

AGENDA
BOARD OF SELECTMEN
August 11, 2009
7:00 p.m.
Town Building

Public Input

Chairman's Comments

Town Administrator's Report

Meeting Minutes

Public Hearing on Pole Locations

- 7:10 p.m. HL&P/Verizon request for one new pole on White Pond Rd and on Randall Rd

Visitors

- 7:20 p.m.: Donna Jacobs on Municipal Affordable Housing Trust

Action/Discussion

- Elementary School Building project update, Ellen Sturgis
- State reimbursement for Assabet River Rail Trail easement purchase

Selectmen's Master Planning

Liaison Reports, if any

Correspondence

Adjournment

Posted 8/7/09

Correspondence

Town:

Resident letter re use of Kingland Road Parcel 63, rec'd 7/28 and Conservation Comm reply, 8/7

CC of Lake Boon request to DEP for extension of Lake Boon draw-down appeal, rec'd 7/30

Comcast semi-annual PEG fee (\$19,333.03), rec'd 7/31

Memo from Fire-Rescue and Building depts re water needs of Town buildings, rec'd 8/4

Memo from Planning Board re Lower Village water supply, rec'd 8/4

CC of letter to DEP from Stow Community Housing Corp re Lower Village water, rec'd 8/4

Letter from Richard Martin re resignation from ZBA (after serving for 48 years), rec'd 8/4

Building Permits Report for July, rec'd 8/4

Conservation Commission 7/29 site report re Stow Acres wet area complaint, rec'd 8/4

Memo from Planning Board on use of Wildlife Woods open space parcels, rec'd 8/4

Tax Title Accounts report as of 6/30/09, rec'd 8/4,

Verizon Q2 PEG fee (\$3,177.43), rec'd 8/5

Planning Board notice of 9/22 hearing on use of Wildlife Woods Open Land parcels, rec'd 8/5

(Comments requested by 9/9)

CC of Planning Board memo to Affordable Housing Trust on draft Housing Production Plan,

rec'd 8/6

General:

DHCD FY 2010 Peer-to-Peer grant notice, rec'd 8/5

Dept of Commerce info request re 2010 US Census, rec'd 8/5

Comcast announcement of new services, rec'd 8/5

Pole bearings



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

Notice Of Public Hearing

Notice is hereby given, in accordance with MGL Chapter 166, section 22, that the Board of Selectmen will conduct a public hearing regarding a pole location request by the Hudson Light and Power Department to locate a pole at a point approximately 196 feet North-Easterly of the Randall Road-Edson Road intersection to service new home sites.

The public hearing will be held on Tuesday, August 11, 2009 at 7:10 p.m. in the Stow Town Building, 380 Great Road, Stow, MA.

Stephen M. Dungan
Chairman, Board of Selectmen

Posted July 31, 2009

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED

JUL 24 2009

Town of Stow
BOARD OF SELECTMEN

Hudson, MA

July 14, 2009

To the Board of Selectmen, Town of Stow, Massachusetts.

Hudson Light and Power Department and Verizon New England Inc. request permission to locate poles, wires cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

RANDALL ROAD, STOW – locate one pole at a point approximately 196 ft. North-Easterly of the Randall Road – Edson Road intersection to service new home sites.

Wherefore they pray that, after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - HLPD No. 2-09. Dated July 14, 2009.

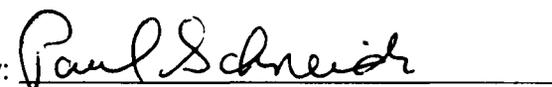
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, and telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Hudson Light & Power Department:

By: 
James A. Kennedy

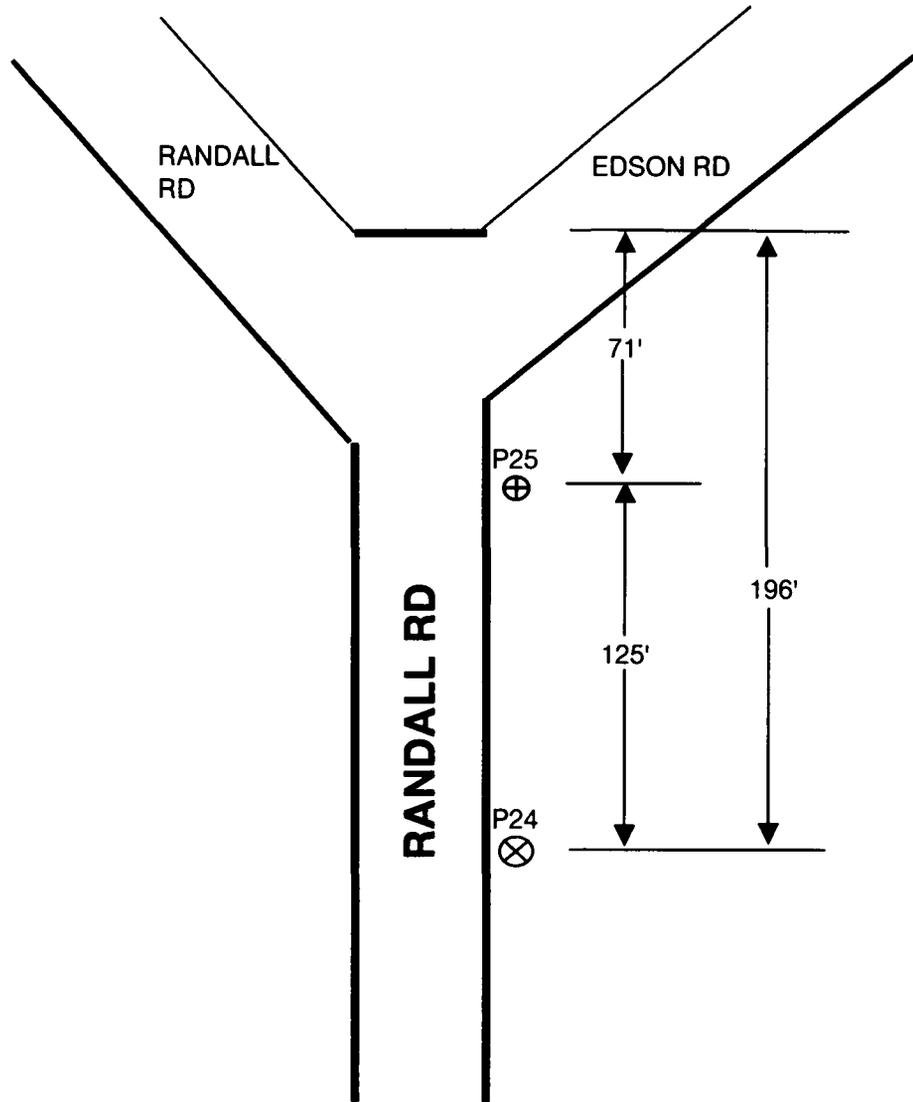
Verizon New England Inc.:

By: 
PAUL SCHNEIDER
MANAGER R.O.W.

**HUDSON LIGHT & POWER DEPARTMENT
PETITION PLAN**

MUNICIPALITY: STOW

No. 2-09
Date: 7/14/2009



PREPARED BY: James Kennedy

SCALE: none

- | | | | |
|---|---------------------------------------|---|--|
| ⊗ | PROPOSED HLPD POLE LOCATION | ⊕ | VERIZON POLE LOCATION TO BE HELD JOINTLY |
| ⊖ | HLPD POLE LOCATION TO BE ABANDONED | ⊕ | EXISTING JOINT POLE TO REMAIN |
| ⊙ | HLPD POLE TO REMAIN | ⊗ | VERIZON POLE LOCATION TO BE ABANDONED |
| ⊙ | PROPOSED JOINT POLE LOCATION | ⊖ | JOINT POLE LOCATION TO BE ABANDONED |
| ⊗ | HLPD POLE LOCATION TO BE HELD JOINTLY | | |

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In the Board of Selectmen, Town of Stow, Massachusetts.
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the Hudson Light and Power Department and Bell Atlantic be and they are hereby granted joint or identical locations for and permission to erect and maintain poles, and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said petitioners may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said petitioners dated the 14th day of July, 2009.

All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber and reasonably straight, and shall be set substantially at points indicated upon the plan marked HLPD No. 2-09, Dated July 14, 2009 filed with said petition. There may be attached to said poles by said HUDSON LIGHT AND POWER DEPARTMENT such wires, cables and fixtures as are necessary in its business, and by said VERIZON 20 wires, 4 cables – such wires, cables and fixtures as are necessary in its business and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 12 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

RANDALL ROAD, STOW – locate one pole at a point approximately 196 ft. North-Easterly of the Randall Road – Edson Road intersection to service new home sites.

Also that permission be and hereby is granted to each of said petitioners to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Stow, Massachusetts held on the _____ day of _____, 200__.

By: _____
Town Clerk



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

Notice Of Public Hearing

Notice is hereby given, in accordance with MGL Chapter 166, section 22, that the Board of Selectmen will conduct a public hearing regarding a pole location request by the Hudson Light and Power Department to locate a pole at a point approximately 35 feet South-Easterly of the center of Shore Avenue to service an existing home site.

The public hearing will be held on Tuesday, August 11, 2009 at 7:10 p.m. in the Stow Town Building, 380 Great Road, Stow, MA.

Stephen M. Dungan
Chairman, Board of Selectmen

Posted July 31, 2009

RECEIVED

JUL 24 2009

Town of Stow
BOARD OF SELECTMEN

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Hudson, MA

July 14, 2009

To the Board of Selectmen, Town of Stow, Massachusetts.

Hudson Light and Power Department and Verizon New England Inc. request permission to locate poles, wires cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

WHITE POND ROAD, STOW – locate one pole at a point approximately 35 ft. South-Easterly of the center Shore Ave to service an existing home site.

Wherefore they pray that, after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - HLPD No. 3-09. Dated July 14, 2009.

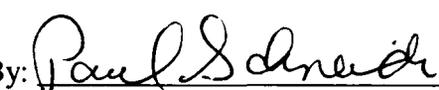
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, and telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Hudson Light & Power Department:

By: 
James A. Kennedy

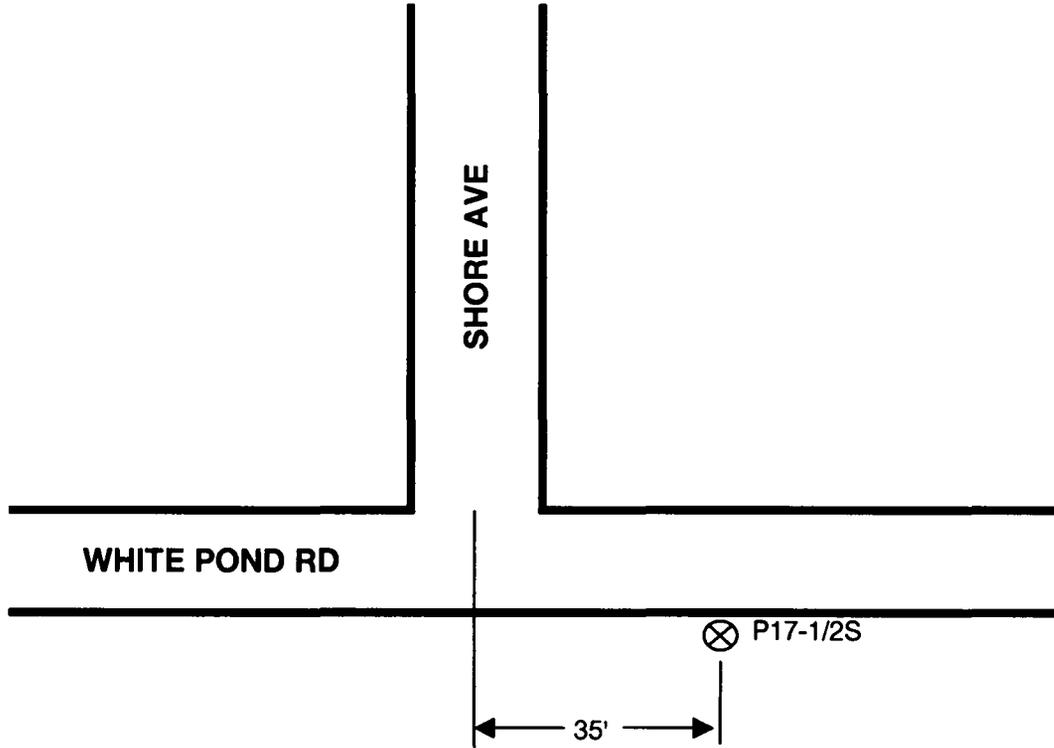
Verizon New England Inc.:

By: 
PAUL SCHNEIDER
MANAGER R.O.U

HUDSON LIGHT & POWER DEPARTMENT
PETITION PLAN

MUNICIPALITY: STOW

No. 3-09
Date: 7/14/2009



PREPARED BY: James Kennedy

SCALE: none

- | | |
|---|--|
| ⊗ PROPOSED HLPD POLE LOCATION | ⊕ VERIZON POLE LOCATION TO BE HELD JOINTLY |
| ⓪ HLPD POLE LOCATION TO BE ABANDONED | ⊕ EXISTING JOINT POLE TO REMAIN |
| ⊙ HLPD POLE TO REMAIN | ⊕ VERIZON POLE LOCATION TO BE ABANDONED |
| ○ PROPOSED JOINT POLE LOCATION | ⓪ JOINT POLE LOCATION TO BE ABANDONED |
| ⊖ HLPD POLE LOCATION TO BE HELD JOINTLY | |

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In the Board of Selectmen, Town of Stow, Massachusetts.
Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED:

That the Hudson Light and Power Department and Bell Atlantic be and they are hereby granted joint or identical locations for and permission to erect and maintain poles, and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said petitioners may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said petitioners dated the 14th day of July, 2009.

All construction under this order shall be in accordance with the following conditions: Poles shall be of sound timber and reasonably straight, and shall be set substantially at points indicated upon the plan marked HLPD No. 3-09, Dated July 14, 2009 filed with said petition. There may be attached to said poles by said HUDSON LIGHT AND POWER DEPARTMENT such wires, cables and fixtures as are necessary in its business, and by said VERIZON 20 wires, 4 cables – such wires, cables and fixtures as are necessary in its business and all of said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 12 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

WHITE POND ROAD, STOW – locate one pole at a point approximately 35 ft. South-Easterly of the center Shore Ave to service an existing home site.

Also that permission be and hereby is granted to each of said petitioners to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Stow, Massachusetts held on the _____ day of _____, 200____.

By: _____
Town Clerk

We hereby certify that on _____, 200____, at _____ o'clock PM, at Stow, Massachusetts, a public hearing was held on the petition of the Hudson Light and Power Department and Bell Atlantic for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the petitioners are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Selectmen of the Town of Stow, Massachusetts

CERTIFICATE

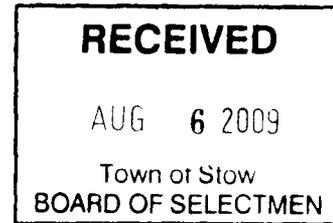
I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Stow, Massachusetts, on the _____ day of _____ 200____, and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

MAHT draft
production plan -
memo from Planning
Board

Memo



To: Stow Municipal Housing Trust
From: Planning Board
CC: Board of Selectmen
Board of Health
Conservation Commission
Date: August 6, 2009
Re: Draft Housing Production Plan

At its meeting of August 4, 2009, the Planning Board reviewed and discussed the Draft Housing Production Plan. We have significant concerns about the plan in general and do not support many of the changes. We are sorry that the Stow Municipal Housing Trust (SMAHT) was not represented at the meeting to take part in the discussion and strongly recommend we meet before you consider going to print with the final document.

The following is a list of general comments made by individual members at the meeting. Please note that this list does not represent a complete review of the document and do not necessarily represent the opinion of the Board as a whole:

Recommended Zoning changes are fairly wide sweeping that will have greater implications than luring in affordable housing, and will not necessarily achieve affordable housing goals.

The Master Plan Survey indicates people want to maintain the rural character of Stow. Many of the Zoning Recommendations will change Stow's character.

The Draft Plan contains a lot of mis-information.

The recommended zoning changes may not lead to the desired goals. The Plan should be clear about the intended goal and determine what type of development is best for Stow before making recommendations for zoning amendments.

The Plan quotes statistics on rentals based on 2000 census and does not speak to current data trending. The Plan does not include data on rental demand.

The Plan should use statistics on vacancy trends at Pilot Grove Apartments. Because Stow Community Housing Corporation is talking about expansion of Pilot Grove, we would be interested to know what the vacancy rate has been over the past several years.

In light of responses from the Master Plan survey, the Comprehensive Permit Policy, which is so rental focused, should be revisited.

The Plan speaks to data by sections of the town. This data is already skewed by recent developments. What is the purpose of this data?

The Executive summary sounds like Stow is worried about affordable housing only. However the Plan also speaks to other types, such as work force housing.

What keeps first time homebuyers from this town is taxes- not the cost of housing. Housing in the \$350,000.00 bracket is available in Stow, but one could purchase a higher priced house in another Town with less taxes.

The Plan indicates that Stow seems to embrace affordable housing but does not speak to the Master Plan Survey results that indicate residents do not embrace affordable housing.

SMAHT relied on data from the 1996 Master Plan and never met with the Master Plan Committee, who is working on a Master Plan update.

The PCD Bylaw does allow for town house units and is subject to the Inclusion of Affordable Housing Bylaw.

Section 2.a - Accessory Apartments

The Plan recommends zoning changes to:

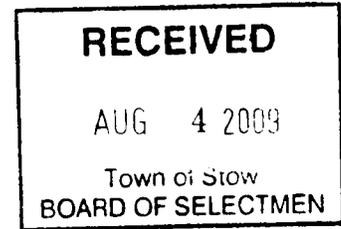
- allow accessory units in properties built After May 6, 1991, including new construction. *This is allowed under the current bylaw.*
- Allow accessory units in detached structures, as permitted in many communities. *The current bylaw accessory apartments are allowed in accessory buildings that were in existence before May 6, 1991. Planning Board Members had mixed opinions on whether accessory apartments should be allowed in accessory buildings constructed after May 6, 1991.*
- Eliminate the requirement that the lot be at least 1.5 acres in size, requiring only the same area as needed for a single-family home provided that the property meets Title V requirements. *The current bylaw allows accessory apartments on pre-existing non-conforming lots by Special Permit. The Special Permit process for Accessory Apartments is not difficult and has a 100% approval rate. There is very little demand for accessory apartments in Stow.*
- Reduce the off-street parking requirement to only one parking space for the accessory unit as most such units involve only one adult occupant. *The Planning Board does not support this recommendation. Guest parking should be provided.*
- Allow accessory apartments in the business and commercial districts. .

Section 2.b - Allow Residential Development Under More Conditions

- Allow freestanding multi-family housing. The regulations should specify a minimum percentage of affordable units, and for multi-family developments of 15 units or more, the bylaw should specify a minimum percentage of units accessible to persons with disabilities. *The current bylaw (Inclusion of Affordable Housing) requires a minimum percentage of affordable units in all developments greater than 5 units. In permitting Active Adult Neighborhood Developments, the Board found there is no market for units accessible to persons with disabilities and required that the units be handicapped "adaptable", compliant with Fair Housing Accessibility standards.*
- Consider reducing minimum lot sizes as long units comply with Title V requirements. *This would result in changing the character of Stow and drastically increase build-out.*
- Allow waivers of road length, road width, and /or radius of the entrance road or road layout on any subdivision where the following is provided: 20% or more affordable housing, the inclusion of sidewalks on an accepted public street (minimum length to be determined, or 80,000 square feet or more of permanently protected upland open space. *The Planning Board frequently grants waivers in exchange for these type of provisions.*

Due to time constraints, we did not discuss the remainder of Section 2.b or Sections 2.c, 2.d and 2.e.

Assabet Water
project (per Dill's
report)



MEMORANDUM

To: Board of Selectmen
From: Fire Department & Building Department
Date: July 30, 2009
Subject: Public Water Supply for Town Buildings

As members of the Board of Selectmen may know, the Town Office Building, Town Hall, 12 Crescent Street (A private residence), Fire Station, Randall Library, First Parish Church and Children's Horizons are all connected to a public water supply system. The deep rock well that supplies water for this system is located in the lawn area just south of the Town Office Building parking lot.

Water treatment is provided by a very basic water softener system (sodium chloride), located in the Town Office Building. The water distribution system was installed many years ago.

Currently there are several limiting aspects associated with the water system that affect our daily operations and will affect our future expansion plans, particularly at the Town Building.

They are as follows:

Fire Station

The Fire Department is a twenty-four by seven operation so our firefighter/EMT's require clean water for our restrooms and shower. Currently most of our personnel will not use the shower due to the poor water quality.

Being firefighters and EMT's we would utilize the shower if the water were clean. This is a firefighter wellness requirement after returning from serious fires, hazardous material

incidents and severe medical calls. Currently the firefighters wait or rotate heading home to shower if we have adequate coverage.

Our water appliances sinks, toilets and shower are pretty well ingrained in water stains and rust. We use bottled water from Belmont Springs for drinking and cooking.

Town Office Building

Town personnel working in the Town Office Building use bottled water for drinking & cooking. Sinks & bathroom fixtures are scrubbed daily to remove rust stains. In addition we are preparing to expand the parking lot to accommodate the increased daily use. The southerly expansion of the parking lot will be within the 145 ft. Zone I radius of the well. We are working with the Department of Environmental Protection Drinking Water Supply Division in order to permit the work.

Based on our present situation and the inevitable future demands for water use and expansion we would encourage the Selectmen to seriously consider making a connection to the proposed Assabet Water Company water main if it becomes available.

Respectfully,


Michael McLaughlin
Fire Chief


Craig D. Martin, P.E.
Building Commissioner

Stow Selectmen's Office

From: Bruce E. Fletcher [bruceefletcher@verizon.net]
Sent: Tuesday, August 04, 2009 11:51 AM
To: 'Susan McLaughlin'
Cc: Bill Wrigley
Subject: Letter to DEP

Hi Susan,

Attached please find the memo that I sent to DEP from the Stow Community Housing Corporation regarding Assabet Water Company and the proposed water main to the Lower Village, for distribution to the Selectmen, at Bill's request.

Please let me know if it doesn't format correctly when you open it. I might be able to fix that with a hammer and a chisel or something.

Bruce

--

8/4/2009

**Stow
Community
Housing
Corporation**

A non-profit
corporation
dedicated to
affordable housing
in Stow

Board of Directors:

John Clayton, Jr.

**Arthur Lowden
Marge Alessio
Ellen Cataldo
Gregory Jones
Bruce Fletcher**

**J. Bruce Ayer * **
Audrey Cole *
Wayne Erkkinen *
Reginald Nichols **
Patricia Poor **
Louis Florio ****

*** Resigned
** Deceased**

*** ** He made it all
happen**

**Johnston Way
Stow, MA 01775**

(978) 897-4404

Marielle Stone
Section Chief
DEP Drinking Water Program

June 26, 2009

Re: Assabet Water Company

Dear Ms. Stone;

We are aware that the Assabet Water Company has plans for the installation of a water main to the Lower Village of Stow, and we wanted to make you aware of our plans, as well, as they relate.

The Stow Community Housing Corporation has built, owns, and operates two affordable housing developments in Stow; Pilot Grove Apartments on Warren Road, a family project, and Plantation Apartments on Johnston Way, for seniors. We are currently in the process of developing plans for expansion of both projects, onto abutting parcels, and in both cases, Assabet's proposed water main will be installed in close proximity to our sites. It has been our intent to take advantage of the opportunity to tie into that water main, and in fact, it appears that neither project can come to fruition without it.

Our Plantation Apartments expansion is intended to provide an additional 37 apartments of "supportive housing" for seniors, with design flows of approximately 5500 gallons per day, plus some ancillary uses which have the potential to add approximately 2000 gpd of additional design flow.

Our Pilot Grove Apartments expansion is intended to provide an additional 30 units of family housing. It's too early in the process to know the mix of apartment sizes, but we can assume a very rough guess of the design flow at 6600 gpd.

Both of these projects are in the conceptual stages and no permitting or financing has been obtained as of yet, but we are committed to following through on at least one of these projects in the very near future, and perhaps both. But, as stated above, neither project can come to fruition without the opportunity to tie into Assabet Water Company's proposed new main.

Therefore, we wanted to make you aware that we are in full support of the Assabet Water Company's proposal and it is our intent to take advantage of it in our future plans to help the Town of Stow meet its affordable housing needs.

Respectfully,

Bruce E. Fletcher
on behalf of the Board of Directors, Stow Community Housing Corporation

Stow Selectmen's Office

From: Karen Kelleher [planning@stow-ma.gov]
Sent: Tuesday, August 04, 2009 10:27 AM
To: Susan McLaughlin
Cc: Bill Wrigley
Subject: FW: Lower Village Water

Hi Susan,
Bill asked that I forward this email to you to share with the Board of Selectmen.

Karen Kelleher
Planning Coordinator
Town of Stow
380 Great Road
Stow, MA 01775
978-897-5098
978-897-2321 (Fax)
www.stow-ma.gov

-----Original Message-----

From: Karen Kelleher [mailto:planning@stow-ma.gov]
Sent: Thursday, July 23, 2009 11:29 AM
To: Bill Wrigley
Subject: Lower Village Water

Hi Bill,
To follow up on the need for a water supply in the Lower Village Business District.

The Planning Board, the Lower Village Committee and the Master Plan all share concern about the viability of many of the businesses on the south side of Great Road in Lower Village Business District due to their inability to expand, redevelop and, in some instances, comply with DEP regulations. Therefore, a public water supply is a critical key to the stability and any potential enhancement of Stow's limited Business District.

The 1996 Master Plan identified Lower Village as an area in which Stow would like to focus its business development by encouraging mixed-use development. The Draft Master Plan Update, to be presented to the Planning Board in October of 2009, brings forth this same goal. The Master Plan Committee recognizes the fact that this goal can not be achieved without a public water supply, as many of the lots are small and cannot accommodate a well and septic system meeting DEP and Local regulations.

As you know, Stow's tax base primarily relies on residential development. Business zoned property is very limited and therefore, the Lower Village Business District has, and continues to be, a high priority for the Planning Board. The Planning Board appointed a Lower Village Sub-Committee to spearhead efforts to improve the Lower Village appearance and pedestrian and auto safety. Working with property owners in the Lower Village Business District, the Lower Village Committee found that in order for many of these properties to expand or redevelop would require a public water supply/and or sewer.

Recognizing the goals of the Master Plan, the Planning Board, working with MAPC through a Priority Development Grant, drafted a proposed mixed-use overlay district bylaw. The proposed Overlay District would allow by Special Permit an alternative pattern of land development to the pattern normally permitted in the underlying District. The proposed Overlay District is intended to encourage revitalization of the commercial center; to

increase the town's stock of affordable housing; to promote village style redevelopment with a mix of retail, restaurants, offices, and multi-family housing. The Planning Board recognizes that development under this type of bylaw is not possible without a public water supply.

Karen Kelleher
Planning Coordinator
Lower Village Committee Member
Master Plan Committee Member
Town of Stow
380 Great Road
Stow, MA 01775
978-897-5098
978-897-2321 (Fax)
www.stow-ma.gov

Memo

RECEIVED

AUG 4 2009

Town of Stow
BOARD OF SELECTMEN

To: Board of Selectmen
From: Karen Kelleher, Planning Coordinator *Karen*
CC: Recreation Commission
Town Counsel
Conservation Commission
Date: August 3, 2009
Re: Wildlife Woods Open Land Parcels

*8/4 - asked Karen
for definitions
of active and
passive recreation.
Agreed this is
needed.*

At its meeting of July 28, 2009, the Planning Board discussed the Recreation Commission's interest in the Wildlife Woods Open Land parcels A2, A3 and A4. The Recreation Commission has not presented an overall plan for these parcels, however it is our concern that their intended use might be active recreation.

Although there appear to be some ambiguities in the Wildlife Woods Planned Conservation Development (PCD) Subdivision Decision and the Zoning Bylaw, based on the Planning Board's review of the Decision, the Zoning Bylaw and opinion letter, dated July 28, 2009, from Town Counsel, the Planning Board determined that, other than the 2-acre recreation easement on Open Land parcel F, the intended use of the Open Land is for passive recreation. The fact that the plan shows a recreation easement area implies the remaining Open Land, which includes public access pedestrian trail easements, was intended to be for passive recreation use. We have also been informed by the developer and homeowners of the Wildlife Woods Subdivision that they have been under the impression that the Open Land parcels were intended to be for passive recreation use.

Under section 8.5.9.1 of the Zoning Bylaw, the Planning Board has the authority to approve or disapprove uses proposed for the Open Land in a PCD in order to enhance the specific purposes of the Planned Conservation Development. The Planning Board would be open to consideration of any proposal for passive recreation on the Open Land parcels. Please note that the Planning Board would hold a public hearing, before approval or disapproval of any change in use.

With respect to the ambiguities, in the Decision and the Zoning Bylaw, as pointed out by Town Counsel; the Planning Board intends to hold a public hearing to consider modification to the Subdivision Approval to clarify the intended use of a PCD Open Land. In addition the Planning Board intends to bring forth a zoning bylaw amendment to the next town meeting to clarify that the allowed "recreation" use in a PCD is "passive recreation".

Encl.

Wildlife Woods Planned Conservation Development Subdivision Decision
Zoning Bylaw, Section 8.5
Letter, dated July 28, 2009, from Town Counsel