

TOWN OF STOW
PLANNING BOARD

Minutes of the June 16, 2020 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Karen Kelleher, Len Golder, 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 June 9, 2020

Karen Kelleher moved to approve the minutes as amended.

John Colonna-Romano seconded.

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

Member's Updates

Mark Jones said the Zoning Board of Appeals plans to meet twice this week in the hopes of finalizing the decisions and waiver requests for the modification of the Comprehensive Permit for Plantation Apartments I and II.

Planner's Report

Complete Streets Projects

The Complete Streets Committee received one bid for construction of Old Bolton Road intersection improvements and Harvard Road pedestrian improvements. The bid was far above the budget for the projects and was therefore rejected. The State's Complete Streets Program will be contacted regarding a grant extension.

Lower Village Zoning Effort

The budget for the Lower Village Rezoning effort is contingent on funds allocated through Town Meeting, which has been postponed to a date in July. Consultants for the project will be contacted to alert them to the change in the project timeline.

Lower Village Improvement Project

A memo was sent to the Board of Selectmen on behalf of the Planning Board regarding planning for future parking improvements at the Lower Village Cemetery.

A memo was sent to the Board of Selectmen on behalf of the Lower Village Working Group regarding budgeting of legal fees for the project.

Collings Foundation Erosion Control Special Permit

Upon confirming that modifying the existing Special Permit would require a public hearing, the Collings Foundation has chosen to comply with the current decision. They are currently discussing

with the Conservation Commission whether their Order of Conditions should be modified to allow seeding rather than planting species in the meadowed area.

Hallocks Point Chapter 61 Withdrawal

Jesse Steadman said the Town has received notice for the Right of First Refusal for the land off Hallocks Point on Lake Boon. The Board discussed other Town bodies' potential interest in the land, agreeing that the Planning Board's response should indicate that the land has potential for forwarding the Town's affordable housing and open space goals. The land could offer a second access point to the lake and the Town's purchase could protect the last large undeveloped parcel on Lake Boon and would provide the Town full ownership of the boat launch off Sudbury Road.

Discussion with Building Inspector, 137 Harvard Road

Present:

Craig Martin, Building Inspector

Lori Clark said the purpose of inviting Craig Martin to the meeting is to clarify the history between the builder at 137 Harvard Road and the Town and to have a discussion about abutters' concerns.

Craig Martin said the builder was granted a Building Permit, though they have since been given a Cease and Desist and all inspections have stopped, meaning any work done is at the builder's risk. On June 2, the builder was given a stop work order on excavating and was issued fines. Craig Martin said that during a recent conversation, the builder indicated he is working with Foresite Engineering on an application for an Erosion Control Special Permit in order to come back into compliance.

Kathy Konno, 138 Harvard Road, noted that work is still being done. Craig Martin and the Board discussed issuing the builder further fines. Craig Martin agreed that additional fines could be issued based on correspondence from May 1, though he would like to visit the site again, with the Highway Superintendent. Craig Martin asked for a map to help estimate the total area of site clearing as a basis for enforcement.

John Mascia, 154 Harvard Road, asked if the property could be sold in its' current state. Craig Martin said that without inspections, an occupancy permit cannot be granted meaning that although no one could legally take up residence there, the property could be sold.

Craig Martin and the Planning Board agreed that the builders' work likely triggers both the Erosion Control Special Permit and Stormwater bylaws. Abutters to the project agreed to take photos to show continued work on site while the Cease and Desist is still in place. Craig Martin agreed to get additional fines on record.

Discussion with Fire Chief, Fire Protection in Lower Village

Present:

Joe Landry, Fire Chief

Lori Clark said the purpose of inviting the Fire Chief is due to a miscommunication around needed fire protection during the recent public hearings for redevelopment of the former Beef N'Ale at 108-118 Great Road and to discuss how information is collected for future applications.

Joe Landry said that State Laws related to fire protection measures in fact are not as strict in Towns without municipal water, meaning that requiring items such as sprinklers or cisterns is not within

the Town's authority. The redevelopment of 108 Great Road will add 6,000 square feet to the current building footprint, putting it within the threshold of necessitating sprinklers if the Town had public water. Lori Clark said that while the wording of the comments received weren't interpreted this way, the project at 108 Great Road has not yet begun and the public hearing can be re-opened to modify the permit to include fire protection. The Fire Chief said that case law in the state shows that requiring the sprinklers can be challenged. However, if there is fire in Lower Village water would need to be trucked onsite.

John Colonna-Romano asked if the owner could save money on insurance if a cistern were installed to serve both 108 and 118 Great Road. Joe Landry said the Town now has an ISO rating of 6, so any savings is likely negligible.

The Board discussed the tension between needing increased fire protection in Lower Village and pushing a single land owner to install infrastructure that would benefit the Village as a whole. Jesse Steadman noted that on the warrant for Town Meeting is acceptance of a parcel of land in Lower Village. Ownership of the parcel provides the opportunity for the Town to do its due diligence around the installation of a cistern for Lower Village fire protection. The Fire Chief said that typically the cost of installing cistern is two dollars per gallon so a 30,000 gallon cistern would cost roughly \$60,000. Joe Landry said that even without the development of 108 Great Road, a cistern would be needed in Lower Village.

Megan Birch-McMichael asked if State laws require cisterns for fire protection under any circumstance. Joe Landry said the laws only describe sprinkler requirements.

Megan Birch-McMichael asked how fire protection could fit into a vision of providing municipal water to businesses in Lower Village. Joe Landry said that the infrastructure for water for firefighting purposes is different from infrastructure for public water, so while fires cannot be fought off of town water mains, the Town and its businesses would be required to follow certain State laws around fire protection.

Len Golder said he feels a cistern is needed in Lower Village and that cost sharing between land owners and the Town should be explored.

The Board discussed whether to modify the 108-118 Great Road decision, understanding that sprinklers cannot legally be required and that additional financial expense may impact the development of the site. The Fire Department may be willing to share the cost of installation of a cistern and the Board noted there may be grants available as well. Joe Landry said he would continue his conversations with the land owner.

Active Adult Neighborhood Bylaw Update

Jesse Steadman said a draft of the AAN bylaw would be provided to the Board for comment ahead of their next meeting. Both the Conservation Commission and Stow Municipal Affordable Housing Trust were contacted for comment on the revision.

Habitech, Inc. has not yet rescheduled a time to continue discussions with the Board regarding developing land off Athens Lane. Karen Kelleher noted this may be due to their work to complete their audit of Villages at Stow, a final step in the Comprehensive Permit process for that development.

Lower Village Traffic Safety Improvement Project

Jesse Steadman said the Town has a construction administration contract with Green International, though this does not seem necessary if the Highway Department is completing the work.

Jesse Steadman said the project still has three main outstanding items: the infiltration basin, stormwater runoff improvements at 92 Great Road, and the steps at 196 Great Road. Jesse Steadman said that once the plans for 92 Great Road are reviewed by Places Associates, they will be discussed with the land owner.

Executive Session in Accordance with M.G.L. Ch. 30A s.21(a)(3) for the purpose of discussing strategy with respect to ongoing 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 to discuss potential litigation and to adjourn the regularly scheduled meeting of the Planning Board thereafter.

Len Golder seconded.

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

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys