

TOWN OF STOW  
PLANNING BOARD

Minutes of the November 5, 2019 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

Absent: Len Golder

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

**Discussion of Meeting Minutes**

**Minutes of October 8, 2019**

*Margaret Costello moved to approve the minutes as amended.*

*Karen Kelleher seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Minutes of October 15, 2019**

*Karen Kelleher moved to approve the minutes as amended.*

*John Colonna-Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Correspondence**

Karen Kelleher noted correspondence from an applicant of Jillian's Lane, requesting an Occupancy Permit prior to finalizing the road paving. Karen Kelleher said that she feels the Board should withhold the permit until the site work is completed.

**Members' Updates**

John Colonna-Romano said the Community Preservation Committee met on Monday and approved spending \$4,000 for an appraisal of the Highrock Church property. At the meeting it was noted that Craig Martin could inspect the building.

Mark Jones said the Zoning Board of Appeals met on Monday and closed the public hearing for a Special Permit to operate a commercial kennel. Mark Jones said it may be of interest that the Zoning Bylaw does not include a definition of kennel, and the ZBA has been referring to multiple definitions within the General Bylaws. The ZBA will vote on the permit at their meeting of December 2.

Margaret Costello shared an article from the Boston Globe regarding a Boston City Councilor's proposal to disband the Boston Planning and Development Agency, formerly the Boston Redevelopment Authority. An official quoted in the article describes regret at not purchasing land to gain site control to better guide development. Margaret Costello said this reflects how she is thinking of the golf course parcels and their potential development.

## **Planner's Report**

### *Regency at Stow*

Valerie Oorthuys reported that the Planning office has been coordinating with Toll Brothers regarding outstanding items for completion prior to the winter. Construction items to be addressed include:

- Installation of the walkway to the airfield (Boxboro Road guardrail to be relocated on 10.31)
- Cleaning sediment out of basin #2
- Striping handicapped accessible spaces at the Clubhouse
- Resolving drainage issues at 7 and 9 Westview Lane (Two residents have been working with the Planning Department, Toll Bros., and Places Associates to resolve ponding at a driveway that is leading to further drainage issues on a unit next door. Toll is looking into the matter and will report back to the Planning Department).

### *Whitman Street Special Permit Modification (Upcoming)*

Valerie Oorthuys noted that Jesse Steadman has been in discussion with the owners of Mistletoe Farm regarding a potential Special Permit modification to allow for the full use of the existing historic home on the property. The Planning Board issued a Special Permit in 2012 to allow for the partial (700 sq.ft.) use of the home, with the balance to be kept in storage. It is possible the Applicant may want to submit as a Minor Modification although staff have suggested it may not fit the criteria. Lori Clark said this request alters the original intent of the Special Permit and would have changed what was previously allowed. Karen Kelleher asked if the home would still be used as a rental, as the 2012 Special Permit allowed a rental accessory apartment. Margaret Costello said she would like to know if there is any opposition from neighbors.

### *Joanne Drive*

Valerie Oorthuys noted that staff have been in discussion with the Applicants at Joanne Drive regarding the various options for satisfying the affordability requirement at Joanne Drive. The Applicant is leaning toward the purchase of an affordability restriction on an existing unit in Stow to satisfy the requirement. Staff have prepared a more detailed memo on the matter. The Board agreed the preferred option for complying with the Inclusionary Bylaw is to construct a home on site, though they are open to the option of purchasing an affordable deed restriction as long as it represents an equivalent fee and has a milestone tied to it, such as a building permit. Karen Kelleher noted the unit should be ready for occupancy. The Board agreed the size or age of the unit is not as important as the value of providing an affordable unit of housing. The Planning Board agreed the bylaw could be revised if possible to more clearly ensure that units are constructed.

### *Collings Modification Request*

Staff met with the Collings Foundation and staff of the Conservation Commission in a joint meeting to discuss the timeline for compliance with the current Order of Conditions and Special Permit for remediation of the excavation area. The Collings Foundation is expected to be on an upcoming agenda of the Planning Board to discuss their proposed timeline and any requested modifications.

### *Pilot Point Subdivision*

Valerie Oorthuys noted that Habitech has provided a Subdivision Modification Request for Pilot Point off Boxboro Road to resolve a long standing requirement for construction of a sidewalk along the Boxboro Road frontage. The Board is currently holding a large bond for the sidewalk work that the Board and developer have agreed is in a location too environmentally sensitive to be

responsibly constructed. The Applicant has offered to donate a small parcel in Lower Village where pedestrian access is of greater priority.

#### *High Rock Church*

Staff of the Planning Board, Conservation Commission and Recreation Department, as well as representatives from SMAHT, and the Randall Library Trustees, visited the High Rock Church in response to the recent request for Town interest in the property. It appears that the Recreation Department, Library Trustees, and SMAHT are all interested in potential opportunities at the site. The group agreed to request CPC administrative funds for an appraisal on the property ahead of the December CPC project deadline. The request was made and approved.

#### *Planning Board Scheduling*

Len Golder has requested that the Planning Board's meetings are moved to either Wednesday or Thursday nights until the end of the year, as his availability has changed. Members of the Board did not have availability to change from Tuesday nights in December, though agreed to meet November 20<sup>th</sup> rather than November 19<sup>th</sup>.

#### *Emergency Access Roads*

Valerie Oorthuys said that a resident has questioned how maintenance of emergency access roads are enforced, specifically looking at the accessibility of the access road at the Whispering Woods subdivision on Kettell Plain Road. Karen Kelleher confirmed that the emergency access road was not part of the Town's acceptance of Kettell Plain Road, though she feels that in the future the Town should be responsible for maintenance. The Planning Board agreed that in order to enforce maintenance, a letter would need to be sent to the Zoning Enforcement Officer, though it is not as clear if the decision does not explicitly state that maintenance is the responsibility of the Homeowners' Association.

#### **Public Hearings**

##### **Hammerhead Special Permit and Site Plan Approval, 152 Walcott Street**

*Present:*

Scott Hayes, P.E., Foresite Engineering

Lori Clark opened the public hearing for a Hammerhead Special Permit and Site Plan Approval at 152 Walcott Street.

*Karen Kelleher moved to waive the reading of the public hearing notice.*

*John Colonna-Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

Scott Hayes said the intent of the Special Permit is to create a hammerhead lot by carving off a buildable lot through the Subdivision Approval Not Required (ANR) process. The lot created is a level, buildable lot that would be given to the applicant's son to build a home on.

Karen Kelleher asked if the owner would be willing to grant a sidewalk easement along Lot 3, in order to connect two sidewalk easements. Scott Hayes noted that an easement along the ANR lot is not a requirement of that process, though he would see if the owner is amenable.

*Karen Kelleher moved to close the public hearing for a Hammerhead Lot Special Permit and Site Plan Approval at 152 Walcott Street.*

*Margaret Costello seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Special Permit and Site Plan Approval, 108-118 Great Road**

Lori Clark stated that the applicant has requested the Board continue the public hearing without testimony to provide additional time to complete a lighting plan and respond to Places Associates' review.

*Karen Kelleher moved to continue the Public Hearing for a Special Permit and Site Plan Approval at 108-118 Great Road without testimony to November 12, 2019 at 7:30pm.*

*John Colonna-Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Subdivision Approval Not Required (ANR) Plan- Plantation Apartments, 22 Johnston Way**

*Present:*

Greg Roy, P.E., Ducharme & Dillis

Karen Kelleher recused herself as a member of Stow Elderly Housing Corp (SEHC).

Greg Roy said that the ANR plan for Plantation Apartments represents what is included in the Zoning Board of Appeals' Comprehensive Permits for Plantation Apartments 1 and 2. SEHC originally planned to include the alteration of the 252 Great Road lot lines though this would have created a nonconforming lot. The ANR plan represents a land swap between Plantation 1 and Plantation 2, making the radius of the Zone 1 well lot more compliant while not detracting from the parcel which will provide water for Plantation 2.

Margaret Costello asked for more information about the timeline of construction. Mark Jones said that Stow Elderly Housing Corp will need to request the Board of Selectmen revise the Johnston Way covenant and an appeal from abutters to resolve prior to construction.

*Margaret Costello moved to endorse the Subdivision Approval Not Required plan for Plantation Apartments at 22 Johnston Way.*

*John Colonna-Romano seconded.*

**VOTED: 3-0 Unanimously in favor (Lori Clark, Margaret Costello, John Colonna-Romano- Yea; Karen Kelleher abstained).**

**Bond Reduction Request- Boxboro Road, Toll Brothers**

The Planning Board reviewed a request from Toll Brothers to release the bond for Boxboro Road. The Highway Department inspected Boxboro Road and provided their approval of the bond release.

*Karen Kelleher moved to release Toll Brother's bond for Boxboro Road.*

*John Colonna-Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Review and Release of Executive Session Minutes, 2000-2001**

Valerie Oorthuys said the Executive Session Minutes from 2000 and 2001 were each previously approved, though not released. Most of the minutes relate to lawsuits regarding wireless communications facilities.

*Karen Kelleher moved to release the Executive Session minutes from 2000-2001.*

*John Colonna-Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano- Yea).**

**Lower Village Traffic Safety Improvement Project**

Valerie Oorthuys said the project's two-week look ahead includes demobilization of the project. This week, work includes paving driveways and sidewalks, completing the pavement markings and installation of the textured asphalt at the medians. Valerie Oorthuys noted the Board's packets include a current description of the project budget, detailing construction funds as well as engineering, design, and legal funds.

Staff are working with the Highway Department to determine the costs and benefits associated with the Highway Department completing the installation of the infiltration system under the Lower Common next spring. Engineers at Green International Affiliates are assisting with a draft Request for Quotes for the related work.

Katie Fisher, 1 White Pond Road, said that water from 92 Great Road is running off onto 1 White Pond Road. Valerie Oorthuys said that Green International has been alerted to this issue and that the final top coat of paving may help improve drainage.

Katie Fisher said that the fence along her front yard has not been replaced and she would like to know the timeline for this work. Valerie Oorthuys said the Highway Department is working to contact a fence company to reinstall.

Mark Forgues, 9 White Pond Road, said he would like to know the difference in cost between the granite installed along the interior of the sidewalk along 92 Great Road and the cost of completing that work with asphalt.

Katie Fisher asked when the boundary markings would be replaced on her property. Valerie Oorthuys said that the engineer who placed the bounds has been alerted to this and is responsible for their replacement.

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys