

TOWN OF STOW
PLANNING BOARD

Minutes of the November 16, 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 October 19, 2021 meeting as amended
John Colonna-Romano seconded*

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

Correspondence

The Board discussed a note from the Highway Superintendent about culvert repair grants available from the state. Lori Clark said that the letter does not clearly state that the Highway Department is intending to apply for any of the referenced grant funding. Town Planner Jesse Steadman said that the grant could be applied to projects identified during previous rounds of Hazard Mitigation planning, and that the Highway Department is beginning a conversation about which projects such grant funding could be best applied.

John Colonna-Romano thanked Voting Associate Mark Jones for providing some legal background on spot zoning, given the recent request from an owner of property on Hudson Rd. John Colonna-Romano said the information provided made it clear the Planning Board must always consider town wide goals in any rezoning request or effort.

Planning Board Member Updates

John Colonna-Romano provided the Board an update on the Community Preservation Committee (CPC). John Colonna-Romano said the state match for Community Preservation Act (CPA) is larger this year compared to last. John Colonna-Romano said the town sold two new house lots at Hallocks Point for more than originally anticipated, and that the proceeds may also help replenish CPC funds. Mark Jones said the state match is \$419k compared to \$291k the previous year.

Margaret Costello said that she has heard that Eversource is planning to move forward on transmission lines under the Mass Central Right of Way. Margaret Costello said that a couple years ago the Select Board passed a resolution in favor of the project regardless of whether it is above ground or underground. Margaret Costello said she is opposed to 80-ft transmission towers passing through Gleasondale, and hopes the Planning Board can pressure the Select Board to revisit their position about the preferred option for the transmission corridor. Lori Clark said that the current Select Board is largely new compared to the Board from 2 years ago and may have different stances compared to when the prior resolution was

passed. Karen Kelleher asked if Eversource has come forward with a new proposal. Margaret Costello said she is uncertain but has heard that opposition to the transmission towers has heated up in Sudbury. Karen Kelleher suggested the Planning Board revisit their letter and the Select Board letter from 2 years ago. Lori Clark agreed to put the topic on an upcoming Planning Board agenda. John Colonna-Romano asked if there is some event or public hearing coming up soon that would provide a good timing for the Board to make its position clear.

Margaret Costello summarized that the Select Board of the time was unaligned with the Planning Board, and that she would request the Select Board revisit their position. Lori Clark said the Board may wish to know where the project is currently versus the last time the Planning Board sent a letter to the Select Board.

Nancy Arsenault said that Eversource had secured approvals from the Town of Hudson for their portion of the transmission line, and that 7 of the 9 miles within Hudson will be beneath the Former Mass Central Rail Right-of-way or beneath public streets. Jesse Steadman noted that Eversource has already been permitted by the Stow Conservation Commission for underground transmission for the short segment of the transmission corridor that passes through Stow Town boundaries. Lori Clark said that Stow is reasonable to request the lines be located entirely underground given the approved plans for lines within Hudson.

Planner's Report

Jesse Steadman said there will be a site visit at 3pm the next day at D&D farms at the invitation of the owner, following the request to be rezoned to the Commercial District.

Jesse Steadman said that screening between the rear area of 118 Great Road and an abutter at Lanes End has been planted, and that the trees should grow in over the next few years.

Jesse Steadman said the Collings Foundation is seeking a determination that they are in compliance with the conditions of their Special Permit. Jesse Steadman said the Board's consulting engineer is identifying any remaining compliance issues with the Collings Foundation.

Jesse Steadman said MCO Housing Associates has submitted a draft Local Initiative Program (LIP) application for the Stow Acres project for review by the Town. Jesse Steadman said he will review the document and provide a copy for review by the Town's affordable housing monitoring agent, as well as the Stow Municipal Affordable Housing Trust (SMAHT). Jesse Steadman said the Select Board will vote to approve the LIP application following a favorable recommendation. Jesse Steadman said the Planning Board will be requested to send a letter in support of the application to the Department of Housing and Community Development (DHCD) in an upcoming agenda.

Jesse Steadman said the Planning Board has also been asked by Stow Elderly Housing Corporation (SEHC) to send a letter in support of Plantation Apartments II to DHCD. Jesse Steadman said the Planning Board has sent letter in support of the project in the past, and that he will resend an updated version of a previous letter. Jesse Steadman said the SEHC will also be making some interior renovations to Plantation Apartments I as they develop the second phase.

Jesse Steadman said the discussion following the request to rezone D&D Farms from Residential to Commercial warrants a larger discussion about zoning near the intersection of Route 117 and Hudson Road. Karen Kelleher said it makes sense to consider the surrounding neighborhood in light of the rezoning request.

Jesse Steadman said he would like to begin Master Plan discussions at the next Board meeting.

Wireless Communication Facility Site Plan Approval – 501 Gleasondale Road

Catherine Conklin introduced Will Hochman, construction manager and Michael Rebner, Project Manager.

Lori Clark recalled the Board previously raised concerns about the possibility of fuel spills. Construction manager Will Hochman said that the fuel tank is contained within another larger tank that would contain any possible spills.

Abutter Laurel Cohen said she is worried that the access is limited at the proposed location of the generator, and that any leak will quickly seep into the Assabet River. Michael Rebner said that they cannot create any barrier between the generator and the river, and that the generator has been engineered to seriously minimize the possibility of any leaks. Laurel Cohen said that the Conservation Commission usually requests barriers between construction and the rivers. Lori Clark noted that the applicant has been asked to apply for relevant permits from the Conservation Commission, and that any approval will likely carry conditions for preventing harmful runoff during construction.

The Board discussed noise concerns. Catherine Conklin said that people would need to be within 23 ft of the proposed generator to hear it, and that it will only run twice monthly for 20 minutes at a time. Michael Rebner said that the time of the schedule can be changed to the Town's preference. Margaret Costello said that she is requesting additional noise screening due to how noise carries in the Gleasondale area. Resident Bill Byron said that the wireless transmission equipment at the mill site has expanded over time in an area surrounded by homes. Bill Byron asked if a house within 300 ft of the proposed generator would be able to hear the generator. Mike said possibly, but at a quiet level.

Michael Rebner reminded the Board and attendees that the generator is being built in response to a federal mandate to ensuring that first responders have access to wireless service in the event of power outages. Michael Rebner and Will Hochman said that the audio level will be between a dishwasher and dryer if you are standing near the generator.

Bill Byron asked for clarification about the runtime. Will Hochman said it was misrepresented in an earlier email and will only run 20 minutes at a time with a 10-minute cooldown. Bill Byron requested the generator be located behind the building out of sight of the road.

Nancy Arsenault asked if there are any comparable generators installed by this company in the area she can observe. Will Hochman said he would review comparable generators in the area and provide the Planning Board with a nearby example to observe.

Margaret Costello said that the acoustic measurements have not accounted for the site conditions and the height of the generator. Margaret Costello said that additional screening is necessary for noise abatement.

John Colonna-Romano said that locating the generator in front of a wall will make the noise carry further. Nancy Arsenault said that there is heavy traffic in the vicinity during the day and she is not convinced the noise would be louder than that.

Will Hochman and Michael Rebner said that they have limited room to move given the site conditions and that the proposed location was chosen by the site owner.

Margaret Costello asked if it would be possible to install an acoustic barrier given the proposed location of the generator. Mike said that they have very limited room to work with, and that there does not appear to be room for an additional barrier. John Colonna-Romano asked if it would be possible to plant some trees as screening. Will Hochman said that it would be possible to plant some screening trees but that he is concerned they would not be properly maintained. The Board continued to discuss possibilities for screening the generator location. Lori Clark requested some creativity from the applicant for creating an additional noise buffer. Lori Clark said the Board would prefer any solution that also addresses aesthetic impact to the surrounding neighborhood.

John Colonna-Romano mentioned that other support equipment for wireless service, located on the roof of the building, is screened from view by an acoustic barrier painted to blend with the brick of the building. John Colonna-Romano asked if something similar could be done to screen the proposed generator on the ground. Will Hochman said that some switches can be located out of sight and the conduit travelling up the building can be painted to match the general color of the brick.

Margaret Costello said she is still concerned about the noise impact of the proposed generator, regardless of when testing is scheduled.

The Planning Board requested that the applicant attempt to address some of their concerns and return with an updated plan. The applicants agreed to provide an updated plan ahead of the following meeting on December 14.

137 Harvard Road Erosion Control Special Permit

Town Planner Jesse Steadman summarized revisions since the last Planning Board discussion. Jesse Steadman said he included a new condition that measures to address ponding along the road frontage be maintained in perpetuity. Margaret Costello requested clarification that the applicant is responsible for maintaining the regraded area along the frontage, rather than the Town. Jesse Steadman said he will make some additional revisions to the findings and conditions regarding the status of the leaching field for the sake of clarity.

The Board requested additional findings to detail the timeline of events. The Board discussed the options for drainage improvement measures and noted that consulting engineer Sue Carter had previously provided a selection of potential options, only some of which were acted upon. Jesse Steadman said the Board did not previously argue that all suggested measures were necessary, but that some combination would mitigate the impacts of stormwater runoff.

Karen Kelleher moved to approve the Erosion Control Special Permit and Site Plan Approval for 137 Harvard Road as drafted and amended
John Colonna-Romano seconded

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

Vote to Release from Performance Guarantee – 79 Edgehill Road

Jesse Steadman said that a previous Earth Removal Permit had included a Performance Guarantee for \$5,000, which was executed to ensure the edge of Walcott St was returned to its previous condition following construction. Jesse Steadman said that the applicant installed a stone construction entrance and taken several other measures to protect the roadway. Jesse Steadman said he visited the site with consulting engineer Sue Carter and Highway Superintendent Steve Nadeau to observe the site conditions and reported that the site is in roughly the same conditions as when construction began. Jesse Steadman said Sue Carter said the road is not in great condition but no worse than the area around it. Jesse Steadman said Sue Carter did observed cracking in the pavement, but it was not clear that this was a result of construction work and is not severe enough to not allow water infiltration. Jesse Steadman reported that Sue Carter does not recommend the Town hold onto any portion of the \$5,000 performance guarantee.

Jesse Steadman said the Building Commissioner is aware of the requirement for funds to be deposited into a sidewalk account before an Occupancy Permit is issued for the structure at 79 Edgehill Rd. Jesse Steadman said that some challenges with stormwater drainage off the site have also been addressed, but reminded the Board that those issues have no bearing on the roadway performance guarantee.

Karen Kelleher moved to release the 79 Edgehill Road Earth Removal Permit Performance Guarantee Agreement in its entirety
Margaret Costello seconded

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

Vote to Approve Amendments to Planning Board Rules & Regulations

Board members said they appreciated Mark Jones' suggestion for greater specificity in regulations for making new garages within Active Adult Neighborhood developments compatible with electric vehicle charging stations.

The Board discussed several suggestions from members for items to include in the final drafts. Lori Clark noted that several suggestions were not addressed in the required Public Hearing, and that those suggestions could be deliberated on and included at a later date following proper notice.

The Board discussed member suggestions for greater specificity about entrance shelters for Active Adult Neighborhood developments, as well as statements of purposes for the AAN district regarding diversity of unit sizes and transportation mode shares. Margaret Costello suggested additional language requiring public transit shelters within both AAN Rules and Regulations and general Subdivision Rules and Regulations.

The Board said that some of the goals that have not been tackled at this time should not be included in this round of revisions as they were not discussed during the noticed public hearing.

The Board requested some modification to requirements for restrictive covenants for Active Adult Neighborhood developments.

Karen Kelleher moved to approve the Rules and Regulations for Active Adult Neighborhood Special Permits as drafted and amended

John Colonna-Romano seconded

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

Karen Kelleher said the Special Permit Rules and Regulations could include language regarding performance guarantees, modeled after similar requirements in the Rules and Regulations for Subdivisions. Mark Jones said the Planning Board may want to discuss adjusting fees in the future.

Karen Kelleher moved to approve the Special Permit Rules and Regulations as drafted and amended
John Colonna-Romano seconded

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

Mark Jones questioned whether the \$20k minimum performance guarantee outlined in the Rules and Regulations Governing the Subdivision of Land is sufficient. Lori Clark said the Board should review all fee and performance guarantee amounts on a regular basis.

Karen Kelleher moved to approve amendments to Rules and Regulations Governing the Subdivision of Land as drafted and amended

John Colonna-Romano seconded

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

Other Business

Margaret Costello said she and some neighbors in Gleasondale have put together applications for programs to cover the cost of well testing for PFAS. Margaret Costello said she wishes the Town had notified all residents of Gleasondale when some wells had tested for PFAS. Margaret Costello said she was only notified by her neighbors that their wells tested positive for PFAS and wondered if the Board of Health could notify abutters of wells that test positive as a standard operating procedure. Margaret Costello said that Stow should oppose any digging under the rail trail on risk of releasing more PFAS into the water. Lori Clark questioned whether the Stow Board of Health had even been made aware of the issue by the DEP. Lori Clark suggested Margaret Costello check in with the Board of Health about what was known when.

Margaret Costello asked how many aircraft demonstration events the Collings Foundation is allowed annually. Jesse Steadman said they are allowed by settlement agreement to host 12 such events yearly. Jesse Steadman said he wants to discuss on a future agenda how to enforce the conditions of a previous settlement. Karen Kelleher said she can hear tanks being operated frequently at the museum.

Karen Kelleher moved to adjourn
John Colonna-Romano seconded

Respectfully submitted,
Malcolm Ragan