

TOWN OF STOW  
PLANNING BOARD

Minutes of the March 30, 2021 Planning Board Meeting

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

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

**Correspondence**

The Planning Board discussed a few edits to a letter to Chris Merrill off Wedgewood Road. Meg Costello indicated that she would like it to be expressed that their some concern over the amount of potential traffic a development could create on Wedgewood Road.

Lori Clark requested an update about drainage concerns for an abutter's driveway at the Joanne Drive subdivision. Jesse Steadman provided a brief update about a site walk at Joanne Drive on 3.30.2021 and updated the Board that a solution has been found for removing unsuitable road fill and mitigating the drainage issues at the abutter's driveway. Jesse Steadman said that despite the two issues, the site looked well maintained.

Margaret Costello asked if there had been any further correspondence regarding runoff concerns at 137 Harvard Rd. Jesse Steadman reported that he had informed abutters about the letter of zoning determination dated 3.25.2021 from Craig Martin, Building Commissioner/Zoning Enforcement Officer.

**Public Input**

n/a

**Planning Board Member Updates**

John Colonna-Romano reported that the Town Hall Restoration Committee has withdrawn its request for Community Preservation funds for restoration of the Building at the 2021 Annual Town Meeting.

**Planner's Report**

Town Planner Jesse Steadman provided an update on warrant articles the Board expects to sponsor for Annual Town Meeting. Jesse Steadman updated the Board that he has been in contact with a representative from Bose about bids to purchase the site. Bose would like to schedule a meeting with the Town Administrator and a member of the Planning Board to discuss future plans. Jesse Steadman said he will continue to update the Board about further communications with Bose.

John Colonna-Romano asked what role the Planning Board is expected to have in the sale of the site. Jesse Steadman responded that Bose is likely to get bids contingent upon some zoning changes, and so the Planning Board has an interest in being involved in these discussions. Jesse Steadman explained to the Board that any zoning changes for the Bose site would likely be in 2022.

Jesse Steadman reported back on his discussions with the Council on Aging about implementing grant-funded taxi service and plans to consolidate different transportation initiatives to be centrally administered.

Jesse Steadman reported that he has been receiving estimates for loaming and seeding of Lower Village area, which will formally conclude the project.

### **Public Hearing Continuance**

#### **Nan's Rustic Kitchen and Market Special Permit Modification**

Jesse Steadman updated attendees about correspondence received from the executors of the estate of one of the abutters, recently deceased, requesting an extension of 30 days for the hearing. The abutter in question confirmed that they have since received copies of the permit modification application.

Len Golder suggested that the Board conduct a site visit, which would also address the request for a hearing continuance from the abutter. Len Golder requested clarification from the applicant about the intent to pursue a liquor license. The Applicant responded that the liquor license is not the primary objective of this application and the overall project.

Weston Fisher, owner of 271 Great Road and lessor to Nan's Rustic Kitchen, noted that the fence had not been completed on the previous request of the owner.

Tammy Magnuson Estabrook (259 Great Road) commented that she has observed children playing near Great Road and that children have gone into the abutter's yard and is concerned about potential safety hazards.

Mark Jones expressed concern about lighting shining onto abutters lots and increased noise pollution from increased outdoor activities.

Lori Clark expressed concern with plans to have outdoor speakers creating unwanted noise and reiterated concern about light pollution. Lori Clark asked for clarification about any plans to have seating indoors. The applicant clarified that there are no plans to have indoor seating at any point in the future.

Sarah Cleary (159 Crescent St) raised concern that any outdoor dining permit would enable future liquor service on site. Lori Clark reiterated that the Planning Board has no jurisdiction over alcohol service and would not consider future plans for alcohol service in any decision.

Allison McCarthy (155 Crescent St) raised concern that noise from outdoor dining would cause a disturbance to her family, and is especially concerned about noisy weekend events.

Dave Batsford (an abutter to the site) argued that the applicant had claimed alcohol service was critical to their business, and that the Planning Board would face criticism from the community if the service was permitted and caused a nuisance.

Jenna Surwillo (10 White Pond Road) noted that people are already sitting on the lawn at the site to eat and argued that the Board should approve the permit.

Matt Trombley (135 Crescent St) expressed support for the permit application.

Katie Fisher (1 White Pond Road) observed that the site lies within a Residential District, and argued that the zoning classification influenced the original 2015 special permit to allow for outdoor seating

Sarah Cleary asked how the quantity of seating permitted outdoors could be increased from the original 14 to the proposed 41. The applicant explained that 41 seats had been permitted indoors in the original Special Permit, and that that number was being transferred to outdoor seating.

Todd Estabrook (259 Great Road) reiterated his request to extend the hearing by 30 days, and specifically raised issue with the lack of fencing along the eastern lot line, which had been required under the original Special Permit. Lori Clark responded that the Board would consider compliance with past permits. Wes Fisher responded that he had not built the fence along that lot line at the request of Todd Estabrook's late father and would promptly complete the fencing at Todd Estabrook's request.

Sarah Cleary asked how the Board plans to regulate the hosting of events. Lori Clark explained that the Board will place conditions upon any permit that the applicant must meet. Lori Clark further explained the enforcement process for permit violations.

Bennett Grizzard (Crescent Street Abutter) commented that he is supportive of the project and the business and hopes to see the Board continue the hearing to gain more information to accommodate the concerns of the abutters.

Dave Batsford asked what the Board can do to limit future use under new ownership? Lori Clark responded that Board's decisions are attached to the property, not the owner. Lori Clark further added that the Board can review Special Permits at any time in the future, and assured hearing attendees that the Board could re-examine the permit in the future should any major concerns arise.

Katie Fisher argued that a 30-day extension for the hearing is necessary given the difficulty of accessing records with Town Hall remaining closed to the public.

Karen Kelleher noted that outdoor dining has already been occurring without seating in place and asked the hearing if any noise issues had been raised from these activities. No answer was given.

Margaret Costello asked the applicant how they plan to mitigate noise at larger events and why the applicant has elected to concentrate seating against the back fencing instead of in the larger lawn area. The applicant responded that he would like guests to be concentrated to ensure their safety and efficient operation of food service. The applicant argued that noise concerns would actually be lessened by placing seating up against the fence and that he would prefer that the lawn be kept open for customer enjoyment.

Lori Clark asked what plans the applicant has for trash collection. Applicant states that there are collection bins near the proposed seating which is also near the current dumpsters.

Shirley Burchfield (owner of 271 Great Road and lessor to Nan's Market) reiterated willingness to complete fencing along the eastern lot line and noted that events had frequently been held at the site when it was being used as a bed & breakfast, which had not led to any complaints from neighbors.

### *Planning Board Discussion about continuing the Hearing*

John Colonna-Romano suggested that the Board should continue the hearing to a later date to give Board members adequate time to conduct a site visit. Karen Kelleher expressed skepticism that the Board would hear any new concerns or information if the hearing were further continued. Mark Jones and Margaret Costello both expressed support for continuing the hearing to allow for site visits.

Margaret Costello suggested that the hearing be continued for two weeks to allow more time for abutters to gather information and for Board members to conduct site visits. Town Planner Jesse Steadman commented that the earliest the Board would have a drafted decision ready to deliberate would be end of April, and Lori Clark pointed to this to suggest that the Board should keep the hearing open. Karen Kelleher commented that it would be difficult to make time for another public hearing in the coming weeks given the Board's other commitments.

The Board further deliberated whether they should continue the public hearing for two weeks. The applicant informed the Board that he was amenable to continuing the hearing to a later date in April.

*Len Golder motioned to continue the Hearing to April 20, 7:30*

*Karen Kelleher seconded*

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

### **AAN bylaw update**

Town Planner Jesse Steadman asked the Board for some initial feedback about the draft Active Adult Neighborhood (AAN) Bylaw updates. Lori Clark requested clarification about whether this bylaw would replace the existing AAN. Jesse Steadman explained that this would be creating a new overlay district so that it would not create non-conformities in the existing AAN districts.

The Board deliberated on the language of the proposed bylaw amendments.

Jesse Steadman said he will update the bylaw draft based on comments received from the Board. The Board discussed further examining the draft language at the following meeting on April 6<sup>th</sup>. The draft bylaw will then be sent to other Town boards for review.

Lori Clark suggested that the draft bylaw be provided to the Planning Board's consulting engineer for opinion.

Respectfully submitted,

Malcolm Ragan