

TOWN OF STOW  
PLANNING BOARD

Minutes of the April 9, 2014 Planning Board Meeting

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

Absent:

Non-Voting Associate Member: Eve Fischer

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

**Correspondence Update**

None.

**Discussion of 4.2.2014 Meeting Minutes**

*Ernie Dodd moved to approve as amended.*

*Steve Quinn seconded.*

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

**Member Updates**

None.

*Len Golder arrives at 7:10 pm*

**Planner's Report**

**April 9, 2014**

**Adams Drive PCD Plan**

Karen Kelleher reported that staff representing the Planning Board, Conservation Commission, Board of Health and Fire Department met with the applicant and engineer for the Adams Drive (Abigail Place) PCD Plan. Duffy McNulty is John Anderson's partner said Karen Kelleher, adding that John Anderson was unable to attend the meeting. Karen Kelleher said that several concerns were raised by all departments and it does not appear the applicant will be able to prove 4 lots. Karen Kelleher read the following initial concerns raised:

- Recognition of 2013 Preliminary FEMA Flood Insurance Rate Maps
- Inconsistent Plan locus between the PCD Plan and Proof Plan
- Proof Plan missing information to determine the r-shape factor, wetland boundaries are incomplete and the 2013 Preliminary FEMA Firm map is not referenced.
- Drainage Report is incomplete.
- Erosion Control Special Permit is required

- Fire Department access to the water tank is not clearly identified.
- Several required documents referenced in the PCD Rules and regulations are missing.
- Two of the lots show the entire house and/or septic system in the 100' buffer.
- The Plan is not clear as to what will be done with the infrastructure on the open land.
- Wetland boundaries are missing
- Fire Department access to the Water tank is not clear

Karen Kelleher reported the consensus was that, given the wetlands and floodplain constraints and zoning bylaws, four lots may not be appropriate or possible. The Conservation Coordinator and Health Agent stated they would prefer conventional size lots versus a PCD Plan said Karen Kelleher.

Karen Kelleher recommended to the Planning Board that in this case, three conventional lots may be more appropriate and noted due to wetlands and floodplain, the house locations would still be close to the road.

Karen Kelleher said that on Monday, John Anderson stopped by the office and voiced concern about issues raised at the meeting. Karen Kelleher said he was especially concerned about the requirement to show the new floodplain lines and claimed that he did not file the plan prior to the notice of public hearing on the proposed bylaw change to adopt the new floodplain maps because he was working with the Town who is interested in the water tank for fire protection. After a lengthy discussion, Karen Kelleher said he seemed to prefer larger lots and noted that three larger lots would potentially have as much, if not more value than the proposed three PCD Lots. Karen Kelleher said John Anderson agreed to have further discussions with his engineer and plans to get back to the Planning Department on how to move forward with the PCD Application.

Karen Kelleher reported that after meeting with his engineer, John Anderson stopped by the office and presented a plan depicting two ANR Lots and a Hammerhead Lot. Karen Kelleher said his concern is that the only place to locate a house on the hammerhead lots would be next to the water tank which would devalue the property. Karen Kelleher said that staff encouraged him to have his engineer better define the wetlands and floodplain in order to prove the lots. John Anderson said the most financially feasible option is for him to create the ANR/Hammerhead lot and remove the water tank, or if the Town is willing to be flexible, he could do the 4-lot PCD plan with the remaining land as open land and access to the water tank.

Karen Kelleher said they discussed whether the Planning Board would be interested in supporting a request for the variance if the applicant could not find four legal lots. Ernie Dodd said the town may want to purchase the tank. The Board discussed the importance of the fire suppression aspects of the tank although approving a lot that does not make the legal requirements begins to border on a use variance, which the Zoning Board of Appeals does not allow, said Ernie Dodd.

Lori Clark said that if the plan stays on record the Board will be forced to make a decision. The Board discussed that they may be forced to deny the application if it does not comply with the bylaw. Lori Clark said the applicant can rework the plan or he can schedule the hearing and it will be denied if it does not comply.

### **SWMI Meeting**

Karen Kelleher and Jesse Steadman met with Alison Field Juma of OARS and Robert Almy and Janet Moonan to discuss required information from Stow for the grant awarded by DEP to evaluate water management options in the SuAsCo Watershed under the new Sustainable Water Management Initiative. Kathy Sferra was also present at the meeting. Planning Staff updated the consultant team on locations of public water supplies and dams located in Stow. Shared a copy of the 1977 IEP Study and will provide GIS data.

### **Collings Foundation**

Assistant Planner Jesse Steadman prepared notes on the Collings Earth Removal Permit Application for the Board to consider in their comments to the Board of Selectmen for the public hearing scheduled for April 22.

### **Gleasondale Planning**

Karen Kelleher reported that the Gleasondale workshop held this past Saturday was a great success. Karen Kelleher said that she received many positive comments about the planning effort, and expects to see a draft report shortly when the students will present the final report at a public meeting.

Karen Kelleher said that the Finance Committee voted to recommend approval of the \$50,000.00 capital request for Gleasondale.

Karen Kelleher said she received an email from Steve Jelinek, Chairman of the Capital Planning Committee advising that they voted not to support the Planning Board Capital Request for Gleasondale traffic planning, stating that they understand the project will provided benefits to residents of Gleasondale and improve the ability of the owner of the Mill to attract businesses. The biggest reservation was timing and their opinion there is not a pressing need to undertake the project in FY15. Karen Kelleher noted that some would rather complete the Lower Village project first while others on the Committee noted the existing commercial property occupancy rates in the area continue to decline.

Karen Kelleher responded with a plea for them to reconsider their vote. Karen Kelleher said she advised that:

- The Planning Department has been working on this project for a year now and have made great strides and is concerned that we run the risk of losing momentum by postponing the request for funds.
- The reason the Lower Village Planning took so long is that we lost momentum several times. We held off requesting funds for many years because it seemed that there were always other capital items contributing to financial constraints in any given year.

- We now have a Transportation Engineering Firm under contract for final design plans for submittal for a MassWorks Grant application in September.
- There is never a good time to request funds.
- Concern about current owners of the mill becoming overwhelmed with ownership and maintenance responsibilities.
- Planning efforts do not happen overnight and if we don't start now, we won't be prepared for when the Mill Owners decide to move on and/or the market changes.

### **Lower Village**

Karen Kelleher said that Howard/Stein-Hudson reported that they would be taking manual counts along the roadway yesterday in the morning and evening peak hour. Karen Kelleher said the tubes were down last week and they got the data back, but unfortunately the street sweeper swept the tubes away on Saturday. Karen Kelleher said they propose to count again by radar this Saturday. Karen Kelleher said that the wetlands flagging will be done over the next two weeks.

### **323 Great Road**

Karen Kelleher reported that all testing (three borings and the well) is complete and results look good. Town Counsel ordered the title insurance and title work.

## **Planned Conservation Developments**

Karen Kelleher said that staff are working to amend the PCD rather than create a new Natural Resource Protection Zoning District. The amended PCD will contain some flexibilities to allow for the best open spaces to be preserved. Karen Kelleher said that planning staff are still aiming for a by-right bylaw.

Lori Clark asked what the Board loses with a by-right allowance? Karen Kelleher said the Board has done fairly well with negotiating for aspects that improve the site plan of subdivisions. Mark Jones said that he would still like to see more diversity in housing types. The Board discussed the concept of housing diversity, agreeing that there is the possibility of removing the incentives of a PCD if restrictions on the type and size of home are put in place.

Len Golder said dealing with the Open Space aspects this year may be more successful at Town Meeting than looking into the housing diversity aspects at the same time. Mark Jones said it may be worthwhile to add in language for the inclusion of trails in the open space, similar to what is included for sidewalk inclusion in the current PCD bylaw.

### **Lower Village**

The Board discussed the need for charrette style meeting in mid-May to kickstart the Lower Village planning process for the summer.

### **MAPC Municipal Assessment**

The Board discussed the rise of the state municipal assessments for MAPC payments. Mark Jones said he would be happy to advocate for the raise in assessment. Karen Kelleher said she believes it is valuable due to the high activity of the MAGIC Subregion that Stow is a part of. Ernie Dodd said he is supportive. The Planning Board agreed that Planning staff could send the letter. The Board discussed the positive aspects of MAPC and the MAGIC Subregion in particular.

### **Collings Foundation**

The Board discussed the favorability of sending Planning Board comments to the Board of Selectmen regarding the Erosion Control Special Permit. Lori Clark said it will be important to have Town Counsel weigh in on the issue of legality. Ernie Dodd said that a past Building Inspector issued a cease and desist. Mark Jones said to include the letter from Jake Deimit issuing the cease and desist. Len Golder said that the Board needs to be sure whether the work is for safety issues and where the implied requirements originate from. If it is anything other than work for safety reasons, it may not meet the requirements of the bylaw said Len Golder.

The Planning Board agreed to have staff send the information.

Steve Quinn Motioned to Adjourn  
Mark Jones seconded.

Adjourned at 8:10