

## **TOWN OF STOW PLANNING BOARD**

Minutes of the December 6, 2011 Planning Board Meeting.

Present: Planning Board Members: Steve Quinn, Kathleen Willis, Ernest Dodd, Lori Clark,  
and Lenny Golder  
Administrative Assistant: Kristen Domurad  
Voting Associate Member: Brian Martinson  
Associate Member: Martha Monroe

Called to order at 7PM.

### **REVIEW OF CORRESPONDENCE AND MINUTES**

#### **Minutes**

*Ernie Dodd moved to approve the minutes of the November 15, 2011 Planning Board meeting as amended. The motion was seconded by Lenny Golder and carried by a vote of five in favor (Ernie Dodd, Steve Quinn, Kathleen Willis, Lori Clark and Lenny Golder).*

#### **Correspondence**

Email from Malcolm Fitzpatrick to Planning Board RE: Crow Island/Track Road Special Permit Modification

The Board reviewed Malcolm's email.

Kathleen Willis stated that in the Board's decision they determined that vehicular access was a pre-existing use on this road and that it is a private road. She noted that the Town knew this road would be a multi-use road when they purchased the easement, and it does not restrict the owners right for vehicular use.

Ernie noted that the Rail Trail committee is aware of the future challenges they will face due to the nature of the road and the easement the Town purchased.

Board members requested that a letter be sent to Malcolm in response to his email explaining the Board's position in their decision.

### **PUBLIC INPUT**

No public input.

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

#### **Board of Health Liaison**

Kathleen Willis reported on the November 16, 2011 Board of Health meeting. She stated that Marcia Rising did not want to see the Board of Health proposing a general bylaw to restrict the DEP Zone II banned substances from use on golf courses. Kathleen noted that the other member present did not express an opinion and the third member was not in attendance, so she was unsure where they stood as a Board.. Kathleen encouraged the Board of Health to write a draft memo to the golf courses and to meet with the Planning Board before sending the memo so they can make sure both boards are on the same page. This is the purpose of tonight's meeting with the Board of Health.

Lori Clark stated that she understood that they would be looking into adopting a Board of Health regulation, not a general bylaw.

Kathleen stated that if a regulation was not created by the Board of Health, the Planning Board could bring forth a general bylaw to Town Meeting.

Ernie Dodd noted that it could easily be made into a Board of Health Regulation.

Kathleen reported that the Board of Health is still dealing with the beaver dam issue. They have not created a new policy. A resident at Juniper Road was having beaver issues, the Board of Health discussed having them working with the Highway Department, a trapper and Jack Wallace, Health Agent to coordinate a follow up.

Kathleen stated that the Lake Boon draw down was halted in process. Resident Janet Stiles called with a complaint that she was having problems with her water flow. The Health Agent, Jack Wallace immediately stopped the drawdown, and then went out to investigate the property to see if there were other possible causes. Jack checked with surrounding property owners who were not having issues. He also checked with a neighbor who landscapes the Stiles property who reported that he was able to get water from the outside hose without any problems. Kathleen stated that this was three weeks ago and she is unsure of the current status.

[Martha Monroe arrived at this point in the meeting.]

#### **Elementary School Building Committee (ESBC)**

Steve Quinn shared an update from the ESBC. The contractors are now trying to finish up the final parts of phase I to allow students to move into the new building so they can start to work on the renovations. They recently connected the electricity.

Lenny Golder asked if the stone building was still being demolished.

Steve said the original transition date was today. Because the addition is not ready to move into, the school is still using the stone building. He anticipates the building will be demolished by the first of the year.

#### **Pedestrian Walkway Planning Sub-Committee (PWP)**

Lori Clark stated that PWP launched the walkway survey to collect feedback on the top potential streets. She reported that the sub-committee is writing their final report.

Steve asked what the options were for future funding.

Kristen referred board members to Karen's budget memo, which suggested the Board submit a capital plan requesting funds each year in order to build up the walkway fund.

Lori Clark stated that Jim Salvie mentioned adding an item to the consent calendar every year for repair. She noted that there is a section in the PWP's report that discusses what other towns do in regards to maintenance (snow plowing) and repairs (frost heaves, paving). Lori said they should see where the Selectmen are at in terms of asking for repair and maintenance sidewalk funds at Town Meeting.

Lenny Golder asked if the next phase of walkways would be down at Lower Village on the opposite side of Linear Retail.

Lori stated that the PWP's idea is to increase connectivity to destinations in Town as this was listed as the highest criteria for new walkway placement by resident in the Phase I walkway survey. She explained that they have identified priority roads, which will create a "fishbone" from the major roads to Route 117.

Ernie said that he sees people using the sidewalks mainly for exercise and that it is good to have them in areas that create a loop, like Sudbury Road.

Lori stated that the Sub-Committee was surprised that the survey results indicated residents walk quite far. Martha noted that residents have indicated that they want safe walkways to destinations.

Ernie suggested a crosswalk be installed from Plantation Apartments to the north side of Route 117.

Kathleen suggested the Board send a memo to the Selectmen urging them to put in a sidewalk in this location, or asking Plantation Apartments to add in a crosswalk once they begin construction.

Brian said a sidewalk on the south side of Rt. 117 in this area would be helpful.

Lori said there are a few longstanding sidewalks and easements owed to the Town and the Board should condition decisions to require installation/donations prior to issuance of a certain number of building or occupancy permits.

Ernie said that the Board does try to do this now.

Kathleen noted that, in the past, the Board would normally just hold the bond until the sidewalks are completed.

### **COORDINATOR'S REPORT**

The Board read Karen Kelleher's memo (see attached).

### **Board meeting on December 20, 2011**

The Planning Board decided not to meet on December 20, 2011.

### **Taylor Road Planned Conservation Development (PCD)**

The Board reviewed Habitech's request for bond release for the Taylor Road PCD and correspondence from the Conservation Commission, and between Karen Kelleher and Habitech.

It was noted that the Conservation Restriction has not been filed with the Registry of Deeds and Habitech is still obligated to do so, and the light fixtures for Lot 1 to replace the non-full cut off fixture are on order.

Kathleen stated that the Light Pollution Study Sub-Committee should take a look at the light fixtures once they are installed to make sure they are full cut off fixtures, and requested a copy of the specs to review.

***Kathleen Willis moved to deny the request for bond release for the performance guarantee with Bond Safeguard Insurance Company for Phase 1(Lots 1 and 2) of the Taylor Road Planned Conservation Development. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Kathleen Willis, Ernie Dodd, Steve Quinn, Lenny Golder, Lori Clark).***

## **APPOINTMENTS**

### **Board of Health**

Jack Wallace, the Health Agent, and Board members; Marcia Rising, Betty Cormier and Sylvia Daley were present.

Marsha Rising stated, as indicated in their draft letter that the Board of Health's position is that none of the golf courses are in a DEP Zone II area and so at this time the Board of Health is not interested in writing a regulation. They believe such a regulation would be another layer of hardship on the golf course's business. She stated that everyone is aware that the fungicides listed on the DEP Zone II ban list are bad but chemical companies have not come up with an alternative yet and they only use a small amount.

Lori asked if their reasoning for not making a regulation was just due to potential financial hardship on the golf courses.

Marcia stated that it would be a hardship for them and, until there is some type of reasonable alternative, the golf course owners simply cannot stop using them, and because the pesticide uses are highly regulated the Board of Health did not think this it was a problem.

She stated that the fungicide one golf course uses that is on the DEP Zone II ban list is only a small amount.

Brian asked, what basis the Board of Health was using by stating that there are no reasonable alternatives.

Jack stated that when he discussed this with the turf management directors they told him they are working with their sales people to find an alternative to the DEP Zone II banned substance.

Steve Quinn asked what golf courses located within a Zone II use. Jack said he was not sure but maybe something that was not as effective.

Ernie stated that the Planning Board's concern is that everyone in Stow is on a private well and they all draw from a common aquifer. The Planning Board is concerned about protecting residential wells and water resources from being contaminated.

Jack said he was more concerned about homeowners using unsafe products on their lawns.

Kathleen stated that the Town needs to be concerned about where substances are being used, specifically with regards to the Water Resource Protection District. She noted that they don't meet the DEP criteria for a Zone II but if they contaminate the drinking water it would be a real

problem because there is no public water supply. She stated that the Board of Health and Planning Board hired a consultant, Jay Billings of Northeast Geoscience, to look at this issue in Stow and it was his suggestion to ban these substances.

Jack said that Jay was looking at this issue through a different perspective than the Board of Health. Jack stated that from a public health standpoint, the Board of Health feels comfortable with the current restrictions the golf courses are under.

Lori asked if the Board of Health's reasoning is that there are no alternatives or no inexpensive alternatives.

Jack stated that when these fungi appear they need to apply this particular compound to control it. He said that the three turf managers he discussed this with are highly trained professionals who do a good job maintaining the golf course and monitor it very well.

Brian asked how Jack's perspective was different than the consultant, Jay Billings. Jack stated that Jay looks at the situation as a pure hydrologist and thinks it's more of an issue than it appears to be.

Marcia stated that in the conversations Jack has had with the turf managers, he has urged them to keep looking for alternatives and to keep the lines of communication open if something comes along. She stated that DEP is very well aware of the situation at this point and there is no demand to regulate outside Zone II.

Jack stated that they are not walking away from the issue; they are going to keep looking at it.

Lenny asked what other towns are doing about it.

Jack said he did not have the time to do the research but Jay may be able to inform them.

Kathleen stated that she thought Jay told them that Westford or Chelmsford was looking into the same type of regulation for golf courses not located in a Zone II. She said it wasn't a requirement but the golf course offered to find an alternative. It does not appear that this causes a hardship for them, as they are still in business.

Kathleen stated that she did not feel there was enough substance in the letter to send it out. She said that this letter basically says the Board of Health is fine with the way things currently are and it does not mention the entire list of DEP banned substances, just the fungicide.

Lori stated that when the boards originally met she suggested sending a letter to the golf courses that stated; a regulation would be made in the near future and that the Board wanted to urge them to begin looking for an alternative now because they were sensitive to the fact that the business need time to find an alternative. She stated that the whole point of the letter was to inform the golf course owners that they had conducted this research and what was suggested was that they ban those substances. She said the current draft reads as though the Board is okay with the current usage.

Ernie said that the Board of Health should encourage them to find something different.

Ernie noted that the turf managers are all license professionals but no one is checking up on them.

Kathleen explained that when they called the Department of Agriculture, they were told that they don't review any of the chemical substances reports they just file the information.

Lenny said they should be vigilant about protecting their well water and aquifers.

Jack said a lot of people should come to the table to discuss well water and groundwater protection and not focus on golf courses.

Brian said that was a different issue, right now we are focusing on golf courses.

Ernie and Brian agreed there should be some discussion about homeowners' use of chemicals on their lawns.

Kathleen stated that it would be a wonderful public service for the Board of Health to educate residents about what they are putting into their groundwater.

Brian stated that a lot of household chemicals and toxicities are understood but a lot of chemicals used on golf courses are not. He stated that there aren't even tests for all the chemicals that are used, but as a way to lessen the effects we have a list already found by DEP to be hazardous, for which the golf course owners can start looking for alternatives.

Lori asked Jack and the Board of Health if they would be willing to consider a regulation to ban all the pesticides, herbicides and fungicides on the DEP Zone II ban list, excluding the two fungicide currently being used, until an alternative is found. She stated that this would eliminate the Board of Health's concern of creating a hardship for the golf courses because they do not use those substances and it would prevent them from using them in the future.

Sylvia Daley stated that she thought this subject was something they should look at more.

Lori said the DEP has already done the work for them by identifying the chemicals on the ban list.

Sylvia stated that she would like to see more of a discussion on this topic as she has been out of Town and hasn't been involved much with the Board of Health conversations and would like to revisit the issue and talk about it more.

Lori stated that the Planning Board is reacting to their consultant's suggestion.

Jack stated that he thought Lori's idea was a good idea and something they could both agree upon. He stated that he thought this was a good starting point and made sense.

The boards agreed that the banned fungicide being used should not be listed as allowed, because this could potentially grandfather the chemical and they want them to search for alternatives with the hopes of banning it in the future.

Marcia suggested adding something in the regulations that would not allow them to increase the level of concentration of the fungicide they are using.

Lori stated that they want to let the golf courses know that the Town is trying to protect the water supply but are walking down the path slowly in order to take the businesses into consideration.

Ernie Dodd stated that the Town should take it upon themselves to look at the reports before turning them into the Department of Agriculture to make sure levels look normal.

Jack stated that in his biannual review of these particular sites, water monitoring is another aspect he is now looking at. He said there is a real change in communication with turf managers and he came away with a good feel for what they are doing. He stated he felt the two boards came to a good agreement and a common ground and if the Board of Health were in agreement with that, they would be the ones to develop the regulation.

Marcia stated that when previous Town Counsel was around he advised the Board that they could not outlaw companies from treating private lawns because it would infringe on their rights. She wanted to know more about residents dumping chemicals on their lawns and how it could be regulated.

Ernie suggested the Board ask Jon Witten, current Town Counsel.

Steve Quinn stated that he is not usually a proponent of over regulation, but if DEP banned those substances for Zone II areas it would not seem unreasonable for Stow to ban them because they have over 4 thousand individual wells around Town.

Ernie and Kathleen agreed that an article in the local newspaper or other form talking about the concerns for individual homeowners would be helpful.

Marcia stated that they had done that in the past.

It was suggested that a notice be sent out every spring educating the public about what they put on their lawn and what can end up in their wells.

Marcia stated that she would like to talk to the Town of Westford and Bolton to see what they are doing.

Brian stated that the DEP ban list was created because there was concern from somewhere in the State and that it did not seem burdensome to golf courses.

Jack stated that the Board of Health will discuss this further and hold off on sending the draft letter and will develop a regulation based on all the DEP Zone II chemicals presently not being used by golf courses.

Marcia stated they need to make sure they have scientific evidence in order to write a bylaw. Ernie stated that DEP has already done the scientific work for the Town, they already have the list of banned chemicals and would have the back up evidence for that.

Jack said he spoke to each course owner and they were potentially coming in for the Board of Health's December 15<sup>th</sup> meeting, he said he could put this meeting off until the board meets to discuss the regulation.

[Board of Health members and Jack Wallace, Health Agent left at this point in the meeting.]

Lori Clark asked the Planning Board to recap and agree on what they understood from the Board of Health; the Board of Health will initiate a regulation of all DEP Zone II banned substances, except those fungicides currently being used, Marcia Rising will contact Westford and Bolton and other surrounding towns to see what they are doing to protect their water.

Ernie Dodd stated that the use of pesticides and other chemicals at the orchards would be more difficult to deal with.

Lori noted the only reason the Planning Board began looking into the issues with golf course water monitoring was because the Board of Health did not support testing at Butternut unless they tested at all other golf courses, although it was a requirement in the special permit for Butternut Farm.

## **CORRESPONDENCE**

### **Letter to Kostas Asprogiannis**

Kathleen referred to the memo from Kostas and noticed that the Board did not include anything about internally illuminated signs, which are not allowed, but are located on the property inside of a window. She said she understood the Board did not include this because there are ambiguities in the bylaw as the signs are inside but face out. Kathleen said the Board should send a memo to the Light Pollution Study Sub-Committee asking them to review the internally illuminated sign section of the bylaw and to make recommendations to the Planning Board.

Kristen asked the Board if they wanted to discuss this first as a Board before asking for recommendations, as some members had mentioned changing the bylaw in different ways such as allowing them if they are inside but specifying a maximum lumen output, or setting the signs back from the windows at a certain distance, etc.

Ernie Dodd stated that the Sub-Committee members were the experts so they should ask them for their input.

## **DISCUSSION/ACTION ITEMS**

### **Planning Board Goals**

The Board reviewed some of their high priority short term goals and discussed their next step in accomplishing each goal:

- (add) Wireless Service Facility Overlay District Study: High Priority, Short Term
- (add) Golf Course Water Quality Monitoring: High Priority, Short Term
- CLURPA: Continue to monitor, prioritize items by importance
- Floodplain/Wetlands Overlay District: Revisit by having a meeting with the Conservation Commission
- Foster Pedestrian Mobility: Update Rules and Regulations once we receive the final report from the Pedestrian Walkway Sub-Committee.

- Sign Bylaw – Review and Update Bylaw: Ernie Dodd and Brian Martinson will look at the current bylaw independently and make suggestions.
- Lower Village Zoning/ Uses: Add to future agenda to discuss
- Lower Village Traffic/Pedestrian/Streetscape Improvement: Continue working with Coler and Colantonio
- Golf Course and Orchard Zoning: Combine somehow with PCD review protecting view sheds in both

### **Lower Village Traffic Plans**

The Board reviewed all six traffic concepts prepared by Coler and Colantonio using the evaluation grid Lori created which included the Board's goals for Lower Village (improve pedestrian flow, mitigate traffic congestion and conflicts both at Red Acre Road and Pompositticut St., improve destination traffic, reduce traffic speed) as well as other pros and cons.

Lenny stated that he did not think roundabouts were safe and strongly suggested the Board only add rumble strips. He stated he would not be in favor of any concept prepared that contained a roundabout. He stated that rumble strips would be the cheapest solution to the problem.

Kathleen Willis stated that the rumble strips would only help the issue of speed. The main issues with Lower Village traffic are the inability to change direction with ease and overall traffic congestion.

Brian Martinson stated that roundabouts have been proven to be safer than stop control, traffic lights and rotaries and suggested he read the article on roundabouts, which was in their packets.

Lenny asked how rotaries and roundabouts were any different and how a driver would know if they were approaching a roundabout or a rotary and if they should yield or not.

Brian explained that the legs of a roundabout are engineered to come in at an angle, which physically requires the driver to come to a stop, if not slow down significantly before entering. He also stated that the radius of a roundabout is much tighter, requiring drivers to drive slow, and that the spacing between the legs allows for a consistent gap where a driver can enter. Brian offered to take Lenny on a drive to experience the difference between roundabouts and rotaries.

Lenny stated that he felt roundabouts were dangerous and would be adding traffic congestions and conflict.

The Board reviewed the concepts and made additional comments to the ones Lori had already listed. They also decided to discuss improved pedestrian flow at a later date. (Chart available in Planning Department.)

Steve Quinn stated that he would like to have a better idea of cost, so that this could be evaluated.

Kristen noted that in Karen's memo, she suggested the Board come to an agreement on which concept they are likely to move forward with as Coler and Colantonio has offered to compile a rough estimate if the Board wanted to pursue a 5-year capital request in their FY 2012 Budget for Lower Village traffic planning.

#### Additional Comments:

##### Concept 1 – Preferred Alternative

- Ask C&C about potential conflicts with crosswalks at roundabout, and why this is the standard practice
- Ask C&C if the Rt 117 entrance was moved further north, by taking away some of the triangle median, would this be possible and would it create a better angle to enter at
- Ask C&C if the minimal angle of the entrance at Rt117 is really an issue

##### Concept 2a/2b – One way around common with Roundabout

- Would require easement from the Hosmer House
- Most politically difficult

##### Concept 3 – Ellipse “roundabout”

- Untested
- Would require easement from the Hosmer House

##### Concept 4 - Roundabout with Stop Control at Red Acre Road

- Does not address traffic conflicts at Red Acre Road, issues with turning would remain

##### Concept – 5 Preferred plan fit to meet all engineering standards for workable roundabout

- Fixes all issues with usability and addresses all problems identified
- Challenges associated with the ability to acquire 3,000sqft. strip from private property owner

4 out of 5 members suggested that concept 3 and 5 met the usability goals and were the concepts they would like to continue pursuing. The Board would like to ask Coler and Colantonio the questions above.

#### **Special Permit Reviews and Deadlines**

Kristen will send members copies of the special permit decisions they are in charge of reviewing. Members will review the special permits and decide on a deadline for reporting back to the Board.

#### **Budget**

The Planning Board reviewed the Budget Memo from Karen Kelleher.

The Board reviewed the suggested capital requests for: Plotter/scanner, Lower Village Traffic planning, walkway construction funding.

They agreed that a plotter/scanner should be purchased, purchasing options being left to the Finance Committee. They requested more information on the service agreement packages (how much money has been spent on servicing the last plotter, and if there were any cheaper packages).

The Board reviewed the Lower Village 5-year capital plan request and agreed it should be submitted, but wanted to know more information about the construction cost. Some members voiced concern of the project being too costly to consider.

Board member agreed that they should request a small amount each year to build the walkway construction fund back up.

The meeting was adjourned at 10:30PM

Respectfully Submitted,  
Kristen Domurad-Guichard  
Administrative Assistant