

TOWN OF STOW  
PLANNING BOARD

Minutes of the August, 13 2013 Planning Board Meeting

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

Voting Associate Member: Mark Jones  
Non-Voting Associate Member: Dan Beaudette

Lori Clark called the meeting to order at 7 PM

**Discussion of Bike and Pedestrian Planning**

The Planning Board discussed the MAPC Bike and Pedestrian Network Planning Map, expressing concern over the high speed of traffic on inter-municipal roads in Town and their adequacy as candidates for center line removal. The Board decided that they would collect the pertinent information available on the subject and provide comments to MAPC shortly.

**Minutes of July 2, 2013**

*Kathy Sferra motioned to accept the minute of July 2, 2013 as amended.*

*Ernie Dodd seconded.*

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

**Member Updates**

*Center School*

Steve Quinn said the School Parking lot has been replaced and everything seems to be working well.

*Trefry Lane*

Mark Jones said he met with the Boxborough Planning Board regarding open land on Trefry Lane and asked if the emergency easement there was held by the Town. Karen Kelleher said the easement is held privately and the Town of Boxborough is not requiring an emergency egress. Karen Kelleher said the language is very specific regarding the emergency nature of the easement.

## **Coordinator's Report**

### *Gleasondale Planning*

We have a proposal from the University of Massachusetts Center for Economic Development for Phase two of the Gleasondale Planning Project. Phase two of the Project will include:

- Organizing neighborhood committees to include residents of Gleasondale, Town Officials and business owners divided into five focus groups (land Use, Environmental/Conservation/Recreation, Industrial/Commercial, Residential and Infrastructure/Capital Improvement)
- Conducting a Village Wide Charrette
- Conducting a 'Ground Truthing' Session with mill owners, town managers and small town planners to share success stories on mill development
- Preparing a final plan to be development and presented before a formal meeting of the Board of Selectmen and Planning Board.

Kathy Sferra said that she believes the CPC will be looking for the Historic Committee's recommendation and perhaps the Historic Commission and planning staff can put together a memo stating the historic importance of the Village and the project to solicit the Historic Committee's recommendation.

### *Quirk Property*

Karen Kelleher reported that the real estate broker continues to investigate feasible access for an AAN Development on the Quirk property. Kelleher said it appears that Pulte Homes is interested in the property.

### *Lower Village Visual Preference Survey*

Karen Kelleher explained that although attendance was not as great as we would have hoped, the visual preference survey meeting went well as there were enough people present to break into two groups to analyze the photos. Karen Kelleher reported that on-line surveys are still coming in and Assistant Planner Jesse Steadman created a data base to analyze the results.

### *Flood Insurance Forum*

Karen Kelleher said the Flood Insurance Forum for Stow and Bolton went well. Attendance was good for both towns. Jesse Steadman made a great informative presentation – a difficult task for such a complicated subject. Karen Kelleher said that after the presentation, residents had an opportunity to review the maps to see how their properties were impacted. Kelleher added that Planning Staff continue to have residents stop by the office to review the maps and to get direction on filing for a map amendment.

### *Pilot Grove II*

Karen Kelleher said that Building Permits were issued for 5 buildings with 6-units each, adding that she has submitted documents to DHCD to count the units toward Stow's affordable housing inventory.

#### *Villages at Stow*

Karen Kelleher reported she is still trying to reconcile the affordable unit inventory for Villages at Stow. Unit 88, designated as "affordable" was sold as a market rate unit said Karen Kelleher. George Gallagher of Habitech thought it was swapped with unit 91 but that unit was also sold as a market rate. Karen Kelleher said she has been waiting for confirmation since May. Karen Kelleher said her last correspondence was August 19<sup>th</sup> and indicated we would have an updated list by the end of the day.

#### *Volunteer*

Jill Kern volunteered to help with GIS Mapping. Karen Kelleher said she spent most of the day on Monday working on sidewalks and trails. Karen Kelleher said this was good timing for the MAPC bike and pedestrian planning effort since her first day was very helpful and productive, including the creation of a map showing existing trails and sidewalks and proposed sidewalks based on the Pedestrian Walkway Committee.

#### *MAPC Regional Bicycle and Pedestrian Network Mapping*

Karen Kelleher reported that staff have been working with MAPC on an updated Regional bike network plan. Jesse Steadman met with Christopher Kuschel, to go over the draft plan which included priority areas. Kelleher said that MAPC also noted a few roads that might be feasible to use as a test site for alternative striping – taking out the center yellow line and striping bike lanes instead. Kelleher said that MAPC is looking for input on the plan.

#### *Comprehensive Permit Policy*

The Stow Municipal Affordable Housing Trust, Housing Authority and Board of Health and Building Commissioner support the policy, as drafted said Karen Kelleher. The Conservation Commission recommends adding a requirement for youth recreational space. Karen Kelleher said the Zoning Board of Appeals responded that they have "no comment."

#### *Boxborough Trefry Property*

Karen Kelleher noted that the Town of Boxborough has a three lot common driveway plan for the Trefry property in Boxborough. This is the property where the previous developer proposed a subdivision with many more lots and required an emergency access on to Trefry Lane in Stow. The Boxborough Town Planner confirmed that there is no requirement for the emergency access road for the three lot common drive plan.

#### *Cushing Property*

Karen Kelleher reported that Penny Cushing recently retained the services of another engineer, Ducharme and Dillis, who will be conducting perk tests next month.

#### *Lower Village Traffic Planning*

Karen Kelleher described the visit from Consultant group Hudson and Whitman regarding what needs to happen to get a final design plan for Lower Village, including cost estimates. Lori Clark said they have experience for how to help towns move forward. Karen Kelleher said it would be better to wait until the Annual Town Meeting to request the final design funds.

Steve Quinn said we should have a clear idea of what we are looking for and what we will use the funds for. Karen Kelleher said Mike Clayton is anxious to begin work on drainage in Lower Village. Lori Clark said they could put a place holder in on the Town Meeting Warrant to see if we can come up with the right information. Ernie Dodd said it would be good to remind people that we are asking for money for transportation improvements.

### **Public Hearing Continuance**

#### **Special Permit Modification to Hammerhead Lot at 36 Homestead Lane**

Applicant Brett Taylor present.

Lori Clark opened the public hearing at 7:30 PM

Lori Clark read into the record a signed letter of withdrawal from Brett Taylor.

*Ernie Dodd motioned to accept the letter of withdrawal from Brett Taylor.*

*Kathy Sferra seconded.*

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

*Kathy Sferra moved to close public hearing.*

*Len Golder seconded.*

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

### **Endorsement of ANR Plan at 25 Laws Lane**

The Board reviewed the lot line alterations to 25 Laws Lane and 36 Homestead Lane making up the ANR plan before them. A resident asked whether the new frontage created could allow a driveway to be created to access 36 Homestead Lane. Ernie Dodd said yes.

Kathy Sferra asked whether this ANR plan should be reflected in a Special Permit modification to the Hammerhead Lot at Laws Lane to keep consistency of record. Although the Board agreed that it is not subdivision of the Hammerhead Lot, Kathy Sferra said she would be more comfortable seeking Town Counsel's advice regarding a minor modification to the Special Permit. Lori Clark agreed.

A resident asked about what would happen if the changing lot line was extended further to increase the lot size of Laws Lane beyond the requirement? Ernie Dodd said he believed as long as the Hammerhead Lot's minimum area is maintained and valid the alteration of the lot line should make no difference.

Resident asked if Town Counsel had been notified of the ANR plan. Assistant Planner Jesse Steadman replied that Town Counsel had not been notified. The lot line reconfiguration does not infringe on the minimum area necessary to keep the 36 Homestead Lane Hammerhead Lot from being invalidated.

Resident Don Strauss asked what the purpose of moving the lot line is? Ernie Dodd replied that bringing 25 Laws Lane into conformity allows someone to work on and add to the structure without having to file special permit petitions with the Zoning Board of Appeals.

Resident asked about the small parcel now orphaned, saying the concern is that there could be a driveway installed.

Don Strauss said that the Laws Lane frontage was key to the original proposal for a Hammerhead Lot. Ernie Dodd said that now that he has the hammerhead lot, with the required frontage off of Homestead Lane, the Laws Lane frontage is not needed.

*Ernie Dodd moved to have Karen Kelleher endorse the Approval Not Required plan numbered 13-0110 titled Plan of Land in Stow, MA at Homestead Lane and prepared for Brett Taylor by Summit Surveying Inc., dated July 30, 2013.*

*Kathy Sferra Seconded.*

**VOTED: (5-0)**

**Conceptual Discussion of Subdivision on property map number R-1 Parcel 29, off Revolutionary Ridge in Hudson and Walcott Street in Stow**

George Diakarakos of Stamski and McNary present

George Dimakarakos explained that Deluca builders has owned the lot for some time now, explaining that the existing cul-de-sac actually abuts the town line and lot line for the Stow-based parcel. George Dimakarakos said that part of the drainage system for Revolutionary Ridge is on the Stow property. George Dimakarakos said that if a regular subdivision was not approved they have developed a plan for a four lot, 16 unit Comprehensive Permit although the four lot subdivision or residential close plan would allow for a better tax output. George Dimakarakos said Stamski and McNary have done this type of intermunicipal development in Hudson before and the ROW has amounted to a driveway entering the other Town.

Steve Quinn asked about how parents would access school bus stops. George Dimakarakos said that the parent's would have to drive their children to the nearest bus stop in Stow.

Kathy Sferra asked how Stow Police and Fire would be able to reach the development. George Dimakarakos said that the fire trucks would have to enter through Hudson.

Robert D'Amelio, Chair of the Planning Board in Hudson said that the original Revolutionary Ridge subdivision was approved with a waiver to extend the cul-de-sac beyond the limit of 500 feet to 750 feet, where it abutted the town of Stow to allow for access to the drainage system which is on Stow property. Bob Demelio added that in the decision for the subdivision a condition is written that clearly states it is not the "intent" of the Planning Board to not allow the modification of the subdivision to allow the road to be extended.

Kathy Sferra said that regardless of a comprehensive permit, there are big hurdles that have to be sorted out regarding schools, fire and police. Kathy Sferra said that even with the four home plan it seems difficult to site the houses with all of the wetlands.

George Dimakarakos read section 7.5.12 from the Stow Subdivision Rules and Regulations regarding extensions of roads from Stow into neighboring communities.

Ernie Dodd said he could not approve anything that was accessed through Hudson unless Hudson agreed to take on the burden of bussing and safety vehicle access. Ernie Dodd said his vote would be a no without access.

George Dimakarakos said that there are other examples of this type of project and if it could be demonstrated that certain aspects such as safety and school bus considerations could be overcome, would the board be amenable? Kathy Sferra said she would need a commitment from the Town of Hudson and a letter from the Stow Fire Chief stating that it would not be a concern.

Bob D'Amelio said that aside from the concerns over safety and school responsibilities, the condition of the existing special permit should still preclude the acceptance of this project.

Steve Quinn said approval would be unlikely from Stow's perspective.

George Dimakarakos said that these issues alone did not seem to be too insurmountable. The Board expressed the opinion that these issues would be highly difficult to sell to the public and to the Planning Board's in both Towns.

### **Discussion of Medical Marijuana Zoning Interventions**

The Board discussed the current state of the Medical Marijuana bylaws and moratoriums in various Massachusetts communities. Lori Clark said one option is a moratorium or we could do

a bylaw. Steve Quinn agreed a temporary moratorium might be a good idea, adding that Town views on these proposals could evolve to be looked at as a cash generating resource. Len Golder said it may not be possible in Stow due to the need for an industrial product, although they may look to have a retail operation in Stow. Kathy Sferra said that they will look to be close to 495.

Lori Clark said Towns are doing a variety of things, adding that we do have some industrial spaces that could be used. Lori Clark said that a moratorium would allow the Town to take the appropriate steps to regulate different aspects of a proposal.

Ernie Dodd said he has no problem with the warehouse growing, instead he said he is more concerned with the distribution and security interests.

The Board agreed that the key points of the different possible interventions should be written up in a memo to be discussed with the Board of Selectmen and Board of Health for feedback.

### **Gleasondale Village Planning**

The Planning Board agreed that expending an amount near \$2800 dollars for Phase II of the Gleasondale Village UMASS Planning Project would be worthwhile.

### **Meeting Schedule**

Kathy Sferra announced that she will be leaving the Planning Board.

### **Planning Board Meeting Schedule**

*September – 2013*

Sept. 3<sup>rd</sup>

Sept. 10 Mark will be here

Sept. 17

*October*

1,8,22

*November*

5,12,19

### **Discussion of Natural Resource Protection Zoning**

Lori Clark and Kathy Sferra explained that this type of bylaw allows by right subdivision with 60% of open space set aside while allowing the town to have more input into the location and quality of the open space, without requiring a proof plan. Lori Clark said the benefit to the town is better open space, while the benefit to the developer is an easier and cheaper option than a conventional subdivision.

Kathy Sferra said the main changes she sees is the use of a formula to determine yield rather than a proof plan. Kathy Sferra said two attached wall duplexes, adding that multi family housing would be a very difficult sell at Town meeting.

Ernie Dodd said incentivizing affordability is a need and that means allowing more density. Ernie Dodd said he would like to encourage more density to gain the affordable housing that the Town needs.

Kathy Sferra said this will be difficult to argue as a by-right subdivision if multi-family housing is part of the discussion. Kathy Sferra said perhaps up to 50% of the units could be attached wall duplexes.

Mark Jones asked if the Planning Board should increase the base zoning throughout Town to 1.75 or 2 acres and keep the NRPZ minimum lot size at 1.5 acres or below to create an inducement to use the NRPZ bylaw. The Board agreed that such a move would be politically infeasible, creating many non-conforming lots in the process.

Lori Clark said that an important component to the effectiveness of the bylaw is offering sufficient up front input into the plan so that developers are not spending money on a preliminary plan that is out of touch with the natural resource qualities of the property.

The Board agreed that some case studies and sketches from the NRPZ meeting would be helpful to see for the next discussion.

The Board discussed the use of the Yield formula as a tool instead of the proof plan. Ernie Dodd said that he does not think all of the constraints should be subtracted from the land total, saying that 50% of a lot can be wetland and still be buildable.

Kathy Sferra said that we could use a formula but allow the developer to create a proof plan.

Mark Jones asked about Homeowner's responsibility in managing open space. Mark Jones said there is not a lot of leverage to attach responsibility to the individual owners.

Jesse Steadman said that the issue may be best dealt with during a concurrent discussion of a Land acceptance policy. Kathy Sferra added that with, some uses, drainage being one example, it may be suitable for an HOA to assume responsibility.

Steve Quinn said that in some cases the landowners want the open space manicured rather than in its natural state.

Lori Clark said staff should incorporate the big picture feedback into a revised draft and see what the bylaw looks like.



*Len Golder motioned to enter Executive Session for the purpose of discussing pending negotiations on 323 Great Road with adjournment immediately following.*

*Ernie Dodd Seconded.*

**Roll Call VOTE: Lori Clark Yea, Ernie Dodd Yea, Len Golder Yea, Kathy Sferra Yea, Steve Quinn Yea**