

PLANNING BOARD 2008 Annual Report

A five-member elected board with one appointed associate voting member, the Planning Board has specific statutory requirements. The Board reviews and approves the division of land under the State Subdivision Control Law (MGL c. 41) and the Stow Subdivision Rules and Regulations; serves as a special permit granting authority under the State Zoning Act and the Stow Zoning Bylaw; and guides the process of Zoning Bylaw amendments under the State Zoning Act (MGL c. 40A).

By statute, the Board is charged with the responsibility of protecting the health, safety and welfare of Stow's residents. Guided by the Massachusetts General Laws, the Stow Zoning Bylaw, the 1996 Stow Master Plan, and citizens' comments and concerns, the Board strives to preserve and enhance the integrity of Stow's character through the use of these regulatory tools, while safeguarding property owners' rights. We recommend and specify changes to development proposals to achieve these goals. Board members and staff strive to work with both applicants and residents to help shape projects so as to positively affect the impact to the community.

The Planning Department completes the Commonwealth Capital Application on an annual basis. The Commonwealth Capital Policy is a program for promoting better land use choices. Commonwealth Capital endorses planning and zoning measures that are consistent with the Commonwealth's Sustainable Development Principles and encourages municipalities to implement these measures by using state funding as an incentive. Scores from the Commonwealth Capital Application are part of the evaluation process for each grant or loan program.

The Planning Department also tracks building permits for affordable housing units and submits the necessary documents to the Department of Housing and Community Development for certification.

ORGANIZATION

At the annual election, Ernest Dodd was re-elected to a 5-year term. We are pleased that Ernie chose to continue to serve the Town as a Planning Board Member, as he has been a tremendous asset to the Board. We look forward to working with him for another five years.

Following the election, the Board elected Laura Spear to serve as Chairman, Kathleen Willis as Vice Chairman, and Stephen Quinn as Clerk. Bruce Fletcher was appointed as the Voting Associate Member. The Associate Member's voting power is limited to Special Permit applications, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. Lori Clark, Malcolm FitzPatrick, Victoria Fletcher and Donna Jacobs were appointed as non-voting Associate Members. Stephen Quinn and Karen Kelleher were designated to endorse ANR Plans (Subdivision Approval Not Required). The Board appointed representatives to various Committees:

- Community Preservation Committee: Laura Spear
- Master Plan Committee: Kathleen Willis
- Elementary School Building Committee: Stephen Quinn
- Liaison to Zoning Board of Appeals: Stephen Quinn

We have had a very busy year. In order to keep up with our work plan, we continue to hold working meetings in addition to the regularly scheduled meetings so that we now meet on the first, second, third and fourth Tuesday evenings of the month. Appointments are reserved for the first and third Tuesdays of the month.

DEVELOPMENT ACTIVITY

In 2008, the Planning Board met with developers and discussed the potential for seventeen (16) new building lots.

The Board denied one (1) sixteen (16) lot preliminary Subdivision Plan:

- Highgrove Estates off of West Acton Road

The Board approved:

Four (4) ANR Plans (Approval not Required under the Subdivision Control Law)

- Boon Road – Dividing a 5 ½ acre parcel into two
- Great Road – Dividing a 9 ½ acre parcel into two (Lot 2 placed in an Agricultural Preservation Restriction)
- Sudbury Road – Lot line adjustment
- Sylvan Drive – Lot line adjustment

One (1) Site Plan Approval

- Town of Stow Community Recreational Facility off of Old Bolton Road

One (1) Special Permit

- 472 Gleasondale Road – Redevelopment of a Historic Structure for use as a residential dwelling, a function/activity room for non-commercial uses, including a woodworking shop, fencing classes and play rehearsals, and an office.

One (1) Special Permit Modification

- Stow Shopping Center – A 4,700 square foot addition to the back of the space now occupied by Colonial Spirits of Stow (the proposed addition). Shaw's Supermarket, in addition to the space it now occupies, will occupy both the proposed addition and the space now occupied by Colonial Spirits, resulting in an increase in the Shaw's Supermarket space to approximately 10,000 sq. ft.

In addition, the Board:

- Held a public hearing to consider a petition for Special Permit for a proposed 3-bay, self-serve automatic carwash at 124 Great Road. The Public Hearing was continued to March 17, 2009.
- Reviewed plans in response to the Special Permit Decision for the RidgeWood at Stow Active Adult Neighborhood. The final plan has not yet been endorsed.

With the assistance of the Board's Consulting Engineer, Susan C. Sullivan, P. E., the Board monitored plans and/or ongoing construction of eight (8) subdivisions and two (2) Special Permits:

- Hiley Meadows Estate (Cider Mill Road)
- Linear Retail – Stow Shopping Center
- Wildlife Woods, a 67-lot subdivision, located off of Sudbury Road
- Orchard View (Brandymeade Circle) a 12-lot subdivision, located off of West Acton Road
- Meadowbrook (Trefry Lane), a 17-lot subdivision, located off of Boxboro Road
- Derby Woods (Sylvan Drive and Dunster Drive extension), a 33-lot subdivision, located off of Harvard Road
- Butternut Farm Golf Course
- Arbor Glen Active Adult Neighborhood
- Whispering Woods (Kettell Plain Road), a 14-lot subdivision, located off of Maple Street
- Taylor Road, a 6-lot Planned Conservation Development

- RidgeWood at Stow Active Adult Neighborhood

The Board had informal discussions with property owners and developers to discuss potential development:

- Whitney Homestead, 485 Great Road
- Mobil Station, 124 Great Road

Appeals

One (1) Subdivision Plan, approved in 2007, is under appeal pending a decision from Land Court:

- River Hill Estates off of Barton Road

One (1) Cell Tower Special Permit Denial is under appeal pending a decision from Federal Court.

Street Acceptance - The Board recommended Town Meeting acceptance of three (3) streets: Farm Road, Militia Circle and Whispering Way.

Enforcement Issues – The Board continued to work with property owners and developers on enforcement issues:

- Butternut Farm Golf Club - Special Permit Conditions
- Trefry Lane emergency access way
- Orchard View subdivision drainage basin

Zoning Bylaw, Subdivision Rules and Regulations, Handbook and Policy – The Board continued its efforts to update its Rules and Regulations and the Zoning Bylaw.

The Board scheduled a public hearing for early 2009 to review the Board's proposal for amendments to the Subdivision Rules and Regulations. The proposed amendments are intended to update the standards to be consistent with the Department of Environmental Protection's Stormwater Handbook and to encourage Low Impact Development. Other proposed amendments are for further clarification of the Zoning Bylaw for future applications.

Five (5) Zoning Bylaw amendments were brought forth and adopted at the Annual Town Meeting in May 2008:

- **Wireless Communications Facilities** - This article deletes the Wireless Communications Facility Moratorium section of the Zoning Bylaw, which is no longer necessary, as the Wireless Communications Facility Bylaw has since been replaced with the Wireless Service Facility Bylaw.
- **Front, Rear and Side YARDS** - This article clarifies the inconsistencies between the dimensional setback requirements of the Zoning Bylaw and Board of Health Regulations pertaining to septic systems and removing side and rear setback requirements for driveways.
- **Historic Buildings and Structures/Wireless Service Facility** - This article clarifies the fact that this section which requires that "Any alteration made to a historic BUILDING or STRUCTURE to accommodate a WIRELESS SERVICE FACILITY shall be fully reversible." applies to BUILDINGS and STRUCTURES.
- **Trailers and Mobile Homes** - This article clarifies the fact that Massachusetts General Law Chapter 40A, Section 3, allows for temporary trailers as a dwelling unit for a period not to exceed 12 months while a residence is being rebuilt in the case of fire or catastrophic event.

In an effort to help residents and developers understand the Planning Board's duties and responsibilities and to inform them of the Board's policies and procedures and reference materials, the Board adopted a Planning Board Handbook. The handbook is available on the website and in the office of the Planning Board.

SIDEWALKS

The Board approved expenditure of funds from the Sidewalk Fund to construct sidewalks along Sudbury Road and Pompositticut Street. It is expected that the Highway Department will commence construction in the spring of 2009.

FEES COLLECTED

Fees collected in 2008 in the amount of \$3,987.63 offset expenses incurred for processing applications and for miscellaneous copies. Plan review and inspections are paid for by the Applicant.

WORK PLAN

The Board's work plan continues to include efforts to maintain Stow's rural character, Lower Village and Gleasondale Village planning, pathways/sidewalk planning, assessment of the Town's future land needs, the need for a public water supply in Lower Village and Gleasondale, updating Rules and Regulations and the Zoning Bylaw, light pollution, and affordable housing. The Board is participating in the Master Plan update as part of this work. The Board held many extra meetings dedicated to reviewing the Zoning Bylaw and Rules and Regulations with plans for extensive changes to encourage Smart Growth and Low Impact Development techniques.

LOWER VILLAGE

Draft Lower Village Mixed Use Overlay District – On February 13, 2008, the Board held a Public Forum on a Draft Lower Village Mixed-Use Village Overlay District Bylaw. The proposed bylaw was the result of efforts by the Metropolitan Area Planning Council under a Priority Development Grant. MAPC conducted a visual preference survey at meetings at Hale School several years ago, and based on that input, drafted a proposed bylaw. MAPC's draft bylaw was further reviewed and revised by the Planning Board. The Board's objective was to create an overlay district, which encourages coordinated and cohesive development across parcels and lots; enhance the village atmosphere; increase both economic vitality and housing diversity; and provide flexibility for better design. The proposed bylaw included the existing Business District (Overlay Area A) as well as a transition zone (Overlay Area B). Overlay Area A was intended to be the business center of Stow, which encourages commercial activity with the first floor units for non-residential uses and public amenities emphasized (usable public space, parking, pedestrian support). Overlay Area B was intended to be a transition to residential and commercial districts with the first floor units for certain non-residential uses and public space encouraged for pedestrians.

During the public forum, concern was raised about the proposed Overlay Areas. Some residents in the area did not support the idea of non-residential uses that are not owner-occupied. Based on input at the Public Forum, the Board decided not to go forward with the bylaw as drafted and to participate in the Master Plan process for further understanding of our community's needs and desires.

Lower Village Improvement Plan

The Lower Village Sub-Committee continued working with the Planning Board to enhance the Lower Village area, our vital Business District.

Lower Village Transportation

The Board and its Lower Village Sub-Committee continue to feel strongly that any changes in the traffic pattern for Lower Village shall be in harmony with the Town's goal to enhance the Lower Village as the

vital business center of our community, focusing on creating an identity for our historic Lower Village consistent with the rural character of Stow. We continue to seek input from residents on the recommended “Preferred Alternative,” as outlined in the Traffic Planning Study, prepared by Fay Spofford and Thorndike (FST), addressing vehicular, pedestrian and bicycle transportation conflicts.

The first step toward implementation of the “Preferred Alternative” was taken this year. Thanks to the efforts of the Lower Village Sub-Committee and the cooperation of the Highway Department, temporary pedestrian refuge islands were installed to allow the Town to determine if they serve their intended purpose to accommodate pedestrian traffic and slow vehicular traffic. It has been reported that the Police Department found that the accident rate has been reduced since installation of the temporary pedestrian refuge islands. It has also been pointed out that some of the locations should be adjusted. The Planning Department continues to research funding sources for design plans for a potential Great Road/Pompositticut Street/Red Acre Road modern roundabout.

Lower Village Common and Streetscape

The Board and its Lower Village Sub-Committee recommended that the Board of Selectmen consider abandonment of a portion of Gardner Road (from a point near the entrance to the Shopping Center at Papa Gino’s to Great Road). The objective is to help enhance the Lower Village appearance and historic heritage by returning the Lower Village Common to its original size, as much as possible, by converting that portion of Gardner Road into the common.

Thanks to the Highway Department, the Board is happy to report that we have made strides towards achieving this goal by incorporating a portion of Gardner Road into the common. Thanks to the Highway Department and the Lower Village Sub-Committee, granite posts and wood rail fencing, in keeping with the Lower Village streetscape standards, was installed along the common. This fencing will serve as an example of the plan for a standard streetscape in the Lower Village. A requirement to install the standard streetscape (sidewalks and fencing) was included in the Special Permit Modification for the Stow Shopping Center. This standard streetscape will be installed in the Spring of 2009.

The Highway Department agreed to:

- Install sidewalks along Pompositticut Street to the Maynard town line. This will foster pedestrian traffic to the Lower Village.
- Landscape the Town property, located off Route 117 in the Lower Village, between Red Acre Road and Pompositticut Street.

West Stow Planning

West Stow Planning remains a priority. This area of Town has a large amount of open land at risk of development and with little protection. Several key parcels are currently being developed or are in the planning stage. In its review of concept development plans for this area, the Board has and will continue to stress its goal for any proposed development to make provisions for an Open Space corridor and trail network from the Hudson town line to Great Road, the use of low impact development techniques, the encouragement of diversity in housing stock, and a village feel.

Light Pollution

The Light Pollution Sub-Committee continued working with developers, property owners and the Planning Board and Building Commissioner to ensure compliance with the lighting bylaw adopted in 2007. The Sub-Committee continues to urge residents to confine their lighting to their property by re-aiming or replacing fixtures to achieve better lighting that is not bothersome to others.

OTHER ACTIVITIES

The Board continues to keep abreast of proposed changes to Massachusetts General Law and has provided comments on proposed changes:

- Land Use Partnership Act – Modifications to Chapter 40A (Zoning)
- Community Preservation Act
- Green Communities Act

The Board also continues to keep abreast of regional activities. Board members and staff frequently attend meetings of the Metropolitan Area Planning Council (MAPC), Minute Man Advisory Group on Interlocal Coordination (MAGIC), a sub-group of MAPC, serving the communities of Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Lincoln, Littleton, Maynard, Stow and Sudbury, and the Massachusetts Association of Planning Directors.

THANKS

None of the planning efforts would be possible without the enormous contributions by Stow residents, who serve as volunteers on the boards and committees and Town staff. It is a pleasure to continue working with all of you.

The Board extends a special thanks to the Highway Department for their cooperation in implementing our Lower Village Planning efforts.

The Board thanks the following Sub-Committee members for their ongoing efforts:

Lower Village Sub-Committee: Chairman Don McPherson, Bruce Fletcher, Karen Kelleher, Lucille King, Barbara Sipler, Laura Spear, Russ Willis, Phil Moseley, Brian Martinson, and Associate Members Tom Farnsworth and Thom Neff.

Light Pollution Sub-Committee - Chairman Russ Willis, Bill Chiarchiaro, Greg Troxel and Victoria Fletcher.

Our very capable professional consultants: Susan Sullivan of Places Site Consultants, Inc. and Town Counsel, Jon Witten, of Daley and Witten, LLC.

As can be seen by this report, the Board had another busy year, but this amount of work would never have been possible without the tireless and outstanding efforts of Karen Kelleher and Lois Costello, who not only work diligently for the Board, but also for other Town Boards and Committees and the general public with whom they interact on a daily basis.

Planning Board

Laura Y. Spear, Chairman
Kathleen A. Willis, Vice Chairman
Leonard H. Golder
Ernest E. Dodd
Stephen Quinn, Clerk
Bruce E. Fletcher, Voting Associate Member
Lori Clark, Associate Member
Malcolm FitzPatrick, Associate Member
Victoria Fletcher, Associate Member
Donna M. Jacobs, Associate Member
Karen Kelleher, Planning Coordinator
Lois Costello, Administrative Assistant