

TOWN OF STOW PLANNING BOARD

Minutes of the Tuesday February 9, 2010 Planning Board Meeting.

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

No minutes to review.

PUBLIC INPUT

No public input at this time.

PLANNING BOARD MEMBER'S UPDATES

ELEMENTARY SCHOOL BUILDING COMMITTEE (ESBC)

Steve Quinn reported on the ESBC meeting. The committee met with the Stow Historical Commission to discuss ways to memorialize the stone building. One idea was to use the old stones to make a foundation to symbolize the building. The cost of this project would be \$90,000.00 and none of it would be reimbursable by MSBA.

Steve updated the Board on a similar project in Burlington which was estimated at \$260/sq ft but bids came in cheaper at \$204/ sq ft.

Steve stated that saving \$40/sq ft is a big savings and hopes when their project goes out to bid in April they will experience similar savings on bids.

Steve reported that the committee also met with Eric Bachtell of the Stow Recreation Commission, who was concerned that the only baseball field the Hale Middle School students would have to play on would not be regulation size of 90 feet with 250ft outfield because the site only has enough room for a 200ft outfield. He stated that they might be better off putting in a little league/softball field in that area and change the softball field on Bradley Lane into a baseball field.

Ernie Dodd asked if furniture for the school would be part of the bid and included in the reimbursement program by the state.

Steve said it would be included with the bid and the reimbursement program. He mentioned that Superintendent of Schools, Michael Wood would be taking inventory of all the furniture in the Center and Pompositticut School in order to keep the items that are in good condition.

ACTON BOARD OF SELECTMEN MEETING

Ernie Dodd reported on the Acton Board of Selectmen meeting where they discussed the proposed comprehensive permit, Highgrove Estates. Ernie stated that the meeting began with the applicant's attorney giving an overview of the plans. Ernie was asked to speak at the meeting by members of the

Forest Glen Neighborhood Association in Acton. He spoke on the issues addressed in the letter the Planning Board sent to Mass Housing.

Ernie Dodd reported approximately 100 residents attended, and were all opposed to the Highgrove Estates development.

Ernie reported the Selectmen were in complete agreement of Stow's response letter to Mass Housing. The Selectmen voted to write their own response letter to Mass Housing outlining their concerns with the proposed site and application.

Steve Quinn noted the property owners have been trying to build on this site for years. He stated that it could be very difficult to access and build on safely, especially with the higher density now proposed.

Karen Kelleher stated that Town Counsel thinks it is likely the Site Eligibility Application will be approved by Mass Housing and go directly to the ZBA even with the towns' concerns. Ernie noted that if it does make it to the ZBA and they deny the application, the State could still override the town's decision if the applicant filed an appeal.

Ernie Dodd suggested suing the Mass Housing if they approve the Site Eligibility Application because if the development does get completed, both Stow and Acton abutters will have major water problems. He also noted several State Laws would be broken if the development were built as currently proposal.

Karen Kelleher recommended seeking advice from Town Counsel as to which approach, either appealing the Mass Housing decision or denying the ZBA application, would be more likely to yield in the Towns' favor.

Lori Clark asked if the Planning Board should speak to the Zoning Board of Appeals to make sure they are aware of the potential problems this development could create.

Karen informed the Board that she had spoken with Ed Tarnuzzer from the Zoning Board of Appeals who did not want to discuss the issue unless, or until it is brought to their Board, in order to remain unbiased.

Ernie Dodd said that the ZBA could request a committee to be charged to review the design if it reaches their board. He also suggested Town Counsel speak with the ZBA to explain their options in reviewing applications.

Ernie commented on the price difference between the Acton and Stow properties and the actual market need of affordable units. He stated that rental units are more affordable and it can be difficult to find people who fit the income bracket that have enough money to buy a unit.

Steve Quinn said that it could be difficult for the applicant to find a bank that would loan them money in this economy.

Karen Kelleher relayed a message that Sue Sullivan, Engineering Consultant, was also surprised the Sweeneys were attempting a comprehensive permit because many developers are not going forward with comprehensive permit plans due to the proposed 40B Repeal.

Ernie Dodd was surprised by the Sweeneys and their engineer for missing Title 5 requirements.

A suggestion was made to require a bond if the application is approved, in order to have money put aside to remediate possible water damage to abutting properties caused from the clearing and development of this site.

Karen Kelleher noted that this would be up to the ZBA.

APPOINTMENTS

HISTORICAL COMMISSION: ARCHEOLOGICAL RECONNAISSANCE SURVEY

Linda Stokes represented the Stow Historical Commission to speak about a study, which they would like to obtain Community Preservation funding for. Linda explained that one of the major goals of this survey is to create bylaws that protect potential architectural resources. She was presenting to the Planning Board in hopes for their support.

She explained that this survey is not an underground dig, but identifies places where historical artifacts would most likely be found. They do this through historical inventory research and knowledge of topographic clues where past settlements or camps are most likely to be found. The archeologist would then produce a sensitivity map that identifies these locations as well as work with towns to craft appropriate bylaws that would allow towns access to these areas for archeology digs before they are developed. She stated that the survey and maps are not published in fear of exposing the sites to amateur archeologist who don't have permission to dig.

Lenny Golder questioned how private vs. public land would be handled, Linda Stokes said she would look further into this but stated that the only time the town could step in would be if developers are using State or Federally Funded money. If so, the Stow Historical Commission would receive a Notice of Intent and have ability to comment or potentially conduct a dig before the construction began.

The Board discussed how the information and sensitivity maps could be used if they could not be published and questioned how town money could be used for something that would not be public record.

Linda will look into how other towns have handled this.

Karen Kelleher noted that the bylaws already allow the Planning Board to consider retaining the natural and historic character of a site.

Linda stated that it would be helpful if the Historic Commission could comment on sites that were identify on the sensitivity map.

Karen advised her that comment sheets are currently sent out to all Boards who are potentially affected by a development and this would be a great place to note any archeological sensitive areas.

Linda said she would be calling the Bolton Historical Commission who had this survey conducted in order to answer some of the Board's questions concerning bylaws and policies and the maps as public record.

Karen suggested adding archeological significance to the mandatory findings if applicable.

Steve Quinn recommended setting up steps for applications after they have been identified on the sensitivity map.

Ernie Dodd suggested the Historical Commission not only comment on the Board comment sheet for applications but also attend the Public Hearings if a site is identified as such.

Lenny Golder was concerned that the State may view this as the town leveraging against development. Linda Stokes said that after the archeological dig, development could resume building and it would only stall the process not prevent it.

Linda Stokes Stated that the Stow Historical Commission had not officially voted on pursuing this item at town meeting but will be doing so shortly.

The Board will send a letter to the Community Preservation Committee in support of the archeological reconnaissance study.

DISCUSSION/ACTION ITEMS

DERBY WOODS (DUNSTER DRIVE)

Karen Kelleher reported and shared with the Board, Town Counsel's advice concerning Bentley Builders proposal to hold two lots instead of a tri party agreement. Jon Witten, Town Counsel, advised against this proposal. [Letter from Town Counsel can be found in the Planning Department.]

Ernie Dodd agreed, and stated that he trusts Bentley Builders but one cannot predict the market.

Lenny Golder moved to deny Bentley Builder's offer to hold two lots as security and instead approve the request for a partial bond in the amount of \$201,500.00 (150% of the estimated costs, per section 5.1.1 of the Subdivision Rules and Regulations) for the first portion of the Dunster Drive extension from the existing cul-de-sac to station 15+50 as security for release of lots 22, 23, and 33. And upon receipt of a performance guarantee in acceptable form, the Planning Board will release lots 22, 23, and 33. The motion was seconded by Steve Quinn and carried a vote of four in favor (Lenny Golder, Ernie Dodd, Steve Quinn and Lori Clark).

COORDINATOR'S REPORT

Karen Kelleher updated the Board of the on going activities in the Planning Department.

BUDGET

Karen told the Board that she needed to give Bill Wrigley, Town Administrator, a response to either cut the line item for the GPS locator or keep it the same.

She explained that she did further research on the price and accuracy and found that \$2.5K would buy a GPS locator with an accuracy of 1-2 meters and a \$5K GPS would buy one with centimeter accuracy.

The Board asked what types of projects the GPS could be utilized with. Karen Kelleher and Kristen Domurad gave a few examples of planning uses such as plotting and information management on sidewalks, catch basins, street trees, and fire hydrants.

Steve asked if the Highway Department would use this device or possibly share it and the cost with another department. Karen said she would ask Mike Clayton the following day.

The Board decided to cut their budget to \$2.5K for the GPS unit in hopes to purchase a higher accuracy GPS unit in conjunction with the Highway Department.

MASTER PLAN COMMITTEE

Meeting will be held tomorrow night to review draft plan for distribution.

THIRD FLOOR MEETING ROOM

Karen told the Board the meeting room chairs had been delivered and the table will be picked up by the Highway Department within the next week.

MONITORING GOLF COURSE GROUND WATER

Jay Billings scheduled to meet with the Board on March 9th to discuss Zoning or Board of Health regulations for golf course groundwater monitoring.

AFFORDABLE HOUSING OVERLAY DISTRICTS

Karen Kelleher opened the topic of implementing an affordable housing overlay district or another type of affordable housing bylaw specifically for Stow.

She stated that Greg Jones called concerned about the 40B Repeal and wanted to discuss an alternative that would allow the town to go through with affordable projects they supported.

Karen said she had talked to Sue Sullivan about creating a bylaws allowing expansion of existing non-profit affordable housing developments.

Karen discussed the option of implementing Chapter 40R, Smart Growth Development. This would allow for higher density and 20% affordability for units. She stated the prescribed density in Chapter 40R is not feasible for towns such as Stow but this statute allows for a waiver on density in towns with populations less than 10K. Density requirements could be waived if the town shows there is a significant hardship that would prohibit them from doing so, such as the lack of public water and sewer in Stow. Karen stated that State funding is available to those towns who adopt a 40R District.

Ernie Dodd suggested Town Counsel, Jon Witten craft a bylaw. Karen stated that the town would need their own definitions if 40B were repealed. Karen Kelleher and Steve Quinn agreed that criteria for where and how the affordable units would be built would be essential.

The Board was in favor of researching opportunities for a Stow Affordable Housing bylaw. Karen suggested she begin by asking Jon Witten for his advice on approaches that would be most appropriate.

The Meeting adjourned at 9:15 P.M.

Respectfully Submitted,

Kristen Domurad