overarching goals.

The Board agreed to overarching goals are as follows:

1. Review, recommend revisions, and approve applications for subdivision and special permits such that:
  - a. Mass State Law, Stow Zoning Bylaws, and Stow's Subdivision Rules and Regs are upheld
  - b. The impact to the community is minimized
  - c. Stow's character is preserved and/or enhanced
2. Identify, develop, and shepherd revisions to Stow's Zoning Bylaws, Subdivision Rules & Regs, and other state/town laws & process in order to create regulatory tools to allow the Planning Board and/or Town to:
  - a. Minimize the impact proposed development and special permit will have to the community
  - b. Allow/encourage protection of land owner's rights
  - c. Allow/encourage the preservation and/or enhancement of Stow's character
  - d. Identify and help shape future development for the purpose of preserving or enhancing the town's character/protecting land owner's rights
3. Implement/Review and Update the Master Plan

With the above as the overarching goals, the Board then brainstormed short-term actions they would like to concentrate on, some taken from the Master Plan, Open Space and Recreation Plan and Planning Board goals they adopted last year;

Lenny

- Install a storyboard type sign near the Library denoting historical homes and places in Stow.
- Pompositticut Re-Use study, the Board should give input on any changes. It was noted that there is a special committee working on the study and that this would be standard operating procedure for the Planning Board when the project progresses to the site plan approval stage.

Board members suggested writing a letter to the Historic Commission recommending they look into a project like this.

Steve Quinn was not present but provided his list of priorities:

- Lower Village traffic improvement and village planning
- Review and modify Commercial and Business Allowed Uses
- Investigate Golf Course Zoning tools as well as Orchards
  - protecting scenic vistas
  - also protecting the rural character

Ernie Dodd

- Consider Demolition Delay Bylaw with aspects that require proof that another use is not possible before tear down is approved.

Karen Kelleher

- Design Guidelines
- Economic Development

Board members questioned if Economic Development was really in their purview and noted that seem like the Board of Selectmen should be the ones to take this on as they would be the ones to seek out potential developers. Karen noted that the Planning Board does have the responsibility in shaping the future of the Town and how it is developed over time. She stated that if the Town determines it wants more economic development, the Board could review the zoning map and identify parcels that might be appropriate for development.

Board members felt that this was mainly a Selectmen's priority.

Lori

- Design guidelines for Solar Photovoltaic Rules and Regulations
- Zoning Enforcement issues in Lower Village
  - Meeting with the Selectmen to discuss alignment on expectation for Zoning Enforcement in Lower Village
- Review of Special Permits(It was noted that this should be standard operating procedure)

Ernie Dodd noted that zoning enforcement was not in the Planning Board's purview.

Brian Martinson stated that nothing is being done regarding zoning enforcement.

Karen and Kristen both stated that they have followed the Planning Board's and Building Commissioner's agreed upon process which was created last year, and that every complaint that

has come through the Planning Department has been given to the Building Commissioner who has then dealt with the issues and resolved the violations.

Two in particular; a resident at the corner of Harvard Road and Great Road was selling several snowmobiles, golf carts and other motorized vehicles. A resident complained, they referred to the Building Department to make a formal complaint, the Building Commissioner contacted the property owner and the issue was resolved within two weeks. There was a similar situation with a sign located on Great Road that was over sized and fixed within the same time period.

Brian Martinson stated that there are several zoning violations not being taken care of in Lower Village.

Brian Martinson asked if the Board was going to do anything about the email complaint submitted to the Planning Board by Greg Troxel regarding a lighting violation at Stow House of Pizza. He noted that Craig Martin, Building Commissioner and Zoning Enforcement Officer, has not done anything about this.

Karen reminded the Board of the process they agreed upon with Craig; if the Board is aware of a violation with regard to the Planning Board special permit it was their responsibility to first contact the property owner. If the property owner fails to come into compliance then the Board is to contact Craig Martin.

Lori Clark acknowledged that the Board hasn't enacted the policy yet. She stated that she remembered Selectmen Jim Salvie coming to her and suggesting the Selectmen and Planning Board meet to discuss zoning enforcement jointly.

Karen suggested if the Board wanted to pursue the complaint from Greg Troxel she could draft a letter to Stow House of Pizza regarding their lighting violation which is out of compliance with their Special Permit for the Board's review at next weeks meeting. After the letter is sent, and if there is no response from the property owner, it should then be forwarded to the Zoning Enforcement Officer.

Lori agreed.

*Other goal suggestions:*

- Consider zoning that would diversify housing stock
- Reviewing PCD Bylaw
  - Allowing By-Right
  - Identify Open Space first
  - Density incentives
- Consider other uses in the industrial district that could support existing industrial businesses
- Zoning Bylaw changes around the lake, floor area ratio
- Identify sources and develop strategies to mitigate excess of phosphorus in Elizabeth Brook during high water, wet weather conditions, adding something in Rules and Regs for this
- Foster Pedestrian Mobility
  - Update Policy for appropriate fee in lieu of construction
- Adopt Scenic Roads Bylaw

- Conserve Open Space in southwest quadrant of Stow
- Consider requiring PCD if identified by Open Space Committee as priority landscape

Ernie Dodd stated that the Board should consider some type of green building design.

The Board was reminded that last year the Board decided that adoption of the Stretch Code should be something that the Selectmen should take this on as a priority.

Ernie stated that Zoning cannot dictate building code issues. Karen stated that it would have to be adopted as a General Bylaw. She said that it does not necessarily have to be brought forward by the Selectmen. It is brought forward by the Planning Board in many towns as a step toward being certified as a Green Community.

Karen Kelleher suggested the Board go back to having one working meeting a month to work on their goals. The Board agreed and will set November 15<sup>th</sup> as a working meeting with no appointments.

Karen and Kristen will consolidate the list of action items and relate each one to the overarching goal for the Board to review at an upcoming meeting and eventually develop a realistic action plan.

The meeting was adjourned at 9:47PM

Respectfully Submitted,  
Kristen Domurad  
Administrative Assistant