

TOWN OF STOW  
PLANNING BOARD

Minutes of the June 27, 2017 Planning Board Meeting

Planning Board Members Present: Ernie Dodd, Margaret Costello, Len Golder, Karen Kelleher

Associate Members: Mark Jones, John Colonna-Romano

Absent: Lori Clark

Ernie Dodd called the meeting to order at 7:00pm.

**Discussion of Meeting Minutes**

**Minutes of June 20, 2017**

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

*Margaret Costello Seconded.*

**VOTED: 3-0 Unanimously in favor (Ernie Dodd, Margaret Costello, Karen Kelleher-Yea).**

**Executive Session Minutes of June 20, 2017**

*Margaret Costello moved to approve the minutes as written.*

*Len Golder Seconded.*

**Roll Call Vote: Ernie Dodd- Yea; Len Golder- Yea; Margaret Costello- Yea; Karen Kelleher- Abstained.**

**Public Input**

None.

**Member Updates**

Mark Jones recalled a Supreme Court Decision from last week, Murr v. Wisconsin, regarding takings and merging of lots under common ownership. Their Decision upholds Massachusetts' lot merger doctrine, as it found there was no taking.

Regarding the Eversource Transmission Line Filing, Ernie Dodd said that Hudson's Conservation Commission supported the underground route along the road.

Karen Kelleher said that the Stow Elderly Housing Commission received a letter from an abutter to the project, and they are working on a response. The Board discussed inviting a representative from SEHC to a future Planning Board meeting to discuss the project and offer input.

## **Planner's Report**

### **Verizon**

Jesse Steadman reported that he sent a letter to David Vivian regarding the submission of a Site Plan Approval Application to the Planning Board and is awaiting a response. Jesse Steadman indicated that the Eligible Facilities Request would need to be processed by August 9<sup>th</sup> to be in compliance with Federal Law. If the Verizon representative complies with the request, a meeting with the Applicant could be scheduled later in July.

Len Golder arrived.

### **Gleasondale Bridge Redesign Listening Sessions**

Jesse Steadman noted that Planning Staff sent out another round of notices to residents that the bridge redesign listening sessions will be taking place this week in Town Building.

### **Plantation Apartments II**

Jesse Steadman said that there is correspondence in the packets regarding concerns on the Plantation Apartments II application. Jesse Steadman said he and Valerie Oorthuys will be preparing a letter regarding the requested waivers to be submitted to the Zoning Board of Appeals in time for their first hearing.

### **Space Use Feasibility Committee**

Jesse Steadman said that he is close to finalizing a draft final report for the Town Building Space Use Feasibility Study Committee. Jesse Steadman said he will be recommending to Committee members that the draft report is shared with Town Departments and Board's prior to submission to the Selectmen.

### **Planning Board Goals**

Jesse Steadman reported that he and Valerie are updating a document to facilitate the discussion of Planning Board goals, including current obligations, Master Plan implementation initiatives, and other items that the Board has expressed interest in pursuing. Jesse Steadman said he hopes to schedule a working meeting for late July.

### **Sign Bylaw Recommendations**

Jesse Steadman said he and Valerie Oorthuys had an effective meeting with the EDIC and are working toward targeted recommendations regarding updates to the Sign Bylaw.

### **Legislative Update**

Jesse Steadman said that the legislature is considering amendments to the Recreational Marijuana law but it is uncertain whether there will be any changes prior to the summer recess. Jesse Steadman noted that there has been no chatter regarding Zoning Reform, and upon returning from vacation he will touch base with one of the representatives from Massachusetts Association of Planning Directors to get a detailed update for the Board.

### **Highgrove Estates Restrictive Covenant Approval**

Jesse Steadman said that the Restrictive Covenant is not prepared for tonight's meeting, though Town Counsel will be fine with an amendment to a covenant. Jesse Steadman said that he is discussing language on the covenant with the applicant, and that he anticipates it will be ready by the next Planning Board meeting.

### **Delaney Solar Escrow Agreement Approval**

Jesse Steadman said that Town Counsel was fine with the changes made to the escrow agreement, and would like a Massachusetts Key Bank location to be included on the notice of address should anything happen, for an extra layer of protection. Jesse Steadman said this would likely be back on a Planning Board agenda in mid-July.

### **Lower Village Traffic Improvement Project**

Jesse Steadman discussed a draft schedule received from the consultant detailing what the bid schedule is going to be. Jesse Steadman said that right of way agreements along Great Road are still being finalized, and consultants at Howard Stein Hudson said that those will need to be shown by the notice of award. The Planning Department will need to send the notice to the local paper, but Howard Stein Hudson will prepare the notice for the Central Registry, as well as collect all bids and score them.

### **Jillian's Lane**

Jesse Steadman said that the Board of Selectmen will discuss a permit for the removal and relocation of a utility pole on Walcott Street at Jillian's Lane.

Jesse Steadman said that he had received complaints from abutters to Jillian's Lane regarding the use of the temporary construction access.

## **Public Hearing**

### **Spring Hill Estates- Reissuance of Erosion Control Special Permit and Site Plan Approval, 117 Walcott Street**

*Karen Kelleher moved to waive the reading of the Public Hearing notice.*

*Margaret Costello Seconded.*

**VOTED: 4-0 Unanimously in favor ( Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher- Yea).**

### **Present:**

*Greg Roy, Ducharme and Dillis*

Greg Roy stated that the Definitive Subdivision and Erosion Control Special Permit and Site Plan Approval for Spring Hill Estates were filed concurrently, and signed by the Town Clerk on April 30, 2015. Greg Roy said that there are no changes to the project, and the applicant is not proposing any modifications. Spring Hill Estates is a four lot subdivision, including the existing home, which has been sold. Access and drainage have not changed. Greg Roy said that there is an interested buyer for all four lots. Greg Roy noted that he did not

believe there had been any changes to the regulations in that time, and respectfully requested that the permit be reissued.

*Alex Zakizewski, of 3 Colburn Circle,* asked about drainage on the site, noting that there has been ponding at the old culvert on Walcott Street in recent heavy rains. Greg Roy said that the plans include two detention basins that will collect runoff on the downhill slopes, and that the site cannot discharge more runoff after development than is currently discharged. Greg Roy said that he is aware that the culvert is an issue.

*Bryan Sailor, of 117 Walcott Street,* asked if there are any additional permits the project would need to begin. Ernie Dodd responded that the Town's consulting engineer would do inspections, and that the Building Inspector would issue house construction permits.

Bryan Sailor asked about the fire cistern in the turnout on Pennie Lane. Greg Roy responded that it is a large cistern, at 30,000 gallons. The proposed cistern is static, and the only above ground feature would be the connection point for the Fire Department.

Bryan Sailor asked whether road improvements to Pennie Lane are required for construction of the homes. Greg Roy responded that the decision includes trigger points for improvements, the bulk of which must be completed before the first occupancy permit.

Bryan Sailor asked about the timing of the land sale and construction. Greg Roy said that the sale is expected to close soon, and that building and septic permits are needed for construction on each lot. The septic permits have not been obtained yet.

*Bill Maxfield, of 89 Walcott Street,* said that Walcott Street has development of two subdivisions, including Spring Hill Estates, and wondered about the condition and maintenance of the street itself. Ernie Dodd said that the Highway Superintendent would be able to best address that question.

Bryan Sailor said that he would be in favor of having a telephone pole outside of 113 Walcott moved, if possible. Ernie Dodd noted that there is a permit before the Board of Selectmen regarding moving the telephone pole as part of the Jillian's Lane subdivision. Bill Maxfield said that there is vegetation that needs to be trimmed back to the telephone pole there to improve sight distances.

Bryan Sailor asked about the infiltration system's capacity for handling drainage. Greg Roy said that there are requirements to infiltrate a certain volume, to approximate what is infiltrated in the existing system.

Karen Kelleher asked about the land under agreement, noting that aside from the 4 lots, there is additional remaining land. Greg Roy said that there are three parcels of land at 117 Walcott that were not part of the subdivision, Lots A, B, C, and the 4 housing lots. Greg Roy said that Lot A will be restricted as Open Space, though he is unsure about what will happen with Lots B and C, whether they will be retained by the owner or conveyed.

Bryan Sailor asked if Lots B and C are considered buildable. Greg Roy said that they would be buildable if Pennie Lane were improved to subdivision road standards. Ernie Dodd said that the plan shows four housing lots on a paper road, as the bylaws allow common drives, which cuts down on impervious surfaces yet restricts having additional roads, as they wouldn't have frontage. Mark Jones noted that new homeowners at Spring Hill Estates would not be allowed to have accessory apartments either, and the decision restricts traffic on that road.

*Charles Jowett, of 118 Walcott Street,* asked if the only construction access will be Pennie Lane. Greg Roy said yes.

*Mark Bauersachs, of 5 Patriot Lane in Hudson,* asked if there would be any impact to the homes at Patriot Lane. Greg Roy said that in Hudson, those homes are at a higher elevation, and that the southerly side of Spring Hill Estates comes down to a valley and then back up to the Patriot Lane culs-de-sac. Mark Bauersachs asked if Lot C is stranded. Mark Jones said that a road would have to be built through Stow or Hudson to access Lot C.

*Len Golder moved to close the Public Hearing for the Reissuance of the Erosion Control Special Permit and Site Plan Approval for Spring Hill Estates.*

*Margaret Costello Seconded.*

**VOTED: 5-0 Unanimously in favor (Ernie Dodd, Len Golder, Margaret Costello, Karen Kelleher, Mark Jones- Voting Associate Member, - Yea).**

### **Discussion and Vote- Crow Island Trapeze Installation Special Permit and Site Plan Approval**

The Board discussed the Decision for the Trapeze Installation Special Permit and Site Plan Approval.

The Board agreed to waive half of the application fee, after consideration of staff time and advertisement fees.

The Board discussed hours of operation for the Trapeze school. The Board agreed to only note a start time of the last class of the day, so that the time it takes to close the site may be flexible. The Board recognized that any concern with the locked gates on Track Road can be worked through with the owner.

Regarding access and on-site safety, Ernie Dodd said that the decision should include more specificity around signage, including on-site directional signage and active runway signage. The Board agreed that a sign at the entrance of Track Road at White Pond Road should state 'Revolution Trapeze' and that another sign stating an advisory speed limit of 10mph and yielding to other users of the road should be placed within the first 100 feet of Track Road.

The Planning Board agreed to add a finding that the gravel parking area can accommodate more parking, in the case of special events.

Len Golder said that the decision should include language around minors needing to be accompanied by adults.

The Board agreed that Revolution Trapeze's emergency procedure should be annually reviewed with Public Safety Officials in Stow and that the Planning Board reserves the right to an annual review of the Special Permit.

*Len Golder moved to approve the Special Permit and Site Plan Approval for the Crow Island Trapeze Installation, as amended.*

*Margaret Costello Seconded.*

**VOTED: 4-0 In favor (Ernie Dodd, Len Golder, Margaret Costello, Mark Jones- Voting Associate Member, - Yea; Karen Kelleher Abstained).**

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

Ernie Dodd 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.*

*Margaret Costello Seconded.*

**Roll Call Vote: Ernie Dodd – Yea; Len Golder– Yea; Margaret Costello – Yea; Karen Kelleher- Abstained.**

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys