

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 7, 2015 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Len Golder, Steve Quinn,  
Margaret Costello

Voting Associate Member: Absent

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

**Discussion and Review of Meeting Minutes**

*Meeting Minutes of August 10, 2015*

Ernie Dodd moved to accept the minutes as amended.

Steve Quinn seconded.

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

*Meeting Minutes of September 16, 2015*

Ernie Dodd moved to accept the minutes as amended.

Steve Quinn seconded.

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

**Correspondence Update**

None.

**Public Input**

None.

**Member Updates**

None.

**Planners Report**

**Solar Installation on Hudson Road Landfill**

Karen Kelleher reported that a commercial solar firm is looking into an installation in the Refuse Disposal district at the site of the landfill on the Hudson town line. The firm is currently in discussions with Hudson as to the process going forward, given that Hudson does not have a solar bylaw.

**Wheeler Road**

Karen Kelleher reported that SBA has contacted the Department and is planning on filing an application for Minor Modification to the Wireless Facility Special Permit.

### **Wedgewood Pines - Special Permit Modification Application**

Karen Kelleher said that on October 14<sup>th</sup> the Board will be Hearing a Modification to the Wedgewood Pines Country Club Special Permit, and in the meantime if there are any additional items the Board would like to see more information on to let her know prior to the Hearing.

### **Joanne Drive**

Karen Kelleher reported that the engineer working with the Lundy's has claimed they are filing an ANRAD with the Conservation Commission and will be scheduling an appointment with the Board in the near future in regard to a subdivision application.

### **Minor Modification to Special Permit: Delaney Street Commercial Solar Photovoltaic Installation**

The Board discussed a few amendments to the decision agreeing on their initial vote that it will be extended until 2018.

### **Review of Highway Department Memo**

The Board discussed the Highway Department memo, clarifying that they would appreciate Mike Clayton's opinion on the types of traffic interventions that are available and preferable to Highway Department.

Margaret Costello said it is more of a philosophical question of whether the Board wants to think of its residential roads as shortcuts or whether they want to manage traffic that use its roads. The Board discussed that they do not have the technical jurisdiction to implement solutions, but rather can study, plan for, and suggest solutions. Lori Clark said their purview is around development, but not traffic planning. Ernie Dodd said that the Board can create roads and regulate the design but not the usage of the streets.

## **PUBLIC HEARING**

### **November Town Meeting Zoning Amendments**

The Board discussed the changes regarding the definition of mining in the Water Resource Protection District and the groundwater mounding limits.

Ernie Dodd noted that in Section 3.1.1.8 the words PUBLIC SERVICE CORPORATION are capitalized, but there is no corresponding definition in Section 1.3.

The Board discussed keeping the first two Water Resource Protection District articles pertaining to the deletion of "mining of land" even if the others relating to Earth Removal need to be moved no action, given that the changes would strengthen the sections regardless of a Town Meeting vote on the General Bylaw.

Bill Byron of Gleasondale Road, said that any noise bylaw is going to be very difficult to enforce and that it should be under the Police Regulations as a nuisance bylaw. The Board said that moving it toward the General Bylaw would push it in that direction. Steve Quinn said all the Planning Board needs to do is be sure that the Noise bylaw reference is moved from the Zoning Bylaw in the event that the General Bylaw proposal is accepted at Town Meeting.

*Ernie Dodd moved to close the Public Hearing.*

*Steve Quinn seconded.*

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

### **Water Resource Protection District Amendments**

*Ernie Dodd moved that the Planning Board recommend approval of Zoning Bylaw amendments to the Water Resource Protection District Section 5.2.1.1(7) and 5.2.5.3 regardless of the vote on the Earth Removal Bylaw acceptance at Town Meeting.*

*Steve Quinn seconded.*

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

### **Amendments to Section - 1.3 Definitions**

*Ernie Dodd moved the Planning Board recommend approval of amendments to Zoning Bylaw Section 1.3 Definitions if Town Meeting approves changes to Article 16 of the General Bylaw. If the Earth Removal Bylaw changes to Article 16 do not pass Ernie Dodd further moves the Planning Board recommend moving no action.*

*Steve Quinn seconded.*

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

### **Section 6.5 Earth Removal**

*Ernie Dodd moved the Planning Board recommend approval of amendments to Zoning Bylaw Section 6.5 if Town Meeting approves changes to Article 16 of the General Bylaw. If the Earth Removal Bylaw changes to Article 16 do not pass Ernie Dodd further moves the Planning Board recommend moving no action.*

*Steve Quinn seconded.*

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

### **Section 3.8.1.3 - Noise**

*Ernie Dodd moved the Planning Board recommend approval of amendments to the Section 3.8.1.3 if Town Meeting approves Article 18 to create a section on Noise in the General Bylaw. If the Article 18 does not pass, Ernie Dodd further moves the Planning Board recommend moving no action.*

*Steve Quinn seconded.*

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

## **DRAFT 323 Memo**

Lori Clark said that the draft memo to the Selectmen is generally good, however, she wants to clarify that her interest in the property is not just about municipal expansion but more about the location and what the Town wants the visual of the Town center to be and look like. Len Golder said that he also is thinking about a New England style Town Center. Margaret Costello and others noted that they want to be sure the interaction between the funding mechanisms for developing the parcel and the future use of the parcel as a public water supply source are not in conflict.

## **Crow Island Building Permit Clearance**

The Board discussed the uses that underpin the open Special Permit and its subsequent Modification. Lori Clark said the open Special Permit is not applicable to the use that is now taking place. Lori Clark acknowledged that although the language prohibiting commercial recreational uses at the site is troublesome for her, the language is in relation to uses that have either not commenced on the site or have been non-operational for over two years. Lori Clark clarified that if Robert Albright wanted to incorporate a use outside of the bounds of the now grandfathered pre-existing non-conforming use, he would need to come back to the Planning Board for a Special Permit. Bill Byron said that at one point there was mention of collection of fees for accommodating the space for the planes.

Ernie Dodd said he thinks the Special Permit should be rescinded. Lori Clark added that the Board can rescind the Permits and Craig Martin can remind the owner that if he does end up operating a commercial business, he will need a new Special Permit. Steve Quinn said he agrees that as a housekeeping effort, this Special Permit can be rescinded as it is not accomplishing anything. Lori Clark noted that the Zoning Board of Appeals has deemed it pre-existing and the Building Inspector has noted that it is not an expansion of the non-conforming use and therefore it is not necessary to keep the Special Permit open. The Board agreed that a letter to the owner should make it explicit that the permits are no longer valid and if he were to go beyond the current bounds of the non-conforming use than the Building Inspector can notify the Applicant.

Meg Costello said what concerns her is expansion of the use. The Board discussed that if the pre-existing non-conforming use is proposed to be expanded the applicant will have to go back to the ZBA. The Board agreed that a letter should be sent to the property owner explaining the Planning Board's decision to rescind the Special Permit and outline the process that needs to be followed in the event of any proposed expansion of uses or new uses not covered under the Zoning Board of Appeals decision.

## **Workplan**

The Planning Board discussed ongoing planning efforts, including amendments to the Planned Conservation Development bylaw and Lower Village zoning. The Board agreed that it would be most efficient to re-orient themselves to the Planned Conservation Development updates, as they are close to finishing that project and having a plan readied for a public hearing.

Len Golder moved to go into Executive Session to discuss pending litigation and adjourn thereafter.

**Roll Call Vote: Lori Clark – Yay; Margaret Costello – Yay; Len Golder – Yay; Ernie Dodd – Yay; Steve Quinn – Yay.**

**Respectfully Submitted,**

**Jesse Steadman**