

**TOWN OF STOW
PLANNING BOARD**

Minutes of the February 08, 2005, Planning Board Meeting.

Present:	Planning Board Members:	Bruce E. Fletcher, Donald G. McPherson, Malcolm S. FitzPatrick, Ernest E. Dodd and Laura Spear
	Associate Member:	Kathleen Willis (Voting Associate)
	Office Assistant:	Lois E. Costello

The meeting was called to order at 7:00 P.M.

MINUTES

December 21, 2004 – **Laura Spear moved to approve minutes, as amended. The motion was seconded by Ernie Dodd and carried by a unanimous vote of four members present (Bruce Fletcher, Malcolm FitzPatrick, Ernie Dodd and Laura Spear).**

MEMBERS' INPUT

Board members agreed to continue tracking "Open Issues" as regular Planning Board agenda items, including the tracking of Subdivisions/Projects. A member should be assigned to each issue and subdivision/project.

Malcolm FitzPatrick requested that a turnaround for Faxon Farm be added to the list of Open Issues.

Malcolm FitzPatrick also requested that an amendment to the zoning bylaw in regards to Non-Conforming Lots also be added to the list of Open Issues. He stated that the Courts have determined that any structure on a non-conforming lot is a non-conforming structure. Members will also review the memo from legal counsel on this topic.

Malcolm FitzPatrick stated that Connie Schwarzkopf contacted him because she is upset that trees on the Derby Woods have been cut, dirt from the site has been hauled off-site and she is concerned about how many houses can be built in a year. The Planning Board office received a call from the foreman saying that they were temporarily stockpiling the dirt off-site. Additionally, only 9 houses can be constructed per year. Bruce Fletcher was originally assigned to this project and offered to continue to be the primary contact, periodically checking on the Derby Woods project.

Laura Spear provided an update on the Community Preservation Committee (CPC). A new project has been informally presented to the CPC by the Stow Conservation Trust to use CPC funds to purchase a Conservation Restriction on a 23-acre parcel, previously owned by the Hale School Trust and the New England Home for Little Wanderers. The property is located off of Maple Street. Malcolm FitzPatrick stated that a deed restriction in the name of the Town will give the Town a vested interest in the property. A formal application and proposal will be presented at the next CPC meeting. A Town Meeting vote will be required for the decision.

Ernie Dodd stated that Transfer of Development Rights were discussed at the last Master Plan meeting. Greg Jones of the Master Plan Committee may have a plan that could work in which the CPC could buy a deed restriction and organizations such as the Stow Conservation Trust could buy the development rights.

Don McPherson arrived at 7:30 P.M.

PUBLIC HEARING – HILEY MEADOWS ESTATES (Micky's Way)

At 7:35 P.M., the Public Hearing, continued from January 25, 2005, for a definitive subdivision, was called to order.

Documents Submitted:

1/25/05 – Letter from Balas, Alphen & Santos, dated 1/18/05: response to questions raised at 1/11/05 public hearing

1/31/05 – Letters from DK Engineering, dated 1/31/05: response to review letter by Susan Sullivan; Waiver requests; Roof/Drywell, dated 1/29/05; full and reduced revised plans, dated 1/29/05

2/07/05 – Memo from Lighting Sub-Committee re: new lighting guidelines

2/08/05 – Letter from Susan Sullivan re: review of latest revisions to the plan

2/08/05 – Letter from Balas, Alphen & Santos re: comments on provision contained in Subdivision

2/08/05 – Comments from Bruce Fletcher re: unresolved issues, plan deficiencies and discrepancies

Bruce Fletcher introduced Attorney Paul Alphen (representing the Applicant) to the Board. Atty. Alphen handed out a letter with his interpretation of open space.

Also in attendance were John Anderson, Applicant; Keith Murray, Engineer; Robert Norton, Abutter; and Russ Willis, Lighting Sub-Committee.

Bruce Fletcher informed the Board that he and Laura Spear had an informal meeting, this morning, with the Applicant, Applicant's Engineer and Applicant's Attorney. Bruce submitted comments to the Board that he had reviewed at the morning meeting.

Keith Murray said he had received Sue Sullivan's letter regarding the revised definitive subdivision review and addressed the 6 items in Sue's letter.

1. The applicant will add information to show the easements adjusted to correlate to proposed lot lines, including dimensions for intersecting lot lines.
2. The applicant will add a label for the easement for the fire cistern and change the fire cistern label to 30,000 gallons.
3. The applicant will do a profile with full vertical information for the roadway, including the cul-de-sac, to document exact elevations.
4. The applicant will eliminate the label for sloped granite curbing as discussed previously.

The Board commented/discussed the use of granite curbing versus asphalt berm at the intersection of Harvard Road. If used, granite curbing needs to be set back at least 2' from the edge of the pavement. By using an asphalt berm, the rural

character of Stow will be retained. The majority of the Board was in favor of asphalt where it meets the road, although Malcolm FitzPatrick prefers granite because it lasts longer and looks better. Bruce suggested that the Applicant and Board look at Wetherbee Lane and Brandymeade Circle to see the difference.

5. The applicant will add 1 more drywell plus will add notes to the plan specifying that each lot requires a dry well of specific c.f. volume for specific s.f. of roof area to provide mitigation should future expansion or development be considered.
6. The applicant will do an as-built plan of the roadway with volumetric calculations of the detention basins. This will be included in the decision as a condition.

Atty. Alphen spoke, explaining his letter: Chapter 41, Section 81 – The landowner has to be compensated for land dedicated as/for public purposes.

Keith Murray said they have made changes to the plan since that morning's informal meeting:

- The applicant is willing to remove the sidewalk along the roadway.
- The applicant eliminated all pools except for two on Lots 2 and 3.
- The applicant will reduce disturbance on Lots 5 and 6 because of the eliminated pools.
- The applicant will move the septic on Lot 6 and eliminate grading.
- By moving the septic on Lot 6, they can retain some of the stone wall along the back portion of Lot 6. They can also place hay bales in front of the stone wall during construction.

Keith Murray had recalculated the amount of impervious surface and still did not meet the maximum 10% requirement for the Water Resource Protection District. Therefore, they also did the following in order to meet the maximum 10% impervious surface requirement for the Water Resource Protection District:

- The applicant reduced the driveway widths on Lots 2 and 3.
- The applicant made a slight reduction in the size of all of the houses.

Malcolm FitzPatrick asked how the Applicant intends to enforce the 10% impervious surface limitation? Keith Murray said that it will be enforced the same as others in that district. It was requested that the Applicant submit a one-page memo with suggestions.

Malcolm FitzPatrick questioned why the Plan shows so much site disturbance? Keith Murray said that it was for practical reasons, such as grading around the houses and pools and for the septic systems.

Keith Murray stated that a PCD (Planned Conservation Development) is not practical because they can't physically grade that area. Bruce Fletcher stated that it is not a pristine site.

Members reviewed Bruce Fletcher's memo of February 8, 2005 (attached): Micky's Way/Hiley Meadows unresolved issues, plan deficiencies and discrepancies. Members agreed that issues 7-13 can be addressed by the decision. Members then discussed issues 1-6.

Attorney Alphen left the hearing at 8:15 P.M.

Bruce Fletcher said that issue #4 (compatibility with existing neighborhood) is related to #5 (curvelinear design requirement). Keith Murray said the requirements are subjective, so he considers the plan to meet the requirements.

Don McPherson cited Rules and Regulations 7.1.1 and said he is uncomfortable with the street layout, particularly as the entrance is directly across the street from an abutter. He said this layout is not consistent with other street layouts. Don McPherson also cited Section 7.5.8 and said the road is not curved and fails to be compatible with the historic and scenic nature of Harvard Road.

Don McPherson said that the sight distance could be improved. One solution could be to move the entrance of the road to the north. This could protect the interests of the Town and help keep the rural character. Don McPherson said that he does not think the current plan meets the Subdivision Rules and Regulations.

Keith Murray said he will send profiles of the sight distance with revised plans to the Planning Board office.

Bruce Fletcher said that, if the Applicant moved the road entrance, it will benefit both the sight distance as well as the abutter.

Bruce Fletcher asked for Public Input as part of the hearing:

- Bob Norton, an abutter, stated that he received a proposal that can address his right-of-way access easement. If the agreement goes through, he will have a 12-foot right-of-way along the West end of the parcel.
- Russ Willis of the Lighting Sub-Committee requested that the Board incorporate new lighting guidelines and definitions, as specified in his letter, into the Special Permit.

Bruce Fletcher stated that he still has issues with the sight distance and the configuration of the road. He won't vote until he can get the sight distance information from the Applicant to resolve his questions.

The Board discussed other options for the road. It cannot waive the 200-foot frontage requirement; this will have to go to the Zoning Board of Appeals. It can waive the requirement of a cul-de-sac over 500'.

Malcolm FitzPatrick said that he has problems with the road. Prior straight roads and cul-de-sacs have been done in Town, but they could have been designed better. He would like another try at a plan, but he is not sure what will happen.

Ernie Dodd said that, if the road entrance is moved North, it will be difficult to have 6 lots, and that the plan will probably have to go to 5 lots.

John Anderson, the Applicant, said that, if he moves the entrance North, he will lose a lot. He is willing to move the road and lose the 1 lot, but the Town will have to give up the \$118,000 it would receive, as required by the Inclusionary Zoning section of the bylaw. He

stated he cannot continue to keep coming back due to the expenses of the engineer, plans and attorney.

In response to a question, Keith Murray said that he checked with the Fire Chief about the cistern, which is now 8 feet from the road, and the Chief okayed it.

Keith Murray will provide the Board with new site disturbance figures in light of the changes they are making.

Don McPherson said that there are multiple ways to solve the affordable housing need in Stow but only one way to solve the sight distance problem.

The Board and the Applicant agreed to continue the public hearing one more time – scheduled for Feb. 22nd, 2005, at 9:00 P.M.

The Board and Applicant agreed to a site visit to discuss/test the sight distance issue – scheduled for Feb. 9th, 2005, at 10:30 A.M. Keith Murray will fax the sight distance information to the Planning Board office prior to the site visit.

Laura Spear moved to continue the public hearing to February 22, 2005, at 9:00 p.m. Ernie Dodd seconded the motion and carried by a unanimous vote of five members present (Bruce Fletcher, Donald McPherson, Ernest Dodd, Malcolm FitzPatrick, and Laura Spear).

ANR PLAN, SUDBURY ROAD (Map Sheet R-26, Parcels 2,3 and 5)

Jay Stiga of Ducharme & Wheeler, Inc. presented an ANR Plan for 2 Lots: one showing 77.26 acres and one showing 46.82 acres. He also submitted an aerial view of the lots.

Jay Stiga agreed to correct a typo (“seperately”) and correct the acreage amount on the plan.

Malcolm FitzPatrick moved to recommend that the 77.26-acre portion, called Lot 1 on the current plan, be designated as a Parcel, and that the 46.82-acre portion, called Lot 2 on the current plan, be designated as Lot 1.

By calling Lot 1 a Parcel, it will not be a buildable lot, and the requirements in Section 2 of the Subdivision Rules and Regulations would be waived. The Section 2 requirements (showing locations of buildings, septic, etc.) will only apply to the 46.82-acre Lot.

Laura Spear seconded the motion and the motion carried by a unanimous vote of five members present (Bruce Fletcher, Donald McPherson, Malcolm FitzPatrick, Ernie Dodd and Laura Spear).

The Applicant requested a waiver for indicating wetlands area.

Ernie Dodd moved that the Plan be required to show the zoning district boundaries, as specified in Sections 2.1.2.5 and 2.1.2.6 of the Subdivision Rules and Regulations, specifically the Floodplain Wetlands Overlay District and the Water Resource Protection Overlay District on the 46.82-acre Lot, and to waive the requirements of Section 2.1.2.11 of the Subdivision Rules and Regulations.

Laura Spear seconded the motion, and the motion carried by a unanimous vote of five members present (Bruce Fletcher, Donald McPherson, Malcolm FitzPatrick, Ernest Dodd and Laura Spear).

The Board agreed that only the 46.82-acre Lot should show the requirements of Section 2 of the Subdivision Rules and Regulations.

The Board requested that the Index of Irregularity, for each lot, be added to the Plan.

Laura Spear moved that the Plan be endorsed, provided that the engineer shows all of the changes, and the resulting plan meets with Malcolm FitzPatrick's approval. Don McPherson seconded the motion, and the motion carried by a unanimous vote of five members present (Bruce Fletcher, Donald McPherson, Malcolm FitzPatrick, Ernie Dodd and Laura Spear).

Don McPherson left the meeting at 9:50 P.M.

Bluebird Lane: The Board reviewed the draft decision and made final edits.

Taylor Road: The Board reviewed the draft decision and made final edits.

The Board will use its working meeting scheduled for February 15th 2005 at 7:00 P.M. to go through Items 13 through 17 of the agenda:

- Item 13: Lower Village Traffic Planning Study
- Item 14: Annual Report
- Item 15: Zoning Bylaw Review
- Item 16: Amendments to Rules and Regulations
- Item 17: Policy and Procedure – Private Ways Snow and Ice Removal

ADJOURNMENT

The meeting adjourned at 10:40 P.M.

Respectfully submitted,

Lois E. Costello
Office Assistant