

TOWN OF STOW
PLANNING BOARD

Minutes of the December 1, 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 17, 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

Len Golder commented on the letter from Leigh Hilderbrandt asking if the reason for the letter was in regards to the buffer to her property lines. Lori Clark indicated that has been her concern and she confirmed with Jesse Steadman the zoning setbacks for businesses. Karen Kelleher commented that her concern regarding the business zoning district is making any changes that would have a direct effect on the business district given it is such a small size already. The Planning Board agreed to draft a letter in response to Ms. Hilderbrandt.

Karen Kelleher commented on the Fire Chief's memo regarding the Jillians Lane common drive. Jesse Steadman said the Chief's concerns were brought up after the permit was issued.

Margaret Costello commented on the Spring Hill Estate correspondence, asking what the pictures represent. Jesse Steadman said the markers represent the easement bounds of the pedestrian easement off the Common Driveway. Margaret Costello asked about parking and if the walk will have a direct access from Walcott Street? Jesse Steadman said there is no direct access to the walk, and that the development originally showed a couple of parking spots, but that they were not included in the final plan. Margaret Costello replied that she would like to see access from a public way to public lands preserved as part of the development. Karen Kelleher said at the time when the initial decision was completed the planning board did not include verbiage about inspections. Jesse Steadman said he let Chris Alpen know to include the escrow agreement language in the minor modification request.

Jesse Steadman commented on the pictures of the paving work at 92 Great Road, saying he wanted the Planning Board to see the final result. Jesse Steadman said he walked the area and the grades were modified correctly, and that we have not heard anything from the abutters.

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

James Dow, Applicant

Janis Dow, Applicant

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

Lori Clark opened the meeting looking for input from Town Counsel. Jesse Steadman stated that he has yet to receive a response from Town Counsel. Jesse Steadman noted that any associated legal costs will be the applicant's responsibility. Jesse Steadman said depending upon if the response is simple we could continue to next week. Scott Hayes said his concern is regards putting conditions on a lot to be endorsed through the Approval Not Required process. Scott Hayes said we cannot create the ANR for lot one until the Special Permit for the Hammerhead Lot for 44 Hiley Brook is approved. Lot one is not part of the proposal. Scott Hayes said he would like to keep Lot 1 out of the Special Permit for the Hammerhead Lot as lot 1 falls under the ANR provisions of the state statute.

Len Golder said there is a "For Sale" sign on the property. Michael Teliszewski answered the listing is on MLS shows 8.5 acres. Scott Hayes answered the house cannot be sold until a special permit is granted. John Colonna Romano said last time we met there was discussion regarding the potential for a common driveway. Scott Hayes answered the owners are not amenable to the common drive creation. Applicant James Dow said that the property is not listed until the Hammerhead Lot is completed. Jim Dow asked what are the primary issues of the abutters? Michael Teliszewski said he had concerns over the lot clearing, safety conditions along the road regarding construction, and the current condition of the bridge.

Lori Clark said at the last hearing the Board was looking at the impact granting the special permit would have on the abutters as a whole, including views and infrastructure. The reason for discussing with Town Counsel was to verify what authority the board has to mitigate the impact. Jim Dow said the board cannot do anything. Margaret Costello said as a Board we want to hear what all residents have to say and help to come up with a resolution. Karen Kelleher asked the applicants about an agreement to a buffer and common drive. Jim Dow answered the driveway is not feasible and the property has enough frontage to have their own driveway. Jim Dow continued saying a buffer can create a problem coming out on to Hiley Brook Road, and currently there has never been an accident. Jim Dow said he is selling the land and any issue regarding a buffer has to be taken up with the owners of the land.

Lori Clark said the whole conversation hinges on the Town Counsel statements. Karen Kelleher said we need the applicant's permission to continue. Karen Kelleher if the applicant does not agree to a continuance we can close and render a decision. Scott Hayes recommended to the owners to agree to a continuance.

Len Golder moved to continue the hearing to December 8th, 2020 at 8:30pm

Karen Kelleher seconded.

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

137 Harvard Road | Erosion Control Special Permit Consultation

Scott Hayes, Foresite Engineering

Present:

Jon Mascia

Kathy Konno

Jesse Steadman said Scott Hayes was not present and the Planning Board has not received the Erosion Control Special Permit. Kathy Konno asked if Scott Hayes was supposed to be present. Lori Clark said he is not here and there is no obligation to have a conversation. Kathy Konno said she was curious if the plan includes both sides of the property. Jesse Steadman answered saying that the Zoning Bylaw clearly states that by definition a “site” can contain more than one parcel.

Jon Mascia said his concern is over the clear cutting and asked if there is any thought of creating a buffer at the property line, as the new tree growth is limited. Lori Clark said we do not yet know what they are proposing to do. Lori Clark said when the Board looks at development we require no increase in the rate or volume of runoff from the site. Jesse Steadman explained the process of figuring out the rate of runoff, grading, and erosion control. Jon Mascia asked about building permits. Lori Clark answered the permit would have to be modified if they want to propose a home.

Joanne Drive Affordable Unit

Steve Bjorkland

Steve Bjorkland explained to the board that he was looking to purchase an affordable unit at Elmridge Road and place a permanent deed restriction on the property, given that the units at Elmridge Road currently have only a term restriction of affordability set to expire. Steve Bjorkland explained the owner’s situation is that she may be losing her home in foreclosure by the 15th of January 2021. Steve Bjorkland indicated he would like to buy the existing mortgage out and set the mortgage payment to what the owner could afford; she would be able to stay in her home. The developer would purchase the home and asked for something in writing from the Planning Board saying if we can get a restriction on the home he is going to pay off the mortgage.

Len Golder said this is excellent creative thinking. From a political standpoint it is sometimes hard to get the public to accept an affordable unit and from a human standpoint the owner can stay in their home.

John Colonna-Romano said he liked the idea, and the human factor is incredible. John Colonna-Romano asked more about the unit, will it count on the town’s affordable unit inventory, when the deed will run out and how to keep it in perpetuity. Jesse Steadman said he is going to verify with Housing that this concept is acceptable. Margaret Costello asked about the dollar for dollar value. Jesse said the dollar amount will be less than the \$234,000.000 required via the fee-in-lieu provisions required by Section 8.9.

Will she be able to stay in the unit or will the unit go into a lottery, Jesse Steadman said is key question. Karen Kelleher said the idea provides a good benefit, especially since we would lose the home and this way we can keep it on the Town’s Subsidized Housing Inventory (SHI). Karen Kelleher asked if Jesse had spoken to anyone besides the board. Jesse Steadman said there are three things that would need to be confirmed before he could recommend the Board move forward with the process: the Board would need confirmation regarding the condition of the unit; the unit has to meet DHCD standards, and the Board will need to determine if the owner can stay in her home. Lori Clark said she likes the idea. Jesse Steadman said he wants to make sure that the

timeline is acceptable and hopes to hear back from Metrowest on the regulatory implications of the proposal.

Steve Bjorkland said he would hate to see the owner taken out of the unit if there is a way to keep her there. Margaret asked how Steve Bjorkland made contact with the owner. Steve Bjorkland said he is a developer in the south shore area who is very concerned with affordability and helping people. Steve Bjorkland explained his process of looking at the home's condition in specific subdivisions. Steve Bjorkland mentioned that it would take a special permit modification to accomplish the goals. Karen Kelleher said she wanted to make sure we are following the Zoning Bylaw. Jesse Steadman indicated he will follow up with DHCD, the Stow Municipal Housing Trust and Metrowest Collaborative Development, the Town's housing consultant for further consultation on the process.

Karen Kelleher moved that the board create a letter of support for the affordability process described by Stephen Bjorkland, contingent on that the house will count as part of the affordable housing inventory and that the current owner can stay in the unit.

Len Golder seconded.

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

Stow Greenhouse Gas Inventory

Present:

Arnold Epstein – Stow Energy Manager

Lee Cooperider – Resident and member of Sustainable Stow

Arnold Epstein presented a power-point presentation on Stow Greenhouse Gas Inventory.

Len Golder commented on various concepts of inclusion, including crating a sliding scale excise tax based upon fuel efficiency. Arnold Epstein said there are opportunities for those who purchase electric vehicles.

John Colonna-Romano asked about upcoming sessions and town regulations. Arnold Epstein said that Brookline is working on town regulations. Lori Clark asked about State and Federal level involvement with programs.

Vote on Planning Board Representative to Sign Decisions

The Board discussed how to simplify the process for signing decisions efficiently when the Town Building is closed. Karen Kelleher indicated that in the vote of approval or denial of a permit, the Board can indicate who may sign on the Board's behalf as recommended to the Zoning Board of Appeals by Town Counsel.

Planner's Report

Jesse Steadman provided the Board with updates on the following topics:

- Complete Streets Committee budget considerations
- Lower Village Pedestrian Refuge Island Safety Markers
- Status of Community Connections Grant Application
- Rejection of MAPC Climate Resiliency Grant
- Update on Collings Foundation Sitewalk

- Discussion of upcoming budget items
- Update on Regency at Stow walkway construction
- Successful resale of affordable units at Villages at Stow and Arbor Glen
- Concept plans submitted for Track Road

Meeting Adjourned.

Respectfully Submitted,

Susan Ostrander