

TOWN OF STOW
PLANNING BOARD

Minutes of the February 1, 2022 Planning Board Meeting

Planning Board members present: Lori Clark, Karen Kelleher, John Colonna-Romano, Nancy Arsenault, Margaret Costello

Lori Clark called the meeting to order at 7:00pm

Minutes

*Karen Kelleher moved to approve the minutes of the January 11, 2022 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 agreed to discuss the Traffic Impact Assessment for the Athens Lane Active Adult Neighborhood (AAN) development at the following meeting. Lori Clark said the Planning Board is free to discuss the document before the notice for the Special Permit Public Hearing has been published.

Lori Clark noted that the Town Administrator has sent a letter to the owners of Wedgewood Pines Country Club, requesting a meeting with Town staff to discuss flooding concerns in the area.

Margaret Costello asked for a summary of outstanding issues with as-built plans for the Collings Foundation. Town Planner Jesse Steadman said the as-built plans have been updated per comments of the Board's consulting engineer, and now include spot grades demonstrating clearances between the top of a detention basin spillway and the top of the basin berm that are less than the design specifications. Jesse Steadman said he has requested a statement from the Collings Foundation's engineer as to why the Board should accept the as-built plans, to be reviewed by the Board's consulting engineer. Jesse Steadman said the Planning Board can vote to accept the as-built plans with a minor modification to the Special Permit, not requiring a Public Hearing, or require the Collings Foundation to modify the berm in accordance with the design specification. Lori Clark said the consulting engineer now has more of the information she needs to make a clear recommendation to the Planning Board.

Public Input

Mark Forgues said he watched the joint meeting with the Select Board and appreciated the Planning Board's presentation.

Karen Meyer asked if there is any update regarding the Merrill Property at the top of Wedgewood Road. Jesse Steadman said he has not heard an update for over a year.

Dorothy Granat said she was pleased to see the Planning Board meeting with the Select Board, and is happy the two committees are communicating.

Discussion with Frank Ramsbottom, Building Commissioner, regarding Special Permit Enforcement

Lori Clark said the Planning Board has faced challenges ensuring compliance with conditions of recently issued Special Permits and said the Planning Board wants to better understand enforcement options and strategies available to the Building Commissioner. Lori Clark said the discussion is in response to ongoing non-compliance at Stow House of Pizza but may apply to other Special Permits.

Building Commissioner Frank Ramsbottom said Nan's Market is an example of Special Permit compliance moving forward. Frank Ramsbottom said there are outstanding issues at that site, but the applicant is making steps toward meeting all permit conditions and is responsive to the Building Commissioner when issues arise. Frank Ramsbottom compared this to Stow House of Pizza, who has made little to no effort to comply with the conditions of their Special Permit and has not been in contact with the Town. Frank Ramsbottom said compliance at Stow House of Pizza is complicated by a decision with many required plan modifications, making any efforts to move toward compliance challenging. Lori Clark said that Special Permit from June 2021 was complicated by work having already been done without proper permits, and the Planning Board was attempting to draft a decision to push remediation of the site. Frank Ramsbottom said Permit conditions requiring plan modifications can prove challenging for applicants at smaller businesses because of high demand and limited availability of licensed engineers. Frank Ramsbottom said he has recently been working personally with the owner of Stow House of Pizza and is confident they now understand what must be done to move toward compliance.

Nancy Arsenault asked about the status of compliance with the signage bylaw, updated at Special Town Meeting in October. Frank Ramsbottom said that most businesses have removed non-compliant signs and have applied for required sign permits. Lori Clark asked about the internally illuminated sign at Citizen's Bank. Frank Ramsbottom said he corresponded with the representatives of the company, and they understand that internally illuminated signage of that sort is not allowed. Frank Ramsbottom said there may have been some miscommunication within the company replacing Citizen's Bank signs, and that the offending sign will be disconnected shortly.

Karen Kelleher said Frank Ramsbottom's comments make her think the Board should generally refrain from issuing Special Permit decisions with required plan modifications and should instead keep Public Hearings open until the Board has finalized plans before it. Frank Ramsbottom said that Stow House is an example where many non-specific plan modifications were required, making compliance and enforcement of the Special Permit challenging.

John Colonna-Romano asked how the Board can move site improvements and remediation at Stow House of Pizza forward and said that Planning Board members and abutters are frustrated with the inaction at the site. Frank Ramsbottom said while he is able to contact applicants and discuss compliance with them, he is reassured that compliance can move forward, although that depends on the availability of engineers. Lori Clark said Stow House of Pizza has placed additional outdoor seating in defiance of the conditions of the Special Permit. Frank Ramsbottom said he will require the owner to remove the tables.

Frank Ramsbottom said Planning Board members should always feel free to report zoning violations to him in his capacity as Zoning Enforcement officer. Frank Ramsbottom said he is not inclined to offer explicit advice to the Board on permitting decisions.

Mark Forgues said that the Planning Board is always chasing business owners to get anything done. Mark Forgues asked how fines are issued in response to non-compliance with zoning. Frank Ramsbottom said if an applicant can demonstrate that they are working towards compliance, he does not lean on the tool of fines. Frank Ramsbottom said many fines are challenged in the courts and subsequently waived, although that doesn't negate the usefulness in pushing a project forward. Frank Ramsbottom said he has not moved to issuing fines for Stow House of Pizza from a recognition that site engineers are in high demand. Frank Ramsbottom said Stow House of Pizza is a case where fines may prove necessary if efforts are not made to comply with the Special Permit.

57 Barton Road – Approval Not Required (ANR) Plan Endorsement

Jesse Steadman said the ANR plan endorsement is needed to create new lots following previous approval of the Hammerhead Lot Special Permit. Karen Kelleher asked if the applicant had the option of donating a sidewalk easement to the Town to comply with Special Permit requirements. Jesse Steadman said the decision had provided for a fee-in-lieu of construction payment in line with Appendix J of the Planning Board Handbook. John Colonna-Romano noted the proposed access easement does not traverse the full length of the housing portion of Lot 2 but appears functional to guarantee access to the Conservation Restriction to Stow Conservation Trust.

Mark Jones requested the Planning Board discuss a bylaw revision to only allow Hammerhead Lots completely within the Residential District at an upcoming meeting.

Karen Kelleher motioned to endorse the ANR plan for new lots at 57 Barton Road and to authorize Jesse Steadman to sign the plan on behalf of the Board

Margaret Costello seconded

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

Planning Board Member Updates

Mark Jones suggested the Board discuss revising the Rules and Regulations for Planned Conservation Developments (PCDs) in line with revisions made to the Active Adult Neighborhood Rules and Regulations.

Margaret Costello said the Gleasondale Local Historic District Study Committee is working toward drafting a preliminary study report for a proposed historic district. Margaret Costello said the committee is exploring paying an outside consultant to assist with drafting the report, requiring a request for funds to Annual Town Meeting.

Margaret Costello said the state has created new mandates for reducing greenhouse gas emissions but has not provided resources to achieve these goals and has, in fact, elected to maintain many barriers to achieving such goals. Margaret Costello said addressing emissions is too important to wait for state

action, and that the Town should aggressively move forward in meeting these goals. John Colonna-Romano said there are similar discussions happening within the Green Advisory Committee (GAC).

Planner's Report

Town Planner Jesse Steadman said there will be a joint meeting with the Select Board and Planning Board at 7pm on February 9th to view a presentation from the Masters Academy on overall permitting timelines. Jesse Steadman said the meeting will help ensure clear communication between the two boards as the project progresses.

Jesse Steadman said Places Associates in Littleton is expected to submit a proposal for access engineering for the Kane Land in Gleasondale.

Jesse Steadman said he is finalizing the request for proposals for Town Center concept plans, and it will be issued once data from a Boston Metropolitan Planning Organization (MPO) intersection study can be included.

Jesse Steadman said he has drafted a request for proposals for a Lower Village water feasibility study. Jesse Steadman said he will request a joint meeting with members of the Planning Board, Economic Development & Industrial Commission, Lower Village Revitalization Subcommittee, Conservation Commission, and Select Board to discuss the proposal. Jesse Steadman said once the RFP is finalized, an application for American Rescue Plan Act (ARPA) funds can be made to the Select Board.

Jesse Steadman said the Economic Development & Industrial Commission is seeking outside consulting on the signage section of the Zoning Bylaw and has requested staff assist drafting an RFP.

Jesse Steadman said the recently created Regency at Stow Homeowners Association is considering Special Permit modifications to make changes to the lighting at the development.

Jesse Steadman suggested the Board review the staff memo on "Eligible Facilities Requests" for wireless facility permitting ahead of the next meeting.

Wireless Communication Facility Site Plan Approval – 501 Gleasondale Rd (Verizon)

Danielle Sabourin introduced herself as a representative on behalf of Verizon Wireless

Danielle Sabourin summarized that the project requiring Site Plan Approval will replace several antennas on the existing smokestack at the Gleasondale Mill, with the total numbers of antennas being reduced.

Stow Police Chief Michael Sallese said the department's radio system uses a single repeater and they lack coverage in the southern portion of town. Michael Sallese asked if Verizon could assist by providing space on the smokestack, an additional police radio antenna, space for an equipment cabinet, and running a line to the current signal tower at the old fire station on Crescent Street. Danielle Sabourin said that Verizon does not own the smokestack and has no rights to sublease to the Police Department. Danielle Sabourin said she can provide the department with the contact information of the landlord and someone at Verizon Wireless who can help with the proposed work. Danielle Sabourin said she is acting as a third-

party consultant for Verizon to replace the antennas and the Police Department should contact Verizon more directly.

Nancy Arsenault asked if service is expected to improve following the installation of new antennas. Danielle Sabourin said there should be some improvement following the replacements.

Danielle Sabourin confirmed for the Board that the overall footprint of Verizon's equipment is not expanding, and the replacement antennas will be camouflaged to match the brick of the smokestack. Jesse Steadman said staff will have a draft site plan approval ready for the Board to vote on for Feb 8th.

Stow Acres Letter of Recommendation

Jesse Steadman noted that the Conservation Commission and Municipal Affordable Housing Trust have already voted to sign the letter as drafted.

Karen Kelleher motioned to approve the letter of recommendation to the Select Board regarding the Stow Acres Local Initiative Program (LIP) application

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 Allow Member to Sign Decisions on Behalf of the Board

Margaret Costello requested that Planning Board members receive true final copies of all decisions that are approved pending minor revisions. Mark Forgues asked if the Board could use electronic signatures for decisions. Lori Clark said electronic signatures are not allowed by state law.

John Colonna-Romano motioned to authorize Karen Kelleher to sign decisions on behalf of the Board
Nancy Arsenault seconded

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

Respectfully submitted,
Malcolm Ragan