

TOWN OF STOW PLANNING BOARD

Minutes of the January 8, 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

November 13, 2007 – ***Kathleen Willis moved to approve minutes of the November 13, 2007 meeting, as written. The motion was seconded by Steve Quinn and carried by a unanimous vote of three members present (Ernie Dodd, Kathleen Willis and Steve Quinn).***

Laura Spear arrived at this point of the meeting.

December 11, 2007 – ***Kathleen Willis moved to approve minutes of the December 11, 2007 meeting, as amended. The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Ernie Dodd, Laura Spear, Kathleen Willis and Steve Quinn).***

December 18, 2007 – ***Laura Spear moved to approve minutes of the December 18, 2007 meeting, as amended. The motion was seconded by Steve Quinn and carried by a unanimous vote of three members present (Ernie Dodd, Laura Spear and Steve Quinn) and one abstention (Kathleen Willis).***

REVIEW CORRESPONDENCE

Mansionization – Members discussed the new Supreme Judicial Court (SJC) ruling on Mansionization.

The SJC upheld a ruling by the Town of Norwell and the State Land Court that blocked a developer from tearing down a small house in a rural neighborhood and building a new home about three times the size. The Land Court said Norwell's Zoning Board could reject the larger house if it did not fit in with the character of the neighborhood. Town officials feared that one "McMansion" could trigger a domino effect that would push out smaller, more affordable homes. The high court agreed saying communities could exercise their power to preserve affordable housing.

Members discussed whether this is an issue for Stow and agreed that Mansionization is now happening in the Lake Boon area. Small homes are being demolished so that larger homes may be built in their place. Members agreed to add this issue to the list of potential zoning bylaw amendments.

Len Golder arrived at this point in the meeting.

PLANNING BOARD MEMBERS' UPDATES

School Building Task Force – Steve Quinn reported that the School Building Task Force advertised for an Owner's Project Manager. However, the State suggested holding off on any action until the Committee meets the State, so as not to jeopardize funding. Steve Quinn further noted that the Task Force took the fact that the State wants to meet with them as encouraging words. Laura Spear asked if the Task Force discussed the State's talk about regionalization. Steve said he thinks they were talking about existing regions rather than expanding to another Town. For example – building a middle school to serve Stow, Bolton and Lancaster.

COORDINATOR'S REPORT

Karen Kelleher reported on ongoing activities in the Planning Department.

Derby Woods – Bruce Wheeler contacted the office to advise they are considering selling Phase 2 of the Derby Woods Development to another Developer and wants the Town to release the Restrictive Covenant. Karen Kelleher advised that the Restrictive Covenant is necessary so that the lots cannot be sold, conveyed or built upon until such time the subdivision improvements are complete or a performance bond is posted. The Restrictive Covenant is binding on the Developer, successors or assigns. Ernie Dodd feels that a new covenant should be drawn up with the new Developer's signature.

Villages at Stow – Karen Kelleher reported that a Town Employee was offered a specific affordable unit at the Villages at Stow as part of the lottery. The monitoring agent then advised him that a different unit is now available and indicated that the original affordable unit that was offered to him might become a market unit. Karen Kelleher advised him that the affordable unit designation was approved as part of the Comprehensive Permit and that such designation cannot be changed without a modification from the Zoning Board of Appeals. She advised that he contact the chairman of the Zoning Board of Appeals. The Zoning Board of Appeals told the applicant that they are no longer involved after the permit is issued. Members agreed that the affordable unit designation cannot be changed without a modification.

Arbor Glen Active Adult Neighborhood

Karen Kelleher reported that DHCD agreed to the Planning Board's proposed changes to the regulatory agreement. A copy of the Agreement was forwarded to Town Counsel Jon Witten for his review and approval.

Assabet River Rail Trail

Karen Kelleher has been working with Don Rising and Michelle Ciccolo on a Grant Application for the Smart Growth/Smart Energy Technical Assistance Program for funding to assist the Town in creating a concept plan for the Lundy parcel. Don Rising will be meeting with the Board this evening to further discuss this project.

PUBLIC HEARING CONTINUED – BUTTERNUT FARM GOLF CLUB

At 7:35 p.m., the Public Hearing continuance from November 20, 2007 to consider a Request for Modification to the Special Permit for Butternut Farm Golf Club was called to order.

John Farnsworth of DeFalco Engineering Services, representing the Applicant, was present. Ernie Dodd said the Board has not received a response from the Applicant, as requested. John Farnsworth said he has three letters for the Board. Because the previous site visit was cancelled due to snow, members agreed to make a site visit on Tuesday, January 15, 2008 at 8:00 a.m.

Kathleen Willis noted that the documents should have been provided by December 26, 2007. John Farnsworth suggested leaving the documents with the Board this evening and convening to another date. He said that since the October meeting, he has had several serious conversations with Bob Page, who now has a pretty good understanding of the issues. Laura Spear asked if the DEP fines had anything to do with his understanding. John Farnsworth said he has been getting a lot of feedback from the owners, but not a lot of direction. However, he thinks they are close to working things out.

Laura Spear said there is an issue of credibility. She is skeptical that they will follow a new set of plans. John Farnsworth said he thinks he can get them to agree to follow the plans. Ernie Dodd said he is getting tired of them not responding and noted that he is prepared to shut them down, if they do not respond the next time. John Farnsworth said he thinks they are beginning to understand. Steve Quinn asked, if they are beginning to understand, why are they not present tonight?

Ernie Dodd said he is agreeable to a continuance to January 22, 2008.

John Farnsworth presented three letters to the Board:

- Letter dated January 5, 2008 re: Correspondence from Stephen Kenneson
- Letter dated January 7, 2008 re: Susan Sullivan's review letter of November 19, 2007
- Letter dated January 7, 2008 re: Planning Board letter dated November 29, 2007

John Farnsworth noted that he did not forward the letter to Mr. Kenneson and will leave it up to the Board, if it should be forwarded. Ernie Dodd said he would like to wait until after the site visit and asked permission for Mr. Kenneson to attend the site walk. John Farnsworth granted permission.

Karen Kelleher asked John Farnsworth if he has any revised plans to go along with the letters submitted this evening. John Farnsworth responded that his client has not authorized him to revise the plans at this time. However, they will be updated for the next Public Hearing continuance.

Laura Spear moved to continue the Public Hearing to January 22, 2008 at 7:30 p.m. 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).

WILDLIFE WOODS

Members reviewed the request from Meisner Brem Corporation, on behalf of Bentley Builders, Inc. to establish a bond amount for the Wildlife Woods Subdivision in the amount of \$276,920.43, and to release Lots 54-57, Ladyslipper Lane. The Planning Board's Consulting Engineer reviewed the request (see letter, dated December 17, 2007, from Places Site Consultants, Inc.) and recommended a bond amount for the Wildlife Woods Subdivision, as follows:

Whispering Way, Station 10+40 to 13+10

Road Name	August 2006 Bond Amount	Proposed 2007 Bond Amount	Change
Whispering Way, Station 10+40 to 13+10	\$ 18,800	\$ 18,800	0

Woodland Way 19+34.56 to 28+30	54,279	0	(\$54,279)
Woodland Way 6+50 to 19+34.56	112,620	72,227	(\$40,393)
Woodland Way 0+81 to 6+50	0	109,744	109,744
Foxglove Lane	41,350	36,140	(5,210)
Ladyslipper Lane	8,200	39,988	31,788
Blueberry Court	20,324	0	(20,324)
	\$255,573	\$276,899	\$ 21,326

Laura Spear moved to establish a bond amount of \$276,920.43 (an additional \$21,347.43) for the Wildlife Woods Subdivision and to release lots 54 through 57, contingent upon receipt of the additional bond amount. 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).

ASSABET RIVER RAIL TRAIL

Laura Spear removed herself from the table for this discussion, as she is an abutter to the property.

Don Rising met with the Board to update them on efforts to get the Assabet River Rail Trail through Stow, noting that Honey Pot Orchards is not willing to provide an easement. The Rail Trail Committee suggested bringing the rail trail from the portion of Track Road, owned by George Morey, to the Lundy (Joanne Drive) property. The Lundy property is currently on the market for \$1,395,000.00. The Committee also became aware of a grant opportunity under the Smart Growth/Smart Energy Technical Assistance Program. It was suggested that Stow seek funding to assist the Town in creating a concept plan for the Lundy parcel. The grant was just announced in December and Applications are due January 11, 2008. The Stow Conservation Trust agreed to fund a consultant, Michelle Ciccolo, to prepare the grant application. Michelle Ciccolo has a good track record in obtaining grants for the rail trail for the Town of Hudson.

Don Rising reviewed the proposed rail trail route. Ernie Dodd suggested coming out Marlborough Road and connecting to the Central Mass Rail Trail in Hudson. Steve Quinn is concerned about doing a feasibility study for a small portion of the trail without looking at the other pieces. Don Rising said it is an issue of timing and the amount of grant monies available. Don Rising said Sudbury Valley Trustees looked at this property and conducted a study on costs to develop 6 lots or 2 lots. One suggestion was to access the property from Forest Drive with a common drive or a cul-de-sac. The study ended up with a maximum value of \$8,000,000.00 for the property. Steve Quinn said he is supportive of the study because it's goal is a good option for the trail; however, he would be hesitant to buy the property without knowing the other pieces of the rail trail. Steve Quinn also noted concern about using Sudbury Road because it is so narrow. It was noted the concept plan would also be of value to the Town for Open Space and Affordable Housing.

Laura Spear, speaking as an abutter, noted that the river side of the property is very wet and the best place for housing would be on the bank. She said it won't be an easy site to develop. She also noted that 10 to 15 years ago, there was a proposal on the table for this property. The Forest Drive neighbors objected to development. She also noted that since Robinwood Lane was developed, there has been a lot more water. She thinks the water table is high now. Laura Spear also noted that a lot of people use the existing trail on the property and therefore, she expects the rail trail will be a positive for the neighborhood.

If awarded, the Grant will fund a concept plan for the Lundy (Joanne Drive) property for the Town to pursue open space and resource protection, clustered affordable housing and

alternative transportation corridors linking sections of the Assabet River Rail Trail. Don Rising explained that they received an estimate of \$20,000.00 for the concept plan from Earth Tech, the Engineering Company who is working on the Rail Trail. The Town must commit to 25% or \$6,400.00 in matching funds. Don Rising met with the Board of Selectmen this evening, who stated they have no funds available. The Stow Affordable Housing Trust Committee advised that they have no funds available. Members noted that there are funds in the Housing Trust Fund from the Arbor Glen fees in lieu of affordable housing. It is expected the Community Preservation Committee and the Conservation Commission would be willing to fund a portion, but they do not meet until after the submission deadline. Don Rising said the Stow Conservation Trust is willing to commit funds, with the understanding that they will be offset by future commitments from the Community Preservation Committee and/or Conservation Commission. Don Rising requested that the Planning Board commit funds from its Consultant Account. Karen Kelleher reported that the Planning Board has approximately \$20,000.00 in its Engineering/Consultant/Master Plan Account with projects committed for Lower Village, Gleasondale Village, West Stow and Center Stow. Laura Spear noted that she attended a Community Preservation Act workshop on affordable housing and learned that they could use administration funds for concept plans.

Len Golder suggested committing \$2,500.00 from the Planning Board's Consultant Account. Steve Quinn suggested splitting the required \$6,400.00 with the Stow Conservation Trust, with the understanding that those funds could be offset by commitment from the Community Preservation Committee, Conservation Commission and Affordable Housing Trust Committee.

Kathleen Willis moved to commit \$3,200.00 from the Planning Board's Engineering/Consulting/Master Plan Account toward a feasibility study for the Rail Trail/Lundy property. The motion was seconded by Len Golder and carried by a vote of four in favor (Ernie Dodd, Kathleen Willis, Len Golder and Steve Quinn).

WHISPERING WOODS SUBDIVISION

Members reviewed a draft request for quote for Kettell Plain Road As-Built/Street Acceptance Plans and agreed to revise the draft by requesting proposals from qualified land surveyors and/or civil engineers for the following:

The Town of Stow Planning Board hereby requests proposals from qualified land surveyors and/or civil engineers for the following:

1. "As built" plans of Kettell Plain Road in Stow in accordance with that portion of Section 10.9.1 of the Town of Stow Subdivision Rules and Regulations that reads generally as follows: "Two copies plus the original mylar of the plan of the road or street 'as built', at a scale of forty feet to the inch (40'=1") at size 24"X36". All utilities, public and private, above and below grade [within the layout of the street], shall be shown on the plan, as they exist [or to the extent that they can be located]. The plan shall show the monuments (road bounds) with the dates that they were set and the traverse and fixed points on the subdivision perimeter used to establish the bound locations, and with bearings, distances or coordinate values sufficient to re-establish these points." Elevations may be referenced to an assumed datum.
2. A certificate by a registered land surveyor indicating that all permanent monuments are in place and are accurately located, including evidence that the bound traverse had a ration error of closure of 1:15,000 or better, in accordance with Section 10.9.3 of the Town of Stow Subdivision Rules and Regulations.

3. Two copies of a legal description by metes and bounds of the road and easements, in accordance with Section 10.9.4 of the Town of Stow Subdivision Rules and Regulations.
4. The locating and setting of monumentation within the Kettell Plain subdivision, including granite road bounds in conjunction with the Stow Highway Department, which shall supply excavating equipment and granite bounds.

STORMWATER MANAGEMENT and ILLICIT DISCHARGE BYLAWS

Members reviewed bylaws presented to the Town of Lancaster's October 2007 Special Town Meeting. Stow Moderator, Ed Newman provided copies. Bruce Fletcher said there is no need for a Stormwater Management or Illicit Discharge Bylaw in Stow, as our Subdivision Rules and Regulations, Zoning Bylaws and Board of Health Regulations are in compliance with DEP's Stormwater Management Guidelines. Members agreed.

FLOODPLAIN DISTRICT

Members reviewed a letter, dated October 22, 2007 to Craig Martin, Stow Building Commissioner, form DCR, concerning Floodplain Management Procedures and recommendations to update Stow's Floodplain/Wetlands Overlay District. Members agreed to review the letter at a future working meeting.

COUNTRY CLUB ESTATES (FAIRWAY DRIVE)

Members reviewed a request for bond release for Fairway Drive, which was accepted at the December 2007 Special Town Meeting. Karen Kelleher reported that the remaining bond amount is \$15,000.00. Bruce Fletcher, Tree Warden, said that some of the trees are not healthy and suggested holding back a sum of money until spring.

Kathleen Willis moved 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. 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).

EXECUTIVE SESSION

Laura Spear moved to enter into Executive Session for purposes of discussing ongoing litigation and to adjourn at the conclusion of Executive session. The motion was seconded by Kathleen Willis and carried by a unanimous roll call vote of five members present (Ernie Dodd, Laura Spear, Kathleen Willis, Len Golder and Steve Quinn).

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator