

# **TOWN OF STOW PLANNING BOARD**

Minutes of the March 11, 2008, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, Laura Spear, 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.

## **MINUTES**

***January 17, 2008 – Kathleen Willis moved to approve minutes of the January 17, 2008 Executive Session meeting, as amended. The motion was seconded by Laura Spear and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Steve Quinn).***

***February 12, 2008 - Laura Spear moved to approve minutes of the February 12, 2008 meeting, as amended. The Motion was seconded by Kathleen Willis and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Steve Quinn).***

*Leonard Golder arrived at this point in the meeting.*

***February 19, 2008 – Kathleen Willis moved to approve minutes of the February 19, 2008 meeting, as amended. The motion was seconded by Leonard Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn).***

## **STORMWATER MANAGEMENT WORKSHOPS**

Ernie will attend one of the workshops sponsored by DEP on the Regulatory Revisions to Stormwater Management in Massachusetts.

**PUBLIC INPUT** – None

## **PLANNING BOARD MEMBERS' UPDATES**

Sweeney property, West Acton Road – Members discussed the presentation by Rich Harrington of Stamski and McNary, Inc. on the Sweeney property and noted the development constraints on this property. Karen Kelleher will contact Rich Harrington to let him know they would like him to address the developable site area, as defined in the Zoning Bylaw, before spending too much time on final plans.

DEVELOPABLE SITE AREA - The DEVELOPABLE SITE AREA shall be calculated by subtracting from the LOT area all land, which is located in:

- a wetland, which shall mean a "freshwater wetland" as defined in Chapter 131, Section 40 of the General Laws and the Stow Wetlands Protection Bylaw, Article 9 of the General Bylaws;
- a Flood Plain/Wetlands District as defined in the Stow Zoning Bylaw;

- another zoning district in which the principal use of the LOT is not also permitted;
- an access or right of way easement; and
- any portion of the site with grades greater than 15%.

Butternut Farm Golf Club – Members noted that the lights at the new parking area have been on. It appears that they may be on a timer. It was also noted that the lights at the entrance way are very bright.

Land Use Task Force – Kathleen Willis reported that the Land Use Task Force met last week and reviewed the Land Use Survey. They highlighted several areas of potential importance, some of which are now being resolved (schools and recreation). They will contact others to ensure the information is still current and projected out far enough. They posted a notice for two associate members. Kathleen noted that ex-officio member Selectman, Jason Robart, will be a real asset to the committee.

Gardner Road – Don McPherson, Lower Village Committee Chairman, stopped by to advise the Board that the Board of Selectmen held a public hearing tonight and agreed to abandon a portion of Gardner Road, as recommended by the Lower Village Sub-Committee.

Lighting – Kathleen Willis reported that the Lighting Committee noted that ET&L on Great Road is in violation of the lighting bylaw. Karen Kelleher will bring it to the attention of the Building Inspector.

**ANNUAL REPORT** – Members reviewed and approved the Annual Report.

### **WILDLIFE WOODS**

Karen Kelleher reported that the Bond for Wildlife Woods has been updated to reflect the Board's vote of January 8, 2008 to establish a bond amount of \$276,920.43 for work remaining at the Wildlife Woods Subdivision and to release Lots 54 through 57, contingent upon receipt of the additional bond amount.

***Laura Spear moved to release Lots 54-57 of the Wildlife Woods Subdivision. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn).***

### **COORDINATOR'S REPORT**

#### Country Club Estates (Fairway Drive)

Karen Kelleher reported that Alyssa Real Estate is trying to close on a property on Gleasondale Road and cannot because the Tri-Party Agreement for the Country Club Estates Subdivision was used as collateral. In response to a request to release the Tri-Party Agreement, Karen Kelleher advised that, although the Fairway Drive was accepted by Town Meeting, the Stow Tree Warden advised that some of the trees at Fairway Drive are not healthy and recommended waiting until spring to determine whether they should be replaced. Therefore, on January 8, 2008, the Planning Board voted to authorize a reduction in the Performance Guarantee (Tri-Party Agreement) for the Country Club Estates Subdivision from \$15,000.00 to \$5,000.00. Alyssa Real Estate offered to replace the Tri-Party Agreement with a cash guarantee. Bruce Fletcher, Tree Warden, was present at the meeting and confirmed that some of the trees need to be replaced and that \$5,000.00 is a sufficient guarantee.

***Laura Spear moved to release the Performance Guarantee (Tri-Party Agreement) for the Country Club Estates Subdivision, contingent upon receipt of a passbook guarantee in***

***the amount of \$5,000.00, and a commitment that all work will be completed by November of 2008.***

***The motion was seconded by Len Golder and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn).***

#### Subdivision Reviews

##### Orchard View Subdivision (Brandymeade Circle)

The Board needs to follow up on the drainage basin at the Orchard View Subdivision.

On May 3, 2007, the Board gave notice that the Board will take the bond to complete the work at the Orchard View Subdivision. The Developer's Attorney, Joseph Holmes, responded with a list of contingencies. On July 5, 2007, the Board responded to Mr. Holmes by stating the Planning Board will proceed to take the passbook balance of \$10,000.00 and take over all aspects of the project, including the design modification and issuing RFPs, as well as reviewing and accepting the contract and payment. As indicated in the Planning Board's letter of June 8, 2007, the Estate of Robert M. Hicks, Inc. will no longer be involved in this project and will have no say in how the bond funds will be used.

Members noted that, if the issues with the basin are not corrected, it is likely to fill up over time. It was also noted that the abutter has planted trees within the drainage easement so that access to the pond is not viable via the easement without removal of these trees.

Members agreed that the Board should use the bond money to hire someone to do the work and to contact the property owner to see if permission could be granted to gain access from the easement leading to the septic system area and across the back of the property.

##### Meadowbrook Estates (Trefry Lane)

Ernie Dodd noted that the basins at Trefry Lane fill up and questions if they are functioning as designed. He also thinks they are taking a lot of water off Boxboro Road.

##### Whispering Woods (Kettell Plain Road)

Ernie Dodd noted that the Basins at the Whispering Woods Subdivision had quite a bit of water when he checked them last week.

##### 386/390 Great Road

Karen Kelleher reported on the inquiry from the 386/390 Great Road Property Owner (Russell's Convenience Store and Single Family Dwelling). They would like to subdivide the property into two lots so that the house lot can be sold to his son. This is possible under Chapter 41. Section 81L provides an exemption for lots in which 2 buildings were standing on one lot prior to adoption of the Subdivision Control Law. One of the many responses from the MassPlanners List Serve indicated that a variance would be required. Karen Kelleher will check on this requirement.

##### Lighting

Karen Kelleher reported that the Lighting Sub-Committee advised they have a list of violations and asked how it should be addressed. Karen Kelleher recommended that they forward the list to the Building Commissioner and carbon copy the Planning Board.

**SNOW PROPERTY** - Len Golder did not take part in this discussion as he is an abutter to the property.

Ernie Dodd reported that the Zoning Board of Appeals held a public hearing and made a decision to GRANT a use permit. The permit includes a condition to obtain Site Plan Approval from the Planning Board meeting the mandatory requirements for Special Permits. If a site plan approval decision is not received by December 31, 2008, the Special Permit will be null and void. At the public hearing, Ernie Dodd brought up the issue that a portion of the Zone 1 well protection area for Bose Corporation's expansion plan would be on the Snow property. He also talked to Bose Corporation's Facilities Manager and suggested that they contact the Board of Selectmen. Ernie feels strongly that this issue needs to be resolved, as Bose is the largest taxpayer in town.

Member discussed potential areas of concern with regard to the site plan:

- Parking
  - The parking lot requires a vegetative buffer, which will significantly reduce the area available for playing fields.
  - Section 7 (Parking) implies the parking lot must be paved. Ernie Dodd said he prefers the parking lot not be paved, but is not sure the requirement for oil separators can be met otherwise. Steve Quinn said that, given the amount of cars, it would be best to have a paved parking lot so that stormwater can be collected and recharged.
- Water Resource Protection District

The property is located in the Water Resource Protection District, which triggers the need for the stormwater to be collected with oil separators for anything over 5,000 sq. ft. Bruce Fletcher said he thinks you can get 18 to 20 cars in a 5,000 sq. ft. area. He also noted that, if you were clever with parking and didn't pave the aisles, you might get up to 40 cars. Steve Quinn suggested maybe a deal with Bose for them to provide parking in exchange for a Zone 1 easement. Laura Spear said that could be an issue for weekdays, as practice and games start at 3:30 p.m.
- Bose Zone 1 well protection area is also an issue.

Ernie Dodd said the concept plan, presented to Town Meeting, did not take this into consideration. He questions if the Board will be able to approve something that resembles what was presented to Town Meeting. Laura Spear said the Board should not second guess until we see a plan. Bruce Fletcher said that Maynard's Rockland Ave. well has parking and fields in the well protection area. He is not sure if it's in the Zone 1 or the interim well protection area. He also noted that the Language for Zone 1 says you need to prove that a use in the zone one would not be detrimental to the water supply. Ernie Dodd said during the Public Hearing, Bose acknowledged that they need to remove pavement on their site. Bruce Fletcher said he talked to a Bose Representative after the Zoning Board of Appeals Hearing and suggested they resolve the issue before the Town purchases the property and that they talk to DEP to see if they would allow recreation uses in the Zone 1.
- Noise - The application should include information to prove the proposed use will comply with the requirements of the Noise Bylaw.

Ernie Dodd suggested recommending a contingency in the Purchase and Sales Agreement to hold off on the actual purchase until after Site Plan Approval. Kathleen Willis questioned if Ernie's concern is that what people voted for will not necessarily be the final product. Laura Spear said it would not hurt to point out areas of concern. That would be in everyone's best interest. She doesn't think it is the Planning Board's place to recommend that they hold off on acquiring the property until after Site Plan Approval. She is concerned about sending a message that could be interpreted that the Site Plan won't be approved. Ernie Dodd said there

is no question that the site plan approval wouldn't be granted. He is concerned that it may not be similar to the concept plan presented to Town Meeting.

Laura Spear said the Board needs to be fair with standards. We should not treat one area different to another. Bruce Fletcher said the Zoning Bylaw exempts municipal uses. He questioned if the Board can still protect interests of the public health, safety and welfare without strict compliance of the bylaw. Laura Spear said the bylaw says you need to meet parking and dimensional requirements. She interprets that in terms of number of spaces, not design. She wants to have a fair review of this as well as other properties

It is the Engineer's job to do the Site Plan. We can point out our concerns, but we need to see the design before we say what they can or cannot do.

***Kathleen Willis moved to forward a letter to the Board of Selectmen stating:***

***We noted the following potential areas of concern relative to site plan approval that may impact the area available for playing fields. We urge you to consider these issues and the decision of the Zoning Board of Appeals as you move forward with the project.***

- ***The Bose Site Plan shows a Zone 1 wellhead protection expansion on the Snow Property. It is our understanding that Bose Corp is in contact with the Board of Selectmen to discuss this issue.***
- ***Section 7 (Parking Regulations) of the Zoning Bylaw states property line setbacks and a landscape buffer strip, which may impact the area available for playing fields.***
- ***The property is located in the Water Resource Protection District. Section 5.2 of the Zoning Bylaw implies that the parking area should be paved so that stormwater is collected and oil separators are provided. This is to protect the ground water from pollutants such as oil from the cars.***

***The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn)***

### **SPECIAL TOWN MEETING**

Linda Hathaway, Town Clerk, stopped by the office and reported that the Board of Selectmen said schools will be the driver for a Special Town Meeting date. Steve Quinn noted that the schools will not be ready for an October 2008 Special Town meeting.

### **PUBLIC HEARING – GREENBAUM, 472 GLEASONDALE ROAD**

At 8:30 p.m. the Public Hearing continuance to consider the Petition of Mark and Diane Greenbaum for a Special Permit for a residential dwelling unit, a non-commercial function/activity room, and office in a historic building, submitted to the Board on January 18, 2008, under Sections 3.2.3.5, 9.2 and 9.3 of the Stow Zoning Bylaw (hereinafter the Bylaw), was called to order.

Ernie Dodd explained that the Public Hearing was opened on February 19, 2008 and was postponed without testimony due to lack of abutter notification. Karen Kelleher acknowledged receipt of proof of abutter notification for this session of the hearing.

Ernie Dodd explained that this Special Permit was filed under a recently changed provision of the bylaw that permits the Planning Board to allow a use in a Historic building or structure not

otherwise permitted in the district. He explained that the Board is required to make certain mandatory findings in order to Grant the Special Permit.

Petitioner's presentation:

The Petitioner, Mark Greenbaum explained that they propose to renovate an existing historic structure described as a carriage house. The plans show a function/activity room for a woodworking shop, fencing classes and play rehearsals; an office; and a bathroom on the first floor, and a residential dwelling unit on the second floor.

When they purchased the property in 1985, there were five (5) units in the main house. The number of units in the main house has since been reduced to four (4).

The carriage house is in need of substantial work. The back of the building requires extensive work. The Petitioner further stated that the cost of rehabilitating the structure can only be justified by converting it to usable space. This is one of the least intensive uses.

They will retain the historic façade of the carriage house. The only exterior evidence of the proposed change would be an egress stair, which will be similar to the existing decking and stairs on the main house, and enclosing an open area in the back of the building. The Petitioner advised that they have no intention of using vinyl siding. The carriage house and main house will be repainted with a historically correct color.

There is adequate septic and parking on the site.

When the property was originally developed, there were approximately 6 or 7 residential dwelling units in the main house, and the carriage house was used by servants, gardeners and carriage help.

Resident Input:

Thomas King, representing his mother who is an abutter, voiced support for the proposal. He grew up in the neighborhood and played in the barn. He said it was a shame to see that the building went into disrepair and the Greenbaums were denied permission for an additional apartment ten years ago.

Brokk Galea said he has the property under agreement for purchase. They are thinking of using the first floor as a woodworking workshop/activity room. He likes to do fencing as a hobby and his wife enjoys acting. They also propose a bathroom on the first floor.

Planning Board Members' Input:

Laura Spear asked how they plan to restore the façade. Brokk Galea said the only discernable change to the footprint will be an open area (crawl space) in the back, which literally has only been tarpaper for a number of years.

Mark Greenbaum said that one thing Stow is lacking is affordable housing. This proposal provides some diversity in housing. The intent is for the rental unit to amortize cost for improvements. It really does not increase the number of units, as there are five apartments in main building 10 years ago. There are now only four units in the main building.

Len Golder asked how many cars they anticipate for play rehearsals. Brokk Galea responded they don't anticipate more than 10 cars at a time. Mark Greenbaum said it would be like the Perkins property across the street when she had readings in her carriage house. Ernie Dodd said the property is large enough so it could fit 30 to 40 cars.

Abutter Thomas King agreed there is plenty of parking.

Kathleen Willis noted that the Fire Department was concerned about access to the carriage house.

Kathleen Willis noted that the Board of Health said a DEP review would be required for more than 25 people. Mark Greenbaum said he spoke with the Health Agent who determined it is not an issue after he explained the proposed use. They have approval for 13 bedrooms but currently only have 9 bedrooms. If the number of bedrooms were increased to 13, they would be required to have a public water supply.

Kathleen Willis noted that they will need to comply with the new lighting bylaw. Thomas King noted that most homes in the area have floodlights for safety proposes. Kathleen said if the floodlights are replaced the fixtures must comply with the new bylaw.

Steve Quinn asked if the fencing activity is a commercial venture. Brokk Galea responded no. Steve Quinn asked if they would hold something like a tournament. Brokk Galea responded no, they are just talking about get-togethers once or twice a week, up to a dozen people. He gives lessons but does not charge. He used to work with MIT (historic recreation).

Len Golder asked if they anticipate any other uses. Brokk Galea responded that they would like to have a woodworking shop with a table saw, band saw, etc.

Len Golder asked if they have plans to keep the historic detail of the existing building. Brokk Galea responded they have no intention to use vinyl siding. They plan to repaint house with a historically correct color. Mark Greenbaum said the original color of house was a metallic.

Bruce Fletcher said he is curious what the new stairwell will look like. He doesn't see a design element as to the external stairway. Bruce also noted that the provision to require a closed stairwell for accessory apartments was removed because building code required cover for protection from the elements. He is concerned that it could seriously detract from the character of the house, if not nicely done. Brokk Galea said they would probably match what was done on the main house (white composite material).

Brokk Galea noted that a registered architect did the plans. Mark Greenbaum said the Building Inspector will review the plans for compliance with the building code. Bruce Fletcher pointed out that the intent of this bylaw is to maintain historic character, which is not a building code issue. Brokk Galea said they could extend the roofline to provide cover. Bruce Fletcher said if it were painted to be complimentary to the structure, it would be okay. He suggested they check with the Architect on requirements for cover.

Steve Quinn questioned Plan B that was part of the submission. Mark Greenbaum said Plan B is not proposed at this point. That was in case they didn't have a buyer for the property.

It was noted the Conservation Commission advised that any grading, excavation or removal of vegetation within one hundred feet (100') of the wetland shall require a Notice of Intent Application to the Conservation Commission.

Steve Quinn asked if they have a timeline for construction. Brokk Galea said construction will be at least a year away, maybe two.

***Bruce Fletcher moved to close the hearing. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn.***

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Karen Kelleher  
Planning Coordinator