

**Zoning Board of Appeals
Minutes
March 4, 2024**

A meeting of the Zoning Board of Appeals was held in person at 380 Great Road, Stow, and via Zoom Web Conferencing Service on March 4, 2024, at 7:00 pm.

Present: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth (via Zoom Web Conferencing)

Associate Members: Leonard Golder, Maria McFarland, and Michael Naill

Staff Present: Michael Slagle

David Hartnagel called the meeting to order at 7:00 pm.

Minutes

January 25, 2024

Ernest Dodd moved to approve minutes of the January 25, 2024, meeting as amended. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).

At 7:06, Associate Member Leonard Golder entered the meeting.

February 5, 2024

Ernest Dodd moved to approve minutes of the February 5, 2024, meeting as amended. The motion was seconded by Andrew Crosby and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).

Stow Green Advisory Committee Update

Andrew Crosby reported that the Green Advisory Committee is incorporating the comments received regarding the Climate Action Plan. Once incorporated, the plan will be sent to a graphic designer for a final layout. The Climate Action Plan is anticipated to be completed around the time of Annual Town Meeting (May 2024).

Correspondence

The Board did not have any comments on correspondence received.

Member Updates

Ruth Kennedy Sudduth shared that she attended the Stow Acres Climate Resilience Master Plan Open House event. The event focused on integrating community input into the plan for the Town-owned portion of the Stow Acres Country Club North Course. At the event, there were stations discussing the possible conservation and recreation uses for the site, and opportunities to provide (and build off of) community feedback.

Public Hearing: 98 Pine Point Road – Special Permit; Continued from December 4, 2023

Members Participating: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Michael Naill

David Hartnagel opened the Public Hearing at 7:15pm. The applicant was not present.

David Hartnagel stated that the Board received a request to continue the Public Hearing to July 8, 2024. He stated that the Board requested additional information from the applicant, but no additional information was submitted.

David Hartnagel asked why the Hearing should remain open. Staff noted that the property is out of compliance with other Board and Commissions, and the applicant has historically done construction on the site without a permit. Special Permits issued by the Board often include a condition that compliance with other Boards and Commissions is required prior to site disturbance.

The Board discussed whether to accept the request to continue the Public Hearing. Members suggested continuing it to the next regularly scheduled meeting, for the application was received in May of 2023. Members also suggested closing the Public Hearing since the additional information requested in June 2023 has not yet been provided.

The Board agreed to continue the Public Hearing to April 8, 2024, at 7:30pm. The Board reviewed a draft letter to the applicant reiterating the information requested and the options for the applicant to take (withdraw the application, provide more information, or have the Board act on the information provided). After amendments were requested by the Board, Staff presented the letter to the Board.

Andrew DeMore moved to continue the Public Hearing for 98 Pine Point Road to April 8, 2024, at 7:30pm and to send the letter to the Applicant.

Ernest Dodd requested that the letter include language that the site plan be drawn by a professional land surveyor. Andrew Crosby requested that the letter include language that the letter states that the Board would like the applicant to attend the meeting on April 8, 2024.

The motion was seconded by Ernest Dodd and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Michael Naill).

0 Randall Road (Stow Acres North Course) – Comprehensive Permit, Continued from January 25, 2024

Members Participating: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth

Associate Members Present: Leonard Golder, Maria McFarland, and Michael Naill

Present: Mark O'Hagan (Applicant), Donald Provencher (Applicant's Engineer)

David Hartnagel opened the Public Hearing at 7:45pm.

David Hartnagel provided an overview of the Comprehensive Permit process. He stated that there was one prior Public Hearing session in which the Applicant presented a high-level overview of the application's content. At that Hearing, the Board and the Applicant developed a schedule of topics that will be discussed at future Hearings. The present Hearing session will discuss utilities on the site. David Hartnagel invited the Applicant to present to the Board.

Mark O'Hagan introduced himself and his engineer to the Board. He stated that he will begin his presentation by discussing electricity and natural gas, and then water and wastewater.

Electricity and Natural Gas Infrastructure

Mark O'Hagan presented information about the electric infrastructure proposed. He stated that all the electric lines will be placed underground. As part of the electric infrastructure, electric transformers are needed. Mark O'Hagan stated that there is an approximate 220-week delay in getting the transformers from Hudson Light and Power (the electric provider for Stow); he anticipates that this may cause some delays for the project.

Mark O'Hagan stated that he has committed to making the rental cottages and the multifamily building fully electric, utilizing heat pumps, and requiring no fossil fuels for heating. For the single-family dwellings, he stated that natural gas may be used for heating. He noted that there is a natural gas line beneath Randall Road, the road providing access to the site.

Mark O'Hagan stated that propane may be used instead of natural gas; he stated that natural gas is preferred due to the density of the dwellings.

Andrew DeMore asked if the heat pumps for the rental cottages and multifamily dwellings will be sufficient in providing heat, citing concerns about severe weather events. Mark O'Hagan stated that the technology of heat pumps has improved, and they are able to meet the temperature needs of the residents.

Ernest Dodd asked if the existing gas lines are capable of providing natural gas to the proposed dwellings. Mark O'Hagan stated that he has spoken to natural gas company and has been informed that the gas lines can accommodate additional dwellings.

Ernest Dodd asked if there would need to be additional electric lines and transformers constructed off the site to provide the site with electricity. Mark O'Hagan stated that Hudson Light and Power did not indicate that there was a need for additional infrastructure.

Andrew Crosby asked if solar panels will be provided. Mark O'Hagan responded that the single-family dwellings will be given the option to have solar panels installed.

The discussion transitioned into some of the features that would be electric powered in the dwellings. Mark O'Hagan noted that there will likely be an air circulator system installed as many dwellings now are almost airtight and need air circulation to remove stale air. Ernest Dodd asked if there are concerns on the site with radon. Mark O'Hagan stated that there will be passive systems installed at each dwelling; if there is a detectable presence of radon, the passive system will be upgraded with a fan system to remove the radon.

David Hartnagel asked if there will be electric vehicle charging stations at the single-family dwellings. Mark O'Hagan stated that electric vehicle charging stations can be provided upon request for the single-family dwellings. Ernest Dodd expressed concern that the rental cottages and multifamily dwellings will not have electric charging stations. Mark O'Hagan responded that he is considering offering garages for the rental units and that there will be community charging stations on the site. He stated that additional electric charging stations could be provided depending on the demand.

Water Infrastructure

Mark O'Hagan presented information about the drinking water supplies for the site. There are three wells proposed on the site that will provide water to the site. The wells will pump the ground water into a water treatment building; any needed treatment will occur there. The treated water will be stored in a 120,000-gallon subsurface storage tank. The system will be permitted

by the Department of Environmental Protection (DEP). He noted that the well system would meet the same standards as a well system that a municipality would need to comply with.

Andrew DeMore asked if the system will contain an electric generator in case of an electric outage. Mark O'Hagan confirmed that there will be an electric generator for the water system.

Leonard Golder asked if there has been testing for PFAS (per- and polyfluoroalkyl substances) on the site. Mark O'Hagan stated there is an extensive testing process for PFAS, including prior to drilling the well and routinely when the wells are in operation.

Mark O'Hagan stated that the wells have a DEP Zone 1 Wellhead Protection Area. Zone 1 has a 300-foot radius that greatly limits development and activities that can occur in the area. He stated only infrastructure for the wells can be in the area; he added that he is seeking permission from DEP to allow walking trails to pass through the zone.

Members asked what would happen if the wells do not meet the required capacity. Mark O'Hagan responded that the site has been designed to add additional wells that would not cause conflict with the Zone 1 Wellhead Protection Area regulations. He added that there is extensive testing to ensure that the wells can meet required capacity.

Mark O'Hagan stated that he has received an Order of Conditions to allow for the drilling of the wells. Depending on weather and soil conditions, the wells can be drilled.

Mark O'Hagan stated that there will be underground water mains that will provide drinking water to the dwellings. The pressure of the water system is lower than that of a municipal system. Because of that, three fire cisterns are proposed on the site.

Ernest Dodd asked if any individual wells could provide the entire capacity of water. Mark O'Hagan responded that the wells will not be tested to see if they can individually meet that capacity. He added that if the wells do not provide the needed capacity, an additional well can be drilled.

Ernest Dodd asked how deep the wells will be. Mark O'Hagan stated that the wells will be approximately 500 feet deep.

Mark O'Hagan noted because of the depth of the wells and the distance the wells are from other properties, there is no concern from DEP that the wells will impact other properties.

Andrew DeMore asked if there will be irrigation on the site. Mark O'Hagan stated that the common outdoor areas may have irrigation but would be serviced by a separate well.

Members of the Board asked about the locations of the Water Resource Protection Overlay District and the Floodplain Overlay District. Mark O'Hagan identified the locations on the site plan and stated that these district boundaries will be included in a revised site plan set. He anticipates providing a revised plan set after the peer review letter is received.

Ernest Dodd questioned if water softeners will be needed. Mark O'Hagan responded that the water will be treated depending on any dissolved solids in the water. He noted that other testing has been done on nearby properties, and there will likely be some iron and manganese that will need to be removed from the water.

David Hartnagel asked if there has been any testing of PFAS in the area. Mark O'Hagan stated that he is not aware but looked to the abutters of the site to see if there was any testing done at their dwellings. Helen Ham, 21 Cross Street, stated that the testing of her well had a level of 20¹.

Mark O'Hagan reassured the Board that any contaminants in the water system will be remediated to ensure that there is clean and safe drinking water.

Wastewater Infrastructure

Mark O'Hagan presented the wastewater treatment system to the Board. He stated that there will be one system that will service the entire site. Wastewater from each dwelling is sent to a wastewater treatment building. A series of tanks and pumps will send the wastewater to the building. The wastewater will be treated in the building. Graywater from the building will be sent to subgrade chambers beneath one of the common green spaces. The sandy soil allows for the graywater to percolate into the ground quickly from the chambers.

Ernest Dodd asked if there is a backup system on the site. Mark O'Hagan stated that there is a reserve system that can be utilized.

Mark O'Hagan stated that the location of the wastewater system subgrade chambers is due to the low groundwater level. He stated that there are groundwater offsets that will need to be complied with; some fill material will need to be added to meet this requirement. Final approval of the system will be through DEP and will be submitted once the Comprehensive Permit is issued by the Board.

Mark O'Hagan noted that the wastewater treatment building will have architecture that is consistent with the other buildings on the site. He stated that there is a similar building at the "Villages at Stow" that is visible, but that the average person would not know that it is used for wastewater treatment.

Mark O'Hagan stated that there will be monitoring of the system and routine work to ensure that it functions properly. He stated that the system operation will be paid for by all future residents through the overarching property trust.

Andrew DeMore asked where the fill material will be sourced from. Mark O'Hagan stated that he is unsure; he noted that his engineer is working on the calculations of fill required.

Ernest Dodd asked about the tree removal on the site. Mark O'Hagan stated that there will not be many trees removed from the site as it is mostly open fields. He noted a few areas where trees are proposed to be removed. He stated that there will be extensive plantings on the site.

Andrew Crosby asked if there will be an electric generator at the wastewater treatment building. Mark O'Hagan confirmed that there will be an electric generator in the event that there is an electric outage.

Ernest Dodd asked if there will be individual wastewater pumps at each building. Mark O'Hagan responded that there will likely not be pumps at each dwelling. He stated that the discharge of wastewater from dwellings may be gravity powered, collected in a tank, and then pumped from the tank to the wastewater treatment building.

¹ Assumed to be measured in nanograms per liter.

Ernest Dodd asked if each dwelling would have its water metered. Mark O'Hagan stated that it is an option, but he has not made a decision regarding water meters.

David Hartnagel asked if the proposed clubhouse will have a full kitchen. Mark O'Hagan stated that there will be kitchen features in the clubhouse, but not a typical full kitchen. The features are intended for prepared food to be brought to the clubhouse and served. For example, the homeowners' association would be able to serve snacks and coffee while at a meeting. David Hartnagel asked if the water and wastewater calculation incorporates the clubhouse use.

David Hartnagel asked for any Staff questions or comments. Michael Slagle asked to confirm that there are no waivers being sought from state level water and wastewater regulations. Mark O'Hagan confirmed no waivers are being sought.

Mark O'Hagan asked Donald Provencher if there are any additional water and wastewater items that the Board should be aware of. Donald Provencher did not have any items to share with the Board.

Public Comments

David Hartnagel opened the Public Hearing to public comment.

Helen Ham, 21 Cross Street, asked if there will be any alteration to the wetland that is located on the site and is behind her property. Mark O'Hagan stated that there will be minimal disturbance to the wetland. He stated there is a proposed trail that crosses a portion of the wetland, but the trail will likely be an elevated boardwalk in that section. David Hartnagel stated that the next scheduled Public Hearing session (April 8) will cover wetland permitting, so more information about that will be covered then.

Allan Fierce, 284 Red Acre Road, a member of OARS, asked how far away the subsurface wastewater chambers are from surface bodies of water. Mark O'Hagan estimated that the system is 600 feet away from the closest pond and approximately 400 feet away from the nearest wetland. Allan Fierce asked which direction the groundwater flows on site. Donald Provencher responded that most of the groundwater flows towards Elizabeth Brook; a small portion of the site flows towards a wetland that flows into the Assabet River.

There were no other comments from the public. David Hartnagel encouraged members of the public to send in correspondence to the Board if they have any questions or comments regarding the topics discussed.

Selection of a Traffic Study Peer Reviewer

The Board reviewed two proposals for a peer review of the traffic study submitted by the Applicant.

Andrew DeMore stated that he has concerns about the time of year that the traffic study was conducted as it does not include traffic produced by the existing Stow Acres Country Club golf course. Michael Slagle noted that the peer reviewer will provide comments on the methodology used in the traffic study. Mark O'Hagan stated that the traffic study uses standards from the Institute of Transportation Engineers that incorporates the golf course usage. He emphasized that the golf course traffic impacts were not ignored in the study.

The Board continued their review of the peer review proposals. The Board discussed the differences in cost between the proposals and the familiarity of the firms working with the Town.

Andrew DeMore moved to accept the proposal submitted by Green International Affiliates. The motion was seconded by Ernest Dodd and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).

Next Steps for the Public Hearing

David Hartnagel stated that the next Public Hearing session will be on April 8, 2024. The Board will discuss stormwater management and wetland permitting; the Conservation Commission will be joining the Board.

Mark O'Hagan asked if the civil engineering peer review had been submitted. Michael Slagle responded that the peer review was unable to provide a peer review letter for this meeting. He will reach out to the firm to find out a revised date of submission.

Helen Ham, 21 Cross Street, thanked the Board for their consideration of the impacts of golf traffic in the area.

Kathy Sferra, Conservation Department Director, stated that the Conservation Commission will be meeting with Mark O'Hagan prior to the next Public Hearing session. She anticipates that the Commission will be sending in comments after the Commission's meeting.

Mark O'Hagan submitted a Public Hearing continuation form requesting the Public Hearing be continued to April 8, 2024, at 7:30pm.

Ernest Dodd moved to accept the request to continue the Public Hearing for 0 Randall Road to April 8, 2024, at 7:30pm. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).

Adjournment

Andrew DeMore moved to adjourn. The motion was seconded by Ernest Dodd and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).

Respectfully submitted,

Michael Slagle
Land Use Planner/GIS Administrator