

TOWN OF STOW
PLANNING BOARD

Minutes of the September 17, 2014 Planning Board Meeting

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

Voting Associate Member: Margaret Costello

Lori Clark called the meeting to order at 7:02pm

Discussion of Meeting Minutes:

Planning Board Minutes of August 20, 2014

Steve Quinn moved to accept as amended.

Len Golder seconded

**VOTED: (4-0) in favor (Ernie Dodd Abstained; Lori Clark, Len Golder, Mark Jones,
Steve Quinn in favor)**

Planning Board Minutes of September 10, 2014

*Ernie Dodd moved to accept as modified with further review and amendments by Barbara
Huggins – Town Counsel.*

Steve Quinn seconded.

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

Member Updates

Mark Jones said he attended the ZBA hearing on September 8th. Mark Jones said that the Special Permit for 41 Hale Road was denied until an actual sketch of the proposed home is submitted by the applicant. The Conservation Commission did not want the applicant to enter into the 35 foot no disturb buffer.

Planner's Report

Crescent Street Notice of Intent Plan

Jesse Steadman reported that a Notice of Intent Plan was filed for a property on Crescent Street, with much of the lot containing portions of Minister's Pond. The Planning Department reviewed the floodplain boundary at the request of the Conservation Commission and found that the Floodplain District line was not consistent with the applicant's floodplain line, causing much of the work to be within the floodplain and failing to meet the bylaw's requirement that 50% of the minimum required lot area be outside of floodplain and wetland. The Conservation Commission's Public Hearing was continued without testimony. Currently the lot does not conform to the Zoning Bylaw.

41 Hale Road

Jesse Steadman reported that one of the two variances requested by an applicant at 41 Hale Road was denied, as well as the Special Permit for the construction of a proposed 2800 square foot home on a 600 sq. foot footprint was also denied. Jesse Steadman said that while he agrees with the inadequacy of the plan, due to the fact that several Special Permit requirements were not met, including floor plans and elevations of the proposed house, he is perplexed by recent Special Permit decisions by the Zoning Board of Appeals that deny projects, only to suggest that a lesser setback relief would have been granted approval. Jesse Steadman believes there is a misunderstanding on the part of the Zoning Board of Appeals on how the statute is interpreted. The hearings could be continued, allowing the applicant to amend their decision, provided the amendment is not an increase in relief, rather than causing the applicant to do a completely new refiling.

Highgrove Estates

The Conservation Commission and Sue Carter went on a sitewalk at Highgrove Estates, accompanied by James Fenton, said Jesse Steadman. Jesse Steadman said that according to Kathy Sferra's notes the property appeared stable and notwithstanding some minor drainage amendments, the stormwater controls are performing as intended. Kathy Sferra will have more detailed notes in time for the next meeting said Jesse Steadman.

Jesse Steadman said the Planning Department has still not received a new document detailing the process for utilizing an occupancy permit rather than a bond to be sure the work at the site is completed. It was discussed that since the Subdivision Rules and Regulations were not the determining regulations for the Highgrove Estates, the Board would not have a form granting the Town access should the applicant not perform the work. Jesse Steadman said it appears that James Fenton is consulting with his counsel over the legality of requiring a bond for a driveway rather than a road.

Collings Foundation

Jesse Steadman noted that today's issue of the Stow Independent included several comments regarding the closure of public comment for the Collings Foundation's current application. Jesse Steadman said he sent a request for correction.

Jesse Steadman reported that a resident has submitted an email to the Board of Selectmen and Building Inspector asking for a formal cease and desist to be filed against the Collings Foundation for using the Barton Road Dam on any trucks over a 1979 Board of Selectmen derived weight limit of 32,000 lbs. Craig Martin is aware of the correspondence and is currently reviewing any information the Town may have regarding the capacity of the Barton Road Dam.

Jesse Steadman reported that Janet Belsky has requested a meeting on behalf of the Barton Road neighborhood, with the Board of Selectmen, Highway, and Public Safety Departments regarding a variety of issues and impacts surrounding the Collings Foundation's current and proposed uses.

Crow Island

Jesse Steadman reported that Rob Albright stopped by the Planning Department office inquiring about his proposal to build an airplane hangar at Crow Island. Jesse Steadman said that Karen Kelleher signed a Clearance Prior to Issuance of Building Permit form stating that the hangar is not an allowed use in the bylaw. Jesse Steadman said it seems that the applicant may believe the use is allowed if it is not stated as prohibited in the Bylaw. Rob Albright stated that he believed the Special Permit dated May of 1992 was in reference to his proposal for soccer tournaments at Crow Island and should not be of any reference for this application, said Jesse Steadman. It was agreed that the applicant would meet with Jesse Steadman and Karen Kelleher at the beginning of next week.

Lower Village

Jesse Steadman reported that he has sent a letter to abutting residential property owners concerning the 100% Design Plans in Lower Village but has not heard anything back. Jesse Steadman said that once Karen Kelleher has returned he will begin scheduling meetings with the business owners affected.

Jesse Steadman said that Rich Presti stopped by the office and wanted to formerly request that the plans be changed to show a third curbcut on his property directly across from Pompositicut Street. Jesse Steadman said he told Rich Presti that it would be difficult for the plan's engineers to recommend such a location due to the various traffic issues at that intersection.

Jesse Steadman reported that Bill Wrigley has suggested the possibility of a hiring a water operation/engineering firm to provide the Town with a lease agreement for how to lease public land to a private water operator. Jesse Steadman said staff will be meeting on this potential in the next couple of weeks.

Wheeler Road

Jesse Steadman said that Sue Carter has performed a preliminary inspection at the Wheeler Road Hammerhead Lot regarding the flagging of erosion control measures.

Complete Streets

Jesse Steadman reported that he, Karen Kelleher, Mike Clayton, Mike Sallese and Marcia and Don Rising discussed the potential for a Complete Streets Policy and subsequent certification for the Town of Stow with MAPC planner Chris Kuschel. The process for Certification would open up funding to the Town for assistance with Complete Streets projects. Meeting participants were interested in following up. The steps for certification are outlined below.

1. *File an application with MassDOT*
2. *Adopt a policy identifying the specific body that will be responsible for addressing Complete Streets potential on Town public and private projects.*

3. *Develop baseline inventory of pedestrian and bicycle accommodations for review by MADOT and for use in identifying priority projects*
4. *Develop municipal procedures for conducting road repairs, upgrades and expansion projects.*
5. *Establish review process for private development to ensure compliance.*
6. *File an annual progress report to MDOT to detail current and future efforts, as well as any progress made on Complete Streets initiatives throughout Town.*

Public Hearing Continuation - 117 Walcott Street | Spring Hill Estates

Greg Roy introduced the plan and summarized the plan revisions to date. Greg Roy said he has met with the Fire Chief and there should be correspondence in the packets regarding that visit. Greg Roy noted that drainage calculation revisions will continue to be taken care of in the next couple of weeks.

Regarding a road name, Greg Roy said they are proposing Penny Lane.

Greg Roy said that the street layout is proposed in an unusual shape to not preclude themselves from improving the area in light of any potential future development. Greg Roy said they want to ensure that street design standard can be met.

Regarding the width of the driveway, Greg Roy said that met with the Fire Chief. They are proposing to place a turnout at the current location of the paper cul-de-sac. The Fire chief wanted to be sure that at various places along the width, a twenty foot width would be created to get a fire apparatus to pass by other vehicles.

Greg Roy said they have amended the plans to create a pullout for vehicles waiting for the school bus. Mark Jones asked about the width and length of the school bus queuing. Greg Roy said that the area is 20 feet wide and 45 feet long; enough for 2 cars parallel parked.

Greg Roy said that the turning radii at the circle near the last proposed home have been eased and the radius was widened to help with maneuvering of fire apparatus. Mark Jones asked if the grade at the turnout is adequate for the purposes of all users?

Greg Roy reported that the revised plan will show concrete monument bounds to delineate the property lines around the common driveway.

Greg Roy advised that lot widths for the Hammerhead lot will be shown on the plan, as well as sight distances along the frontage access.

Greg Roy said that they will add the note that there will be no further lot divisions off of the Common Driveway. Sue Carter said that should be noted on the survey plan as well.

Greg Roy said the proposal will contain HOA documents, although the documents are not yet ready. The HOA could be conditioned subject to approval at a later time the Board agreed.

Greg Roy said he has added benchmarks to the plan at all of the septic systems.

Greg Roy said they will show the tree line along the common driveway on the revised plan.

Greg Roy noted that the applicant will be profiling the existing driveway and are stationing the profile to help the board discern the particulars of the common driveway.

Greg Roy said that the existing utilities will be proposed underground from Pole 9, which is the last pole. When a work order is executed with Hudson light and power, Greg Roy said they will determine if they need another pole. Ernie Dodd said there will need to be utility easements shown on the plan. Ernie Dodd said that the poles along the road may need to be underground for a future filing, if and when the road is constructed.

Greg Roy said he is still working on drainage comments but they will be addressed in more detail at a later date. Greg Roy said he will also be adding tabular data and site developable data to the plans.

Greg Roy said he will also be looking at the Stow Master Plan, per the Rules and Regulations.

Regarding improvements to Walcott Street – Greg Roy said that is a decision the Board will have to make and he believes that the addition of four new homes will not cause any more strain on the infrastructure that already exists. Greg Roy said that no provisions for pedestrian and/or bike paths have been proposed. Greg Roy said they are asking for a waiver.

Sight distances are starting to be calculated now and will be detailed. The sight distances are not as bad coming from the driveway. Greg Roy, said they are worse when approaching the driveway from the east, which is about 200 feet. It is much longer to the west said Greg Roy, adding that the required sight triangles will also be included.

Greg Roy said that to mitigate some of the access concerns along Walcott Street, the applicant is proposing 25 foot roundings and the repaving of the apron to give the entrance a clean look and prevent some of the washout that has occurred.

Alice Cushing asked why it should be fixed at the entrance to her driveway if the water is coming from somewhere else. Alice Cushing said it is not coming from her driveway.

Ernie Dodd said that maybe a catch-basin can be added to make sure that it is not coming down the driveway. Sue Carter said those catch basins are now shown on the plan. One of Sue Carter's comments relates to what can be done along the road, said Greg Roy. Sue Carter said this may help deal with runoff at the intersection, which could be exacerbated when icing conditions become an issue. Sue Carter said an existing problem can often become perceived as more of an issue when more people are using the site and experiencing the issue.

Greg Roy said that a street sign and stop sign will be added to the plan. Sue Carter said that there should be a sign saying dead end or no outlet to warn potential people from turning up the driveway.

Comments on the Waivers

Greg Roy said he is requesting to draw the plans at a different scale.

Greg Roy said they will still be asking for a waiver for staking the centerline of the road.

Regarding permanent bounds along road, they are still asking for a waiver due to installing concrete bounds instead of granite. Ernie Dodd said that boundary markers will be needed along the lots. The board has differing opinions about the need for boundary markers along the lot lines.

Greg Roy said they are still asking waive construction requirements, including the cul-de-sac portion of the road. Sue Carter said that the Board could approve the turnout as shown on the plans since it would still cover the rural lane requirements.

Greg Roy said he anticipates having revised drainage calculations for the next meeting. Greg Roy said that they have done some additional topographic information gathering near the basin and another test hole to justify drainage basin design.

Lori Clark addressed the public at the Hearing, saying that the engineer has not yet completed the work and therefore they will not be closing the hearing today. Lori Clark suggests that the Planning Board ask questions and make comments.

Planning Board Comments

Ernie Dodd said he cannot vote since he was not here at the last meeting but is still planning on making comments.

Ernie Dodd said all lighting needs to be full cutoff, which is always in every decision. Mark Jones said the purpose is to keep the light from shining onto other properties.

Ernie Dodd said that all hammerhead lots must contain a statement on the plan that each lot cannot be further divided. Ernie Dodd said it should also be clearly written in the deed.

Ernie Dodd noted that a covenant will be required for the common driveway, regardless if it is maintained through an HOA. Ernie Dodd said the Board does not need to review the covenant and HOA documents now but would need to review prior to issuance of building permit.

Charles Jowett asked if it is a driveway or a road that is being pursued? Sue Carter said it is a common driveway off of a private road.

Ernie Dodd said that if any houses are added, including those for a new subdivision, the inclusionary housing bylaw will apply. Ernie Dodd said it will apply to all of the parcels and the statement needs to be added saying so and that statement must be on the plan, the deeds and in a covenant. Ernie Dodd said a sidewalk easement needs to be added along the frontage.

Ernie Dodd said that the utilities shall be underground, adding that the status of existing poles will have to be determined at a later date when HL&P looks at it. Steve Quinn said there will need to be a utility easement along the access.

Ernie Dodd said that at every curve where the view is restricted from traffic a turnout is needed. Lori Clark said that when they did the site-walk they drove the driveway and when she and Ernie Dodd met one another in opposing vehicles, they had to back up long distances to a turnout to allow the other car to pass. Lori Clark said it is narrow and there will be times when cars meet and someone has to back up. Lori Clark said it felt that it may be too far for some people to back up. The Board said this can probably be mitigated with creating widened shoulders.

Ernie Dodd said on straightaways over 200 feet there needs to be a turnout. Ernie Dodd noted that especially after the first turn in the access road, there is a long straightaway that will need a turnout. Ernie Dodd said this can be a wide spot in the driveway or a pulloff. It was noted that 20 feet in width would satisfy the Fire Chief.

Ernie Dodd noted that the inside curves will need to have the undergrowth cleared to allow a clear view between pulloffs. Sue Carter said that that clearing needs to be entered into the HOA agreement to guarantee maintenance. Mark Jones said most of the brush is invasive and if cut back to ten feet would alleviate invasive species and improve sightlines.

Ernie Dodd said that where the cistern is to be located, there will need to be a circle to allow for turning around. There should be a cul-de-sac. Greg Roy pointed to the circle on the plan.

Mark Jones asked Sue Carter about the grade entering into the turnaround. Sue Carter said that is why she would like to see the profile. Sue Carter said you want to know that in inclement weather a fire apparatus can get to the cistern. Greg Roy said the intent was to have a flat spot for a fire truck to be parked at the top of the circle. Greg Roy said the Fire Chief said if one truck was there, there would also need to be room for another fire truck to pass. Sue Carter said you need to address how delivery trucks will be able to turn around. Ernie Dodd said that fire trucks should be able to turn around in driveways.

Ernie Dodd said turnouts need to be paved or graveled.

Ernie Dodd said the applicant needs to reconsider stormwater at the entrance with Walcott Street.

Ernie Dodd said that if the site is developed and the inclusionary housing bylaw triggered, the impact of a potential future affordable dwelling is going to impact the feasibility and therefore price of other homes that are put in as well. Ernie Dodd said it is something to consider. When the road goes in there will also be stormwater management costs that the new houses will need to be paid for. Sue Carter said that when the roadway is improved the appropriate drainage easements will need to be in place to convey drainage.

Ernie Dodd said that the layout of the common driveway should be shown on sheet 3 and layouts of poles on sheets 4,5,6. Sue Carter pointed out that elevations are needed.

In the deed, Ernie Dodd said he would like to see proposed a street layout with an idea of where proposed drainage basins would be, including elevations, so the Board can evaluate whether the road is possible. Ernie Dodd noted concern that it is not clear that the subdivision could be constructed.

Ernie Dodd said he would like to see stormwater calculations for the entire site. Ernie Dodd said he would like to see where the water is moving now. Greg Roy said he could include where the water is going on all aspects of the property. Sue Carter said it does not need to be quantified but it would still help to discern what is happening in terms of drainage. Greg Roy said in the predeveloped scenarios he could show it. Sue Carter said if the Board is not comfortable with the current road, they can decide not to waive the design standards.

Charles Jowett asked why the Board would waive design standards. Ernie Dodd said the Board would not waive the design standards, only the requirement to construct the road. Ernie Dodd said that with any future development, that road would need to be constructed to town standard. Sue Carter said basically they need to show that they can build a rural lane.

Mark Jones said that a covenant should also consider another driveway coming in from off of the lot. Mark Jones explained that if a driveway was proposed to connect to the road offsite it would need to be brought up to road standard. Sue Carter said that the Board may want to consider grading the turnaround in the cul-de-sac and set a maximum allowance for the driveway connection so the impact on the common driveway is not too extreme.

Mark Jones and Steve Quinn said their comments have been covered through Ernie Dodd's comments.

Len Golder said a proposed HOA needs to be recorded. Whoever is responsible for the road needs to be covered through a covenant. New homebuyers need to see it on the deed. The monuments should be sufficient. Len Golder said that the affordable housing bylaw is based on the number of houses being built so this development is under the threshold.

Lori Clark said that she would like to see drainage basins along the paper road and need to fully understand if the road is possible. Lori Clark said that the original application shows the 11.4 acre parcel. Lori Clark said the Board has correspondence from Stow

Conservation Trust that reports that the open space proposed does not contribute to the requirement that the applicant offer developable lands according to applicable sections of the Subdivision Rules and Regulations.

Lori Clark said that SCT's input suggests, they would like to see the open space provide a buffer to abut the boundary of the Hale/Corzine Woodlands property. Setting aside 11.14 mostly wet acres does not comply with the requirements of the subdivision rules, said Lori Clark.

Lori Clark said due to all of the waivers for this project, Lori Clark said it will need to be clear what the public benefit is going to be. Sue Carter said that if they receive a full buildout for the road, they may be able to find that there is a public benefit by not constructing the road.

Alice Cushing asked how detailed the road plan would need to be. Ernie Dodd said it would need to be a proof plan with grade requirements.

Ernie Dodd said the Planning Board tries to protect the Town and future homeowners, so this development needs to be a plus for the Town and also protect future homeowners and abutters when the next Planning Board deals with potential expansion.

A resident from Hudson asked if the drainage would be dealt with. Lori Clark said the rate and volume of runoff cannot be increased. Lori Clark said the plan will be reviewed by the Town's Consulting Engineer to make sure the drainage works. Lori Clark said that there is concern about construction vehicle traffic and she wants to be sure it is addressed. Ernie Dodd said the Rules and Regulations require that some work around the vicinity of the entrance be worked on. Lori Clark said that they are looking for input into how to make the construction vehicle mitigation work best.

The Board and applicant agreed that a fitting time for the hearing to be continued until would be October 22, at 7:30pm.

Steve Quinn moved to continue the public hearing.

Ernie Dodd seconded.

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

Discussion of Randall Road Erosion Control and Sedimentation Plan

Present: Abutters' Bob McDonald, Gay McDonald, Steve Amico.

The Board reviewed the submitted Erosion Control and Sedimentation plan. Lori Clark said that the entire plan needs to be shown, not just a portion near the wetland crossing. Analyzing the erosion and sedimentation controls cannot be done piecemeal for different

parts of the property at different times. Len Golder said there are other issues that have arisen that are also of concern.

Bob and Gay McDonald said that the Special Permit decision noted that the driveway would need to be located as far from the western property line as possible. According to the plan, they said it does not seem that the change of location ever took place.

The McDonald's noted that survey technicians worked in the vicinity of the stone wall, removing stones to drill down into the wall and never repaired it as required by the Special Permit decision.

Lori Clark said that questions have come forward regarding the validity of an easement on Lot 1A and the original decision was contingent upon access. The Board will need to modify the decision if the access changes due to the dispute.

Steven Amico said that the applicant has told him that his landlocked parcel would require the easement.

The Board asked planning staff to speak with Jack Wallace about the well setback from the driveway.

The Board discussed what considers the start of construction, and asked that staff touch base with Town Counsel about this question.

The Planning Board advised Jesse Steadman to send a letter to the property owner and engineer saying not to cut any trees until the Erosion Control and Sedimentation Permit has been submitted, the location of the driveway has been assessed and proof that the stone wall has been repaired are submitted.

Discussion of Goshen Lane

The Board listened to a verbal description of a concept proposal to bring Goshen Lane to public road standards. The Board said that the potential applicant would need to bring forth research and documentation on the condition and layout of Goshen Lane before the Board could begin to understand any potential petition.

Adjourned 10:20pm