

TOWN OF STOW
PLANNING BOARD

Minutes of the September 13, 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 of Meeting Minutes

Ernie Dodd moved to approve the Minutes of August 23, 2016 as amended.

Steve Quinn seconded.

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

Member Updates

Mark Jones reported that an organization has been in ongoing court cases arguing that access to law and regulations cannot require burdensome costs of citizens to understand their obligations, and laws and regulations cannot be copyrighted under the US constitution.

Discussion of Non-Conforming Uses

The Board discussed non-conforming uses in the Town of Stow.

Planner's Report

Randall Road

Jesse Steadman noted that an agent for the Hammerhead Lot K-1 on Randall Road has indicated that the property owner may abandon the use of an easement over an abutting property for access and instead seek to modify the special permit to access through the property's legal frontage, which contains significant wetland areas. Jesse Steadman said there Special Permit also includes a condition indicating the Special Permit has expired, unless the project has been delayed for good cause.

Lower Village

Jesse Steadman reported that the MassWorks grant for Lower Village has been submitted and they are currently in the process of meeting with property owners along the frontage to answer questions and discuss any concerns.

Jesse Steadman reported that he has been in discussions with Howard Stein Hudson, who will soon have a letter to the Planning Board regarding the next steps that need to be completed to finalize the Lower Village Improvement plans, including double checking the soils in the Lower Common, finalizing the grading plan, and preparing an easement plan to accurately reflect any easements needed from the corridor property owners.

Gleasondale School Lot

Jesse Steadman reported that they have tentatively scheduled a design and information forum for September 29th at 7pm in Town Building to gather input on the proposed Gleasondale School Lot pocket park plans. Jesse Steadman said they will be sending a letter out to all the abutters within 300 feet of the parcel and will advertise it as a Planning Board meeting so members can attend. Jesse Steadman said they have recently learned that the Conservation Commission is in discussions with the Board of Selectmen regarding the eventual ownership of the property and will be reaching out to the Selectmen soon to discuss the plans if it turns out that the Board of Selectmen receive ownership of the parcel.

Eversource

Jesse Steadman reported that the Eversource Working Group will be meeting this September to discuss the final proposal from Eversource to be sent to the Energy Facility Siting Board regarding the Transmission Line project in Stow, Hudson, Sudbury and Marlborough. Jesse Steadman noted that he has been collecting much correspondence from a variety of stakeholders and will likely be issuing a memo to the Board of Selectmen on the status of the proposal ahead of their October 11, 2016 public hearing.

Pompo Community Center/Fire Station Request for Minor Modification

Jesse Steadman noted that he is expecting a request for minor modification to the Community Center plans for a change in the type of shade trees planted. The Planning Board Decision and Conservation Commission Order of Conditions specifically prohibits the fall planting of Red Oak. Discussions with the Tree Warden suggest this condition should be upheld and that different tree species be proposed.

Taylor Road

A prospective buyer at 433 Taylor Road is expected to be on the September agenda said Jesse Steadman.

Mark Jones Recused himself as an abutter to the Regency at Stow project.

Regency at Stow

Lori Clark read through the Public Hearing Guidelines.

Present

Greg Roy – Project Engineer

Dave Bauer – Vice President, Toll Brothers

Britton Bradford – Construction Manager, Toll Brothers

Greg Roy noted that there are some prominent issues to be discussed since the last meeting, such as the open space ownership. Greg Roy noted that they had previously been working with the Stow Conservation Trust, although three weeks ago it became apparent that the Stow Conservation Trust was not comfortable with the Avigation Easement. Greg Roy said that the applicant had a productive meeting with staff of the Conservation Commission and Planning Board to present the status of the ownership discussion. Last week, said Greg Roy, the Applicant formally offered the Conservation Commission the open space land. The Conservation Commission voted in concept to accept the open space. Greg Roy said they had a site walk with the Conservation Commission yesterday. Greg Roy noted that the two open space parcels are now one, at 59.25 acres approximately. The Open Space was slightly reconfigured to maintain Applicant ownership of the Zone 1 radii.

Conservation Commission Memo

Greg Roy read through the memo to the Planning Board from the Conservation Commission, noting that the Conservation Commission would like to have the flexibility to locate the required, future trail within the open space as necessary. The Commission also requested that the open space be monumented prior to conveyance of the parcel. Kathy Sferra, Conservation Coordinator, said that monumentation along the interior boundary of the open space, and along the outer eastern boundary in the vicinity of the closely abutting homes would be the priority areas for monumentation to be added. Kathy Sferra said that there may be a few other points along the outside boundary of the open space where monumentation would be helpful. In areas where there are existing stone walls, Kathy Sferra said monumentation may not be as high a priority. Greg Roy said that they would be opposed to monumenting the entire outside boundary of the open space lands.

Greg Roy and the Board discussed the difference between iron rods and stone bounds, noting that iron rods would be agreeable, provided that they are not installed flush with the ground.

Greg Roy said another request is in regard to the elimination of the Conservation Restriction and retaining the commitment for a \$2000 fund to the Conservation Commission, originally allocated for the baseline report. Greg believes the Applicant is amendable to these requests.

Open Space Timing

Greg Roy described comments relating to the timing of conveyance of the Open Space land to the Conservation Commission. Greg Roy said that the language provided in the memo allows the applicant to post the bond and place a fully executed deed in escrow prior to the last building permit and that the land would otherwise be conveyed prior to the expiration of the Order of Conditions or the issuance of the Certificate of Compliance. Greg Roy said they would be asking for an amendment from both permits.

Regarding the Avigation easement, Kathy Sferra noted that the Conservation Commission has no issue provided there is a gate.

Kathy Sferra noted that trees in the buffer zone or riverfront that are proposed to be removed for viewscape management need approval from a Conservation Commission agent. Greg Roy said that they would rather not have an arborist involved for what is a simple inspection.

Greg Roy discussed the contents of the Places Associates Inc. review letter. Greg Roy noted that the biggest concern has been sewer and water locations in the vertical column. Greg Roy said the septic tanks are set as low as they can go according to TitleV, which limits the Applicant's options in the vertical distances between the lines as they cross the proposed access drive. They will have to raise the sewer lines in some location to get around the water mains, he said. Steve Quinn asked if shallow cover over the mains was the issue and Greg Roy said it is. Greg Roy said this is really more of a construction issue rather than a regulatory one. Greg Roy said he could see this as being more of an issue if this were a street that the Town would have to accept. Dave Bauer with Toll Brothers said that Toll Bros. sits on the Board of Trustees until build out and then a third party engineer reviews the plans prior to transitioning the infrastructure over to the association. Dave Bauer said that a built in assurance is that they need to be sure that a third party review will be able to accept the design as constructed.

Steve Quinn asked how the design conflicts with other utilities. Greg Roy said the main squeeze is at one location along the entrance to the loop where the minimum cover is 3 feet. Lori Clark asked what Places Associate's is worried about. Greg Roy said he believes it is whether the design can be constructed. Greg Roy said he has looked at and thoroughly vetted the design.

Ernie Dodd asked Kathy Sferra if they had reviewed the avigation easement. Kathy Sferra confirmed that they have.

Greg Roy described the vertical granite curb locations, noting they will be included at the roundings of the entrance and intersections. They will update the area to include vertical granite curbs in the location of the sidewalks.

Greg Roy described the purpose of a flocking swale, meant to knock down suspended solids.

Joe Mangiafico of 176 Boxboro Road asked if they would use a flocking swale at the entrance. Greg Roy noted that the low spot of the development is actually in the interior and that is where the majority of water will drain.

Recharge Calculations

Greg Roy said that in regard to not being able to fully meet the updated stormwater regulations from the time of the 2007 Special Permit, this is the only issue they cannot fully resolve. A large stormwater mangament area at the front of the site is going to function as a wet stormwater basin and under the new regulations, they cannot obtain recharge credits. Greg Roy said they have asked the Conservation Commission to accept that they have made an improvement over the previous plan as to recharge but have not come the entire way. Greg Roy said the con com has asked that they provide how they came to the decision in a memo.

Ann Deluty of 24 Arbor Glen Drive, said that the Board needs a certified arborist to pick out the best trees within an open space area, and it is worth having a certified arborist. Dave Bauer said they have spent a lot of time to refine the cut, fill and grading areas and tried to enhance the tree save area by boxing the areas in where they need full discretion on grading.

Greg Roy said that they are proposing street trees and that every typical unit will have a street tree. Greg Roy said the site clearing fairly minimal given the size of the site and that it will feel fairly wooded as designed.

Lighting

Greg Roy discussed the alterations that have been made to the plans around the entrance. Lighting will take place at the two interior intersections, the culdesac and along the roads at certain locations, totaling 6 streetlights. They are also proposing exterior lighting for individual lights on the dwelling units. Greg Roy submitted a cut sheet of the proposed lighting.

Phasing

Greg Roy noted that the project is proposed to be constructed in one phase. The only thing that may be delayed is the back loop, as the priority is to be able to reach the public water supply areas.

Ann Deluty of 24 Arbor Glen Drive Ann Deluty said many of the trees planted in Arbor Glen did not have proper irrigation and are dying as a result in the current drought. Ann Deluty said that the landscaping is not suitable to New England and there needs to be lights at the entrance for safety.

Dave Bauer said they do have plans to irrigate the entire development and they have a good track record on the types of trees that they plant in their communities. Regarding lighting, Dave Bauer said that his preference is also for a low voltage, soft downlighting at the entrance, perhaps at the sign, similar to a residential driveway.

Patrick Holmes of 241 Boxboro Road said he appreciates toning down the lighting and perhaps something similar to what Dave Bauer just explained would be more appropriate at the entrance. Lori Clark asked why the street light entrance should be lit at this particular spot, when they are not lit other places in Town. Patrick Holmes said that it is a busy road with new traffic expected, plenty of trucks and his concern is how this development will impact traffic patterns all the way down to Route 117. What will be done to make sure that the roads can support this?

Joe Mangiafico asked what the plans are for trail development in the open space. Joe Mangiafico said that a 50' buffer for the open space is not wide enough with the close proximity of the abutting homes.

Joe Mangiafico asked where the snow would be piled and whether fire apparatus could make it around the West View Lane intersection in the winter. Don Mcfarlane asked about the wells confirming that the maximum flow is 10,000 gallons. Don Mcfarlane said that when that is added to the irrigation well it seems like there could be an issue with wells going dry. Most of the wells are 200 feet although there is a 30' and 70' foot well in the area. Is the total impact of the entire development being looked at?

Atli Thorarensen of 249 Boxboro Road said that whatever lighting is added at the entrance, he would appreciate that it is appropriate to the neighborhood and not overly bright. Is it inappropriate to add a three way stop to the intersection?

Walking Trail

Atli Thorarensen said that as the current walking path to Minuteman Airfield is designed, the walking path would cross the bridge, which is the most dangerous section and that the walking path should be put behind the bridge and off of the road. Atli Thorarensen said that it appears that the path looks like it is pushed far into the woods and looks like it is crossing through the wetlands.

Greg Roy said that they are not asking the Board to modify this portion of the permit. The historical intent of the walking path is to allow people to walk the footpath in the woods rather than walk the edge of the pavement. Greg Roy said the path would have a natural surface and he does recognize the safety concern, although the intention was to improve the overall situation. Greg Roy said the guardrail will likely not be able to be moved because it is a stone top.

Atli Thorarensen said that adding some sort of barrier or fence could potentially help the situation, but directing people toward a hazardous situation is not a good idea. Patrick Holmes said that the path would be a benefit but the bridge is the most dangerous part of the stretch.

Greg Roy said that that the trail is included in the order of conditions and is approved to be built. Greg Roy said that a wooden footbridge in that location would be a 20 – 25' span.

Lastly, Greg Roy said he believes that people will drive to the airfield rather than utilizing the sidewalk path.

Ann Deluty said that the Arbor Glen well for a 10,000 gallon per day flow went dry in August and they needed to use reserve capacity. Joe Mangiafico asked whether in drought situations, could they limit the amount of the water withdrawn for the irrigation wells? Dave Bauer said they are going through a process with the DEP currently.

Mark Jones, an abutter, said that any improvement to the pedestrian conditions would be helpful.

Ernie Dodd said that he believes the Board needs to take a look at the issue of the walkway crossing over the bridge.

Len Golder said there should be some soft, low voltage lighting at the entrance. Len Golder said that there could be water restrictions in the case of drought conditions. Len Golder said that traffic safety issues are present now and what kind of road safety conditions can be added?

Maragaret Costello said that progress lighting with 100 watts on 66 units is not appropriate for Stow, and could be much more efficient.

Lori Clark said that there is some concern on how to mitigate erosion control in a single phase project. Greg Roy said that they will have to adhere to the Stormwater Pollution Prevention Plan. Dave Bauer said that one of the challenges is that the single family homes and the Town Homes represent two different buyers and they want to be able to service both of those buyers and they need to build the road and make the connection to the well area. Dave Bauer said that the erosion control issues are understood and they will be adhered to.

Ann Deluty said low voltage downlighting could help delineate where the curves are in the road. Lori Clark said that they do not light streets signs at every other street in Stow. Ann Deluty said that in some locations, with landscaping and lighting, you can tell there are roads intersecting. But Boxborough road is windy, dark and the trees come right to the road.

The Planning Board discussed whether they believed the hearing should be kept open for further information to be gained on the Boxborough Road footpath.

Ernie Dodd said he believes some of the issues raised by Sue Carter could be further looked at by keeping the hearing open. Greg Roy reiterated that one of Sue Carter's main comments were in regard to construction details rather than regulatory ones. Len Golder said that he believes that it would be helpful to see Sue's comments before closing the Public Hearing. Meg Costello asked if the engineers could add to the documents a note where there is a problem that should be analyzed during the construction process. Greg Roy noted that it is pretty clear on the plans where the pinch points are.

Meg Costello said she would like to see an updated lighting plan. Meg Costello said that she does not believe this lighting is in the spirit of the bylaw. Lori Clark said there are conditions around lighting that can be added to the decision and it is important to know where there is an opportunity for new information that the Board can act on or whether any amendments are something that can be conditioned as part of the Decision.

Several members believed the outstanding items could be conditioned in the Decision. Len Golder said he believes there needs to be more input from Places Associates.

Dave Bauer said that one potential solution is the use of a third party peer review during construction to report back to the town that the infrastructure is installed correctly.

Ernie Dodd said one condition in the event of a water emergency due to drought is that they can be asked to conserve water.

Steve Quinn moved to close the Public Hearing for the Regency at Stow Special Permit Modification at 305 Boxboro Road.

Ernie Dodd seconded.

VOTED: (4-1) In favor (Lori Clark, Margaret Costello, Ernie Dodd, Steve Quinn in favor - Len Golder opposed).

Arbor Glen Landscape Modification Discussion

Present:

Arlene Roberts and Ann Deluty

Ann Deluty showed several photographs of pillars and fences as proposed ideas for improvements to the entrance of Heather Lane to allow it to appear cohesive with Arbor Glen Drive's entrance. Ann Deluty said that they would like to have the a pillar with a swag or a pillar and a split rail fence to provide a cohesive look.

The Board said that this would likely require only a minor modification to the permit. Lori Clark said that the main concern is that any of the landscaping work and the sign is in the right of way. Mark Jones asked if the sign could be smaller to match the bylaw. Ann Deluty said that they would have it changed if necessary.

Lori Clark said that renderings would be acceptable to include as long as the original engineered drawings, showing the proposed amendments, are included in the application package. Lori Clark noted that the Applicant could work with the plans to show the right of way boundary on the renderings. Lori Clark said she would like to see the measurements

of the proposed sign. Lori Clark said that if lighting is being proposed they would need to see details on the specification of the unit and the location of the lighting.

Ann Deluty and Arlene Roberts discussed the proposed fence along the property of 77 Hudson Road. Both property owners are in agreement. Lori Clark does not see this as being any detriment as long as both property owners are in favor.

Ann Deluty said that the fence will be beige in color.

Public Hearing

Amendments to the Planned Conservation Development Rules and Regulations

The Planning Board discussed the Amendments to the Rules and Regulations for Planned Conservation Developments, which will bring the Rules and Regulations more in line with the bylaw, which was updated at the May 3, 2016 Town Meeting.

Ernie Dodd moved to Close the Public Hearing for Amendments to the Rules and Regulations for Planned Conservation Developments.

Steve Quinn seconded.

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

Ernie Dodd moved to approve the Stow Planning Board's Rules and Regulations for Planned Conservation Developments as modified and reviewed.

Steve Quinn seconded.

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

65 White Pond Road Contractor's Yard and Erosion Control Special Permit, Site Plan Approval and Earth Removal Permit Decision Deliberation

The Board discussed the draft decision for 65 White

Ernie Dodd moved to approve the Earth Removal Permit, Site Plan Approval, Erosion Control and Contractor's Yard Special Permits for 65 White Pond Road as amended.

Steve Quinn seconded.

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

Meeting Adjourned,

Respectfully Submitted,

Jesse Steadman