

**STOW ELDERLY HOUSING CORPORATION
PLANTATION APARTMENTS LTD. PARTNERSHIP
APPLICATION FOR CHAPTER 40B COMPREHENSIVE PERMIT
AND
FOR MODIFICATION OF CHAPTER 40B COMPREHENSIVE PERMIT
SEPTEMBER 9, 2010 (Continued Hearing 2)**

The joint public hearings continued from August 5, 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), Andrew DeMore (associate).

Chair Tarnuzzer noted the absence of board member William Byron. Town Counsel Jon Witten advised that the Board could proceed with the four members present. The minutes could be provided to that member who could then choose to vote on the decision after submitting an affidavit. If not, he would be disqualified from voting on the final decision. It is up to the applicant if it wishes to continue with only four members. After a brief conference, the applicant stated its wish to proceed.

Representing the applicants were Peter Munkenbeck, real estate consultant; attorney Rita Schwantes of Klein Hornig LLP; The Architectural Team representative; Scott Hayes of Foresite Engineering; Housing Board members Bruce Fletcher, Jeffrey Smith and Deborah Woods. Also present were Town Counsel Jon Witten and Planning Board member Ernest Dodd.

Mr. Tarnuzzer asked if the applicant had further information to present at this time. Mr. Munkenbeck responded there has been one revision to the site plan that relates to the relocation of the chiller. It will be relocated to the southerly (rear) end of the building, further from the DeVincent Drive abutters and away from the lot line with Plantation I. The plan is to conform to DEP requirements as they relate to sound level emissions. The Dodd advised the Planning Board would go along with the DEP requirements.

Scott Hayes of Foresite Engineering then addressed the comments in the memo of consultant Susan Carter. (1) "This site is entirely dependent on an offsite public water supply becoming available. The proposed sewage disposal system exceeds the DEP loading rates for a nitrogen sensitive area which must be eliminated by the eliminating the existing well on Plantation I, or a waiver from Title 5 must be obtained from DEP." Mr. Hayes said it is

recognized that a public water supply is needed for the site. It is not proposed to discontinue the well at Plantation I. That is a separate site, and its septic system will not be moved. Mr. Munkenbeck voiced his disagreement with Ms. Carter's statement and reiterated that these are two separate sites. It is expected that the Board's decision will require that there must be a water supply.

(2) "The use of the function room should be limited to the residents and related uses and should not be rented to other parties due to the limited parking." Mr. Munkenbeck responded it is intended to have functions on site for the residents and others for communal activities. Due to the anticipation of a limited number of resident vehicles, visitor parking is felt to be adequate. The community room will not be rented to other parties. Mr. Munkenbeck did not feel this was a zoning issue.

(3) "The site grades should be in full compliance with ADA." The plans submitted to the Building Inspector will contain all required information.

(4) "The plans indicated that Johnston Way will be widened to a 22-ft. paved width. The final plans should include greater details on the modifications to the entrance on Great and construction notes and details for this construction...." Mr. Munkenbeck repeated that the plans submitted will contain all required information.

(5) "Drainage comments." Mr. Hayes said that the site does not fall under that of a project subject to stormwater management standards. There will be no discharge to a wetland or buffer zone. He did not agree with the application to this site. There are Plantation I drainage calculations for discharge onto Johnston Way. The applicant will make sure that widening will accommodate the drainage. Plans to be submitted to the Building Inspector will have more detail to be addressed at that time. (b) "The clean roof runoff should be recharged into a separate recharge area." It was not felt there is need to direct drainage from the roof and parking areas to separate systems. Mr. Hayes said there will be more even discharge to a single perimeter site. (c) "Pretreatment." This would be an expense and not a legal requirement. There will be no discharge to a wetland.

At this point, Mr. Witten noted that Ms. Carter is not present to respond to comments. He suggested that Mr. Hayes contact her for discussion of the areas of disagreement. Mr. Munkenbeck acknowledged that Stow's requirements are above those of the State. The applicant is asking not to be held to a higher standard than those of state regulations. Most of the project will be financed with State, Federal and Town money, and it is not wished to create unnecessary expense.

Mr. Hayes advised that the water table is 20 feet below grade. Mr. Munkenbeck said that every effort will be made to make sure there is enough drainage capacity. Mr. Hayes said that the site has sandy material and the design is for a major storm event.

(f) "It is recommended that the Comprehensive Permit prohibit the use of sodium chloride as a deicing agent..." Mr. Munkenbeck noted that the Town has a general practice for deicing, but they will be maintaining the paved area themselves.

(B) "Landscape Plan." Ms. Carter had recommended alternatives to the proposed tree species. Mr. Munkenbeck said the comments to be passed on to the designer for his comments. He did not feel this was a zoning condition.

Mr. Munkenbeck said there would be a performance bond of 100%, a copy of which will be provided to the Town, rather than a cash bond. The investors will be named. Mr. Witten felt the Town had an interest because of CPA funding. Mr. Munkenbeck was to explore the matter.

Mr. Munkenbeck was to submit a written response to all of Ms. Carter's recommendations and comments for the record of these proceedings.

The hearing then proceeded to the memo of Building Commissioner Craig Martin. (1) As regards the chiller, it is intended to comply with the DEP requirements, depending on the type of chiller to be installed. (2) "Offset from SDS leaching field to stormwater leaching chambers should be 25' per Title V." The 25-ft. separation applies to seasonal high ground water and is not a part of this. (3) "Height of the building would be measured from the average ground surface to the mean height of the pitched roof." Mr. Munkenbeck would like the decision to note that the plan as drawn is acceptable. (5) "Elevator should be sized to accommodate a hospital stretcher." The elevator will be 5'x7' and is felt to be more than adequate in terms of load. (6) "Signs - full waiver not acceptable." Ms. Schwantes said there is currently no sign design for the private property.

The matter of responsibility for review of the final plans was explored. Mr. Witten felt it should be the Board's consultant engineer, rather than the Building Inspector. Discussion ensued regarding the matter. Mr. Munkenbeck felt the Building Inspector has authority to review the plans and should be allowed to complete the process. Mr. Witten said he was trying to protect the Town's resources. It is not always in the developer's best interests to have the Building Inspector conduct the final review. Mr. Munkenbeck pointed out that the building permit fee will be \$6,000 and that some of that could be used for the review.

Subdivision vs ANR plan: Ernest Dodd of the Planning Board said that his board requires a waiver or variance for the parcel to be divided. This is not a subdivision as there will be no frontage or roadway. He recommended an ANR plan with variance from the ZBA that no frontage is required. Mr. Witten said he felt comfortable with an ANR decision. Mr. Munkenbeck said there are title issues to be worked out. A plan needs to be signed and recorded with the Registry of Deeds. Ms. Schwantes said the ZBA has authority to sign the plan in lieu of the Planning Board. Mr. Witten would urge staying with an ANR and the Planning Board's willingness to sign the plan. Mr. Munkenbeck's read of Chapter 40B was that it is the ZBA who signs off the plan. Because of disagreement on the matter, it was proposed that the attorneys continue the discussion on line toward resolution.

Mr. Witten asked if there will be an affordable housing deed restriction for Plantation II because of the CPA funding component. Ms. Schwantes said that is not part of the 40B process. The matter depends on the funding source. The front lot with dwelling will be offered for sale without restriction. Information was that the Community Preservation Committee voted for affordable housing deed restriction on units in the building and for land purchase.

At this point, Mr. Tarnuzzer asked if all information and comments had been presented toward closing the hearing. Mr. Witten recommended closure of the verbal record but without closing for written submittals.

On motion of Mr. Barney, second by Ms. Shoemaker, it was voted unanimously to close the hearing but to keep the public record open.

The hearing was closed at 8:45 p.m.

Respectfully submitted,
Catherine A. Desmond
Secretary to the Board