

TOWN OF STOW
PLANNING BOARD

Minutes of the March 12, 2013 Planning Board Meeting

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

Voting Associate Member: Brian Martinson (absent)

Non-Voting Associate Member: Mark Jones

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

323 Great Road Discussion prior to Selectmen's Meeting

Lori Clark said the 323 meeting the previous week was one of the best meetings she has attended in Stow. The Planning Board agreed that the following points should be noted at the Selectmen's meeting:

- Representatives from 12 different boards attended agreed that purchasing 323 Great Road would have benefits for the Town.
- The property offers four uses with three potentially in unison, including affordable housing, a fire station, new open space trails and an educational component, and a public water supply to serve the Town center municipal buildings.
- Compelling aspects are the cost savings and the better site location for the fire station, the potential for a fire station water source, the freeing of space which may create parking space for the library and storage space for Town equipment.

Regarding next steps, Kathy Sferra said Karen Kelleher could start a working group of Board representatives to help coordinate the effort going forward.

Karen Kelleher said they should ask the Selectmen to jointly sponsor a warrant article for May Town meeting or enter into a purchase and sale agreement. Lori Clark and Kathy Sferra added that gauging the Selectmen's interest is an important goal of the meeting, and an appropriate question would be : "are you in favor of this effort if a viable use is identified and the funding is available?"

The Board discussed the potential for buying an option on the property, which would also require a Town Meeting vote. Karen Kelleher added that in discussion with Jonathon Avery she was given a figure of \$1000 for an appraisal. However, to break down uses for CPA funding, it could be \$2200. The Board agreed that the appraisal should be discussed as part of the next steps, with emphasis on appraisal assignments for likely uses to assist potential CPA funding, as well as accounting for a land swap. Karen Kelleher said a reserve fund transfer request from the Finance Committee was suggested by the Town Administrator. The board discussed that the Stow Municipal Affordable Housing Trust (SMAHT) is comfortable with the existing access easement for development of affordable housing but a

landswap to improve access for a fire station would be necessary. Lori Clark added that next steps will require serious discussions with both abutting churches.

Derby Woods Phase II – Dunster Drive Extension

Discussion of Support for a Variance to Section 8.5.7.1 of the Zoning Bylaw – a requirement for a common drive to serve lots 26 and 28 Dunster Drive.

Present Mark White of Bentley Building Corp.

Mark White described the language in section 8.5.7.1 of the Zoning bylaw, including the ability to reduce frontage to 50' provided that the lot is served by a common driveway. Mark White said that the original intent was to have the driveway split off in the common right of way. However, since the time of the original site planning, electrical boxes have been placed at the site of the common driveway and going forward as planned would now force an awkward driveway situation. Mark White said he has had some potential buyers, but has lost them due to the common driveway location.

Mark White said he spoke with the owners of lots 28, 26, 25, and 29, and they are in support of the proposal to split the common driveway into two with no objections. Kathy Sferra asked if there was an opportunity to access the lot from the emergency access road. Mark White said in the event the road ever needs to be used you would not want to have any cars parked in the road.

Ernie Dodd said he has no issue with the proposed alteration. Steve Quinn said the new driveway plan seems to be a better design than the alternative with a sharp turn. Len Golder said the new alternative is more appropriate. It was also noted that two separate drives would result in less impervious surface.

Ernie Dodd moved to send a letter of support for a variance to waive the requirement for a common driveway in Zoning Bylaw Section 8.5.7.1.

Steve Quinn seconded

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

Discussion of Meeting Minutes:

Minutes of 2/26/2013 Planning Board Meeting

Ernie Dodd moved to accept the minutes as written.

Steve Quinn seconded.

VOTED: 5-0 Unanimously in favor of accepting the minutes of 2/26/13 as written (Lori Clark, Ernie Dodd, Kathy Sferra, Steve Quinn, Len Golder).

Member Updates:

Elementary School Building Committee

Steve Quinn said there is still some ongoing negotiation with the Center School contractor on some outstanding items, but other than a few punchlist items that can be taken care of during various vacations, most everything is finished. Steve Quinn said that the final cost will likely be substantially lower than the \$38 million approved at Town Meeting.

Correspondence Update:

None

Coordinator's Report**Accessory Apartment Applications**

Karen Kelleher said the Planning Department has received two applications for accessory apartments including, one at 485 Great Road (formerly the Whitney Homestead) as well as 241 Red Acre Road. Regarding 241 Great Road, Karen Kelleher said it is a situation where the former owner pulled a building permit for an addition that ended up being an accessory apartment close to 900 square feet. Karen Kelleher reported that she suggested the applicants either lower the square footage to 700 feet so the Planning Board could permit the apartment, or apply for a variance from the Zoning Board of Appeals.

Karen Kelleher said she told the applicant that the Planning Department would keep the application while she decided what direction she would like to go in. Karen Kelleher said even if they do go forward with the variance, the plans need to be changed to show the as built plans of the addition.

Kathy Sferra said that the Town of Dunstable created an Illegal Accessory Apartment Amnesty program that included a mechanism to legitimize the apartment by placing an affordability restriction on the apartment which could count toward the Town's affordable housing inventory. Steve Quinn asked if it was worth the effort to create such a bylaw in Town. The Board did not feel they would get many applicants with such a bylaw.

Delaney Street Commercial Solar Escrow Agreement

Karen Kelleher described that the Board is at an impasse with Terradyne's counsel over the issue of liability to the property in the case the applicant fails to decommission the project. Karen Kelleher noted that Ernie Dodd also reviewed and commented on the draft agreement, and is very concerned about eliminating language that would hold the property owner liable should the applicant fail to decommission the project. Karen Kelleher asked Town Counsel if he believed the Town would be adequately covered without the language of property owner liability. His response is included in the meeting packets.

Steve Quinn said the property owners have more of an incentive to decommission the project than the Town would, and feels the Town is more than covered with the money that is included in the escrow agreement. Kathy Sferra said despite the uncertainty, it is more security than they ever have from other private projects; adding that when there is not enough money in a bond to complete an abandoned subdivision you have to make choices based on the most pressing need. Ernie Dodd said he feels Syncarpha will no longer be in business when the project has passed its useful life, and if the companies go out of business there is no way of knowing who they will be dealing with down the line. Lori Clark said

what worries her is that it costs the Town so much more to do the work than for a private company. Len Golder said perhaps a compromise to increase the bond amount would be appropriate. The Board believed that the bond issue was not between the property owner and the Town but rather the applicant. Lori Clark said the issue should be put on the agenda for a vote in the near future.

Meeting with Department Transportation Secretary Davey

Karen Kelleher reported that she attended a meeting held by Kate Hogan with Secretary of Transportation Richard Davey to discuss the lack of public transportation options in Maynard and Stow, except for senior vans operated by local councils on aging. The meeting, which included a site visit to Pilot Grove, focused on the difficulties Town's like Stow face regarding public transportation access. Karen Kelleher noted that the Pilot Grove Manager noted that many existing and prospective tenants do not have and cannot afford a car are looking for public transportation. We also discussed the fact that it would stimulate economic development by bringing workers to this area. Joe Mullen, explained that Clock Tower Place operates a shuttle to and from the Acton Train Station and that MAPC is working on a potential regional plan, which Clock Tower Place agreed to participate in by providing the funds they already have committed to their van service as well as parking area.

Lower Village Water

Karen Kelleher noted that the Planning Department continues to work on Lower Village Water efforts. Karen Kelleher said that Dave Coppes spoke with Bob O'Connor – Director of Land and Forests for EOEEA. Dave Coppes gave the following summary of their conversation:

- Bob O'Connor did not seem to object to going forward with both the Deerfield and Heritage Lane proposals as the Deerfield proposal could have value in solving water issues west of lower village in the future or could include Lower Village should the Heritage Lane proposal fail.
- Bob O'Connor suggested amending the existing bill to include both parcels.
- Bob O'Connor asked for more information to better illustrate what is being proposed.
- Bob O'Connor did say that they typically look for mitigation of the conservation value suggesting that we could either buy a piece of land and dedicate it to conservation add other parcels the Town owns as conservation land.

Kathy Sferra and Karen Kelleher said that some of the tax title parcels, recently viewed by SMAHT have been identified as clearly unbuildable and may be appropriate additions to conservation lands in Town for mitigation.

Lower Village Traffic Plans

Karen Kelleher reported on her conversation with John Morgan, adding that he said most of the board's comments can be addressed. Karen Kelleher said John Morgan will need to look more closely at the feasibility of narrowing the pavement while still complying with Complete Streets standards. Karen Kelleher said he also suggested next steps with the remaining budget of \$14,400.00, which can be put on next week's agenda for discussion.

Karen Kelleher gave the following breakdown of the next steps in the effort.
\$2,400.00 – review Boards suggested changes and provide written response.
\$2,000.00 – Review existing drainage structure and coordinate a meeting with Mike Clayton
\$3,000.00 – Conceptual layout and estimate for relocating utilities
\$6,500.00 – Pavement cores and preliminary pavement design (Could wait on this)

Lower Village Planning

Assistant Planner Jesse Steadman continues to work on the SWOT analysis for Lower Village properties and staff have been going through photo's for a visual preference survey.

Capital Planning

Karen Kelleher reported on a meeting with Capital Planning on Thursday at 7:45 PM.

Ag Forum

Jesse Steadman gave a review of the March 5 Agricultural Forum, with a description of likely next steps.

Selectman's Meeting on Proposal to Purchase 323 Great Road

Karen Kelleher and Lori Clark summarized their last meeting before the Stow Board of Selectmen. Karen Kelleher said since then they have done much research and held a forum with representatives from 12 different Town Boards. Karen Kelleher said several compelling uses surfaced, including a potential location for the Fire Station, 6-12 units of affordable housing, open space opportunities, and a zone 1 public water supply radius to service municipal buildings. Karen Kelleher said the Fire Station was very interested due to potential cost savings, lack of temporary housing and demolition costs, as well as opening up the current site for storage of Town vehicles and possibly offering space for library parking.

Karen Kelleher said that SMAHT is also very interested, with potential for 6-12 units that could be coupled with the open space and water supply. Lori Clark said that the meeting was exciting because so many uses could be looked at in conjunction, adding that it was one of the more engaging cross board discussions she has ever been a part of in Stow. Karen Kelleher said that they have come before the Selectmen to ask them to jointly sponsor a warrant for Town Meeting and possibly release funds for a purchase and sale agreement contingent on a Town Meeting vote. Lori Clark said that that having an option would allow the Town to do further feasibility research, adding that although the Planning Board is advocating for the purchase, many of the potential uses listed are under the purview of the Selectmen.

Charlie Kern said they could sponsor the article to help show that the idea warranted more research, but would not offer a show of support. Lori Clark said that the purpose of the meeting tonight is to see if the Planning Board could align with the Selectmen. James Salvie said that timing is an issue and having a joint sponsored article would be a good idea. He is concerned that buying the property without knowing exactly what was going to be done

with it is a concern. However, added James Salvie, if the desired use could be nailed down it seems that perhaps they could purchase an option. James Salvie said there are some real possibilities but they do not know what stage they will be at when the time comes for a Town Meeting vote.

Lori Clark said that the warrant article should be written as an option as well as a purchase. Bill Wrigley said there would be no certainty even after a positive Town Meeting vote to authorize the Selectmen to purchase the property until the debt exclusion vote of June 25th. However, Bill Wrigley said, despite the uncertainty in the outcome there is no uncertainty in the process. Don Hawkes said that his support would be contingent on the debt exclusion. James Salvie said rather than cosponsor an article to purchase, an article to authorize the purchase of the property would seem more appropriate.

Tom Ryan said if the property is found not to be suitable or if the Fire Station backs out, they will not know until September whether the Fire Station project will go forward. James Salvie said if we knew the exact use by Town Meeting we could put that information in the article. Bill Wrigley said that between now and Town Meeting the prospects of siting a fire station can go a long way. James Salvie said that because the fire station is still contingent on the fall vote, he believes an article for support of an option would be a better option. Lori Clark said that the Planning Board coming to the Selectmen today is really to gauge their interest in the effort going forward.

Charlie Kern said the access issue is a main concern for him regarding the possibility of a fire station.

James Salvie believes an option is the way to go and authorizes everyone to talk seriously about the effort. He added that Town Counsel would draft an article that authorizes the Board of Selectmen to purchase an option. Kathy Sferra said there could be an article that allows for the Town to gain a lesser interest in the property. An interest could allow both uses to advance in parallel. If the fire station does not proceed there would be a firm use in affordable housing.

Tom Ryan asked how much an option would cost? Bill Wrigley said they need a little time to understand expectations.

James Salvie moved to cosponsor an article to authorize the purchase of the property or an interest in the property at 323 Great Road, Parcel 26 on Assessors' Map U-10, for municipal use.

The Board of Selectmen voted unanimously in favor

Discussion of Sidewalk Policy

The Planning Board discussed the draft changes to the sidewalk policy. Steve Quinn asked about the Planning Board's flexibility with the policy and Karen Kelleher said that as it is just a policy, it can be negotiated as needed with a developer.

Discussion centered on the definition of “environmentally sensitive” area and the applicability of the higher price structure when constructing a sidewalk in these areas. The Board agreed that the policy should refer to the definition of “environmentally sensitive areas” as defined in Section 2 of Article 9 in Stow’s Wetland Protection Bylaw.

Furthermore, the Board agreed that the addition of this definition should replace language - “excluding the buffer zone,” which is a vague and undefined term.

Lori Clark said she would like to see language added to the policy clearly stating that an environmentally sensitive area may occur along an existing road or a subdivision road, and that the price for construction along an environmentally sensitive area will only be applicable to sections of the sidewalk within that area and not to the whole sidewalk project.

Ernie Dodd motioned to accept the sidewalk policy as amended.

Steve Quinn seconded.

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

Modification to Elizabeth Brook Farm Subdivision and Planned Conservation Development Special Permit Decision

The Board discussed the need to modify the Elizabeth Brook Farm (Heritage Lane) subdivision to allow installation one or more wells and appurtenant structures on the Open Land Parcel. Karen Kelleher read through the Open Space Use Description on the Land Use Plan. The Planning Board noted that this modification was a minor modification and would not require a public hearing. The Planning Board made a finding that a public water supply would not conflict with current uses as stated on the open space use description.

Steve Quinn motioned to modify the Elizabeth Brook Farm Definitive Subdivision and Planned Conservation Development Special Permit Decision dated March 24, 1997, adding a finding that a public water supply would not conflict with the stated uses as described on the Open Space Use Description on the Land Use Plan and to add a condition stating that it is allowable for “one or more wells with appurtenant structures and uses to be located on the open space parcel A-1 as shown on the land use plan.”

Ernie Dodd seconded.

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

Minor Modification to Taylor Road Planned Conservation Development (PCD) Special Permit Decision

The Board discussed the Conservation Commission’s request to modify the Taylor Road PCD Decision by removing the requirement for a Conservation Restriction on the portion of

the Open Land within the Town of Boxborough. The Conservation Commission has negotiated the terms of the Conservation Restriction and prefers not to hold a restriction on land outside of Stow.

Ernie Dodd moved to modify Section 8.6, paragraph 6 to read: The Petitioner shall provide proof of recording of a Conservation Restriction on the entire Open Land Parcel and to further find that the change reflects a minor modification to the decision and therefore does not require a public hearing.

Lori Clark Seconded.

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

Discussion of Lower Village Planning Effort

Assistant Planner, Jesse Steadman described the progression of baseline documentation and analysis for the Lower Village Planning Effort showing the beginning of a SWOT analysis to gauge the direction of staff work. The Planning Board agreed that the work was going in the right direction. Kathy Sferra said it may be helpful to document the number of existing parking spaces. Mark Jones asked if the language for the right of way at 92 Great Road was included in Department files.

Meeting Adjourned 9:30 PM

Respectfully Submitted,

Jesse Steadman