

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 9, 2018 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Absent: Mark Jones (Associate Member)

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

**Discussion of Meeting Minutes**

**Minutes of September 25, 2018**

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

*Len Golder Seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Len Golder, John Colonna-Romano, Karen Kelleher-Yea).**

**Minutes of October 2, 2018**

*Len Golder moved to approve the minutes as amended.*

*John Colonna-Romano Seconded.*

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

**Public Input**

None.

**Member Updates**

Len Golder shared a Letter to the Editor he drafted regarding Town Meeting's discussion of Registered Marijuana Establishments.

Karen Kelleher said that the Complete Streets Committee met recently to review and accept a proposal for survey plans for a section of Great Road. The survey plans will help inform the design for bicycle improvements from Bradley Lane to Town Center.

Margaret Costello commented that Gleasondale residents are against widening the Gleasondale Bridge to make room for bicycle lanes, as it would encourage traffic to travel at higher speeds. Jesse Steadman said that MassDOT is considering maintaining the width of the bridge while narrowing travel lanes to create larger shoulders for bicycles.

## **Planner's Report**

### *Boxmill Bridge*

Jesse Steadman said that MassDOT has provided 25% design plans for the bridge. The plans confirm that a temporary bridge will be utilized during construction. Margaret Costello said that MassDOT should confirm whether there is conduit running underground at the bridge, as it would be beneficial to install larger pipes during the bridge reconstruction to accommodate any proposed expansion of Carver Hill Orchards.

### *Inclusionary Zoning*

Jesse Steadman said that he has sent memos to Town Counsel regarding requests to waive the affordable housing bylaw from applicants at Joanne Drive Subdivision and Hallocks Point Subdivision.

### *Registered Marijuana Establishment Special Permit Rules and Regulations*

Jesse Steadman said that the Rules and Regulations have been drafted, and that a public hearing has been scheduled for October 30<sup>th</sup>.

### *Collings Foundation*

Jesse Steadman said that the public hearing for the Erosion Control Special Permit at the Collings Foundation has been scheduled for November 7<sup>th</sup>.

### *Massachusetts Historic Commission*

Jesse Steadman said that the Massachusetts Historic Commission has announced this year's grant round for survey and planning grants, which could fund projects such as nominations to the National Historic Register District or the creation of Historic District Design Guidelines.

## **Regency at Stow Erosion Control and Sedimentation Plan**

### *Present:*

Scott Miccile, Toll Brothers  
Bill Keaton, Toll Brothers  
Sean Griffin, Toll Brothers

Jesse Steadman said that he attended a recent site walk at Regency at Stow to review erosion control measures. A variety of issues were discussed and staff met with Toll Brothers last week to outline the site issues, expectations, and changes that could be made. Since that time, Sean Griffin and Scott Miccile provided further detail on their erosion control plan moving forward.

Scott Miccile presented an updated erosion control plan, noting which measures are completed, in progress, or to be completed. Scott Miccile said that the work outlined will take them to mid-November. Scott Miccile said that some of the scheduling of the Erosion Control measures are related to the development of the homes, as some are a month behind others in construction.

Lori Clark asked if runoff is contained to the property. Scott Miccile said that they will have a better understanding of this soon, as staff of Ducharme & Dillis recently walked the perimeter of the site and will provide a report in the coming days.

The Board agreed that a status update should be provided in the third week of October.

### **Phased Growth Bylaw**

*Present:*

Peter Brown, Stow Acres

Lori Clark said that the request to review the Phased Growth Bylaw was received a few months ago, and has since been discussed at the Planning Board's meeting of August 7, 2018. Lori Clark said that at that meeting, Town Counsel stated that the bylaw is not unlawful, though recommended the Town consider amendments.

Peter Brown said that the Phased Growth Bylaw was adopted 30 years ago, though he feels it is intended to be a temporary bylaw to provide the Town time to prepare or expand municipal services for residential growth.

Karen Kelleher asked about the timing of the request to revise the Phased Growth Bylaw, and whether it is intended to coincide with a proposed development. Peter Brown said that Stow Acres is looking at the potential of developing either the north course, south course, or both. Peter Brown said that he believes both courses could provide 150 buildable lots through a conventional subdivision. Peter Brown said that he feels the Phased Growth Bylaw could slow down construction to a 10 year project. Peter Brown said that he is also looking at other types of development, such as a Planned Conservation Development.

Margaret Costello stated that she feels the scale of the development mentioned would be a large impact to the Town and would impact traffic, schools, and conservation.

Karen Kelleher asked Peter Brown to consider a Planned Conservation Development, as it is in keeping with Town goals.

The Planning Board agreed to look further at the Phased Growth Bylaw, though it would need to be considered Town-wide. Regarding a timeline, the Board acknowledged that changing zoning takes time as it would require a planning process, a public hearing, and a Town Meeting.

Kathy Sferra, Conservation Coordinator, said that given the size of the property, the environmental resources it encompasses, and the fact that it is under Chapter 61, it would be appreciated to plan collaboratively. Kathy Sferra said there may be zoning to change, though that could be considered at the end of a process where the Town and Stow Acres could develop a shared vision. Peter Brown reiterated his intent to work with the Town and to make sure he is fully informed of his options.

## **Public Hearing**

*Present:*

Dick Bolton, Applicant

The Planning Board reviewed and discussed the draft Conservation Restriction for Springbrook Farm. Jesse Steadman said that Section 13 under Reserved Rights and Exceptions may be of interest to the Board, as it describes construction, renovation, replacement, and alteration of buildings, structures, and infrastructure.

Lori Clark asked how the size of a new structure would be limited if the barn were to be knocked down. Kathy Sferra, Conservation Coordinator, said that the structure could be rebuilt on the existing footprint. Megan Birch-McMichael noted that the CR does not allow the well and septic system to be expanded. Dick Bolton said that the barn has an approved Title 5 well and septic for 3 bedrooms.

George Jagodzinski, 56 Apple Blossom Way, said that he is concerned about the CR's inclusion of agriculture and related smells, noises, and chemical use. Kathy Sferra said that the current CR does not describe agriculture in detail, whereas the draft CR is clear in its definition of agriculture. Kathy Sferra said that while it may be broader than what all neighbors wish to see, there is some protection and benefit in having the farmer living on the property. Kathy Sferra said that there is annual monitoring of the CR.

George Jagodzinski suggested that the CR ensure that the barn cannot be a non-primary residence or a rental home.

Margaret Costello asked about public access on Apple Blossom Way, as she would like pedestrians to be able to access the conservation land. Dick Bolton said that the road is a private way and maintained by the Homeowners Association. There is a trail easement recorded from Treaty Elm Lane to the conservation land along the Assabet River.

Tracy Henry, 63 Apple Blossom Way, asked if there is a way to limit the number of livestock allowed per acre. The Board was unclear on this and suggested the Board of Health may have recommendations.

George Jagodzinski said that he acquired a section of land with a Conservation Restriction that was behind his home on Apple Blossom Way, and asked if the CR on his property would expire. Kathy Sferra said that the CR is enforceable by the Town and the Town will continue to record the CR in 20 year intervals as the Conservation Commission would likely feel obliged to maintain it.

Michael Naill, 57 Apple Blossom Way, asked whether the allowance of a building would extend to the two other parcels owned by Dick Bolton. Kathy Sferra said that agriculture would be allowed on the other parcels, though the existing structure is the only building allowed. Kathy Sferra noted that agricultural activities could include clearing of the sites. The Board clarified that there would be no other buildings or structures on the other two

parcels, though farming would be allowed. The Board acknowledged the need for the owner of the barn parcel to submit a Farm Plan, to be approved by the Town, as the Grantee.

*Karen Kelleher moved to close the Public Hearing.*

*Len Golder Seconded.*

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

The Board agreed that they feel favorably toward this modification as it provides the Town with a perpetual CR that is more detailed than the current CR and it allows for resident oversight of the agricultural activities.

### **Gleasondale Neighborhood Area Subcommittee Appointment**

The Board discussed a letter of interest from Kate West, 8 High Street.

*Len Golder moved to appoint Kate West to the Gleasondale Neighborhood Area Subcommittee for a one-year term.*

*Margaret Costello seconded.*

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

### **Spring Hill Estates Schedule**

The Planning Board discussed a draft letter to the applicant of the Spring Hill Estates Subdivision outlining the actions necessary to bring the development into compliance with the terms of the Erosion Control Special Permit. The letter describes erosion control measures needed to be completed prior to beginning any further site work. The Board discussed their concern of the financial stability of the development, and requested that the applicant submit a bond estimate for road repairs needed.

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

Jesse Steadman said that there are significant cost overruns projected to complete the Lower Village project. The Board discussed the nature of the overruns and requested change orders. Jesse Steadman said that he has been working closely with the Town Administrator, the consulting engineer, and the contractor to come to an agreement.

Jesse Steadman said that Rich Presti, owner of 92 Great Road, has asked the Town to remedy the stormwater ponding on his property. Jesse Steadman said that stormwater had previously sheeted off his site onto Great Road, though the construction of the sidewalks has kept the water on site and is creating issues in the parking lot. The Board discussed the final condition of the planned streetscape improvements and agreed that the easement agreement previously negotiated adequately addresses the drainage concern.

Jesse Steadman said that he recently met on site with Board members of Meeting House at Stow to discuss the need of temporarily removing a fence off the public right of way to ensure that contractors can proceed with construction of the sidewalk at a new grade. The Board discussed the language of the easement agreement with Meeting House at Stow and agreed that the fence is outside of the easement area and on the public right of way, and therefore should be arranged to be removed by the Board of Meeting House.

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys