

TOWN OF STOW
PLANNING BOARD

Minutes of the January 26, 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.

Correspondence

John Colonna-Romano asked about what is happening with 137 Harvard Road in response to Kathleen Konno's email. Jesse Steadman said he forwarded the email to the engineer. Jesse Steadman said that the engineer has not yet submitted an application to the Board. The Board discussed the status of zoning violation fines and what work can take place during an active cease and desist. There was general agreement that a cease and desist policy between the Board, other Departments and the Zoning Enforcement Officer would help to clarify what types of work can take place when a zoning violation requires activity to stop.

Margaret Costello commented on the concerns on lighting listed in the special permit application response to Nan's Market. Jesse Steadman said that the applicant reached out in regards to the process of adding a street light to the Utility pole located at the entrance of the facility. Jesse Steadman replied that the request goes through Hudson Power & Light. The Board discussed the entrance area and the usage during the evening hours. Margaret Costello noted that lighting and noise concerns were some of the main comments abutters raised during the initial public hearing for the property.

Karen Kelleher asked about the T-Mobile special permit application. Jesse Steadman said no public hearing will be required for what the Board will likely find as a minor modification.

Karen Kelleher asked if Town Counsel had reviewed the language for the Spring Hill Estates documents. Jesse Steadman said yes.

Lori Clark asked about the progress with 79 Edgehill Road and the abutters concerns. Jesse Steadman explained that he has been in contact with the Board's consulting engineer and they are working on a time for a site visit.

Public Input

N/A

Planning Board Member Updates

N/A

Merrill Property Site Visit Debrief

Jesse Steadman said he was not able to confirm tonight's discussion with Chris Merrill. Lori Clark commented about moving the discussion to the end of the session if there is time.

Stow House of Pizza Outdoor Dining Special Permit Public Hearing Continuance

Present:

Steve Poole, Engineer, Lakeview Engineering Associates
Laura Corbin, 10 White Pond Road
Dorothy Flood - Granat, 11 White Pond Road
Emily Charest, Wedgewood Road
Leigh Hilderbrandt, 196 Great Road
Youfei Chen, 12 Lanes End
Robert and Jean DiBatista, 4 Lanes End
David Millan, Wedgewood Road
Doug Coffman, 24 Lanes End
Werner Fritz

Lori Clark announced the Public Hearing continuance for the Stow House of Pizza Outdoor Dining Special Permit taking attendance. Lori Clark asked Steve Poole to update, discuss, and describe items highlighted at the site visit. Steve Poole explained table locations, lighting, and ground cover for the location, adding that the lighting would be directed downward and that the restaurant did not plan on using the tables after dark. Steve Poole commented on buffer materials, saying they would be substituting fencing for evergreens. Lori Clark asked for further clarification on the fencing area in terms of functionality and aesthetics. Steve Poole explained the length and location, describing the fencing as covering the area where the tables are proposed.

Lori Clark asked for Planning Board comments. Len Golder commented on the lack of fencing around the parking lot area, asking Steve Poole to comment on the reason. Steve Poole said the area of concern is designated for employee parking only. Steve Poole added that they are proposing to form the current piles of fill in that location into berms to further reduce lighting and noise concerns. Len Golder asked about boulders on the plan, and Steve Poole said the fencing will replace the need for boulders and they will be using curb stops instead. Len Golder voiced his concerns over the height of the fence and felt 10 feet would be a more appropriate height.

John Colonna-Romano suggested perhaps placing the fence on top of the berm to gain the added height. John Romano-Colonna described the need for a buffer around the ATM drivethrough, as well as the dumpster area. Lori Clark agreed saying she shared John Romano-Colonna's concern over the ATM area.

Karen Kelleher said during the site visit she observed that trees were taken down near Lanes End, and asked if there were any plans for replanting. Steve Poole answered there were no plans for trees, only to grade and seed the area.

Margaret Costello said she would like to see a solid 50' buffer with some aesthetic value. Margaret Costello questioned the donation box location and asked about enforcement measures to move the box away from the abutting home to the 50' buffer line. Margaret Costello raised concerns about the future problems, adding that the permit should be in place to protect the abutters.

Lori Clark said what is being proposed for a buffer is inadequate, noting the partial fencing and employee parking issues with the potential for headlights and being right up against the side abutter. Lori Clark mentioned although the abutter at 196 Great Road is located in the business zoning district, the buffer should still reflect the bylaw protection from a residential use.

Lori Clark asked Steve Poole the number of seats allowed inside the restaurant. Steve Poole answered 4 tables for 6 to 8 people, adding the tables will be moved to the outdoor dining.

Lori Clark raised concerns over outdoor seating capacity verse indoor, stating the Board of Health regulates seating capacity and overall volume. Lori Clark added she has concerns over dining and trash cleanup processes.

Mark Jones commented on the location of the septic field on the left side of the property and that it may limit the extent of any proposed tree plantings.

Lori Clark opened the discussion for public comment.

Robert and Jean DiBatista said they appreciated the comments made by the Board. Jean DiBatista said the current site plan is not up to date. Lori Clark said it is a requirement to update the plan. Jean DiBatista said she does not agree with the proposed fence height adding it is not just for car headlights but for view of people too and that the entire parking lot should be fenced not just the dining area. Jean DiBatista said they are concerned over the noise levels with 6 tables which is currently more than the restaurant has to offer now, adding that another concern is the sparseness of foliage.

Werner Fritz commented on the fence height saying a 10' fence or wall would be adequate to block parking lot activity and lighting. Werner Fritz raised concerns on noise saying he currently hears employees leaving at 11pm at night, and that he would like to have fencing right near the back end of the property.

Leigh Hilderbrandt commented on buffer requirements and materials used to improve the view not just for the abutters but customers too, adding her concerns over current landscaping maintenance saying the lot has never been maintained adequately.

Youfei Chen asked the engineer what type of fencing materials were going to be used. Steve Poole answered either PVC white or wood based stockade. Youfei Chen said he is in favor of the PVC white for maintenance purposes.

Steve Poole said he was going to take the comments to the applicant and see what he can do to revise the plan.

Jean DiBatista said she feels it is not a good plan to leave the dirt piles for safety and aesthetic reasons and would like to see them removed. Lori Clark asked Steve Poole about the type of ground cover that would be used on the berm piles. Steve Poole said they would grade the slopes to clean fill, flatten down the top and hydroseed creating a typical grass berm.

Leigh Hilderbrandt brought up compliance to the current special permit and the work done prior to the public hearing. Jesse Steadman discussed the state of the current special permit and work previously completed. There was general agreement that grading for a parking area did not constitute substantial commencement of work in regard to the original Special Permit.

Dorothy Flood-Granat commented on the timeline for the current special permit in place. John Romano-Colonna asked about any consideration to the increase in dining population as it pertains to parking lot dimensions and the Board of Health seating. Steve Poole said there was no consideration taken. Dorothy Flood-Granat brought up concerns with water and current DEP regulations and compliance with additional seating. Steve Poole said the plan is within the approved Board of Health seating allowances.

Leigh Hilderbrandt asked about the safety of curb stops versus boulders and location of picnic tables. Jesse Steadman explained the use and reason for curb stops. Werner Fritz asked about facilities. Steve Poole said there is a Unisex toilet available. Margaret Costello brought up concerns about the expansion size of the parking lot and the lack of a buffer.

Lori Clark said that there is current information missing that has to deal with the number of seats that the Board of Health has approved, as well as the current DEP regulations. Lori said the board needs to understand how many seats are allowed through DEP to ensure that the Decision reflects those parameters.

Lori Clark said there were a few pieces of information missing and asked if Steve Poole wanted to continue the hearing. Steve Poole said yes he would like to continue the hearing. Karen Kelleher asked Steve Poole to discuss with the property owner what was discussed including the additional plantings. Lori Clark said the ATM can easily be resolved and it will be good to hear his feedback while the hearing is still open.

*Karen Kelleher motioned to continue the House of Pizza Special Permit Hearing for Outdoor Seating. .
Len Golder seconded.*

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

Spring Hill Estates Performance Guarantee Review

Jesse Steadman updated the Board on his discussion with Town Counsel and attorney for the Applicant, John Handel. Jesse Steadman said John Handel is now the declarant under the maintenance agreement, the funds have been deposited into the escrow agreement and Lot 3 has been released per the Board's previous discussion and Town Counsel's approval of the approach. Jesse Steadman added that when all the legal documentation has been executed and recorded he will release Lot 2 for issuance of a Building Permit.

*Karen Kelleher motioned to approve the Spring Hill Estates Development Agreement
John Colonna-Romano seconded.*

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

*John Colonna-Romano motioned to authorize Karen Kelleher to be the designee to sign the Spring Hill Estates agreement.
Len Golder seconded.*

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

44 Hiley Brook Road Deliberation- Vote

Lori Clark asked the board if they had any comments on the decision. Margaret Costello asked philosophically on how the board decides between rural character and development and profit margins. Jesse Steadman said he had not heard back from Town Counsel. Lori Clark said the board is waiting on feedback from Town Counsel on the common driveway questions. John Colonna-Romano said it is not just rural character in this case but the safety aspects. Karen Kelleher and Mark Jones discussed the sight lines and how they were being addressed in the decision. Jesse Steadman said he will make the changes discussed and bring the decision back to the board, as well as reach out to Town Counsel. Margaret Costello said that one of the reasons that the Board was inclined to having a one common driveway instead of two separate driveways was due to the effect of headlights shining into the neighboring property.

Lower Village Zoning Discussion Recap

Jesse Steadman said he is working to incorporate the Board's comments from January 19th into a memo for Dodson and Flinker, Inc. and should have it prepared in time for a meeting in February.

Planner Report

Nan's Market

Jesse Steadman updated the Board that the owners of Nan's Market are interested in modifying the Special Permit to move the previously approved indoor seating to outdoor seating with some lighting and garden areas. He will keep the Board updated.

Phase I – Property located between 148 and 132 Great Road

Jesse Steadman said after a discussion with the Town Administrator he will be looking to hire a firm to provide a peer review of the Phase I environmental assessment provided by Habitech, Inc. in advance of the potential acquisition of the property at Town Meeting.

Respectfully Submitted,
Susan Ostrander