

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 20, 2020 Planning Board Meeting

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

Voting Associate Member: Mark Jones

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

**Discussion of Meeting Minutes**  
**Minutes of October 6, 2020**

*Karen Kelleher moved to approve the minutes as amended.*

*John Colonna-Romano seconded.*

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

**Correspondence**

Karen Kelleher noted correspondence from Leigh Hilderbrandt, 196 Great Road, related to rezoning of the Lower Village Business District. Karen Kelleher suggested the letter should be forwarded to the Historical Commission and noted the homeowner could look to put a historical preservation restriction on the home. Karen Kelleher said that she is against rezoning from residential to business. If 196 Great Road were rezoned to residential, it would impact the abutting business zoned lot requiring an increased buffer thereby resulting in a reduction in the developable area in an already small business district. Meg Costello said the homeowner should connect with Eve Fischer, a resident in Gleasondale who has successfully put a historic restriction on her home.

Karen Kelleher noted correspondence from a prospective buyer of the Amerscot House Inn regarding the ability to divide the structure into multiple units. Karen Kelleher said that in addition to Zoning Bylaw Section 3.2.3.5 which grants historic or culturally significant structures certain allowances through Special Permit, Section 3.2.2.3 may allow the conversion of the structure into a two-family dwelling.

**Member's Updates**

Mark Jones said the Zoning Board of Appeals is considering revisions to a covenant with Plantation Apartments which would be somewhat more permissive than the existing covenant.

Lori Clark said she recently spoke with Mike Kopczynski of the Stow Municipal Affordable Housing Trust (SMAHT) regarding construction of affordable housing units on Town owned property on Red Acre Road. SMAHT is concerned that developers may not be interested in a small project and they would like the Planning Board to consider zoning changes that would allow more creative by-right development. The Board agreed that they would like to better understand the concern about developers' interest in the project and agreed to discuss their opinions on an affordable housing bylaw with SMAHT at an upcoming meeting.

**Public Input**

Kathy Konno, 138 Harvard Road, asked for updates related to zoning violations at 137 Harvard Road and stated that her concern is primarily related to the proximity of her well to the distribution

box of the septic at 137 Harvard Road. Jesse Steadman said the builder has not received a Certificate of Compliance for the septic system, meaning there are no as-built plans for the system. If no inspection occurred before the system was backfilled, it would need to be uncovered and inspected.

Kathy Konno asked if there has been any follow up since the builder's lawyer filed at Concord District Court to have the cease and desist removed. Jesse Steadman said staff would check in with the Building Department to see if there are any updates with that action.

John Mascia, 153 Harvard Road, asked if the builder is still being issued daily fines. Jesse Steadman said he is.

The Planning Board agreed that staff from Planning, Building, the Zoning Board of Appeals, and the Town Administrator should meet to discuss the status of the property and to discuss next steps.

John Mascia asked for any updates related to water runoff impacting his property. Jesse Steadman said he would reach out to the Highway Superintendent again.

### **Planner's Report**

#### *Arbor Glen Lighting Request*

Residents at Arbor Glen would like to be allowed to update existing outdoor lighting fixtures to increase lumens. The lights are not street lamps, but are those that are installed outside of the condos. The Special Permit for the development is slightly more restrictive than what is provided in the zoning bylaw. The Planning Board agreed to discuss at an upcoming meeting after a more detailed request is submitted.

#### *Hammerhead Lot Special Permit , 44 Hiley Brook Road Public Hearing*

Jesse Steadman said the public hearing will be held at the Board's meeting of November 10<sup>th</sup>.

#### *Lower Village Zoning Updates*

Consultants from Dodson & Flinker will join the Board's meeting of November 10<sup>th</sup> to continue the process of revising the Lower Village Business District zoning bylaws. Mark Jones asked if the consultants would be providing examples of successes and failures of business districts in comparable towns. Jesse Steadman said this discussion may be more broad and focused on engaging residents in the process, with an analysis of case studies coming later.

#### *Lower Village Traffic Improvement Project*

The infiltration system is being installed on the Lower Common. Regrading and paving work at 92 Great Road will begin soon, with the work estimated to occur over two days.

#### *Golf Course Planning Process*

Staff met again this week with Dodson & Flinker and the owner of Stow Acres to continue discussions over planning for the future of the golf course parcels. Next steps in the process include holding a public meeting to engage residents in the process.

#### *Zoning Bylaw Updates*

Jesse Steadman said he has been working on updates to the Common Drive bylaw, the Accessory Apartments bylaw, and the bylaw's handling of nonconforming uses and structures for possible consideration at Annual Town Meeting.

#### *Regency at Stow Walking Trails*

Jesse Steadman said he recently walked the trails within the development and will provide comments to Toll Brothers.

**Endorsement of Minor Modification of Spring Hill Estates Definitive Subdivision and Erosion Control and Hammerhead Lot Special Permit**

Jesse Steadman said the minor modification was previously approved by the Planning Board, and the decision is ready to be signed.

Brian Saylor, 117 Walcott Street, asked if the extension of the date at which the road is to be completed is the only change in the modification. Lori Clark confirmed it is the only change.

Meg Costello said that she believed the subdivision was supposed to provide access to trails at Hale/Corzine from Walcott Street. Jesse Steadman said he would confirm.

**108-118 Great Road Special Permit, Discussion with John Cramer**

Present:

John Cramer, owner, 108-118 Great Road

Jesse Steadman said the Board has received correspondence from John Cramer noting his concern with his ability to secure financing while signage at two businesses at 118 Great Road does not comply with the Town's Zoning Bylaws. John Cramer has requested relief from the Special Permit condition that requires the existing businesses at 118 Great Road to comply with lighting and signage bylaws.

John Cramer said the problematic signage is at the Bank of America ATM and Stow Café, where there is internally illuminated signage. Bank of America has stated their signage would be in compliance within a 3 year window. John Cramer said that when he purchased the properties, he received a letter from the Building Commissioner stating there were no zoning issues at those sites. John Cramer said that he feels that if the Special Permit were not modified, a lender would recognize that he would not be able to get an Occupancy Permit.

Karen Kelleher said that the Bank of America signage might be grandfathered, but otherwise the Planning Board would not be able to grant a zoning waiver. An extension could be granted, allowing the site to come into compliance within a certain timeframe.

Lori Clark said that staff could review signage at 118 Great Road with the Building Commissioner to see if the sign is permitted.

Meg Costello asked for verification that the owner intends to comply with Stow's sign bylaws. John Cramer said that he understands the sites need to comply with local bylaws and noted that the Bank of America lease states they must meet Town requirements.

John Cramer said he would also like to place a For Lease sign outside of 108 Great Road, as there previously was a permitted For Lease sign located there. However, it was placed by the previous owner and the signs dimensions are not known. Jesse Steadman said he would ask the Building Commissioner to determine the size of the sign.

The Planning Board agreed to vote on a determination of a minor modification on their next agenda of October 27<sup>th</sup>.

**Stow House of Pizza Temporary Outdoor Dining License**

Present:  
Steve Poole, Engineer for Stow House of Pizza

Jesse Steadman said he has provided the Board with Stow House of Pizza's application to the Board of Selectmen for a Temporary Outdoor Dining License. The Board recognized that the permit request shows that site work would occur in order to create space for outdoor dining.

Megan Birch-McMichael noted that it would be helpful to have a copy of the Cease and Desist order when the Selectmen review the application.

The Board agreed to send a letter to the Selectmen to alert them that the owner has done unpermitted site work that has led to the issuance of a Cease and Desist order, and that the approval of a temporary outdoor dining license would allow unpermitted site plan elements. The temporary outdoor dining license is not intended to circumnavigate site plan approval.

Steve Poole said he had worked with Stow House of Pizza previously on their 2006 Special Permit for the expansion of the existing building and parking area, which was not acted upon because of water supply limitations. Steve Poole said this application is intended to allow a level area for outdoor seating.

The Board agreed that a temporary outdoor seating plan should be provided to the Selectmen, one that would not necessitate site work. The Board noted that abutters have clear concerns over the unpermitted work already done, including the elimination of landscaped buffers.

Jean DiBattista, 4 Lanes End Road, said there is little screening between 148 Great Road and her home and is concerned that it will not be replaced before the winter.

Meg Costello said she is concerned with safety on the site as she has seen kids playing on the stockpiles.

The Board agreed the applicant needs to bring forward a Special Permit application as soon as possible to safely secure the site and consider the owner's intended improvements.

Meeting Adjourned.

Respectfully Submitted,  
Valerie Oorthuys