

TOWN OF STOW PLANNING BOARD

Minutes of the January 16, 2007, Planning Board Meeting.

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

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:00 p.m.

ARC OF INNOVATION - 495 MetroWest Corridor Partnership

Members reviewed correspondence from Arc of Innovation (495 MetroWest Corridor Partnership) concerning a new project on suburban residential development. The 495/MetroWest Corridor Partnership, Inc. is teaming with the University of Massachusetts, Dept. of Landscape Architecture and Regional Planning, on an initiative design to provide municipalities with more resources on Residential Development and density issues. The project would provide two participating communities and considerable academic and professional resource in development innovative designs for high density projects that would be appropriate in suburban setting and preserve community character.

Members noted this project might be interesting for Lower Village and Gleasondale Village.

PUBLIC HEARING CONTINUED – RIVERHILL ESTATES

At 7:30 PM, the Public Hearing continuance from the December 5, 2006 session to consider the Riverhill Estates Subdivision was called to order.

Ernie Dodd explained that one of the Planning Board members (Kathleen Willis) who eligible to vote on the Riverhill Estates Subdivision is absent and offered Mr. Collings the opportunity to continue the hearing without testimony so that Kathleen Willis will be eligible to vote. Ernie Dodd also noted that continuance of the Public Hearing would also allow time for the Applicant to present the plan to and hear comments from the Conservation Commission.

Mr. Collings agreed to continue the hearing. ***Len Golder moved to continue the hearing without testimony until January 23, 2007 at 8:45 PM. The motion was seconded by Malcolm FitzPatrick and carried by a vote of three in favor (Ernie Dodd, Malcolm FitzPatrick and Leonard Golder) and one abstention (Laura Spear).***

ANR PLAN – APPLE BLOSSOM LANE

The Planning Board reviewed the ANR Plan entitled "Plan of Land, Apple Blossom Way, Stow Massachusetts", dated December 15, 2006, prepared for Richard E. Bolton Sr., by Acton Survey & Engineering, Inc.

The purpose of the plan is to divide Parcel A1 into four parcels called A3, A4, A5 and A6. No new building lots are being created and no new septic or water systems are being created or are required.

Karen Kelleher reported that Mr. Bolton explained that the reason for the plan is so that Parcel A3 can be conveyed to the owner of Lot 1 (Map R15, Parcel 48-1) and Parcel A4 can be conveyed to the owner of Lot 2 (Map R15, Parcel 48-2) and that all of Parcels A3, A4, A5 and A6 will continue to be subject to the Conservation Restrictions. Members noted concern that the additional land area to be combined with Parcels 48-1 and 48-2 could result in the potential for an additional lot with frontage on Apple Blossom Way. Karen Kelleher was asked to review the Conservation Restriction and the original subdivision Decision for any restrictions on further subdivision.

NOTE: Condition # 11 of the Definitive Subdivision Approval, dated September 17, 1992, states:

There shall be no further subdivision of land within the parcel comprising the Springbrook Farm Subdivision with the exception of any changes in lot lines, which would not increase the total number of lots.

Members further reviewed the ANR Plan and noted the following:

1. The Plan does not include the Land Surveyor's Seal as required by Section 2.1.2.17 of the Subdivision Rules.
2. The Plan does not indicate whether or not any decisions by the Zoning Board of Appeals exists as required by Section 2.1.2.13 of the Subdivision Rules.
3. The layout of Apple Blossom Way does not show the turnout at Lots 3 and 4 (across from Lot 1) as shown on the Definitive Subdivision Plan and the locus plan provided with the Application for Endorsement of Plan.

Laura Spear moved to NOT endorse the ANR Plan entitled "Plan of Land, Apple Blossom Way, Stow Massachusetts", dated December 15, 2006, prepared for Richard E. Bolton Sr., by Acton Survey & Engineering, Inc. for the following reasons:

- 1. The Plan does not include the Land Surveyor's Seal as required by Section 2.1.2.17 of the Subdivision Rules.***
- 2. The Plan does not indicate whether or not any decisions by the Zoning Board of Appeals exists as required by Section 2.1.2.13 of the Subdivision Rules.***
- 4. The layout of Apple Blossom Way does not show the turnout across from Lot 1, at Lots 3 and 4.***
- 3. The Board needs clarification on any restrictions relative to the Subdivision Approval and Conservation Restriction.***

The motion was seconded by Leonard Golder and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Malcolm FitzPatrick and Leonard Golder).

ARBOR GLEN – AFFORDABLE HOUSING DEED RESTRICTION

Tim Dorman of Pulte Homes presented a draft Affordable Housing Deed Restriction. He noted that they replaced the term "Monitoring Agent" with the Term "Municipality". Laura Spear said she looked at the new Universal Deed Rider and LIP Guidelines, which talked about Local Action Comprehensive Permits and nowhere did it say that the municipality is responsible for being the Monitoring Agent. Tim Dorman said the municipality is only responsible to review the applications. Pulte Homes will work with a professional consultant on the initial marketing. Laura Spear said, as written, it looks like the municipality is "responsible" and therefore, needs clarification. Tim Dorman said it is intended that the Town only comes into play on resale. Pulte Homes will be involved in the initial sale.

Tim Dorman suggested having their Affordable Housing consultant meet with the Board. Ernie Dodd recommends having the consultant also meet with the Housing Authority.

Tim Dorman also noted that the fee was lowered to 2-½%. Ernie Dodd suggested they also discuss the fee with the Housing Authority.

Tim Dorman said the maximum resale price changed from 70% to 80%. Laura Spear noted that DHCD pushed back to Stow's Community Preservation Committee to go down to 80%. Tim Dorman said he would like to try 80% with the understanding that DHCD may require them to lower it to 70%. Laura Spear is concerned that they would be getting a smaller pool of applicants, if they use 80%. Malcolm FitzPatrick said we should do what benefits the Town the most. Len Golder noted that 70% is the state guideline aimed at giving incentive for the lower income bracket. All members are in agreement that they prefer 70%.

Members noted they have not had time to review the draft document in detail and agreed to review the document and be prepared to discuss it at the next meeting. Karen Kelleher will forward the document to Town Counsel for his review and comment. Laura Spear and Ernie Dodd agreed to forward the documents to Town Counsel.

Members agreed to recommend that the resale fee should include the term "not to exceed 2.5% and leave the final say up to the Housing Authority. Members also agreed Town Counsel should review the proposed Affordable Housing Deed Restriction.

Karen Kelleher will also forward a copy of the draft document to the Housing Authority and Housing Partnership.

EXECUTIVE SESSION

Laura Spear moved to enter into executive session for purposes of discussing potential litigation and to adjourn at the conclusion of Executive Session. The Motion was seconded by Len Golder and carried by a unanimous roll call vote of 4 in favor (Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Len Golder).

ADJOURNMENT

The meeting adjourned at 10:45 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator