

TOWN OF STOW
PLANNING BOARD

Minutes of the February 20, 2018 Planning Board Meeting

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

Voting Associate Member: John Colonna-Romano

Associate Member: Mark Jones

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

Discussion of Meeting Minutes

Minutes of February 13, 2018

Ernie Dodd moved to approve the minutes as amended.

Karen Kelleher Seconded.

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

Public Input

None.

Member Updates

Mark Jones said that the Zoning Board of Appeals noticed that the Zoning Bylaws define developable site are, though not buildable area, which should be corrected.

Planner's Report

Jillian's Lane

Sue Carter will be doing an inspection tomorrow mid-morning to review the erosion controls in the vicinity of the Riel's Property. Jesse Steadman said he requested the past couple of SWPP reports but has not heard back.

Regency at Stow

Jesse Steadman reported that the Regulatory Agreement and Declaration of Restrictive Covenants have been provided to the Board. Such documentation is part of the Local Action Unit Acceptance package to be confirmed by DHCD in time for the 25th Occupancy Permit. The documents have been forwarded to Barbara Huggins for final review.

Edge Community Commission

Jesse Steadman reported that the Edge Community Commission has released its final report with policy recommendations for the 495 region of which Stow is a part. They have

also released a study commissioned for the group by UMASS, detailing an updated profile region.

Marijuana Working Group

Jesse Steadman said he has created a staff working group at the suggestion of the Town Administrator to organize a coordinated outreach and education effort around Adult Use marijuana. The group will meet in early March to discuss efforts and determine how best to move the issue forward.

Community Compact

Jesse Steadman updated the Board on assistance to the IT Department in submitting an application to the Community Compact IT grant program. The grant funds would allow the Town to upgrade the server and networks currently serving the public safety Departments.

Joanne Drive

Jesse Steadman said he provided the Applicants for Joanne Drive a list of all required legal documents prior to the Board's endorsement of the plan, including a highlighted copy of the Decision outlining the necessary Plan Modifications. Jesse Steadman and Valerie Oorthuys met with the Applicant last week to discuss the ongoing plan updates and to discuss potential creative solutions to the waiver requests.

Villages at Stow Affordable Units

Jesse Steadman said he is working with Town Counsel and SMAHT to ensure that affordable unit deed riders survive foreclosure.

Planning Board Meeting Schedule

The Planning Board agreed to move their regular meetings to Wednesdays in April. Jesse Steadman said that a Complete Streets public forum will be scheduled for the second week in March to discuss the draft Prioritization Plan.

Public Hearing

Special Permit and Site Plan Approval, Athens Lane

Ernie Dodd moved to waive the reading of the Public Hearing notice.

Karen Kelleher Seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Ernie Dodd, Margaret Costello, Len Golder, Karen Kelleher- Yea).

Present:

Frank French

Frank French Jr.

Michael French

Tim Shannon

Frank French, of Athens Way, LLC, said that the intent of the Special Permit application is to use the land to store construction equipment while continuing to operate their main construction business out of Belmont and Cambridge. Frank French said that they are in the process of purchasing the land off Athens Lane. Frank French said that the parcels include 44 acres of usable land.

Michael French provided images of their current equipment storage space in Belmont and the types of machinery needed to be stored.

Tim Shannon provided images of similar sites already in use in Stow, such as E.T.&L. Corp and J. Melone & Sons, as well as satellite images of the site off Athens Lane.

Michael French showed a map of the site with a grey overlay over the areas of the site intended for use. Michael French said that the space they intend to use is just over 20 acres.

Lori Clark asked if the 22 acres would be cleared. Michael French said that it would be eventually, though in the short term, only about half of that space would be cleared.

Karen Kelleher asked to see a plan specifying what would be stored on which spaces on site. Tim Shannon said that their plans don't designate a specific area; rather they would look to the Board for guidance on where to locate. Tim Shannon said that they would like to store equipment close to the entrance, and that the space would be visited by staff about twice per week while in use. Michael French said that the equipment is always in use during a construction job, and would only be on this site off season or between jobs.

Margaret Costello asked why the land in Stow was selected, given their main operation is in Cambridge. Michael French said that storage space is unaffordable in Cambridge, and that this site is within 40 minutes of their main business.

Lori Clark asked for more detail regarding the 20 acres of space to be used. Tim Shannon discussed the condition of Athens Lane, saying that the narrowest part of the road is at the entrance on Hudson Road. Tim Shannon said that the abutter holding the easement for use of Athens Lane is present, and provided the Board with a plan of the road from 2010. Karen Kelleher asked if the improvements to Athens Lane noted on the plan have been completed. Tim Shannon said that they are only proposed.

Karen Kelleher asked about access to the site, noting that the abutter who holds the rights to Athens Lane may not hold the rights all the way to the site. Tim Shannon said that they would own the rights from the easement to the property.

Franck Vernoooy, of Hudson, said that he owns Athens Lane. Franck Vernoooy said that Radant owns the road up to their tower, and he owns the 37 acres that abuts the site.

Michael French said that they understand that they will need to be in compliance with the Conservation Commission. Jesse Steadman said that the wetland map could change slightly, as the wetland delineations are over five years old.

Jesse Steadman asked the applicants to narrow down the area to be used, and to discuss fencing and landscaping.

Karen Kelleher asked for further information regarding the location of any proposed structures and circulation on site.

Lori Clark asked for an updated map to show more detail about the use of the site. Lori Clark asked for more information about when employees would be on site. Tim Shannon said it would be about two days per week.

Len Golder asked how many vehicles would be stored on site. Michael French said that about a dozen vehicles would be stored, in addition to items such as road plates, trench boxes and storage containers.

Lori Clark asked about the timing of items and vehicles being taken on or off site. Michael French said that a typical workday is from about 6am to 5pm, though their hours could be flexible should the Board have concerns. Tim Shannon added that though those are their hours, employees would only need to access this site about twice a week.

Margaret Costello noted her preference for vehicles to use Hudson Road and 117, rather than cut through residential roads.

Margaret Costello asked about the applicants' plans for expansion, noting that they've only discussed using about half of the site. Michael French said that they understand there is the potential for developing the site further. Mark Jones noted that this Special Permit would only cover what is currently being proposed.

Ernie Dodd asked about erosion control and stormwater management, noting that some of the space on the site that they've stated they intend to clear is on a hill. Ernie Dodd said that he is concerned about chemicals, solvents, and salt getting into the wetlands around the site. Ernie Dodd asked if the vehicles and equipment would be cleaned before they get to the site. Michael French said that vehicles and equipment would be cleaned.

Tim Shannon said that they would use crushed stone to create space to store. Michael French said that they are familiar with erosion control inspections and SWPP reporting. Michael French said that they have spill kits in all of the trucks.

Mark Jones asked for more information regarding the clearing of the hill. Michael French said that they intend to mainly use the land that is already leveled, though they could terrace the hill.

Lori Clark asked what the plans are for the use of the existing structures. Tim Shannon said that they would like to get a structural engineer to see if the buildings could be used.

Ernie Dodd asked about any wells in the area. Tim Shannon said that there are three wells. Karen Kelleher noted that the wells are non-potable. Tim Shannon said they could collect any previous records of the wells from the Board of Health.

Public Comment

John Gibney, 30 Heather Lane, said that residents from Arbor Glen have provided the Board with a letter detailing their questions and concerns pertaining to the application. John Gibney questioned whether the proposed use is allowed in the industrial district. John Gibney discussed the mandatory findings for Special Permits in Section 9.2.6 of the Zoning Bylaw. John Gibney said that he felt concerned over the application's lack of specificity.

Ken Duchi, 209 Hudson Road, said that he feels the site is visible from the road and abutting homes and therefore further detail regarding the site plan is needed, particularly around screening and the removal of gravel. Ken Duchi said that the site lines are difficult at Hudson Road and Athens Lane.

Anthony Lewis, 26 Arbor Glen Drive, said that he is concerned about the level of traffic this use would introduce to the neighborhood. Anthony Lewis said that he is concerned with chemicals leaking from the vehicles, mosquito breeding, and the site becoming a parking lot. Anthony Lewis said that he is worried about the condition of Hudson Road.

Clifford Martin, 29 Heather Lane, asked about the ownership of Athens Lane, as plans including the road show ownership to the centerline. Franck Vernooy said that Radant owned the road, and sold it to EFMC, his company.

Clifford Martin asked about the use of the site during winter months, particularly during snow storms. Michael French said that most activity will occur during the construction season, and vehicles and equipment will be stored in the off season.

Sanford Levey, 20 Arbor Glen Drive, asked about the storage of snow plowing equipment, and whether road salt would be on site. Tim Shannon said that road salt would not be stored on site, though materials such as bark loam and amended soils would be.

Keith Curran, 217 Hudson Road, asked if the proposed use is appropriate for the Industrial District and whether emergency vehicles are able to use Athens Lane. Keith Curran said that the application did not include a development impact study, a landscape plan, or a detail plan. Keith Curran asked how abutters can be assured that the site's use will not expand. Ernie Dodd said that the decision for the Special Permit can address these concerns.

Lori Clark noted that the Building Inspector provided the Planning Board with comments on the application, saying that the buildings on the property were constructed without

building permits, and the wells and septic system were installed without permits, inspections, or water quality testing. The Building Inspector said that the buildings cannot be used for any purpose, and if site plan approval is granted, the Building Department will require periodic inspections to confirm that the buildings are not being used. Lori Clark said that the Building Inspector included a letter to a previous applicant's lawyer from 2016, outlining the historical uses of the property and concluding that the previous activity was "unlawful and does not qualify for any pre-existing non-conforming status".

Jesse Steadman said that he has discussed this application with the Building Inspector, who is also the Zoning Enforcement Officer, and that he determined that screened storage was in line with the intent of the bylaw. Jesse Steadman said that this application refers to screened construction equipment, and would not function identically to a contractor's yard, as the site wouldn't be in daily use and storage is idle.

Keith Curran asked if Athens Lane has been evaluated to see if it can handle the weight of the proposed use. Tim Shannon replied that the site was previously used for similar storage.

Linda Sellier, 14 Arbor Glen Drive, asked if all questions and concerns are adequately addressed and the Special Permit is issued, how would any violations be identified and enforced? Lori Clark said that the Building Inspector/ Zoning Enforcement Officer would need to conduct inspections.

Anthony Lewis, 26 Arbor Glen Drive, asked if trucks would have to cross the centerline on Hudson Road to turn out of Athens Lane. Frank French said that trucks would not need to cross the centerline to turn. Lori Clark noted that as with most applications, the Town has a consulting engineer who can provide a peer review of any plans.

Joan Duchi, 209 Hudson Road, said that she believes there have been two fatal accidents in that area, and the road is already dangerous. Joan Duchi said she is concerned about the integrity of the bridges built on the property, and whether they cross wetlands. Ernie Dodd said that the questions around the wetlands would have to be taken up with the Conservation Commission.

Shirley Beltz, 25 Heather Lane, asked if walking paths could be included in the site plan, to help residents safely access 117.

Joan Duchi asked for clarification regarding how the applicant may change the future use of the land. Ernie Dodd said that if the use is changed, the Special Permit would have to be modified and a public hearing scheduled.

Sam Samson, 48 Heather Lane, noted that construction vehicles often have to idle for 20 minutes or so before they can drive off site. Sam Samson asked how many trucks would start up in the morning, and how any fumes would be taken care of. Frank French, Jr. said that their trucks need about 5 minutes before they're ready to drive, and that the trucks have glow plugs to help start the engine. Tim Shannon added that if the work day starts at

6:30 in the morning in Belmont, workers would not arrive at the site until almost 8 in the morning.

Tim Shannon said that they would be willing to pay the back taxes on the property and keep the taxes up to date. Tim Shannon said that they feel this is a low impact use.

Franck Vernoooy said that that the Town has this land zoned for industrial use, and that zoning changes can only happen through Town Meeting. Franck Vernoooy said that he believes this is a good use of the land, considering other industrial uses that are allowed through Special Permit. John Gibney disagreed, pointing to Section 9.2.6 of the Zoning Bylaw.

Patricia Curran, 217 Hudson Road said that she feels the road is too narrow for construction vehicles, and asked whether the Board would require two lanes. The Board agreed that they would need comments from the Fire Department.

Phil Beltz, 25 Heather Lane, asked whether the Board would allow the applicant to lease space for others to store equipment and materials. Ernie Dodd said that would be addressed in their decision.

Karen Kelleher noted that one of the mandatory findings for Special Permit decisions relates to the impact on the neighborhood.

Margaret Costello noted the gap between the proposed use stated in the application and tonight's references to future use. Margaret Costello asked if the applicants intend to provide additional information to clarify that only vehicles related to the applicant's contracting business will be on the property.

The Planning Board agreed that more information is needed prior to closing the public hearing, such as comments from public safety officers, additional site plan details, information on the ownership of Athens Lane, and the detail regarding the condition of the access road and culvert crossings. Ernie Dodd said that if any future phases of the site plan are known, those should be detailed. Ernie Dodd stated that the Planning Board does not have the authority to waive the Zoning Bylaws and that they do have Rules and Regulations related to Site Plan Approval and Special Permits. The Board agreed that further site plan details needed include lighting, screening, and circulation on site. Ernie Dodd suggested that a site walk may be helpful.

Lori Clark stated that the Board is guided by the Building Inspector's determinations of allowed uses, though without specificity in the application, a lot is open for interpretation. Lori Clark said that specifically, the road will need to be addressed, as well as detail around the plans for the use of the land.

*Ernie Dodd moved to continue the Public Hearing to April 18, 2018 at 7:30pm.
Margaret Costello Seconded.*

VOTED: 5-0 Unanimously in favor (Lori Clark, Ernie Dodd, Margaret Costello, Len Golder, Karen Kelleher- Yea).

Discussion of Legal Documents, Regency at Stow

John Colonna-Romano recused himself as an abutter to Regency at Stow.

Jesse Steadman said that he has spoken with Britton Bradford of Toll Brothers and Town Counsel regarding the language missing from the recorded master deed that the Board had asked to be included. Jesse Steadman explained that Town Counsel said that the Special Permit for Regency is the controlling document regardless, and that a letter could be sent to the residents to let them know. The Planning Board agreed that the homeowners association should hold a meeting and vote to amend the documents.

Debrief of Sign Bylaw Discussion with the Economic Development and Industrial Commission (EDIC)

The Planning Board discussed the potential for a Sign Bylaw Working Group, agreeing that it should have members from the EDIC, the Planning Board, and a Stow resident. The Planning Board agreed to provide the EDIC with a purpose section, to clarify the framework and objectives of the bylaw, while the EDIC reviews specific concerns with the bylaw by section, to provide clear revisions.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys