

TOWN OF STOW
PLANNING BOARD

Minutes of the June 17, 2015 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Len Golder, Steve Quinn,
Margaret Costello

Voting Associate Member: Mark Jones

Lori Clark called the meeting to order at 7:04 pm

Discussion of Meeting Minutes

Meeting Minutes of April 29, 2015
Ernie Dodd moved to accept the minutes as amended.
Steve Quinn Seconded.

VOTED: (5-0) Unanimously in favor.

Correspondence Update

None.

Public Input

Bill Byron asked about the requirement for affordable housing in developments. Bill Byron said the state allows developers to bypass certain zoning laws but then cannot require affordable units to be built.

The Board discussed the difference between 40b applications, subdivisions and Active Adult Neighborhood Special Permit.

Planning Board Member Updates

Mark Jones said the Superintendent has received his review from the School Committee. The space study task force has asked the School Committee to authorize a demographic projection and is planning on spending 10 – 30k study for projection of 10-20 years in the future.

Mark Jones said the former Chair from Bolton resigned, as well as a member from Lancaster.

Planner's Report

Joanne Drive

Karen Kelleher noted that the appointment regarding a concept plan for Joanne Drive has been cancelled and will be rescheduled for July.

Pine Bluff Recreation Area

Karen Kelleher noted the request from the Recreation Director to move forward with some site work issues. The Conservation Commission has not yet issued their decision. Karen Kelleher said they are looking to start work on the Basketball courts prior to issuance of the final plan. Volunteers have agreed to do the work and are hoping to get moving shortly. Although the basketball court is not in the Conservation Commission's jurisdiction, Karen Kelleher said the past problems with the grades probably need to be resolved first. The recreation director has also requested taking down the trees in the proposed bocce and horseshoe areas, as well as the juniper bowl, which they do not have the approval from the Conservation Commission to do.

Karen Kelleher said she has sent a memo to the director and consultant. The Planning Board is in agreement that no site work shall commence until the final plans have been revised and approved.

Lower Village Water

Karen Kelleher said the Property owners are in receipt of a quote for the test well, although are looking to get funds from the three property owners to go forward. Working on scheduling a meeting with DEP.

271 Great Road

Karen Kelleher said she has provided a draft decision in the Planning Board packets.

Public Hearing

Hammerhead Lot Special Permit - 137 Barton Road

Lori Clark went over the procedure for the Public Hearing and discussed the definition of Hammerhead Lot.

Steve O'Connell - Andrews Survey and Engineering representing Dipersio Associates and Robert Collings Sr. of 137 Barton Road

Steve O'Connell described the Hammerhead Lot, the memos from staff and revised plans. Steve O'Connell said the septic is not shown on the plan from Dipersio although he has put together a back up plan that shows the septic location. The existing well and proposed zone 1 radius is shown. They have also added the existing driveway which provides access to the existing hangar and museum building. Steve O'Connell said they have added the other required notes as required by section 2.1 of the Subdivision Rules and Regulations. They are requesting a Hammerhead Lot for legal frontage for the proposed museum building and this will provide that frontage. Steve O'Connell said the regularity calculations are shown on the plan.

Ernie Dodd asked about the garage near the frontage, which Bob Collings Sr. said can be removed, but was not planning to be removed if the Hudson Access is used. Steve

O'Connell said he will present the Board with an ANR plan pending the outcome of the Hearing.

Len Golder asked if this plan was just to meet legal requirements. Steve O'Connell said that in order to make the building comply and for a building permit they must have legal, conforming frontage.

Steve Quinn asked if they were going to one entity? Steve O'Connell said that is correct.

Mark Jones asked about where the proposed building is located. Steve O'Connell described the location and said it complies with the 40' setback requirement.

Public Input

Bill Byron said when he hears about a hammerhead lot he associates the lot with a dwelling. He asked what can be put on a Hammerhead lot? The Board replied that the uses are governed by those in the district and in this particular case it may apply to Dover Amendment outcomes.

Planning Board Comments

Jesse Steadman said the septic system is the only thing missing and the driveway could be added per the ANR requirements.

Ernie Dodd moved to close the Public Hearing for Hammerhead Lot Special Permit at 137 Barton Road.

Steve Quinn seconded.

VOTED: (5-0) Unanimously in favor.

Special Permit Modification

Ridgewood at Stow Active Adult Neighborhood – 305 Boxboro Road

Mark Jones recused himself, citing his status as an abutter.

Present: Bill Roop & Harry Blackey of Ridgewood LLC.
Tony Casapulla – Toll Brothers, Inc.
Greg Roy – Ducharme and Dillis Civil Design Group

Lori Clark read through the Public Hearing Guidelines.

Bill Roop said they are primarily before the Board to discuss 4 proposed changes to the Special Permit:

- Reducing impervious surface and increasing open space;
- increasing the amount of wooded buffer;
- building a community building for residents with a pool;
- moving some of the buildings around within the construction area.

Greg Roy – Ducharme and Dillis Civil Design Group

Greg Roy noted that the primary modifications are to modify the site plan for the updated unit types being proposed and shift some of the building locations from the approved site plan. Greg Roy said the main loop road is identical and West View lane will have a significantly reduced length which will cut down on land clearing, which totals about 5.5 acres less of clearing. Several other spur roads have been eliminated along the north and east side of the proposal and those units will now be located along the main loop road. The approved number of units along Westview Lane was originally 17, said Greg Roy, which will stay the same. Paved surface will be reduced by 1.5 acres and the building areas are almost identical. Greg Roy said the changes should significantly reduce runoff.

Greg Roy said Toll Brothers is very interested in adding club house near the entrance to the site, which is proposed to be approximately 1500 square feet with pool and bocce court for the use of the residents.

Greg Roy said he has met with the Fire Chief and he was interested in maintaining a turnaround at Westview lane which would comply with subdivision Rules and Regulations. The proposed pool and clubhouse has a slightly reconfigured design and the pool has been reduced in size from the original concepts. Greg Roy said they have looked at the area from a drainage standpoint and does not believe there should be any ramifications on the site drainage.

Lori Clark asked if the Board has any clarifying questions:

Ernie Dodd asked if the small tower is still there? Bill Roop said it will be taken down.

Steve Quinn asked if Sue Carter has reviewed the plans? Karen Kelleher said they have not yet received detailed plans. Greg Roy said they did not want to revise the entire set of construction drawings until they received some feedback from the Board regarding their feelings on the proposed changes.

Len Golder asked whether the applicant has thought about any security mitigations? Greg Roy said they are not proposing a gated community. Greg Roy said there will be small mailbox structure near the entrance. No units will be visible and the clubhouse would be the first thing you come to, Greg Roy said.

Public Comment

Joe Mangiafico of 176 Boxboro Road said that he will speak for some of his neighbors and since they are talking about security, how will they deal with trespassers? Bill Roop said he does not suspect that trespassing will be an not issue. Joe Mangiafico asked if there will there be a posting or gate or sign since people will not know where the limits are? Bill Roop said property owners have the right to post no trespassing signs on their property.

Joe Mangiafico asked what will be happening at the end of Westview Lane? Greg Roy said they are not proposing any structures beyond that. Lori Clark said it will be documented. Joe Mangiafico said the septic system is nearby the pool area and on top of huge aquifer and wetlands by the airport. What guarantees can residents be given that the water table will not be harmed? Will the pool water with chlorine taint the water supply when the pool is emptied?

Greg Roy said he can respond to the septic issue, which the Board of Health has reviewed and has been designed in accordance with the Board of Health regulations as well as state regulations and is in fact designed above the state guidelines. There is quite a bit of offset to the groundwater with the plan.

Joe Mangiafico said when the water filters it doesn't take much to contaminate artesian wells. Greg Roy said it has been designed in accordance with the Board of Health regulations. Harry Blackey said the regulations have been created to specifically take into account the concerns of the abutter. The established standards have to be met to keep such issues from being an issue. Joe Mangiafico advised the Board to be sure that the wells will not be contaminated.

John Colanna-Romano of 233 Boxboro Road asked if they have any plans to allow memberships from outside the neighborhood and is there any way that such a condition will be codified? Lori Clark said yes and the Board agreed that it would be a condition of the permit.

Joe Mangiafico asked if the clubhouse can be rented to private party's? Tony Casapulla said that the Homeowners Association documents will deal with that concern.

Warren Nelson of 213 Boxboro Road, said he is amazed at the casual attitude that this is being presented by the engineer. How has this permit been extended to the date that it has? The original plan had single family homes with space around the homes and now the Toll Brothers Plan has clustered homes and he did not have a vote on this new plan. Why is there going to be a pool at this development and not at other Toll Brothers developments?

Karen Kelleher and Lori Clark explained the permit extension act. Lori Clark said abutter notifications are not required by law for the extensions. Warren Nelson said Town Counsel said that if construction did not take place it would go back to industrial land.

Greg Roy said they are not planning any different unit mix, rather the only change is where the units are going to be located. Lori Clark said she believes the issue was that the clustering is different than the original plan with more spacing. Warren Nelson said this plan seems more like Pilot Grove rental units. Greg Roy said that this revision is 100% in compliance with the existing decision that the applicant currently has. The plan meets all the offset requirements of the original decision.

Margaret Costello asked if the pool is for marketing purposes? Tony Casapulla said that an amenity package such as this is a great selling point and the customers in the target demographic like the amenity.

Len Golder said it was his understanding that open land will increase due to the cluster.

Eve Donahue of West Acton Road said they have just had an Open Space Committee meeting and they are very interested in having part of the Emerald Necklace trail system connect from Boxboro to Taylor road utilizing this development. Eve Donahue says that currently the Emerald Necklace trail is routed down Taylor Road and up Boxboro Road and a trail going through this development would be a great benefit.

Eve Donahue noted where the trail corridor is and Harry Blackey confirmed that the intent was for the Stow Conservation Trust to take the open land. Harry Blackey said there are two kinds of open space, public access open space and exclusive use open space.

Greg Roy noted that there is a way to get from the frontage to the parcel west of the Ridgewood development. Greg Roy said it is not a trail easement but is intended to be deeded to the Stow Conservation Trust.

Mike Jordan of 166 Packard Road asked three questions:

- Is the development was in compliance with the lighting bylaw?
- Will the pool and clubhouse have stated hours of operation and could they condition it so the hours to not go into the night?
- Will this add a significant amount of extra traffic and does the Town have any plans to do anything about that?

Mike Jordan says he actually prefers the clustering as it will be behind the trees. Looks better than the old one did, he said. Lori Clark that the development will need to be in compliance with the lighting bylaw, and that hours of operation could be conditioned.

Anthony Romano of 307 Boxboro Road asked the developer to talk about runoff issues and drainage basins. Greg Roy said there is a ridge on either side of Westview Lane and runoff ultimately flows to the large wetland complex and toward Heath Hen Brook. Greg Roy noted the proposed detention basins and concern for runoff heading toward properties on Boxboro Road. The Regulations require that they cannot increase runoff off site and they have added some swales to make sure that the water was collected and channeled into the stormwater management system. Greg Roy said the net result will be that they are still in compliance with Massachusetts Stormwater Regulations. Lori Clark said they have an independent consultant that will also check the numbers to be sure that the changes meet the requirements. Not proposing to reduce the Stormwater Management Systems.

Pete Erickson of 218 Boxboro Road asked what is going on in terms of distance between septic system and his property and will they be taking down trees around his property line? Greg Roy responded that the septic system is going into a meadow area and is almost

200 feet from the property line. Greg Roy said the applicant is proposing to modify the permit to actually do less clearing than originally proposed. The limit of clearing near his property will be at least 100 feet from the property line. The septic system has not changed since the original permit.

Joe Mangiafico asked why they are clearing where there are no homes? Joe Mangiafico added that when the airport was established back in the 80's the Town passed a law saying that when someone passes title on a property the homeowner has to be notified. Is that going to be under the same rule for the rest of the Town? Tony Casapulla said there will be a disclosure statement.

Warren Nelson showed a picture of Boxboro Road from fifty years ago. Warren Nelson said the entrance is at the most congested spot on the entire Boxboro Road and has asked for studies on the amount of vehicles using the road from the Board of Selectmen and Highway Department to no avail. He said he has gone to the Selectmen regarding concerns about trucks and now the applicant wants to put cluster housing in.

Warren Nelson said the pool will cause tremendous damage to his property, adding that he has a nice quiet neighborhood. Warren Nelson said the pool is going to affect their way of living and the traffic with all the trucks. Warren Nelson said he does not know how this can be approved without looking at safety measures for the road. Warren Nelson said there should be considerations for some major problems on the roadway.

Mark Jones of 203 Boxboro Road said the houses on the front end have moved much closer to the road and it seems this development is going to need sidewalks internally. The Road easement could also be increased to eliminate the traffic issues. Third, the development previously had homes set back from the main road will feel differently than in the original plan.

Eve Donahue said that from a Stow Conservation Trust perspective, the SCT will be the recipient of the open space and expected to manage it in perpetuity. Therefore, they will be responsible for maintaining the open space, and will be requiring stewardship funds to be required along with donations for this type, on the order of \$20,000.

Joe Mangiafico asked if there is a parking lot for the clubhouse?

Pete Erickson of 218 Boxboro Road said John Mackey said the location is a terrible place to put a driveway and the visibility is quite poor. Are there other mitigations that can be taken at the entrance? Will there be turn lanes or can the road be straightened? Bill Roop said the driveway is not where the current dirt road is and has been designed to have several hundred feet of sight lines. Bill Roop said it is about halfway up the hill from the curve. Ernie Dodd said when they walked the site they believed the road was adequately positioned.

Lori Clark said when the plans are reviewed the engineer can look at the location as well.

Warren Nelson said on the weekends you can have 1000 bikes utilizing the road. If the Town police department won't fix the traffic situation it is not going to stop. The 18 wheel trucks utilizing the site's construction will be going right by my house, he said. Will Toll Brothers be mitigating the truck traffic?

Anthony Romano of 307 Boxboro Road asked if the pool was up for discussion now. Lori Clark said the Board is going to review that now.

Bill Byron said that this is a restricted age development and all these developments deed a lot of land to the Town and this land is taken off of the tax rolls and in his opinion is that if a housing development goes in and there is space leftover, the homeowners association should keep it and pay taxes on it.

Pete Erickson asked if this is the property that the Town has waived the right of first refusal on. The Planning Board confirmed.

Kyle Jarger of 58 Boxboro Road asked what areas are being donated for Open Space to the Stow Conservation Trust? Greg Roy outlined the parcels being given to SCT, which is about fifty acres.

Joe Mangiafico asked how many acres are in wetlands. Greg Roy said he is not entirely sure. Lori Clark clarified that that is the land to go to the Trust.

Greg Roy said there is non-public open space roughly buffering the south and east property lines to be maintained by the condo association.

Kathy Sferra of 174 West Acton Road said that the amount of taxes that would be generated by such a parcel is incredibly small and traditionally HOA's are very poor stewards of land, adding that most would not know how to maintain trails, post boundaries and giving it to the Town or SCT is a far better option.

Warren Nelson asked if the developer is going to put a pipe through the wetlands. Harry Blackey said the pipe will be directionally drilled underground.

When will the development start asked Joe Magiafico? Tony Casapulla said they would anticipate beginning in the winter and would work through the winter - probably phasing the development. Tony Casapulla said that within a couple of seasons the work would be done.

Anthony Romano of 218 Boxboro Road asked when the work must take place in terms of hours and in terms of landscaping and noise violations?

Greg Roy said the decision has specific hours of construction operation, which is not being proposed to be changed. Lori Clark said there are no documents that limit what homeowners can do in terms of landscaping and yard work outside of the noise bylaw.

What will this do to property values asked Warren Nelson? Harry Blackey said he would not expect the value of their home to be decreased by this project.

Bill Byron asked if the pool and community center could be located further into the development to mitigate impact on the abutters? Bill Roop noted that this is not a hall and is about the size of a two bedroom apartment.

Warren Nelson said the clubhouse could go at the end of Westview Lane. Greg Roy said that the pool is a minimum of 360 feet from any of the exterior property lines.

Lori Clark said they have not considered any other placement of the pool and clubhouse.

Mike Jordan asked if pool could be an indoor pool? Has that been considered?

Lori Clark opened up discussion for Planning Board member comment

Len Golder asked if the location of the pool and clubhouse is something that can be reviewed and if there is a relocation that would make sense? Tony Casapulla said that they could look into it.

Ernie Dodd asked about the discharge of the pool water and asked what they plan to do with the water. Tony Casapulla said he can answer that at a later date.

Ernie Dodd said that at one time the Planning Board members wanted the plan to be in a cluster fashion as presented but the original applicant was not amenable to the idea. Ernie Dodd said that the previous approval has addressed the traffic and the development is cash positive for the town. Ernie Dodd noted that the Stormwater needs to be considered with Sue Carter of Places Associates.

Ernie Dodd said he sees no issue with noise of the pool and clubhouse and it will be self policing. Regarding the hours of operation, they will be set and the development will be largely self governing after that point. Ernie Dodd said he lives next to Pine Bluff and hears soccer games on the weekends and it does not bother him. Parties and other events should not be going into the night and children will not be allowed to live on the other property beyond a few weeks out of the year.

Len Golder asked if there is any visual or sound screening? Tony Casapulla said they typically have a handsome landscaping amenity package. Regarding the pool and the clubhouse, the lighting bylaw is pretty strict and this pool and clubhouse will not be lit through the night.

Lori Clark asked about the buffering from homes on Boxboro Road. Greg Roy said the closest house is 212 Boxboro Road and is 230 feet from the closest home and is about 45 feet vertical difference. Greg Roy said they are not proposing to clear anywhere closer than 50 feet and in most cases are preserving the woods line.

Lori Clark said from the entrance, they have said that abutters will not see any homes from the road. Greg Roy said the clubhouse areas will be landscaped well and the first unit is 400 feet in from the driveway. It is 250 feet before the turnout for the proposed parking area for the clubhouse he said. Lori Clark clarified that her idea of what looks good from the road is not necessarily that the development is well landscaped.

Harry Blackey said that the area in green along the frontage is going to be left natural and there is a significant improvement along Boxboro Road. Lori Clark understands the concern of the clubhouse and pool and given the concerns about noise Lori Clark asked if they have assessed other potential locations? Tony Casapulla said they have not looked into other locations.

Joe Mangiafico asked if the Planning Board would vote on the pool? Lori Clark said that what they are doing is allowing the public to speak, allowing Planning Board members to speak and in order to deliberate they need to see all the options before them. The point is to put forth questions and receive answers.

Ernie Dodd asked if the \$20,000 request would be considered? Tony Casapulla said he would have to get back to the Board on that issue. Steve Quinn asked if the Planning Department has heard anything from fire or police? Karen Kelleher said there has not been any correspondence. Lori Clark confirmed that the hours of operation will need to be evaluated.

Len Golder said the HOA documents will need to be recorded.

Ernie Dodd said they would like to see the P&S agreements for the affordable houses.

Len Golder emphasized a different location for the pool might be a better location. Lori Clark also asked if the applicant has considered the pool and clubhouse for a different location.

Warren Nelson said they are asking for an easement for sidewalks. Lori said the town is asking for a sidewalk easement for future construction. Karen Kelleher said the original decision gave the applicant the choice to build a sidewalk or provide a fee in lieu of. Margaret Costello said she is concerned about the chlorine in the pool and there might be alternate ways to treat the water. Greg Roy said he envisions that they will have a specific response on the issue.

Marcia Rising asked if there is an escrow account for septic system or well repairs?

Karen Kelleher said there needs to be a file of the proposed changes needs to be on file prior to a vote on the application but could be conditioned on approval by Places Associates. Greg Roy said they will get the Board updated plans.

Steve Quinn moved to continue the Public Hearing for Special Permit Modification of Ridgewood at Stow until July 29 at 7:30pm

Ernie Dodd seconded.

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

ANR Plan for 57 Apple Blossom Lane

The Board discussed compliance with the Rules and Regulations checklist for ANR plans.

Steve Quinn moved to authorize Karen Kelleher to endorse the plan contingent on a note confirming the existence of Zoning Board of Appeals cases be added.

Ernie Dodd seconded.

VOTED: (5-0) Unanimously in favor.

Meeting Adjourned.

Respectfully Submitted,

Jesse Steadman