

TOWN OF STOW PLANNING BOARD

Minutes of the January 24, 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 7:15 PM.

PUBLIC INPUT

Members reviewed a letter from Connie Schwarzkopf concerning construction activity at the Derby Woods Subdivision and noting she was advised by the Police Department that they were not aware of the restriction on hours for exterior construction activity.

Kathleen Willis suggested that the Developer be required to post hours of operation on the site and to also provide the Police Department with a list of subdivisions that are subject to the restriction. Karen Kelleher will contact the Developer and the Police Department.

Peter Mills, Gates Lane, said he noticed that frontage for the Schwarzkopf property is incorrect on the Assessor's Map. Although the maps have a disclaimer, he suggested that the Board might want to check it out because it could be a liability issue for the Town relative to the Schwarzkopf's land dispute if the maps are incorrect.

MINUTES

January 10, 2006 - Ernie Dodd moved to approve minutes of the January 10, 2006 meeting, as amended. 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).

PUBLIC HEARING CONTINUANCE – ARBOR GLEN

At 7:40 PM, the Public Hearing continuance for the Arbor Glen Active Adult Neighborhood and Erosion Control Special Permit was called to order.

Discussion on the revised plans presented at the January 10, 2006 hearing was continued. Matt Leidner explained that they are looking for direction from the Board on several issues before finalizing plan revisions.

Road Width - The road was widened to 22' in front of the cisterns. Malcolm FitzPatrick said he thought the area was to allow for on-street parking. Matt noted that they looked at the possibility of widening the road at the intersection and found that it was not feasible; therefore they changed the 25' radii to 35'. Malcolm FitzPatrick said he is concerned that they don't have auxiliary parking. Matt Leidner said that each unit has 4 spaces, and they have also provided for 13 guest spaces scattered throughout the site. Malcolm FitzPatrick noted that most places have an overflow area for guest parking. Matt Leidner responded that they provided guest spaces distributed throughout the site so they will be closer to the units. Paul Marchionda said they don't want to design the plan for parties that won't happen often.

Bruce Fletcher said he thought about a suggestion that the loop road be one-way, which may help with the public safety concern.

Bruce, Laura, Kathleen and Ernie are comfortable with the road widths as presented this evening. Malcolm is not.

Open Space – Matt Leidner noted that the revised plan shows the open space line closer to the units. It was noted that the easement on the hill should provide for access and that most of the hill should be considered open space. Malcolm said he would like a trail connection to the other side of the property. Matt noted that the trail connection is shown on the landscape plan.

Sight triangle waiver request – Matt Leidner asked for input on their request for waiver from the requirement for a 75' sight triangle. He noted that the plan meets ASHTO standards. It was also noted that the 75' sight triangle would require the need to remove trees. Ernie Dodd questioned if the Board has enforced this requirement on other sites. Bruce Fletcher said the requirement was ignored in most subdivisions. Ernie said he thinks this requirement defeats the goal to provide screening and he would agree to waive the requirement, if they can meet ASHTO safety standards. It was also noted that a stop sign will be installed. All agreed to waive the requirement for a 75' sight triangle.

Separation between units and agricultural area – Matt Leidner reported that they met with a Landscape Architect, who proposed a post and rail fence with a sparse row of poplar trees to define the separation between the units and the agricultural area. He noted they don't want the plantings so dense that they would cast shade onto the agricultural land. Ernie Dodd requested that they place bounds to define the open space. Kathleen Willis said she is not sure poplar is a good choice because of their life expectancy. Sue Sullivan, speaking as a gardener, noted that poplar trees will cast shade and are fast growing. Bruce asked why the architect suggested poplar. Matt Leidner responded that the architect said it is a traditional New England hedge. Bruce Fletcher suggested a variety of plantings, noting that if they are all the same, they will all succumb to the same thing at the same time. Matt Leidner said they will come up with a plan providing for a variety of low plantings. Malcolm FitzPatrick said there should be no plastic fences.

Easement on Wetland Area - Matt Leidner said they can provide an easement on the wetland area, as suggested by Sue Sullivan, but questions its purpose. Sue said her concern was based on an issue that came up in another subdivision where the open space was conveyed and there was a question as to the right to drain water to the open space. She suggested a drainage easement so that the water can be conveyed to the site. Malcolm FitzPatrick said it should be a joint easement with the Homeowner and the Town. Paul Marchionda still questioned why the easement would be necessary. Bruce Fletcher said it could be necessary if the Homeowners Association does not retain ownership of the open space. Malcolm FitzPatrick said a series of easements for the open space and drainage to protect the Homeowners Association. Bruce Fletcher said an easement would give authority if maintenance is required. Paul Marchionda said it would make sense for the easement at the culverts, at the roads and each headwall, which are right on the line. Ernie Dodd agrees that easements are needed at the culverts and thinks it's a good idea to define the easements for the wetlands. Malcolm FitzPatrick said he thought there would be a requirement for Conservation Easement on all areas defined as open space. Sue Sullivan said she thought an easement could be another mechanism to make it clear to the buyer. Bruce Fletcher suggested it could be labeled Conservation/Drainage Easement. Kathleen Willis said she has no strong feeling either way. Laura Spear said that what Sue said makes sense. Sue Sullivan suggested calling it a wetlands easement to ensure that the wetlands are protected. Matt Leidner agreed to draw the easement line on the plan.

Record Plan - Matt Leidner asked if the Board expects the whole plan to be recorded at the registry. Karen Kelleher said, typically, the site plan, which includes all easements, is recorded.

Sue Sullivan said she doesn't think the whole plan needs to be recorded and noted that other towns typically have the site plan referencing unit numbers and easements. All agreed that a Record Plan showing the overall layout plan and drainage easements should be recorded. Sue Sullivan noted that the summary note page should also be recorded. Paul Marchionda noted that each unit will also have its own deed and site plan recorded. Malcolm FitzPatrick said he would like a plan showing drainage facilities. Matt Leidner referred him to the O & M Plan and suggested that the decision could require recording of the O & M plan.

Street Names - Matt Leidner noted that the proposed street names are Arbor Glen Drive and Heather Lane. They ran the name by the Police and Fire Departments to be sure they don't conflict with existing street names. Laura Spear said she thought the Board preferred historic names. Bruce said that he would like to reserve the right to think about the street names.

Affordable Units – Ted Gowdy outlined their proposal to provide affordable units. They propose to build 6 units (3 affordable units and 3 middle income units) and provide a cash payment.

- The Bylaw requires 10% of the units to sell at a price affordable to low income and/or moderate income QUALIFIED AFFORDABLE HOUSING PURCHASERS (10% = 6.6 units rounded up to 7 units).
- The Bylaw requires an additional 5% of the units built to sell at a price affordable to middle income households, as defined by Executive Order 418. (5% = 3.3 units rounded to 3 units). Executive Order 418 establishes the maximum annual income at \$123,900.00. Laura Spear said it depends on the household. Ted Gowdy said the units will be 2 bedrooms; therefore, MHD would set the income for a household of 3. Malcolm questioned how they would get above 2-person households. Ted Gowdy said that DHCD rules are established by the number of bedrooms plus 1. They propose to build all three units on-site as required.
- They propose to provide a cash payment in lieu of dwelling units, as authorized in Section 8.8.9.B.ii of the Bylaw. At least half of the required 10% affordable units shall be constructed on-site and 150% of the remaining affordable units can be a cash payment. (1/2 of the 7 affordable units = 3.5) They propose to build three units on-site and provide a cash payment for 150% of the remaining four units (4 x 150% = 6 units).
- Section 8.8.9.B.ii.c of the Bylaw states "Cash Payment = the number of required off-site units times 35% of the average sale price of new construction AFFORDABLE DWELLING UNITS." (New Construction Affordable units will be approximately \$175,000.00. (6 units at 35% of \$175,000.00 = \$365,000.00)

Malcolm FitzPatrick said the way he reads the Bylaw the option of building on-site, off-site, or cash payment is up to the Board. Laura Spear said the Board needs to be satisfied that the AAN is designed to provide housing for occupants earning a broad range of incomes.

Ernie Dodd noted concern that some seniors may not be eligible for the affordable units because of the equity they have in their existing homes. Ted Gowdy said that Chapter 40B has strict asset limits; however, in this scenario, because it will be a Local Initiative Program, the Town decides on the asset limit. Ted asked that the documents they provided in the Application be provided to Town Counsel for his review. Members asked Ted Gowdy to coordinate the affordable unit restrictions with the Community Preservation Committee's Affordable Deed Restriction Program.

Ernie Dodd said he prefers that all of the affordable units be built on-site, but cash payment is acceptable to him. Bruce Fletcher noted that cash would give the Town flexibility in some other venue. Malcolm said he wants the units constructed, noting that the Town already has affordable housing CPC funds. Kathleen said, if we have funds for affordable housing, we

would still need land. Ernie Dodd said we could use the funds to buy a lot. Kathleen Willis said she would prefer the units be constructed because we are falling behind on our 10% requirement for affordable housing. She would feel different if we had land. She is fearful that a 40B development will come in because we are not making a good effort to provide affordable units. Laura Spear agrees with Kathleen Willis.

Building Exterior – Ted Gowdy said that they can paint individual units in different colors, as requested and will work with their marketing people on color pallets.

Sprinklers – Ted Gowdy noted there are two different types of sprinkler systems (13R and 13D). He explained that 13R requires higher flow and the cost would be approximately \$6,500.00 per unit. He said 13D is a residential sprinkler off a 100 gallon tank. Their contractor says there should be enough water in the system and it would be cheaper than 13R, however, it is not cheap. They expect it will be approximately \$5,000.00. Ted Gowdy noted that neither the Building Code nor the Zoning Bylaw requires it. They have already redesigned the site, the project has gotten more expensive, and there are other things that will cost money. He does not think the Board has the ability to require sprinklers and respectfully requests that the Board not require them.

Ernie Dodd thinks it is important that sprinklers be provided. We are talking about multi-family dwellings in one structure with an aging group. Malcolm said at one time they were talking about 4-unit buildings, which would require sprinklers, and he feels they should have 4-unit buildings. Ted Gowdy said the 4-unit buildings would require the more expensive 13R system. He noted that 13D is being contemplated to be required, but is not required at this time. Malcolm FitzPatrick asked how the Villages at Stow can manage to afford sprinklers for 96 units. Malcolm feels that because this is an AAN sprinklers should be required for safety of the seniors. Kathleen Willis said she wants sprinklers because of the density of the structures and she is concerned about older people and how the Fire Department feels about this issue. She does not think this would be a determining factor on a yes or no vote.

Laura Spear said she is not as passionate about the issue, but feels it is common sense, noting that it is not as though we haven't had a fire or two in Town. It is logical to install the sprinklers and be proactive rather than saying "we should have".

Bruce Fletcher said he is very cognizant of all the things that drive up the cost and knows how it affects housing costs. Having been in the Fire Services, he didn't think of sprinklers as being for life safety. He said he recognizes the cost of sprinklers and also the cost for the 2 proposed cisterns. Kathleen Willis said she thought the purpose of sprinklers was to get the residents out of the building. Ernie Dodd said they slow the spread of the fire. Bruce Fletcher agreed that they slow the spread of the fire but also noted that so does the firewall that is required by Building Code. Bruce Fletcher said this issue is not a showstopper for him either way.

Ted Gowdy said, where they land on all of the issues that drive up cost, such as affordable housing, sprinklers, and sidewalks contributions will determine if they are willing to provide sprinklers.

SIDEWALKS ALONG FRONTAGE

Members discussed the request for waiver from the requirement for sidewalks along the frontage. Malcolm FitzPatrick said he would rather see a well-defined internal path system that is open to the public, rather than a sidewalk along the frontage. Ernie Dodd agrees with Malcolm FitzPatrick. Matt Leidner said the landscape architect is working on a plan for an unpaved pathway. Bruce suggested that the existing pathway to the Villages of Stow would be

easiest location. Kathleen said she expects that there is not enough traffic for the sidewalk along the frontage and noted there is enough room on the road. Malcolm FitzPatrick said he would support the waiver, as long as an appropriate pathway is provided. Laura Spear feels there should be a sidewalk along the frontage. This has been a key issue for the Board. Bruce Fletcher suggested a pathway within the 50' buffer along the road. He noted that the best location for a formal sidewalk would be on the other side of Hudson Road. Ernie Dodd suggested they construct the sidewalk across the street. Kathleen Willis said there is a bad corner near the drumlin and noted it would be nice to have a path. Malcolm FitzPatrick said he would be happy with a good easement along the southern side of the property and an internal pathway available to the public. Ted Gowdy said they can grant an easement. Malcolm FitzPatrick thinks they should construct a path, as Bruce Fletcher suggested. Malcolm FitzPatrick also said he would rather have sprinklers than a sidewalk. Kathleen Willis agreed. Laura Spear said she would be amenable to an easement and a donation to the Sidewalk Fund. Ernie Dodd said we need at least an easement and will go along with the Board as to construction.

Condition to Repair Hudson Road – Ted Gowdy said they have no problem with a condition that they repair any damage to Hudson Road, after installation of the access road.

Bond and Covenant for Roads and Drainage – Ernie Dodd suggested that the Board require a Bond and a condition that the bond will not be released until after the final dwelling units are completed and the Highway Department and the Town's Engineer determines that the road and drainage system is acceptable by the Town, even though they will not be public ways.

Ted Gowdy is concerned about holding back two lots because he has to wait until the end of the project. Ernie Dodd suggested that it could be tied to occupancy. Ted Gowdy said he is not sure it can be tied to occupancy. Sue Sullivan said that holding back occupancy could be a problem timing wise, if the last two occupancies are in the winter and they can't pave. Ted Gowdy said he doesn't think the Board can ask for a covenant, but he is willing to post a bond. Malcolm would like them to commit to a construction schedule.

Final Plans – Laura Spear asked Sue if she is comfortable that her concerns have been addressed. Sue said, at this point, she needs a full complete set of plans showing conservation and planning issues, before she can confirm, with confidence, that all of the issues have been addressed.

Malcolm FitzPatrick introduced his written comments into the record.

Public Comment

Steve Coan, Hudson Road, offered his expertise as State Fire Marshall, in support of sprinklers and is encouraged that the Board is considering this issue. He said there are thousands of units in the area using this life-saving tool. As an abutter, he said he has several questions such as hours of operation for construction, etc. Karen Kelleher suggested that he provide his list of concerns in writing.

Ernie Dodd moved to continue the hearing to February 28, 2006 at 9:00 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).

BUTTERNUT FARM

John Farnsworth of Defalco Engineering and George Scraggs met with the Board to discuss a request for bond reduction. Board Members explained that the bond amount is based on plans

that were approved by the Board and therefore, any request for reduction in the bond must be based on the approved plan or a formal modification to the approved plan.

Plan Modifications - Members reviewed the Maintenance Building Site Plan (Plan No 03-10-Maint-4), dated 03-09-2005, and Club House As-Built Plan (Plan No 03-10-Asbuilt-1), dated 01-10-2006 and agreed to the following changes:

Maintenance Building Site Plan (Plan No 03-10-Maint-4), dated 03-09-2005

- Remove 6 rhododendrons in front of the Maintenance Building along Gleasondale Road
- Label area in back of the Maintenance Building "EQUIPMENT STORAGE"
- Label area near existing fuel tank to be relocated and existing bituminous "NO PARKING"
- Add stockade fence section to block view of the Maintenance Building
- Remove plantings in front of the proposed parking area – Add: 5 trees of mixed variety and 6 rhododendrons at the corner of Gleasondale Road and Access Drive.
- Label parking areas "TEMPORARY PARKING UNTIL COMPLETION OF AREA SOUTHERLY ADJACENT TO MAIN AREA AT CLUBHOUSE" and "AREA TO BE RETAINED IN NATURAL STATE"

Club House As-Built Plan (Plan No 03-10-Asbuilt-1), dated 01-10-2006

- Add 6 evergreens (mix of hemlock and spruce), and 4 rhododendrons in front of the Lower Parking lot along Wheeler Road
- Add 5 rhododendrons (2' minimum height) in front of the emergency access way to the Lower Parking Lot.

Bond Reduction – Members then discussed the request for bond reduction. George Scraggs said he wants to do what the Planning Board wants and at the same time keep the Pages happy and not threaten to sue the Board.

John Farnsworth questioned the \$250.00 cost per tree and asked if there is another figure that they Board would agree to. He suggested \$150.00 - \$200.00. Kathleen Willis suggested that they check with a nursery for prices. Bruce Fletcher said that \$150.00 - \$200.00 will not be sufficient for 2" caliper trees, as required by the Bylaw. Malcolm FitzPatrick said the easiest way to get their money back is to do the job. George Scraggs said they are working on it. John Farnsworth said they have been concentrating their efforts on the clubhouse. Ernie Dodd said the reasonable thing is to get a quote from the nursery. George Scraggs said that would prolong the process. Kathleen Willis said that if they object to the cost, they need to provide documentation for a reduced cost.

Ernie Dodd moved to reduce the bond for fencing installed and to retain \$600.00 for 60' of fencing to be installed, as shown on the Redline Plan. 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).

It was noted that the bond amount for "relocation of parking area" was in reference to parking at the Club House. The parking area at the Maintenance Building was not bonded, because it was for a gravel surface with no paving.

Ernie Dodd moved to reduce the bond by \$5,000.00 for relocation of parking area. The motion was seconded by Kathleen Willis. Malcolm FitzPatrick said the bond should be retained until the Maintenance Building parking area is constructed. John Farnsworth

stated that the parking area was not to be paved. The motion carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Malcolm FitzPatrick moved to amend the previous motions and approve the release contingent upon the redline plan change, as mutually agreed upon and receipt of a letter from the Pages that they agree to the changes. 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).

MEADOWBROOK ESTATES (TREFRY LANE)

Bruce Fletcher said he feels that Ken Kaulbach was correct in that the bond reduction should have included the 50% contingency.

Ernie Dodd moved to release the 50% contingency of the \$18,724.00 ((final surface cleaning and paving (1 ½" asphalt and including berms)) as previously released. 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).

EXECUTIVE SESSION

Ernie Dodd moved to enter into Executive Session for purposes of discussing ongoing litigation and to adjourn at the conclusion of the executive session. The motion was seconded by Kathleen Willis and carried by a unanimous roll call vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

ADJOURNMENT

The meeting adjourned at 11:00 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator