

TOWN OF STOW  
PLANNING BOARD

Minutes of the January 24, 2023 Planning Board meeting

Planning Board members present: Lori Clark, Karen Kelleher, John Colonna-Romano, Margaret Costello, Nancy Arsenault, Mark Jones (voting associate), Deb Woods (non-voting associate)

Lori Clark called the meeting to order at 7:00pm

**Correspondence**

Nancy Arsenault said that she provided a note with pictures of the noise shielding on a recently installed generator at the Gleasondale Mill. Margaret Costello said she would still prefer to have the cut sheets for the insulation that was installed at the enclosure. Margaret Costello said that she is concerned that the generator is exposed to wildlife and the elements and said the Planning Board needs to ensure that surrounding neighborhood remains insulated from loud sounds into the future. John Colonna-Romano said the real proof of it functioning can be gauged from any complaints received from the neighborhood. Margaret Costello said that she is unhappy that AT&T has not provided the schedule of generator test cycles. Planning Board members requested staff follow up with AT&T.

**Public Input**

Dorothy Granat said she was looking at draft zoning bylaw updates for Lower Village and did not see any changes in the zoning district boundaries proposed. Dorothy Granat said that some residential lots around the business district are split between multiple zoning districts. Lori Clark said that the Planning Board will consider boundary changes before anything is submitted for consideration by Town Meeting.

**Planning Board member updates**

John Colonna-Romano said the Community Preservation Committee (CPC) is currently reviewing two applications for funding. The first is for the vacant “school lot” in Gleasondale, which proposes a modest renovation to include a small parking area, a new fence, picnic tables, and other small additions. The Second application is for renovations to preserve the historic West School building. Margaret Costello asked how much funding was requested for the West School project. John Colonna-Romano said a range of options were provided, with a total in the ballpark of \$150k, although that did not include some issues with the building’s roof. Karen Kelleher asked the balance of the CPC’s historic preservation funds. John Colonna-Romano said he does not have the exact number handy, but the balance should be sufficient to cover the request. John Colonna-Romano said that some of those historic preservation funds are already allocated for Randall library renovations.

Nancy Arsenault asked if there would be any conflict of interest if she joined the Historical Society, which she would like to do ahead of Stow’s 300<sup>th</sup> birthday. Board members said there would be no issue.

## Planner's Report

Planning Director Valerie Oorthuys said there will be a public meeting for the planned rehabilitation of the Lake Boon dam next Tuesday, January 31, with the Select Board. Valerie Oorthuys said the purpose of the meeting is for the town's engineers to present designs to the Select Board, and suggested that residents send any questions to the Board ahead of time.

Valerie Oorthuys said the Charter Review Committee will be introducing proposed amendments over the next two Town Meetings, given the high volume of recommended changes. Valerie Oorthuys said she has drafted a Request for Qualifications (RFQ) to select a designer for Track Road, which will allow access to a federal earmark for final design. Valerie Oorthuys said that the first survey for the next comprehensive plan has been published and is available to take now, and that many more surveys will be available over the course of this entire comprehensive planning process.

Nancy Arsenault asked why Economic Development & Industrial Commission (EDIC) vacancies are not included on the Boards and Committees webpage. Valerie Oorthuys said the Select Board has said they will not post those vacancies until the existing EDIC members can agree on a clear set of goals.

Valerie Oorthuys said the deed for a small parcel of vacant land behind some businesses on the south side of Lower Village has been recorded and the Town now officially owns the site. Valerie Oorthuys said this was the final condition to release the performance guarantee of a small subdivision completed many years ago and the developer can now collect those funds.

John Colonna-Romano said the CPC is unsure who would be responsible for the Gleasondale School Lot if it were improved. John Colonna-Romano recalled the existence of a Gleasondale Steering Committee. Margaret Costello said that the application specified that the Highway Department would be responsible for maintenance. Margaret Costello said that she was under the impression that the Recreation Department would act as project manager during construction.

Valerie Oorthuys said that there will be a pair of initial forums regarding proposed Lower Village Zoning Amendments specifically for Town Boards and employees. Valerie Oorthuys said that feedback from these initial forums will be incorporated into later versions for the general public.

## Planning Board Appointment to Comprehensive Plan Committee

*Karen Kelleher motioned to appoint Lori Clark as the Planning Board's representative to the Master/Comprehensive Plan Committee*

*John Colonna-Romano seconded*

**Roll Call Vote:** Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;  
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Mark Jones said the Zoning Board of Appeals is considering an application by Stow Acres Country Club to raze some old structures and construct a new maintenance building. Mark Jones said that the design and location of the proposed building has received some pushback from ZBA members and abutters alike.

Nancy Arsenault said an old vape shop sign is still up at 118 Great Road, and asked that staff push for zoning enforcement action by the Building Inspector to have it removed.

Karen Kelleher said the Planning Department should have further clarification from the Select Board's office regarding staff support of the Economic Development & Industrial Commission going forward.

### **PUBLIC HEARING CONTINUATION – The Cottages at Wandering Pond Active Adult Neighborhood Special Permit**

*Chair Lori Clark re-opened the Public Hearing at 7:30pm.*

Appearing for the applicants were Bruce Wheeler, civil/site engineers George Dimakarakos and Paul Kirchner, and hydrological engineer Don Provencher. George Dimakarakos said they submitted a formal request to the Board for a pair of zoning amendments to facilitate the project. One would add an additional parcel (parcel 20-7 on Assessors map R-2) to the Active Adult Neighborhood Overlay District, which had been erroneously included in the overlay district on assessors maps for several years, only recently discovered. The other zoning amendment would allow attached garages on the so-called "cottage dwellings" proposed as part of the project. George Dimakarakos recalled that the Board extensively discussed allowing attached garages on cottage units when revising Rules and Regulations and it appears to have been an oversight that the zoning bylaw itself was not revised accordingly.

George Dimakarakos showed how the site plan evolved from early concepts following site walks with Town staff, in particular how units in the southwestern part were moved back from adjacent wetlands at the Hale/Corzine conservation land. George Dimakarakos showed on a site plan that that several units are currently proposed in the parcel the applicant is requesting be added to the overlay district. There would still be adequate area on the full site to develop the 140 units proposed if this parcel were not included, but units would have to be located closer to those adjacent wetlands.

John Colonna-Romano noted that the views of the undisturbed wetlands from proposed walking trails would be preserved if the housing were clustered where currently proposed, which would be made possible by adding the parcel to the overlay district. George Dimakarakos said, in his opinion, including the parcel in the site creates a better outcome for all involved, including wildlife protection, scenic views, and impacts to abutting residences.

Lori Clark said that the Board is interested to keep regulations consistent with the Zoning Bylaw, and said she sees no issues making that change to allow attached garages in Cottage Dwellings. Lori Clark noted that the applicant's request also asks that parcel 20-7's underlying zoning be changes from Residential to Industrial, with the recognition that all other parcels in the Active Adult Neighborhood Overlay are within the Industrial District. Board members said they do not believe the Zoning Bylaw specifically requires that the parcel be in the Industrial District to be included in the overlay and asked that the issue be further reviewed by staff.

George Dimakarakos that the project team had a meeting with town staff and the Board's consulting engineer, which resulted in an itemized list of needed revisions. George Dimakarakos said that further revised site plans in response to these comments will be made available later in the Spring. George Dimakarakos said the Conservation Commission also provided some feedback related to uses near the riverfront areas, which may influence final designs.

Valerie Oorthuys said the staff meeting included discussions of wetland impacts and stream crossing designs. Valerie Oorthuys advised the Board to await comments on the culvert designs by the Conservation Commission. George Dimakarakos said that the Board's consulting engineer provided some comments on the design that can be accommodated, and that a Notice of Intent will be filed with the Conservation Commission in February to get formal comments from that body.

Lori Clark asked for Planning Board's overall impressions of the site plan, and if they believe its details are keeping in the intent of the overlay district. Karen Kelleher said she would have liked to see a greater diversity of housing types, including some attached units. Margaret Costello asked if the pond shown at the center of the existing plans is an existing feature, and George Dimakarakos confirmed that it is. Mark Jones said the grades entering from Hudson Road might influence designs and impacts assessed by the Conservation Commission. George Dimakarakos said that a flatter grade would mean more fill in the wetland area, and the tradeoffs between road grades and wetland impacts will need to be carefully balanced.

Nancy Arsenault asked the difference in area between the standard single-family dwellings and the cottage dwellings. George Dimakarakos presented the different housing models in architectural drawings, showing that most standard units will be approximately 2,400 sf and cottage dwellings just under 1,800 sf. John Colonna-Romano asked how the different models will be distributed throughout the development, Bruce Wheeler said that there has been an attempt to somewhat randomly distribute the different models to create visual interest.

Mark Jones asked how unit locations were determined. George Dimakarakos said that the open space areas were outlined early in the process, and that there will be no property lines internal to the site. Mark Jones asked about boundaries between units and lands directly managed by the condo association. George Dimakarakos said that there was an attempt early in the process to preserve the greatest possible amount of open space, and that a ration well above what is required by the Zoning Bylaw was achieved. George Dimakarakos said that regulated open space, such as that placed into a Conservation Restriction, will be properly bounded and will require regular monitoring site walks.

John Colonna-Romano asked how the affordable units will be distributed around the development. George Dimakarakos said that the submitted phasing plan includes a development schedule for all the affordable units. Bruce Wheeler said that each construction phase will include a proportional construction of affordable units comparable to the whole development.

Valerie Oorthuys said that the bylaw and state housing rules requires the design of affordable units that are not distinguishable from market rate units. George Dimakarakos said that the rules are general, and that their designs are not clearly distinguishable. George Dimakarakos said that the Department of Housing and Community Development (DHCD) has repeatedly found that housing rules allow for affordable units to be built at a smaller size than market rate units.

Margaret Costello noted that basement areas are not included in unit square footage calculation. George Dimakarakos confirmed, and said that the square footage measurement is consistent with definitions in the Zoning Bylaw. John Colonna-Romano asked if residents could covert basement space to living space, Bruce Wheeler said that would not be allowed under the Zoning Bylaw. John Colonna-Romano asked if

any living space is being provided above the garages. Bruce Wheeler said the garages are built into the units.

Lori Clark asked if attached units were ever considered. Bruce Wheeler said it was considered early on, but the strongest demand from older adults is for a detached unit type. Bruce Wheeler said if this is something the Board feels strongly about, they may be able to incorporate some multi-family attached units.

Lori Clark said the Board's consulting Traffic engineer commented about the lack of secondary/emergency access. Lori Clark asked if a secondary access is proposed to the site. George Dimakarakos said that there is an opportunity to build an access out to Maple Street over "Goshen Lane", although that Right-of-Way ROW crosses some adjacent properties. George Dimakarakos said the Fire Department did not express interest in creating a second access at that location.

George Dimakarakos said that they have access over a ROW along the southern edge of the full site, which will provide a secondary access to the southern portion of the development. George Dimakarakos said that National Fire Protection Association (NFPA) standards only require a secondary access where more than 1000 units are accessible by a single ROW. Karen Kelleher said notwithstanding those standards she is still surprised that the Fire Department did not raise the issue of a secondary access.

Nancy Arsenault asked if washer/dryer hookups will be provided. Bruce Wheeler said that all units will have a washer/dryer on the first floor.

John Colonna-Romano asked if owners will have rights to install rooftop solar, install electric vehicle charger, etc under the regulations of the HOA. Bruce Wheeler said that EV chargers will be pre-wired and thus simple to install, but that allowance for rooftop solar hookups have not yet been considered.

Mark Jones asked if the cottage dwellings are assessed to get direct sunlight in the winter months, given they are somewhat clustered together. George Dimakarakos said he is not certain if the project architect has assessed sunlight exposures at those units.

Lori Clark opened the hearing to public input. Mark Forgues (39 Adams Drive) asked why the Planning Board would consider the applicant's proposed zoning amendment. Mark Forgues said that there were two major house fires last year, both total losses. Mark Jones asked how mutual aid fire response would access the development if secondary accesses are not provided, not just for emergency services but also for the residents of the development. Mark Forgues said that 2400 sf houses will be added to even if only two bedrooms are allowed, resulting in an increase to other resident's tax burden. Mark Forgues said that the Planning Board should not sponsor the proposed zoning district amendment as it would appear that the Planning Board is endorsing the site plan and application.

Lori Clark said that adding this additional parcel 20-7 to the district would allow for a site plan that was arrived at through several discussions and site walks with conservation staff and commission members. Lori Clark said that the Planning Board is interested in making sure the most advantageous site plan is proposed, and that including this parcel in the overlay district allows for that possibility. Lori Clark reminded attendees that the inclusion of this parcel will not influence the number of units allowed.

Lesley [last name unintelligible] (114 Maple St) asked if the Planning Board has consulted the school district to understand the potential influx of new pupils, especially given that large dens or basements could be easily converted into additional bedrooms. Lori Clark said that the Planning Board has not yet had those discussions with the school district.

Fred Myers (49 Heather Lane) said that he cannot understand how 140 units could only be provided with a single access. Fred Myers asked about the For Sale sign that has gone up at the property, and asked if Habitech still has full site control. Bruce Wheeler said there was a misunderstanding in a Purchase & Sale agreement that has since been resolved with the landowners, and assured the Planning Board that Habitech will acquire fee interest in the parcels.

Ken Duchi (209 Hudson Road) asked if the Planning Board could be held liable for damages resulting from only a single access provided to the development. Lori Clark said she cannot speak to that but understands the concern. Ken Duchi said that proposed development at Stow Acres will also draw from 3 wells, and that that causes him additional concerns. Lori said that the Board will be carefully reviewing impacts to the groundwater. John Colonna-Romano said that public safety departments should continue to be consulted about the risks of single access.

Greg Pitars (75 Kettel Plain Road) asked why the assessing department's data show parcel 20-7 as undevelopable, and if that has any bearing on the Planning Board's decision. Karen Kelleher said that the Assessor's codes are not related to the Zoning Bylaw, and the status of the lot will change if it is developed as part of a broader application. Lori Clark said that the assessment of the property would change going forward as the use code changes.

Mark Jones said that the argument to develop the proposal at this site partially stems from the Town not meeting its affordable housing thresholds under MGL c.40B, and that this is an attractive site to make progress on those counts.

Mark Forgues asked if the number of children projection has changed. Bruce Wheeler said the projection was revised and now provides a range from 8 to 23. Mark Forgues asked if a secondary access will need to be provided during construction, and how long the construction timeline will be.

Lori Clark said that the Board will be attentive to the phasing plan of this development and that there will be further public hearing continuations. John Colonna-Romano said that the project will be constructed over several years, and noted that the 66-unit Regency at Stow development took over two years to fully construct.

Margaret Costello said that she is not happy that there are 99 units at 2400 sf, which might as well be 3600 sf given the unfinished basements not being included in the floor area calculations. Margaret Costello said that many units means a lot more very large houses, which she is not in favor of seeing.

Mark Forgues said that a subdivision at Joanne Drive included two accesses to limit the impacts of construction vehicles, and reiterated that the developer should not be allowed to construct this as proposed.

Valerie Oorthuys reminded the Board that site visits are now considered subject to Open Meeting Law by the State, thus requiring posted agendas and minutes to be taken, and suggested that Planning Board

members stagger their site visits so that a quorum is never present at any one given time. George Dimakarakos asked to continue the Public Hearing to March 7<sup>th</sup> at 7:30pm, allowing enough time for plan revisions and further peer review.

*Karen Kelleher motioned to continue the Public Hearing to March 7<sup>th</sup> at 7:30pm*  
*John Colonna-Romano seconded*

**Roll Call Vote:** Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;  
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

### **Lower Village Zoning Bylaw Amendments**

The Board reviewed revisions to the draft Lower Village Zoning Amendment presentation, and suggested several amendments ahead of any public presentation. The Planning Board asked that greater explanation be given about how the proposed dimensional requirements were arrived at, and how they are balanced against new design standards.

Valerie Oorthuys said that visual aids from consulting firm Dodson & Flinker will help visualize the proposed changes in addition to any revisions to the slide show before public forums begin.

Dorothy Granat said that the elimination of minimum lot size may not be advisable before a lower village water feasibility study is completed. Dorothy Granat said that a wellhead plan submitted to the Conservation Commission for the open space parcel at Heritage Lane showed well setbacks onto an adjacent property and questioned why that business owner was asked for an easement and said that it was inequitable to other businesses in the area.

Leigh Hilderbrandt said she is concerned about language in the draft bylaw distinguishing residential districts vs residential properties. Leigh Hilderbrandt said she does not want to consult a lawyer about submitting a proposed zoning amendment to include her property in the Residential District to the Select Board for consideration at Town Meeting. Leigh Hilderbrandt said that the properties along the south side of Lower Village are not large enough to realize the Planning Board's vision for the district, and not having town sewer is equally impactful to the realization of the district.

*Margaret Costello motioned to adjourn*  
*John Colonna-Romano seconded*

Respectfully submitted,  
Malcolm Ragan