

## TOWN OF STOW PLANNING BOARD

Minutes of the August 8, 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**

***July 18, 2006 – Laura Spear moved to approve minutes of the July 18, 2006 meeting, as amended. The motion was seconded by Kathleen Willis and carried by a unanimous vote of three members present (Ernie Dodd, Laura Spear and Kathleen Willis).***

*Malcolm FitzPatrick and Leonard Golder arrived at this time.*

### **PUBLIC INPUT**

Jim Sauta, Council on Aging, said that the Planning Board and other Boards in Town should have more control over developers. The whole Town should take notice when it gets complaints, such as the complaints at the Meeting House at Stow Development.

Jim Sauta said that there are many problems at Meeting House at Stow, including frozen water pipes, problems with the water supply and problems with the septic system. The Condominium fees have doubled as a result of those problems. He said the same Developer is asking for another permit, and he feels that the Town should ask for a performance bond to be held for ten years after completion of the development. He said that residents of Meeting House at Stow have a special assessment of \$10,000.00 (he is not sure of the amount) per unit due to costs related to problems with the septic system and he understands that the court found in favor of the residents.

Jim Sauta said the Town should hire a project manager at the expense of the Developer to ensure the development is properly constructed. The Planning Board advised that the Planning Board has a consulting engineer who inspects the site work (not septic or interior of the building) to ensure compliance with the Plan.

Jim Sauta further noted that these people are on fixed incomes and can't afford special assessments. He said he thinks the concept of Age Restricted Housing is great; however, this development came under the Assisted Living Bylaw and it does not have the features of any other Assisted Living Facility. He also noted that Faxon Farm should have triggered the need for a sewage treatment plant. He suggested that the Developer should not be issued another permit until Meeting House at Stow is up to par. He said these people sold their homes to be in a comfortable place in a good location, close to the Shopping Center, and should not have to bear the cost of special assessments for things that should have been done correctly in the first place. He requested that the Board take this situation into account when considering another permit.

Ernie Dodd explained that, in any development, there are several Boards that have certain jurisdiction. The Board of Health and DEP has jurisdiction of the septic system, the Building Inspector has jurisdiction over the Building Code and the Planning Board has jurisdiction of site plan issues including roadways, access and drainage.

Malcolm Fitzpatrick said the Town should investigate the legality of a performance bond to cover all jurisdictions. Ernie Dodd suggested that the Board could ask Town Counsel.

Laura Spear asked if the issues existed before or after completion of the Development. Jim Sauta said some of the wall sockets in the units are even coming out. He said the residents do not have protection.

Leonard Golder said it seems to be a project management issue and there are different jurisdictions. Joint Board monitoring, with regard to various issues, is needed.

Kathleen Willis said it seems that all of the problems were found after completion and the residents didn't know in advance. She asked if the residents talked to the Health Department. Daisy Dearborn responded they did talk to the Health Department. They talked to everyone, including the Town Administrator.

Jim Sauta said that he would like to see automatic doors at Meeting House at Stow because it is difficult for residents with wheelchairs and walkers. He said that the Developer also talked about providing a nurse's station and hairdresser and none of those amenities were ever provided. Bob Ojalehto said those amenities were proposed to them, but they never came about. Mrs. Ojalehto said she feels they were sold a bill of goods that were not delivered.

Karen Kelleher explained that the Assisted Living Residence Bylaw was never intended to be the same as the State's Definition for an Assisted Living Facility and that is why the term residence was used as opposed to the term facility. She said it is unfortunate that the term "Assisted Living" was used at all, when it is really intended for independent living. Malcolm FitzPatrick suggested that the Bylaw should be amended to change the term Assisted Living Residence to something else to avoid the misconception.

Jim Sauta suggested that the Board require the Developer to address the issues at Meeting House at Stow in lieu of granting another permit.

### **COORDINATOR'S REPORT**

#### **Trefry Lane**

Karen Kelleher reported that the Developer was working on the basins at Trefry Lane today and Sue Sullivan, the Board's Consultant, was reviewing the work. Sue Sullivan arrived and explained how the basins were cleaned out and was satisfied with the work.

Laura Spear asked if she checked out the erosion on Lot 6. Sue said she did not check the erosion on Lot 6 because she knows the Conservation Commission has been actively pursuing that issue with the property owner.

Laura Spear asked if they addressed the problem with the road. Sue Sullivan said it appears to have been a case of a load of mix that was cool. She said there is no way to fix it without causing more damage. She said it is basically a spot that is more coarse than the rest of the road and should not be problematic.

Sue Sullivan said there is a little sediment in the road that will be cleaned up after they finish work on the basins.

Malcolm FitzPatrick questioned the fact the inlet pipe is submerged. Sue Sullivan responded that that is the way it was designed, explaining that it was a trade off because otherwise the road would have had to be significantly higher. Sue Sullivan noted that the Board made a similar decision at Asa Whitcomb Way. She also noted that the basin will overflow before it backs up to the road. Malcolm said he does not recall those issues being brought to the Board's attention. Laura Spear and Ernie Dodd both said they recall the discussion.

#### Whitney Homestead

Karen Kelleher reported that she met with someone who is interested in purchasing the Whitney Homestead for the following uses, while preserving the historic structure:

- B & B (10 rooms)
- Conference rooms
- Restaurant
- Prefer not to have the requirement for it to be owner-occupied but could incorporate an apartment into the plan
- Potentially an additional barn to be used for conference rooms and to be available to the community

Karen Kelleher said all of the uses would require a Zoning Bylaw Amendment, but seem to be in line with the Master Plan Committee's discussions on Village Zoning. She suggested that the interested party meet with the Board to discuss his concept plans. Members agreed that it was a good idea for him to meet with the Board. Malcolm FitzPatrick asked if the buyer would be willing to help draft a bylaw. Karen Kelleher said she did not discuss that issue with him because she wanted to get a feel from the Board to see if they were supportive of the concept. Ernie Dodd agreed that the proposed uses seem to be in line with the Master Plan Committee's discussions.

#### Riverhill Estates Subdivision

Karen Kelleher reported that the revised Riverhill Estates plans have not been received. Sue Sullivan said they have not been submitted to her either. Members noted that the plan should have been submitted at least two weeks before the public hearing, which would have been today in order to give the Board and its Engineer time to review the plan.

#### **PUBLIC HEARING – RIDGEWOOD AAN SPECIAL PERMIT**

At 7:30 PM, Ernie Dodd called to order the Public Hearing to consider the Petition of RidgeWood, LLC, for property located on Boxboro Road, for a Special Permit decision, to permit a 66-Unit Active Adult Neighborhood.

Due to high attendance and limited space in the meeting room, the Meeting was recessed in order to relocate to the Town Hall.

Ernie Dodd explained that Associate Member Bruce Fletcher is sitting on the hearing and will vote only in the absence of another member. Ernie Dodd explained that the Petitioner would be allowed 30 minutes for his presentation to be followed by a 30-minute period for public comment and then 30 minutes for Board input. He requested that questions be held until after the Petitioner's presentation. He also stated that during the public hearing, individual members may make statements that should not be considered the opinion of the Board as a whole and the Petitioner should ask for sense of the Board before responding with a plan modification in response to an individual Board Member's comment.

***Laura Spear moved to waive the reading of the Public Hearing Notice. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder).***

Bill Roop of Bridgestone Associates made a brief statement in response to comments made during the public input portion of the meeting. He explained that they are working with the Trustees of the Meeting House at Stow Home Owners Association on an engineering plan to resolve the wastewater system problems. He said they are as disappointed as the residents are about the problems. He also noted that they did discuss the issue of a nurse's station with the Trustees and the Trustees decided they didn't want that service at that time.

Bill Roop explained that the RidgeWood AAN Plan is a 66-unit development on 112 acres. The property is primarily wooded and meadow. He provided photos of the site. He explained that this development will be different than Meeting House in that it will not be a single building. He explained that the AAN Bylaw allows a density of 3-units per buildable acre. They originally considered developing this property in two phases with a total of 132 units. They determined that a single 66-unit AAN with deed-restricted open space was the best plan for this site. The plan protects critical areas such as slopes and wetlands. From a marketing standpoint, they feel that this kind of low-density age restricted development will be well received.

Harry Blackey presented revised plans explaining they made minor adjustments from the plans that were originally submitted, based on input from the Conservation Commission. Harry said he is pleased that there are residents from a development that they already built because it is helpful to use this forum to hear input and to improve on what they might otherwise do in a vacuum without input from all. He explained that they never develop the same plan twice. They always start from scratch. Looking at the land, the community and the market place is what directs them. Their guiding principals are to minimize visual impact from the road and abutters and protection of areas of resource, such as wetlands etc. He said the plan proposes a substantial buffer, at least 200' from the stream. He noted that, although there is flexibility in the Wetlands Protection Act for some work within the buffer zone, they do not propose any disturbance within the buffer zone. Only thirty percent (30%) of the entire site will be disturbed. They will work with the existing topography of the site to minimize disturbance. The stormwater system will not increase runoff from the site and in some instances runoff will be decreased. The Plan is consistent with the Town of Stow AAN Bylaw and Regulations.

Harry Blackey said everyone on the development team is from New England. He said he is particularly fond of the New England village character and wants to keep that concept so the site plan will be reminiscent of a New England Village. They created mini neighborhoods. Because they found that people like to have something in common, each mini neighborhood will have a common area, and there will be some feature in each neighborhood. The community at large will also be able to enjoy those areas.

Harry Blackey also noted that they propose single-loading on all of the roadways. Instead of seeing a home on both sides of the street, you will only see a home on one side and green space on the other.

Harry Blackey said all of the homes will be condominiums with a mix of some attached and some detached units. They propose detached homes because they found that virtually all age restricted housing is attached and it is not necessarily what everyone wants. Their finding is validated by a survey that was done by Mature Living. They surveyed 5,000 families and 70% of those 5,000 said they would like age-restricted housing with amenities and limited maintenance. By a margin of 3-1, most prefer a detached home as opposed to attached

homes. He said they feel this will give a choice that is not available in Stow or the surrounding communities.

Harry Blackey then reviewed a plan for the gathering places. One of the common areas will include a recreation area with limited vehicular access for garden plots. Water will be available for the garden plots. Another gathering space will be on a high point that has significantly long views. They left an opening in the houses for a gathering space and gazebo so residents may enjoy the view. All of the gathering spaces will be linked to each other and to the homes with pedestrian paths. The main common area (Ridgewood Common) will have fencing to define the area, a sitting area, a gazebo and a fire pit.

Harry Blackey explained that, as they continue to work with other Boards, they find that they can improve upon the plan. For example, after hearing input from the Conservation Commission, they found that by eliminating a portion of the roadway they were able to provide a greater buffer to the wetland resources as requested.

Harry Blackey reviewed the plan for the road entrance. They will supplement existing vegetation with similar type plantings, as needed. They are not trying to create a "grand" entrance. It will be typical of a New England village with fencing, stonewalls and plantings. The main entrance road will have a separate inbound and outbound lane with landscaping in the middle.

Harry Blackey then presented architectural photos of buildings similar to what is proposed.

#### Public Comment

Jim Dunlap, Marlboro Road, questioned what the large green area shown on the plan is. Harry Blackey said that area is proposed to be open space to be prohibited from development.

Warren Nelson, Boxboro Road, asked if the Planning Board has ever approved a development of this size on a narrow rural road like Boxboro Road and asked if the Planning Board will widen Boxboro Road. Ernie Dodd responded that he doesn't think the Board would require that Boxboro Road be widened, but can discuss the issue. Len Golder noted that the Bose site (formerly DTS) was previously approved with access off of Old Bolton Road, which is a rural road.

Jim Shearer, Boxboro Road, asked if a traffic study was completed. Ernie said that a traffic study was submitted with the Application, but only included data on proposed traffic and not existing traffic. Bill Roop noted that the development will generate 230 vehicle trips per day, which will typically be during off-peak hours. He said the traffic impact will be much less than if they were typical single-family homes.

Joe Mangiafico, Boxboro Road, asked if the Planning Board will request a traffic study. Ernie Dodd responded yes.

Deanna Montgomery, Boxboro Road, asked if the Traffic Study will give some sense of what the construction traffic will do to the Road. Ernie Dodd said that is not typically in a traffic study, but the Board will require photos indicating the existing road conditions and will require that any damage be repaired.

Deana Montgomery, Boxboro Road asked if there is any idea as to construction vehicles' routes. Bill Roop said they will most likely come from both directions, depending on what the truck will be for. He also noted that the site will not be built all at once. The development will be built in phases.

Jim Shearer said he thought the original plan was for another access off of Taylor Road. He said that Boxboro Road cannot accommodate all off the traffic. Bill Roop and Harry Blackey said they never looked at Taylor Road for access. They have no frontage on Taylor Road.

Margie Lynch, Boxboro Road resident and Stow Housing Partnership Member, said she realizes that the proposed development is only 66 units and is not a 40B, but she would like to see a more compact development. She is concerned with sprawl. She also noted that the ridge area provides a valuable link to existing protected open spaces. She would also like to see some smaller units. She noted that the tri-plex located south on Route 62, just past the quilting shop, is a good example.

Margie Lynch asked if there will be any affordable units. Bill Roop said the Bylaw has a 10% affordability component and they will provide diversity in unit type for the affordable units, and they will be spread throughout the site. They will propose selection criteria similar to what Arbor Glen will do. He also noted that there are some smaller units (1,500 sq. ft.).

Mrs. Cummings, Faxon Drive, asked if there will be guest parking. She is concerned that there is not enough guest parking at Faxon Farm. She said she bought a 1,700 sq. ft. unit and found that there is not enough room for when her family visits. She said people like to downsize the number of rooms and not necessarily the size of the building. They are more concerned about ease of maintenance.

Russell Milligan, Boxboro Road, asked Harry Blackey to describe access road location. Harry explained that it is approximately mid-way in the 1,000' frontage. They positioned the road for the best sight lines. He further described the location as approximately 100± yards from the sign.

Russell Milligan, Boxboro Road, asked if a traffic study has been submitted. Ernie Dodd said so far they submitted a preliminary study. The Board will require a more extensive traffic study.

Lou Rota, Boxboro Road, noted that development on the east side is provided with a very thin buffer and is located on a steep slope. Harry Blackey said most of the buffers are more than 100'. In some places where the buffer is narrower, they created drainage elements to ensure there will be no negative impact off-site.

Jim Shearer, Boxboro Road, asked about water supply and fire protection. Harry Blackey said they will use the Minute Man Airfield Water supply. Ernie Dodd said they will provide fire cisterns for fire protection.

Deana Montgomery, Boxboro Road, asked what price they intend to market the units at. She also noted that she would like to understand the break-even point (tax revenue vs. cost of services). Bill Roop noted the key issue relative to cost of services is generally education costs; however, school age children are not allowed in an AAN. Bill Roop also noted that the units will not be ready for sale for at least two years, and therefore, they do not have an accurate number as to what they will sell for at that time. Deanna Montgomery asked what the amount of tax revenues would be required to sustain the cost of services, excluding schools. Ernie Dodd noted that typically an \$800,000.00 home will pay for itself and noted that 70% of the budget is for school costs. He would guess that the cost of services for this type of development would be 30% of the budget. Ernie Dodd also noted that he thinks a development of this type will be \$400,000.00 to \$500,000.00 net to the Town.

Joe Mangiafico, Boxboro Road, said he can't believe that the Developer can't give a range for the cost of the proposed units. Harry Blackey said it is complicated. They cannot predict what the units will be worth 6 years from now. If they were to sell today, the units at Faxon Farm are architecturally similar, and they sold for \$400,000.00. In this case, they have to offer affordable units at \$180,000.00+ and therefore, the market rate units would be up to \$500,000.00. Laura Spear noted the Application says the sales will start at \$400,000.00, which she thinks will be for the smaller units.

Courtnei Frecha, Boxboro Road, noted concern about the existing residence at 218 Boxboro Road and asked what the Developer's plans are for the house. Harry Blackey said they have no solid plan for the house at this time. He noted that it is a residential home in an Industrial zoned area, and if the use changes, the only thing they would be allowed to do is change it to an Age-Restricted unit under the AAN Plan. He said it could continue as a Single Family home as long as it is occupied. Courtnei Frecha encouraged them to consider placing an affordable deed restriction on the house and not displace the current tenants. Harry Blackey said that the house is part of what they are contracted to purchase. Bill Roop said they are looking at the range of possibilities for this house lot and that is why it is not incorporated into the AAN Site Plan.

Greg Roy, Ducharme & Dillis, representing the Petitioner said the proposed AAN will be served by the public water supply on the Airport property, and therefore, there is no proposed well on the AAN Site Plan. The septic system is proposed on the plan in a location where the best soils are. There are no leach fields or septic systems located on the ridge.

Jim Dunlap, Marlboro Road, said he thought the total parcel that the Town waived its right of first refusal on was 125 acres and the site plan shows 112 acres. He questioned what the disposition of the remaining 13 acres. Bill Roop explained that the parcel was divided up and the remaining area is now part of the Minute Man Airfield property.

Joe Mangiafico, Boxboro Road said it would be good if the site plan could show the Minute Man Airfield property and the location of the runway.

#### Planning Board Members' Input

Malcolm FitzPatrick

1. Concerned that for a proposal so large, the data is meager.
2. Given the meagerness of the Application, this will be a design as we go project, and it will take a very long time.
3. The Open Space is 55 acres, and 31 acres of that is wet.
4. Thirty two (32) acres of the Open Space is in the floodplain.
5. A Conservation Restriction should be placed on the Open Space.
6. Cost of Services for school-aged children.
7. Critical areas should be mapped (slopes, soils, infiltration capacity of soils)
8. The Plan shows detention ponds, but the plan mentioned retention ponds.
9. The Plan states they will incorporate LID techniques, but suggests few BMP's (Best Management Practices).
10. The Plan for stormwater control is a concern.
11. The Plan should provide for public access.
12. The Plan indicates there are no registered vernal pools; however he thinks the site should be investigated to determine if there are any vernal pools on site, certified or not.
13. Low and Moderate units should be randomly placed throughout the site.

Leonard Golder

1. The proposed AAN is a good concept; however, he is concerned about marketability for future generations.
2. Environmental Impact.
3. Traffic Impact – He doesn't think traffic volumes are as big an issue as traffic flows.
4. Adequate sight lines should be addressed
5. He feels that only one access is not adequate.

Laura Spear

1. Can't figure out what their target market is. They say it is for Active Adults, however they are comparing it to Meeting House at Stow in their application. They talk about population growth, particularly for the 84+ year-old segment, but it is not likely that an 85 year old will purchase this type of unit (detached homes of 2,600 sq. ft.).
2. Traffic – Questions their definition for AM and PM peak hours for age-restricted units - 7:00 AM is too early and 9:00 PM is too late.
3. They talk about trips per hour; however they do not compare the attached units and detached units.
4. They state a purchase price of \$400,000.00, which will most likely be for the attached units. The larger detached units will most likely cost more. Again, she can't figure out what their target market is.
5. A buffer plan should be provided for the east side including type of screening. She would like to see the minimum width between the edge of the cleared area and the property line.
6. Will they keep the existing stonewall?
7. Will they provide sidewalks?
8. No list of waivers submitted.
9. Very concerned about the length of the road. Concerned that Police and Fire have easy access and are comfortable with the plan.
10. The Plan shows walking trails. Will there be public access?
11. Although it's good that they are using Low Impact Development Techniques, the Plan does not give a sense of the level of cuts and fills.
12. The Board requested that they utilize common drives. The plan appears to show fewer as opposed to more.
13. The Plan should show a sense of how many of each unit type they propose.
14. How will the units be restricted to 2 bedrooms? She is concerned with the potential to create a third bedroom, impacting the septic system.
15. The Plan should show the unit type and location of proposed affordable units.
16. The proposed road width seems to vary. Will there be any one-way roads, other than the entrance road?

Kathleen Willis

1. Concurs with Planning Board Members' comments expressed.
2. Units should be handicap accessible.
3. Some units should have one-car garages.
4. The units should be energy efficient.
5. The Bylaw limits multi-family buildings to 100' in length.
6. All units should be sprinklered.
7. Provision for affordable units is important and the units should be spread throughout the site and shall include all sizes.
8. The color of the siding in multi-family buildings should be varied so they will look more like individual homes.



Ernie Dodd noted that the Planning Board encouraged the Developer to file an expedited plan. It appears that there is a long way to go with the plans and hopes the Planning Board can provide input for the Developer to go into a direction favorable to the community.

Joe Mangiafico noted that the Industrial district requires a 100' setback and the plan shows less in some areas. Ernie Dodd explained that the AAN is an overlay district and requires a 50' setback vs. 100' if the property was developed for an industrial use.

Jim Sauta said he doesn't see plans for a community center, which he feels is important for this development, given its remote location.

Joe Mangiafico suggested that the deeds should be specific about the airport being located next to the proposed development.

A resident asked if they could meet with the Planning Board to go over their concerns before the public hearing continuance. Ernie Dodd noted that the Planning Board must conduct all discussions within the public hearing forum. He encouraged people to submit their comments in writing.

Laura Spear noted that during the Arbor Glen Public Hearing process, abutters met informally and designated representative of the neighborhood to obtain information from the file and share with the neighbors.

***Laura Spear moved to continue the hearing to September 26, 2006 at 7:30 PM. The option was seconded by Kathleen Willis and carried by a unanimous vote of 5 members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder). The Petitioner agreed to the continuance.***

Members agreed that a site walk will be conducted once the centerline of the entrance is staked.

The meeting was recessed in order to relocate back to the Town Building.

#### **ANR/HAMMERHEAD LOT SPECIAL PERMIT PLAN – SUREAU, BOXBORO ROAD**

Members reviewed the ANR Plan for the Sureau Hammerhead Lot Special Permit off of Boxboro Road. Karen Kelleher noted that the plan meets the requirements in the Subdivision Rules and Regulations for an ANR Plan and also shows a 15' wide easement for a future sidewalk or walkway over the frontage of a Hammerhead LOT, as required in the Special Permit Decision. Malcolm FitzPatrick noted that the Plan does not show a common driveway, as discussed at the public hearing. Members noted that the Plan does show an access and utility easement on the Plan. Malcolm said that it is important to show the common driveway on the plans because the contractor typically goes by the Plan rather than the Decision.

***Malcolm FitzPatrick moved to endorse the revised plan, modified to show a common driveway with a single cut in the stonewall within the Access and Utility Easement, as defined in the Special Permit Decision. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm Fitzpatrick, Laura Spear, Kathleen Willis, and Leonard Golder).***

***Laura Spear moved to authorize either Malcolm FitzPatrick or Karen Kelleher to endorse the Plan upon receipt of the required revised plan. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm Fitzpatrick, Laura Spear, Kathleen Willis, and Leonard Golder).***

### **WILDLIFE WOODS SUBDIVISION**

Karen Kelleher reported that upon reviewing the list of lots released in the Wildlife Woods Subdivision, she found that although Blueberry Lane is bonded, Lot 38 was inadvertently omitted from the Lot Release. She recommended that the Board vote to release Lot 38 on Blueberry Lane.

***Laura Spear moved to release Lot 38 of the Wildlife Woods Subdivision. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm Fitzpatrick, Laura Spear, Kathleen Willis, and Leonard Golder).***

Members then reviewed the request for Bond reduction and recommendation from Susan C. Sullivan, the Board's Consulting Engineer.

***Laura Spear moved to reduce the bond for the Wildlife Woods Subdivision by \$79,265.00 for Whispering Way, Woodland Way, Foxglove Lane. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm Fitzpatrick, Laura Spear, Kathleen Willis, and Leonard Golder).***

Karen Kelleher reported that the Developer requested that the Board consider releasing Lot 58, located on the corner of Woodland Way and Ladyslipper Lane, although Ladyslipper Lane is not yet bonded. Karen Kelleher also noted that the total bond amount, after the reduction authorized this evening, will be \$247,373.00 and there will be 4 lots remaining to be released.

***Malcolm FitzPatrick moved to release Lot 58, Ladyslipper Lane, of the Wildlife Woods Subdivision, upon receipt of a bond amount to be approved by the Board's Consulting Engineer, Susan C. Sullivan. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Ernie Dodd, Malcolm Fitzpatrick, Laura Spear, Kathleen Willis, and Leonard Golder).***

### **ARBOR GLEN – BOND ESTIMATE**

Members reviewed the Bond Estimate prepared by Pulte Homes and reviewed by Susan C. Sullivan. Sue Sullivan's recommendation is an amount of \$2,783,777.00. Malcolm noted concern that the bond amount includes only a 15% contingency rather than 50% typically required for a subdivision. Members noted that it agreed to the 15%, which is also stated in the Board's decision.

***Laura Spear moved to accept the estimate of \$2,783,777.00, which includes a 15% contingency as required in the Special Permit Decision for the Arbor Glen AAN. The motion was seconded by Kathleen Willis and carried by a vote of four in favor (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder) and one opposed (Malcolm Fitzpatrick).***

### **AAN AFFORDABLE UNITS**

Malcolm FitzPatrick noted it is important to be clear that the Town should have the right of first refusal on affordable units within an AAN.

### **LOWER VILLAGE PLANNING EFFORT**

Members reviewed a draft letter to the Board of Selectmen concerning the planning efforts in the Lower Village and an upcoming Joint Boards Meeting.

Karen Kelleher noted that the Lower Village Sub-Committee agreed to forward a memo to the Board of Selectmen, and she recommended that it be a joint memo from the Lower Village Committee and the Planning Board.

Members reviewed the letter and discussed ongoing issues in the Lower Village relative to water and sewer (Shopping Center, Meeting House at Stow, Stow House of Pizza, day care centers and some Red Acre Road residences), in addition to plans for a Mixed-Use Overlay Village District, which will necessitate water and sewer. It was also agreed that there are different alternatives that should be pursued, including connecting to the Town of Maynard, the Town of Acton, or a community well or wastewater treatment system. Malcolm FitzPatrick said another option could be to use the Kunelius Property.

Karen Kelleher advised the Board that Don McPherson, Lower Village Sub-Committee Chairman, said that he has some suggested changes and asked that the memo be held until he has a chance to provide input.

Peter Mills, Gates Lane, noted that Linear Retail now owns leach fields and a well on their site, which raises the issue that they are trying to get too much on too small a site. He noted that somebody originally planned this site and it seems that this issue is Linear Retail's problem, not the Town's. He is concerned that others will want to hook into the system. He said it will be creating a situation with pipes running under Stow roads, and those people will want to hook into it.

Ernie Dodd suggested that Representative Pat Walrath should get involved in these issues.

Peter Mills said the problem is past decisions allowing too much on the site. Board members noted that the DEP regulations have changed substantially over the years.

Members agreed to amend the letter. Rather than being specific to discussion with the Town of Maynard, the letter should focus on asking the Board of Selectmen to become actively involved in discussions on how we can solve our common goal in providing water and/or wastewater treatment in the Lower Village - whether it be through a municipal agreement with an abutting town or establishment of a community water supply or wastewater treatment plant in the Lower Village.

The meeting adjourned at 10:30 PM.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator