

## **TOWN OF STOW PLANNING BOARD**

Minutes of the February 15, 2011 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**

No correspondence was reviewed.

### **MINUTES**

*Kathleen Willis moved to accept the minutes of the February 8, 2010 Planning Board meeting as amended. The motion was seconded by Ernie Dodd and carried by a vote of four in favor (Kathleen Willis, Ernie Dodd, Steve Quinn and Lori Clark).*

### **PUBLIC INPUT**

*Resident Linda Hathaway of 76 Crescent Street voiced concern about the Pedestrian Walkway Planning Sub-Committee (PWP). She questioned if their duties had changed and if they were now overseeing the construction of walkways.*

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

Lori Clark stated that the sub-committee was charged with establishing and prioritizing areas in town where walkways were needed and then delivering design plans. She noted they met with the Planning Board and Board of Selectmen to discuss the Phase I and Phase I approach, which will consist of delivering a Master Plan for walkways in town.

Lori suggested the power point presentation be posted on the website.

She noted that Phase I does include a construction phase, but that the Pedestrian Walkway Planning Sub-Committee will be working with the Planning Board to hire someone to look over the construction.

Linda stated that she believes the PWP Committee was working outside their scope and that they are wasting the Town's money on redundant sidewalks in the center of Town. She stated that it is disconcerting that they are proposing a sidewalk in front of Town Hall when there is already one on Crescent Street, and that it is not safe to walk between the Town Hall and Town Building. Linda said that they should reconsider building sidewalks if they will only be accessible for three seasons. She stated that sidewalks are needed most in winter when it is unsafe to walk in the road. She stated that before any construction begins they should create a plan for plowing the

sidewalks and that this burden should not be put on the taxpayers. She noted that other people have voiced concerns to her and that she is trying to get them to make their concerns known to the Board.

Lenny Golder asked what their concerns were.

Linda stated that their concerns were that the sidewalks being proposed in the center of town are redundant and that parking spaces will be lost and not replaced. Linda stated that the sidewalks should not be built until all of these issues are dealt with.

Lenny stated that existing walkways are currently only three season and that maybe it is not realistic to have 4 season walk ways.

Linda stated that sidewalks were not needed in the summer.

Steve Quinn noted at one of the Board's past meetings, they had discussed waiting on construction of walkways in the Town center, as parking was an issue.

Lori Clark stated that the Planning Board had discussed delaying this part of the plan.

Karen noted the Board had asked the Selectmen to address parking issues.

Kathleen Willis asked Linda how these walkways would be any different than if the developers built them along the major roads (instead of making a donation to the sidewalk fund), as required by the Town's Subdivision Rules and Regulations.

Linda stated that she was not sure if she even agreed with the mandate in the Rules and Regulations that require sidewalks. She also stated that the walkway will go in front of several properties and that they will have to maintain them.

Board members noted that the Town does not require any of the current walkways to be plowed or shoveled by residents.

Steve Quinn stated that potentially, in the future, Town meeting could vote to establish some money for the care of walkways.

### **PUBLIC INPUT continued**

*Resident Bill Byron* of 469 Gleasondale Road and member of the Zoning Board of Appeals, inquired about the Board's involvement with the task of reviewing the Town's Comprehensive Permit Policy.

Ernie Dodd stated that he would be sitting on the committee.

Bill Byron questioned if the Zoning Board of Appeals should be reviewing the document or if it would be inappropriate for them to do so as they are the ones making the determinations.

Board members agreed that it would be helpful for a member or members of the Zoning Board of Appeal to be active in the review process of this policy.

Kathleen Willis stated that there were areas of the existing policy she did not agree with.

Karen Kelleher noted that the Master Plan suggests revisiting the notion of rental units as a priority, but the Housing Production Plan states that rental units are needed.

## **APPOINTMENTS**

### **Ingeborg Hegemann –Wetlands Overlay Zoning District**

The Board asked Ingeborg to attend their meeting to discuss the Wetlands/Flood Plain Overlay District with them as they have been working to digitize this district.

Karen Kelleher explained that the Wetlands/Floodplain Overlay District contains two different data sets. One is based on the floodplain the other is based on the IEP maps for Wetlands. She noted that the IEP Wetlands study is almost fully covered by the Floodplain layer. She questioned if the Board wanted to consider eliminating the IEP Wetlands layer from this district and changing it solely to the Floodplain District. The Conservation Commission would still have jurisdiction over the few remaining areas outside the Floodplain District.

Ingeborg noted that the IEP Wetlands and the MassGIS wetlands layers both show areas that are not correct but that there are pros and cons to keeping a wetlands layer in the district.

Steve Quinn stated that his concern was that even if the layer was digitized and moved to show better accuracy of the IEP map, it would be difficult to figure out where it was located on the ground.

The Board decided to create a working group to look into this zoning district more carefully. Ingeborg offered to assist the Board.

## **PLANNING COORDINATOR'S UPDATE**

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

### **Citizen Planner Training Collaborative (CPTC)**

Karen reported that the CPTC conference would be held on March 19, 2011 this year in Worcester. Members should let Kristen know if they plan to attend.

### **Upcoming Meetings**

March 1, 2011 – Public Hearing for Stow Community Park

March 8, 2011 – Meeting with Lower Village Business District Land owners

### **Solar Farms**

Karen reported that she had received several inquiries in the past few weeks from solar companies and landowners about installing solar farms. She noted that the Board should start working on bylaws/ and or regulations, as this is likely to come up in the near future.

Karen stated that she and Kristen have been compiling example bylaws and information on solar farms.

Board members agreed and requested this topic be added to an upcoming agenda.

## **Lower Village Planning**

Karen reported that Mark Whitehead, a stow resident who lives off Samuel Prescott road called to inquire about joining the Lower Village Sub-Committee. She informed him the sub-committee would be disbanding shortly but invited him to the working meeting with business zoned property owners meeting on March 8, 2011 and to help in the Planning Board's Lower Village planning efforts, possibly as an associate member.

## **APPOINTMENTS**

### **Public Hearing: Petition for Highgrove Estates Hammerhead Special Permit (4 lots) and Site Plan Review, and (1) Approval Not Required (ANR) submission**

The public hearing was opened at 7:30PM.

*Ernie Dodd moved to waive the reading of the public hearing notice. The motion was seconded by Kathleen Willis and carried a vote of five in favor (Ernie Dodd, Kathleen Willis, Steve Quinn, Lori Clark and Lenny Golder).*

Steve Quinn read the Public Hearing procedures.

Rich Harrington, project engineer from Stamski and McNary and Developer James Fenton introduced themselves.

Rich Harrington presented the petition to the Board and public. He stated that they have submitted a petition for 4 hammerhead lots and 1 ANR lot in one plan in order to make it easier to file.

Rich Harrington stated that the project had been submitted to the Conservation Commission for a Notice of Intent, and that all abutters had been duly notified. He provided certified mail receipts.

He stated that they had received comments from Sue Sullivan, the Town's Consulting Engineer, Ernie Dodd's spreadsheet comments, staff members from the Town Building (Board of Health and Treasurer's office) and the town's Safety Officer.

He explained the configuration and location of the lots on display boards. Rich then reviewed their plan for the drainage, private common drive and cul-de-sac. He stated that they would not be proposing any work in the wetlands on the upper portion of the site.

Rich explained that they will be using a network of drainage basins and will meet all requirements for storm water as to not increase the rate or volume. Sue Sullivan has confirmed that they meet the bylaw in full.

Rich showed the proposed entrance which crosses the wetland stream. He explained that there would be a wider opening in certain areas for cars to queue and for turnouts. He noted the drive meets all standards for a public road although it will be a private road.

He noted that water will be collected through the series of collection basins and that no water will be directed into the vernal pools, all water will be directed back into its natural path after the series of basins.

Rich then explained the development phases. He noted that they have worked out in their plan to have the Town's Consulting Engineer review the project extensively throughout each phase of the project. He stated that they will develop the site in phases, the first being stabilization of the shoulders on the drive as they work their way into the site.

Rich stated that the comments received by Ernie Dodd and Sue Sullivan were positive with some recommendations such as keeping a binder course for a year, additional erosion inspections, and considerations for building at certain times of the year. He stated that overall they seem to agree and that if additional items needed to be addressed they were open to working on them.

Steve Quinn opened the floor for public input.

*Resident Gerry Gleason of 16 Canterbury Road stated that there is run off that comes down the hill and across West Acton Road. He noted that the run off is uncontrolled now and questioned if it could be controlled in the future. He also noted that the water is going to be directed to Acton and wondered how Acton residents felt about that. Mr. Gleason also stated that there are wetlands behind his house and his neighbors (where the run off ends up).*

*Resident Jonathan Duprey of 3 Canterbury Road said he lives across the street where the culvert dumps out. He was concerned about the use of the culvert with this project as extra run off from the culvert goes around his septic system. He had built a berm on his land to divert the water, which he maintains every year. He asked what the Town could do to make sure this problem would not get worse.*

*Resident John French of 10 West Acton Road stated that about 5 other developments had been proposed on this site and were denied every time due to the same problems that exist now, wetlands, slope grade of road, and water run-off.*

*Resident Bob Flynn of 215 West Acton Road stated that his concerns were the same of the individuals who had spoke before him.*

*Resident Timothy Donahue of 7 Canterbury Road stressed the same concerns and questioned how it would not get worse with more development.*

*Resident Charlie Kern of 304 West Acton Road asked how the system of drainage basins would be maintained over the years, as they will not belong to the Town.*

*Resident of Acton, Carol Brady of 15 Windemere Drive asked how the proposed lots would effect the neighboring lots in Acton.*

*Kathy Sferra of the Stow Conservation Commission stated that their commission had not compiled formal comments at this point, but they did visit the site and observed the storm water and did have some concerns both with the berm on West Acton Road and where the land section comes down to West Acton Road, as well as the over flow that may end up in some of the properties if not maintained.*

*Kathy also stated that the Commission had discussed asking for some land to be donated to the Town as open space, where the land abuts Flag Hill Conservation Land, in order to protect the wetlands.*

*Resident Bill Byron of 469 Gleasondale Road asked if the proposed entrance would have a steep embankment and was concerned about the entrances visibility for vehicles coming in and out.*

*Ernie Dodd stated that the Board had visited the site and did not see that the sight line of the driveway would be a visibility problem. He noted that there are major fills proposed so there will not be a very steep entrance.*

Rich Harrington stated that they were able to bring the road down further on the West Acton Road, which saves trees, minimizes cutting and has better sight lines.

*Resident Ellen Sturgis of 12 Canterbury Road asked if the Acton properties would be accessing their homes from the same drive or from Acton.*

Rich Harrington said the homes in Acton would be accessed from their own individual driveways from Acton.

*Resident Ellen Sturgis stated that she was concerned about the potential chemicals to be used on the private drive, as the run off eventually goes into the wetlands behind her and her neighbors' homes. She also stated that money should be set aside for maintenance of the culvert to assure the culverts and drainage system would be taken care of in the future.*

Karen Kelleher stated that Sue Sullivan had recommended an escrow account be set aside for drainage maintenance emergencies.

James Fenton stated that the owners of the land, the Sweeny's, want to do a subdivision with the land. He noted that they are still in the process of submitting their 40B application with the State. He explained that he had been pushing the Sweeny's to move forward with this application of 8 lots instead. He noted that the Sweeny's were determined to build something on this lot and that this proposal was much less of an impact than the 40B.

James Fenton noted that there is a possibility that the retention and drainage system proposed could actually solve a lot of problems for people currently experiencing water problems from the run off. He mentioned a property in Maynard he developed where it actually helped drainage issues for abutting neighbors. He stated that it might not fix the problem completely but that the run-off would be held longer.

A resident asked where the project in Maynard was located.

James Fenton stated it was on property located off Marble Street.

The resident stated that, that site was very different than the Sweeny's property.

Rich Harrington explained that right now there is sheet flow coming off the hill and the water is seeping into neighboring garages. He stated that they will be installing two basins above those properties and then a third that directs the water and slows it down through a channel of basins instead of coming straight down. It then gets directed to its original path.

Rich stated that when there are properties located near an area like this it is important to clean out the catch basins after every storm so that water drains properly. He noted that on West Acton Road the drainage in that area is already causing erosion and a lot of it is not from the Sweeny site but a lot of it is from the public road flowing down.

Rich stated that they cannot stop the water from bleeding out in certain places, but that the project complies with the bylaws in that it will not increase the rate or volume of flow from the current site. He stated that they couldn't guarantee they will solve the existing problems but they will not make it worse.

Ernie Dodd stated that this project is much better than those proposed in the past. He stated that Sue Sullivan had reviewed the plans using the Town's and State's design and engineering standards.

*Resident David Coppes of 91 Boxboro Road (and member of the Conservation Commission) stated he was concerned that if the future homeowners could cut down more vegetation and the drainage system should be designed to control the added run off.*

Ernie Dodd stated that the Board could list in their decision specific conditions stating what the homeowners can and cannot do.

Rich Harrington stated that in this proposal there is less clearing with only five homes, on average about 20% of the lot size for each lot will be cleared and will be in keeping with all required set backs.

Kathleen Willis asked about the size of the homes.

Rich stated that the homes would be 5 bedroom homes about 3,200 sq.ft

Kathleen Willis asked if any reforestation would be proposed to replace the trees being cut in the process of building the road.

Rich stated that they will be planting ornamental trees by the homes, but that they plan to plant a seed mixture along the road which will produce a thick brush which will trap the water better than trees. He noted that other trees and native plantings would grow back over time.

Kathleen Willis asked if they would propose keeping some land as open space or provide access to the Flag Hill conservation land.

Rich stated that the area between the homes and the Flag Hill Conservation land is wetlands and was not sure if this would be a good location for a trail.

Kathleen Willis asked if the 12ft. width driveway was safe enough for the fire chief.

Rich Harrington stated that he has reached out to Town Departments but has not heard back from the Fire Chief yet.

Ernie Dodd asked if there had been plans for a fire cistern.

Rich stated that they had not planned for one, as there are only five homes and did not trigger this requirement. He stated that he would be willing to meet with the Fire Chief to discuss these issues.

Lenny Golder asked what the steepest slope of the road is and how many culverts were onsite.

Rich stated that all slopes would be less than 10% grade, meeting the Town's requirements and that there would be two open box culverts at each stream crossing.

Steve Quinn asked if Stamski and McNary had any ideas about maintaining the drainage system for the future.

Rich stated that there would be an operations and maintenance plan written up in the master deeds, which are enforceable. He noted that they are proposing more maintenance free pipes, and easy to clean out sumps.

Karen Kelleher asked what the enforcement mechanism is to make sure maintenance of the drainage design will be taken care of.

Rich Harrington stated that the homeowners would be responsible for one another. He noted they are proposing to install swales and berms to redirect the water.

Karen referred to Sue Sullivan's suggestion of requesting an emergency fund in escrow in case issues ever arise.

Rich stated that the private drive would be less steep than the other roads in the area.

Kathleen asked if there would be restrictions on the types of de-icing materials used on the drive. Kathy Sferra stated that even if restrictions were written into the decision there was really no way to enforce the issue.

Ernie noted the basins would need to be mowed.

*Resident Bill Byron* asked if possibly the Town needed to put more culverts and catch basins into the ground to take care of the existing problems.

Rich Harrington stated that the common drive would also be sloped back towards the hill.

Kathleen Willis stated that the site hasn't changed and the slope hasn't changed from what had been proposed several times and that her concerns remain the same.

Steve suggested the Board get input from the Fire Department before the closing of the hearing. Karen agreed.



Kathleen noted the Town's Safety Officer sent an email stating that his comments have not changed since the last proposed development on this site. She suggested the Board review what his comments were at their continued hearing.

Karen Kelleher explained the next step in the process in the public hearing. She noted that the Public Hearing would be continued to hear the Fire Department's concerns, and stated that the abutters would not receive another notice letter of the continuation. She urged them to pass the word along to their neighbors who were unable to attend this hearing. Then the Board would close the hearing and have 90 days to render a decision.

The Planning Board will hold the extended public hearing on March 15<sup>th</sup> at 7:30PM. The applicant agreed to the continuance.

*Resident of Acton Joe Ianelli asked what would happen if the private drive was blocked and there was an emergency.*

Rich stated that there was not a secondary access as it is a common driveway. Rich noted that the turning point template for fire trucks was checked and a typical fire truck would be able to make the turn and that the drive was in compliance with the Towns slope and width regulations.

*Ernie Dodd moved to continue the public hearing for the Highgrove Estates proposal to March 15, 2011 at 7:30 PM. The motion was seconded by Lenny Golder and carried a vote of five in favor (Ernie Dodd, Lenny Golder, Steve Quinn, Lori Clark and Kathleen Willis).*

## **PLANNING BOARD MEMBERS' UPDATES**

### **Pedestrian Walkway Sub-Committee**

Lori Clark reported on the Pedestrian Walkway Sub-Committee's meeting. She stated that the committee discussed requesting money for the consent calendar. The Sub-Committee decided not to request money for a snowplowing machine on the consent calendar, as they don't feel comfortable asking for money before any sidewalks are constructed as they were charged to evaluate the walkways and define areas where construction should take place.

Lori reported that Kris Wile and Jim Salvie met with Bill Wrigley, Town Administrator to discuss the RFP process. Bill informed them that they should have an engineer write up the RFP and to oversee construction. Lori noted that this was an expense they did not foresee.

Karen stated that the sub-committee could use Places Associates to write the RFP and do the construction inspections.

Lori stated that Bruce Fletcher suggested he might be able to do the work as an employee of the Town, under the Highway Department, this way they would not have to hire a third party.

Lori stated that there were issues between the Sub-Committee and Sue Sullivan about the vertical granite curbing and location of the crosswalk at Town Center. Lori stated that the entire walkway proposal has granite curbing. She stated that the Sub-Committee spoke with Bruce about the design plans and that Bruce Fletcher did not think this was necessary. Lori noted that

the vertical granite curbing doubles the cost of construction. He noted that because she is a licensed engineer she has liability and may not be willing to change the vertical granite curbing. Bruce indicated that Route 117 was not a state highway and that there aren't any laws specifying the walkways have to be built with vertical granite curbing.

Karen stated that the reasons Sue gave for the need to have vertical granite curbing, were based on the speeds on Route 117 and that the walkways were right up against the road in some areas.

Steve Quinn asked what the general guidelines were.

Karen stated that Sue had written an email explaining her recommendations.

Lori stated that there is only one section that is not close to the road, so that about 90% of the plan shows a walkway with vertical granite curbing.

Lenny Golder asked if the vertical granite curbing was recommended for safety issues.

Lori Clark stated that it was.

Lori Clark stated that their Sub-Committee contacted the Town of Sudbury, as they had constructed sidewalks more recently without vertical granite curbing. It was not a state road so they were not obligated to put in vertical granite curbing. Lori could not remember the name of the road (she thought it was Route 20), but would find out and get back to the Planning Board.

Board members asked if the speeds and proximity to the road on Route 20 was the same as in Stow.

Lori was unsure. Lori noted that the PWP Committee does think there are some areas where vertical granite curbing would be necessary for safety reasons, but not the entire length of the walkway.

Lenny questioned if the walkways would be safe for nighttime walking.

Lori stated that the over all concerns were that the vertical granite curbing is much more expensive and that they give a city appearance.

Lenny Golder asked if there was enough money in the sidewalk fund to pay for this phase with the vertical granite curbing as is.

Lori stated that there was enough money but it would almost deplete the account.

Kristen asked if there was enough room in the right of way to push back the walkway far enough back from the road so that vertical granite curbing would not be needed.

Lori Clark stated that the Sub-Committee had decided that they did not want to push too far back into the right of way so as not to disrupt property owners who have fences or plantings in the right of way; they showed concern and thus would have made it more difficult to construct the walkways.

Lori also noted that the crosswalk at Hudson Road is before the stop line. She stated that the Town's Safety Officer requested that the crosswalk be put at the intersection as opposed to setting it back on Hudson Road. She noted that the Sub-Committee received several different suggestions about where to place this crosswalk.

The Board decided to discuss the Phase I walkway plan at the March 1, 2011 Planning Board meeting.

Lenny asked Lori if the PWP Sub-Committee had discussed whether the walkways would be 3 or 4 season.

Lori stated that the PWP Sub-Committee would not be discussing the maintenance issues for the walkways as it was not part of their charge and is a Town wide issue. She stated that in Phase II they would definitely do some research as to the cost and state that residents have brought this up as a concern. She noted that this is an existing problem and one that should be discussed as a Town.

Steve Quinn noted that Stow is not a Town that depends on sidewalks as a mode for children to get to school. He stated that some cities have to clear their sidewalks or school is cancelled, this is not the case in Stow.

Ernie Dodd suggested only clearing out areas between the buildings in Town Center. Lori stated that this is similar to what some towns do.

Lori stated it is her impression that the reason they are having issues is because they hired a licensed engineer, where as if they just built the walkways through the Town's Highway Department they could have been more flexible and it would be cheaper.

Ernie noted that the Planning Board does not know the real cost of the sidewalks that the Highway Department installed for the Planning Board, as they only charged the Board for materials, not labor or equipment.

### **COORDINATORS' REPORT continued**

#### **218 Boxboro Road**

Karen stated that she had received several inquiries about the 218 Boxborough Road property, located next to the Ridgewood AAN which is for sale. She stated that she sent a note to the Community Preservation Committee and to the Stow Municipal Affordable Housing Trust to make sure they were aware that this property is for sale as it may be a good lot for affordable units.

Steve Quinn suggested the Board try to negotiate and obtain the lot from Ridgewood LLC in lieu of the required Inclusionary units.

Karen noted the Ridgewood AAN property is scheduled for auction in March.

#### **Trefry Lane**

Karen reported that she received a call from Martha Monroe asking if the Planning Board had planned to respond to a notice the judge had sent to her. Karen stated that she contacted Town

Counsel who stated that the Town would not be responding as they had already made the decision not to expend legal fees and that the property owner should take the lead. Karen advised Martha that the Town would not be responding.

### **MAPD Meeting Stormwater Regulations**

Karen reported on the MAPD meeting she and Kristen had attended last Friday. Karen stated that the State is trying to make their DEP regulations more parallel to that of the EPA. She noted that she would make copies of the handout for members.

### **DISCUSSION/ACTION ITEMS**

#### **128 Great Road Decision**

Karen reported that after looking at the existing conditions plan in Lower Village, produced by Coler and Colantonio she and Lori had noticed that Mr. Curtis's island was in the right of way. She also noted that because this was a special permit they would need to either require a sidewalk be built along the property or a fee given in lieu of a sidewalk.

Karen relayed this information to Mr. Curtis, who said he would be willing to move the island back and install a sidewalk in front in the right of way.

Board members discussed requiring Mr. Curtis to move the island back, as he plans to create a new raised island and this would prevent any new work from having to be destroyed in the future when sidewalks are installed. They also discussed having him install a sidewalk along the island.

The Board agreed to require a revised Plan showing a sidewalk and landscape island with features of the streetscape specifications to the extent practicable. Such Plan to be submitted and approved by the Board prior to occupancy permit.

Board members then reviewed the draft decision and amended it by added specific wording for full cut off lighting, encouraging future inter-lot connections, using the Lower Village Standard Streetscape to the best extent possible, painting angled parking and one way arrows for the egress and ingress.

*Kathleen moved to approve the Special Permit Decision and Site Plan for 128 Great Road as amended. The motion was seconded by Lenny Golder and carried a vote of five in favor (Kathleen Willis, Lenny Golder, Steve Quinn, Ernie Dodd, and Lori Clark).*

The meeting was adjourned at 10:25 P.M.

Respectfully Submitted,

Kristen Domurad  
Administrative Assistant