

TOWN OF STOW
PLANNING BOARD

Minutes of the May 6, 2015 Planning Board Meeting

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

Voting Associate Member: Margaret Costello

Steve Quinn called the meeting to order at 7:05 pm

Correspondence Update

Discussion of April 1st Meeting Minutes

Ernie Dodd moved to accept the minutes as amended.

Mark Jones seconded.

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

Member Updates

Ernie Dodd said that members should read through the submitted documentation regarding the Collings Foundation project and be willing to discuss individual opinions on the Dover Amendment and site plan with justifications for their determination to allow for staff to write an effective decision regardless of the direction of the vote.

Mark Jones said that the School Committee night is on the same night as the Collings Hearing, which could represent a conflict. Mark Jones said he will not apply for the Planning Board vacancy until after the election.

Planner's Report

Hudson Road Land Fill

Karen Kelleher reported that Frank McMahon of Southern Sky Renewables met with planning staff regarding a proposal for up to a 6 megawatt solar facility on the Stow/Hudson border, at the site of the old landfill. Karen Kelleher reported that the potential applicant contacted Hudson which told him that solar facilities are not an allowed use and if the applicant wanted to submit a legal opinion to the contrary they would send it to Town Counsel for review.

Minute Man Airfield

Karen Kelleher reported that there has been a request for extended Hours to 7:00am - 7:00pm Monday through Friday and 8:00am to 4:00pm on Saturdays. Karen Kelleher said the Building Commissioner is included in the decision to grant extension for site work but not blasting or processing.

Decision states:

“Exterior construction activity shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday excluding official Town of Stow holidays and 8:00 a.m. to 12:00 p.m. Saturdays unless specific approval is granted by the Building Commissioner.”

The Board agreed that Craig Martin should make the determination.

Ridgewood Active Adult Neighborhood

Karen Kelleher reported that the proposal is back on track. Bill Roop and Harry Blacky requested time on the May 20th agenda for them to introduce Toll Brothers and to update the Board on proposed modifications to the Plan.

323 Great Road

Planning staff met with stakeholders to further discuss proposed uses for 323 Great Road, said Karen Kelleher. The proposers will be taking some time to fine tune their proposals. The Conservation Commission, Recreation Commission and Stow Conservation Trust will be meeting to see if they can come up with a compromise plan. SMAHT was asked to reevaluate their plan to see if they can come up with a funding mechanism (CPA Funds for example) to make it feasible to reduce the number of lots and for them all to be affordable.

May 13

- No Meeting

May 20

- Collings Hammerhead Lot SP Public Hearing
- Ridgewood at Stow Discussion

PUBLIC HEARING

Special Permit Modification Continuance for Bose Parking Renovations Opened the Lighting Special Permit

*Ernie Dodd moved to waive the reading of the public hearing announcement
Len Golder seconded.*

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

Present:

Brian Lawlor - Principal Engineer | Symmes Maini and Mckee Associates (SMMA)

Chris Racine – Civil Engineer | SMMA

Tim Goodnow - Bose

Steve Quinn read through the Public Hearing Guidelines

Brian Lawlor said that in general many of the comments received back from Sue Carter of Places Associates and Planning staff required additional analysis from the applicant. Specifically, one question was in regards to bringing the project into compliance with Total

Suspended Solids rules and it would be difficult to prove. Brian Lawlor said they have supplemented the existing drainage system by introducing several smaller systems to bring it into compliance with water quality regulations. Brian Lawlor said there were some changes with the maintenance of drainage systems and some additional analysis performed. Brian Lawlor said that the system will perform adequately with improvements to stormwater recharge capacity and quality.

Planning Board discussed comments from Bose in regards to a staff memo.

Ernie Dodd noted that he did not see any problems with the potential changes to landscaping as described in the application.

The Board agreed that a phasing and construction plan would be a reasonable condition given the relocation of parking due to the nature of the sitework.

Len Golder discussed the light at Great Road and Harvest Drive, noting that he did not see a reason it should be kept. Tim Goodnow said perhaps the timing could be altered, but that it is being kept for build out when many more employees will be using the site. Karen Kelleher said that the Town now owns the light. Len Golder said there is a traffic jam for those on Hudson Road and residents and employees could benefit from improvements. He added that maybe the Town and Bose could survey residents and employees to see what their issues with the intersection may be. Steve Quinn said he does not see how the issue is tied to the parking lot. Len Golder said it is not directly related but believes the issue should be discussed as an ancillary issue.

Mark Taylor of 21 Orchard Drive said that when you are exiting from the Villages, Great Road curves to the left and it would represent a severe hazard to remove the light as the sight lines are difficult.

Mark Jones asked if most employees come in from 495? Tim Goodnow said he would only be guessing at this point. Ernie Dodd said if it becomes an issue in the future perhaps the town and Bose can work together on a solution.

Steve Quinn asked if there was public comment on the pavement or the parking plans.

Mark Jones asked if they would be working over the weekend and whether the neighbors would be concerned about Saturday paving work.

Mark Taylor said that he is more worried about traffic at school bus pickup times at 7 and eight in the morning. The Board agreed that access in and out for construction can be addressed in the decision.

Lighting Special Permit Discussion

Ernie Dodd said it seemed like the lighting plan was a reasonable approach with the use of timers, but questioned whether Zone 1 needed to be on after midnight or perhaps on a

motion detector instead. Between 12 and dawn it seems the lights could be on motion and on for only a certain duration. Tim Goodnow said that after extensive discussions with the security department it was determined that the lights should be left on for the security cameras.

Brian Lawlor presented the lighting plan for Bose parking renovations, including a footcandle photometric plan. The entire limit is set currently at dusk until dawn, said Brian Lawlor. A lot of discussion has been had with the security and facility departments resultin in the split between the two zones as shown on the plan, one of which will have lights controlled by photocell and one that will be on a timer to turn on at 6pm and motion activated through the night. It will be the best balance between security, safety and dark sky compliance, said Brian Lawlor. Each fixture will feature and LED full cutoff compliant fixture for a 20% reduction in lumen output across the site. Brian Lawlor explained that switching to LED's allowed the team to eliminate hotspots and manage light conditions, resulting in 2.7 and 2.8 footcandles at the maximum.

Kerry Lynn of 43 Orchard drive asked if why the security department still needs half the parking lot lit at night. He also noted that the city of San Jose was looking at replacing street lamps due to a nearby observatory and they looked into narrow spectrum lights. Have narrow spectrum lights been looked into he asked? Ernie Dodd said he does not believe narrow spectrum was part of the application.

Steve Quinn said that during the Pompositticut Community Center and Fire Station hearing motion sensing was found to be a good security measure. Steve Quinn asked what the average foot candle light was. Brian Lawlor replied that the high is 2.7 and low is 0.8. Kerry Lynn said that behind his home is the open space off of Arbor Glen. Currently there are higher light levels. Ernie Dodd asked residents if they noticed the lights now? Kerry Lynn said he does not. Steve Quinn said the energy will be much less without high pressure sodium lights. Steve Quinn said the proposal currently meets the lighting bylaw.

Mark Taylor of 21 Orchard Drive said that lighting along Harvest drive is currently high pressure sodium. Are they changing those lights? Chris Racine said the driveway lighting leading to the parking lot are currently metal halides and are relatively new and not being proposed to be replaced. Mark Taylor said there is a general glow. Mark Jones noted that the perhaps the northern part of zone 1 could be reduced if there is any thought to reducing lighting. Full cutoff means that there is no projection horizontal from the fixture said Chris Racine. The source of the light cannot be seen from a distance. Some lights have full or partial shields said Chris Racine. Jesse Steadman recommended to the Board that cut sheets and locations of the shielding should be provided to the Board to be consistent compared to other lighting applications that have been submitted in Town.

The Board and applicant discussed what type of motion could set off the detectors. The applicant's engineers said it has been designed to be triggered by human motion.

Mark Jones asked if Bose's typical operations were 7am to 7pm? Mark Jones asked what type of employee counts do they expect to see in the evening? Tim Goodnow said that

sometimes employees will stay late for special projects but nothing is scheduled for that hour. Mark Jones said that it would be nice to have the large area turned down if it is found to not be in use. The motion sensor could be a benefit he added. Would they be willing to make that zone smaller?

Mark Taylor suggested that if the motion detection can be adjustable it may be better. If zone 1 could be on dusk till dawn or on motion detection only it may be better. Steve Quinn asked if there is any flexibility down the line with the way they are set up?

Chris Racine said that the Zone 2 lights have individual sensors on the poles. There would need to be additional controls on the zone 1 lights if they were to be upgraded. Steve Quinn and Mark Jones noted that lights were asked to be on to a lower percentage when they are on at Pompositticut Community Center. Ernie Dodd said that the guards still have camera light with that arrangement. Tim Goodnow said that they have significantly cut the usage of the sensors nearly in half and are anxious to see what happens when they drop it even lower as they have had some complaints that the lighting in the parking lot is low. Steve Quinn said that the plan currently complies with bylaw and is 20% lower in light output and is ultimately a much improved lighting plan.

Ernie Dodd asked about plugins for electric vehicles. The locations are identified on the plans.

Margaret Costello asked about the lumen counts of some of the metal halide lights. Chris Racine said that on table 4 it shows them as 23,000 lumens.

Ernie Dodd moved to close the public hearing for the Bose Parking Renovation Special Permit Modification and Lighting Special Permit.

Mark Jones seconded.

Voted (5-0) Unanimously in favor. (Ernie Dodd, Len Golder, Mark Jones, Steve Quinn, Margaret Costello).

PUBLIC HEARING CONTINUANCE

271 Great Road – Stowaway Inn Historic Structure Reuse Special Permit

Applicant delivered letter and updated plans.

Present:

Greg Roy – Project Engineer / Ducharme and Dillis

Applicant – Phillips Heritage

Greg Roy presented an update on the plans based on consultant and Town Planner comments. Greg Roy described the original plan versus the revised plans. Greg Roy said the updated plans show a new parking configuration with no change to the access or utilization of existing parking or the two way access point to the new parking areas. The parking has been pulled back 30 feet from two property lines, with a two way parking egress. The number of spaces is the same and the drainage patterns are the same. The

drainage has been slightly reconfigured due to comments from Sue Carter. Greg Roy noted that the parking area in the rear has been removed, which brings the design into compliance with the 30 foot offset.

Greg Roy said they have added a landscaping and lighting plan. Based on the feedback at initial meeting and site visit it appeared necessary to withdraw the request for the waiver. They are proposing a six foot high privacy fence and landscaped area along edges of parking area with over-story trees, of pine and hemlock, maple and red oak, with holly, winterberry and a mix of native perennials in lower story. Greg Roy said they are proposing additional screening in the northeast corner to buffer the patio and to provide a natural screen. Some shielding closer to the patio with lattice type screening will provide a buffer as well as some interest of patio patrons. The landscaping plan is also a lighting plan with minimal lighting. The only lights will be two Walpak lights of 26 watt warm color LED and the lumens are included in the lighting schedule. Greg Roy said they are not proposing special permit criteria lighting. There will also be four lighting bollards at the parking area. Greg Roy said they are attempting to provide safety for pedestrian traffic.

Regarding Sue Carter's drainage comments, Greg Roy believes the plan he is presenting is what he will be sending to Sue Carter. The drainage report has not yet been finished, he reported.

Ernie Dodd asked about the existing lights at the entrance. Greg Roy said there are three with one to be removed near the garage. Ernie Dodd asked if the #1 walpak could be on the barn rather than the addition and still be effective, noting it would be less of an impact on the abutters. Ernie Dodd asked if they believed this satisfies the parking bylaw. Greg Roy said they do.

Margaret Costello asked if all the existing lights on site are being figured into the lumen calculation. Greg Roy said the sum of all the parking lights will be less than the 10,000 threshold. If any existing lights were to bring them out of compliance, they would be removed to remain under the special permit thresholds. Jesse Steadman asked if any of the lights are housed in historic fixtures. The applicant's said they do not believe so.

Public Comment / Questions

Karen Fleming, daughter of Diane Johns of 151 Crescent Street read a letter into the record, signed by her mother, explaining that her mother is strongly against the proposal due to a loss of privacy, among other issues. Karen Fleming said her mother is very upset and is wondering what the Board members would think if they had a restaurant in their backyard.

The Board discussed the information that Sue Carter still needs to provide adequate feedback.

Brian Mcarthy of 155 Crescent Street asked about the proposed privacy fence and the reason for the area where it currently ends. Adding to Diane John's letter, Brian said he has no objection, but one important aspect is that a potential liquor license changes the

dynamic of the property and he would like there to be some assurance that it is not as easy as just applying for a liquor license and granting one without any notice for input. Len Golder said there are certain parameters that can be added. Ernie Dodd said that any homeowner can have an owner occupied business and could apply for a liquor license. Karen Kelleher said that this board could condition that any such upgrade could require a special permit modification.

Margaret Costello asked about the hours of operation. John Abeyda said the proposed hours are 7-9 pm year round. Brian Mcarthy asked if there is illuminated signage. The applicant said any lights would have to be directed downward according to the bylaw. Steve Quinn said the Town has fairly strict sign and lighting bylaws. Brian Mcarthy said that the lighting issue seems well covered. John Abeyda said they were considering adding timers to the lights to allow the lights to time out.

Abutters, the applicant and Board discussed the potential for outside seating on the patio. Wes Fisher said that the exact number depends on how many people are going to be outside, which may be fairly minimal. The applicant noted they are only permitted for 41 seats through DEP. In the winter time the applicant said that you will not have many people outside and in the summer at night there are mosquitos. John Abeyda said the bulk of the people will be eating inside and there is no outside window where the outside will be packed with people.

How many seats will be on the outside patio asked Karen Fleming. The applicant said that they cannot commit to an actual number outside as they would like to retain some flexibility. However, John Abeyda said they only have 41 seats and there will likely be in the neighborhood of 2-4 tables on the patio. Steve Quinn asked for the square footage of the patio area. Greg Roy said the patio is about 900 square feet. Karen Fleming said that in the summer the customers will likely want their seating shifted outdoors. John Abeyda said that they cannot exceed the seating capacity of 41 seats. They do want flexibility at times of peak demand, however. Greg Roy said they are not proposing lights on the patio and they do not expect a large amount of the 41 seats on the patio. Steve Quinn said perhaps they can show in the application some idea on the seasonal ratio and perhaps the applicant can find some general ratio. Greg Roy said due to the hours of operation, they do not think they need to get a lighting special permit process. Greg Roy noted that there will be a screened arbor surrounding the patio's north side to further protect abutters and add visual interest for the customers.

Margaret Costello asked if Karen Fleming has changed her feeling based on the upgraded plans. Karen Fleming said she cannot speak for her but can show her the updated plans. Margaret Costello asked what would protect a homeowner if the well were to impact a neighbor?

Greg Roy said the well is permitted through the state and they have approval to drill the well in the place where they are proposing. Greg Roy said it is a very low rate that they are proposing. Greg Roy said they will be bedrock wells. Margaret Costello asked if the Board

has ever restricted the dimensions of certain aspects of the project. Len Golder said the Board can make reasonable conditions.

Mark Jones read from the Zoning Bylaw the section language pertaining to protecting historic structures. Karen Kelleher said that in addition, under special permits, there is a section of mandatory findings that the board must make.

Steve Quinn said they will be continuing the hearing. Greg Roy said other than the patio and having Sue Carter's comments come back is there anything else the Board needs to see? Margaret Costello asked if Karen Fleming's mother wanted the vegetation and fence expanded would they do so. The Board agreed that it may not help based on the site walk. Ernie Dodd said the lattice along the patio would do a much better job, since Diane John's home is located higher on a hill.

Ernie Dodd motioned to continue the hearing until June 10th at 7:30pm.

Mark Jones seconded.

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

Discussion of Athens Lane

Robert Dionisi – Representing Kendra Quirk

Sherry Lazarus – agent for Quirk

Frank Vinoulis – Owner of 35 acre property south of Quirk Property and north of Radant

Robert Dionisi said the purpose of coming before the Board is to determine how the Quirk property can be redeveloped. He said in total there is a little over 100 acres of industrial property behind Athens Street. He said that Athens Lane is a variable width way from 50 feet at Hudson road and variable to Mr. Vinoulis property at an approximate width of 33 feet. Bob Dionisi said they are of the understanding that there is an old wooden box culvert so they know there are some conservation issues. Robert Dionisi said he is curious as to what the use could be.

Robert Dionisi showed a plan of Athens Lane and oriented the Board to the plans. Is development feasible with a variable width of 35 to 50 feet he asked? Robert Dionisi said although they have a prescriptive easement to pass and develop the property, they do not have rights to anything more than what is currently shown on Athens Street now.

Ernie Dodd asked if there are any street acceptance documents for Athens Lane. Steve Quinn asked if it is a 50 foot frontage on Hudson road what is required? Karen Kelleher said it could be a subdivision, although not residential, if they had the rights to the property. Robert Dionisi said that the Quirks have been using the access for years. Robert Dionisi said typically with private ways the abutters own to the center line. Robert Dionisi said the applicant also has an access easement and would call it a private way. Robert Dionisi said the definition of prescriptive right was that the way had been travelled over for 20 years. They also have the right to develop the properties the easement serves. The Board reviewed historic plans for the property.

Robert Dionisi asked what the Town would like to see at this property. Ernie Dodd said that AAN's have been of interest, but the Board has only begun to explore expansion of the AAN cap and a lot of owners do not want that changed. Such a motion would need to be approved at Town Meeting.

Steve Quinn said he cannot believe no one has pulled the deeds for the property's abutting Athens Lane to have a more productive discussion. Frank Vinoulis said there are some key documents and deeds regarding the access that are too difficult to read. Mark Jones said an additional challenge is a marketing problem on the over 55 neighborhoods.

Even if it was an agricultural use that were to come onto the property, the road may still need to be studied for adequate access, said Karen Kelleher. The Board discussed the need for site plan approval for agricultural structures. Karen Kelleher said it may be a Building Department review in some cases.

Robert Dionisi said that perhaps a joint effort between the property owners for a zoning change may have some merit. The Board agreed that it is awkward to market the site as industrial. Frank Vinoulis said his property is mostly wooded. Mark Jones said that it could be a potential conservation purchase.

Matt Jackson identified his land on the map as a hammerhead parcel, known as Lot 7 off of Maple Street running along the old Goshen Lane. Ernie Dodd said that Matt Jackson would have to establish the same legal right of way on lot 7 off of Maple Street which includes reference to Goshen Lane.

Would the Planning Board support a change to residential zoning, asked Robert Dionisi? The Board discussed that regarding housing an Active Adult Neighborhood could be more appropriate than residential zoning.

Len Golder said perhaps mixed use could be appropriate.

Robert Dionisi thanked the Board for their time.

Meeting Adjourned.

Respectfully Submitted,

Jesse Steadman