

TOWN OF STOW  
PLANNING BOARD

Minutes of the February 21, 2017 Planning Board Meeting

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

Voting Associate Member: Mark Jones

Absent: Len Golder

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

**Discussion of Meeting Minutes**

**Minutes of February 14, 2017**

*Ernie Dodd moved to approve the minutes as amended.*

*Steve Quinn Seconded.*

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

**Public Input**

None.

**Member Updates**

None.

**Correspondence Updates**

Lori Clark noted the correspondence between the Town's consulting engineer and the applicant at Jillian's Lane, saying that the applicant needs clarity that no temporary access road will be built, and the decision from January holds.

**Planner's Report**

*Zoning Amendments*

Jesse Steadman said that a list of amendments has been compiled based on past discussions. This list includes smaller zoning and rules and regulations fixes.

*Gleasondale Bridge*

Jesse Steadman reported that Howard/Stein-Hudson has been hired by the design consultant for the Gleasondale Bridge redesign to lead public outreach efforts. Jesse

Steadman has reached out to them to find out who the project lead is to begin coordinating with our Planning efforts to date.

#### *Solar Decision*

Jesse Steadman said that he is drafting the decision for the reissuance of the Commercial Solar Photovoltaic Renewable Energy Installation Special Permit. The Planning Board discussed whether a bond or an escrow agent would be best for this project.

#### *Annual Report*

Jesse Steadman said that a draft of the Planning Department Annual Report is in the packets for any feedback or questions.

#### *Complete Streets Request for Proposals*

Jesse Steadman said that the Complete Streets RFP is almost finished. The RFP is for a town-wide prioritization plan, supported with reimbursable funds. A warrant article will need to pass at Town Meeting to move forward with the plan.

#### *Municipal Separate Storm Sewer Systems (MS4) Permit*

The new MS4 permitting requirements are significant, and staff are trying to figure out the timeline, and what is required as part of the municipal stormwater management is.

Mark Jones noted that the CPC may want to be informed of this through an updated 5 year plan. Ernie Dodd suggested updating rules and regulations to help with MS4 data gathering.

#### *Stow Women's Business Alliance*

Jesse Steadman said that staff met with Jenn Gero of the SWBA. Nearly 20 local business owners have joined and meet regularly to discuss their progress.

#### *Accessory Apartments*

Staff discussed what types of improvements could be made to the bylaw given the new recommendations in the Housing Production Plan and the likelihood that Zoning Reform will be advancing again this year with by-right provisions in the bill.

### **Zoning Bylaws and Rules and Regulations Amendments**

Jesse Steadman reviewed proposed Zoning and Rules and Regulations amendments. The Planning Board discussed including language in the Active Adult Neighborhood bylaw to clarify unforeseen circumstances in which a spouse under the age of 55 becomes the sole resident.

### **Regency at Stow- Legal Documents and Construction Entrance**

Mark Jones recused himself as an abutter to Regency at Stow.

Jesse Steadman reviewed the recent revisions to the legal documents for Regency at Stow. The language on the Performance Bond needs slight revisions. The Restrictive Covenant needs some clarity in its description of Open Space, as there is a parcel to be deeded to the Conservation Commission as well as Open Space that is common land associated with the Condo. As the ownership also dictates maintenance, the entity that has the right to complete certain tasks and work should be made clear.

Jesse Steadman said that per the 2007 decision, the Master Deed needs to include a statement that Affordable Housing purchasers shall have all the rights, privileges and responsibilities given to owners or renters of market rate units.

*Britton Bradford of Toll Brothers* clarified that for all residents, the condo fee is a proportion of what they pay for the house; owners of affordable units effectively pay a reduced condo fee. Affordable unit owners have the same voting rights as other residents.

Jesse Steadman said that the language on the Master Deed also does not include the Planning Board in its description of modification or addition of future project phases. Lori Clark said that this language could be interpreted to refer to future units built, beyond those in the plan. Ernie Dodd said that termination of the condo association must be approved by the Planning Board, and language should be added on the Master Deed as such.

Jesse Steadman said that the Declaration of Trust should be amended in Section 5.14, regarding the right to phase in additional units, to show that any expansion of the project requires Planning Board approval.

Mark Jones noted that the Declaration of Trust places Toll Brothers in control of the Trust until the last unit is sold, and asked if the Board is comfortable with this, as Toll could remain in control potentially for years. Lori Clark agreed that this has happened in other developments, and that a timely change of control is preferable. Britton Bradford agreed, saying that homeowner involvement up front is important to Toll as well, and that sales are proceeding quickly so far.

Jesse Steadman said that the Board of Selectmen will review the Open Space parcel donation at their meeting on February 28<sup>th</sup>.

#### *Temporary Access Road Update*

Jesse Steadman said that the cistern has been installed, and that Sue Carter, the Town's consulting engineer, went to the site and saw that things are going well. Sue Carter mentioned the temporary access, and determined that trucks were not tracking materials onto the road.

Lori Clark said that the temporary access road is concerning, as it was not on the approved plan, so no public comment could be taken. From the public hearings, the location of the temporary access, a cart path to the south of the stated entrance, was an initial concern for abutters, before the entrance was marked. Lori Clark said that the contractor should be knowledgeable of abutter concerns.

Britton Bradford explained the reasoning for using a temporary access is to install the cistern, which is located at the main entrance. The cistern needs to be backfilled and tamped so that vehicular traffic can use that part of the road.

Lori Clark said that the use of the temporary access needs to be clear to abutters- the timeline, hours, and resources as necessary. Britton Bradford agreed to clarify the timeline of its use in the coming days.

*John Colonna-Romano of 233 Boxboro Road* asked about the condition that the temporary access road will be left in. Britton Bradford said that it will be stabilized and left as close to its prior state as possible.

Lori Clark asked for clarification on why the temporary access was needed. Britton Bradford explained that large trucks can't adequately make turns at the primary entrance, as it is in close proximity to the sales trailer and recent snow has thinned the entrance. Lori Clark noted that it appears to be the speed of development, which is under control of the applicant, that is creating the need for the temporary access.

John Colonna-Romano said that his concern is with the proximity of his driveway, as plows and trucks working at the development back into his driveway. John Colonna-Romano said that the woodchips added to the access are working. He agreed that the applicant should've come to the Board before using the temporary access road, and it is preferable that it is cleaned up and no longer in use within the next week.

Lori Clark asked the applicant to confirm that work will cease on the access road in 5 days or fewer, and asked for further information regarding what will be done to restore the access. The Board agreed that should the temporary access be used for more than 5 days, the conversation will be continued at the next Planning Board meeting, until which time the use of the access would cease.

The Board also discussed that this issue should be explicitly stated in all decisions- that no temporary access road shall be used, other than any shown on the plan.

### **Lower Village Improvement Project Discussion**

Jesse Steadman provided a brief update on the Lower Village project, noting that a contract with consultants at Howard/Stein-Hudson has been signed, and they have been provided

with a list of updates on the project that the planning department has progressed on over the past few months.

Jesse Steadman said that the intention is to get to bid for a contractor in late April.

**Executive Session- In Accordance with M.G.L. Ch.30A s.21 for purposes of discussing ongoing litigation**

Lori Clark stated that the last agenda item is an executive session, as public discussion would be detrimental to the litigation.

*Ernie Dodd moved to enter into Executive Session to discuss ongoing litigation and adjourn the regularly scheduled meeting of the Planning Board thereafter.*

*Steve Quinn Seconded.*

**Roll Call Vote: Lori Clark – Yea; Margaret Costello – Yea; Ernie Dodd – Yea; Steve Quinn – Yea.**

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys