

TOWN OF STOW PLANNING BOARD

Minutes of the July 5, 2011 Planning Board Meeting.

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

Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

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

MINUTES

Ernie Dodd moved to approve the minutes of the June 7, 2011 Planning Board meeting as amended. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder, and Lori Clark).

CORRESPONDENCE

No correspondence was discussed.

PLANNING BOARD MEMBERS' UPDATES

Board of Health Liaison, Kathleen Willis

Golf Course Water Monitoring

Kathleen Willis reported on a meeting she had with Jack Wallace, Health Agent, to discuss the memo the Planning Board wrote to the Board of Health concerning their joint research efforts into golf course water monitoring. Kathleen stated that she reviewed the memo with him and there seemed to be a misunderstanding of expectations. Jack asked if she and another Planning Board member would be able to attend the next Board of Health meeting on Thursday July 7th at 6PM.

Lori Clark said she could make the meeting.

Karen Kelleher stated that Jack Wallace dropped off a copy of Jay Billing's report to Stow Acres to be passed along to Walter Lankau. Walter Lankau stopped by the Planning Department because he was upset about the report and was concerned that the Town is making things difficult for Golf Courses to stay in business. He noted that they have used one of the products that the Dept. of Agriculture recommends being prohibited in Zone II public water supply areas, but only once. Karen tried to explain the Town's position but he stormed out of the office.

Kathleen Willis stated that it would be better to speak directly with the golf course owners and explain what the Boards are looking to do.

Lori Clark noted that the Board of Health was the one who asked the Planning Board to be consistent with all the golf courses in terms of water monitoring. She noted that Jack Wallace was the one who suggested bringing in the consultant, Jay Billings.

Ernie Dodd suggested the Planning Board propose a general bylaw to ban the use of any substances, which are banned by Department of Environmental Protection for Zone II (Public Water Supply) areas, as the Town of Stow is on private wells.

Board members agreed.

67 Elm Ridge Road

Kathleen noted that the Stow Conservation Trust attended the Board of Health meeting to discuss encroachment onto their property by property owners at 67 Elm Ridge Road. They requested an update from the Board of Health, because the Board of Health sent a letter to the property owners at 67 Elm Ridge Road back in January, stating that they would issue a fine if they did not comply. They are still not in compliance and fines have not been assessed. Kathleen noted the Stow Conservation Trust had paid for a land surveyor so it is clear that the stable is encroaching onto their property. The property owners at 67 Elm Ridge Road have reapplied for a stable permit. Kathleen was concerned that this permit would be reissued and area was not adequate for a horse.

Karen Kelleher asked if the Conservation Commission could take some action as they hold a restriction on the land.

Site Walk at Arbor Glen

Kathleen stated that she will no longer be able to attend the conservation commission site walk at Arbor Glen, but if other members were interested it will still be held at 9AM on Sunday July 10th.

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Lenny Golder, Ernie Dodd and Karen Kelleher reported on a meeting with Jeff Lacey in regards to Planning Board concerns about CLURPA.

Lenny noted that Jeff Lacey was amenable to some changes in order to accommodate small towns.

Karen explained that the 5% increase of higher density housing is over a 10-year period, but it does not actually have to be built, rather be zoned for. She noted that Jeff Lacey pointed out a loophole for small towns without a public water or sewer source. He stated that the Town could just zone for it, knowing it would never happen given the lack of public water.

Karen expressed concern about proposing and asking Town Meeting to approve a zoning district knowing that it is not probable.

Ernie Dodd agreed.

Karen noted that Jeff agreed with the suggestion of an alternative Master Plan approval process for towns with Town Meeting style government. He seemed to agree with a requirement of a public hearing as well as a majority vote of the Planning Board, Board of Selectmen and Conservation Commission approval.

Lenny Golder stated that Jeff Lacey seemed amenable to Lenny's suggestion of only having the implementation part of the Master Plan require consistency with the zoning bylaws.

Karen noted that there was concern here too. She stated that as the town changes, and goals change, the Board would be obligated to keep the Master Plan implementation section consistent to the Zoning Bylaws in order to remain an opt-in community. She stated that they might be forced to change their Master Plan implementation every time a zoning change comes up.

Pedestrian Walkway Planning Sub-Committee (PWP)

Lori Clark reported that the Conservation Commission issued their Determination of Applicability.

Karen Kelleher stated that about 10 potential bidders picked up bid packages. She noted that the pre-bid conference will be held on Monday July 11, 2011 and that proposals are due on July 15th. Karen noted that Bruce told her he had planned to amend the bid package by adding some add-ons to the proposal. Karen asked him if these suggestions should come to the Planning Board first. He noted that he did not have it ready for tonight's meeting but that people could just bid on both ways and the Board could make a determination on the changes when the bids come in, but would not be obligated to use the alternatives.

Karen noted that one alternative was to reduce the thickness of the pavement. Kathleen voiced concern about this change and stated that the idea is not to rebuild it in the future and that they should build sidewalks that will last.

Lori Clark said that the PWP Sub-Committee is looking at two things: cost, and if they will have enough to build to the thickness that was suggested by Places Assoc. vs. what the Highway usually builds, and what is required in the Subdivision Rules and Regulations.

Karen stated that she spoke with Dave Coia about building the section of the walkway from Orchard Drive to Applefield Farm. She stated that Habitech is required to make a donation in lieu of building a sidewalk in that exact location per the Zoning Board of Appeal Comprehensive Permit. She asked Board members if they would support a change to no longer require the donation if they do build the walkway in this location. Board members supported this idea. In addition she noted Habitech's requirement to construct sidewalks on Harvard Road and noted that he might come back to the Board with a request to build the walkway they are asking for in exchange of not building any of the walkway they were required to build on Harvard Road.

Lenny Golder stated that this was not a bad alternative as a last resort. Kathleen noted that they might need to make a donation if the linear feet are not the same.

Karen offered to compile a list of the linear feet for each sidewalk mentioned.

COORDINATOR'S REPORT

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

370 Hudson Road

Karen reported that Tom DePersio would not be attending the meeting tonight, as he is now on vacation. She noted that the property owner called to reschedule.

Banks Property

Karen stated that the Banks property is no longer under agreement.

Trefry Lane

Karen reported that Rich Harrington had called and mentioned that Sweeney is looking to move forward with their development in Boxborough and was looking to extend their special permit for the emergency access road off of Trefry Lane. Karen informed him that their permit had already expired and would need to reapply.

Highgrove Estates

Karen stated that Distinctive Acton Homes had submitted the Homeowners' documents and Conservation Restriction for Planning Board Review which she will include on the August 2nd agenda.

She noted that construction activity has begun and the Conservation Commission received complaints from neighbors about encroachment into the wetlands. The Conservation Commission members walked the site and noted concern about wetland encroachment, lack of erosion control measures and working in restricted areas. The report was forwarded to Sue and she plans to check out the site tomorrow.

Other Business

Karen stated that the Stow TV wants to do a Halloween show (similar to the April 1st Selectmen's meeting) and asked if the Planning Board would want to participate.

Planning Board members were not interested.

DISCUSSION/ACTION ITEMS

Arbor Glen

Request to release Hudson Road Bond

Karen referenced the letter from the Highway Superintendent of Streets, who would support the release of the \$50,000 Hudson Road bond.

Ernie Dodd moved to release the Hudson Road bond in the amount of \$50,000, as the Highway Superintendent of Streets has deemed no damage was caused to Hudson Road during the construction of the Arbor Glen Development. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

Request to release Arbor Glen Bond

Karen noted that the last outstanding items regarding this bond were the trail easement documentation and the landscaping.

Planning Board members requested adding a statement prohibiting parking on Heather Lane and the easement.

Kathleen Willis stated that Pulte Homes submitted a letter to the Planning Board from their landscapers who stated that the trees were not an issue and not showing any damage. Kathleen stated that the homeowner's association had a certified arborist attend their site walk, and he stated that 14 trees should be replaced and about another 14 needed root crown

excavation. She noted that the trees were not planted in accordance with the Subdivision Rules and Regulations or the developer's plans.

Kathleen also noted that Bruce Fletcher, tree warden, made an informal report about the trees last fall and noted several were not planted correctly.

Lori Clark asked if this was something the homeowners' association should take up with the developer.

Planning Board members noted that this bond did include landscaping and it will be their only leverage to have the trees replaced correctly.

Board members asked Karen to put together a formal letter with the Board's concerns based on the feed back they received from both the certified arborist and that they were not comfortable releasing the bond until the issues are remedied. If there is an objection, they request that all parties meet to discuss the issue.

Kathleen also noted that the trees planted in back of homes on Heather Lane at the end of the development have bittersweet and poison ivy growing on them. Ernie Dodd stated that the homeowners' association would need to take care of the maintenance of the landscaping.

Hammerhead Lot Special Permit Decision – Homestead Lane

Karen stated that the Board could not vote on this item tonight, as a Board member and the voting associate member were unable to attend and there were not enough members present who attended the public hearing. The Board will vote on the decision at the next Planning Board meeting.

Karen pointed out that special permits require a sidewalk easement or donation. She noted that the Board did not talk about this at the hearing but it is a requirement of the Bylaw and asked if the Board wants to include the requirement in the decision.

Board members requested Karen add to the decision a requirement for a sidewalk easement along the frontage of the hammerhead lot.

Site Plan Approval Decision – Town Building Parking Lot Expansion

Kathleen Willis stated that she had several concerns about the plan. She noted that there were no drainage calculations, elevations or dimensional notations. Kathleen stated that she thought the town should be held to the same standards at other developers.

Lori Clark asked what the minimum requirements were for site plan approval.

Lenny Golder stated that he had many concerns, mostly about the entire plan to extend the parking lot and using pavement. Lenny stated that he does not want to see the area paved over because the town has little green space near the center the way it is. He stated that there might be areas for revision, such as not using pavement and just keeping it a grass parking lot.

Board members went outside to look at the area where parking lot expansion is to take place.

Ernie Dodd stated that having an outside professional engineer draft a plan with drainage calculations and elevations would cost a substantial amount of money.

Kathleen stated that she supports the extension of the parking lot but does not feel comfortable approving a plan that does not have adequate information.

Karen Kelleher noted that the Board could grant waivers for municipal uses and specifically call out in the decision where and why waivers are granted.

Lori Clark suggested the Board ask for some clarification on the dimensions, acknowledge that it is not a typical plan and explain that the waivers are in place due to cost and municipal use.

Kathleen was concerned that without the correct drainage information there was no way of telling the parking lot would be built correctly and comply with the bylaw.

Lenny Golder stated that the grass would allow for water to drain faster through the ground. Ernie Dodd explained that the pavement will direct the flow of water to drain into rip rap which will eventually sift out the solids from the liquids and the rest of the rain water will be directed to the wetlands. Ernie stated that a grass parking lot would create a mud field and not allow the water to be properly filtered.

Kathleen stated that there are no velocity measurements.

Karen stated that the Building Commissioner would be overseeing the construction of the parking lot. She noted that the Board could make a finding that the plan doesn't meet the typical plan submission, but it will be constructed by the Highway Department and overseen by a professional engineer.

Kathleen was concerned that Craig Martin said there would not be an as-built plan submitted after construction.

Lenny Golder restated his desire for a grass parking lot and questioned if there really was a need for additional parking. Karen Kelleher noted that DEP granted the setback requirement from the well, based on the plan that shows pavement. It is unlikely they would approve a plan without pavement.

Lori Clark noted that the Town voted to appropriate money to build additional parking spaces at the Town Building and that concern to expand or not expand was discussed and voted on at Town Meeting. That was the time to object to the additional spaces.

Ernie Dodd noted that they did not have a lot of time to create the plans and most likely would have started without obtaining site plan approval if it were not mentioned to them.

Kathleen stated that she would like them to show elevations, dimensions and drainage calculations.

Karen explained that they would need a surveyor to do this, which is very expensive.

Lenny Golder asked if the Department of Environmental Protection would accept a plan if the well was moved back further, with a grass parking lot. It was noted that it would be very costly to move the well.

Ernie Dodd stated that a grass parking lot is not going to be built because it does not allow for proper drainage and filtering of car oils etc. and would create a lot of problems.

Kathleen Willis stated that she would like to see the drainage plans shown as stated in Section 3.8.19 in the Site Plan Approval Rules and Regulations.

Lori Clark stated that she would agree with Karen's suggestions, to rely on Craig Martin as the engineer and call out areas where a waiver are being granted- explaining it is for municipal use.

Ernie Dodd noted that Craig might be able to calculate run off.

Kathleen stated that the garden club donated money for the tree relocation which freed up \$2,500 and that they could use this money to get a certified plan.

Karen noted that the cost of a certified plan for this parking lot would probably deplete their entire budget for the parking lot.

Lori Clark stated that she doesn't want to cost the Town money but does want enough information where the Board feels they have made an informed decision. She stated that the Building Commissioner could provide some type of drainage calculation or a statement and add some dimensions so they could better understand the width of the parking spaces etc., the Board could make a more informed decision.

Karen said she would get a copy of the DEP waiver and discuss the Boards request with Craig Martin.

Lower Village Common Bench

Karen explained that the Board of Selectmen would like the Planning Board to recommend a process for accepting donations for benches in the Lower Village.

Planning Board members reviewed the recommendation sent from Phil Moseley and Karen Kelleher.

Ernie Dodd moved to recommend the "Lower Village Common Memorial and Honorary Benches – A Guideline" as outlined by Karen Kelleher and Phil Moseley and to recommend the small sized Walden Garden fence in the weathered wood color as the standard bench to be purchased. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

Wildlife Woods – Request for permission to mow grass

Karen Kelleher explained that the Selectmen's Office received an inquiry from a resident at the Wildlife Woods Subdivision to mow the open space areas. She explained that the land is in

ownership of the town and controlled by the Selectmen but the Planning Board would need to interpret the Decision which states the open space shall be kept in its natural state.

Karen referred Board members to a sketch provided by the resident, which showed areas along the road and two open space areas to be mowed. Karen noted that the developer was mowing these areas before they finished the subdivision and the residents would like to continue to do so themselves as the Town is unable to fund it.

Karen stated that the Selectmen are handling the liability waiver and the residents are aware and expecting it.

Board members had no concerns about the areas along the roads being mowed.

Ernie Dodd did have concern about the open space being mowed between lots 60 and 61, as abutting residents may eventually encroach onto the open space and use it as their lawn. He suggested only allowing an 8-foot wide path be mowed.

Board members agreed that the area defined for recreation also be mowed, but that no trees shall be cut and that no herbicides or pesticides shall be used.

Ernie Dodd stated he would check the area between the two homes out tomorrow.

Taylor Road PCD

Conservation Restriction

The Planning Board reviewed and approved the redlined conservation restriction subject to the following amendments:

Amend Section C (2) through (5) and (7) through (9) by adding the following language at the beginning of each section: "With prior written permission of Grantee,"

Ernie Dodd Moved to approve the Taylor Road Planned Conservation Development Conservation Easement as amended. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

Homeowners' Trust

Karen Kelleher stated that Town Counsel read through and approved of the Homeowner Trust.

Ernie Dodd moved to approve the Taylor Road Planned Conservation Development Homeowners' Trust. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Ernie Dodd, Kathleen Willis, Lenny Golder and Lori Clark).

Trail Easement

Karen Kelleher asked the Board if they would recommend the trail easement be deeded to the Conservation Commission or the Board of Selectmen.

The Board suggested the trail easement be deeded to the Conservation Commission as it will lead to the open space and will not require approval at Town Meeting.

The meeting was adjourned at 9:55PM.

Respectfully Submitted,
Kristen Domurad
Administrative Assistant