

TOWN OF STOW PLANNING BOARD

Minutes of the August 12, 2008, Planning Board Meeting.

Present: Planning Board Members: Laura Spear, Ernie Dodd, Leonard Golder and Steve Quinn

Associate Member: Lori Clark (Non-voting Associate)
Tory Fletcher (Non-voting Associate)

Planning Coordinator: Karen Kelleher

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

PLANNING BOARD MEMBERS' UPDATES

Community Preservation Committee – Laura Spear reported on the Community Preservation Fund projects:

- Recreation Fields – The Recreation Commission updated the Committee on plans for recreation fields on the Snow property, which are moving along. They are hoping to have a public hearing in September.
- Historic stonewall restoration - The Lower Village Cemetery stonewall restoration project will start in August.
- Assabet River Rail Trail (Albright Easement) – Title work was initiated, and survey work has started for the Albright (Crow Island) easement portion of the Assabet River Rail Trail.
- Lake Boon restoration project – The Lake Boon restoration project is complete. The treatment was more effective than expected; therefore, the cost for the three remaining treatments will be approximately \$46,000.00, as opposed to the projected cost of \$115,000.00.
- Stow Municipal Affordable Housing Trust (SMAHT) - The Stow Municipal Affordable Housing Trust met with the Community Preservation Committee to share information on housing-related projects. The Board of Selectmen will be discussing the role of the Stow Municipal Affordable Housing Trust and the possibility of asking CPC to share housing-related projects and the possibility of SMAHT take the lead on housing-related projects.
- Town Hall Sprinkler System – The Community Preservation Committee has not heard anything new from the Historical Commission on their proposal for a sprinkler system at the Town Hall. It is Laura's understanding that the initial cost came in much higher than expected.
- There has been no word on this year's matching funds, but CPC does not expect a 100% match. The match will probably be closer to 70%, based on the reduced number of transactions and the increased number of participating communities.

Special Town Meeting – Laura Spear said she received an inquiry from Tom Ruggeiro, Chairman of the Board of Selectmen, to see if the Planning Board will have zoning articles for a fall Special Town Meeting. Laura responded that she doesn't think Planning Board will be ready for a fall Special Town Meeting, but will confirm with the Board. Members agreed with Laura's response.

COORDINATOR'S REPORT

Karen Kelleher reported on ongoing activities in the Planning Department:

- Arbor Glen AAN – After several requests from the Board's Consulting Engineer, Sue Sullivan, Pulte Homes provided copies of NPDES reports.
- Riverhill Estates – The Building Department and Police Department were informed of complaints about stump removal work on Friday August 8th and Monday August 10th, in violation of an outstanding Cease and Desist Order issued by the Building Department. The Police Department responded Monday morning and instructed the contractor to stop work.
- Stow Shopping Center Decision – Will be filed with the Town Clerk tomorrow.
- Packard Road ANR Lots – Complaints were received about erosion problems from two lots on Packard Road that were clear-cut. The Building Commissioner will meet with the property owner at the site tomorrow morning and inform him that an Erosion Control Special Permit and NPDES permit are required. The Board of Health advised that they approved septic plans for these lots last year.
- Snow Property Recreation Fields – Dale Harris of Coler & Colantonio confirmed that they plan to file the Site Plan Approval application by August 19th for a September 16th Public Hearing date. Len Golder pointed out that September 16th is Primary Election Day. Members questioned if the same rule about not scheduling a public hearing on Election Day applies to a Primary Election. Karen said she thought so, but would check with the Town Clerk. If that is the case, members agreed to make an exception and hold the hearing on September 23rd, which is a regularly scheduled working meeting.
- Villages at Stow – Karen Kelleher reported that the Villages at Stow Comprehensive Permit is planning on starting Phase II and called the Planning Department to determine what is required before they begin work on Phase II. Lois Costello checked the file and found that a bond is required before occupancy permits are issued and contacted Kay Desmond, Secretary to the Zoning Board of Appeals. Karen noted concern that Kay was not aware that the bond was received for Phase I, even though there is a copy in the Planning Board file. The permit also requires a sidewalk donation, but doesn't say when the donation is required to be made. Karen Kelleher will send a memo to the Zoning Board of Appeals pointing out these issues.
- The Commonwealth Capital Application was filed with a request for 84 points. Karen will provide copies with a cover letter explaining what Stow can do to maintain points or to be eligible for more points.

Meeting Schedule

Members discussed the August Planning Board meeting schedule:

August 19, 2008 Business Meeting – Laura will be on vacation. Members agreed to cancel this meeting, provided that no requests for appointments are received and

August 26, 2008 Working Meeting – Laura is on vacation and Karen is not available – Members agreed to cancel this meeting.

September 2, 2008 Business Meeting – Highgrove Estates Continued Public Meeting

September 9, 2008 Working Meeting

September 16, 2008 Business Meeting – The Public Hearing for the Snow Property Site Plan Approval tentatively scheduled. If it is determined that we cannot hold a public hearing on a Primary Election day, the public hearing will be held on September 23rd. (Karen will be on vacation.)

September 23, 2008 Working Meeting – If the September 16th meeting is cancelled due to the Primary Election, the Snow Property Site Plan Approval public hearing will be held on this date. (Karen will be on vacation.)

September 30, 2008 – Planning Board Annual Dinner. Karen will notify sub-committee members.

PLANNING BOARD POLICY

Fire Cisterns– Members reviewed the proposed Fire Cistern Policy drafted by Laura Spear. ***Ernie Dodd moved to adopt the fire cistern policy, as amended. The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Laura Spear, Ernie Dodd, Len Golder and Steve Quinn).***

Performance Guarantee – Members reviewed the proposed Performance Guarantee Policy as drafted by Ernie Dodd and thought the language “, the financial institution shall be a national company with a significant presence in Massachusetts or shall be incorporated in the Commonwealth of Massachusetts” is not clear and agreed to ask Town Counsel for input.

Len Golder left the room at this point in the meeting.

Conservation Restrictions – Members reviewed the proposed Conservation Restriction policy, as drafted by Laura Spear. ***Ernie moved to adopt Conservation Restriction Policy, as drafted. The motion was seconded by Steve Quinn and carried by a unanimous vote of three members present (Laura Spear, Ernie Dodd and Steve Quinn).***

Len Golder returned to the meeting at this point.

Application Policy - Members reviewed the proposed Application policy as drafted by Laura Spear and agreed to:

- Add Site Plan Approval to the list of applications
- Change the word “shall” in the last line to “may”
- Add the words “and any related fees after the words “appropriate Rules and Regulations.

Ernie Dodd moved to adopt the Application policy as amended. The motion was seconded by Steve Quinn and carried by a unanimous vote of four members present (Laura Spear, Ernie Dodd, Len Golder and Steve Quinn).

Laura Spear will update the handbook and forward it to Karen to be printed.

LOWER VILLAGE

Photographs

Laura shared a series of mixed-use development photos, some she took and some she got off of the Internet. She gave Karen a copy of the CD that she can distribute.

Tory Fletcher noted that the ones that retain existing structures are typically ones that are historically protected. If not historically protected, a developer will say it is not feasible and it would be easier to tear down and rebuild. Laura Spear said she has seen some communities that are able to retain existing structures. Tory said those are communities that have a historic district. She said West Concord is a historic district.

Laura said, because we have different types of structures, she doesn't think it would be feasible to have a standard architecture. Lori Clark asked if the idea is to get connectivity? Len Golder suggested that certain sites, such as Beef and Ale and the shops next door, could be tied together with good design. Steve Quinn said the problem is in specifying a design. It is tough to define what we want unless we do a plan of the whole neighborhood and have a property owner buy into a designed site. He said we need to guide property owners toward what we want. Steve noted that there is a Dunkn' Donuts on the Cape that has a great design. Lori Clark noted that Groton Center and Sudbury must have stringent guidelines also, as she

noticed there is no pink on the Dunkn' Donuts sign. It was noted that most of the cape is adopting cape cod specific design guidelines. It is a 91-page document. The document is more directional.

Barnstable, Falmouth, Chatham and Hyannis adopted the design guidelines. Steve Quinn said the problem in Stow is that there is little incentive for redevelopment. Ernie Dodd noted that the Cape already has a design. Stow does not. Laura noted there was a case study on strip development that appealed to her because it addresses existing developments. Len Golder noted that Belmont Center is a good example.

Members agreed to share photos to build a library of what we want for Stow and what we don't want.

Proposed Lower Village Uses

Members discussed potential uses for the Lower Village Mixed-Use Overlay District, focusing on the Business District area. Laura Spear noted that the Planners Tool Kit has a sample bylaw that boils down non-residential uses to categories. She asked if we want to be extremely detailed, general, or something in the middle. Tory Fletcher said restaurants in Residential districts are bad because of the odors and dumpsters. She has a friend that lived near the West Concord 99 and moved because it was so bad.

Laura Spear said the intent is to have a list of services to be compatible with residential uses. She said Meeting House at Stow is a good example, as residents frequently walk and shop in the Lower Village. Tory said Meeting House is removed from the shopping center. She noted that she goes to Moods Salon in West Acton, but would hate to live next door because it is non-stop traffic. Laura said that might be true for you, but there are other people who would like it. We need diversity so people can afford to live in Stow. She hears people who live on Route 117 who want 3 acres of land with no neighbors. Those people should not buy property on Route 117. Tory said some people buy on Route 117 because they love the home.

RULES AND REGULATIONS

Bruce Fletcher arrived at this point in the meeting.

Devens Subdivision Regulations – Bruce Fletcher forwarded a copy of the Subdivision Rules and Regulations for the Board to review. Members agreed that portions of the document would be good for Stow. Tory Fletcher agreed and noted that Epsilon is working on updating the document for Devens. She noted that Devens also has some good regulations on lighting.

Subdivision Rules

Members reviewed the proposed draft changes and agreed to the following amendments to the draft:

- 4.3.6 Major features of the land, including resource areas defined by the Wetlands Protection Act (MGL Ch. 131 S. 40) and the Town of Stow Wetlands Protection Bylaw as determined through issuance of a "Determination of Applicability" by the Stow Conservation Commission, natural drainage courses, walls, fences, buildings, historic sites, large trees, wooded areas, out-croppings and ditches which exist on or near the site at the time of survey. ~~In addition, an overlay shall be provided based on a study of soils prepared for the Town by the U. S. Department of Agriculture, Soil Conservation Service in cooperation with the Middlesex Conservation District.~~

- 5.1.1.1 Also, as a result of prior experience, the Board reserves the right to increase the required amount deposited as necessary over time to ~~insure~~ ensure sufficient performance guarantee.
- 5.2.1 **Proper bond.** - The ~~subdivider~~ applicant shall file a proper bond, sufficient in the opinion of the Board to secure performance of the construction of ways and the installation of utilities required for lots in the subdivision shown on the plan, and the Board ~~may~~ shall require that the applicant specify the time within which such construction shall be completed. Performance time shall be subject to the Board approval. Within six months from the date of completion of the subdivision road and related drainage, the Board may require the applicant using a performance guarantee in the form of a bond to replace the form of guarantee in accordance with Sections 5.2.3 or 5.2.4 below.
- 5.2.4.2 Said agreement shall also provide for a schedule of disbursements which may be made from time to time to the applicant upon completion of various stages of the work, and shall further provide that in the event the work is not completed within the time set forth by the applicant, any ~~funds~~ remaining ~~undisbursed~~ funds not disbursed shall be available for completion.
- 5.3.2.1 If the performance guarantee is the form of a bond (Section 5.2.2), the bonding company shall be legally incorporated in the State of Massachusetts. **(Check with Town Counsel on this language)**
- 5.3.2.2 ~~It~~ The performance guarantee shall define the applicant's obligation as "the construction of streets and ways, the installation of municipal services and the construction of certain other improvements for lots as shown in the referenced Definitive Plan entitled _____, dated _____, and approved by the Board. ~~on _____, in its decision, including without limitation the work described in attached schedule "A" (Section 5.3.3) approved by the Board.~~
- 5.3.2.3.1 The performance guarantee shall include a statement tht the Board has the exclusive authority to release performance guarantee funds.
- 5.3.2.5 ~~It~~ The performance guarantee shall acknowledge the Board's exclusive authority and shall state that it applies in full to all successors **and assigns** of the applicant whose performance is guaranteed.
- 5.3.2.6 ~~It~~ The performance guarantee shall state that the full amount of the guarantee for each **individual task identified in schedule A** that was not completed **as defined in Section 5.3.3** shall be due immediately to the Town of Stow in case of the default of the applicant or his/her successor in constructing the streets and ways, municipal services and other improvements in accordance with the approved Definitive Plan. Default of the applicant or successor shall be defined in the performance guarantee as meaning:
- 5.4.4 The amount of the surety ~~to be release~~ shall be **no more than** 75% of the total surety amount **or \$20,000.00, whichever is greater**, until such time the final as-built plans are accepted by the Board.

Upcoming Working Meeting:

September 9, 2008

- Subdivision Rules – Section 7
- Lower Village – Further Steps

ADJOURNMENT

The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Karen Kelleher
Planning Coordinator