

**STOW ELDERLY HOUSING CORPORATION
PLANTATION APARTMENTS LTD. PARTNERSHIP
APPLICATION FOR CHAPTER 40B COMPREHENSIVE PERMIT
AND
FOR MODIFICATION OF CHAPTER 40B COMPREHENSIVE PERMIT
AUGUST 5, 2010 (Continued Hearing)**

The joint public hearings continued from August 2, 2010 were reopened in Stow Town Building at 7:30 p.m. on the application filed by **Stow Elderly Housing Corporation, 22 Johnston Way, Stow** for (1) Comprehensive Permit under Mass. General Laws Chapter 40B for a 37-unit apartment building at **252 Great Road** on 2.3 acres and subdivision of the existing house and auxiliary buildings onto 20,080 square feet, shown on Stow Property Map U-11 as Parcel 10; and (2) the application filed by **Plantation Apartments Ltd. Partnership and Stow Elderly Housing Corp.** for approval of amendment to the Chapter 40B Comprehensive Permit dated September 21, 1982 for a 50-unit rental development for low income elderly and disabled persons, for the purpose of accommodating the proposed Plantation II development, shown on Stow Property Map U-11 as Parcel 13-1.

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

Representing the applicants were Peter Munkenbeck, real estate consultant; attorney Rita Schwantes of Klein Hornig LLP; Michael Binette of The Architectural Team; Scott Hayes of Foresite Engineering; Housing Board members Ellen Cataldo, Bruce Fletcher, Jeffrey Smith and Deborah Woods.

Mr. Munkenbeck stated that the applicant will address directly the issues raised at the August 2nd session.

Mr. Tarnuzzer referred to the list of exceptions from the Town's Bylaws and Regulations. Input from the Planning Board has not been received as yet. Responses are also needed from the Board of Health and Fire Chief. Communications were received from the Police Department and Conservation Commission. As no work is proposed within the buffer zone of a wetland resource, the Commission has no jurisdiction on the proposed project. The Police Department has no issue relative to safety at the existing entrance to Plantation Apartments and felt there is sufficient sight distance both east and west on Great Road. Widening of Johnston Way and improving the entrance would be fine with them.

Ms. Schwantes distributed copies of two letters. One addressed the issue of 38 units versus 37 units to include the single-family dwelling in the project. The applicant is willing to include the house as an additional affordable unit to the extent that Stow Community Preservation Committee provides additional subsidy for the project in the amount of the difference between the market value and the deed-restricted purchase price. Otherwise, the house is intended to be an unrestricted market rate unit the applicant may sell in order to help finance the Plantation II project. The second issue raised by Attorney Daniel Hill, representing

abutter Gregory Reynolds, was the location of the proposed chiller. The applicant intends to fully comply with state requirements regarding noise control in the construction and operation. It is now proposed to move the chiller from adjacent to the easterly lot line to a location southerly of the elderly housing building. It will be enclosed for further noise abatement. It was noted that the acoustical engineer is the same as involved with the Center School project. .

Mr. Tarnuzzer asked if the applicant had investigated possible purchase of the property on the easterly corner of Johnston Way. Mr. Munkenbeck replied there had been conversation with the owner (Mahon) but not related to purchase. There is agreement about plantings along an existing fence at the rear lot line.

Ms. Schwantes continued with the second letter. There must be a water supply for the project of sufficient volume and pressure to meet domestic water use and fire protection requirements. Possible sources under consideration are Pilot Grove Hill wells and the Town of Maynard. There could be other offsite wells. Mr. Munkenbeck added there are at least two options being explored with the Town, terms of which cannot be divulged in the letter. The water system would be designed for 1,000 gallons per unit, although 800 per unit is expected. Mr. Munkenbeck said that the reviewing authority in Boston has indicated it is appropriate for the Board of Appeals to include conditions in the permit as regards water supply. If the applicant cannot meet those conditions, there will be no building permit. If there is not a flow at the required pressure, they will do what is needed to get there.

A concern had been raised about hazardous materials on site. Ms. Schwantes said there had been a small amount of surface lead detected on the premises from a small "farm dump". The contaminated soil was excavated and removed from the site for proper disposal in Maine.

The septic system design will meet Title 5 requirements. The engineer has prepared a letter to the Board outlining how those requirements will be met. Mr. Hayes presented the letter addressing MEPA review thresholds, groundwater, drainage and sewage disposal issues. Mr. Munkenbeck said it is proposed to keep the septic system away from neighboring properties as much as possible and to reduce site disturbance. It is not wished to take down trees nor to disturb the buffer. There are site restrictions that prevent placing the septic system in another area while preserving trees. All development will be consolidated in one area. The closer it gets to the rear is the closer it will be to Elizabeth Brook. Mr. Hayes added there are standards to be met and they will be met. The project will be substantially above the groundwater level. The groundwater movement is toward the brook.

As regard financial feasibility, there are various sources of funding from State, Federal and Town. The land to be purchased is at a reasonable price. It was noted this issue does not relate to zoning.

Mr. Byron asked how much might be realized from the sale of the existing house. Mr. Munkcnbeck responded that it was difficult to speculate at this time, but perhaps in the range of \$250,000 to \$300,000. It is an element of the project, and the amount is significant in the overall

scheme of things. CPA funds might come forward to offer some amount. Ms. Schwantes said the property would still have to be subdivided. Mr. Munkenbeck added that the federal agency would require removing from the project the house, designated as Lot 1, if funding would be just for the 37 units for elderly. Mr. Byron recalled it had been mentioned that the two-bedroom house may be converted to three bedrooms. He asked if the septic system could support that change. Mr. Munkenbeck said that Title 5 requirements must be met. Scott Hayes said that the existing system is intended to be replaced, and it might be necessary to install a new well.

Attention was called to the lengthy list of requested exceptions from town bylaws and regulations as enumerated in amended Exhibit H dated July 29, 2010, copies of which had been distributed at the August 2nd session. Chairman Tarnuzzer went through the list item by item: exceptions from Zoning Bylaws, Subdivision Control Regulations and the Subdivision Law, Board of Health regulations, General Bylaw exceptions. Questions were asked and comments made.

A. Exceptions from the Zoning Bylaw

(3) Section 3.8.1.10 Erosion Control: The site does not have high erosion problems. There will be staked hay bales around the site. (4) Section 3.8.1.10.5: An exception from the requirement of a performance bond is requested to ensure compliance with erosion control requirements. (5) Section 3.8.1.10.7: In lieu of the requirement that a copy of the Stormwater Pollution Prevention Plan and the Notice of Intent filed with EPA be submitted to the Planning Board that copies of these documents instead be provided to the ZBA. (6) Section 3.9.7: Concerning the existing dwelling to become pre-existing, non-conforming, that a separate special permit and variance be included in the Ch. 40B decision. (11) Section 4.2 Height Regulations: The proposed building is to be 35 feet high, but the mansard-style roof design might be measured differently. (15) Section 4.3.2.6 Front Yards: Parcel A (proposed building) will not have frontage; definition to be established. (16) Section 4.4 Table of Dimensional Requirements: Variances from the area and lot line setback requirements are requested. (12) Section 6.3.4 Off-Site Signs: Exception requested to allow signs as shown on the plans. (27) Section 7.7.2 Access Driveways: The traveled way of Johnston Way is currently 16 feet wide, and it is proposed to widen to 22 feet. The Way appears to be a common driveway and not an access driveway. Runoff is not an issue. Berms and catchbasins are in place at its terminus with Great Road. Snow storage is a consideration.

B. Exceptions from the Subdivision Control Regulations and Subdivision Law: The Board seeks input from the Planning Board on these requests for exception. As regards subdivision approval, Mr. Munkenbeck advised there is no separate Planning Board process in a 40B application. The purpose of the Comprehensive Permit is to allow the applicant to deal with a single board, Zoning Board of Appeals, rather than each separate board. This board is to sign the subdivision plan. Mr. Tarnuzzer indicated that point will be discussed with Town Counsel.

C. Exceptions from the Board of Health Regulations: The Board seeks input from the Board of Health. It was noted that it requires compliance of 150% of Title 5 regulations rather than 100%.

Mr. Munkenbeck said an exception is requested due to the lack of space on the site and the added expense.

D. Exceptions from the General Bylaws: Article 5 Acceptance and Repairs of Private Roads: Johnston Way a private road or access driveway.

The modifications to the Plantation I Chapter 40B Comprehensive Permit are considered to be "housekeeping" in nature.

The complete document is attached to these minutes. It was again noted that the Planning Board has not had an opportunity to review the submittal, nor has there been response from the Board of Health.

Mr. Binette displayed drawings depicting shadow casts from the site at different times of the day and season. He said that the windows on abutting properties facing the site are smaller kitchen windows. The proposed building is 1/3 that of Meeting House and only 50% overall of the former Whitney Homestead.

Mr. Tarnuzzer repeated that feedback from other boards is needed. In order to allow those boards to review the project, he proposed this hearing be continued to Thursday, September 9, 2010 at 7:30 p.m. There was agreement from the applicant.

At 9:20 p.m. the hearing was adjourned to be continued on Thursday, September 9, 2010 at 7:30 p.m. in the Town Building.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board