

TOWN OF STOW
PLANNING BOARD

Minutes of the August 21, 2018 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Karen Kelleher, Len Golder, John Colonna- Romano

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

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

Discussion of Meeting Minutes

Minutes of July 24, 2018

Karen Kelleher moved to approve the minutes as amended.

Margaret Costello seconded.

VOTED: 3-0 Unanimously in favor (Lori Clark, Margaret Costello, Karen Kelleher-Yea, Len Golder and John Colonna-Romano abstained).

Public Input

None.

Member Updates

None.

Correspondence

The Planning Board discussed a letter from an abutter of Wedgewood Pines, which detailed concerns of soil erosion and road conditions due to stormwater runoff. The Board agreed to discuss the concern with the Highway Department and conduct a site visit to determine the cause, extent, and any possible mitigation needed.

Planner's Report

Jillian's Lane

Jesse Steadman said there is correspondence in the packet from MaryAnn Dipinto, Wetlands Consultant with Three Oaks Environmental, describing the site at Jillian's Lane after heavy rains the weekend of August 11th. The site appears to be maintaining stability.

Regency at Stow

Jesse Steadman noted that the Regency at Stow project saw significant erosion during the weekend of August 11th. As the correspondence indicates, Jesse Steadman asked the project manager to attend a meeting with staff. Greg Roy from Ducharme and Dillis attended and presented a plan of action to create temporary solutions was discussed. The

Planning Board will hear an update on that process this evening and have the opportunity to provide further input.

Lower Village Traffic Safety Improvement Project

Jesse Steadman indicated that there are two draft plans in the packet relating to Lower Village – one regarding a retaining wall that is needed at 132 Great Road and one regarding a tree well at 196 Great Road.

Gleasondale Bridge and Engineering

Jesse Steadman noted that Planning Department staff will meet with the Gleasondale Bridge team at the end of the week to discuss the schedule for the bridge redesign process.

Endorsement of Decision for Modification to Site Plan Approval for Wireless Communication Facility, 501 Gleasondale Road.

The Board reviewed and endorsed the decision for Site Plan Approval, after voting to approve the minor modification at their meeting of August 7, 2018.

Public Hearing

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

Applicants Present:

Frank French, Sr.

Frank French, Jr.

Michael French

Tim Shannon

Lori Clark said that the Board has received a letter from the consulting engineer at Places Associates, Inc. regarding their review of the application as well as notes from a recent staff level site walk.

Karen Kelleher said that her concern is the Planning Board's authority regarding frontage, as they cannot waive requirements of the Zoning Bylaw, so it would be difficult to make a finding that the applicant meets the requirements of the Zoning Bylaw based on frontage.

Frank French, Sr. asked if it is possible to receive a Special Permit for screened storage without improving the site, as he feels the use of the land is not changing. Lori Clark stated that the Zoning Bylaw requires 150 feet of frontage in the Industrial District and the Planning Board doesn't have the authority to waive the Zoning Bylaw. Lori Clark said that access can be gained by bringing the road up to standard so that it has sufficient width, suitable grades and adequate construction. Karen Kelleher said that an application for the Special Permit should include a subdivision road layout showing legal frontage. Mark Jones added that the previous use did not conform to the bylaws and was not an allowed use.

The Board discussed additional information that would be needed in order to determine the standard to which the road should be constructed, including the average daily traffic and the types of vehicles accessing the parcel. The Board acknowledged that the letter from Places Associates offers guidance on additional information needed.

Karen Kelleher stated that Town Counsel previously determined that Athens Lane does not meet the Town's definition of a street, though frontage was not addressed. Jesse Steadman added that without Athens Lane being declared a street, the parcel in question does not have frontage.

Frank French, Jr. said that the Fire Chief believes the road is suitable for the proposed use. Jesse Steadman agreed that the Fire Chief approved of the road's use for the storage of materials, though if any structures are used on the site, the Fire Chief would need to consider turn outs and widening the road, as the decision to create a street would open other options in the future. Jesse Steadman said that the use of a covenant could be helpful to further define the expected use of Athens Lane and set a threshold for future improvements.

Frank French Jr. asked for clarification of the section of Athens Lane that the parcel needs frontage on. Lori Clark said that it encompasses everything from Hudson Road to the property.

Frank French Jr. recalled that there is an easement granting access from EFMC's property, and asked why a private developer would need to improve a road in Town. Mark Jones clarified that Athens Lane is private, meaning that the land owner owns the way and the easement provides the right to access. Jesse Steadman added that Franck Vannoight has previously attended public hearings regarding ownership of Athens Lane, and he has claimed to either have rights to Athens Lane or to own Athens Lane. Jesse Steadman said that whomever has the rights, such as an easement, to Athens Lane also has the ability to improve the way.

Frank French Jr. expressed frustration over additional information needed by the Board to make a determination, saying that he is unsure of how to conduct a traffic study. Lori Clark offered that the applicant may put forward how they feel the road may be used, including frequency and vehicle type, and that information could be included in covenant. Lori Clark added that a written proposal is much easier to react to, so that the Board can make informed determinations, rather than responding to conceptual ideas. Jesse Steadman said that the Subdivision Rules and Regulations are a good place to start, as it includes street classifications based on average daily traffic counts. Jesse Steadman said it would be helpful for the applicant to think about which type of street is most applicable to their use in order for the Board to consider what standard Athens Lane would need to be constructed to. Lori Clark said that the applicant would ultimately need to submit plans of the improvements.

Barbara Wolfenden, 23 Heather Lane, asked if the ownership of Athens Lane has been decided. Len Golder said that the Board received guidance from Town Counsel that the ownership is unclear.

Ken Duchi, 209 Hudson Road, asked which part of Athens Lane Franck Vannoight may own. Tim Shannon said that he owns from Hudson Road west to the first intersection. Mark Jones said that perhaps some abutters would be interested in granting rights of access over the road in order to allow the road to be created.

Bob Dionisi, of Dionisi/ O'Rourke, LLP, representing the owner of the parcel, stated that he feels the conversation from the June 26, 2018 public hearing settled the issue of frontage. Bob Dionisi said that he feels the 1972 plan of land shows Athens Lane is a public or private way, and said that he would like the Planning Board to determine whether Athens Lane has sufficient width, suitable grades and adequate construction. Lori Clark said that the Planning Board would need to determine legal access and frontage.

Frank French Sr. said that he would like the Fire Chief to attend the next public hearing to discuss his thoughts on access. Frank French Sr. expressed frustration about the need of an applicant to improve Athens Lane if the ownership of the road is unclear.

Margaret Costello said that she feels the Board has consistently said Athens Lane is inadequate.

Philip Beltz, 25 Heather Lane, stated that it would have been preferable for the applicant to deliver the Board more information in the application, and that a business plan would help understand the extent of the intended activities on site. The Board agreed that the application was thin.

Frank French Sr. asked about the road classification and associated standards. Lori Clark said that Athens Lane would need some improvement, but more information is needed to determine the standard to which it would be improved. Lori Clark added that the Board would need proof of the right to access. Bob Dionisi said that Athens Lane is a public way shown on a plan. Lori Clark said that Town Counsel is not in agreement with that assessment, and advised that if the applicant needs to pass over other people's land to access the parcel, the applicant would want to make sure they have that right.

Keith Curran, 217 Hudson Road, said that the letter from Places Associates also indicates disagreement that the 1972 plan proves Athens Lane is a public way. Keith Curran said that the letter from Places Associates shows that the applicant needs to proceed with items such as surveying, wetlands flagging, and culvert inspection. Lori Clark said that the Board is trying to find out more information so that the applicant understands what kind of plan to submit.

Jesse Steadman provided his opinion that he is less concerned about the ability to use the right of way, as more focus should be put on frontage. Jesse Steadman said that there

would be no other way to create frontage than to create a subdivision road, though it is unclear to what standard the road would be built.

Frank French Jr. asked if the lot is preexisting nonconforming. Lori Clark said that refers to the use of the land, and this would be an increase in the intensity of the use.

Tim Shannon asked if one way to prove that Athens Lane is an accepted right of way could be to produce the title from the bank, showing that an institution provided a loan. John Colonna-Romano said that this would be a question for Town Counsel.

Barbara Wolfenden said that she would like traffic safety to remain a point of discussion.

The Planning Board agreed to invite Sue Carter of Places Associates to the next public hearing for this application to discuss specific questions related to access and road classification. The Planning Board agreed that additional information is needed to assess the application, such as the average number of vehicle trips expected, the type of vehicles anticipated to traffic Athens Lane, and any legal documentation related to the right of way.

Karen Kelleher moved to continue the Public Hearing to September 25, 2018 at 7:30pm at Town Hall.

Margaret Costello Seconded.

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

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

The Board reviewed and endorsed the decision for an Erosion Control Special Permit, after discussion of the application at the public hearing on August 7, 2018.

Regency at Stow Erosion Control Special Permit Compliance, Joint Session with the Conservation Commission

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

Present:

Kathy Sferra, Conservation Coordinator
Jacquie Goring, Conservation Assistant
Jeff Saunders, Conservation Commission Chair
Andrienne Snow, Conservation Commission
Cortni Frecha, Conservation Commission
Nicki McGachey, Conservation Commission
Sean Griffen, Toll Brothers
Tony Casapulla, Toll Brothers
Greg Roy, P.E., Ducharme & Dillis

Jesse Steadman said that rain events have impacted erosion control measures at the Regency at Stow site, and after the significant rain events of the weekend of August 11th, best management practices were adjusted on site. Jesse Steadman said that the Conservation Commission had been following up on remediation of some wetland areas, but after seeing the photos from Kathy Sferra from August 11, it was clear more needed to be done. Jesse Steadman said that a staff level meeting was held with Greg Roy and Tony Casapulla, and staff asked them to attend this meeting tonight to make sure we're all on the same page to get a handle on the site going forward.

Greg Roy distributed a site inspection report along with a corresponding map showing erosion control remediation efforts. The site inspection report details erosion control action items from a site inspection on August 14 and is amended to include updates from a site inspection on August 20. Greg Roy reviewed the full report with the Planning Board and Conservation Commission.

Tony Casapulla provided a proposed schedule of the remediation efforts, explaining that most of the work would be completed in the next 3-6 months. Tony Casapulla stated that work along the north ridge of Ridgewood Drive would continue into next June and July, whereby the construction is projected to be complete.

Andrianne Snow said that from the perspective of the Conservation Commission, stabilization is most important, to limit any future issues. Andrianne Snow asked about the timetable for silt removal from the affected isolated wetlands. Greg Roy said that the Conservation Commission had given a deadline of September 15 to complete silt removal. Kathy Sferra said that a site walk will be scheduled with Brandon Ducharme, a wetlands specialist to see how the vegetation in the wetland is recovering.

Lori Clark asked about the timeline for completing the short term stabilization measures. Greg Roy said that the stabilization measures are currently underway, and that action items have been prioritized. Greg Roy said that some items will take longer, such as the construction of a sediment basin. Kathy Sferra said that specific dates attached to action items would be helpful. Tony Casapulla offered to come back to the Boards every two weeks with updates.

Kathy Sferra stated that she is concerned with the schedule for hydroseeding on site, as there could be adverse weather conditions in November, impacting the ability to stabilize the site ahead of winter. Kathy Sferra asked if there is any way to complete this sooner. Tony Casapulla agreed that this is a concern.

John Colonna- Romano, as an abutter, asked about the efficacy of designed erosion control measures onsite. Greg Roy said that on a stable site, those measures would work well, however the issue is more related to construction impacts and removal of siltation.

Lori Clark noted that other sites in town have had issues with erosion control, and asked what the Board can do to handle erosion control proactively. Jesse Steadman said that Sue Carter has offered some suggestions, such as the location of stockpiles. Jesse Steadman

said that the area on the map labeled as Section 15 was surprising to Sue, specifically the amount of clearing and equipment storage impeding erosion control. Greg Roy said that with future projects, the Board could ask the contractor to bring forward their own erosion control plan so that the Board can agree on a plan with the contractor rather than solely with the engineer. Greg Roy said that the contractor's erosion control plan could be specific and not performance based, including specific locations of stockpiles or temporary sediment basins.

The Planning Board agreed that an update should be provided at their next meeting of September 11.

Recreational Marijuana

The Planning Board reviewed the draft Warrant Articles for the October 1, 2018 Town Meeting, making revisions to the Planning Board summaries to appear with each Zoning Article for the purpose of clarifying language so that residents are aware of the implication of their votes.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys