

TOWN OF STOW  
PLANNING BOARD

Minutes of the May 4, 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 the minutes of the April 20, 2021 meeting as amended  
Margaret Costello 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 April 27, 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**

Len Golder said that the Zoning Board of Appeals (ZBA) had received a request for a setback variance at 44 Deerfield Lane, for the purpose of constructing a new garage. Mark Jones said that no vote had yet been taken, and that the hearing had been continued to give the applicant time to discuss with the engineer.

Margaret Costello asked if the 44 Deerfield Lane variance request would require action from the Planning Board. Karen Kelleher said the Planning Board would only consider a modification request to modify the original Planned Conservation Development (PCD) if the setback variance was approved by the Zoning Board of Appeals. Margaret Costello asked if this was one of the houses that was originally constructed in the PCD subdivision. Karen Kelleher verified that the house was constructed when the PCD was permitted. Mark Jones said that the current zoning bylaw allows the Planning Board to modify the setback requirements only if it demonstrably protects conservations resources.

Karen Kelleher asked if the decision for the Joanne Drive subdivision requires specific setback distances for Lot 1 and asked if the as-built location for the foundation met these requirements. Jesse Steadman told the Board he would investigate the compliance of the as-built location. Jesse Steadman reported that he had spoken to Chuck Black and the concerned abutter and that they would be in contact with one another. Jesse Steadman said that the Conservation Commission may have required construction in a specific location, and that they have been notified.

Karen Kelleher asked Margaret Costello if she had contacted the Stow Historic Commission about the mileage marker observed on Hiley Brook Road. Margaret Costello said that she would follow up with them and other relevant people in town shortly. Len Golder commented that there are historic markers in

Sudbury, and that local officials may have some expertise to share. Margaret Costello said that the early US government had built “post roads”, and that she wonders if these markers had been part of this early road system, perhaps denoting the distance to Fitchburg.

John Colonna-Romano asked about Hallock point, and whose responsibility it was to investigate the emerging boundary dispute. Karen Kelleher said that Town Counsel would be handling the issue.

### **Public Input**

Karen Meyer asked if a letter to Chris Merrill had gotten a response. Jesse Steadman said there had been no response.

### **Planning Board Member Updates**

Mark Jones said that the Zoning Board of Appeals (ZBA) had been working on updated rules and regulations for Variances and Special Permits for the past year and that the ZBA had voted to approve the changes at its May 3 meeting.

### **Planner’s Report**

Jesse Steadman said the Stow House of Pizza draft decision would be available for the May 11 meeting, and that the Planning Board would have until June 7 to deliberate on the decision.

Jesse Steadman said there would be another May 12 public forum regarding Stow Acres, which will detail more about the contents of the May 22 Annual Town Meeting vote for the project. Jesse Steadman told the Board that the public forum would further detail some of the plans for later phases and present changes made based on earlier input.

Jesse Steadman informed the Board that there was still significant interest from abutters in the forthcoming deliberations for the Nan’s Market Special Permit and that the department continues to receive correspondence about the site. Jesse Steadman said that the Board has not been receiving this correspondence as the public hearing is now closed.

Jesse Steadman told the Board about a presentation from Sustainable Stow about energy efficient housing and suggested that the Board set aside a meeting to devote to the topic.

Lori Clark asked if there was a scheduled time to discuss the rules and regulations for the proposed Active Adult Neighborhood (AAN) overlay district bylaw changes. Jesse Steadman suggested setting aside the first meeting in June for the topic.

### **Zoning Bylaw Amendments – Public Hearing**

Planning Board members introduced themselves.

*Karen Kelleher moved to waive the reading of the public hearing notice*  
*Len Golder seconded*

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

Town Planner Jesse Steadman and Assistant Town Planner Malcolm Ragan delivered a presentation about the proposed amendments to the Active Adult Neighborhood (AAN) overlay district.

Lori Clark asked the Planning Board what questions they expected to field at Town Meeting about the proposed amendments. Len Golder said people would ask why development cannot be stopped by the Planning Board. Len Golder said that the Board should be very specific about the powers granted to it by the state, and that it should be noted that overall State policy is to promote the construction of housing.

Dorothy Granat asked about the design accommodations for mobility-impaired residents in the AAN amendments, and from where these design elements had been sourced. Jesse Steadman said that these elements had been drawn from a comparable bylaw in Littleton and from consultation with developers and other planners. Jesse Steadman said that the language avoids being overly specific and had been designed so that a developer could present their mobility designs to the Planning Board for assessment.

Kathleen Fisher (White Pond Road) said that a lot of people under age 55 would be interested in buying the houses permitted under an amended AAN. Kathleen Fisher said that many families with one child would find these units suitable. Lori Clark said that the Board had heard from similar existing developments that a majority of the units had been purchased by the targeted population but acknowledged that the post-pandemic real estate boom complicated predictions. Kathleen Fisher commented that she would have purchased one of these units when she moved to town.

Nancy Arsenault asked how many further units could be permitted under the existing AAN bylaw language. Jesse Steadman reported that 3-5 units could still be built.

Karen Meyer asked about the amount of acreage that would be rezoned, and how many more units could be built. Jesse Steadman responded that 132 additional units could be constructed under the proposed amendments, based on a buildout analysis of the Athens Lane site. Jesse Steadman said the Stowaway Golf Course, containing the remaining area in the AAN overlay, is roughly 90-100 acres, and that it would not be possible to build there without another change to the bylaw language.

Karen Meyer noted that a lot of land was non-buildable and asked if there was a consideration to prevent developers from using non-buildable area to meet the open space requirements. Jesse Steadman responded that less than 50% of the required open space could have site constraints.

Mark Jones said that an alternative to the AAN updates could be a ch.40B comprehensive permit development with 250+ units and no age restriction.

Kathleen Fisher asked if the developer could still pursue a ch.40B comprehensive permit at the site. Lori Clark said that option was still available to the developer, but that the proposed changes to the AAN bylaw had been created with developer feedback to ensure that the desirability to use the overlay district was balanced with the Town's broader planning goals.

Mark Jones commented that new units at Plantation II would be included in the subsidized housing inventory (SHI) and that this could allow for a "safe harbor" period granted by Department of Housing

and Community Development (DHCD). Mark Jones said that if this safe harbor is granted, a 40B comprehensive permit would become far less likely.

Dorothy Granat asked what could be built at the Stowaway Golf Course site if the amendment to the AAN was to pass or fail. Jesse Steadman responded that they could develop anything permitted in the commercial district or follow the requirements of the AAN bylaw.

Kathleen Fisher said that Athens parcel could be subdivided and developed into multiple uses. Kathleen Fisher asked if it would be possible to develop housing and also a distribution warehouse at the site. Jesse Steadman noted that such use is not currently allowed in the industrial district.

Kathleen Fisher asked about the access and egress to the Athens Lane site. Jesse Steadman said that such questions fall outside the scope of the proposed bylaw change and would instead be deliberated on in a future special permit process.

Jesse Steadman addressed the definition and inclusionary housing bylaws and said that the Fee-in-lieu for affordable housing had been eliminated from the AAN but no other zoning districts. Lori Clark asked if Jesse Steadman had discussed this change with members of the Stow Municipal Affordable Housing Trust (SMAHT). Jesse Steadman said that he had not yet received detailed comments from SMAHT.

Margaret Costello asked for clarification about the 50% open space requirement in the proposed changes. Jesse Steadman said that leaching field and stormwater management could be included, and that changes were made to allow public water supply areas as well. Margaret Costello asked why the open space was required for 50% of the site and not 60% as in the Planned Conservation Development (PCD) bylaw. Jesse Steadman said that this was to limit the density of units to a manageable level. Jesse Steadman also said that the site developer had originally proposed 40% open space and had eventually agreed to the 50%. Jesse Steadman said that, given the range of options available to the developer, it was important to make the developer want to use this overlay.

Margaret Costello commented that the removal of the age restriction should be explained clearly at the beginning of the presentation at Annual Town Meeting. John Colonna-Romano said that “age-targeted” is an inaccurate wording and it would be better called “age-accommodating”. Jesse Steadman said that without changing the language, this was a good framing for the presentation.

*Karen Kelleher moved to close the public hearing*  
*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 recommend to Town Meeting adoption of Zoning Bylaw amendments to sections 1.3, 5.4, and 8.9*  
*Len Golder seconded*

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

*Karen Kelleher moved to recommend to Annual Town Meeting adoption of Zoning Bylaw amendments to change references to the Board of Selectmen to Select Board, as recommended by the Board of Selectmen.  
Margaret Costello seconded*

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

*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