

TOWN OF STOW
PLANNING BOARD

Minutes of the May 3, 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

Karen Kelleher moved to approve the minutes of April 19th, 2022, 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 said she was surprised by the number of comments from the state Attorney General's office which accompanied the approval of last October's Town Meeting zoning warrant articles. Jesse Steadman said he does not believe any of the comments are cause for concern, and that most were cautionary reminders of how to administer the zoning amendments without running up against state law. Jesse Steadman noted that some of the citations for state Marijuana regulations have changed since the overlay district bylaw was first adopted in Stow in 2018, and that the Planning Board may want to update those citations as part of a later update.

Karen Kelleher said she appreciated the Town Planner response to a resident who commented about the current state of Lower Village. Margaret Costello said she appreciated that the response summarized ongoing work and provided historical context to those efforts, while also emphasizing that there is motion on efforts to revitalize the district.

Nancy Arsenault noted that the Attorney General approval and comments did not address zoning articles 6 & 10 from the previous October's Town meeting. Assistant Planner Malcolm Ragan said that those articles had been approved by the state in February without comment from the Attorney General.

Planning Board Member Updates

Nancy Arsenault said that she has received a lot of comments from residents about traffic calming pylons installed on the centerlines of Wheeler Rd and Circuit Drive and is curious about why the Traffic Safety Advisory Committee (TSAC) resolved to install those pylons. Nancy Arsenault said many people are asking her how best to provide feedback on the installed pylons. Nancy Arsenault noted that many of the pylons have already been knocked over by vehicles and many are damaged.

Jesse Steadman said that the TSAC heard many comments from residents in the Circuit Drive area that something needed to be done to reduce speeding. Jesse Steadman said feedback on the installed center pylons should be provided directly to the TSAC. Margaret Costello said that the Town needs to look

forward on traffic control techniques and that frustration should always be expected from some residents when roadways design is altered.

Lori Clark recounted a recent joint boards meeting with members of the Planning Board, Economic Development & Industrial Commission (EDIC), and representatives of Linear Retail, owners of the Stow Shopping Plaza in Lower Village. Lori Clark said that Linear Retail does not believe the Stow Shopping Plaza has a higher vacancy rate than similar properties in the region. Linear Retail also said they are interested in leasing space to a Starbucks, to include a drive thru service, which is not currently allowed under the Zoning Bylaw. Linear Retail reported that they are interested in the prospect of mixed-use development in Lower Village but expressed caution about the high costs of developing second-floor housing over commercial space.

John Colonna-Romano said that he was surprised to learn that Linear Retail manages 89 properties and questioned how much attention they can devote to their Stow property. Nancy Arsenault said Linear Retail was interested in facilitating some kinds of community uses of their large, underutilized parking area. Linear Retail had floated the idea of their marketing department assisting with promotion of community events or farmer's markets in their parking lot. Nancy Arsenault reported that Aubuchon Hardware is planning to expand their operation into the space formerly occupied by Emma's Café.

Public Input

Dorothy Granat asked what communities the TSAC/Highway Department may have looked at for guidance prior to installation of the traffic pylons at Wheeler Rd and Circuit Drive. Jesse Steadman said he does not have that information and said that the question should be posed directly to the TSAC.

Planner's Report

Jesse Steadman said he is still working on resolving disagreements regarding the responsibility to conduct stormwater inspections at the Spring Hill Estates subdivision, and that he is working with Town Counsel to help the interested parties resolve the question of ongoing responsibility.

Jesse Steadman reported that the Stiles Farm property has had an Agricultural Preservation Restriction (APR) approved recently, and that the subdivision the Planning Board approved for the location for appraisal purposes as part of the process is no longer a possibility. Margaret Costello recalled that the state balked at an agricultural use covenant that the Board executed as part of that earlier subdivision approval.

Jesse Steadman said the Conservation Commission will be submitting a Municipal Vulnerability Preparedness (MVP) grant application for Stow Acres shortly. Jesse Steadman said he is confident the application will be competitive.

Jesse Steadman said the Select Board and the Masters Academy have settled terms of a development agreement, as required in the Zoning Bylaw, at the last Select Board meeting. Jesse Steadman said he will share details with the Planning Board as soon as they are available.

Jesse Steadman said he has sent a draft Lower Village Water feasibility study Request for Proposals (RFP) for Lower Village to the Town Administrator for review and that he has updated the document to comply federal procurement rules.

Jesse Steadman said that after the last meeting regarding the terms of the Collings Foundation settlement agreement, the Board had requested an additional letter be drafted. Jesse Steadman said the Town Administrator advised that future correspondence regarding the settlement agreement go through Town Counsel. The Board agreed that the parties are in disagreement over the terms of the agreement and agreed that future correspondence should come from Town Counsel.

Jesse Steadman said that he spoke with the attorney for the developer of the Joanne Drive subdivision regarding the required fee-in-lieu of affordable housing construction. Jesse Steadman said the attorney has continued to argue that the amount should be vested at the time of permitting, whereas staff argue the bylaw and decision require the latest income level data to calculate the fee-in-lieu. Jesse Steadman said that the Planning Department has been told to expect the fee-in-lieu sometime in the next week, but that the developer may choose to appeal the interpretation to the Building Inspector and possibly Zoning Board of Appeals.

PUBLIC HEARING - Proposed Amendments to Zoning Bylaw and Wireless Service Facility Special Permit Rules & Regulations

Lori Clark called the Public Hearing to order at 7:30pm.

Karen Kelleher motioned to waive reading of the Public Hearing notice
John Colonna-Romano seconded

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

Planning Board members and staff introduced themselves.

Assistant Planner Malcolm Ragan explained the proposed amendments to the Hammerhead Lot section, which clarify that dimensional requirements for Hammerhead Lots must be met entirely within the residentially zoned portion of a given lot.

Mark Jones noted that the proposed amendment would make the most recent Hammerhead Lot permitted by the Board a nonconforming lot, as its area was split across the Residential and Recreation-Conservation zoning district.

Assistant Planner Malcolm Ragan explained that the other zoning amendment revises the Wireless Service Facility Special Permit requirements to comply with federal regulations which limit discretionary review over replacement of wireless equipment at existing sites. Malcolm Ragan said staff have also prepared an amendment to the Planning Board's Rules & Regulations to accompany the proposed zoning update.

Karen Kelleher motioned to close the Public Hearing
John Colonna-Romano seconded

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

Planning Board Recommendations on Warrant Articles for Town Meeting

Karen Kelleher motioned that the Planning Board recommend approval of article 58 – Hammerhead Lots (Zoning Bylaw section 6.1), at Annual Town Meeting
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 motioned that the Planning Board recommend approval of article 59 – Wireless Service Facility Overlay District (Zoning Bylaw section 5.3), at Annual Town Meeting
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 motioned to amend the Rules and Regulations for Wireless Service Facility Special Permits by inserting a new Section 3 – Eligible Facilities Requests
John Colonna-Romano seconded

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

Lower Village Zoning Updates

Jesse Steadman briefly introduced the draft amendment and previous Planning Board discussions. The Board began by reviewing the section on dimensional requirements.

John Colonna-Romano made a general comment about the complexity of the draft as proposed and worried that applicants could have a challenging time knowing whether a proposal complies with the letter of the Bylaw.

Margaret Costello said there should be firm buffer requirements that cannot be negotiated down by applicants. John Colonna-Romano said that the Board requires flexibility to account for particular circumstances. Board members requested an edit to the zoning draft to require a minimum buffer to residential properties, with the authority to require wider buffer areas where circumstances require. Margaret Costello said that the Board should be cognizant of noise and smog impacts to district users and residential abutters, and that she supports a buffer requirement that can be extended but not reduced by the Planning Board.

The Board discussed Floor-Area Ratio (FAR) requirements in the draft. Jesse Steadman said that the Zoning report commissioned by the Planning Board last year recommended an increase from 0.3 currently to 0.4 to make uses the Board hopes to attract to the district more feasible. Jesse Steadman said that staff do not recommend relying heavily on FAR and should instead rely on design standards to guide site development. Board members discussed the implications of the FAR limitation and discussed how the restriction could limit development of uses that previous planning and outreach identified as a priority for the district. Board members requested additional information about current FARs at Lower Village at existing buildings.

The Board discussed maximum allowable commercial tenant size, currently proposed as a 20,000 square foot limit.

The Board discussed residential unit density limitations. Staff said they will prepare some density visualizations for the ranges proposed in the current draft, to be reviewed at a future meeting.

Other Business

The Board discussed the proposed zoning amendment from Daniel Taranto and noted that they are currently canvassing for signatures to call a Special Town Meeting. Lori Clark said she had been approached by a petitioner, who seemed to be either misinformed or misrepresenting the nature of the zoning change to allow contractor's yards by Special Permit from the Zoning Board of Appeals in the Residential District.

Karen Kelleher motioned to adjourn
Margaret Costello seconded

Respectfully submitted,

Malcolm Ragan