

MINUTES
ZONING BOARD OF APPEALS
JUNE 3, 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 William Byron (Associate).

Pilot Grove II – The Board met with representatives of Stow Community Housing Corp. to continue review of the Pilot Grove II project plans for which a Chapter 40B Comprehensive Permit had been granted in December 2010: Peter Munkenbeck, Attorney Rita Schwantes of Klein Hornig, Greg Roy of Ducharme & Dillis Civil Design Group, Ellen Cataldo, Deborah Woods, Jeffrey Smith, Steve Dungan. Also present were Susan Carter of Places Associates and Building Inspector Craig Martin.

The Board had been in e-mail receipt of a set of revised plans with a May 30th revision date. The members noted there was no indication on any of the plans of what had been changed. In any case, the size of the plans made them very difficult to read. Full-size plans were requested. Mr. Munkenbeck said that since the May 13th meeting, replacement drawings had been prepared. Mr. Roy added that the revised plans reflect and are in accord with discussions on May 13th to address the peer review comments of Sue Carter. They later met with town department heads and Ms. Carter to review those revisions that are reflected in the latest plans.

Mr. Byron asked how many change requests were carried out. Mr. Roy responded that those questions were resolved. With regard to sight lines, Ms. Carter was given calculations, but there has been no response. Hydraulic calculations were revised. Mr. Byron said that the Board will rely on consultant Carter to advise it. Mr. Munkenbeck said that the plans before the Board have been reviewed by experts. There are existing conditions before ground is broken. He believed the project is at that stage in the process. The plans submitted are consistent with those already approved. Mr. Byron commented he had visited the boards with interest and felt they were satisfied with the plans.

Mr. Byron noted the "one way in, one way out" scheme. He felt the turn-around at the end of the roadway will not accommodate a single turn by a fire vehicle. Mr. Munkenbeck pointed out the design is part of the plan that was previously approved with Chapter 40B Comprehensive Permit issuance. The Fire Department apparently had no problem with it. The vehicle can pull up, then back up and continue the turn. To enlarge the turn-around will require more disturbance of the site. Any change will require expense, engineering and otherwise.

Mr. Tarnuzzer turned the discussion to water supply for firefighting and asked if there will be a dry hydrant. SCHC member Jeffrey Smith replied there will be with a 130,000 gallon capacity. There will be 16,000 gallons of water on the site. There will be a set-up for the Fire Department to connect upon arrival. Ms. Carter said she could not comment on the water supply, but questioned pumping water uphill from Ministers Pond. Mr. Smith, a past member of the Fire Department, felt that a single pumper should be sufficient. One of the two water storage tanks on site will be made available. Mr. Smith added that the department carries 4,000 or 5,000 gallons on wheels. The design reflects what is required in accordance with the State Fire Code. 2,500 gallons are in the system for the five buildings. Ms. Carter noted that sprinklers are meant for life safety in order to evacuate people.

Ms. Carter noted that at night the parking spaces adjacent to the buildings would be filled. If there was an emergency, the driveway would be partially blocked to police and fire vehicles. The 20-ft. wide drive is not adequate to maneuver. Also there would be no space for bladder water storage for firefighting.

Ms. Carter asked the Board what will be expected of her during construction as relates to inspection. She felt a complete as-built plan of the site will be required to reflect all utilities. Mr. Munkenbeck responded that will be produced. As to parking, he said that 1-1/2 spaces per unit have been planned based on the Pilot Grove I operation data. There are two and three-bedroom units and no one bedroom. Asked if the number of cars per unit could be restricted, Mr. Munkenbeck replied that anything was possible. It may be possible to build more than is needed.

Mr. Smith said that hard lessons have been learned with the development of Pilot Grove I. An owner's representative with experience with similar sites has been hired to deal with situations. He will be involved with the engineers and will conduct visits during the construction phase. Mr. Hill noted that the Conservation Commission will have people on the ground to supervise as relates to erosion control and other matters within its jurisdiction. Ms. Carter said she needs direction from the Board as to the frequency and level of inspection desired. Mr. Munkenbeck said they are committed to an expenditure of \$10,000 and could authorize another \$5,000. Ms. Carter said she needs a few more days to review the latest plans with Mr. Roy.

Building Inspector Martin reminded that the choice of contractor is very important. Mr. Munkenbeck responded that Pilot Grove I was much more of a challenge than Pilot Grove II with excavation and cutting. Ms. Carter recommended the septic system be fenced off to avoid damage by heavy construction equipment.

As regards electrical power, Mr. Roy said there would be a single service to each building with a utility closet for access by the Fire Department. Ms. Carter was okay with that. Mr. Martin said he would look into the open space above the third floor, but noted there will be sprinklers. He has yet to see the construction plans that will be needed for a building permit. He felt the turn-around is not compatible to Fire Department equipment. There could be snow storage there that would reduce its size. He recommended an increase of 15 feet in the diameter. Mr. Munkenbeck pointed out the 15% slope will require more disturbance of the site with a cut-and-fill project. Mr. Martin reminded there is a public safety aspect involved.

As regards site lighting, the applicant is requesting limited relief from the lumen bylaw. The light levels would be spread around a larger area of the site. The project is permitted for up to 200,000 lumens that is approximately 27,211 lumens per acre. It was suggested that the lighting scheme be shown on the plans, i.e., poles, etc. Ms. Schwantes said there will be lighting for safety as they have been advised. If no waiver were granted, they could probably make it work with less. Ms. Carter noted variations in lighting fixtures and advised consultation with the Planning Board. Mr. Munkenbeck replied that, at this point, there is no time and suggested either a vote up or down, subject to negotiation. The 45-day review period has already been extended to this meeting. They are asking the Board to create a window of conditions. He noted that not everything has been developed fully at this point. As with any project there are matters to be taken up later. There are aspects of this project that were not included with the original Chapter 40B approval. Mr. Roy added there will be no light spillage onto other properties. They are asking only for density relief.

Ms. Schwantes referred to the May 22nd communication from Klein Hornig with the subject "Insubstantial Changes to Project pursuant to 760 CMR 56.05(11)". The proposed second amendment to the Pilot Grove I Comprehensive Permit will conform to the new final plans for Pilot Grove II. The first amendment to the Pilot Grove II permit is to address changes in the project. It is proposed to incorporate by reference the new plans. Ms. Schwantes reviewed each of the changes. The Board will acknowledge and consent to the assignment of the permit to Pilot Grove Apartments II LLC as the new owner. There is a change in the number of bedrooms from 66 to 67. Additional waiver requests concern lumen output, sidewalk width and parking lot and driveway lighting.

Mr. Munkenbeck felt the applicant has provided everything that is required. To extend the review will cause delays in time and financial matters. Following Board approval there are many matters remaining to be taken care of. It is hoped by the middle of the week to complete this process and start the next.

Mr. Tarnuzzer asked the members if there is agreement that the proposed amendments are insubstantial to be accepted with a simple vote. Ms. Carter said that 5-ft. wide sidewalks are standard, and the request is for 5-1/2 feet. She had concern with the turn-around and water supply. Mr. Munkenbeck did not believe that is properly before the Board as they are on the original plans. In response to the question if they are willing to accommodate a larger turn-around, Mr. Munkenbeck said they were. It will be shown on the plans and considered in the drainage calculations.

As regards the lighting, Mr. Tarnuzzer suggested approval subject to confirmation of the Planning Board. Is there agreement that the proposed amendments for Pilot Grove II are minor and insubstantial? Ms. Shoemaker moved to accept the First Amendments to Comprehensive Permit for Pilot Grove Apartments II as proposed under 2, 3, 4 and 8 (additional exceptions) related to lighting and sidewalks with lighting to be subject to approval of the Planning Board. Second by Mr. Barney. All were in favor of the motion. Ms. Shoemaker moved to amend the permit to increase the turn-around radius from 35 feet to 43.5 feet to allow a greater access. Second by Mr. Barney. All were in favor of the motion.

Final plan approval will be subject to resolution of the comments consultant Sue Carter may have. There is the turn-around radius and technical matters to be resolved between her and Mr. Roy. Ms. Carter suggested that in order to allow the applicant to meet financial and time concerns it is important to approve the plans tonight. There was some discussion. Ms. Shoemaker moved to accept the final plans subject to resolution of technical issues between the applicant's civil engineer (Greg Roy) and the town consultant (Ms. Carter) with changes that are necessary to accommodate a larger turning radius as previously voted. Second by Mr. Barney. All were in favor of the motion.

On motion of Mr. Barney, second by Mr. Byron, it was voted unanimously to adopt the Second Amendment to Comprehensive Permit for Pilot Grove Apartments I as drafted.

Access Easement Agreement between Pilot Grove Apartments II LLC and Pilot Grove Limited Partnership: This and other matters are expected to conform to the Pilot Grove II plan and are restated.

Ms. Schwantes was to forward a revised First Amendment to reflect the changes discussed and voted upon at this meeting. She was to follow up with Town Counsel Jon Witten regarding the documents.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board