

**TOWN OF STOW
PLANNING BOARD**

Minutes of the March 15, 2022 Planning Board Meeting

Planning Board members present: Lori Clark, Margaret Costello, Karen Kelleher, John Colonna-Romano, Nancy Arsenault, Mark Jones (Voting Associate)

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

Planning Board Member Updates

John Colonna-Romano said the Community Preservation Committee (CPC) has previously voted to not advance the proposed Town Hall renovation project to Town Meeting. John Colonna-Romano said the Town Hall Renovation Committee discussed proposing a scaled down version of the renovation proposal and may request Community Preservation Act funds at a later date.

Planner's Report

Town Planner Jesse Steadman said the Planning Board will deliberate on the Special Permit modification for Nan's Market at the following meeting. Jesse Steadman said that the Select Board needs to be briefed on the new multifamily zoning requirements for MBTA communities before May 2, in order to remain in compliance with the requirements in 2022 and remain eligible for MassWorks and other grant funding. Jesse Steadman said the Planning Board could participate in a joint boards meeting with the Select Board sometime in April.

Jesse Steadman said the Economic Development & Industrial Commission (EDIC) has been working on a Request for Proposals for consultant services to review and revise the signage bylaw. Jesse Steadman said a meeting between the Planning Board and the EDIC to agree on the scope of the review could be helpful.

Jesse Steadman said staff will review schedules and determine the best date to meet with the Select Board.

Jesse Steadman the Select Board will soon be voting on allocating American Rescue Plan Act (ARPA) funds toward a feasibility study for a Lower Village water system and design funding for intersection improvements at Hudson Road/Route 117. Jesse Steadman said he submitted an Expression of Interest to MassWorks in anticipation of requested construction funds for the Hudson Road intersection improvements.

Jesse Steadman said the Planning Board will only bring two minor zoning articles to Annual Town Meeting, which includes removing some unclear language from the Hammerhead Lot requirements and amendments to the Wireless Service Facility Overlay District to comply with federal regulations. Lori Clark noted the Select Board asked to be informed about zoning amendments prior to the warrant article submission deadline.

Zero Carbon Renovation Fund Letter of Support – Mass Climate Action Network

Jesse Steadman said the provided sign on letter from the Mass Climate Action Network calls on the state to allocate \$250 million of its ARPA allocation to retrofits of existing buildings.

John Colonna-Romano said he supports the effort, as it is clear the state needs to provide greater resources to communities that must comply with the climate goals set by the state but is concerned that the proposed renovation fund would have little benefit to Stow. John Colonna-Romano said the proposed Zero Carbon Renovation Fund would leverage funds available through MassSAVE, which Stow homes are not eligible for because the Town is supplied by Hudson Light & Power.

Karen Kelleher wondered if the Planning Board could provide a qualified letter of support for the program, with calls to include communities that are served by municipal light plants like Hudson Light & Power. John Colonna-Romano said the most important thing to help existing housing to convert to all-electric appliance and heating is low- or no-cost financing, and that rebate programs are not sufficient to drive widespread adoption of new technologies.

Margaret Costello said the state should be working to eliminate the legal barriers to localities who wish to prohibit fossil fuel connections for new construction. John Colonna-Romano said several towns have proposed home rule petitions for special acts of the state legislature that would allow them to prohibit fossil fuel connections. Lori Clark said that the state has not provided towns with the tools and resources needed to comply with ambitious climate goals.

Lori Clark said the Board could send a letter in support of the principles of the initiative, with qualifying statements that the proposed program would do little to support the electrification efforts in small communities and communities served by municipal light plants. The Planning Board requested that John Colonna-Romano bring the thoughts of the Board to the Green Advisory Committee (GAC) and ask for their assistance in drafting a locally attuned letter about the proposed Zero Carbon Renovation Fund.

Mike Kopczynski – Stow Municipal Affordable Housing Trust (SMAHT) – Affordable Housing Overlay District Discussion

SMAHT Chair Mike Kopczynski said the trust preparing to issue a Request for Proposals for an affordable housing project at a town-owned parcel off Red Acre Road. Mike Kopczynski said SMAHT has received feedback from prospective developers regarding concerns of available funding and the risk of legal challenges from abutters. Mike Kopczynski said that the trust is hoping to secure \$1.1 million in Community Preservation Act funds from Town Meeting in May, but added that developers see Stow as a difficult town for securing 40B Comprehensive Permits. Mike Kopczynski said SMAHT is interested in ways to permit the planned affordable housing development without relying on a Comprehensive Permit process.

Mike Kopczynski said the trust inquired to Town Counsel about their options and were given the option to create a zoning district in the area around the proposed housing project to allow the development by right. Another option provided was to create an overlay district that offers density bonuses for affordable units. Mike Kopczynski also noted the new requirements for multi-family housing from the state (MBTA Communities requirements) and wondered if there is an opportunity to tie a rezoning for the Red Acre Rd

project to an effort to comply with those requirements. Mike Kopczynski said the trust also recognizes that a Comprehensive Permit process may still be the best path forward.

Lori Clark asked what the response from abutters of the site has been to date. Mike Kopczynski said the response has been positive so far, but that opposition to previous attempts to create affordable housing only emerged once a Comprehensive Permit process was started.

Mark Jones said previous opposition to SMAHT's attempted Comprehensive Permit projects centered on constraints of septic design, and that without such constraints there are few legal avenues for abutters to halt a project. Mike Kopczynski said pre-engineering work on the septic design suggests that the soils are suitable for the number of units proposed. Karen Kelleher asked if the outreach and positive response from abutters has been communicated to prospective developers. Mike Kopczynski said they have seen the degree of support but are still anxious about the possibility of legal challenges.

Karen Kelleher said she is not convinced that a rezoning of the site would make abutter appeals of any permit less likely. Margaret Costello said that she believes the site is close to ideal for a multifamily housing development in Stow, being far set back from Red Acre Road and mostly bordered by conservation land, and that she does not expect strong opposition to the project during a Comprehensive Permit process. Nancy Arsenault said she has not heard any opposition to the proposed project from her neighbors near the site.

Mike Kopczynski said the only negative feedback he had received about the proposed site regard poor site lines at the access point, and lack of pedestrian infrastructure along Red Acre Road.

Mark Jones noted that a small piece of the proposed site is within the Water Resource Protection overlay district, which could impact septic design. Mike Kopczynski said the pre-engineering studies for the septic system have already identified a suitable location for the septic system that is outside the Water Resource overlay.

Lori Clark said that if the Planning Board proposed something like an affordable housing overlay district at the site, it would require a Town Meeting vote and likely invite opposition from residents outside the immediate abutters. Lori Clark said any conversation about the MBTA Communities zoning requirements is outside the scope of this housing project and linking it to those requirements would only create delays for SMAHT. Lori Clark said the Comprehensive Permit process is still the best option available to SMAHT.

Mark Jones noted that it is not uncommon for a developer to secure permitting approvals before selling a project to a builder and asked if SMAHT has considered acting as project applicant for the proposed housing project. Mike Kopczynski said SMAHT is an all-volunteer group and does not have the expertise or time to act as the project applicant.

Katie Fisher – Proposal to Rezone 1 White Pond Road to Business District

Katie Fisher said that when she first bought the property, she hoped to use the site as a shop for retail goods and writings. Katie Fisher provided the Board a presentation outlining her reasoning to rezone the residential property to the business district. Katie Fisher said that planning efforts in the Lower Village

and an ongoing conflict with the abutting car dealership at 92 Great Road led her to think the time is right to place the property in the Business District.

Katie Fisher noted the different setback requirements in the Residential and Business zoning districts and expressed concern that should her well or septic fail, the increased setback requirements would make it impossible to locate those systems elsewhere on the property.

Katie Fisher said she is looking for Board input on rezoning the property to the business district, and that she is trying to understand the best and highest use available at the property. Katie Fisher said private wells on undersized lots in and around Lower Village are at risk from impacts of business uses.

Lori Clark asked Katie Fisher to summarize the reasoning for rezoning the residential property to the business district. Katie Fisher said she wants to run a business from her home, and that she would be limited in activities and development while remaining within the residential district. Katie Fisher said businesses are clearly favored in zoning administration, and that being in the business district would allow her to make best use of her site.

Mark Jones noted that the Zoning Bylaw allows a business use by Special Permit for historic structures. Katie Fisher acknowledged that provision but said that the business district would offer a more expansive list of allowable uses. Nancy Arsenault said that Katie Fisher is already operating a business from the site, as allowed under the home occupation provisions of the Zoning Bylaw. Katie Fisher said her prospective uses may require additional buildings, and the home occupation provisions would not be permissive enough. Katie Fisher said being in the business district would also allow her to construct a wall between her property and the abutting business use at 92 Great Road.

Nancy Arsenault said she is concerned about impacts to abutters that could result from rezoning the property and the possible expansion of business uses down White Pond Road.

Resident Leigh Hildebrandt said she wants the zoning district lines that bisect her property at 196 Great Road to be adjusted to place her home entirely within the residential district. Leigh Hildebrandt outlined the historic significance of her house and said that it would be at risk of demolition by a future owner if left partially within the business district. Leigh Hildebrandt said the draft Lower Village Business District amendment appears to be premised on the district boundaries being unchanged.

Mark Forgues said that Leigh Hildebrandt has experienced similar issues as Katie Fisher with required buffers between residential and business districts not being enforced by the Town.

Dorothy Granat said she has sympathized with Katie Fisher in her conflicts with the abutting commercial property, but that she does not support the proposed rezoning and expects none of the neighbors would either. Dorothy Granat added that the Select Board has acted contrary to the Planning Board's stated goals for Lower Village by licensing business at 92 Great Road which she does not consider appropriate to the district.

Board members explained some of the process required to rezone a single parcel in response to a property owner request. The property owner is required to submit the appropriate petition to the Select Board, and the Planning Board is required to hold a Public Hearing on the proposal and provide a recommendation to Town Meeting. Zoning amendments may only happen with a Town Meeting vote. John Colonna-

Romano said the Planning Board has noted the small size of the business district in the past, but that he remains concerned about the long-term possibilities for the site. Karen Kelleher echoed concerns that the future uses of the site could be incompatible with the surrounding neighborhood, Margaret Costello agreed. Nancy Arsenault said she is not comfortable rezoning a single property and expanding the Business District piecemeal.

Lori Clark said Katie Fisher's and Leigh Hildebrandt's rezoning requests are timely, given the Lower Village zoning amendments the Planning Board will soon be reviewing. Lori Clark said that district boundaries will need to be part of those discussions.

Master Plan Update – Community Engagement Framework

Jesse Steadman said he has approached the local Justice, Equity, Diversity, and Inclusion (JEDI) working group and the Nashoba Area Social Justice Alliance (NASJA) to assist with thinking through a general framework for community outreach for each department/committee to ensure a baseline standard of engagement as different chapters of the Master Plan update are authored.

Lori Clark said the Select Board and the Planning Board should reach an agreement on the priorities of the Master Plan update, and that the community engagement framework will help assist target those efforts.

Lori Clark said the Planning Board should review the required sections of a Master Plan update and begin discussing what they believe are the topics most in need of update.

DRAFT Lower Village Zoning Bylaw Revisions

Jesse Steadman said an earlier draft revision was presented in March 2020, following an earlier market analysis and the Lower Village Revitalization Subcommittee's final report. Jesse Steadman said the previous draft was reviewed by multiple consultants, who provided several examples of best practices and communities that have actualized some of the goals offered by the Lower Village Revitalization Subcommittee.

Jesse Steadman said many sections of the draft bylaw lay out clear design goals and standards to ensure that any development proposal stays within the bounds of the goals and purposes stated in the bylaw. Jesse Steadman said he realizes that means some more reliance on the judgment calls of the Planning Board, which he feels comfortable suggesting to the Board given its history and demonstrated thoughtfulness regarding site design.

The Planning Board read through the draft zoning amendment.

Jesse Steadman noted that market data suggests that a commuter pass through model could succeed in Lower Village, but such uses would run against to the vision for the district articulated by past planning efforts.

The Board agreed with removing the requirement to appoint a Design Review Board. Jesse Steadman said that it would be difficult to staff such a Board and that consultant review accounts are available when the Board feels an outside review is needed.

Lori Clark suggested there be abundantly clear requirements for an applicant to meet the spirit and letter of the included design standards. Lori Clark said applicants will almost always push up against the limits of what the bylaw allows. Lori Clark said the Planning Board should not be empowered to permit designs that run against the intent of the bylaw.

The Board agreed on a need to include language about inter-lot connections in design standards. Board members wondered if it would be possible to incentivize inter-lot connections through parking requirements. Board members said that site plan review could require inter-lot connections even where connections to adjoining lots are not possible in the immediate term. Jesse Steadman noted that provision of internal access drives can provide for a lot of the inter and intra-lot connections the Board hopes to see.

Lori Clark said the Board will need to discuss boundaries of the district at a future meeting.

Margaret Costello motioned to adjourn
Nancy Arsenault seconded

Respectfully submitted,

Malcolm Ragan