

TOWN OF STOW
PLANNING BOARD

Minutes of the April 23, 2019 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

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

Discussion of Meeting Minutes

Minutes of April 9, 2019

Karen Kelleher moved to approve the minutes as amended.

Len Golder seconded.

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

Public Input

None.

Member Updates

Megan Birch-McMichael said the Lower Village Revitalization Committee will meet this week to finalize their final report which will be presented to the Planning Board at an upcoming meeting.

Planner's Report

Highgrove Estates

Jesse Steadman said that prior to issuing the final Certificate of Occupancy Places Associates will conduct a final inspection. The Board discussed what type of marker should be used at the Open Space borders, agreeing that granite bounds are best, for longevity and visibility.

Spring Hill Estates

Jesse Steadman said a staff level meeting was held this week with the new owner, contactor, and Greg Roy of Ducharme & Dillis. The discussion included a bond for roadway improvements, payment to Places Associates for previous inspection work, and erosion control measures. The applicant will need to request an extension of their Special Permit. Greg Roy will complete the Stormwater Pollution Prevention Plan reports.

Municipal Vulnerability Preparedness Action Grants

Jesse Steadman said that the timeline to apply for the Action Grants has passed, and did not allow time for the needed interdepartmental coordination. Staff will continue to work towards preparing for a future grant round for a Water Vulnerability Assessment.

Lower Village Zoning Updates

Jesse Steadman said that a draft Request for Quotes for writing a new zoning bylaw for the Lower Village Business District will be discussed at an upcoming Planning Board meeting.

Discussion with Joe Steffano, Linear Realty. Regarding Lower Village Streetscape Improvements

Jesse Steadman said that Joe Steffano has been invited in to discuss the status of the Lower Village project and the improvements it will bring to the frontage of the shopping plaza. Jesse Steadman provided a brief description of the reasons the construction was paused last year, noting that the Town has contracted with a new engineering firm for final design of the roadway and construction is expected to be completed this fall. Joe Steffano said that during construction it will be important that visibility of the plaza from the road is maintained, particularly in the area of construction staging on the Lower Common. Joe Steffano said their contract with Aubuchon allows them to display goods in the parking places adjacent to the eastern entrance to the plaza, where the Christmas trees are typically sold.

Lori Clark asked if Linear Realty has found a tenant for the former Papa Gino's location. Joe Steffano said they recently completed interior construction to ready the site for another restaurant or food operator, though they are not under contract with a new business. Joe Steffano noted that the site would be more attractive to a business if outdoor seating were allowed, as prospective tenants have inquired about this and need reasons to locate in Stow. Business owners have also inquired about licenses to sell beer and wine, of which there are available licenses. Jesse Steadman said that the zoning bylaw does not currently allow outdoor dining, though the Board understands the need from the perspective of both residents and business owners. Changing the bylaw would require a vote at Town Meeting, which Len Golder said he would support.

Megan Birch-McMichael asked whether Linear Realty is willing to make façade improvements to the building. Joe Steffano said that when he is negotiating a potential lease, façade improvements would be discussed and would be made under the right circumstances, though on a per-tenant basis rather than improvements to the whole structure. Joe Steffano noted that Linear Realty is applying for a variance from the Zoning Board of Appeals for a temporary free standing 'for lease' sign.

Vote to Accept Performance Guarantee, Jillian's Lane

Jesse Steadman said the language for the performance guarantee is still being finalized, though during this process an abutter alerted the town to erosion control concerns after a rain event. The Board's consulting engineer at Places Associates visited the site and reported that the basin is still incomplete as constructed, and stormwater was overflowing and spilling into the stream that flows under Walcott Street. The applicants' engineer at Ducharme & Dillis provided a list of items that need to be completed on site, including repairs of the basin.

Public Hearing **Erosion Control Special Permit, Collings Foundation**

Present:

Byron Andrews, Andrews Survey & Engineering

Bob Collings, Applicant

Karen Kelleher recused herself as an abutter to the Collings Foundation.

Byron Andrews said the Conservation Commission has issued an Order of Conditions for the project, and the revised plan provided tonight is in line with that document. The disturbed area will be covered with engineered top soil, approved by MassDEP. Existing soil will be pulled from the east side toward the west to lessen the grade.

Dorothy Flood-Granat, 11 White Pond Road, asked for the brand of the top soil. Byron Andrews said the Town's consulting engineer had recommended a product from RMI Associates.

John Colonna-Romano asked for the depth of the soils to be spread across the disturbed area. Byron Andrews said a minimum of 6" inches would be spread.

Len Golder asked what the slope of the area would be after the work is complete. Byron Andrews said it would be about a 12% slope, flatter than 3:1.

John Colonna-Romano asked if the access road would be blocked off. Bob Collings said they will continue to maintain it, as he needs to access the area. John Colonna-Romano asked if they would use a gate. Bob Collings said he feels it is unnecessary, as the area is far from any house.

Mark Jones asked if the topography lines on the map are reflecting elevation after excavation or before? Byron Andrews said they are current topographic lines, and he believes the height was at around 216' feet. Mark Jones said this would mean about 11' feet of soil was excavated. Byron Andrews said the design will bring up the northern area around 6' feet and give a gradual rise south.

Mark Jones said the application didn't include a map demonstrating volumetric use of the excavated material elsewhere on site. Bob Collings said the soil was used as backfill for the museum. Mark Jones said there is no representation documenting the use of the soil. Bob Collings said he is unclear how to document the use. Byron Andrews said the excavation was done around the same time as the building was being constructed.

Margaret Costello said she is very opposed to creating more soil disturbance as part of the design and she would like the amount of excavated soil returned to the site, leaving the steep slopes as they are, without smoothing them as proposed. Margaret Costello said this work was done in violation of the previous agreement made with the Planning Board, and done in a clandestine way. Margaret Costello said the applicant has given multiple reasons for the work and where the excavated soil went.

Megan Birch-McMichael said that the Board of Selectmen denied an application for an Earth Removal Special Permit in 2014, which affected the same area of land on the site. Megan Birch-McMichael noted that the reason for this Erosion Control Special Permit application is that the completed earth removal work was not permitted, so this process would bring the site into compliance. Bob Collings said he feels this was a different project and the excavation was done to provide infill for the museum site, work that was inspected by the Town's Building Inspector.

Mark Jones noted that there was no request for earth removal in the building permit for the museum, and as evidenced by the previous application for an earth removal permit, the applicant would've known it was required. Margaret Costello added that the area of excavation is not visible from the road entering the site from Hudson or from the site of the museum, so the Building Inspector would not have seen the site when doing routine inspections of the museum construction.

Lori Clark said the proposed work represents a minimum fulfillment, rather than putting the site back to its original state and the application represents unpermitted actions. Lori Clark said it would be helpful to understand alternatives to the proposed plan. Jesse Steadman said the Conservation Commission's Order of Conditions provides their opinion for what should be done for the land under their jurisdiction, so one option is extrapolating improvements from that plan and applying them to the entire disturbed area.

Lori Clark said that the abutters would be most impacted if the Board were to require trucking soil back on site and abutters expressed concern during an earlier public hearing over additional trucking of materials. John Colonna-Romano said he feels it is important to improve the site to replicate the ecosystem that was there. Margaret Costello said she feels there are already trucks entering and exiting the site, and she feels the Board should ask that the site be returned to its original state.

Dorothy Flood-Granat asked why the engineered top soil has specific application instructions, as she feels these instructions mean the material isn't non-toxic. Dorothy Flood-Granat asked how the engineered top soil would be applied, the depth of coverage, and the area of coverage. Bob Collings said the conditions of application are imposed by the State to be sure there aren't damages to wetlands. Lori Clark said the Planning Board would consider in the decision whether to include a condition that the Conservation Commission approves the use of this product.

Mark Forgues, 1 White Pond Road, asked how much soil was removed from the site. Mark Jones said the application did not indicate an amount, though a rough estimate of the change in topographic lines shows the amount could be enough for as many as 500 to 1,000 truckloads. Mark Jones said he feels there is a big difference in cost between the sale of the soil and the cost of the proposed remediation.

Mark Forgues asked if the Zoning Board of Appeals would have the authority to impose fines? Mark Jones said the Earth Removal Permit was denied through the Board of Selectmen, and the General Bylaws state that each truckload of material removed from the site constitutes a separate offense of \$200. Mark Jones said he believes the Planning Board would have the authority to impose fines, as the Erosion Control Special Permit before them outlines an offense. The Board discussed issuing fines, and agreed to move forward with site restoration and separately continue to discuss fines.

Len Golder moved to close the public hearing for the Erosion Control Special Permit at the Collings Foundation.

John Colonna-Romano seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Len Golder, Margaret Costello, John Colonna-Romano, Megan Birch-McMichael (Voting Associate Member)- Yea; Karen Kelleher abstained).

Lower Village Traffic Safety Improvement Project

The Planning Board discussed the public forum of April 17th, including questions received regarding speed limits and snow removal. Jesse Steadman said this was discussed with engineers at Green International, who said that MassDOT classifies Route 117 as a principal arterial, which provides criteria for setting speed limits either above 45mph or below. The Planning Board agreed that both snow removal and speed limits are under the jurisdiction of the Board of Selectmen.

Jesse Steadman provided the Board with the draft Design Basis Report from Green International, which provides their technical review of existing conditions and an assessment of alternatives to complete the project. Staff met with representatives from Green, along with Sue Carter of Places Associates and Mike Clayton to discuss the report. The report provides alternatives for completing the road to MassDOT standards, including either full depth reclamation or a variable mill and overlay. The report provides an inlet analysis that notes the need of adding up to nine catch basins in order to meet MassDOT standards. Green conducted a hydraulic grade line analysis of the underground drainage system, which showed the system was not designed to the 10 year storm standard the Town had requested. The report details options for achieving a 10 year storm system.

GH Gledhill, Cemetery Superintendent, said that water is ponding on the Lower Village cemetery property, coming off Pompositticut Road. The Planning Board acknowledged this, noting that Green International has identified drainage issues at the cemetery property and has offered solutions at several points along the property. The Board noted their intent to hold a site walk to better understand the concerns.

Dorothy Flood-Granat, 11 White Pond Road, asked if 92 Great Road has been affected by water from the roadway. Jesse Steadman said the report noted drainage issues created from water ponding at the back of sidewalk along 92 Great Road. Katie Fisher, 1 White Pond Road, said she feels her property has water issues due to snow storage at 92 Great Road.

Lori Clark said the report provides the Town with options for a final design, though the final cost is still unknown. Lori Clark said that after a meeting with Bill Wrigley, Town Administrator, the Board should discuss changing their strategy at Town Meeting so that the request reflects the cost of design. Once the Town has received the final cost and plans, a Special Town Meeting can be held to discuss a specific number. The second Town Meeting would likely be held in late June. The Planning Board was in agreement with this approach. A second public hearing has been scheduled for May 2nd to discuss these changes.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys