

**TOWN OF STOW  
PLANNING BOARD**

Minutes of the November 9, 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

**Correspondence**

Karen Kelleher asked if Bruce Wheeler is seeking feedback from the Board on received concept renderings for an upcoming Active Adult Neighborhood (AAN) development at Athens Lane. Town Planner Jesse Steadman said they are not seeking feedback at this time. Jesse Steadman said the issue of allowing attached garages in that development will be addressed later during revisions to Rules and Regulations for the AAN Overlay District.

**Planning Board Member Updates**

John Colonna-Romano said the Community Preservation Committee (CPC) met with the chair of Stow Municipal Affordable Housing Trust (SMAHT) about strategies for developing housing at a site off Red Acre Road. John Colonna-Romano said that SMAHT has discussed proposing an overlay district for the area that would allow certain types of multi-family housing by right. John Colonna-Romano said SMAHT is concerned that Stow has a bad reputation for holding up comprehensive permit applications for many years, either in the permitting process or from abutter suits. John Colonna-Romano said SMAHT wishes to lower as many potential regulatory hurdles as possible before putting out a Request for Proposals (RFP) for building housing at the Red Acre Road site. Mark Jones said that circumventing the MGL ch. 40B Comprehensive Permit process by creating an overlay district would do little to insulate the project from litigation. John Colonna-Romano said SMAHT has approached the CPC for funding for the Red Acre Road project. John Colonna-Romano said the CPC is also discussing upcoming projects for renovations to the library and the Town Hall. John Colonna-Romano said if many projects come in simultaneously, there may be a need for additional bonding.

John Colonna-Romano said the Green Advisory Committee (GAC) has asked for clarification about the contents of the Municipal Vulnerability Preparedness plan. Jesse Steadman said he will provide some additional information to the GAC soon. John Colonna-Romano said that the GAC is focused on incentivizing and encouraging housing electrification in Stow. John Colonna-Romano said the Planning Board and GAC must coordinate to ensure that new housing developments are mindful of the new push to electrify housing.

Karen Kelleher said that Sustainable Stow recently released a video featuring a developer in Devens, which provided insight into the costs and benefits of all-electric housing construction.

Karen Kelleher said that the Planning Board needs more information from SMAHT about their proposal to create a by-right affordable housing overlay before the Planning Board agrees to discuss the proposal in depth. Margaret Costello said the housing proposal is for 6 units significantly set back from the road, and

wondered what roadblocks SMAHT expects to encounter. John Colonna-Romano said that SMAHT is concerned about the precedent set by a housing project on Pine Point Rd that has been mired in litigation for many years.

Mark Jones said the ZBA is expected to discuss strategies for alleviating issues with pre-existing non-conforming lots in certain parts of Stow at an upcoming meeting.

### **Planner's Report**

Town Planner Jesse Steadman said that SMAHT should be receiving a \$230k fee-in-lieu payment from the developer of the Joanne Drive subdivision.

Jesse Steadman said that Habitech Inc. is preparing a Special Permit application for an Active Adult Neighborhood (AAN) development at Athens Lane. Jesse Steadman said the developer has already seen draft versions of amended Rules and Regulations for AANs. Jesse Steadman said Bruce Wheeler of Habitech Inc. has had productive conversations with Sustainable Stow and there should be a significant electrification component to the eventual Athens Lane development. Jesse Steadman said that the Fire Chief and Bruce Wheeler have had preliminary discussions about site access plans.

Jesse Steadman said he forwarded an email about upcoming library renovations to the Board.

Jesse Steadman said staff have been working with the new Gleasondale Local Historic District Study Committee, who are planning a public forum for early in 2022 to discuss the Historic District bylaw and solicit feedback from Gleasondale residents.

Jesse Steadman said he met with Highway Superintendent Steve Nadeau and Bill Chiachiaro to observe the condition of the road in front of his newly constructed barn at 79 Edgehill Rd. Jesse Steadman said some final cleanup will be completed by Bill Chiachiaro and then the Board's consulting engineer will provide a recommendation to release them from a performance guarantee. Jesse Steadman said there were issues identified with stormwater outflows at the site, and that solutions have been identified. Jesse Steadman said that there will be a request for release from performance guarantee coming before the Board soon. Jesse Steadman said that the Chiachiaros will request an occupancy permit soon, at which time they will be required to deposit their fee-in-lieu for sidewalk construction.

Jesse Steadman said that he will present an initial budget proposal for 2022 to the Board the December 14<sup>th</sup> meeting.

Nancy Arsenault said the editor of the Stow Independent has asked her to serve as a features writer, and asked if there are any potential conflicts of interest. Board members agreed that as long as Nancy Arsenault does not cover issues of local governance, there should be no conflict of interest.

### **PUBLIC HEARING – Proposed Amendments to Planning Board Rules and Regulations**

- 1. Active Adult Neighborhood Overlay District Rules and Regulations**
- 2. Rules and Regulations Governing the Subdivision of Land**
- 3. Special Permit Rules and Regulations**

Chair Lori Clark opened the public hearing at 7:30pm.

*Karen Kelleher moved to waive reading of the public hearing notice  
John Colonna-Romano seconded*

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

Jesse Steadman said the Planning Board has authority to change Rules and Regulations without the need for a Town Meeting vote. Jesse Steadman said that Rules and Regulations govern the process for applying for permits in certain zoning districts such as the Active Adult Neighborhood (AAN) overlay district. Jesse Steadman said the Rules and Regulations are proposed to be amended to work better with recent amendments to the Zoning Bylaw passed by recent Town Meetings.

*1. Active Adult Neighborhood Overlay District Rules and Regulations*

Jesse Steadman said that many of the proposed amendments carry over lessons learned from permitting Planning Conservation Developments and strive to create consistency for permitting housing developments in Stow. Jesse Steadman said that there are two major amendments proposed. One provides design standards for Cottage-style dwellings, and the other change creates a tiered system for traffic study requirements based on the proposed size of the development, with varying levels of sophistication.

Lori Clark added that the Planning Board cannot waive any zoning bylaws during permitting but can waive requirements outlined in Rules & Regulations.

Mark Jones noted that the current draft allows a slope of 15% for cottage dwelling areas and asked if that slope is too high for residential development. Jesse Steadman said a 15% slope is more than the Planning Board would typically allow for most road construction or residential development. The Board requested the maximum slope be lowered to 10%.

Mark Jones noted that the concept plans from Habitech include a variety of layouts for cottage dwelling common areas, and that the Planning Board had previously discussed the need for a single common area. Lori Clark said that it makes sense to distribute shared common areas for cottage dwellings for a large number of units. Karen Kelleher said it is difficult to get too specific on these standards because the outcome may not have been anticipated, and the Board should afford itself some flexibility. Karen Kelleher asked if there is a requirement for a preliminary plan submission. Jesse Steadman said that it is not required but encouraged.

The Board discussed the language around allowing detached garages. The Board requested that attached garages be allowed provided the design remains in line with the intent of the cottage dwellings. Nancy Arsenault requested language to prevent living space conversions in any garage, whether attached or detached.

Lori Clark said the Planning Board should ensure that indoor community facilities are accessible by pedestrians from within the AAN. Nancy Arsenault expressed concern that an occupancy requirement for the community space equal to the number of bedrooms in the development is excessive, and could result in an oversized structure relative to the development. Jesse Steadman pointed out that the language

provides flexibility to the Board to waive that precise requirement in response to an appropriate design for the community space. Board members requested the language be amended to allow the Planning Board to encourage a reduction in the community building size.

The Board requested greater specificity in requiring the community space to have spaces for both large and small community events.

## *2. Rules and Regulations Governing the Subdivision of Land*

Jesse Steadman said the updates are meant to address some standing issues the Board has had with subdivisions, particularly around temporary street signage, placement of street trees, and lot identification during construction for public safety. Jesse Steadman said the same new tiered requirements for traffic studies have been included in the amended rules and regulations for subdivisions.

## *3. Special Permit Rules and Regulations*

*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**;  
Nancy Arsenault **-Yea**, Margaret Costello **-Yea**

## **D&D Farms (32 Hudson Road) Zoning Amendment Request**

Jesse Steadman said the property has been on the market for a while now, and that a potential buyer is proposing a landscaping business with a secondary agricultural use. Jesse Steadman said the landscaper business is currently only an allowed use within the Commercial Zoning District.

Site owner Daniel Taranto said that the landscapers interested in the property would not be able to store lawn care equipment given the zoning restrictions. Jesse Steadman pointed out that landscapers are not a specifically listed use in the zoning bylaw, and that the town has grouped that use with contractor yards.

Lori Clark said that contractor yards typically require greater screening than greenhouse uses. Daniel Taranto said that his 10.3 acre site is mostly out of site from Hudson Rd and most of the uses are not visible. Mark Jones asked if there is a lot size minimum for agricultural exemptions. Daniel Taranto said that 6.25 acres of the lot is protected under Ch 61A, Jesse Steadman said that there is a minimum for 5 acres for Ch 61A agricultural protections. Lori Clark asked if the entire lot would need to be rezoned commercial for the interested businesses to be able to purchase the property. Daniel Taranto said he believes that would be necessary.

Karen Kelleher asked how the Planning Board would feel about rezoning the parcel commercial given it is surrounded by a residential area. Nancy Arsenault noted that the parcel is bracketed by several business uses currently.

The Board paused discussion briefly to address an open Public Hearing.

## **57 Barton Rd Erosion Control Special Permit – Continuance**

Jesse Steadman said the applicant has requested the hearing be continued without testimony to account for zoning provisions related to flood plains.

*Karen Kelleher moved to continue the Public Hearing to Dec 14 at 7:30pm*  
*John Colonna-Romano seconded*

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

## **D&D Farms Zoning Amendment Request (continued)**

The Board discussed whether the request constituted spot zoning. Karen Kelleher said that creating an overlay district would require selecting multiple lots for a district, and worried that process would be challenging. Karen Kelleher said that the presence of a house on the parcel complicates the process of rezoning to the Commercial District.

Mark Jones said that there are approximately a dozen houses in the immediate vicinity of the property, who would be invested in the outcome of any rezoning. Margaret Costello expressed concern that a landscaping use would be noisy to abutters and anticipated that abutters would oppose the change in use.

Karen Kelleher noted that there are many other uses allowable in the Commercial District besides the change in use proposed, and that many of those uses may not be appropriate for the neighborhood.

Lori Clark suggested the Board visit the site to better think through the consequences of a possible rezoning. Lori Clark said staff will assist with coordinating a site visit and will further discuss the proposal at an upcoming meeting.

Karen Kelleher said the zoning change makes sense for the potential buyer, but she is concerned about opening the site up to other uses allowed in the Commercial District. Nancy Arsenault noted that similar greenhouses on Walcott St have also been for sale for a while. Mark Jones said a new overlay district could be created for those two properties.

## **Wireless Communication Facility Site Plan Approval, AT&T – 501 Gleasondale Road**

Lori Clark noted that Planning Board members have all visited the proposed site for the new backup generator at the Gleasondale Mill.

Jesse Steadman recalled that Catherine Conklin provided some clarification for site plans, and that Board has also received a set of questions from an abutter. Catherine Conklin said AT&T is complying with federal mandates for backup generators for emergency responders.

John Colonna-Romano said the plan did not note the loading bay next to the proposed concrete pad. Catherine said the landlord requested the generator be moved away from an area for dumping snow from plowing.

Margaret Costello noted that no screening is proposed and said that having enough room for bollards suggests there is enough space for sound dampening screening. Catherine Conklin said that the unit is self-contained, and one would need to be within 23 feet of the unit while it is running to hear anything.

Karen Kelleher asked if there is room for any sound screening. Catherine Conklin said that there is no room for screening and that it is not necessary for the unit. John Colonna-Romano noted that the sound is measured at roughly 66dB at 7 meters, roughly equivalent to conversation level volume. Catherine Conklin said that the generator will only run for an hour every other week.

John Colonna-Romano asked about the containment of fuel within the unit. Catherine Conklin said that any problems will flag a national control center who will address any problems.

Karen Kelleher asked why this generator is not being located on the roof with others. Catherine Conklin said that the roof cannot support the weight of another generator and would also be located too close to other equipment. Catherine Conklin said the generator will need to be setback 3 ft from the building and other equipment to comply with safety codes. Nancy Arsenault asked how tall the proposed generator would be. Catherine Conklin said the enclosing cabinet is approximately 5 feet tall.

Catherine Conklin noted that most of the property is owned by Stow Industrial LLC, and the rooftop is owned by another party. Catherine Conklin said that the unit conducts a self-test inspection routine regularly and flags to AT&T if any faults are detected.

Laurel Cohen said that the unit will be located near a floodplain and requested the generator be relocated so to be screened from public view. Laurel Cohen requested that additional protections be put in place to prevent any fluid leakage.

Lori Clark asked how the unit is refueled. Catherine Conklin said she would provide a description of that process to the Planning Board.

The Board requested some additional information and requested Catherine Conklin return to the following meeting on November 16 at 7:30.

### **Special Permit Deliberation – 137 Harvard Road Erosion Control**

Jonathan Mascia (153 Harvard Rd) noted the spelling of his name and requested removal of any “John” spellings.

The Board discussed including a condition for a yard drain, which had been one suggestion by the consulting engineer that was not included in completed work. Lori Clark suggested that a condition require maintenance of solutions that appear to have mitigated some stormwater flows into the right-of-way. Lori Clark said, wherever possible, conditions should require the already-existing improvements be maintained.

Kathy Konno asked how long the haybales and silt socks will be required for the site. Jesse Steadman said those things are serving little purpose now and were more important during construction. Jesse Steadman said the decision will not require those measures into the future now that construction is substantially complete.

Lori Clark asked if the Planning Board can make a finding that the undeveloped lot is unbuildable. Jesse Steadman said a future owner could argue to the Zoning Board of Appeals that the lot predates changes in zoning. Lori Clark said that Lot 2 is currently not a buildable lot. Jesse Steadman will rewrite the condition that Lot 2 is not buildable as a finding. The Board agreed to require that a note be added to the plan that Lot 2 is not buildable.

Jon Mascia asked about the status of fines. Jesse Steadman said that fines were no longer levied from the day a Special Permit application was submitted to the Planning Board.

Karen Kelleher suggested that recommendations for Highway Department follow up be included as a finding. Karen Kelleher said the Highway Department should evaluate street drainage in the site vicinity. Lori Clark said the highway department claimed the runoff is not their concern but said that the drainage in the roadway should be their concern. Karen Kelleher requested similar findings in subsequent sections that address drainage in the roadway.

Jon Mascia said that Steve Nadeau is mistaken that there has been seasonal flooding in front of his property for 15 years. Jon Mascia requested a finding that water seeping through his property is not sourced from his property. Board members noted that Jon Mascia said as much during the Public Hearing, and that it can be included as a finding.

The Board discussed several other draft findings.

The Board amended the condition to replace a property pin to require Jon Mascia to be informed of the underlying survey when that is done.

The Board requested that completed work be included as a condition in the decision, to ensure that those improvements are maintained into the future. The Board noted the consulting engineer found the runoff characteristics of the re-vegetated Lot 2 are similar to the woodland coverage that previously covered the lot. The Board agreed to condition that Lot 2 be maintained at a similar level of vegetation.

*Karen Kelleher moved to adjourn*  
*John Colonna-Romano seconded*

Respectfully submitted,  
Malcolm Ragan