



Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775
(978) 897-5098
FAX (978) 897-4534

**NOTICE OF DECISION AND DECISION
STOW COMMUNITY RECREATIONAL FACILITY
OLD BOLTON ROAD**

SITE PLAN APPROVAL - MODIFICATION 1

OCTOBER 20, 2009

1. Application

This document is the DECISION of the Stow Planning Board (hereinafter, the Board) on the request of the Stow Recreation Commission (hereinafter, the Applicant) for modification to Site Plan Approval, dated November 25, 2008, for a Stow Community Recreational Facility on property located off of Old Bolton Road.

2. Applicant/Property Owner

Town of Stow
380 Great Road
Stow, MA 01775

3. Location

Said property is located off of Old Bolton Road and is shown on the Stow Property Map Sheet R-3 as Parcel 18 (hereinafter, the Site).

4. Board Action

After due consideration of the Applicants request, and based upon the findings, conclusions and conditions set forth below, the Board, on September, 15, 2009, by a unanimous vote of four members present (Kathleen Willis, Steve Quinn, Ernest Dodd and Lori Clark) voted to authorize a minor modification, not requiring a public hearing, to the Site Plan Approval for a Stow Community Recreational Facility, subject to the following conclusions, findings and conditions. Planning Board Member Leonard Golder did not take part in discussions relative to this decision, as he is an abutter to the property.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

1. Plan entitled Plan entitled "Community Recreational Facility", prepared by Coler & Colantonio, Inc., dated August 25, 2008, revised December 11, 2008, and endorsed by the Board on January 20, 2009
2. Planning Board Site Plan Approval Decision, dated November 25, 2008

3. Letter, dated April 11, 2009, from Stow Police Department
4. Email, dated April 11, 2009, from Karen Cummings, Old Bolton Road
5. Email, dated April 13, 2009, from Connie and Peter Ottowitz
6. Notice of Decision and Decision of the Town of Stow Board of Appeals, dated June 15, 2009
7. Proposed conceptual planting plan, showing Physocarpus Opulifolius to be placed behind the stonewall

6. FINDINGS, CONCLUSIONS and CONDITIONS

Based upon its review of the Exhibits and the record of the proceedings, the Board finds and concludes the following:

- 6.1 Finding** – Section 7.7.4.1 of the Zoning Bylaw states: “Off-street parking and loading areas which are located within or adjacent to a Residential District or a Recreation-Conservation District (whether on the side or rear) shall be screened from all adjacent LOTS in said district by a landscaped buffer strip of at least thirty (30) feet in width through the use of an opaque screen. Said screen shall be opaque from the ground to a height of at least six (6) feet with intermittent visual obstruction to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, FENCE, landscaped earth berm or densely planted vegetation in a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Stow. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide.

The original Site Plan, as approved by the Board, complies with the requirements of Section 7.7.4.1 of the Zoning Bylaw.

- 6.2 Finding** – In a letter dated April 11, 2009, the Stow Police Department stating that the requirement for an opaque fence not less than six (6) feet in height to be erected along the street side of parking lot, would create a public safety concern as it would prohibit the viewing of the athletic fields and create a barrier for the Police, and a safe haven for criminal minded individuals. Without having to physically enter the property, the Police should have the opportunity to view events from the street as they occur on the fields, in the parking lot and along the perimeters of the site. This would help prevent car breaks, fights, alcohol consumption, loitering, etc.
- 6.3 Finding** – In response to a request for variance filed by the Stow Recreation Commission, on June 15, 2009 the Zoning Board of Appeals granted a variance from the requirement of Section 7.7.4.1 of the Zoning Bylaw, which requires that the screening along the Old Bolton Road side of the property be opaque from the ground to the height of six (6) feet, provided that any modification to the Site Plan Approval should require as much opaque screening as is reasonable to meet the intent of the Bylaw while still allowing visual access into the site.
- 6.4 Finding** - The Town of Stow Tree Warden voiced concern that digging holes for fence posts or understory plantings may harm the tree roots of existing trees, and suggested that consideration be made to incorporating existing trees, on the parking lot side of the stone wall, into any of the suggested plans.

6.5 **Finding** - The Board heard the following concerns from abutters:

- The use of Maple trees as screening is not appropriate
- Consideration should be given to the use of fast growing evergreen trees such as Thuja Green Giant, American Holly Tree, drought resistant evergreen, or Leyland Cypress.

6.6 **Finding** – Based on a discussion with Sgt. Lima, Police Department Public Safety Officer, the use of Physocarpus Opulifolius (Eastern Ninebark) shrub, planted intermittently, would be acceptable from a public safety standpoint

Finding – On September 8, 2009, the Planning Board reviewed a proposed planting plan showing the existing oak trees and Physocarpus Opulifolius (Eastern Ninebark) shrub to be intermittently placed behind the stonewall with members of the Stow Recreation Commission. The Stow Recreation Commission and Public Safety Officer agreed to the proposed plan.

Finding – The Board finds the proposed planting plan, discussed by the Board on September 8, 2009, showing the existing oak trees and Physocarpus Opulifolius (Eastern Ninebark) shrub to be intermittently placed behind the stonewall meets the intent of the bylaw, honors the Police Department request and the Variance granted by the Zoning Board of Appeals.

Condition - The Physocarpus Opulifolius (Eastern Ninebark) shrub shall be maintained at a height not to exceed (4) to (4 ½) feet in order to maintain visual access to the site as requested by the Public Safety officer and required by the Zoning Board of Appeals Decision.

Condition – If at any time the plantings become a public safety issue prohibiting visual access into the site, the plantings shall be pruned in a manner that meets the intent of the bylaw, honors the Police Department request and the Variance granted by the Zoning Board of Appeals.

Condition – The Applicant shall submit a redline plan change showing the changes as presented and discussed on September 8, 2009. The redline plan change shall include a note that plantings shall be maintained at a height not to exceed (4) to (5) feet in order to maintain visual access to the site as requested by the Public Safety officer and required by the Zoning Board of Appeals Decision.

6.7 **Finding** – The Board finds the original site plan did not show or take into consideration, existing street trees along Old Bolton Road. Discussions with the Recreation Commission and the Tree Warden resulted in several of the existing trees being saved as recommended by the Tree Warden as well as the removal of some.

Condition – The Applicant shall submit a redline plan change showing the street trees inside the stonewall that were saved.

6.8 **Finding** – The Recreation Commission advised modifications were made to the plan during construction:

- The exit was altered slightly at the request of the Tree Warden in order to save an existing street tree.
- Additional plantings were placed near the entrance to provide screening for an abutter.

- A pavilion was built in the area reserved for a pavilion. Lighting was installed in the pavilion at the request of the cultural council to provide lighting for the displaying of artwork.
- An on/off switch for the lights will be located in a locked box with restricted access to ensure that the lights do not remain on after dusk when the park is closed.

Condition – Lighting in the pavilion is prohibited after dusk when the park is closed.

6.9 Condition – The Applicant shall submit a redline plan change showing the above-mentioned modifications made during construction.

6.10 Finding - This Site Plan Approval Decision Modification No. 1 shall be considered a condition of, and an amendment and modification to all prior site plan approvals and amendments for the purposes stated herein. Except as expressly modified by this Decision Modification No. 1, all terms and conditions of the Original Site Plan Approval Decision shall remain in full force and effect.

Witness our hands this 20th day of October 2009

Kathleen Willis

Kathleen Willis

[Signature]

Stephen Quinn

[Signature]

Ernest Dodd

[Signature]

Lori Clark

Received and Filed
Volume II, Page 556

Linda E. Hathaway

Linda Hathaway, Town Clerk

October 21, 2009
Date