

TOWN OF STOW
PLANNING BOARD

Minutes of the October 30, 2012 Planning Board Meeting.

Present: Planning Board Members: Lori Clark, Ernest Dodd, Kathy
Sferra

Voting Associate Member: Brian Martinson

Planning Coordinator: Karen Kelleher

Assistant Planner: Jesse Steadman

Lori Clark called the meeting to order at 7 p.m.

Correspondence Update:

None

Discussion of Meeting Minutes

October 16, 2012:

Ernie Dodd motioned to accept the minutes.

Kathy Sferra seconded

All in favor (3-0) Ernie Dodd, Lori Clark, Kathy Sferra)

Len Golder arrives

Member Updates

Stow House of Pizza Light

Brian Martinson said Stow House of Pizza's mounted pole light is still shining in the eyes of drivers. Karen Kelleher said she would send Craig Martin, the Building Inspector a formal letter to look into the light, as well as ask the Police Department to verify whether the light was causing a hazard.

CPA Repeal

Kathy Sferra reported that she heard at least one or two selectmen are contemplating the repeal or downgrading of Stow's Community Preservation Act surtax to allow Stow residents to put those earnings toward approved capital planning projects. Kathy Sferra said she believes the

Town will likely affirm the position that CPA is a good policy. Kathy Sferra said there will likely be an opportunity for the public to weigh in at a Selectmen's forum prior to any potential Selectmen vote.

Kathy Sferra continued, saying that there has been some discussion of an underground cistern to service the fire station and other buildings in the Town Center. Kathy Sferra said that certain aspects of work done on the library, including upgrading the handicapped accessibility could come from CPA funds.

Sidewalks at the Villages

Lori Clark reported that the sidewalk at the Villages at Stow are now complete. Lori Clark asked if an easement for the sidewalks was necessary? Karen Kelleher said she believes it would be in the Board's best interest to ask Habitech for a sidewalk easement.

Coordinator's Report

Center School Lighting

Karen Kelleher reported that the police department is concerned about the lack of lighting at night in regards to public safety. To remedy this, she continued, the Building Inspector and the Elementary School Building Committee have considered turning the parking lot lights off and leaving the building lights on. Lori Clark asked what lights they kept on in the previous school lot, and whether this was now a new issue because of a new building. Karen Kelleher said that as of now they are planning to leave the building lights on throughout the night. The Elementary School Building Committee is going to test a variety of scenarios before they come before the board to ask for any potential special permit modifications. The Board discussed that they were mostly concerned about the light shining onto Joe Mishley's property, as he visited the Planning Board in September regarding a complaint about the high intensity of the school parking lot lights. Karen Kelleher will contact Joe Mishley to let him know what is going on.

Wedgewood Road

Karen Kelleher updated the Planning Board on her visit from Chris Merrill regarding a conventional 26 lot subdivision for Wedgewood Road. Karen Kelleher reported that she advised Chris Merrill that the Board would likely prefer to see a planned conservation development rather than a conventional subdivision. Chris Merrill replied that he was under the impression that he would have to deed a good amount of land to the Town and would be limited on the number of bedrooms in the homes he wants to build under a planned conservation development plan. Karen Kelleher explained that the open land would need to be restricted and ownership could be under a Homeowners' Association, a Non-Profit Trust or the Town. She also explained that the number of bedrooms should not be an issue and provided examples of other PCD's in Town. Karen urged him to come before the board with a concept plan.

Lower Village Water

Karen Kelleher reported that Rich Presti is contacting engineering companies to help him understand the opportunities and constraints of septic and well locations on his Lower Village property.

Karen Kelleher also noted that Bill Wrigley has asked the Conservation Commission to take a formal vote on whether they would support the Heritage Lane open space parcel's use as the site of a public water supply area wellhead. Karen Kelleher said the Conservation Commission discussed the request, agreeing that a public water supply for Lower Village is an important issue. However, Karen Kelleher said, the Conservation Commission declined to take an immediate vote, as they would like to do some research into whether any natural resources on the site would be negatively impacted by a well.

Lower Village Gateway Sign

Karen Kelleher said the installment for the sign is tentatively set for end of this week. Karen Kelleher said it would be wise for a Board member guide the exact placement of the sign. Ernie Dodd said he will be available to guide the placement.

Alice Cushing Conceptual Subdivision Plan

Karen Kelleher reported that a letter was sent to Alice Cushing to follow up on the previous conceptual plan meeting. Karen Kelleher said the letter did not mention the Board's recommendation that she check with the police, fire and highway departments, regarding the conceptual plan's roadway specifications, specifically the common drive serving a total of five lots. Karen forwarded a follow up email to Alice Cushing and her engineer.

Malcom Fitzpatrick

Karen Kelleher reported on a conversation with Malcom Fitzpatrick regarding his non-conforming lot, which he believed did not fall under the same bylaw restrictions as a non-conforming structure or use. Karen Kelleher said that after reading through Chapter 40A it seems that he would still need to go through the ZBA to reconstruct what would be a non-conforming structure because it exists on a non-conforming lot. Ernie Dodd said if he can show that a house meets the setbacks the ZBA cannot deny him a permit. Kathy Sferra asked if he had any easement to give him frontage. Karen Kelleher said she believes he has easements on record but no legal frontage. Karen Kelleher said that Craig Martin will be the one who can make the final determination and she will consult with him.

Lori Clark said that at Boxborough road a similar issue came up and they found that as long as a structure meets the setbacks the applicant could obtain a building permit. Ernie Dodd said if they tried to put an additional house on the lot, then it would be an issue due to lack of frontage.

Derby Woods Encroachment

Karen Kelleher reported that a letter from Habiteck's attorney went out to Connie Schwartzkopf regarding the outstanding encroachments. The letter stated that surveyor's contracted by both Habiteck and Connie Schwartzkopf agreed that the open space boundary did not interfere with Schwartzkopf's property boundary.

Town Meeting and Lower Village Public Forum Rescheduling

The Planning Board discussed whether they should reschedule the Lower Village Public Forum.

The Board decided the Lower Village Forum could be on Wed. Nov. 28. Karen Kelleher said she will check with the Town Clerk to confirm the Town Hall is available..

Housing Consultant

Karen Kelleher said that SMAHT has hired a housing consultant who will be coming to the Planning Department office on Tuesday of next week to look at potential Town sites for affordable housing.

Discussion Items

Derby Woods Decision

Karen Kelleher explained the Derby Woods Decision modification was incorrect as there was a mixup between parcel conveyances land swap, and therefore she said that the Planning Board needs to vote on the changes and endorse a new decision modification to be recorded.

Kathy Sferra motioned to approve Decision Modification 1A.

Ernie Dodd seconded.

VOTED - All in favor (4-0) (Ernie Dodd, Lori Clark, Len Golder, Kathy Sferra)

Selectmen License Renewals

Lori Clark said that the Selectmen have asked for comments on license renewals and suggested that the Planning Board should limit its comments to the special permits that are under the Planning Board's purview.

Stow House of Pizza

Lori Clark said that at this point the floodlights at Stow House of Pizza is the main issue still at hand. Lori Clark said she would not include the past comments to the selectmen but would include the letter of enforcement from Craig Martin and that the Special Permit is "currently out of compliance." Karen Kelleher said she will ask Craig Martin to follow up on the issue. Lori Clark said we could ask the police to take it up with the Stow House of Pizza. Karen Kelleher said it does look like Kostas redirected the fixture downward although Brian Martinson said he is not supposed to have the light at all and should probably just disconnect it. Lori Clark said that they can tell the Selectmen that they have taken action but nothing has happened yet. Brian Martinson said that having Craig Martin send comments shows we have formerly pursued any issues with Building Inspector and he has responded with a letter of enforcement.

Butternut

Karen Kelleher said that Butternut regards long standing issues and formal action has been taken, although there has been no change in status.

Lori Clark summarized, saying the Board will comment on the facts regarding the Stow House of Pizza and Butternut special permits. Ernie Dodd said he would like comment for Concord Fuels non-compliance regarding the number of vehicles on the lot to be on the record for awareness

purposes. Lori Clark said that she would like to stick to the projects they have special permits with.

Kathy Sferra Motioned to have Planning Board send comments on License Renewals for Delta Epsilon, Inc., Stow House of Pizza and Page Family Limited Partnership (Butternut Farm Golf Club).
Ernie Dodd Seconded.

VOTED – (3-1) in favor (Lori Clark, Ernie Dodd, Kathy Sferra) and one abstention (Len Golder).

Lower Village Working Meeting

Assistant Planner, Jesse Steadman presented the updated Lower Village public forum notes and slides. The Board discussed minor changes, drafted an agenda for the meeting and discussed that the best scenario for obtaining public input was to allow clarification questions at the conclusion of each section of the presentation, as well as allow the participants to visit several stations after the presentation, where they will be able to ask questions and provide feedback.

Tentative stations to have a Planning Board member or staff member tend to include:

- Comments on the conceptual traffic plan by Coler and Colantonio
- What did you hear that you like?
- What are your concerns?
- What Questions do you have?
- What kinds of businesses would you like to see in Lower Village
- What do you want to know more about?

It was agreed that the data collected at the forum would be categorized and stored by staff at a later date as part of a compilation of data that will further direct the evolving planning effort in Lower Village.

Meeting Adjourned.

Respectfully Submitted,

Jesse Steadman