

TOWN OF STOW
PLANNING BOARD

Minutes of the November 13, 2012 Planning Board Meeting

Planning Board Members Present: Steve Quinn, Ernest Dodd, Kathy Sferra, Lori Clark, Len Golder

Voting Associate Member: Brian Martinson

Non-Voting Associate Member: Mark Jones

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

Public Input:

None

Correspondence Update:

None

Discussion of Meeting Minutes:

Oct. 30, 2012

Ernie Dodd Motioned to approve the minutes as amended.

Kathy Sferra seconded.

VOTED (5-0) unanimously in favor

Member Updates:

Center School

Steve Quinn reported that the Center School contractor's are completing the last of the punchlist items and there remain only minor items to finish before full completion.

Stow Acres

Kathy Sferra updated the Board on the site visit to Stow Acres, including initial quotes from three separate firms for appraisal of the property.

Medical Marijuana

Len Golder asked whether Medical Marijuana would be considered an agricultural use and whether medicinal marijuana farming would be something the Town of Stow and the Planning Board should discuss. Len Golder also noted that the Department of Public Health will be permitting 35 dispensaries and asked how the newly legalized dispensaries would be zoned in Lower Village.

COORDINATOR'S REPORT

Center School Lighting

Karen Kelleher said that Building Inspector Craig Martin met with the Center School project manager and electrician on November 12. It was determined that they cannot easily turn off the parking lot lights while leaving the building lights on, as they initially plan. Therefore, they have decided to keep the parking lot and building lights on at 50% from 11-7am. Karen Kelleher noted that she asked if the light affecting Joe Mishley had been addressed. Craig Martin said that he thinks they may be installing a shield to redirect or block the light.

Stow House of Pizza Lighting

Karen Kelleher reported that Craig Martin met with Kostas and an electrician and redirected the light that was causing bright glare to passing drivers. Brian Martinson said that to be in compliance with their special permit Stow House of Pizza should not have the light at all. Brian asked if anyone knew whether or not it was now shining in driver's eyes. It could not be confirmed, although Karen Kelleher said it appears that the light has been shut off.

117 Walcott Street

Penny Cushing was originally planning to attend tonight's meeting, said Karen Kelleher, but would like to have the Planning Board do a site visit first. Karen Kelleher reported that Pennie Cushing is meeting with representatives from the Stow Conservation Trust on November 18th to discuss any possibilities of purchasing the 35 acre parcel not included in the most recent concept PCD plan.

Lori Clark asked what she is hoping to accomplish by having the Planning Board accompany her on a site walk. Karen Kelleher said she is likely still looking for more input on the 15 lot plan. Mark Jones asked whether she may be looking for recommendations on how to deal with various constraints. Karen Kelleher said she encouraged Pennie Cushing to talk with police and fire to discuss any safety issues. Brian Martinson said perhaps they could ask Pennie for an agenda for the site visit. Lori Clark said it could be a chance for the Board to familiarize themselves with the property.

Kathy Sferra noted that there could be significant drainage issues on the south side of the hill due to storm drains in the large developments over the Hudson line.

Schedule for a site visit

Sunday November 25th at noon.

Lower Village Water

Karen Kelleher reported that Rich Presti is currently working with an engineering firm to evaluate his property for a public water supply. Karen Kelleher also mentioned that she talked to Engineer Steve Poole, representing Kostas at Stow

House of Pizza, who reported that DEP said that they would not approve any type of addition since while the public water supply is non-compliant. Steve Poole explained that the actual logs show much less flow rates than DEP's chart and therefore would like to request a waiver. DEP said it is not likely a waiver would be approved. Karen Kelleher said that she is coordinating a meeting with Lower Village's south side land owners on possibilities for working together for a joint water supply.

Karen Kelleher also said that Bill Wrigley talked with someone at the Massachusetts Office of Business Development and found that there are loans through MassDevelopment for private businesses to assist in making infrastructure improvements.

Housing Consultant

Karen Kelleher described a meeting between Planning Staff and Stow's new Housing Consultant, regarding opportunities for affordable housing on Town owned land. Karen Kelleher mentioned that one of the most promising sites for affordable housing initially, seemed to be the Gleasondale lot.

Delaney Street

Karen Kelleher said that the meeting regarding the Delaney Street Escrow Agreement is close to having a finalized date.

APPOINTMENTS

Chris Merrill - Conceptual Subdivision Plan:

Newburyport Attorney Suzanne Poitress and Chris Merrill in attendance.

Introduction

Suzanne Poitress described the location of the conceptual subdivision north of Wedgewood Country Club and abutting Marble Hill Conservation land. Suzanne Poitress said that she and the applicant Chris Merrill have thought about some of the possibilities that came up in their initial conversation with Karen Kelleher. Suzanne Poitress said that Chris Merrill believes this property deserves traditional lots, rather than a Planned Conservation Development (PCD), due to the layout and scenic significance of the land.

Suzanne Poitress noted that a portion of the property is enrolled in Chapter 61A and a portion in Chapter 61B. Suzanne Poitress said that although the wetlands still need to be delineated, they have come before the Planning Board to receive further guidance.

Planned Conservation Development Opportunities

Conversation between the applicant and the Planning Board turned to discussion of a Planned Conservation Development opportunity at the property. The applicants said they have not created such a plan. Kathy Sferra noted a PCD plan may provide

better views for the homeowners. Len Golder said that in terms of the market a PCD size and scope may sell faster in the current market. Kathy Sferra reminded the applicants that the Conservation Commission requires a 35 foot buffer zone around wetlands.

Non-Voting Associate member Mark Jones asked what the tensions are between the PCD and the conventional subdivisions. Suzanne Poitress said that Chris Merrill thinks that each person should be able to have large lots with decent privacy, although they would not like to see any clear cutting at the property.

Mark Jones said that there is a possibility to do a mixed subdivision with a PCD as well as a traditional subdivision. Chris Merrill said that it is something to consider with the site. Kathy Sferra added that one of the cul-de-sacs could actually become a common drive. Ernie Dodd noted that a common drive would reduce impervious surface and still provide a place for children to play. Ernie Dodd said common drives often simplify the design a great deal.

Kathy Sferra added that Wedgewood road is in fairly bad shape. Chris Merrill replied that it he has upgraded the road.

Affordable Housing Inclusion

Len Golder asked about the requirement for inclusion of affordable housing. Suzanne Poitress said the applicant has considered a payment in lieu of, although there has not been anything written into this plan. Suzanne Poitress asked what the Town would like to see in terms of affordable housing. Several board members replied they would rather see the houses built either on or off site, as they can often not afford to build the same number of units, even with a payment from the applicant. Suzanne Poitress added that the applicant has been thinking about additional units off site.

Emerald Necklace Proximity

Kathy Sferra explained that a proposal for an emerald necklace trail around Stow, created by the Stow Conservation Trust, may be planned to pass near the proposed development, providing opportunity for a trail easement at the site. Suzanne Poitress said that people generally do not like having trails in their backyard. Kathy Sferra said that the Planning Board would prefer not to have such a trail cut through private property either, but perhaps such a trail could be built into an open space requirement. Karen Kelleher will provide a copy of the Emerald Necklace plan from the Open Space and Recreation Plan.

Time Frames

Mark Jones asked about the timing and phasing of the development. Chris Merrill said that so far there are no time frames. Suzanne Poitress said they are getting engineering quotes and still have to have the wetlands delineated. Mark Jones

asked how the soils would percolate. Chris Merrill said that it varies greatly at this site.

Sidewalks

Lori Clark said that in terms of sidewalks, it may make more sense to have sidewalks built off rather than on site, and that the Board in some instances will entertain an offer of a contribution to the Town's Sidewalk fund in lieu of construction. Ernie Dodd agreed, saying that that would also limit the impervious surfaces.

Suzanne Poitress said that she generally seeks a preliminary plan approval because it streamlines the process. Ernie Dodd asked that the applicant go through the rules and regulations in detail, adding that any waivers from the bylaw would have to go through the ZBA. Karen Kelleher said that although common drives do not require site plan approval by the Planning Board, they are still considered in the subdivision plan. Karen Kelleher added that a common drive would not be accepted as a public way.

Ernie Dodd said that the length of the road will have to be discussed at a later time, as the concept plan appears to be greater than 1500 feet.

Suzanne Poitress said that Chris Merrill has put a substantial amount of thought into this site and wants to make sure that the development is done right. Steve Quinn said that having a well designed plan, whether or not it is a PCD, will be beneficial to the Town. Mark Jones said that it is heartening to know that the developer will live on the site.

Sidewalk account

The Planning Board agreed that the payment to the policy for contributions to the sidewalk fund is currently too low and should be included on an upcoming agenda for review.

Minuteman Solar Project Withdrawal by Kearsarge Solar LLC

The Planning Board briefly discussed withdrawal from the Minuteman Solar project by Kearsarge Solar.

Kathy Sferra motioned to accept withdrawal.

Ernie Dodd seconded.

VOTED (5-0) unanimously in favor.

Memo to Selectman Regarding Licensing:

The Planning Board discussed the language of a memo detailing outstanding special permit issues where a Selectmen's License is under review. Kathy Sferra said that perhaps more passive language regarding the Stow House of Pizza light would be appropriate. Perhaps something regarding it being an "ongoing issue." Brian Martinson said unfortunately, although the light is off today, there is no confirmation that the issue has been resolved.

Lori Clark said that because the building commissioner took action it should say that the Building Commissioner has worked with Kostas to try to solve the problem.

Karen Kelleher asked if they should attach the Building Commissioner's letter? The board said yes.

Karen Kelleher said that with the ongoing planning effort she would like to try to work with Kostas without hurting relations at a time when the Board is trying to work Lower Village businesses.

Len Golder said that this Memo will likely make no difference. Karen Kelleher said that a statement from the Planning Board was asked for by the Board of Selectmen. Lori Clark said this an opportunity to offer visibility on the status of outstanding special permits over time.

FEMA FIRM Maps

Assistant Planner Jesse Steadman updated the Board on the schedule of Flood rate insurance maps set and the Coordinating meeting likely to be scheduled by FEMA in December 2012 or January 2013.

Kathy Sferra Motioned to adjourn

Meeting Adjourned

Respectfully Submitted,

Jesse Steadman