

TOWN OF STOW PLANNING BOARD

Minutes of the April 25, 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 7:35 PM.

HAMMERHEAD LOT SPECIAL PERMIT – BOXBORO ROAD (Map Sheet R –19, Parcel 10)

The Public Hearing to consider the petition of Jean-Claude Sureau for a Hammerhead Lot Special Permit for property located on Boxboro Road, shown as Parcel 10 on Assessor's Map Sheet R-19 was called to order.

Rich Harrington of Stamski and McNary Inc. reviewed an ANR Plan that shows the proposed hammerhead lot as Lot 3, a 180,012 \pm sq. ft. parcel. In addition to the proposed hammerhead lot (Lot 3), the Plan shows Lot 2 (1.5 acres) and remaining Land of Sureau (36 \pm acres).

Rich Harrington said the plan includes a utility and access easement, where a common drive will be located. He said he checked sight distances to be sure it complies with the regulations. They also filed for a Septic Permit from the Board of Health. The Plan also includes a note stating the hammerhead lot will not be further subdivided.

Kathleen Willis said there doesn't appear to be a good line of sight to the north. Ernie Dodd agreed. Malcolm FitzPatrick suggested moving the hammerhead lot to the other side of Lot 2. Rich Harrington responded that would be more problematic. The driveway is located in an area where it is a lot flatter. They didn't want the drive to be located on the lower curve.

Ernie Dodd suggested the Board make a site walk with Rich Harrington. Rich Harrington said they thought it would be best to use the existing opening. He also noted they will clear out more area for better sight lines.

Bruce Fletcher said the Board can either continue the hearing and make a site visit or close the hearing and render a decision after the site visit. He noted that the Petitioner also has the option of two separate driveways without site plan review. Ernie Dodd said he thinks it would be best to move the driveway closer to the 50' hammerhead lot frontage. Ernie Dodd suggested making a site visit and determine if ledge could be taken out. Rich Harrington said he thinks it would be best to keep the record open by continuing the hearing.

Ernie Dodd noted that Inclusionary Zoning applies to the remaining land of Sureau (36 acre parcel) and suggested a condition stating any further development or division of the 36 \pm acre parcel, which will result in the creation of four (4) or more additional dwelling units (two (2) dwelling units are currently proposed on Lots 2 and 3), shall require a Special Permit from the Stow Planning Board, in accordance with Section 8.9 (Inclusion of Affordable Housing) of the Zoning Bylaw.

Kathleen Willis noted that a covenant will be required for the common driveway. They will also need an erosion and sedimentation control plan for the common driveway.

Public comment

Mark Jones, Boxboro Road, questioned if the owner would be permitted to build an accessory apartment on a hammerhead lot. Members responded yes, there is nothing that precludes them from constructing an Accessory Apartment on the hammerhead lot, subject to Site Plan Approval.

Kathleen Willis moved to continue the hearing to May 23, 2006 at 7:50 PM. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Malcolm FitzPatrick, Ernie Dodd, Kathleen Willis and Laura Spear).

The Board scheduled a site walk for May 2, 2006 at 8:30 AM.

MINUTEMAN PROPERTY

Harry Blackey and Bill Roop presented an updated concept plan for an AAN development on the Minuteman Property off of Boxboro Road.

Harry Blackey explained that they feel the purpose of the Bylaw is for people who do not want to “maintain” a single family dwelling, and noted that the Bylaw lists single-family dwellings as an allowed use. He said they like the mix of single-family and multi-family dwellings and it is allowed in the Bylaw.

Harry Blackey reviewed the plan, noting the original plan was missing a “community place”. The revised plan shows community areas. They also reconfigured the entrance to give a sense of spaciousness. They created three major communities with gathering areas (garden plots, sitting areas, picnic tables, croquet and bocce). They propose a gazebo to be located in a prominent place in each neighborhood. The gazebos will be linked by a trail system for residents. They are also investigating the potential for public access to a greater area.

Bill Roop noted that he obtained information on Low Impact Development Techniques from Karen Kelleher. Harry Blackey said they are working with an architect to see how they can use the architecture to create privacy, which worked well at Faxon Farm. He said some of the units will have one-car garages and some will have two-car garages.

Harry Blackey asked for a sense of the Board on the concept plan before they move forward with the engineering and if the Board wants them back to a meeting prior to submitting an application.

Ernie Dodd said he likes the plan and is amenable to a follow-up meeting. Kathleen Willis said she is receptive to progress meetings. Malcolm FitzPatrick said he has a problem with the plan because it looks like suburban sprawl.

Malcolm FitzPatrick said he likes the trail but would like to see public trails. He asked if they could get access from the lots on Boxoboro Road for public access to the other end of the site. Ernie Dodd said he doesn't support using the internal trails for public access because this is an Active Adult Neighborhood for those who are at an age where they like privacy. Malcolm FitzPatrick said they could provide public trails that do not interfere with AAN residents.

Malcolm said it is difficult for him to comment on the layout because he hasn't seen the topography. He would like to understand if the rationale for the sprawl is because of the grades. Bruce Fletcher said that he would like to see the sprawl reduced. Harry Blackey said their initial concept was for 66 units in the front area, and keep the remaining area for further development. He said the revised plan allows them to offer another product not currently being offered. If they move the units forward, they will lose that intent.

Laura Spear said she is concerned about the sprawl and the heavy dominance to the single-family flavor. She is also concerned about safety due to the length of the road. She also noted that trails are good and would like to see some public trails. Harry Blackey said the number of single-family homes has increased by 5 or 6 from what they originally proposed. They understand there is another proposal for multi-family dwellings and think there is more room in the market for single-family dwellings. Malcolm FitzPatrick said he is not against single-family dwellings. However, he thinks they could be moved closer together through good design. Harry said they will consider Malcolm's suggestions. They want to create a unique environment.

Ernie Dodd said he feels the plan provides something for everyone. He suggested they use common driveways rather than roadways. Malcolm FitzPatrick asked if they considered making the big loop be one-way. Harry Blackey said they did think about it, but decided that it would not be followed and would become a safety issue.

Harry Blackey said they are trying to provide an extra buffer from Boxboro Road residents and are also trying to stay off of the steep slopes. Kathleen Willis asked if their use of the 112 acres for an AAN is in lieu of two developments (AAN and 40B). Harry Blackey responded yes. They will only propose the 66-unit AAN Development.

Harry Blackey noted the proposed road widths are 22' for the main road, 20' on the minor roads and 18' in the back. Board Members all agreed that less road width is better. It was suggested that they reduce the road width and provide guest parking. Harry Blackey said that 18' doesn't work on the circle, noting it depends on the radius.

An abutter that was present questioned if there will be an affordability component in the proposed development. Board Members explained that there is a requirement for 10% of the units to be affordable and 5% for middle income.

PUBLIC HEARING – NEXTEL

Ernie Dodd announced that Nextel requested that the Public Hearing be continued.

Kathleen Willis moved to continue the Public Hearing, without testimony, to May 23, 2006 at 8:00 PM. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis and Laura Spear).

TREFRY LANE

A resident voiced concern about the width of Trefry Lane and noted they think the road is too narrow and the Board should think about safety as well as limitation on impervious surfaces.

Karen Kelleher updated the Board on a report from the Board's Consulting Engineer, Sue Sullivan. She observed the water elevations in the basins this morning and will check again on Friday and if they are dry, before determining that they are functional. The drainage calculations are fine. She noted several other items on site:

1. The trench is still open to the utility boxes by Lot 6 with tree branches and disturbed soils within the ROW.
2. There is still trash and debris behind Lot 10 (5 gallon paint buckets mixed under some tree slash along the stone wall).
3. There is a partial pallet of granite bounds in the cul-de-sac
4. The request for a Certificate of Compliance to the Conservation Commission, dated April 21, 2006, indicates that the gas trap hood within CB-1 was not installed.
5. There is no sign at the fire cistern.

Karen also reported that Ken Kaulbach advised that they are removing the marketing sign this week; will replace the one dead street tree this week; address landscaping for the wing wall; and request a Certificate of Compliance from the Conservation Commission.

Members discussed whether or not to recommend acceptance of the road, contingent upon outstanding items being addressed by a date-certain. It was agreed that members would view the site again and vote on a recommendation at a meeting the night of Town Meeting on May 1, 2006.

POLICY – CELL TOWERS

Ernie Dodd suggested that, when a proposal comes before the Board for placement of an antenna above 100' on an existing structure and Wireless Service Facility, the Board should sponsor a warrant article rather than requiring the Applicant to file a petition. He noted that by sponsoring an article, it would not necessarily mean the Board would recommend approval. He said it appears that the intent of the bylaw was require Town Meeting vote for placement in order to exceed the 100' height limitation and the Board should make an effort to accommodate the intent of the Bylaw. Kathleen said she agrees that it would be appropriate for the Board to sponsor the article, provided that the Board's support of the article is not implied. Malcolm FitzPatrick said the owner of the property could file a petition for a warrant article. Laura Spear suggested talking to Town Counsel.

HOUSING PARTNERSHIP

Karen Kelleher reported that the Housing Partnership requested an opportunity to meet with the Board to discuss how they deal with housing issues and to see that their efforts are compatible with the Planning Board's efforts relative to housing. Members agreed to ask the Housing Partnership to attend the next Planning Board working meeting.

ARBOR GLEN AAN

Members reviewed a draft decision for the Arbor Glen AAN and Erosion Control Special Permit, as revised to reflect the April 25, 2006 morning meeting.

It was agreed that the Decision should include a requirement that all signs pertaining to the rent, lease or sale of land or building(s) shall be removed within seven (7) days of rental, lease or sale of land or building.

Malcolm FitzPatrick moved to require a review of the Special Permit every 5 years in order to ensure compliance with the Decision. There was no second to the motion.

Malcolm FitzPatrick moved to include a condition that prohibits industrial and commercial uses. There was no second to the motion.

Ernie Dodd moved to GRANT an AAN and Erosion Control Special Permit for the Arbor Glen plan with conditions, as drafted and amended. The motion was seconded by Kathleen Willis. Malcolm FitzPatrick asked that the Board ask Sue Sullivan to explain how the drainage works. Members responded that Sue has explained the drainage and has also responded to Malcolm's specific questions. Malcolm said it bothers him that he doesn't understand the drainage and feels that the Board missed out on an opportunity. Kathleen Willis suggested that the Board could ask Sue to attend a working meeting to discuss drainage issues in general, and she could use the Arbor Glen plan as an example. Ernie Dodd said the Board should rely on the professional engineers to do the drainage review. Malcolm FitzPatrick said he has not had his questions sufficiently answered. Ernie Dodd said that two Professional Engineers were involved, the design engineer and the Board's review engineer. Laura Spear noted that the Board had an

extensive discussion with Sue Sullivan about drainage and she feels comfortable that drainage issues have been addressed. The motion carried by a vote of 4 in favor (Bruce Fletcher, Ernie Dodd, Kathleen Willis and Laura Spear) and one abstention (Malcolm FitzPatrick).

ANR PLAN

Laura Spear moved to deny the ANR Plan entitled "Plan of Land in Stow Massachusetts", dated December 20, 2005, prepared by Ducharme & Dillis for the following reasons:

- 1. The Plan should show that the proposed new lots 1B and 2B meet the minimum width requirement of the Bylaw (Section 4.3.2.4).*
- 2. The Plan should show that the proposed new lots 1B and 2B meet the lot shape requirement of the Bylaw (Section 4.3.2.5).*
- 3. The Plan should describe the purpose of the 10' and 20' easements.*

The motion was seconded by Ernie Dodd and carried by a unanimous vote of 5 members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

TAYLOR ROAD PCD

Members reviewed the draft covenant for the Taylor Road PCD covenant and approved it as to form as advised by Town Counsel.

ZONING BOARD OF APPEALS SPECIAL PERMIT APPLICATION (MAP R-13 PARCEL 15)

Members reviewed the application to the Zoning Board of Appeals for Special Permit to allow construction of a dwelling on property felt to be included in the Flood Plain/Wetlands District and the Recreation-Conservation District through a mapping error. Malcolm FitzPatrick noted concern that they are trying to change the Recreation-Conservation District and the precedent that would be set, if approved. He said there is no proof that the Recreation-Conservation District Line is coincident with the Flood Plain/Wetlands District Line, noting it is not consistent throughout the Town. Bruce Fletcher said that although there is no proof, it seems obvious that the lines are coincident, however, the burden of proof should be on the Applicant.

Malcolm FitzPatrick moved to send a letter to the Zoning Board of Appeals stating: Although the Recreation-Conservation District line and the Flood Plain/Wetlands District line may be coincident in this instance, they should be considered separately. The burden of proof is on the Applicant to show a Wetlands/Flood Plain District mapping error, and to show that the Recreation-Conservation District line is based on the Floodplain/Wetlands District line. Section 5.1.1.7 of the Zoning Bylaw refers only to the Flood Plain/Wetlands District line. The Zoning Bylaw does not include a provision for the Board of Appeals to grant a special permit to allow a use or structure in the Recreation-Conservation District. The motion was seconded by Kathleen Willis and carried by a vote of three in favor (Malcolm FitzPatrick, Kathleen Willis and Ernie Dodd) and two abstentions (Bruce Fletcher and Laura Spear).

KETTELL PLAIN ROAD

Karen Kelleher reported that residents of Kettell Plain Road are inquiring about changing the requirement to construct the emergency access road at the Whispering Woods Subdivision. Members noted that the Board would have to re-open the Public Hearing. Bruce Fletcher said he understands that Scott Morse of the Highway Department said he spoke to one of the residents and said he could create a path and have it gated off, limiting vehicular access for

emergency use only. Members agreed to forward a letter to the residents stating: The Board cannot arbitrarily change the approved plan without reopening the Special Permit and Public Hearing and that such action could set a precedent and encourage more dead-end roads and more development. The Emergency Access Road could be constructed in a manner to gate off public vehicular access.

The meeting adjourned at 11:00 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator