

TOWN OF STOW
PLANNING BOARD

Minutes of the July 27, 2021 Planning Board meeting

Planning Board members present: Lori Clark, Karen Kelleher, John Colonna-Romano, Nancy Arsenault, Margaret Costello, Mark Jones (Voting Associate)

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

Minutes

*Karen Kelleher moved to approve the minutes of the July 13, 2021 meeting as amended
John Colonna-Romano seconded*

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Margaret Costello -**Abstain**; Nancy Arsenault -**Abstain**

Correspondence

Nancy Arsenault addressed her email that was provided to the Planning Board regarding recent issues raised by several businesses and said that the Planning Board should be more proactive about addressing some of these issues. Nancy Arsenault informed the rest of the Planning Board that a rumor had spread online about Fidelity Bank in Lower Village closing because of restrictions on the use of their drive thru contained in the Zoning Bylaw. Nancy Arsenault told the Board that she spoke with a manager at the bank and confirmed that there is no such restriction in place. Nancy Arsenault said that recent enforcement action taken against Lower Village businesses that use prohibited internally illuminated signs have created an adversarial atmosphere between Stow Businesses and the Planning Board. Nancy Arsenault requested that the Planning Board devote space in its next agenda to addressing some of the concerns raised in her email, and that the Planning Board act on internally illuminated signs as soon as possible. Chair Lori Clark agreed to place the topic on the following agenda.

Lori Clark requested clarification on a memo sent by the Stow Economic Development and Industrial Commission (EDIC), which cited a section of the Zoning Bylaw giving the Zoning Board of Appeals (ZBA) authority to grant variances for signs. Town Planner Jesse Steadman explained that this section grants the ZBA authority to vary provisions of signage regulations during permitting of a new development but would not pertain to existing uses. Lori Clark asked what the EDIC expected to happen following receipt of their memo by the Planning Board and Building Department. Karen Kelleher said that the EDIC wishes to see the enforcement action against businesses with internally illuminated signs halted.

Resident Dorothy Granat said that she brought up the enforcement issues with former Building Commissioner Craig Martin in 2015, when there were only a few internally illuminated signs in Lower Village. Dorothy Granat said that Craig Martin had been requested to review the zoning status of the car lot at 92 Great Road in 2017, and that the Planning Board spent a subsequent year discussing issues at the property. Dorothy Granat said that the Planning Board attempted to view the property with Craig Martin in the past but that he was not completely forthcoming with them. Dorothy Granat said that owner Rich

Presti should not have been given a Class II used car dealer license for the business since it is not the primary business conducted on site. Dorothy Granat said that she had sent a list of signage violations at the property to Craig Martin and did not receive a response. Dorothy Granat said that a 30 ft buffer to adjacent lots had been illegally encroached upon at the business.

Chair Lori Clark said that the Building Inspector cannot waive provisions of the Zoning Bylaw, and that the Planning Board must follow a process of public engagement and a Town Meeting vote if they are to amend the Signage section of the Zoning Bylaw.

Margaret Costello asked for additional information about the license application from Radant Technologies for propane storage tanks. Planner Jesse Steadman said he did not have any additional information at this time but would reach out to the Building Department and update the Board at a later meeting.

Lori Clark said that the Zoning Change request for the Active Adult Neighborhood (AAN) overlay district from Stamski & McNary warranted an agenda item and discussion at a future meeting.

Jesse Steadman informed the Planning Board that the Town has received a grant award from the MassDOT Shared Streets & Space program to install two sets of Rectangular Rapid Flashing Beacons (RRFBs) at the crosswalk between Town Hall and Town Building and near the entrance of the shopping Plaza in Lower Village. Jesse Steadman said that the Planning Department and Highway Department still need to work out some details on the installations but are hoping to see those RRFBs in operation within the next few months.

John Colonna-Romano asked if the Planning Board should be concerned about any protections that may be lost from the proposed rescission of the Hallocks Point subdivision. Karen Kelleher said that the Conservation Commission's ownership of the land should be enough to prevent any undesirable development outcomes at the site.

Margaret Costello said that she is glad the driveways for the two recently created house lots on Hallocks Point Road will avoid no-cut buffers along the Sudbury Road frontage. Margaret Costello said that a no-cut buffer had been largely cleared at the new lot on Hiley Brook Road, following the Planning Board decision to allow the new driveway through the buffer.

Lori Clark said that the Planning Board should have a dedicated agenda item to discuss the status of the Collings Foundation's Special Permit compliance, following review of as-built plans by the Board's consulting engineer.

Lori Clark said that the rezoning request submitted by a resident should be addressed once the Board received suggestions from consultant Dodson & Flinker for amending zoning in Lower Village.

Erosion Control Special Permit Continuance | 137 Harvard Road

Lori Clark re-opened the Public Hearing and explained procedures to attendees.

Rich Harrington appeared before the Planning Board as the representative and site engineer for the applicant. Rich Harrington said he had been forwarded an email from the Board's engineer with some

recommendations for mitigating stormwater flows off the site. Rich Harrington said that there was a safety concern on site after the last rain, and so the applicant had installed new trap rock and stump grindings to stabilize part of the hillside.

Rich Harrington said he had done additional site walks since the Board's last site visit. Rich Harrington said that additional soil has been brought into the front yard area to direct water away from an area near the road that had been puddling. Rich Harrington said that an area in the front yard would need to be regraded to meet Title V requirements and this area would need a couple growing seasons to revegetate and properly retain water. Rich Harrington addressed further suggestions in the consulting engineer's email and listed possible improvements. Rich Harrington said the vacant lot has been cleaned up along the road frontage, allowing water to flow downhill outside the travel lane.

Lori Clark said that the Board is still awaiting updated plans. Rich Harrington said that he wanted to hear feedback from the Planning Board before he created those plans. Lori Clark asked Jesse Steadman what the Planning Board typically receives for Erosion Control Special Permits, and which of these the Planning Board was still waiting on. Jesse Steadman said that the current plans do not show 2-ft contours or Stormwater Management calculations. Jesse Steadman said those were complicated in this case because there is not an increase in impervious surface. Karen Kelleher said that the more precise contours were specifically recommended by the Board's consulting engineer. Rich Harrington said he is not avoiding new plans but that he does not believe they are necessary.

Rich Harrington said that the Highway Department is acting cautiously regarding road shoulder maintenance to comply with EPA MS4 regulations, and that he and the applicant have taken it upon themselves to clear the road shoulder to better allow stormwater to reach nearby drainage infrastructure.

Margaret Costello said she is uncomfortable with different parties pointing fingers at one another over who is responsible for the stormwater issues at the site. Margaret Costello said she believes the tree clearance on the western lot has affected stormwater flows in the neighborhood. Margaret Costello said the Planning Board needs clear information in plan form before any decisions can be reached. Nancy Arsenault agreed that more information is needed before the Board can approve a permit. John Colonna-Romano noted he had seen some erosion on the eastern side of the lot, where a new gas line was recently installed, and asked Rich what is being done to mitigate this erosion. John Colonna-Romano said it does not appear that additional stormwater volume is being generated on the site but suggested that work can be done to mitigate the impacts of altered rate and direction of runoff.

Karen Kelleher said that the Planning Board needs more complete documentation of site conditions for its file, including a clear view of site conditions before and after clearance work plus a clear plan to mitigate runoff issues. Karen Kelleher asked if the rate of stormwater runoff had increased following the gas line installation. Rich Harrington said that it was possible, but that recent work on that area of the lot has addressed issues.

Lori Clark expressed concern that the engineering process has become ad hoc and said there needs to be a complete application provided for review by the Board's Engineer. Lori Clark said that the Planning Board cannot provide any informal direction on the permit without a complete engineering plan. Lori Clark said this is an unusual situation in that much of the work and clearance was done before the Special Permit was applied for. Lori Clark said that Rich Harrington and the applicant should provide data to back up statements.

Margaret Costello said she believes that the clearing on the western lot led to an increase in rate or volume of stormwater off the hillside. Margaret Costello said that remediation is necessary at the peak of the hill to the immediate east of the abutting 153 Harvard Road property. Lori Clark said that the Planning Board would like to see data backing up the idea that no increase in impervious surface means there has not been an increase in stormwater flows.

Rich Harrington said that he observed rain events at the property and that he did not observe water flow off the hill onto 153 Harvard Road. Rich Harrington said that much of the hillside was ledge before any clearing occurred, and he does not believe there has been an increase in stormwater flows to the west.

Lori Clark asked the Board what information their consulting engineer needs to provide a clear opinion on things that have been said in the Public Hearing. Rich Harrington said he would provide an updated plan and letter explaining any change that has occurred since the opening of the Public Hearing. Rich Harrington said he would document efforts to mitigate erosion on the eastern side and provide that information to the Board. Rich Harrington said that issues with the road have been documented for years and that this is not something the 137 Harvard Road property can completely alleviate.

Karen Kelleher said that Rich Harrington should provide his response to the consulting engineer's memo in writing. Rich Harrington said that many of the bullet points from that memo pertain to abutting lots and the public right of way and are not relevant to the permit at hand. Rich Harrington said the work done on the house was typical for upgrading an existing home for a new occupant. Rich requested that the Planning Board prepare a memo documenting their observations from a previous site visit.

Planner Jesse Steadman said the Planning Board has yet to receive written comments from the Highway Department. Rich Harrington said that some of the emergency work had been conducted following comments made by Highway Superintendent Steve Nadeau during a site visit. Lori Clark said the Planning Board should solicit more detailed written comments from Steve Nadeau before making a decision.

Abutter Jon Mascia asked if the Planning Board had been waiting for a plan with 2-ft contours since the prior engineer was involved. Jon Mascia said that the site clearance on the vacant lot had altered the path of water and wind flowing through his property. Jon Mascia asked for Lori Clark, Jesse Steadman, and the Board's engineer to visit his property.

John Colonna-Romano said that after permitting for 137 Harvard Road is concluded, the Planning Board should re-examine stormwater concerns with Wedgewood Pines Country Club. Lori Clark said she hopes this permit process provides some new information related to Wedgewood that may be used to start that process.

Rich Harrington said he will return to the Planning Board with updated plans and updated measures to mitigate stormwater flows at whatever date the hearing was continued to.

Karen Meyer asked about the status of a Cease and Desist order for the site. Lori Clark said that the Board of Health had permitted septic work while the order was still in effect. Jesse Steadman said that the gas line installation had proceeded as a matter of public safety. Lori Clark noted that people had also since moved into the house. Margaret Costello asked about the status of the vacant lot on the western side.

Karen Kelleher said the ZBA would need to determine if the lot has grandfather protection and can be built upon.

Karen Meyer asked which lots the proposed Special Permit would cover. Jesse Steadman replied that the Building Commissioner had determined that the lots are legally under common ownership, and so the Special Permit would apply to both lots.

Lori Clark asked Rich Harrington if he would agree to a continuation of the Public Hearing. Rich Harrington requested a continuation to Sept 21, 2021 at 7:30pm.

Karen Kelleher moved to continue the public hearing to Sept 21, 2021 at 7:30pm
Margaret Costello seconded

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

Planners Report

Jesse Steadman reported that consultant Dodson & Flinker should have a set of recommendations for zoning changes in Lower Village available soon. Jesse Steadman said he expects to host a public forum toward the end of August to discuss proposed changes.

Jesse Steadman said he is working with Town Counsel about accepting the land donation off Great Road that was approved at Town Meeting. Jesse Steadman said that Town Counsel has needed to check the Probate Court, which was only recently reopened.

Jesse Steadman reported that the Traffic Safety Advisory Committee will have its inaugural meeting August 3 at 8am.

Jesse Steadman informed the Planning Board that he is preparing a scope of work for an upcoming RFP for the Town Center improvements concept plans, which was allocated \$60k by Town Meeting. Jesse Steadman asked the Planning Board which Committee should be monitoring that project. Karen Kelleher noted that many of the potential improvements presented at Town Meeting came directly from the Complete Streets Prioritization Plan, and suggested that Complete Streets provide input for the scope of work. John Colonna-Romano requested that the Planning Board be allowed to provide comment on the proposed scope of work once drafted.

Jesse Steadman said he spoke with the attorney for the Spring Hill Estates subdivision who is looking to sell the subdivision. Jesse Steadman said he has reached out to Town Counsel about how to transfer the subdivision while leaving existing escrow and development agreements intact. Karen Kelleher asked if there is already a buyer lined up, Jesse said it is unclear at this time.

Jesse Steadman said that parcel B at Spring Hill Estates is still owned by Pennie Cushing, and that a realtor was working with her to develop 5 additional lots, subject to requirements in the subdivision decision. Jesse Steadman said he communicated the conditions of the restrictive covenant to the broker, and would wait to see how serious the proposal is. Jesse Steadman noted that the shape and site constraints of Parcel B would make it challenging to develop.

Jesse Steadman said he is working with consulting engineer Sue Carter to update her rates. Board members asked about the conflict of interest referenced in correspondence from Sue Carter. Jesse Steadman said that Sue Carter is doing preliminary survey consulting for Stamski & McNary, and wanted to clarify if she could still comment on a plan prepared by that firm if requested by the Planning Board. Jesse Steadman said Town Administrator believes the base surveying does not qualify as a conflict of interest. Karen Kelleher said even the appearance of a conflict warrants an opinion from Town counsel. Jesse Steadman said Town Administrator suggested a disclaimer in any opinions where the possible conflict appeared.

Jesse Steadman said he has a meeting with the Highway Department about repairing the granite posts from Lower Village.

Jesse Steadman said he met with developer John Cramer at 108-118 Great Road about the sightlines from the abutter and landscaping improvements that can be made to mitigate the abutter's screening concerns. Jesse Steadman said it was clear now that the major landscaping work for the Special Permit will not be done before the winter. Jesse Steadman said John Cramer has been getting very high quotes on the proposed work and is exploring rehabbing the old Beef and Ale building rather than replacing it.

Jesse Steadman said Wedgewood Pines Country Club submitted Agronomic reports for the past couple years and that he forwarded that info to the Board of Health and an abutter to 137 Harvard Road who had requested them.

Jesse Steadman said the applicant for Nan's Market is deliberating how to proceed with their permit. Jesse Steadman told the Board that the appeal period for that decision lapses on August 8, and that the applicant may request that the Board reconsider parts of the decision.

Jesse Steadman said he is searching for grant funding for a water feasibility study for Lower Village, after receiving a go-ahead to do so from the Economic Development and Industrial Commission.

Karen Kelleher asked if there are any updates on the sale of Bose. Jesse Steadman had nothing new to report.

Jesse Steadman said that Habitech inc. supports the updated AAN bylaw but has requested that language around allowable floor area be tweaked. Jesse Steadman said that he would be visiting some similar developments in the area to get an idea about some of the suggestions. Lori Clark said board members should consider what the goals of the updated ANN and ask if the proposed changes stay in line with those goals.

Jesse Steadman said he has asked for an opinion from the Board's engineer about the best course of action for the area drain at 1 White Pond Road and what legal agreements should be in place before any work is done. Jesse Steadman said he will specifically request an opinion about the consequences of snow melt if the area drain were capped.

Joanne Drive Lot Release – Lot 2 / Lot 4

Jesse Steadman said that the performance guarantee is in place, and that he sees no problems releasing lot 2 and 4.

*Karen Kelleher moved to release lots 2 and 4 of the Joanne Drive subdivision
John Colonna-Romano seconded*

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

Energy Efficiency Presentation Debrief and Next Steps

John Colonna-Romano said the Planning Board would need Sustainable Stow's help speaking to abutters early in a permitting process to make clear the benefits of high efficiency housing. Lori Clark said that it was clear that education is key, and that the Planning Board should contribute to efforts to educate developers. Karen Kelleher asked if there are examples of successful bylaws or subdivision rules and regulations to further energy efficiency goals. Jesse Steadman said that Town Counsel informed him the Board may require a demonstration of energy efficient design in their subdivision rules and regulations. Jesse Steadman said that there are also examples of other towns requiring an option for efficient housing for buyers on new lots. Lori Clark commented that home buyers also stand to benefit from increased education about energy efficiency.

Jesse Steadman said he would get a conversation started for some next steps with Sustainable Stow. Jesse Steadman said he would also provide the Planning Board with the charge of the new energy efficiency committee.

Respectfully submitted,
Malcolm Ragan