

TOWN OF STOW
PLANNING BOARD

Minutes of the October 26, 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

None.

Planner's Report

Jesse Steadman provided a brief update on Planning Department tasks.

Approval of Letter to Department of Housing and Community Development (DHCD) RE: Regulations for Housing Choice Legislation

The Board discussed the draft letter to the Department of Housing and Community Development.

Karen Kelleher moved to approve the letter to the Department of Housing and Community Development as amended.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

PUBLIC HEARING – Zoning Bylaw Amendments for October 30th Special Town Meeting

1. Industrial District Amendments (Warrant Article 8)

Karen Kelleher moved to waive the reading of the Public Hearing Notice.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Jesse Steadman gave a presentation on the context of the Bose site.

Lori Clark clarified the Zoning Articles that the Planning Board will be voting upon, reminding residents that a non-profit school could go into the current Bose site at any time, but that this change involves the opportunity for a for-profit school to be permitted.

Linda Hathaway – 76 Crescent Street

Linda Hathaway stated she is in favor of the zoning amendment and it seems the Town has more control than a non-profit under the Dover amendment. Linda Hathaway stated it seems like a win-win for the Town.

Alexis and Mike Mena – 57 Old Bolton Road

Alexis Mena stated she lives diagonally across from Bose site, and that both she and her husband are professional planners. She noted that she has not seen any abutter notices yet for the project. Alexis Mena stated her general preference is for a less intensive use and no one wants to see a trucking or industrial use. She indicated that the Bose property has served as a good open space amenity for the Town which lends itself to a school use and would be a great change.

Jennifer Connor – 40 Apple Blossom Lane

Jennifer Connor asked if the purchase and sale agreement between Bose and the Masters Academy is contingent on the zoning change? Jesse Steadman responded that he has not seen the agreement.

Kerry Lynn – 30 Orchard Drive

Kerry Lynn asked if this zoning change is necessary on a case by case basis, noting that the National Aviation Academy is located at Minuteman Airfield. Jesse Steadman noted that the academy at the airfield did not require a similar zoning change as it was likely considered an accessory use to the existing airfield.

Mark Forgues – 9 White Pond Road

Mark Forgues stated that his letter to the editor of the Stow Independent was meant to clear up questions and not state an agenda of facts. Mark Forgues said he was surprised he got slammed a bit by Town Administrator as he was not trying to cause trouble, but rather just get people involved. Mark Forgues asked who is Masters Academy? What is the Development Agreement? How do we learn more?

Jesse Steadman explained information is on the Town website. Mark Forgues said that it could easily be a residential development and tax base would be the same. Mark Forgues cautioned that the developer may have money but not experience.

Irene Levitt – 27 McIntosh Drive

Irene Levitt stated that her concern is similar to Mark Forgues. What qualifies them to have a school? If we do vote to have a school in the area does that mean it gives the Masters Academy the go-ahead?

Lori Clark explained the Special Permit process. Irene Levitt said she is concerned about a bait and switch as well as drug and behavioral problems of students, especially for those living in the neighborhood.

Apara Borrowes – 25 Orchard Drive

Apara Borrowes said the pace the plans are moving is scary. There has not been a lot of investigation into the Academy. It would be great if we had more information. Bose could be unoccupied for years to come. Apara Borrowes said she too is worried about kids when they are not in school.

Kathy Sferra – West Acton Road

Kathy Sferra said she used to live in the neighborhood around Bose and was involved in the Villages at Stow permitting process. Bose was the second highest tax payer in Stow and they are now gone she said. Kathy Sferra said she wants to see a tax positive use go into the site and not another residential neighborhood. Kathy Sferra said she strongly supports the change.

Dorothy Flood Granat – White Pond Road

Dorothy Flood-Granat noted she has many concerns regarding site plan issues and the capacity of wastewater and public water supply. She noted that she believes the zoning change is a good one and that the Town can deal with the specific permitting matters at the proper time.

Trish Crawford – 34 Harvard Road

Trish Crawford said she echoes some of the concerns stated earlier, including traffic and the pace of change. She asked what would happen if the Masters Academy moved out in the future? Lori Clark said that the Town could take other school applications or other by right uses could move in.

Katie Fisher – 1 White Pond Road

Kathleen Fisher asked if the property is in Recreational Marijuana Establishment Overlay District. Jesse Steadman confirmed that it is.

Mark Forgues – 9 White Pond Road

Would the homes shown be required to be on their own lots and wells and is the Masters Academy contingent on the Special Permit Approval. Lori Clark said she is yet unsure of some details.

Margaret Costello – Gleasondale Road

Margaret Costello said she is speaking as a resident and that the Town has heard rumblings of Bose wanting to sell the property for years. Earlier inquiries from distribution uses with semi-trucks and the potential for future drone use is concerning. Bose has every right to sell and she is happy that a lesser impact use has come forward. Margaret Costello said that the Town does not have a lot of choices and this is one of the best possible.

Apara Borrowes – 25 Orchard Drive

Apara Borrowes said she would like to know that if it passes at Town Meeting, how much information will the Planning Board and Select Board seek to determine how communities have been impacted by private schools. How will the developer develop the school and how can we vet its operation?

Lori Clark said that the Planning Board can ask for a lot of specific information during the Special Permit process. She added that the Board can seek further information from other municipalities that have private schools and learn from them.

Kerry Lynn – 30 Orchard Drive

Kerry Lynn of 30 Orchard Drive said that he gets the sense that this is the cart before the horse. What kind of leverage are we giving up? Is it normal to pass zoning first?

Lori Clark discussed allowed uses at the site, noting that all of the details will come in the application for special permit and will determine whether the use should be permitted.

Jim Wheeler – 151 Randall Road

Jim Wheeler referenced Masters Academy as being backed by the IMG academy in Florida. Lori Clark and Jesse Steadman clarified that the Masters Academy has no formal affiliation with the IMG academy outside of consulting with some of the owners that started that specific school.

Trish Crawford – 34 Harvard Road

Trish Crawford asked if Bose was provided any tax incentives? Lori Clark said no.

Katie Fisher – 1 White Pond Road

Special Permits have been provided in the past and they could move forward with the Special Permit that is in place. Could we get Rules and Regulations for the May Bylaw?

Lori Clark noted that with a Special Permit, the Planning Board's Rules and Regulations apply.

Apara Borrowes – 25 Orchard Drive

Apara Borrowes asked about the timeline for permitting. Lori Clark described the Special Permit timeline. Abutters notices need to be sent out and once the Public Hearing is closed, the Planning Board needs to issue a Decision within 90 days, Lori Clark said.

Jesse Steadman noted that an Application could be expected in early 2022. Jesse Steadman described the Special Permit Rules and Regulations.

Dorothy Flood-Granat – White Pond Road

Dorothy Flood Granat asked if public safety issues be able to be addressed? Lori Clark said yes.

William Byron – 469 Gleasondale Road

William Byron said that he is hoping that somewhere in the purchase and sale agreement it stipulates that if the zoning does not go forward there will be no application. William Byron said he is hoping that someone remembers if there was a tax incentive to bring Bose to Stow. Karen Kelleher said she is not aware of any tax incentive in place for Bose.

Irene Levitt – 34 Harvard Road

Irene Levitt said she is concerned about the definition of a student and wants to look into the Masters Academy and understand what their population is going to be. Many drug programs are placed in communities that are in small towns and we need to be very careful, she said. Everyone has the chance to reform and improve but that is not the reason I chose to live in Stow.

Planning Board Comment

John Colonna-Romano said this decision is complicated and it is a big project, but personally, it is a good option for the Town and he has a certain amount of trust in the process to investigate and learn about the use, and be able to place conditions on the use that may arise. John Colonna-Romano said he is hoping that those that spoke today will come forward during the hearing process.

Karen Kelleher said that the zoning amendment allows the Masters Academy only to apply for a Permit. The Special Permit process requires a tremendous amount of detail and a peer review of the impacts will also be required. Abutters will be notified and there will likely be several sessions of the hearing prior to a permit being issued she said.

Nancy Arsenault said this is a rare opportunity to make a positive change and still have control over the outcome. Nancy Arsenault said that the Town Administrator indicated that the Masters Academy would be the number one tax payer in Stow and that homeowner taxes would go down. This would be so much better than other allowed uses.

Margaret Costello said she totally agrees with what Nancy Arsenault just stated.

Karen Kelleher said she agrees as well, especially when weighed against the alternative zoning options.

Lori Clark noted that it is obvious there is not another corporate office user that is going to be interested in the site and allowing a school is positive in light of the other allowed uses.

Irene Levitt – 34 Harvard Road

Irene Levitt said it sounds like the Board has already made up its minds. Lori Clark said she is hearing the Board's initial thoughts and that it takes a 2/3 Town Meeting vote for any zoning change.

Karen Kelleher said she is supporting the change in the zoning bylaw as a use but is not necessarily supporting a specific Special Permit application. John Colonna-Romano said it could be a better option and right now it is not even possible.

Nancy Arsenault added that a non-profit school could go in without the Planning Board or Town's approval.

Karen Kelleher moved to close the Public Hearing.

Margaret Costello seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Public Hearing | 57 Barton Road Hammerhead Lot Special Permit

Karen Kelleher moved to waive reading of Public Hearing Notice.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Present: Seth Donohoe – Dillis and Roy Civil Design Group

Seth Donohoe presented the plans for a Hammerhead Lot at 57 Barton Road.

Lori Clark asked if the 150-foot circle shown on the plan indicates where the building is proposed to go? Seth Donohoe noted that the owners have not yet contemplated the eventual placement of any structures, but regardless they will need to meet the 40 foot setbacks.

John Colonna-Romano asked if an easement for the Stow Conservation Trust is required? Seth Donohoe indicated Stow Conservation Trust is looking for an easement on Lot 2 to access the Conservation Restriction located on the rear of the Lot.

Seth Donohoe said the Applicant is planning to relocate the septic system to remove it from the area of the existing Conservation Restriction.

Karen Kelleher asked about the Highway Superintendents correspondence requiring the road to be repaired to the preconstruction condition. Darryl McKay said he is comfortable with the requirement for a bond to be placed for potential road repairs.

Lori Clark opened discussion to the public.

Daniel James – abutting property owner

Daniel James said he has been in contact with the owners and believes it is a reasonable plan and he supports it.

Kathy Sferra – West Acton Road

Kathy Sferra asked if Seth Donohoe could show the location of the riverfront area on the plan. Seth Donohoe explained the differing setbacks.

Dan Barstow – Barton Road

Dan Barstow asked if the Stow Conservation Trust easement be a publicly accessible easement? Seth Donohoe said that the easement is not for public access through the private property.

Dan Barstow added that along Barton Road a number of trees have come down and wondering if there is a plan for dealing with the trees. The Applicant indicated that white pine in that location have been problematic and some trees will be removed as well as some of the downed trees from prior storms.

Karen Kelleher asked if the Zoning Bylaw allows all 180,000 square feet of the lot to be in the residential district. The Board and staff were unsure of the determination on the language in the Zoning Bylaw. Staff suggested the Public Hearing be continued until the Building Commissioner could provide an interpretation.

The Applicant agreed to continue the Public Hearing to November 9th, 2021 at 8:30pm.

Karen Kelleher moved to continue the Public Hearing to November 9, 2021 at 8:30pm.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Vote on October 30, 2021 Special Town Meeting Warrant Article Reports

Article 6 - Signage

Nancy Arsenault asked if a resident could offer an amendment at Town Meeting? Karen Kelleher said that the Moderator would need to determine whether the amendment was in the four corners of what was advertised in the Warrant.

Karen Kelleher said the Board is planning to review the entire sign bylaw in the near future. Karen Kelleher added that she has heard a lot of pros and cons regarding the amendment and there is an appearance of the Town not being friendly to businesses and this proposal takes things a step back from current restrictions and now allows one illuminated sign per establishment rather than none at all.

Nancy Arsenault said that the amendment at least gives businesses a sign that provides some value.

Lori Clark said this does help to balance the needs of businesses and residents.

Lori Clark said if they are to be only on during hours they are open, the Board will need to request enforcement from the Zoning Enforcement officer to maintain that restriction.

Karen Kelleher moved to recommend approval of Article 6 at the October 30, 2021 Special Town Meeting.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Article 7 – Registered Marijuana Establishment Overlay District

Karen Kelleher moved to recommend approval of Article 7 at the October 30, 2021 Special Town Meeting.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Article 8 – Allow Private Schools in the Industrial District by Special Permit

Karen Kelleher said she feels strongly that this amendment adds an allowed use to the Industrial District that otherwise would not be possible.

Nancy Arsenault said it gives the Town the opportunity to explore the option of a private school.

Lori Clark said she feels a school at the Bose location could be a lesser impact on abutters than the existing industrial uses and that is why she is voting to have it be an allowed use in the District.

John Colonna-Romano said the change does not put the Town at any further risk, and actually lowers the risk of impacts to abutters.

Lori Clark indicated that the Public hearing was mostly positive.

Karen Kelleher moved to recommend approval of Article 8 at the October 30, 2021 Special Town Meeting.

Nancy Arsenault seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Article 9 – Sidewalk Requirements for Special Permits

Karen Kelleher said that the update to the sidewalk requirements for Special permits is a good change that provides flexibility for the Board depending on specific site suitability.

Karen Kelleher moved to recommend approval of Article 7 at the October 30, 2021 Special Town Meeting.

John Colonna-Romano seconded.

VOTED: (5-0) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Yea; Nancy Arsenault – Yea)

Article 10 – Active Adult Neighborhood Overlay District Amendment

John Colonna-Romano said that he would have liked to have seen a broader range of smaller units included in the Active Adult Neighborhood Bylaw but the Town has made a lot of progress and that is why he is in support of the amendment.

Nancy Arsenault agrees and feels it is better that what the Town could have had.

Meg Costello said that in her mind they are giving up the ability to have smaller homes because the developer asked the Board to do so. She added that the size of homes proposed is not really what people in Town need or what people will want.

Lori Clark said that like many things in the bylaw, there was give and take. In the spirit of balancing viewpoints, the Board is still walking away with more housing benefits than they would get under the previous version of the Active Adult Neighborhood bylaw.

Meg Costello noted that she sees smaller homes spotlighted in the Globe. Meg Costello noted that units on Bluebird Lane in Littleton were 1200 square feet.

Lori Clark and Karen Kelleher indicated that the Board had originally intended to create a certain number of units at or below 1800 square foot and that this amendment would achieve that goal.

Karen Kelleher moved to recommend approval of Article 10 at the October 30, 2021 Special Town Meeting.

Nancy Arsenault seconded.

VOTED: (4-1) Unanimously in favor (Lori Clark – Yea; Karen Kelleher – Yea; John Colonna-Romano – Yea; Margaret Costello – Nay; Nancy Arsenault – Yea)

Meeting Adjourned.

Respectfully Submitted,

Jesse Steadman