

TOWN OF STOW  
PLANNING BOARD

Minutes of the April 2, 2014 Planning Board Meeting

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

Absent: Len Golder

Voting Associate Member: Eve Fischer

Non-Voting Associate Member: none

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

**Correspondence Update**

None

**Discussion of December 11, 2013 Meeting Minutes**

*Ernie Dodd moved to approve as drafted.*

*Steve Quinn seconded.*

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

**Discussion of March 19, 2014 Meeting Minutes**

*Ernie Dodd moved to approve as amended.*

*Mark Jones seconded.*

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

**Discussion of March 19, 2014 Executive Session Meeting Minutes**

*Ernie Dodd moved to approve as drafted.*

*Mark Jones seconded.*

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

**Correspondence**

Ernie Dodd questioned the notice concerning a Town of Boxborough subdivision. Karen explained that it was for the property abutting the Trefry Lane property. The original plan proposed an emergency access connection through one of the Stow Trefry Lane lots. Because the Boxborough subdivision is now fewer lots the town of Boxborough is not requiring an emergency access.

**Member Updates**

68 Pompositticut Street

Steve Quinn reported that he received a call from property owner John Giordano noting that Planning Board Associate Member Brian Martinson was on his property investigating the most recent tree clearing and explained that he was conducting a site investigation for the Planning Board. John Giordano was very upset to find that Brian misrepresented himself as having authorization to represent the Planning Board in this matter. Steve asked that John

Giordano sent a written explanation of incident. Karen Kelleher explained that this property was the subject of an ANR Plan dividing property at 68 Pompositicut Street property into an additional building lot and a non-conforming lot. The property owner clear cut the non-conforming lot. The Planning Department received a call from Brian at the time the tree clearing took place asking for assistance in reaching the Conservation Coordinator stop the activity that was taking place in the wetland buffer. Brian also contacted the Police Department. Conservation Coordinator Kathy Sferra went to the site and instructed the property owner to stop work and file an application with the Conservation Commission. The property owner is cooperating with the Conservation Commission. The incident that Steve Quinn heard about occurred over the weekend.

A copy of John Giordano's email was forwarded to Brian Martinson. Brian responded that he was helping a neighbor examine the nature and extent of the damage and did not represent himself as being associated with the Planning Board. He also noted that he didn't even know the person he spoke with was the property owner and that the conversation was perfunctory and couldn't have lasted more than 5 seconds. Karen Kelleher also noted that the abutter, Andrea Harris, met with Karen Kelleher and Conservation Coordinator Kathy Sferra to review the plans and to gain a better understanding of the process.

#### Nashoba Regional School District

Mark Jones reported that he attended the Nashoba High School Space Task Force meeting. It is clear that the building is beyond capacity. The School Choice policy makes the pupil count out of control. Once you accept a school choice student into the system they are able to stay. This makes it difficult when you have a larger population of Stow students coming into the system. Steve Quinn noted that the September 2014 Freshman class is the largest they have seen.

#### **Planner's Report**

##### Adams Drive PCD Plan

A Planned Conservation Development (PCD) Plan for the former Assabet Water Company property on Adams Drive was filed on March 24. The Plan shows 4 lots with a shared septic system and leach field in the Open Land Parcel. The Open Land Parcel also shows the water tank and associated infrastructure. The Applicant proposed to make the water tank available to the Town for the Fire Department to use as a water source. The Applicant also filed a Notice of Intent Applications with the Conservation Commission for each lot and the Septic System. The Plan has many deficiencies in terms of zoning, floodplain delineation and proving the number of lots for a PCD Plan and the Conservation Coordinator and Health Agent and Fire Chief have concerns about the Plan. Therefore, staff representing each department, will be meeting with the Applicant and his engineer on Thursday. Karen Kelleher said she will recommend the applicant either withdraw the application before the Planning Board Public Hearing is scheduled and the filing fee is deposited, or grant a continuance for the time to schedule the hearing so he will have sufficient time to update the plans.

A copy of the Staff review letter is in Planning Board Members packets.

#### Legislative Breakfast

Karen Kelleher and Jesse Steadman attended the MAPC Legislative Breakfast last Friday. Karen Kelleher noted concern about Zoning Reform and how it affects small communities with no municipal water or sewer. Other communities also voiced concern about state mandates without consideration of communities with no public water or sewer. Members asked if the most recent draft is any different than the draft the Board previously reviewed and commented on. Karen Kelleher compare the most recent draft with the Board's review letter.

Kate Hogan also reassured Karen Kelleher that Heritage Lane Article 97 legislature is moving forward. Kate Hogan also said that she is willing to meet with the Lower Village property/business owners to explain the legislature process.

#### SWMI Meeting

Karen Kelleher and Jesse Steadman attended a kick off meeting for the grant awarded by DEP to evaluate water management options in the SuAsCo Watershed under the new Sustainable Water Management Initiative. Most of the discussion was around municipal water and sewer and ways to keep the water in the same watershed. The consultants will be in Stow on April 7 to meet with Planning Staff and gather information.

#### Collings Foundation

The Board of Selectmen will be holding a Public Hearing on Collings Foundation request for and Earth Removal Special Permit. They propose to grade a 34' high hill in order to create a runway safety zone - flat grading of 62,500 sq. feet of steep slope. The Town Administrator asked for Comments from the Planning Board. Staff will review the application and provide input for the Board to consider at the next meeting. Karen Kelleher noted that because she is an abutter (within 300' of the locus), staff comments will be prepared by Assistant Planner, Jesse Steadman.

#### Complete Streets Policy

MAPC approached Stow about grant funds available for assistance in drafting a Complete Streets Policy. Stow's adoption of a Complete Streets Policy will put us in a better position to obtain state funding. Members had no objections to Stow's participating as long as the end result is a policy and not a mandate and that the policy takes into consideration Stow's rural character.

#### Gleasondale Workshop

Karen reported that the Gleasondale workshop is scheduled for this Saturday April 5, 9am - noon in the Hale School Cafeteria. UMass Landscape Architecture and Regional Planning Department will lead a landscape design workshop focusing on series of visual design scenarios and renderings based on input received over the past year. They will use the results of this workshop to complete the project to be presented to Town Officials at a Public Meeting. Staff arranged for Emma's Café to provide refreshments.

Karen asked for volunteers to help set up and break down easels and tables.

#### Finance Committee Public Hearing

The Finance Committee Public Hearing is scheduled for April 3. Karen reported that she has a conflict and is unable to attend and asked if a Planning Board Member is available. Mark Jones agreed to attend the meeting.

### **RIDGEWOOD AT STOW ACTIVE ADULT NEIGHBORHOOD (AAN)**

Bill Roop and Harry Blackey attended the meeting to provide an update on their plans for the Ridgewood at Stow AAN.

Voting Associate Member Mark Jones recused himself from discussion as a member of the Planning Board because he is an abutter to the property.

Harry Blackey noted that in addition to the locus for the AAN Development, they had the 2.6 acre lot on Boxboro Road under agreement. The 2.6 acre lot has since been sold because the property owner need the funds.

Harry Blackey further noted that they have been struggling with making Ridgewood happen. He stated the final plan was accomplished through a cooperative effort resulting in a plan that is good for the Town and them. Because the market is better for free standing dwellings, 2/3rds of the proposed units are detached. They have been monitoring the sales and financial market. The market inside Route 128 is not as great as outside Route 128, particularly for this type of unit. Interest rates are currently low and eventually they will go up, which will impact the market. They are anxious to get started and are keeping their eyes open for other operatives that might have financial resources. Things might be looked upon better in terms of marketing and financing if the development did not have the affordability component and if the lots could be sold fee simple. However they have to work with what they have.

The Open Space plan will be the same and they will work with the Stow Conservation Trust.

Bill Roop noted that the over 55 market got over-saturated and, although he is a proponent of affordable housing, the affordable component makes the project more costly.

Harry Blackey said the Special Permit has been extended to 2015 and they do not anticipate asking for another extension. They will continue to watch the market in Acton, Shrewsbury, Hudson and Marlborough.

### **Cushing Property**

Property owner Alice Cushing, her son Jeff Cushing, son-in-law Mark Palmer and Engineer Greg Roy of Ducharme and Dillis met with the Board to present a concept plan for a 5-lot subdivision. The Plan includes the existing home and 4 additional lots (three hammerhead lots and one conventional lot).

Greg Roy explained that they did topography work and soil testing to determine the septic locations. They propose to add four additional lots in addition to the existing home. They propose to request waivers to not build the subdivision road and use the existing driveway, which will be upgraded to Common Driveway standards, to access the lots. The proposed subdivision road geometry is proposed so they can come back to the Town for further

subdivision of the remaining land. Ernie Dodd noted that the subdivision approval will include a condition that a completely new subdivision filing will be required for further subdivision.

Mark Palmer noted that, due to the road geometry and soil testing the location of the proposed house locations are slightly different than what was discussed when the Board met with them on the site.

Greg Roy noted that because the proposed subdivision road is greater than 500' in length, in accordance with Section 7.8.2.2 of the Subdivision Rules they are required to provide a minimum of ten percent of the land suitable for development (excluding wetlands) contained within the Subdivision to be dedicated for publicly accessible open space, parks or future public facilities and infrastructure. Greg Roy suggested a 10+ acre parcel of land abutting the Stow Conservation Trust Hale/Corzine Woodlands Parcel. Members recommended they contact the Stow Conservation Trust about the proposed open land to be protected.

Karen Kelleher asked if the common drive provides for adequate access for public safety. Alice Cushing noted the Fire Department currently uses the turnaround at her driveway. Karen clarified that she is concerned about adequate turning radius for the proposed four lots and suggested that they contact the Fire Department to review the plan prior to submittal

Members questioned the lot shapes and asked if they meet the index of regularity as defined in the bylaw. Greg Roy will check.

Ernie Dodd suggested they will not need drainage calculations for the proposed subdivision road because it will not be constructed. Karen Kelleher clarified that they will need drainage calculations for the proposed house lots and driveway improvements. Greg Roy confirmed that the formal filing will include drainage calculations to show compliance with the Bylaw.

Ernie Dodd suggested that they come back to the Board with an updated plan prior to submission of a Definitive Plan. Karen Kelleher asked if the Board is suggesting that they submit an updated concept plan or if they should submit a preliminary plan.

Greg Roy said they would like to move forward with a Definitive Plan rather than a Preliminary Plan. The Board voiced no objections.

Greg Roy said they will schedule time to talk to Stow Conservation Trust regarding the open space, the Conservation Commission regarding wetlands and the Fire Department.

Mark Jones noted concern about creating lots where access cannot be accommodated due to wetlands. He also noted that he does not like the configuration of the hammerhead lots, even if they meet the index of regularity. It was noted that, although the 50' strips look odd on paper, it provides a 150' width (3-50' strips) that cannot be developed due to setback requirements.

### **Homestead Lane Hammerhead Lot Special Permit Decision**

Members reviewed the draft Homestead Lane Hammerhead Lot Special Permit Decision. Karen Kelleher reported that the Decision was reviewed by Town Counsel.

Members asked if Town Council understood the Applicant's argument that the previous ANR Plan should have been considered as a modification to the Decision. Karen Kelleher responded that he was made aware of that discussion and was provided with a copy of the draft minutes. Karen Kelleher said she asked if the draft should be modified to include a finding indicating the Original Special Permit is modified to acknowledge the lot line adjustments resulting from the Approval Not Required Plan. Town Counsel responded that he didn't think such a finding would provide any benefit or purpose.

#### **VOTE**

*Ernie Dodd moved to **DENY** the Petition for Hammerhead Lot Special Permit and/or Modification or Rescission of the Original Decision, for reasons specified in the draft Decision as modified to include a finding that the Original Decision was acted upon with construction of a single family dwelling.*

*Mark Jones seconded.*

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

#### **PROPOSED NATURAL RESOURCE PROTECTION DEVELOPMENT (NRPD) BYLAW**

Karen Kelleher reported that Staff is looking for direction on moving forward with the proposed Natural Resource Protection Development Bylaw. At the last meeting, the Board suggested approaching it by amending the PCD Bylaw rather than adoption of a NRPD Bylaw. She asked if the Board wants to move forward with limited changes to the Planned Conservation Development (PCD) bylaw with regard to Open Land or does the Board want to address the housing and dimensional components as well.

Ernie Dodd said he is comfortable with PCD Bylaw as it stands with regard to housing and dimensional requirements. He likes the 20,000 sq. ft. lot requirement and dimensional setbacks.

The consensus was that staff should prepare draft changes to the PCD bylaw to address the Open Space components of the previous NRPD bylaw. It was noted that it would be best to approach the changes over time with the first issue to be addressed to be the process and formula to determine the Open Land and making the PCD Bylaw "by right".

Lori Clark suggested that we schedule this discussion for a working meeting.

Lori Clark reported that she will be out of town the week of May 18.

#### **Adjournment**

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Karen Kelleher  
Town Planner