

TOWN OF STOW
PLANNING BOARD

Minutes of the August 9, 2016 Planning Board Meeting

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

Voting Associate Member: Mark Jones

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

Discussion of Meeting Minutes

Minutes of August 2, 2016

Ernie Dodd moved to approve the minutes as amended.

Steve Quinn Seconded.

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

Public Input

Dan Stetson of 143 Boxboro Road sought clarification regarding warrant articles 3 and 4 from Town Meeting held August 8, 2016, asking whether SMAHT is able to purchase the hammerhead lot and what the result of voting was on Article 4. Steve Quinn responded that an amendment was accepted which negated SMAHT's ability to purchase, even though it later failed. There was no action on Article 4.

Dan Stetson asked if these plans will come up again at the next Town Meeting. Len Golder responded that a new warrant article could be drafted, but it would need to be distinct from the article voted on yesterday.

Member Updates

Some members of the Board attended the Town Meeting on August 8, 2016. Margaret Costello noted a concern about the proceedings, stating preference for increased transparency and clarity. Ernie Dodd mentioned that he believed the amendment to Article 3 should not have been permitted as it significantly changed the meaning of the original article. Mark Jones said that the warrant functions as a notice to voters regarding the parameters of what will be discussed. Ernie Dodd said that if the donation had been given to help SMAHT purchase the hammerhead, the amendment would have been within the "4 corners" of the original warrant article. The Board discussed that when the Selectman gave the Town departments notice of the right of first refusal, the only department to express interest was SMAHT. Len Golder noted the priority list for land to acquire for Open Space, and the absence of the hammerhead lot. Mark Jones replied that the Conservation

Commission had voted against acquiring the lot when they were first given notice, as it is an isolated lot and not priority land.

Planner's Report

Medical Offices in Lower Village

Jesse Steadman reported that Steve Steinberg has been working with strategic planning and marketing personnel from Emerson Hospital to open a medical facility in the Lower Village. Jesse Steadman noted the presence of other Emerson Hospital offices in surrounding towns. Jesse and Steve Steinberg met with representatives from Emerson Hospital to inform them of plans for Lower Village improvements.

MassDevelopment partnership in Lower Village

Jesse Steadman and Valerie Oorthuys met with Roy Angel from MassDevelopment, Rich Presti and Steve Steinberg to discuss a new funding model for creating a loan for public water access for property owners. Jesse and Valerie will put together a narrative of progress in Lower Village to give to MassDevelopment.

Historic Street Names

Jesse Steadman received a list from Bruce Fletcher of the suggested historical names for new streets, compiled by the Stow Historical Society.

Fencing and Signage at Arbor Glen

Jesse Steadman noted that a resident from Arbor Glen is interested in installing a vinyl privacy fence along Hudson Road, and asked whether the Board would consider this a plan modification. The Board responded that a fence along Hudson Road would not require any modification, as long as it doesn't interfere with the Special Permit and it meets the bylaw requirements.

Jesse Steadman said that residents on Heather Lane at Arbor Glen are interested in installing an entrance sign similar to the existing sign at Arbor Glen Drive. The Board agreed that this would require a plan modification.

Complete Streets

Jesse Steadman clarified that the \$50k Complete Streets priority plan is reimbursable and that it will be on the next Town Meeting warrant. In preparation for the MassWorks grant, Mike Clayton increased the contribution from the Highway Department from \$250,000 to \$400,000.

Municipal Modernization Act

The Board reviewed the summary of the Municipal Modernization Act, noting several alterations that may benefit local residents, including providing municipalities with the ability to set local speed limits in congested areas, new abilities for agricultural commissions, and workforce housing

Public Hearing

Mark Jones recused himself, as an abutter.

Regency at Stow Active Adult Neighborhood Continuance of Special Permit Modification

Present: Greg Roy, P.E.- Ducharme and Dillis Civil Design Group, Inc.

Greg Roy reviewed comments from consultant Sue Carter of Places Associates, identifying three priority topics to discuss; current landscaping plans, timing of Conservation Restriction requirements, and the ownership of the frontage parcel on Boxboro Road.

Greg Roy reviewed the proposed and existing trail systems. One is an interior trail, noted in the original permit, which will be built to connect housing units with the clubhouse and pool area. The second is a trail that will connect the development to the Minuteman Airfield, which has been conditioned back into the decision language and included in the order of conditions from the Conservation Commission. A third trail is proposed around the perimeter of the development. Most of this trail currently exists, yet would need maintenance. Other parts of the trail would need to be constructed in the future, which is part of a continuing conversation with the Conservation Commission regarding the Conservation Restriction. Greg Roy noted that the initial permit in 2006 required the Conservation Restriction to be recorded prior to the issuance of the 18th occupancy permit. Toll Brothers sees a pitfall with respect to how their timing is with the state's process, which is taking in excess of a year to determine. Toll Brothers is estimating that they may reach the 18th occupancy permit ahead of receiving a Conservation Restriction. Greg Roy asked if this could be restructured to add some flexibility to the timeline, offering a bond should the Town appreciate that level of protection. Ernie Dodd responded that the Conservation Commission's acceptance of the Conservation Restriction should suffice. Jesse Steadman noted that this is written into the existing condition on the decision.

Greg Roy said that the frontage parcel is to be deeded to the Town of Stow, with the intention to allow the Town future use of the road, for example if the Town wants to widen the road and ease the shoulders. Greg Roy said that while this is not part of the proposed development, they do not want to prohibit future road improvements. However, Greg Roy said that they didn't want to get caught in a situation where they're giving the Town land it didn't want to take. Steve Quinn asked if the intention is to convey the parcel. Greg Roy said yes. Ernie Dodd asked if an easement would be easier. Greg Roy stated that their intention is to deed it to the Town. Lori Clark asked for further clarification of the decision to deed the land rather than to offer an easement. Ernie Dodd said that both the acceptance of an easement or of a deed would need to be presented and passed at Town Meeting. Greg Roy asked if a sidewalk easement would be acceptable. The Board agreed that it would.

Greg Roy suggested that the sidewalk easement be written as a condition, envisioning both options- if the easement is accepted by the Town, and if it is not accepted, then the land could revert back to open space. Jesse Steadman added that in the event the town did accept the land, the Planning Board would also need to accept an access easement over the parcel to allow the property owner of Minuteman Airfield to access the rear of the site for purposes of fulfilling duties involved in the avigation easement. Greg Roy asked if this would become part of the Town right of way. Ernie Dodd answered that it could, depending on the language of the warrant article. Ernie Dodd further noted that the Board would be willing to accept a bond in place of the Conservation Restriction being recorded at the 18th occupancy permit. Jesse Steadman said that this may be an opportunity to look at the soft costs of what it would take for Town Counsel to create a Conservation Restriction and use that measurement instead of the more typical road improvement schedule.

Jesse Steadman asked how the phased growth bylaw will come into play with this development. Ernie Dodd pointed to section 5.4.12 of the bylaw stating that Active Adult Neighborhoods are exempt from phasing of growth.

Greg Roy reviewed the landscaping plans, focusing on the entrance sign design. The Board described the contents and intent of the Town's bylaws regarding signage, emphasizing size and construction materials that maintain the rural character of the Town. Lori Clark noted that the monument sign proposed is not at all in keeping with the community character of the neighborhood. Dave Bauer of Toll Brothers noted their intent to work with the Planning Board to negotiate plans for a sign.

Len Golder asked about sign lighting. Dave Bauer said that when entries are not lit they get pushback from residents, therefore they would like to install low voltage landscape lighting or low voltage lighting in the wall itself to illuminate the sign. Lori Clark noted that Stow's sign and lighting bylaws are rigorous. Jesse Steadman offered to share the results of the Visual Preference Survey, which shows residents' preference for wooden, hanging signs, even in retail districts.

Greg Roy asked whether the stone walls framing the sign are contrary to the character of the Town. The Board responded that natural stone walls are acceptable, though it would look better with a wooden fence.

Greg Roy said that the landscaping plan for a typical unit in the development will be coming soon from ESE. Greg Roy shared an image of the style of park they are trying to achieve in a central area inside the development.

Jesse Steadman asked if the Town accepts the deeded land, would the landscaping plan be able to be moved back from the road. Greg Roy responded that the landscaping is set back 10 feet, with radii set back 5 feet, so they would be able to accommodate the deed without changing the geometry of the landscaping plan. Margaret Costello asked for a clarification of the ramifications of accepting land as a deed or as an easement. Lori Clark responded

that this would work like a sidewalk easement, and that Mike Clayton of the Highway Department would have the final say on the use of the easement.

Jesse Steadman asked about the connectivity of the eastern walking trail, noting that a section of roadway splits the trail. Greg Roy responded that there will be a grassy shoulder along the driveway in that area for pedestrians to utilize.

Dave Bauer asked about temporary signage while marketing units to the community. Ernie Dodd said that the Board is amendable to temporary signs, and asked about the presence of lampposts. Greg Roy responded that in keeping with the 2006 plan, there are 3 lampposts by the entrance, 1 by the clubhouse, 1 or 2 at the first road split, and another at the farthest intersection. Ernie Dodd noted a concern with lampposts along Boxboro Road.

Lori Clark said they can open up for Public Comment.

Public Comment

Joe Mangiafico of 176 Boxboro Road said that if the Board entertains the idea of a temporary sign to be used for initial marketing, he would like to know how the Board defines temporary- whether this allows a sign to be up for four years, all through construction until the development is fully occupied. Joe Mangiafico also asked how much vegetation would need to be cleared to create the northwestern trail. Greg Roy said that most of the northwestern trail is already built out, and that the plan states that this trail isn't intended to be built; they did not want to preclude the Town from building this trail in the future, as it could be important for the Emerald Necklace loop.

Joe Mangiafico asked for a breakdown of the number of bedrooms per unit in the proposed development. Greg Roy said that each unit has 2 bedrooms, per septic regulations.

Joe Mangiafico asked why the frontage parcel would be given to the Town if the Town could use eminent domain later on to widen the road. Ernie Dodd noted that eminent domain is not seen as an amenable option. Lori Clark said that an easement would give the Town future flexibility and that widening the road is not something currently being discussed.

Joe Mangiafico asked whether the plan includes appropriate turnouts for large trucks. Ernie Dodd said that the plan does.

Dan Stetson of 143 Boxboro Road asked if neighbors have any recourse if they feel the development affects their water once the units are full occupied. Lori Clark said that the most effective means is to ensure the engineer is thorough and that the plan is peer reviewed by a consultant. Ernie Dodd said that this is hard to prove, and that one option is to put together a case and go to court. Jesse Steadman said that the Board relies on the DEP to approve the process. Greg Roy said that he is not a hydrogeologist, though he knows that each well produces 100 gallons per minute, and that the withdrawal rate is 7 gallons per minute on average. The aquifer is confined and produces a high yield.

Mike Jordan of 166 Packard Road asked whether the plans comply with the current lighting bylaws regarding time restrictions, as the original plans predated these. Ernie Dodd said that timing for lighting is restricted, even in the original bylaws.

Don MacFarlane of 113 Boxboro Road said that he is concerned that large construction trucks will have to swing out onto an abutter's driveway and into oncoming traffic in order to enter the development, as the entrance is only 50 feet wide. Don MacFarlane stated a preference for widening the road as part of the development so that taxpayers wouldn't have to fund new improvements down the line. Greg Roy said that 50 feet is the maximum width for an entrance. Lori Clark said that the plans will be reviewed by Mike Clayton of the Highway Department and our consultant Sue Carter of Places Associates.

Joe Mangiafico echoed the concern about trucks entering the development during the construction phase, asking if the road needs to be widened to accommodate these vehicles. Jesse Steadman and the Board reiterated the various experts who provide advice. Greg Roy said that the entrance designed is in excess of what is required for a subdivision road, as it is a boulevard entrance. Greg Roy said that while models show that trucks can make the turn safely while staying in their appropriate lane, drivers may act otherwise. Greg Roy said that there is not a need to widen the road for this development, and that is not what they are proposing.

Warren Nelson of 213 Boxboro Road asked who will own the air rights at the development.

Kyle Jarger of 158 Boxboro Road asked if the public is welcome to walk or bike on the road or trails proposed in the plan. Greg Roy said that while the development will not be gated, it will be a private road, and that the trail along the perimeter of the development will be open to the public.

Don MacFarlane asked for a description of the wells and irrigation. Greg Roy said that these are deep bedrock wells.

Don MacFarlane asked if the flow rates will be ten thousand gallons per minute each day. Dave Bauer said that the flow rates will comply with the Board of Health regulations. Joe Mangiafico asked for those numbers. Greg Roy said that he is not an irrigation engineer and therefore doesn't have that answer. Lori Clark said that the concern is heard and engineers will look into it and their advice will be reflected in the final decision.

Don MacFarlane asked that construction vehicles not use Packard Road. Ernie Dodd agreed.

Don MacFarlane asked how this will be enforced. Greg Roy said that enforcement is difficult, but it is a police issue. Per the condition of approval from last August, this will be a concern that the contractors know about. Dave Bauer said that there can be hundreds of

conditions on safety, traffic, and noise, and they understand they need to be good neighbors.

Joe Mangiafico asked if there were any changes with the location of the houses. Greg Roy said that the booster station has been relocated, and as such some units have shifted and a few more have been added in.

Don MacFarlane asked about the use and volume of emergency generators. Greg Roy said that there are emergency generators.

Don MacFarlane asked about the timeline of the development going forward. Lori Clark answered that the public hearing will need to continue, and once that closes the Board will deliberate and a decision will be written and endorsed before they receive final approval to begin construction.

Joe Mangiafico asked how water usage is monitored. Ernie Dodd said that this is under the jurisdiction of the DEP, who will ensure it is metered. Joe Mangiafico asked if this will be public record. Greg Roy said that water usage is published online through the DEP.

Ernie Dodd asked if affordable housing will still be kept onsite, as the bylaw has changed since the original AAN was approved. Dave Bauer said that they would like to keep the four affordable units on site.

Joe Mangiafico asked what percent of housing will be affordable. Ernie Dodd said that the requirement is 10%, which would be 7 units, with 4 of those onsite and a fee in lieu of the remaining 4.5 units, as calculated by multiplying 150% times the remaining 3 units, which is the requirement for the AAN. The fee in lieu of the construction of each unit of affordable housing is determined to be 3 times 80% of the median income for a household, as reported through the most recent information made available from the Department of Housing and Urban Development. A household in this case is 3 people, as calculated by the number of bedrooms per unit plus one.

Ernie Dodd noted that units 49 and 50 do not have riprap installed at the base of the downspouts. Greg Roy said he would look into it and resolve the design.

*Len Golder moved to continue the public hearing to September 13, 2016 at 7:30pm.
Steve Quinn seconded.*

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

Minuteman Airfield Erosion Control Special Permit Deliberation

The Board discussed the separation of the Erosion Control Special Permit decision from the Earth Removal Special Permit decision and sought ways to explicitly link the two documents.

Lori Clark and the Board clarified the meaning of the additional stability added to the bio-retention swale.

The Board discussed the language stating that all exterior lighting shall comply with the bylaws, agreeing that this phrasing will clarify any future modification.

Ernie Dodd moved to approve the Minute Man Air Field Erosion Control Special Permit and Site Plan Approval at 302 Boxboro Road as amended.

Steve Quinn seconded.

VOTED: 4-0 Unanimously in favor (Margaret Costello and Len Golder abstain; Lori Clark, Ernie Dodd, Steve Quinn, Mark Jones (Voting Associate Member)- Yea).

Housing Production Plan Review and Approval

Ernie Dodd moved that the Board approve the Housing Production Plan

Steve Quinn seconded.

VOTED: 4-0 Unanimously in favor (Margaret Costello abstained; Lori Clark, Ernie Dodd, Steve Quinn, Len Golder- Yea).

Meeting Adjourned.

Respectfully Submitted,
Valerie Oorthuys