

TOWN OF STOW
PLANNING BOARD

Minutes of the April 23, 2013 Planning Board Meeting

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

Voting Associate Member: Brian Martinson
Non-Voting Associate Member: Mark Jones

Lori Clark called the meeting to order at 7 PM

Correspondence Update

Discussion of Meeting Minutes 4/16/2013

Member Updates:

Kathy Sferra reported that the Community Preservation Committee voted to appropriate \$75,000 in Community Preservation Open Space Reserve funds for the purchase of 323 Great Road open spaces, with \$20,000 in associated costs; bringing the final appropriation to \$95,000.

Candidate's Night Presentation

Lori Clark reported on her presentations at Candidate's night regarding Lower Village traffic plan funding request and the purchase of 323 Great Road. Lori Clark said it was noted that the Finance Committee did not support the traffic planning although they understood the project's importance.

Coordinator's Report:

Hammerhead Lot Special Permit on Homestead Lane

Karen Kelleher explained that an applicant is looking to carve out a buildable lot to allow for required frontage of a rear lot. Karen Kelleher added that the hammerhead lot's special permit states that the lot cannot be further divided. Karen Kelleher asked if the Board would entertain the issue. Ernie Dodd said the special permit could be rescinded and the applicants could reapply, adding at the very least it would require a modification. Kathy Sferra said if it still meets the area requirement for a Hammerhead lot then it could be done through a modification. Lori Clark said she would entertain the request as long as the area requirements are met.

323 Great Road

Karen Kelleher notified the Board that the appraisal report has been received. Karen Kelleher mentioned that Bill Wrigley recommended that the Fire Department could perhaps check the site for possible contamination. Kathy Sferra said that they could interview Malcom Fitzpatrick in addition to the required Phase I Environmental Assessment.

Karen Kelleher noted the Fire Station has completed its topographic plan of 323 Great Road. Karen Kelleher said she has contacted the Church representatives to have them put in writing that they are willing to work with the Town on a land swap.

Zoning Reform Bill

Karen Kelleher notified the Board of a Hearing coming up on May 14th. Ernie Dodd said the Board should at least produce a letter. Len Golder said it should be sent to the chair of the committee.

Gleasondale Planning Effort

UMASS students will be meeting with staff and Board members on Thursday at 7 PM.

Pilot Grove II

Sue Carter is still in the process of reviewing the plans for Pilot Grove II. Karen said Sue met with the Health and Building Department and noted major concerns with public safety, drainage and the roadway configuration. Karen Kelleher said the Fire Department is asking for cisterns, adding that the fire pond noted by the developer is over 2000 feet away.

Comprehensive Permit Policy

Karen Kelleher reported that the policy document has been finalized and will be distributed to land use committees for comment. Pending those comments, Karen Kelleher said the Planning Board will then vote to recommend the policy to the Selectmen for adoption.

Public Hearing

Petition for Zoning Bylaw Amendment at Wedgewood Pines Country Club

Present: Phil J. Pittorino

Joe Pittorino

Daniel Campbell of Lowell Design Group

Lori Clark Opened the Hearing

Ernie Dodd motioned to waive the reading of the public hearing.

Lenny Golder seconded.

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

Daniel Campbell described the petition for 65,340 square feet of Wedgewood Pine Country Club to be rezoned to the residential district from the recreation/conservation district for

the purpose of siting one single family house lot to run with the existing special permit and become a residential zone. Daniel Campbell noted that the lot would contain legal frontage.

Joe Pittorino said he works 75 hours a week at the Golf course and commutes several times a week and would like to be closer to his place of work. Joe Pittorino added that Wedgewood has been a good neighbor to the town, and with his kids getting older, he would like to move closer to the golf course, using the house as a caretaker property.

Janet Moffet of 185 Great Road asked if this was the same lot or a different location from the petition two years ago. Joe Pittorino said it is the same lot.

Alexis Arappoff of 212 Harvard Road said he is generally not in favor of rezoning recreation/conservation district's to residential districts, as he bought his home across from Wedgewood with the understanding that it would remain in the Recreation zone.

Bob Collings of 127 Barton Road asked if the lot was a qualified building lot before it was originally zoned as residential. Daniel Campbell said it was part of multiple larger parcels, adding that the special permit, when previously zoned residential, allowed for up to three single family lots on the parcel.

Kathy Sferra asked what happened after the lot was zoned to the Recreation/conservation district. Daniel Campbell said they took advantage of the recreation conservation district's allowance of a larger clubhouse, although they missed the preclusion of the three lots as buildable under the residential zoning district standards. Daniel Campbell said that the recreation/conservation district does not allow for caretaker housing so they need to rezone to allow Joe Pittorino, the acting caretaker, to live on site.

Daniel Campbell said the applicant's should have presented an ANR plan prior to rezoning but did not, leaving them to go back and separate that lot from the recreation/conservation district.

Karen Meyer of 9 Wedgewood Road asked how the Planning Board could assure that the rezoned parcel could not be sold to a separate owner in the future. Lori Clark said that as long as the Special Permit language requires the parcel to be owned by Wedgewood it would have to stay in the golf course's name. Len Golder added that a deed restriction may be another option.

Daniel Campbell said that if the petition passed Town Meeting they would have to come to the Planning Board for a modification of the special permit. Daniel Campbell said they would have to modify Special Permit since it specifically identifies the structures on the property. He said they are not looking to rezone to something outrageous, but rather to the same zoning both across the street and 400 feet the west.

Len Golder said spot zoning is typically something that needs to be considered. Daniel Campbell said this would be a residential use that is adjacent on both sides to residential uses.

Brian Martinson asked if there are any more facts to show the Planning Board. Daniel Campbell said he has done a lot of research into the history and that being able to have a caretaker structure on the property was missed in their initial research. Daniel Campbell said rather than new facts there is simply a better understanding that it is not spot zoning.

Board Comments

Ernie Dodd said he does not see how this petition is markedly different than the last. Ernie Dodd said at the applicant's request the Planning Board changed the zoning to a Recreation/Conservation district that allows an 18,000 square foot clubhouse. Ernie Dodd said he voted to not support due in part to avoiding setting a precedent for other owners of a recreation/conservation district property.

Steve Quinn said it is tough for the Board to go back and change a prior Board's decision. However, Steve Quinn said, if this were to pass at Town Meeting he does not think it would be a detriment to the neighborhood.

Mark Jones asked where the applicant's current residence is. The Pittorino's said Acton.

Len Golder said he does not have a problem looking at a past decision, but would want to look at the impact of how it would stand with other Golf Courses.

Brian Martinson asked about the origins of the original mistake that was made by either the applicants or as the applicant seems to suggest, the Planning Board. Karen Kelleher said she can gather documents from that original petition to help the Board understand the occurrences.

Kathy Sferra said she would like to have more information before making a recommendation one way or another since the Planning Board does not have all the information they seem to be looking for; adding that perhaps it would be better to provide a vote for the Fall Town Meeting.

Ernie Dodd said looking back at past decisions could help him make a more informed recommendation.

Lori Clark asked how long it would take to get the information that the Planning Board would like to see. Brian Martinson asked what due diligence the Board should be doing, as it seems the kind of research being sought is best undertaken by the petitioner. Kathy Sferra said she is not second guessing a past Board's decision, but rather would want more information to get an idea of the past Board's intention.

Lori Clark said it is a lot to ask to wait five months for a review of information. Len Golder and Ernie Dodd said they are willing to meet the next week.

Ernie Dodd motioned to continue the Public Hearing until April 29, 2013 at 7 PM.

Len Golder seconded.

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

Heritage Lane Water Discussion

Present: Conservation Coordinator – Pat Perry

Conservation Commissioners – Serena Furman and David Coppes

Heritage Lane, Bradley Lane and Lanes End residents

Karen Kelleher introduced the process of the Lower Village planning effort and the interest in the Heritage Lane parcel as a public water supply source. Karen Kelleher described the intent and meaning behind the Town Meeting vote, referring to that vote as a way to legally free the property for consideration of being used as a Public Water Supply source.

Selectmen James Salvie apologized for not reaching out to the neighborhood, adding that this process started in earnest in October 2012. Selectmen Salvie said they have been working on the issue of water in Lower Village for years as a Town, and now realize Stow cannot have a downtown style atmosphere with septic systems and wells. Selectmen Salvie said this is at an extremely preliminary stage with many questions to be answered. He said the Town's number one concern is that test wells be properly drilled to make sure the interests of abutters are respected.

Ed Marsteiner of Heritage Lane asked if they could explain what the Stow Conservation Commission has already approved and then what the next steps would be.

Dave Coppes of the Conservation Commission said his Commission voted to allow a water supply to be considered at Heritage Lane. Ed Marsteiner asked if the property owners could then drill a test well? David Coppes said there is no formal request or application to do that. Kathy Sferra said that after the Town Meeting vote, the legislature will vote on a petition which will be commented on by the Executive Office of Energy and Environmental Affairs, as well as signed off on by the Governor. The Planning Board said for their part, they have approved a minor modification to the Elizabeth Brook Farm Subdivision Special Permit to allow for a public water supply to be among the uses allowed on the open space parcel.

Dave Coppes said that the water issue in Stow will be ongoing and the Town will need to consider water as a potential use in future conservation land going forward. It is important he added, that undisturbed land is protected to have safe public water supplies.

Ed Marsteiner asked if resource areas near Heritage Lane are a concern. David Coppes said when a concrete proposal comes forward wetlands will certainly need to be protected.

David Coppes said until a proposal comes forward with a Notice of Intent they will not have a chance to take part. Kathy Sferra added that at the point of an NOI filing, the Conservation Commission will be required to hold a Public Hearing and the residents will be notified via certified mail to attend.

Sally Griffin 29 - Lanes End

Sally Griffin asked how a pump test would work and whether the demand would grow over time. David Coppes explained the process. Assistant Planner Jesse Steadman said that the DEP's Zone 1 public water supply regulations will permit for a certain flow based on the space available at the parcel. Due to this, he said, even if a future applicant wanted to withdraw more water, DEP could not allow it.

James Salvie added that water supply would really be for the south side businesses that suffer from small lot sizes and outdated wells.

Sally Griffin asked about other parcels that were considered for a public water supply. Ernie Dodd explained that the Town originally looked to Maynard for the potential to hook in to their water supply but were denied. He added that private property behind the shopping center was also considered, going as far as having a test well drilled. Ernie Dodd explained that they have had conversations with the Meeting House Homeowners Association as well as talked to Linear Retail, the owner of the Shopping Center, who is also not interested. Kathy Sferra noted that open space north of Deerfield Lane has also been considered as a public water supply source, but seems to be too far from Lower Village to be feasible at this time.

Jesse Steadman that during the test well application process, DEP will survey the surrounding properties, including the contaminated Mobil site.

Heritage Lane resident

A Heritage Lane resident asked if something adverse happens to the neighborhood's water supply will there be any recourse for property owners?

Mark White said the reason a lease is being pursued is that the Town does not want to deal with the issues of liability around a water supply. Lori Clark said that rather than liability, it is more about not wanting to be in the water business in a fiscal sense of maintaining the public water supply. Selectmen Salvie added that whatever water operator takes control of a potential supply at Heritage Lane they will be required to hold the necessary insurance policies to deal with the inherent liabilities.

Jeff Muller - 36 Heritage Lane

Jeff Muller said there is the issue of legality and feasibility standing in the way of the project. Furthermore, he said, not only would owners need to get together to solve the water issue they will also need to upgrade their septic systems. Lori Clark said the feasibility issue will need to be dealt with when they have a concrete proposal.

Marvin Guiles - 15 Heritage Lane

After the Town Meeting vote, asked Marvin Guiles, would there need to be another Town Meeting vote. David Coppes said that could be necessary.

Ed Marsteiner said the Conservation Commission could put requirements in their order of conditions to be sure the proper safety precautions were undertaken. David Coppes said one of their goals is to protect public water supply so that will be an important issue. David Coppes said the DEP likely does not have a public hearing but the Conservation Commission does. Lori Clark added that the best place for public input is with the Conservation Commission.

Kathy Sferra outlined the process, saying the Conservation Commission will hold a hearing, the engineer will come with the test data. At that point the Conservation commission could ask for peer review. David Coppes said that such a request would be under their purview.

Chris Straub - 16 Heritage Lane

Chris Straub asked what size withdrawals would be able to be permitted. Jesse Steadman described the Planning Board's best estimates of the zone 1 from anywhere between 5 and 10 thousand gallons per day or under 7 gallons per minute.

Marvin Guiles - 15 Heritage Lane

Marvin Guiles said he is in favor of responsible development in Lower Village, asking whether the Planning Board have a say over what can happen when the water does come. Lori Clark said that under current zoning bylaw regulations they can control the use and size of a development but not appearance. Lori Clark added that the Planning Board is undertaking the issue of design guidelines to help better shape a community vision for the future of Lower Village.

Ed Marsteiner said that a lot of businesses do not want a well and septic, and that a bigger problem is the sustainability of the types of uses people want. James Salvie said that sewer is not any agenda for the time being with three big projects being proposed. James Salvie said as much as we want the businesses to provide themselves with water, the bigger issue is protecting public water supplies for the residents in Town. Ed Marsteiner replied that none of the big capital projects will expand the tax base, unlike the prospect of inviting new businesses to Stow. James Salvie said if this moves forward it will require new regulations and zoning.

Ernie Dodd asked that the community members present be engaged on the future Lower Village planning effort. Len Golder said design guidelines will be key.

Ted Fire 21 - Heritage Lane

Ted Fire said it seems there are good intentions among the Boards, but since the neighbor's are a little behind on the process could they be offered a process roadmap detailing the step going forward? Jesse Steadman and Karen Kelleher said that is a great idea that they can work on producing.

Ed Marsteiner asked who will determine the price of a future public water supply lease. James Salvie said it will be left to the assessors to gain more tax dollars from the value of the properties.

Lori Clark left the meeting
Steve Quinn took over chairmanship

323 Great Road Town Meeting Presentation

Kathy Sferra reported that the oversight committee is unanimously in favor of using the 323 site for a Fire Station.

Kathy Sferra asked if the Board would need to vote their preferences for an outright purchase or option? Len Golder said the average cost per taxpayer could be good information to have.

Karen Kelleher said that the Planning Board can vote on their warrant preferences on Monday April 29, 2013.

Kathy Sferra motioned to adjourn
Len Golder Seconded.

Meeting adjourned at 9:50 PM

Respectfully submitted,

Jesse Steadman