

TOWN OF STOW
PLANNING BOARD

Minutes of the April 27, 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

Correspondence

Karen Kelleher noted recent questions received about the proposed zoning amendment for the Active Adult Neighborhood (AAN) overlay district and said it would be a good idea to generate a list of FAQs for presentation at the upcoming May 4 public hearing.

Planning Board Member Updates

Margaret Costello reported back about an Open Space Committee meeting the previous night, where the committee unanimously agreed that Town Center park was a poor location for a proposed Pickleball Court to be funded with Community Preservation Act funds. Len Golder asked if Community Park could be a better site. John Colonna-Romano informed the Board said the Community Preservation Committee (CPC) had already modified the resolution to give the Recreation Department final say over the location.

Margaret Costello said she would like a copy of the 2015 special permit decision for Nan's Market. Other Board members also requested a copy. Malcolm Ragan said he would send it to the Board by email and leave it in the cabinet by request.

Planner's Report

Jesse Steadman said the period to appeal a prior zoning determination by the Building Commissioner for 137 Harvard Rd, which required the owner to file for an Erosion Control Special Permit, had expired on Saturday April 24th. Jesse Steadman said he had reached out to the Building Commissioner to determine whether an appeal had been filed and said that he had not yet heard back. Jesse Steadman said that in the absence of new information from the Building Commissioner, the previous determination still stands.

Jesse Steadman reported that the subdivision under construction at Joanne Drive is handling stormwater well following recent rains.

Jesse Steadman told the Board that he has received As-built plans from Jillian's Lane, and that the Planning Department's consulting engineer had flagged a few small items to be included in the plans or verified for compliance.

Jesse Steadman informed the Board that the GO Stow! Taxi program is expecting to fully launch soon. Jesse Steadman explained that this program was distinct from the existing Community Connections subsidized ride program, but that the two would eventually be consolidated and centrally administered.

Jesse Steadman reported back on a discussion he had with a potential bidder for the Bose property. Jesse Steadman said the prospective bidder had consulted with Hudson Light & Power, and concluded that a significant upgrade to the natural gas connection would be necessary to make the site feasible for continued R&D use. Jesse Steadman said the bidder was more interested in some sort of mixed-use package for the site, that could include a mix of office, light industrial, and housing.

Karen Kelleher said that mixed-use does not make her think of high bay industrial or distribution. Lori Clark said the biggest issue for her would be impacts to residential uses nearby that share a street with Bose.

Margaret Costello raised concern about emerging technologies in automated aerial delivery and expressed concern that such uses would try to locate at the site if distribution uses were permitted. Margaret Costello said that the Board should be proactive in limiting such uses throughout Stow before aerial delivery technologies become widespread.

John Colonna-Romano said that the height of the current Bose building is keeping with the scale of development in Stow and that he would like to see any future use maintain this height.

Margaret Costello said that the use she would most like to see at the Bose site would be an assisted living facility. Karen Kelleher asked if Jesse Steadman had heard of bidder interest in continuing care facilities. Jesse Steadman responded that a bidder had commissioned a market study and found there was little demand for such a use in Stow, given current options north and south of Stow, along Route 495.

Lori Clark asked Jesse Steadman if he believed the intersection of Hudson Road and Great Road would need to be improved following development at Athens Lane and Stow Acres. Jesse Steadman said he believed it would have to be, and that MassWorks would be a possible funding partner to do this work.

Margaret Costello said that she couldn't understand why anyone would want to build office space at the Bose site given the state of the office real estate market.

44 Hiley Brook Rd Common Driveway Determination

Lori Clark said that the conditions in sections 9.13 and 9.14 of the Hammerhead Lot Special Permit Decision dated 2.23.2021 appeared to contradict one another. Jesse Steadman recounted the Board's earlier discussions about wanting to provide some relief from strictly requiring construction of a common driveway. Lori Clark said that the condition requiring a common driveway was written very clearly and that it did not appear that it could be granted relief according to the language. Karen Kelleher asked if a modification to the prior special permit decision would be necessary. Jesse Steadman said that such a modification could be made if the Board deemed it necessary.

Margaret Costello said there is an historic road marker near the site of the proposed independent driveway that should be preserved. Margaret Costello said she believed that the number of trees that would need to be cut down would be similar for a driveway located at either location that has been discussed. Margaret

Costello brought up the proposed sale prices and said everyone is going to make money on the sale, and that for that reason the stretch of the stone wall was worth preserving. Lori Clark confirmed that the marker would not be in the path of the proposed new driveway.

Lori Clark said that the Board's original discussion was about minimizing impacts to abutters and reducing disturbance. Lori Clark asked the Board to discuss the effects of common or independent drive.

Len Golder said that the chance of disturbing underground utilities in the vicinity of the existing driveway to upgrade it to common driveway standards concerned him. Len Golder said not disturbing abutters could be an issue for the new driveway. Len Golder said that traffic impacts would be minimal given the addition of only one new house.

John Colonna-Romano said that any common driveway would involve crossing over existing buried utilities. John Colonna-Romano agreed with Margaret Costello that the amount of tree clearing would be similar for either driveway option. John Colonna-Romano said that cars at the existing residence appear to mostly turn left out of the drive onto Hiley Brook Road, and that headlight shine would be the greatest issue for the house at 45 Hiley Brook Road. John Colonna-Romano commented that the proposed new driveway has better sight lines than at the existing drive.

Len Golder said that he believed the horse stable at 41 Hiley Brook was not an issue for the proposed driveway given the orientation of the structure.

Karen Kelleher said that she agrees with Margaret Costello's concern for preserving rural character. Karen Kelleher said that she was concerned about needing to cross a utility easement if using a common drive. Karen Kelleher raised concern that the common drive would need to be widened and would require cutting down numerous large trees.

Margaret Costello said that there was no need to worry about underground utilities and that the 60ft no-cut buffer should be remain uninterrupted by a driveway. Margaret Costello said that the spirit of the buffer conditioned in the Hammerhead Lot Special Permit was violated by breaking it with a driveway.

Jesse Steadman told the Board that current bylaws require a 12-foot-wide common driveway but that the Fire Chief would almost certainly require a driveway wider than that. Jesse Steadman estimated that this requirement would be somewhere in the vicinity of 20 ft wide. Margaret Costello pointed out that the Fire Chief had not seen this particular driveway.

Mark Jones said that the 60 foot no-cut buffer should be left intact. Mark Jones said he recognizes that numerous large trees would have to come down in order to widen the driveway.

Len Golder asked if the Board could get input from Hudson Light & Power about the implications of crossing the existing buried utilities. Jesse Steadman said they could get that information but would be running up against a deadline to make a determination about this ANR plan before the Board's 21-day window to act ended on May 4.

Lori Clark asked if driveway width was currently regulated in the zoning bylaw. Jesse Steadman responded that they are not. Lori Clark commented that there was an apparent contradiction between the

goal of lessening impacts with common driveways and the width requirements needed to bring the existing driveway up to common driveway standards.

Margaret Costello said that only a handful of trees would have to come down for the common drive portion, and not “several” as Mark Jones had said. Karen Kelleher reiterated her concern of increasing traffic directly across from abutters.

Len Golder asked the Board to consider what the worst thing that could happen with either option. Len Golder said that the consequences would not be major for either option.

Jim Dow said that the existing buried utilities had been in place for 40 years. Jim Dow raised concern that if the stumps were ripped up to widen the existing driveway, the utilities would come up with them. Jim Dow said it was a lesser risk to not disturb the existing utilities.

Abutter Mike Teliszewski of 41 Hiley Brook Road raised concern about the proximity of the proposed new drive to his property. Mike Teliszewski said he believed a common driveway would be less impactful to him given the amount of headlight he currently sees. Mike Teliszewski said headlight impacts were greater from the other direction. Mike Teliszewski said that one of the large trees near the entrance looks close to dead, and that it would have to come down soon anyhow and that his overall preferred outcome was a common driveway.

Karen Kelleher suggested that any new owner may want to take down the trees along the existing driveway anyhow. John Colonna-Romano asked if the new Lot 1 would be required to have underground utilities. Jesse Steadman said that it would require underground utilities because it would be created by Special Permit. Site Engineer Scott Hayes added that Hudson Light & Power would require an underground utility connection for the new lot.

Lori Clark asked Scott Hayes to speak to the potential impact of crossing the utilities with a driveway. Scott Hayes said they would likely have to be re-installed to make room for a 12 in base on an improved common driveway. Scott said the new house on the proposed lot 1 could be connected with minimal disturbance to the no-cut buffer.

Lori Clark asked Scott to clarify if a common drive would require a remake of the service line that runs parallel to the existing driveway. Scott Hayes estimated that Hudson Light & Power would require buried conduit up to common drive terminus and a box to split the service.

Len Golder asked how wide the cutting into the Stone wall would have to be for a new driveway. Scott Hayes estimated between 16-20 feet, but added that roughly 8 feet of the wall length could be restored after construction. Scott Hayes said the road marker is roughly 40 feet from the proposed drive.

Mike Teliszewski said that geometry would make it difficult to turn into the new driveway at the proposed location. Len Golder asked how wide the entrance to the existing drive is, and Scott Hayes estimated it at around 15 feet wide at the edge of pavement.

Karen Kelleher asked what the sight lines are at the existing drive. Scott Hayes verified that they are over 150 feet in each direction.

Lori Clark said that given the better sight lines and lessened disturbance, she leans toward the new driveway. Lori Clark said that the common driveway is preferable if the overall impact is lessened, but it does not seem to lessen the impact in this particular case.

Margaret Costello said that she still feels like there is more impact to build a new driveway. Lori Clark responded that the new driveway could be narrower and that it appeared fewer large trees would need to be taken down at the new site.

Len Golder motioned to accept the proposal for a separate driveway for lot 1 of 44 Hiley Brook Rd, plan revised as of 4/9/2021.

John Colonna-Romano seconded

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

Len Golder motioned to endorse the ANR plan and authorize Town Planner Jesse Steadman to sign on the Board's behalf.

John Colonna-Romano seconded

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

Margaret Costello asked if there was any kind of distance protection for the historic distance marker on 44 Hiley Brook. Lori Clark asked if the marker was in the Right-of-way or on the property. Jim Dow said he had spoken with a potential buyer and they agreed to not disturb the road marker. Lori Clark suggested that the Board amend the special permit decision to include some protection for the marker.

Mike Teliszewski said that he believes State rules would protect the marker. Lori Clark said that the Board was concerned with protecting the marker in perpetuity.

Stow House of Pizza Special Permit Deliberation

Jesse Steadman informed the Board that a draft decision would be ready for the Board to deliberate at a future meeting.

Zoning Articles for May 4 Public Hearing Discussion

Mark Jones said that the presentation should have a very clear answer to “why are you doing this update?”, and demonstrate the other options for the developer would have if the changes were not adopted. Margaret Costello commented that she thinks many residents believe the Planning Board can halt development. Lori Clark said that the Board should make it very clear in any presentation that they do not have this power, which is why the Board has the need to steer development toward good outcomes for the whole town where possible. Margaret Costello raised concern that there would be small groupings of uninformed people who could seriously influence the outcome once they just saw the price tag for Stow Acres.

Karen Kelleher said it should be clearly explained that payments made as part of the Stow Acres project at this state will be going into escrow. Margaret Costello suggested that the Planning Board do some concerted outreach about Stow Acres and Town Meeting and specifically ask that people watch the earlier presentation about Stow Acres.

Nancy Arsenault agreed with Margaret Costello that pockets of Stow are unaware of the zoning changes. Nancy suggested that some kind of social media outreach will be necessary, and specifically suggested outreach through a Stow Mom's Facebook group. Assistant Planner Malcolm Ragan mentioned that there has been minimal online outreach because of an error with Facebook that has locked the Planning Department account. Dorothy Granat suggested doing some outreach through NextDoor.

Karen Kelleher moved to adjourn
John Colonna-Romano seconded

Respectfully submitted,

Malcolm Ragan