

TOWN OF STOW
PLANNING BOARD

Minutes of the September 28, 2021 Planning Board Meeting

Planning Board members present: Lori Clark, Karen Kelleher, John Colonna-Romano, Nancy Arsenault
Mark Jones (Voting Associate)

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

*Karen Kelleher moved to approve minutes of the September 14, 2021 meeting as amended.
Nancy Arsenault seconded*

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

Correspondence

Lori Clark said that Nancy Arsenault's letter to the Board made her think there should be a retrospective discussion on the Nan's Market Special Permit process. Lori Clark said that she is welcoming feedback on her handling of the most recent public meeting. Nancy Arsenault said that she also appreciated Margaret Costello's letter on the topic and said that she had also received several frustrated comments from Stow residents following posts made on Nan's Market's social media accounts.

Karen Kelleher said that the Board should reserve an agenda item to discuss a policy for associate member appointments. John Colonna-Romano asked if associate member positions should be publicly posted. Karen Kelleher said that the Board should agree to a policy that governs things like public postings of vacancies. Lori Clark agreed to include the topic in an upcoming agenda.

Mark Jones asked if a resident had received a response from the Town regarding their email about Nan's Market permit compliance. Jesse Steadman said that the email pertained to zoning enforcement matters and since the Planning Board is no longer actively reviewing Nan's Market's plans for Special Permit compliance, no Planning Department response would be given. John Colonna-Romano asked if the Special Permit granted to Nan's Market in July is the governing permit for the site. Karen Kelleher said that since they have not acted upon the proposed uses the previous Special Permit governs what is currently allowed at the site. Karen Kelleher said that the permit from July will remain valid for a period of 2 years. Jesse Steadman said that he has been in contact with the owners and they will follow up prior to the next outdoor dining season.

Public Input

Resident Leigh Hilderbrandt said that the medians in Great Road keep changing since people keep striking them with vehicles. Leigh Hilderbrandt said that the medians have significantly changed design from the original construction plans. Leigh Hilderbrandt said that the medians do not serve their purpose and are a visual blight on the area. Mark Jones said that those medians are now completely within the jurisdiction of the Highway Department. Jesse Steadman said that Highway super suggested the reflectors for the medians for the winter months. Leigh Hilderbrandt asked if those new reflectors are temporary just

for the winter season. Jesse Steadman said he believes they are temporary. Leigh Hilderbrandt said that speed limits across Stow should be lowered and said that nearby towns have lowered speed limits. Karen Kelleher said that the Planning Board does not have the authority to make such changes in Stow. Lori Clark suggested that the Board make the Highway Superintendent aware of the original design of the stretch of Great Road through Lower Village, and Karen Kelleher suggested that Leigh Hilderbrandt's correspondence be forwarded onto the Highway Superintendent. Jesse Steadman suggested that Leigh Hilderbrandt submit her complaint to the Traffic Safety Advisory Committee. Mark Jones said that a Town may request a speed study on a state-numbered road and that MassDOT determines the speed limit by measuring the 85th percentile of traffic speed on that section, so there is always a possibility that requesting such a study actually raises the speed limit. Leigh Hilderbrandt said that the speed limit through Lower Village should be 25mph.

Planning Board Member Updates

Mark Jones said there have been discussion within the Zoning Board of Appeals (ZBA) about amending residential zoning to reduce the number of nonconforming properties. Mark Jones said that there are multiple subdivisions that do not meet current dimensional requirements and the apparent solution is to create multiple residential zoning districts. Mark Jones said that the ZBA frequently reviews minor construction on existing homes and frequently grant variances for this minor work.

Planner's Report

Jesse Steadman said he is happy to hear the Zoning Board of Appeals is discussing the limitations of having a single residential zoning district, as it is challenging and time consuming for residents in certain areas of town to make even minor modifications to their homes. Karen Kelleher agreed, and said that large areas of Stow require Special Permits and/or variances for even minor work outside the existing building footprints. Karen Kelleher said that is exactly why many towns have multiple residential zoning districts with different dimensional requirements.

Jesse Steadman reminded the Board of a public forum on zoning recommendations for the Lower Village scheduled for Thursday Oct 7 at 7pm. Jesse Steadman said that the Planning Board will not be meeting on Tuesday Oct 5.

Jesse Steadman said that warrant articles for the Oct 30 Special Town Meeting are due to the Select Board by the end of the day on Oct 4. Jesse Steadman said there will be a public hearing for the Board's proposed zoning amendments on Oct 19.

Jesse Steadman referenced correspondence from Phil Moseley regarding granite post replacement in Lower Village. Jesse Steadman said Phil Mosely has found a contractor that can replace the posts for approximately \$4,000. Jesse Steadman said that the Town should be able to pay for the post replacement with funds leftover from the Lower Village road improvement project.

Jesse Steadman said the Traffic Safety Advisory Committee (TSAC) has met several times and will soon vote to make a recommendation to fully adopt a town-wide 25mph speed limit unless otherwise posted policy. Jesse Steadman said that more roads have no posted speed limit than the Town originally recognized. Jesse Steadman said the TSAC is also discussing some traffic calming techniques and will

later seek a consultant to provide performance standards for areas to begin implementing some of those measures.

Jesse Steadman recalled that the Boston Area Metropolitan Planning Organization (MPO) has agreed to provide some assessment of the Town Center intersection, which will involve some data collection and recommendations for low-cost and short-term improvements. Jesse Steadman said that the recommendations and data will be helpful in creating a Request for Proposals (RFP) for a larger Town Center transportation improvement project. Jesse Steadman also reminded the Board that a portion of Great Road in front of Town Building is due to be milled and paved soon.

Jesse Steadman said the Board will be reviewing an Approval Not Required (ANR) plan for a land swap for Plantation Apartments' water supply at the Oct 12 meeting. Jesse Steadman informed the Board that AT&T has submitted an application for Site Plan Review for installation of a backup generator and accompanying infrastructure at their 501 Gleasondale Road site. Jesse Steadman said the Planning Department had been told that the changes would qualify as an "eligible facilities request" under federal law, meaning the Planning Board has limited discretion over the proposed work. Jesse Steadman also reminded the Board that a judgment from 2009 also limited the Board's authority to restrict certain improvements to the transmission equipment. Jesse Steadman said that staff noted in their initial review that the work will involve an expansion of the equipment footprint and will add new equipment visible from a public way, which potentially place the proposed work outside of the limitations set by federal law and the 2009 court judgment. Jesse Steadman said that he still considers the proposed work a minor change to the overall site. Lori Clark noted that most backup generators are required to run once weekly. Jesse Steadman said that since the transmission equipment is part of an approved use in the Wireless Service Facility overlay district, he does not believe a Special Permit application is required, especially given the risk of conflicting with FCC regulations or other applicable federal pre-emptions for transmission equipment.

Board members recalled that they did not require a Special Permit or public hearing for past work on transmission equipment at that site. Jesse Steadman said that unless there is a clear requirement for a Special Permit and public hearing, he is inclined toward simply requiring a formal Site Plan Approval process. Karen Kelleher said that the applicant should be prepared to argue why their modifications can be approved under the previous court judgement.

137 Harvard Road Erosion Control Special Permit Deliberation

Lori Clark recalled the process to this point. Jesse Steadman said he is looking for guidance from the Board on what to include in a draft Special Permit decision. Karen Kelleher said that the Board should make findings about the site conditions and what work has already been completed. Karen Kelleher said the Board should include standard finding required under the Zoning Bylaw, but that it may be difficult to make many other findings and conditions given that work is largely completed. Lori Clark suggested that the Board review all issues at hand and determine can possibly be addressed by the Special Permit.

John Colonna-Romano recalled work done for gas line installation and accompanying drainage work. John Colonna-Romano suggested that the Special Permit note that work and require the infrastructure be maintained. Lori Clark said that any of the mitigation work that was completed during the hearing should also be listed as a condition in the decision. Lori Clark said consulting engineer Sue Carter's recommendations and observances should be recorded in the decision as findings. John Colonna-Romano

suggested the Board include a condition that the vacant lot be maintained at a certain level of vegetation. Lori Clark suggested a finding that the second lot is not currently buildable. Lori Clark suggested a finding that the two lots are considered a single site for zoning purposes, as determined by the Building Commissioner. Karen Kelleher said that abutter concerns raised during the public hearing should be included as finding in the decision. Jesse Steadman commented that the findings may be more important than conditions for this decision.

Jesse Steadman said he will include a finding that roadway flooding has been an ongoing issue at the site. Lori Clark noted that the consulting engineer believes that the work done on 137 Harvard Rd has not resulted in a substantial change in rate, volume, or direction of runoff, and that any observed increase may be due to other factors. Lori Clark said that the findings about icing in the roadway need to be addressed for later follow up by the Highway Department. John Colonna-Romano asked if there is anything that can be said about runoff from the golf course uphill of the site. Jesse Steadman said that enough had been observed to include a finding about water running from Wedgewood Pines Country Club. Karen Kelleher said that the finding about Wedgewood Pines runoff should point out impacts to the entire area. Karen Kelleher also noted that the Board cannot say decisively, given current information, that Wedgewood Pines has made changes to the site that have altered the rate, direction, or volume of stormwater runoff. John Colonna-Romano recalled that the Planning Board observed a sheen on the standing water over the leach field during a site visit. Karen Kelleher said that will be another finding to get some additional follow up from the Board of Health.

Karen Kelleher said that allegations by the abutter at 153 Harvard Rd that a survey pin was removed should also be documented in a finding. John Colonna-Romano asked if the timelines of the work completed and for permitting will be included in the decision. Jesse Steadman said that the timeline would be documented in the history section of the decision. Lori Clark said that the decision should include a finding that a septic system approval for the second lot does not constitute a ruling that the lot is buildable.

Lori Clark asked Board members to consider which issues identified require follow up from other town departments. Lori Clark said that the old Special Permit governing Wedgewood Pines is not especially robust from a stormwater perspective, and asked Jesse Steadman what course of action could be taken to re-examine the issue. Lori Clark recalled that the Conservation Commission had made some recent determinations about drainage characteristics at Wedgewood Pines, and that said information should be reviewed by the Planning Board. Jesse Steadman said it is possible for the Planning Board to approach Wedgewood Pines with some recommended simple changes to slow runoff from the site. Karen Kelleher said that the water running over the roadway needs to be addressed by the Highway Department, and that the existing drainage system at the site is clearly not serving its purpose fully. Karen Kelleher said that the road is the Town's responsibility and that needs to be addressed and understood.

Discussion on Bose Rezoning

Jesse Steadman said that over past winter Bose began efforts to sell the property, and that the Town learned of interest for various distribution and manufacturing uses at the site. Jesse Steadman said that Bose had been receiving many proposals for the site and had essentially conducted a competitive bid process for the sale. Jesse Steadman said the Town had been concerned about some of the proposed uses given the only proper access to the site is through a residential area.

Jesse Steadman said that a group of officials met with Peter Masters, who has put together a group of investors interested in a sports-focused preparatory academy for the site, taking inspiration and expertise from the IMG Academy in Florida. Jesse Steadman said the vision is described as a facility that could house students on site, beginning with an enrollment as low as 100 students and eventually growing to a maximum of 700. Jesse Steadman said the vision is to build a hockey facility, some outdoor athletic fields, and a refurbishment of the existing structure. Jesse Steadman said that the investors are prepared to spend roughly \$28 million on the site. Jesse Steadman said that some of the parking may be removed as part of the development. Jesse Steadman said the use would be a similar intensity as what was previously permitted for the Bose site.

Lori Clark said she is excited by the proposal, and that the site seems well suited to the proposed use. Jesse Steadman said that the use would be less impactful to the community than industrial or distribution uses, with far less truck traffic. Nancy Arsenault said that she is excited by the proposal given what she knows about the IMG Academy in Florida. Lori Clark said that knowing there is very limited demand for corporate space, it is exciting to see a use that will not create as significant of impacts as some alternative uses.

Jesse Steadman said the potential developers want to move the project along as quickly as possible. Jesse Steadman said that the academy would require a zoning change to be an allowed use in the Industrial Zoning District. Jesse Steadman said the required zoning change will be simple, permitting will still be by Special Permit, allowing for proper Board review of the proposal. Jesse Steadman said that Town Counsel has suggested the zoning change should include a provision requiring a development agreement with the Select Board before the use can be permitted by the Planning Board. Jesse Steadman said that such an agreement will give the Town assurance that the school will be developed as proposed.

Board members expressed support for bringing the zoning amendment to the Oct 30 Special Town Meeting. Nancy Arsenault asked if the development agreement could secure some improvement to the Lower Village area. Jesse Steadman said that the investors have floated an agreement to manage Stow Community Park, cooperation on a Massworks grant to improve the intersection of Great Road and Hudson Rd, additional open space connections, and making the facility available to Stow residents after hours. Jesse Steadman said that the list could be expanded. Jesse Steadman said that a hopeful timeline is for opening is Fall 2023.

Jesse Steadman said staff will talk with Town Counsel about timing of the development agreement in relation to a zoning change vote at Special Town Meeting. Jesse Steadman said that timing issues will prove the greatest challenge. Jesse Steadman said that the Board will hold a public hearing for the proposed Industrial District zoning amendment on Oct 26th.

John Colonna-Romano asked if the Town is likely to see some tax benefit from the development. Jesse Steadman said that the academy will be a for-profit institution, and that the purchase price is approximately \$11 million, with an expected additional \$28 million to be invested into the site, meaning an increase in tax receipts for the Town. Jesse Steadman said that the academy is currently in Marlborough on a much smaller site.

Mark Jones asked what authority the Town has to require a development agreement prior to permitting. Jesse Steadman said that he will need to review with counsel on how the development agreement will proceed.

Discussion on Proposed Zoning Changes for Special Town Meeting

Jesse Steadman said that staff will add Planning Board summaries to the warrant articles.

Board members approved of proposed amendments to the Registered Marijuana Overlay District Zoning, noting that outcomes of the 2018 Town election will simply be reflected in the Zoning Bylaw.

Jesse Steadman said staff have discussed a rationalization of numbering systems in the Zoning Bylaw and may attempt to renumber a substantial portion of the document at a later date. Jesse Steadman said that the proposed amendments to the Special Permit requirements will allow some creative Complete Streets improvements and will not require sidewalks in areas where they would not be useful.

Mark Jones said the Zoning Board of Appeals issues many Special Permits and has had a hard time enforcing sidewalk requirements at those properties. Jesse Steadman said that certain Special Permits can be exempted from that requirement under the proposed amendment, including those issued under section 3.9 (Nonconforming Uses & Structures).

Jesse Steadman reminded the Board that they cannot discuss proposed zoning amendments in depth once a notice for a public hearing is published.

Lori Clark said that the Planning Board summary for amendments to the Active Adult Neighborhood Overlay District should provide history about the inconsistent use of floor area definitions and why that makes the amendment necessary.

The Board Lori Clark suggested adding words “for each establishment” to the proposed amendments to the signage section allowing a single internally illuminated sign.

Karen Kelleher said that the Bose amendment should just include the industrial district and the table of uses. Jesse Steadman said he would review to see if any other sections would need to be amended.

Karen Kelleher moved to adjourn
John Colonna-Romano seconded

Respectfully submitted,
Malcolm Ragan