

TOWN OF STOW PLANNING BOARD

Minutes of the January 10, 2006, 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 7:00 PM.

COORDINATOR'S REPORT

Karen Kelleher reported that Street Acceptance documents have been submitted for Whispering Way and Trefry Lane for the May 2006 Annual Town Meeting. She also noted that it is expected that Farm Road and Militia Circle will also be presented at the Annual Town Meeting in response to last year's request by the Planning Board. To-date, documents have not come forth for Asa Whitcomb Way.

Karen also reported that a proposed budget was prepared and copies were provided to all members.

HARVARD ROAD PROPERTY (PROPERTY MAP SHEET R-4, PARCEL NO. 42)

Mark O'Hagen met with the Board to discuss property (Lot 2) located off of Harvard Road (Property Map Sheet R-4, Parcel No. 42). Mark explained that lot 2 was created by the Planning Board with a subdivision plan in 1955. The lot has rights to access, as shown on the subdivision plan and in the deeds for Lots 1 and 3. Several years ago, Mark O'Hagen applied to the Zoning Board of Appeals for a determination that Parcel 42 is a building lot. The Application was denied the request, stating they have no jurisdiction to offer an advisory opinion. Abutters to the property then filed an appeal from the Building Inspectors determination that Lot 2 is a buildable lot with frontage on a planned, but non-existent right of way. The Zoning Board of Appeals found for the Appellant and determined that Lot 2 is not a building lot, as it does not have frontage on an existing way. The Zoning Board of Appeals did not acknowledge the fact that there was an approved subdivision. This decision was appealed by Mark O'Hagen and returned to the Zoning Board of Appeals on technical matters. Mark said he met with the Zoning Board of Appeals this past summer to advise them of his intention to meet with the Planning Board to establish an acceptable design for the roadway and to advise the Planning Board that Mark O'Hagen will be the responsible party to install the roadway. The Zoning Board of Appeals stated that, if the roadway is constructed and a covenant is issued, frontage would be secured, Lot 2 would be buildable and they would uphold a building permit, if issued.

Mark O'Hagen is now looking for guidance from the Planning Board as to construction standards for the subdivision roadway. He presented a plan showing an 18' roadway, which would be located entirely within the existing right of way. It is his objective to minimize the design as much as possible to limit impact on abutting properties.

Karen Kelleher presented a 1955 Subdivision Plan endorsed by the Planning Board. Malcolm asked where the right of way ends. Mark O'Hagen said it goes onto the golf course property.

Ernie Dodd suggested that access be via a driveway over the subdivision right-of-way, constructed to Common Driveway standards as recently adopted by Town Meeting. Mark O'Hagen agreed to give access to Lot 1 off a common driveway and will provide a covenant stating the owner of Lot 2 shall be responsible to maintain the driveway.

Mark O'Hagen said he is not required to go back to the Zoning Board of Appeals unless an abutter appeals the building permit.

Bruce Fletcher noted that it looks like it is a right of way and not a street layout because property lines do not define it. However, he noted examples in Town, such as Kingland Road, where the right of way is part of the lots. He said if the road is constructed on property owned by others, there may be a question of frontage setbacks.

Members agreed that frontage for the lot was created by a subdivision in 1955 and agreed to reduce construction standards to meet requirements for a common driveway to be constructed within the right-of-way. It was noted that Lots 1 and 3 have driveways off of Harvard Road. Mark O'Hagen noted that a portion of the driveway for Lot 3 may be in the right of way.

Kathleen Willis cited Section 10.8 (Completion within Eight Years) of the Subdivision Rules and questioned how it impacts this lot.

Members noted that the lot is grandfathered as a vacant lot under single ownership.

Ernie Dodd moved to establish standards for construction of the roadway to meet requirements for a common driveway, and that the owner of Lot 2 shall be responsible to maintain the driveway, and that the owner of Lot 2 shall be in contact with the owners of Lots 1 and 3 prior to construction. The motion was seconded by Malcolm FitzPatrick and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

STOW HOUSE OF PIZZA

At 7:30 PM, the Public Hearing continuance, from November 8, 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, reviewed a plan outlining outstanding issues:

- Back parking area – The plan shows geo-grid for the grass parking area.
- Dumpster – The plan shows some of the parking spaces in the back moved to create a loading and unloading area with room for the dumpster.
- Drainage – They added an overflow pit to address drainage issues raised by the Board's Consulting Engineer.
- Streetscape – They designated a streetscape with a granite and split rail fence, in keeping with the Lower Village Streetscape standard, with a note to coordinate with the Town prior to purchase of the fence. Bruce noted that the standard is not a "split" rail fence.
- Lighting – A lighting detail was added to the plan with a note to consult with the Light Pollution Study Sub-Committee. Russ Willis of the Light Pollution Sub-Committee noted that the plan should state "full" cutoff. He also voiced concern about the existing light noting that it does not comply with the bylaw and asked that it be adjusted. Kostas, the property owner, agreed to adjust the light.
- Underground wires – The plan was amended to show underground wires.

- Water Supply - They are in contact with DEP concerning the Public Water Supply. Steve Poole said it is his understanding, based on telephone conversations, that a Zone 1 area is required. Malcolm questioned Steve Poole about the DEP letter of November 14, 2005. Steve Poole said he has had conversations with DEP and provided additional information to them since then. They still need to meet with DEP. He hopes that the meeting will take place by the end of the month.

Laura Spear asked for an update on what erosion control measures have been put in place. Steve Poole said the loamed and bermed portions of the site and noted there haven't been any runoff problems.

Steve Poole will provide copies of the plan and calculations to Karen Kelleher and Sue Sullivan and will schedule a site visit with Sue Sullivan.

Malcolm FitzPatrick would like a final landscape plan showing a buffer to the parking area. Steve Poole noted there are quite a few existing trees near the Habitech property. The only work done to-date was on the slope. Malcolm FitzPatrick said he would also like to see trees along the street. Bruce noted that the trees should be placed 40' apart.

There was no comment from the public.

Laura Spear moved to continue the Public Hearing to February 28, 2005 at 7:30 PM. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

PUBLIC HEARING – CINGULAR WIRELESS

At 8:00 PM, the public hearing continuance to consider a Special Permit Modification in order to permit Cingular Wireless to co-locate onto a Wireless Communication Facility on the smokestack at the Gleasondale Mill was called to order.

Attorney Douglas Wilkins of Anderson & Kreiger, LLP, Ernesto Chua and Jonathan McNeal of Cingular Wireless, and a stenographer, all representing the Petitioner, were present.

Bruce Fletcher said that the Board understands that the Petitioner received a variance from the Zoning Board of Appeals and asked if they still seek a Special Permit from the Planning Board. Douglas Wilkins explained that they filed for a Special Permit based on input from Town Counsel and for a variance based on input from the Building Inspector. He said that they reserve the right to go forward with the variance decision, if that is the only thing they get.

Douglas Wilkins proceeded to review the application to place an antenna on the existing smokestack. He noted the initial application shows a pipe mounted on top of the smokestack and because the Planning Board was concerned with appearance and the consensus of the Board was that the antenna should be enclosed, therefore, they now propose a 10-foot extension to the smokestack with the antennas to be located within an enclosure.

Douglas Wilkins stated three issues relative to the application:

1. The standard to be determined by the Board – Would the proposed use be substantially more detrimental? Douglas Wilkins argued that the proposed use is not substantially detrimental because:
 - What is currently there is a significant antenna array (Sprint).
 - What is proposed is above the Sprint antenna array, but will be concealed.

- It is an unmanned facility.
 - No Town services are required.
 - Equipment shelter will be integrated into the existing building appearance.
 - It would be below regulatory limits for RF exposure, as documented by a letter dated October 27, 2005 from Donald L. Haes, Jr. Ph.D., CHP. (submitted during the 01/10/06 hearing).
 - There is an existing non-conforming use, and the proposed antenna would not be substantially higher than the existing structure.
 - They have a variance authorizing the proposed height and setbacks.
2. Will people in Stow, to the west of the property, be served by the proposed facility?
- Douglas Wilkins presented a report, dated December 14, 2005, indicating that approximately 231 homes/business are within the area that would be covered by an installation at 127'.
 - He presented a satellite map (Image MassGIS, Commonwealth of Massachusetts EOEA), which shows the facility, a huge development in the Town of Hudson and many homes in Stow.
 - He presented a road Map showing Hudson Road, a significant road in Stow.

Douglas Wilkins noted that these issues have no bearing on the question of whether or not the proposed facility would be substantially more detrimental.

Ernesto Chua presented findings on a re-drive including North Shore Drive, Kingland Road, Barton Road, Sudbury Road, Hudson Road to Route 117 and Lakewood Road.

He presented Plans showing:

- Existing Coverage
- Proposed Coverage at 75 ft., which provides some coverage to the east, a few at Route 495 and not much to the west. It still shows gaps with the existing coverage.
- Proposed Coverage at 127 ft. shows improvement compared to the 75 ft. plan. The gap was almost filled, but not thoroughly covered.

Kathleen Willis questioned if they are at the maximum height at the Hillcrest Tower and if not, if they were located at the top, how would it impact the need for this facility, and would seek approval to extend the Hillcrest Facility? Douglas Wilkins said he was not sure, but thought they were at the top. Jonathan McNeal of Cingular Wireless confirmed that they are at the top of the Hillcrest Facility. Ernesto Chua noted that they would not seek a higher location at that site because there are other sites nearby, and it would cause interference because there is a limited spectrum of channels.

Bruce Fletcher opened the hearing up to public comment.

Bill Byron, of 469 Gleasondale Road, asked how much area would they pick up for coverage in Stow. Doug Wilkins noted that there are 231 Homes/Businesses that could pick up coverage.

Peter Mills of Gates Lane asked if Cingular Wireless acquired AT&T. Doug Wilkins responded that all AT&T assets were acquired by Cingular Wireless. Peter Mills asked if they are in any way affiliated with Sprint. Doug Wilkins responded no, they are not. Peter Mills stated that the original Special Permit was issued to Sprint and therefore, this should be a separate permit. Doug Wilkins responded that they do not view it in that manner. They see this as a modification

to an existing site. Peter Mills said it should be a new application because they are not affiliated with Sprint. Doug Wilkins said according to the bylaw, this is a modification to an existing site.

Peter Mills asked how they propose to exceed the height and make it aesthetically compare to the smokestack. Doug Wilkins gave a copy of a photo-simulation explaining they propose the antenna to be in a fiberglass enclosure, noting that the photo-simulation is designed to blend into the existing structure as much as possible.

Peter Mills noted that during the long course of learning about cell towers over the past several years, he has learned that the coverage issue is not the Town's problem. It is the Company's problem. He further noted that the Town has been through a torturous process of creating a new bylaw since the original special permit for this site. The new bylaw would provide the Town with adequate coverage. He also stated that the bylaw passed by Town Meeting also limits where the sites should be.

Doug Wilkins responded that this proposed site is within the overlay district and they have been respectful of the Town's Plan. Peter Mills noted the bylaw states a 100' limitation in height, not 127'. Doug Wilkins responded that this is an existing use and they have a variance. Therefore they are now conforming.

Bill Byron noted that when they first proposed to go higher and proposed the antenna on posts, he found the proposal not acceptable. Even though it is an old mill and old structure, it doesn't mean you can come in and deface it so it is objectionable. He thinks the only way that would be acceptable is to add to the chimney with brick. When he made that suggestion to the Zoning Board of Appeals, the Applicant said they won't add to the chimney but will add an artificial facade. He feels they need to be sure it will blend in as much as possible.

Bill Byron asked: When does the Town stop? Will we allow another 10' onto this structure? The Zoning Board of Appeals said they are only looking at this application.

Doug Wilkins said they propose to blend the structure to the chimney and said there is not much chance of anyone wanting to go on top of their structure because they will need permission from Cingular and it would have to pass structural requirements.

Malcolm FitzPatrick asked if they have discussed with Sprint about the possibility of going inside Cingular's structure to minimize aesthetics. Jonathan McNeil said they need to be separate, because they use the same frequency. Doug Wilkins said they would have to move the structure up higher and he doesn't know how Sprint would agree to help Cingular.

Ernie Dodd moved to close the hearing. The motion was seconded by Laura Spear. Malcolm FitzPatrick noted that Cingular stated the structure will be imbedded with color and the Zoning Board of Appeals Decision states it will be painted. Jonathan McNeal said it would be the same application and not contradict with the purpose of the Zoning Board of Appeals Decision. Kathleen Willis said that according to Section 3.11.7.1.e of the Bylaw, no height waiver can be given without Town Meeting Approval and questioned if the Zoning Board of Appeals has the power to grant the variance. She also questioned why the Zoning Board of Appeals granted a height variance and if the Planning Board is the Permit Granting Authority. Doug Wilkins said the Building Inspector thinks it is the Zoning Board of Appeals, through a variance and Town Counsel thinks it is the Planning Board. The motion carried by a vote of three in favor (Bruce Fletcher, Ernie Dodd and Laura Spear) and two opposed (Malcolm FitzPatrick and Kathleen Willis)

PUBLIC HEARING – ARBOR GLEN

At 9:00 PM, Planning Board Chairman, Bruce Fletcher, called to order the continuance of the Public Hearing for an Active Adult Neighborhood (AAN) Special Permit and Erosion Control Special Permit for the Arbor Glen AAN proposed for property off of Hudson Road.

Paul Marchionda said they recently received comments from Susan Sullivan, and they need input from the Board on a handful of the comments.

Matt Leidner presented a revised plan (Notice of Intent Plan). Tom Grant spoke out noting the plan being presented is not the same as previously submitted to the Board and the public has not had a chance to review the plan. He asked if there is a requirement for the plans to be submitted in advance. Bruce Fletcher noted that the plans frequently evolve through the Public Hearing process. Paul Marchionda explained that the Plan on the board is actually the Notice of Intent Plan and they are only trying to show the general site layout. The Notice of Intent Plan reflects the ANR Plan, which is a result of court action, where they agreed to create a .08-acre parcel to be conveyed to Ms. O'Brien. The AAN plans will be updated to reflect that change. Tom Grant noted that the deal was done last June and they signed off on the Plan. The current plan shows sewer, drainage and erosion lines going under the property. Matt Leidner noted that the AAN plans, prepared in December, did not reflect the change. They submitted the Notice of Intent Plan after that and the change is reflected. The AAN plans will be updated to reflect the agreed-upon change.

Ms. O'Brien noted this may be a small piece of property for Pulte Homes, but it is a big issue for them. She further noted that when a judge signs a document, they trusted and believed that Pulte Homes would follow through. She hopes that the Planning Board will be sure they follow through.

Karen Kelleher noted that the Board is in receipt of the ANR Plan. Karen noted that she reviewed the plan and noted that it did not show all of the wells and septic systems within 150' of the property lines. Matt Leidner presented a revised plan addressing the location of wells and septic systems.

Ernie Dodd moved to endorse the ANR Plan entitled “ANR Plan of Land Hudson Road in Stow, MA”, dated June 8, 2005, revised January 9, 2006, for property owned by Margaret A. O’Grady, prepared for Pulte Homes of New England, LLC, creating a .08-acre parcel to be conveyed to abutting property. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Matt Leidner reviewed the plan updated to reflect agreed upon changes at the last meeting:

- They replaced all the Milton/Milton two-car garage duplexes with Radison/Stamwick one-car garage duplex units, and replaced an additional 6 Miltons with Franklins in an effort to diversify the unit mix.
- Additional Low Impact Development (LID) techniques were added: pervious guest parking and rain gardens.
- Additional stormwater runoff mitigation is shown on the plan.
- Some components of the septic pumping chambers and tanks have been moved.

Matt noted that they received Sue Sullivan's review letter yesterday and agreed with Sue that there are no showstoppers. Ninety percent of her comments can easily be addressed; however, a couple of items are more significant, requiring input from the Board.

- Road Width – Matt noted that they requested a waiver from 22' to 18' road width, consistent with LID Techniques. He looked into the turning radii and found it adequate. Sue Sullivan noted her concern was a ladder truck. Matt Leidner said he assumed that fire truck would be an SU30. He said he sat down with the Fire Chief early on, and this issue was not brought up at that time. He is aware that the issue was recently brought up by the Fire Chief. Matt Leider further noted that the 18' keeps development out of the drumlin.

Bruce Fletcher noted that he did some research on this issue, noting that he manages a development in Concord that has 18' wide roads. Bruce read his comments, dated received January 10, 2006, (re: Roadway Width, Road Cross Slope, Vertical Curves and Minimum Road Slopes, Affordability Compliance, Sidewalks/bicycle Paths, Trees and Street Names and Signs) into the record.

Malcolm FitzPatrick noted that the roadway is 18' plus berms. He said that he thinks 18' is adequate, if parking on the street is prohibited. He would suggest making it even narrower so people won't be tempted to park on the street. He is more in favor of off-street parking. Bruce said we need to ensure it is adequate in the event that people will park on the street, noting there will be times when people have to park on the street. Malcolm said there should be adequate off-street parking. Matt Leidner said each unit has 4 spaces plus off-street parking. Kathleen Willis suggested maybe allowing parking on one side of the street. Sue Sullivan noted, because there are so many driveways close together, it would be difficult to park on the street without blocking a driveway.

Ernie Dodd moved that, in keeping with Bruce's comments, the width of the roadways be 18' with wider areas to be incorporated into the plan, where appropriate. The motion was seconded by Kathleen Willis. Bruce Fletcher asked Matt Leidner for advice as to where the road can be widened. Matt said the only areas, where there are no houses, that could be widened is at the entrance and the wetland crossing. Bruce suggested the area near the intersection because width might be lost from snow plowing. Matt Leidner noted that he checked the radii and the SU30 design vehicle can make the turn. Malcolm FitzPatrick thinks, with the exception of big trucks, 16' is adequate. Sue Sullivan said that the Fire Chief noted that the road width at Meeting House is tight. Bruce Fletcher said that is because they have short radius. The motion carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Kathleen Willis and Laura Spear) and one opposed (Malcolm FitzPatrick). Malcolm said he is opposed because he wants 16'.

Erosion Control detail – Matt Leidner said they realize the requirement is in the AAN Regulations and at this level, erosion control is dependent on the layout. They really need to be confident that this layout is approvable before going to the level of detail for erosion control. He suggested that the Board could condition the approval that the Erosion Control details be provided before endorsement of the plan.

Structural Design for Culvert/ Retaining Walls – Matt Leidner noted that it is not their experience that structural engineering be done as part of the Site Plan. The structural design is directly related to the site configuration and changes in the wetland crossing would affect the design. Paul Marchionda said, typically, the decision says "prior to construction". They will provide the structural details, but only want to do it once they know what the final plan will be. Sue Sullivan said there is a lot going on at the crossing. The Board needs to make sure it will fit and will work. She has had issues when catch basins were installed and had to be changed, because of the wetland crossing decision. She also noted that in some cases, the guardrail had to be incorporated into the wall. Sue Sullivan said this is more of a Conservation

Commission issue, but all the pieces need to fit together. Kathy Sferra, Conservation Commission Chairman, said she expects that the Conservation Commission will want to see that level of detail prior to closing the Notice of Intent Hearing. Bruce Fletcher suggested that the Planning Board could close the AAN Public Hearing and keep the Erosion Control Public Hearing open. Sue Sullivan said typically the erosion control plan is incorporated into the AAN Plan. Laura Spear said, based on the past few applications, the Board spent a considerable amount of time to ensure the plans are complete before the hearing is closed. Matt Leidner said he has details on the culvert; he is only talking about structural engineering of the wall.

Septic Area – Matt Leidner said he understands there was a consensus that no topsoil is to leave the site and any not used in construction of the AAN will be provided to the farmer for him to decide how it is to be used. Malcolm said he agrees with what Matt said about the topsoil, however, it appears that the farm area is decreased. Matt Leidner said the plan shows a field survey of what is currently in agricultural use. They maintained a distance from the units. Laura Spear said she is concerned that, if the Farmer can get all the soil he wants, it won't do him any good if he doesn't have the area. Paul Marchionda said there are areas that Steve (the Farmer) can expand, but he hasn't decided where. Paul Marchionda suggested that they can move the easement line. Ted Gowdy noted their reason for the easement line is because the Board wanted a separation between the units and the agricultural use. He agreed they can draw the easement line closer to the units and add a note on the plans so the contractor knows. Malcolm questioned if they have any idea how much excess loam there will be. Matt Leidner responded no.

Road Cross Slope – Members agreed that the cross slope should be 3/8" per foot.

Curbing – Matt Leidner noted that they requested a waiver from the requirement for sloped granite curb at the intersection. They propose continuous, low profile cape cod berm because no curbing exists along Hudson Road in the vicinity of the project. They propose to terminate the cape cod berm where they return onto Hudson Road. As recommended by Sue Sullivan, the curb returns they held in two feet from the existing edge of pavement to accommodate plowing movement. Laura Spear noted that the Board has been consistent in requiring sloped granite curbing. Bruce Fletcher said he doesn't think granite curbing is in keeping with the rural character of Stow. A majority of the Board said they would not support the requested waiver. Matt said they will update the plan to show sloped granite curbing 2' from the existing edge of pavement.

Members discussed Ernie Dodd's suggestion to provide vehicular access to the Bose Site from the gravel road off of Road 2, which provides access to the septic system. Laura Spear said she does not support the connection because it would impact the agricultural land. Bruce Fletcher said he agrees with Ernie, but doesn't feel it is necessary in the location that Ernie suggests. Matt Leidner said it would be a significant length of roadway/impervious area within the Water Resource Protection District. He said they have not talked to Bose and could only go to the property line. Bruce Fletcher said he hoped there would have been a pedestrian/bicycle path provided in an area that does not go through the agricultural land. In an ideal world, he agrees with Ernie, however, he doesn't think it is feasible in this case. Ernie Dodd said it would provide access to the business-zoned area and to the traffic signal at Route 117. Malcolm said the Plan for the Villages at Stow was supposed to include a trail. Ted Gowdy said they can provide a gravel path for bikes. Steve Coan, Hudson Road, said he would be concerned about pushing traffic from Route 117 to the proposed AAN Road. Ernie Dodd said he would recommend that it be one-way traffic. Steve Coan said he would be concerned it would be a cut-through that Bose employees would use. Ernie said that Bose could control the issue with a "no left turn" sign. Kathy Sferra, Hudson Road, said she doesn't see the need, noting that it is

inevitable that we will see the need for a traffic light at Hudson Road and Route 117. Malcolm said he would like to see one main road connecting the sites. Kathleen and Laura don't support a vehicular connection and do support a pedestrian/bike path.

Laura Spear asked if the property line change, as shown on the ANR Plan, will have an impact on the basin. Matt responded no, but they will need to move an outlet pipe. It was also noted that they should show the 50' setback from the new property line.

Laura Spear moved to continue the hearing to January 24, 2005 at 7:30 PM. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

WILDLIFE WOODS

Bond

Whispering Way – Susan Sullivan reported that the developer fixed the Puddles in Whispering Way. Bruce said he didn't see any sign of repairs. Sue said they repaired it by heating the pavement. She noted that there is still a small puddle at the end of the driveway at No. 8 Whispering Way, however, the puddle doesn't last long, and there is no way to fix it.

Ernie Dodd moved to Reduce the bond for Whispering Way, Station 0+0 to 12+50 by \$81,050.00, establish the bond amount for Woodland Way Station 6+50 to 19+35.56 at \$160,915.00 and establish the bond amount for Foxglove Lane at \$63,460.00 so that the total bond amount will be \$326,638.00. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Kathleen Willis moved to release lots 54 through 58 (Woodland Way and Lots 49-53 (Foxglove Lane) upon receipt of a check from Bentley Building Corp. The motion was seconded by Ernie Dodd and carried by a unanimous vote if five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Sue Sullivan noted that the Fire Chief noted a problem with street names, Foxglove and Fox Court. The Developer was notified.

MEADOWBROOK ESTATES (Trefry Lane)

Sue Sullivan reported that she received the as-built plan for Trefry Lane from Karen last week and just received calculations from the Developer's engineer for volumes of the retention basins. She has not had a chance to make a site visit to check the slopes of the roadway, location of bounds, etc. She recommends that the Board hold back bond money for the basins until we are sure the basins are properly recharging. She said the retention pond had sediment, which was cleaned out; however, just after the Developer re-loamed and seeded the pond, we had several days of rain that stirred things up. Malcolm questioned why the retention pond is loamed and seeded. Sue said that retention ponds are typically loamed and seeded. Sue explained that they needed to control silt. There were places where they had 4" of silt. She recommended they remove the top foot, which they did, and then we had a month of rain. Much of the problem was that Kendall Homes was not good about erosion control. She deferred comment to the Tree Warden on street trees. Bruce Fletcher, Tree Warden, said he has no problem with the tree caliper and species but will wait until spring before signing off on the trees.

Members discussed how much of the bond should be held back to assure that the pond is cleaned out, noting concern that this issue has been a problem with other subdivisions.

Members discussed the request for a recommendation to the Board of Selectmen on a petition to plow Trefry Lane. Sue Sullivan noted that the Superintendent of Streets prefers to wait until Town Meeting accepts the street before plowing to ensure full completion of the road, noting other subdivisions that were never completed such as Brandymead Circle.

Ernie Dodd moved to recommend that the Board of Selectmen not authorize snow plowing at Trefry Lane until the street is accepted by Town Meeting. Malcolm noted that he thought this was a policy. Bruce Fletcher noted concern for the property owners who are paying taxes. Karen Kelleher noted that, in this case, the developer is responsible and is still plowing the road. The motion was seconded by Bruce Fletcher and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Ernie Dodd moved to reduce the Bond by \$18,724.00 ((final surface cleaning and paving (1 ½" asphalt and including berms))). The motion was seconded by Bruce Fletcher and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

BUTTERNUT FARM

John Farnsworth dropped off As-Built Plans for Butternut Farm. Karen noted that George Scraggs also dropped off a spreadsheet asking for a bond reduction. Members discussed whether or not the plan should be forwarded to the Board's Consulting Engineer for review. Bruce Fletcher said he does not think it is necessary, as Board Members have reviewed the Site. Members will further review the as-built plan and request for bond reduction at the next meeting.

The meeting adjourned at 10:55 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator