

TOWN OF STOW PLANNING BOARD

Minutes of the July 29, 2008, Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher

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

CORRESPONDENCE

A memo was received from the Light Pollution Sub-Committee reporting that the lights installed on the buildings at the Arbor Glen Active Adult Neighborhood do not comply with the Special Permit Decision. Karen Kelleher will forward a letter to the developer and follow up in a week.

PUBLIC INPUT – None

PLANNING BOARD MEMBERS' UPDATES

Planning Board Annual Dinner –The Planning Board decided on the date of Tuesday, September 30, 2008 at Gibbet Hill Grill in Groton. If Gibbet Hill is not available, Scupper Jacks in Acton is the second choice. Karen Kelleher will contact members of the Light Pollution Sub-Committee and Lower Village Sub-Committee and make reservations.

Len Golder arrived at this point in the meeting.

Presti Property - Kathleen Willis said she spoke with the Building Commissioner about Newbrough Stone, who plans to move into the former Stow Floor and Tile store at the Presti property. She is concerned the Newbrough Stone might plan on outside storage. Craig Martin advised the owner of the bylaw requirements.

Karen Kelleher noted that she pointed out the "Contractors Yard Available" sign and advised him that contractor's yards are not allowed in the business district.

Members discussed that the grandfather protection for a non-conforming use expires after the use is abandoned for two years.

COORDINATOR'S REPORT

Karen Kelleher reported on ongoing activities in the Planning Department:

- Commonwealth Capital Application - The Commonwealth Capital Application will be filed this week. One of the requirements to obtain points is a vote of the Planning Board affirming that the goals of the Community Development Plan are active. Karen explained that many of the goals in the Community Development Plan are part of the Planning Board's active work plan. Members agreed to place this issue on next week's agenda for a vote of the Board.
- Arbor Glen and Derby Woods – NPDES Reports have not been submitted for Arbor Glen or Derby Woods. Karen will follow up with Sue Sullivan, who is working with the developer on drainage and erosion control.

- Agenda Items for future meetings:

August 5 Meeting

- Review progress print and letter from Places Site Consultants re: the As-built Street Acceptance plans for Kettell Plain Road.
- Hiley Meadows Estates (Cider Mill Road) – Request to release Lots 1 and 2
- Wildlife Woods Subdivision - Request to place topcoat of paving on Woodland Drive from the intersection of Kingland Road to Foxglove Lane without having the binder sit for one winter.

August 12 Meeting

- Policy
 - Performance Guarantee
 - Fire Cistern
 - 2008 Model Conservation Restriction
- Subdivision Rules and Regulations, Sections 5,6 7
- Village Photos
- Lower Village List of Uses

Action items from previous meetings

- Fire Cisterns – The Fire Chief provided an updated document on fire cisterns and will review the document to see if he has any suggested changes. The Fire Chief was also informed of the Planning Board's policy that the Developer is responsible for costs, including signage.
- Sidewalks - Karen Kelleher will contact the Sudbury Planning Board to attend a Stow Planning Board working meeting to talk about Sudbury's sidewalk initiative.
- Application Submissions – Laura Spear will develop a policy for the Board to consider stating that a complete application shall be submitted in order for the Board to evaluate the merits of an application; otherwise, the Board shall deny the application without prejudice.
- Subdivision Rules and Regulations – Karen Kelleher will ask Bruce Fletcher why he suggested deleting the last sentence of Section 4.3.6.
- Soils of Stow - Karen Kelleher will arrange for someone to make a presentation on the soils of Stow at a working meeting.
- Fire Cistern Sign – Karen Kelleher forwarded a letter to John Anderson and Pulte Homes concerning the need for a Fire Cistern sign.
- Sidewalk Donations - Karen Kelleher spoke with Mike Clayton who is looking into an average estimate per linear foot for sidewalks. Steve Quinn will check with the Town of Carlisle. Steve Quinn suggested that Stow should be looking for sidewalk grants.

HILEY MEADOWS ESTATE (CIDER MILL ROAD)

At the last meeting, Karen Kelleher reported that John Anderson requested a letter from the Planning Board indicating that although the Hiley Meadows Estates Subdivision Plan includes a note indicating the "Existing Shed (to be Removed)", during the public hearing, the Planning Board agreed that it prefers that the shed be retained. The Planning Board agreed to take a formal vote at its next meeting to clarify the record that the shed need not be removed.

Ernie Dodd moved to approve a redline plan change to remove the note "Existing Shed to be removed". The motion was seconded by Steve Quinn and carried by a unanimous vote of five members present (Laura Spear, Kathleen Willis, Steve Quinn, Len Golder and Ernie Dodd).

HIGHGROVE ESTATES PRELIMINARY SUBDIVISION PLAN

Laura Spear said she understands there was a problem in abutter notification, but the Board decided to proceed with the meeting with the expectation that it will be continued at which time those who are not here will have the opportunity to be brought up to speed on the meeting.

Rich Harrington of Stamski and McNary, Inc. explained that he had conceptual discussions with the Planning Board, Board of Health and Conservation Commission. He and the Applicants are here tonight to discuss the Subdivision Regulations. Wetlands will be touched upon. Once they move forward to a Definitive Plan and Notice of Intent submission, abutters will be notified by certified mail. They will prove the drainage will work at the Definitive Plan stage.

Rich Harrington reviewed the Plan:

- There is a steep grade to access the property. There is a drop from 200 to 110.
- He is not down playing drainage. It will take a lot of work, but they will match existing runoff with no increase.
- The Stow Fire Department does not like the idea of primary access from the town of Acton and the Town of Acton will not allow primary access.

Resident Input:

Access Road

- Acton residents noted that the proposed access road with a 10% grade is similar to their neighborhood, which is impossible for emergency vehicles to access in the winter. There should be an emergency access. Rich Harrington said emergency access to the Town of Acton is available, if deemed needed by the Board.
- Will the proposed access road look like Warren Road (Pilot Grove Hill) in Stow, or will it be wooded? Rich Harrington said it will be similar but won't look as wide open.
- What did the Town of Acton say about the access road? Rich Harrington said he had an informal meeting with Planning Staff and was told that the Regulations say that Acton won't allow access to another town as an only access and will consider a secondary access only, if the proposed subdivision is for 40+ homes.
- Is there proposed access to Windemere Road in Acton? Rich Harrington said access to Windemere is only shown on the proof plan to determine the number of lots.
- An Acton Resident said Acton would not support primary access from Acton. Will they support a road in addition to the Stow access? Laura Spear said what we heard is if there is only one road from Acton, it would not be allowed and they will consider a second access if the primary access is from Stow and if the subdivision is for 40+ homes.
- Is there a requirement for more than one access? Laura Spear said the Planning Board did ask for an emergency access. Public safety departments say it is not necessary.

Vernal Pool

- How was it determined there are only three vernal pools? Rich Harrington said when they met with the Conservation Commission last April it was pretty clear there are vernal pools but they were dried up. They will follow up with the Conservation Commission.

Drainage

- Stow residents voiced concern with runoff. When they were running a bulldozer up the hill, the first rainstorm caused a great deal of difficulty.
- A Canterbury Road, Stow resident noted that a ditch empties into his property.
- Resident of 3 Canterbury Road said that there is a 24" pipe going across his septic. He spent \$15,000.00 redirecting and doesn't want to incur the cost of diverting additional runoff. If approved, there should be a requirement to divert the existing 24" pipe. Resident of 27 Duggan Road, Acton said that the 24" pipe does nothing. It is like Niagara Falls coming from West Acton Road onto Willow Street, and it will only get worse with this development.
- Resident of 315 West Acton Road, Stow said he has existing runoff through their yard and sometimes over their septic system.
- Resident of 37 Duggan Road, Acton is concerned with water. They have cracks in their foundation. They don't think their house was built on land solid enough to support the building. When it rains, water very forcefully rushes down West Acton Road. Heavy rains bring dirt and rocks onto the road.
- A catch basin exists on West Acton Road at the bottom of the hill. Where is the overflow exit? Rich Harrington said part goes through a 24" culvert and part goes toward Acton. He will look into it.
- Resident of Windemere Drive in Acton is concerned that the more trees that come down, the more water will come down the hill. It will be hard to mitigate with amount of trees that will be removed. His property is on high ground, and he is even concerned about ending up with a water problem.
- How will you mitigate what is sent through that pipe? Rich Harrington said they cannot increase the amount of water. There is extensive drainage plan they need to do. They will catch and slow down runoff over the entire site without increasing. Rich Harrington said he understands their concerns are valid.
- Laura Spear explained that the new DEP Stormwater Regulations and Planning Board regulations require no increase.
- Resident of 29 Duggan Road said there is a spring that comes down hill every spring and fall and as a result, they have giant sinkholes in their yard.
- Resident of 33 Duggan Road, Acton just spent \$30,000.00 dealing with water that creates a sheet of ice without 10% grade, which is extremely dangerous. He can't imagine there won't be a problem in winter with the proposed subdivision.
- Resident of Canterbury Road, Stow said there have been 4 accidents in this area because of ice.

Traffic

- Resident of 3 Canterbury Road doesn't want to see headlights shining into his house.
- Resident of 37 Duggan Road, Acton is concerned about increased traffic. Will the switchback be cleared? Rich Harrington answered yes, about 20ft. Rich Harrington said the area will be cleared for about 20'. It is their plan for the area to re-grow to its natural state.
- Resident of Duggan Road in Acton is concerned about the potential for traffic flying down Duggan Road.
- In the Acton neighborhood, the approved plan was changed to allow an increase in the grade. Driveway grades are 25%, which was a huge mistake. The Acton Planning Board told him they don't look at house sites.

House Lots in Acton

- Are there plans for four new homes in Acton? Rich Harrington said yes, although not part of the subdivision, there are four lots with frontage on Winchester and Windemere Road, in Acton.
- If lots are developed in Acton, will Acton allow an emergency access road? Laura Spear said she understand the Acton lots will be using the existing road structure.

Residential Wells

- Resident of 310 West Acton Road noted the gradient on the hill very steep and his artesian well does not need a pump. There is a lot of water in the aquifer underneath.

Developer

- Acton residents are concerned because they have been burned by Mr. Sweeney, who developed Squirrel Hill in Acton.

Construction Access

- Will access be from Acton during construction? Rich Harrington said the primary access is from West Acton Road with the potential of some coming from Acton. They have not thought about that yet.

Engineering Review

The Board's Consulting Engineer, Sue Sullivan of Places Site Consultants, reviewed her report, dated July 29, 2008.

Planning Board Members' Input

Kathleen Willis said she would like time to digest what she has heard tonight and feels it would be more beneficial to continue the hearing.

Len Golder said it seems the big issue is runoff and he is also concerned about the curvature of the road.

Ernie Dodd is concerned with stormwater management and needs more detail. Rich Harrington said he will provide the plans presented this evening that were not in the submittal packet.

Ernie Dodd does not like the entrance. It is not acceptable and feels it is enough to disapprove the plan.

Steve Quinn is concerned about where the water goes further downstream, what the capacity is and what it can handle.

Laura Spear has many concerns, mostly about the road and access with a steep road grade and almost 20' of fill in one place. She also has many concerns about the Water Resource Protection District, sedimentation control and Open Space access. She submitted her comments in writing to be part of the record.

Laura Spear recommended that the Board continue the hearing and also schedule a site walk.

Kathleen Willis noted that developable site area is something she is concerned with and it seems that it will be problematic for many of the lots. Rich Harrington said he believes the Developable Site Area only applies to the site plan and not the subdivision, but will look at it. He said he did many iterations for the road to come up with a plan to comply with the

regulations. He understands the concerns and heard suggestions in the meeting with public safety. He is looking into the potential of using porous pavement. He has provided a lot more than they typically do for a Preliminary Plan.

Laura Spear said she would be interested in knowing what kind of maintenance issues there would be and if pervious pavers would be appropriate in a high water table. Ernie Dodd questioned if pervious pavers have been proven to work in New England. Rich Harrington said he would not use pervious pavement on all areas. He said the water table is from 2 ½' to 4-6'. They have testing results for septic systems and met with the Board of Health. Ernie Dodd asked about the bottom of leach field to groundwater. Rich Harrington said they will incorporate that information in the plan, as always. He will also look at how they can reduce the grade.

Sue Sullivan said she understands that with porous paving, you have to flush out sand often. She said it will be a maintenance issue, especially in this instance where the road will need to be sanded.

Rich Harrington said he wants to work with the Board to find the best product.

Kathleen Willis moved to continue public meeting to September 2, 2008 at 7:30 p.m. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Laura Spear, Kathleen Willis, Len Golder, Steve Quinn and Ernie Dodd).

Rich Harrington agreed to grant an extension in the time that the Board has to render a decision.

Members agreed to hold a site walk on Thursday, August 14, 2008 at 8:30 a.m.

Ernie Dodd asked if residents could attend the site walk. Rich Harrington said their practice is to not allow residents on the property for safety reasons. The site walk is restricted to members of the Board.

Sue Sullivan said she heard that some Towns are creating trust funds for maintenance of roadways. She suggested checking on the Massplanners List Serve. Laura Spear noted that the issue came up at the recent Low Impact Development conference. Maintenance is more of an issue with Low Impact Development.

RIDGEWOOD ACTIVE ADULT NEIGHBORHOOD

Members reviewed the review letter from Sue Sullivan on the RidgeWood AAN Plan and agreed with all of her recommendations in the report. All agreed that they don't want parking spaces for the "scenic" overlook. The Board and public safety departments approved street names.

Ernie Dodd moved that the Board support the memo from Sue Sullivan with an amendment to prohibit parking spaces for the "scenic" overlook. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Laura Spear, Kathleen Willis, Len Golder, Steve Quinn and Ernie Dodd).

STOW SHOPPING CENTER

Members reviewed the draft Decision for the Stow Shopping Center:

Mark Conley of Linear Retail and Attorney Mark Burrell were present for the discussion. Mark Conley noted concern about the parking lot landscaping requirements. He noted that they have 3+% landscaping in the interior of the parking Lot. He also noted that the Bylaw requires a 30' landscape buffer along the frontage. They actually have more and if the Board determines that

the excess area is considered as interior parking area, they would have in excess of 10%. Kathleen said the Bylaw does not allow you to count that area. Mark Burrell said that to comply with the Bylaw would mean the loss of 60 spaces and would cost approximately \$250,000.00. Mark Burrell said that there was a suggestion about using large planters rather than taking up the existing pavement. Ernie Dodd referred to the Shaw's in Sudbury that has sidewalks and planters.

Mark Burrell said Section 8.10 seems to be too vague. He would like it to reflect that they will install stormwater treatment in the catchbasins.

Ernie Dodd moved to approve the draft, as amended. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Laura Spear, Kathleen Willis, Len Golder, Steve Quinn and Ernie Dodd).

Mark Burrell reviewed a modified plan, showing parking to be formally submitted at a later date.

The Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator