

TOWN OF STOW  
PLANNING BOARD

Minutes of the April 13, 2021 Planning Board meeting

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

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

*Karen Kelleher moved to approve the minutes of the April 6, 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**

**Correspondence**

Karen Kelleher asked if Consulting Engineer Sue Carter had yet seen a letter from Dillis & Roy Civil Design Group regarding a roof infiltration system at lot #4 Pennie Lane. Town Planner Jesse Steadman said the letter had been forwarded but he had not yet received any response.

Lori Clark asked Jesse Steadman if the Building Commissioner had agreed that fines could be levied against the owner of 137 Harvard Road for ongoing permitting non-compliance. Jesse Steadman informed the Board that the Building Commissioner said the owner had 30 days to appeal his decision before fines would be reinstated. Jesse Steadman told the Board that the Building Commissioner had heard from the site owner that they intend to file an Erosion Control Special Permit. Lori Clark clarified to the Board that if the 30-day deadline is followed, fines must be reinstated on April 25. Margaret Costello asked if Jesse Steadman believes there is an intent to build another house at the site. Jesse Steadman replied that he did not believe the lot was buildable.

Resident Jon Mascia said that the Board of Health had approved a septic system at the 137 Harvard Road site. Karen Kelleher informed the Planning Board that the Board of Health approved a septic system without realizing that a prior cease and desist applied to all site work.

Lori Clark said that the Building Inspector will need to make a determination regarding the lot's buildable status, given mixed messages from various Boards. Resident Kathy Konno asked for clarification about fines levied. Karen Kelleher asked Jon Mascia and Kathy Konno if they had received feedback from the Board of Selectmen. Jon Mascia said he had not and was planning to further follow up with them.

Ernie Dodd suggested that the Board should review M.G.L Ch 40A, section 6 about abutting non-conforming lots.

Resident Dorothy Granat asked why the Building Commissioner had not continued to levy fines after a cease and desist was ordered. Board members could not speak to the Building Commissioner's reasoning.

**Planning Board Member Updates**

Margaret Costello informed the Board that construction has begun on the Gleasondale bridge. Margaret Costello also informed the Board that Jon Cramer, owner of 118 Great Road has put up a For Lease sign in front of the existing building at 118 Great Road.

John Colonna-Romano informed the Board that the Community Preservation Committee has voted to endorse the Warrant Article to construct a trail to access the Kane Land shown at Map U7 Lot 34-2 on the Stow Assessors' Maps.

Karen Kelleher informed the Board that the Zoning Board of Appeals has received an application for a setback variance at 44 Deerfield Lane. Karen Kelleher informed the Board that the hearing would be on May 3, 2021 at 8:30pm. Jesse Steadman informed the Board that Town Counsel has advised that the Planning Board will need to approve a modification to the Planned Conservation Development Special Permit and the Zoning Board of Appeals will also need to issue a variance. Jesse Steadman suggested that the special permit modification should take place first. Jesse Steadman said he and Karen Kelleher would work on informing the applicant and the abutters about the process for 44 Deerfield Lane.

### **Planner's Report**

Jesse Steadman informed the Board that he had begun drafting the decision for Stow House of Pizza and will provide a draft to the Board by late April or early May. Jesse Steadman reported that he met with the owner of 118 Great Road to observe work that was done in 2017 and 2018 to expand the leach field and make other septic improvements. Jesse Steadman reported that some vegetation remains and that the owner has identified areas to install landscaping to provide screening for the abutter who previously raised an issue. Jesse Steadman reported that the owner wants to handle the issue at the same time that a neighboring building is reconstructed. Jesse Steadman also reported that the owner still plans to redevelop the former Beef & Ale building (108 Great Road) and will have updated building elevations available for the Board soon. Jesse Steadman further reported that the owner has repaired his lighting system so that they shut off at 9pm. Lori Clark asked if the lighting still need to be brought back into compliance with permitting, Jesse Steadman replied that he would need to verify the compliance status of the lighting.

Jesse Steadman told the Board that Arnie Epstein is planning to provide a 20-30 minute presentation for the Board on April 20 about building efficiency improvements that have been made in Massachusetts. Karen Kelleher suggested that the presentation should be pushed back until May to make time for upcoming deadlines. Lori Clark said that any energy efficiency requirements could be written into the Rules and Regs for the current updates to the Active Adult Overlay bylaw, and that it would not be possible to include energy efficiency requirements in the Zoning Bylaw at this stage. Margaret Costello asked if it was possible to put anything about electric housing in the zoning updates at hand. Lori Clark said that that would need to be part of a larger effort, beyond the update to the AAN bylaw. Karen Kelleher and Lori Clark responded that such provisions would be more appropriate to include in Rules and Regulations. John Colonna-Romano said that it would be a challenge to identify the areas that the Board has authority over to include any such requirements.

### **Lot 6 Maura Estates | Lot Release**

Jesse Steadman reported that lot 6 from Maura estates had never been formally released and that a purchaser's lender was requiring that a formal lot release statement be provided. Jesse Steadman said releasing the lot will not affect the current requirements of the covenant.

*Karen Kelleher moved that Lot 6 of Maura Estates be released and to authorize Town Planner Jesse Steadman to sign the release on behalf of the Board  
Len Golder seconded*

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

### **Public Forum – Active Adult Neighborhood (AAN) Bylaw Amendments**

#### *Planning Board Questions & Comments*

Margaret Costello commented that language around zero-step entrance could be clearer. Margaret Costello suggested an 1800 sqft limit rather than 2000 ft. Margaret Costello asked for clarification about the pocket open space, and suggested it be defined more clearly in the bylaw language. Margaret Costello suggested that the bylaw should require a waiting area at the entrance to the development to provide a pickup area. Len Golder suggested that walls and barriers from the rest of the community should be prohibited.

George Dimakarakos agreed that community wells should be allowed to count toward open space requirements because they are land intensive uses. Clifford Martin, resident of Arbor Glen AAN, thanked the Board for its work on the bylaw amendments.

Mark Jones commented that some similar developments have forbidden clothes lines, and that excluding such permission should go into the rules and regs. John Colonna-Romano asked if the Board would be interested in allowing open space to be used for solar panels.

Karen Meyer said that the solar industry is prone to risk-taking and that allowing it to collocate with residential units could be overly complicated. Lori Clark commented the open space should not be allowed to be occupied by solar panels. John Colonna-Romano asked if the Board could require solar panels on the roofs. Karen Kelleher expressed concern that this would be an overly specific bylaw restriction. Lori Clark said that the Board is better equipped to require communication from applicants about energy efficiency, and that more specific guidelines could be included in the rules and regs.

Margaret Costello argued that the developer needs to decide the electricity draw so that the electricity feeders can be appropriately sized. John Collonna Romano responded by wondering if developers would not be interested in meeting the demand for an ecologically sound development.

Ernie Dodd said one thing the Planning Board can require is charging stations. Lori Clark suggested that Town Counsel be asked what avenues can be followed with current legal approaches. Jesse Steadman reported back on his last conversation with Town Counsel and said that energy efficiency requirements can be placed but there must be care not to violate section 3 of M.G.L Ch. 40A.

Lori Clark suggested that this discussion is bigger than the AAN update and could go into a more general bylaw. Jesse Steadman reminded the Board that there will be a new stretch energy code from the state to work with sometime in the future. Margaret Costello said she believes that other towns are likely having this same discussion and that there will be more clarity on possible approaches soon.

Jesse Steadman reminded the Board of their meeting the next evening to further review the draft AAN bylaw amendment language. Len Golder will not be able to attend and will provide written comments about the draft. Karen Kelleher will also provide written comments. Len Golder suggested that the May 4 public hearing be broadcast on Stow TV. Margaret Costello reported that community members have watched the Stow Acres forum and changed their position on it to support, suggesting that it's important to have this information publicly viewable. Karen Kelleher suggested that the Planning Department post the presentation slides to website e-subscribers to drive interest in this effort.

*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**

Respectfully submitted,

Malcolm Ragan