

TOWN OF STOW
PLANNING BOARD

Minutes of the April 6, 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

*Karen Kelleher moved to approve the minutes of the March 9, 2021 meeting 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**

*Karen Kelleher moved to approve the minutes of the March 23, 2021 meeting 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**

*Karen Kelleher moved to approve the minutes of the March 30, 2021 meeting as amended
John seconded*

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

Correspondence

Town Planner Jesse Steadman updated the Board about his conversation with the property owner at 118 Great Road regarding site clearance work and concerns raised by abutters. Jesse Steadman reported that the parcel is split between different zoning districts which could complicate bylaw applicability. Jesse Steadman said he will continue to gather information about the work that was done at the site.

Abutter to 118 Great Road, Sally Griffin, provided the Board with her history of the vegetation clearance behind her home. John Colonna-Romano commented that the Board of Health issued a permit for work that would not have been approved by the Planning Board. Karen Kelleher noted that the site owner was still obliged to follow relevant zoning provisions even with the Board of Health permit. Board members agreed that this was an example where different Boards could have been in closer contact.

Resident Jenna Surwillo noted that the site clearance was near conservation land. Dorothy Flood-Granat inquired about a past lawsuit in the neighborhood, regarding the Presti property, and indicated that the appeal of the zoning violation was not made within 30 days and was therefore unable to be considered by the Zoning Board of Appeals. Lori Clark clarified that the Planning Board does not have any jurisdiction over the property in question. Lori Clark noted that any enforcement is under the purview of the Building Inspector.

Planning Board Member Updates

Margaret Costello reported on a land use dispute in the area of South Station in Boston. A major theme was the need for increased distribution warehouse space in the near future. Margaret Costello expressed concern that future distribution will occur by drone and that the Board should consider that use when deliberating redevelopment of the Bose site. Margaret Costello also commented that, in her opinion, the mix of uses along Route 117 required a re-evaluation of speed limits, which she would like to see lowered to 30mph. Len Golder concurred, noting the danger of exiting vehicles onto Great Road.

Lori Clark informed the Board that she had heard that Great Road firearms has permanently closed. Lori Clark noted the large size of the Amazon distribution center that has been proposed in Lancaster and her concerns about traffic impacts on Route 117.

Planner's Report

137 Harvard Road

Town Planner Jesse Steadman updated the Board that the Zoning Enforcement Officer has not heard anything back from the applicant after it was determined that they required an Erosion Control Special Permit following site clearance work. Jesse Steadman surmised that the applicant would be taking the case before the ZBA and suggested the matter was out of the Planning Board's hands. Karen Kelleher noted that they have not yet filed an appeal and that they remain in violation. Karen Kelleher noted that the applicant has 30 days to appeal the zoning determination by the Zoning Enforcement Officer.

Board members wondered if the Planning Board should request fines be imposed on the applicant. Jesse Steadman commented that levying fines was a cumbersome tool, but that it was a primary tool at the Board's disposal. John Colonna-Romano suggested that the Board send further communication to make clear the option to appeal the decision. The Board decided to request that the Zoning Enforcement Officer reinstate the imposition of fines.

Complete Streets

Jesse Steadman informed the Board that abutters to the intersection improvements at old Bolton Road and Harvard Rd have been notified of upcoming construction. Jesse Steadman reported on a pre-construction meeting about the project and informed the Board about the general timeline for the construction work. Len Golder asked about what notice the Town would receive for any lane closures. Jesse Steadman replied that the Town should receive 2-3 weeks notice.

Jesse Steadman reported on prior issues raised regarding road fill at Joanne Drive subdivision. Jesse Steadman reported that the material has been cleared from the road bed and will be transported off site. Margaret Costello asked how the Town's consulting engineer knows that all the unsuitable material has been cleared. Jesse Steadman responded that the site characteristics made it apparent that there was limited amount of sub-base material at the specific site. John Colonna-Romano requested to know how this fill had been allowed on site. Jesse Steadman responded that the contractor would speak with their supplier to better determine how this material was included. Mark Jones noted that in the decision for the Definitive Subdivision Plan there was a condition to clean up the site after construction.

Pennie Lane

Jesse Steadman reported that he spoke with a realtor regarding interest in developing Parcel B, and undeveloped and unprotected parcel off Pennie Lane. Jesse Steadman reported that he had recently updated the site owner about deed covenants that restrict the further division of land at the site until such time as the Common Driveway is brought up to a subdivision road standard.

Jesse Steadman noted that he expects to hold a Public Hearing in mid-May regarding the rescission of the Hallock's point subdivision in the event that the Article for preservation of some of the parcels is approved at Town Meeting.

Jesse Steadman informed the Board that there would be a focus group next week with 12-20 people to gather further data for the Stow Acres development, in preparation for a presentation at Annual Town Meeting.

Jesse Steadman reported that Stow did not receive a Community Connections program grant to operate the commuter shuttle for 3 years. The Metropolitan Planning Organization (MPO) wanted to focus on capital projects this year, especially those that can demonstrate reductions in greenhouse gases. Jesse Steadman noted that there was still a possibility the shuttle could be funded by the Community Connections program next year, and that there were also other funding paths that he would explore with Town Administrator and State Representative Kate Hogan.

Jesse Steadman reported on requests for funding conceptual plans for complete streets improvements, which would focus on increasing pedestrian accessibility in the Town Center area. Jesse Steadman explained that he was working with the engineer and other Town departments to ensure that the project was eligible for Transportation Improvement Program (TIP) funding through MassDOT.

Jesse Steadman recounted a conversation he had with representatives of Bose. Jesse Steadman relayed assessments from multiple real estate professionals that the office market along 495 has collapsed and appears unlikely to rebound any time soon. Jesse Steadman suggested that the Town should accept this reality and begin working on outreach to determine what new uses could occupy the Bose site.

Jesse Steadman reported he attended a site visit at the parcel of land in Lower Village proposed to be donated by Habitech, Inc. The firm peer reviewing the environmental site assessment prepared for Habitech, Inc. confirmed that there are no obvious environmental concerns at the site.

Press Communications

Lori Clark recounted some requests to members to be quoted in the local press. Lori Clark suggested that the Board should have some guidelines in place for such communication. Len Golder said that any quotes to the press should be permissible as long as they do not posture to represent the whole Board. Karen Kelleher pointed to the statements made by the Board at the start of public hearings as an example to follow. John Colonna-Romano cautioned Board members to follow limitations on what can be discussed with the public outside of public meetings, as regulated by the Open Meeting Law. John Colonna-Romano suggested that the Board not speak about specific properties, but only more general statements on policy.

Lori Clark noted that opinions expressed by Board members about open public hearings could be seen to demonstrate prior stances and could undermine the Board's authority to render decisions. Lori Clark cautioned the Board to be careful as sharing opinions about open hearings and anything that may come up for a public hearing. Town Planner Jesse Steadman suggested that Board members should not comment publicly from the time the hearing notice goes out to the day the decision is signed.

Len Golder noted that particular properties on the scale of upcoming developments have policy implications and asked the Board if they believed specific properties could be commented on in such a case. Board members responded that best practices would still be to refrain from publicly commenting.

Stow Independent reporter Laura Corbin asked the Board if they would mind answering clarifying questions and verify some factual accuracies at the tail end of meetings. Lori Clark suggested that factual clarifications go through the Planning Department staff. Margaret Costello commented that Planning Board members often need to discuss the philosophy of policy, and that this leads Board members to think out loud. Margaret Costello further stated that this mode of discussion often led Board members to say something in a meeting that is not their ultimate stance.

Lori Clark summarized that Board members should be vigilant about stating that any opinions they share are their own and do not represent the opinion of the Board. Lori Clark commented that the media is necessary to convey the business of the Planning Board to the Town. Karen Kelleher thanked Laura Corbin for attending these meetings.

Active Adult Neighborhood (AAN) Bylaw Updates

Town Planner Jesse Steadman began by summarizing the main points of the proposed bylaw amendments for the AAN overlay.

Jesse reported that he will be meeting with Town Counsel about the approach to create a new overlay or update the existing AAN districts.

The Planning Board discussed the name of the new overlay district and whether the word "senior" should be used. Jesse Steadman responded that the overlays would remain age-targeted and should therefore be marketed accordingly. Karen Kelleher wondered if there would be significant interest in the proposed district for first-time home buyers as well as seniors.

Returning to the issue of updating the existing district or creating a new district, Mark Jones suggested that current AAN developments in Town would benefit from having a bylaw that specifically applied to them, as a reference. Karen Kelleher said the Board needs to know whether permitting would go to the Zoning Board of Appeals or Planning Board for existing non-conformities in the case of an updated overlay.

Jesse Steadman suggested to the Board that they remove the 66-unit per development cap on AANs and instead limit density alongside a town-wide cap on units in the district, linked to current housing units. The Board discussed possible situations where tying the limit to percentages could allow for significant increases in housing construction in AANs. Jesse Steadman explained complications caused by awaiting an accurate count of total units in Stow from the 2020 census counts.

Lori Clark raised concerns about having a dynamic unit cap. Jesse Steadman responded the number would be pegged to a specific moment in time for 10 years and would not be constantly shifting. Karen Kelleher noted that the 6% of total units cap is tied to the number of single family units but that there is no specification as to where that value comes from in the existing bylaw. Jesse Steadman suggested that this discussion points to the need to have an official count on the number of units in between decennial counts.

Mark Jones suggested that the bylaw have more specific language to regulate the size and form of Homeowners Associations at an AAN development. The Board discussed their options for restricting the type of HOA that could be formed at an AAN. Len Golder pointed out the tension between wanting an overall housing diversity and wanting to limit the scope of an HOA. Jesse Steadman said he will speak with town counsel about the ramifications of cottage style housing areas were spun off into different HOA's.

Lori Clark asked if the zero-step entrance requirement would be allowed by the Attorney General. Jesse Steadman responded that Littleton successfully included such a provision in a similar bylaw.

For dimensional requirements, Jesse Steadman informed the Board that density limit is proposed to remain at 3 units/acre. Karen Kelleher suggested more specific design standards for multifamily housing common spaces. Jesse Steadman responded that common spaces are much more varied for multi family housing than for a typical cottage development. Jesse Steadman suggested that the Board include a mandatory finding in rules and regulations to assess common space designs.

Jesse Steadman reported that it is difficult to mandate building efficiency standards through zoning. Karen Kelleher commented that this is something more often governed by the building code. Jesse Steadman commented that a new stretch code, which the Town of Stow could choose to opt in to, should be promulgated by the state within 18 months.

Mark Jones suggested that the bylaw could incentivize certain energy usage rather than mandate certain practices. Jesse Steadman pointed to an example from Ipswich where the developer agreed to offer customers a choice of power source when the units were built and initially sold.

John Colonna-Romano asked if there is anything in the bylaw to require certain street layout designs. Jesse Steadman responded that there is some potential to regulate road networks.

Lori Clark suggested that the Board could look at Regency for examples of issues to be avoided. Lori Clark noted that she disliked how clear cut the area is. Margaret Costello commented that the yards at Regency houses appear too large for the dwelling units. Jesse Steadman suggested including something about preserving the original habitat and vegetation in the open space requirements. Len Golder suggested prohibiting gate or wall structures to separate developments from the community.

Former Board member Ernest Dodd suggested requiring a preliminary site design which details the existing natural features on the site and encourage developer to build around those. Ernest Dodd also suggests some preliminary site design for stormwater considerations, and further that the AAN should host some use close to the density at Meetinghouse at Stow.

Jesse Steadman informed the Board that he will be seeking input on the proposed language from other Town Boards and Commissions. Jesse Steadman said he will assemble some basic slides demonstrating the intent and rationale of the core components of the changes for the informal hearing on the proposed changes scheduled for the next meeting on April 13. Lori Clark suggested putting a meeting on the calendar for April 15 in case the board needed to review feedback from the forum on the 13th.

Lori Clark said that all Planning Board meetings leading up to Annual Town Meeting should include the Active Adult Neighborhood updates as an agenda line item.

Karen Kelleher moved to adjourn

John Colonna-Romano seconded

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