

# TOWN OF STOW PLANNING BOARD

Minutes of the September 26, 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.

## **EXECUTIVE SESSION**

***Laura Spear moved to enter into Executive Session for purposes of discussing ongoing litigation and to convene in open session at the conclusion of the Executive Session. The motion was seconded by Kathleen Willis and carried by a unanimous roll call vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Leonard Golder).***

## **PUBLIC HEARING – RIDGEWOOD AAN**

At 7:35 PM, the Public Hearing Continuance from August 8, 2006, was called to order.

Bill Roop of Bridgestone Associates, reviewed the revised plan submitted on September 12, 2006:

- They met with the Stow Conservation Trust to discuss a potential trail connection. The trail is proposed to be located along the brook that abuts the airport, which is an area that is now walkable.
- They met with the Police Chief and Safety Officer, who indicated that the roadway system is acceptable. They moved the roadway access 20 feet to the north for better sight lines. Bill Roop said he feels that one entrance is safer from the aspect of dealing with issues such as a burglary because there is no other way out of the neighborhood. He also noted that the Police Chief likes the idea of space between the units, which would minimize neighbor conflicts.
- They met with the Fire Chief and based on his input, they propose two 30,000-gallon fire cisterns. One of the cisterns will be located at the entrance and the second to be located at the loop.
- The revised plan shows a turn-off near the entrance where mailboxes will be located.
- Bill Roop said that the Police Chief and the Fire Chief agree that 20' wide roads is best because they want sufficient room for on-street parking and room for a fire truck to pass. The Fire Chief wants a hammerhead turn around which will be incorporated in the plan.
- In response to the request for handicap units, Bill Roop explained that they plan to create a few model units and give the customer time to sell their home and allow time to provide custom features for handicap people.

Harry Blackey said that in response to an abutter, they made changes along the eastern property line by providing 2 times the required setback. In order to minimize drainage runoff, they originally proposed a swale to pick up water. There was some objection because it would have required disturbance close to abutting properties, therefore, they modified the plan so that water can be piped underground, moving the disturbance closer to the proposed units.

Harry Blackey also reported that the traffic study concluded there will be no significant impact. He noted that Abend's (Traffic Consultant) approach is more conservative than other traffic consultants they have used in the past. They assumed greater traffic generation than others.

He said they plan to build models and sell from those. They think they have a good handle on the market, but are never sure. Therefore, they are looking for flexibility in the units. The units are designed so they can be attached or detached. They would like flexibility, with some constraints, in the mix of units so they can be responsive to the market. He said it is important to have flexibility in the unit locations so their hands will not be tied in terms of being responsive to the market.

#### Public Comment

Jim Shearer, 170 Boxboro Road asked if they propose to randomly sell units throughout the site, or will they build in phases. Harry Blackey said they will phase construction by working in specific areas. They may be working in two areas at once. Jim Shearer asked if that would change the drainage. Harry Blackey responded that they would install the drainage that is necessary for the area, regardless of where the drainage is.

Joe Mangiafico, 176 Boxboro Road, questioned what the Traffic Engineer used for an assumption for trips per day per unit. Ernie Dodd said they assumed 6 trips per day per unit (440 total trips per day). They estimate 25 to 30 cars during peak time (7 a.m. to 8 a. m. and 5 p.m. to 6 p.m.). Existing traffic during peak time is now 125 vehicles. Joe Mangiafico questions the 6 trips per day. He feels it would be greater because the development is proposed for "active" adults, many of who are still working.

Joe Mangiafico asked if the Bylaw limits the length of a dead end road. Ernie Dodd responded that the Regulations limit the length of a dead end road and further noted that the Planning Board has the ability to waive the regulation. Ernie Dodd said he will be looking for an emergency access. Joe Mangiafico noted that, because the property abuts the airport, he would be concerned about evacuation.

Lou Rota, 208 Boxboro Road, said he doesn't think the plan goes far enough in protecting the lots along Boxboro Road. Harry Blackey noted that the proposed setback from existing homes is approximately 200'. Lou Rota said he is concerned that, if they are looking for flexibility, they cannot look at the plan and know that is what will be constructed.

Lou Rota, 208 Boxboro Road, asked if the Planning Board has had a site walk and if not, can the neighbors accompany them on the walk. Ernie Dodd said the Board has not held a site walk yet and it is up to the property owner if the neighbors can attend the site walk.

Mark Jones, 203 Boxboro Road, asked if the units will be located on the ridge. Harry Blackey said the road will be on the ridge and the homes will be located just slightly off the ridge.

Mark Jones questioned the location of wetlands. Harry Blackey reviewed the plan indicating where the drainage structures and wetland areas are located. Ernie Dodd noted that they will need approval from the Conservation Commission for any work within 100' of the wetlands.

Joe Mangiafico noted that he Airport owner always said that any new homes will have it written in the deed that the airport abuts the property, which is important so that the new neighbors won't complain about an existing airport.

Cortni Frecha, 203 Boxboro Road, asked how much flexibility they are looking for in the number of detached and attached units and will there be a possibility for more detached homes. Harry Blackey said they propose a condition that there will be a restriction as to no change in the number of units located on the ridge. Harry said he thinks it is appropriate to look at other options on the unit types.

Joe Mangiafico asked for clarification on the new plan as to water and sewer. Harry Blackey confirmed that they will use the Airport well for water and the septic system is proposed in the same location as shown on the original plan.

A Boxboro Road resident said he appreciates the developer coming to their house to discuss the Plan. He is concerned with flow of wildlife and the location of the nearest convenience store. He is concerned about people trespassing to take a shorter route to the nearest convenience store, which is on Great Road. Bill Roop said they can have something in the condominium document to prohibit trespassing onto private property. He noted they had the opposite problem at Meeting House with residents trespassing onto Meeting House property.

Jim Shearer, 170 Boxboro Road, is concerned with drainage because there is ledge and high water table in the area. If they alter the units, it could alter the drainage design. He asked if they have taken any core samples and if they know where the water table is. Harry Blackey said they have to substantiate that there will be no increase in the rate of volume of runoff from the site. Ernie Dodd said that runoff is a concern that the Board pays close attention to.

John Colonna Ramano, 233 Boxboro Road, questioned if the water usage from the Airport well will impact the wells on the eastern side of Boxboro Road which are deep and have a low flow rate. Harry Blackey noted that the airport well is more than 1,000 feet away. He also noted that when the Airport well was permitted, they did a flow test and monitored how it impacted the area.

Greg Roy of Ducharme and Dillis, representing the Petitioner, said the airport well is 2,000 feet away and it is a deep bedrock well and explained that a well that size would have required an extended day test. DEP will determine if there will be any adverse impact. They are only proposing to using existing capacity and not amend the capacity. Ernie Dodd noted that it is considered a Public Water Supply and DEP will ensure there is no negative impact.

Joe Mangiafico asked if the Planning Board has contacted MAC or FAA for comment. Ernie Dodd said the Planning Board will forward a letter to FAA and MAC asking for comment.

Joe Mangiafico asked if the developer or the Town has plans to widen Boxboro Road. Ernie Dodd said he doesn't think it will be necessary.

Malcolm FitzPatrick said he would like a copy of the submission on file with the Library. Kathleen Willis said the Board should first check with the Librarian to ensure they are willing and have the room.

Kathleen Willis asked if the Fire Chief and Police Chief had concerns about the need to widen the road at the fire cistern and how the Fire Chief feels about the single entrance into the site. Bill Roop said the Police Chief and Fire Chief were okay with the single entrance because it is a divided road and that their thinking was with a 20 foot width, there is sufficient room. He said they also like the idea of the loop roads.

Kathleen Willis asked if, in their request for flexibility in the design, would they change the number of single-family vs. attached units? Bill Roop said they thought if there is a lot that want attached units, they could file for a modification for additional attached units. Kathleen asked if they see the potential for the need for more detached units. Bill Roop said no, they do not expect to eliminate the townhouses.

Bill Roop said they propose to use the existing house on Boxboro Road as an affordable unit, which would not be age restricted. They propose three affordable units on-site and the existing house as the fourth affordable unit and then a cash payment for the rest. Harry said the benefit to

this plan is that a problem that surfaced with the state is that it is difficult to sell the affordable units that are age-restricted because there are asset constraints as well as income constraints.

Laura Spear commented on the Plan:

- Still not sure who the target homebuyer is: would like a profile: demographics and psychographics. For example, those who are 55+ and can afford and maintain a “private,” 2600 sq. ft., single-family home at more than \$500K are probably not retired and are probably childless or new empty nesters with disposable income.
  - Affects traffic count, particularly during rush hour
  - Probably year-round residents, which also affects predicted traffic, countering the statement in the traffic study
  - How does this support the bylaw, which emphasizes local preference for Stow residents? The purpose of the AAN Bylaw emphasizes that preference shall be given to Stow residents.
  
- Is the parcel with the existing house included in the ANN special permit?
  - Looks like the boundaries are called out as a separate parcel on sheet 1R; however, Sheet 2 and others show as one large parcel. Harry Blackey said the intent is to separate the Lot. They will submit an ANR Plan.
  - 218 Boxboro Road is identified as an affordable unit: is this on-site or off-site?
  - Has DHCD said it would accept an existing house with existing residents as a subsidized unit towards Stow’s 40B count? (LIP program demands a lottery system with no local preference for a single unit. Additionally, we’re having difficulty getting DHCD to “count” our CPC deed restriction program for existing housing.) Currently, this house would not qualify under the bylaw
  
- Number of bedrooms: per the updated package, it is true that MA Title 5 regulations do not necessarily limit the number of bedrooms; however, the Planning Board has this right and did so for the AAN that was recently approved.
  
- VERY uncomfortable with the statement in the latest package that you want flexibility in the number, location of buildings and type of buildings. An approved plan requires all of this to be final.
  - Affects drainage calculations: [a comment was made at the hearing on 9/26 that “we would plan the drainage per section as we go”]
  - There may be a significant size difference resulting from the choice of unit ranging from 1500 sq. ft. to 2600 sq. ft – the area of impervious surface is not very predictable in advance
  - Affects diversity in the unit styles and placement
  
- What is the min/max/median space between buildings?
  - One of the objectives of the AAN is to foster community. Choosing to build primarily single-family homes already decreases a sense of community. By separating homes physically or through visual barriers, you are emphasizing privacy and isolation, further decreasing a sense of community.
  
- The AAN rules and regs (3.24.1.5) require a table showing:
  - Minimum distance to ground water
  - Pre/post development run-off rates and groundwater discharge
  - Gross floor area
  - Floor area ratio
  - Number of parking spaces, including reserved, handicapped, small car spaces

- Affordable units:
  - 4, 28, 48 are somewhat disperse, but still cluster towards the entrance/left side
  - They are all middle units in a triplex, which counters our objective of having them scattered throughout the entire project and representing the full scope of diversity in style and size

Ernie Dodd said the existing house is off-site and cannot count toward the required 4 units onsite. Harry Blackey said they look at that unit as on-site. They are trying to provide family housing.

- Moderate units:
  - 8, 213?, 46 are somewhat disperse, but still cluster towards the entrance/left side, especially when you add the affordable units into the picture
  - They are middle or end units and not single-family homes, which counters our objective of scattered with diversity in style and size

- Handicap access:
  - Page 4 of the update memo says that you will have “appropriate features to meet the specific needs of handicapped residents”
  - What are these features?
  - Do they comply with Fair Housing Accessibility standards?

Harry Blackey asked what the Board is looking for as to handicap units. Ernie Dodd said that you never know what the actual need would be, but he would like to see that all of the doorways are wide enough. The units should be handicap adaptable so they can be easily be modified.

- Do you plan to have sprinkler systems in your multi-unit buildings? This is something the Planning Board will mandate, consistent with a previous approval.

- Page 34 of the update provides a summary of the cuts and fills.
  - Why are you removing so much topsoil yet require a slightly larger equivalent amount of fill?
  - How does this map to the site – where are the cuts and fills on the site plan?
  - Show the extent of cuts and fills against the existing topography

- Waivers requested:
  - Sight triangles: need to see myself the impact; also want a statement of support from the Highway Superintendent
  - Reduced pavement widths: She supports
  - Cul-de-sac standards: wants statements of support from the Fire and Police Chiefs and Highway Superintendent
  - T-shape turnaround: where is this?
  - Drainage easement: - She personally does not support this with the information available at this time
  - Finish grade: Does not support this with the information available at this time
  - Pavement: Does not support this with the information available at this time

- Answered her question about minimum distance from the abutting homes to “Southridge Lane:
  - 101.3 feet shown on Plan
  - However, with the disclaimer note at the beginning about possible changes in style and location, she has no confidence in the answer.
  - What screening/buffer will be in place from abutters – only saw a general tree line
  - What prevents additional clearing?

- Front road in the wetlands buffer zone? (Need Conservation Commission approval)
- Plastic fences? Are these only at the entrance?
- What happens to the existing stonewall along the frontage? We have been trying to keep and maintain the stonewalls that currently exist.
- Can we get more multi-dwelling units? Initial application stated how popular the townhouses at Meeting House are.
- What is your response to the memo from Boxborough regarding their concerns with truck traffic and a request for a truck route?

Malcolm FitzPatrick commented on the Plan:

- Agrees with Laura Spear as to the profile. He was originally concerned about school age children. However, he is still concerned about the number of older children returning home, which would add to the traffic count.
- Public Access
  - Would like to see more internal walks for residents as well as public pathways.
  - Hopes the 20' pavement width will not apply to the divided entrance road. Ernie Dodd noted the plan indicates the divided entrance roads are 14' feet wide.
- Disappointed in the change from a swale to a pipe in the area behind the Boxboro Road residents. He would like to see some compromise for Low Impact Development and suggested they consider shifting the road over and shorten the drives.
- Is an advocate of on-site affordable units.
- The plan shows no driveways for the middle units. Suggests detached garages.
- Would like a detail plan showing natural drainage and soils on-site so he can see the environmentally sensitive areas.
- Flexibility might be a good idea, but should be based on an average number in each phase.
- Concerned about multiple garages facing the road.
- Would like a plan showing cuts and fills to get a sense of the site disturbance.
- Would like a restriction that there will be no more alteration of the land after construction of the units.

Len Golder commented on the Plan:

- Concerned with the request for flexibility. The Board would be at a disadvantage in not knowing what the outcome will be. Would like some sense of the minimum number of attached and detached units and hopes it will be pretty much as presented on the Plan.
- Would rather see the drainage design as a LID. Need more detail on the design change for pipe drainage.
- Concerned about the single access to the site and how an evacuation would be handled. Suggested consideration of an emergency access way.

Bruce Fletcher commented on the Plan:

- The Change from a swale to a pipe will result in reduced site disturbance. Questioned if the change from a swale to a pipe would impact where the foundation drain would go. Greg Roy said he anticipates the foundation drains will tie into the pipe or the swale.
- Handicap adaptable units – Found that, on the house he is building, it is difficult to change the plan to be handicap adaptable.
- Likes the idea of phase so the site will not be opened up all at once. Harry Blackey said they will provide a phasing plan.

Ernie Dodd commented on the Plan:

- Will rely on the Board's consulting engineer to review the drainage calculations. LID is important.
- Status of the existing house is a concern.
- Record Plan does not show the Water Resource Protection District.
- Would like an emergency access road to address the length of dead end road – suggested it be on the ANR lot.
- Street names should be reviewed by Police, Fire and Historical Commission.
- Roof runoff should go into drywells.
- Local Preference is a priority.
- All attached units must be sprinklered.
- All doors should be 3 feet wide.
- Draft deed restrictions required.
- Affordable units – recommends 4 on-site, 1 off-site and two cash payment.
- Provided a copy of his review.

Malcolm FitzPatrick said he likes the idea of the existing residence as an affordable unit and noted it will take some figuring out on how to get there. He thinks it has to be part of the AAN because it is in the Industrial District and cannot be parceled off. Harry Blackey said they can cut it off now and continue its use. Malcolm suggested that maybe the lot could be transferred to the Town so the Town can maintain it as an affordable unit. Bill Roop is disappointed that the idea for affordability does not seem feasible. Malcolm FitzPatrick said the Board could accept it as an "Town" affordable unit, even if it is not counted towards the 40B count.

Ernie Dodd noted that the Traffic Study, even if assumed a worst case scenario of 10 trips per day vs. 6 trips per day, will not result in a negative impact.

Kathleen Willis questioned if the Board has a drawing of the multi-family units showing the sq. ft. Harry Blackey said they provided floor plans and elevations in their submission. They are asking for flexibility only with the units they proposed.

***Kathleen Willis moved to continue the Hearing to October 24, 2006 at 7:30 PM. The motion was seconded by Laura Spear and carried by a unanimous vote of 5 members present (Ernie Dodd, Malcolm FitzPatrick, Laura Spear, Kathleen Willis and Leonard Golder).***

### **ARBOR GLEN AAN**

Ted Gowdy and Tim Dorman of Pulte Homes met with the Board to discuss the Arbor Glen AAN.

#### **Minor Modifications:**

Tim Dorman explained that they are requesting a minor modification to the Special Permit to permit:

- A change in the unit mix to provide additional diversity given the current market conditions;
- A change in the location of Low/Moderate units from Unit 8 to Unit 2;
- A change the location of Middle Income Units from Units 56 and 60 to Units 18 and 61.

Laura Spear noted that the change in unit mix will result in slightly less square footage. She also noted that the Cortland model refers to an optional third bedroom and said that reference should be removed. Malcolm FitzPatrick said he has a problem with the garage doors facing the Street and noted that the double doors are visually better than the large single door. He suggested that a visual facade should be provided on the large single door. Ted Gowdy explained that the market profile indicates that most like the one-large door as opposed to two smaller doors.

**Malcolm FitzPatrick moved to authorize a minor modification, not requiring a public hearing, to the Arbor Glen Active Adult Neighborhood and Erosion Control Special Permit by:**

- **Replacing six of the approved Franklin Units with 6 Cortland Units and replacing 14 of the approved Baldwin Units with 14 Morgan Units (as noted in a letter dated August 29, 2006 from Pulte Homes of new England LLC), provided that the design facade of the large single door be revised so that it has the visually appearance of two garage doors;**
- **To authorize a change in the location of Low/Moderate Units from Unit 8 to Unit 2; and**
- **A change in the location of Middle Income Units from Units 56 and 60 to Units 18 and 61**

**The motion 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).**

**Modification to excavate hillside:**

Ted Gowdy asked for input from the Board about the potential to excavate fill material from the hillside for use in grading on the site. He explained that he understands such a change would require a public hearing, but would like to hear input from Board Members to have an idea of the likelihood of approval to the request.

Len Golder said he was not involved in the initial permit, but would be concerned with the integrity of the site, noting that drainage is a major issue.

Malcolm FitzPatrick said he thought he Board already saw the cut and fill plan and decided on Plan B, which was approved. He said, if they want to go forward with a Public Hearing which would most likely take two years, he would let to get more Low Impact Development techniques incorporated into the Plan.

Kathleen Willis would not be in favor of the proposal to excavate the hillside.

Bruce Fletcher said all along he thought that a balance of cuts and fills on-site was best and thought it was absurd to require the amount of fill that will be required to be brought on site. He said the trail of trucks traveling through Stow's streets will be incredible.

Malcolm Fitzpatrick said they would need a total redesign of the site with a Low Impact Development design, which will be a long process.

Laura Spear said she doesn't think they could design a Low Impact Development Plan at this point.

Both Laura Spear and Ernie Dodd said they don't disagree with Malcolm.

Ernie Dodd said that the abutters were supportive on a plan that preserves the hillside.



**Performance Guarantee:**

Members reviewed the performance bonds. The Performance Bond received by the Board is with Safeco Insurance Company of America, a corporation organized and existing under the laws of the State of Washington. Ernie Dodd said the Bond MUST be with a Massachusetts Company. Ted Gowdy said that Pulte Homes does business with a few companies, but not based out of Massachusetts. He said he could look into a bond with a company that has a Massachusetts Office. Ted Gowdy also noted that their attorney said that Massachusetts General Laws dictates the type of bond, one of which is an insurance bond. Len Golder said he doesn't think Safeco has a Massachusetts Office. Ernie Dodd is adamant that it should be a Massachusetts Company. Laura Spear suggested that they provide a list of what companies they do business with that has offices in Massachusetts and then see how comfortable the Board will be with those companies.

Ernie Dodd said the Board will also need a detailed schedule outlining the step-by-step process for construction. He doesn't want to go through the process of having to go to court, if they have to call the Bond. Ted Gowdy said that Pulte Homes deals with bond companies all of the time and doesn't know of any company, based anywhere, where the bond was called. Ted also noted that the decision also includes a provision to hold back building permits for the last two units and for a cash bond towards the end of the job. Len Golder asked what the probability is of them finding a Massachusetts Based Company. Ted Gowdy said Pulte Homes deals with a group of Companies, none of which are based in Massachusetts.

Malcolm FitzPatrick said he would like to see a list of companies and Pulte Homes' record. Ted Gowdy said they could put in letterhead that nobody has ever called in one of their bonds and also provide a list of what companies they deal with and who has bonded projects in Massachusetts.

Ernie Dodd said that he trusts Pulte Homes, but is concerned with the housing market and how things may change in the middle of the project. Ted Gowdy said they have had contractors default on projects and Pulte Homes has always come forward and completed the project.

Karen Kelleher asked if the Board is comfortable with the 4-year expiration of the Bond. Ernie Dodd said they need to provide a schedule to ensure completion within 4 years.

**Affordable Housing Restriction:**

Ernie Dodd said the Affordable Housing Deed Restriction must be in perpetuity, even in the case of foreclosure. Ted Gowdy said the proposed Deed Restriction is based on a model from the State.

**MEADOWBROOK ESTATES (Trefry Lane)**

Members discussed the request for Bond Release for the Meadowbrook Estates Subdivision. The Developer, Ken Kaulbach of Eldamar Development, reported that he has the sign for the Fire Cistern, the rip-rap was cleaned out and the Road was swept.

***Laura Spear moved to release the outstanding Bond for the Meadowbrook Estates Subdivision, minus the amount of \$18,953.00 (sidewalk donation) to be transferred to the Sidewalk Fund, as authorized by Ken Kaulbach of Eldamar Development Company, LLC in a letter dated April 7, 2006. 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 Len Golder).***

Ernie Dodd said the Board will recommend that the Town plow Trefry Lane this winter.

**551 SUDBURY ROAD**

Members reviewed a Notice of Intent Application for property located at 551 Sudbury Road. The proposed activity is for construction of an addition to the existing house and addition to the existing studio apartment and upgrading of the septic system to a Title V compliant system. Karen Kelleher

noted that the studio apartment appears to be a non-conforming use. The Building Department has not received a building permit request for the studio apartment or the addition. Members advised Karen Kelleher to alert the Conservation Commission and the Building Department that a Special Permit from the Zoning Board of Appeals is required for expansion of the studio apartment.

**ORGANIZATION FOR THE ASSABET RIVER – REQUEST FOR PROPOSALS FOR GROUNDWATER RECHARGE PROJECTS**

Malcolm FitzPatrick recommended that the Stow Shopping Center be informed of the program.

**PLANNING BOARD MEMBER’S UPDATES**

Community Preservation Committee

Laura Spear reported that the Lake Boon Association is requesting CPC funds for herbicide treatment to control the weeds in Lake Boon. The Town of Hudson has approved funds. Stow's share is 2/3<sup>rd</sup> of the total cost. The Lake Boon Association's proposal seemed solid and CPC appears to support the proposal.

Lower Village Planning Effort

Members noted the most recent newspaper articles (commentary) with erroneous information and agreed that the Lower Village Committee should provide a news article to update residents on the ongoing planning efforts for Lower Village. Laura Spear reported on the September 20, 2006 Lower Village Committee Meeting noting that representatives from DEP and Woodard and Curran were present for discussions concerning water and sewer. It was a very informative meeting.

The meeting adjourned at 10:30 PM.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator