

## **TOWN OF STOW PLANNING BOARD**

Minutes of the February 19, 2008, Planning Board Meeting.

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

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

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

### **PUBLIC INPUT**

Laura Clark and Brian Martinson voiced concern about the proposed Lower Village Mixed Use Overlay District.

Ernie Dodd explained that the only way to plan is to have bylaws in place to encourage certain types of growth. This concept is in the Master Plan. This is the Planning Board's first attempt to present a mixed use proposal. Last week's meeting was the first attempt to present a proposed bylaw to the Lower Village property owners.

Ernie recapped what he heard at the February 13, 2008 public forum. There were not too many complaints about the proposed Area A along Route 117. He doesn't think White Pond Road residents recognized the fact that uses proposed for Area A would be of less intensity. He heard opposition to the proposed Area B, except for along Route 117. The Board has not had a chance to meet and discuss comments raised at the Public Forum. Karen Kelleher said she heard overwhelming support for Area A along Route 117 (the existing Business District).

Laura Clark said she bought her house on Bradley Lane 1 ½ years ago with a certain expectation of what the area is zoned as. She is especially concerned because she has a shared driveway. The lot next to her looks as though it has access off of Route 117 but is actually accessed from Bradley Lane.

Ernie Dodd said he thinks the Board understood concerns that were raised at the public forum and will attempt to address at least some of them.

Brian Martinson, Pompositticut Street, is adamant against development on Route 117. He has frontage on Route 117 and Pompositticut Street and encourages the Board to revisit the proposed bylaw. He offered to lead the Planning Board on a tour of Area B and talk about some of the issues and difficulties they have with existing businesses. It would be enlightening to the Board. He would like to see enforcement of the existing bylaws occasionally. Members agreed.

Brian Anthony said a woman at the forum (Tory Fletcher), who lives on the corner of White Pond Road, appears to have problems in her area.

## **MINUTES**

January 8, 2008 – ***Kathleen Willis moved to approve Minutes of the January 8, 2008 meeting, as written. The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Ernie Dodd, Kathleen Willis, Steve Quinn and Len Golder).***

January 8, 2008 Executive Session - ***Kathleen Willis moved to approve minutes of the January 8, 2008 Executive Session Meeting, as written. The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Ernie Dodd, Kathleen Willis, Steve Quinn and Len Golder).***

## **PLANNING BOARD MEMBERS UPDATES**

Land Use Task Force – Kathleen Willis reported that the Land Use Task Force held their first meeting last Thursday. They will meet again in early March. They started by taking a look at the Municipal Land Use Study that was done a while ago. They will revisit some of the requests and will ask departments to project out to 20 years. Margie Lynch, who chaired the original Land Use Study Committee, will meet with the task force at the next meeting. After that, they will delve into the Master Plan.

Ernie Dodd reported that the Selectmen are thinking about a change to the Zoning Bylaw to address recreation fields on the Snow Property. They would like to amend the current bylaw, which requires a Special Permit for municipal recreation uses.

Len Golder, speaking as an abutter, asked if the proposed bylaw would apply retroactively. Ernie Dodd said he understands that the Recreation Commission will hold off on the Special Permit Application before the Zoning Board of Appeals until the bylaw is changed.

Ernie Dodd said he doesn't support the proposed change.

Karen Kelleher said she doesn't think the Selectmen discussed this issue as a Board.

Ernie Dodd reviewed the Zoning Bylaw. Section 3.2.2.4 requires a Special Permit for non-commercial recreation (including municipal). Section 9.9 provides exemptions. It does not state that a permit is not required. It states:

"Nothing in this Bylaw shall be construed to limit or prohibit the use of land in any district, or any BUILDING or STRUCTURE, for any church or religious purpose, for any non-profit educational purpose which is religious, sectarian, denominational or public for agricultural use except piggeries or raising animals for fur, or for any municipal purpose with the exception of a REFUSE disposal area. Such uses shall nevertheless conform to the dimensional, parking and BUILDING coverage requirements of this Bylaw."

Ernie said he doesn't see a conflict and that his reading is that municipal recreation fields need a Special Permit. Steve Quinn said he sees a conflict in the Bylaw. Ernie Dodd said that Section 3.2.2.4 intentionally spelled out municipal recreation. He also noted that any other municipal use requires Site Plan Approval from the Planning Board.

Members agreed to follow up with Town Counsel.

Bruce Fletcher said the project will result in disturbance of over one acre and will need some oversight. Members said the question is: Do they go to the Zoning Board of Appeals for a

Special Permit? If the proposed zoning bylaw amendment goes through, it would require Site Plan Approval from the Planning Board.

### **COORDINATOR'S REPORT**

Karen Kelleher updated the Board on ongoing activities in the Planning Department.

RidgeWood AAN – Bill Roop called to advise they received approval from DEP for the well and are now moving forward on septic plans for the Board of Health and the final plans for the Planning Board. They are not in a rush to start construction due to the market conditions.

Faxon Farm Fence – Bill Roop confirmed receipt of a letter from the Planning Board and the Lower Village Sub-Committee concerning a donation in lieu of construction of a Fence at Faxon Farm. They are awaiting a call from Phil Moseley and will write out a check, payable to the supply company in Maine, so that Phil Moseley can place the order.

Planning Coordinator's PC – The Planning Coordinator's PC has been out for repair since a week ago Monday and should be back online sometime tomorrow.

### **Town Meeting Warrant**

The Warrant closes on March 7, 2008

As reported earlier, the Board should expect a request from the Selectmen's office for a Zoning Bylaw change to remove the Special Permit requirement for a municipal recreation use.

### **PUBLIC HEARING – Greenbaum - 472 Gleasondale Road**

Ernie Dodd introduced members of the Board and explained that a Special Permit requires super majority (four out of five members). Because a Planning Board Member is absent, Associate Member Bruce Fletcher will sit on this hearing.

Ernie Dodd opened the Public Hearing to consider a Petition for Special Permit for property at 472 Gleasondale Road, under Section 3.2.2.5 of the Zoning Bylaw (Uses not otherwise permitted in the underlying District).

***Kathleen Willis moved to waive the reading Public Hearing Notice. The motion was seconded by Steve Quinn and carried by a unanimous vote of five members present (Ernie Dodd, Kathleen Willis, Len Golder, Steve Quinn and Associate Member Bruce Fletcher).***

The Applicant was asked for proof of abutter notification. Mark Greenbaum said he did not notify the abutters as he thought that was done by the Planning Department.

Members explained that they cannot move forward with the Public Hearing until abutters are notified.

***Len Golder moved to continue public hearing without testimony to March 11, 2008 at 8:30 p.m. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Kathleen Willis, Len Golder, Steve Quinn and Associate Member Bruce Fletcher).***

Mark Greenbaum agreed to stop by the office for a revised notice for him to send to abutters.

It was noted that the property will be changing hands before the Public Hearing continuance. Karen Kelleher advised that the new property owner should sign the application.

### **WHISPERING WOODS (Kettell Plain Road) – Request for Proposals**

The Board received three proposals for Kettell Plain Road as-built plans. Karen Kelleher reported that, because the proposals came in so high, Bruce Fletcher recommended revising the scope by eliminating the need for elevations and profiles and require iron pins vs. bounds for the Emergency Access Way. Bruce Fletcher said he spoke with Brian Thorne of Goldsmith Prest and Ringwall about a revised scope and the proposal still seems high. Bruce Fletcher said he doesn't think there is a need for Item 2 (Site recon to review roadway constructed conditions) and item 4 (Prepare field folder and perform field survey to obtain surface features within Kettell Plain Road right-of-way, office reduction of field data).

Karen Kelleher noted that the proposals are not consistent because the scope was revised based on telephone conversations. Therefore, she suggested forwarding a letter of clarification to the three companies that responded. Bruce Fletcher also suggested sending the request to some surveying companies.

Steve Quinn noted a discrepancy in the number of stone bounds. Stamsky McNary's proposal is the highest, but the cost of bounds is the lowest.

The Board agreed to send a letter of clarification to the original respondents and also to a couple of survey companies.

### **LUNDY PROPERTY**

Senator Pam Resor informed the Town that Stow was awarded a \$19,000.00 Self-Help Grant from EOEEA for the Lundy/Assabet River Rail Trail study. As the request was for \$19,500.00, Bill Wrigley advised that the Board of Selectmen will make up the \$500.00 difference from their Engineering/Consultant account.

### **PROPOSED LOWER VILLAGE MIXED USE OVERLAY DISTRICT**

Ernie Dodd said the position of those present at the February 13, 2008 Proposed Lower Village Mixed Use Overlay District Public Forum was that they do not like Area B, especially along Pompositticut Street, Red Acre Road, White Pond Road and Bradley Lane. Len Golder noted there was some support for Area B along Route 117.

Brian Martinson submitted an email discussing the Bylaw and agreed to walk the area with the Board.

Ernie Dodd said he doesn't think those present had a problem with the proposed Area B along Route 117, but the proposed Area A on White Pond Road was not received well.

Bruce Fletcher asked if the Board is thinking of making changes to the draft bylaw as a result of input received at the forum. Ernie Dodd said he has no problem in backing off of the proposed Area B along Red Acre Road and Pompositticut Street. He suggested maybe going forward with Area A on Route 117 (existing Business District) and Area B along Route 117 as a first step.

Bruce Fletcher said he would like to propose an Area A and Area B in some form, which maybe could be expanded in future. Ernie suggested maybe keeping it to Route 117.

Steve Quinn said he thinks a mixed use on the White Pond Road commercially-zoned property is a nice option. Bruce Fletcher asked if those present understood that the proposed uses are less intensive than the existing allowed uses.

Len Golder said people tend to think the existing bylaw is okay. Until a change happens in in the underlying district, there would probably not be a reversal of thinking.

Ernie Dodd said he hates when people start talking about Chapter 40B, but this land (golf course) would be suitable as a 40B if the owner agreed to it. The proposed mixed-use bylaw would provide a property owner another option so they won't lean toward a Chapter 40B development. He further noted that Chapter 40B is not necessarily bad. It provides affordable housing that would count towards the Town's subsidized affordable housing stock. However, he would rather see mixed use to allow moderate-income housing and small businesses with residential dwellings above. Set back requirements would still apply, and it would be something good for the area. The Planning Board needs to decide how we want to proceed. He suggests keeping Areas A and B along Route 117 and White Pond Road.

Len Golder asked if there is any other parcel of land that could possibly be rezoned for commercial development that would be non-obtrusive and would be acceptable to the Town.

Steve Quinn said he brought up the idea of White Pond Road because it is currently zoned commercial and he thinks a village feel is what people want. It is tough to achieve a village feel on Route 117 because of traffic. If you look at how the area is zoned, development under the proposed Overlay Area A would be less of an impact than a development under what is currently allowed in the Commercial District.

Kathleen Willis said that people who live there like the idea that it is open now, but under the existing bylaw that might not necessarily be the case in the future.

Bruce Fletcher noted that the existing use (golf course) is a commercial use. If the golf course decided on another use, the existing bylaw allows:

- Funeral homes, mortuaries or crematories
- Salesrooms for automobiles, bicycles, boats, farm implements and similar equipment
- Building materials, salesrooms and yards, utility structures, contractors yards, storage warehouses wholesale distribution plants
- Utility structures, passenger depots and terminals
- Printing, publishing or commercial reproduction of photo-processing establishments, offices, medical or dental laboratories and research laboratories with incidental assembly of manufacture
- Restaurants
- Screened storage
- Parking areas or garages
- Tourist homes, Bed and Breakfast Establishment or home, or lodging houses
- Business or professional offices; banks, U. S. Post Office
- Retail store

Bruce Fletcher said development under the Overlay Area A district would be a less intensive use in those areas. It allows flexibility for either mixed use or zoning under the existing bylaw, and a Special Permit is required either way.

Brian Martinson said he thinks the proposal for White Pond Road is far fetched because it is a dead end. He also doubts if environmental permits could be achieved. He suggested the

Board might receive more positive responses if you remove the underlying commercial zone. Steve Quinn responded, based on that argument, Route 117 would be better because of traffic.

Ernie Dodd said last week's forum was a public information meeting and not a formal hearing. The purpose was to get a feel for what people want.

Len Golder asked if there are any other parts of Town that could be considered for commercial development. Kathleen Willis said that would be like spot zoning. Brian Martinson questioned if there is a demand, noting that there are at least nine empty storefronts now. Len Golder said that could be economy driven and the Board needs to plan for the future. Steve Quinn said the Lower Village is currently restricted because of water issues, which are being addressed. The Planning Board's job is to plan for the future and not just react to existing conditions. Len Golder said we could just focus on Lower Village, but at some point, we need to plan for the future. We don't want to wait and be reactive. We should be pro-active and take the opportunity to shape and mold the Bylaw. Brian Martinson said he is of the understanding that someone could site a non-residential use in the proposed Area B under the current Bylaw. Ernie Dodd said they would be restricted to existing Bylaw and use variances are not allowed. Ernie Dodd said he would not support a change in the Bylaw to allow use variances. He thinks it should be up to the Town to determine the uses allowed in certain zones. He doesn't think he would approve wide power for the Board's to grant use variances.

Brian Martinson said there is an enforcement issue with some non-residential operations in this area.

Ernie said maybe the Board should sit back for a while and decide at the next meeting how to move forward. Len Golder said there seems to be consensus on the Route 117 Area A. Bruce Fletcher said he wouldn't want to proceed without some Area B. He thinks it is important to have it in the bylaw, even if the area is much reduced, because its intended use as a transition zone is valuable. If we get it in the bylaw, it could be expanded on in future.

Brian Martinson questioned the value of a transition zone. Bruce Fletcher said it gives someone who has a residential structure adjacent to the business district an opportunity to maintain the structure but put a business in it rather than a sole residential use next to the business district. Brian Martinson said the idea of a transition zone seems more like an encroachment zone. He sees it as the business zone expanding into the residential area. He also noted that the Bylaw currently allows home occupations.

Laura Clark, Bradley Lane, asked if the Board actually examined the lots on Red Acre Road, Pompositticut Street, Bradley Lane and White Pond Road in terms of what would be allowed. Ernie Dodd said the Board would consider the properties on a lot-by-lot basis under the Special Permit process. In general, he doesn't see a transition zone as a major change. The first floor could be a law office or real estate office and there would not be a restriction for the business to be owner-occupied. Ernie suggested that we review the proposed uses and possibly purge some of them. He also explained that the physical requirements, such as setbacks, are different. The Board is trying to keep the appearance as a residence. We are trying to keep homes as they are and permit the homeowner to maybe move to the second floor and allow a business on the first floor. Laura Clark said she was surprised to see the proposed Area B on the side roads, encroaching on areas where people buy homes with the expectation that will be truly residential.

Ernie Dodd asked what people think about lots that directly abut the Business District being included in Area B. Laura Clark said some of the lots that appear to have frontage on Route

117 gain access from Bradley Lane. She doesn't think it makes sense to propose a business there. Bruce Fletcher said, even if a property is included in the overlay district, if it doesn't make sense, it won't happen. Brian Martinson said the area will have less value if there is a risk that there could be business uses. He would be more supportive if the Board can show it will help stabilize or increase property values.

Len Golder said this is a classic zoning issue. Every property owner wants the most for what they own but not for what is allowed on the property next to them. The problem the Planning Board faces is we have to look at the whole picture for the Lower Village area and the Town. Brian Martinson said the real problem is there is no demand for this area. He said the Board is beating a beehive with a stick. Steve Quinn said the Board is planning for the future. Len Golder said the only way to plan is to have bylaws in place.

Brian Martinson said there are areas where there are no disagreement. Len Golder asked if there would be support of an amendment to make the Commercial area more like the overlay and get rid of heavy commercial. Ernie Dodd said some might like a hotel in the Commercial District. Len Golder said he doesn't think people would like a hotel because of the traffic.

Ernie Dodd noted that the Town has little non-commercial development and we were just lucky that we have Bose Corporation. Brian Martinson said the idea of wanting to attract business is good but noted that the Lower Village area is hideous and that's what the Town needs to focus on.

#### **SWEENEY PROPERTY, West Acton Road (Assessor's Map R-20 Parcels 14, and 17-22)**

Rich Harrington of Stamsky and McNary and property owners Mrs. Sweeney, Christine Sweeney and Barbar Sweeney met with the Board to discuss a concept plan for property located off of West Acton Road.

Rich Harrington explained that it is a large parcel off of West Acton Road that abuts the Town of Acton and the Flag Hill conservation land. The property has frontage on two roads in the Town of Acton and on three segments of West Acton Road in Stow. He presented plans showing contours and wetlands. There is a large wetland in the middle of site. He also reviewed the existing drainage flow. During the Conservation Commission's hearing, they heard from abutters that the drainage flows across West Acton Road, which they need to be sensitive to. They accessed the property from the Town of Acton to do soil testing. There is an elevation difference of 60, 70 and 80 feet from West Acton Road in Stow.

Rich Harrington presented a conventional subdivision proof plan showing 22 lots with access from West Acton Road in Stow to Woodchester Road in Acton. They prefer to do a Planned Conservation Development plan. The PCD concept plan shows 19 lots with access close to the Town Line with a 1500' cul-de-sac. It will require two wetland crossings, and they pushed the curve closer to the Acton town line to take advantage of the best elevations. They looked at the potential to gain access to the property from the other end of West Acton Road, further into Stow but it was not feasible because of the elevation change.

The Plan shows a 40' right-of-way with 22' pavement widths. They didn't start working on Low Impact Development yet because they wanted to talk to the Board first. They worked a little on house boxes and tried to minimize the amount of cut and fill. In some areas, the wetlands are above lots. They still need to trim lots down to meet the 60% Open Space requirement. He tried to curve the road so that you won't see more than one or two houses as you come down the road. They tried to create more of a cluster by locating some of the houses ten feet from lot lines vs. twenty feet. They also tried to keep the proposed homes away from existing homes

on West Acton Road. They will work with the Board of Health for a reduction in leaching size and setbacks, similar to Derby Woods Subdivision.

Joe Iannelli of Acton asked what their plans are for the lots in Acton. Rich Harrington said they could be ANR lots or they may consider an emergency access to Woodchester. Len Golder asked if they propose public access to the Open Space. Rich Harrington said there will be public access off of West Acton Road and the Open Space will be offered to the Town. He noted there is a balance of protecting wildlife and having trails.

Joe Iannelli asked if they will be coming in from West Acton Road during construction. Rich Harrington said it is too premature to tell yet.

Bruce Fletcher said he likes the turnaround as shown on the plan with the houses on the inside.

Richard Calandrella of Acton asked if the emergency access road will be gated.

Bruce Fletcher said the Board could determine the dead end length, ending at the throat of the road.

Rich Harrington said that if they have to shorten the road to eliminate the need for an emergency access, they would lose a couple of lots and would have to push more houses toward West Acton Road.

Ernie Dodd said the Board is definitely in favor of Low Impact Development and is working on revisions to the Rules and Regulations to be consistent with DEP's Stormwater Management Guidelines.

Rich Harrington said there are 37 acres in Stow and the house lots are 30,000 sq. ft. on average. He said they are willing to go to an 18' pavement width but that might be risky because of the grades. He noted the Conservation Commission may want a retaining wall at the crossing, which is a defined stream channel.

Joe Iannelli asked when they expect to start construction. Rich Harrington said the permitting process will most likely take about a year.

Ernie Dodd asked if they propose a common septic system. Rich Harrington responded no, but the plan may trigger the need for a common water supply.

The property is located in the Water Resource Protection Area, and they will likely need a Special Permit for the number of bedrooms. There was some discussion about the 10% impervious surface restriction and if it should be calculated as to the entire site or on a lot-by-lot basis.

The Plan shows that the steepest grade from West Acton Road is 10%. It would be 20% if they didn't curve the road and came straight up.

There may be a vernal pool on the site.

There was consensus from Board Members that the Applicant should move forward with a PCD plan. Len Golder asked if there is an opportunity for a village type "mom and pop" store. Members noted that this is not allowed under zoning for this property.



Bruce Fletcher suggested that they may need to consider some type of buffer for the residents on West Acton Road who may be concerned about privacy from the new homes above them. This was an issue for the RidgeWood AAN. Rich Harrington said he purposely showed houses looking in the other direction so they wouldn't be looking directly onto existing homes.

Len Golder said there was also an issue about line of sight. Rich will take a look at it.

Soils are glacial till. Groundwater is at 4' in one area and 2 ½' in other areas. Depths vary from 6 ½' to 20'. They will need a variance from the Board of Health for offsets.

Ernie Dodd questioned that If they went with conventional stormwater management, where would they put basins? Rich Harrington said he has some ideas but wants to make sure the road is in the right place before designing the drainage. Ernie Dodd said it seems like Low Impact Development will be a challenge for this site. Rich Harrington said Low Impact Development doesn't work for all sites. In some cases it is more like large impact development. He said kudos for Stow, who is ahead of DEP in this area.

Bruce Fletcher said he hates to see retaining walls at the wetlands crossing because it wouldn't be attractive.

Rich Harrington asked if the Board has any thoughts on sidewalks and shoulders. Ernie Dodd said they Board typically waives the requirement for sidewalks and will accept a contribution to the sidewalk fund instead. Bruce Fletcher noted that sidewalks along the frontage is an issue with a PCD.

Bruce Fletcher asked how important it is for them to have input now on the pavement widths. Rich said the Regulations call for 22' plus a berm. They have done 20' plus a berm on other sites in Stow. This issue won't matter much until after the preliminary plan stage.

Rich will proceed with a drainage plan and then come back to the Board with either a concept or with a preliminary plan for a more formal review for definite feedback.

Joe Ianelli said he lives on a street in Acton with 10% grades and they have difficulty getting a fire truck in there. With this kind of grade, he would recommend an emergency access on the other side because there will be snow storms where you won't be able to get fire trucks up the 10% grade. Ernie Dodd said he would like to see an emergency access. Rich Harrington said they could bring the emergency access road off of a common drive from the lots in the back. There was some discussion as to how the emergency access way gets maintained.

Richard Calandrella said the Town of Acton is considering sidewalks from Duggan Road to West Acton. Rich Harrington said they have already done some sections along Summer Street and Willow Street.

### **CITIZEN PLANNER TRAINING WORKSHOP**

Members will contact the office to advise if they plan to attend the Citizen Planner Training Workshop on March 18, 2008 at Holy Cross.

### **LOWER VILLAGE**

Steve Quinn feels that White Pond Road is the better area to start. He said that if the Presti site and Mobil Station sites get redeveloped and the shopping center gets a facelift, he could see the potential for White Pond Road to expand. The fact that it is dead end is good for a village feel.

Len Golder feels the Board should hold off on this area at this time.

Steve Quinn said the problem is that Lower Village was never planned. The Presti property could spur other uses and make a good impact on Lower Village.

**ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator