

TOWN OF STOW  
PLANNING BOARD

Minutes of the March 6, 2018 Planning Board Meeting

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

Associate Member: Mark Jones

Absent: Margaret Costello, John Colonna- Romano (Voting Associate Member)

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

**Discussion of Meeting Minutes**

**Minutes of February 20, 2018**

*Karen Kelleher moved to approve the minutes as written.*

*Ernie Dodd Seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Karen Kelleher–Yea).**

**Public Input**

None.

**Member Updates**

None.

**Planner's Report**

**Municipal Vulnerability Preparedness Program**

Jesse Steadman reported that Valerie Oorthuys and Jacquie Goring have been working with the consultant to set up times for the Risk Assessment workshops for May 11 and 17<sup>th</sup> at 8am at Town Hall. A flyer will be distributed later this spring to invite participants.

**Complete Streets Prioritization Plan**

Jesse Steadman noted that Valerie Oorthuys has been working on compiling comments on the preliminary project list for the consultants to utilize in the final Complete Streets forum to be held Wednesday, March 14<sup>th</sup>. The Forum will be an opportunity to show residents the types of projects that were selected based on Wikimap comments and various roadway analyses.

**Joanne Drive**

Jesse Steadman reported that the engineer and applicant for Joanne Drive will attend the Conservation Commission's meeting later tonight to discuss potential amendments to the plans. Jesse Steadman said he provided the applicant with several template forms for the required legal documentation for the subdivision that is needed prior to Plan Endorsement.

Jesse Steadman further noted that he provided a letter to the applicant indicating a potential process in the event they choose to propose a trail in lieu of construction or fees in lieu of sidewalk construction. Endorsement of the Plan could be as early as the Planning Board's meetings of March 13 or 20.

### **Community Housing Fair**

Jesse Steadman reminded the Board that on April 5<sup>th</sup> Stow will be hosting a regional Community Housing Fair at the Pompositticut Community Center. There will be a variety of Affordable Housing developers, lottery agents, and representatives from municipalities. MetroWest Collaborative Development, the Town's Regional Housing Services Coordinator, is doing the majority of the outreach for the event. Karen Kelleher reported that representatives from Plantation Apartments and Pilot Grove Apartments plan to attend.

### **Lower Village**

Jesse Steadman noted that a pole in front of the Stow House of Pizza was not included in the initial estimate for utility work in Lower Village. It was discovered as Planning staff discussed the location of signage on the property. Hudson Light and Power will be submitting an addendum to their scope of work for moving the pole. Jesse Steadman said he is grateful that the pole contains only telephone and electricity to the businesses within that plaza and is therefore not a large amount of work in relation to more significant hardware on the north side of Rt. 117.

Jesse Steadman reported that he delivered the letter from the Planning Board outlining the temporary easement request at 128 Great Road and alerted the property owner to the fact that his sign will not be moved as part of the project, and the planter may be retained. Jesse Steadman said he further spoke with the Highway Department to ensure that after portions of the curbcut and driveway are repaved at 128 Great Road, the Town could repaint any parking spaces that may have been disrupted in the construction process.

### **Adult Use of Marijuana**

Jesse Steadman described a meeting he had with several staff members and a member of the Board of Selectmen regarding the process for Adult Use Marijuana education and outreach.

### **Spring Hill Estates**

Jesse Steadman indicated that the developer at Spring Hill Estates has found that one of the primary curves in the common driveway has been too narrow to accommodate the trucks. Ducharme and Dillis Inc. has provided a plan showing slightly widened shoulders on both sides of the turn. Some of the work required would need to take place within the 100 foot wetland buffer and the Conservation Commission is planning to review.

### **Joint Boards Meeting with Conservation Commission, Jillian's Lane**

Lori Clark said that the intention of this discussion is to clarify the state of erosion controls at Jillian's Lane and to agree on a way forward.

Sue Carter, the Town's consulting engineer at Places Associates, said that she has visited the site multiple times since initially documenting erosion control issues on February 21. Sue Carter said the silt fence and hay bales have been overwhelmed with mud off of the hill from the spring thaw, and that she noticed a hand dug trench towards the Pennie Lane site, which was also overwhelmed with sediment. Sue Carter said that there were signs of sediment flow between the lot and the existing farmhouse. Sue Carter said that she observed Jillian's Lane covered with silt and sediment, with mud headed through the culvert put in under Walcott Street. Sue Carter said that the following day, she observed more sediment that had tracked to the nearby wetlands, which the contractors began to address with the use of a vacuum truck, though still more mud flowed into the basin. Sue Carter said that she subsequently inspected Pennie Lane to confirm the source of the sediment, though she did not notice any erosion on their site.

Kathy Sferra, Conservation Coordinator, said that the Conservation Commission did not have jurisdiction over this development, so they had not reviewed the plans at the time of the application for the Special Permit. Kathy Sferra said that she observed sediment flow over Walcott Street, reaching the town line with Hudson. Kathy Sferra said that she issued an Enforcement Order on behalf of the Conservation Commission, which asked the contractor to stabilize the site with erosion controls, hire a wetlands consultant, develop a remediation plan, and to attend this meeting. Kathy Sferra said that she observed discharge in the adjacent wet meadow and stream at the base of Spring Hill.

Adrianne Snow, Chair of the Conservation Commission, said that she visited the site and observed silt and debris along the town line with Hudson, as well as in the adjacent wet meadow.

Lori Clark said that there are various ways the both the Planning Board and the Conservation Commission may follow up with the Enforcement Order, as detailed in a memo from the Town Planner and Conservation Coordinator.

MaryAnn DiPinto, wetlands consultant at Three Oaks Environmental, said that she is working with the contractor to address the erosion control issues. MaryAnn DiPinto said that there is a lot of exposed soil on the site, and that she has observed the concerns at the culvert under Walcott Street and in the wet meadow. MaryAnn DiPinto said that she has recommended the use of a flocculent material as well as flocc logs. MaryAnn DiPinto says this will cause the sediment to catch on haybales, placed downstream. MaryAnn DiPinto said that a key concern is keeping the sediment on the hillside from mixing with water. MaryAnn DiPinto said that she recommends using erosion control blankets and flexterra, which produces a coating on the soil so that rain cannot transfer downstream. MaryAnn DiPinto said that she looked at the outlets on site, and the areas where the flocculent was added look ok. MaryAnn DiPinto said that there are pockets of sediment that need to be removed, and a restoration and remediation plan will be submitted. MaryAnn DiPinto said that she recommends using the vacuum truck to clear the deeper pockets.

Sue Carter said that she is in agreement with this approach, though had the erosion control plan been executed as detailed in the plans, it would've been under control.

Adrienne Snow said that the erosion control blanket seems to be the most important, due to the sheer amount of bare soil.

Charles Jowett, 118 Walcott Street, said that he observed more water flow onto his lot through the culvert and down the driveway. Charles Jowett said that while the sediment flow may be fixed, the additional water flowing off site is still a concern.

Sue Carter said that additional water features detailed on the approved plan were not installed, including a catch basin at the base of Jillian's Lane and swale between the new lots and the existing homes. Sue Carter said that a collection system for roof runoff has not been installed, and that there are no temporary settling basins.

Kathy Sferra said that with the amount of exposed earth and amount of time spent looking for solutions, the problem has yet to be solved. Kathy Sferra recommended that the applicant's engineer look at the site. Sandra Grund, Conservation Commission, agreed that the applicant needs to take that responsibility.

Sue Carter said that part of the problem is the management of the Storm Water Pollution Prevention Plan (SWPPP), which needs to have been filed, and viewed as an evolving document. In order to be in compliance with the SWPPP, it must be modified as issues arise to show solutions.

Cortni Frecha, Conservation Commission, asked if the work is continuing, or if this provides an opportunity to focus efforts on stabilization without proceeding. Kathy Sferra agreed that the site should be stabilized before other work can proceed. Ernie Dodd agreed.

Ingeborg Hegemann, Conservation Commission, noted that the SWPPP often includes dedicated erosion control inspections, and asked whether the SWPPP was submitted. Jesses Steadman said that it was not, though the Town now has the National Pollutant Discharge Elimination System (NPDES) number. Ingeborg Hegemann said that the SWPPP should be prepared and submitted, and an erosion control inspector identified. Ingeborg Hegemann agreed that the SWPPP should be treated as an evolving document, and that until the end of mud season, there should be more frequent environmental monitoring on site.

Lori Clark said that at this point, the site is not in compliance with the Erosion Control Special Permit.

Adrienne Snow said that typically the SWPPP requires enough supplies for course correction after storm events, and asked if there were enough supplies on site. Sue Carter said that the engineers of the plan noted on the plan how to address extreme weather events.

The Conservation Commission and the Planning Board agreed that the site needs to be stabilized, the SWPPP should be prepared and submitted, and a remediation plan should be

submitted. The Boards agreed that site work needs to stop, though interior house work may continue.

Sue Carter said that the number of vehicles on site needs to be addressed, with sufficient parking provided, such as a stone pad, so that construction vehicles aren't parking in mud, worsening the problem. Ingeborg Hegemann said that the SWPPP requires a minimum 30 foot gravel bed. Sue Carter added that check dams are needed along the roadway, and the temporary basins should be installed. MaryAnn DiPinto said that the stone pad for parking is already installed.

Lori Clark said that she is concerned about the town resources that have been directed towards this project, and that a timeline needs to be set.

Ryan M., of Ryan Aldrich Excavating, LLC., stated some disagreements with the assessment of the site, and noted difficulty with coordinating with Hudson Light and Power to move a utility pole. Jesse Steadman said that Hudson Light and Power was on site today.

Regarding the timeline, the Boards agreed that four things must be done, including the submittal of a stabilization plan, compiled by MaryAnn DiPinto, filing the SWPPP and the commencement of regular site inspections, submittal of a cleanup and mitigation plan, and the restoration of the wetlands.

The Planning Board and the Conservation Commission agreed that the site will be approved as stable by Sue Carter and MaryAnn DiPinto, and that progress reports will be provided. The stabilization plan will be submitted for the Planning Board's meeting of March 20.

Sue Carter said that copies of the inspection reports should be provided to the Town, and that inspections should be ongoing, including after every half inch of rain fall or snow melt.

The Planning Board and Conservation Commission agreed that on site work should be limited until the site is stabilized, and approved the contractors to do stabilization work and interior carpentry work, so long as the parking pad is in place. Sue Carter will continue inspecting the site and will coordinate efforts with MaryAnn DiPinto.

Lori Clark said that a summary of the meeting will be provided, noting that regardless of any unanticipated events, the Special Permit ultimately dictates that steps are taken to ensure that there is not excess runoff on site, and that compliance is not a one-time approval, but evolves with the site.

### **Recreational Marijuana Planning Process**

Jesse Steadman said that a multi-departmental meeting regarding Recreational Marijuana was recently held. Jesse Steadman said that Tom Ryan has asked for a memo to the Board of Selectmen stating the uses allowed under the new law, and the options the town has regarding limitations or prohibitions. Jesse Steadman said that a memo to the Selectmen

will address the Planning Board's process and interest in holding a forum to educate the public on the new law, as the regulations are nuanced. Jesse Steadman said that this will be discussed at the Selectmen's meeting of March 13, and any warrant articles the Selectmen would like to offer will be voted on at their subsequent meeting.

#### **Discussion of Legal Documents, 27 Wheeler Road**

Jesse Steadman provided the Board with an amended Operation and Maintenance Covenant for 27 Wheeler Road, which includes language stating that the Town shall have the right to extend the Operation and Maintenance Covenant at 30 year intervals.

The Planning Board discussed ways of tracking this covenant and others like it, agreeing that it should be an administrative item on the first Planning Board agenda after annual elections.

#### **Discussion of Legal Documents, Regency at Stow**

Jesse Steadman provided recent correspondence with Britton Bradford of Toll Brothers regarding the amended Master Deed at Regency at Stow. At issue is the Conservation Commission's ability to add trails to the Open Space and the use of fertilizer applications.

#### **Warrant Articles for Town Meeting**

Jesse Steadman said that Warrant Articles may include a small edit to the Erosion Control Special Permit and a process for allowing accessory retail use in the Industrial District, which will likely refer to parking standards, and separation between industrial and retail vehicles. Jesse Steadman said there may be more opportunity to pass zoning articles at a special Town Meeting in the fall, including an update to the sidewalk policy and a recreational marijuana bylaw.

#### **Lower Village Traffic Improvement Project**

Jesse Steadman said that abutters and business owners in Lower Village received an update on the project, as construction is projected to begin soon, likely between March 15<sup>th</sup> and April 1<sup>st</sup>. The correspondence provided estimated construction schedules for the north and south sides of Great Road. Jesse Steadman said that E.T.&L. Corp will first remove the center lane curbs and barrels to shift traffic lanes temporarily. In this first phase, the road will be widened along the south side to make room for sidewalk construction.

#### **Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys