

TOWN OF STOW PLANNING BOARD

Minutes of the April 11, 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 7:30 PM.

MINUTES

November 1, 2005 – Laura Spear moved to approve minutes of the November 1, 2005 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

February 14, 2006 – Laura Spear moved to approve minutes of the February 14, 2006 meeting, as amended. The motion was seconded by Ernie Dodd and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

March 14, 2006 – Laura Spear moved to approve minutes of the March 14, 2006 meeting, as amended. The motion was seconded by Ernie Dodd and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

March 21, 2006 – Kathleen Willis moved to approve minutes of the March 21, 2006 meeting, as amended. The motion was seconded by Laura Spear and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

PLANNING BOARD UPDATES

Community Preservation Committee

Laura Spear reported that she forwarded an e-mail from Karen Kelleher concerning the Crescent Street property to the Community Preservation Committee and they are looking into the property for affordable housing. Bruce Fletcher noted that the property is under agreement.

Laura Spear reported that DHCD has not yet approved the Community Preservation Committee's deed restriction program. It is her understanding that DHCD didn't want to approve it because it doesn't create new housing stock. The Committee hired Judy Barrett to address issues that DHCD had for monitoring and marketing the program. Laura Spear also noted that other Departments at the State are looking at the program and other Communities that don't have room to expand its housing stock are very interested in the program.

Rules and Regulations

Malcolm Fitzpatrick noted that he started a re-draft of Section 7.9 (Drainage) of the Rules and Regulations. Bruce Fletcher suggested that he refer to the DEP Stormwater Handbook. Malcolm FitzPatrick said he is waiting for a reference from Sue Sullivan.

Village Overlay District Zoning

Members noted that a meeting was held on April 10, 2006 with Mark Racicot of MAPC to discuss the Lower Village Mixed Use Overlay District Bylaw, which is coming along nicely.

School Building Task Force

Ernie Dodd noted that the School Building Task Force meetings are ongoing. He urged all Task Force members to read the existing documents. Malcolm Fitzpatrick said it is critical to come up with good documentation on demographics and he suggested following the demographics in the Wildlife Woods Subdivision.

MINUTEMAN PROPERTY – BOXBORO ROAD

Bill Roop, Harry Blackey and Dean Blackey met with the Board to discuss concept plans for the Minuteman property. They said they revised the site plan to use the entire site for 66 AAN units based on their review of the market place. Given the market, they feel if they have a spectacular site plan, they would do better in the market. The revised site plan offers more open space per unit and privacy.

Harry Blackey said their company does do high-density development, but they want this to be a different product. This plan also eliminates the question as to what will happen with the other part of the site. Harry Blackey reviewed the site plan, noting that in very few instances, houses will be located across from each other. None of the units will back up to each other. He explained that the plan provides diversity in housing type with a mix of single-family, duplex town homes and triplex town homes. Some areas are more dense than other areas. The site plan provides a 100' buffer around the property versus the required 50' buffer. They kept development away from the slope. He also noted there is a significant difference in topography from existing homes on Boxboro Road.

Bruce Fletcher advised that they calculate the percent of wetlands in the open space.

Harry Blackey said they do not propose sidewalks due to the fact it will be a low traffic development.

Malcolm FitzPatrick suggested continuing the divided roadway. Harry Blackey said they are restricted by wetlands and the septic system in that area.

Malcolm FitzPatrick suggested moving back the high-density units so that all of the traffic will not be at those units. Harry Blackey said the units are set back from the road and they could set them back further. Harry Blackey said there is a lot of roadway; they doubled the amount of roadway to create pockets. Malcolm FitzPatrick said he sees the roadway becoming narrow by dividing it. He likes the idea of traffic being away from the house by using the loops. Harry Blackey said that would cause the units to be located across from each other.

The Plan shows 38 single-family units and 28 multi-family units.

Ernie Dodd asked that they apply Low Impact Development techniques into the plan. Laura Spear noted a purpose of the Bylaw is to create a sense of community and sees the plan providing the opposite effect by creating privacy and not being able to see neighbors. Harry Blackey said they worked hard at creating a community by creating places where people can gather in common areas. They created small neighborhoods providing an opportunity for small groups to get to know each other. Malcolm FitzPatrick said he feels they achieved that goal in some of the areas, but not all.

Laura Spear noted that the bylaw refers to promoting a sense of community through clustering of buildings and community gathering spaces. Harry Blackey said the plan provides for open space near the units. Harry Blackey said they envision gathering spaces in each neighborhood.

Len Golder, Old Bolton Road, asked if they gave any thought to providing an activity center.

Bruce Fletcher said he liked the initial plan because it created a New England Village. However, he likes this plan because it provides for diversity in the market. He would rather see something that will sell rather than a generic plan. Dean Blackey said they are hearing from people that they would like a back yard. Bill Roop said that Faxon Farm works well in the village, but may not work as well in this area.

Malcolm FitzPatrick said that he likes a mix in communities, noting this plan shows some of the neighborhoods being more exclusive than others. Harry Blackey said they will make sure that everyone is in a neighborhood and will also look at traffic flow.

Malcolm FitzPatrick noted there will be a lot of cars (2 per unit), and therefore, there should be a system of walking paths for the neighborhood as well as public access.

Malcolm FitzPatrick noted an isolated area of land, retained by Minute Man Airfield and asked if it can be part of the plan. Bill Roop said they are in discussions with the owner on how pedestrian easements can be incorporated into the plan.

Kathleen Willis encouraged them to achieve diversity in providing a variety in price. She also encouraged them to look to see how they can eliminate more front-load garages. Harry Blackey said they provided more green space in front in the areas where they can't get side-loading garages.

Laura Spear noted that all the single-family homes have a single driveway and the multi-family buildings do not.

Bill Roop said there will be a variety of units ranging in size of 1,700 sq. ft., 2,400 sq. ft. and 2,600 sq. ft.

Harry Blackey asked that the Board allow them to provide building plans at 1/8 scale rather than 1/4 scale because they will be easier to read. They will provide 1/4 scale plans for building permits.

Laura Spear noted that the AAN bylaw is intended for age 55 and older who no longer want to maintain a single-family home. Harry Blackey said they question if that is really the intent. He feels the issue is "maintenance" rather than "single-family dwellings".

Malcolm FitzPatrick suggested moving some of the multi-family units toward the back of the site. Ernie Dodd said he doesn't see a problem with the proposed location of the multi-family units, noting it meets the bylaw and they are working with the existing topography.

Len Golder, Old Bolton Road, said it appears they have some sense of the market and the uniqueness is privacy and setbacks. He feels the key word is "maintain" versus "ownership". He also feels that community means they connect with each other. He also asked if they thought of other uses such as a mini-golf course, driving range, convenience store, pharmacy, or other type of service establishment. Bill Roop said they did explore that type of development in the past and found that economics won't support those types of uses.

Bill Roop noted that they are also mindful of the 6% cap and referred to information they provided to the Board in the past on potential bylaw amendments and ways to interpret when and how to interpret the cap. The question is whether the cap is established when the Special Permit is issued or when the building permits are issued. Ernie Dodd noted that the Board thought about addressing that issue, at the 2006 Annual Town Meeting, by lifting the cap. However, the Board was not sure that it would get a 2/3 vote of Town Meeting. Ernie Dodd said that the Zoning Board of Appeals could possibly vary the bylaw.

Kathleen Willis said size and diversity is a priority, noting the Board worked hard on the Arbor Glen Plan to get 1,300 sq. ft. units and keeping more of the 1,800-2,200 sq. ft. units.

Laura Spear said there is also a concern of people being tempted to put in an extra bathroom creating more septic use. Bill Roop said the plans will specify the number of baths with maybe an option for a 3-season porch.

Malcolm Fitzpatrick said he likes the Faxon Farm development because it created private space, using detached garages. He doesn't see that this plan is creating private spaces within neighborhoods. He thinks it looks like an urban subdivision layout. He would like to see higher density and better design of the houses. Bill Roop explained that, market wise, they used the detached garages to create a buffer to the Post Office view. This site is a different situation. Malcolm FitzPatrick said he still doesn't see privacy between the units, noting they could create private back yards. Harry Blackey said Malcolm's point is well taken and the plan on the table is not necessarily representative of the homes that will be built.

Harry Blackey asked if the Board wants them to wait and come back with another concept plan or to proceed with an application with a fully engineered plan. Malcolm FitzPatrick said he feels they should file a plan as soon as possible. However, if it is not a complete plan, it could cause problems.

Kathleen Willis asked if they could provide names and addresses of other similar type developments they have done? Harry Blackey said he would be willing to give the Board a tour of other sites.

Bill Roop suggested a site walk to this property before going forward with a final plan. Bruce Fletcher asked if they got an answer from the Board on the concept plan. Kathleen Willis said she likes the concept; it is a place that she would like to live. Harry Blackey said they are concerned mostly with the issue of timing. Bruce Fletcher said it is easier for the Planning Board to make an interpretation of the 6% cap, if there are only two applications, rather than trying to decide between the 2nd and 3rd application. Harry Blackey said the application may not necessarily be complete in terms of engineering. Bruce Fletcher said the Board could hold off on sending the application to its consulting engineer until they are comfortable with the plan.

It was noted that the proposed road is approximately 2,500' long.

NEXTEL - PUBLIC HEARING CONTINUANCE

The Public Hearing to consider the Petition from Nextel for a Wireless Service Facility at Gleasondale Road was continued without testimony, at the request of the Petitioner, to April 24, 2006 at 8:10 PM.

MARBLE HILL SUBDIVISION (ASA WHITCOMB WAY)

Easement/Covenant Agreement - Karen Kelleher reported that the Agreement and Drainage Easement documents, submitted by Mr. and Mrs. Gibson of 76 Taylor Road, for maintaining the drainage pond, have been reviewed and approved by Town Counsel. Mr. and Mrs. Gibson are

looking for a vote of the Board before forwarding the documents in final form, for the Board's endorsement.

Laura Spear moved to approve the draft easement document from Mr. and Mrs. Gibson. The motion was seconded by Malcolm FitzPatrick. Malcolm FitzPatrick said he would prefer to wait until the next meeting to give him the opportunity to review the document. Karen Kelleher noted that the Board reviewed the documents before being forwarded to Town Counsel. Laura Spear said if Town Counsel reviewed and approved the document, it is acceptable to her. Ernie Dodd and Kathleen Willis agree. Malcolm noted that he is concerned that they made the basin into a pond by raising the outlet. It was noted that the Board previously voted to accept the basin as constructed, contingent upon the condition that Mr. and Mrs. Gibson assume maintenance responsibility and liability. The motion carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one opposed (Malcolm FitzPatrick).

Members then discussed the status of Street Acceptance Documents for Asa Whitcomb Way. Karen Kelleher noted that, the last she heard, Attorney Steve Graham was working on the legal documents for Street Acceptance. Members noted that they not intend to recommend acceptance of the cul-de-sac area, which was not constructed. This should be conveyed to Attorney Graham.

MEADOWBROOK ESTATES – TREFRY LANE

Members reviewed a letter, dated March 27, 2006, from Eldamar Development Company, LLC, requesting waivers from the requirement for a stop sign, streetlight, and catch basin hood.

Bruce Fletcher said he agrees with all three requests. He noted that the catch basin will function fine without the hood.

Laura Spear moved to waive the requirements for a stop sign, street light and catch basin hood, as requested in the letter dated March 27, 2006 from Eldamar Development Company, LLC. The motion was seconded by Kathleen Willis. Malcolm FitzPatrick questioned why the Board would waive the requirement for a stop sign. Bruce said that, technically, the Board of Selectmen should advertise and vote on an amendment to the traffic rules and orders in order to make it legally enforceable. Ernie Dodd said he doesn't think a stop sign is necessary. It was noted that most streets do not have a stop sign unless it is a problem intersection. The motion carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one opposed (Malcolm FitzPatrick).

Members reviewed a letter, dated April 7, 2006, from Eldamar Development Company, LLC, authorizing the Town to take the necessary actions to transfer the amount of \$18,953.00 from the Performance Guarantee for the Meadowbrook Estates (Trefry Lane) to the Town of Stow sidewalk fund to satisfy the requirement in the Special Permit Decision to either construct a sidewalk or make a donation to the sidewalk fund.

Malcolm FitzPatrick moved to accept the amount of \$18,953.00 for the Town of Stow sidewalk fund and to take such funds from the Performance Guarantee, as outlined in the letter dated April 7, 2006 from Eldamar Development Company, LLC. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Laura Spear, Kathleen Willis and Malcolm FitzPatrick).

Members reviewed a letter, dated April 7, 2006, from Eldamar Development Company, LLC, in response to the Board's letter of March 27, 2006 concerning outstanding items with regard to the Meadowbrook Estates Subdivision (Trefry Lane).

Street Trees – Bruce Fletcher, Tree Warden, reported that it looks like some of the trees were planted too high and some were planted late in the season. He will wait until just prior to Town Meeting to make a recommendation.

Wing Walls – Bruce Fletcher said the wing walls should be screened with plantings. Kathleen Willis agreed to assist the developer in determining the type of plantings to be used. Karen Kelleher will advise the Developer to contact Kathleen Willis.

ADJOURNMENT

The meeting adjourned at 9:20 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator