

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 2, 2012 Planning Board Meeting

Planning Board Members Present: Steve Quinn, Ernest Dodd, Kathy Sferra, Lori Clark, Len Golder

Voting Associate Member: *Absent* – Brian Martinson

Non-Voting Associate Member: Mark Jones

Lori Clark called meeting to order at 7p.m.

**Public Input:**

None

**Correspondence Update:**

Lori Clark commented on an email from Gordon Whitman alluding that the Planning Board has asked him to go through expensive upgrades to his building's lighting. Despite the complaint, she said that he did not offer any mention of the hardship at previous meetings.

Ernie Dodd said he suggested to Gordon Whitman that he bring the bank manager in to discuss the Citizen's sign lighting issues. Karen Kelleher said that we should not be negotiating with Gordon's tenant but with Linear themselves.

**Discussion of Meeting Minutes:**

September 4, 2012

*Ernie Dodd motioned to accept the minutes as amended.*

*Kathy Sferra seconded.*

VOTED (5-0) Unanimously in favor (Kathy Sferra, Ernie Dodd, Len Golder, Steve Quinn, Lori Clark)

September 11, 2012

*Ernie Dodd motioned to accept the minutes as amended.*

*Len Golder seconded.*

VOTED (5-0) Unanimously in favor (Kathy Sferra, Lori Clark, Ernie Dodd, Len Golder, Steve Quinn)

September 11, 2012 Executive Session Minutes

*Ernie Dodd motioned to accept the minutes as amended.*

*Steve Quinn seconded.*

VOTED (5-0) Unanimously in favor (Kathy Sferra, Lori Clark, Ernie Dodd, Len Golder, Steve Quinn)

Sept. 18, 2012

*Ernie Dodd motioned to accept the minutes as amended. with name of Mark\_\_\_\_\_ added*

VOTED (5-0) Unanimously in favor (Kathy Sferra, Ernie Dodd, Len Golder, Lori Clark, Steve Quinn)

### **Member Updates**

Steve Quinn reported that Center School's water supply has been resolved and DEP has approved the installed system. Overall, he said, the feedback on the school renovations has been very positive. The final punchlist, including field upgrades, should be done by mid October. He said the clay mix will be changed and resodded at the contractor's expense.

### **FEMA Maps**

Ernie Dodd explained that planning staff have simplified the presentation of the FEMA Flood Insurance Rate maps and asked the board on how best to proceed. Ernie Dodd said he is willing to identify which areas have been expanded and reduced. Lori Clark said we need to let the public know about the proposed changes and yet be clear that the maps the Board is making available represent FEMA data and not data derived from Planning Board studies or proposals.

Kathy Sferra introduced and the Board agreed that they should let the public know that there will be a meeting scheduled to answer any outstanding questions, but in terms of any changes to individual properties, the public should contact FEMA on how best to proceed.

Kathy Sferra noted that the Stow Independent may be a good way to let the public know of the changes and that the maps are available online. Lori Clark added that it will be important to have an FAQ document drafted for the public to refer to. Len Golder agreed, saying property owners are going to be curious as to why the change has occurred.

### **Greg Hill and Rich Presti – Informational Meeting on Potential Lower Village Restaurant in Lower Village at Rich Presti's site.**

Rich Presti explained Greg Hill's basic concept for a higher end restaurant at his Lower Village site, formerly a used car dealership. He reported that discussions with Greg Hill have progressed to the point where he would like to explain the current ideas to the Planning Board to find out what some of the issues may be.

Rich Presti said he is most concerned about DEP regulations regarding septic systems, wells, and well head protection areas. Rich Presti said he has had several phone calls with DEP officials, Mariel Stone and Paul Anderson, who called him on Monday October 1<sup>st</sup>. Rich Presti reported that the DEP regulations are going to need to be dealt with before any development of substance takes place at his site, or anywhere in Lower Village for that matter.

Rich Presti explained that his property holding's in Lower Village entail two legal lots totaling 4.5 acres, the one fronting rt. 117 being 1.6 acres. He said the septic system and well are maybe 100 feet apart, which is no longer acceptable with current DEP regulations, and the existing well in the front is limited to 1000 gallons per day.

Rich Presti stated that proposing any use on his site, despite the size the footprint, that would require more than 1000 gallons per day to be pumped from his well, nullifies his grandfathering and triggers compliance with new DEP regulations.

A restaurant, such as Greg Hill is proposing, has a high gallon per day (GPD) requirement. The average GPD per seat is 35, so a 100 seat restaurant would need 3500 gallons per day of flow, Rich Presti reported. He continued, saying the septic would then have to carry that same load. With the septic setbacks and regulations included in the overall picture, the wellhead protection area really becomes the issue.

Rich Presti said that to accomplish a higher GPD goal at his property the well protection area has to be 250 square feet. Rich Presti claimed that between the various phone calls he has had with DEP the regulations sometimes seem more or less strict depending on who he talks to.

The Board said that the Town of Stow would love to have water for Lower Village but does not want to be in the water operating business due to liability and cost issues. He continued saying he is willing to work on this issue to come up with a solution, including the possibility of hiring someone to manage a well while he becomes a provider (as long as the wellhead protection area does not eat up his property) in order to help other businesses in Lower Village.

Karen Kelleher asked if the Town made the land available would Rich Presti be an owner/operator? Rich Presti said he would work with the Town to help find someone to take the lead on the ownership. Ernie Dodd said the south-side owners could form a corporation to take care of the issue. If the Town were to pay for the plumbing, Rich Presti said it could be done. Greg Hill said the ideal situation would be for the well to go into the edge of Presti's property.

Rich Presti said Bill Wrigley is a great resource for the Town on the water issue. Rich Presti asked about funding sources to help with this issue, saying he knows the Rural Development Grant may be an opportunity.

### **Regarding Title 5 Septic Requirements**

Rich Presti said the wellhead protection and the septic capacity have to match according to the GPD flow and the septic capacity. He noted that the Town dictates Title 5 issues up to 10,000 gallons per day. Rich Presti said DEP will not get involved until the 10,000 gallon limit. Rich Presti said it will likely be he and the Town that will have to work out Title 5 requirements, adding that the Town may be able to

grant him some leeway by making the requirement negotiable through something like cleaning out the septic a certain number of times per year.

Rich Presti also noted that the impervious area bylaw also comes into play and that he would like to work with the Town to better understand that process. It was noted that the property is not located in the Water Resource Protection District, which limits the amount of impervious surface.

Steve Quinn asked Selectman Jim Salvie, in attendance at the meeting, if the Town has looked into getting some sort of variance or relief from DEP requirements. Jim Salvie said that with Stepping Stones, state level representation allowed the discussion to move forward. Rich Presti said that DEP basically told him to get into the water supply business for stepping stones or find another tenant.

Ernie Dodd said that he thinks the selectmen should help form an association of all the potential users, including the post office, and 10.0 gym to prove to that the demand for water is present. He said that even the shopping center may want to join in due to other issues they have had with the supply system in the past. Rich Presti said that the Linear Retail does not want development because they do not want the competition. Lenny Golder said that may be shortsighted on their part as water in Lower Village would draw in new customers to their business as well.

Steve Quinn stated that an economic development committee may be the best place for such discussions, rather than solely with the Selectmen. If the businessmen want water, they need to get together and help make it happen he said. Lenny Golder asked how you generate the cohesive partnership between business owners. Mark Jones said it is important to have a leader to help bring the process to the forefront.

Jim Salvie said that this is a really useful tutorial for understanding how water is affecting Lower Village. He continued, saying at some point there needs to be a discussion of what the tangible demand for water actually is. He said that nothing he has heard during this meeting is impossible to accomplish. If conservation restrictions are going to be involved it may be a lot of time, but as far as a capital assistance from the Town, anything short of operating a water system is entirely possible. The businesses would need to be ready to say that they are going to be a definite consumer.

Rich Presti said that a sign up list for South side users was done for Assabet Water Company already.

Greg Hill said that a lot of the discussion is still hinging on water. He went onto explain his work with a group that owns and operates hospitality venues, adding he would like to place a restaurant on the Presti property because it is a gateway location for the Lower Village and he feels the use is well overdue. Greg Hill said his concept is for a chic/fine Italian restaurant that could fit 100 seats and provide long

term service, giving people the option for fine dining without going to another Town. He said it is time for the Town to either put up or shut up on the water issue and bringing business into Town. Water is the issue and it needs to be dealt with he said. Greg Hill said waiting another year is really not exciting. He would much rather move quickly with the Town. He said money is not his main concern, saying it would be a really important addition to the Town. He would like to find some way with the Town to make this happen within a realistic amount of time.

Lori Clark said that it would be helpful at this point to have internal discussions within the Town. Rich Presti said that he could get in touch with the other property owners, but that it would be helpful to get a matrix of possibilities put together. Jim Salvie said that it would be good to get planning staff talking with Bill Wrigley, as well as appearing on the selectmen's agenda so we can get other people on board with the possibilities. Possibly Rich Presti and planning staff should come before the selectmen.

Greg Hill said that in one month that he would like to hear that there is some progress going forward. Greg Hill said that he is ready to make this happen now. He and Lori Clark agreed that this could be a good catalyst for movement on the Town's water issues.

#### **Discussion of Dunster Drive ANR Landswap**

Mark White:

Bentley Building Corporation

Property Owners Scott and Jean-Marie Batchelor were also present.

Mark White explained the reason for the landswap and the locations to be swapped. He noted that Bruce Wheeler, with Habitech, does not have any issue with the swap.

Karen Kelleher said that the Planning Board would need to vote for the ANR and then take a separate vote a minor modification to the subdivision plan. Len asked if there would be any well and septic issues triggered. Karen Kelleher said it will not. Mark White said the same bounds currently in place will be relocated to reflect the new bounds.

*Steve Quinn motioned to accept the ANR plan as shown.*

*Kathy Sferra seconded.*

**VOTED (5-0) Unanimously in favor. (Kathy Sferra, Lori Clark, Ernie Dodd, Steve Quinn and Len Golder)**

Steve Quinn motioned to approve a minor modification to the special permit to reflect the configuration of the open space parcel, which will not require a public hearing.

Ernie seconded

**VOTED (5-0) Unanimously in favor (Kathy Sferra, Lori Clark, Ernie Dodd, Steve Quinn and Len Golder)**

### **Coordinator's Report**

Karen Kelleher said that Arbor Glen is proposing to streetsweep in the spring but that they would blow the debris out of the road several times throughout the year.

Ernie Dodd said that most of the sand will come in the winter and that streetsweeping in the spring seems sufficient, adding that the stormwater management plan calls for streetsweeping twice a year. Lori Clark asked if the Board feels comfortable lowering that requirement. Ernie Dodd said because they are willing to blow the streets every other week that he is OK with lessening the streetsweeping need. Ernie Dodd said that different mitigation activities give you different stormwater mitigation credits. Len Golder said that in late fall when the leaves and branches fall what happens. Karen Kelleher said that will be a landscaping issue.

Kathy asked if the vote is to approve the modification of their stormwater management plan? Karen said that is the case.

Lori Clark asked that Karen ask them to take care in blowing the debris in a manner that the catch basins are kept clean. Mark Jones said they should be informed that the Board agrees unless a problem arises we can revisit it. Kathy said they can go back to the twice a year sweeping if they wish as well. As this item was not on the agenda, the Board will take a formal vote next week.

### **Derby Woods**

Karen said that she spoke with some residents at Sylvan Drive, who confirmed that the construction fence and fence rails have been removed but noted that the that nothing has been done about the scarred Cape Cod curbs. Ernie said that he observed the curbing and does not think they need to be repaired. Their condition is normal for cape cod berms.

### **Economic Development Forum**

Karen Kelleher reported that planning staff are planning to meet with Jim Salvie on Friday at 4p.m. to decide on next steps after the first meeting.

### **Public Forum:**

Karen Kelleher reported that the Lower Village public forum has been rescheduled for the 15<sup>th</sup> of November.

### **Gateway Sign:**

Karen Kelleher reported that the site of the proposed Gateway sign has been cleared and she has been working with the sign company on the exact paint colors now.

**Coler and Colantonio:**

Final preferred alternative plans for the Lower Village traffic improvements were sent to planning staff on Monday. The Board reviewed the plans.

**Cushing Property:**

The Board decided to address the Cushing property plans in the beginning of November. Board will meet the 23<sup>rd</sup> of October and could also meet the 30<sup>th</sup> if necessary.

**Linear Retail:**

Ernie Dodd said that two issues, the lights on Citizen's sign and the requirement for removal are the issues Gordon Whitman was concerned about at Monday's ZBA meeting for Linear Retail's Pylon sign application. Ernie Dodd said that they should still bring in the spec sheets for the lighting. Lori Clark asked if the Board formerly owes Linear feedback on the memo sent regarding the ZBA application.

*Kathy Sferra motioned to adjourn*

*Steve Quinn seconded.*

**VOTED (5-0) in favor.**

**Meeting adjourned**

Respectfully Submitted,

Jesse Steadman