

TOWN OF STOW
PLANNING BOARD

Minutes of the January 9, 2018 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Margaret Costello, Karen Kelleher

Voting Associate Member: John Colonna- Romano

Associate Member: Mark Jones

Absent: Len Golder

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

Discussion of Meeting Minutes

Minutes of December 12, 2017

Ernie Dodd moved to approve the minutes as amended.

Margaret Costello Seconded.

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

Correspondence

Karen Kelleher asked if the Highway Department had seen the Walkway Plan for Regency at Stow. Jesse Steadman said that the plan is unchanged from the previous version, though he would send it to the Highway Department.

Mark Jones noted the Massachusetts Supreme Judicial Court (MA SJC) decision from Roma vs. Board of Appeals of Rockport, which overturned the Appeals Court's decision on private airport use and municipal ability to control land use. The decision signals that there is no legislative intent to overturn Town Bylaws.

Margaret Costello said that she is concerned with the Board's loss of knowledge associated with Ernie Dodd's retirement from the Planning Board in May.

Public Input

None.

Member Updates

Mark Jones said that the Zoning Board of Appeals held another hearing for the Habitat for Humanity project on Pine Point Road. Mark Jones said that most concerns continue to center around septic questions.

Mark Jones said that the ZBA approved an application for a lot merger along Lake Boon, which will result in the demolition of one home.

Mark Jones noted that Karen Kelleher has taken over as Secretary to the ZBA.

Planner's Report

Permitting Updates

Spring Hill Estates Roof Calculations

Jesse Steadman reported that the developer for Spring Hill Estates has submitted roof recharge calculations for Lots 1 and 2 of the subdivision, which was one of the building permit requirements. The project will be fully underway in the spring. To date, the area has been cleared, erosion controls have been installed and inspected and both the Fire Chief and Places Associates are very pleased with the attention to detail at the site.

Ernie Dodd said that the Planning Board should see the deeds at Spring Hill Estates to verify that the recharge calculations are referenced.

Hallock Point Road

Jesse Steadman noted that engineers at Meisner Brem Corporation have been corresponding with the Planning Department regarding plans along the Hallock Point property along Sudbury Road, and that they are presumably in the early stages of a subdivision design process, following the Board's determination in the fall that Hallock Point Road in its present state could not provide frontage along the existing way and would therefore require the filing of a subdivision plan.

Jillian's Lane Pole Placement

As noted in the correspondence, Jesse Steadman described the discussion regarding the placement of a pole at the Jillian's Lane development. There was an error in the Hudson Light and Power filing for the pole removal and the Selectmen will be considering whether it is a scrivener's error or whether the hearing needs to be reopened.

Gates Lane Planned Conservation Development

Jesse Steadman noted that the engineer for Gates Lane has provided notice that he is updating the concept plan to include an additional parcel of land located on the other side of Elizabeth Brook, which will change the locus of the development and presumably the calculation for the proof plan.

Community Development and Planning Updates

Kane Land Trail Development

Jesse Steadman noted the draft letter to the Selectmen in the Planning Board packets to the Selectmen. Jesse Steadman reminded the Board that when Gleasondale residents first approached the Selectmen, there were issues that needed to be worked out, which subsequently have been addressed, including the commission of a survey of the property. The letter has been written to specifically request the Selectmen's determination as to whether a trail system can be created on the property.

Stow Home Ownership Purchase Program (iSHOPP)

Jesse Steadman described the Stow Municipal Affordable Housing Trust (SMAHT) proposal through the Community Preservation Committee for a homeownership buy down program developed by the Stow Municipal Affordable Housing Trust.

Jesse Steadman said that the next step for SMAHT is to meet with various Town representatives to discuss a timeline for the proposal implementation. \$350,000 has been requested in the CPC proposal.

Annual Self Certifications of Affordable Units

Jesse Steadman noted that MetroWest Collaborative Development has been contacting all residents of affordable units in Stow to gauge their compliance with affordability guidelines, including notice of any modifications to the loan, compliance with housing quality standards, and whether any major improvements have been made. Their annual report will be provided to the Planning Department in April of 2018 and will assist the Town in keeping up on the status of various affordable units in Town.

Community Housing Fair

The Regional Housing Services group met today to discuss plans for the Community Housing Fair on Thursday April 5th.

Housing Choice Program

The Housing Choice Initiative will reward municipalities that have produced certain rates or amounts of new housing units in the last five years and that have adopted best practices related to housing production. Communities that achieve the Housing Choice designation will receive preferential access to statewide grant programs and have access to apply for the new Housing Choice Grant Program.

Jesse Steadman further described the small Town provisions of the Initiative, noting that the state has recognized that small towns face different challenges. The Housing Choice Initiative will set aside funding for a competitive capital grant program exclusively for towns with population under 7,000. \$1 million in capital grant monies are expected to be available in the first year, to grow thereafter. Small Towns can also apply for Housing Choice Designation.

Jesse Steadman said that he will be reviewing the criteria and understanding whether Stow will be able to comply with the initiative. Regarding the small town grants, Jesse Steadman said he will contact the grant administrator to understand the scope of potential projects. It may be another opportunity to examine redevelopment options in Lower Village.

MassDevelopment Real Estate Services Grant

Jesse Steadman updated the Board on a grant application submitted to the MassDevelopment Real Estate Services program. The grant would provide assistance with Master Planning efforts in Lower Village, specifically to identify site specific design scenarios to help the Town visualize improvements in Lower Village based on the 2015

visual preference survey. The study would further assist the Planning Board in bringing forth meaningful zoning design updates.

Complete Streets

Jesse Steadman reminded the Board that the Complete Streets Prioritization Plan forum is scheduled for this Thursday, January 11.

Municipal Vulnerability Preparedness Program

Jesse Steadman that the Climate Working Group will be reviewing proposals for the MVP grant process next week and hopefully selecting a contractor to begin the process of data collection. The Executive Office of Energy and Environmental Affairs recently released updated climate projections for every major watershed basin in Massachusetts. The data should help inform an interesting workshop on identifying future vulnerabilities.

Marijuana Bylaw Production

Jesse Steadman noted that the State Cannabis Control Commission has released draft regulations for municipal review. Planning staff will be looking over the regulations, as well as any other bylaw information from other Towns to assess drafting of the Zoning updates.

Zoning Legal Update

The Zoning Board of Appeals has recently received appeals from Kathleen Fisher and Rich Presti regarding the recent appeal of the Building Commissioner's denial. The MA SJC recently ruled that a municipal prohibition on private landing areas in Rockport, MA is not subject to review and approval by the Massachusetts Aeronautics Commission, essentially overturning the Hanlon v. Town of Sheffield Appeals Court case from 2016. This decision upholds municipal authority to regulate private noncommercial airfield use.

Eligible Facilities Request: AT&T- 501 Gleasondale Road

Margaret Costello recused herself as an abutter to 501 Gleasondale Road.

Present:

Kristen White, Site Acquisition Specialist

Kristen White said that this modification has been requested in order to upgrade AT&T's equipment at the site to fiber and coaxial cables. Kristen White said that the equipment is installed in the interior of the telecommunications structure, so that no objects protrude. Kristen White said that they have received the landlord's approval for this work.

Jesse Steadman said that he would draft a Site Plan Approval decision for the Board to review at their next meeting.

Ernie Dodd moved to approve the site plan for AT&T's modification of the existing installation in accordance with Massachusetts District Court Judgement, Civil Action No. 06-10659 GAO, Section 1(V).

Karen Kelleher Seconded.

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

Subdivision Approval Not Required (ANR) Plan- 158 Walcott Street

Jesse Steadman said that the intent of this ANR plan is to carve off a small amount of one parcel to later deed it to the direct abutter.

The Planning Board noted that the plan is unclear with a lot line shift shown related to a second parcel, and asked for the engineer to clarify the reason behind its inclusion in this ANR. The Board suggested that if the second lot line change is subject to this ANR, then the owners of that lot need to provide their signatures on the application and their name should be included on the plan for reference. The Board agreed that if this is not the case, a note should be added to the plan clarifying that point.

Regency at Stow- Inclusionary Housing and LIP Guidelines

Jesse Steadman said that the Department of Housing and Community Development (DHCD) recently alerted staff that because DHCD guidelines restrict discriminatory action, they cannot accept units to the Subsidized Housing Inventory that discriminate against children in a 55 and over community. Jesse Steadman said that staff at DHCD say that this is not a new policy, though they are paying closer attention to its enforcement. DHCD would allow the age restriction if the development were a 62 and over community. Jesse Steadman said that he made DHCD aware that Stow's Active Adult Neighborhood (AAN) bylaw was written with the intention of increasing affordable housing options- Stow's AAN bylaw requires the affordable units to be accepted on the SHI.

Jesse Steadman said that the timing of this information is concerning, as Toll Brothers have been selling units which have been marketed based on the 55 and over age restriction.

Jesse Steadman said that the decision for Regency at Stow states that Certificates of Occupancy cannot be issued until the affordable units have been accepted on the Subsidized Housing Inventory (SHI).

Jesse Steadman clarified that 55 and over communities are allowed, though affordable units would not be accepted to the SHI.

The Board discussed the option of having Toll Brothers provide a fee in lieu of building the affordable units, though the fee calculation is not clear, as the initial application for Regency at Stow was submitted in 2007, under the previous AAN bylaw regulations.

The Board discussed options available, including having the affordable units build and attempt to retroactively have them accepted on the SHI after negotiating with DHCD, or

asking Toll Brothers to build the units elsewhere in Town. The Board also discussed the possibility of changing the neighborhood to a 62 and over community.

Jesse Steadman said that representatives from Toll Brothers plan to attend the next Planning Board meeting to discuss further.

Review Regency at Stow Walkway Plan

Present- Bill Keaton, Toll Brothers

Bill Keaton said that the walkway plan provided to the board is the same as had been presented earlier, though language describing the dimensions of the pinch point was added to the plan.

Karen Kelleher moved to approve the Walkway Plan for Regency at Stow.

Ernie Dodd Seconded.

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

Lower Village Traffic Improvement Project

Jesse Steadman said that the Notice to Proceed has been provided to E.T.&L, and that they have requested a contract extension of three months due to delays in receiving the Notice to Proceed. Jesse Steadman said that E.T.&L. has alerted the Planning Department that the extension will affect labor rates. Jesse Steadman said that the additional \$150,000 from the MassWorks grant will help cover unforeseen costs.

The Board wondered whether an increase in labor rates would already be reflected in the bid, and whether this increase would only be in effect for the final three months of the contract.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys