

**STOW COMMUNITY HOUSING CORPORATION  
PILOT GROVE LTD. PARTNERSHIP  
APPLICATION FOR CHAPTER 40B COMPREHENSIVE PERMIT  
AND  
FOR MODIFICATION OF CHAPTER 40B COMPREHENSIVE PERMIT  
OCTOBER 14, 2010 (Continued Hearing)**

The joint public hearings continued from September 16, 2010 were reopened in Stow Town Building at 7:30 p.m. on the application filed by **Stow Community Housing Corporation, 22 Johnston Way, Stow** for (1) Comprehensive Permit under Mass. General Laws Chapter 40B for a 30-unit apartment project in five buildings at **Warren Road** on 7.35 acres, shown on Stow Property Map R-17 as Parcel 3; and (2) the application filed by **Pilot Grove Ltd. Partnership and Stow Community Housing Corp.** for approval of amendment to the Chapter 40B Comprehensive Permit dated October 28, 1988 for a 60-unit mixed-income rental development primarily to benefit persons of low and moderate incomes, for the purpose of accommodating the proposed Pilot Grove II development, shown on Stow Property Map R-17 as Parcels 3-1, 3-2 and 3-3.

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

Representing Stow Community Housing Corp. were Ellen Cataldo and Deborah Woods. They were accompanied by Peter Munkenbeck, Consultant; Rita Schwantes and Eric Herrmann of Klein Hornig LLP; and Greg Roy of Ducharme & Dillis. Ernest Dodd represented the Planning Board

Mr. Munkenbeck distributed copies of a response to the comments of Susan Carter of Places Associates, the Board's consulting engineer, and the Planning Board's comments. The Places document was dated October 13th and received this day.

On the recommendation of the Planning Board for a performance bond, Ms. Schwantes said the proposed project is not one that board typically deals with. It is not a subdivision in that sense. The Town would not become responsible for any unfinished component of the development. The requirements of the applicant's lender will ensure completion. A separate performance bond would create a burden to the project, financial and otherwise. The applicant requests that a bond not be required. Mr. Munkenbeck added that the requirements of the Town are understood as related to a subdivision. This is entirely a private single-owned site. If it were not completed, there would be many problems with the Town. Mr. Dodd acknowledged that a performance bond with the Planning Board usually relates to road construction, but not storm water management. Mr. Munkenbeck responded it is understood there will be obligations in that regard. The contractor with that responsibility could be bonded. A condition in that regard will be drafted. Mr. Dodd added that an in-state insurance carrier would be preferred. The Planning Board's experience has been that out-of-state insurers are not always responsive.

Ms. Schwantes noted that the applicant seeks from the ZBA exemptions from certain sections of the Zoning Bylaw rather than from other boards. Mr. Munkenbeck suggested that review by a properly qualified engineering firm would allow those with responsibility to function, and the applicant would provide funds in that regard. The ZBA would be the responsible party to seek advice.

Mr. Byron noted there had been a failure on the hill at the time of Pilot Grove I construction. Mr. Munkenbeck responded that Pilot Grove II would create a smaller disturbance than the first project. Mr. Roy added that there are new and different regulations in place now. A Notice of Intent will be filed. Mr. Dodd said that the Planning Board intends that the ZBA be responsible. Mr. Munkenbeck described the site as a drumlin of hard packed material. Ledge was not encountered.

Ms. Schwantes responded to the Planning Board's objection to the request for waiver from the dimensional requirements. Because of the development with multiple buildings, the waiver request is that the dimension be measured from the lot line to the closest building, rather than separate side yards for each building. Mr. Munkenbeck said this is not a blanket waiver.

As regards parking spaces, Ms. Schwantes said there will be 48 spaces, which represents 1.6 spaces per unit. That ratio is very close to the 1.7 at Pilot Grove I. Mr. Munkenbeck said there are spaces at PG I that go unused on a regular basis. The layout at PG I is not convenient. At PG II the spaces will be outside the buildings and evenly distributed. There will actually be more residential parking than at PG I because the administration office activity there fills spaces. The applicant would like the Board to consider the experience at PG I that demonstrates the parking spaces proposed will be adequate. The 40B process accomplishes site plan approval. Mr. Dodd agreed that the 40B process is site plan approval but is not called as such.

The applicant requests that it not be required to bear the cost of constructing a sidewalk along West Acton and Boxboro Roads. Ms. Schwantes said the applicant is willing to grant an easement to the Town for future sidewalk development. There will be sidewalks within the development between the two projects and out to the main road. The applicant would rather not make a betterment payment in lieu of sidewalk construction. Mr. Dodd explained that the sidewalk requirement is a Planning Board policy, but acknowledged that the matter is up to the ZBA.

The Planning Board had additional comments. As to the suggestion of playing fields, the applicant will entertain the suggestion but asks that it not be compulsory. It was noted there will not be a level area for a play area. Mr. Munkenbeck said there will be a 15% slope. To get to a 2% slope will require much grading to compensate for a six-foot problem. He asked that a play area not be required. Additionally, a problem could develop with the septic system site if there is more soil disturbance.

There will be dumpsters at the site. Scheduled pick-up might become an issue.

The Planning Board was seeking more detail on the wetlands crossing. Ms. Schwantes believes that details were given in that regard. This is part of the usual process of final construction plans in preparation for a building permit. Mr. Munkenbeck said that Conservation Commission regulations and State requirements will be complied with, although certain issues will have to be resolved with the Commission. There is a separate process to be completed in that regard.

The Planning Board had recommended construction activity only between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, and 8:00 a.m. to noon on Saturday. Ms. Schwantes said that the whole day is needed on Saturday. She pointed out the site is not close to other properties. The request is for exterior construction hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday.

With regard to fire protection measures, the project will be in compliance with all such requirements. The applicant will consider recommendations from the Fire Department for the design.

The affordability restriction in perpetuity will be acceptable, subject to the approval of the lenders. The wording of such is to be drafted to be consistent with the subsidizing agency. The State is specific as regards such language.

Ms. Schwantes noted that there is only a single permit with the Chapter 40B process to consolidate and expedite the process. The Board of Health and Conservation Commission process are exceptions to that. The applicant should have a zoning permit in hand to allow finalizing of design plans and to then seek a permit from the Building Inspector, subject to review by the Conservation Commission and Board of Health. Mr. Munkenbeck said that if a waiver was not requested, then the applicant will have to comply with what may be required. The applicant's job is to identify every waiver from zoning or general bylaws.

There are monitoring procedures built into the Comprehensive Permit. There will be continuing oversight by the subsidizing agency. The applicant asked this not be included in the permit.

The meeting then turned to the comments and recommendations of consultant Susan Carter of Places Associates. Mr. Munkenbeck said it is expected to obtain water from an outside source. There has not been an extensive soils and groundwater investigation, but there is a great deal of experience with Pilot Grove I. Construction plans will be based on that information to satisfy the Board of Health and Conservation Commission. The applicant is also concerned with management of the slope and will be careful with how it will be done. An underground drainage catchment system will redistribute and redirect water and include "French drains" around the buildings.

The access drive with a 10% grade reduced to 5% will be a challenge when attempting to provide a better sight line.

There was a memo from the Police Safety Officer commenting on the number of children and cars at the end of Warren Road waiting for the school bus. The school bus does not travel into Pilot Grove I. The situation appears to be marginal now but could become greater with the addition of more children from the proposed development. Mr. Munkenbeck said he would view the site.

The applicant will fully comply with State requirements as regards the wetlands crossing, but not with any additional imposed by the Town. Every effort will be made to balance cuts and fills site disturbance. Plantings will be part of the final design plan. The view from the South Acton Road approach will be most critical. As one nears the intersection, the site becomes less visible. The slope will be vegetated and the buildings will not be clearly visible. The applicant does not feel there should be a requirement for more trees.

At this point, it was determined that comments from the Fire Department should be secured. It was proposed that the hearing be closed and that a 14-day open period be allowed for comments, etc., to be submitted.

On motion of Mr. Tarnuzzer, second by Mr. Barney, it was voted by members Shoemaker, Tarnuzzer, Barney and DeMore to close the hearing and to keep the record open for 14 days for submittal of comments. Motion carried. Mr. Byron was opposed.

The hearing was closed at 9:40 p.m.

Respectfully submitted,  
Catherine A. Desmond  
Secretary to the Board