

# **TOWN OF STOW PLANNING BOARD**

Minutes of the November 24, 2009 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Ernest Dodd and Lori Clark

Absent: Kathleen Willis

Planning Coordinator: Karen Kelleher

Administrative Assistant: Kristen Domurad

The meeting was called to order at 7 P.M.

## **REVIEW OF MINUTES AND CORRESPONDENCE**

### **MINUTES**

*Lori Clark moved to approve the minutes of the November 10, 2009 meeting as amended. The motion was seconded by Steve Quinn and carried a vote of three in favor (Ernest Dodd, Lori Clark, and Steve Quinn).*

*Lori Clark moved to approve the minutes of the November 10, 2009 Executive session meeting as amended. The motion was seconded by Steve Quinn and carried a vote of three in favor (Ernest Dodd, Lori Clark and Steve Quinn).*

*Lori Clark moved to approve the minutes of the November 17, 2009 meeting as amended. The motion was seconded by Steve Quinn and carried a vote of three in favor (Ernest Dodd, Lori Clark and Steve Quinn).*

### **CORRESPONDENCE**

The Board requested to receive copies of the Land Court Decision summaries for future packets.

### **PUBLIC INPUT**

Extra copies of the meeting agenda were requested.

## **PLANNING BOARD MEMEBERS' UPDATES**

### **Ben Smith Dam Meeting**

Ernie Dodd reported on the Ben Smith Dam meeting he attended. His impression was that those present were not in favor of the dam removal, but that the engineers were instructed by the state to investigate this as a possible solution to remediate the phosphorous levels. Ernie relayed the suggested goals set by the DEP for phosphorous reduction levels. He suggested the Planning Board submit suggestions and comments by the December 21<sup>st</sup> deadline to Mass DEP. He also proposed the Board lobby Senator Hogan on this matter.

[Lenny Golder arrived at 7:18 P.M.]

Resident Bill Byron, who also attended the Ben Smith Dam meeting, spoke about an alternative method for sediment remediation in the river. He explained that if treatment plants discharge 1 gallon of fresh well water with every gallon of effluent it would dilute the level of pollution. Ernie pointed out a

comment made by another resident who attended the meeting, stating that if the State chooses to take out the dam and dredge the sediment they are likely to find more types of pollution.

#### PEDESTRIAN WALKWAY SUB-COMMITTEE

Lori Clark reported on the Pedestrian Walkway Sub-committee's current actions and plans. The Committee has decided to begin a more detailed research on two areas, Great Road between Harvard Road and Old Bolton Road and from Common Road to Crescent Street. In addition they began a more detailed research plan on these two areas and a greater plan for the town.

#### APPOINTMENTS

##### Bill Roop and Harry Blackey; Ridgewood at Stow affordable units

Bill Roop and Harry Blackey met with the Board to discuss the possibility of a special permit and minor use change to their plan. They requested to build all affordable units offsite, following the new bylaws that were put into effect after their project was passed, without the age restriction, as they expect it will be difficult to find eligible buyers. In conjunction they also wanted to follow all formulas in the old bylaws.

The Board was concerned and questioned the legality of mixing and matching by two separate bylaws. The Board understood the difficulty in finding buyers for affordable elderly units, but thought they would have to choose either one bylaw or the other.

The Board asked Karen Kelleher to contact Town Counsel, Jon Witten about the legality of Bill Roop and Harry Blackey's request.

Bill Roop and Harry Blackey also presented their idea to sell a portion of the detached units as fee ownership rather than condominium ownership. In their market studies of adult neighborhoods, they found a segment of the population do not want to give up ownership of their land but do want the benefits of a condo association lifestyle. In order to do this they would have to file a subdivision plan to create the lot area to go with the single-family dwelling. They explained that the restrictions in the original permit would still apply from a design and building standpoint; the only difference is the land would be owned individually in this section.

Their plan would be to create the lot lines and a superimposed subdivision on top of the AAN

Ernie Dodd noted that a homeowner's association and condo association fee would both need to pay for a portion of the shared roads etc.

Steve Quinn would prefer the developers build the units first and then sell the homes because they can have more control over the design and could create a lot of buyers wanting the Planning Board to review changes.

Over all the Planning Board thought the idea would provide greater diversity in housing options and generally supported the idea.

The Board asked Karen if she would contact Town Counsel, Jon Witten to ask his opinion on creating a subdivision in order to create the lots with legal frontage.

The Board will wait to hear back from Jon Witten, and then notify Bill Roop and Harry Blackey to come back with a subdivision plan.

## **COORDINATOR'S REPORT**

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

### **STONE BUILDING**

Karen notified the Board that a letter was sent out regarding the Elementary School Building Plans and the proposed removal of the stone building. A meeting will be held on Monday, November 30 to solicit residents comments.

Steve Quinn stated that he did not see a need to remove the building design wise, although it was not included in the site plan presented at the Town Meeting.

### **DERBY WOODS**

Karen told the Board that a complaint was received about home on Lot 7. The owner of lot 3 noted the house was not sited as shown on the plan and the grade was built up by 12' to accommodate a walk-out basement. Craig Martin looked at the plan and didn't think it would impact drainage. Sue Sullivan was asked to look into the concern as well.

### **METROWEST REGIONAL GROWTH MANAGEMENT AFFORDABLE HOUSING TRUST MEETING**

Karen Kelleher and Kristen Domurad attended the meeting. The group conducted a survey and obtained results from area cities and Towns. Stow did not respond to the survey. They found that, most Towns need administrative staffing to manage housing programs for such things as maintaining a ready buyer list, oversee resale units, monitor inventory, grant writing, etc. Attendees from different towns discussed their needs and the proposed models for a regional affordable housing trust.

Concern was voiced as to how a Regional Trust could be managed to be equitable to all of the towns.

In response to a question about Mixed Use Development, Bedford, Wellesley and Framingham discussed their success with Mixed-Use zoning and that some developments have been approved and built.

In conclusion, all agreed that research should be continued. Communities were encouraged to participate and to complete the survey and comment on the Draft Plan.

### **DISCUSSION/ACTION ITEMS**

#### **OPEN MEETING LAW WORKSHOP**

Ernie Dodd noted the new guidelines that would be put into place this coming Spring. Karen Kelleher mentioned that due to the Town's charter and Planning Board Policy on Minutes, Stow has already been complying with most of the changes to the Open Meeting Law.

### **DERBY WOODS**

Karen Kelleher reported that she reviewed Chapter 40A and it did not look like Mark White's request to build a house without a bond before the road and drainage is constructed. She contacted Town Counsel for his opinion. The Board needs a restrictive covenant. The Board decided they would make their final decision based on town counsel's advice.

The meeting was adjourned at 9 P.M.

Respectfully submitted,

Kristen Domurad  
Administrative Assistant