

TOWN OF STOW
PLANNING BOARD

Minutes of the February 4, 2015 Planning Board Meeting

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

Voting Associate Member: Margaret Costello

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

Planning Board Minutes of January 21, 2015

Ernie Dodd motioned to approve as modified.

Len Golder seconded.

**VOTED: (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones,
Steve Quinn).**

Correspondence Update:

Lori Clark discussed an email from Greg Troxel regarding process of staff and Board information exchange.

Member Updates

Mark Jones noted that he will be pulling papers for the School Committee. The Board discussed with Margaret Costello the dates to pull papers and the process for doing so.

Planner's Report

Minute Main Airfield

Karen Kelleher reported that a new application was submitted on January 26 and the Public Hearing is scheduled for February 11, 2015.

Spring Hill Estates

Karen Kelleher noted that Staff and Sue Carter met with the Applicant's Engineer, Greg Roy, to discuss the peer review and Staff comments. Greg Roy seems to have a good understanding of required plan modifications. Plan modifications are not yet submitted, however the Applicant proposes to give an update at tonight's public hearing and is looking for input on requested waivers.

Economic Development and Industrial Commission

The EDIC met on Thursday, January 22nd. Karen Kelleher said the makeup of the EDIC membership is a good mix and all are eager to get to work. Karen Kelleher said an introductory press release was issued and the Committee has plans for a survey to go out to business/property owners and for a public forum to be scheduled for business owners focused on introducing the committee and seeking input from business owners as to their

needs and expectations from the Committee. Staff is working on setting up an EDIC website.

Pompo Re-Use Decision

Karen Kelleher said that the Final Draft Decision is included in the packets for endorsement with final language regarding the issue of White Pines as well as a condition on hours of operation.

Town Center Planning

Karen Kelleher reported that UMass students made a presentation on their findings relative to 323 Great Road. The final report is complete and will be distributed at a meeting with those who made proposals and the Permit Team to review and discuss recommendations as to specific proposals.

323 Great Road

Karen Kelleher said the permit team discussed 323 Great Road. The Building Commissioner agreed that the old well should be filled in and he would see that it gets done. The Permit Team also talked about the need to place a gate at the church entrance and reaching out to Bose, who offered community service, to help clean up debris at the site.

Villages at Stow

Karen Kelleher received a call from a resident at Villages at Stow inquiring about the status of compliance with the Comprehensive Permit. The final as built plan has not yet been approved.

Karen Kelleher noted that gas or water gates were missing and other issues such as labeling are still present. The resident also noted there is a DEP order regarding well testing requirements that need to be addressed by the end of 2015.

Mark Jones asked staff to outline the remaining items in the decision that the Zoning Board of Appeals has jurisdiction over.

Crow Island

Karen Kelleher said that Rob Albright asked to meet with the Board to discuss his proposed hangar at Crow Island. Karen Kelleher said the Board would like to see the response from MAC before meeting with him. He also asked what the Board thinks about the fact that they have been flying into Crow Island since before 1982 – as he feels he should be grandfathered.

Quirk Property

Karen Kelleher and Jesse Steadman met with a Real Estate Agent and Attorney Dionisi representing the Quirk Estate to discuss development options for the property. Kathy Sferra also joined. They were looking for insight on development options for the property. We explained zoning which includes Industrial and AAN and Medical Marijuana Overlay

Districts. The AAN Overlay is subject to the 6% cap and two 66-unit permits have already been issued. They asked about Comprehensive Permits. We explained that the Town currently has safe harbor and shared the Comprehensive Permit Policy. The major issue with the property is access. Attorney Dionisi suggested a meeting with the Board to discuss what their requirements would be to improve the existing access. Karen suggested that he first provide a legal opinion as to their rights to use and the status of Athens Lane.

Budget

Karen Kelleher prepared a packet of back up information (job descriptions and salaries, including copy of warrant) for proposed staff budget requests.

Earth Removal Bylaw

Karen Kelleher, Jesse Steadman and Kathy Sferra are working on a proposed new Earth Removal Bylaw. Karen Kelleher noted that staff have collected bylaws from other communities and came up with an outline of provisions to be included in the proposed bylaw and/or regulations. Many of the bylaws reviewed have designated the Planning Board as the Permit Granting Authority (PGA). Karen Kelleher noted that staff discussed the fact that the Planning Board would, in most cases, likely already be reviewing the project and therefore it might make sense to tie the earth removal permit into the Planning Board permits – This would streamline the process for the Applicant as well as the Town. Karen Kelleher asked Board members if they have any thoughts about the Planning Board being designated as the PGA.

Mark Jones said that the original bylaw appears to be written to be very restrictive and it is a question as to whether that should continue. Lori Clark said that defining the metrics to review Earth Removal permits really depends on the scale of a project rather than a strict definition. Ernie Dodd said regardless of the Permit Granting Authority it should stay within the General Bylaw.

Lower Village Archeological Inventory

Karen Kelleher noted that staff are scheduled to meet with CPC regarding the request to fund the Lower Village Archeological Inventory of the Lower Village Common on Monday, February 9.

Lower Village Sign

Karen Kelleher noted that the Lower Village sign has been repaired free of charge.

Collings Foundation

Jesse Steadman provided an update on the Collings Foundation tentative hearing schedule.

Public Hearing

Accessory Apartment Special Permit at 50 Hudson Road

Present: Gary Bernklow – Applicant

Gary Bernklow described that the addition is not large, and he has received a permit for the foundation from the Building Inspector. Gary Bernklow noted that the additional bedroom will meet Title V requirements and he has gained a Title V certificate. The accessory apartment will be for his mother and include a small kitchenette and a bathroom.

Karen Kelleher described the requested waiver for a reduction to the Special Permit fee of \$500. Karen Kelleher stated that the Site Plan Approval fee is \$250. The Board agreed that due to the size of the lot and the proximity to the threshold for site plan approval, the waiver could be granted.

Ernie Dodd moved to waive the fee.

Len Golder seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Len Golder asked if there was going to be considerable construction traffic. Gary Bernklow said that the foundation work has already been completed.

Karen Kelleher said that in the past the Board has requested an easement for a sidewalk in for similar projects. The Board agreed that should be fine.

Steve Quinn said the only issue is granting an easement for a sidewalk. Gary Bernklow said that is no problem.

Steve Quinn moved to close the public Hearing.

Ernie Dodd Seconded.

VOTED (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Endorsement of Pompositticut Community Center and Fire Station Site Plan Approval

The Planning Board endorsed the decision for the Pompositticut Community Center and Fire Station Site Plan Approval.

Public Hearing Continuance

Lighting Special Permit at Pompositticut Community Center and Fire Station

Present: Craig Martin – Building Commission and Facilities Director

Lori Clark reopened the hearing continuance at 8:05pm

Craig Martin said that he looked through the lighting zone plans and discussed the drafts with the Pompositticut Building Committee, the Fire Chief and Chief of Police.

Craig Martin described some of the issues with the current draft lighting operations plan. Craig Martin described that one light the Board had wished to move was at a pinch point of the property and that switching a light to the other side of the access could be an issue with access. The Board did not mind keeping the light where it is currently located on the plan. The Board agreed that the light can remain as proposed as long as it complies with the bylaw.

Craig Martin described the possibility of keeping one pole light on at half power throughout the evening to complement the sign at the entrance to the fire station and provide cue to anyone looking for the building. Craig Martin said if you are trying to find the fire station at night and you have not driven on the site, that it should be a little more visible by keeping one middle pole light at half power. It would give the building a little more presence he said. Craig Martin said noted that the Police Chief was OK with the zones in the Draft plan, as well as the motion sensing capabilities. Greg Troxel said that his experience with the motion sensing is that it works as it should.

Len Golder asked if the Highway Department had a chance to review the plans? Craig Martin said he reviewed the maintenance of the site with the Highway Department and they determined their maintenance should not be hindered by the current direction of the lighting plans.

Greg Troxel said that he wants to write conditions that are reasonable, but even if not followed, the outcome would still be sufficient. Greg Troxel read through the memo he entered into the record.

Greg Troxel asked if a commercial space would be operating out of the tenant space? Craig Martin said it could potentially be used for a non-profit or educational use.

Greg Troxel noted that the applicant has obtained a variance from the opaque screen on the east side of the lot, making lighting an even more sensitive issue.

Greg Troxel said that first, all fixtures should be full cutoff. Greg Troxel added that as the bylaw states, no direct light shall shine on any lot not owned by the Town.

Greg Troxel suggested that several zones should be created to address specific lighting issues, including the fire department access drive lights, the front parking lights, the eastern driveway and access, the building wallpack lights and the bollard lights.

Greg Troxel described his suggestions for the fixture specific operating conditions:

- *Fire Station Floodlights*
 - Manually controlled as necessary
- *Bollard Lights – Motion activated*

- Dark – Dawn, Bollard Lights at 25%; At motion activation lights go to 100% output
- *Wall Pack Lights*
 - All existing wall lights shall be removed.
 - Dark – 8pm, Wall Packs at 25%; At motion activation output goes to 100%
 - 8pm – Dawn, Wall Packs at 0%; At motion activation output goes to 100%
- *Front Parking and East Access Pole Lights*
 - Dark – 8pm, Pole Lights at 25%; At motion activation output goes to 100%
 - 8pm – dawn, Double Pole Light on central landscaped island at 25%; At motion activation output goes to 100%
- *Fire Department Access Lights*
 - Dark – 8pm, Pole lights at 25%; At motion activation output goes to 100%
 - 8pm – Dawn, Pole Lights shall be at 0%; At motion activation output goes to 100%
 - Fire Department Access lights shall contain manual override feature

The Board discussed the percentages of output and the potential capabilities of the operating system, specifically whether they could be programmed to 25% output. Greg Troxel said he cannot see why they would not be able to be programmed for one level as opposed to another. Ernie Dodd said that a condition could be written that in the event that a 25% output setting on the lights would be an unreasonable increase in cost, then the 25% output levels could be substituted for 50% output levels.

Ernie Dodd said that the goal of the lighting bylaw is to reduce excess light levels. Greg Troxel said that if the lights that were noted to be at 25% from dusk until 8pm had to be conditioned to be 50% output prior to their motion activation due to cost, that would be OK with him as well. Ernie Dodd said that they would prefer 25% if it can be done.

Mark Jones said that he is concerned that whenever cost concerns are raised the purpose of the bylaw is overrun.

Time for Lighting Curfew

Greg Troxel said that 8pm seems like a sufficient “dark” hour due to the rural nature of the town. Craig Martin said that there will be instances when there could be functions that go beyond 8pm. Craig Martin said that depending on the size of land use projects, there may be permitting meetings that could go further into the evening several weeks in a row. Greg Troxel said in those events, the motion activation should be sufficient. James Salvie said that the recreation department will also likely have activities that go into the evening.

Greg Troxel said that if the lights need to be manually turned on for events as needed to preclude lights going on and off then that would be fine.

Bruce Fletcher asked if there would need to be another public hearing should one of the conditions need to be changed, in the case it does not work. Steve Quinn said that in the case of percentages or times of the operation plan, it could likely be handled as a minor modification to the Special Permit that does not require a Public Hearing.

Ernie Dodd moved to close the hearing.

Steve Quinn Seconded.

VOTED: (5-0) Unanimously in favor. (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Public Hearing Continuance

Spring Hill Subdivision at 117 Walcott Street

Present: Greg Roy, Project Engineer and Applicant Pennie Cushing

Greg Roy described the progress to date, noting that the applicant has heard back from Places Associates in early January. Greg Roy noted that after receiving the consulting engineer's comments along with staff comments, staff and Places Associates engineer Sue Carter met with Greg Roy. Greg Roy said Places Associates has not had a chance to look at the revised plans, but they feel they are fairly close, and after a summary the engineer would like to hear the Board's thoughts on the waiver's requested by the applicant.

Greg Roy went through Places Associates letter and distributed a comment response letter.

Greg Roy noted the concept plan for the proposed road in order to document that it could be built in accordance with the regulations should it be needed in the future. Greg Roy noted that one exception to completion is that the applicant show that there will be no additional runoff leading into Walcott Street. Greg Roy said his present revisions show a decrease in both the rate and volume of runoff in that area.

Greg Roy noted that they have included a bus parking area that has been expanded to accommodate three vehicles.

Regarding vehicle turnouts at the ends of the longest driveways, Greg Roy said they have expanded them to allow a small truck turnaround.

Greg Roy said that well and septic for the existing house have been shown on the plans.

Greg noted that one waiver regards offsite improvements to Walcott Street. Abutters noted that the intersection is located a tight turn. Greg Roy said that after discussions with Staff and Sue Carter, it was suggested that easing the collar of the common driveway where it intersects Walcott Street, could provide a wider radii and a wider apron that can allow for

better passing. Ernie Dodd said there will school buses in that area. Pennie Cushing said there already is school bus traffic in the area.

Regarding sight distances, Greg Roy said they are most limited looking east, which is 200 feet, and corresponds to a 30 mph speed limit. The road is posted for 25mph, he said.

Greg Roy said Places Associates should find the plans are close to completion upon the next review.

Greg Roy discussed the prominent waivers requested to gain feedback from the Board.

- 4.3.12 - Greg Roy said the applicant has agreed to bound the proposed right of way and the applicant is looking for a waiver to bound the other easements on the property. Greg Roy noted that the access easements are the only required easements. The Board agreed that monumentation for the proposed road is the most important.
- 4.3.1.7 – Greg Roy said a road profile has been provided as requested.
- 4.3.2.4 – Existing tree line has been added. No street trees are needed.
- 4.3.2.7 – Waiver for street lights granted.
- 7.5.4 – The Board agreed that the traffic from the proposed subdivision would not overly impact Walcott Street.
- 7.5.3.2 Traffic Study – The Board agreed a traffic study would not be useful for this project.
- 7.5.3.3 Improvements to Bordering Streets and Ways - The Board discussed the location of a Hudson Light and Power pole. Greg Roy said if the pole is holding the loads for the new development it may need to be upgraded. Steve Quinn said if the pole can be moved it should be, suggesting that the Highway Department should look into the issue. The Board agreed that the pole location is an existing issue that is not related to or caused by the development. The Board discussed that the improvements to the turning radius at the end of the driveway should also help mitigate the issue.
- 7.5.6 – Pedestrian travel – The Board agreed that a sidewalk along the common driveway would be excessive. The Board discussed that they will want to require an easement for a potential future sidewalk along the frontage of 117 Walcott Street.

- NFPA Standard Upgrades – The Board discussed that they have yet to get guidance from the Fire Chief regarding changes to the new fire code.
- 7.7 Special Purpose Streets - The Board discussed that the road will need to meet common driveway standards.
- 7.4.9.1 – Preliminary Drainage. Greg Roy said they are requesting a waiver due the fact that they submitted a definitive drainage plan rather than a preliminary plan. The Applicant has also provided revised watershed subcatchment maps, noted Greg Roy.
- 10.5 Inspections – The Board did not agree to waive this section since drainage inspections and future infrastructure will need to be inspected.

Open Space

Greg Roy noted that according the Subdivision Rules and Regulations, the applicant is required to provide 10.7 acres of open space. Greg Roy presented a plan that includes a narrow strip of open space land extending along the boundary of the Edgell road homes and intersecting with the first turnaround area on the proposed Penny Lane.

Lori Clark said that in past open space discussions there has been input on skinny pieces of land that can be easily encroached upon. Regarding any protection of Edgell abutters that the strip might add, the issue would need to be thought of at the time of future development. The Board agreed that it would be more useful to show trail easements that could provide an extension of the SCT trail. Greg Roy clarified that parcel B would be kept as undeveloped land.

Greg Roy noted that Homeowner’s Association could own the land. Ernie Dodd said that the Board has been asked for a large amount of waivers and asking for a trail easement on the open space provides some public benefit. Lori Clark said that she believes narrow strips do not provide much in the way of public benefit. Margaret Costello believes the proposed layout would be a great addition.

Mark Jones offered that the homeowner’s association may not be excited about owning a parcel that is disconnected from their own parcel, and it may be more appropriate for an organization to hold the property. Mark Jones said that regardless of the ownership, the land should have a perpetual Conservation Restriction.

Steve Quinn said that many of the waivers are only due to the road not being constructed.

Lori Clark clarified that there should be trail easements and the land shall be set aside in perpetuity.

Mark Jones said he would like to give the Conservation Commission and Open Space Committee another opportunity to comment on the proposed open space. Karen Kelleher

said that once the reconfigured space has been put on the plan, they can get comment from other applicable Boards if necessary.

The Board and Applicant discussed a continuance date agreeing that the next hearing continuance shall be held on February 11, 2015 at 9 pm.

Steve Motioned Quinn motioned to continue until February 11, 2015 at 9pm.

Len Golder Seconded.

VOTED (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Pompositticut Community Center and Fire Station Erosion Control Special Permit and Site Plan Approval

Ernie Dodd Motioned to approve as modified.

Steve Quinn Seconded.

VOTED: (4-0) (Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Meeting Adjourned

Respectfully Submitted,

Jesse Steadman