

TOWN OF STOW  
PLANNING BOARD

Minutes of the January 4, 2022 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 26, 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**

*Karen Kelleher moved to approve the minutes of the December 14, 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**

Karen Kelleher addressed the letter from Weston Fisher regarding the Special Permit conditions for Nan's Market. Karen Kelleher recalled the argument that screening of the rear patio area is not required under the most recent Special Permit because the area is not being used for outdoor dining, but that they have also purchased the lattice screening and are currently storing it. Karen Kelleher asked why the lattice is not simply installed as a good faith gesture, given that it has already been purchased. Lori Clark said that the Board had agreed during deliberations for the most recent Special Permit that the screening is not needed on the back patio if no use is expected to commence there. John Colonna-Romano recalled the applicant saying some access to the building would be obstructed by the lattice screening. Lori Clark said the Board should clarify any confusion about this condition if any modification is later requested by Nan's Market. Margaret Costello said the screening was required in a Special Permit from 2015 and said that Nan's Market is apparently out of compliance with that requirement. Lori Clark said that the Board did discuss the screening during their last Special Permit, and the conditions have apparently contradicted those from 2015. Lori Clark said the 8 ft fence on the eastern property line is an example of the 2015 Permit being upheld and later amended in response to abutter concerns. Lori Clark said the Board created confusion about the requirements for the lattice screening. Karen Kelleher said the applicant will come back to the Board, and those issues can be clarified.

John Colonna-Romano commented about the letter regarding window signs at the former Ken's liquors, which argued the existing signs are a grandfathered pre-existing use. John Colonna-Romano asks how the Planning Board can follow up on this argument. Members said the Building Commissioner has the authority to make a determinations on zoning compliance, which may be appealed to the Zoning Board of

Appeals. Margaret Costello said the letter suggests the grandfathered status of the window signs is only supported by a decades-old verbal agreement.

## **Public Input**

Dorothy Granat said that she has been seeing a disconnect between the Select Board and the Planning Board related to plans for Lower Village. Dorothy Granat said that she has disagreed about the Select Board issuing additional used car licenses at 92 Great Rd. Dorothy Granat asked why the Select Board is making decisions that are increasing the zoning non-compliance at 92 Great Rd, in apparent contradiction to the Planning Board's stated goals for Lower Village redevelopment. Dorothy Granat said that the Select Board is behaving as though they need to appease the owner of 92 Great Road in order to secure buy-in on a shared water supply in Lower Village.

Dorothy Granat also said that there has been some disconnect between the enforcement by the Building Inspector regarding clearing of a 30 ft buffer zone at 92 Great Rd. Dorothy Granat wondered why the clearing of the buffer has been allowed by the building inspector. Lori Clark said the Planning Board is not familiar with Dorothy Granat's requested enforcement. Dorothy Granat said that natural screening between 92 Great Road and Heritage Lane has been removed.

Jesse Steadman clarified that Dorothy Granat is speaking about residential area at the rear of the property. Jesse Steadman said he and the Building Commissioner spoke about enforcement of a buffer up against the residential district. Jesse Steadman said the town does not have a comprehensive history of the development at the site, and it would be difficult to show evidence of an enforceable zoning violation.

Dorothy Granat said the buffer was removed, and should not have been, simple as that. Lori Clark said the Planning Board does not have zoning enforcement authority, and requested that Dorothy Granat follow up with relevant Town staff.

## **Wireless Communication Facility Site Plan Approval – 501 Gleasondale Rd**

Catherine Conklin, Will Hochman, and Mike Rebner, project team members appearing on behalf of AT&T Mobility, were present. Catherine Conklin also introduced Chris Franklin, owner of the mill at 501 Gleasondale Road.

Chris Franklin, owner of 501 Gleasondale Rd, said that the Planning Board visited the site already, and he is not sure why the Board is having an issue with the proposed location of the generator. Chris Franklin said that AT&T has looked at placing the generator on the roof, and found the option infeasible due to space and structural constraints. Chris Franklin said that other sites around the building are also not suitable, including one area that is still serving as an active loading dock.

Lori Clark summarized that the Board had raised concern that the noise may echo, being near a large brick wall and near the river. The other main concern was visibility to abutting residents. Catherine Conklin recalled that a Planning Board member did observe a comparable generator in operation in Bolton. Lori Clark recalled that the Planning Board is concerned that the location does not allow space for visual or auditory screening. Chris Franklin said that the state is taking some land near the bridge, and the other locations could be buried in snow. Chris Franklin said there is only enough flat area behind the building for a truck to turn around, and the generator would make snow removal at the rear of the building

impossible. Chris Franklin said the vehicle access behind the building is also often iced over during winter months, which could have an additional safety issue by adding a generator.

Michael Rebner stated that the proposed location is the only suitable location. Margaret Costello said that it is unclear where the panel to be fed is located. William Hochman said the panel is located in the AT&T equipment shelter on the roof of the building. Will Hochman said the conduit to the roof can be painted to match the brick. Margaret Costello asked how far the panel is from the tower, Will Hochman said it is approximately 15 ft from the tower on the roof. Margaret Costello asked why the generator cannot be located near the panel. Mike Rebner reiterated that the roof is not structurally sound enough to support the weight of the generator. Will Hochman said the conduits should total roughly 45 feet from the generator. Margaret Costello asked why, given that length, the generator could not be located behind the building. Will Hochman and Mike Rebner repeated Chris Franklin's statements about the space limitations at the rear of the building. John Colonna-Romano asked why the small flat area back toward the rear loading dock is not available. Chris Franklin said that the site tenant that uses that space and the generator would interfere with their use.

Mike Rebner said the team would be happy to move the generator if it were possible, but there is no other suitable spot. Chris Franklin said that the land is very steep behind the mill, and creating any additional space for the generator would require significant engineering to retain the hillside.

Karen Kelleher questioned if the applicants still assume the proposed location is final, and if they have any proposal to mitigate visual and noise impacts at the proposed location. Will Hochman said that bollards will be installed to block vehicles striking the generator. Will Hochman said that they could possibly plant some small trees or a small section of PVC privacy fence, but that access to the unit must be preserved for maintenance. Will Hochman said that the generator should be buffered on three sides. Karen Kelleher recalled member Nancy Arsenault's earlier report to the Board on the noise of a comparable generator in Bolton, which was reported to not make much noise, in Nancy Arsenault's opinion. Karen Kelleher said that the Board is nonetheless concerned that the site conditions allow noise to carry farther than it otherwise might. Will Hochman repeated that the unit will not run often and only during traffic hours. Mike Rebner said that the nearest neighbor is over 300 ft away, and that the sound impact is not as much as the Board is concerned. Mike Rebner said there is little that can be added to the fence, and the Generac level 2 enclosure is as quiet as is available. Mike Rebner said they are amenable to adding additional screening on the Board's request.

Margaret Costello asked if there are further equipment upgrades planned at the site. Will Hochman said that AT&T will likely upgrade more equipment over time, but did have any specific plans available. John Colonna-Romano said that it sounds like a small section of fencing is the only feasible option to alleviate concerns. John Colonna-Romano said a fence of wood construction may be the best option for acoustic buffering. Will Hochman said that AT&T will fund any paneling needed for permit approval. Nancy Arsenault said red cedar is a good material for fencing that absorbs sound well. Will Hochman requested the Planning Board send them a specification for fencing to use for screening.

### **Planner's Report**

Jesse Steadman said the Board may see a request for a Special Permit modification from Nan's Market soon. Jesse Steadman will follow up with owners this week to check on the status.

Jesse Steadman said the wetland delineation is underway at Stow Acres for the portion that will be used for housing. Jesse Steadman said the Conservation Restriction on the South Course has been finalized and recorded.

Jesse Steadman said the Town has been working with the developer on a Local Initiative Program (LIP) application to the Department of Housing and Community Development (DHCD), which outlines some information about affordable housing units. Jesse Steadman said that the developer has a plan for local preference on the affordable units, which has been developed with town input. Jesse Steadman said the Town has provided data to backup the need for local preference to DHCD. Jesse Steadman said he will request a letter of support from the Planning Board to DHCD at the following meeting.

Karen Kelleher asked when a Comprehensive Permit (“40B”) application is expected to be submitted to the Zoning Board of Appeals. Jesse Steadman said he is anticipating late winter, and that many preliminary steps are still in process. Margaret Costello asked about resident comments at the wetland delineation hearing. Jesse Steadman said that many attendees were raising issues not related to the specific wetland delineation. Jesse Steadman said that many questions asked mirrored those from previous meetings, and that the Town and the developer are expected to follow up with concerned abutters and other residents. Jesse Steadman said he has monitored questions received at various meetings to determine which questions need to be addressed during permitting.

Margaret Costello asked about local preference policies and asked if that is allowed by DHCD. Jesse Steadman said that the town will need to make a data-supported argument for a local preference in an affordable housing lottery. Jesse Steadman said that DHCD requires a strong justification for local preference to ensure that they do not run afoul of the federal Fair Housing Act.

Jesse Steadman said he and the Town Administrator have drafted a letter to Wedgewood Pines Country Club, inviting them to discuss possible solutions to flooding issues on Harvard Rd.

Jesse Steadman said a traffic study has been finished for the Athens Lane Active Adult Neighborhood (AAN) development, that he will soon share with the Board. Jesse Steadman said the data from the study may be useful to the town for other transportation planning.

Jesse Steadman said there is a site walk scheduled for Thursday morning at Athens Lane to begin the conservation design process outlined in the zoning bylaw. Jesse Steadman said a Board site visit will be scheduled once a permit is applied for.

Jesse Steadman said that many town staff met at the former Bose building, future site of the Masters Academy. Jesse Steadman said the meeting was a high-level overview of permitting timelines. Jesse Steadman said he is anticipating a possible spring submission of an application for the needed Special Permit to operate the school. Jesse Steadman said the first phase will center on building rehabilitation, parking reduction, AstroTurf fields, and possible restoration of the entrance off Old Bolton Road. Jesse Steadman said the full development will likely be phased.

Jesse Steadman said the Board is re-issuing a request for proposals for the Kane Land access engineering, which has expired shortly before the holidays. Jesse Steadman said that Places Associates in Littleton will likely respond to the RFP on re-issue.

Jesse Steadman said he updated the Town Center concept plan RFP, and that a Metropolitan Planning Organization (MPO) report on the Town Center intersection should be back sometime this next month, which will be distributed to relevant committees. Jesse Steadman said the findings and data from the MPO report may be useful for the broader engineering work needed to produce the requested concept plans.

Jesse Steadman said he will draft a statement of interest for MassWorks grant funds to be applied toward redesign of the intersection of Hudson Road and Route 117, possibly in partnership with developers of nearby projects.

Nancy Arsenault inquired about the status of compliance with the revised signage bylaw. Jesse Steadman said that the Building Commissioner has met with several businesses on a one-on-one basis, and has been slowly receiving applications for required sign permits. Nancy Arsenault asked if the Building Commissioner has issued any fines for business that are still not in compliance. Jesse Steadman said he is not aware of any fines being levied at this time.

### **Stow House of Pizza Special Permit Modification – Status Update**

Jesse Steadman said that Stow House of Pizza’s engineer has not provided any update on when they expect to request a modification to their Special Permit. Jesse Steadman said he reminded the engineer of the Board’s expectations for timeline and completeness of any such application. Jesse Steadman said he reminded the building inspector of current non-compliance and the conditions of the current permit.

Karen Kelleher asked what the Planning Board can do to get the attention of the owners. Karen Kelleher said the only consequence can come from enforcement action taken by the Building Department. Lori Clark requested that Jesse Steadman reach out to the Building Inspector and express their frustration with continued non-compliance and lack of communication with the Planning Board.

Abutter Leigh Hilderbrandt said that the piles of fill in the parking area have changed the traffic patterns of the lot, meaning that delivery trucks are required to make multiple-point turns to leave the site, which she says is causing a safety issue. Leigh Hilderbrandt said that she observed children playing on the fill piles in the parking area.

Lori Clark requested that Jesse Steadman continue to engage the Zoning Enforcement officer regarding Special Permit non-compliance. Lori Clark said the Board is looking for specific guidance from the Zoning Enforcement Officer about options to bring the business into compliance with the conditions of the Special Permit. Lori Clark said that any modification request should be as clear and detailed as possible, given the history of non-compliance by the business.

### **Hammerhead Lot Special Permit – Deliberation**

John Colonna-Romano said that any site work, not just that requiring a Building Permit, could damage the edge of the road. John Colonna-Romano said the decision should require photographs showing the road condition before any site work is commenced.

Mark Jones said that the Building Commissioner should review applications for Building Permits to review any Conservation Restrictions placed on a site.

The Board finalized language requiring payment of a fee-in-lieu of construction of a sidewalk along the frontage of the proposed lot.

*Karen Kelleher moved to approve the Hammerhead Lot Special Permit as drafted and amended and to authorize Town Planner Jesse Steadman to cooperate with the Conservation Director on language conditioning access for Stow Conservation Trust to the Conservation Restriction at the rear of the proposed Lot 2*

*John Colonna-Romano seconded*

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

*John Colonna-Romano moved to authorize Karen Kelleher to sign the decision on behalf of the Board*  
*Nancy Arsenault seconded*

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

### **Collings Foundation Special Permit Compliance**

Jesse Steadman said the Collings Foundation's engineer has requested a vote by the Planning Board that the Collings Foundation is in compliance with their Erosion Control Special Permit. Jesse Steadman stated that there is no legal basis for such a request and the Board is under no statutory requirement to take such a vote.

Jesse Steadman summarized comments from the Board's consulting engineer, that the system appears to be functioning properly, but that there is one small discrepancy regarding a spot grade on one detention basin, where no 1-ft freeboard measurement has been shown on one side of the basin.

Jesse Steadman said his recommendation is to allow the engineers to work out any possible discrepancies before the Board approves the as-built plans.

Lori Clark said it is not typical for the Planning Board to vote on compliance status of permits and said that engineers should work out any discrepancies before the Board approves as-built plans. Jesse Steadman said the Board will vote to accept a complete As-Built Plan, following a clear approval from the Board's consulting engineer. The Board declined to vote that the Collings Foundation is in compliance with their Special Permit.

Jesse Steadman said he will request a statement in writing from the Board's engineer that the discrepancy on elevations near the detention basin is either not a concern or that the spot grade has been corrected to demonstrate compliance with relevant standards. Jesse Steadman said upon such receipt the Planning Board can vote to accept the as-built plans.

Margaret Costello expressed concern that the system in place will not be adequate for extreme weather events in the future. Margaret Costello said the Board must be certain that plans are not accurate representations of inadequate stormwater control infrastructure, and that the Board must be certain on existing conditions before approving as-built plans.

#### *Tank Demonstration Concerns*

Jesse Steadman summarized his concerns outlined a draft letter to the Collings Foundation, which centers on tank demonstrations in excess of those allowed under a settlement agreement with the town.

Nancy Arsenault asked what mechanism the town could possibly have to enforce any limitations on tank demonstrations. The Board discussed using maintenance or other records from the museum to establish when demonstrations have taken place. Lori Clark said that the museum will likely argue that certain uses of the vehicles are not proper demonstrations as defined within the settlement agreement with the Town.

Jesse Steadman said the draft letter is based on an assumption from abutter comments and inferences from satellite imagery. Lori Clark said that the letter is asking for evidence of compliance with the terms, but that some differences in interpretation means that evidence will probably not cover all noise-emitting activity. Lori Clark suggested that the letter *specifically* request documentation of “all noise making activity” and allow the Board to interpret that data to verify compliance with the agreement.

Nancy Arsenault wondered if the Collings Foundation has not interpreted driving events to properly count as “demonstrations” as outlined in the settlement agreement.

The Board discussed the language of the settlement agreement. Mark Jones suggested that the letter make clear that the Town considers driving experiences to be “demonstrations” as specified in the settlement agreement.

Jesse Steadman said he will revise the letter based on Board comments.

#### **FY2023 Budget**

Jesse Steadman said he raised the Master Plan consulting account proposal to \$10k given upcoming projects, including initiating a new Master Planning process. Karen Kelleher said that the Board may wish to request \$15k for a consulting engineer on anticipated developments. Jesse Steadman said that he had anticipated the Town would spend more on Stow Acres planning than was used, and that the reduced spending allow a lower request even in the face of some large projects coming soon.

Jesse Steadman said that several larger transportation planning projects have been included in the 5-year capital plan, since progress is needed incrementally over a long time to advance such projects to the point where construction funds can be requested. Jesse Steadman noted that design funding for Track Road has been taken off the FY2023 timeline with an expectation that those funds could come from the federal government instead.

*Karen Kelleher moved to support the proposed FY2023 budget and capital plan as proposed by the Town Planner*

*John Colonna-Romano seconded*

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

Lori Clark asked to include planning for a joint boards meeting at the next Planning Board meeting.

John Colonna-Romano asked about scheduling an executive session in response to the Appeal of the 137 Harvard Rd Erosion Control Special Permit.

*Karen Kelleher moved to adjourn*

Respectfully submitted,  
Malcolm Ragan