

TOWN OF STOW PLANNING BOARD

Minutes of the June 13, 2006, Planning Board Meeting.

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

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:00 PM.

MINUTES

April 10, 2006 (Joint Meeting with Master Plan Committee and Lower Village Committee)

Laura Spear moved to approve minutes of the April 10, 2006 meeting, as amended. The Motion was seconded by Malcolm FitzPatrick and carried by a vote of 4 in favor (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis) and 1 abstention (Leonard Golder).

April 11, 2006 - ***Laura Spear moved to approve minutes of the April 11, 2006 meeting, as amended. The Motion was seconded by Kathleen Willis and carried by a vote of 4 in favor (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis) and 1 abstention (Leonard Golder).***

May 16, 2006 - ***Laura Spear moved to approve minutes of the May 16, 2006 meeting, as amended. The Motion was seconded by Kathleen Willis and carried by a unanimous vote of 5 members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis and Leonard Golder).***

PLANNING BOARD MEMBERS' UPDATES

Stop Signs – Malcolm FitzPatrick said the Planning Board should have a policy on stop signs and suggested that Board ask for input from the Police Department on development proposals.

Stow House of Pizza – Members noted outstanding issues at Stow House of Pizza and agreed to invite the property owner to a meeting to discuss a timeline to address landscaping as required by the Special Permit Decision and to correct the existing light fixture as previously agreed to by the property owner. Karen Kelleher will forward a letter to the property owner.

Community Preservation Committee –

Town Hall Sprinkler System - Laura Spear reported that the Historical Commission expects proposals and an estimate by July for the Town Hall sprinkler system, at which time the Historical Commission will go back to the Community Preservation Committee to request funds.

Affordable Housing Deed Restriction Program – Laura Spear reported that the Community Preservation Committee met with Jon Witten and Judy Barrett to discuss the Affordable Housing Deed Restriction Program.

- Judy Barrett reviewed the materials and provided a memo outlining her concerns. Jon Witten was not surprised that DHCD didn't like the formula. They were also concerned about monitoring and marketing.

- DHCD is moving quickly to update guidelines – all aimed at promoting new housing. Judy Barrett said that accessory apartments do count, but would have to be part of the lottery because you can't have a bias or preference under the LIP new guidelines. There is a big discussion in reviewing the guidelines on who does the monitoring. The State says the Towns should have to take responsibility. Laura Spear also noted there may not be public comment period for the new guidelines.
- The Committee needs to move quickly on submitting a revised Affordable Housing Restriction Program addressing DHCD's concerns before the guidelines are changed.
- The Committee also discussed the potential to increase the payment from \$50,000.00, because, based on information from John Bolton, Stow Assessor, the lowest assessed housing in Stow is now in the \$300,000.00 range.

PUBLIC INPUT - None

PUBLIC HEARING CONTINUED – NEXTEL

Karen Kelleher reported that Nextel requested a continuance of the Public Hearing.

Laura Spear moved to continue the Public Hearing to July 11, 2006 at 7:30 PM, without testimony. The motion was seconded by Kathleen Willis and carried by a vote of three in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Leonard Golder).

TAYLOR ROAD PCD

Rich Williams met with the Board to discuss the Taylor Road PCD Plan. The Board also received an email/review letter from Sue Sullivan, the Boards Consulting Engineer. Rich Williams said he doesn't agree with some of her comments.

Members reviewed Sue Sullivan's comments:

1. *Section 8.6 of the Decision requires the use of the Open Space to be identified on the plans and requires a Conservation Restriction be placed on the Open Space. These are not indicated on the plans, particularly on the recordable plan for the Registry of Deeds.*

Rich Williams noted the Plan is labeled Open Land and therefore complies with Section 8.6 of the Decision. Malcolm FitzPatrick said the Conservation Restriction should not be to a Homeowner's Association because it would not be enforceable by the Town. He said the condition should be stated on the Plan. Ernie Dodd, Laura Spear, Kathleen Willis and Bruce Fletcher don't see a need for an additional note on the plan.

Members all agreed that the Conservation Restriction should be conveyed to and managed by the Town.

Malcolm FitzPatrick said he would like to see something done with the Open Space. Bruce Fletcher noted that the bylaw states that, in all cases, the restriction shall be enforceable by the Town of Stow. Malcolm FitzPatrick said the Board's decision should be more specific with regards to the Open Space. Karen Kelleher suggested adding a note indicating that a Conservation Restriction shall be placed on the Open Space Parcel.

Rich Williams agreed to add a note the plan indicating that the Open Space parcel is to be placed in a Conservation Restriction.

2. *Section 8.8 of the Decision - The signature boxes should specifically refer to the PCD Special Permit as granted on February 23, 2005. In addition, it is recommended that the date on the signatures refer to the date of approval and the date of endorsement, as there are legal ramifications for both dates.*

Rich Williams agreed to revise the plan, as suggested.

3. *Section 8.18 of the Decision - It is not clear from any of the plans whether the driveway encroachment problem has been solved – the site plans do not reflect any relocation of the drive. If the abutter is being given an easement, it should be reflected on the recordable plan as well as the site plan.*

Rich Williams said Habitech agreed to give an easement; however, it has not been granted yet. He further stated that the easement can be done with a sketch plan. Board members noted that documentation must be provided prior to endorsement of the Plan.

4. *Section 8.19 of the Decision - Existing trails are not shown. Is the intent for the trails to be open to the public? If so, easements may be required over the Open Space especially if a Homeowner's Association retains it.*

Rich Williams said there is no place on the site to provide a trail network. The plan shows existing trails. Members agreed that there is no need for public trails.

5. *Section 8.20 of the Decision - The Erosion Control Plan is inadequate, especially in light of the recent heavy rains experienced over the past few years and the serious erosion issues that have occurred in Stow as a result of the rains. It is recommended that the plans identify temporary settling basins, have check dams on the driveways (same as subdivision regulations), include the NPDES inspection and reporting requirements, include O&M requirements for all erosion control, have additional erosion control materials on-site (including erosion control blankets and stone). Check dams should be provided along the force main trenches to prevent groundwater migration in the pipe bedding and temporary hay bale check dams required to be set along the slopes until surfaces are stabilized. Silt fence or hay bales should be required at the edge of lawn areas until sufficient vegetation is present to prevent erosion of the topsoil (this was the source of failure for several other sites).*

Rich Williams said the Plan is a result of Sue Sullivan's comments during the Public Hearing process. He said there is no place to install temporary basins, as she suggests. The Plan shows everything in front of the site. The only access for construction is at the proposed driveway location; therefore, they cannot install check dams there. It was noted that Lots 1 and 2 show riprap at the back, which should be done at the same time. Malcolm FitzPatrick said he would like to phase construction of lots 3, 4, and 5. Bruce Fletcher noted that the Board already went through the drainage plan and noted that the swale in the front is not for infiltration. If it gets silted up, it can be cleaned out. The Plan also specifies check dams along the frontage.

Laura Spear explained that the Board is very sensitive to drainage issues because they recently conducted site walks to several subdivisions and saw a lot of problems. Rich Williams agrees that it is always difficult to manage a construction site. Ernie Dodd said he agrees with Bruce Fletcher in that the Board already approved the drainage plan. Malcolm FitzPatrick said the Board approved the Plan with conditions. Members noted they approved the Erosion Control Plan as shown. Rich Williams said there will also be a

NPDES Permit, which is further protection for the Town. Ernie Dodd said the Town has been remiss in not reporting to DEP when a site is in non-compliance with NPDES.

Members agreed that the Erosion Control Plan is acceptable.

6. *Section 8.23 of the Decision - There are no notes on the plan regarding the preservation (or replacement if unavoidable?) of the historic stonewalls.*

Rich Williams agreed to add a note to the Plan, as suggested.

7. *8.24 There is no note on the plan requiring the Historical Commission be notified if any historical or pre-historical evidence is found on site.*

Rich Williams agreed to add a note to the Plan, as suggested.

8. *Section 8.27 of the Decision - Plans do not list hours of operation. (Recent sites have been posting them on site so sub-contractors cannot claim ignorance if they start too early).*

Rich Williams agreed to add a note to the Plan, as suggested.

9. *The driveways are identified on the plan portion of the site plan as paved, yet note 5 on sheet 2 indicates that they may be dense graded stone. The detail sheet shows a Bit. Conc. curb detail but it is unclear as to its required location. A cross section of the pavement should be added to the detail sheet. It is strongly recommended that the driveways be paved to prevent sediment from entering the drainage trenches and causing the leaching structures to fail.*

Rich Williams said the driveways will be paved and agreed to add a cross section to the plan.

Malcolm FitzPatrick asked if the Decision has been recorded. Rich Williams said he is not sure. Karen Kelleher noted that typically the Decision is recorded with the endorsed Plan.

Members agreed to endorse a revised plan, with changes as discussed, at its next meeting.

Malcolm FitzPatrick noted concern that membership of the Board has changed since the Special Permit Decision was issued and 4 signatures are required for the Plan. Ernie Dodd said if the Board votes on a decision, he thinks that everyone should endorse the decision and the plans, even if they opposed the vote of the Board. Laura Spear said if the Decision is made, endorsement is merely a formality. She would not object to signing a decision or plan because a vote has been taken.

Kathy Sferra said the Open Space Parcel has not been offered to the Conservation Commission, but they are willing to accept it.

STEVE GLOVER –PROPERTY LOCATED OFF OF ATHENS LANE - (MAP SHEET R-2, PARCELS 1A AND 19A)

Steve Glover met with the Board to advise that he has the Corzine Property under agreement (a 4 year agreement). The property is landlocked; however, he has a deeded Right of Way on Athens Lane and also has a Purchase and Sales Agreement with Radant for a 60' wide strip from Athens Lane to the Corzine property. A stipulation of the Purchase and Sales Agreement with Radant is that the 60' strip has to become a town road.

Steve Glover said he proposes to get Subdivision Approval and is looking waivers to keep it as a gravel road subject to common driveway specifications. The length of the road would be approximately 2,000 feet with a cul-de-sac at the Corzine property. He has someone interested in the property for a single-family residence, with an indoor horseback riding arena and an accessory apartment. They have 17 horses and provide private lessons. He is willing to restrict the property for one residential lot, which would eliminate potential connection and access to abutting properties (Cushing (106 acres), Banks (45 acres), and FHMC (40 acres).

Karen Kelleher questioned if Randant has development plans for the areas off the frontage that would be created for them. Steve Glover said they have no plans at this time and suggested that the Subdivision Approval could be conditioned so they would have to improve the road when, and if, the Radant lots are developed in the future.

Ernie Dodd asked who owns Athens Lane. Steve Glover said he understands that it is a Town Road to a certain point. He doesn't have the legal documents yet.

Kathleen Willis asked if the two Corzine parcels would become one. Steve Glover responded yes.

Malcolm FitzPatrick noted that he would need 50' of frontage for a hammerhead lot and would also need to meet the shape factor requirement of the bylaw.

Kathleen Willis said she doesn't think the Town would want to create a public way, and noted the big issue is that it needs to be determined who owns Athens Lane.

Bruce Fletcher suggested they could construct a rural lane, which would limit them to 4 lots.

Kathy Sferra, Conservation Commission Chair noted that Mr. Quirk is currently tangling with the Commission on wetlands violations. The Commission has asked him for proof of ownership.

Laura Spear said she likes the concept, but is concerned about the unknowns with regards to the Industrial District.

Karen Kelleher noted the potential for someone to come back to improve the roadway for future access to the Banks property.

Ernie Dodd asked Steve Glover to come back before the Board in two weeks so that Board members will have a chance to think about his concept.

ANR PLAN (lot line adjustment) – BROOKMILL ROAD (Map R-16 # 29-1 and 29-2)

Members reviewed an ANR Plan for a lot line adjustment on Lots 29-1 and 29-2, shown on Assessors' Map Sheet R-16. Karen Kelleher explained that this plan was previously denied 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 revised plan addresses the reasons for denial. Lot 2A is pre-existing, non-conforming regarding lot width; however, the new plan does not change the non-conformity.

Laura Spear moved to approve the ANR Plan Entitled “Plan of Land in Stow, Massachusetts (Parcels 29-1 Martin and 29-2 Lewis)”, prepared by Ducharme & Dillis Civil Design Group, Inc., for Gordon Lewis and John Martin, dated December 20, 2005 and authorize either Malcolm FitzPatrick or Karen Kelleher to endorse the Plan. The motion was seconded by Kathleen Willis and carried by a vote of 4 members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis) and 1 abstention (Leonard Golder).

HAMMERHEAD LOT SPECIAL PERMIT DECISION, 269 BOXBORO ROAD - MAP SHEET R-19 AS PARCEL 10

Members discussed the Draft Decision for the Buxboro Hammerhead Lot Special Permit (Sureau).

Laura Spear and Kathleen Willis noted the plan should show a 15’ sidewalk easement. Malcolm FitzPatrick suggested that the Board waive the requirement for a sidewalk.

Bruce Fletcher said that some of the property is in a Conservation Restriction; however, the plan is not clear as to what portion. Bruce Fletcher also noted that it is not likely the property will ever be development because of the Conservation Restriction.

Malcolm FitzPatrick moved to waive the requirement for a sidewalk easement. The motion was seconded by Ernie Dodd and failed by a vote of 1 in favor (Malcolm FitzPatrick) 4 opposed (Ernie Dodd, Laura Spear, Kathleen Willis and Bruce Fletcher) and 1 abstention (Leonard Golder).

Laura Spear moved to waive the requirement to construct a sidewalk along the frontage of the proposed hammerhead lot, provided that a 15’ wide easement for a future sidewalk, walkway or path is granted to the Town over the frontage of a Hammerhead LOT, as required in Section 9.2.7.14.3.iii of the Bylaw. The motion was seconded by Kathleen Willis and carried by a vote of 4 in favor (Ernie Dodd, Laura Spear, Kathleen Willis and Bruce Fletcher), one opposed (Malcolm FitzPatrick) and one abstention (Leonard Golder).

Kathleen Willis suggested including a condition limiting hours of outside construction activity. Ernie Dodd said he doesn’t think it is necessary because the proposal is just for a single home. Laura Spear said she thinks the restriction should be the same whether it is for a single dwelling or 100 dwellings. Ernie Dodd noted that any other ANR Plan does not include a restriction for hours of outside construction activity. Laura Spear agreed and noted that the abutter is also the applicant. All agreed that the Decision should not include a restriction on hours for outside construction activity.

Malcolm suggested adding a statement that drainage shall not be directed onto a public way as stated in the General Bylaws.

Laura Moved to approve the Draft Decision as amended. The motion was seconded by Kathleen Willis and carried by a vote of 5 in favor (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis, and Bruce Fletcher) and one abstention (Leonard Golder).

ENF MASSACHUSETTS FIREFIGHTING ACADEMY FIRE ACADEMY

Members agreed to review and comment on the ENF for the Massachusetts Firefighting Academy Fire Academy at the June 20, 2006 Planning Board working meeting. Karen Kelleher will obtain electronic copies of the ENF for members to review in advance of the meeting.

LOWER VILLAGE TRAFFIC STUDY

Karen Kelleher presented a proposal from Fay Spofford and Thorndike (FST) for participation in three additional meetings (Joint Boards, Public Forum and Town Meeting) concerning the Lower Village Traffic Study. The proposal received is for \$4, 450.00. (Three additional meetings with preparation entailing approximately 24 hours of labor including preparation time, with slightly more to the Town Meeting component. The estimated cost of this including direct expenses is approximately \$3,500 including \$140 in direct expenses. If the May meeting is included in the fee, approximately \$600 would be added for a total increase of approximately \$4,450 over and above the original \$30,142 authorized last year.)

Members noted that the proposal seems high. Laura Spear noted that she has been pleased with their work. They have been very receptive to the Town and have done a good job. She also noted that it is important that FST be involved in the presentations at all three meetings. Laura Spear also said that she thinks FST put in more work than what was included in the initial proposal.

Laura Spear moved to approve additional funds for the Lower Village Traffic Study in the amount of \$4,450.00. The motion was seconded by Kathleen Willis and carried by a vote of three in favor (Laura Spear, Kathleen Willis and Ernie Dodd) and two opposed (Malcolm FitzPatrick and Leonard Golder).

ADJOURNMENT

The meeting adjourned at 10:00 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator