

TOWN OF STOW
PLANNING BOARD

Minutes of the August 23, 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

Public Input

None.

Member Updates

None.

Discussion with Fire Chief Joe Landry- Integration of MA Comprehensive Fire Safety Code

Joe Landry reviewed significant updates to the MA Comprehensive Fire Safety Code, stating that it combines the National Fire Protection Association standards and the Massachusetts code. While in the previous code, 527 CMR, the preamble gave authority to the jurisdiction, this is not true for the new code. Joe Landry said the new code states what conditions exist to be able to make changes, limiting the Town's flexibility. To describe the increased conditions in the language, Joe Landry offered the example that one and two family dwellings must have a sprinkler system if the road is 250 feet or longer. The updates adopt a national standard, and most changes relate to year round maintenance and accessibility.

Joe Landry said that he believes the intent behind these updates is to increase safety by widening access, so that the code allows two pieces of apparatus to access dwellings more easily. With new subdivisions built farther off the road, with only one apparatus making it down the drive, some roads are less accessible than they need to be.

Len Golder asked if there is a difference in accessibility between a gravel driveway and a paved driveway. Joe Landry said no, and mentioned that he is working with Greg Roy to create basic minimum standards of designs to meet requirements. Joe Landry hopes to get compaction standards from Greg Roy, as he is thinking about drainage and curbing which may likely not meet the requirements for year round maintenance. Ernie Dodd noted that with stormwater management, many times curbing is needed, however this increases the amount of impervious surface. Jesse Steadman pointed to the development at Jillian's Lane, saying that the existing drainage swale sufficed, and that compacted gravel is similar to

pavement, in that no recharge is gained from it. Ernie Dodd said that water pooling is a problem, and that curbs are needed in some cases.

Joe Landry said that where fire access roads can't be installed, due to the topography, waterways, or non-negotiable grades, the Fire Department shall be authorized to add additional fire protection features, such as sprinklers and cisterns. Lori Clark noted that it seems likely that increasingly, dwellings will have sprinkler systems, as the requirement has more to do with the layout of the road, not the dwelling. Steve Quinn said that it appears as though the new code has a focus on protecting lives and property in the situation of the 2 house subdivision with winding roads off of a main road, or hammerhead lots. Joe Landry agreed, saying that every person on such a drive has the expectation of safety, which is the responsibility of the Fire Department.

Ernie Dodd asked for clarification of how large cisterns for single family homes need to be. Joe Landry said that at a minimum, for the cistern to be considered by the insurance rating system, it needs to be 30,000 gallons.

Ernie Dodd asked about weight limits, asking about the requirement that a road support 60,000 pounds and wondering if this is an excessive amount. Joe Landry said that their equipment doesn't weigh that much, but depending on how much water a truck is holding, they could weigh around 45-50,000 pounds.

Steve Quinn asked if the NFPA is conducting outreach to engineers. Joe Landry said that he has not seen this yet, though engineers are aware of the modifications. He mentioned that public safety standards can't be grandfathered in, and many changes to existing dwellings will have to be made through inspections and code enforcement. Lori Clark said that the zoning bylaws will say that we must meet the new code, though the rules and regulations can include more of the design requirements. Joe Landry said that he would work to create a basic set of standards to use as a template. Joe Landry said that in terms of the inter-departmental process for working with the new codes, the Building Department would require owners to speak with the Fire Department prior to receiving a Building Permit. The Board agreed that any permit they would approve would need a letter from the Fire Department noting their compliance with fire codes, and that the Board would make sure their rules and regulations don't conflict with the new codes.

Joe Landry mentioned that the relevant sections in the new code will be 13D and 13R as well as Chapter 18. These are available online, through a subscription, however Joe Landry will make this available to the Planning Board and staff.

Discussion of Meeting Minutes

Minutes of August 9, 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).

Planner's Report

Lower Village Traffic Plans

Jesse Steadman referred to the Howard Stein Hudson memo regarding potential Lower Village design solutions along the south side of Route 117 as a step toward finalizing agreements for easements with some of the property owners in Lower Village. Jesse Steadman said planning staff will meet with Bill Wrigley this week to discuss plans for moving the conversation forward with several property owners.

Gleasondale School Lot/Kane Land

Jesse Steadman reported that Planning and Conservation staff met with the Planning Department staff working group interested in improving the Gleasondale School Lot, and the creation of a trail system on Town owned land in Gleasondale. Jesse Steadman said the groups will be meeting with the Conservation Commission on August 30th to discuss the requirements for creating a boardwalk crossing over a wetland section on the Kane Land prior to delivering a proposal to the Board of Selectmen. The Gleasondale working groups currently have concept designs for Gleasondale village signage, parkland improvements at the school lot and a trail system for the Kane Land. Jesse Steadman said that the activities the residents are discussing are directly related to the Gleasondale Planning effort the Board has been pursuing over the past few years. Discussions with the group and staff have surfaced the idea that a Community Preservation Proposal for historic preservation and parkland improvements could be one way to create the improvements.

Eversource

Jesse Steadman said that Town staff met with representatives of Eversource to hear an update on their preferred and alternative route options for the transmission line project. Eversource has met with Hudson and will be meeting with Sudbury as well. Eversource will be scheduling a public hearing with the Board of Selectmen this fall to present their findings that they will eventually provide to the Energy Facility Siting Board.

Conservation Restrictions

Toll Brothers has requested a meeting of Planning and Conservation staff to discuss the timing and details around the requirement for a conservation restriction at Regency, Jesse Steadman reported. The Board will be discussing the issue in a town-wide sense later this evening.

MassWorks Grant

Jesse Steadman updated the Board that the Massworks grant round has officially opened and that he and Valerie are in the process of updating the application. The grant round

closes September 2. Jesse Steadman said that he has since reached out to the Highway Department for a letter of support and a vote of support is scheduled for Thursday by the Economic Development and Industrial Commission.

Memo to Roy Angel

Jesse Steadman reported that he and Valerie met with Roy Angel of Mass Development, Rich Presti and Steve Steinberg regarding the potential for loan funding to create a public water supply. Roy Angel suggested the Town put together a narrative of their planning effort in Lower Village. Jesse Steadman noted that it is in the packets.

Pilot Point

Jesse Steadman noted that he has reached back out to Habitech's attorney regarding the modification to Pilot Point, which has been stalled since earlier this summer.

Scanzaroli Property

Jesse Steadman said he received an inquiry today into whether land on an opposing side of a street could be considered one parcel for the purpose of creating an ANR plan. Jesse Steadman said he needed to do further research.

Bose Walking Trails

Jesse Steadman reported that an engineer working with Bose noted that the original flexible porous pavement chosen for the walkway at Bose has been met with resistance by DEP due to the proximity of the Public Water supply. Chris Racine noted that Bose is instead proposing to use porous pavement of a different kind outside of the Zone 1 with stone dust within the zone 1 radius. Jesse Steadman said the engineer asked if this would constitute a modification, and that Jesse Steadman believed it was a minor change.

Arbor Glen

Jesse Steadman said he met with a resident of Arbor Glen and discussed the installation of the fence which it appears both property owners are in support of. Jesse Steadman said he and Valerie discussed the process for submitting a modification to the Special Permit for additional landscaping and shared information regarding the sign bylaw so they can prepare a proper application.

Discussion with Kathy Sferra, Conservation Coordinator- Requirement for Conservation Restrictions

Jesse Steadman said that a discussion of Conservation Restrictions and how they relate to the Town's restriction of public land is needed, as several recent plans, particularly PCDs, have not easily found an answer to Open Space ownership. The current PCD rules and regulations allow for different ownership options, and perhaps a Conservation Restriction isn't always the most appropriate solution.

CR and how they relate to Town's restriction of public land. Joanne Drive PCD. Open space/ ownership, other PCDs coming down the pipe. The way we've rewritten PCD bylaw allows for different ownership options, maybe CR isn't always the only way

Kathy Sferra asked for the discussion to be at a policy level, independent of other projects. Kathy Sferra noted that when the PCD bylaws were revised, it included no Conservation Restriction requirements, no best practices, and so moving forward we should look to past Planning Board actions.

Kathy Sferra shared a map of the Town of Stow, outlining Open Space with various ownership levels and restrictions; land conveyed in totality to the Town, land with only a Conservation Restriction and no fee conveyance, land owned by a Homeowner's Association without a Conservation Restriction, and land with a Planning Board fee conveyance and a Conservation Restriction.

Lori Clark asked how we can know maintenance is happening on properties the Town does not own. Kathy Sferra responded that if the land is owned by a Homeowner's Association, the Town does not know about current maintenance, but if the Town is the owner, it is stewarded. Kathy Sferra said that the PCD bylaw updates say that Open Space should be conveyed to the Town for conservation, conveyed to the Stow Conservation Trust, or conveyed to the Homeowner's Association with a permanent Conservation Restriction. Requiring a CR for a Homeowner's Association makes sense as that entity is not in the business of holding land and maintaining it.

Kathy Sferra pointed to some challenges with asking for a Conservation Restriction when the Town owns the land: the developer is put in a position of satisfying 2 or 3 entities, the Conservation Restriction process is lengthy, though not insurmountable, and that increasingly a request for an endowment is made, particularly by the SCT. For most developers, this may be seen as a non-starter, as they would be asked to give both land and an endowment. Kathy Sferra said that while there is some measure of additional protection gained by having two entities involved- the Town has Article 97, and a Conservation Restriction can be amended, she personally doesn't think it is worth the price.

Steve Quinn asked if the land is given to the Stow Conservation Trust, is there a need for the Conservation Commission's involvement? Kathy Sferra said no, and if the SCT ever went out of business, the SCT would have to provide for the disposition of their assets, which the Attorney General receives and reallocates. Kathy Sferra said that a Conservation Restriction is really only needed if the land is controlled by a Homeowner's Association. Kathy Sferra said that when the Conservation Commission talks to a developer, they look at the land, see what it abuts, and ownership of surrounding parcels. If it abuts SCT land, the Conservation Commission would ask the developer to talk to SCT. With the example of Hemingway Farm, the land abutted existing SCT land, and the Open Space was split between the SCT and the Conservation Commission, and the SCT didn't ask for an

endowment. Steve Quinn noted that land could be broken up to go to two or three entities. Lori Clark mentioned that in practice, it is typically given to whomever abuts the land.

Mark Jones asked if there is a way for the Conservation Commission to have an endowment or another type of fund. Kathy Sferra responded that the Conservation Commission has a fund set up to support stewardship of conservation land, and she has spoken with the Town Accountant to look into setting up an endowment fund into which periodic gifts could be placed, however the Town Accountant was unclear about the logistics of that. At one point, a fund was set up for the Conservation Commission because of a gift, and the Town had no choice but to create an endowment fund, though this gets complicated in terms of restricting the funds' use for the Conservation Commission. Mark Jones added that this would be further complicated by determining where the principle and interest from this type of donation would go.

Minuteman Airfield Earth Removal Special Permit Decision Deliberation and Endorsement

The Board discussed signage and hours of operation during construction, noting the intent to balance mitigating construction traffic and activity and ensuring the quick completion of the project. The Board agreed that operating during regular business hours during the week in addition to Saturday mornings should suffice. The Board agreed that a schedule of the Earth Removal Operation and designated routes does not need to be posted in the newspaper, however there needs to be a means of public notification in place.

The Board discussed language around the conditioning of a performance guarantee, choosing to reserve the right to revisit the permit should the road suffer damage during construction.

*Ernie Dodd moved to approve the Minute Man Air Field Earth Removal Special Permit Decision 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- yea).

Minuteman Airfield Erosion Control Special Permit and Site Plan Approval Endorsement

65 White Pond Road Special Permit Decision Deliberation

The Board discussed the language around the landscaping plan, agreeing that there needs to be more specificity regarding the types of trees that are acceptable to plant.

The Board discussed the requirement of a gate either at the entrance to the site or behind the building to keep stored vehicles, plants, and other equipment gated from the front parking area, choosing not to include the requirement of a gate in the decision.

The Board discussed the restriction of the hours of operation and noise, specifically considering the implications of the tenant leasing out space. The Board understands that extenuating circumstances may require work outside of regular business hours, but that will not be the norm. Ernie Dodd and the Board said that a condition of the decision should state that the applicant must make adequate provisions for noise abatement and ensure that they and all future tenants they lease to are in accordance with the Zoning Bylaw. The Board agreed that all tenants should be of similar use, and that all regulations are applicable to any tenant.

The Board determined that sight distances need to be written onto the plan, and that the applicant needs to provide information to show that sight distances are sufficient to the satisfaction of the Board prior to the endorsement of the plan.

The Board agreed that language regarding a sidewalk easement must be added to the decision.

The Board sought further specificity in the language of the decision regarding dust control measures during construction and operation.

The Board discussed the language around vehicle maintenance and hazardous waste management. Jesse Steadman said that Sue Carter of Places Associates, Inc. advised that an exterior vehicle washing area would require the plan to be in accordance with the Massachusetts State Building Code, and the applicant would need to acquire a Mass DEP Underground Injection Control permit. Steve Quinn said that the decision should not specifically require flood drains, but rather require compliance with building codes and require the applicant to provide documented protocol of maintenance. Lori Clark and the Board agreed that more research into DEP requirements and vehicle washing needs to be done, as this is considered part of industrial wastewater management, and the Board has not received specific information on the type of trucks used and the cleaning agents involved.

Review of Planned Conservation Development Rules and Regulations

With the upcoming public hearing on September 13th, members of the Board agreed to supply the Planning Department staff with comments on the PCD Rules and Regulations updates.

Meeting Adjourned.

Respectfully Submitted,
Valerie Oorthuys