

TOWN OF STOW PLANNING BOARD

Minutes of the November 16, 2010 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Lori Clark
and Ernest Dodd
Associate Member: Brian Martinson

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

CORRESPONDENCE

Technical Review of Application for Variances to Construct a Wireless Service Facility

Board members noted receipt of the peer review from Isotrope Wireless on the application submitted by T-Mobil/Star Tower.

MINUTES

Ernie Dodd moved to approve the minutes of the October 5, 2010 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

Ernie Dodd moved to approve the minutes of the October 12, 2010 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

Ernie Dodd moved to approve the minutes of the October 19, 2010 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

Ernie Dodd moved to approve the minutes of the November 9, 2010 Planning Board meeting as amended. The motion was seconded by Lori Clark and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

Ernie Dodd moved to approve the minutes of the November 9, 2010 Planning Board Executive Session meeting. The motion was seconded by Lori Clark and carried a vote of three in favor (Ernie Dodd, Lori Clark and Steve Quinn).

PUBLIC INPUT

No public input at this time.

PLANNING BOARD MEMBERS' UPDATE

Pedestrian Walkway Sub-Committee

Lori Clark reported on the Pedestrian Walkway sub-committee's progress. She said the committee heard back from Rich Harrington of Stamski and McNary on Behalf of Habitech.

Rich told them he had been in contact with Planning Board Consulting Engineer, Sue Carter, and that they came to an agreement on the location of the easement for the walkway along the west section of the Villages of Stow on Great Road. The committee is now waiting to hear back from Bruce Wheeler of Habitech for the final easement documents to make it official.

Ernie Dodd asked if the easement would require a modification to the decision from the Zoning Board of Appeals.

Karen Kelleher will ask Ed Tarnuzzer, member of the ZBA, if this would require a major or minor modification.

Steve Quinn wondered if Habitech may be trying to give this easement in exchange for not having to construct the walkway on the east side of the villages on Great Road to Hudson Road.

Lori stated that the sub-committee is still waiting for a response from Habitech.

Lori reported that members of the sub-committee walked house to house last weekend along Great Road where walkways are proposed.

Lori and another member; Martha Monroe were able to speak with one resident, Tony Todesco. Lori said Mr. Todesco was comfortable with the plans but wanted to make sure there would be measures taken to deal with the difference in grading. Two other members, Kris Wile and Jim Salvie spoke with three residents. Lori has not heard any details from them yet, but Kristen Domurad received an email from Kris Wile stating that residents were generally supportive of the walkway plans.

Lori said they left an additional letter and map of the proposed walkway at the house across from Town Building that has a fence in the right of way along the north side of Great Road.

Lori asked if the PWP committee would be responsible for taking down fences and mailboxes that are in the right of way. Ernie Dodd noted that this particular resident gifted land to accommodate handicap access to the Town Hall. Karen noted that the Town of Sudbury was successful in getting sidewalks constructed by working with property owners.

Karen Kelleher stated that holding the meeting as planned will be important for letting residents know their fence and or mail box is on town land.

Lori Clark reported that the date for the Pedestrian Walkway Planning public forum has changed to December 6, 2010 at 7P.M.

[Lenny Golder arrived at this point in the meeting 7:25PM.]

Citizen's Bank Tree Replacement

Brian Martinson stated that the tree replacement at Citizen's bank is 3 inches in diameter and about 6 feet high. He noted that this is not the best time to plant trees and hopes that it survives the winter.

Steve Quinn asked if Stow had a standard for tree planting.

Karen Kelleher stated that there is a tree standard but this is under the Subdivision Rules and Regulations.

The Board will address the tree replacement at their next meeting. Board members discuss whether they would be required to plant a larger tree. Karen suggested another alternative could be to plan additional tree(s).

COORDINATOR'S REPORT

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

Sudbury Road Parcel/ Nelson vs. ZBA

Karen Kelleher reported that Mr. Nelson appealed the Land Court decision on his property off Sudbury Road.

Banks Property

Karen reported that she received a call from Hancock Associates who would like to meet with her to discuss development proposals on the Banks property. Karen will be meeting with them tomorrow at 10A.M.

RFP for Brandymeade Circle (Orchard View) Drainage Basin

Karen stated that we have only received one proposal from D.E. Ward Co., post marked 11/15/10. She noted that Ben Poulson inquired a week ago about the plans but did not submit a proposal.

Lower Village RFP/Accepted Proposal

Karen Kelleher said she notified Coler and Colentonio that the Board had accepted their proposal contingent upon funding and the Town Administrator's approval of the terms and conditions. She has not heard back from Mike Clayton, Highway Superintendent, about funding from the Highway Department but noted that Ken Caputo offered to help him acquire funding through Chapter 90.

She received a note from Ken Caputo of Coler and Colentonio that they would like to begin survey work the week after Thanksgiving and would agree to do so at their own risk if the contract is still under review, and that they would provide appropriate insurance certificates in advance.

Steve Quinn suggested consulting with the Town Administrator, Karen agreed.

Ken Caputo also requested time on a Planning Board agenda as soon as possible so he can formally introduce himself and the team from Coler and Colentonio.

Karen will discuss funding sources with the Town Administrator and Highway Superintendent and determine if a meeting with Ken Caputo before December 7th is necessary.

Important Dates

Karen reminded the Board of important upcoming meetings;

-Joint Boards meeting for the Housing Production Plan on November 23, 2010

-Joint Boards meeting for Track Road on November 29, 2010

-T-Mobil/Star Tower ZBA public hearing continuance has been changed to December 6, 2010

APPOINTMENTS

Master Plan Final Document/Marcia Rising

Marcia Rising of the Master Plan Committee presented the Final Master Plan document to the Planning Board.

Karen Kelleher produced a print out of the implementation chart with sections that apply to the Planning Board highlighted.

Marcia Rising stated that the plan has gone through several revisions and comments from town departments, boards and committees. She noted the Planning Board could accept the plan with recommended changes, but hopes that they do accept the plan.

She noted that not everyone would agree with every aspect of the plan but hopes that it will be a living document that does not sit on the shelf.

Marcia stated the charter required that the Master Plan be updated every 5 years. The Master Plan Committee feels the Charter should be changed from 5 years to 10 years. She also noted, although volunteers are essential to the process, working with a consultant was crucial for their committee and they recommend using a consultant for future master plan updates.

Charlie Kern and Karen Kelleher noted that proposed legislation, Community Land Use Reform Partnership Act, might change the yearly requirement for future master plans and the approval process.

Karen noted that the Master Plan is a guide for the town and that if some revisions are needed, they should be noted for the next update.

Steve Quinn noted that the Planning Board had gone through the document chapter by chapter and has made comments on it.

Steve Quinn asked Marcia if it was their intention for the Planning Board to accept the Master Plan at tonight's meeting.

Marcia said that this was the hope, but if the Planning Board needed more time, that would be okay. Once the Planning Board accepts the document they will have it bound and then present it to the Selectmen.

Steve Quinn noted that the Planning Board had the document for 2 weeks.

Lori Clark stated she would like some more time to look through a few sections she previously made comments on.

The Planning Board will make a final vote on the acceptance of the Master Plan at their December 7, 2010 meeting.

DISCUSSION/ACTION ITEMS

Arbor Glen Trail Easement Document and Request for Bond Release

Karen Kelleher referenced the letter sent from the Board's consulting engineer Sue Carter. She noted that there are some outstanding issues at the Arbor Glen development.

Karen stated that she spoke with Town Counsel, Jon Witten, who agreed that there should be more clarity in describing the location of the trail easement; bounds should be installed to delineate the trail.

Planning Board members agreed this would be necessary as there was discrepancy from the Homeowners' Association about this easement.

Karen also noted that the residents at Arbor Glen have been removing the shields from their outdoor light fixtures (Pulte Homes installed adaptable full cut off fixtures.) She noted the decision states the lighting must be full cut off.

Karen also noted that Kathleen Willis inspected the trees on the property and noted concern that some were not surviving. Karen stated that the Board should make sure the property is handed off to the Homeowners' Association in a manner that is compliant within the Decision and Plan.

Karen suggested not releasing the bond until the easement document is clarified, the tree, lighting issues, and other items indicated by the Board's consulting engineer.

Ernie Dodd moved to NOT grant the requested bond reduction submitted by Pulte Homes for the Arbor Glen AAN development until all issues raised by the Consulting Engineer and Town Counsel and clarification of the trail easement deed, tree plantings, light fixtures etc. are completed. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lori Clark, Lenny Golder and Steve Quinn).

Derby Woods Phase I

Trail Walk

Karen Kelleher reported on her conversation with Pat Perry from the Conservation Commission. Pat suggested Planning Board members conduct the site walk without Conservation Commission members and Bruce Trefry since there have been issues with scheduling.

Steve Quinn and Lori Clark both agreed that it is essential for the Conservation Commission to walk the trail, as they will be the ones responsible for accepting or denying it. Karen also noted that at their October 19th meeting, the Conservation Commission agreed to walk the trail with Bruce Trefry because they had concerns about the trail's proximity to the storm water basin.

Lori stated that the Conservation Commission needs to walk the trail to decipher what needs to be changed and a Planning Board member should also attend so they can understand what changes the Conservation Commission desires.

Steve Quinn noted that the Conservation Commission said they would provide the Planning Board with trail standards.

Karen said she had not received anything yet.

Steve Quinn stated that it is up to the Conservation Commission to decide what they want with the trail and if they want to request a modification to the decision.

Request for paving extension

Karen Kelleher reported that Habitech has requested an extension to pave beyond the November 15th deadline. She noted in the past, the Planning Board has agreed to an extension subject to the approval of the Consulting Engineer and the Highway Superintendent.

Ernie Dodd moved to extend the paving deadline based upon determination made by the Planning Board's Consulting Engineer Sue Carter and the Highway Superintendent, Mike Clayton. The motion was seconded by Lenny Golder and carried a vote of four in favor (Ernie Dodd, Lori Clark, Steve Quinn and Lenny Golder).

Lower Village Proposal for Existing Conditions Plan Funding

Karen stated that she spoke with Bill Wrigley, Town Administrator, and Laura Spear, Chair of the Board of Selectmen, who both discussed splitting the cost for the Lower Village Existing Conditions plan three ways between the Planning Board, Board of Selectmen and Highway Department. Although the Selectmen have not voted on this at a meeting, they have discussed setting aside engineering funds for this project.

Karen suggested structuring the contract into two phases. This way the first phase of surveying work could be covered by the Planning Board and Selectmen accounts and in the mean time the Board could work on securing funding for the second phase.

Planning Board members agreed to have Karen discuss this with Bill Wrigley and send a contract to Coler and Colantonio upon Bill Wrigley's approval. They Planning Board will decide on whether they should meet with Coler and Colantonio on November 23, 2010 after hearing from Bill Wrigley and Mike Clayton, Highway Superintendent on available funding.

Housing Production Plan /Donna Jacobs

Donna Jacobs of the Stow Municipal Affordable Housing Trust (SMAHT) discussed their goal of gaining approval for their Housing Production Plan.

Donna stated that she believed, with the help of their consultant that the trust has captured the essence of the suggestions made by the Planning Board, specifically with zoning and planning recommendations.

Steve Quinn noted that a few items in the production plan, such as Ridgewood AAN being developed in 2010, is not an accurate estimate as the developers requested an extension due to market conditions. The Planning Board granted an extension to 2011, which is further extended to 2013 under the State's Permit Extension Act of 2010.

He also noted the Whitney Nursing home is listed to be a source of housing in the next two years and does not think this is probable. Steve stated that a developer looked at the Whitney Nursing home for a potential assisted living facility but did not go through with the purchase because the building would require several changes and the multi levels were not functional for an assisted living facility.

Karen also noted that a few developers looked at the Whitney homestead for affordable housing, but they found that it was not economically feasible, and did not go through with the purchase.

Steve also noted that on page III of the production goal, the housing created over the next five years does not jive with the table below.

He also noted that on page IV under the housing strategy for the Planning Board to modify the PCD bylaw by using density bonuses is difficult due to the lack of infrastructure.

Donna noted one of SMAHT's most important recommendations in the Housing Production Plan is the need for rental housing.

Lenny Golder stated that the State should provide more incentives for rental housing.

Karen Kelleher stated that the State does allow towns to count all rental housing including market rate units as affordable units.

Lenny suggested the State give double rewards for rental units.

Donna stated the trouble with rental units is that it is not strongly supported by the residents of Stow.

Karen Kelleher recommended that SMAHT could focus on buying deed restrictions for smaller units.

Donna stated that she would like to concentrate on this and go to town meeting to get money from CPA for this reason.

Ernie Dodd noted that SMAHT could borrow money and not have to use CPA funds.

Donna Jacobs noted that SMAHT also has the ability to hire a management agency, or hand over the management authority to the Stow/Hudson Housing Agency.

Steve Quinn also noted that SMAHT, with help of the Town, could provide town owned land to a developer to offset the cost of building affordable units.

Steve stated as an aside, that the town should look into a grant program for Stow resident, especially first time home buyers, who want to buy in town but wouldn't normally have the money to do so.

Donna Jacobs said that the town does not have a ready buyer list, which makes it difficult to manage.

Donna also said she would like to work on a program that buys down mortgages for residents whom are struggling financially and puts deed restrictions on those homes.

Ernie Dodd noted that there was a plan created to do this, but was not approved by the State, because it was not creating new housing.

Karen stated that the Town of Sudbury has a similar program in place, that was approved by the State because they do not count the housing units as an affordable unit until it goes to resale. Essentially the homeowner that is struggling financially to pay for their mortgage is aided by the

Town buying a deed restriction on the house, and then when the house is put up for resale it also provides more affordable options for home buyers.

Donna Jacobs explained that Habitat for Humanity had approached SMAHT about doing a project in Stow. They are interested in the property located on the corner of Pine Point Road and Sudbury Road. Donna said there are constraints to this site, including slope. Donna mentioned another property they showed interest in, located on West Acton Road, which also has problems including slope and wetlands crossings.

Ernie mentioned that the small house located near the site of the approved Ridgewood plan, might be an opportunity to tie into the Ridgewood septic system. Ernie also suggested the old school lot on Gleasondale Road and Roger Kane's land (known as the Kane Well site).

Steve Quinn stated that the Town should focus on affordable housing for Stow without the constraints of the Chapter 40B law. He noted that 40B developments are not a huge concern for the town because of the lack of infrastructure. Steve said the town should consider allowing different types of house, like duplexes and townhouses.

Donna noted that Stow does allow duplex units.

Karen noted developers shy away from building duplexes in Stow because of the current bylaw. She explained that the bylaw limits the amount of duplex units in a subdivision, but does not allow an increase in the overall number of units in a subdivision. Therefore developers make more money by building two large homes.

Donna stated that the statistics in the Housing Production Plan show a significant amount of the Stow population classified as house burdened. She noted that these statistics would only become worse when the 2010 census is available.

Donna also mentioned working on the town's comprehensive permit policy.

The Planning Board agreed that they should be heavily involved with the process. Karen Kelleher also noted that a Zoning Board of Appeals member should be involved as they are the granting authority for comprehensive permits.

Donna said that other towns are very specific about architectural design in their comprehensive permits, and that towns are getting comprehensive permits that people approve of.

Donna noted other aspects of the Housing Production Plan, such as working with the Planning Board to modify the PCD bylaw, promote mixed-use development in the Lower Village and Gleasondale.

Steve Quinn and Lori Clark noted that the Planning Board is supportive of mixed use in the Lower Village business district as long as residential uses are not a primary use of the structure.

Donna Jacobs stated that the Selectmen could make a statement of affordable housing needs to meet the needs of the people of Stow.

Donna asked the Planning Board to submit any changes or suggestions they may have to the Housing Production Plan to her by email.

Karen noted she has several notes on the Draft Plan and suggested setting up a meeting with Donna or sending her comments using Track Changes in the document.

Lenny Golder cautioned that some of the golf courses could turn into 40B developments down the road.

Karen Kelleher stated that it would be important to look at different zoning options for Golf Course property currently zone residential.

The meeting was adjourned at 9:10PM

Respectfully Submitted,
Kristen Domurad

Administrative Assistant