

## **TOWN OF STOW PLANNING BOARD**

Minutes of the February 28, 2012 Planning Board Meeting.

Present: Planning Board Members: Steve Quinn, Ernest Dodd, Lori Clark, and Lenny Golder  
Voting Associate Member: Brian Martinson  
Planning Coordinator: Karen Kelleher  
Administrative Assistant: Kristen Domurad-Guichard

Kathy Sferra was also present.

Called to order at 7:00PM.

### **APPOINTMENTS**

#### **Joint Meeting with Board of Selectmen: Planning Board Member Appointment**

The Planning Board met with the Board of Selectmen for a joint vote to appoint an interim Planning Board Member until the May 2012 election.

Selectmen present were; Tom Ryan, Charlie Kern, Laura Spear, Gary Bernklow, and Jim Salvie. Jim Salvie recused himself and left the room, as his wife Kathy Sferra was one of the candidates.

Charlie Kern reviewed the names of the three candidates that applied for interim Planning Board Member; Brian Martinson, Martha Monroe, and Kathy Sferra. Charlie thanked all the candidates for their time and willingness to volunteer with the town. He then described the process to nominate and vote on an appointment; members of both Boards will have an opportunity to discuss qualifications for each candidate, and then he will entertain nominations for the appointment, which could come from either the Board of Selectmen or Planning Board. The vote will require a majority vote of those present.

***Tom Ryan moved to discuss the qualifications of each candidate alphabetically by last name, starting with Brian Martinson. The motion was seconded by Laura Spear and carried a vote of eight in favor (Tom Ryan, Charlie Kern, Laura Spear, Gary Bernklow, Steve Quinn, Ernest Dodd, Lori Clark, and Lenny Golder.)***

Lenny Golder stated that Brian had been serving as the voting associate member for a few years and is very interested in and has a good grasp of Planning Board issues; he is very informed and if elected would serve well.

Lori Clark agreed, and stated that Brian has been coming to the meetings consistently and has experience in policy and planning issues. He has also been involved in the Lower Village Sub-Committee which she was on with him.

Ernie Dodd stated that Brian shows his concern about zoning issues, and goes through plans in good detail.

Steve Quinn stated that Brian has attended almost every meeting as a voting associate member for a few years and has also volunteered his time on the Lower Village Sub-Committee.

Laura Spear stated that she attended last week's interviews of the candidates. She stated that Brian has been very active on the Lower Village Sub-Committee and that one of his main concerns is businesses upholding the bylaws is one of his main issues.

***Tom Ryan moved to discuss the qualifications of candidate Martha Monroe. The motion was seconded by Laura Spear and carried a vote of eight in favor (Tom Ryan, Charlie Kern, Laura Spear, Gary Bernklow, Steve Quinn, Ernest Dodd, Lori Clark, and Lenny Golder.)***

Ernie Dodd stated that when Martha Monroe moved to town she educated herself by reading through the Zoning Bylaws, rules and regulations and decision for her subdivision. He stated that she was also on the Pedestrian Walkway Sub-Committee and worked hard to get the job done.

Lenny stated that Martha was very active on the Pedestrian Walkway Sub-Committee and the committee was able to complete the sidewalk goals.

Lori stated that she worked with Martha on the Pedestrian Walkway Sub-Committee for two years; she is a hard worker and willing to put in the time and effort to understand bylaws and policies and has the ability to move things forward.

Steve stated that Martha is also an associate member of the Planning Board and has attended meetings. He noted that her ability to get the sidewalks built in town was significant and something should be said about that.

Laura Spear stated that during the interview she learned that Martha was very interested in capital projects, which may not necessarily be the charge of the Planning Board, but she clearly wants to make a positive difference in the town.

***Tom Ryan moved to discuss the qualifications of candidate Kathy Sferra. The motion was seconded by Laura Spear and carried a vote of eight in favor (Tom Ryan, Charlie Kern, Laura Spear, Gary Bernklow, Steve Quinn, Ernest Dodd, Lori Clark, and Lenny Golder.)***

Steve Quinn stated that Kathy was very qualified, she has a Master degree in Planning, she has served on the Planning Board in Marshfield, MA , worked for the Cape Cod Commission- a regional planning agency, and has worked on several master plan creations.

Lenny stated that Kathy has also been a very effective member of the Conservation Commission and has demonstrated her knowledge of planning and has past planning experience.

Ernie stated that Kathy is very qualified and really understands planning.

Laura Spear stated that during the interview process Kathy demonstrated she had the best sense of the Master Plan, goals of the town, and the priorities of the Planning Board.

Tom Ryan asked if the applicants could each say something about themselves.

Charlie noted that not all applicants were present and that each applicant had a chance to discuss their qualifications during their interviews last week.

Steve noted that he thought it was great to have three very impressive people apply for the vacancy and thanked them all.

Steve Quinn moved to appoint Kathy Sferra, the motion was seconded by Ernie Dodd. Charlie Kern asked for further comments.

Lori stated that she felt Kathy Sferra was very qualified but had mixed feelings as Brian Martinson has been the voting associate member and typically they move up next to be a full member and he also has qualifications as well.

Tom Ryan stated that the town was very lucky to have multiple people interested in this position.

Lenny stated that all three candidates are very qualified and the Town is always looking for new volunteers; he stated that all candidates have put in a lot of time volunteering with the town but echo's Lori's sentiments that Brian has put in time as a voting associate member and is effective.

***Steve Quinn moved to jointly appoint Kathy Sferra to fill the interim position on the Planning Board for a term ending at the 2012 Town Election. The motion was seconded by Ernie Dodd and carried a vote of five in favor (Tom Ryan, Charlie Kern, Laura Spear, Steve Quinn, and Ernest Dodd) and three opposed (Lori Clark, Lenny Golder and Gary Bernklow.)***

Gary Bernklow stated that he agreed with Lori's sentiments that the voting associate member typically moves up next to become a planning board member.

## **CORRESPONDENCE AND MINUTES**

### **Minutes**

The Board will review the minutes of the February 15<sup>th</sup> and 21<sup>st</sup> Planning Board meeting at their next meeting.

### **PUBLIC INPUT**

Resident Mark Jones noted his concerns regarding the property at 218 Boxboro Road. He stated the Zoning Board of Appeals scheduled a new public hearing to consider the application to extend the residential use of the property. The original application was denied because the request was for a special permit to allow a non-conforming use, which has been discontinued or abandoned for a period of two (2) years or more, and the two (2) year period had not expired. Mark stated that he intends to bring up his concerns with the Zoning Board of Appeals. His opinion of the Zoning Bylaw is that the Building Inspector does not have the ability to issue a building permit for anything different than what the current structure is on the lot, specifically size of the structure. Mark asked the Board if they want to allow the Building Commissioner to be able to do this without going to the Zoning Board of Appeals, or if he was just misreading the bylaw or if the Building Commissioner misread the bylaw.

Ernie stated that the Zoning Bylaw states that the Building Commissioner can make that decision.

Mark stated that it is written very clearly. The Building Commissioner claims that if there is an existing use, the owner could knock it down and build a new one, but he reads it as if it were to be expanded then the owner has to go to the Zoning Board of Appeals.

Karen noted, if there was a new structure proposed, it would have to comply with all proper setbacks of a residential zone.

Mark noted that the current dwelling does not meet the setbacks from the road.

Mark stated that he felt there was vagueness between the various parties of the town on how to interpret the bylaw.

Steve stated that he felt the only thing that is non-conforming about that lot is the use (residential in an industrial zone). He stated that if anything new were built to replace the existing dwelling, it would have to comply with all setbacks, but the ZBA would be ruling on grandfathering the use and nothing to do with the structure other than the residential use.

Mark stated that this section is silent on what is permissible in terms of the use.

Karen noted that if a new structure were to be built, not within the original footprint, the setbacks would actually become more conforming to the bylaw.

Ernie stated that the Building Commissioner has the authority through the Zoning Bylaw to allow for a new house if this property is grandfathered as a residential use.

Mark asked the Board if the Building Commissioner had the latitude to make that decision if the proposed structure was larger than the original structure.

Karen noted that it would be nice to have a small dwelling on the lot, but was not quite sure how they could control this with the way the bylaw is currently written.

Mark stated that he was inviting a revision of that section of the bylaw.

Lenny noted that possibly the Board may need to review that section of the bylaw to make it more clear, but the terminology of a non conforming use can be found elsewhere.

## **APPOINTMENTS**

### **Public Hearing – Sprint Wireless Service Facility, 501 Gleasondale Road**

Peter Fales represented Sprint Wireless.

*Ernie Dodd moved to waive the reading of the Public Hearing Notice. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Ernie Quinn, Lori Clark and Lenny Golder).*

Brian Martinson, the Board's voting Associate Member also participated in the meeting.

Peter provided abutter notification receipts to the Board.

Referring to the plans, Peter explained Sprint's proposal to upgrade the equipment at the wireless service facility at 501 Gleasondale Road. Peter stated that they plan to replace all six antennas on the smoke stack at Sprint's 128ft location, as well as a GPS antenna. They also plan on adding one new multi mode cabinet.

Peter stated that he spoke with Karen who advised him that the Board had requested he submit an application for special permit and site plan modification.

Ernie Dodd stated that he did not have any issues with his proposal, but did have issues with what was done in the past. Ernie stated his main concerns were the aesthetics of the stealth screen, covering the utility boxes, the cables showing up along the visible side of the smoke stack (north facing side), and the triangle antenna mount. Ernie stated that he did not see why they could not use surface mounted antennas.

Peter stated that he did bring this up with his client, but they are not willing to do surface mounted antennas. Peter stated that his client was permitted for up to 9 antennas on the smoke stack and the diameter of the pole is too small to locate 9 surface mounts at the appropriate distance. Peter noted that they only have 6 antennas now, but his client is not willing to give up the rights of the design, which would allow for 3 additional antennas.

Ernie stated that he felt they should surface mount the current 6 antennas now, and if they end up using the 3 additional antennas in the future they can add the triangle mount at a later date. Ernie stated there were not a lot of users in this area and the location did not cover a large area.

Peter stated that his client wants to reserve their right to 9 antennas and acknowledge the original decision. He noted the State Historical Commission approved the original design.

Lenny asked if he had done a needs study for the site.

Peter stated that the coverage footprint provided by the upgrades will remain the same, it will just change the technology that is available.

Ernie stated that the stealth walls don't match the brink and believes it would look better if they got rid of it.

Peter stated that the stealth wall was approved in the past and went through the input of the Historical Commission for the State. He noted that it puts his client in a tough spot to redesign something just to add a new technology.

Ernie asked if they could run the cable up the south side of the smoke stack, facing away from Gleasondale Road.

Peter said he would have to go back to his client and ask, he noted that AT&T cabling is on the other side. Peter noted one new cable will be added.

Kathy asked if the previous decision addressed the location of the cable and if it makes sense to look at replacing it now, since they would need to do some of that now anyways.

Ernie also noted that the cupola was supposed to be painted.

Peter stated that he would bring this to his client's attention; he noted that the language of the decision does not state that it must be maintained so if it was a matter of repainting they may not see that as an obligation. He noted that if it was never painted in the first place he would make sure his client is aware.

Ernie reiterated that he would like to have the stealth screen removed and said he felt it was very noticeable.

Lenny said he would still want to make sure the equipment was camouflaged.

Steve suggested they use a different type of material or color for the screening. He said, rather than trying to match the brick which is impossible, try matching the trim.

Ernie suggested they relocate some of their services to accommodate more of Sudbury Road. He noted that the Board was in the middle of conducting a study of their wireless overlay and is considering expanding the district.

Peter offered to provide some plots for the Board, but said it is hard to push the tower elsewhere when there is already an existing location.

Lori noted that when the Board reviews requests for modifications we typically look through the original decision for compliance and ask that any outstanding items be addressed.

Lori commented on Ernie's suggestion for flush mounted antennas; she supports the idea of making the 6 antennas flush mounted now, because they may not need to use the additional 3 for another 15 years, if at all.

Steve asked if the new antennas are larger than the existing antennas.

Peter said they are roughly the same size and showed the images in his application. Peter noted that even if the antennas were surface mounted they would have to stick out off the building at some distance.

Peter stated that he was unsure about changing the aspect of the construction of the stealth screen as it will trigger going through the state historical commission and he wouldn't want to change anything that has been approved by the state.

Resident Mark Jones suggested the Board get a copy of the state historical permit.

The Board suggested they continue the hearing until the information above is furnished. Peter agreed.

***Ernie Dodd moved to continue the hearing to March 27, 2012 at 7:30PM. The motion was seconded by Steve Quinn and carried by a vote of four in favor (Ernie Dodd, Ernie Quinn, Lenny Golder and Lori Clark).***

### **Sprint Wireless Service Facility, 353 Great Road, First Parish Church**

Peter Fales represented Sprint Wireless for the minor modification request for the wireless services facility located within the church steeple at 353 Great Road.

Peter explained Sprint's proposal to change out the existing antennas with upgraded antennas. He stated that all changes would be done inside the steeple and in the basement of the building; nothing would be visible from the outside.

Steve asked if they would be using the same technologies as the upgrades on the Gleasondale site.

Peter stated that they are both upgrades.

Kathy Sferra asked Peter if Sprint has discussed these changes with their landlord, First Parish Church.

Peter stated that he knows Sprint has sent them a letter and that a leasing agent is speaking with them.

Kevin O'Brien, Member of the Board of Trustees for First Parish Church stated that they haven't had a chance to meet with anyone from Sprint. He stated that they were sent a letter, but wrote back with several concerns including scheduling. Kevin said they have not received a response.

Peter said he would have to look into this, as he is not involved in the lease arrangements.

Kevin noted one of their concerns is that 6-8 months ago the room temperature in the basement where the equipment is located reached 135 degrees; a Verizon representative was there and tried to contact landlord relations to get a hold of Sprint with no satisfaction. They are concerned about potential fire hazards. Kevin asked if the new equipment they are installing is replacing old equipment, or in addition to the existing.

Peter explained that two will be replaced and one will be added in the space away from the door.

Ernie asked how the area was cooled.

Peter said there is an AC unit, which was broken but has been fixed.

Kevin stated that the time Sprint is proposing to meet with them to discuss the repairs is very inconvenient for the parish. They have several groups meeting there in September and would like Sprint to respond to them so this could be worked out.

Karen noted, typically with a formal application the property owners signs off acknowledging the applicants proposals. She stated that since this is a minor modification, and it seems the property owner was not as informed as they should be and suggested the Board may want to think about requesting a form of acknowledgment from the property owners. She suggested a letter from the property owner assenting to the proposed modifications.

Ernie asked if this was necessary as their existing approval was signed by the property owner.

Karen noted that this is a new application and it did not sound like the owner and applicant were on the same page.

Lori stated that the next steps would be for the applicant to obtain a letter from the property owner assenting to their proposal.

*Ernie Dodd moved to approve the request for minor modification, subject to receipt of the property owner's signature acknowledging the application. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Lenny Golder, and Lori Clark).*

Karen advised Peter that the minor modification would need to be recorded at the Registry of Deeds.

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

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

Steve stated that the children are now in the new school, but there is still a punch list to complete.

### **COORDINATOR'S REPORT**

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

#### **Linear Retail Sign**

Karen stated that she contacted Gordon Whitman to ask for an update on the sign. He responded saying he is still talking to the experts about the number of lumens and plans to file an application mid-April.

Brian asked if he would be presenting any future plans to the Board.

Karen noted the Board's last contact with Gordon was a letter stating that the Board would not support a variance to the ZBA until Linear Retail has addressed all outstanding items of their special permit. She offered to send him their letter again to remind him, but believes he plans to go directly to the ZBA.

Lori suggested they ask him out right what his intentions are; is he going to the ZBA with the plans he presented to them, is he on a different route, or does he plan on addressing the outstanding items of his special permit, or is he looking for the Board's endorsement. Karen will check in with Gordon on these questions and resend the Board's letter.

#### **ACE Hardware**

Karen reported that she heard from the Conservation Commission that ACE Hardware is considering providing propane tanks for sale. They would like to put a storage tank in the back of the building.

Karen noted they have also been in touch with the Fire Department.

Ernie stated that there is not much room behind the building.

Brian questioned how abutters would be affected.

Lenny noted concern about the existing fence and its state of repair.

Ernie noted this was already mended and taken care of.

Lori stated that the tank would need to be screened.

Karen also noted cars would have to drive behind the building to pick up tanks and asked about traffic flow.



Karen asked what type of application the Board would like to have the owner submit.

Brian stated the delivery road behind the building was intended only for delivery trucks and if a tank is located close to that road it may create a potential for a hazard. He stated that this might cause concern.

Ernie suggested ACE Hardware contract with the gas station across the street.

Karen asked Kathy if she had more information from the Conservation Commission.

Kathy stated that she didn't and it must be fairly new information.

### **DerbyWoods Site Walk**

Karen reported that Sue Carter conducted a site walk of the proposed sidewalks along the DerbyWoods frontage. White flags have been placed locating the sidewalk if Board members want to view the area. Sue advised her they would like to end the sidewalk 50ft. short of the property line due to insufficient site distance.

Karen suggested the Board wait to read Sue's report, check the location, then decide and make any necessary amendments.

### **DerbyWood Open Space Encroachments**

Karen noted that a draft letter to residents was included in the Board's packets.

The Board asked Karen to send the letter.

### **Complete Streets Workshop**

Karen reported that she and Kristen attended a Complete Streets workshop. She stated it was very informative. Karen stated she originally thought Complete Streets were not appropriate for Stow due to the amount of ROW and pavement required to accommodate, pedestrian and bicycle traffic. However, there is a process to apply for exceptions to accommodate alternative designs for rural communities such as Stow and therefore still eligible for funding.

Copies of the handouts will be provided for their next packets.

### **383 Hudson Road Class II License**

Karen reported she received notice from the Board of Selectmen about an Application for Class II License for 383 Hudson Road (Hudson Road Auto) for a parking lot to be used to display vehicles for sale.

Lori noted that the new owner intends to run the auto shop and used car lot.

### **Wireless Service Overlay District Study**

The Board discussed the findings from the wireless overlay district study conducted by David Maxon of Isotrope.

Lori noted she was interested to learn that the airfield property owner, Don McPherson was interested in having a wireless facility on his lot in conjunction with an airport beacon. She noted that David Maxon also showed that a tower at 150ft. in this location, which is currently in

the overlay district, would provide coverage for the entire area around Wedgewood Country Club.

It was noted that T-Mobile feels they have issues with coverage in this area and argue that a 150' tower on the Wedgewood Pines Country Club property would accommodate their coverage. David Maxson found that a 150ft. tower on the airfield site, within the overlay district, would accommodate their coverage needs.

Karen noted that Don McPherson said the location he had in mind was off the driveway going into the airport and that he would also need a variance for setback to existing dwellings. Karen noted there may be wetlands in this area.

Karen noted David Maxson did not show a coverage map with a 100ft. tower on the airfield, which is what the current bylaw allows.

Board members noted concern about making specific changes in any one area of the overlay district until a full study of the entire town is completed so that enough information would be available to determine the best way to expand and/or amend the overlay district.

Ernie noted there was a section in the bylaw that allows for 150ft. towers on certain locations such as the Sudbury Annex site. He suggested that the Board amend that section of the bylaw to include the Minuteman Airfield property. Ernie also stated that the Board should look at additional properties near Sudbury Road and Lake Boon, as there are soft spots in this area and the overlay district does not include many parcel. He noted there may be some possible willing property owners in this area.

Lori was concerned that the Board of Selectmen's expectation of this study was different from the Planning Boards. She noted that the Planning Board's intentions were always to look at the district as a whole and make any changes all together in a thoughtful study.

With regard to the Star Tower proposal for the Wedgewood Pines Country Club property, members agreed to advise Town Counsel that they would be willing to support changes to properties within the overlay district, as shown on the coverage maps provided by David Maxon in order to accommodate the coverage gap that Star Tower is pursuing.

### **Appointments**

***Ernie Dodd moved to appoint Kathy Sferra as the Planning Board representative on the Community Preservation Committee. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lenny Golder, Lori Clark and Steve Quinn).***

***Ernie Dodd moved to appoint Brian Martinson as Board of Health Liaison. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lenny Golder, Lori Clark and Steve Quinn).***

### **Golf Course Water Quality Monitoring**

Lori briefly described the background of the study to Kathy Sferra. The Board is working with Northeast Geosience, Inc. (NGI) for advice on potential requirements for Water Quality

Monitoring at Golf Courses in Stow, MA. NGI reviewed the chemical application reports for existing golf courses, and found that two of the DEP Zone II banned substances are being used. The Planning Board was looking to ban all DEP Zone II banned substances on golf courses.

The Board of Health has not been receptive to the recommendations to adopt a regulation as they are concerned about creating a hardship for golf course business. The Planning Board decided, at a previous meeting, to write a memo to the Board of Health documenting past discussions and the agreements made with the Board of Health and if the Board of Health was still not supportive of moving forward, the Planning Board would at least have documentation in the file if it is decided to bring the subject up at a later date if the Board of Health is more supportive. The Board reviewed the memo Karen had prepared.

Brian noted that someday the golf courses could eventually become residentially developed and people will need to draw from wells in the same location where fungicides have been used.

Kathy noted that there are a lot of other activities that are banned in a Zone II.

Brian noted that he researched what the Town of Westford did. Rather than adopting a regulation, the Board of Health adopted guidelines. He suggested that we work with the Board of Health to draft guidelines relative to DEP banned substances.

Lori suggested the Board re-write the letter to the Golf Courses instead of the draft letter to the Board of Health. She said the letter would serve as a friendly note advising the Golf Courses of the Planning Board and Board of Health's study and consultants recommendations, let them know we will be writing guidelines, stating that the town suggests these chemicals be banned from golf courses and that there is a potential for a future bylaw prohibiting them. She noted we should encourage them to find alternatives at this time. A list of the DEP Zone II banned chemicals should be attached.

Karen suggested this be a joint letter from the Board of Health and Planning Board. Board members agreed.

#### **Update on Policy on Sidewalk Contributions**

Lori stated that the Pedestrian Walkway Sub-Committee did not do research on the cost of sidewalks, though they do know what they paid Century Paving. She noted these numbers may not be completely accurate as they had to pay prevailing wages.

Karen noted that they did get quotes from Habitech.

The Board will look to survey other towns and what they charge for donations to the sidewalk fund in lieu of construction.

Karen will send an inquiry over the Mass Planners List Serve and check specifically with Sudbury.

The meeting was adjourned at 10:08 PM.

Respectfully Submitted,  
Kristen Domurad-Guichard