

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 1, 2019 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Karen Kelleher, Len Golder, John Colonna-Romano

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

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

**Discussion of Meeting Minutes**  
**Minutes of September 24, 2019**

*Margaret Costello moved to approve the minutes as amended.*

*Karen Kelleher seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano- Yea).**

**Correspondence**

Karen Kelleher asked for more information regarding correspondence from the applicant of an Erosion Control Special Permit at 79 Edgehill Road. Jesse Steadman said the applicant has chosen to provide a payment in lieu of constructing a sidewalk or offering the Town an easement for a sidewalk. Jesse Steadman added that the applicant has provided an updated drainage plan that has been reviewed by the Board's consulting engineer, who has concern for the timing of construction of the project lining up with the Highway Department's construction of the catchbasin on Walcott Street.

Margaret Costello noted staff meeting notes regarding abutters' concerns of the Boxmill Bridge reconstruction. Margaret Costello supported abutters' concern for overhead wires remaining on site, stating that because the project necessitates relocating the utilities, they should be placed underground, especially as they visually impact land that is part of a Town-held Conservation Restriction.

**Public Input**

Mark Forgues, 9 White Pond Road, said that he is unhappy with the driveway entrance at 1 White Pond Road, stating that he believes it should be 28 feet wide at the residential property, though he believes the opening is currently 13.7 feet wide. Lori Clark noted a letter from the engineers at Green International Associates, stating that the driveway was 24 feet wide pre-construction and the plans show a driveway opening of 33.5 feet wide. Lori Clark stated that staff should confirm with E.T.&L. Corp that the driveway is built to the plan specifications.

**Planner's Report**

*Boxmill Bridge*

Jesse Steadman said staff met with abutters of Boxmill Bridge to review MassDOT's 25% design plans, which include temporary and permanent easements. The next step is to meet with the Board of Selectmen to discuss the process for appraisals and easements according to MassDOT's standard.

### *Gleasondale Bridge*

Jesse Steadman said there is a proposed utility easement on the northeast side of the bridge which residents would like to maintain as a permanent canoe put in. Jesse Steadman said he would speak with the construction team about ensuring this access can be used in perpetuity.

### *Athens Lane*

Jesse Steadman said the owner of four parcels off Athens Lane has asked to be on the Board's next agenda to discuss a concept plan and the cap on Active Adult Neighborhoods.

### *CrossTown Connect Shuttle*

Jesse Steadman said the Town Administrator, the Chair of the Board of Selectmen, and Planning staff are continuing to work on a location for the CrossTown Connect shuttle to take residents to the South Acton train station via Maynard and Acton. As Linear Realty is not interested in providing dedicated parking at the shopping plaza in Lower Village, there may be alternatives in Town Center at the former fire station.

### *On Demand Transportation*

Jesse Steadman said he is on an intermunicipal Steering Committee responsible for administration of a Community Compact grant to provide eligible residents discounted on-demand transportation through a service such as Uber or Lyft. The Town's social worker and Director of the Council on Ageing have been active with these discussions.

### *Public Hearing on Beef N' Ale Reconstruction*

Jesse Steadman said the public hearing for a Special Permit and Site Plan Approval to demolish and replace the former Beef N' Ale structure will be held at the Board's meeting next week.

### **Regency at Stow Bond Reduction Request**

The Planning Board reviewed Toll Brothers' bond reduction request. Jesse Steadman said the Board's consulting engineer at Places Associates has no issue with the revised bond total of \$100,974 remaining. Jesse Steadman said Toll Brothers has already completed some of the items described on the bond estimate, so what is held back is more than what is owed, even with a 50% contingency.

*Karen Kelleher moved to authorize a reduction of the bond for Regency at Stow for a remaining total of \$100,974.*

*Margaret Costello seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano- Yea).**

### **Request to Rezone 29 Great Road**

*Present:*

*Dan Ward, 29 Great Road*

*Emily Jacobsen, The Prettiest Home*

Jesse Steadman said that Dan Ward and Emily Jacobsen have requested a zoning change at 29 Great Road, at the location of the former Marble Hill Farm stand. The purpose of the request is to operate a winter pop-up shop for home décor products.

Lori Clark asked if the farm stand is still operational. Dan Ward said it hasn't been open for two years, though he would like to run it again.

Jesse Steadman noted Section 3.2.1.1 of the Zoning Bylaw, which describes the agricultural exemption for sales of products in the residential district. Sales of products are allowed, provided that at least 51% of gross annual sales are from produce raised by the owner, operator or lessee of the stand, and at least 90% of gross annual sales are from farm produce.

Emily Jacobsen said that the intent is to have 29 Great Road host a pop up shop during weekends during the holidays, and noted that the Building Commissioner allowed The Prettiest Home to continue sales last year, provided that more agricultural products were added. Emily Jacobsen said the items sold were wholesale and wood décor items and handcrafted goods, and asked how this can be operated under the bylaw. Karen Kelleher referred back to Section 3.2.1.1 of the Zoning Bylaw, noting the agricultural exemption and home based occupations allowed in the residential zone, which wouldn't apply in this case.

Lori Clark said that the Board has historically been concerned with spot zoning, so that unless there is a larger scope for consideration of rezoning, the Planning Board does not tend to put forth zoning changes for a particular use.

Dan Ward said that the site previously had a license through the Board of Selectmen to sell cars. The Board discussed the issue of not being able to dictate a type of retail allowed in a particular location and noted that a license through the Board of Selectmen cannot supersede zoning.

The Planning Board agreed that the shop could partner with local farms as lessees on the former Marble Hill Farm Stand site in order to comply with the bylaw, or the shop could continue to look for alternative locations in Stow.

### **Athens Street Concept Plans**

Jesse Steadman said the owner of four parcels off Athens Lane, south of the 'Quirk property' would like to know if the Planning Board would support an article for the Town Meeting warrant to raise the cap on Active Adult Neighborhoods.

The Planning Board noted the concept plans don't provide much information and depict a uniform, dense development with a long single access road.

Karen Kelleher said the Board should consider the need for Active Adult Neighborhoods should the market changes in the future. Karen Kelleher said the market study provided by the applicant only looks at demand through 2025. Lori Clark agreed, stating it is not good business practice to create capacity for the peak demand and said the Board would need more information about what this trend looks like farther into the future.

Jesse Steadman said the Board could consider what they would like to have changed in the bylaw aside from the cap, considering what 55+ neighborhoods could look like going forward. Jesse Steadman noted that the Department of Housing and Community Development alerted the Town that in order to have affordable units listed on the Subsidized Housing Inventory, units either need to restrict age to 62+ or continue to allow residents 55 and over and also children under the age of 18.

The Board discussed looking to include varied sizes of homes and diversified housing types to encourage aging in place and affordability. The Board agreed this is similar to the planning process around the golf courses, and could be incorporated into that process. The Board discussed age restrictions and the ability to allow children under 18.

Mark Jones noted that Regency at Stow provides around \$500,000 through taxes to the Town, so these developments do provide economic growth.

Mark Jones said it would be helpful to know what the regional market is for Active Adult Neighborhoods, specifically what the supply information is within proximity of Stow.

Margaret Costello asked about the opportunity to encourage cohousing. Jesse Steadman said that applicants have been dissuaded after learning that ownership of affordable units provided in the development would need to go through a lottery process, meaning the applicant could not select individuals to be a part of the cohousing community.

The Board discussed the concept plans provided by the applicant, agreeing they would like to ask how the development was created, and what Phase 2 of the project may look like, assuming the applicant also wishes to develop the Quirk property to the north. The Board acknowledged that the concept plan would likely provide access to allow the Quirk property to be developed.

### **Properties for Town Consideration of Purchase- Highrock Church and Stow Acres Driving Range**

The Board discussed two properties that the Town may consider purchasing, including the 20 acre driving range on the north course of Stow Acres which is under Chapter 61, and the Highrock Church along Great Road.

#### *Highrock Church*

The Board discussed possible uses for Highrock Church, including library or recreation space for youth. Meghan Birch-McMichael recalled that the Library has not been successful in receiving grants due to their limited parking and accessibility. Megan Birch-McMichael noted that construction grants are made specifically available to libraries, and said she would pass this information on to the Library Trustees or the Building Committee, should they wish to relocate services to Highrock Church. Len Golder said that while there may be these needs in Town, the use of the building should be clarified prior to committing to purchase it.

Jesse Steadman noted that the Town Building Space Use Feasibility report reviewed the supply of Town-owned buildings in Town and considered whether another building is needed. Jesse Steadman added that any sale of the Highrock Church parcel should allow the Town's easement for parking at Town Center Park to continue.

The Board agreed there is benefit to the Town owning contiguous parcels of land in Town Center, including the Library and Town Center Park and that passing up on the parcel could be short sighted. Lori Clark added that purchase of the parcel does not preclude the Town from subdividing and selling it.

#### *Driving Range*

Jesse Steadman said the Town has a concept plan for the 20 acre driving range, which provides 5 hammerhead lots and 1 Approval Not Required (ANR) lot. Jesse Steadman said the parcel is under Chapter 61, allowing the Town the Right of First Refusal. The Stow Municipal Affordable Housing Trust meets next on October 16<sup>th</sup> to discuss their interest in the parcel. The Conservation Commission and the Open Space Committee noted their concern for the protection of wetlands to the north of the area, as the driving range abuts sensitive areas. The Recreation Department has also expressed interest in utilizing the area for play fields.

Lori Clark said that housing at the driving range could change the viewshed, noting that the Planning Board has heard from residents the importance of scenic views through the golf course planning forum.

#### **Lower Village Traffic Safety Improvement Project**

Jesse Steadman said this week, E.T.&L. Corp is continuing to install granite curbing, with the Highway Department responsible for removing the asphalt curbing in its place. The pedestrian refuge islands will be installed this week. A handful of wheelchair ramps will be reconstructed in the coming weeks. Temporary lane striping is in place, though the fog lines will not be installed until after final paving is complete.

Jesse Steadman said the Lower Village Working Group was notified that there are several catchbasins that need to be raised to complete curb installation and remain raised until final paving is completed. However, this could cause the catchbasins to remain raised for around 30 days and would not be functional during that time. Engineers at Green have recommended that the catchbasins have interim pavement added to direct stormwater into the system.

Jesse Steadman asked the Planning Board to select a color for the stamped asphalt material on the pedestrian refuge islands. The Board agreed upon either terra cotta or brick, whichever color appears closest to a brick.

#### **Executive Session in Accordance with M.G.L. Ch. 30A s.21(a)(3) for the purpose of discussing strategy with respect to ongoing litigation**

Lori Clark stated that she finds an open discussion would have a detrimental effect on the Board's litigating position.

*Karen Kelleher moved to enter into Executive Session for the purpose of discussing strategy with respect to ongoing litigation, in accordance with M.G.L. Ch.30A s.21(a)(3) and to adjourn the regularly scheduled meeting of the Planning Board thereafter.*

*Margaret Costello seconded.*

**Roll Call Vote: Lori Clark- Yea; Margaret Costello- Yea; Karen Kelleher- Yea; Len Golder- Yea; John Colonna-Romano- Yea.**

#### **Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys