

TOWN OF STOW PLANNING BOARD

Minutes of the July 25, 2006, Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher

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

MINUTES

June 13, 2006 – ***Laura Spear moved to approve minutes of the June 13, 2006 meeting, as amended. 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).***

July 11, 2006 – ***Kathleen Willis moved to approve minutes of the July 11, 2006 meeting, as amended. The motion was seconded by Laura Spear and carried by a vote of four in favor (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder) and one abstention (Malcolm FitzPatrick).***

CORRESPONDENCE

Meadowbrook Estates (Trefry Lane) - Members reviewed a site report from Susan C. Sullivan, the Board's Consulting Engineer, concerning Trefry Lane, which includes recommendations to repair Basins 1 and 2 once they are entirely dry. Members noted concern about infiltration and questioned whether or not the basins will ever be dry.

Members also noted that Sue Sullivan pointed out a coarse section of pavement during a site visit at Trefry Lane. Malcolm FitzPatrick called the Board's attention to a requirement in the subdivision rules for six inches of loam and that existing loam shall not be removed from the site. He questioned whether or not anyone is watching any of the sites to see if loam is being removed or that a minimum of 6" of loam is provided. Karen Kelleher will contact Sue Sullivan to ask her to be sure that this Subdivision requirement is included in her checklist for subdivisions and to follow up on the Trefry Lane coarse section of pavement.

PLANNING BOARD MEMBERS' UPDATES

Definition - "Structure"

Malcolm Fitzpatrick said he thinks that a raised septic system should be considered a "Structure" as defined in the Zoning Bylaw and therefore, should be subject to setback requirements of the Bylaw.

Butternut Farm

Members noted equipment parked in a "no parking" area at the Butternut Farm Maintenance Building area.

RidgeWood AAN (Boxboro Road)

Ernie Dodd asked that Karen Kelleher confirm the number of dwelling units so the Board can determine the number of AAN units allowed under the Bylaw.

COORDINATOR'S REPORT

Joanne Drive Subdivision

(Laura Spear recused herself from this discussion because she is an abutter to the property.) Karen reported that she received an inquiry from a real estate broker concerning the Joanne Drive property on whether or not the property could be divided into two hammerhead lots using the end of Forest Road as the 50' of frontage for one lot and Sudbury Road as the 50' frontage for the other. Members said they would have to see at least a concept plan before making any kind of determination.

Malcolm FitzPatrick suggested that the Board consider rescinding subdivisions that are not constructed after 8 years from the date of approval.

PETITION OF NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC. WIRELESS SERVICE FACILITY

Laura Spear moved to accept a request to withdraw, without prejudice, the Petition of Nextel Communications of the Mid-Atlantic, Inc. for a Wireless Service Facility Special Permit. The motion was seconded by Kathleen Willis. Members noted that allowing the Petitioner to withdraw without prejudice means that they can re-submit a new petition when they would otherwise be required to wait for two years before filing. Ernie Dodd said he feels the Board should pursue a Bylaw amendment to allow co-location on a preexisting structure at a height greater than 100', without the need for a Town Meeting vote, provided that the structure is within the overlay district, and provided that the height does not exceed the height of the existing structure. Peter Mills, Gates Lane, noted concern that the issue of allowing withdrawal "without prejudice" is a way to take an application off the table and allowing them to file another. He is concerned that they may be able to come back with a similar application and questioned why the Board would not want them to wait the two years. He feels that they are trying to cheat the process. Ernie Dodd noted that the Board could allow them to continue the hearing on the existing application. Malcolm FitzPatrick said that this applicant seems to be willing to work with the Board. They want the opportunity to look into new technology and come back with a better plan. Ernie Dodd noted that they also indicated a willingness to improve on the existing Sprint Facility. Laura Spear said that she has the sense that Nextel wants to work with the Board. ***The Motion carried by a unanimous vote of five members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder).***

ANR PLAN

Members reviewed an ANR Plan creating the open space parcel for the Arbor Glen AAN to be conveyed to the Conservation Commission. Malcolm questioned when the Conservation Restriction on the Open Space Parcel will be recorded. Karen Kelleher noted that the Decision includes conditions and timelines when the Conservation Restrictions and Land conveyances must be completed. Malcolm FitzPatrick noted that the ANR Plan does not include a sidewalk easement along Hudson Road.

Laura Spear moved to approve the ANR Plan Entitled "Hudson Road in Stow, MA", prepared for Pulte Homes of New England, LLC., dated July 12, 2006, prepared by Marchionda & Associates, L.P. - creating Parcel 1-B, known as Parcel B in the Arbor Glen Decision. The motion was seconded by Kathleen Willis. Malcolm FitzPatrick said he is concerned about trail easements. Members noted that the trail locations are shown on the plan. Karen Kelleher noted that the Conservation Commission typically ensures that the trails are constructed before accepting the parcel. ***The motion 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 Karen Kelleher or Malcolm FitzPatrick to endorse the ANR Plan for the Board. The motion was seconded by Kathleen Willis and carried by unanimous vote of five members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder).

ACCESSORY APARTMENT SITE PLAN APPROVAL, 75 OLD BOLTON ROAD

Members reviewed the Draft Decision for an Accessory Apartment Site Plan Approval at 75 Old Bolton Road.

The draft Site Plan Approval Decision includes a condition that the Plan shall be modified to show the floor-to-ceiling height of the proposed basement less than six feet. Ernie Dodd noted that at the last meeting, Karen Kelleher pointed out that this condition is inconsistent with other Decisions the Board made and he, therefore, asked her to pull the plan from a previous decision for the Board to review. Members reviewed the Plan for a Barton Road Accessory Apartment that shows a 1,405 sq. ft. addition to an existing dwelling plus a basement and attic space. In that case, the Board simply found that only 700 sq. ft. of the proposed addition is designated for the proposed Accessory Apartment.

Malcolm FitzPatrick said the intent of the Accessory Apartment Bylaw is to provide for affordable units. Laura Spear said the intent is for smaller accessory units rather than large duplex units and not necessarily low-income units.

Ernie Dodd said he is concerned about enforcement noting that the basement could easily be converted to living space.

Laura Spear moved to issue Site Plan Approval for an Accessory Apartment at 75 Old Bolton Road, as drafted. The motion was seconded by Kathleen Willis and carried by a vote of three in favor (Ernie Dodd, Laura Spear and Kathleen Willis) and two abstentions (Lenny Golder who is an abutter to the property and Malcolm FitzPatrick who was not present at the Public Hearing).

RED FOX RUN SUBDIVISION (CRANBERRY CIRCLE)

Members discussed the request for bond reduction on the Red Fox Run Subdivision. The Board's Consulting Engineer, Susan C. Sullivan, in a letter dated July 25, 2006, recommended a reduction of the bond to a sum of \$15,000.00 and further advised the Board that the as-built plans for Cranberry Circle are complete and within reasonable construction tolerances of the approved design plans. She also advised that she and Michael Clayton, Superintendent of Streets, have been monitoring the construction of this subdivision and noted that the paved area, which caused concern about the potential icing near the intersection on Hudson Road, was repaired with infrared technology and some additional bituminous concrete. This intersection was observed after a rain and noted that the area previously puddling slowly drains towards Hudson Road. They will reserve judgment on this issue until they have an opportunity to view it after a rainfall.

Kathleen Willis moved to authorize a reduction in the Performance Guarantee (Tri Partite Agreement by and among The Town of Stow, Acting by and through its Planning Board and Hudson Savings Bank and Stow Woodlands LLC) to a sum of \$15,000.00, which will be retained until such time the Town has accepted Cranberry Circle. The motion was seconded by Laura Spear. Malcolm asked if there was a question about plantings in the circle. Kathleen Willis said they did install plantings in the circle and said she would drive by the site tomorrow to be sure they are still alive. The motion carried by a unanimous vote of five

members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder).

CRICKET HOLLOW SUBDIVISION, TOWN OF BOXBOROUGH

Members reviewed the Cricket Hollow Preliminary Subdivision Plan, currently before the Boxborough Planning Board. The Plan shows a connection to Trefry Lane. Karen Kelleher reported that she received many inquires from residents of Trefry Lane in opposition to the connection and pointing out the Board's letter of July 28, 2005 indicating support of a plan with NO connection to the cul-de-sac in Stow. Karen Kelleher also reported that the Boxborough Town Planner explained that the applicant proposes to connect to Trefry Lane with an emergency access road because the Boxborough Fire Department indicated that they will not approve a plan for 16 lots with a single access.

Laura Moved that the Board forward a letter to the Boxborough Planning Board, reiterating the Board's former position, as outlined in its letter dated July 28, 2005, in support of a plan with no connection to the cul-de-sac in Stow and that the right-of-way easement on Lot 1 in Stow, shown on the Meadow Brook Estates (Trefry Lane) Definitive Subdivision Plan, be maintained as a pedestrian access easement; and to further recommend that pedestrian access be provided from the Town of Boxborough, connecting to the right-of-way easement on Lot 1. 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).

PUBLIC INPUT

Bill Byron, Gleasondale Road, questioned why the Planning Board allows smaller lots such as Planned Conservation Development (PCD) lots when the wellhead protection setback would extend onto abutting properties, limiting the area where the abutter may place a septic system. Karen Kelleher noted that same situation could occur on larger lots, if a well is placed near the property line. Members noted that a developer would lay out the lots in a PCD plan in a manner to ensure there is room for placement of a well and septic on each lot.

ADJOURNMENT

The meeting adjourned at 8:25 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator