

TOWN OF STOW
PLANNING BOARD

Minutes of the January 8, 2014 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Steve Quinn, Mark Jones

Len Golder arrived at 7:05pm

Non-Voting Associate Member: Dan Beaudette

Lori Clark called the meeting to order at 7:00 pm

Discussion of Meeting Minutes

Minutes of December 4th, 2013

Ernie Dodd Motioned to accept the minutes as amended

Mark Jones Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Mark Jones, Steve Quinn)

Executive Session Minutes of December 4, 2013

Ernie Dodd motioned to accept Executive Session minutes as written.

Mark Jones seconded.

VOTED: 4-0 Unanimously in Favor (Lori Clark, Ernie Dodd, Mark Jones, Steve Quinn)

Minutes of December 11, 2013

Ernie Dodd motioned to accept the minutes as amended.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Mark Jones, Steve Quinn)

Len Golder Arrives at 7:05pm

Executive Session Minutes of December 11, 2013

Ernie Dodd Motioned to accept the minutes as amended

Len Golder seconded.

VOTED: (5-0) Unanimously in favor.

Planner's Report

Natural Resource Protection Zoning

Karen Kelleher reported that at the request of the Open Space Committee, she and Jesse Steadman met with Kathy Sferra, Conservation Coordinator; Chris Rodstrom, Open Space Committee (OSC), and Eve Donahue, Stow Conservation Trust (SCT) to discuss the proposed NRPZ Bylaw. Karen Kelleher and Jesse Steadman gave them an overview of the latest draft and encouraged them to provide input. A draft was provided to them for their

January meeting. It was suggested that the Planning Board hold a joint meeting with the Open Space Committee in February.

Eve Donahue also brought up Stow Conservation Trust issues currently under discussion with regard to preservation of open land including:

- A feeling there should be a belt and suspender approach, where one entity owns fee in the land and the other holds a conservation restriction.
- Narrow strips of land being part of the open space is less compelling – although there are often valid reasons for the narrow strips
- Altered land should not be fully counted – less credit should be given for land containing infrastructure (This may be problematic given the small lot sizes and could steer a developer toward a conventional plan.
- Communication with the proposed recipient of the open space should be made as early on in the process as possible.
- Boundary Markers (granite bounds and tree markers) and communication with lot owners should happen early on. (Kathy suggested friendly pamphlet to be handed out to potential lot owners.
- Stewardship contribution should be required for parcels with a conservation restriction.

Lower Village RFP

Karen Kelleher said that the Pre-proposal hearing was held this morning. Eleven (11) companies were represented. Discussion and questions that came up at the meeting:

- Karen Kelleher said there was discussion that the proposals assuming DOT permits under the Transportation Improvement Program (TIP) may be too costly. The price proposals would be significantly higher if geared toward DOT permits. Karen Kelleher said staff will issue an addendum noting the proposers should gear proposals toward MassWorks.
- Planning Department will provide a copy of the SWOT Analysis and Visual Preference Survey and concept plan on the Website.
- Karen Kelleher said she was asked if lighting should be included in the design? She said her response was that Stow has a very restrictive lighting bylaw and if any lighting were to be included, it should be pedestrian oriented lighting.
- Karen Kelleher said she explained that the Board's priority is to maintain the rural character. While complete streets is an important goal, the design should maintain the rural character with walkways set off the road with a green strip between the road and walkway.
- No Geo-Technical Studies have been done.
- Landscape plans can be limited to include street trees, grass strips
- Stormwater prevention plan is required but not to the degree that DOT would require.
- Example of recent work should be a copy of the basic plan for similar projects. Entire project plans not required.
- Break Down for fee proposal – It is okay to substitute terms for staff titles

- Are all utilities in the right of way? We are not sure about existing stormwater – need to confirm with Superintendent of Streets.

Timeline moving forward:

January 20th – Compilation of all questions and responses to be distributed via email to prospective proposers.
 January 22nd – Last addendum, if any to be issued.
 January 29th – Proposal Deadline
 January 30-Feb 28 – Selection Committee to review proposal
 March 7 – Notification of Award

Homestead Lane Hammerhead Lot Special Permit

Karen Kelleher said a second application for modification to the 36 Homestead Lane Hammerhead Lot Special Permit was submitted. Karen Kelleher said the Public Hearing is scheduled for February 5. Karen Kelleher requested that the Applicant provide a legal opinion in advance of the public hearing.

District Local Technical Assistance

Karen Kelleher said the application for District Local Technical Assistance funds from MAPC regarding Agricultural Zoning amendments/improvements was submitted.

Flood Plain Maps

Karen Kelleher said FEMA sent out their Letter of Final Determination on January 7th. Maps will be mailed out in February or March. There were no appeals in Middlesex County so there will be no substantive changes from the Preliminary plans said Karen Kelleher. FEMA recommended changes to the Zoning Bylaw to reflect the updated maps and regulations. Karen will pull together a proposed bylaw amendment for the May 2014 Annual Town Meeting.

Economic Development

Karen Kelleher noted she and Jesse Steadman will be meeting with the Economic Development Group on Wednesday, January 15th.

Gleasondale Planning

- Karen Kelleher and Jesse Steadman will be meeting with John Mullin tomorrow morning for him to provide an update on the project.
- The Ground Truthing Session was rescheduled to Wednesday, January 15.
- Karen Kelleher submitted a request for CPA funds for Phase III. She will be meeting with the Community Preservation Committee on January 13.

Medical Marijuana Bylaw

Staff will be holding another Joint Board/Department Meeting on a proposed Medical Marijuana Bylaw and Regulations. Jesse Steadman is preparing some maps for a potential

zoning map amendment and to show distances to schools or places where children congregate.

Derby Woods Phase II

Karen Kelleher said the Planning Department is in receipt of Street Acceptance Documents for the Dunster Drive Extension.

Collings Foundation

The Collings Foundation is clearing the property (three to four acres) for the proposed new building. He expects to file for a building permit sometime next week. He also plans to create a fire pond in the area previously proposed for the subdivision.

GIS Volunteer

Jill Kern continues to donate her time each Monday from 9:00 am to 2:00 pm. She is almost done with shape files showing Harvard Acres Drainage. She also created a map showing Chapter Lands in relation to protected lands.

Proposed Warrant Articles for 2014 Annual Town Meeting

- ***Floodplain***
- ***Medical Marijuana***
- ***NRPZ***
- ***Dunster Drive Extension Street Acceptance***
- Requests from the Building Commissioner
 - Noise Bylaw – difficult to enforce
 - Fences – received complaints about a fence installed with the finished side facing in toward the lot house rather than abutting property/street. There is nothing in Zoning or the Building Code that requires the good side of the fence facing out. Karen said she believes this is more of a practice for common courtesy rather than law.
 - Banners – The Building Commissioner recently had an issue with a banner permit. The Permit was issued and paid however the Highway Department did not hang the banner a week in advance of the event due to weather conditions. It was ultimately hung 1 day before the event. The Applicant is asking for a refund for the permit fee. The Building Commissioner asked Town Counsel who said that many Town's do not allow banners due to safety concerns. Karen noted that the Bylaw does not speak to banners and recommended that the Building Commissioner ask the Selectmen to revisit their policy.

Approval Not Required – Pompostitticut Street

The Planning Board reviewed an ANR Plan to create 1 buildable lot and one non-conforming lot at 68 Pompostitticut Street.

Ernie Dodd motioned to authorize Karen Kelleher to endorse the ANR Plan

Len Golder seconded.

VOTED: (5-0) unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn)

Hemenway Farm Planned Conservation Development Decision Review

Open Land Conveyance

The Board discussed the timing of the open land conveyance. Mark White suggested that the conveyance be at the time of Street Acceptance or at the five year mark. The Board discussed including language for conveyance at Street Acceptance or within a certain period of time to be determined by the board. Mark White noted that he would maintain the trails throughout the period prior to street acceptance. Mark White said he has no issue with the public walking the land while building is taking place.

Condo and Homeowner's Association

Ernie Dodd clarified that there needs to be distinction between the condo association and the homeowners association. The Board agreed Condominium documents need to be conditioned by the fifth unit's construction agreed the board.

Additional Parking Area

The Board discussed the idea of having a potential parking area at the top of Hemenway Farm Lane. Mark White said the grade adjacent to the road in that area is the same and it would not take much work to put in parking area. The Board agreed that a parallel parking pullout in the right of way, which is already on the plan will be sufficient. The proposed modification under 8.11.2 can be deleted.

Sightlines at Hudson Road and Walcott Street

The Board discussed that the two conditions requiring the applicant to clear brush at Hudson Road and Walcott Street can be removed. The Board discussed that the applicant could be held liable when the brush grows back. The Board agreed that the Highway Superintendent noted the problem of brush and therefore the Planning Board made sure an easement would be added to the plan to allow for brush to be cut and maintained in the future. The easement has been noted on the definitive plans.

Traffic

The Board agreed that the existing road will be able to handle the increase in traffic from the subdivision based upon similar roads in Stow with comparable volumes of traffic.

Sidewalk

The Board discussed that if they choose to construct a sidewalk off-site it should be of equivalent value as the estimated cost for constructing the sidewalk on site.

The Board agreed that the finding in section 8.21 should be modified to change the word sidewalk to a pathway.

Street Trees

Ernie Dodd said he would like to allow the applicant the flexibility to place the street trees at certain intervals provided the number of total trees equals the amount of trees at forty

foot intervals along all of the frontage. The Board agreed that this gives the developer the flexibility to create a street tree atmosphere that is best suited to the location and neighborhood of the development.

Affordable Dwelling Units

The Board discussed that the Applicant should have the affordable units' certificate of occupancy prior to the issuance of the thirteenth occupancy permit.

Development Schedule

The Board decided to limit the number of units built per year to nine, rather than require identification of specific units to be built within the subdivision, since it is the number of units that are specific to the development schedule bylaw, rather than the specific lot location.

Signage

The Board agreed that a temporary marketing sign is reasonable for the subdivision, provided it is in compliance with the sign bylaw.

Cistern

The Board agreed that the first cistern must be operational before issuance of the first building permit and the second cistern must be operational by the issuance of the thirteenth building permit.

Ernie Dodd motioned to approve the Hemenway Farm Definitive Subdivision, Planned Conservation Development Special Permit, Erosion Control Special Permit and Inclusion of Affordable Housing Special Permit.

Len Golder seconded.

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

Ernie Dodd Motioned to enter into Executive Session to discuss 323 Great Road negotiations with adjournment immediately following.

Roll Call VOTE Unanimous (Lori Clark – yea; Ernie Dodd – yea; Len Golder – yea; Mark Jones – yea; Steve Quinn – yea)