

# TOWN OF STOW PLANNING BOARD

Minutes of the April 12, 2005, Planning Board Meeting.

Present: Planning Board Members: Bruce E. Fletcher, Ernest E. Dodd and Laura Spear  
Don McPherson arrived late.

Associate Member: Kathleen Willis (Voting Associate)

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:15 PM.

**PUBLIC INPUT** – None

## **MINUTES**

March 22, 2005 – ***Laura Spear moved to approve minutes of the March 22, 2005 meeting as amended. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Bruce Fletcher, Ernie Dodd and Laura Spear).***

**PUBLIC HEARING** – Randall Road Hammerhead Lot Special Permit (Map R-11 # 34, 35, 36 and 37B)

At 7:50 PM, the Public Hearing to consider a Hammerhead Lot Special Permit for property located off of Randall Road owned by Alyssa Real Estate was called to order.

Susan Sullivan of Zanca Land Surveyors, representing the Applicant, was present.

Karen Kelleher reported that Walter Lankau submitted an easement document and requested that the Board ensure that the easement is properly shown on the Plan. Sue Sullivan confirmed that the easement is properly located on the Plan.

No abutters were present for the hearing and Sue Sullivan could not confirm if they were notified because Foresite Engineering prepared the Application.

Members reviewed comments from the Board of Assessors, who noted that the property is enrolled in a chapter program.

In response to an inquiry from the Board, Sue Sullivan agreed to provide documentation on the cart path that is shown on the Plan and will revise the Plan to reference easement plans and deeds. She noted that it is legally necessary to maintain the cart path and show it on the Plan in case someone has rights.

Members reviewed the Zoning Bylaw and found that the Plan meets the requirements for a Hammerhead Lot.

***Laura moved to close the Public Hearing. The motion was seconded by Ernie Dodd and carried by a unanimous vote of four members present (Bruce Fletcher, Ernie Dodd, Laura Spear and Associate Member Kathleen Willis).***

***Ernie Dodd moved to Grant the Special Permit for a Hammerhead Lot conditioned upon proof of abutter notification and if not notified, this vote shall be considered null and void. The motion was seconded by Laura Spear and carried by a unanimous vote of four members present (Bruce Fletcher, Ernie Dodd, Laura Spear and Associate Member Kathleen Willis).***

#### **ANR PLAN – Villages at Stow**

***Laura Spear moved to approve the ANR Plan “Plan of Land in Stow, Massachusetts (Middlesex County)”. Prepared for Stow Villages, LLC, dated April 12, 2004, Revised March 1, 2005. Prepared by Stamski and McNary, Inc. and to authorize Karen Kelleher to endorse the Plan. The motion was seconded by Ernie Dodd and carried by a unanimous vote of three members present (Bruce Fletcher, Ernie Dodd and Laura Spear).***

#### **HILEY MEADOWS ESTATES SUBDIVISION**

##### **Don McPherson was present for this portion of the Meeting**

Members reviewed a Review Letter received from Susan C. Sullivan, the Board's Consulting Engineer and the Draft Decision prepared by Karen Kelleher.

***Ernie Dodd moved that the Board GRANT the request for waiver from the requirement to construct a sidewalk along one side of the proposed subdivision road. . The motion was seconded by Laura Spear.*** Kathleen Willis said she does not think the Board should require the Applicant to construct a sidewalk or make a donation because it is the Board, not the Applicant, that wants the waiver. The Applicant prefers to construct the sidewalk. Don McPherson said; if the Applicant really wants the sidewalk, the Board should let him build it. ***The motion carried by a vote of three in favor present (Bruce Fletcher, Ernie Dodd and Laura Spear) and one opposed (Don McPherson).***

Members then discussed the requirement for a sidewalk along Harvard Road. Don McPherson feels the Board should deny the request for waiver and require construction of the sidewalk. Bruce Fletcher questioned how they could construct a sidewalk in wetlands. Don McPherson said they could do it through the Notice of Intent process. Ernie Dodd noted it could be approved with replication. Ernie Dodd also noted that there are no other sidewalks in the area. Don McPherson noted there is a plan for sidewalks in the area from the Wedgewood Country Club and Derby Woods Decisions.

John Anderson said he would rather make a donation and grant an easement because it would make sense to construct the sidewalk along Harvard Road all at once. John Anderson noted that he spent a significant amount of money in plan changes at the request of the Board to reduce the number of lots and eliminate sidewalks. Ernie Dodd said he feels that it would make more sense to contract with the same contractor when the Wedgewood sidewalks are installed.

Ernie Dodd said construction of a sidewalk in this area would be more costly than others due to the wetlands. A sidewalk plan would have to be designed and filed with the Conservation Commission. Keith Murray said that sometimes if the Town files the Application with the Conservation Commission, the process may be easier. Don McPherson suggested, if the Conservation Commission denies the plan, then the Planning Board could accept a donation. Kathleen said she feels that the Board should accept a donation and if the Board finds in the future that this area is a priority, those funds could be used for a longer stretch of sidewalk. Don McPherson said the Board does not have enough funds for long sections of sidewalks. Bruce Fletcher said, if the Board conditions the sidewalk should be built, an estimate for construction costs would have to be determined for a performance bond.

John Anderson said he feels that he has done enough that the Board has asked him to do. He is asking that the Board allow him to make a donation. It was noted that the total length of frontage is 530'. If the Conservation Commission disapproves, the total length will be reduced to 188'. Don McPherson suggested that the Planning Board could be co-applicant to the Conservation Commission. Keith Murray argued that the Conservation Commission will not allow it and recommended that the Applicant and Planning Board split the difference on the linear feet).

Members agreed to accept a donation in the amount of \$14,400.00 (\$30.00/foot x 480 linear feet).

Don McPherson suggested a new Finding to require that the stonewall be reconstructed after grading. John Anderson said he would be glad to rebuild the stonewall, as long as he can use the stones that are on-site.

***Ernie Dodd Moved to APPROVE the Definitive Subdivision with conditions as drafted and amended. The motion was seconded by Don McPherson. Don McPherson stated that he is happy that the Applicant was so cooperative with the Board. The motion carried by a unanimous vote of four members present (Bruce Fletcher, Ernie Dodd, Don McPherson and Laura Spear).***

#### **RED ACRE RUN SUBDIVISION**

Members noted that they are not obligated to approve the plan with significant waivers as requested and discussed whether a public benefit exists to offset the requested waivers. It was noted that provisions for a sidewalk easement could be considered a public benefit.

Discussion was postponed until the next meeting.

#### **BOSE CORPORATION**

Members agreed to forward the letter from the Light Pollution Study Committee to the Building Commissioner and Bose Corporation.

#### **WORKING MEETING WITH TOWN COUNSEL**

Members agreed to discuss the following items with Town Counsel at its meeting of April 19, 2005.

- Non-Conforming Structures/Lots
- Phased Growth Bylaw
- Performance Guarantees
- Snow and Ice Removal on Private Ways
- Chapter 40B

#### **DERBY WOODS**

Members discussed a letter from Gregor McGregor on behalf of Connie Schwarzkopf requesting time on a Planning Board Agenda. Karen Kelleher will advise Mr. Geisel that the Board is not inclined to schedule a specific time on the agenda, but they are welcome to attend a meeting and voice their concern during the "Public Input" session of the Agenda.

The meeting adjourned at 12:05 PM.

Respectfully submitted,

Karen Kelleher

Planning Coordinator