

# **TOWN OF STOW PLANNING BOARD**

Minutes of the July 11, 2006, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, 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.

## **COORDINATOR'S REPORT**

### **Stow House of Pizza**

Karen Kelleher updated the Board on Stow House of Pizza. Steve Poole and the owner, Kostas met DEP. DEP Indicated to them that they will be coming down hard on all of Lower Village property owners. DEP also advised that they are supportive of Stow House of Pizza using the Meeting House at Stow's well and encouraged them to meet again with the Homeowner's Association. Steve Poole also noted that Meeting House at Stow's second well was not finished due to the high iron level, which they found too costly to treat.

### **Assabet River Rail Trail**

Karen Kelleher reported on the ARRT Steering Committee Meeting that she attended at 8:30 AM on July 11, 2006.

- High Priority Project (HPP) Funding still available 1.6 mil
  - \$810.00 allocated to Stow
  - Stow Sites identified: Track Road, Sudbury Road, Honey Pot Hill Railroad Ave., Contronautics
- Stow and Hudson need to file Project Initiation Forms describing the preferred route. This is important to ensure that HPP Funds will remain on the Transportation Improvement Plan (TIP). The form must be filed by the end of the summer. Karen Kelleher will work with Michelle Cicola of Hudson.
- Also \$70K available to Stow for Acquisition of rail trail land – need to use in the next year.
- Stow negotiated an Option to Buy on the remainder of Track Road from Albright. The Board of Selectmen signed the Option Agreement. This will provide a connection to Maynard.
  - HPP funds will only pay the appraised cost (\$33K). The Agreement is for \$\_\_\_\_. The Steering Committee discussed requesting CPA funds for the difference.
  - The Steering Committee recommended that Stow pursue this acquisition and use the HPP funds for construction. It was also discussed that it is worth asking Town Meeting for seed money to do another appraisal because it will most likely come in at a higher amount.
- Stow's ARRT Subcommittee (Don Rising, Steve Dungan, Ross Perry, Mike Clayton, Karen Kelleher) are investigating potential routes.

- Honey Pot – Karen Kelleher is investigating other rail trails near orchards. The Sub-Committee will meet with Mr. Martin, show him the sites and discuss how his concerns can be addressed (Fencing, etc.).
  - Sudbury Road – Need to talk to Highway Department to determine if there is room for trail construction or if it can be simply signed as a route. Road signage will most likely be the interim plan.
  - Sudbury Road to Barton Road was also discussed as a potential route, however it would most likely be problematic due to the road condition and many abutters.
- The Steering Committee drafted a letter to Congressman Meehan providing an update.
  - Hudson recently received \$40,000.00 for a light at the Brooks Street trail crossing.
  - Acton and Maynard are preparing an RFP for design (Acton was designated as the lead community in this effort).

#### Maynard

Carolyn Britt, Maynard Planner, advised that the Massachusetts Division of Capital Asset Management (DCAM) negotiated a lease with Quirk for the State Police Crime Lab at the SeaChange building. Maynard is disappointed that DCAM did not notify the Town in advance – they lost the opportunity to negotiate for trails. This will be an economic benefit for Maynard Downtown because no cafeteria is proposed for 400 employees.

#### MINUTES

April 18, 2006 – ***Laura Spear moved to approve minutes of the April 18, 2006 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a vote of 3 in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Leonard Golder).***

April 25, 2006, 9:00 AM – ***Kathleen Willis moved to approve minutes of the April 25, 2006, 9:00 AM meeting, as amended. The motion was seconded by Laura Spear and carried by a vote of 3 in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Leonard Golder).***

April 25, 2006, 7:00 PM - ***Laura Spear moved to approve minutes of the April 25, 2006, 7:00 PM meeting, as amended. The motion was seconded by Kathleen Willis and carried by a vote of 3 in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Leonard Golder).***

June 20, 2006 - ***Laura Spear moved to approve minutes of the June 20, 2006, 7:00 PM meeting, as amended. The motion was seconded by Kathleen Willis and carried by a unanimous vote of 4 members present (Ernie Dodd, Laura Spear and Kathleen Willis and Leonard Golder).***

#### CORRESPONDENCE

##### Letter from Inspector General, Gregory W. Sullivan to the Town of Acton

Members reviewed a letter from Inspector General, Gregory W. Sullivan, to the Town of Acton relative to Developer Profits on a Comprehensive Permit. The Inspector General's investigation resulted in excess profit payable to the Town of Acton of Approximately \$763,000.00. Members noted it is important that the Villages at Stow Development be monitored closely.

## **PLANNING BOARD MEMBER UPDATES**

Community Preservation Committee – Laura Spear reported that the Community Preservation Committee met on July 10, 2006 with the Housing Partnership. The Housing Partnership reported to the Community Preservation Committee that they have diverse opinions; however they all agree that affordable housing should be located in the Lower Village. They are also looking at municipal land for affordable housing developments.

School Building Task Force – Ernie Dodd reported that the School Building Task Force has been meeting weekly and has heard presentations on what has been done in the past. Tom Ryan, Ernie Dodd and Pete Rhodes presented information on the add/reno option (Article 4). Ellen Sturgis presented findings on the Snow Property off of Old Bolton Road. Ernie noted that some members had a problem with the recent article in The Stow Paper. He did not. The Task Force is now working on an RFP for an architect.

## **PUBLIC HEARING – NEXTEL**

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

***Laura Spear moved to continue the Public Hearing to July 25, 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).***

Board members asked Karen Kelleher to inform Nextel that the Board will not agree to another continuance. Karen Kelleher noted that, based on a conversation with Nextel's attorney, they will likely withdraw the Petition.

## **ASSOCIATE MEMBER BRUCE FLETCHER ARRIVED AT THIS TIME**

## **ARBOR GLEN**

Members reviewed correspondence from Pulte Homes and Marchionda Associates concerning the Arbor Glenn AAN Development.

Letter dated June 5, 2006 fro Pulte Homes re: Affordable Units – Members reviewed the list of affordable units and agreed that Pulte Homes proposed a good distribution geographically and of unit types. The letter also states that the cash payment will be calculated using the actual sale prices contained in the Regulatory Agreement. Members are not clear as to what is meant by the term "Regulatory Agreement".

Len Golder questioned their proposal for cash payment in lieu of construction of units. He asked if it is too late to give an incentive for them to build the units rather than providing a fee. He is concerned that the cash payment is not enough. Board members explained the Board had lengthy discussions with the developer throughout the permitting process and it is too late to change the permit. Members also noted that the bylaw provides for a cash payment in lieu of construction. Bruce Fletcher said that he was a member of the subcommittee who worked on the bylaw and there was a strong sense that the affordability requirements not be too stringent so not to trigger the incentive for a developer to propose a 40B rather than an AAN Development. Members also explained that although a 40B development would be required to provide 25% affordable units, it would most likely be many more units and not age restricted, putting financial strain on the Town in terms of educational costs.

***Kathleen Willis moved to respond to the June 5, 2006 letter acknowledging the affordable units are well distributed and diverse throughout the development and asking for clarification as to what they mean by the reference to the "Regulatory Agreement". The***

***motion was seconded by Laura Spear and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder).***

Letter dated June 20, 2006 from Marchionda & Associates, L, P re: Street Names

Kathleen Willis noted that some of the newer street signs in town do not meet the standard for Stow (black letters on a white background) and the lettering is too small on many. Karen Kelleher questioned whether it is the Planning Board, Highway Dept. or Selectmen who set the standard. Bruce Fletcher noted that the Highway Department has an unwritten standard for black letters on a white background. He also noted that there are new state guidelines for size of signs and letters. Although not specifically shown on the Plan, Bruce suggested that the Board ask them to meet the new federal standard.

***Kathleen Willis moved to acknowledge Arbor Glen drive and Heather Lane as appropriate request that the street signs be black letters on a white background and that they also meet the new federal standard. The motion was seconded by Laura Spear and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder).***

Letter dated June 29, 2006 from Pulte Homes re: Site Work Bond

Letter dated June 30, 2006 from Pulte Homes re: Hudson Road Bond

Members agreed to forward the bond estimates provided by Pulte Homes to the Board's Consulting Engineer, Susan C. Sullivan, P. E.

#### **BUTTERNUT FARM**

Members reviewed a letter from George Scraggs on behalf of Butternut Farm Country Club, advising that all of the work, relative to the outstanding bond, has been completed. The Board asked Karen to have Sue Sullivan review the site and prepare a report. Karen Kelleher noted that the Board agreed to changes to the plan that Sue was not involved in and will provide copies of votes and marked up plans to assist Sue in her review of the Site.

#### **GENERAL BYLAW – WORK HOURS**

Ernie Dodd suggested that the Board recommend a General Bylaw to limit the hours of exterior construction activity to the hours of 7:00 A.M. to 5:00 P.M., Monday through Friday, and 8:00 A.M. to 12:00 P.M. Saturdays, similar to conditions placed on subdivisions. Members thought the hours seemed to be reasonable. Karen Kelleher questioned whether or not construction activity is a real problem, noting that she only recalls one complaint on an ANR lot that was not subject to a condition in a Planning Board Decision. Laura Spear suggested asking the Building Inspector if he hears many complaints.

#### **PUBLIC HEARING – Accessory Apartment, Old Bolton Road**

At 8:30 PM, the Public Hearing was called to order to consider an Application of John Aucoin for a Site Plan Approval for an Accessory Apartment, submitted to the Board on May 30, 2006, for property owned by Leo and Elaine Ageo at 75 Old Bolton Road.

Planning Board Member Leonard Golder recused himself from taking part in the Public Hearing because he is an abutter to the property.

John Aucoin, General Contractor for the property owner explained the Accessory Apartment is for the owner's daughter. The Plan shows that the proposed accessory apartment (excluding the basement) is slightly less than 700 sq. ft. and is comprised of a galley kitchen, full bath, living room and master bedroom. The small deck is intended to connect access to the back yard. The accessory apartment is located behind the house and will not be visible from the

street. The basement is separate from the apartment and will be used for the oil burner, water tank, etc.

Karen Kelleher noted receipt of correspondence from:

- Assistant Treasurer/Collector – No back taxes due
- Board of Health – The existing septic system has the capacity for an additional bedroom. However, Title V requires an inspection of the existing system before the Board of Health can approve the proposed Accessory Apartment.
- Fire Department – The accessory apartment shall be equipped with a fire alarm system and co detectors to meet code.
- Board of Selectmen – No concern

Ernie Dodd reviewed requirements of the bylaw and noted concern that the Plan shows that the floor-to-ceiling height of the basement is six feet and therefore should be counted as gross floor area. He recommended that the plan be changed so that the floor-to-ceiling height of the basement is less than six feet so it cannot be converted to additional living space for the accessory apartment. Laura Spear explained that the intent is to prevent a new owner from expanding the size of the apartment. John Aucoin agreed to change the plan, as suggested.

***Laura Spear moved to close the hearing. The motion was seconded by Kathleen Willis and carried by a unanimous vote of three members present (Ernie Dodd, Laura Spear and Kathleen Willis).***

Bruce Fletcher noted that the basement could never be used as living space because it doesn't meet code for egress.

Karen Kelleher noted that the Board, in the past as approved plans for an accessory apartment when the addition exceeds the 700 sq. ft. as long as the decision includes a condition that only 700 sq. ft. of gross floor area may be used for the Accessory Apartment. An example is the most recent Accessory Apartment Decision on Barton Road. (The Plan showed a proposed 1,405 sq. ft. addition to an existing dwelling. Only 700 sq. ft. of the proposed addition was designated for the proposed Accessory Apartment. The Decision included a condition that proposed Accessory Apartment shall contain no more than 700 square feet of gross floor area.)

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

Steve Glover met with the board to discuss plans for landlocked property located in the residential district that he has under agreement. As indicated at the previous meeting, he has someone interested in the property for a horse farm and is investigating ways to provide access to the property. He proposed creating a 4-lot rural lane subdivision. He is willing to place a restriction on his property so that it can be no further subdivided. The owners of Radant agreed to sell him a strip of land (industrial zoned) to create the roadway, provided that they can use the road as frontage for their industrial zoned property.

Karen Kelleher noted that frontage for residential zoned property must be located within the residential district. Ernie Dodd said he would go along with the proposal as long as a deed restriction is placed on the property so that it will be no further subdivided. Members discussed whether or not rural lane standards are adequate access for industrial development. Karen Kelleher suggested a requirement for further review and a requirement to improve the road when and if the industrial zoned land is developed.

Laura Spear said she likes the concept but is worried about the potential of providing access to surrounding properties.

Bruce Fletcher said he thinks it is right to provide frontage/access to industrial zoned land in order to diversify Stow's tax base. Currently, most of the Industrial Zoned land in Town is landlocked.

Leonard Golder said on first impression he has no problem but would like to see the whole picture.

Ernie Dodd noted that the issue of Athens Lane still needs to be resolved. There is some question as to whether or not it is a public way and if not, who has rights in Athens Lane. Bruce Fletcher noted that he spoke to an attorney who explained that in case of roads where the owner is unknown, if "all parties in interest" agreed rights could be obtained. Leonard Golder said that one could also gain rights through adverse possession. All members are in support of the concept provided that the access issue is resolved.

### **ADJOURNMENT**

The meeting adjourned at 9:30 PM/

Respectfully submitted,

Karen Kelleher  
Planning Coordinator