

TOWN OF STOW  
PLANNING BOARD

Minutes of the May 4, 2016 Planning Board Meeting

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

Voting Associate Member:

Absent:

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

**Discussion of Meeting Minutes**

**Meeting Minutes of 4.12.2016**

*Ernie Dodd moved to approve the Minutes of April 12, 2016 as written.*

*Steve Quinn seconded.*

**VOTED: 3-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn).**

**Meeting Minutes of 4.20.2016**

*Ernie Dodd moved to approve the Minutes of April 20, 2016 as written.*

*Steve Quinn seconded.*

**VOTED: 3-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn).**

**Public Input**

Laurel Cohen of Gleasondale Road asked if Planning staff could send the addresses of the abutters in the rental units.

**Correspondence Updates**

None.

**Member Updates**

None.

**Planner's Report**

**Gleasondale Neighborhood Group**

Karen Kelleher reported that the Gleasondale Neighborhood group completed round 2 of a trash clean up at the Kane land. They cleaned up the river's edge and brought out a good amount of trash, including many tires for the Highway Department to pick up. Karen Kelleher said they plan to target the other end of the property closer to the church in the fall.

Gleasondale - Town-Owned Property (Kane Lane)

Karen Kelleher reported that the Survey for the Kane Land property will begin tomorrow to locate bounds of the Town-owned land.

### **Ridgewood at Stow**

Karen Kelleher said that Ducharme and Dillis is working on updated Ridgewood Plans in response to the Decision Modification. The Plan will also include some modifications necessitated by the on-site well. They asked that the Board consider the modifications to be minor not requiring a public hearing. They also asked that the Board schedule the Public Hearing to consider the request for extension as soon as possible.

Staff advised that the soonest a public hearing can be scheduled is June 21/22.

Staff recommends that the Board consider both requests (Modification and Extension) at the same hearing. Ducharme and Dillis is still working on the modification plans and Greg Roy said he could submit his request accompanied by the MEPA Plan and will follow up with the final plans, hopefully prior to the Public Hearing.

Staff suggested a meeting date of June 21/22 depending on meeting dates.

### **Landscaping Business/Contractors Yard**

Karen Kelleher reported that she has had discussions with the Building Commissioner and Town Counsel about a landscaping business/contractors yard as a permitted use in the Industrial District. One potential buyer has argued that it is considered agricultural. However, the description of the business seems to describe planting as incidental to the overall business. Correspondence is included in the meeting packets.

### **Maple Street - Lot 7**

Planning and Conservation Staff attended a site walk to Lot 7 Maple Street property with the property owner and Attorney Mark Bobrowski to discuss the potential for a residential subdivision. They initially proposed to access the property via Goshen Lane from Maple Street, however determined that it is not feasible due to a large wetland. They now propose access via Athens Lane and Goshen Lane and would propose to improve Goshen Lane, which is approximately 16 ½ feet wide. Attorney Bobrowski claims his client has “derelict fee statute rights” over Athens Lane and Goshen Lane and will provide legal documentation. Staff reminded him that they need to address right and adequacy of access.

### **Staff Vacancies**

Karen Kelleher noted that the deadline for applications for the Assistant Planner and Administrative Assistant positions was today. Karen Kelleher said they have received 13 for the Assistant Planner and 15 for the Administrative Assistant position.

### **Chapter 61 Notices**

The Town is in receipt of Chapter 61 Notices for the Winkler Property (8+ Acres) off of Boxboro Road and Minuteman Realty (Ridgewood AAN) property off of Boxboro Road. The Board of Selectmen are holding a Joint Board’s meeting to discuss the filings on May 24<sup>th</sup>, Karen Kelleher said.

### **323 Great Road**

Karen Kelleher said that the Conservation Commission and Recreation Commission are in the process of reviewing proposals for the 323 Great Road Park Plan.

Len Golder arrived.

### **11 & 12 Bramble Path ANR**

Jesse Steadman described the ANR Plan submitted by Ducharme and Dillis for Joshua and Jessica Jones at 11 and 12 Bramble Path as a perimeter plan that outlines past land swaps that were recorded in the deed but never accompanied by a recorded plan with the Registry of Deeds. Jesse Steadman said this plan is designed to show the land swaps and reference them on the plan in case there is any future confusion.

*Ernie Dodd moved to authorize Karen Kelleher or Steve Quinn to Endorse the ANR Plan for 11 & 12 Bramble Path.*

*Steve Quinn Seconded.*

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

### **Endorsement of Stiles Farm Definitive Subdivision Decision**

Len Golder recused himself.

The Board reviewed the Stiles Farm Definitive Subdivision and endorsed the decision.

Len Golder rejoined the Board.

### **Public Hearing - Preliminary Subdivision Plan for Joanne Drive - Off Sudbury Road**

#### **Present:**

Frank Lundy - Applicant

Rick Lundy - Applicant

Richard Harrington - Project Engineer with Stamski and McNary, Inc.

*Ernie Dodd moved to waive the Notice of Public Hearing.*

*Steve Quinn Seconded.*

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

Lori Clark described the process for the Public Hearing.

Richard Harrington described the contents of the Application, noting that they have met with the Board of Health in anticipation of constructing septic systems and have had Jim Gareffi of Nashoba Regional Board of Health witness two days of perc testing at the site, and one day of soil testing on the drainage basins.

Rich Harrington said they will be returning to the site to complete a full topographic survey and to test the final test pit locations, which will both be submitted with the Definitive Plan.

Rich Harrington noted that he has also met with the Conservation Commission prior to this hearing and comments have been put into memos from both Conservation Commission and Sue Carter of Places Associates.

Richard Harrington described the plans, noting the location of Joanne Drive within the Sudbury Road neighborhood. Richard Harrington noted that 65% of land has been shown as Open Land. Rich Harrington described the different zoning districts that have been confirmed by field surveys. Rich Harrington said that the Lots are greater than 40,000 square feet allowing for 4 bedroom dwelling units. Rich Harrington noted the location of nearby septic systems and wells, noting compliance with setbacks. Rich Harrington noted the location of major drainage features and streams.

Rich Harrington said the water entering the property from Sudbury Road is still going to be conveyed to the Assabet River through existing swales, rather than blocked and retained. The grades at Forest Road are not proposed to change, as they show a typical 50' foot right of way. Rich Harrington said he would like to talk with the Board about a dry hydrant tap with the nearby Assabet River rather than the need for a cistern.

#### *Joanne Drive Layout*

Rich Harrington said that the proposed Joanne Drive will be moved slightly west from older plans to eliminate wetland fill. Rich Harrington said the Open Space will be located on the southeast portion of the road. Joanne Drive will consist of a typical cul-de-sac turnaround, with wells in the front yards and septic systems in back. He noted the possibility of restricting an area in the far northeast of the parcel, as described in the Conservation Commission's memo.

Rich Harrington noted that there is an abutter at the corner of Sudbury Road and Joanne drive that would retain access on Joanne drive. Rich Harrington said that the existing culvert under the proposed road will be removed and the road will instead span the wetland and stream. Rich Harrington noted that in the area of the Forest Road and Joanne Drive road connection, they are proposing to widen the road at the connection for a few car spaces. Rich Harrington said the proposed Joanne Drive contains sidewalks, terminating at the cul-de-sac, cape cod berms, as well as grassed buffers. From the area of the road connections, all water will flow south into the open land as it currently does.

Rich Harrington explained Joanne Drive's proposed grades, noting a 5% grade at intersection with Sudbury Road dropping to a 7% slope and then leveling out between 2 and 1% for the remainder of the road and cul-de-sac. Rich Harrington said the shoulder width could potentially be shortened closer to the wetland areas once they get full topography.

### *Proof Plan*

Rich Harrington described the Proof Plan showing a slightly different shaped road with 7 lots. He noted that testing for all lots on the proof plan have been witnessed except Lot 7 where the water was too high due to seasonal water table levels. When the water table lowers they will return with Nashoba Regional Board of Health to witness the percolation test. Rich Harrington noted that the connection to Forest Road is similar in the proof plan. Rich Harrington noted that disturbance would be at 9.5% within the riverfront area, which is below the 10% threshold stated in the Rivers Protection Act.

### *Drainage*

Rich Harrington described the Pre and Post development drainage plans. Rich Harrington said that the Pre-development subcatchment basins have been broken down into three areas totaling 80 acres of drainage that flows affects the property. One subcatchment to the north of the project will see little disturbance. Subcatchment E2 is made up mostly of flow from culverts along the Sudbury Road and Robin Wood Lane areas of the frontage. Subcatchment E3 is the remainder of the land flowing from Joanne Drive and Sudbury Road, south to the Forest Road intersection and toward the river. Across the street on Sudbury Road there are culverts transferring water to the property. Rich Harrington said they have mainly sandy soils, throughout the property prior to getting into muck near the river.

The Post drainage would be broken into 9 areas with roughly 5 basins, and infiltration trenches. Water draining from Sudbury Road could still shed down to the Assabet river south. A basin at the northeast will catch any drainage moving north and east. Rich Harrington said that all of the abutters to the development are uphill and most soils are very good sand with some loamy sand. There is one abutting neighbor with a sump pump so we were not surprised one of the percs could not be made on the first try he said.

Rich Harrington said that they hope to get feedback tonight from the Board on the plan's major features.

Lori Clark explained the process of the Preliminary Subdivision Plan to the Public.

### **Public Comment**

*Barbara Jones of 61 Sudbury Road* asked if the Proof Plan meets the criteria of being able to create a by-right subdivision. Lori Clark described that the purpose of the proof plan is to determine the number of lots for a Planned Conservation Development and that the Board's consulting engineer will confirm that the plan is correctly drawn.

*Keith Acosta of 47 Forest Road* asked if the Proof Plan looked to be valid? Lori Clark said it is likely that it could be approved in a conventional layout.

*Laura Acosta of 47 Forest Road* asked about the proposed sidewalk and whether they would be able to use the sidewalk or walk on the open land.

Laura Spear said that due to the Recreation/Conservation zoning district status the public may have access regardless of the private ownership. Lori Clark said that is something that still needs to be examined.

*Allan Wheeler of 19 Forest Road* asked why Forest Road needs to be connected to Joanne Drive? Lori Clark and Ernie Dodd noted that the Subdivision Rules and Regulations do require road connections when cul-de-sacs reach a certain length and that both the Highway Department and the Fire Chief have submitted correspondence in favor of the connection.

*Patricia Noone of 35 Forest Road* provided a petition from the residents on Forest Road who are concerned about safety of the neighborhood during the busy Apple picking season, increased truck usage and decreased property values. Patricia Noone said the Town's tax revenues will decrease due to the project.

*Allan Wheeler of 19 Forest Road* said they have had a cul-de-sac turnaround for over 30 years with no problems at all. Rich Harrington said that due to the regulations they believe they need a road connection, although the Applicant is open to creative compromises. Allan Wheeler asked if the Town was requiring the connection? The Board replied that the requirement is included in the Subdivision Rules and Regulations. Ernie Dodd further noted that long cul-de-sacs make for safety issues and that is why the cul-de-sacs are limited in length due to that issue.

Keith Acosta said that it could be an unpaved area at the connection rather than a fully developed road.

Laura Spear pointed out where she has lived for 13 years and said she did not sign the petition due to trucks that use the road, complete complicated turns and then go back through the neighborhood. Laura Spear believes it will cut down on traffic.

Laura Spear said she is more concerned about the drainage entering the river and described a possible compromise for the connection, where a rural lane or common drive could extend from the point of the connection to the rest of the proposed neighborhood. Lori Clark asked meeting attendees if their concern was whether people living on the new road would cut through Forest Road? Keith Acosta said that right now Joanne Drive is listed on the maps and trucks try to use Forest Drive to get there.

*George Port of 16 Robinwood Lane* said that many people try to use Robinwood Lane to exit the neighborhood during the Apple picking season. George Port said he believes that the same thing will happen with Forest Road.

*Scott Bracci of 48 Forest Road* asked about the Open Land and whether any of the open land could be buildable, adding that none of it appears legitimately buildable land. Rich Harrington said with the PCD the land in the Recreation/Conservation district is required to go into the Open Land. Rich Harrington said the amount of open land is below the 50%

maximum wetland threshold. Rich Harrington added that the proof plan shows a portion of open land exceeding 10%.

*Barbara Jones of 61 Sudbury Road* asked about the three different zoning districts being described, in terms of locations and where they are on the plans. Rich Harrington outlined the zoning districts, including the Residential, Recreation Conservation and Floodplain District. Barbara Jones said that the Floodplain lines do not change no matter where houses are put. If more than 60% of the land is deemed as floodplain, she said she is unsure how the conventional development can be considered. Rich Harrington said there is still enough land outside of the Floodplain that is buildable to show that the proof plan is legitimate.

Laura Spear asked about the open space ownership. She noted that maintenance of the open space should be part of the discussion and many trees get blown over from west to east falling in the area that the houses and road will be built.

*Scott Bracci of 48 Forest Road* said there are quite a few catchbasins proposed and asked what those look like on the ground. Rich Harrington replied that catch basins can no longer send water to the river. Rich Harrington described the catchbasins as a grass bathtub that will hold water for less than three days. Catchbasins on the street would look the same as presently on Forest Road and there will be a maintenance agreement to look after them. Scott Bracci asked if the catchbasins will be holding water for more than three days and whether they should be worried about mosquitos on the property.

Scott Bracci said the property is wet and he is not surprised the perc test on lot #1 did not pass. Scott Bracci asked what considerations and actions regarding perc testing would be put in place. Rich Harrington said that with perc testing, you wait until the water table is right and dig a hole and see how quickly the water drains out. Rich Harrington said they are following the criteria. Scott Bracci noted the catchbasins look large on the plans. Rich Harrington said they appear larger because they are looking to create a shallower profile.

Laura Acosta asked if a slowly draining basin would need to be fenced? Rich Harrington said they are usually not an issue and drain quickly.

Keith Acosta asked about the stream bordering his property and asked if the amount of water would be increased. Rich Harrington said they will be analyzing everything uphill to be sure that the rate and volume will not increase.

Laura Spear said she saw two intermittent streams on the plan and shares a concern about Lot 1, saying they have a dry well and sump pump. Rich Harrington said they have proposed a culvert under the connection between Forest Road and Joanne Drive to convey water. Laura Spear asked how a house on Lot 1 would fit? Rich Harrington said they are going to maintain the swale on Lot 1 that seemed to disappear and when they have the topographical information it should be OK. Rich Harrington said the stream does not meet the qualifications of a perennial stream according to Conservation Commission standards.

Laura Spear said they should expect a lot of rusting farm equipment and wondered if they have done any soil and water testing regarding pesticides or chemical contamination. Rich Harrington said they have not.

*George Port of 16 Robinwood Lane* said if the water level is too high now, how would it be OK for next year. Rich Harrington said that wherever the water table is, they are required to have 4 or 5 feet of above. With the grading coming off the hill it should blend in nicely.

Mark Segien, 35 Sudbury Road asked to clarify the location of the house on lot 1 as he is concerned with the close setback and privacy concerns. Rich Harrington said that what they often try to do is turn the location of the house in a way that the prominent views are not directly into an abutters home.

Barbara Jones of 61 Sudbury Road said the engineer had mentioned that some abutters had been consulted but she was not. Rich Harrington said that at the Conservation Commission meeting they met with some abutters who noted certain concerns. Rich Harrington said he is willing to meet with Barbara to discuss issues.

Patricia Noone said she believes sidewalks are a waste in that location.

Barbara Jones said that on June 23, 1971 a letter was written against the development of the property and she felt quite protected by the points that were made by John Riley in the letter, since they came prior to the town enacting a minimum 1.5 acre zoning regulation. Barbara Jones said most comments pertain to the inappropriate nature of the land for development. Lori Clark said she is certainly aware of applications' passed. Barbara Jones noted that the septic requirements have become a lot more stringent.. Barbara Jones said she will submit the letter for the record.

Richard Harrington said that originally the lots could have been 11 and now with current regulations they are down to 7. Barbara Jones said that the wetland laws were different then as well.

Mark Segien of Sudbury Road asked how the water is going to flow through Sudbury Road and whether that would be changed. Rich Harrington said all of the flow in that area will not change.

Scott Bracci said he is not against property development, but would ask for consideration of where the house on Lot 1 is proposed and that the lot has at times looked like a lake. At the back of his lot it appears that the Lot 1 is lower in elevation, especially with lawn, roof and driveway runoff. Scott Bracci said they are pumping water now. Scott Bracci said that perhaps the home can be facing a different direction and oriented differently. Lori Clark said that in order to submit new information, the hearing would need to be left opened.

Scott Bracci said that he has some photos of the property and the digging of the perc tests.



Rich Harrington said that the lot size of the Lot 1 is significantly larger than the abutting lots. Rich Harrington said that they tried to angle the house so that the windows would not be lined up for the abutters to be looking directly at a house.

Lori Clark asked what the lot looks like now? Rich Harrington said there is a cart path but is mostly wooded.

Keith Acosta asked how much clearing would be needed. Laura Spear noted that the Development Impact Statement said that 5.6 acres of clearing would be attributed to needs other than roadway. Rich Harrington said that stormwater, lawns and houses have to be removed for that calculation.

Lori Clark said that concerns regarding visual issues are good to be discussing now. Rich Harrington noted that the neighborhood is fairly open currently.

A resident asked if all the trees can be cut. Rich Harrington said they show a proposed tree line which can be adjusted during the building process. Rich Harrington said they do try to keep some trees where they can.

Scott Bracci said that over time many of the trees in Lot 1 have been dying and it may be a sign of wetlands encroaching in that area. Robinwood Lane was a nightmare for water entering the neighborhood when it was built he said. The catchbasins on Forest Road only capture water after it enters the neighborhood.

Barbara Jones said she wanted to echo that a number of large trees have been dying in the area due to trees that cannot survive the wet water table. What assurances are there regarding messing with water that this will not create more problems she asked?

It was noted that Robinwood Lane was built in 2001. The Special Permit Rules and Regulations require that trees of 12" and over are supposed to be shown on the plans and he would like to see that.

Laura Spear said there are areas near Lot 6 and Lot 7 that could carry runoff toward the river and she recommends that the deed contain restrictions on clearing in that area and perhaps prohibition of lawn fertilizers and other chemicals.

Scott Bracci said that there are proposed parking spaces noted on the plan. Rich Harrington said they sometimes use that for on street parking or for passing. Scott Bracci asked if that was a zoning necessity? Rich Harrington said that that is something for the Board to discuss.

Rich Harrington said that a phosphorous fertilizer restriction would apply. The water drains through the soil itself to keep phosphorous out of the river.

*Mark Jones arrived at 8:45 pm.*

*George Peterman of 10 Forest Road* said that he would like to add his voice that the road not be continued for general access. It could be a shortened lane, or a gated road, but that general access will be disruptive. It changes the character of the neighborhood he said.

George Port of Robinwood Lane asked if access would be directly across from Robin Wood. Rich Harrington said yes, it would resemble a four way intersection.

Scott Bracci asked what is next? Lori Clark said that the Board can do a site walk. Ernie Dodd, Steve Quinn and Len Golder agreed a sitewalk would be helpful. Lori Clark said this is a hearing for the preliminary subdivision application. Lori Clark said that they would choose a date and time to continue the hearing until and deliberate on the project at that time. Lori Clark described the process of a Definitive Plan.

Nancy Arsenault asked if the property owner would also be the developer. Rich Harrington said it is too far down the road to answer at this time. Rich Harrington said he is willing to grant a time extension. Lori Clark suggested the Board will be better able to handle deliberation times with a 60 day extension.

Site Walk scheduled for 4:30pm on May 11.

*Ernie Dodd motioned to continue the hearing until June 7<sup>th</sup> at 7:30pm.*

*Steve Quinn Seconded.*

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

Meeting Adjourned.

Respectfully Submitted,

Jesse Steadman.