

TOWN OF STOW  
PLANNING BOARD

Minutes of the August 10, 2021 Planning Board meeting

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

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

**Review Minutes**

*Karen Kelleher moved to approve the minutes of the July 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**; Nancy Arsenault -**Yea**

**Correspondence**

Lori Clark noted that the Planning Board cannot discuss correspondence regarding the Harvard Road Erosion Control Special Permit outside of the Public Hearing, which is set to continue September 21, 2021. Resident Jon Mascia asked for clarification about the term “MS4” in correspondence from the Highway Department. Town Planner Jesse Steadman said that it references a Municipal Separate Storm Sewer System, which is the town’s stormwater management system as regulated by the EPA.

Karen Kelleher addressed correspondence regarding flooding at Mitchell Road, and said that the Planning Board is becoming too involved in issues over which it has no jurisdiction or authority to act upon, and that other boards and departments should be taking up these issues.

**Planner’s Report**

Jesse Steadman informed the Board of a likely Special Town Meeting in late autumn, which will be necessary to advance the Stow Acres open space and housing project. Jesse Steadman said he would update the Board as more details about the Special Town Meeting become available. Jesse Steadman encouraged the Planning Board to include some Zoning Amendments from the Board’s annual workplan, which staff have been working on drafting. Jesse Steadman said the Planning Department is still awaiting zoning recommendations for Lower Village from their consultant, which will be provided to the Board as soon as they are available.

Jesse Steadman said he is preparing a Request for Proposals (RFP) for Town Center traffic safety concept plans.

Jesse Steadman recounted Congresswoman Lori Trahan’s visit Stow to announce the allocation of \$750k in community grants funding to advance design of the Track Road mixed use path. Jesse Steadman said the funding has given new life to the project, and should be adequate to get the project shovel ready.

Jesse Steadman said that he spoke with the Board's consulting engineer about the White Pond Road area drain, which will be on the agenda for the next meeting.

Jesse Steadman said he spoke with the owner of Nan's Market regarding the recent Special Permit decision. Jesse Steadman said that no appeal had been made on the decision, and that Nan's Market will provide a year end report in January to the Planning Board with specific requests for any modifications to the decision.

Jesse Steadman reminded the Planning Board that the hearing for the 137 Harvard Road Erosion Control Special Permit will continue on September 21.

Jesse Steadman said he would provide a memo about the upcoming Master Plan updates to the Planning Board at a later meeting. Jesse Steadman said it would be helpful for the Planning Board to reach some consensus on priorities for the Master Plan before meeting with the Select Board and before creation of a Master Plan committee.

Jesse Steadman asked the Board if they wish to revisit their policy on in-person meetings in the face of rising Covid cases and the Delta variant. John Colonna-Romano said that he is willing to return to completely remote meetings as long as cases are still increasing. Karen Kelleher agreed, and said that risks of in-person meetings outweigh benefits. The Board agreed to return to all remote meetings until the Covid situation improves.

#### **Joanne Drive Lot Release – Lots 3, 5, 6, 7**

Jesse Steadman said that a performance guarantee is in place for the remaining infrastructure improvements, and that the Fire Department has verified the functionality of the cistern.

*Karen Kelleher moved to release lots 3,5,6, and 7 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**

John Colonna-Romano asked who would verify that a street sign is installed at Joanne Drive before an occupancy permit is issued. Jesse Steadman said that the occupancy permit would not be issued until the sign is installed, and he would reach out to the Building Inspector to make sure he is aware of that condition. Jesse Steadman told the Board that developer Chuck Black will allow abutter Scott Bracci to choose the location of additional screening trees between Lot 1 of the development and his house on Forest Road.

#### **PUBLIC HEARING | Recission of Definitive Subdivision Plan, Erosion Control Permit and Associated Restrictive Covenant – Hallocks Point Road**

*Karen Kelleher moved to waive the reading of the Public Hearing notice  
Margaret Costello seconded*

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

Conservation Director Kathy Sferra introduced herself as representative for the Town of Stow, newly the owner of land on Hallocks Point Road following an Annual Town Meeting vote to exercise Right of First Refusal under M.G.L Ch 61. Kathy Sferra said that the existing subdivision divided the land into 7 housing lots and 1 open space lot. Kathy Sferra said that the Planning Board had already approved an ANR plan to create two new buildable lots with frontage on Sudbury Road to be sold to a private developer, and that other lots from the previous subdivision would remain as public open space. Kathy Sferra said Town Counsel suggested a rescission of the subdivision to clean up the title for conveying the two ANR lots to the developer. Kathy Sferra said that the existing Order of Conditions will also be left in place for all land within Conservation Commission jurisdiction. Kathy Sferra said that she expects the owner of one of the existing homes on Hallock Point to request an amendment to the Order of Conditions in the future. Kathy Sferra said that the Order of Conditions will continue to apply to the Lake Boon shoreline.

John Colonna-Romano asked about the status of the shed on one of the newly created Town-owned lots. Kathy Sferra said that the house at 25 Hallock Point was given an easement for the location of the shed, which has since been recorded and conveyed. Kathy Sferra confirmed that the easement is permanent. Mark Jones asked about a dock located on Town Land, Kathy Sferra said that it has been relocated onto private property.

Margaret Costello asked if there is a possibility that the shed easement could limit the Town's access to land around it. Kathy Sferra said she does not believe this will be an issue, and that the easement was granted to head off an adverse possession claim for a 30 ft buffer strip between the Lake Boon shoreline and Hallocks Point road.

*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**; Nancy Arsenault -**Yea**

Jesse Steadman said that he will write up a finding of past process and reference the appropriate statute in the rescission decision. Jesse Steadman said he would consult with Town Counsel about the exact language of the decision. John Colonna-Romano asked if there was anything in the existing subdivision agreement that dealt with roadway and utility improvements. Kathy Sferra said there is no plan to improve the road at this time.

### **Spring Hill Estates | Development Transfer Discussion and Release of Lots 2 and 3**

Attorney for the developer Chris Alphen said he met with the site engineer last week to provide an update on status of development. Chris Alphen said the common infrastructure was nearing completion and that all 5 lots will soon be under individual ownership. Chris Alphen said that his client wishes to convey responsibility for maintaining the common infrastructure to a new Homeowners Association (HOA). Chris Alphen said that this would also involve transferring the escrow account to that HOA and eventually securing agreement from the new homeowners. Chris Alphen said that the HOA would enter

into a covenant with the town to maintain the infrastructure of the subdivision. Chris Alphen said that the escrow account will be held by the future HOA's attorney until those funds are released.

Jesse Steadman said that the Board should have a notice address for the HOA rather than having to contact all 5 owners individually for any verification. Chris Alphen said it would be helpful for his client to have a letter from the Planning Board laying out the status of completed common infrastructure. Karen Kelleher said that to produce such a letter the Planning Board would need to receive an as-built plan from the site engineer. Jesse Steadman said the department had received as-built plans for the subdivision and will seek comment from the Board's consulting engineer.

Karen Kelleher asked if Jesse Steadman had reviewed the transfers with Town Counsel. Jesse Steadman said that Town Counsel had seen no immediate issues with the transfer. Chris Alphen said his final request is for the release of lots 2 and 3. Jesse Steadman said the Planning Dept has been keeping tabs on the Stormwater Pollution Prevention Plans (SWPPP) during construction, and verified that the complete performance agreement is in place for the development. Lori Clark asked how costs of inspections are covered. Jesse Steadman said that the inspection fees are paid out of a development agreement account, which has enough funds in reserve.

John Colonna-Romano asked about the sequence of events, to make sure that everyone is covered at all stages of the transfer. Chris Alphen said that the sequence of events would be creation of HOA, HOA becomes grantee of the development agreement, then a transfer of the escrow agreement. Chris Alphen said that handling the development agreement would remain firmly with the new HOA. Chris Alphen said the primary purpose of this HOA will be to continue compliance with the Development Agreement.

Karen Kelleher requested that the Planning Board would get a final sign off on HOA governing documents.

*Karen Kelleher moved to release lots 2 and 3 of Spring Hill Estates  
Nancy Arsenault seconded*

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

### **Discussion of Request for Zoning Amendment – Active Adult Neighborhood (AAN) Overlay**

Developer Bruce Wheeler and Engineer George Dimakarakos introduced themselves. Jesse Steadman said that the distinction between livable floor area and gross floor area was difficult to understand, and so he summarized this distinction in a memo to the Planning Board. Jesse Steadman said that he agrees the language around floor area in the bylaw amendment is inconsistent, and that there are existing definitions in the bylaw that can be used to resolve any confusion.

George Dimakarakos summarized the request to modify recent amendments to the AAN overlay bylaw to use consistent definitions of floor area. George Dimakarakos said that if the bylaw was followed, basements in cottage-style dwellings would require ceiling heights less than 6 feet in order to count toward the 30% of units required to have a floor area less than 1800 square feet. John Colonna-Romano said it would be ridiculous to have 5'11" basements.

Margaret Costello asked if other Planning Board members agree that cottage dwellings require a basement. Bruce Wheeler said that likely occupants will wish to store belongings in a full-sized basement. Lori Clark noted that the Planning Board never discussed basements in the amendment process. Bruce Wheeler said if the basements were counted toward Gross Floor Area, the units could only include 1,200 sqft of livable floor area. Karen Kelleher said her recollection of previous discussions was that the 1800 sqft requirement in the bylaw would limit the overall bulk of structures in the development.

Lori Clark noted that the developer is under no obligation to develop cottage units, and that the 30% under 1800 sqft requirement is to ensure that some of the units be reasonably small. Margaret Costello said that she believes basements should be counted toward gross floor area, as the bylaw is currently written.

Mark Jones said that the existing FLOOR AREA definition from the Zoning Bylaw broadly aligns with the livable floor area definition, and that reverting to that definition would solve the inconsistency. Jesse Steadman suggested that the FLOOR AREA definition be used in place of the “livable floor area” referenced in the AAN revisions.

Mark Jones asked if the developer has any plans to encourage low emission construction and utilities in the development. Lori Clark added that the Planning Board recently saw a presentation about the needs to move toward low and zero emission homes from Sustainable Stow. Bruce Wheeler said that they can offer electric car charging as an option, and perhaps also a common station in the development. Bruce Wheeler said that it would not be feasible to include charging stations at all units.

John Colonna-Romano asked about any plans for electric heating and efficient insulation. Bruce Wheeler said he could put together an energy efficient utilities package for new buyers to opt into. Bruce Wheeler requested Jesse Steadman forward some information from Sustainable Stow about such options. Karen Kelleher suggested that Bruce Wheeler meet with Sustainable Stow. Margaret Costello said she has a philosophical opposition to the implication that energy efficiency packages are an additional luxury for certain buyers. George Dimakarakos responded that the implication was that this would be available as a choice for homebuyers, and not that wealthier buyers are afforded an exclusive luxury. Bruce Wheeler said that Sustainable Stow could assist them with communicating the benefits of energy efficient utilities to potential buyers.

George Dimakarakos requested that a future revision to the AAN bylaw allow for 2 car garages at all cottage dwellings in a development. George Dimakarakos said that 2 car garages make sense in that most people want to keep their cars out of the elements and most of the cottage dwellings will have at least 2 occupants. George Dimakarakos said that having 2 cars under cover makes sense from a safety perspective, relevant for the age-targeted intent of the overlay district.

John Colonna-Romano said that garages are not attractive street frontage, and that it is worth trying to limit the ratio of garage space to living space. John Colonna-Romano asked if it would be possible to include some kind of common parking to limit the necessary amount of detached garage. George Dimakarakos presented a preliminary concept plan that demonstrates an attempt to de-emphasize the fronts of garages. Bruce Wheeler said that their existing concept keeps cars out of the front of cottage units and even provides some additional private space in the back of the unit.

George Dimakarakos asked the Board to reconsider the detached garage language in the sqft calculations. Mark Jones noted that if the Planning Board does change to the FLOOR AREA definition, that area would already be excluded and be a non-issue. John Colonna-Romano requested more detailed elevations of the front and rear of the cottage units for future discussion. Bruce Wheeler agreed to provide those at a later date.

Karen Kelleher said a next step will be to draft some modification language and hold another public hearing, ahead of a future vote at Town Meeting. Jesse Steadman said draft Rules and Regulations will be on the agenda and provided ahead of the following meeting.

### **Review of Sign Bylaw Letter to Economic Development and Industrial Commission**

Lori Clark asked if the Planning Board had received zoning recommendations for the Business District from consultant Dodson & Flinker, Jesse Steadman said the recommendations had been delayed but should be available for the Planning Board before the end of August. Lori Clark said that any amendments to the signage bylaws will be wrapped into the rezoning process for Lower Village.

Nancy Arsenault noted that no businesses had appealed the zoning determination regarding internally illuminated signs by the previous Building Inspector. Lori Clark said the appeal would have taken issue with the *interpretation* of the Zoning Bylaw, and would have not have been fruitful given the straightforwardness of the prohibition on internally illuminated signs. Lori Clark said the path forward is clearly to amend the Signage bylaw. Nancy Arsenault asked if the businesses will be accruing fines, and asked if there any alternative paths forward. Board members said there is no alternatives at this point but to comply with the determination. Nancy Arsenault noted that other liquor stores in other parts of town with similar signs have not received enforcement notices, and that this appears unfair. Karen Kelleher suggested that short term efforts be applied to open signs only. Mark Jones reminded the Board that the bylaw cannot regulate the content of signs, and so short-term measures to allow open signs would have to allow internally illuminated signs of certain dimensions and location.

### **Planning Board Appointment to Green Advisory Committee**

*Karen Kelleher moved to appoint John Colonna-Romano to the Green Advisory Committee*  
*Margaret Costello seconded*

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

Respectfully submitted,  
Malcolm Ragan