

TOWN OF STOW  
PLANNING BOARD

Minutes of the August 17, 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 August 10, 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**

Karen Kelleher said Leigh Hilderbrandt's email had confused the paved roadway with the public right-of-way. Lori Clark said she believes no property line had been moved during Lower Village construction, and that Leigh Hilderbrandt had been using the public right-of-way as part of her front yard at her own risk. Lori Clark suggested the Planning Board should create something to educate residents about the distinction between the paved roadway and public right-of-way. Karen Kelleher said such information could be included in Planning Board FAQs. Nancy Arsenault noted that there are regulations for planting trees in the public right-of-way, with which many residents are not familiar. Lori Clark said that any information the Planning Board disseminates should be verified for accuracy by the Highway Department. Karen Kelleher said such information should come directly from the Highway Department, since it is their jurisdiction. Lori Clark asked staff to verify the regulations around the public right-of-way with the Highway Department. Town Planner Jesse Steadman said that having accurate information on public rights-of-way will be helpful leading up to any transportation safety improvements in Town Center.

Resident Jon Mascia asked the Planning Board to clarify to the Highway Department that water entering the roadway at Harvard Road is not sourced from his property, but instead from Wedgewood Pines Country Club. Jesse Steadman said the Highway Commissioner was not suggesting that water is sourced from Jon Mascia's property, but only that flooding issues in the area are not being caused by deficiencies in Town stormwater infrastructure or roadway engineering. Jon Mascia asked for something in writing from the Planning Board indicating he is not responsible for water in the roadway. Nancy Arsenault said she had spoken with former Highway Department employees who recalled puddling issues on the stretch of Harvard Road near 137 for at least 20 years. Karen Kelleher said the Planning Board previously decided to resolve the permitting for 137 Harvard Road before turning to any possible issues with drainage from Wedgewood Pines Golf Course. Lori Clark said that the Planning Board has made no endorsement of statements by either the Highway Commissioner or the engineer for 137 Harvard Road.

Lori Clark asked if staff had seen any action taken in response to concerns raised over recent Stormwater Pollution Prevention Plan (SWPPP) reports at Spring Hill Estates. Jesse Steadman said his concerns have not been addressed according to the most recent reports. Jesse Steadman said that he would visit the site soon, and that the Planning Board would not transfer the Development Agreement and Performance Guarantee to the soon to be create HOA until erosion controls are repaired and functional. Jesse Steadman said the site engineer needs to act upon observations in their SWPPP reports, and not simply document those issues.

Nancy Arsenault asked if the Stow Lions Club will be obtaining a permit from the Select Board for their proposed autumn food truck event. Jesse Steadman said that he is unclear on which kind of license or permit will be issued. Assistant Planner Malcolm Ragan said the entire process appears ad hoc and not following any established policy of the Select Board or bylaw regulation. Karen Kelleher said there had been some reference to an entertainment license in Select Board discussions.

Mark Forgues asked if the Special Permit decision for Nan's Market had been appealed. Karen Kelleher said no appeal had been filed.

### **Planning Board Member Updates**

Margaret Costello told the Board that the Select Board had appointed 5 members to the Gleasondale Local Historic District Study Committee, and that the group hopes to hold its first meeting soon.

John Colonna-Romano addressed comments made by a Select Board member during their August 10 meeting, in which the Community Preservation Committee (CPC) was accused of claiming ownership over Stow's Community Preservation Act funds. John Colonna-Romano said that the Select Board is misinformed about past discussions in the CPC, and that no members have ever said Community Preservation Act funds belong to that committee. John Colonna-Romano said that the CPC does not make judgement calls on proposals and only verifies that proposals are complete and eligible for CPA funding. John Colonna-Romano said the eventual judgement on proposals is made by Town Meeting. Lori Clark asked if anyone from the CPC had responded to the Select Board. Nancy Arsenault said that a letter to the editor in the Stow Independent could be a good venue to respond. John Colonna-Romano said he wants the Planning Board to know that the CPC strives to be good stewards of the Town's CPA funds.

### **Planner's Report**

Jesse Steadman said the owner of Nan's Market has submitted a partial plan modification in response to the modifications required in the recent Special Permit decision. Jesse Steadman said he highlighted all plan modifications in that decision and has provided that to the owner. Jesse Steadman said the business will submit a report to the Planning Board early next year and may submit a request for a Special Permit modification at that time. Lori Clark said that she visited the business recently, and that parking was over capacity during a usual lunch rush.

Mark Forgues asked when Nan's Market is required to comply with their Special Permit. Jesse Steadman said the business must comply with the conditions of the permit before the outdoor seating and other work proposed can be completed. Margaret Costello asked when enforcement would begin for apparent safety issues and occupancy limit violations. John Colonna-Romano said that the business is not violating their most recent Special Permit as they have not attempted to complete any work that was proposed. Assistant

Planner Malcolm Ragan said that the Zoning Enforcement officer is in receipt of complaints regarding violations of the Special Permit/Site Plan that is currently in effect.

Jesse Steadman said he only just received comments from Town Counsel about the draft Hallocks Point rescission and would prefer to push that approval to the next meeting.

Jesse Steadman said that Sustainable Stow is planning to meet with the prospective developer and engineer of a new AAN at Athens Lane. Jesse Steadman said Sustainable Stow has also suggested getting in touch with EOEAA to get more direct guidance from the state energy secretary to developers about upcoming changes to climate policy and building codes.

Jesse Steadman said he has been preparing a Request for Proposals (RFP) for Town Center traffic safety improvement concept plans. Jesse Steadman said the newly created Traffic Safety Advisory Committee (TSAC) had moved closer to finalizing a traffic calming policy, which would create a framework to address long standing traffic issues. Jesse Steadman said he reached out to an engineer for advice on final location of the crosswalk across from Town Building and new pedestrian warning lights.

Jesse Steadman said there be a public forum on Lower Village zoning sometime in the autumn.

Jesse Steadman said staff had been working on several zoning updates and they would all be placed into a town website page for Board members.

## **1 White Pond Road Area Drain**

Lori Clark recapped that the Planning Board visited the site weeks ago and had now received an opinion from consulting engineer Sue Carter. John Colonna-Romano said that the drain is clearly not useful, as confirmed by Sue Carter. John Colonna-Romano said what was missing was a recommendation about how best to proceed. Jesse Steadman reminded the Board that the Highway Superintendent suggested two options to the Town Administrator in the past, which included covering over the drain with traprock, landscaping fabric, and a layer of turf, or completely capping the drain and removing all function. Jesse Steadman said the end result would appear identical without close inspection.

Lori Clark said that the best option, given comments from Sue Carter, is to cap the drain. John Colonna-Romano said that if the drain has no functionality, it should just be capped as it would be minimally expensive to uncapped it if needed. Karen Kelleher agreed that the drain is evidently not useful and could be capped, but that the Planning Board should state clearly that the small tributary area served by the drain could collect runoff during heavy downpours. Nancy Arsenault said that the drain should be capped but not removed. Mark Jones said that it should be moved into public right-of-way so that town can maintain or modify in the future if needed. Jesse Steadman said that the drain straddles the property line and would be difficult and likely expensive to cut back.

Mark Forgues said that Sue Carter agreed with him that the drain is useless. Mark Forgues said Sue Carter did say to him personally that capping the drain is good idea. Mark Forgues requested that the area around the drain then be loamed after the drain is capped. Katie Fished thanked the Planning Board for coming out to visit the site and requested that the Planning Board include the loam and seed work in their note to the Town Administrator. Nancy Arsenault said the Highway Department needs to remedy the situation as soon as possible.

The Board deliberated on the content of the memo to the Town Administrator. John Colonna-Romano said the memo should indicate a Planning Board preference to cap the drain, cover the area with loam and seed, and have that work done as soon as possible. Karen Kelleher suggested adding language which makes clear that the small tributary area currently served by the drain may collect runoff during heavy downpours and with heavy rains on frozen ground, as stated in the opinion of the consulting engineer. Mark Forgues requested that a strip between the property and the next-door business be loamed and seeded as well. Nancy Arsenault requested a note that any future work on the capped drain would require a temporary easement be granted to the Town.

*John Colonna-Romano moved to authorize a memo to the Town Administrator explaining the Board's preferred approach to the 1 White Pond Road area drain*  
*Margaret Costello seconded*

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

#### **Joanne Drive – Request for Minor Modification to Subdivision Decision**

Developer Chuck Black said that he is not ready to install lot bounds and street trees, as they could be damaged in construction. Chuck Black said that the existing decision requires those to be installed before occupancy permits may be granted. Chuck requested relief from these requirements since the town has a cash bond in place for that work. Chuck Black said that decision also requires the open land be conveyed to the Stow Conservation Commission before occupancy permits are granted. Chuck Black said he spoke with Conservation Director Kathy Sferra regarding this requirement, and that she is amenable to providing some relief.

Lori Clark asked if Board members believe this request qualifies as a minor modification, not requiring a public hearing. Board members agreed that it does qualify as a minor modification.

Mark Jones asked if the Town or the developer will have a right of entry to install trees on Lot 1. Karen Kelleher asked if the street trees would be on the lot or in the public right-of-way. Jesse said that some will be on private property. Lori Clark said the resident needs to grant permission to the Town or the developer for right of entry to plant the street trees.

The Board discussed a reasonable timeframe to complete remediation of the open land prior to conveyance to the Conservation Commission. The Board discussed the need to clean abandoned machinery and equipment off the open land before it could be conveyed to the Conservation Commission. Jesse Steadman said that Conservation Director Kathy Sferra was in favor of tying the conveyance to issuance of one of a later building permit. John Colonna-Romano suggested linking the conveyance to the 6<sup>th</sup> of 7 building permits. Board members agreed to the 6<sup>th</sup> building permit.

*Karen Kelleher moved to declare the request a minor mod not requiring a 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**

Karen Kelleher asked if the Bracci's, abutting residents, are aware of this modification. Jesse Steadman said Chuck Black had prepared a plan to allow Scott Bracci to locate additional screening trees between Lot 1 of the development and his property on Forest Road. Chuck said the trees in the buffer zone are not conditions of occupancy and not a matter for this minor modification request.

The Board decided to vote on the modification at a following meeting to allow time to communicate with the Bracci's about the course of action.

### **Active Adult Neighborhood – Rules and Regulations Update**

Karen Kelleher raised issue with allowing developers to post performance guarantees in phases. Margaret Costello said that the Planning Board should only be accepting performance guarantees that cover the entire cost of needed improvements. The Board decided to remove the allowance to *post* performance guarantees in phases and only allow releases in phases.

The Board deliberated on the merits of the \$500 preliminary review fee. Board members agreed it is in place to discourage developers from using Planning staff as development consultants.

The Board agreed with the drafted tiered system for traffic studies. Jesse Steadman said the Board can choose to review any traffic study through a consultant referral.

Mark Jones said that Regency had prohibited owners from using clotheslines through the HOA and requested that be regulated.

Respectfully submitted,  
Malcolm Ragan