

MINUTES
ZONING BOARD OF APPEALS
MAY 13, 2013

The meeting was held in Stow Town Building and began at 7:30 p.m. Board members present were Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (Associate) and Andrew DeMore (Associate).

Bentley Building Corp. – The public hearing was held in Stow Town Building and opened at 7:30 p.m. to hear the petition of **Bentley Building Corp., 233 Independence Road, Concord, MA** under Section 8.5.7.1 of the Zoning Bylaw, "Dimensional Requirements", for Variance from the requirement for a common driveway with Lot 28 Dunster Drive to allow a separate driveway to **Lot 27 Dunster Drive**. The property contains 52,131 sq. ft. and is shown on Stow Property Map R-5 as Parcel 80.27.

Board members present: Edmund Tarnuzzer, Michele Shoemaker, Charles Barney (Associate), Andrew DeMore (Associate).

Mr. Tarnuzzer chaired and read the notice of hearing as it had appeared in the *Beacon Villager* on April 25 and May 2, 2013. The hearing notice had been forwarded to all abutters by certified mail, return receipt. Abutter Gary Horowitz of 41 Lowell Drive was present. Mr. Tarnuzzer recited the criteria to be met for grant of variance. He noted that the absence of a full board of five members will result in a unanimous decision by the four members hearing the petition. Mark White representing the petitioner wished to go forward with the hearing.

Mr. White noted that Lot 27 is within a Planned Conservation Development approved by the Planning Board. The lot has fifty feet of frontage. Section 8.5.7.1 states that minimum frontage shall be 100 feet which may be reduced to 50 feet if the lot is served by a common drive. The lot is unusual in shape. The 50-ft. rear property line setback requires that the house will be held forward on the lot. A common drive with Lot 28 will result in much paving across the front of a house on Lot 27. Mr. White said there has been interest in the lot but potential buyers do not favor the common drive arrangement. The Planning Board has voted to support the request for variance. It was said that abutters feel a common driveway is not in keeping with the rest of the subdivision. Mr. White noted that a fifty-foot wide emergency access road connecting to Sylvan Way to the left of Lot 27, if not required, would have provided the 100-ft. frontage. As shown on the plan, the proposed drive will be sited several feet away from the emergency access road.

The hearing was closed at 7:40 p.m.

Following the close of the hearing, the members determined it was not necessary to conduct a site visit and they were ready to vote. Mr. Barney moved to grant the requested variance to allow a separate driveway to Lot 27 Dunster Drive with frontage of 50 feet rather than the requirement of Section 8.5.7.1 for a minimum of 100 feet of frontage. Second by Mr. DeMore. All voted in favor of the motion to grant the variance.

Villages at Stow – Consultant Susan Carter of Places Associates had received a request from Habitech for an inspection for Phases 2 and 3 toward a bond reduction. There is still a bond in place for Phase 1 which she recommends remain in place until as-builts have been accepted. As-builts are in preparation but the bonds need to reissue in May. Ms. Carter recommended the following: Phase 1 bond of \$22,950 to remain as approved by the ZBA on October 25, 2010; Phases 2 and 3 reduced to \$40,000 from the

current \$117,013 from May 5, 2010. On motion of Mr. DeMore, second by Ms. Shoemaker, it was voted unanimously to accept the recommendations of Ms. Carter of Places Associates.

Pilot Grove II – The Board met with representatives of Stow Community Housing Corp. to review plans for the Pilot Grove II project for which a Chapter 40B Comprehensive Permit had been granted: Peter Munkenbeck, Greg Roy of Ducharme & Dillis Civil Design Group, Andrew Stebbins of The Architectural Team, Ellen Cataldo, Gregory Jones, Steve Dungan, Jeffrey Smith. Mr. Munkenbeck led the discussion and referred to the "Response to Peer Review Comments" that had been prepared by Mr. Roy responding to consultant Susan Carter's comments in her letter of April 25th following her review of the latest plans. For convenience, the original comments were included with responses in bold and color-coded as they applied to the ZBA, Conservation Commission, Board of Health and public water supply.

(1) The plans indicate only one dumpster area. *Response:* The plans indicate two dumpsters. No change from the initial plans as part of the Comprehensive Permit approval.

(2) No information on the sight or stopping distances has been provided. *Response:* An exhibit plan has been prepared showing the sight stopping distance in both directions along Warren Road.

(3) There are currently four parking spaces on slopes greater than 5%. Ms. Carter notes there are five spaces on greater than 5% slopes and three along 10% slopes. *Response:* There is no change from the initial plans. There is concurrence that the limited number of spaces with slopes in excess of 5% is not ideal, however, ownership feels the spaces as proposed will not inhibit the daily operation of the site in a safe manner.

Drainage Design:

(1) To be discussed with the Conservation Commission.

(2) The drainage plan does not consider existing drainage from Pilot Grove into the system on Warren Road. *Response:* There was an analysis to predict peak flow of a 10-yr. storm discharging from PG I to the pipe crossing West Acton Road. The existing drainage in Warren Road with a 24" pipe appears to have in excess of the required capacity.

(3) Drainage flowing in the stone swale on the right side of Warren Road should not be directed onto the roadway. Recommendation that a similar swale be created on the left side of the new roadway. *Response:* The runoff from the area in question is being directed through a pipe inlet to CB-2. The area between the proposed wall and the road will be used for winter snow storage. Revised plans will be provide additional details to clarify the proposed design.

(4) and (5) For Conservation Commission

(6) With the exception of CTB-4, all inlet structures are drop inlet structures, i.e., concrete slabs with inlets on the sides. Recommendation that erosion control at those structures be reviewed to maintain flows so that water does not back up onto the roadways. *Response:* Additional erosion control measures/notes will be added to the Erosion Control Plans to mitigate concern for the drop inlet structures along West Acton Road and Boxboro Road.

(7) For Conservation Commission

Comments relative to the Subsurface Storm Water Detention Areas:

(1) and (2) Testing for the septic system indicates ground water at depths of 20" to 27". No testing has been provided in the area of the storm water detention areas, so it is assumed that it is similar. *Response:*

Soils in the vicinity of the detention areas are consistent with soils on the rest of the drumlin. Soil testing consistent with requirements of Title 5 was performed for septic system areas and showed an estimated high groundwater table at approximately 24". It is believed they have met the 2' groundwater offset.

(3) Elevations for Pond 2P – Pond 1=Storm water detention area 1 do not relate to the elevations on the plan. *Response:* There are things on the plan that are unclear, and they will be clarified.

(4) Calculations for Pond 2 show a 2" orifice. Details show a 1". Calculations should show the routing via the 12" overflow to outlet. *Response:* The plan will be revised.

(5) Plans should show that "all drainage structures shall be functional at binder course of pavement". *Response:* That note has been added to sheet C.6.01.

(6) The plan shows a proposed easement of the drainage basin on the opposite side of West Acton Road. Easements across Pilot Grove I will be required for utilities, access and drainage facilities. *Response:* Easement plans have been prepared for the various rights that are required over and across Pilot Grove I.

(7) through (9) For others

Erosion Control and Wetlands Crossing and Restoration: For Conservation Commission

General Comments:

(1) and (2) Grading at the intersection is inadequate. *Response:* Spot grades at the intersection have been added for additional clarity. Configuration and grading has not changed from previously approved plans.

(3) The PG II sidewalk ends on Warren Road with a handicap ramp. ADA requires the ramp be matched with a similar ramp to the sidewalk on the opposite side of Warren Road. *Response:* Handicap ramps have been added to the plan as shown. The detail has remained unchanged.

(4) Turning radius at the cul-de-sac is very small and will not accommodate a SU-30 standard vehicle (fire truck). *Response:* An exhibit plan was prepared showing a turning movement of an SU-30 design vehicle and a 45-ft. ladder truck. There appears to be room for a conventional three-point turn movement.

(5) Snow storage areas should be designated on the plans so they are not in conflict with landscape plantings. *Response:* Snow storage will be along roadways and in green spaces as required and was taken into account during landscape design.

(6) No fire cistern is shown on the plans. *Response:* The owner's opinion is that the site satisfies public safety concerns. Sprinklers in compliance with fire protection codes are included in all buildings. It is required that a two-day of water is required of a public water supply with two 8,000-gallon tanks. One of those tanks could be used temporarily. It was noted there was no comment from the Fire Department.

Septic System: For Board of Health

Water System: For Dept. of Environmental Protection Agency Drinking Water Division

Representatives of the Pilot Grove II project were to meet with the Conservation Commission on May 14th. Those issues will be addressed in the Commission's Order of Conditions. The Board of Health will issue its orders with regard to the septic system. Copies of both orders are to be received by the ZBA. Mr. Munkenbeck noted that DEP approval concerning the public water supply is expected

shortly. Revised plans as previously noted will be prepared and submitted to the Board, Ms. Carter and others.

Mr. Munkenbeck agreed to an extension of the review process to June 3rd. The next meeting on the Pilot Grove II Comprehensive Permit project will be held on Monday, June 3rd, 2013 at 7:30 p.m. It was hoped that further comments from Ms. Carter and reports from the Conservation Commission and Board of Health would be available to the Board in order to complete the review process. Mr. Munkenbeck pointed out a timing factor for the applicant that could preclude a further extension of the review.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board