

TOWN OF STOW  
PLANNING BOARD

Minutes of the January 15, 2019 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, 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 January 8, 2019**

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

*Margaret Costello seconded.*

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

**Public Input**

Katie Fisher, 1 White Pond Road, asked for information about an affordable unit for sale at Arbor Glen. Jesse Steadman said that it is a middle income unit with an asset limit of \$275,000, which is lower than the limit at Regency at Stow.

**Member Updates**

Mark Jones said the Zoning Board of Appeals (ZBA) approved a Comprehensive Permit for Plantation Apartments II.

Mark Jones said the ZBA approved a variance for a shed to be located within the minimum lot setbacks.

Karen Kelleher said the Town Administrator and others are concerned with how to respond to resident complaints around traffic calming and how to balance those complaints with the Complete Streets Prioritization Plan. Karen Kelleher said the Complete Streets Committee has agreed to do outreach around the Prioritization Plan and methods of traffic calming and to look at traffic volume and speed data to evaluate resident concerns.

**Planner's Report**

*Assabet River Rail Trail*

Jesse Steadman said that the Community Preservation Committee earmarked funds a number of years ago for improvements to Track Road and the Committee is now requesting an update on those efforts as they consider whether the funds should be allocated to other projects. Jesse Steadman said several of the projects on the Town's Complete Streets

Prioritization Plan include connecting Maynard's end of the Assabet River Rail Trail with the Central Massachusetts Rail Trail in Hudson. Jesse Steadman said the Complete Streets Committee will need time to figure out what studies may need to be done and what the best path forward is.

#### *Middle Income Units at Regency at Stow*

Jesse Steadman said the Planning Department is waiting to hear Toll Brother's specific request regarding how they would like to change the middle income unit requirements.

#### *Regional Housing Services*

Jesse Steadman said the Regional Housing Services group met earlier this week and agreed to hold another housing fair in April in Stow.

#### *Boxmill Bridge*

Jesse Steadman said the Historic Commission sent comments to MassDOT regarding the redesign and construction of Boxmill Bridge. MassDOT responded to explain that the Town is responsible for securing right of way easements, though staff feel the process would benefit from public outreach and furthering design plans prior to discussing easements.

#### *Linear Retail Signs*

Jesse Steadman said Linear Retail has requested permission to install 'For Lease' signs at the Lower Village shopping plaza in order to address longstanding vacancies. Jesse Steadman said staff would look at their Special Permit and discuss how to balance their interests with the Sign Bylaw.

### **Public Hearing**

#### **Definitive Subdivision and Erosion Control Special Permit, Hallocks Point Road**

Present:

*Paul Alphen, Alphen & Santos, P.C.*

*Jeff Brem, P.E., Meisner Brem Corporation*

*Sarah Bailin, Owner*

Jeff Brem reviewed revisions to the Subdivision plan set and a second review from Places Associates.

Jeff Brem provided updates regarding the requests for waivers. Jeff Brem said the applicant is still asking for a partial filing fee waiver. The cul-de-sac and stormwater management facilities have been staked out.

Jeff Brem said the Conservation Commission has expressed interest in ownership of Parcel X.

Jeff Brem said he connected Places Associates with the Massachusetts Department of Environmental Protection (DEP) to discuss proximity from a bathing beach.

Paul Alphen said he wrote a letter to the property owner with a dock on the applicant's property to let them know the expectation is the dock will be relocated.

Jeff Brem said the plans have been changed to reflect comment from the Conservation Commission on the location of the driveway on Lot 3. This change requires a small easement on Lot 4 for the benefit of Lot 3.

Jeff Brem said erosion control notes suggested by the Planning Department would be added to the plans.

Jeff Brem discussed comments from Places Associates' second review.

Jeff Brem said that while Places Associates recommended underground wires, he feels this would require more tree clearing and the abutters would incur costs. Jesse Steadman said this is similar to connecting abutters' driveways to a new subdivision road. If abutters do not want underground utilities, the decision conditions may have to be more nuanced to allow for various outcomes. Karen Kelleher asked if granting the waiver would increase the number of utility poles along Hallocks Point and whether the old poles would need replacing. Jesse Steadman said the poles are short compared to modern poles and that Hudson Light & Power may want to take a look at them. Jeff Brem said a resolution may involve a combination of underground wires along the street and poles for the homes, connected by a transformer.

Lori Clark asked why Hallocks Point is not classified as a single access street, given it terminates in a cul-de-sac and the applicant has asked for a 40 foot right of way. Karen Kelleher added that if the road were considered a single access street, the plans would need to reflect a minimum cul-de-sac radius, a fire cistern, and a minimum of 10% open space. Jeff Brem said the main reason they have not classified the road as a single access street is because of the 10% open space requirement. Lori Clark said it may be more appropriate to classify Hallocks Point as a single access street and to request waivers from those requirements. Lori Clark clarified that classification is not a choice, as it is determined by the characteristics of the roadway. Jesse Steadman said he would ask the Fire Chief for comment on the requirement of a fire cistern. Jeff Brem said the plans could be revised to show a waiver request for the fire cistern and the 10% open space requirement.

Margaret Costello asked what percentage of open space the current plans reflect. Jeff Brem said it is roughly 5%.

Paul Alphen said upon the Board's request, abutters have been contacted about blending the roadway into their driveways. The letters were sent in mid-December and described the intent to bring the apron of the road to their lot line, and easements were not requested. Paul Alphen said another letter would be sent.

#### *Public Comment*

Mark Forgues, 39 Adams Drive, asked whether underground utilities would be required, or if they would only be underground along the road. Lori Clark said the Board indicated

preference for underground service throughout the subdivision, though it is unusual in this situation, as there are existing homes along the road.

Margaret Costello noted that the listed hours of construction are not in accordance with Town bylaws.

Margaret Costello asked the applicant to ensure the fertilizer notes are in line with advice from Places Associates and the Conservation Commission.

Lori Clark asked about the status of the discussion of the inclusion of affordable housing. Paul Alphen said he would resend his most recent letter to be forwarded to Town Counsel.

Lori Clark listed topics needing further information or discussion, including comments from the Conservation Commission, the inclusion of affordable units, the discussion of the road extension, the placement of a fire cistern, and conformance with Section 7.8.2.2 of the Subdivision Rules and Regulations. Paul Alphen agreed to a one month extension of the deadline to render a decision.

*Karen Kelleher moved to continue the public hearing to February 5, 2019 at 7:30pm.  
Len Golder seconded.*

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

**Executive Session in Accordance with M.G.L. Ch. 30A s.21(a)(3) for the purpose of discussing strategy with respect to probable litigation**

Lori Clark stated that she finds that an open discussion would have a detrimental effect on the Board's litigating position.

*Karen Kelleher moved to enter into Executive Session to discuss contract concerns and potential litigation and to adjourn the regularly scheduled meeting of the Planning Board thereafter.*

*Margaret Costello seconded.*

**Roll Call Vote: Lori Clark- Yea; Margaret Costello- Yea; Karen Kelleher- Yea; Len Golder- Yea; John Colonna-Roman-Yea.**

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys