

TOWN OF STOW PLANNING BOARD

Minutes of the May 8, 2012 Planning Board Meeting.

Present: Planning Board Members: Steve Quinn, Ernest Dodd, Kathy Sferra, Lenny Golder and Lori Clark
Planning Coordinator: Karen Kelleher
Absent: Brian Martinson, Voting Associate member

Called to order at 7:00 p.m.

COORDINATOR'S REPORT

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

Highgrove Estates

In response to Jim Fenton's request to hold back lots vs. a performance bond, Karen talked to Town Counsel, Jon Witten, who advised against holding back a lot in lieu of posting a bond. The Town would not be protected, in that we would not have ownership of the lot, nor would we have funds to complete the development in case of default. Karen also checked with the Town of Acton because Jim Fenton noted that they hold back a lot in lieu of a performance bond. The Town of Acton reported that they have no such policy and that they require a performance guarantee.

Karen also received a call from an abutter concerning the West Acton Drainage system and the developer's (Jim Fenton) agreement to work with the Highway Department to improve the drainage in this area. Mike Clayton, Supt. of Streets, reported that he had an initial meeting with Jim Fenton a while back. Mike was hoping that they would be able to tie into the Town of Acton's drainage system, but he has not heard back from Acton. He will reach out to Jim Fenton again so they can come up with an action plan.

Derby Woods

Karen Kelleher received word from Dave Coia, of Habitech, that the street trees and the final bound were installed.

Stow Shopping Center

Karen sent an email to Linear Retail encouraging them to address outstanding issues prior to the Public Hearing for Ace Hardware. Gordon Whitman, of Linear Retail, said they will address the H & R Block and Citizen's Bank sign. He noted that Shaw's is giving them a hard time about changing the sign lighting, noting that sales are down. Linear Retail will replace the lights in back of the building. With respect to the request to reduce the parking lot lighting, Gordon Whitman said they are concerned about reducing the lighting because they have heard

complaints that the existing lighting is not adequate. Lori Clark noted that it might be a matter of how the light is distributed.

Lower Village Traffic Planning

Karen Kelleher reported that we received revised quote from Coler & Colantonio in response to the Planning Board letter of March 30, 2012. A copy is in tonight's packets and will be included on the next agenda for discussion.

May 22, 2012, Planning Board Meeting

Karen Kelleher will be on vacation the week of May 20, 2012 and there is a full agenda for May 22. It was noted that funds are available in the salary account and suggested that we check to see if Kristen Domurad might be willing to take minutes. Karen will contact Kristen to see if she is available.

FORECLOSED PROPERTIES

Members agreed to send Karen a list of dates they are available to view the list of foreclosed properties listed in the Treasures email, dated April 12, 2012. Once a date is set, Karen will invite the Board of Selectmen and Conservation Commission to attend.

PLANNING BOARD MEMBERS' UPDATES

Elementary School Building Committee (ESBC)

Steve reported that ESBC will be meeting next Monday, May 14th.

Brandy Mead Circle

Karen reported that she still needs permission from one of the abutters to grant access to the drainage basin in order to complete the work so the basin will function properly. Karen will send a final notice, indicating that if we don't receive permission, the Town will be forced to access via the easement, which has been landscaped by the property owner. Steve Quinn asked if the proposal from Dan Ward is still valid. Karen said she will reach out to him again, once the access issues are resolved.

Assabet River National Wildlife Refuge

Kathy Sferra reported that Libby Herland of the Assabet River National Wildlife Refuge noted that the Refuge has a parking lot at the White Pond Road end of the refuge and they are asking if the Town would be willing to plow the section of White Pond Road to the parking lot.

Libby Herland also advised Kathy that she was approached by someone, inquiring about sea planes on the Assabet. Karen Kelleher will point out the section of the Zoning Bylaw that prohibits airports and landing fields.

Kathy also reported that Libby said they would not support a cell tower in the Wildlife Refuge or the Air Force Land, which is to become part of the refuge.

VILLAGES AT STOW

Karen reported that Sue Carter, of Places Associates, met with the site contractor for the Villages at Stow to field check a few areas of concern for the sidewalk construction at the Villages at Stow. Sue reported that it seems that there is no room for the sidewalk because of the existing pine tree roots. Kathy Sferra noted that she recalls there is an existing wide path in that area. She also noted that there is also a sidewalk network, within the Villages at Stow development that comes out onto Hudson Road. However, she is not sure that the residents of Villages at Stow would want that sidewalk network open to the public. Karen will ask the Tree Warden for input.

WIRELESS SERVICE OVERLAY DISTRICT

Karen reported that she sent an email to Isotrope advising that the Board members have been investigating potential sites for the Overlay District but would like Isotrope to point out more specific locations that would provide ideal coverage (as they did with the Minute Man property), with the idea that they can start from that point by contacting those property owners and others in that general area. Karen has not heard back from Isotrope.

Ernie Dodd noted that he reached out to Andrew Martin of Honey Pot Orchards but has not heard back from him.

It was noted that the Zoning Board of Appeals has a public hearing scheduled for a variance request for a Special Permit and Variance for a 120' communication tower at the Fire Station. Ernie Dodd agreed to attend the hearing and inquire if it would be feasible to co-locate cell phone antennas on the tower.

PLANNING BOARD PRIORITY GOALS

Members reviewed and updated priority goals as follows:

- **Comprehensive Land Use Reform and Partnership Act (CLURPA)** – Members agreed to put this on hold, as the Board has already commented on proposed legislature. Kathy Sferra reported on a note from Jeff Lacy on the MassPlanners list serve, indicating that CLURPA and LUPA are still in Municipalities Committee, neither having seen action yet. Another bill has emerged in that committee as you said. It's more a variant of LUPA, called LURSEP which was developed by Secretary Bialecki and the Senate President, which has received protests from many groups. *Leave as high priority – long term.*
- **Floodplain/Wetlands Overlay District** –Members discussed that the Floodplain Overlay District was digitized and seems to be in good shape. However the Wetlands Overlay is based on a 1960's era map, which does not match up to the GIS Maps, making it difficult to identify the zoned areas. The Board previously met with Ingeborg Hegemann of the Conservation Commission and asked if it made sense to remove wetlands from the Overlay District, as the Commission has jurisdiction over all wetlands. Ingeborg seemed to like the idea of having another layer of protection. It was agreed to place this on an upcoming agenda for further discussion. *Leave as high priority - short term*
- **Wireless Service Overlay District** –Waiting to hear back from the Board's Consultant - *Leave as a high priority and change it to medium term.*
- **Golf Course Water Monitoring** – It was noted that the Planning Board recapped this issue in a memo to the Board of Health and have not heard a response. Ernie Dodd feels the Planning Board should bring this issue forward as a general bylaw to prohibit substances in the Town of Stow that DEP prohibits in a Zone II. Steve Quinn feels it is a Board of Health

issue. It was noted that the Board consulted with Town Counsel who cautioned the Board about case law and Brian Martinson reviewed the case law and didn't feel that the cases cited were relevant to what we would like to do. Kathy Sferra noted that one could argue that if you want to the entire town of Stow's aquifer as a Zone II, why not prohibit everything that DEP prohibits. Mark Jones, 203 Boxboro Road, stated that makes sense from a 100-year perspective. Steve Quinn stated that that the Planning Board has done its due diligence by doing the research and making findings and recommendations to the Board of Health to take action. Ernie Dodd feels that residents should be informed and suggested some information articles in the paper. Len Golder noted that when we met with the Board of Health, Marcia Rising made a good point that one could question why concentrate only on golf courses and not orchards or residences. Len Golder suggested that it be treated as a public relations issue by informing residents and encouraging them to find a substitute to certain substances. Len Golder agreed to contact the state for input on what the Town can or cannot do in terms of bylaws and regulations. ***Change to medium priority – medium term.***

- Foster Pedestrian Mobility – Update Rules and Regs and update fee and lieu of construction. Karen will review information on file and make a recommendation for an upcoming meeting. ***Leave as high priority – short term.***
- Lower Village – Merge Lower Village goals into one so they Board will look at Lower Village as a whole. ***Leave as high priority – short term.***

Members agreed to add the following items

- White Pond road – ***High priority – medium term***
- Comprehensive Permit Policy – ***High priority – short term***
- Gleasondale – Discussions with Hudson concerning water and sewer – ***High priority – short term***

Remaining items to be reviewed at a future meeting.

LOWER VILLAGE PLANNING EFFORT

Members discussed how to approach the planning effort for Lower Village and whether the changes should be presented as an overlay district or if the underlying zoning should be changed. It was noted that if it were approached as an overlay district and there may not be enough incentives built in and property owners might opt to develop under the existing rules – meaning more of the same. If it were approached as a change to the underlying district, all of the existing development would be considered pre-existing non-conforming uses. Members agreed that it is important to work with the property owners, encouraging them to be part of the process early-on, before the public hearing.

Members discussed what their visions are for Lower Village and noted several features:

- Old fashion village feel
- Walkable
- Businesses to service Stow
- More attractive
- Character
- Sense of entry
- Mixed use to appear that the Village is lived in
- Uses that make a village

- Gathering places
- Increase revenues

Ways to plan to shape development toward the visions

- Encourage parking behind the buildings
- Inter-lot connections - Offer density bonus in exchange for inter-lot connection.
- Higher density housing in the area to bring people to the businesses
- Evaluate opportunities for infill at the shopping center
- Evaluate existing parking at the shopping center
- Evaluate feasibility for expansion
- Provide for higher density housing (White Pond Road?) – to bring folks to Lower Village
- Require architectural façade for two story building design.
- Encourage buildings close to the road (maximum setback vs. minimum setback)
- Approach Habitech to about the lot in back of Lanes End that fronts on Great Road.
- Design Guidelines
- Provide incentive, such as some uses by-right

Potential Uses:

- Ice cream parlor
- Gallery
- Karate
- Antique and Consignment shops
- Dance studio
- Farmers market on the common
- Restaurants
- Coffee shop
- Bakery
- Butcher Shop
- Deli
- Farmers Market
- Hair salon
- Spa
- Dance Studio

Second floor uses –

- Profession office
- Medical office
- Residential
- Galleries
- Residential

Boundaries

Kathy Sferra asked if the Board should consider changing the boundaries of the Village. Karen noted that when the Board proposed village zoning in the past, it included a transition zone, which was not received well. Therefore, the Board decided focus first on the business zoned area. Lori noted that her neighbor's property was in the transition zone and the reason she opposed it was that she felt it was not thought out because it had not access from Route 117. While the lot abutting her appears to have frontage on Great Road, the actual access is through a common drive on her property. People also made the argument that the Town does not enforce the existing bylaw and the Town should first prove it can do something with the core business zoned district.

Constraints

Water Supply – Karen noted that when the Board meets with property owners they will want to focus on the issue of water and suggested that the Board make a statement up front about where we stand and explaining that this planning effort is necessary for us to be prepared for when the water issue is resolved. Steve Quinn feels the Town should take a more proactive approach and perhaps agree to fund installation of the water pipes. Steve thinks it would be a wise investment to the Town to talk to the Town of Maynard with a proposal for Stow to invest in infrastructure to bring pipes to the Town Center. Kathy Sferra said that what she hears from the Selectmen is they are not in favor of any capital investment for water.

Next Steps

- Prioritize goals (Kathy Sferra agreed to write up goals for the next working meeting).
- Describe the Vision for Lower Village
- Collect photographs that depict the vision (Groton, Cape Cod, etc.)
- Review area town village zoning (Bolton, Bedford, etc.)
- Evaluate what businesses are likely to locate in Stow

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Respectfully Submitted,

Karen Kelleher, Planning Coordinator