

TOWN OF STOW
PLANNING BOARD

Minutes of the March 9, 2021 Planning Board Meeting

Planning Board members present: Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano, Mark Jones, Len Golder

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

*Karen Kelleher moved to approve minutes of the March 2, 2021 meeting as amended.
Len Golder seconded*

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

Correspondence

Resident Kathy Konno inquired about earlier correspondence regarding site drainage issues at 137 Harvard Road. Town Planner Jesse Steadman responded that he had reached out to Town Counsel to provide an opinion as to the applicability of Erosion Control Special Permit thresholds to the site.

Resident Jon Mascia reported that he had written a letter to numerous town officials regarding 137 Harvard Road, and had sent copies to the Planning Board. Jon Mascia reiterated that he is willing to provide evidence of the impacts to his property from sitework at 137 Harvard Road.

Planning Board Member Updates

Lori Clark reported that she attended the volunteer outreach night for town boards, and that the event was well attended.

Planner's Report

Town Planner Jesse provided a timeline of business for the coming weeks. Tuesday March 23, 2021 will be the date of a public forum to present proposed zoning changes to the Active Adult Neighborhood (AAN) overlay district. The Board will also open a Special Permit hearing for proposed outdoor dining at Nan's Rustic Kitchen (former site of Stowaway Inn) prior to the public forum.

Jesse Steadman said that following the public forum on the proposed zoning changes and the Athens Lane development, a complete draft of the bylaw changes and a notice for a Public Hearing shall be distributed to the Board on March 30. Jesse Steadman then proposed an informal hearing on the bylaw changes on April 13, with a further statutory Public Hearing for the changes later in May, ahead of the Annual Town Meeting.

Mark Jones raised concern that following this schedule would be rushing important changes to the AAN zoning bylaw. Lori Clark responded that the Board retains some flexibility with this schedule until March 30 when it must decide to send out a notice of public hearing to be held on April 14. Lori Clark suggested that the Board verify the workability of this schedule in advance of any notice being drafted and any agenda for March 30 being populated.

Meg Costello suggested that formula for providing a fees in lieu of constructing affordable housing units be updated in response to upcoming development. Jesse responded that he plans to update the inclusionary housing standards for the Active Adult Neighborhood, but has not had the opportunity to address an update to the fee in lieu formula.

Jesse Steadman brought to the attention of the Board correspondence from Biels Advisory Group regarding interest in purchase and redevelopment of the Bose campus. The Board requested that Jesse Steadman solicit further discussions with the potential applicant. Lori Clark and Karen Kelleher suggested that the Board take up further discussions with potential developers following Annual Town Meeting in May.

Jesse Steadman informed the Board that the current Phased Growth Bylaw (section 8.6 of Zoning Bylaw) makes Stow ineligible for several sources of State funds. Mark Jones pointed to recent case law that has invalidated such bylaws and left them unenforceable. Lori Clark requested that the Board conduct a review of the Phased Growth Bylaw at a future meeting.

Continuance of Stow House of Pizza Special Permit

Lori Clark requested clarification about the applicant's current intentions. Jesse Steadman reported that they have not moved to withdraw, according to correspondence received February 26, 2021 which argued that no zoning violation had occurred.

Lori Clark opened the Public hearing. Members introduced themselves.

The Applicant's site engineer and legal representative was not in attendance. Lori Clark summarized a memo from the site engineer dated Feb 26 which argued that no violation of section 7.7.4 of the zoning bylaw had occurred. Jesse Steadman pointed out that this section had not been the basis of an earlier cease and desist letter sent to the applicant for unpermitted site work, nor the focus of prior discussion between the Planning Board and the Applicant.

The Board deliberated their range of options to proceed on the permit given that there was no representative of the Applicant present. Lori Clark noted that the Board can approve the Special Permit with conditions to require remediation of existing zoning violations and without inclusion of outdoor dining. John Colonna-Romano suggested that the board could either reject the permit and pass enforcement to the building inspector, or the Board could issue a decision with conditions. Lori Clark added that issuing a Special Permit with conditions would give more enforcement authority to the building inspector.

Resident Jeanne DiBattista offered support for the Board's option to issue a Special Permit without outdoor dining to enforce remediation of current conditions. Resident Youfei Chen raised concerns about arguments made by the site engineer in the February 26 memo, that the site does not directly abut a residential district and is thus exempt from certain screening requirements. Len Golder responded that the Board does not agree with the engineer's arguments on this matter and that the Zoning Bylaw contains provisions which make it clear that the site abuts a residential district.

Mark Jones requested one further extension of the hearing until the Applicant's representative could attend. Len Golder argued against a further extension. Lori Clark explained that she would have accepted a withdrawal of the permit if no site work had been done. Lori Clark recalled agreement from last week that this would be the final continuance of the hearing. Jesse Steadman recounted past conversations with Steve Poole and expressed surprise that he did not attend tonight. John Colonna-Romano wondered if it would be beneficial to the Board to try and get further cooperation from the applicant.

Lori Clark said that rendering the decision is necessary to get the attention of the Applicant and work with them on site remediation. Meg Costello asked what the leverage for enforcement might be. Lori Clark responded that she is not certain about those future steps but is confident that Decision is needed to get there.

Karen Kelleher moved to close the Public Hearing
Margaret Costello seconded.

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

Lori Clark explained for abutters that the Board will now draft a decision and approve it at a future meeting. Board has 90 days to render the decision.

Common Driveway Bylaw Update

Town Planner Jesse Steadman provided a proposed update to the Common Driveway Bylaw language. Jesse Steadman reported that the Fire Chief had recommended that the Bylaw be specific about mandating year-long maintainable surface 20' wide.

Karen Kelleher expressed concern that these requirements would discourage anyone from utilizing a common driveway, and suggested these requirements are better suited to a rural lane, with something like 5 units. Jesse Steadman commented that new National Fire Protection Association (NFPA) standards have caused issues for planning and Low Impact Development (LID) standards.

Lori Clark argued that these new standards require major revisions to road classifications, especially rural lanes. Jesse Steadman said that the Massachusetts State legislature has modified the code and the requirements of the NFPA have been adopted. Karen Kelleher suggested that the Board meet with the Fire Chief to work out new standards for roads and driveways.

Mark Jones suggests that the Board push some requirements into the regulations and pass a redacted section of the bylaw, with the opportunity to revisit any issues at a later date. Lori Clark expressed concern that going from no requirements to the ones suggested here would be unnecessarily disruptive.

Karen Kelleher moved to adjourn.

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

Respectfully Submitted,
Malcolm Ragan