

TOWN OF STOW PLANNING BOARD

Minutes of the October 4, 2011 Planning Board Meeting.

Present: Planning Board Members: Leonard Golder, Steve Quinn, Ernie Dodd, and
Kathleen Willis
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad

Absent: Planning Board Member: Lori Clark
Associate Member: Brian Martinson

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

CORRESPONDENCE

Ernie Dodd reviewed the correspondence in the Planning Board packets (available on file in the Planning Department).

Solar Bylaw Comments from Bolton

Kathleen Willis stated that she wanted to explore concerns brought up by Stow Resident/Bolton Conservation Commission Administrator about wildlife corridors and fencing of solar farms. She said that the Board should consider this in their Rules and Regulations.

Karen Kelleher noted that as their last meeting the Board discussed adding this in the solar bylaw rules and regulations so that it allows the Board some flexibility.

Collings Property

Members questioned correspondence from Attorney Conroy concerning the Collings property. Karen Kelleher explained that it was a copy of a note from Attorney Conroy to Maynard Sand and Gravel. George Morey of Maynard Sand and Gravel provided a copy for the Planning Board. No action from the Board is required.

PUBLIC INPUT

No public input at this time.

PLANNING BOARD MEMBERS' UPDATES

Planning Board meeting of 10/03/11

Ernie Dodd reported on the Planning Board meeting held the previous night. He stated that the Board voted to approve amending the existing Pedestrian Great Road Sidewalk contract with Century Paving up to \$25,000.00 to continue the sidewalk from the Habitech property, as far west as on the plan as the budget allows at a rate of \$85 per linear foot, not to include the stamped paving at Applefield Farm.

Ernie also stated that Bruce Fletcher asked if he could move the sidewalk back along this section and add a small green strip, which the Board also voted yes for the change order. He noted that vertical granite curbing would still be part of the plan.

Elementary School Building Committee (ESBC)

Steve Quinn reported on the ESBC meeting. He stated that they are getting more aggressive on the schedule and are looking to obtain an occupancy permit by Christmas break. He noted that the gym might not be completely ready but that the school is prepared to deal with that. Steve said a lot of the equipment would be new but some would be reused, that which is replaced will be used within the district, or outside the district in some way. He stated that Superintendent of Schools Michael Wood is working this out, but the goal is to have uniform desks and to hold off on buying new technology until the school is completely done.

Steve said that another walk through is planned in November and that the classroom section should be done around December 7th or 8th.

COORDINATOR'S REPORT

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

Butternut Farm Golf Club Water Study Report

Karen explained that the Board should discuss how they want to move forward with this at their next meeting. Board members agreed.

Ridgewood at Stow AAN

Karen reported that the Petitioner requested that the public hearing be continued without testimony because Lori Clark would not be in attendance tonight. She suggested that the Public Hearing continuance be opened and continued without testimony to October 18th. She stated that Jon Witten and Ridgewood's attorney have talked and Jon still believes that the bylaw does not allow for fee simple lots. She noted that Jon wanted to get a feel from the Board as to what their thoughts were about the bylaw, as he could simply respond that it is his belief that the bylaw does not provide for fee simple lots in an AAN District or he could also point out the fact that there are some ambiguities in the bylaw.

Board members stated that they were asking Jon for his legal opinion and would like to hear his interpretation as well as point out the ambiguities in the Bylaw.

Wireless Service Facility

Isotrope Wireless Service Facility Study

Karen Kelleher stated that Steve Riggs of Isotrope came into the office to review existing wireless files for their Wireless Service Facility Overlay District study.

Sprint

Karen stated that an engineer came into the office today looking for information on how to file for a modification to the Sprint antenna at the Gleasondale Mill.

Minuteman Airfield Complaint from Resident

Karen Kelleher noted that the Board has memos and emails in their packets about a complaints made by a resident about the airport and nighttime activity. Jim Salvie suggested a joint meeting, which would include the Planning Board. Karen noted that the permit for the Airfield is from the ZBA and that the Planning Board was not involved.

Board members agreed that it would be more appropriate for the matter to be discussed with the Building Commissioner and/or the Zoning Board of Appeals, as it is not in the Planning Board's jurisdiction.

Karen noted that the owner of Minuteman Airfield, Don McPherson, said he would be contacting the resident. His verbal response was that the night helicopter activity might be the med flight trainings

Penny Cushing

Karen reported that Penny Cushing and her engineer are on the agenda for next week. Karen stated that Jeff Brem of Meisner Brem said he found a way to still do the ANR because he found access showing that you can pull a car up into the lot to park. Karen advised him that she expected the Planning Board would not deem it adequate access unless access is available to the building area.

Ernie Dodd stated that he sent an email to the Board, which included a link to the state's ANR handbook. He said there are several issues where case law specifically describes what adequate access is.

DISCUSSION/ACTION ITEMS

Kettell Plain Road

Karen Kelleher explained that a resident, Janet Kelley, from Kettell Plain Road offered to draw a landscaping plan free of charge with the idea of using the remaining bond funds for Kettell Plain Road for the Plantings.

Karen suggested to Janet that she work with Mike Clayton and the Conservation Commission.

Kathleen stated that there was \$3,000 set aside for wetlands replications.

Karen said that Pat Perry, Conservation Commission Coordinator is in touch with Janet.

Kathleen asked if the cistern valve was ever replaced by the Fire Department.

Karen stated that the Fire Department advised that the cistern valve was replaced.

The Planning Board will send a letter in support of Janet Kelley creating the landscaping plan for Kettell Plain Road free of charge.

Chapter 61

The Board reviewed the sample Chapter 61 Land Evaluation Form.

Ernie Dodd stated it look good.

Kathleen Willis suggested they add an area under #4 to identify any known wildlife corridors.

Comprehensive Land Use Reform and Partnership Act (CLURPA)

Lenny Golder asked if there was any news about this legislation.

Karen stated that she had not heard of anything new, but did receive a request for the Board to sign a letter in support of CLURPA, which the Board was not in favor of supporting.

APPOINTMENTS

RidgeWood at Stow AAN – Public Hearing Continuance

Bill Roop of RidgeWood LLC. was also present.

Karen Kelleher stated that due to a member of the Board and an associate member's absence the application requested to continue without testimony to October 18, 2011 at 8:30PM.

Lenny Golder moved to continue the RidgeWood at Stow AAN Public Hearing Continuance to October 18, 2011 at 8:30PM. The motion was seconded by Kathleen Willis and carried a vote of four in favor (Lenny Golder, Kathleen Willis, Ernie Dodd and Steve Quinn).

DISCUSSION/ACTION ITEMS- Continued

Miniature Horses- Dr. Robert Tashjian

Karen reported that she received a call from Mr. Tashjian requesting information on the process to move 40 miniature horses to the Quirk property. She explained to him the Special Permit process. He stated that he would not have enough time to go through this process and asked if the Board could waive the requirement because the horses would be homeless. Karen informed him that the Board does not have the authority to waive the Zoning Bylaw. She noted that she originally thought it was for an agricultural use, but found out from the Board of Health that he is doing research with the animals concerning Equine Infectious Anemia, which would not be considered an agricultural use.

Ernie Dodd stated the he had a lot of question about what and how he is actually conducting the research.

Kathleen stated that one of the readings online sounded like he was monitoring them.

Karen reported that Jack Wallace, Health Inspector, contacted the Police Department to notify them that the horses were not to be allowed in Town until the property owner and Mr. Tashjian go through the proper channels. Jack called Mr. Tashjian and informed him that he would need to take care of all outstanding issues on the property including, paying all back taxes Quirk, fixing all outstanding wetlands issues with the Conservation Commission and then he would need to acquire a special permit with the Planning Board.

Arbor Glen - Request for Bond Reduction

Mark Mastroianni of Pulte Homes was present.

Mark explained that Pulte Homes had finished the project and were waiting on the Board to make sure that it is completed to their satisfaction. He commented on the punch list given to him by the Board, which included landscaping issues from the few site walks that were conducted. Mark stated that Pulte made a good faith effort to arrive at closure and offered to replace 5 trees they felt were legitimate or boarder line defective.

Mark also stated that a resident had complained about a swale retaining water in a low spot. He stated that he had been out there several times after heavy rain storms and never saw it holding any water. He noted that they were willing to have their engineer look at the swale but the homeowners agreed to mow it in order for him to evaluate it properly—which has not yet been done. Mark stated that Pulte could put another 5-6 inches of dirt in the area where the residents feel it has a low spot, but that this would make more of a mess.

He stated that Pulte feels they are done with the project and would like to wrap everything up and finish anything that is within reason. He would like a decision from the Board on what they believe Pulte should do.

Ernie Dodd then asked for public input.

Cliff Martin resident of Arbor Glen at 29 Heather Lane stated that he had lived there since March of 2009 and had been out on site walks three times with Kathleen Willis. He stated that they conducted a site walk with an arborist who is a relative of an Arbor Glen resident. The Arborist indicated that 18 trees needed to be replaced and many trees would require root crown excavation. The arborist stated that the reasons for the decline of the trees was that they were planted too high, mulch is placed high up on the tree and were not deep watered. Cliff stated that when they bought their homes from Pulte, there was no mention that the trees needed to be watered. He stated that the entire project at Arbor Glen has been under Pulte Homes control until last November when the new Homeowner Association took over.

Cliff stated that the other concern their Homeowner's Association had was with the swale retaining water. Cliff stated that one of the residents observed water in the swale behind building 2. Cliff stated that he has seen water collect there but is not sure how long it is staying most likely a day or two. He said he liked Mark's suggestion of adding another 5-6 inches of dirt where it has dropped.

Ed Root, resident at Arbor Glen, stated that his main issue was the trees. He said when he bought his unit the trees had not been watered and they were planted with mulch high up on the trunk which suffocates the tree because roots form around the trunk.

Ed stated that Pulte Homes is willing to replace trees at 35 and 27 Arbor Glen Drive and there are others in worst shape they aren't willing to replace.

Kathleen stated that when they conducted the site walk it was her understanding that the homeowners were going to mow the swale.

Ed Root explained that they have decided to wait to mow it with the other basins. Due to financial constraints they are waiting because it is cheaper to do them all at once.

Ed stated that in addition to the trees being poorly planted, some shrubs were also not planted properly and you can see where the outline of the container was. He stated that he had several pictures of the trees and shrubs on his computer.

Kathleen Willis requested that the Board view the photos.

Ed displayed the photos of trees they felt were not planted correctly.

Ed pointed out several trees at housing numbers 25, 34, and 35 where the tops of the trees are dying. He noted that number 35 is being replaced but the others are not.

Lenny Golder asked if some of these trees could be salvaged.

Kathleen Willis stated that root excavation would be needed.

Mark stated that Pulte said they would initially replace 5 trees, some they thought were really dead and others were not but said they would do so in spirit of cooperation.

Kathleen pointed out the tree where it is leafing out on the bottom of the trunk. She stated that a healthy tree does not do this and this is a sign it is severely stressed.

Ed continued to show more images of trees off Heather Lane.

He pointed out trees behind #10 have no leaves on the top as well. He also showed an image of a tree to show how high the mulch is placed up the trunk.

Mark stated that typically there is not an arborist measuring the depth of each tree with a ruler.

Ed stated that near unit #12 is a tree not being replaced and is in very poor condition, same as #14.

Ed showed an image of a tree at unit #27 that is being replaced by Pulte Homes, but stated that several other trees in the development look identical to that one but are not on Pulte's list to replace.

Ed continued to show trees at unit #s 34, 36, and 59 where trees were in poor condition. Ed also showed a shrub at unit 53 that was poorly planted.

Kathleen stated that she, Keith Barnard (arborist), and Sue Carter have expressed that the trees were not planted according to the plan.

Kathleen also suggested that the trees be replaced with a different variety other than maples.

Mark stated that when they looked at every single tree it was his summary that 5 needed to be replaced and the rest could go through root crown excavation.

Kathleen stated that she felt differently about how many needed to be replaced and feels that because the trees were not planted according to the landscaping plan it is Pulte Home's responsibility to replace trees and conduct root crown excavation on the trees that were identified by the arborist to have the greatest likelihood of surviving. She also noted that a 2 or 3 year old tree is more expensive to plant.

Kathleen stated that there is always some loss in trees but if they aren't being planted or watered properly and the planting detail is not followed she feels that the trees are in jeopardy and it falls back onto the developer because they had the correct information but didn't follow the plan.

Lenny Golder asked if the Board was considering the shrubs as well.

Kathleen Willis stated that they are not looking at the shrubs.

Lenny asked if the developer added more dirt and vegetation to the swale would it solve the problem.

Kathleen and Ernie noted that they do not know if there is a problem and won't know until it is mowed.

Kathleen also stated that she was appalled by the type of soil they brought in which is filled with clay and rocks.

Kathleen stated that she went out on the site walks on behalf of the Board to investigate the special permit compliance, she said she believes the arborists recommendations.

Steve stated that he does not have a lot of knowledge about trees but that some obviously looked like they were not doing well. Steve asked if Pulte Homes was looking for their bond reduction tonight, and noted that even if they had not settled on which trees needed replacement or root crown excavation nothing has been done to date, even the 5 trees Pulte felt they should be responsible for.

Mark stated that he has the Board's latest list and wanted to get an understanding from them what they expected Pulte Homes to do.

Kathleen made two corrections to the list: #14 Arbor Glen Drive should be a root crown excavation and #48 should be a tree replacement.

Ernie Dodd asked how long it takes to do a root crown excavation.

Kathleen was not sure but stated that it should be done by an arborist or under the supervision of one.

Mark noted that the landscaping company felt everything was planted correctly.

Ernie Dodd gave Mark a copy of the email written by their consulting engineer which commented on issues with the tree plantings.

Ernie Dodd stated that in most developments they require street trees but with Arbor Glen they required a full landscaping plan because the site was so barren.

Kathleen stated that it was a good landscaping plan.

Mary Federman, resident of Arbor Glen, stated that Pulte Homes provided all the homeowners with a large folder on how to maintain different aspects of their homes but neglected to add any information on the need for watering the newly planted trees.

Steve Quinn asked Mark what Pulte Home's opinion was about the 22 +/- root crown excavations.

Mark stated that Pulte Homes wants direction from the Board so they know what the next step is and so they can evaluate their response. He said they assumed that the replacement number of 5 would grow but assumed they could come to a reasonable number. Mark said if it is in the opinion of the Board to do every single tree then they cannot agree to that. He said people in his office aren't expecting this.

Mark stated that it is a great time to plant and they would like to wrap up the project. He said either they plant them or they fund the homeowners association for doing so. He noted that they would be concerned that if they did replace the trees they could be scrutinized again for doing it incorrectly.

Ed Root said they received quotes for replacement trees; \$240 per tree and \$170 for the installation (\$410 per tree). He noted that Pulte Homes could probably get trees for cheaper. He stated that he didn't want to be difficult about the situation but that they were planted incorrectly and the association does not want to deal with the consequences 2-3 years down the road when

Pulte Homes is gone. He said it would not look good for people trying to buy in the development. He stated that he understands it was the landscapers fault but that Pulte Homes is responsible for them.

Mark said that they quoted the cost to replace 5 trees would be \$1,375, which is what they think the cost for them should be.

Ernie stated that about 12 trees in total are in need of replacement according to the list and 22 in need of root crown excavation.

Ernie said he would be willing to split the difference with Pulte Homes on the number to replace and to do root crown excavation for all those that would not be replaced.

Mark said he was not sure about the process and cost of root crown excavation.

Kathleen stated that it would be worth finding out from an arborist what is entailed and if there are any alternatives.

Mark stated that he would talk to an arborist and find out more about the root crown excavation process.

Cliff Martin stated that he wanted to make sure that all the trees on the list are fixed and if they are not replaced to have root crown excavation done to help them.

Ernie Dodd stated that he thought it was reasonable to ask Pulte Homes to obtain a professional opinion on the matter so the Board has something more to base their decision on.

Steve stated that as of now the Board has a list of about 35 trees and some don't look to be doing well and many don't look like they were planted correctly. He stated that he would have to assume the list is pretty accurate as it was based on the arborist's opinion as well as information from their consulting engineer. He stated that all Pulte had provided the Board with was a letter saying they would be willing to replace 5 trees. He noted that the Board doesn't really have any information from Pulte stating what that is based on so he would have to go by the Boards list unless Pulte provides further information.

Ernie stated that he was on the first half of the site walk and saw that some trees were obviously planted incorrectly.

Mark stated that he could come back to the Board with more information on root crown excavation and asked if the homeowners association could come back with a quote on the root crown excavation.

Steve stated that this would be a good idea because at present there was nothing to dispute the list.

Lenny stated that the homeowners association does have a quote on the replacement trees that sounded like it was much more than Pulte's quote.

Ernie noted that Pulte could buy them at a better price.

Mark asked the Board about the other issues they had been discussing about the access easement. Karen stated that Board members had concerns about people parking on the premises in order to access the trails.

Ernie Dodd stated that they would like to have a sign that says resident parking only and no parking on the premises for people using the public access easement. Ernie noted that the visitor parking is for the residents at Arbor Glen.

Mark asked the residents at the meeting how they felt about that. They all agreed.

Pulte Homes and the Arbor Glen Homeowner's Association will report back to the Board by October 11, 2011 with information and quotes on root crown excavation.

DISCUSSION/ACTION ITEMS- Continued

Great Road Pedestrian Walkways

Ernie Dodd stated that the designs and contract specify that that crosswalk consist of an imprinted thermal brick pattern. He stated that this process requires them to press the pattern into the hot asphalt and the contractor cannot get the materials at this time so it would have to wait until next season. Ernie stated that he did not think the red brick was going to be beneficial in anyway and the white lines are shown to be the most effective for alerting drivers. Ernie noted that the Pedestrian Walkway Planning Sub-Committee voted to recommend that the Planning Board approve a change order for just using the thermo plastic white lines.

Lenny Golder questioned which type of white lines were the most effective.

Board members explained that the block style was deemed the most effective by Bruce Fletcher project manager as described in the study in which he provided.

Ernie stated that the contractor is willing to do the following items in exchange for the imprinted red brick crosswalk (as stated by Bruce Fletcher):

1. Provide and install an additional crosswalk ahead warning sign 200 feet in advance of the crosswalk at Harvard Road in the westbound lane, the same as the one in the eastbound lane.
2. Pave the apron at Leone's driveway.
3. Remove two sections of concrete and part of the railing at the handicap ramp on the south side of the Town Hall, pave that area for proper drainage, and adjust the railing.
4. Provide and install an extra tactile detection strip at the easterly terminus of the walkway at Library Hill Road, since there will be two crosswalks there, not just one – the existing one crossing Great Road and a future one across Library Hill Road.

Members discussed if these items was an equal trade for the stamped pavement.

Karen Kelleher noted that Bruce also asked for the Board to vote on an additional change order to add crosswalk signs at Crescent Street.

Ernie Dodd stated that he would also like to discuss the addition of rumble strips before the crosswalks.

Kathleen Willis stated that she felt the dragon teeth triangles before the crosswalk was a good indicator and worried that rumble strips would cause the road to crack or be marginalized due to ice and snow.

It was suggested that the crosswalk signs at Crescent Street be added to the items that Century Paving would install in exchange for the stamped crosswalk.

Ernie Dodd moved to approve a change order for the Great Road Pedestrian Walkway at the crosswalk at Harvard and Hudson Road to no longer require stamped brick pavement and for Century Paving to install only the white thermo plastic lines, in exchange for all the items listed above and in Bruce Fletcher's email, including crosswalks signs at Crescent Street. The motion was seconded by Steve Quinn and carried a vote of four in favor (Ernie Dodd, Steve Quinn, Kathleen Willis and Lenny Golder).

Lenny Golder suggested adding rumble strips to the motion. Steve Quinn stated the Board should wait to see if they are necessary as the crosswalks are built to standard and could be evaluated at a later date.

Ernie Dodd reported that the Board voted to extend the contract with Century Paving by amending the contract to allow them to build at a rate of \$85/linear foot from the Habitech property as far west as they can go, up to \$25,000. Ernie stated that Bruce also spoke with Dan of Century Paving who indicated they could move the walkway further back off the road with a small green strip.

Karen stated that she spoke with Sue Carter, Consulting Engineer, asking why the sidewalk wasn't originally moved back. Sue indicated that if the green strip is too narrow it tends to be too difficult to maintain and mow so the green strip was not put into the plans.

Karen stated that she sent a letter to Century Paving to authorize this change order so they would be able to update the bond to cover the additional segment of sidewalk.

Lenny questioned if bicycles could use the walkways.

Kathleen stated that they were designed to accommodate cyclists.

Ernie Dodd stated that there is a large dip in the sidewalk at Minister's Pond and requested that Mike Clayton, Highway Superintendent use the same wooden planks over the drain area as were used near Pompositticut school.

Planning Board Goals

The Board will discuss Planning Board goals at their next meeting when they will all be present. Ernie stated that he felt some action items in the Master Plan should not be the Planning Board's responsibility like the funding of open space.

Karen noted that there might be more detail in the text of the Master Plan that explains the Boards role.

The meeting adjourned at 9:30PM.

Respectfully Submitted,
Kristen Domurad

Administrative Assistant