

**TOWN OF STOW
PLANNING BOARD**

Minutes of the December 14, 2010 Planning Board Meeting.

Present: Planning Board Members: Lori Clark, Kathleen Willis, Ernest Dodd and
Absent: Leonard Golder
Associate Member: Malcolm Fitzpatrick

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

DISCUSSION/ACTION ITEMS

Housing Production Plan (HPP) Planning Board Members' Comments

The Planning Board discussed their individual comments they sent to Karen Kelleher on the Housing Production Plan. (See attached comments.)

Lori Clark asked what were the requirements from the State for the Housing Production Plan; what are the implications if a Town does not turn in a Housing Production Plan and what are the implications if a Town does not follow through with projected goals in an accepted Plan.

Kathleen Willis stated that the HPP might allow towns to have a better chance at negotiating a Comprehensive Permit.

Lori Clark reported that the Selectmen wanted the plan submitted before the year is over, before the two comprehensive permits, Pilot Grove II and Plantation Apartments II are approved because they will not be counted as affordable units if they submit it after.

Karen said they would need to get clarification from the Stow Municipal Housing Trust (SMAHT), as she was unsure of why they would not be counted on the Subsidized Housing Inventory.

Karen stated that the HPP would require a majority vote of the Planning Board.

Kathleen Willis suggested SMAHT submit this plan in 2011 so that it will be more updated and last longer.

The Planning Board reviewed each other's comments.

Karen Kelleher reported that changes had been made since the Board's last review of the HPP, including some of the items listed in the grid.

Lori Clark stated that she was concerned about changing bylaws solely for the purpose of obtaining the 10% affordable housing rate, when these changes may encourage things the Town does not want.

Lori Clark suggested that SMAHT identify projects that would be desirable to the Town. Kathleen said that smaller projects will be much more acceptable to the residents.

Malcolm Fitzpatrick said that Chapter 40B is misunderstood. He noted that a Comprehensive Permit project still has to follow the requirements of the zoning bylaw and are supposed to prove if and how the project is not be financially feasible without a variance.

Malcolm said he doesn't think the Planning Board should perpetuate the concept that we can't do anything about a Comprehensive Permit.

The Planning Board reviewed Table 30 in the Stow Housing Production Plan. Karen explained how affordable units are counted on the Subsidized Housing Inventory (SHI). She said for comprehensive permits, all units are counted once the comprehensive permit is issued, but if they are not constructed within a year then they are taken off until an occupancy permit is issued.

Karen noted that affordable units in projects, such as Ridgewood (that are not a comprehensive permit but are subject to the Town's Inclusionary Housing Bylaw) are not counted until the occupancy permit is issued.

Ernie was concerned that Table 30 included unrealistic goals. Lori Clark said she agreed with most of Ernie's comments.

Karen Kelleher noted SMAHT changed the introductory table to incorporate the Planning Board's changes including changing the strategies "by year" for Ridgewood AAN, but that the changes also need to be made on page 58.

Malcolm Fitzpatrick suggested maintaining tax levels that are attainable so that the Town does not force out moderate-income owners. He also stated that the Town should be pushing for diversity to come from the lower income levels (50-60% area median income) with rentals and homeownership.

Ernie Dodd and Karen Kelleher stated that it is difficult to achieve affordable homeownership for the 50%-60% area median income because this section of the population is most likely to become house burdened if seeking homeownership opportunities, they said that rentals are more practical and important for this section of the population.

Ernie Dodd asked if members of the Board had any conflicting suggestions in their comment list.

Lori Clark pointed out that she does not agree with Ernie on his idea of duplexes by right. She stated that the Town should find out if, for example cottage style housing is desirable to residents and then seek developers that are willing to build what the Town has defined as desirable. She noted it is clear that Affordable Housing carries a negative connotation and they should concentrate on changing this.

Kathleen Willis stated that she was not in favor of rental units.

Ernie suggested allowing higher densities for the redeveloped historical housing.

CORRESPONDENCE

No correspondence was reviewed.

MINUTES

Ernie Dodd moved to accept the minutes of the November 16th, 2010 Planning Board meeting as amended. The motion was seconded by Kathleen Willis and carried a vote of three in favor (Kathleen Willis, Ernie Dodd and Lori Clark).

Kathleen Willis moved to accept the minutes of the November 23rd, 2010 Planning Board meeting as amended. The motion was seconded by Ernie Dodd and carried a vote of three in favor (Kathleen Willis, Ernie Dodd and Lori Clark).

The minutes of the December 7th, 2010 Planning Board meeting will be reviewed at the next meeting.

PUBLIC INPUT

Malcolm Fitzpatrick stated that he notified the Planning Department of a pile of salt in the Stow Shopping Center parking lot.

Karen Kelleher noted she received his call and forwarded the message to Craig Martin, who went down to the site and had them cover the pile.

Karen asked if Malcolm was sure the pile was pure salt and not a salt alternative.

Malcolm said he was not sure but that it looked like salt and that salt requires storage under cover not just canvas cover.

Malcolm expressed concern on the potential impact on the wetlands behind the Stow Shopping Center.

Kathleen Willis noted that heavy use of salt could also impact the landscaping.

Karen will look into the proper storage and contact the property owner to find out what type of ice dissolver they are using. She would also look in to the zoning of this property to see if it is within the water resource protection district.

Malcolm suggested that future developments with large parking lots require the use of modern alternative salts instead of regular salts.

Lori Clark asked if the salt storage in the parking lot has any other implications on parking.

Karen noted that the Stow Shopping Center has the legal amount of parking spaces, but realistically don't need the amount they have.

Kathleen suggested a letter be sent to the Stow Shopping Center reminding them of their snow storage plan.

PLANNING BOARD MEMBERS' UPDATES

Community Preservation Committee (CPC)

Kathleen Willis reported on the CPC meeting. She noted that there are now 176 communities out of the 351 in Massachusetts who have adopted the Community Preservation Act (CPA).

Kathleen stated that the CPC wanted her to relay a message to the Stow Municipal Housing Trust (SMAHT) that the CPC still stands by their method of allocating CPA funds. She noted the CPC has no intention of automatically sending 10% of the allocation to SMAHT. They plan to continue giving out money on a project-by-project basis, reviewed by the committee and then brought to a Town Meeting vote.

Pedestrian Walkway Sub-Committee

Lori Clark reported on the Pedestrian Walkway Sub-Committee's public forum and meeting with direct abutters.

Lori said that their meeting with direct abutters was also positive.

In attendance were residents; Tony Tedesco (15 Crescent St.), Bruce Fletcher (Owner of 13 Crescent St.) and, Mr. and Mrs. Lodin (11 Crescent St.).

Lori said that the Lodins were initially concerned about having to move the fence to make room for the new walkway. After looking over the plans they realized that only part of the fence is in the right of way, which appeared to make them feel much better.

Mr. Todesco was concerned about how his property will be separated from the walkway because of the grading issues.

The original plan Sue Carter submitted had a walkway that would require an easement from Mr. Todesco as it widened to 4ft around the curve. Lori said that Mr. Todesco offered the town an easement to allow them to use the plan that includes a 4ft walkway instead of the alternative 3ft walkway.

Lori reported that Bruce Fletcher did not have any concerns along his property, but did reiterate his concerns about losing parking spaces. He advocated for bituminous-sloped curbing so that there would be enough room for sidewalk and parking.

Lori said the committee was unsure how this would work as the Highway Superintendent and Consultant Engineer strongly recommended vertical granite curbing for safety purposes.

COORDINATOR'S REPORT

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

Conservation Commission/Trails at Derbywoods and Arbor Glen

Derbywoods

Karen reminded the Conservation Commission to forward a recommendation on the Derby Woods Trail. Pat Perry, Conservation Commission Administrator, said she is trying to coordinate another site walk with her and/or Bruce Trefry as the Commission did not see the safety concerns that she, Bruce and Ernie Dodd saw.

Kathleen Willis reported the need for split rail fence along the first detention basin.

Karen Kelleher noted this fence shown on the plan.

Karen questioned if the two groups (Planning Board and Conservation Commission) may have gone down a different path after the first detention basin. It seems the site walk lead the Conservation Commission back to Sylvan Drive rather than to the Dunster Drive Extension.

Arbor Glen

Karen reported that the Conservation Commission reviewed the trail easement documents and agreed to accept the easement provided that the Arbor Glen Association is responsible to maintain the easement. Karen expressed concern about this request because the Association did not want the easements in the first place, and it will be difficult to get them to maintain them. Karen noted if there is no easement there will not be connection to the trails on the Town's open space parcel.

Karen Kelleher recommended the Planning Board send a note to the Conservation Commission recommending they maintain the easement for the reasons stated above.

All Planning Board members agreed.

Banks Property

Karen Kelleher reported that the potential developer of the Banks property requested a meeting with her to explain the Town's Inclusionary Affordable Housing Bylaw.

Ernie and Steve agreed to meet with the potential developer with Karen on 12/20/10.

Karen noted that the Planning Board would need to adopt Rules and Regulations for the Inclusion of Affordable Housing Bylaw, and should put this on a future agenda.

APPOINTMENTS

Stow Municipal Housing Trust (SMAHT)

Donna Jacobs and Quince Papanastassiou represented SMAHT to discuss the Planning Board's comments on the Housing Production Plan (HPP).

Lori Clark asked if the HPP was a state mandated document, or if it is voluntary. She also wanted to know what, if any repercussions come from submitting the document and not attaining a goal stated within the document.

Donna Jacobs stated that if Stow submits a HPP, the Town would be in a better position to negotiate with 40B developers. She noted it does not protect the Town against a 40B, but does put the Town in a better position to bargain. Donna stated that the Plan clearly calls out the needs and priorities that have been suggested. She said in her experience, towns that have an approved HPP tend to have better backing from the State when making decisions about a 40B development.

Ernie Dodd asked if the comprehensive permit policy would be part of the housing plan.

Donna said the current comprehensive permit policy should be updated. She said that in her experience she has witnessed a 40B development go through an appeals process in which the

court recognized the Housing Production Plan which helped the Town get what they stated they needed.

Lori Clark asked what would happen if the Town submits a HPP and does not deliver on the goals specified in the tables and throughout the text.

Donna Jacobs said if the HPP becomes certified, the goal would be to add .5% to the Town's Subsidized Housing Inventory (SHI) count annually.

Lori asked if the .5% was based on an average over a certain amount of years or if you had to get at least .5% every year, instead of .8% one year and then a rate below the required .5% the next.

Donna said she was unsure, but she has found the State is flexible.

Kathleen Willis suggested SMAHT change the dates on the plan since 2010 is almost over, and submit the plan in 2012 so they have 5 full years.

Donna Jacobs said they discussed changing the table in the beginning of the document and have changed some dates.

Ernie Dodd stated that the Pilot Grove II and Plantation Apartments II decision has been filed, but a resident filed an appeal on the Plantation Apartment II decision.

Donna Jacobs said the HPP needs to be filed as soon as possible in order to count the affordable units at Pilot Grove and Plantation Apartments before they are both approved.

Karen Kelleher asked Donna to explain what she meant by the affordable units not being counted and if she was referring to the SHI.

Donna said if any of the housing production strategies within the HPP are approved before the HPP is submitted (such as, Plantation Apartments II and/or Pilot Grove II) SMAHT would have to remove those production strategies from the Plan and create others.

Donna said although they would have to take them out of the HPP, the units would still be counted in the SHI regardless of the Plan being submitted.

Karen Kelleher stated that there were errors in the table on page 58, where they had been corrected on the earlier page.

Kathleen Willis noted SMAHT had the Whitney Homestead listed as a strategy for affordable housing. She questioned if this was a reasonable strategy as a few developers came in to look at the site and found it too expensive to fix.

Karen noted there are wetlands and setback issues on this property.

Donna said SMAHT had a consultant look at the property and they said that the building was cost prohibitive but the parcel had potential. She noted they put this on their strategy list because

the property is for sale, it is in a good location and could be used in addition to the existing structure. She said that the parcel has about 4 acres.

Quince explained that Stow has produced a good amount of affordable housing for it's size and that the State will recognize this.

Lori Clark asked why SMAHT was so aggressive in 2013, predicting more than .5%, and asked if they would lose certification if they do not meet one of their goals.

Quince stated that the Town may lose certification if they do not hit the .5% mark each year, but they don't necessarily need to do this by meeting their specific goal listed in Table 30.

Lori Clark suggested that a desirable affordable housing projects be identified by residents and then pursued by SMAHT instead of waiting for developers to come to the Town.

Donna said that it is very difficult to control the market.

Kathleen Willis shared her comment from the CPC meeting last night, that they have not change their position since the Master Plan had been created, and that the CPC is not willing automatically allocate 10% of the Community Preservation Funds to SMAHT, it will be project based requiring town meeting vote. She noted that pg 67 of the Plan states they hope to acquire 10-20% of the Community Preservation Funds for a revolving trust, and CPC is not willing to do this.

Donna Jacobs stated that SMAHT would be attending a CPC meeting before going to the Selectmen, as they funded half the project.

Kathleen said the CPC would not be meeting in January.

Donna said they would try to get a group together to meet before that in order to get the document submitted in time to incorporate the Pilot Grove II and Plantation Apartment II units.

Donna Jacobs said the Selectmen seem favorable to the Plan as they realize it is a tool the state requires.

Kathleen and other members of the Board noted that the Plan should be discussed with the Zoning Board of Appeals to make sure the appointing authority of Comprehensive Permits understand how this tool can be beneficial to them and the Town.

Donna Jacobs said she wrote a comprehensive permit policy a while back and would look for it so she could share it with the Board and committee in order to update the existing policy.

Donna noted Ernie and Kathleen had different comments on rental units. Ernie Dodd's position was that rental units are needed in Town and Kathleen did not think that Stow residents would be in favor of apartment complexes.

Ernie Dodd stated that the Town needs rental units.

Karen Kelleher stated that rental units could be built or created in many different ways.

Kathleen Willis stated that the Villages at Stow and Pilot Grove take care of the Town's family housing needs and Plantation similarly with the elder needs, she questioned if more units were needed.

Kathleen Willis questioned what SMAHT meant in their document when they referred to a high number of disabled persons in Stow. She noted that it does not discuss the nature of the disability.

Donna Jacobs stated that they used census data, which does not separate the types of disabilities; it just counts a total number of disabled persons.

In regards to the statement made on page 13, Karen stated that some of the disabilities might not be physical.

Kathleen Willis stated that she would like to see how the proposed supportive services are able to meet the needs of the population in the new Plantation II development. She believes the Town needs an affordable assisted living facility because not many people can afford them and they are needed in town.

Karen asked Donna if she had gone through the document and made the data corrections.

Donna said she went through the entire document making all data and grammatical corrections.

Quince said SMAHT met the night before and went through Ernie and Kathleen's comments. He stated that they tried to incorporate those comments that were not based just on individual opinions.

Karen reminded them that the email she sent them was of Board member's individual comments, which had not been reviewed as a Board until earlier tonight.

Lori stated that she, Kathleen and Ernie are in agreement with most of the comments, except for rental units.

Ernie stated that workforce housing and starter homes are a real need in Stow, and even though they may not be considered affordable by the states definition, this type of diversity in housing is needed and should be stated in the plan.

Donna stated that the HPP's purpose is to define how the Town plans to create the state's definition of affordable housing. She noted that SMAHT did try to incorporate some of the ideas the Planning Board members mentioned, but ultimately they concentrated on the State's requirements so the plan would be accepted.

The Planning Board was confused by this, as they thought the Housing Production Plan specified housing needs in general, not just affordable needs. Planning Board members recommended they state the purpose of the Housing Production Plan more clearly in their opening paragraphs so that

readers are well aware that this plan is geared specifically to affordable housing. They also noted that HPP should define affordable housing.

Lori Clark asked why the HPP does not discuss using funds to secure deed restrictions if this plan is not just about new construction.

Donna Jacobs said her preference is to buy deed restrictions on existing homes.

Karen Kelleher asked why the state would allow these units to count on the SHI but not as part of the HPP.

Donna stated that the purpose of the HPP is to create new affordable housing.

Ernie asked why SMAHT chose to mention the work force housing under the goals if this is not what the State is looking for.

Donna stated that SMAHT wanted to keep in these sections even though the State does not require it because they are quintessential to Stow.

The Planning Board and SMAHT members went through the Planning Board members' comments;

- Donna noted the historical background was correct but not necessary for this document.

- Donna stated that the Planning Board members comment from Pg. i The reason for the original change in lot size was done intentionally at the time to make it harder to built smaller units.

- Donna stated that all comments made for pg. ii would be incorporated.

She noted that changes had been made since the last draft, changing the dates to 2011 to make them attainable.

- Pg. V has been corrected to incorporate data errors and guesses

- Pg. i & 1, the word "deny" has been changed to "better control"

- Pg. 2, Kathleen Willis stated that the section stating that the Town desire's rental housing should be changed.

- Pg. V-58 SMAHT will change the date for "strategy by year" for the Ridgewood AAN Inclusionary units as a permit extension was granted on top of the States two-year extension.

- Pg. 32-33 Number of affordable units has been updated.

- Pg. 33 and 39 grammatical errors were corrected

- Pg. 38 Karen Kelleher suggested explaining the Accessory Apartment bylaw more clearly.

- Pg. 44, Board members agreed that this is beyond the scope of the HPP and not necessary to comment on.

- Pg.45 Board members agreed this comment was no longer necessary

- Pg. 46 Grammar will be corrected.

- Pg. 49 This will be incorporated.

- Pg. 50 The Board discussed this comment and accepts the statement in the HPP as written.

- Pg. 52 Donna explained that the state requires a section in the HPP be dedicated to transportation.

- Pg. 54 Donna will incorporate a more positive introduction, as the Town has done a property inventory review.

- Pg. 54 Table 29, SMAHT will incorporate this into their next version of the HPP
- Pg. 55 Suggestions will be added to the HPP
- Pg. 54 and 55, Donna explained that SMAHT only decided to list the four parcels most likely to be suitable for development of affordable housing.
- Pg. 56 Comments were explained further by SMAHT
- Pg. 58 Corrections have been made to Table 30
- Pg. 59 Concerns were addressed and explained
- Pg. 62 Comment will be incorporated.
- Pg. 63 This comment will be taken out
- Pg. 64 This comment was retracted by planning members
- Pg. 67 Comments will be incorporated
- Pg. 68 Comment will be incorporated
- Pg. 70 Comments were discussed and will be incorporated.
- Pg. 73 Comment was discussed and SMAHT noted they were offering predevelopment funding to non-profit affordable housing developers as the town has done in the past.
- Pg. 74 Grammar was corrected

The Board discussed the goal of 80% affordable housing as rentals. Kathleen strongly disagreed with this percentage and suggested something lower.

Donna noted they could change it from 30-50%.

Karen suggested using the percentage the residents agreed upon in the Master Plan survey.

Karen Kelleher suggested stating in the HPP that the Town plans to establish design criteria when they revise the Comprehensive Permit.

Board members asked if SMAHT had the ability to monitor the affordable housing wait list and if they had the appropriate confidentiality clause.

Donna said that SMAHT has this ability. She also noted that they have established a grant program for non-profit affordable housing developers. They recently granted \$70,000 to Stow Community Housing Corporation.

Karen Kelleher suggested mentioning this in the HPP.

Kathleen Willis was concerned about this loan program because SMAHT does not have perpetual funds coming in. She was concerned that they would not have enough funds available to put money down on existing homes for deed restrictions if they come up for sale.

Kathleen Willis moved the Planning Board support the Housing Production Plan, as amended this evening, December 16, 2010. The motion was seconded by Ernie Dodd and carried a vote of three in favor (Kathleen Willis, Ernie Dodd and Lori Clark).

Karen Kelleher offered to look into the deed restrictions at the Elm Ridge Road subdivision.

DISCUSSION/ACTION ITEMS

Lower Village Sub-Committee Proposal to install fence on south side of Route 117

The Lower Village Sub-Committee submitted a plan to install the Lower Village Streetscape standard fence along the south side of Great Road.

Karen Kelleher explained the Lower Village Sub-Committee's criteria for additional fence sections. Their criterion was to install the fence: south side of Great Road (as no fencing currently exists here). The specific location was determined because there is room in the right of ways and is located perfectly across from the fence on the north side near a crosswalk.

Kathleen noted that the location they are proposing is heavily landscaped. She was concerned that a fence will add more obscurity to the area making it more difficult for cars entering and exiting the area.

Karen said that members of the Lower Village Sub-Committee conducted a site walk and located the right of way bounds. She reported that the sub-committee would like to purchase the fence sections now and wait until the spring to install them. They are looking for the Planning Board to approve the funds.

Board members noted that by Spring Coler and Colentionio would have the Lower Village survey work completed, and that they should conduct a site walk before the fence sections are installed.

Ernie Dodd moved to approve the request of the Lower Village Sub-Committee to expend \$391.20 for fence sections and installation, and to pay for any additional timbers that may be needed for this section. The motion was seconded by Kathleen Willis and carried a vote of three in favor (Ernie Dodd, Kathleen Willis and Lori Clark).

EXECUTIVE SESSION

Ernie Dodd moved to enter into executive session for purposes of discussing the ongoing litigation concerning the The Riverhill Estates Subdivision and to adjourn at the conclusion. The motion was seconded by Kathleen Willis and was carried by a unanimous roll call vote (Ernie Dodd, Lori Clark, Kathleen Willis).

The meeting was adjourned at 10:33 P.M.

Respectfully Submitted,

Kristen Domurad
Administrative Assistant