

## **TOWN OF STOW PLANNING BOARD**

Minutes of the March 8, 2005, Planning Board Meeting.

Present: Planning Board Members: Donald G. McPherson, Ernest E. Dodd and Laura Spear

Associate Member: Kathleen Willis (Voting Associate)

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:00 PM.

### **MINUTES**

January 25, 2005 - *Laura Spear moved to approve minutes of the January 25, 2005, Planning Board Meeting, as drafted. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).*

February 8, 2005 – *Laura Spear moved to approve minutes of the February 8, 2005, Planning Board Meeting, as amended. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).*

Members noted that Lois Costello did a great job in covering the office and taking minutes for Karen in her absence.

### **DERBY WOODS**

Members reviewed a draft letter in response to correspondence from and on behalf of Connie Schwarzkopf. Members' agreed to forward the letter. In response to her request for an appointment for her engineer to meet with the Board, members noted the Planning Board has no jurisdiction of the issues raised and therefore, an appointment to meet with the Board is not appropriate. Karen Kelleher will advise them that they are welcome to take part in the "Public Input" portion of a Planning Board Meeting.

### **PUBLIC INPUT** – None

### **PLANNING BOARD MEMBERS' UPDATES**

Community Preservation Committee (CPC) – Laura Spear reported that the CPC has been approached regarding administration funds for a sprinkler system at the Town Hall. She also noted that the Soccer Club asked for assistance in finding a site for soccer fields.

Lower Village Committee – Don McPherson reported that Fay Spofford and Thorndike is tentatively scheduled to attend the next Lower Village Committee Meeting. Don's meeting with the Board of Selectmen has been postponed to a later date.

School Building Committee – Don McPherson reported that he met with Greg Jones about potential sites for a school. They came up with some alternatives, such as using part of the Marble Hill or Babricky Conservation lands.

Planning Summit – It was agreed to postpone the Planning Summit to April 14, 2005.

Transfer of Development Rights – Laura Spear reported that she attended a MAGIC Meeting and heard from many communities that have bylaws for Transfer of Development Rights, but they are not used. Ernie suggested that it might work with a contribution of funds rather than conservation restrictions, so that the Town will be in the position to purchase a property when it becomes available.

#### **ANR PLAN, TUTTLE LANE**

Scott Hayes of Foresite Engineering presented an ANR Plan for property off of Tuttle Lane, creating Lots 1A, 1B and Parcel A. Parcel A is to be conveyed to the abutter.

***Laura Spear moved to approve the ANR Plan entitled “Plan of Land in Stow, MA”. Prepared for Henry D. and Mary K. Childs, dated February 08, 2005, prepared by Inland Survey, Inc., DBA Zanca Land Surveying. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).***

#### **MAPLE STREET ACCESSORY APARTMENT LANDSCAPE PLAN**

***Laura Spear moved to accept the Landscape Plan for the Maple Street Accessory Apartment, as required by the Special Permit Decision. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).***

#### **PUBLIC HEARING – RED ACRE RUN SUBDIVISION**

The Public Hearing to consider the Red Acre Run Subdivision was called to order at 7:45 PM. Applicants Katherine Morat and Paul Sheeran, their Engineer Scott Hayes of Foresite Engineering and Attorney Steve Graham were present.

Scott Hayes reviewed the plan. He explained that they met with the Planning Board a few months ago and discussed the possibility of a frontage variance from the Zoning Board of Appeals. The Board of Appeals denied the request. The plan shows a paper street. It is not necessary to construct the roadway because they already have access to the property. They are trying to limit the amount of clearing.

Karen Kelleher reported that comments were received from the Board of Health and the Conservation Commission.

Scott Hayes noted that they have an extensive list of waiver requests because they do not propose to construct the subdivision road.

In response to a question from John Sangermano of The Stow Paper, Scott Hayes explained the reason a subdivision is required is because they have insufficient frontage on Red Acre Road.

Karen Kelleher questioned who would retain fee in the Road. Scott Hayes said the owner will most likely convey it with the lot.

Attorney Steve Graham said it would be best to convey it with the lot in order to ensure that the frontage is retained.

Karen Kelleher reported that she spoke with Town Counsel about Board Members' concern about a one-lot subdivision because the Subdivision Control Law defines "Subdivision" as "division of a tract of land into two or more lots.....". Jon Witten explained that the Subdivision Control Law is also interpreted as "regulating the laying out and construction of ways". He further advised that the Board should show that there is a public benefit to offset any waivers that may be granted.

***Ernie Dodd moved to close the hearing. The motion was seconded by Laura Spear and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).***

#### **DERBY WOODS**

Members reviewed a letter from Derby Woods LLC requesting authorization to use the emergency access road between Sylvan Drive and Dunster Drive for underground utilities.

***Ernie Dodd moved to approve the request to authorize use of the emergency access road for underground utilities and to request an easement plan. The motion was seconded by Laura Spear and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).***

#### **BUTTERNUT FARM GOLF CLUB**

***Laura Spear moved to continue the Public Hearing, without testimony, to consider the new parking lot to March 22, 2005, at 7:30 PM, due to a lack of quorum. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Don McPherson, Ernie Dodd and Laura Spear).***

Members reviewed revised plans, as required by Special Permit Modification No. 4:

#### **Maintenance Building Plan**

Laura noted the good faith effort in that the equipment has been moved from the 50' buffer area.

Members reviewed the revised Maintenance Building Plan:

- Laura Spear noted that the plan indicates that the new parking area will be paved. John Farnsworth agreed to change the note to indicate the new parking area will have a gravel surface.
- Ernie Dodd is concerned that the existing fence is not properly supported and could easily be moved. George Scraggs said that they do not want to move the fence and that it will be properly installed and maintained. Don McPherson would like to see the fence moved back toward the parking area. Laura Spear said she might agree with Don, if there were no other fencing in this general area.

#### **Upper Parking Lot Plan:**

- John Farnsworth talked to the Conservation Commission, who indicated that they would approve the plan with planting in the buffer, as long as there is no equipment used to install plantings. Ernie Dodd suggested moving the plantings outside of the buffer.
- Karen Kelleher reported that Sue Sullivan recommended a wick be installed. Malcolm FitzPatrick recommends that it be taken out. He would rather see more separation between the bottom of the swale and the groundwater. John Farnsworth suggested approving it as is and watch it over time. Laura said she is concerned that the Board

should follow our Engineer's recommendation. John Farnsworth said he will add it to the plan.

- Ernie Dodd would like to see the fence line extended.
- George Scraggs asked if the Board is willing to issue a temporary occupancy permit?
- George Scraggs said that he will bring in a check for the Performance Guarantee.

### **ADJOURNMENT**

The meeting adjourned at 8:40 PM.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator