

TOWN OF STOW
PLANNING BOARD

Minutes of the October 30, 2018 Planning Board Meeting

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

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

Absent: Margaret Costello

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

Discussion of Meeting Minutes

Minutes of October 23, 2018

Karen Kelleher moved to approve the minutes as amended.

John Colonna-Romano Seconded.

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

Public Input

Rick Marshall, of 114 Maple Street, stated his concern for the design of the intersection of White Pond Road and Great Road as part of the Lower Village Traffic Improvement project. Rick Marshall said that his Astro Crane trucks have had difficulty entering and exiting at that point. Trucks cross traffic lanes to adequately make the turn when headed eastbound on Great Road to turn right onto White Pond Road. Rick Marshall said that he is concerned that once construction has ended, trucks making turns at that intersection will damage the new sidewalk. Rick Marshall said that the width of White Pond Road at the intersection is 38 feet and asked if that would pose an ADA concern.

Jesse Steadman said that the Planning Department has received several questions about the layout of this intersection, and has since held a site walk with the engineer and contractors. Jesse Steadman said that the minimum width for this type of intersection is 30 feet, though that was increased because of the difficulty of the intersection and to balance the needs of pedestrians and vehicular traffic. The Fire Chief has looked at the intersection and had a truck take the turn, and he feels the layout is adequate. Jesse Steadman said that after rechecking the geometry of the road and holding a site visit, the design is adequate though could be revisited post construction should there continue to be a concern.

Rick Marshall suggested the use of brick medians to allow trucks additional space without running over the curbing, while encouraging other traffic to stay in their designated lanes. The Planning Board acknowledged that the project is already over budget and comments from the Fire Chief indicate that the existing layout does not present a public safety concern.

Public Hearing

Definitive Subdivision and Erosion Control Special Permit and Site Plan Approval, Hallocks Point Road

Present:

Paul Alphen, Alphen & Santos, P.C.

Jeff Brem, P.E., Meisner Brem Corporation

Sarah Bailin, Owner

Paul Alphen described the layout of the proposed subdivision, which includes 3 lots to create 7 buildable lots. Paul Alphen noted previous discussions with the Planning Board related to the adequacy of Hallocks Point Road, as the applicant had previously intended to submit a Subdivision Approval Not Required plan. Paul Alphen said that he believes Hallocks Point Road was used as frontage since 1948, and that layout is seen in the proposed subdivision plan so as not to interrupt the easements other existing owners have over the road.

Paul Alphen said that the applicant is requesting 10 waivers from the Board's Subdivision Rules and Regulations, including a waiver from Section 7.8 to allow for a 40 foot right of way. Paul Alphen said he is unsure why the Town Assessor's Maps show the right of way extending west, though the deeds for the existing homes on Hallocks Point Road show that easement rights have not been granted past lot U6-11.

Jeff Brem said the subdivision includes just less than 13 acres of land over three lots, bounded by Sudbury Road. The site has steeper contours towards the lake and is flatter at the existing right of way. The lots along Hallocks Point Road are wooded, except for the three existing house lots which are not part of this application. A home was previously located at the end of Hallocks Point Road and has since been torn down. Soil testing throughout the site shows sandy gravel. Jeff Brem said that additional tests will be completed in the next week around Lots 3 and 4 and in the areas of the stormwater facilities, per recommendation from Sue Carter of Places Associates.

Jeff Brem said the proposed subdivision includes upgrading Hallocks Point Road to a standard full width road which will be paved with a cul-de-sac turnaround. The roadway will maintain the same grade post construction, other than a slight cut and fill.

Jeff Brem said the roadway contains a high point by Lot 1 and 2, so that stormwater will drain to stormwater facility #1. Stormwater will also be captured at a catch basin by Lot 5 and at a catch basin in the interior of the cul-de-sac, designed so that the crown of the road

is maintained in the cul-de-sac. Stormwater will flow through the flat back of Lot 5 to stormwater facility #2. Jeff Brem noted that the plan will be modified to show additional clearing around stormwater facility #2, per Sue Carter's recommendations for a 15 foot cleared radius.

Waiver Requests

Jeff Brem said that one of the requested waivers relates to the Street Classification Table in Section 7.8 of the Subdivision Rules and Regulations. Jeff Brem said that there are restrictions that come with classifying Hallocks Point Road as a single access road, and it is preferable to be classified as a marginal access road with a waiver to have a 40 foot right of way.

Jeff Brem said that they are withdrawing the waiver request from performing Stormwater basin test holes, as these will be conducted in the coming days.

Jeff Brem said that they have requested a waiver from the underground utilities requirement, as they will use the existing utility poles. Jeff Brem said that the proposed plans include the removal of one pole.

Karen Kelleher noted the applicant requested a waiver from the construction of a sidewalk, and asked if the applicant is planning to propose a sidewalk easement. Jeff Brem said that this would need to be clarified.

Karen Kelleher said that the applicant should make an attempt to contact the abutters about the location of their well and septic systems so that those locations may be factored into the plans.

Parcel X

Jeff Brem said that the plans include a Parcel X, which does not need to be included with Lot 7, as the size of that lot is over 1.5 acres. Jeff Brem said that Parcel X could be purchased by the future owner of Lot 7, though the Town may be interested in it. Jeff Brem said that Parcel X will be discussed further with the Conservation Commission at their upcoming public hearing.

Landscaping

Jeff Brem discussed landscaping in the cul-de-sac turnaround. Jeff Brem said the area will not be irrigated, though he would like to propose 3 maple trees. Mark Jones said that plowing trucks may have trouble at the cul-de-sac once the maple trees are established.

Existing Driveways

Jeff Brem said Sue Carter, the Planning Board's consulting engineer, has requested detail of how the road will match existing driveways. Paul Alphen said that the applicant does have the legal right to make improvements to the road. Lori Clark asked if temporary easements would be needed to match the road to the driveways. Jeff Brem said that he believes the existing driveways are gravel. Lori Clark said that with constructing subdivisions around existing lots, there tend to be issues over grading and drainage.

Proximity to Bathing Beach

Jeff Brem said that the Board's consulting engineer pointed out the requirements of Massachusetts Department of Environmental Protection's stormwater management standard for discharges to critical areas, as the proposed stormwater system discharges to Lake Boon, which has a public bathing beach. Jeff Brem said that he contacted MADEP to find out more about the relationship between the proximity of the site and the public bathing beach. MADEP said that the standard is for stormwater discharges within the roped off swimming area. Jeff Brem said that he has communicated this to Sue Carter.

Drainage

Jeff Brem said that the proposal includes a drainage easement between Lake Boon and Stormwater Management area 2.

Right of Way

Paul Alphen said that the plans do not extinguish any owner's rights because all current owners have rights only from their lot east to Sudbury Road. Karen Kelleher said that the concern about right of way refers to extinguishing the road layout.

Dock Encroachment

Jeff Brem said that there is a dock encroachment onto the proposed lot 5, though it is not abandoned. Paul Alphen added that it would be premature to tell the current owner to move the dock. Lori Clark said that it should be addressed so that the new lot owner is not burdened.

Emergency Access

Jeff Brem said that Sue Carter commented that the driveway for Lot 3 appears to be insufficient for emergency vehicle access. Paul Alphen said that a standard for the driveway needs to be determined, and that Sue Carter is referencing an SU-30 turnaround. Lori Clark asked if the design of the driveway could be altered by creating a common drive for Lots 3 and 4. The Board agreed that more information is needed from the Fire Department on the placement of the driveway on Lot 3.

Karen Kelleher asked about methods of fire protection, as the Fire Department typically asks for a cistern. Jeff Brem said that this has not been discussed.

Jesse Steadman asked about the intent to clear along Sudbury Road, as shown on the grading and utility plan. Karen Kelleher said that the Open Space Committee and the Conservation Commission have asked for a no cut buffer between Sudbury Road and the development. Jeff Brem said that this would be revisited.

John Colonna-Romano asked if there is any ledge on site. Jeff Brem said that there is no ledge, only sand and gravel.

Lori Clark said that there is concern from the Conservation Commission around having 7 new owners wanting to install docks, and suggested that the applicant consider a shared dock.

Mark Jones suggested that the conversation with the Conservation Commission might be aided by proposing individual dock locations in an attempt to limit future work in the 35 foot no disturb buffer from Lake Boon. Jeff Brem responded that a path to the water from each home could be flagged at the next site walk.

Lori Clark asked about snow storage plans. Jeff Brem said that if the interior of the cul-de-sac includes a few trees rather than a naturalized area, it could be used as snow storage.

The Planning Board agreed that the cul-de-sac should be staked.

Paul Alphen submitted a letter regarding the Inclusion of Affordable Housing.

Jesse Steadman said that the Board should continue to discuss the applicant's waiver related to street classification. Jesse Steadman said that if the waiver is not provided, Hallocks Point Road would be classified as a single access street, which would apply additional standards per Section 7.8.2.2 and impacts the layout of the subdivision plan more than any other waiver requested.

The Planning Board signed an extension request from the applicant to extend the deadline to render a decision to February 15th, 2019.

Karen Kelleher moved to continue the public hearing to November 27th at 7:30pm.

John Colonna-Romano seconded.

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

Public Hearing

Registered Marijuana Establishment Special Permit Rules and Regulations

Valerie Oorthuys said that the Rules and Regulations were drafted at the same time as the Registered Marijuana Establishment Zoning Overlay District was written to better coordinate requirements and integrate comments from residents regarding their expectations. The Cannabis Control Commission has also published documents that have helped in this process, such as their Guidance for Municipalities and their Guidance on Equitable Cannabis Policies for Municipalities.

Valerie Oorthuys said the Rules and Regulations mirror those for Special Permits, though most changes are seen in Section 4, the Contents of a Petition. The application requirements are intended to line up with the Cannabis Control Commission's process.

The Planning Board discussed the filing fee, noting that there may be extra requests for copies of applications as this is a new industry in Stow. The Board agreed it is important to review what is justifiable under 53G for additional expert review.

John Colonna-Romano said that allowed uses may change after the Town Election, though it would be important to include additional language around cultivation in the Rules and Regulations, as that establishment includes tiers of licenses from the Cannabis Control Commission.

Mark Jones said that a section on noise impacts should be added to protect abutters.

The Planning Board discussed the Host Community Agreement process, agreeing to send a letter to the Board of Selectmen to suggest they have a Host Community Agreement policy in place. The Board agreed the Host Community Agreement should be negotiated after the applicant has been granted a Special Permit.

Karen Kelleher moved to close the public hearing.

Len Golder Seconded.

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

Karen Kelleher moved to adopt the Registered Marijuana Establishment Special Permit Rules and Regulations as drafted and amended as discussed.

Len Golder Seconded.

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

Joanne Drive Definitive Subdivision Endorsement

Present:

Steve Bjorklund, on behalf of the applicant

The Planning Board discussed the legal documents for Joanne Drive, including the Declaration of Easements, the Open Space Deed, and the Restrictive Covenant.

Steve Bjorklund said that the Conservation Commission has approved the Open Space Deed, which will need to be signed by both the Conservation Commission and the Board of Selectmen.

Jesse Steadman said that because the Town could decline the Open Space, a Declaration of Protective Covenants needs to be on file as a Homeowners Association would be needed.

Steve Bjorklund noted the ongoing conversation regarding the inclusion of affordable housing at Joanne Drive, stating that the applicant may present information justifying noncompliance with the inclusionary housing bylaw.

Lower Village Traffic Improvement Project

Jesse Steadman said that the Town has retained Sue Carter to review the drainage and grading of the Lower Village Project.

Jesse Steadman said that a Change Order was approved so that loam and seeding would not be completed this year, with the Highway Department agreeing to complete this work in the spring.

The Board agreed that the truck turn information for the intersection with White Pond Road should be provided to Astro Crane to better understand the engineering of that intersection.

Meeting Adjourned.

Respectfully Submitted,
Valerie Oorthuys