

TOWN OF STOW
PLANNING BOARD

Minutes of the January 5, 2021 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Karen Kelleher, Len Golder, John Colonna-Romano, Mark Jones

Lori Clark called the meeting to order at 7:00pm.
Lori Clark introduced the Planning Board members and staff.

Discussion of Meeting Minutes

Minutes of December 15, 2020

Karen Kelleher moved to approve the minutes as amended.

John Colonna-Romano seconded.

Roll Call Vote: Lori Clark- Yea; Karen Kelleher- Yea; John Colonna-Romano-Yea, Margaret Costello- Yea; Len Golder- Yea.

Correspondence

John Colonna-Romano asked if the 495 Partnership membership dues should be included in the budget. Karen Kelleher said the Board of Selectmen was responsible for payment. Jesse Steadman said that the Town Administrator is going to take care of the payment.

Mark Jones said he was impressed with the letter from the Housing and Community Development in regards to 33 Elm Ridge. Jesse Steadman said he is going to participate in the meeting to discuss resolution.

Karen Kelleher brought up the status of 65 White Pond Road, asking was the work required in the special permit being completed. Jesse Steadman said he was checking with the building commissioner. Jesse Steadman said the question was about the expiration of the special permit and that there has been progress. Margaret Costello mentioned the demolition of the two barns and dwelling at 65/67 White Pond Road was noted in the Building Permit list from the Building Department. Jesse Steadman verified the permit was from demolition of buildings on the property which was completed. Jesse Steadman agreed that the applicant was following the conditions of the permit.

Karen Kelleher started a discussion in regards to Lower Village Medians. Jesse Steadman explained that the new highway supervisor was not informed of the previous discussions with the resident. Margaret asked if anyone had comments about the medians and mentioned posting lower speed limit signage as an alternative. Lori Clark said that the resident is being consistent with her comments however before moving forward she would like to hear from other professionals to verify concerns being brought to the board. Karen Kelleher mentioned that the residents concern is focused on one median island on the plan and not the entire project. Len Golder mentioned his observations to daily traffic flow saying he did not see any negative impact due to the medians; however there were some driving concerns over the sidewalk located by the cemetery. John Colonna-Romano said he did not see any problems although not an expert does see how turning into the driveway at that particular location would be difficult with snow buildup. Mark Jones said he is in favor of the median islands.

Planning Board Member Updates

John Colonna-Romano said it is the first time the CPC has more requests than money and it will be a challenging year. The CPC will be prioritizing projects and are now looking at bonding the projects which will change the Town approval vote to 2/3 majority to pass. The CPC will researching the bond process and will update the board. Len Golder asked about labor costs and mentioned other ideas to assist with cost reduction surrounding projects. Megan Birch-McMichael said the Selectmen are still in the discussion phase and that there are no concrete labor costs at this time.

Public Input

None

Public Hearing

Special Permit | Stow House of Pizza 156 Great Road

Present:

Steve Poole, Lakeview Engineering Associates

Lori Clark called the Public Hearing for a Special Permit at 156 Great Road to order at 7:30pm
Lori Clark introduced the Planning Board members and Staff. Lori Clark asked for participants to say their names and attendance was written down.

Rob Battista requested the hearing be recorded. Jesse Steadman said he would record the meeting.
Lori Clark asked Steve Poole to explain the request of the applicants.

Steve Poole explained the request for outside dining will be located off the existing parking lot. The area will contain 5 to 6 tables with seating for four (4). Steve Poole said there is a lot of fill and that the applicants thought they could do this as part of the current building plan. The applicants planned on leveling out the area and adding a stone barrier to the top of the slope which would provide an outdoor dining area and assist with the customer volume required to stay in business. Steve Poole commented that the applicants cannot move forward with the building structure due to the lack of water.

Lori Clark asked for clarification between the requests since there is already a valid special permit. Steve Poole explained that the reason the applicant did not want to modify the special permit was dependent on the water supply issues.

Lori Clark opened the hearing up for public comment.

Werner Fritz asked about lighting and hours of operation. Steve Poole said on the plan there is a permanent light fixture on the corner of the building, and the hours of operation would be primarily daytime activity. Lori Clark clarified it is common for the Planning Board to set hours of operations and construction hours when approving a Special Permit. Werner Fritz asked about facilities available and how that would be handled. Steve Poole answered the current conditions would not change and the indoor bathroom would be utilized. Werner Fritz asked about music. Steve Poole answered there would be no music. Werner Fritz asked about construction hours of operation commenting on what happened previously. Steve Poole said the construction hours would be limited to a daily 5 day work schedule. Werner Fritz asked about standing room customers. Steve Poole said that would not be allowed.

Leigh Hilderbrandt asked about the Outdoor Special Permit clarification. Lori Clark explained that the Board of Selectmen is able to grant a Temporary Outdoor Dining License to provide businesses relief

during the pandemic. The Planning board however, amended their bylaw in 2019 to allow permanent outdoor dining by Special Permit, which is the application that the Stow House of Pizza has applied for. Jean and Rob DiBattista spoke about their concerns over what happened prior to the hearing. Jean DiBattista explained the changes to the buffer and the removal of foliage. Jean DiBattista said the area was completely cleared of all foliage and growth with piles of fill added to the area. Steve Poole explained the landscaping plan adding evergreens as a screen and leaf planting for color along with boulders between the vegetation to protect the slope. Jean DiBattista asked about fencing adding the new growth will not deter the lighting concerns, and felt both are required to mitigate the issues. Steve Poole said if they added the fence there would be no need for the vegetation. Jean DiBattista brought up noise levels and the number of tables explaining there was a list of concerns sent to the planning board for review. Rob DiBattista brought up the safety aspects of the slope and boulders. Leigh Hilderbrandt commented on safety aspects of the plan. Karen Kelleher asked if Steve Poole had seen the list of concerns and suggested that he reviews them.

Youfei Chen asked about altitude changes to the property and the loss of the natural screening of the property. Youfei Chen brought up the issues he is having with car lighting and the location of the ATM machine. Youfei Chen explained how the car lights shine in all areas of his home, more so during the winter months than prior to the work taking place this past summer. Steve Poole said he would look into that.

Leigh Hilderbrandt brought up the buffer zoning bylaws stating that prior to the removal of all vegetation there was no landscape maintenance completed and the buffer was filled of scrub brush and became the location of all the snow removal, stating nothing has ever been maintained properly. Leigh Hilderbrandt asked about trash receptacles and who will clean the area. Steve Poole said it will be the reasonability of the applicants to adhere to the rules and law as it pertains to cleanup. Dorothy Gannet commented on business zoning concerns. Lori Clark stated that the board is currently looking at the bylaws which are part of a separate zoning effort, and not subject to the Public Hearing for the Special Permit being applied for.

Werner Fritz questioned the effects to Dudley Court on the plan. Lori Clark clarified that there no plans for changes to Dudley Court provided in the application.

Karen Kelleher asked Steve if he would consult with the client and possibly tweak the plan based on the information presented. Jesse Steadman said he would send the list to Steve to review. Karen Kelleher asked about a site visit which would provide better clarification as to the abutters concerns. Jesse Steadman said he would work with the applicant and engineer to coordinate the visit. Lori Clark said in the interests of time if Steve would be open to continue the hearing so that the Planning Board would have a chance to ask questions. Steve Poole agreed.

Len Golder motioned to continue the hearing on January 26th, 2021.

John Colonna-Romano seconded.

Roll Call Vote: Lori Clark- Yea; Karen Kelleher- Yea; John Colonna-Romano-Yea, Margaret Costello- Yea; Len Golder- Yea

Appointments| Discussion | Action Items

Spring Hill Estates Maintenance Agreement

Present:

Christopher Alpen, Esq. Blatman, Bobrowski, and Haverty, LLC

Jesse Steadman said there are two items to discuss from last meeting, the applicability of the Common Driveway Maintenance Agreement as well as the language of Minor Modification 3A. Chris Alphen started the discussion presenting the Declaration of Easement signed in 2016 as the primary mechanism for the various property owners to share obligations of the Subdivision. The board decided the document and proposal should be presented to Town Counsel for clarification. Tom Bergeron owner of Lot 3 Pennie Lane asked about the release of building permits. Lori Clark clarified that until we have received comment from Town Counsel on the document provided the Planning Board will not be releasing any Building Permits. Jesse Steadman said he would reach out to Town Counsel for clarification. Jesse Steadman said he would have the amended version of the Modification ready for the Board to review next meeting while waiting to hear back from Town Counsel.

Joanne Drive Performance Guarantee

Present:

Chuck Black, Kendall Homes

Chuck Black discussed next steps and the process moving forward with the subdivision development including the current issues brought to his attention by Jesse Steadman about Trucks entering the Joanne Drive off Forest Road. Chuck Black reassured the board and any abutters attending the meeting he has addressed the issue personally and was not aware at the time the use of the Forest Road. Chuck Black presented a proposal for the performance guarantee. Karen Kelleher said that this is an untraditional process, and asked if Town Counsel could weigh in on the proposal. Chuck Black asked to be added to the February 2nd meeting to discuss proposal. Scott Bracci abutter commented on Chuck Black's communication with abutters saying he is following up with the abutters. Chuck Black offered his telephone number to abutters saying that he has staff at the site if there are any issues to discuss.

44 Hiley Brook Road Hammerhead Lot Special Permit Decision Deliberation

Jesse Steadman said that there are two specific issues that are complex controversial issues, one being not to include the common driveway and a 40 feet no cut buffer. Margaret Costello commented on the frontage footage adding some concern with having a driveway clearance of 40 feet. Jesse explained the reason for the driveway clearance. Len Golder commented on the balance between a buffer and safety access. Jesse Steadman commented that the clearance is typical for a development. Margaret Costello said it is important to protect the rural character of Stow in accordance with the Master Plan. Jesse Steadman discussed other alternatives that could be written in regards to the driveway. Lori Clark said she would like the board to read the buffer language and give Jesse Steadman feedback so the board can go over the final version at next meeting.

Final Board Budget Vote

Continued to next board meeting

Merrill Site Visit Debrief

Continued to next board meeting

Meeting Adjourned.

Respectfully Submitted,
Susan Ostrander