

TOWN OF STOW  
PLANNING BOARD

Minutes of the November 17, 2020 Planning Board Meeting

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

Voting Associate Member: Mark Jones

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

**Discussion of Meeting Minutes**  
**Minutes of November 10, 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.**

**Correspondence**

Jesse Steadman discussed correspondence from Steve Nadeau, Highway Superintendent, concerning improvements to the visibility of the traffic islands in Lower Village. Jesse Steadman explained the repeated damage to the pedestrian islands from vehicles hitting the island and taking out the signs. The Highway Superintendent is leaning towards a reflector type marker, or a stamp around the base of the island.

**Member's Updates**

None

**Public Hearing**

**Continuance of Hammerhead Lot Special Permit | 44 Hiley Brook Road**

*Present:*

Scott Hayes, Foresite Engineering

Michael Teliszewski, Abutter

Christina Siniawski, Abutter

Lori Clark called the Public Hearing for a Hammerhead Lot Special Permit at 44 Hiley Brook Road to order at 7:30pm.

Karen Kelleher stated at the last meeting there was more concern over Lot 1, and not the Hammerhead lot. Karen Kelleher asked whether a shared driveway for the properties could reduce the amount of clearing at the frontage of the property. Margaret Costello asked if there could be a buffer created for Lot 1. Lori Clark said creating the Hammerhead Lot enables the creation of an ANR lot. Len Golder asked if the Board could make conditions on Lot 1 contingent within the approval of the Hammerhead Lot Special Permit. Lori Clark commented she would like Town Counsel to review the question.

Karen mentioned the road is narrow and there is concern regarding the construction of lot 1, adding the possibility of a common driveway easement connection to Lot 1 from the Hammerhead

lot may alleviate the concern. John Colonna-Romano stated his concerns over the ability to add a buffer to Lot 1 if nothing is written now in the decision. Scott Hayes, of Foresite Engineering, represented the applicants, James and Janis Dow. He raised concern over the discussion of Lot 1, saying that the application is about the Hammerhead Lot and not the ANR lot. Lori Clark replied that the concern raised by abutters is that the approval of the Hammerhead lot creates another lot as well. . The focus is still on what can be done to mitigate the impact.

Lori Clark opened the hearing up for public comment. There was no public comment.

Mark Jones asked whether the ANR lot could be the subject of conditions. Jesse Steadman stated that in his view, lot 1 is not an ANR lot until such time as an ANR application is filled out and the Board endorses the plan. Given that such processes, have yet to take place, Jesse Steadman indicated he believed that Lot 1 was a logical consequence of the Special Permit and something that could receive conditions. However, he added, he believes Town Counsel should weigh in given the amount of case law on the ANR topic.

Mark Joes asked if the Board could specify a condition that deals with the stream that runs at the back of the property. Jesse Steadman said that he and the Conservation Coordinator have reviewed the plans and he does not believe the Conservation Commission has any jurisdiction. John Colonna-Romano brought up the utility lines. Scott Hayes verified they are underground. John Colonna-Romano questioned the possibility of the easement and location of the lines. Margaret Costello asked about sidewalks. Jesse Steadman replied saying the Hammerhead Lot would follow sidewalk requirements. Lenny Golder brought up safety concerns. Jesse Steadman stated there is no safety issues with sight lines for the Hammerhead Lot, however there could be potential safety impact by the creation of Lot 1. Scott Hayes said that these restrictions on Lot 1 may impact prospective buyers. Scott Hayes explained that the property is a 10 acre tract of land that could have conceivably been presented as a subdivision instead of 2 lots and that this is a good proposal.

Margaret Costello asked Scott Hayes if he was opposed to a shared driveway, in which he answered yes. Scott Hayes further noted that he does not believe conditions can be placed upon Lot 1 as it is subject to the ANR process and not the Special Permit process. Margaret Costello stated her concerns for the abutters and would like to see if there was a way to keep the scenic view. Scott Hayes discussed the driveway. Michael Teliszewski raised concerns adding 30 Hiley Brook Road is another property where a Hammerhead Lot was created and clear cut. John Colonna-Romano asked Scott Hayes about setbacks from the easement and house. Lori Clark reiterated that it may be within the Board's Authority to condition the extent of clearing in the front of the lot or the creation of a shared driveway to minimize effect of roadway vista, but the ability to do so needs to be confirmed by Town Counsel.. Lori Clark noted that Planning Board members are attempting to determine if conditions can be placed upon Lot 1 and are running the hearing in a way that provides a broad range of input and ideas, so that when the information from Town Counsel is received they will be able to translate the input into a Decision.

**Karen Kelleher moved to continue the hearing to December 1st, 2020 at 7:30pm**

*Len Golder seconded.*

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

### **Joanne Drive Construction Update**

Chuck Black, Kendall Homes

Chuck Black from Kendall Homes explained that he and Kathy Sferra, Conservation Commissioner completed a site visit, reviewing the canoe landing and installed erosion controls. There will be 7 houses built on 10 acres of the 35 acre subdivision. Chuck Black met the neighbors off Sudbury and Forest Road and plans on starting the initial site work and cutting trees. Chuck Black explained the details behind the approved fire cistern, letting the board know that the lots were approved by the Conservation Commission and Board of Health. Chuck Black indicated he would like to begin home construction in the near future and create a Restrictive Covenant to release lot 1 for a model home. Karen Kelleher asked about the Performance Guarantee. Jesse Steadman answered it is written in the decision. Chuck Black added that the developer will be paying cash for the road and first home asking if the Board would waive the initial performance guarantee. Lori Clark replied the condition is written in the decision therefore we cannot waive it without a minor modification, and asked Jesse Steadman to look at a proposal that is fair and logical.

Abutters Scott and Krista Bracci commented on the conversation they had with Chuck Black adding they like what he is doing and how he is including them.

### **108-118 Great Road Special Permit Minor Modification**

Jesse Steadman explained the decision was already approved and now is ready for signature.

### **Spring Hill Estates Escrow Agreement**

Chris Alphen, Esq.

Jesse Steadman said the bond estimate for the top coat of pavement along the common driveway and any necessary pavement improvements to the sub-base is set at the 150% level required in the Subdivision Rules and Regulations. Karen Kelleher questioned who would be responsible for the inspections, and should there be a note on the deed or the purchase and sale about that? Chris Alphen said to satisfy the requirements he would add something in the deed for the buyer. Len Golder asked whether there would be another HOA, along with corresponding fees to ensure that someone will be responsible for future costs. Karen Kelleher and Lori Clark both raised concerns over resale of properties, clearly stating it should not be up to the board to chase down builders, and individual home owners. Karen Kelleher noted that both the cistern and road should be responsibilities of the HOA. Lori Clark wanted to make sure that there is a full understanding regarding how the inspections will take place and where the funds will be coming from.

*Karen Kelleher moved to approve Spring Hill Estates Performance Guarantee  
Len Golder seconded.*

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

### **Planner's Report**

#### *Transportation Update*

Jesse Steadman updated the Board on his interest in the Community Connections program to help provide additional funding for the Commuter Shuttle launch.

#### *Collings Foundation*

Jesse Steadman reported on the recent site visit to the excavation area that was subject to the recently approved Erosion Control Special Permit, noting that the required plantings had been installed and the area had been graded in accordance with the Plan using GPS technology. Jesse

Steadman said he will be following up with the Collings Foundation regarding some of the outstanding conditions observed on the sitewalk.

*Kane Land*

Jesse Steadman updated the Board on the status of the Kane Land trail development, noting that a group of residents would be putting forward an application to the Community Preservation Committee.

*Lower Village Zoning*

Jesse Steadman noted that the Board has some additional questions to ponder in advance of the consultants providing additional feedback.

Meeting Adjourned.

Respectfully Submitted,

Susan Ostrander