

TOWN OF STOW PLANNING BOARD

Minutes of the November 8, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Ernest Dodd and Lori Clark
Associate Member: Brian Martinson

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

REVIEW OF CORRESPONDENCE AND MINUTES

MINUTES

Ernie Dodd moved to approve the minutes of the November 8, 2011 Planning Board meeting as amended. The motion was seconded by Steve Quinn and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

[Lenny Golder arrived at this point in the meeting].

CORRESPONDENCE

No correspondence was discussed.

PLANNING BOARD MEMBERS' UPDATES

Elementary School Building Committee (ESBC)

Steve Quinn reported on the ESBC meeting. The committee will be taking a tour of the site and the project is making headway. He noted that there is a new site contractor and Craig Martin gave permission to work on Saturday and Sunday in order to catch up.

Habitech Sidewalk Obligations

Karen Kelleher, Ernie Dodd and Lori Clark met with Bruce Wheeler and his attorney Lou Levine of Habitech to discuss sidewalk obligations.

Lori stated that Bruce brought several estimates for different segments but questioned their accuracy. Habitech stated that their costs would only be 12% lower than the Century Bids and stated that they would build the walkway along The Villages at Stow if the Board relieved them of their obligation to build the walkway along Derby Woods and Pilot Point.

Ernie and Lori both made it clear to Bruce that the Board would only be willing to relieve them of the sidewalk at Derby Woods or Pilot Point if they built the walkway at the Villages at Stow, not both because the length of the walkway at The Villages at Stow is approximately the same in all three locations. The Board noted that the walkway location at The Villages at Stow is a much easier site to build than Derby Woods or Pilot Point as there are no wetlands and the land is flat. Ernie also made it clear that the Board was not willing to negotiate payment for the easement as

they would be able to obtain an easement from the Homeowner's Association once Habitech was finished at the site.

COORDINATOR'S REPORT

Minuteman Advisory Group on Interlocal Coordination (MAGIC)

Karen reported that she and Kristen attended the MAGIC meeting in Hudson at the new COA building. The meeting started with a tour of the building, which was a renovated Victorian with an addition. The building was funded through a combination of state grants, Friends of the Council on Aging, and a 4+ million dollar override. Karen stated that they were able to replace the old heating system with geo-thermal heating and preserved many historic aspects of the building such as the fireplaces, hardwood floors, molding and stair rails.

The topic of discussion at the meeting was on Affordable Housing. Karen noted she was surprised to hear that SMAHT was not interested in joining with the Town of Hudson for a grant for a down payment assistant program. When she spoke with Laura Spear she learned that the reason was the language of the grant did not list affordable housing as a main priority and they did not think their efforts would yield the benefits they would hope for.

Karen also reported that Bedford, Concord, Lexington, Lincoln and Weston had created an inter-municipal agreement to help plan, permit, monitor and maintain affordable housing stock. MAPC has a model document that could be used by other towns. MAGIC members talked about the possibility of such an agreement between other towns in the MAGIC region. This effort could be funded through a DLTA grant and most towns present thought it would be worth pursuing. Karen noted that right now Bob Barrell currently supports the Town of Hudson and Stow and she believes he only deals with the ready buyers list for Stow. The minimal budget for him indicates that no other services are being performed.

Karen stated that Mike Kopczynski, member of Stow Municipal Affordable Housing Trust, also attended the MAGIC meeting and asked Karen about the committee the Board of Selectmen appointed to review the Comprehensive Permit Policy. It was noted that the Committee only met two times and that no other meetings had been called. Bill Byron noted that he attended as a member of the Zoning Board of Appeals, but the Zoning Board of Appeals does not want to make a formal appointment. It was suggested that the Committee identify another member to help chair the committee.

DISCUSSION/ACTION ITEMS

License Renewals

The Planning Board reviewed licenses for up to renewal by the Board of Selectmen to provide information on any zoning issues.

Common Victualer Licenses

Costa Donuts Two, Inc.: Ernie Dodd stated that it was his responsibility to review their Special Permit earlier this year and he had reported that there were no issues.

Delta Epsilon, Inc. (Stow House of Pizza property): There are two high-output non-full-cutoff floodlights in the parking lot that shine directly in driver's eyes, causing a hazard, in violation of Section 3.8.1.5 of the Zoning Bylaw and Section 7.8 of the March 21, 2006 Special Permit

Decision and sign lights continue to shine upward, in violation of Section 6.3.1.3 of the Zoning Bylaw. In addition, the internally illuminated ATM sign at Family Federal Savings Bank is in violation of section 6.3.1.3 of the Zoning Bylaw, which states: "SIGNS shall not be illuminated between 9:00 p.m. and 5:00 a.m., except during business hours." and section 6.3.1.5, which states: "SIGNS which are oscillating, internally illuminated, flashing or operating with moving parts are not permitted;"

Papa Gino's @ Stow Shopping Center: No issues
Stow Cafe: No Issues
Stow LLC Dunkin' Donuts: No issues

Used Car (Class II) Licenses

Auto Support Engineering: No issues

Concord Fuels of Stow: The site is restricted to no more than 10 cars to be parked on the site at one time and they are not in compliance. Cars are still parked on the dirt/grass.

Hudson Road Auto: No issues

Import Export of Boston: No issues

Inferrera: No issues

Maione, John Omega Sports: The Board questions if this business is still in operation as the Omega sign no longer exists on site. Also, vehicles are being parked on Town property.

Patterson Auto Body: No Issues

Richard Presti Chapel Partners: Vehicles are being parked on Town property, lights on the property are a hazard and a nuisance.

Sales Approach: No issues

APPOINTMENTS

ANR 370 Hudson Road – Cummings

Tom DiPersio and Robert Cumming were present for the meeting.

Tom Dipersio explained the ANR lot Mr. Cummings wished to create. He stated that Lot 1 would be created by the ANR and lot 2 would be the remaining land, which contains Mr. Cummings current home. He noted that the plan shows that they have meet all the requirements set forth in the Zoning Bylaw and included the requested changes by Karen Kelleher.

Ernie Dodd moved to deem the plan Approval Not Required. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lenny Golder, Steve Quinn and Lori Clark).

Mr. Cummings will bring his application fee and pick up the signed plan on Wednesday.

Lower Village Planning

The Board reviewed all the Lower Village concept plans prepared by Coler and Colantonio. Board members felt that there was no perfect solution out of the concept plans provided to them.

Lenny Golder stated that the plans don't seem viable and the Town needs a more affordable option like rumble strips to accomplish the goal of slowing traffic.

Steve Quinn noted that traffic speed was not the real issue in Lower Village, the issue was traffic flow and motorist being able to turn out of Pompositticut Street, Red Acre Road and the various shopping areas.

Lenny said the only real way to get people to stop so others can pull out is by adding a traffic light and or stop signs.

Ernie Dodd noted that he liked Concept 4 with the stop control at Pompositticut St. Other Board members disagreed, as motorist would still have the same issues trying to enter Rt. 117.

Brian Martinson stated that stop signs and traffic lights were dangerous, but that he liked the idea of adding rumble strips to the entrance of Lower Village because it does make people slow down, but it would not be sufficient enough to address any of the other issues.

Brian stated that Coler and Colantonio indicated that the original concept, the preferred plan, requiring a taking at the Presti property would be viable. He noted that if the eastbound Rt. 117 entrance into the roundabout was brought down and entered at a different angle it would work. He stated that they Board should seriously consider this.

Lori stated that the traffic speed is not a problem eastbound, just westbound and that another traffic island or rumble strips, possibly cobblestones, could help slow people down entering westbound.

Lori stated that out of all the concepts she did not think anyone would be happy with accessing the businesses from one way or if they did a land taking.

Karen noted that it might be very difficult to do a land taking as Mr. Presti does not have a large lot and needs the land for well and septic placement.

Brian stated that it did not seem like they would need a lot of land and that the Town could pay for it.

Ernie agreed that Mr. Presti would probably need to keep as much land as possible.

Lori stated that at a minimum the Board should consider starting with cheaper/easier measures to address traffic issues for the time being.

Steve Quinn suggested that the Board should ask the abutters in the area for input.

Ernie said they could also ask Linear Retail and others just for traffic improvement ideas in general.

Steve asked if Coler and Colantonio had finished phase 1 of their agreement or if the Board would be receiving more services for streetscape etc.

Karen stated that they have completed their agreement for Phase 1, pedestrian safety measures, streetscape, utilities lines and borings are in the next phase.

Lori stated that the Board should find out how much land they would need from the Presti Property to make concept 1 viable.

Brian questioned why the Board would even debate the idea if it is the best option.

Lenny stated that he thought the Board should ask others opinions because if residents like another option, concept 1 may not be the most viable.

Lori stated that she was not sure about getting feedback at a forum would be helpful at this time.

Ernie stated that the only cost effective option is to just slow traffic down.

It was suggested to meet with the police department for suggestions on how to slow down the traffic.

Brian stated that they should meet with the police and figure out methods to slow traffic entering, heading westbound, but the Board could not ignore the previous traffic studies and existing problems because they will only get worse as time goes on. He stated that they need to consider a long-term solution and continue to work at it.

Lenny stated that there are a lot of dangers with roundabouts.

Board members pointed out the various studies conducted proving the effectiveness and safety of roundabouts. Board members also noted the traffic simulation demonstrated by FST which showed that a traffic light in Lower Village would clog up traffic and a roundabout would allow for better traffic flow.

The Board decided to take the following approach:

- Contact Coler and Colantonio and ask them to change concept 1 by swining the Rt.117 entrance/exit down into the Presti property only enough to allow for a safer entrance angle and distance from Red Acre Road entrance.

- Contact and set up a meeting with the Police and Highway Departments to review the plan with them.

- Inform residents which plan they prefer and why

Resident Bill Byron stated that he did not think traffic lights or a roundabout would fix the problem.

Ernie stated that he agreed with Brian, that the situation would get worse as time goes on as the studies have indicated.

Bill Byron asked how the roundabout would help people getting in and out of the shopping center. Brian indicated on the plan how motorist can enter the roundabout from the shopping center and change direction.

Lori stated that it is the Planning Board's job to present options with pros and cons and to gather input. She stated that at this point because the original traffic study and preferred plan has been so well talked about it is part of their job to educate people why the plans are not feasible as is, but to show them how it could work. She noted that none of the options are perfect but do address some of the problems.

Lenny asked why they should even ask Coler and Colantonio to do the plan changes, especially if it is going to cost more.

Karen stated that she could ask Jon from Coler and Colantonio to see if they could provide this information free of charge.

Lori noted that the they should have a joint boards meeting as well as meeting with the Selectmen in general.

Board members noted that often times it is difficult to get people used to a new idea like a roundabout. When they originally proposed traffic islands in Lower Village a few people were very upset, and now everyone has been very happy with them and there have been no accidents since their installment.

Active Adult Neighborhoods – Fee Simple Lots

The Board discussed changing the zoning bylaw to allow for fee simple lots within an Active Adult Neighborhood development, as requested by RidgeWood at Stow.

Ernie Dodd stated that the reason the bylaw was first enacted was to allow for condo style housing option for seniors within the Industrial District where maintenance would be taken care of and to provide an alternative to single family homes. He noted that developers can build single family homes anywhere else in town but the industrial district. He said he would not agree with a bylaw change.

Lori Clark stated that the Board should think of changing the bylaw only if it is a benefit to the Town. She felt that the Town would lose out by amending the bylaw to allow fee simple lots in because it opens up the industrial land to something other than the bylaw was originally enacted for.

Steve Quinn stated that the developer could draft the restrictions in the homeowners' association so that residents can feel like they own their land without needing fee simple lots.

Lori stated that the Board should be careful in allowing fee simple lots because they would be opening up issues as all homeowners' agreements would all be different and reviewing would be difficult.

Steve Quinn stated that he felt Ernie was right, that the intention was so the AAN within an industrial district was for condominiums not individuals lots and doesn't think the Board should sponsor a bylaw change for one development in particular even though it is the best use for the site.

Lenny Golder stated that changing the bylaw to allow fee simple lots would help make the RidgeWood development viable as long as it preserves the AAN with the affordable housing component. He stated that if they are not able to move forward with the development the land could go vacant and it has been difficult for the Town to find someone to develop in that area.

Brian Martinson stated that he felt there was no evidence or market studies other than the developer's word, to show that people would even buy the fee simple lots.

Karen stated that she did have a resident come into the office asking about the development and noted that he would buy a parcel to build on at a later time if fee simple was allowed.

Ernie Dodd stated that when RidgeWood at Stow was originally approved, Kathleen Willis and Laura Spear were dead set against even the single family units because they felt there would be too many inequalities between the multi-family units and single-family units and that with fee simple lots it would be even more so.

Lenny stated that he wanted to help the project move forward.

Lori said she was not sure that RidgeWood would even begin construction if they did allow for fee simple lots in an AAN.

Steve explained that they would be able to sell off some of the lots to re-coup cash flow and then be able to begin, but noted that he did not think the Board should change a bylaw for one particular applicant.

Ernie, Lori and Steve all stated that they would not support the Planning Board sponsoring this article. Lenny Golder stated that he would support this.

Karen asked the Board if they still wanted to discuss fee simple lots with Town Counsel, Jon Witten, when he came in. Lenny stated that he might want to discuss this with Jon so that they understand fee simple lots and homeowner's agreements more thoroughly.

Karen noted that a developer could do a Planned Conservation Development with an age restriction anywhere in Town but the Industrial District.

AT&T Request for Modification

Karen reported that Ernie Dodd reviewed the judgment and found that there was a section which states the Planning Board can approve alterations to the facility. She stated that if the Board determines the alterations are minor, the application would only need the Board's approval and a building permit. Karen also noted that Jon Witten mentioned that the bylaw requires new co-locators to pay ten thousand dollars toward the sidewalk fund, he noted that he could look into this further.

Board members agreed that the request was a minor modification request as the canister was only being bumped out a small amount, which was not really visible. The Board will have Attorney Witten reach out to the applicant first, then make a final vote at their next meeting.

Stow House of Pizza

The Board reviewed the draft letter to Kostas Asprogiannis.

Lori explained that at the Board's last meeting they discussed zoning enforcement issues and the Board's process with the Building Commissioner/Zoning Enforcement Officer, Craig Martin. She noted that the Planning Board had not used the process to date but plan to send this letter to Kostas as the Board's first attempt to address the Special Permit violations. If nothing has changed on the site, they will then turn it over to Craig.

Karen noted that the Planning Board told Kostas he did not have to continue with the other requirements of the special permit (particularly paving the parking area) except for lighting until the water issues were straightened out so this letter is mainly about lighting violations.

Brian Martinson stated that there are internally illuminated signs in the windows of the Bank with the letters ATM.

Karen noted that the previous Zoning Enforcement Officer did not deem internally illuminated signs within a building as a lighting violation.

Lenny Golder stated that the Board should make sure they are reviewing all permits equally.

Brian stated that the internally illuminated sign was a clear violation.

Lenny asked the Board how far they wanted to go with this and that the Board's main job was not zoning enforcers.

Board members noted that they did have a process for dealing with Planning Board special permit violations and that the first step is for them to send a letter to the landowner.

Lenny stated that the Board should talk to Kostas about this issue instead of sending a letter. Brian noted that they had discussed this with Kostas several times.

Ernie Dodd noted that the Board may want to consider some type of standard about internally illuminated signs for the inside of windows, as the bylaw is not exactly clear. Board members noted that they should rewrite the bylaw to make this clearer.

Karen asked the Board if they wanted to hold off on adding this to the letter if they are inclined to change the bylaw.

Steve questioned if the Board had the authority to require conditions of the special permit if the construction was on hold.

It was noted that Kostas did begin to act on his special permit by clearing the land.

Brian Martinson asked what type of authority the Board had and if they could revoke his special permit.

Karen stated that the draft letter states that if he does not comply then the Zoning Enforcement Officer will evoke his authority, which could be in the form of fines.

Karen noted that they may be able to revoke a special permit, but then they would be shutting down all the businesses.

Brian stated that they could just use it as a scare tactic.

Steve stated that he understood what the Board members were trying to do, but suggested they just clearly request he to turn the lights off.

Board members agreed to rework the draft letter so that all violations are listed, but a list of how to fix the problems are written clearly.

The meeting adjourned at 9:34 PM

Respectfully Submitted,
Kristen Domurad
Administrative Assistant