

**TOWN OF STOW
PLANNING BOARD**

Minutes of the April 10, 2007, Planning Board Meeting.

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

Administrative Assistant: Lois E. Costello

The meeting was called to order at 7:05 PM.

No Minutes.

No Public Input.

No Coordinator's Report.

Planning Board Members' Updates:

Laura Spear: CPC meeting last night – 7 CPC articles on warrant:

- 5% reserve for the Administration Fund
- 10% reserve for Historical, Open Space and Affordable Housing uses
- Lake Boon treatment for restoration of the lake
- Fire Alarm System – Town Hall
- Full Sprinkler System – Town Hall
- Restoration of Stonewalls – Lower Village
- Recreation fields

Ernie Dodd:

Creation of Recreation Fields

Snow property owner says he can get 6 house lots. Avery Assocs. evaluation says 3 house lots.
Ernie thinks 3 to 4 house lots or 40B possibility.

Kathleen Willis:

Per Russ Willis, clean up of Lower Village shopping center and cemetery will take place on Saturday,
April 14th.

Malcolm FitzPatrick:

He is concerned about the LIP program for affordable housing on Elm Ridge Road expiring. He is
also concerned that an open space covenant or Conservation Restriction is only good for 30 years.
We need a legal standing on any restrictions made on any property and to see how we can get a
permanent deed restriction.

Lenny Golder said that a deed restriction is permanent.

Agenda should be posted for a working meeting to discuss zoning for April 19th, 8:30 AM to 2:00 PM.

Ernie Dodd: Dave Walrath seems to be receptive to having a public water supply on his property,
They are working with Bob Maynard.

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Malcolm FitzPatrick: questions Master Plan input from Planning Board.

Public Hearing for Riverhill Estates Subdivision (Bob Collings):

7:30 PM Hearing Continued from March 13, 2007

Tom DiPersio, Bob Collings, Sue Sullivan, Ernie Dodd, Kathy Sferra and Pat Perry met on Tuesday morning, April 10th, 2007, to discuss and go over Sue's review letter of March 28, 2007.

The Board and the applicant discussed Sue's review letter of March 28, 2007:

- No. 4 – Clarification of plans – Ernie Dodd and Sue Sullivan asked Tom and Bob to clean up plans and they agreed to.
- Sue has issues with drainage swales along edge of pavement. Sue and Ernie asked Tom and Bob to reconsider and put in culverts instead. Tom and Bob were concerned about the clutter but will add culverts for the driveways.
- No. 7 - Sue Sullivan discussed overland flows, need more details. Tom said there is no flow over any driveway.
- Tom will add detail on Lot 2. Malcolm said the homeowner for Lot 2 should be aware not to cut into the vegetation.
- No. 10 - Tom, Sunset Road, will set monuments at 2 tree lines to indicate the right of way and where the path should exit and enter.
- No. 11 - Tom said that guardrail details had been added to the plan.
- Street Trees – trees inside 40' ROW at Y.
- If this area is further developed, will come back to the Board for approval.
- Sue strongly recommends that the 5 Notice of Intent sheets be incorporated into the plan.
- Tom said that the 5 sheets were taken out of the set of 8 sheets in the plans that the Planning Board has. Sue said that plans should have same title boxes for consistency during use in the field. Tom will identify it on the plans.
- No. 13 – Added to list of waivers.
- The applicant was asked for the size of the individual culverts. The answer was that the minimum size would probably be 8 inches.
- No. 14 – Ernie asked Bob Collings if he ever intends to connect to Maynard Sand and Gravel and can he connect to it from the Hudson side? Bob Collings responded Maynard Sand and Gravel has an industrial right of way into Hudson and that there are no plans for developing the site. Once properties are exchanged, he will probably investigate this site more and sell to Kane Industrial in Hudson.
- No. 15 – Add waiver for 6.1, Barton Road.

Bob Collings talked about the fire pond and its hydrologic profile:

- For a 50-year storm, they could change the slope of the pond and increase capacity.
- Sue Sullivan disagrees with the drought elevation and that excess capacity would address her concern. However, this is a stamped plan, and the engineering company would be liable for the plan. The engineer added land conditions.
- The Conservation Commission decides about the fire pond and has not accepted it yet.
- The applicant expects the pond to provide 81,000 gallons. They will take action when the water level drops to 45,000 gallons.
- Conservation Commission wants to avoid digging deeper.
- Presently, they are proposing 3:1 slopes. Fire ponds are usually 2:1. The Conservation Commission is concerned about safety and wants a 3:1 slope. Malcolm says he thinks 1 on 3 is dangerous – need safety.
- Ernie said there are 59,000 gallons with a 3:1 slope.

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- If they go to 4:1, they will lose the integrity of the outer edge, which will affect its capacity.
- One solution may be to add a shelf and drop below the shelf to go to a 2:1 slope.
- The Board recommended to defer to the Fire Chief for safety purposes for recreation.
- Ernie doesn't care if there was a fire cistern or a fire pond, as long as there is a source of water.
- The question was asked who would be responsible for the pond maintenance? Bob Collings said the Homeowners' Association will be responsible for maintaining the fire pond.
- Sue said that there should be a covenant for the pond maintenance and enforcement. She also said that a staff or gauge could be placed in the pond to review the water level.
- If muck accumulates, they need to maintain the offset from the bottom. They need to prevent the build-up of muck and debris.
- They may need to dredge the pond at the Homeowners Association's expense.
- It may be difficult to maintain it. In the decision, the Board can say the Town will enforce maintenance and possibly assess the homeowners.
- Kathleen asked when will a Homeowners' Association be established? Bob answered when the lots are sold. The owners will become the Homeowners' Association.
- Where does data go for the fire pond? The fire chief.

Open Space Discussion:

- There are different interpretations of the total development area and how to calculate the 10% open space.
- Bob said he has between 55 and 30 acres affected by this project. He is proposing 1 area by the pond, 1 area by the river – it contains about a total of 5.6 acres. He wants to get this resolved.
- The applicant proposes dropping off open space Parcel 3 (0.13 acres) for a total of about 5.55 acres.
- Will this be deeded open space? No, they would be easements over the property. They are shown on the plans as open space easements.
- Homeowners will own the land and pay taxes and maintenance.
- Bob said he expects the drainage to be maintained publicly, and he will offer the road to the Town to accept.
- The open space is for the Homeowners' Association use only.
- Bob wants to build into the covenant the right for the Homeowners' Association to stop public access, if negative results arise. Perhaps if they reach the point that the open space is abused, the Town can maintain or they will stop public access.
- Ernie said he has a problem with a unilateral decision to shut out public access.
- Sue said that they need to address the homeowners. They are the most blatant in encroaching into open space.
- The Board may want to make a Finding whether Inclusionary Zoning is triggered with a new lot.
- Sue asked about Lot 5 and the flight path. Will open space be in the area utilized by the runway? Bob said that the airplanes had better be in the air by that point.
- Does MAC have jurisdiction over the runway? Yes, it is a "private landing area."
- There is concern more about the houses at either end of the runway. Bob said he does not believe he has to notify them, but he has no problem filing with them.
- The Board can make a Finding that the house on Lot 5 is in the flight path.
- Until the road is accepted as a public way, there should still be public access.
- Laura asked what happened to the public park? It is no longer in the plan.
- Malcolm said to make the lower open space larger. The applicant can take the neck of the upper open space off and add it below, increasing the lower open space.
- Ernie said, if Bob will do what Malcolm suggested, then the open space is acceptable.

- A comment was made that they should be open space parcels, not easements. The applicant offered an easement over the parcel for the landing strip.
- Malcolm said there are 2 separate paths. Bob should just use markers or bounds to indicate them. He requests a wider neck of open space from the end of the cul de sac.
- Laura asked about a buffer.
- Lenny asked will the connection of the road to both open spaces stay the same? No, they have changed.
- Questions were asked about the airplane taxi and touch down areas.
- Conservation Commission wants some open space on parcel EE with an easement off 5DD. There is no connection to the other open spaces, and access is only from the river.
- There should be a covenant for the open space. Can the Planning Board work on a covenant outside of the public hearing? Yes.
- The covenant should also address Inclusionary Zoning.
- The covenant should also say that any extension of the roadway requires coming back to the Planning Board for approval.

For closing the hearing:

- Lenny was concerned about closing. Tonight's discussion raised some new issues, and keeping it open would be a fail safe. Other Board members said they could put this into the decision and that there would be minor changes, not major.
- To be included in the decision:
Change in the open space location/size + the fact that the open space will be parcels
Covenant
Updated waivers
Fire Pond/cistern

Public Input:

- Questions about waivers.
- When will the road be built? After the 21-day waiting period.
- Ed Grund of 17 Timberedge Road asked about the sidewalk waiver. With respect to the road, why is the sidewalk being waived? The applicant offered to make a donation to the sidewalk fund.

Kathleen Willis moved to close the public hearing for Riverhill Estates. Malcolm FitzPatrick seconded. 4 Members Approve (Ernie Dodd, Lenny Golder, Kathleen Willis and Malcolm FitzPatrick). Laura Spear did not vote, as she was not eligible (missed the first public hearing).

The Hearing Closed at 9:20 PM.

Trefry Lane:

- Ken Kaulbach agreed to come to a meeting in May to show plans for an emergency access road for the end of Trefry Lane.
- The Planning Board will notify and invite the neighbors.
- Ken said he wanted to put in a 12' gravel emergency access road with a gate.
- Mr. Zimmerman, an abutter, said to read the letter he had submitted to the Planning Board.

9:30 - Whitney Homestead:

Ellen Donnarumma of Community Resources for Justice is a bidder for this site.

- Community Resources for Justice is a private, non-profit organization. They identify this as a potential site for a Dept. Youth Services (DYS) contract for a group residence and submitted a

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proposal to the state that day. If they are awarded the contract, the group would care for 16 girls, fully staffed 24 hours/day. The Town is not responsible in any way for providing education. Education is provided on-site or through a provider.

- Ellen said they were in the very preliminary stages. She has preliminary thoughts for the property. The only exterior suggestion is to move the fire escape from the front of building to the side. There may be a bit of roof modification. She also has some preliminary thoughts for buffering, perhaps a privacy fence. She was thinking of an attractive wooden fence, not plastic, that would go around the back yard. Maybe a fence along the driveway.
- A question was asked about the traffic on a daily basis. We could expect 8-10 cars daily for staff (teachers, clinical). She thinks parking is adequate.
- They would need to do some renovations inside, including the addition of sprinklers.
- They would have to evaluate the septic, but she was assured it should be fine. It supported 25 former residents; they are only proposing 16.
- The girls are involved in the court system. They are in a detention/revocation program and are brought into a residential setting while they wait for court. They require more structure/supervision/education. It is designed to be a short-term program, a couple of weeks, but typically the girls stay longer.
- The plans are for 16 girls, but they would like to go up to 20 or more later. This would be specified by the DYS Northeast Region.
- Staff of 8-10 will be on-site. There are 15 staff in the pool: kitchen, clinical, medical. An overnight staff of 3-4 will be there at all times.
- Girls won't be going out a lot or off property. They are always supervised, and the staff will never let girls out alone.

Agency:

- Around 130 years with constant merging of names and ownership.
- 4 distinct lines of business:
 - Adult reform/re-entry facilities
 - Youth Services: Dept. Social Services (DSS) and DYS
 - Developmentally/disabled
 - Crime and justice institute
- It is private, non-profit, overseen by a volunteer Board of Directors.
- This program is part of the Youth Services.
- Ellen handed out annual report and business cards.

Laura asked could this be counted as affordable housing? Ellen said this is a newly created model and DYS has just put it out for bid. She would look into it.

More about this program:

- The building is locked and the girls under supervision.
- There are high staff levels.
- The girls begin their treatment work; the program focuses on getting them engaged in schoolwork, holding them accountable.
- The girls have individualized programs: they work to develop cross-functional curriculum. They have vigilant, consistent treatment and constant structure.
- Are there security problems? The girls program is new. They have had very few problems with their boy programs.
- What are the discipline measures? Behavior management with clear expectations, implemented every day by all staff. They have a graduated system of losing privileges for inappropriate behavior. They train the staff to recognize warning signs and de-escalate them

before it becomes a problem. They only use physical restraints (trained in CPI) if the child is a danger to herself or someone else.

- How much can we disclose to the public (privacy concerns)? There are a lot of confidentiality issues – names, histories. However, the program is community based. They want to teach the girls how to be part of the community, such as community gardening. People just can't pop in. Things must be set up in advance, if they want to come on-site.
- What is the demand on public safety? The police force is involved, but there is low reliance on local police.

Ernie said this is a permitted use and at most, will need a site plan. Ellen should talk to the Board of Selectmen. The Planning Board is supportive of the program and its use for the site.

Ellen asked if the Planning Board would write a letter to the Board of Selectmen that Planning does support this use? Ernie said the Board would.

More on Trefry Lane:

Larry Zimmerman 62 Trefry
Martha Monroe 61 Trefry

Ernie explained his telephone conference call with Ken Kaulbach and Attorney Fee and Attorney Witten. The Board will meet with Ken in May and will notify Trefry Lane abutters.

Larry Zimmerman, a Trefry Lane property owner, said he sent in a Fax:

- The Boxborough Planning Board will not approve the new plan until Ken gets agreement from Stow about the emergency access road.
- Their attitude is that he has an easement, so what's the problem?
- He is going through an existing driveway to avoid wetlands.
- Boxborough would like a full road from Stow.

Other discussion:

- There is a 20' clearance for emergency access.
- Ken will come to a meeting in May to present a plan showing emergency access construction standards.
- The access can be gated on the Stow side. The neighbors' response was that it should be gated at both ends.
- Ken will be doing some additional grading.
- Malcolm said another option is to do additional fill and a wall. We could prohibit cutting on the Stow side and maintain grade at the Town line.
- On the Stow side, we could have a 12' wide emergency access.
- There is a full curb with no curb cut for the current easement.
- Ken would have to move a street tree, which is in the path of the easement.
- We could have the applicant plant trees along the Boxborough town line to replace what was cut down already.
- Martha Munroe, a Trefry Lane property owner, wants to talk with Ernie about the decision and waivers.
- Ken will abide by the cease order until May.
- Martha Munroe had questions about potential recreational use of the open space. She was told to see the Conservation Commission.
- She wants input into the construction standards.
- The Board will ask Jon Witten about liability on Martha Monroe's property.

Public Hearing: Zoning Bylaw Changes

- Ernie proposed that the Board close the Hearing.
- The Board cannot extend a Hearing beyond 6 months.
- Lenny said he still has some problems with the lighting zoning.

Ernie Dodd moved to close the Public Hearing. Kathleen Willis seconded. The vote was unanimous to close (Ernie Dodd, Kathleen Willis, Malcolm FitzPatrick, Laura Spear, Lenny Golder).

Planning Board Town Meeting Articles:

The Board determined who would present the Planning Board articles at Town Meeting:

- | | | |
|----|------------------------------------------------------------|-----------------------------------------|
| #1 | Changing the numbering | Laura |
| #2 | Assisted Living | Kathleen |
| #3 | Bed and Breakfast | Lenny |
| #4 | Overlay District | Malcolm |
| #5 | Historic Use | Malcolm |
| #6 | Signs | Ernie |
| #7 | Lighting | Lighting subcommittee: Greg, Russ, Bill |
| - | There may be an amendment regarding full cut-off fixtures. | |

Malcolm FitzPatrick moved to approve the letter to be sent to Pulte Homes, as amended. Kathleen Willis seconded. All approved (Ernie Dodd, Malcolm FitzPatrick, Kathleen Willis, Laura Spear, Lenny Golder).

Discussion was held about the end-of-year dinner for the Planning Board and recognizing Malcolm's five years of service. Laura will make arrangements.

The meeting closed @ 11:50 PM.

Respectfully submitted,
Lois Costello