

TOWN OF STOW
PLANNING BOARD

Minutes of the May 2, 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 Members: Mark Jones, Megan Birch-McMichael

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

Discussion of Meeting Minutes

Minutes of April 25, 2018

Ernie Dodd moved to approve the minutes as amended.

Margaret Costello Seconded.

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

Public Input

None.

Member Updates

None.

Planner's Report

Lower Village Traffic Improvement Project

Jesse Steadman reported on an update with ET&L Corp. regarding the status of the Lower Village Improvement Project. Jesse Steadman noted that ET&L Corp. raised some concern regarding the video feed from Stow TV causing a distraction and presenting a potential safety hazard at the site. Jesse Steadman said he has respectfully asked Stow TV to conclude the taping.

Schedule

It was discussed that an ANR plan will need to be submitted by the Conservation Commission in time for May 30th closing for the Kunelius property. Jesse Steadman said it is likely the Conservation Commission will be requesting a waiver from the fee for submittal. The tentative working meeting scheduled for the 16th could be useful to take up the ANR plan at that time.

Jillian's Lane Erosion Control Stabilization Plan

Present:

Ryan McGorty, RM Construction

MaryAnn DiPinto, Three Oaks Environmental

Lori Clark noted that a few members of the Planning Board attended a site walk on May 1st with the Conservation Commission.

Karen Kelleher said that she feels that the Board has still not received an adequate construction sequence and that she would like to see the documentation.

Lori Clark said that the Board has asked for a construction schedule with milestones and dependencies, which were not adequately detailed. Lori Clark said that with many people working on site, the sequence would show alignment on the order of tasks. Lori Clark said that the schedule should show checkpoints for inspections.

MaryAnn DiPinto said that erosion control at the site is currently stable, though the stockpiles need to be removed. MaryAnn DiPinto said that to do so, the septic system needs to be in place, and the site needs to be loamed and seeded.

Ryan McGorty discussed the letter he sent to the Planning Board on April 30th and said that his understanding is that Sue Carter, the Board's consulting engineer, would conduct regular inspections.

Lori Clark stated that the erosion control measures on the approved plan are completely different than erosion control measures seen on site. Ryan McGorty said that the timeframe for work is weather dependent, and asked if it would be helpful to show when the septic would be installed. Lori Clark said that the sequence should include the date, activity, dependency, and inspection milestone associated with each task.

MaryAnn DiPinto said that the details are on the Ducharme and Dillis plan. Ernie Dodd noted that the leach field is a large area, which would create a large disturbance. Ernie Dodd said that he feels the leach field needs to be taken care of. Jesse Steadman noted the importance of having a document that can aid in communication with Sue Carter.

Ryan McGorty asked if Sue Carter has jurisdiction over the septic installation. MaryAnn DiPinto said that Sue Carter can determine whether the erosion controls in place are satisfactory for the work to proceed. MaryAnn DiPinto said that both Nashoba and Sue Carter can inspect.

The Planning Board decided that Jesse Steadman, in consultation with Sue Carter and Lori Clark, may approve the work without the Board convening, provided that an appropriate construction schedule is submitted.

Public Hearing

Special Permit and Site Plan Approval for Screened Storage, Athens Lane

Present:

Rich Harrington, P.E., Stamski and McNary, Inc.
Tim Shannon, Athens Way LLC
Mike French, Athens Way LLC
Frank French, Athens Way LLC
Frank French, Sr. , Athens Way LLC

Rich Harrington provided an overview of the existing conditions on the site, saying that there are 6 structures, 5 fields, and two gated areas. Rich Harrington said that the Applicant is working to have the wetlands delineated.

Rich Harrington said that Athens Lane is a private way, and has a variable width of 10 to 12 feet. Rich Harrington said that the easement is 16 feet wide. Rich Harrington said that Athens Lane is a gravel road until the entrance to the site, where there is asphalt from the main structure to the unfinished barn.

Rich Harrington noted that this is a preliminary plan, and said that two main areas for equipment and material storage have been identified. The areas are separated by the stream and provide 300,000 square feet of work area. Rich Harrington described the seasonal use of the stored equipment, saying that the goal is to have equipment off site at various jobs. Rich Harrington said that the site would function similarly to the Applicant's Cambridge or Belmont locations.

Rich Harrington noted that the proposed storage areas are subject to verification of the wetlands. Rich Harrington said that he understands a 200 foot buffer may likely arise from the wetland flagging.

Rich Harrington said that the proposal calls for 6,000 square feet of pavement for storage, with the intention of minimizing pavement.

Rich Harrington said that the plan identifies four areas of the site, and that the Applicant may be interested in terracing around 80,000 square feet near the structure without a roof. Rich Harrington said that the area near Goshen Lane is already cleared out a bit, and that nursery stock may be stored there. Rich Harrington pointed out the Water Resource Protection District bounds. Rich Harrington said that depending on future use of the site, the Applicant would have the Board of Health inspect the septic and water main.

Len Golder asked for clarification around the materials stored, and whether this would include any chemicals. Rich Harrington said that storage would not include chemicals.

Len Golder asked for clarification around traffic circulation. Rich Harrington noted that the applicant represents an allowed use in the Industrial District, and that the Applicant would comply with hours of operation. Rich Harrington said that there would be multiple companies on the property, and that the number of vehicles would be clarified at a later date.

Len Golder asked about screening. Rich Harrington said that screening will be proposed, though much of the activity on site is screened from Hudson Road and Kettell Plain Road.

John Colonna- Romano asked how materials such as gravel and loam would be stored. Rich Harrington said that those materials would be stored in bins.

John Colonna- Romano asked if the vehicles would be washed on site. Rich Harrington said that they would not.

Karen Kelleher said that access and legal frontage should be addressed, as well as any proposals for improvements made to the road. Ernie Dodd said that all property owners along Athens Lane should be identified and noted that the Conservation Commission has had concerns about the road in the past.

Tim Shannon noted that the owner of Athens Lane is in attendance. Franck Vernooy, of Hudson, identified himself as the owner of the road, and noted that other owners have easements to pass over the road. Franck Vernooy said that he purchased the road from Radant, and that Radant and Mr. Quirk has easements to access their land. Lori Clark said that documentation would be needed to show this.

Mark Jones asked for comment on the Conservation Commission's main areas of interest. Rich Harrington said that the wetlands need to be delineated to confirm the boundaries of the river and which buffer zones to be aware of.

Lori Clark said that more information would be needed regarding the road and traffic circulation. Lori Clark noted that the structures on the site are not legal, as there were no building permits to construct them.

John Colonna- Romano asked if there are unique environmental considerations for the storage of trucks and construction equipment. Rich Harrington said that there is a higher review, addressed through stormwater bylaws and policies. Rich Harrington said that these would be addressed at a future time, though stormwater infrastructure is more updated than a typical car driveway.

Megan Birch-McMichael asked about the intention of the nursery stock on site. Tim Shannon said that they would store trees and plants to be used for landscaping on other sites. Lori Clark asked how these items would be watered. Rich Harrington said that an irrigation is already drilled.

Ernie Dodd noted that more information is needed around the ability for a fire apparatus to turn around on site, and that security needs to be addressed. Tim Shannon said that they would propose wireless cameras for 24 hour surveillance.

Megan Birch- McMichael asked for clarification around the assurance that there will not be washing on site. Michael French said that their main place of business is still in Belmont, where vehicles and equipment would be washed and then sent to Stow. Frank French, Sr. said that he understands wells and their maintenance needs.

Frank French, Sr. asked for any guidance around investing in the site prior to an issuance of a Special Permit. Ernie Dodd said that the Board needs to know more about the site's access and frontage.

Jesse Steadman asked for clarification of whether the Board would like confirmation of rights of access over Athens Lane or whether the parcel has frontage on Athens Lane. Karen Kelleher said that the Board would need a legal opinion as to whether a right of way is appropriate or if legal frontage is required.

Ann Schnare, 53 Heather Lane, said that she feels heavy equipment on the Town's main roads will cause wear and tear that is paid for by taxes, and wondered how the business may consider those costs. Rich Harrington said that the main roads in Town are designed for these types of vehicles, and that the typical maintenance process with the Highway Department suffices for public ways.

Ken Duchi, 209 Hudson Road, said that he believes Athens Lane is a county way and connected to Goshen Lane. Ken Duchi asked whether blasting would be needed to create terraced storage space on the hill, and whether multiple tenants would use the land. Rich Harrington said that the proposal is to allow the existing business to continue to operate. Rich Harrington said that terracing may be necessary due to limitations from the wetlands boundaries and the steep hill.

Gerry Gault, 25 Heather Lane, asked about the location of the wells serving the Arbor Glen community. Rich Harrington said that the wells are not represented on the plan, as they are not in proximity to the site.

Charles Stevenson, 88 Kettell Plain Road, said that he can hear trucks from the existing business. Rich Harrington said that W&E Landscaping operates in that area, which is part of the lot to be considered for storage. Lori Clark said that the Town's bylaws dictate hours of operation, which can also be regulated through conditions of the Special Permit.

An abutter noted that homes along Hudson Road are visible from the site. Rich Harrington said that they can walk the site and report back. Rich Harrington said that they can work with neighbors on screening the site, specifically around the southeast entrance.

Charles Stevenson noted that wells from the homes on Kettell Plain Road should be considered.

Martin Massucci, 89 Kettell Plain Road, asked what would preclude the applicant from constructing a maintenance area on the site. Lori Clark said that if the current application is permitted, constructing a maintenance area would be a modification to the Special Permit and would require another public hearing.

Martin Massucci asked if heavy trucks would degrade the culvert over the stream. Lori Clark said that the Planning Board would need to get an opinion on the capacity of the culvert.

Martin Massucci asked for clarification with the need for the site to have frontage. Karen Kelleher said that the Board would need to see a legal opinion to be sure a Special Permit may be issued. Karen Kelleher noted past discussions around claiming frontage from Goshen Lane.

Patty Curran, 217 Hudson Road, said she feels that vehicles from the existing landscaping company have difficulty navigating Athens Lane and turning onto Hudson Road. Patty Curran said she feels more industrial traffic would create a larger traffic problem, as the posted speed limit on Hudson Road is 40 miles per hour.

Patty Curran asked for more information about the placement of security cameras near residences. Rich Harrington said that the placement would be indicated on the final plans, and they would likely be located at the main gate to the property.

Patty Curran asked whether the plan would include lighting. Lori Clark said that lighting would have to be shown on the plan, and the Board would have the opportunity to discuss.

Cliff Martin, 29 Heather Lane, asked if the existing landscaping business would continue their lease on the site. The applicant said the business would not continue. Ernie Dodd said that the Special Permit would address all users of the road.

Margaret Costello asked how abutters would know what is stored on site. Rich Harrington said that all the materials stored are allowed and governed through zoning.

Gordon Schaubhut, 27 Heather Lane, asked if meeting minutes are available and whether residents may submit questions ahead of the next public hearing. Lori Clark said that minutes are made available per Open Meeting laws, and that any questions or comments submitted will be considered at the next public hearing.

Gordon Schaubhut asked how the plan is assessed. Lori Clark said that the applicant has provided preliminary plans, which are public documents. Lori Clark said that the Planning Board uses the Town's bylaws, as well as Rules and Regulations to govern.

Gordon Schaubhut asked about inspections and how the Town ensures that the site is built as proposed. Lori Clark said that the Board's consulting engineer can inspect sites. Jesse Steadman described the Special Permit, saying that if permitted, the Special Permit document will include findings and conditions. Jesse Steadman said that the Special Permit is recorded at the Middlesex South Registry of Deeds.

Gordon Schaubhut asked what purview the Massachusetts Department of Environmental Protection may have over the proposed use. Lori Clark said that State and local bylaws may be triggered by this application, and noted that Stow's bylaws are rather stringent.

Gordon Schaubhut recalled that Bose assisted in constructing a community park on Old Bolton Road when they came to Stow. Gordon Schaubhut wondered whether this Applicant would provide a community benefit. Lori Clark said that the Board does not have the ability to ask for benefits, and must use the bylaws to govern. Lori Clark said that some types of applications, such as a Subdivision, provide applicants with options such as whether and how to construct sidewalks, however those options are also governed by bylaws.

Gordon Schaubhut asked about safety concerns regarding truck traffic on Hudson. Lori Clark said that the Board will ask for input from public safety officials.

Ken Duchi, 209 Hudson Road, asked about the Applicant's long-range plan. Lori Clark noted that the Applicant is under no obligation to propose their future plans, as that could be done under a future modification of a Special Permit.

The Board agreed that more information is needed from the Applicant.

*Ernie Dodd moved to continue the Public Hearing to June 26, 2018 at 7:30pm at Town Hall.
Margaret Costello Seconded.*

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

Vote on Formation of Subcommittee

The Board reviewed a draft notice of vacancy for a Lower Village Revitalization Subcommittee. The Board revised the composition of the subcommittee to provide a balance of residents and representatives of the business community.

Karen Kelleher moved to create the Lower Village Revitalization Subcommittee as drafted and amended.

Len Golder Seconded.

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

Regency at Stow Erosion Control and Landscaping Plans

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

The Board reviewed correspondence from Toll Brothers regarding stormwater management compliance issues. Jesse Steadman said that the Board's consulting engineer feels the site is under control.

The Board reviewed Regency at Stow's landscaping plans for their frontage along Boxboro Road. The Board noted that the proposed trees are within the proposed sidewalk easement area, though a future walkway could meander through the vegetation. The Board agreed that the area to the south of the plan at the existing cart path should be filled in with additional plantings.

Ernie Dodd moved to approve the landscaping plan with additional planting.

Margaret Costello Seconded.

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

Complete Streets Town Meeting Presentation

The Planning Board reviewed a draft presentation for the Complete Streets Committee's warrant article for \$50,000 towards design funds to advance projects on the Prioritization Plan toward construction.

Meeting Adjourned.

Respectfully Submitted,
Valerie Oorthuys