

TOWN OF STOW  
ECONOMIC DEVELOPMENT & INDUSTRIAL COMMISSION

Minutes of the August 12, 2021 Economic Development & Industrial Commission Meeting

Members Present: Thomas Farnsworth, Bob Collings, Serena Howlett, Andrew Bluestein, Kevin Whalen

Kevin Whalen called the meeting to order at 5:30

**Minutes**

*Serena Howlett moved to approve the minutes of the July 22, 2021 meeting as written  
Tom Farnsworth seconded*

**Roll Call Vote:** Thomas Farnsworth -**Yea**; Bob Collings -**Yea**; Serena Howlett -**Yea**;  
Andrew Bluestein -**Yea**; Kevin Whalen -**Yea**

**Member updates**

Serena Howlett said that a gymnastics studio and a financial services business have recently opened in Stow. Serena Howlett suggested that the EDIC send welcome letters to these new businesses. Kevin Whalen also suggested sending a welcome letter to the new owner of Ken's Liquors.

Serena Howlett inquired about the status of the former Great Road Firearms. Jesse Steadman confirmed that the business has closed, and that the tank in front of the building should have moved by this time. Jesse Steadman said that the Town will need to act to bring enforcement up to date.

**Discussion on Next Steps for Signage Bylaw Rewrites**

Bob Collings asked when the Lower Village rezoning public forum referenced in the letter from the Planning Board would take place, and if the EDIC could be actively involved. Jesse Steadman said he spoke with the Planning Board's consultant Dodson & Flinker about setting up a staff meeting once recommendations for rezoning are available, followed by a joint boards meeting in which the EDIC could take part. Jesse Steadman said Dodson & Flinker will provide a report detailing some zoning best practices based on case studies of similar zoning districts in similar communities.

Bob Collings said that the Planning Board argued in their letter that the Building Commissioner does not have authority to selectively enforce provisions of the Zoning Bylaw. Bob Collings said that the noise bylaw is rarely if ever enforced, and that it does not make sense that the Building Department cannot back off on enforcement of this particular bylaw. Bob Collings said that this letter from the Planning Board is a brush off, and that it does not appear accurate that the Town cannot choose to ignore certain statute.

Serena Howlett noted that the Town has a new Building Commissioner/Sign Enforcement officer, and that the EDIC has not heard anything about his intent to follow through on the outstanding enforcement letters. Andrew Bluestein said he does not believe the intent of the Building Commissioner is the important issue, there is a bylaw on the books that they are obliged to enforce. Serena Howlett said that the new Building Commissioner should not be sending enforcement notices to any additional businesses

until various committees have had the time to rework the signage bylaw. Tom Farnsworth said that the bylaw is clearly not well written and not enforced over the years, but that the Town's hands are tied on enforcement. Bob Collings said that the Planning Board memo makes it clear that the Building Commissioner intends to enforce the sign bylaw. Bob Collings said that Andrew Bluestein should consider litigation given that the Stow sign bylaw does not comply with recent Supreme Court rulings.

Andrew Bluestein said that none of the businesses in the Plaza are looking for litigation, and that he is in favor of commonsense solutions. Andrew Bluestein said the Town should reach out to the resident who originally raised the issue to determine their issues. Andrew Bluestein said the EDIC could hear the resident's perspective.

In response, Resident Dorothy Granat said she came to this meeting to explain her perspective. Dorothy Granat said she agrees that previous Building Commissioner Craig Martin did not enforce the bylaw evenly in the past. Dorothy Granat said that she has been encouraged by the efforts of the new Building Commissioner and Town Administrator to follow best practices for good governance.

Dorothy Granat said in 2017 she and other residents were having difficulty with requesting Zoning Bylaw enforcement. Dorothy Granat said that she asked for enforcement of sign bylaws at Infinite Automotive on Great Road to try and get Craig Martin to enforce anything, and that she identified many signs at that property that did not adhere to bylaws. Dorothy Granat said she photographed each sign at that property and marked which bylaw they violated. Dorothy Granat also mentioned an internally illuminated sign there and unfairness between businesses and a lack of consistency. Dorothy Granat said she regularly requested Craig Martin to enforce the internally illuminated sign bylaw over following years. Dorothy Granat said last February she tried to get enforcement on buffer encroachment at the Presti Property, at which time she mentioned to the Select Board the long periods of time that elapsed between her requests and any response from the Building Department.

Dorothy Granat said that shortly before his retirement, Craig Martin suddenly decided to enforce the sign bylaw as raised in her complaints from 2017. Dorothy Granat said that she still believes internally illuminated signs should be prohibited in the business district and Stow generally. Dorothy Granat said that zoning in Lower Village allows signage that obscures business in the interior of lots. Dorothy Granat said she is interested in hearing the EDIC's intent with signage bylaw before she offers any comments on signage bylaw rewrites.

Kevin Whalen thanked Dorothy for coming on. Kevin Whalen said that the EDIC is interested in making it easier for businesses to attract customers, and that they are not specifically wedded to internally illuminated signage. Dorothy Granat asked which signs were the target of enforcement letters. Andrew Bluestein responded that it was the internally illuminated signs, and that those signs are needed for him to convey to customers that he is open. Andrew Bluestein said that the open sign is vital for his business, and such signs are common across the country. Andrew Bluestein said in his case it was the open sign specifically. Dorothy Granat said when she brought up internally illuminated signs, there were only a handful in Lower Village, and that she is worried about an arms race of internally illuminated signs in Lower Village.

Bob Collings said that the EDIC agrees about the problem of inconsistency in enforcement of the Zoning Bylaw. Bob Collings said that the EDIC asked the Planning Board to amend the sign bylaw in 2017, but that the effort did not materialize. Dorothy Granat said she is willing to write a letter to the Zoning

Enforcement Officer requesting that her complaint be withdrawn until the Town can convene a group to rewrite the sign bylaw. Bob Collings said that there is a review upcoming for Lower Village zoning and encouraged Dorothy Granat to attend.

Jesse Steadman said it would be difficult to withdraw a request for zoning enforcement that has already been acted upon by the Zoning Enforcement Officer. Dorothy Granat noted that Craig Martin said enforcement on signage was supposed to wait until the end of the Covid pandemic, and noted that the pandemic is very much still happening. Dorothy Granat did express concern that if she tried to take back her enforcement request on this issue, she would not see enforcement happen at the Presti property. Jesse Steadman said that meeting with the new building commissioner would be a good idea to clarify her position. Planning Staff said that they would help coordinate a meeting with Dorothy, the EDIC, and the Building Commissioner.

Kevin Whalen asked if there is an intermediate sign bylaw revision that can be made in the short term to allow open signs. Jesse Steadman suggested that the EDIC attempt to draft an exclusion for open signs, and then move onto a more complete rewrite. Jesse Steadman said one way to thread the needle would be to allow businesses to have one internally illuminated sign of a certain size, to avoid regulating sign content in violation of the Supreme Court decision *Reed v. Town of Gilbert*. Tom Farnsworth said that such regulation would also have to regulate the times of day such signage can be turned on.

Bob Collings said that the EDIC would likely need some outside help making sure that their signage bylaw conforms with all relevant laws, and asked if it would be possible to utilize federal funds to get this assistance. Jesse said that there are other options available, such as DLTA with a local match. Jesse Steadman said he is optimistic that the current consultant will provide recommendations that can be used to address most issues, and that the Planning Board/EDIC can get legal assistance with review of the Stow zoning bylaws. Bob Collings suggested that a legal expert audit Stow's zoning, and that he is concerned that Stow's bylaw is open to legal challenge. Serena Howlett said that with so many bylaws facing legal challenge, there are likely many consultants that can speak to those issues.

### **Commission Reorganization**

Jesse Steadman confirmed that the vacancy is posted and that no applications have been received. Jesse Steadman said that staff would push to fill that vacancy.

Tom Farnsworth volunteered to serve as chair of the EDIC.

*Kevin Whalen moved to appoint Tom Farnsworth as chair of the EDIC*

*Bob Collings seconded*

**Roll Call Vote:** Thomas Farnsworth -**Yea**; Bob Collings -**Yea**; Serena Howlett -**Yea**;  
Andrew Bluestein -**Yea**; Kevin Whalen -**Yea**

### **Other Business**

Bob Collings asked if the \$60k approved by Town Meeting for Town Center concept plans could be applied toward funding the Lower Village water supply feasibility study. Jesse said that money would

need to be expended specifically on traffic safety planning in Town Center. Jesse Steadman said that he would prefer to fund the feasibility study using federal ARPA funds that the town is expecting to receive.

Serena Howlett said she hopes the new Building Commissioner and a representative of Linear Retail will attend the Lower Village rezoning forum.

#### **Next Agenda**

Kevin Whalen requested that Jesse Steadman provide an update on Bose for the next meeting.

Respectfully submitted,  
Malcolm Ragan