

TOWN OF STOW
PLANNING BOARD

Minutes of the September 12, 2017 Planning Board Meeting

Planning Board Members Present: Ernie Dodd, Margaret Costello, Len Golder, Karen Kelleher

Voting Associate Member: Mark Jones

Associate Member: John Colonna-Romano

Absent: Lori Clark

Ernie Dodd called the meeting to order at 7:00pm.

Discussion of Meeting Minutes

Minutes of August 22, 2017

Karen Kelleher moved to approve the minutes as amended.

Margaret Costello Seconded.

VOTED: 3-0 Unanimously in favor (Ernie Dodd, Margaret Costello, Karen Kelleher-Yea).

Public Input

None.

Correspondence

The Board discussed a letter to Toll Brothers regarding the payment in lieu of affordable units. Karen Kelleher noted that additional building permits should not be issued until the payment is received.

Karen Kelleher noted the Zoning Board of Appeals public hearing for a variance from dimensional regulations to build a house on a non-conforming lot, saying that the lot merger doctrine may inform the decision.

Member Updates

Mark Jones reported that he sat on the Zoning Board of Appeals during their public hearings last night, and that he would like to step back as a Planning Board Voting Associate Member in the next month or so.

Len Golder arrived.

Planner's Report

Regency at Stow

Jesse Steadman reported that Building Permits are currently not being issued until the first 1/3 payment in lieu of construction of the three affordable units at Regency is provided. Jesse Steadman said he has advised Toll Brothers in writing that a calculation of their first payment be submitted along with the payment for review.

Jesse Steadman said he spoke with Bill Keaton regarding utilities at the project. Hudson Light and Power is seeking to install a pole just south of the current main entrance, involving the clearing of trees and vegetation to a distance wide enough to fit two large pickup trucks. The pole will bring electric service to the interior of the site before it is routed underground.

Comprehensive Permits

Jesse Steadman noted that he attended the Zoning Board of Appeals hearings on the applications for the Pine Point and Plantation II Comprehensive Permit filings. Jesse Steadman said the Zoning Board of Appeals took seriously the Planning Board's recommendation to have the project peer reviewed. The Pine Point project was continued to September 25th and the Plantation II project was continued to October 16th. Jesse Steadman said he will be assisting the ZBA in managing the peer review process. Project managers of both projects intend to provide responses to the Planning Board's memo.

Website

Jesse Steadman said that Valerie Oorthuys has been working hard to update the Planning Board website ahead of the Friday "go live" date. Jesse said that he and Valerie will be updating content and reorganizing the links to make the Planning Board's page more user friendly.

Complete Streets

Jesse Steadman said that the Board of Selectmen will be voting to appoint members to the Complete Streets Committee this evening ahead of the commencement of the Prioritization Plan. Jesse Steadman said he is working with the Town Administrator on finalizing the contract with the Consultant.

77 White Pond Road

The Public Hearing for the Erosion Control Special Permit at 77 White Pond Road is scheduled for September 26th. The Board's consulting engineers at Places Associates noted that they are in the process of reviewing the plans and have a few recommendations to make the project more efficient.

Temporary Recreational Marijuana Moratorium

Jesse Steadman said that the Attorney General's office has accepted Stow's Temporary Moratorium, which will expire in November 2018.

Public Hearing

Definitive Subdivision Plan and Planned Conservation Development and Erosion control Special Permit and Site Plan Approval- Joanne Drive

*Karen Kelleher moved to waive the reading of the Public Hearing notice.
Margaret Costello seconded.*

VOTED: 5-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher, Mark Jones (Voting Associate Member)-Yea).

Present: *Rich Harrington, Stamski and McNary, Inc.*

Rich Harrington reviewed the details of the application and plan for Joanne Drive, noting changes since the approved preliminary plans. Rich Harrington said that the proof plan provided shows that the land can yield 7 lots.

Rich Harrington said that the land is above the floodplain, though some of the proposed open land is within the Water Resource Protection Overlay District.

Rich Harrington said that the proposed open land is at the end of Joanne Drive, along the southern property line. The open space is 26.2 acres and is proposed to be maintained through the Homeowner's Association.

Rich Harrington said that per the Planning Board's revised Subdivision Rules and Regulations, the home on Lot 1 would need to be placed greater than 100 feet from an existing building, outside of the plan locus.

Rich Harrington discussed the slope of the parcel, saying that it is higher at Sudbury Road, and then drops downward toward the river. Showing the curvature of Joanne Drive, Rich Harrington noted the location of drainage infrastructure. Rich Harrington said that the road would be superelevated around the cul-de-sac and at the intersection with Forest Road.

Rich Harrington reviewed the stormwater provisions as well as the radii for the septic systems and wells. Rich Harrington noted the intermittent stream crossing on the parcel, and said that the crossing would have an open box culvert. Rich Harrington noted existing culverts that would be replaced with larger pipes.

Rich Harrington said that the site would have typical street trees.

Len Golder asked about the percentage of wetlands and the percentage of buildable land on the parcel. Rich Harrington said that no more than 10.3% of the Open Land is in wetlands, and that roughly 72% of the total site acreage is open land, both of which conform to the Planned Conservation Development Bylaw.

Len Golder asked about the distance between the proposed house lots and abutting house lots. Rich Harrington said that the direct abutters include Honey Pot Orchards, one house off of Forest Drive, and two straddling Joanne Drive.

Len Golder asked about the slopes on the parcel. Rich Harrington said that slopes are generally between 2 and 4%, though a small part of the lot is 7%.

Len Golder asked about the inclusion of affordable housing. Rich Harrington said that the application does not currently include affordable housing, and that if deemed necessary, the applicant has options.

Public Comment

Pierie O'Connor of 62 Sudbury Road asked about the affordable housing component to the plan. Ernie Dodd responded that developments that create six or more housing units must provide affordable housing, either by building it on site, building in another location, or providing a fee in lieu of the unit through a calculation specified by the Department of Housing and Urban Development. That money goes to the Stow Municipal Affordable Housing Trust to build affordable houses.

Laura Acosta of 47 Forest Road asked about the intersection of Joanne Drive and Forest Road, saying that the preliminary plan described this as an emergency access road only. Laura Acosta asked if the connection would create a full access street. Rich Harrington provided the Fire Department regulations, saying that the plan shows the intersection as an open connection, seen in other areas in Town.

Laura Acosta said that she is concerned with seasonal orchard traffic. Laura Acosta also noted that when the cul-de-sac was put in, she lost land and would like to know if that land would be repaved and returned. Rich Harrington responded that the pavement on the plan is shown to be in the right of way.

Karen Kelleher noted that the preliminary plan included mention of minimizing orchard traffic. Ernie Dodd suggested that the plan could include signage to deter orchard traffic. Jesse Steadman said that it would be helpful to hear from the Highway Superintendent for advice.

Scott Bracci of 48 Forest Road noted that this proposed plan is different from the preliminary plan, specifically with the road dimensions and signage. Scott Bracci said that he believes the preliminary plan showed a dirt road with a potential access gate and fire access. Ernie Dodd said that the national fire code has changed since the submission of the preliminary plans, though some of this can be up to the discretion of Stow's Fire Chief. Rich Harrington said that the preliminary plan showed a 22 foot wide paved road with sidewalks, making the road 28 feet wide. Rich Harrington said that the proposed road is not as wide as what was proposed on the preliminary plan, and that these changes were made after recommendations from the Conservation Commission, the Highway Department, and the Fire Chief.

Ernie Dodd asked if the fire engine can still make turns on the reduced road. Rich Harrington said that they can.

Barbara Jones, 61 Sudbury Road asked if the location of the existing gravel pit is shown on the plans, and if the surveyors used the iron pipes to define the existing lot lines. Rich Harrington responded that the surveyors used the iron pipes, and the plan has been stamped by a professional land surveyor.

Barbara Jones asked about enforcement of the inclusion of affordable housing. Ernie Dodd said that this is well controlled, as the decision can tie building or occupancy permits to providing the affordable housing fees to SMAHT.

Pierie O'Connor asked if the site walk is open to the public. Rich Harrington said that the applicant would like to restrict public access.

Chris Spear, of 42 Forest Road, asked if the open land would be managed by a homeowner's association. Rich Harrington said yes, the owners of the 7 lots would be responsible for the open land. Karen Kelleher added that the open land would also be subject to a Conservation Restriction. Chris Spear asked who would own the Conservation Restriction. Rich Harrington said that the owner of the CR has yet to be determined.

Chris Spear asked if the Homeowner's Association would also be responsible for basin maintenance. Rich Harrington said that should the developer present Joanne Drive to be accepted as a public street, the Town would have to accept it at Town Meeting.

Chris Spear asked if the larger trees on the lots would be preserved. Kathy Sferra, Stow Conservation Coordinator, said that the Conservation Commission has jurisdiction only over trees in the wetland buffer zone, and that the Commission has asked the applicant to look to minimize clearing.

Barbara Jones asked about the public use of the open land. Karen Kelleher said that the Homeowner's Association would have the option to offer the land to a Town or to a non-profit to manage, if they choose not to manage it themselves. Ernie Dodd added that neighbors may petition the Homeowner's Association to permit use of the land.

Kathy Sferra said that the Conservation Commission sent a letter to the applicant, dated today, to discuss open land ownership. Kathy Sferra said that the land proposed to be open land is important in terms of natural resources, as it is along the Assabet riverfront. Kathy Sferra said she understands the applicant has strong feelings about the disposition of the open land, and that the Conservation Commission has invited them to a conversation about what ownership could look like. Kathy Sferra noted difficulties other Homeowners Associations in town have with managing open land, such as leaking dams, invasive species management, and illegal dumping. Kathy Sferra said that Conservation Commission management would offer professional staff support, and could be viewed as a benefit of living at this development. Kathy Sferra said that they will be looking for common ground to be reached.

Chris Spear asked about the stone wall running through Lot 4. Ernie Dodd said that its future is up to the homeowners' discretion, though the Board typically does try to protect existing stonewalls.

Scott Bracci said that as an abutter to Lot 1, he is concerned with the placement of the closest home to his, and would like to know more about landscaped screening and protections against flooding. Rich Harrington said that trees would be maintained along the property line. Rich Harrington reviewed the stormwater path through the lots and said that the development would improve the flow of water through the lots.

Ernie Dodd suggested that due to other appointments on the agenda, it may be best for the Planning Board to individually send comments to Jesse Steadman to compile for Rich Harrington, and continue the Public Hearing at a future meeting.

Jesse Steadman noted that the Conservation Commission has scheduled a site walk for September 24, and it may be helpful to coordinate.

Rich Harrington confirmed that the timeline for the Definitive Subdivision and the Special Permits may be the same.

Ernie Dodd moved to continue the Public Hearing until 8:30pm on October 3, 2017.

Len Golder Seconded.

VOTED: 5-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher, Mark Jones (Voting Associate Member)-Yea).

Hallock Point Approval Not Required Concept Plan Discussion and Declaration

Present:

Paul Alphen, Esq.- *Alphen & Santos, P.C.*

Sarah Bailin- *Land owner*

Jeffrey Brem- *Meisner Brem Corporation*

Ernie Dodd said that while the applicant has asked the Board to approve the Hallock Point Concept Plan as an Approval Not Required plan, after discussion with Town Counsel, the Board's position is that this is a subdivision.

Paul Alphen said that considering the location and the Board's Subdivision Rules and Regulations, he is looking for guidance from the Board to bring the road up to standard.

Paul Alphen asked if sidewalks would be required. Ernie Dodd said that the bylaw does require sidewalks, though the Board does accept donations in lieu of constructing the sidewalk.

Paul Alphen asked what kinds of turnarounds are typical. Karen Kelleher said that the applicant should consult with the Highway Department, as they have had some difficulties with the y-turns, and that other developments have used t-turnarounds.

Jeffrey Brem asked if a waiver is granted on constructing the sidewalks, is there a possibility of granting a waiver on the width of the right of way. Ernie Dodd said that this is in the rules and regulations, so that Planning Board would have the authority to waive.

Jeffrey Brem asked if the Planning Board would prefer that the two proposed lots with frontage on Sudbury Road utilize the new roadway. Ernie Dodd said no, as Sudbury Road is less safe.

Ernie Dodd asked how the inclusion of affordable housing may be handled at this development. Paul Alphen said that they are still considering the options available to them.

Paul Alphen asked if Hallock Point Road could be eligible for street acceptance. Ernie Dodd said that it could be. Mark Jones said that it would be better in the long term to have the road be publicly owned.

Approval of Letter for Metropolitan Area Planning Council Liaison Recommendation

Jesse Steadman said that Stow has had a vacancy for this position for some time, and that he looked at other towns in Stow's subregion to see what roles liaisons held in their community. Jesse Steadman said that he is aware that MAPC is updating their bylaws to note a preference that those serving as the MAGIC Representative as also serve as the MAPC Council Representative for that community. Jesse Steadman noted that the Selectmen appoint the liaison, and he is looking for direction from the Board.

Karen Kelleher said that it is helpful to have a planner in that role, and that the vacancy should be filled quickly so that Stow has more representation regionally.

Karen Kelleher moved to recommend Jesse Steadman as Metropolitan Area Planning Council Representative.

Len Golder seconded.

VOTED: 4-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher - Yea).

Verizon Wireless Site Plan Approval Endorsement

Jesse Steadman recalled that at their meeting of August 8, 2017, the Board reviewed a Site Plan Approval Application for 501 Gleasondale Road with representatives from Verizon Wireless and SCG Field Services. At that meeting, the Board voted to approve the Site Plan subject to conditions, including the completion of a site walk, which Ernie Dodd had completed.

The Planning Board endorsed the Verizon Wireless Site Plan.

Revolution Trapeze Signage

The Planning Board reviewed images received from Revolution Trapeze, including an advisory speed limit sign and a yield sign.

Karen Kelleher moved to approve the Track Road signage for Revolution Trapeze as received September 4, 2017.

Margaret Costello seconded.

VOTED: 4-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher - Yea).

Lower Village Traffic Improvement Project

Jesse Steadman said that the formal notice of award for construction is due by September 29th, though he and Mike Clayton, Highway Superintendent, met with E.T.&L. Corp to discuss the project. Jesse Steadman said that they discussed a timeline and it appears to be most efficient to put in the drainage and begin the work on the south side of the road in the fall. In the spring, traffic would be directed to use the middle lane, while the work on the north side of the road is completed. The pedestrian islands in the middle of the road would be completed last. Jesse Steadman said that more detailed traffic plan conversations will occur soon, and it is encouraging to know that that rather than a lane closing on 117, traffic lanes will shift.

Jesse Steadman said that they had some questions about the utility poles and signage. Jesse Steadman said that the temporary and permanent easements continue to progress.

Jesse Steadman said that E.T.& L. is looking at possible staging areas for equipment in Lower Village.

The Board discussed an invoice from Howard Stein Hudson, and how MassWorks will handle the invoicing and reimbursement.

Katie Fisher, *of 1 White Pond Road*, and Mark Forgues, *of 9 White Pond Road*, raised concerns regarding their property with the Board, related to their conversation with the Planning Board at their meeting of August 22, 2017.

Mark Forgues asked if their driveway and lot line placement had been amended on the plans, and whether his question about removing the swale in front of his property had been addressed. Jesse Steadman said that the lot lines have been updated by A+ Construction Services and that the swale placement was determined by the engineers. Katie Fisher said that she ordered a full title search of her property.

Mark Forgues asked if the consultants have come up with an alternative to the swale, and noted that there was no swale in the 2014 plan for this project. Jesse Steadman said that is to be expected, as the 2014 plan reflects the 25% design phase. Jesse Steadman said that as the plan moved towards the 100% design phase, the engineers looked towards drainage, and included the swale in front of 1 White Pond Road, with minimum grading.

Katie Fisher said that she was initially worried about the safety of the plans, and now feels it is disrespectful to have not received correspondence in a timely manner.

Mark Forgues said that he is concerned the Town is not standing up for the needs of residents in Lower Village, and that he is concerned about the difference between the 1928 County Layout for Route 117 and a plan from 1957 showing their home.

Jesse Steadman reiterated that much of the misunderstanding stems from a discrepancy between the County Layout of 1928, which the Town is relying upon and the plot plans for 1 White Pond Road as submitted by the property owners. Jesse Steadman said he has to rely on the accuracy of the Town's hired contractor in this instance. Jesse Steadman said that as he understood, the property owner's surveyor and the Town's surveyor have come to agreement on the use of the 1928 County Layout. Mark Forgues and Katie Fisher indicated their confusion over why their engineer changed the lot line from the original language in the deed to the 1928 County Layout.

Collings Foundation Hammerhead Lot and Approval Not Required (ANR) Endorsement

Karen Kelleher recused herself as an abutter to the Collings Foundation.

An engineer from ASE provided the Board with copies of the plan and reviewed the Hammerhead Lot and ANR requirements. He said that the purpose of the Special permit is to merge two lots for the museum building, leaving the lot which contains the existing residence.

The Planning Board noted that the plan needs to show the location of wells and septic systems within 150 feet of the new lot lines. The Board said that the plan should include notice of Zoning Board of Appeals decisions related to the land. The Board said that the plan should include a statement that the plan is meant and intended to supersede all plans which predate the endorsement, and a note that any further development or division of land which will result in the creation of a total of 6 or more dwelling units on the property shown on the plan shall require a Special Permit from the Planning Board in accordance with section 8.9 of the Zoning Bylaw. The Plan should also include a statement that land outside of the proposed ANR shall not be considered as part of the endorsement.

Len Golder moved to approve the proposed plan, subject to the required revisions per Section 2.1. of the Subdivision Rules and Regulations, and to authorize Jesse Steadman to endorse the plan, contingent upon Parcel A and Parcel B being combined under one owner.

Margaret Costello seconded.

VOTED: 3-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello – Yea, Karen Kelleher Abstained).

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys