

TOWN OF STOW
PLANNING BOARD

Minutes of the June 18, 2014 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Len Golder and Mark Jones

Absent: Steve Quinn

Non-Voting Associate Member: none

Lori Clark called the meeting to order at 7:00 pm

Correspondence

Letter from Lew Halprin – Members discussed a letter from Lew Halprin concerning the Planning Board’s decision not to televise the Public Hearing for the Collings Foundation Application. Members maintain their position that residents should be encouraged to be in attendance at public hearings so that their comments may be entered into the record. If not in attendance at the public hearing and the hearing is closed an interested party would not have the opportunity to enter an opinion into the record for the Board’s deliberation. Len Golder noted that he feels that all public hearing should be televised.

Karen Kelleher will draft a letter for the Stow Independent explaining the Board’s position and reasoning for not televising public hearings.

Planner’s Update

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

Cushing Subdivision – Ducharme and Dillis is working toward a filing the Definitive Subdivision Plan for the Cushing property for a July 16 Public Hearing date. Karen will let the applicant know that Lori is not available for the public hearing on July 16 and that the application should also include an Erosion Control and Hammerhead Lot Special Permit requiring a super-majority vote.

Collings Foundation Public Hearing– Mr. Collings informed the office today of his intent to continue tonight’s hearing without testimony because only 4 members are present. Karen asked members to confirm their availability for a July 9 public hearing date. Lori Clark, Mark Jones, Len Golder and Ernie Dodd confirmed their availability. Karen said she spoke with Steve Quinn this afternoon and he indicated that he will be on vacation that week but is willing to come back for the meeting. Town Counsel Barbara Huggins and Planning Board Consulting Engineer Susan Carter also confirmed their availability.

Mark Jones asked, for the benefit of the public in attendance, could the Applicant make an informal presentation after the hearing is continued? Karen Kelleher responded that it

would not be appropriate for the Board to hear or discuss anything outside the public hearing.

Lower Village

Karen and Jesse met with Property owners to review the draft Lower Village Route 117 Design Plans prepared by Howard-Stein/Hudson. Property owners voiced concern about reducing the number of curb cuts.

The Legislature approved the Article 97 request for the Heritage Lane Parcel. It is now on the Governor's desk for his approval. The Governor must act within 10 days.

T-Mobile – Gleasondale Mill - Mike Almada of TRM, representing T-Mobile, reported that they are working on a custom mount to the banding that will reduce offset to the smokestack.

Planning Board Annual Dinner

Members discussed the date for the Planning Board's annual dinner. It was agreed to schedule the dinner for Thursday, August 7. Ernie Dodd will put together a list of restaurants for the Board to consider.

Public Hearing – Collings Foundation Applications for Erosion Control Special Permit and Site Plan Approval

At 7:30 PM Lori Clark called the public hearing to order.

Ernie Dodd moved to waive reading of the Notice of Public Hearing. The motion was seconded by Len Golder and carried by a unanimous vote of four members present (Lori Clark, Mark Jones, Ernie Dodd and Len Golder).

The applicant submitted proof of abutter notification (registered mail return receipts).

After Planning Board Member introductions, Lori Clark noted that she understands the Applicant is requesting that the Public Hearing be continued without testimony. Mr. Collings said he would like to fully understand the quorum requirement for his applications. Lori Clark explained that the Erosion Control Special Permit requires a super-majority vote of the Board – meaning four out of five members present throughout all sessions of the public hearing. Because one of the members was not able to be in attendance due to a family commitment, the required vote would essentially be unanimous – four out of four members. All four of those members would have to be present at any continued sessions of the hearing. Lori further explained that it is the Board's policy to notify the applicant and give the option to continue without testimony to a date when all five members are present. Mr. Collings was notified last week when the Board became aware that one member was not available.

Lori further explained that if the hearing is continued without testimony, the Board is unable to hear any discussion on the application this evening.

Mr. Collings questioned what date the hearing could be continued to. Lori Clark said the next date with a full Board in attendance would be July 9, 2014 at 8:00 pm. Mr. Collings requested that the public hearing be continued without testimony.

Lori Clark asked those in attendance if there are any questions concerning the continuation process and not the specific application.

Some residents voiced concern about not having prior notice of the need to continue.

A resident asked about the Planning Board jurisdiction and if the board has enforcement authority. Ernie Dodd responded that the Planning Board's jurisdiction is to uphold the bylaw and protect the interests of the public. The Building Commissioner has enforcement authority.

A resident asked who has jurisdiction over tax implications. Board Members noted that the Board of Assessors would be able to answer questions about taxes.

A resident asked if the bylaw states that a proposal has to be good for the community. Ernie Dodd referred to Section 9.3 of the Bylaw states specific findings that must be made by the Permit Granting Authority.

Ernie Dodd moved to continue the Public Hearing without testimony to July 9, 2014 at 8:00 pm. The motion was seconded by Len Golder and carried by a unanimous vote of four members present (Lori Clark, Mark Jones, Ernie Dodd and Len Golder).

The meeting adjourned at 8:00 pm.

Respectfully submitted,

Karen Kelleher
Town Planner