

TOWN OF STOW
PLANNING BOARD

Minutes of the June 29, 2021 Planning Board meeting

Planning Board members present: Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano,
Mark Jones, Nancy Arsenault

Lori Clark joined by Zoom

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

Chair Lori Clark delayed review of minutes and the Planner's report to make time for other agenda items.

Hallock Point ANR

Conservation Commissioner Kathy Sferra presented the Plan Not Requiring Approval Under the Subdivision Control Law (ANR) to the Board. Kathy Sferra explained that the plan would divide the land on Hallock Point acquired through a vote at Annual Town Meeting to create two new lots that would be sold and developed into single-family housing.

John Colonna-Romano noted that the two housing lots had been reconfigured as to remove any frontage on the Lake Boon Shoreline. Kathy Sferra said this had been done to ensure adequate space for a future walking path along the lakefront. John Colonna-Romano asked where driveways for new houses would be located. Kathy Sferra said they would be located on Hallock Point Road in order to preserve no-cut buffers along the Sudbury road frontage. Karen Kelleher asked why the no-cut buffers were different widths on the two lots. Kathy Sferra said that septic constraints on the proposed lot 7A made it impossible to maintain a full 60 ft no-cut buffer.

John Colonna-Romano asked if there was anything that would make the house placement more specific for this case. John Colonna-Romano asked the Planning Board if there were any sensitivities regarding placement of new houses on the two lots. Karen Kelleher said there was nothing for this plan that could apparently be sensitive, as the layout creates new buffers. Kathy Sferra said that the existing 100 ft buffer from the Lake Boon shoreline already restricts the developable areas of the lots, and that other site constraints make only small areas feasible to build upon.

Town Planner Jesse Steadman confirmed that the Plan meets the requirements of the Stow Rules and Regulations Governing the Subdivision of Land, and that all required notes and features labels are present on the plan.

Karen Kelleher moved to approve the ANR plan dated June 22, 2021 and to authorize Jesse to endorse the plan on the Board's behalf

John Colonna-Romano seconded

***Roll Call Vote:** Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Nancy Arsenault -**Yea**

**Margaret Costello was not present for this vote due to brief technical issues*

1 White Pond Road Area Drain

Jesse Steadman provided a brief summary recent correspondence regarding the area drain behind the sidewalk at 1 White Pond Road. Jesse Steadman said the drain had been installed behind the right of way in 2019 to mitigate water flowing across the property, particularly from potential snow melt off in the winter. Jesse Steadman said the drain was necessary at the time because the road grades were raised to allow for sidewalk reconstruction. Jesse Steadman told the Board that the Highway Department's preferred solution is to cover the drain with landscaping fabric and to be loamed and seeded, so that the drain would not be visible but could still be functional during heavy rain or snow melt.

John Colonna-Romano said that the drain should be allowed to continue functioning, given its recent installation. Katie Fisher said that the drain is no longer collecting water, and that she wants to see the drain removed so that she would not need to risk liability for any discharges into it from the neighboring auto dealership. Mark Forgues and Katie Fisher said that the Lower Village construction work had not been completed on their property, as there is a strip of land between their fence and the sidewalk that had not been loamed and seeded. Jesse Steadman said that final loaming and seeding had not been completed by the Highway Department because they are waiting on final determination about what to do with the drain.

Jesse Steadman said that a temporary construction easement had been granted for the construction of the area drain, but that no permanent easement had been recorded, meaning the drain was partially within Katie Fisher's property.

The Board agreed to conduct a site visit to determine the best solution for both the area drain and any other work that still needed to be completed.

Public Hearing – Erosion Control Special Permit – 137 Harvard Rd

Karen Kelleher moved to waive the reading of the notice of public hearing
Margaret Costello seconded

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Planning Board members introduced themselves.

Lori Clark informed all attendees that the hearing would remain open and be continued to a later date because final plans had not yet been received and reviewed by the Planning Board and their consulting engineer.

Rich Harrington introduced himself as the site engineer and representative of the applicant. Rich Harrington said he had met with some of the abutters to the property to better understand their concerns regarding storm runoff and flooding.

Rich Harrington said that much of the site was re-vegetated following prior clearance activities, and that the hill side is now stable. Rich Harrington said that past site improvements that resulted in the clearance were typical activities needed for resale of a house, which included septic and gas connection

improvements. Rich Harrington said that basic erosion controls had been installed at the toe of the slope in the interim. Rich Harrington said that any flooding or increased runoff along Harvard Road has more to do with maintenance in the public right-of-way than with site work at 137 Harvard Road. Rich Harrington requested that Jesse Steadman, Highway Superintendent Steve Nadeau, and members of the Planning Board join him for a site walk to best determine what maintenance can be done to ensure proper conveyance of stormwater runoff to stormwater management infrastructure downgrade from the site.

Karen Kelleher asked if there is any evidence that site clearance has increased the rate or volume of runoff from the property. Rich Harrington said that he could not speak to the site characteristics before work was commenced last year, but that he nonetheless believed the vegetation clearing would not have significantly altered the rate or volume of water running off the hillside.

Kathy Konno (138 Harvard Road) said her family had purchased their house 7 or 8 years ago and that historically there had been only been a couple days of flooding past their property during heavy rains. Kathy Konno said once work started at the site 14 months ago there has been an increase in runoff from the site. Kathy Konno said that Rich Harrington had suggested some landscaping measures for her property that would assist with stormwater infiltration, but that she does not think it should be incumbent on her to address the stormwater issue. Kathy Konno said the flooding in her and neighbors' yards is creating a public safety hazard.

Applicant John Giordano (137 Harvard Road) said he is not creating new water flow from the site. John Giordano said that one of the new drainpipes conveys water from foundation perimeter drains, and the other conveys water from the gutter downspouts. John Giordano said that none of the site improvements would introduce as much water down grade as abutters have reported.

Jon Mascia (153 Harvard Road) said that stormwater runoff onto his property has notably increased compared to past years. Jon Mascia said that he has been dealing with stormwater runoff for the past 7 years, and that clearing activity on 137 Harvard Road has amplified the problems on his property. Jon Mascia said that 137 Harvard Road was only revegetated with grasses and undergrowth, and that the removal of trees had altered the flow of stormwater across the site. Jon Mascia said that the runoff and flooding created a major safety hazard, especially when that runoff freezes in the winter. Jon Mascia said there should be a more permanent solution to this flooding that addresses the whole watershed, including the Wedgewood Pines Country Club up gradient from 137 Harvard Road.

Karen Kelleher said that the runoff from Wedgewood is a separate matter and not something that could be properly addressed as part of this Special Permit. Lori Clark said that any issues concerning Wedgewood Country Club would warrant another agenda item in the future.

Karen Meyer (9 Wedgewood Road) said that she had not previously heard an assertion that the runoff onto Harvard Road was coming from Wedgewood Pines Country Club. Karen Meyer said that the erosion control for this permit should be folded into a larger discussion about Wedgewood Pines. Karen Meyer said that maintenance of the right-of-way would not provide a permanent solution to the observed flooding.

Rich Harrington said that he has not observed any soil erosion on site or from Wedgewood Pines. Rich Harrington said the issue of flooding on Harvard Road has more to do with maintenance of the road shoulder than any increase in runoff from either 137 Harvard Road or Wedgewood Pines Country Club.

Rich Harrington said that he believed the permit could be withdrawn without prejudice once some additional erosion controls were installed and the Town conducted some maintenance on the right of way and stormwater infrastructure.

John Colonna-Romano said that the Board should schedule a site visit. Nancy Arsenault suggested that the Highway Dept be involved in the visit. John Colonna-Romano said that the Board had been made to understand that clearance had somehow affected the rate or direction of stormwater flow from the site. John Colonna-Romano asked Rich Harrington if the clearance might have affected the rate or direction of runoff. Rich said he could not speak to that, having become involved with the site after vegetation clearance had already taken place, but that he did not believe that there is an erosion issue at the site.

Lori Clark requested that an updated plan be provided as soon as possible to provide adequate time for the Board's consulting engineer to review. Rich Harrington suggested that the hearing be continued to July 27 to allow adequate time to make the necessary plan updates.

The Board agreed to continue the hearing to allow time for a site visit and review of the drainage on the public right-of-way.

Karen Kelleher moved to continue the hearing to July 27, 2021 at 7:30pm
Nancy Arsenault seconded

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Joanne Drive – Phase 1 Escrow Agreement Release Signature Authorization

Jesse Steadman explained a vote was needed to authorize a Board member to sign the amendment to the escrow agreement for Phase I of Joanne Drive which authorized a partial release of funds for completed work on the fire cistern.

John Colonna-Romano moved to authorize Karen Kelleher to endorse the amendment to the escrow agreement in the amount of \$75,312, authorized at the previous meeting.
Nancy Arsenault seconded

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Joanne Drive Phase II Escrow Agreement and Approval

The Board reviewed the language of the proposed escrow agreement for Phase II of Joanne Drive, and noted that the agreement would address only a portion of the remaining roadway improvements. Board members noted that the review of draft agreement from the Board's consulting engineer appeared to describe this second phase of performance agreement as if it covered the rest of the road work for the subdivision. The Planning Board requested that a new Phase II Escrow Agreement be prepared that covers the full extent of remaining road improvements.

Nan's Market Special Permit Deliberation – 271 Great Road

The Board reviewed the most recent DRAFT special permit decision. The Board agreed to take a final vote on the decision at the following meeting on July 13 to allow time for staff to make necessary edits.

Meeting Format

Jesse told the Board that they have discretion over the meeting format. Lori reminded the Board that under new regulations, they do not need an in-person quorum. Jesse suggested that there be a policy if the Board elects to continue the hybrid format to ensure enough people attend the in-person portion. Lori said that the policy does not need to be one way or the other, and certain meetings could be a hybrid and allow for others to be remote. John Colonna-Romano suggested the Board continue the hybrid format, noting that he would prefer to be allowed remote participation in colder months.

Karen Kelleher said that she wants to be mindful of preferences of residents and noted that attendance and participation in Planning Board meetings had increased since remote participation became available. Nancy said she preferred the hybrid format. Board members agreed that there are clear benefits to the hybrid format. Board members agreed that there should be a policy in place to ensure in-person attendance from Board members. Jesse Steadman suggested that Assistant Planner Malcolm Ragan check in with Board members when packets are sent out or when the meetings are noticed. Karen Kelleher commented that it would be a challenge for staff to track exactly which members would be attending each meeting.

Margaret Costello agreed with John Colonna-Romano that there should be an option for remote participation during bad weather. Katie Fisher said she does not like losing the in-person public interaction. Lori Clark said that the hybrid format comes with technical challenges and it can be challenging to hear and see attendees.

Dorothy Flood-Granat commented that remote participation makes it much easier to see people's faces and easier to hear all participants. Dorothy Flood-Granat asked what the difference in level of participation was compared to the pre-Covid era. Lori Clark said there had been a significant increase.

John Colonna-Romano suggested that public hearings be held in a hybrid format and other meetings entirely by Zoom. Lori Clark raised the issue of presenting plans in hybrid meetings. Karen Kelleher commented that virtual meetings often make this part of presentation easier.

The Board agreed to conduct most meetings entirely remotely, except for public hearings which will be conducted by a hybrid format.

Margaret Costello moved to adjourn

Nancy Arsenault seconded

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Respectfully submitted,
Malcolm Ragan