

TOWN OF STOW PLANNING BOARD

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

Present: Planning Board Members: Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:05 PM.

PUBLIC INPUT - None

NEWS AND VIEWS –

Zoning Bylaw – Non-Conforming Uses and Structures – Malcolm reported that he has comments on Town Counsel's draft bylaw for Non-Conforming Uses and Structures. Members agreed to discuss Malcolm's comments later on in the evening under "Special Town Meeting Zoning Articles".

Paving Deadlines – Karen Kelleher reported that we have requests to extend the paving deadline for Fairway Drive and Trefry Lane and advised that the Board typically authorizes an extension subject to a final determination by the Board's Consulting Engineer and the Superintendent of Streets.

Ernie Dodd moved to authorize an extension to the paving deadline, subject to a final determination by the Board's Consulting Engineer and the Superintendent of Streets. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis).

Coordinator's Report

Cranberry Circle - Karen Kelleher reported that Alyssa Realty requested the Board make a site visit to inspect the street trees and cul-de-sac plantings installed at Cranberry Circle. Kathleen Willis noted they planted 9 trees and questioned Bruce Fletcher whether or not the trees were planted properly. Planning Board Members agreed to individually inspect the site.

Trefry Lane – Karen Kelleher reported that Trefry Lane residents want to landscape the cul-de-sac and install a gazebo. Karen advised that there could be a liability issue in placing a gazebo on the cul-de-sac and suggested they contact the Superintendent of Streets after the road is accepted. Board Members noted that the plan was to leave the cul-de-sac natural.

STOW HOUSE OF PIZZA – PUBLIC HEARING CONTINUANCE

At 7:30 PM. the Public Hearing continuance, from September 27, 2005, to consider a Petition for Special Permit Modification decision in order to permit a 5,520 sq. ft. addition to the existing building at 156 Great Road was called to order.

Steve Poole, the Petitioner's Engineer, reported that they are still dealing with DEP about the well. The DEP contact they are working with is on vacation. Based on numbers for the Zone 1, there will be a default to a 100' radius with results in not going beyond the corner of the existing building. Within that Zone 1 area, they cannot increase impervious surfaces. The

proposed building is outside the radius. They are meeting with Jack Wallace (Town of Stow Health Agent) next week. The water meter indicates they currently use 100 gallons per day. Hopefully, they will have everything resolved next week.

In response to a question by Malcolm FitzPatrick about DEP policy, Steve Poole said that DEP would not allow an increase in impervious surface within the Zone 1. If they are not in compliance, they should be brought into compliance, if possible. Steve Poole noted that the well radius would prohibit an interlot connection. They will ask DEP if they will allow the connection, if they eliminate an equal amount of pavement in another area within the zone 1.

Steve Poole said he received comments from the Board's Consulting Engineer concerning erosion control and will address those issues with Kostas Afprogiannis, the property owner.

Malcolm FitzPatrick is concerned that plantings have not been done. Kostas noted concern that if they install planting now, they will not survive. Laura Spear said she is more concerned with erosion control. Bruce Fletcher said it is probably not too late for some species to be planted now, but by the time they are ordered and received, it would be too late. Bruce also noted there are two existing rows of evergreens. Malcolm FitzPatrick feels that the existing residences should be buffered. Steve Pool said he will talk to a landscaper to see if they can find a species to plant now. Malcolm asked if they will control the one-way exit. Members noted that they previously agreed that it would be two-way traffic once the access was moved.

Members cautioned the Petitioner that there shall be no more paving until the Special Permit is issued.

Ernie Dodd moved to continue the Public Hearing to January 10, 2005 at 7:30 PM. The motion was seconded by Malcolm FizPatrick and carried by a unanimous vote of five members present (Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis).

Steve Poole said he would get revised plans and drainage calculations to Sue Sullivan before Christmas.

PROPOSED AAN – QUIRK PROPERTY, HUDSON ROAD

Rich Harrington of Stamski and McNary and Mike Jeasnon of Fenton Home Building met with the Board to review revised concept plans. Rich Harrington noted that since they met with the board a few months ago, they met with Laura Spear, Kathleen Willis and Karen Kelleher and moved forward from the original pencil sketch.

Malcolm FitzPatrick questioned if they resolved the access issues. Rich Harrington said that Stamski and McNary Inc. was hired by Fenton to do engineering for the site plan, not including the access. The owner is working with an engineer who is dedicated to the legal and construction issues for access. They understand that access needs to be addressed before filing an application.

Rich Harrington reviewed a site plan. Contours of the site go from 230 to 320. The plan shows a 20' wide, 3300' long paved driveway with a small 16' loop teardrop road. The road has a meandering curve to minimize view of the houses. The Plan also shows a community gathering area, which would require a waiver. They want to create a more village feel rather than a city street.

Rich noted that they propose to remove the existing buildings because they appear to have no value.

Laura Spear noted that they talked about providing a senior center. Rich Harrington said that provision of a Senior Center would cause a problem with the water supply.

Malcolm FitzPatrick asked if they will provide trails. Rich said they will provide a full loop trail throughout the site and connecting to Goshen Lane and Kettell Plain Road. Rich Harrington said he is a little leary about saying they will provide a connecting trail because of drainage.

Malcolm FitzPatrick questioned if they incorporated Low Impact Development Techniques into the plan. Rich said they are proposing:

- 24' wide paved roadways without sidewalks;
- Front load garages will minimize the amount of clearing;
- Full walkout basements will minimize grades in the back; and
- They are trying to match grades with the foundations.

Malcolm asked if they propose to use curbing. Rich Harrington said they need curbing with 5% to 6% slopes.

Rich Harrington said they are proposing all single-family detached dwellings, as the Petitioner feels there is a good market for them. They are only 20' apart. Malcolm FitzPatrick said he would like to see a variety of 4 or 5 different units. The footprint of the buildings ranges from 1400 sq. ft. to 2200 sq. ft., with a mix of one and two car garages. The units will be different styles relative to roof pitch, siding, etc. The Lower and Moderate units will be smaller but won't look so because they can reduce the back of the building. They presented photos from a development in the Sterling/Lancaster line done by Melanson.

Laura Spear noted that she Karen and Kathleen had met with the Applicant and, although they did not speak for the Board, they stressed issues that they know are important to the Board including:

- Low Impact Development
- Diversity
- Village Feel
- Reduction in impervious surface
- Trails.

Malcolm FitzPatrick said he doesn't see Low Impact Development Techniques in the concept plan. He sees a lot of impervious surface and feels the plan could be tightened up by using duplex and triplex units.

Ernie Dodd noted concern about safety because of the length of the cul-de-sac. He also noted that access is a big issue.

Bruce Fletcher noted that the duplex units in Edmonds Road development in Concord seem to be in as much demand as the single-family units.

Malcolm FitzPatrick said it breaks up the site plan, if you have separate garages. He also noted that he doesn't like two car garages for an AAN.

Kathleen Willis noted there is a need for smaller units for single people.

Rich Harrington said, in accordance with the Bylaw, there will be 7 low-income and 4 moderate-income homes. They will work with the Board on the location of the units.

Rich Harrington thanked the Board for their input and noted they expect to formally file soon.

PROPOSED AAN, MINUTEMAN PROPERTY, BOXBORO ROAD

Bill Roop and Harry Blackey met with the Board to review a preliminary sketch plan for an Active Adult Neighborhood on the Minuteman property off of Boxboro Road. The AAN is proposed to be located on 50-55 acres out of 114 acres. They presented a concept plan showing 66 units with access off a loop road. They plan to maintain the streetscape and follow the contours of the land. Open space will be dispersed through the middle, as well as around the perimeter of the AAN. They propose a variety of units comprising of single family, four-plex, triplex and duplex. The site plan shows small spaces off the road with separate garages similar to the Faxon Farm layout. Harry Blackey said they tried to avoid double loaded roads and to provide landscape islands on the opposing side of each unit. The Open Space in the middle is an existing meadow and will potentially be used for septic and as a village square/village green. The idea is that access will be off a subdivision road allowing potential access to abutting land. The Access roads were identified as the best sight line locations. They tried to have all units back up to common open space. A Community Building is also provided. There will be a mix of price range, even though they will not all be designated as affordable.

Laura Spear said that other developers ruled out a community building because it puts them above the maximum limits for water supply. Bill Roop said it is proposed as an informal meeting space, but agreed that it could be an issue.

Harry Blackey further explained diversity of the units comprising of a mix of single story and two story units. Some will have curved drives with garage access to the side.

Malcolm FitzPatrick asked if they could provide more cross streets. Other members noted that it would create more impervious surface.

Harry Blackey and Bill Roop noted a Framingham development where they incorporated a 200-year-old barn into the development by having the roadway go through the barn.

Bruce Fletcher noted his plan shows a nice wooded site and is concerned that it won't look the same once the stormwater system is installed. Bill Roop noted that half of the site is in a meadow. Malcolm said he does not want to see the landscape desecrated for retention ponds. Harry Blackey noted that in Framingham, they created a retention area, which is also used as a recreation area. They won't know if they can use a similar design on this site until they know more about the site. Malcolm suggested using grass swales.

It was noted that the septic will be located in the common area and water will be from the Public Water Supply at the Airfield. There are a couple of spots for access to the other 50 acres, potentially for affordable housing. They have no specific plan in mind at this point.

Bill Roop noted the 6% cap on the number AAN units. He said there are now three proposed developments that have been working in good faith. The 6% cap will only allow two developments and it will be 44 years before another 66-unit development can be allowed under the current bylaw. Industrial development is unlikely on these parcels and therefore, any three proposed developments will likely be forced to go to a 40B.

Bruce noted that they should confirm the AAN zoning district line.

Ernie Dodd noted that all of the homes should be sprinklered.

Kathleen Willis said the site plan shows a nice mix of units. She also noted that detached garages could be built to the market. Malcolm FitzPatrick said the development in Hudson has a good mix of open parking and garage parking.

BARTON ROAD CONCEPT PLAN

Bob Collings and his Engineer, Tom Dipersio of Thomas Land Surveyors, presented a concept plan for property located off of Barton Road. The plan shows 6 lots plus a hammerhead lot. Tom Dipersio noted that the hammerhead lot goes to the northwest to a 15-acre parcel that has a zoning issue (zoned Recreation-Conservation).

Bruce Fletcher recommended that they check on the lot shape calculations. He also noted that the cul-de-sac design is problematic. He said they recently encountered problems with the design, even though it is in the regulations. He would rather see the T-Turn be the layout of the street rather than the whole cul-de-sac, noting it will likely be a public way. Tom Dipersio said that Bruce's suggestion could affect future frontage and suggested that the cul-de-sac area could be in an easement.

Karen Kelleher noted receipt of a letter from an abutter who will be out of town when the formal plan is filed. A copy was provided to Bob Collings.

Bob Collings said he prefers a conventional plan vs. a PCD, noting that they have a contractual agreement to swap two 1-½ acre lots for a parcel along the river and an agreement to stop access for a 40B development.

Bruce Fletcher asked if any waivers will be required, other than the cul-de-sac.

Ernie Dodd noted that inclusionary zoning will apply to the subdivision.

Bruce noted there is no crown in the road and questioned if the grass swale on the other side of the road is because of potential melting.

Bob Collings noted they had preliminary discussions with the Fire Chief about using the pond as a fire pond.

It was noted that the 18' wide pavement will require a waiver, which is typically granted.

Tom Dipersio said the Board of Health doesn't see a problem because the site is all sand and gravel.

They plan to go right to a Definitive Plan rather than filing a formal Preliminary Plan submission.

DERBY WOODS

Brian Ahearn met with the Board to request lot releases.

Members noted letters received from Frederick J. Geisel, P. E. and McGregor & Associates, representing Connie Schwarzkopf. Members noted that the Board previously rendered an official opinion in a letter dated August 26, 2005. Malcolm questioned why it continues to be an issue for Connie. It was noted that the recent correspondence noted that the quantity of discharge from Basin # 2 appeared to be excessive and Basin # 3 appears to be full to the top.

of the freeboard. Malcolm asked that the letter from Frederick Geisel be forwarded to Sue Sullivan to review.

Brian Ahearn requested that the Board release lots 1-21 (Sylvan Drive). Bruce Fletcher noted that the Board has a policy not to release all of the lots. Brian Ahearn said he will be happy with 10 lots at this time. As of this date, they plan on building two lots and selling two lots. Bruce Fletcher asked if they will be retaining authority for erosion control on the lots they sell. Brian responded that the Purchase and Sale agreement and building agreements include a stipulation that Landwest Development LLC will have full control over the site. Landwest Development LLC will maintain the site until acceptance by the Town, as is their standard policy.

Malcolm FitzPatrick suggested that the Board withhold release of the lots that are served by infiltration basins 2 and 3. Members agreed to release lots 2, 11, 12, 13, 14, 15, 16 and 17, and an additional two lots off of Sylvan Drive to be determined by Landwest Development LLC.

Laura Spear moved to release lots 2, 11, 12, 13, 14, 15, 16 and 17 and to authorize Karen Kelleher to include two additional lots off of Sylvan Drive, to be chosen by Landwest Development LLC, in the lot release form; and to require that the developer notify the Board, in writing, that it is not the Town's responsibility to maintain the road until such time the Town Accepts the Road. The motion was seconded by Ernie Dodd. The motion carried by a unanimous vote of 5 members present (Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis).

Malcolm moved that Landwest Development be required to inform the buyer that the Town will not be responsible to maintain the road until such time as acceptance of the roadways by the Town, and that the property owner, developer or homeowners association shall be responsible until then. Brian Ahearn agreed to prepare a covenant to be reviewed by the Planning Coordinator. The Motion was seconded by Kathleen Willis and carried by a unanimous vote of 5 members present (Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis).

Board Members told Connie that they would have the Board's Consulting Engineer review Frederick Geisel's letter and advised her that the Board's Consulting Engineer will assure that the subdivision is built according to plan.

PROPOSED ZONING BYLAW AMENDMENTS:

Section 6.3.3 (Signs)

Section 6.3.3.2 – It was suggested that the words "A permit is not required"...Malcolm thought it would make the bylaw more confusing.

Section 6.3.7.2 – It was suggested that the fee should be higher or that the fee schedule should be referenced, rather than specified in the bylaw.

Section 6.3.7.5 (2) – It was suggested that the bylaw should be amended to state that violations shall be corrected with 7 days rather than 30 days. Kathleen noted that it could take 30 days to get a new sign. Ernie noted it should not matter because it should have been right in the first place. Malcolm said he would be happy, if something was corrected within 30 days.

Laura Spear feels that the entire sign bylaw should be reviewed. Ernie Dodd said he feels that things are adequately covered in the bylaw and that enforcement is the issue. Malcolm feels that the bylaw should include some clarification of temporary vs. permanent signs.

Bruce Fletcher noted that business owners are very interested in sitting on a committee to review the sign bylaw. Kathleen said the Board needs to spend a couple of hours to drive

around town and view signs, take pictures, etc. and then prepare a letter for the Building Inspector to enforce noted violations. Laura Spear is supportive of creating a Committee to review the sign bylaw and see how it meets the needs of the business owners.

Bruce would like to see a proposal for a subcommittee.

Members agreed that they need more time to review this bylaw.

Members agreed to go forward with three bylaw amendments for the December Special Town Meeting: Section 6.2 (Common Drives), Section 3.9 (Non-Conforming Lots and Structures) and section 3.8.1.10 (Erosion Control).

Faxon Farm Fence

Post and Rail Fence:

Laura Spear moved to accept the offer, by Bill Roop, to locate the granite post and rail fence for an equal amount required by the Decision for Faxon Farm elsewhere in Lower Village under the guidance of the Planning Board. The motion was seconded by Kathleen Willis and carried by a unanimous vote of 5 members present (Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis).

Picket Fence

Malcolm FitzPatrick noted concern about the lack of adequate distance between the telephone pole and picket fence at Faxon Farm and recommended that the fence be moved back. Bruce Fletcher said the Board should consider what it will look like if the fence is moved back because it won't be parallel to the street.

Members agreed to further discuss this issue at the next meeting.

The meeting adjourned at 10:05 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator