

TOWN OF STOW PLANNING BOARD

Minutes of the March 2, 2010 Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher

Administrative Assistant: Kristen Domurad

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

MINUTES AND CORRESPONDENCE

Minutes

Ernie Dodd moved to approve the minutes of the January 26,th 2010 meeting as amended. The motion was seconded by Steve Quinn and was carried by a vote of four in favor (Kathleen Willis, Ernie Dodd, Steve Quinn and Lori Clark.)

[Lenny Golder arrived at 7:20 P.M.]

Ernie Dodd moved to approve the minutes of the February 2nd 2010 meeting as amended. The motion was seconded by Steve Quinn and was carried by a vote of five in favor (Kathleen Willis, Ernie Dodd, Steve Quinn, Lori Clark and Lenny Golder.)

Ernie Dodd moved to approve the minutes of the February 9th, 2010 meeting as amended. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Lori Clark, Lenny Golder) and one abstention (Kathleen Willis).

PUBLIC INPUT

Resident Edward Hastings of 14 Sylvan Drive (lot 3) expressed concern over the ongoing drainage issues from lot 7 onto lot 3 of Derby Woods Sylvan Drive.

Karen Kelleher noted the following correspondence in the packets relating to this topic; a letter from Craig Martin, Responses and pictures from Planning Board Consulting Engineer, Sue Carter Sullivan's site walk and emails from the homeowner.

Karen Kelleher also reported Rich Harrington of Stamski and McNary Engineering said he received a call from Bruce Wheeler and Dave Coia of Habitech to report that they went to the site today.

Steve Quinn said the grade changed quite a bit from the original building plan and asked if the Building Commissioner had noticed if the drainage was changed because of this.

Karen said when Sue Carter Sullivan and Craig Martin inspected the lot; they did not feel the grade changes impacted the drainage design.

Karen Kelleher told the owners of lot 3 that Craig Martin and Sue Carter Sullivan told the owner of Lot 7 hay bails and a silt fence were to be assembled on the property. She said both Craig and Sue observed that silt fencing was not securely installed. They also noted the silt in the basin on Lot 3 needs to be removed.

Steve Quinn asked what recourse the Board had to make sure the owner of Lot 3 would not experience continued damage to their property from the drainage on Lot 7.

Karen Kelleher said that the Board does have bond money for the entire Derby Woods drainage system, which could be held back if the drainage issues onto Lot 3 were not cleared up. She also said Sue Carter Sullivan came down hard on Habitech. Although they no longer own 7 lot they are responsible for all drainage and the NPDES Permit. Karen said another incentive to clean it up is to report to the EPA and they can be heavily fined.

Resident Edward Hastings said the silt is now in the Open Space. He spoke with James Morin, the owner of Lot 7 who denied responsibility. Edward Hastings was concerned because silt is still south of the barrier and no short-term fix is in place. He stated since they moved into their home three years ago they never experienced any issues with drainage or run off, and since the house was built on lot 7 they have had ponding in their backyard of up to 6 inches and water through their basement window. Mr. Hastings wanted to make sure measures are taken to fix the problem and test it before the developer is done with the project.

Steve Quinn said the original plan for the house was on a fairly level lot but quite a bit of fill was added for a walk out basement, he said the grade was raised an additional 12 ft than shown on the original plan.

Karen Kelleher said one way the Planning Board could address the issue is recommending the Building Inspector issue a cease and desist on the building until the problems are taken care of.

Kathleen Willis suggested bonding a certain amount of money for 12 months to make sure there aren't any future problems.

Karen told the Board and homeowner although Habitech posted the bond they can still go to the current owner, as the lot is subject to conditions of the Planning Board decision. She said she would follow up with Rich Harrington tomorrow to discuss the site walk conducted by Bruce Wheeler and Dave Coia.

Kathleen Willis suggested recommending Craig Martin serve a cease and desist order until all issues are addressed.

Karen Kelleher said she would speak with Sue Carter Sullivan to get a realistic timeline. She recommended an immediate site meeting with Bruce Wheeler, James Morin, Sue Carter Sullivan, Rich Harrington, Craig Martin, Edward Hastings and Mike Clayton.

Edward Hastings asked if abutters are notified when someone gets a building permit to raise the grade.

Kathleen said it was already an approved subdivision plan, and currently houses don't need to be built in the exact locations shown on the lots. She explained the Board has been talking about changing the zoning bylaws or subdivision rules and regulations to require a building envelope on the plan.

The Board and resident discussed their availability to schedule the site walk mentioned above.

COORDINATOR'S REPORT

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

Resident Complaint, Connie Schwarzkopf

Karen Reported that Connie Schwarzkopf called with a complaint of flooding in the wetlands on her property adjacent to Harvard Road, which she thought was associated with the Derby Woods Subdivision. Karen asked the Board's Consulting Engineer, Sue Carter Sullivan, to conduct a site walk on the property, in which she found the drainage issues to be associated with the culvert on Harvard Road. In her report she stated that the culvert could either be impeded by debris, have some blockage or may be slightly undersized. Sue stated that this might warrant another check during the summer after the spring flooding season has passed.

Stone Building

Karen reported that Kathy Farrell called to discuss the matter of the stone building and the likelihood of the recent discussions creating pressure for the selectmen to put it on the warrant in May.

Inquiry from TRB Development Group

Kristen Domurad reported that Rich Mattocks, VP development inquired about processes for redevelopment of some parcels in Lower Village as well as Concord Oil Gas Station in Town Center.

PLANNING BOARD MEMBERS' UPDATE

Zoning Board of Appeals Meeting: Elementary School Building

Ernie Dodd attended the ZBA meeting and spoke on his position that there are no issues with the flood plain and a variance would not be necessary, only a statement that it is outside the Flood Plain/ Wetlands disturbance area. He also asked the ZBA if they could extend their hearing so the Planning Board could give proper input on the number of parking spaces and noise requirements. The ZBA and applicant agreed to extend their meeting to April 5th, when they will also issue the decision.

Kathleen Willis commented the Board should get a copy of the CPTC book on roads.

[Lori Clark left at this point in the meeting to attend the Conservation Commission Public Hearing for the Elementary School Building.]

DISCUSSION/ACTION ITEMS

Derby Woods (Dunster Drive) Performance Guarantee

The Board read through the tripartite agreement (standard form from the new subdivision rules and regulations) completed by Mark White of Bentley Builders.

Karen Kelleher stated her only concerns were the dates on page three, in item #7. She reported from her conversation with Town Counsel, Jon Witten, that the two dates should be the same (November 15, 2013). After discussion with Mark White he also agreed.

Kathleen Willis noted the amount on the agreement is \$13.00 different then Sue Carter Sullivan's letter and the amounts should be the same.

Ernie Dodd moved to accept the tripartite agreement as amended with the correct date on page three, item seven to read, November 15, 2013, and to release lots 22, 23, 33, of Derby Woods. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Kathleen Willis and Lenny Golder).

Hudson Road Hammerhead Lot Special Permit Decision

Ernie Dodd moved to grant a hammerhead lot special permit decision for parcel R-11 25 A-1 located off Hudson Road as modified. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Kathleen Willis and Lenny Golder).

Randall Road Hammerhead Lot Special Permit Decision

Ernie Dodd moved to grant a hammerhead lot special permit decision for parcel R-11 37 B-1 located off Randall Road as modified. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Kathleen Willis and Lenny Golder).

Gleasondale Road Special Permit (Historic and/or culturally significant buildings and structures)

The Board reviewed the Plan and asked Karen Kelleher to request of the applicant, a letter to the Board asking for a two year extension and to designate the parking spaces per dwelling as well as the 10' event parking spaces on the plan as a red line change with initials.

Warrant Articles (Floodplain/Wetland Overlay District)

The Board reviewed Zoning Bylaw suggestions from Chris Markesich of the Department of Conservation and Recreation (DCR) for revisions to section 2.3.8 for the Annual Town meeting warrant. The suggestion from DCR was to add the phrase, "whichever floodplain is more restrictive" if the Town wishes to reference the Assabet River Study and the Army Corp. Study.

Karen Kelleher stated that in order to be in compliance the town must adopt the revisions to the map/Zoning Bylaw at next town meeting. She stated that the new maps have not been received yet, but a public hearing must be held before Town Meeting.

Report from Conservation Commission Meeting

Lori Clark stated that the Conservation Commission has continued the Elementary School Building Public Hearing in order to wait for the Planning Board's Engineering Consultant's review, but will most likely have a draft ready in order to keep moving the process along and will try to make a decision next week.

The Commission discussed the maintenance plan in good detail, as there were concerns about the cost and on going treatment the porous pavement and storm sceptors would require. Lori Clark said it is important for the school committee to be on board with the maintenance plan because the cost to repair the porous pavement is expensive. Ingeborg Hegemann suggested having a manufacture representative inspect the porous pavement and storm scepter to make sure it was installed correctly.

Lori said the Commission did not find any major concerns other than this but did discuss the location of the playground as it infringes on the wetlands buffer.

Lori said that Ingeborg would like to send her comments on the landscape plan to the Planning Board.

Lori said one abutter requested that the existing apple trees abutting her property, be preserved.

Annual Report

Ernie Dodd moved to delegate Karen Kelleher and Kathleen Willis to write and submit the annual report.

The meeting was adjourned at 9:50 P.M.

Respectfully Submitted,
Kristen Domurad
Administrative Assistant