

**TOWN OF STOW  
PLANNING BOARD**

Minutes of the December 7, 2010 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Lori Clark, Kathleen Willis 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**

**Housing Production Plan**

Karen Kelleher reported that she had received an email from Donna Jacobs today with the updated Housing Production Plan and that SMAHT would be meeting with the Planning Board at their December 14, 2010 meeting. Karen noted that it would be beneficial to talk about the plan as a Board before this meeting.

Ernie Dodd believed an additional joint boards meeting should be held to discuss this document.

Steve Quinn stated that the Stow Municipal Affordable Housing Trust needs to submit an updated Housing Production Plan to the State and that the Planning Board should concentrate on giving input in regards to accuracy and how it relates to the Planning Board.

Karen Kelleher stated that she and Kristen Domurad read through the document and sent a redline change document to Donna Jacobs with grammatical and data corrections, noting these suggestions were not from the Board. Donna said she had made about 90% of the changes.

Kathleen Willis stated that she wanted the opportunity to discuss the content with the Planning Board.

Ernie Dodd said there are inaccuracies in the document involving the number of affordable houses in Stow. He stated that the State would require the Town to have 212 affordable housing units in order for the Town to have some leverage over a 40B development, but that the current numbers will yield the Town around 260 units by that time. He said that the Town should not be too fearful of a 40B development because the Town lacks infrastructure, which makes building these developments more difficult. Ernie also noted that since the law has been enacted the Town has not seen many 40B developments.

Ernie stated that the Town adopted the Inclusionary Zoning Bylaw, and the Community Preservation Act, but they alone would not take care of the affordable housing needs. He stated that the Town needs Chapter 40B developments in order to get additional affordable units. Ernie stated that he believes the Villages at Stow is a good example of a nice 40B.

He also stated that the Plan should include more of a discussion about providing a greater diversity of housing such as starter homes and workforce housing. Ernie stated that Chapter 40B does not address the need for smaller homes, and that the Town should address them because only a small majority of people qualify and have the money for a down payment to qualify for an affordable single family dwelling.

Ernie said that SMAHT should capitalized on CPC funds and continue to ask for funding to buy deed restrictions on existing homes when they come up for sale.

Kathleen Willis stated that she does not think rental housing is the solution to providing more affordable housing. She stated that she is opposed to concentrating on rentals because the Master Plan survey was clear in indicating that residents do not support rental housing.

Ernie Dodd disagreed and stated that the Town does need rental options, but that there is a problem with finding interested management companies for smaller rental developments.

[Lenny Golder arrived at this point in the meeting].

Karen Kelleher stated that the Stow Housing Authority could have the ability to own and manage rental properties as Maynard and Hudson does.

Kathleen Willis stated that they could consider building units on town land.

Ernie Dodd felt that the plan needed further review before submitting it to the State.

Karen Kelleher suggested Board members send her their comments on the Housing Production Plan to her to be compiled for next week's meeting.

Steve Quinn asked if anyone else had additional comments.

Lenny Golder stated that he reiterates his comments made at the last Planning Board meeting, that the Town should be flexible in who could manage the properties and that a variety of housing and styles should be encouraged. He felt that the current plan is too pigeonholed.

The Board asked how much money was in the Affordable Housing Trust Fund.

Karen Kelleher stated only one developer, Pulte Homes, had contributed to the fund, which was three payments, each totaling around \$280,000. Karen noted since the Inclusionary Bylaw was adopted, the Planning Board has not received a filing for a development greater than 5 lots.

Selectmen Jim Salvie asked the Board for clarification on their posture towards affordable housing needs in Stow.

Kathleen Willis stated that the Town not only needs to meet the State's defined term of affordable housing, but that they also need a diversity of housing, such as small starter homes. She stated that even though some of these smaller homes may not meet the requirement under Chapter 40B they are needed in town and this need should be discussed.

She also noted that the Plan seems to state that the Town should be fearful of 40B developments when the Town has not had a lot of Comprehensive permit applications.

Jim Salvie stated that the main point of the Housing Production Plan is to file something with the State so that when the Town is approached by a developer proposing a 40B project, they have some leverage so that all zoning will not be overridden. Jim said the Town would be in a better position to negotiate if a Housing Production Plan is submitted.

Karen Kelleher stated that this could potentially help the Town in negotiating design guidelines.

Jim Salvie encouraged the Planning Board to submit technical and policy oriented comments.

Kathleen Willis stated that she was disappointed that the Comprehensive Permit law was not repealed, as there are several issues with the legislation. She said that it would make more sense to have a tiered structure for Towns that lack infrastructure.

Lori Clark stated that the State does not seem to be interested in “creating” affordable housing by using existing housing stock.

Karen Kelleher said that a main goal of DHCD right now is creating new housing.

The Planning Board will start their meeting next week at 6:30PM in order to discuss their individual comments, which they will send to Karen.

## **APPOINTMENTS**

### **Craig Martin Building Commissioner/Zoning Enforcement Officer**

Steve Quinn said that Planning Board members had asked Craig to attend their meeting tonight to discuss some zoning complaints they have had in the past and to discuss how they could work together moving forward.

Brian Martinson added that some Planning Board members were interested in discussion of some more specific issues; namely, the letter Craig Martin had sent to Mr. Presti on July 13,<sup>th</sup> where Craig informed Mr. Presti that all the current business activities on the property were grandfathered. Brian said that some Planning Board members have a difficult time understanding how Craig got to that conclusion, and they have a different opinion. He stated that he was disturbed with this letter because the Board had begun negotiating with Mr. Presti on some of the zoning issues on his property and that they had hoped there would have been better coordination between the Board and Craig’s activities to deal with these issues. Brian asked Craig how he came to the conclusion stated in his letter to Mr. Presti.

Craig Martin stated that he believes the letter he sent to the Planning Board (when they originally requested he explain how he made this determination on the Presti property) stands on its own. It is his opinion that past uses on the property were similar to current uses and they were recognized as grandfathered uses in a Zoning Board of Appeals decision.

Lori Clark stated that the Board had a hard time understanding how the log splitting business was grandfathered.

Craig Martin stated that he grew up in the Town of Stow and remembers the site back to when he was 16 years old, always having random uses on it, from body shops to busses being parked to other mechanical businesses. Craig stated that he made a determination based on his best understanding of the bylaws and past ZBA decisions.

Brian Martinson stated that he has lived in Stow for almost 20 years and that the wood cutting business is a new business and that the Planning Board hoped to have discussions with all of the tenants at Mr. Presti's site.

In addition, it would have provided the Planning Board with some leverage over the property owners.

Craig questioned how it would be possible to get Mr. Presti to redevelop the site at this time.

Steve stated that he did not think that there is a lack of zoning enforcement.

Steve Quinn stated, that when the tenants at the neighboring properties inquired about a special permit both for an inspection station at the old Mobil site, and the new septic company office at the previous Tara Professional site, Craig noted that they were similar uses and he made them follow the proper procedures.

Lori Clark stated that nothing can be done about the letter Craig sent to Mr. Presti, but the Board wanted to understand how his interpretations would be made going forward.

Craig Martin stated that he has to look at each property separately and take them case by case, as each property has different special permits, variances and past uses.

Brian stated that the problem appears to be that members interpret the bylaw differently than Craig. Some Board Members are interested in understanding the rationale supporting his declaration about the Presti property, especially since the Planning Board and Craig have come to such different conclusions, especially as they relate to grandfathering.

Craig Martin restated that the determination he made on the Presti Property was his interpretation of the bylaw and past decisions with the ZBA. He noted that the Planning Board has the ability to appeal his decision through the proper channels by going to the Zoning Board of Appeals if they disagree with his determination.

Kathleen Willis said that some Planning Board members have a difficult time understanding how the logging company could be grandfathered.

Steve Quinn asked Planning Board members if they would deem it feasible to ask Craig to go around to every parcel in Town inspecting to see if there is a businesses operating and if they have special permit.

Karen Kelleher stated that the Presti Property is a very unique site.

Lori Clark stated that it is important for the Board to know how determinations will be made in the future, and on other sites. She said they might need to look at the bylaw and make it clearer or change the bylaw in some other way.

Steve Quinn stated that the uses on the Presti Property have been there for so long and that the only new use that came into existence was the logging business, which was established before Craig took over the position of Building Commissioner/Zoning Enforcement Officer. He noted that if Board members are looking for an indication of how Craig will make determinations on other sites, they should look at the recent sites he has made determinations on.

Steve pointed to the new business at Tara Professionals, the new used car business on the Presti property, and the new inspection station at the old Mobil site.

Steve Quinn asked if there were any complaints from anyone other than the Planning Board members.

Lori Clark stated that the Planning Board's investigation into the uses at the Presti Property came about from a complaint from a neighbor stating that there were trailers partially parked on her property. From there, she stated that they identified other compliance issues while doing a site walk and then tried to gain leverage with Mr. Presti on taking care of the issues. She stated that when Craig sent the letter to Mr. Presti stating that all of the uses were grandfathered and were legal non-conforming uses, Planning Board members were upset because they lost leverage with Mr. Presti.

Craig stated that when asked, Mr. Presti had his tenants move the trailers immediately and had a fence installed. Craig noted that Mr. Presti has been very easy to work with and that he responds right away when asked to take care of something.

Ernie Dodd noted that the Planning Board did make some mistakes interpreting the ZBA special permits, but that they were in the process of negotiating with Mr. Presti to have his tenants come to the Planning Board for special permits and to get rid of the logging business. He noted that after a lapse of two years the grandfathering goes away.

Craig stated that when Newbrough Stone (a stone business) wanted to start their business and came to the Building Department, Craig told them they would need to obtain a special permit because there was no question that it was a new type of business.

Lori Clark stated that the letter Craig sent to Mr. Presti, had surprised Planning Board members because they had met with Craig that same day to discuss zoning compliance issues and he didn't mention the letter he sent to Mr. Presti.

Craig Martin apologized if Board members were upset about the letter, but that it was not his intention for it to be adversarial. He noted that he was not involved with the initial site walks at the Presti property and that the Board actually should have given him a call and involve him if they thought a site walk was needed to interpret zoning compliance issues.

Brian Martinson stated that the basic fundamental problems are still in existence, the operation of un-permitted business activities remain, many of which conflict with the Town's zoning bylaws.

Brian said that Craig's interpretation of the Presti property pretty much allows Mr. Presti to do whatever he wants on the site.

Craig stated that this was not correct and that he specifically listed the uses that he deemed grandfathered in the letter.

Brian stated that they would like the bus company to come in to meet with the Planning Board because it is an un-allowed use in a business zone.

Craig stated that he did not want to be adversarial, but if the Board really objects to his determination then they have the avenue to appeal it through the ZBA.

Ernie Dodd stated that he respects Craig and his position and that it is just difficult for Planning Board members to understand this specific determination.

Craig Martin stated that the protocol is usually for the Planning Board to come to him if they notice zoning violation versus conducting site walks on their own.

Craig stated that just the other day a Planning Department was informed that there was a zoning violation at the Presti Property with lights shining on to the cars on display in the used car lot. He noted that within hours of receiving the complaint he discussed the issue with Mr. Presti and the tenant turned the lights off.

Ernie Dodd stated that the Planning Board should have gone to Craig when they noticed the past zoning violations.

Kathleen Willis stated that the used car business has ground mounted floodlights on their business sign as well as the lights on the ground.

Karen stated that Craig had the lights unplugged.

Craig stated that he told the tenant he would need a permit for any new lighting and that those lights were not in compliance.

Kathleen stated that if someone has installed a light that is not in compliance they may not turn it on but it could be turned on in the future or by someone else working there that does not know the bylaw.

Craig stated that he has the ability to make them also remove the lights if that is something the Board wants. Brian Martinson stated that those lights are also on Town property.

Lori Clark stated that another question the Planning Board had for Craig was when a use changes on an existing property what is his interpretation on when they should come in for a special permit.

Ernie Dodd asked if one tenant with a specific use in a shopping center changes what would trigger a special permit.

Craig noted that he would have to look at the specifics of the shopping center, but as an example

at the Mobil Station site, he told the new tenant that if he intends to change anything on the outside of the building he would need to come in for a special permit.

Lori asked how they could get people to comply with conditions that are established in existing special permits.

Steve Quinn stated that the Board and Craig had already discussed this.

Karen Kelleher said that the Board and Craig came to an agreement with a policy outlining this. Board members asked Craig what the status was on the shopping center, as there were still outstanding items that needed to be finished in their special permit.

Craig said that they have not come in for the final inspection, and that the Planning Board should send a list of outstanding issues to him so that he can add these in before he signs off on the facade contract.

*Karen offered to compile a final list of unfinished items at the Stow Shopping Center to send to Craig.*

Steve Quinn noted that he has dealt with Craig on a professional level being a contractor and that he is a by the books building enforcement and zoning officer. He asked other board members why they are concentrating so much on this specific site when there are other un-permitted uses and zoning violations around town.

Brian Martinson stated that this site is important because it is in the middle of our town's retail and business district and the Board has received several complaints about the site.

Steve Quinn was unsure of who these complaints were from.

Kathleen stated that they knew Steve did not agree with other members of the Board, but that she, Lori and Brian have issues with the way that property was dealt with.

Brian stated that there was a woman with abandoned trailers or cars on her property.

Ernie Dodd said that Mr. Presti took care of this problem right away.

Craig Martin requested that the Planning Board get him involved in the early stages when issues such as these come up.

Brian stated, as a hypothetical, what if someone notices a place where they think someone is operating without a special permit.

Steve Quinn stated that it is difficult to seek out one property and not all. Lately any business use on a property that has changed and come to Craig—he has dealt with them according to the bylaw.

Lori Clark stated that she agrees with all the other judgments Craig has made.

Craig said if something comes to the Board, to please let him know and he will investigate by looking up the property, its zoning, and past special permits or variances.

Brian stated, that was what they had hoped for with the Presti Property issues.

Lori Clark reiterated that if the Board wanted to pursue something again that they should involve Craig right away and work together.

### **Pulte Homes/Arbor Glen**

Mark Mastroianni of Pulte Homes met with the Board to discuss a bond reduction for the Arbor Glen development.

Kathleen stated that she has heard a lot of good things from new residents at the Arbor Glen development.

Karen noted that she has received positive comments as well.

Mark Mastroianni said that their company puts a lot of effort into taking care of the homeowners.

Mark stated that they have finished the project and had submitted their request for bond release, which they submitted in October.

He stated that Pulte Homes has been working with Karen Kelleher and Sue Carter, Planning Board consulting engineer, on a list of items to complete. Mark believes that they have addressed everything; Sue still needs to sign off on the final As-Built Plans and confirm that the landscaping will survive through the winter by conducting a follow up inspection in the spring. He noted that Sue made a recommendation to reduce the bond to \$10,000 and Pulte Homes agrees with this bond reduction. He also noted that he was advised by Sue to provide a revised easement agreement which he still owes this.

Kathleen noted that they will not know about the landscaping for another 2-3 years because that is the typical time it takes for new trees and plantings to take hold.

Mark stated that Pulte Homes has gone through the development and replaced a lot of shrubs and trees that appeared to be stressed. He stated that they worked with homeowners who tagged trees they thought would need to be replaced.

Mark stated that Pulte Homes gets a 1-year guarantee for the landscaping items and that they typically do not give an guarantee past one year because after they are done with the development they do not have the ability to take care of the landscaping themselves.

Mark also noted that they instructed the homeowners association to make sure all lighting fixtures were full cut off.

Kathleen stated that if people buy the compact fluorescent lights they tend to stick out under the fixture and that they should start buying the newer ones.

Mark said that the development is quite dark and that several residents asked about installing street lights, but they told them according to their special permit they would not be able to.



A Board member asked why residents were asking to install streetlights. Mark explained that their reason was mainly for safety. He explained that, although the residents are aware of the turn off from Hudson Road to Arbor Glen, guests or delivery persons find it difficult.

Kathleen Willis stated that the Town does not have many streetlights.

Steve Quinn referenced the emails back and forth between Mark, Sue and Karen about outstanding items. He asked Mark what items he had taken care of and which items are still outstanding after today.

Mark stated that at Sue's request he is working on creating a recordable plan describing the trail easement.

Karen stated that the metes and bounds will be shown on the revised as-built plan and that Pulte Homes provided photos showing that they have installed all signs. She also noted that "Arbor Glen Road" needs to be relabeled to "Heather Lane."

Mark stated that the bond is currently set at \$1,146,341.00.

Karen Kelleher stated that although Sue recommended the bond be reduced to \$10,000.00, the Board had created a more recent policy, not to release anything under \$20,000.00 until the entire project is completed.

Mark said Pulte Homes would agree to this bond reduction.

Kathleen Willis asked who had done the landscaping, she was concerned that the trees may be planted either too deep or too shallow because the mulching was placed too high up on the tree. Mark said the landscaping company is True Green. He said he would mention her concern to them.

Karen noted that Pulte Homes has a separate bond for Hudson Road, which he will need to discuss with Mike Clayton, Highway Superintendent.

Mark noted Pulte Homes would try to set up a meeting with Mike before the first snowfall.

Board members asked Mark if the affordable units sold easily.

Mark said that they are finding it difficult to fill the affordable homes in age-restricted developments. He noted that overall Pulte Homes has been most successful this year with their the Boston area developments.

*Kathleen Willis moved to reduce the bond amount held for Pulte Homes of New England for the Arbor Glen development from \$1,146,341.00 to \$20,000. The motion was seconded by Lenny Golder and carried a vote of five in favor (Kathleen Willis, Lenny Golder, Steve Quinn, Ernie Dodd, Lori Clark).*

Karen asked Mark if Pulte Homes had requested their certificate of compliance. Mike stated that they are in the process of filing a request.

## **MINUTES**

The Planning Board will review the minutes of the November 16, 2010 Planning Board meeting next week.

## **PLANNING BOARD MEMBERS' UPDATES**

### **Pedestrian Walkway Sub-Committee (PWP)**

Lori Clark reported on the PWP Public Forum. She said that about 15 people were in attendance. Lori said the committee reviewed the plans for Phase I. Then they divided the attendees into five groups to discuss criteria for deciphering locations of future sidewalks. Then the committee brought the groups together and did a multi-voting exercise to determine the criteria for creating the prioritization plan for Phase II.

Kathleen Willis said the forum was very interesting and was well put together. Steve Quinn asked if anyone had looked at the parking issue.

Lori stated that Bill Wrigley informed Kris that they are still pursuing the possibility of a parking expansion at Town Building. Kathleen suggested a parking garage be built behind the Town Building.

### **Zoning Board of Appeals**

Ernie Dodd reported on the Zoning Board of Appeals public hearing on the Star Tower/T-Mobil cell tower application.

Ernie stated that the ZBA has many concerns, most importantly they understand they cannot approve a use variance and the applicants are asking them to. Ernie noted that the experts from Isotrope, who completed the independent wireless study, are going back and forth with the applicants wireless experts.

The ZBA hearing was continue to January 10, 2010 when the applicants wireless expert will respond to the independent study conducted by Isotrope.

The ZBA encouraged Start Tower/T-Mobil to go through the proper channels, by working with the Planning Board and bringing an article to Town Meeting to change the Wireless Service Facility Overlay District.

Ernie said there are some gaps, which the present district may not cover, but the Town would need to do a study to understand where these gaps are. He stated that subways support cell service and wondered why cell tower companies are not working to install devices on existing telephone poles.

### **Community Preservation Committee**

Kathleen reported on the Track Road Design Public Forum, held by the Community Preservation Committee. They discussed pros and cons of different trail surface. Some people preferred a paved trail as is.

Steve Quinn asked if there were any state standards.

Kathleen said the state standards for rail trails are 12 feet wide with 2 feet of clearance on either side, but towns can choose the type of trail coverage.

Brian Martinson stated that he hoped the trail would not be entirely paved, but that most rail trails he has seen or used are paved.

Karen Kelleher believed the money for the installation (paving etc.) was being provided by the State, but towns needed to pay a portion of the cost for the design plans.

The next public forum will be held on December 15<sup>th</sup>, 2010.

### **COORDINATOR'S REPORT**

Karen Kelleher reported on the ongoing activities in the Planning Department.

#### **Mr. Collings vs. Planning Board**

Karen Kelleher reported that the Riverhill Estates Subdivision Appeals Court hearing is scheduled for December 9, 2010.

#### **Plantation Apartments II**

Karen Kelleher reported the Plantation Apartments II decision was appealed by an abutter.

#### **Planning Board Budget**

Karen Kelleher stated Town Administrator, Bill Wrigley, has asked for budget requests. Bill has suggested a 1% Cost of Living increase and level funded expense budgets to be submitted to him. Karen noted Kristen Domurad is due for a step increase this year.

Karen suggested the Board request a separate account for Lower Village Traffic engineering funds instead of adding it to the general engineering/Master Plan account, as this will be a large on going project.

Steve Quinn agreed and stated that it would be helpful to have a separate account incase they come across funding, they could retroactively reimburse through this account.

Karen said they are still short the \$8,300.00 for Phase II of Lower Village existing conditions plans.

Steve noted the Selectmen did approve their contribution to the Lower Village existing conditions plan.

Karen Kelleher said she spoke with Kenny Caputo to gain an understanding of other necessary funding they should expect.

Lori Clark said she received a call from Tori Fletcher asking about the surveyors in Lower Village.

Karen also received a call from Stepping Stones about surveyors near their property. They were concerned about the surveyors interrupting the child drop off and pick up traffic flow.

### **Highgrove Estates**

Karen reported the Highgrove Estates Petition and Application has been submitted to the Planning Board: copies were given to Sue Carter, Consulting Engineer. The applicants are meeting with the Conservation Commission tonight to discuss the wetlands delineation. The public hearing for Highgrove Estates has been set for January 18<sup>th</sup>, 2010.

### **DISCUSSION/ACTION ITEMS**

The Board reviewed the Master Plan and made the following comments.

Lenny Golder suggested (page 184), to stated that they want to promote village style architectural designs. He also suggested (page 163) to add in the intersection of Old Bolton Road and Route 117 as a dangerous intersection. From his experience he knows this intersection to be dangerous.

Kathleen Willis stated that the designation for “dangerous roads” was created by the Town’s Safety Officer, based on number of accidents.

Ernie Dodd stated that on page 42 the correct % to use for house burdened is 30% not 38%. Karen will go through the document and double check.

Lori Clark asked if the Planning Board could only approve or disapprove the document.

Karen said at this point there was not much room to make major changes because the committee had disbanded. She stated that the Board could adopt this Master Plan acknowledging that changes may need to be made along the way. She suggested the board keep an on going list for recommended amendments for the next update of the Master Plan.

Ernie Dodd said he was not satisfied with the housing section.

Karen and Kathleen explained that this section was taken from the Housing Production Draft Plan. Karen stated that the Master Plan document does state that this section is taken from the draft plan.

Kathleen noted anything changed in the draft plan to date should be changed in the Master Plan.

Ernie Dodd stated that updating the Master Plan every 5 years would be very difficult.

Karen stated that changing the renewal date would require a change to the charter, which is not easy. She suggested the Planning Board review the document on an annual basis and keep an on going list of changes they would like to consider.

Karen said she would feel comfortable making any spelling or grammatical changes, but beyond this she would need the committee’s input.

Lori Clark noted that, as Lower Village Planning proceeds they may find areas of the Master Plan that need to be changed.

*Ernie Dodd motioned to adopt the Master Plan. The motion was seconded by Lenny Golder and carried a vote of five in favor (Lenny Golder, Ernie Dodd, Steve Quinn, Lori Clark and Kathleen Willis).*

### **Input on Selectmen Licenses Renewals 2011**

The Board reviewed the requested licenses renewals and made the following comments:

#### Class II Used Auto

Chapel Hill Partners

-Why is a license being requested for a business that is not active?

Concord Fuels of Stow, Inc.

-Under the ZBA Special Permit there is a limit of cars that are allowed to be parked on the lot.

#### Common Victualer

Delta Epsilon

-There are a number of outstanding issues from the Special Permit, which as been activated.

Two lights on the property is considered a nuisance and safety issue.

*Steve Quinn will speak with Hudson Light and Power about the light on the Delta Epsilon property.*

Page Family Limited Partnership

-Several outstanding items remain from their Special Permit

Overall the Planning Board was interested in understanding the process for license renewals and what the criteria is to obtain a license.

*Wedgewood- It was noted that Wedgewood owes a sidewalk. Ernie Dodd said Don McPherson was to be working with Wedgewood on acquiring easements.*

The Planning Board will discuss this special permit at an upcoming meeting.

*Karen Kelleher will look into the sidewalk requirements at the Wedgwood property.*

### **Brandymeade RFP**

The Board reviewed the proposal from D.E. Ward Co. for the repair of the detention basin at Brandymeade Circle. This was the only proposal submitted to the Planning Board. Board members felt the proposal was vague, but noted the description they sent out in the RPF was very thorough and this proposal references the RFP.

Lori suggested to add a statement, if it does not already exist, that they will not pay any amount over the agreed upon amount unless prior written approval is given.

*Karen Kelleher offered to work this out with Bill Wrigley.*

Karen noted that she has not received signatures from all property owners yet to allow the work to be completed so they will not be able to start the repair.

### **Stow Shopping Center**

The Board discussed the 16inch diameter tree that was removed by Citizen's Bank on the Linear Retail property and replaced by a small sapling.

Kathleen stated that the 16inch diameter tree was shown on their landscaping plan.

Lori Clark said that the Board has leverage with Linear to make them either put in more trees of equivalent value of the tree that was removed to replace the one that was removed or replace the 16 in diameter tree.

Steve Quinn asked under what grounds could the Planning Board require them to add trees.

Karen stated that because it was on their landscaping plan they Board has the right to require the 16in diameter tree be replaced in some form.

Brian Martinson said they should not just stop at trees, but stated the Lower Village Committee has several things they would like done around that property. For example, Lower Village Committee would like Linear Retail to reinstall the divider that separates the entrance and exit to the Stow Shopping center.

Steve Quinn stated the divider might not be an appropriate replacement request for the 16-inch diameter tree.

Karen Kelleher suggested asking them to replace the 16-inch diameter tree with the standard streetscape along the frontage once an amount for the loss of the tree is established.

Board members agreed this would be a fair reimbursement.

*Karen Kelleher offered to send Linear Retail a letter stating the Planning Board's request.*

### **Chapter 61A Notice**

Karen Kelleher reported that the Planning Board had received a notice of foreclosure sale on a chapter 61 property located off Boxborough Road.

Karen said she was unsure how to proceed because the property will be going to auction.

Planning Board members asked Karen if she had mentioned it to Town Council Jon Witten, Karen stated that she had mentioned this to Susan McLaughlin, but was told by Susan that Bill Wrigley may want to wait in discussing this with Jon at that time.

*Karen offered to send the Selectmen a memo suggesting the Town seek advice from Town Council on how to proceed with this matter as a sale has not been finalized.*

Lori stated that the Town should start talking about the land now so when the time comes they know how they want to proceed.

Karen stated that there is a specific process that should go into effect once the Town receives notification about a sale of chapter land.

### **Taylor Road PCD**

Karen reported that Habitech is trying to avoid cutting down several trees for the drainage structures and wanted to bring the pipe across the street to redirect the drainage. Sue notified her that they would be on the Delaney Project property, not in the right of way. Karen agreed with Sue that an easement would be required to do the work on the Delaney property and relayed the message to Habitech.

Habitech sent back an alternative proposal, but Sue did not approve it.

Karen asked the Board if they would support a change as long as they obtain an easement from the state and subject to approval by the Board's Engineer.

Steve Quinn stated that he would consider any alternative, provided proper easements are in place and subject to Sue Carter's complete review and approval of the plans. All Planning Board members agreed.

### **Lower Village Sub-Committee**

#### Stone Dust Path

Karen reported the Lower Village Sub-Committee had requested the Planning Board consider placing a crushed stone path between Town owned property from Red Acre the Plan, approve by the Board stated that the location of the foot path would be determined by the foot traffic.

Planning Board members gave approval for the Lower Village committee to proceed in asking Mike Clayton to layout crushed stone along this footpath to designate a walking path on town owned land from the end of the abandoned road to the shopping center.

Karen noted the property has already been surveyed and fencing for the Lower Village standard streetscape has been installed.

#### Proposal to Install Fence

The Planning Board was unsure of where the Lower Village Committee was proposing the installation of the new fence sections, and will ask for more information for next meeting.

### **Villages at Stow Sidewalks**

Both Lori and Karen have not heard from Habitech regarding owned sidewalks.

The meeting adjourned at 10:15 P.M.

Respectfully Submitted,  
Kristen Domurad  
Administrative Assistant