

TOWN OF STOW
PLANNING BOARD

Minutes of the February 22, 2022 Planning Board Meeting

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

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

Minutes

*Karen Kelleher moved to approve the minutes of the February 22, 2022 meeting as amended
John Colonna-Romano seconded*

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

Correspondence

Karen Kelleher asked if the fee-in-lieu of affordable unit construction for the Joanne Drive subdivision has been received. Jesse Steadman said there is an ongoing disagreement regarding the exact amount of the fee-in-lieu, and that the Special Permit governing the development requires the fee to be submitted before the 4th of 7 total Building Permits are issued. Jesse Steadman said the developer's attorney is expected to provide a letter to the Building Commissioner regarding the exact amount owed.

Karen Kelleher recalled that Minuteman Airfield owner Don McPherson had requested a letter of support to the MassDOT Aeronautics Division for the improvement projects planned at Minuteman Airfield. Karen Kelleher said that the Board had not responded to that request. Lori Clark questioned whether it would be appropriate for the Board to offer public support for a project for which they would be the permitting authority.

Planning Board Member Updates

John Colonna-Romano said the Community Preservation Committee (CPC) considered three proposals this year and voted to send two of them to Annual Town Meeting. John Colonna-Romano said the CPC approved the historic preservation component of the Randall Library renovation project and a proposal to develop 6 units of affordable housing at a town-owned parcel on Red Acre Road. John Colonna-Romano said the CPC declined to advance the Town Hall renovation project to Town Meeting, primarily due to cost concerns but also because the CPC felt clear public support for the project was not demonstrated.

John Colonna-Romano noted that one member of the CPC abstained from a vote because they had not consulted the Board they represented. John Colonna-Romano asked the rest of the Planning Board if they should have the chance to weigh in on CPC on proposals before he casts votes. Lori Clark said that the Planning Board does not need to weigh in on those proposals, and any proposals will need to go before Town Meeting anyways. Karen Kelleher said besides a proposal that completely flouts zoning restrictions, the Planning Board is not in a position to oppose any project before the CPC. Lori Clark said

John Colonna-Romano updates the Planning Board about the CPC regularly, giving the rest of the Board the opportunity to offer input on proposed projects.

Planner's Report

Jesse Steadman said the Planning Board was copied on a cease-and-desist letter sent by the Building Commissioner to Minuteman Airfield, regarding the log processing operation on the crosswind landing strip. Jesse Steadman said the Building Commissioner determined that the log processing use requires a Special Permit from the Planning Board and is not an expansion of the existing airfield use. Jesse Steadman said the owner has a limited time to appeal the Building Commissioner's determination to the Zoning Board of Appeals.

Jesse Steadman said staff reviewed the proposed placement of street trees at the Joanne Drive subdivision, and that staff noted a place to cluster some trees to provide some visual interest across the development. Jesse Steadman said the Planning Department has received the required deed language limiting use of phosphorus fertilizers, as well as a letter from the home buyers granting permission to the developer to plant street trees.

Jesse Steadman said he attended a site visit at the Athens Lane site with the president of the Stow Conservation Trust. Jesse Steadman said a full walk of the site was helpful to understand priority areas for open space preservation. Jesse Steadman said the applicant will continue to provide updated concept plans as discussions with stakeholders continue forward. Karen Kelleher asked when an application for the Active Adult Neighborhood development is expected. Jesse Steadman said there is still engineering work to complete, and the application may come in April. Jesse Steadman said Sustainable Stow has continued discussions with the developer about how to minimize the emissions from the new housing. Jesse Steadman said the developer is considering hiring a member of Sustainable Stow to consult on the development. Jesse Steadman said the Stow Green Advisory Committee (GAC) worked with Hudson Light & Power to develop a rebate program, that offers a \$2750 payment for new housing connections that commit to all electric appliances and heating. John Colonna-Romano said the Planning Board should clearly market that forthcoming program to prospective developers going forward.

Jesse Steadman said the Planning Board has received a proposal for Kane Land access engineering, and that Community Preservation Act (CPA) funds earmarked for the project in the past should be enough to cover all design and construction.

Jesse Steadman said staff will submit a request for American Rescue Plan Act (ARPA) to the Select Board for a Lower Village Water Feasibility study, following some continued discussion with the Town Administrator.

Jesse Steadman said the Traffic Safety Advisory Committee has submitted several requests for ARPA funding, including for 25mph speed limit in thickly settled district signs at town entrances, safety zone lighting at the Center School, a traffic policy implementation fund, and design funds for intersection improvements at Hudson Rd/Route 117.

Jesse Steadman said he is corresponding with a local Justice, Equity, Diversity, and Inclusion (JEDI) working group to collaborate on developing an outreach framework for upcoming Master Plan updates.

57 Barton Road Hammerhead Lot – Road Condition Performance Guarantee

Jesse Steadman said the highway superintendent had hoped and intended that the Special Permit decision would include a condition to repair the edge of Barton Road, a private way. Jesse Steadman said the decision was written based on performance guarantee practices for public ways, which help ensure that town owned roads are not damaged by development. Jesse Steadman said that the purpose of a performance guarantee is to ensure there are available funds to return a road to its pre-development condition. Jesse Steadman said Barton Road is already in poor condition at that location and requiring it to be returned to that condition would not make sense in this case. Jesse Steadman said without funding allocated, the Town is only empowered to make minor repairs to private ways that ensure plow and emergency vehicle access. Jesse Steadman said the performance guarantee in the decision is still useful, and the funds placed in escrow can still be applied toward repairs to the edge of Barton Road. Karen Kelleher said the property owner should work directly with the Superintendent of Streets to determine needed repairs to the edge of Barton Road.

Lori Clark asked how Barton Road could be repaired, since the town cannot legally resurface the way. Karen Kelleher said that residents along Barton Road own either to the centerline or the full width of the way in some cases and could be required to repair the section owned as conditions of Special Permits. Jesse Steadman said the Stow General Bylaws allow residents along a private way to petition the Select Board for betterment work on private ways. Lori Clark said many residents see plows on a road and assume the town will fully maintain the way, even though that is not the case.

DRAFT Amendments to Wireless Facility Special Permit Rules and Regulations – Eligible Facilities Requests

The Board reviewed the draft amendments to the Wireless Facility Special Permit Rules and Regulations, as well as the proposed zoning amendments.

Assistant Planner Malcolm Ragan said the draft zoning amendment is limited to changes needed to make the Zoning Bylaw compatible with the proposed amendments to the Rules and Regulations, as well as FCC rules. The Planning Board had no comments on the draft zoning amendment.

Planning Board members requested greater specificity in the language requesting applicants to consider how their proposal mitigates the impacts of noise and light to the surrounding area of a wireless facility. Karen Kelleher said applicants should work with public safety departments as part of a preliminary review.

Review Draft DHCD Guidelines for New Multifamily Housing Requirements in MBTA Communities, M.G.L. Ch 40A §3A

The Board discussed new zoning requirements for designated MBTA communities, spelled out in a draft guidelines document from the Department of Housing and Community Development (DHCD). The guidelines require communities with or adjacent to communities with MBTA service to include a zoning district that allows multifamily housing by right up to a density of 15 units/acre. The Board said that 15 units/acre cannot be developed in Stow due to lack of supporting infrastructure, and that they would be required to zone a district that cannot feasibly be built out to that capacity.

The Board recalled several concerns raised to DHCD in a letter sent before the draft guidelines were published. Board members said Stow cannot develop the housing densities required under the new requirements, given the lack of town water and sewer systems. The Board also noted that no part of Stow is within a half mile of the South Acton MBTA station and questioned the need for multifamily housing beyond the half mile radius.

Assistant Planner Malcolm Ragan said that DHCD is accepting comments on the draft guidelines until March 31, and that the Town of Stow is required to complete a community information form to DHCD on local zoning and provide a presentation on the new zoning requirements to the Select Board before May 2 to remain eligible for MassWorks and other state grant programs in 2022.

Lori Clark said the Planning Board should schedule a joint meeting with the Select Board and have a bullet list of concerns and questions prepared to include in comments to DHCD. Karen Kelleher suggested state representative Kate Hogan could also sit in on that meeting. Nancy Arsenault said the Board should provide their concerns regarding the new zoning requirements to Kate Hogan in writing before such meeting.

DRAFT Seasonal Farm Stand Overlay District Zoning Bylaw Amendment – Initial Review

Jesse Steadman said the proposed overlay district is designed to afford some zoning flexibility to seasonal farm stands and asked for initial reactions from the Board. Jesse Steadman said there are long standing farm stands in Stow that are at risk of permanently closing if they cannot meet current thresholds for percentages of sold goods that are sourced on site. Jesse Steadman said farmstand owners in Stow can be consulted on the potential benefits of a new overlay district if the Board thinks the idea is worth pursuing.

Nancy Arsenault suggested that decorative plants, and not just farm produce, be included as goods produced on site. John Colonna-Romano noted that “season” is loosely defined in the draft amendment. Jesse Steadman said that a lot of the current farmstand uses are already seasonal, and he was hoping to head off the possibility of a non-agricultural use moving into a site year-round at a former farm stand site. Jesse Steadman said he would refine the definition of “season”.

The Board discussed the draft bylaw and noted applicants are given an option for retail associated with plants and produce but not other goods, made on site or off. Jesse Steadman said the definition of Seasonal Farm Stand can be written to include a definition of how much product must be sourced on site.

Karen Kelleher said anything the Board can do to encourage and support local farmstands should be pursued. Jesse Steadman said he would like to survey the existing owners of farmstands in Stow before moving the zoning amendment forward. Nancy Arsenault suggested that the Stow Agricultural Commission be consulted for comment on the draft. Jesse Steadman said the draft amendment does not prevent new farmstands from opening as long as they comply with other relevant zoning provisions.

The Board discussed the need to create clear definitions that cannot be abused to create unintended sorts of retail businesses at current farmstand locations.

Lower Village Zoning Amendments – Progress Update

Jesse Steadman said he has been going through a previous draft bylaw and revising in light of consultant comments and case studies provided to the Planning Board and Lower Village Revitalization Subcommittee. Jesse Steadman asked if there were certain things that stood out from the consultant report to the Planning Board.

Lori Clark said the point of contention is residential uses. Karen Kelleher said given the size of the existing business district, the suggested unit density of 8-10 units/acre is too high. Lori Clark said given the size of the district, nothing more than second story housing over retail uses would be an appropriate scale. Karen Kelleher and Lori Clark worried that the district is small enough that residential uses will crowd out limited room for retail uses. Lori Clark said the Planning Board has heard from the owners in Lower Village that they are not interested in additional residential development.

John Colonna-Romano noted the consultant suggested that fewer uses be allowed only by Special Permit and said the Planning Board should have a clear idea of which uses should be allowed by right. Jesse Steadman said the Lower Village District is small enough and demand could increase enough that the Board may want to maintain Special Permit control over most development that will alter site plans. Karen Kelleher noted that M.G.L. Ch40A does require some use to be by-right in a given zoning district.

The Board discussed recommendations around parking and requested that any draft zoning amendments recall a stated goal to limit parking spaces by allowing shared parking agreements and allow the Board to waive certain parking requirements in light of a creative site plan. Lori Clark said if parking is moved toward the rear of sites, there will need to be additional provisions to screen abutters to those rear parking areas.

Jesse Steadman said the design guidelines can make it clear that the Board wants to see a site design that does not include large, contiguous blocks of parking. John Colonna-Romano said that the Board should not require all parking to be in the rear but should instead prioritize dispersed parking that avoids large seas of pavement.

Jesse Steadman asked the Board's general thoughts on allowing 1-3 food trucks in a defined space on the site. Lori Clark said that space could also be allowed for other pop up uses, beyond just food trucks. Nancy Arsenault said that space can be opened for other community uses. Resident Katie Fisher said the Board of Health should be consulted on the allowance of any food trucks in the district.

Jesse Steadman said any amendment will likely create many new non-conformities in the district. Jesse Steadman said some language could be included to minimize any possible hardship to non-conforming uses already in existence. The Board discussed the proper boundaries of the eventual district. Lori Clark said there is a core of the business district where there are actual business uses, but residential uses at the periphery could be included in a new overlay district. Karen Kelleher disagreed that an additional overlay toward the edge of the district would be beneficial to existing residential uses.

Resident Katie Fisher said the acreage of Lower Village is small, and one business could move in and utilize the whole Linear Realty site if there were not sufficient controls in place. Karen Kelleher said the purpose of this zoning amendment is to make that outcome unlikely.

Jesse Steadman said the consultant suggested including a maximum floor area to prohibit big box retail uses. Jesse Steadman noted the current draft limits floor area at 15,000 sf.

Jesse Steadman said he will note amendments that have been made in response to consultant recommendations in later drafts to the Planning Board. Lori Clark said the Planning Board has talked for a long time about the idea of design guidelines. Jesse Steadman said he looked at examples provided and said that a lot of work can be done by adding some basic guidelines into the bylaw itself to make it clear to an applicant about the kinds of developments desired. Jesse Steadman said the guidelines could be added later and serve a supplementary role, with many basic design requirements included in the bylaw itself. Karen Kelleher agreed with the approach and said that the expectations for any development should be made clear as early in any permitting process as possible.

Jesse Steadman said the Planning Board will be given authority to waive portions of the bylaw if a presented site plan addresses impacts to the Board's satisfaction. Jesse Steadman said any zoning waivers will require mandatory findings from the Planning Board and will be limited in scope by the bylaw. Lori Clark said she has opposed the Board having unrestrained authority to grant waivers from zoning provisions in the past, because Board members may tend to avoid conflict and grant most of what is requested by an applicant. Lori Clark said the public would be at the mercy of whoever is on the Planning Board at the time of application if the Board has the authority to waive portions of the bylaw. Lori Clark said if the bylaw is too open, the goals of the original revision may be completely lost.

The Board discussed the timing of Signage amendments with the Lower Village amendments. Jesse Steadman said the district amendment will cover many design considerations and should include signage discussions based on past issues raised. Assistant Planner Malcolm Ragan said it may be difficult to develop signage standards on a district-by-district basis, and that the Lower Village bylaw revisions should avoid signage questions in anticipation of a later town wide signage zoning effort.

Karen Kelleher motioned to adjourn
Nancy Arsenault seconded

Respectfully submitted,
Malcolm Ragan