

TOWN OF STOW
PLANNING BOARD

Minutes of the February 5, 2019 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

Lori Clark called the meeting to order at 7:00pm.

Joint Board Executive Session with the Board of Selectmen in Accordance with M.G.L. Ch. 30A s.21(a)(3) for the purpose of discussing strategy with respect to possible litigation

Lori Clark stated that she finds that an open discussion would have a detrimental effect on the Board's litigating position.

Karen Kelleher moved to enter into Executive Session with the Board of Selectmen, Town Administrator, and Town Counsel to discuss contract concerns and potential litigation and to reopen the regularly scheduled meeting of the Planning Board thereafter.

Margaret Costello seconded.

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

The Planning Board concluded the Executive Session and returned to the regularly scheduled meeting.

Public Hearing

Hallocks Point Road Definitive Subdivision and Erosion Control Special Permit

Jesse Steadman said the Board has not yet seen responses from their consulting engineer at Places Associates nor from Town Counsel. Lori Clark said the Board has received feedback from the Fire Chief on the cistern and information around utilities from Hudson Light and Power. Lori Clark asked if the public hearing with the Conservation Commission was closed. Paul Alphen said it was left open in order to discuss a draft Order of Conditions.

Paul Alphen stated he sent letters to abutters regarding connecting their driveways to Hallocks Point Road, and has not heard any comments back so far.

Paul Alphen said he has sent a letter to the owner of the existing dock at Lot 5 and believes the Conservation Commission will reach out to the property owner as well.

Jeff Brem said the plans now reflect updates on each of Places Associates' concerns, other than the need for underground utilities.

Jeff Brem said the waiver requests have been updated to reflect the classification of Hallocks Point Road as a single access street.

Jeff Brem said a waiver is still needed for placing the utilities underground. Jeff Brem said he reviewed an email from Chris Monsisi of Hudson Light & Power and is concerned with how existing homeowners will get service if the power company cannot require that existing homes have underground utilities.

John Colonna-Romano asked whether the existing poles would need to be replaced due to the widening or realignment of the road. Jeff Brem said they would likely all be reset because the poles are shorter than those typically built.

Megan Birch-McMichael asked if there is a difference in cost between replacing the poles to retain overhead utilities and placing the utilities underground. Jeff Brem said costs would be incurred either way. Paul Alphen said placing utilities underground would lead to more clearing of trees.

Margaret Costello asked for comments on the proximity of the subdivision and its stormwater discharge to critical areas. Don Hawkes, 9 Dawes Road, identified himself as the Chairman of the Lake Boon Commission and said he did not have concerns with the stormwater discharge plans.

Don Hawkes asked if the plans include clearing within the 100 foot buffer of the Lake. Jeff Brem said clearing within the buffer would not occur on Lots 1 and 2, but it would in the others.

Jeff Brem said a waiver is requested from the requirement to have a 300 foot buffer from Sudbury Road to allow for a 40 foot buffer. Karen Kelleher said the intent of the requirement is to preserve the natural landscape of existing roadways.

Lori Clark asked for clarification on the requests for waivers related to the roadway classification. Paul Alphen said that the roadway is not new and the donation of Parcel X is not arbitrary, as residents already use it.

Lori Clark asked if the configuration of the septic systems on Lots 1 and 7 could be altered to allow for more of a buffer from Sudbury Road. Jeff Brem said the placement considered the need for a 100 foot buffer from the infiltration system and altering their configuration would only provide a few extra feet of buffer.

Margaret Costello asked for explanation of the reasoning for the waiver request from the requirement to provide 10% of the land as open space. Jeff Brem said that if the waiver were not granted, the subdivision would have only 6 lots or the open space could be provided by multiple pieces of noncontiguous land.

Karen Kelleher asked what questions remain with the Conservation Commission. Jeff Brem said language will be worked into an Order of Conditions to limit the number of personal docks and the potential future need of grading pathways to the docks.

The Planning Board discussed outstanding items needed to be considered, including final comment from Places Associates and Town Counsel.

Karen Kelleher moved to continue the Public Hearing for the Hallocks Point Definitive Subdivision and Erosion Control Special Permit to February 12, 2019 at 7:30pm.

John Colonna-Romano seconded.

Voted: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, John Colonna-Romano, Karen Kelleher- Yea).

Request for Minor Modification- Stiles Farm Definitive Subdivision

Len Golder recused himself as an abutter to Stiles Farm.

Steve Mong said the intent of the 2016 Stiles Farm Subdivision was to gain an Agricultural Preservation Restriction (APR) through the State's APR program over 5.25 acres of land, which was separated from the existing home. The APR application was denied at the federal level as the administrators of the program felt the Planning Board's decision and Restrictive Covenant provide the restriction, thereby making any APR designation redundant. Steve Mong asked that the Board consider the request to remove language related to the restriction from both documents as a minor modification.

The Board considered how the modification would ensure the land is preserved, and agreed that the decision allows only one building lot and any further subdivision would need to come before the Board. The Board agreed that the intent of the subdivision and the plan would remain unchanged if they were to approve a modification.

Mark Jones noted that Town Counsel should be asked to clarify the process for this request, specifically if the Board needs to release the applicant from the previous covenant and issue a new covenant.

The Planning Board agreed the modification should include a finding that the plan is not changing and the intent is to secure an APR, so that it is clear the modification is an administrative decision to move the process forward. The Board agreed to include language typically in a decision to ensure the Board reserves the right to reopen the discussion so that if the APR is not accepted at the State or Federal level, the intent of the restriction can be added back to the decision.

Karen Kelleher moved to find the request to be a minor modification, given there has been no change in the plan nor the intent of the decision and the applicant intends to secure an APR, and to include a condition that the Board reserves the right to review the subdivision at a future date.

John Colonna-Romano seconded.

Voted: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, John Colonna-Romano, Karen Kelleher- Yea; Len Golder abstained).

Regency at Stow Housing and Site Plan Update/ Discussion

Present:

Tony Casapulla, Assistant Vice President- Toll Brothers

Sean Griffin, Project Manager- Toll Brothers

John Colonna-Romano recused himself as an abutter to Regency at Stow.

Sean Griffin said residents at Regency at Stow are concerned with hitting granite curbing within the development and have asked for additional lighting near the clubhouse and at the intersection of West View Land and Ridgewood Drive. Sean Griffin presented images and cut sheets for the proposed lights.

The Planning Board discussed the locations and height of the lights.

Len Golder moved to approve the lighting plan proposed, which includes 36 inch full cut off lamps. Margaret Costello seconded.

Voted: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher-Yea; John Colonna-Romano abstained).

Tony Casapulla said that the three middle income units at Regency at Stow have not sold, though the four low income units have been sold and will be at full occupancy by next week. Tony Casapulla said he would like to discuss the ability to reevaluate restrictions placed on the middle income units and to review applications that do not meet all requirements. Recent applicants have not been eligible based on shared asset ownership, the asset limits, and the inability to sell to a trust.

Tony Casapulla said the units have been marketed since last August and prospective buyers have been given tours. MCO Housing and Toll Brothers staff have each provided marketing.

Jesse Steadman said that staff at MAPC have participated in this discussion and noted that prospective buyers often self-select out of the process before beginning an application because they feel they do not qualify, meaning that buyers need to be convinced they are eligible. Jesse Steadman suggested that other monitoring agents in Stow are surveyed to find the range of assets held by occupants of their units.

Lori Clark asked that staff clarify the concern around a trust owning property to be certain whether it is a restriction or rather an issue of timing.

Tony Casapulla agreed to discuss marketing with MCO Housing to ensure materials are still fresh.

Public Input

None.

Member Updates

Mark Jones said the Zoning Board of Appeals' decisions for approval of a Comprehensive Permit for Plantation Apartments I and II were appealed by the applicant and a group of abutters.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys