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TOWN OF STOW
PLANNING BOARD

Minutes of the February 26, 2013 Planning Board Meeting

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

Voting Associate Member: Brian Martinson (Absent)

Non-Voting Associate Member: Mark Jones(Absent)

Lori Clark called meeting to order at 7:00 p.m.

Discussion of Meeting Minutes:

February 11, 2013

Ernie Dodd motioned to accept as amended.

Kathy Sferra seconded.

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

Correspondence Update:

None

Member Updates:

None

Len Golder Arrives at 7:15

Coordinator's Report:

CPTC Conference

Karen Kelleher notified the Planning Board of the last call for Registration for Citizen Planner Training Collaborative in Worcester. Mark Jones and Ernie Dodd planned to attend. Karen Kelleher will register them for the event.

Annual Report Due

Karen Kelleher said that the annual report is now due and a draft is in the meeting packets. Lori Clark said she would like to see more detail and documentation of the Planning Board's efforts and work regarding Economic Development in Stow.

323 Great Road

Karen Kelleher said that there will be a joint meeting scheduled for Thursday, February 28, and asked if the Planning Board would like to post a meeting? Lori Clark said she would attend the meeting.

Affordable Housing

Karen Kelleher reported that Leonardi Aray, Housing Consultant with Stow Municipal Affordable Housing Trust, met with Jack Wallace regarding Town owned parcels and 323 Great Road. Many of the Town owned properties Leonardi Aray was asked to assess for affordable housing potential did not meet Board of Health regulations. Karen Kelleher noted that the Gleasondale and Queens Lane Lot might be limited to 1 bedroom and the Gleasondale (School Lot) will not work due to the small lot size.

Karen Kelleher said that Stow Municipal Affordable Housing Trust (SMAHT) is showing considerable interest in affordable housing at 323 Great Road. Although the Title 5 Certification indicates that a nine bedroom septic exists, Jack Wallace said because Board of Health regulations require stricter limits, it is considered a 6 bedroom septic.

Lower Village Water

Karen Kelleher reported on a meeting held on February, 20 with staff and representatives from Conservation Commission, Planning Board, Board of Health, the Town Administrator, and property owners. All present agreed it made sense to move forward with the Article 97 process at Heritage Lane whether or not the property owners are ready to invest in a water system at this point. Karen Kelleher said the purpose of the meeting was to discuss next steps in the process to make the Heritage Lane parcel available for a public water supply in the future.

Karen Kelleher outlined Action items from the 2/20/2013 meeting:

- Engineer Steve Poole, representing Kostas _____ will draw up a draft RFP based on information received from the three firms that previously submitted proposals and ask each to resubmit accordingly to simplify comparisons.
- Dave Coppes of the Conservation Commission will distribute DEP regulations on public water supplies on leased land to the parties involved.
- Dave Coppes agreed to make initial contact with Executive Office of Energy and Environmental Affairs (EOEEA) to inquire about the process
- Bill Wrigley agreed to work with DEP and EOEEA.
- Planning Board should modify the PCD Decision to include water supply in the land use plan
- Conservation Commission will vote on whether to allow the business property owners to install a test well during the Chapter 97 process
- Conservation Commission will clarify that a detailed plan, including the number of wells is not required for the Town Meeting vote. Those issues can be addressed in the lease agreement.
- Property owners will meet to review proposals and discuss financial arrangements
- Rich Presti will reach out to Lafferty and Curtis Septic.
- Jesse Steadman to prepare an outline of water needs, existing and proposed.
- Karen Kelleher will reach out to Habitech regarding the property running behind Lower Village.

In regards to the modification of the PCD bylaw to include public water supplies in the land use plan, Lori Clark asked to get the discussion and vote on an upcoming agenda.

Gleasondale

Karen Kelleher said planning staff met on Friday with UMASS students, who are in the data collection portion of the Gleasondale Mill feasibility project. Karen Kelleher said the students also met with planning staff, the Building Commissioner, Health Agent and the Mill property owners, who gave planning staff and the students a tour of the Mill. Karen Kelleher said when the property owners were asked what their hope is for the Mill in the future - it was unanimous that they would prefer to sell.

Karen Kelleher said she has received calls from Residents in response to the Article in the Independent and has passed those comments on to the Students. Karen Kelleher also shared preliminary information on Gleasondale from the Historical Commission's update of the Historic Inventory.

Meeting with Representative Kate Hogan

Karen Kelleher notified the Planning Board that she updated Rep. Hogan on the Lower Village and Gleasondale Planning efforts, and asked for her support with the Article 97 process, as well as with DEP on the permitting process. Karen Kelleher also asked Rep. Hogan to keep the Planning Department abreast of any funding sources for private entities.

Karen Kelleher noted that she also discussed transportation issues for small towns such as Stow – which is a high priority for Rep. Hogan. Rep. Hogan said she would, at a minimum, like to see some form of transportation to get residents to the Train Stations. Karen Kelleher said Rep. Hogan noted how disappointed she is that the upgrades to the South Acton station do not provide additional spaces.

Karen Kelleher said Jesse Steadman updated Rep. Hogan on the Comprehensive Agricultural Planning Project Forum on March 5th. The Planning Board responded that they would like to attend the forum.

Date for Site Plan Approval Meeting

Kathy Sferra asked if an April 2nd vote on an upcoming Site Plan Approval for an Accessory Apartment at the Whitney Homestead could take place on April 2nd? Karen Kelleher responded that she will notify the applicants.

Taylor Road PCD

Karen Kelleher said it seems that all parties are in agreement regarding the Conservation Restriction for the Taylor Road PCD, although a portion of the land is located in Boxborough. Pat Perry said that she will bring this issue up with the Conservation Commission as she has reservations about holding a restriction located in another town. Karen Kelleher said the Planning Board may get a request to modify the decision to exclude the Boxborough portion of the open land. If it is in Boxborough it will need to have a vote of the Bolton Selectmen. Kathy Sferra said she would like to vote at a future meeting not to require a restriction as the property already has a condition in the decision that requires the land to stay in open space regardless of the addition of a conservation restriction.

Karen Kelleher said she can plan a vote for a future meeting. Karen Kelleher said she will contact Boxborough's Planner to gain some insight from her.

Derby Woods PCD

Karen Kelleher reported that conservation and planning staff believed the Derby Woods Conservation Restriction was all set to be signed by Stow Conservation Trust (SCT). In December, by email from John Busch, SCT indicated that they are very close to signing providing that:

- The baseline report is updated to indicate the change in boundary resulting from the patio that was installed
- Electronic and paper copy of the report and maps have been received.

Karen Kelleher reported that although the work had been completed, Stow Conservation Trust still has reservations about the challenge of monitoring and enforcing the restriction given the number of abutters and increased chance of encroachments – noting discarded pumpkins and Christmas trees. Karen Kelleher said SCT is now looking for the baseline report to be further updated with photos and maps. Karen Kelleher said they also offered some suggestions for the Planning Board to consider incorporating into the Rules and Regulations.

Kathy Sferra said although it is a frustrating circumstance, there is an increased understanding on the part of many land trusts regarding the often overwhelming burden of monitoring and holding multiple Conservation Restrictions. She added that the trust is apparently trying to be more professional and diligent about that responsibility, for instance, asking for a detailed baseline.

Karen Kelleher asked if the Planning Board wants to hold a joint meeting with the Conservation Commission and SCT to discuss Rules and Policy for open land configuration and conservation restrictions? Ernie Dodd said he would not be opposed to simplifying the regulations.

Kathy Sferra said she has been reading through the existing requirements for conservation restrictions and is hoping to find ways to make it more clear in Stow bylaws. She noted that the state bylaw does not require a restriction. Kathy Sferra said the Planning Board should look into the matter with the Planning Board first and then perhaps have a joint meeting to discuss the issues. Ernie Dodd said the trail on the property provides a major connection to other trails and therefore should be protected. the process.

Graduate Student from Tufts

Karen Kelleher said she and Jesse Steadman met with a graduate student from Tufts who is working on his Thesis, aimed at comparing the value of ecosystem services of one parcel of land not in chapter 61, to the ecosystem services value of a parcel of land that is in chapter to determine whether unprotected parcels of land provide services to the Town that are not recognized through any preferential tax treatment programs. Karen Kelleher said

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Planning staff suggested Butternut Farm Golf Course and Stow-A-Way Golf Course as possible examples for a case study. Planning Board members noted that Rock Bottom farm and Stow Acres may also make for good comparison.

Stow Recruitment Night

Karen Kelleher asked if the Planning Board would be interested in tabling at the Stow recruitment night, Wednesday, February 27? Ernie Dodd said he would attend.

Star Tower Discussion:

Karen Kelleher said she will pull up the appropriate minutes to refresh the Board on their thoughts. Ernie Dodd and Kathy Sferra will attend the Zoning Board of Appeals hearing.

ANR Discussion:

Ernie Dodd moved to authorize assignees to endorse the Approval Not Required Plan by Stamksi and McNary Inc. numbered 336 for parcels 17A and 17B as shown on map R-20 off of Windemere Drive in Acton, Massachusetts, dated February 11, 2013.

Kathy Sferra seconded.

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

Agenda Items

Delaney Solar Project

Escrow Agreement Discussion

The Board reviewed a section of the proposed escrow agreement for the Delaney Solar Project and discussed the need for language that would allow the Town to hold the Property Owner liable in the event that the applicant/lessee were to go bankrupt or abandon the project. Steve Quinn said he can understand the concerns of the property owner, citing the vague liability language contained in the section. Ernie Dodd said he is uncomfortable without any language that would provide the Town with protections in the event Syncarpha could not complete the removal.

Kathy Sferra said as Section 18 is written, it is quite broad. She added that perhaps we could have the section rewritten to say that if we can document costs incurred in removal, we can hold the property liable only for those costs. Len Golder said something more specific would be better. Kathy Sferra said it would be better if we could recover actual costs incurred rather than have broad and vague language as Section 18 is currently written.

Some potential language for the section includes:

“Documented incremental costs beyond the escrow amount,” or “in no case shall amount sought be more than the cost of the removal.” The Board agreed this language should be given to Town Counsel for review.

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Sidewalk Policy

Karen Kelleher said she spoke with Stow's consulting engineer Sue Carter, who recommended that the sidewalk policy include three tiers:

- \$35.00 along the subdivision road
- \$50.00 along existing roads
- \$75.00 for environmentally sensitive areas.

The Planning Board agreed that wetlands and steep slopes may qualify as an environmentally sensitive area. Members agreed that there should be some reference to linear feet since an entire length would likely not be considered environmentally sensitive. Lori Clark asked Karen Kelleher to draft specific language for the sidewalk policy.

Lower Village:

The Planning Board suggested that staff look into business districts in Harvard, Northborough and Norfolk, MA for applicable design guideline guidance.

Jesse Steadman updated the board on the progress of the Lower Village Planning effort.

Meeting Adjourned 8:45 PM

Respectfully submitted,

Jesse Steadman