

TOWN OF STOW PLANNING BOARD

Minutes of the April 10, 2012 Planning Board Meeting.

Present: Planning Board Members: Steve Quinn, Ernest Dodd, Kathy Sferra, Lenny Golder and Lori Clark
Voting Associate Member: Brian Martinson
Planning Coordinator: Karen Kelleher
Administrative Assistant: Kristen Domurad-Guichard

6:15 PM – *Site Meeting at Stow Ace Hardware, Stow Shopping Center.*

Members met with Kevin Whalen of Stow Ace Hardware and Ted Lorden of Lorden of The Home Climate Company to view the proposed location for a Propane Tank.

6:45 PM – *Site meeting at Center School*

Members met with the Dan Solien of Horiuchi Solien Landscape Architects for the Center School Project at the Center School Site to hear proposed changes to the landscape plan.

The Public Meeting at the Stow Town Building was called to order at 7:10PM.

PLANNING BOARD MEMBER'S UPDATES

Comprehensive Permit Policy

Ernie Dodd stated that he would like meet next Tuesday at 6 PM with the Comprehensive Permit Policy Review Committee to go through the most recent draft re-write. He noted that he also asked Kathy Sferra to attend the meeting as well as a member of the Board of Selectmen and any other Planning Board members that are interested.

Ernie Dodd also asked if they could get updated census information and the number of affordable units and population.

COORDINATOR'S REPORT

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

Cushing Property

Karen stated that the engineer is trying to figure out a way to divide the lot into two parcels without having to construct the road. Karen stated that the original ANR plan that came to the Board showed all of the frontage, except at the existing driveway to be wetlands. He is looking to do a two lot subdivision so the property owner will have the option of selling the house lot and the remaining land separately. The Engineer inquired whether the Planning Board would entertain the notion of a paper road (waiver to construct the subdivision road) with a restriction that lots may be not further subdivided without approval of a new subdivision plan. Karen anticipated a sketch plan for the Board to review but did not receive a plan for this evening. Members stated they are not comfortable in commenting without a concept plan to review.

Chapter 61 Quick Response Team

Karen reported that a Chapter 61A notice was received from Minute Man Airfield. As required by the Selectmen's Chapter 61 Guidelines, she responded on behalf of the Planning Board. The Selectmen will be discussing the notice this evening and have also scheduled a meeting for tomorrow night.

APPOINTMENTS

Joint Boards Meeting with Board of Selectmen – Warren Room

Members met with the Board of Selectmen to discuss the January 3, 2012 letter from the Town of Hudson Public Works Department. Lori Clark explained that the Board received a letter from Hudson which stated that their Zone II extends into the Town of Stow and requesting that the Town of Stow protect this area. She explained that the Board thought this might be a good opportunity for Stow to enter into a discussion with Hudson about potentially tying into their sewer line. She noted the site is designated in the Master Plan as a priority for economic development.

Ernie Dodd presented maps indicating Hudson's Zone II and Stow's existing Water Resource Protection District. He also pointed out the Kane Well site in Stow.

Karen Kelleher explained that Hudson is requesting that Stow extend the Water Resource Overlay District to cover their wellhead protection area (Zone II) in order to provide further protection to their public water supply.

Jim Salvie asked what types of restrictions would impact a resident if they lived within an area where the Resource Protection District was to be expanded.

Karen noted this would not affect a typical residential lot explaining that it prohibits the amount of impervious surface and the amount of septic on the property. Ernie Dodd read a list of prohibited uses in the Water Resource Protection District.

Karen stated that the limitation on septic in the overlay district may be one reason why it would be important to tie into Hudson's septic system. She also noted that redevelopment of the Gleasondale Mill, which is a top priority in the Master Plan, is not possible without public sewer or water.

Ernie Dodd stated that he would like the Board to send a letter to Hudson and the Department of Environmental Protection (DEP) stating, in spirit of protecting the aquifer, the Town of Stow would be willing to honor their request to expand the Water Resource Protection District, provided that Stow could tie into the Town of Hudson's sewer line. He noted that if someone in this area has a septic failure it could affect the Town of Hudson's water supply.

Jim Salvie noted that Hudson would not do this for free, and asked how it would be paid for.

Ernie suggested there might be grant opportunities, or by developers.

Bill Wrigley noted the main issue he saw was cost.

Charlie Kern asked what the Board's anticipated next step would be if they got a positive response from Hudson with a joint Boards letter, copying DEP.

Bill Wrigley suggested the Board first have an off line discussion over the phone with Hudson before sending a letter.

The Board of Selectmen and Planning Board agreed.

Request for Zoning Change in Lower Village

Karen reported that she received a request from Leigh Hildebrandt to re-zone 196 Great Road from Business to Residential. She informed Leigh a zoning map amendment requires a 2/3 town meeting vote and that the warrant article could be sponsored by the Planning Board or the Property owner. In any case, the Planning Board is required to hold a public hearing and make a recommendation to Town Meeting. Karen noted that Leigh also requested that the Historical Commission to take a look at her property. A copy of her request was sent to the Historical Commission.

Kathy Sferra asked why Leigh wanted this change, because business zoned property is more valuable.

Brian stated that it is a historic structure. He stated that he had not seen the email, but has had past conversations with her about this while he was on the Lower Village Sub-Committee. Brian said this property was in disrepair before she purchased it and she turned it into a very beautiful property. He stated that because it is within the business district it will always be at threat of becoming a tear down.

Kathy Sferra asked if Leigh had considered putting an historical restriction on the property.

Brian stated that we have had these issues in the Lower Village before - businesses tearing down historical homes.

Lenny stated that a residential homeowner could just as easily purchase the property and tear the house down.

Brian stated that if someone bought the Lower Village Place (Stow House of Pizza) property next door and combined it with Leigh's property they could expand the entire area and tear her house down.

Lenny asked why the town couldn't just apply the principles they had with the Whitman Street property at Mistletoe Farm.

Karen stated that right now Leigh's property is grandfathered as a residential use, she has the right to preserve it for residential use. She also has the option of changing the use because it is in business district.

Kathy stated that if Leigh is concerned about the future of the property and its historic value she could place a historic preservation restriction on the property and talk to the Historical Commission about this. She noted it is very unusual for a property owner to want to change their lot from business to residential.

Brian stated he was unsure how old the property was but knew Leigh had evidence of its historic nature.

Steve stated that he would think she is limiting the value of her property by restricting it to residential. He stated that he would think it would be more valuable as a business zoned parcel.

Lori stated that it may go either way, if she wanted to sell it as residential it would probably be more valuable as a residentially zoned lot.

Karen noted that it would not change the fact that it is still located next door to a business

Karen asked if the Planning Board would want to sponsor an article for a zoning change or if they wanted to advise her that she could sponsor an article herself.

Lori stated that she does not have anything against the idea but noted that the Board has always been against sponsoring articles based on one property owner's request.

Lenny stated that he did not recall the policy of not sponsoring an article based on one property owner's request. He thought that was the case, only if it were spot zoning and he noted that this property abuts a residential zone on the other side. Lenny stated he would like to know how old the house is, what her interest is in changing it to residential and any foreseeable plans for the future.

Kathy suggested the Board hold off on rezoning, noting that the Board is planning on taking a comprehensive look at the Lower Village. She said the Board should look at the entire package; maybe the Board would consider expanding the village in some areas, or maybe shrinking it in others areas.

Brian stated that he believes rezoning the property gives Leigh extra rights in dealing with the business next door. He stated that Kostas took down a lot trees; she has more protection if it is in the residential zone in terms of setbacks.

Kathy noted that cuts both ways for the town as a whole.

Karen noted, although it is a small property, it is important to keep in mind how small the business district is and chipping away at it may not be the best thing for the town. She stated the Board should make sure to look at the big picture for the Lower Village.

Lori stated that in order to answer her questions, the Board would need more information. She also noted that the Board does not typically sponsor an article for one property owner. The Board suggested inviting her to meet with the Board to further explain her request.

Minuteman Advisory Group on Interlocal Coordination (MAGIC)

Karen reported that MAGIC filed a grant for shared municipal housing coordinator, it did not make the short list but is still on the list. They are waiting for updates.

APPOINTMENTS (CONTINUED)

Jim Fenton, Authentic Homes Inc.

Jim Fenton stated that he would like the Board to consider changing the conditions of the Special Permit for Highgrove Estates development to allow a lot to be used as a bond. He said that Acton and Maynard have agreed to holding back an occupancy permit instead of posting a bond. He noted that realistically holding back an occupancy would be of greater value than a bond. He stated it has been very difficult to get bonds from banks for roads because some can take up to 7 years to build. Jim said he has done this in Acton, and Maynard.

Board members asked him what their recourse would be if he happened to leave the property uncompleted. They noted they would not have bond money to finish the development, nor would they have the house lot

Karen noted that on some projects the Planning Board has actually had a full bond and held occupancy for the last lot. She stated her concern is, in the past, when allowed something similar, it slipped through the cracks and an occupancy permit got issued. Jim noted this road will be private and will not be turned over to the town. Steve Quinn asked what the estimated bond amount would be. Jim stated he still needs to get the value of the bond. Karen suggested holding back a building permit, rather than occupancy permit. Kathy also suggested doing a covenant, but was unsure about the legality for ANR lots.

Karen will contact Jon Witten, Town Counsel, about using a covenant.

Resident Mark Jones asked what recourse the Board would have if the developer went bankrupt and left the site incomplete. It was noted that a covenant gives the Board a legal document other than just holding back a building permit.

Derby Woods I

Karen stated that Sue Carter, the Board's Consulting Engineer, met with Dave Coia of Habitech to scope out the location of the sidewalk along Harvard Road. She recommended the sidewalk end 50ft. short of the location shown on the plan due to poor sight lines.

Board members considered other locations where Habitech could make up the 50ft. Kathy asked when Habitech planned to construct sidewalks at the Villages at Stow. Karen stated the ZBA needs to amend the decision.

Board members suggested they set a timeline for construction of the sidewalk at Villages at Stow in exchange for a waiver for 50' of walkway on Harvard Road.

Ernie Dodd moved to give Habitech an incentive to complete all owed sidewalks to the Town of Stow by June 30th 2012, and in exchange the Planning Board will forgive the 50ft of sidewalk owed at the Harvard Road site for the Derby Woods development. If construction is not completed by June 30th Habitech will be obligated to make a donation in lieu of constructing the 50ft. of sidewalk or construct 50ft. of sidewalk elsewhere in town. The motion was seconded by Kathy Sferra and carried a vote of five in favor (Ernie Dodd, Kathy Sferra, Lenny Golder, Steve Quinn and Lori Clark).

MINUTES

Ernie Dodd moved to approve the minutes of the April 3, 2012 Planning Board meeting as amended. The motion was seconded by Steve Quinn and carried by a vote of the five in favor (Lenny Golder, Kathy Sferra, Lori Clark, Steve Quinn and Ernie Dodd).

DISCUSSION/ACTION ITEMS

Ace Hardware/Stow Shopping Center Site Meeting

Members discussed the site meeting held at the Stow Shopping Center Plaza to view the proposed location for a filling tank at Stow Ace Hardware. Kevin Whalen of Stow Ace Hardware and Ted Lorden of Lorden of The Home Climate Company were present.

They propose to install a propane tank on a 10'x22' concrete pad enclosed by a 6' tall fence, to be located behind the building. The initial discussion was based on customer access behind the building entering from the west side of the plaza. However, during the meeting, the potential for an access door from the front of the plaza was suggested, so that customer parking will be restricted to the parking lot in front of the building.

Members noted concerns about traffic flow and safety with customer access to the back of the building and therefore feel the best options is for an access door from the front of the plaza.

Karen asked if the Board wants to see a certified site plan or if the sketch plan that was previously submitted with additional details noted would be acceptable for the Special Permit Modification. Members agreed that a sketch plan with the following details would be acceptable: Precise measurement of the tank, concrete pad and fencing

- Setback dimensions indicating the location of the pad from the property line, travel way and building.
- If access is to be gained from the front of the building, the Board prefers that such access be through a doorway rather than a fence or gate so as to be more aesthetically pleasing. Your plan should include a detail of this access way.
- If it is deemed necessary for customer access at the back of the building, the plan shall indicate traffic flow and signage.

The Board also recommended that Mr. Lorden also be present at the public Hearing.

Ernie Dodd noted that if they do plan to have customers drive out back, they need to be more concerned about outdoor storage.

Site Meeting at Elementary School Building – Landscape Plan

Members discussed the site meeting held at the Center School site to view locations for proposed location changes to the landscape plan. Dan Solien explained that the limit of work as described in the final contract is in conflict with the approved landscape plan, in that the landscape plan shows plantings outside the limit of work. He further noted that compliance with the approved landscape plan would require a change order at significant cost to the Town.

Phase I (East Side of the school)

During the site walk, Dan Solien pointed out the limit of work at the east side of the school and presented a revised landscape plan, which shows the same amount of trees required by the approved plan but located within the limit of work as described in the final contract.

Board members noted that the revised plan shows more plantings on the slope and agree that the revised plan is an improvement over the original plan provided that the taller plantings are located closest to the residential home in order to provide adequate screening. Members also agreed that a revised plan shall be submitted for the Planning Board file.

Phase II (West Side of the School)

During the site walk, Solien explained a similar issue for the Phase II plan. Although a draft plan was not presented, he proposed using the same number and type of plantings and locate them along the perimeter of the limit of work as described in the final contract.

The Board's main concern is providing adequate screening to the abutting residential home. It was noted that during the public hearing process, there was much discussion with regard to this landscape buffer. Members agreed they will entertain a revised plan using the same amount of plantings to be distributed in a manner that provides adequate screening to the abutting residential home; screening along the limit of work southward toward Great Road, provided adequate sight lines are maintained; and northward along the limit of work fence toward the storage shed. Members also agreed with Ernie Dodd's suggestion that SMMA be required to solicit input in advance from the abutting residential home owner and submit a revised plan for Planning Board Approval. Members also agreed to require prior notice of when the plantings are to be placed.

Karen Kelleher will forward a letter outlining the Board's finding to James Warren of SMMA.

The meeting was adjourned at 8:57 P.M.

Respectfully Submitted,
Kristen Domurad-Guichard