

TOWN OF STOW
PLANNING BOARD

Minutes of the July 10, 2018 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

Absent: John Colonna-Romano

Karen Kelleher called the meeting to order at 7:15pm.

Discussion of Meeting Minutes

Minutes of June 26, 2018

Karen Kelleher moved to approve the minutes as amended.

Len Golder seconded.

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

Public Input

None.

Member Updates

Mark Jones said that the Zoning Board of Appeals recently held two public hearings for Special Permits for homes along Lake Boon. Mark Jones noted abutters' interest in maintaining views and the difficult geometry involved with the small nonconforming lots along the Lake.

Planner's Report

Lower Village

Jesse Steadman updated the Planning Board on the progress on the Lower Village Improvements project, including grant funds spent to date and their progress as the state fiscal year ends.

Historic Preservation Special Permit

Jesse Steadman said he received an inquiry into the potential for a Special Permit for the sale of antiques in a home on the National Register of Historic Places located on Treaty Elm Road. Jesse Steadman advised the potential buyer of the property that an application for Special Permit before the Planning Board was the only way to receive a determination.

Gleasondale Bridge

Jesse Steadman reported that staff in several Departments, along with some abutting residents of Gleasondale Village attended a meeting with MassDOT regarding an update on the design effort for the Gleasondale Bridge over Route 62. Jesse Steadman reported that the Preliminary Structures Report has been finished and it is now considered a footprint project as some of the original abutments can be reused. Jesse Steadman said at this preliminary stage, the determination would mean the limit of the work on both approaches will likely be shorter, with no profile or alignment changes. At this time it appears the cross section may include 11' foot lanes, 4' shoulders and 6' sidewalks on both sides. Jesse Steadman said that it appears the next public hearing on the issue would be held in February of 2019. After a discussion with Public Safety officials at the meeting, it seems certain the bridge will remain open during construction, which continues to be slated for 2021.

Spring Hill Estates

Jesse Steadman reported that he is planning to provide the owners of the Spring Hill Estates subdivision an update memo outlining the outstanding items necessary prior to issuance of the first Building Permit. Jesse Steadman noted that he discussed the site with the Board's consulting engineer, and the trench issues identified earlier in the week are being rectified. However, Places Associates noted that the cistern is sitting higher than shown on the plan due to ledge and the Fire Chief should review prior to any Planning Board sign off for permits. Places Associates also noted that there remains work to be done on the erosion controls at the site and recommends that the owner be informed that no work should take place on the stormwater management system until the erosion controls are improved.

Recreational Marijuana

Jesse Steadman indicated that the Recreational Marijuana was attended by nearly 40 people and was a good discussion. Since that time, Jesse Steadman indicated he has been fielding questions regarding the sequence of Town Meeting and any potential ballot votes related to marijuana. He added that Planning Staff plan to provide the Planning Board with a memo outlining results of the Marijuana Survey to the Planning Board and Board of Selectmen in time for their July 24th meetings. The Planning Board discussed the potential timing of a ballot vote and Town Meeting, agreeing that the issue is complicated and would require further input from Town Counsel. The Board agreed that it may be beneficial to hold a Joint Boards meeting with the Board of Selectmen and Town Counsel in order to come to a resolution.

Public Hearing

Special Permit and Site Plan Approval for an Accessory Apartment, 44A Hudson Road

Present:

Bruce Fletcher, Owner

Karen Kelleher moved to waive the reading of the Public Hearing notice.

Len Golder Seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, Megan Birch-McMichael (Voting Associate Member)- Yea).

Lori Clark read through the public hearing guidelines.

Bruce Fletcher said that what is now the accessory apartment constitutes the original footprint of the home on the property, which was constructed around 1880. Bruce Fletcher said that what is now used as the primary residence was constructed in 1988, and that he has owned the property since 1991. Bruce Fletcher said that he feels the reason there has not been a Special Permit for the Accessory Apartment is due to a misinterpretation of the Zoning Bylaw, specifically the use of the word 'and' at the end of Section 8.1.2.2. Bruce Fletcher said that the date of the completion of construction of the addition may have complicated the issue, as it was started in 1988, though finished after 1991. Bruce Fletcher said that all requirements of Section 8.1.2.3 are met, except that the lot is less than 1.5 acres, triggering the requirement for a Special Permit.

Bruce Fletcher said that he is requesting the Special Permit at this time because the Building Commissioner has now determined it is required, and he is hoping to sell the home.

Bruce Fletcher said that he reviewed comments from Nashoba Associated Boards of Health, and contends that the home requires only a 4 bedroom septic system, as it has 9 rooms, inclusive of the Accessory Apartment, 4 of which are bedrooms. The Board of Health felt the home could have 5 bedrooms. The Board agreed that the Special Permit decision should include a finding pertaining to the Board of Health's comment on the site's approved septic capacity of 4 bedrooms.

Karen Kelleher moved to close the public hearing.

Len Golder seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, Megan Birch-McMichael (Voting Associate Member)- Yea).

Karen Kelleher moved to approve the Special Permit and Site Plan Approval for an Accessory Apartment at 44A Hudson Road with conditions.

Len Golder seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, Meghan Birch-McMichael (Voting Associate Member)- Yea).

Jillian's Lane Site Stabilization

Jesse Steadman said that since the Board's last meeting, additional erosion control concerns arose after a rain event. Jesse Steadman said that he recommended to the Building Inspector that a Cease and Desist be ordered, given the Planning Board's recent conversations on the thresholds for doing so. The Building Inspector issued a Cease and Desist on June 28th.

MaryAnn DiPinto, of Three Oaks Environmental, provided an update on site stabilization efforts since the June 28th rain event. MaryAnn DiPinto said that Todd King, Erosion Control Specialist at Environmental and Stormwater Solutions LLC, provided recommendations for sediment containment on site, and that the Stormwater Pollution Prevention Plan has been updated with this information. MaryAnn DiPinto said that water needs to be contained at the top of the hill and then released more slowly. Following these recommendations, a stone swale lined with jute netting and flocculent logs at four check dams has been constructed from the small sediment basin at the top of the hill down towards another sediment pond. From there, a second stone swale leads to a lower sediment pond and through a third stone swale. MaryAnn DiPinto provided the Board with the narrative and sketch of this plan from Todd King.

Jesse Steadman said that the Board's consulting engineer has reviewed the plan, which she is very comfortable with, though she feels this needs to be properly documented so that after a future rain event the contractors are not held responsible for erosion concerns on neighboring lots. Jesse Steadman said that this is a specific concern at 113 Walcott Street, where neighbors have stripped away vegetation. The Planning Board reviewed a letter to the abutting property owners regarding site stabilization concerns on their lot, as they are co-applicants for the Jillian's Lane Definitive Subdivision.

The Planning Board agreed that the Cease and Desist should be lifted, and that the previously agreed upon construction sequence should be followed. Jesse Steadman noted that the next step would be to reconstruct the detention basin.

Margaret Costello asked about the status of clean-up efforts since the June 28th rain. MaryAnn DiPinto said that there was evidence of turbidity in the runoff from the site and that they are working with the Conservation Commission to complete clean-up. MaryAnn DiPinto said some areas will need to be vacuumed and the catch basins will need to be cleaned out. MaryAnn DiPinto said the wet meadow across from the site is doing well.

*Karen Kelleher moved to release the Cease and Desist, and to recommend that the contractors return to the initially agreed upon construction sequence.
Len Golder seconded.*

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

Public Hearing

Erosion Control Special Permit, Town Center Park- 323 Great Road

Karen Kelleher moved to waive the reading of the Public Hearing notice.

Len Golder Seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, Megan Birch-McMichael (Voting Associate Member)- Yea).

Lori Clark read through the public hearing guidelines.

Jesse Steadman said that the applicants, Stow's Conservation Commission and Recreation Department, have asked to continue the public hearing without testimony.

Karen Kelleher moved to continue the public hearing without testimony to July 24, 2018 at 7:30pm.

Margaret Costello seconded.

VOTED: 5-0 Unanimously in favor (Lori Clark, Len Golder, Margaret Costello, Karen Kelleher, Megan Birch-McMichael (Voting Associate Member)- Yea).

Regency at Stow Site Stabilization

Jesse Steadman said that Regency at Stow had a few erosion control issues after the rain on June 28th. The Conservation Commission has been monitoring the site and reviewing remediation efforts. Jesse Steadman noted that the Board's consulting engineer expressed some concern regarding the contractor's inspections on erosion controls, as they did not inspect the site until a week after a recent rain event. Jesse Steadman said that the consulting engineer recommended that the Planning Board require weekly Stormwater Pollution Prevention Plan reports.

Meeting Adjourned.

Respectfully Submitted,
Valerie Oorthuys