

TOWN OF STOW PLANNING BOARD

Minutes of the June 26, 2007, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, Kathleen Willis, Leonard Golder, Steve Quinn

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

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

At 7:00 p.m., the Public Hearing to consider the Petition of Assabet Water Co. for property located off of Dunster Drive, owned by Assabet Water Co., for a Special Permit decision pursuant to Sections 4.2.1, 9.2 and 9.3 of the Stow Zoning Bylaw, in order to permit a Water Storage Tank, was called to order.

Bruce Adams, of Weston & Sampson Engineers, Inc. and Robert Sullivan, White Water/Assabet Water Company, representing the Petitioner, were present.

Bruce Adams described proposal:

- Construction of a 250,000 gallon, 83' high elevated water tank. The overall height will be a little over 90'.
- The Application included reduced copies of an older plan showing the height of 96', which is incorrect. The two existing cylinder tanks will be removed.
- The purpose of the new tank is to provide better water service and to respond to the Administrative Consent Order from DEP.
- They expect to complete construction by the end of this season.
- The tank needs to be big in order to obtain the needed pressure.
- The tank will be painted a sky blue color.
- The tank will not be much higher than the height of existing trees. However, you might be able to see it from a distance.

Bruce Adams also presented a revised plan showing haybales to be installed along the entire perimeter of the property, which will be maintained until completion of the project.

Input from abutters:

Blake Nelson of 38 Dunster Drive noted concern about runoff onto their property and asked if splatter guards will be install. Bruce Adams explained it is their intent to not direct runoff onto abutting properties. They will work on grading to address their concern.

Blake Nelson, 38 Dunster Drive, noted concern about removing trees. Bruce Adams explained that because the site is so tight, it is necessary to remove most of the trees. However, they intend to leave the large tree at the corner of Blake Nelson's (38 Dunster Drive) property.

Blake Nelson, 38 Dunster Drive, and Bill Avery of 50 Dunster Drive noted concern about crane operation and welding so close to abutting properties. Bruce Adams responded that there will be a licensed crane operator and water onsite. There will be no need for the crane to lift anything over their property.

Ernie Dodd, Planning Board Chairman said, according to the plan, it appears that the top bulb of the water tank, although larger and taller, will be further away from the home at 38 Dunster Drive than the existing tanks.

Blake Nelson, 38 Dunster Drive, said he didn't see anything specific in the Consent Order that requires a higher tank. Bruce Adams responded that the Order states that they must comply with the Guidelines and noted that this proposed tank barely meets the guidelines. As an engineer, he would have preferred a bigger tank. Although the guidelines only require 35 PSI, when full, the tank will be at 43 PSI. Many homes will not see much better than 35 PSI.

Scott Wilson, 32 Dunster Drive, asked if the existing tanks are filled at their maximum level. Bob Sullivan of Whitewater responded yes.

Mark Hahn, 35 Dunster Drive, said he understands the need to improve the system, but is concerned that the tank will stick out well above trees and the bulb will start at the base. He questioned why they need 250,000 gallons. Bob Sullivan responded that they need the volume for fire flows and the ability to flush.

Mark Hahn, 35 Dunster Drive, questioned if this is the only option available. He is concerned about aesthetics and would like to see something more in character with the area. Bruce Adams said there are ways; however, DEP Guidelines and Engineering Principles lead you to a gravity tank, which is more reliable. A ground tank would:

- Require a pump station.
- The pumps would be running all the time and be noisy.
- It is difficult to keep water from becoming stagnant.
- Would be more costly.
- Require more maintenance.
- Need replacement in 25 years.

Mark Hahn, 35 Dunster Drive, asked why they propose to construct the tank before the treatment facility. Bruce Adams said they need to construct the tank first to obtain volumes to flush and then treat the water. They currently have enough volume with the two tanks; however, more water in storage provides a bigger reserve, which is needed.

Scott Wilson, 32 Dunster Drive, asked if there will be a need for a beacon on the tank, given the proximity of the Airport? Bruce Adams said they have not yet heard a response from FAA.

Mark Hahn, 35 Dunster Drive, asked if Dunster Drive is the only location for the water tank? Does Assabet Water Company owns any other land that would not be as visually distracting. Bruce Adams said it would be an issue of cost and quality to locate the tank in the same location of the well site. It is generally not a good idea to have water supply and storage in the same location.

Blake Nelson, 38 Dunster Drive, asked if they conducted an assessment of impact on property values. Bruce Adams said they have not conducted a property value study, noting that issue is subjective because you have to weigh the issue of more water flow and better fire protection against the visual impact. As an Engineer, he would be happy to live next to a water tank because he understands its purpose. Blake Nelson, 38 Dunster Drive, responded that a home further away would have the same protections. He also noted that there are some homes that have their own water supply.

Blake Nelson, 38 Dunster Drive, presented photos indicating views from his property, noting that currently the tanks are below the tree line. Once above the tree line, there will be a substantial visual impact. He also noted that most of the foliage will be clear-cut for construction.

Bill Avery, 50 Dunster Drive, asked how much time was put into an alternative site solution. Bruce Adams said they did look at the other site (near Lowell Drive) that Assabet Water Company owns and found that it was not feasible due to wetlands and access. They would need an easement across private property. They did approach an abutter to see if they were willing to offer property but they were not interested. Mr. Bill Avery said the property near Lowell Drive is pretty high and he would consider granting an access easement. Bruce Adams said they determined that Dunster Drive is the most logical place because it is higher, the company owns the property and access exists.

Blake Nelson, 38 Dunster Drive, said access is across his property and questioned if they intend to remove trees in the access easement. Bruce Adams said tree removal will be limited to the property and not the access easement.

Elizabeth Nelson, 38 Dunster Drive, said they are very concerned about safety because the site is so small. It will be a hardhat area with construction workers and equipment very close to their residence. Bruce Adams said the crane should have no need to lift anything over the property line. He acknowledged that the site is what it is. It is a very tight sight, and they will do what they can to keep as far away from abutters as possible.

Blake Nelson, 38 Dunster Drive, noted the Bylaw says the non-conforming use should be more in compliance rather than non-compliance. Ernie Dodd said that is a determination that the ZBA must make.

Scott Wilson said pressure has always been a problem and in the past, they always talked about replacing existing tanks with bladder tanks. Bruce Adams said that is an older technology and they would still need 250,000 gallons and an entire new pump station. They are now in non-compliance. Ernie Dodd noted that the Planning Board requires a fire cistern in all new developments.

Bill Avery said he agrees they need new tanks, but the existing ones blend into the trees. He said it seems they could keep those two tanks and put an additional one in another location. Bruce Adams said it would be difficult to keep the water quality, if another tank were placed off-site. Although it might be the best solution for the abutters, it would not be the best solution in terms of water quality because it would be difficult to keep the water from becoming stagnant.

Blake Nelson, 38 Dunster Drive, said many residents have considered going to private wells. Bruce Adams said it would not be possible for many lots to meet the required setbacks between well and septic due to the small lot sizes. Blake Nelson, 38 Dunster Drive, said he can see many people going to private wells and the rest will be looking at even higher rates. Bruce Adams said the cost per customer is high due to the number of customers. Blake Nelson, 38 Dunster Drive, questioned if they are doing this for the neighborhood or to extend beyond the customer base. Bruce Adams said the fire protection requirement is the same, even if they don't extend the customer base. He also noted that Assabet Water Company is heavily regulated by DTE, who sets a profit margin.

Blake Nelson, 38 Dunster Drive, asked if they can use Delaney for water protection. Bruce Adams said not according to DEP guidelines. Once a public water supply is in place, they are required to provide for fire protection. Blake Nelson, 38 Dunster Drive, said he didn't see those details in the consent order. Bruce Adams said it is referred to in the guidelines.

Bruce Adams said they tried the best they could to keep the cost down. They are using a used tank in order to keep the cost down.

Planning Board Members' comments:

Len Golder questioned how many customers they serve. Robert Sullivan said approximately 174. Len asked if they considered reconstructing the existing tanks. Bruce Adams said they need the pressure and volume. They would still need 250,000 gallons and would need a pumping system, which is not the best solution for water quality and they need the height to get pressure. He said they looked at cylinder tanks and ended up with more water volume and less turnover resulting in a water quality issue.

Len Golder asked if the pumping station could be located off-site. Bruce Adams said they could but would be faced with many issues, such as:

- Initial capital costs including cost for piping.
- Annual Maintenance.
- Need for diesel storage.

Len Golder asked if they have an idea of the cost difference if they were to use another site. Bruce Adams responded:

- It would cost approximately 20% more just to construct the tank.
 - Electricity costs would double because the pumps would have to be constantly running.
 - Cost associated with keeping a generator on-site.
 - Cost for diesel fuel and storage. Diesel fuel would also have to be replaced to keep it fresh.
- Bruce Adams said there would also be a concern about the potential for diesel spill.

Steve Quinn asked what the capacity of the existing tanks is. Bruce Adams responded that the capacity is 80,000 gallons (40,000 gallons each tank); however, it is not 40,000 usable gallons for each tank. They only use the top 3' to 4' because as it goes down, they lose pressure.

Steve Quinn said he has seen more pumping systems than gravity systems and asked if they prepared an alternative plan or study. Bruce Adams said they looked at both. He originally designed a higher tank, and it was reduced because of aesthetics and cost. It is now as low as it can possibly be.

Steve Quinn asked if they have plans for future maintenance for things such as painting and who would be responsible. Bruce Adams said the paint generally lasts about 20 years and it would be up to Assabet Water Company to make a determination to repaint it. Blake Nelson, 38 Dunster Drive, asked if the paint chips. Bruce Adams said they would most likely use a shroud.

Steve Quinn asked if they have DEP approval. Bruce Adams said they have DEP approval for funding and construction of the tank. The Water Treatment Plant is still under review.

Steve Quinn asked if there is any way to exclude the fire capacity, such as using a cistern or fire pond. Bruce Adams said they would need DEP and DTE approval on an alternate water source. Without the fire flows, they would still need 150,000 gallons. The tank would be a little smaller but just as high. Steve Quinn asked what they do now, if they don't have fire flows. Bruce Adams said they would rely on the Fire Department. Bruce Fletcher said the Fire Department is equipped for rural firefighting. He noted that the hydrants are functioning. In addition, they have Delaney and other ponds. The Stow Fire Department is ISO certified for firefighting without hydrants throughout Town. However, if DEP requires the water flows, Assabet Water Company doesn't have much choice. Bruce also noted that when the Fire

Department went for ISO certification, the hydrants in Harvard Acres were taken into account to meet fire flows. If they were removed, it could become an issue with ISO certification for the Town.

Kathleen Willis asked about the overall height. Bruce Adams said the overall height, including the vent on top, is approximately 90'.

Kathleen said the plan is not clear as to lighting. Bruce Adams said there will be one light above the door and two lights on the back. They will only be turned on when someone is there at night.

Kathleen Willis asked if the area would have to remain clear cut or could they replant the area. Bruce Adams said there is room for planting in a 6' buffer outside the fence area.

Kathleen Willis asked if they propose any signage. Bruce Adams said they only need a sign indicated "PUBLIC WATER SUPPLY – NO TRESPASSING".

Bruce Fletcher asked about the other property owned by Assabet Water Company that Bill Avery pointed out. Bob Sullivan said it is not feasible because it has access and wetlands issues. Bruce Adams noted that the site elevation is 90 meters and the proposed tank is at 98 meters. Therefore, if they use the other site, it would need to be 115' tall. They would also need an easement for pipelines and access because of wetlands. Bill Avery said he could possibly give an easement. Bruce Adams said there would also be additional costs associated. Approximately \$200K for piping, \$600K for a pumping station in addition to the tank.

Bruce Fletcher asked if they have time to look at alternative plans. Bob Sullivan and Bruce Adams said there is no time because of DEP deadlines under the consent order.

Wendy Bachman, representing the Harvard Acres Homeowners Association, said she confirmed with DEP that Assabet Water Company is currently up to date in terms of deadlines in the consent order.

Kathleen Willis noted that they need to comply with the bylaw in terms of lighting.

Ernie Dodd noted that the plan looks as though it is going over the abutter's property line. Bruce Adams said the fence is not on abutting property and noted that Ernie was looking at a sketch plan. The Plan he presented this evening is up to date.

Ernie Dodd noted items that should be added to the plan:

- Drainage provisions to keep the water from running over property lines and down the driveway.
- Replanting of trees. Trees to be planted should be native to the area.
- Water Resource Protection District Line.
- Elevations.

He also noted that the Board will require an as-built plan.

Steve Quinn asked if there are any restrictions on how close a house can be to a water tank. Planning Board Members said the only restrictions in the bylaw are the dimensional setbacks in the residential district.

Len Golder asked if the proposed plan represents the absolute minimum that would be acceptable to DEP. Bruce Adams said, as a design Engineer following strict compliance, he would have proposed a 96' high tank. This plan really stretches the guidelines.

Len Golder asked, if the homes at a higher elevation had private wells, would there be a need for the height of the tank? Bruce Adams said they may be able to reduce the height, but if someone wanted to reconnect, they could not. Bob Sullivan said the majority of the houses on Peabody Drive cannot meet the setback requirements for a private well.

Scott Wilson, 32 Dunster Drive, noted that 18 years ago, his pressure was better and asked why. Bob Sullivan said the only thing that would contribute to the pressure would be that the lines can't be flushed.

Bruce Fletcher reviewed the photos presented by Blake Nelson and asked if there are any mature trees on his property. Blake Nelson said most are on Assabet Water Company's property.

Ernie Dodd said he doesn't think continuation of the Public Hearing would result in any new information.

Kathleen Willis moved to close the Public Hearing. The motion was seconded by Bruce Fletcher.

Steve Quinn said he wished there was at least a cursory study of an alternative plan. He is not convinced this is the only alternative. There is no compelling argument that another plan would not work, and it seems this will be an eyesore.

Len Golder said he hears what Steve is saying but he also heard from the Engineer that they did consider alternatives. However, he would like additional information as to the alternatives.

Bruce Fletcher said he heard statements this evening that further investigation on other sites will cause them to miss the DEP deadline. He also noted there is obviously a service problem. If they don't receive approvals in the near future, construction would be delayed, causing a challenge in filling the tanks in the summer rather than winter. He feels confident with the answers from the Petitioner's Engineer that alternatives have been considered.

Ernie Dodd said it would be nice to re-engineer the plan. He feels they have done a good job. He also noted that a Professional Engineer prepared the Plan. He feels that the Board has heard all that they need to hear in order to make a Decision.

The Motion carried by a vote of three in favor (Ernie Dodd, Kathleen Willis and Bruce Fletcher) and two opposed (Len Golder and Steve Quinn).

Members noted that they will work on the draft decision on July 3, 2007.

LOWER VILLAGE

Don McPherson, Chairman of the Lower Village Sub-Committee, reported that he met with the Board of Selectmen this evening and they approved installation of temporary pedestrian refuge islands in Lower Village.

ORCHARD VIEW SUBDIVISION

Members reviewed the response letter from Attorney Holmes, representing Robert M. Hicks, Inc., in response to the Board's letter concerning the performance guarantee for the Orchard

View Subdivision. Members are concerned that Mr. Holmes wants the Town to do the work while he still maintains control of the process. Karen Kelleher advised that it is her understanding that, if the Board takes the bond, the Town would have control rather than the Developer and any remaining funds after completion of the work are to be returned to the Developer. It was agreed to forward Attorney Holmes' letter to Town Counsel for his input.

STOW HOUSE OF PIZZA

Members reviewed the Decision for the Stow House of Pizza site to determine if the recent paving and building remodeling is consistent with the Permit. Members agreed that pavement was limited to patching the existing parking lot and the building remodel work is not beyond the scope of the Special Permit. It was also agreed that the Board will not require landscaping until there is a resolution on a public water supply and they have DEP approval to move forward with construction for the expansion.

BUTTERNUT FARM GOLF CLUB

Members reviewed the response letter from DeFalco Engineering Services, representing Butternut Farm Golf Club, in response to the Board's letter concerning outstanding issues relative to the Special Permit. DeFalco Engineering requested an additional 45 days to respond to the Planning Board's letter. Members agreed to give a 30-day extension (30 days from the date of the Board's response letter). The Board also discussed their concern that the owner of the Golf Club is not taking this issue seriously. Members discussed the fact that, although the Board doesn't really want to shut the business down, they want to get the message across that there could be real consequences, such as an impact on their occupancy permit. Karen Kelleher recommended that a letter from Town Counsel may have more of an impact. Karen Kelleher will contact Town Counsel for advice on how to proceed.

ARBOR GLEN – MIDDLE INCOME DEED RIDER

Karen Kelleher will follow up with the Housing Partnership for input on the Middle Income Deed Rider before responding to Pulte Homes on the Draft Document.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator