

TOWN OF STOW
PLANNING BOARD

Minutes of the May 17, 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

Correspondence

The Board reviewed the updated Subsidized Housing Inventory (SHI) list provided by the Department of Housing and Community Development (DHCD). Margaret Costello asked why it is noted that certain units were built through a Comprehensive Permit process. Mark Jones noted that Comprehensive Permit (40B) approval means that the affordability of units is perpetual. John Colonna-Romano mentioned that a voter at Town Meeting believed the Town was already over the 10% affordable housing threshold required by Chapter 40B, which is not the case. The most recent SHI has the Town at 7.16% qualifying affordable housing.

Nancy Arsenault asked that the correspondence regarding a proposal to locate a kitchen design showroom at 124 Great Road should be placed on an agenda for future discussion. Nancy Arsenault addressed an email about concern over allowance of clinics in Lower Village and said that the Planning Board should determine a precise definition of “clinic”. Karen Kelleher said that Planning Board should focus in on that at the next round of draft revisions.

Nancy Arsenault asked if the Collings Foundation is getting proper approvals from the Select Board for their “major events”. Jesse Steadman said that upcoming events have been approved by the Select Board and the relevant public safety departments. Lori Clark asked if the Select Board is monitoring the number of major event permits they have been issuing to the Collings Foundation. Jesse Steadman said that staff are keeping track of those major events permits, but events that do not require approval from the Select Board are not being closely tracked, partly due to disagreements over the different categories of events under the settlement agreement governing the museum’s operation.

The Board continued to discuss the interpretation of event types allowable under the settlement agreement at the Collings Foundation. Jesse Steadman said that the Planning Department is working with counsel to provide an interpretation of the events allowed at the museum.

Lori Clark inquired about a letter regarding Spring Hill Estates. Jesse Steadman said he has been working with Counsel to understand the obligations of the homeowners and original developer Jon Handel. Jesse Steadman said the homeowners requested that the Town author a letter to Jon Handel specifying his obligations under a previous development agreement. Jesse Steadman said he continues to believe the main dispute over responsibilities to conduct stormwater inspections need to be resolved between the homeowners and Jon Handel.

Lori Clark addressed comments on Stow's compliance with new multifamily zoning requirements for MBTA communities. Lori Clark said the Board will not decide on a course of action until final guidance is issued by the Department of Housing and Community Development.

Public Input

Alex Riker said that he is running for a seat on the Select Board, and that if elected he will encourage the Select Board to have more frequent joint boards meetings to facilitate communication with the Planning Board. Alex Riker said that his conversations have shown that Lower Village revitalization is an important issue in town, and that he is determined to help that project move forward. Alex Riker said he believes the country is entering a recession, and that filling vacancies in the shopping plaza and along Great Road is important.

Bill Garcia (44 Hastings St) said that a rental property near his home has cleared much of the lot and have installed a 40-foot shipping container within an old barn foundation. Bill Garcia said that his conversations with the Planning and Building Department suggest that the shipping container is an allowed use. Bill Garcia said, in his opinion, the container is inappropriate to locate within a residential district.

Jesse Steadman recounted earlier conversations with Bill Garcia and summarized that two options available are to make an appeal of the Building Commissioner's issuance of a building permit, or to make a request to the Planning Board to amend the zoning bylaw to specifically disallow the storage of shipping containers in the Residential District. Lori Clark provided some further detail of those processes.

Planning Board Member Updates

Karen Kelleher said the Complete Street Committee will meet next month to review a paving plan from the highway department. Nancy Arsenault said that residents on Circuit Drive are interested in providing input to the Traffic Safety Advisory Committee (TSAC) but are frustrated at the 1PM meeting time.

PUBLIC HEARING - Proposed Amendments to Zoning Bylaw – Allowed used in the Residential District

Lori Clark called the Public Hearing to order at 7:35pm. Lori Clark explained the Citizen's Petition process and the requirement for the Board to hold a Public Hearing. Lori Clark emphasized that the Board has not discussed the proposed language prior to this meeting.

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**

Daniel Taranto, owner of D&D Farms, introduced his attorney Jonathan Silverstein to present on the proposed zoning amendment. Jonathan Silverstein said that the purpose of the amendment is to allow easier sale of the property on Hudson Rd that is within the residential district, that has only received interest from arborists and contractors that are proposing uses not allowed currently in the district but

similar to past uses of the property. Jonathan Silverstein said that the proposed amendment has been drafted to allow some additional uses by Special Permit, making it possible for the town to control impacts and allow business uses to continue at the site. Jonathan Silverstein said the alternative would be tearing down perfectly good greenhouse structures to make way for housing construction.

Bill Byron (469 Gleasondale Rd) noted that the proposed amendment is not only applicable to one lot, but rather the entire residential district. Bill Byron said that allowing landscaping businesses in residential areas has dangerous implications for abutters. Bill Byron said that the proposed landscaping businesses would be a greater impact than a previous agricultural business at the D&D Farms property. Bill Byron said that vehicle dispatching and equipment storage would have additional impacts. Bill Byron said that allowing one such use in the residential district would invite others to apply for Special Permits in other neighborhoods. Bill Byron said he is opposed to the proposed change.

Mark Forgues (39 Adams Dr) said he is also opposed to the proposed zoning change. Mark Forgues said that landscaper yard uses on White Pond Rd are ugly. Mark Forgues said that landscapers cause impacts to nearby residents, and that zoning should not be changed to facilitate easy sale of individual properties.

Eva Barstow said that she is concerned about proliferation of landscaper businesses if such uses are allowed by Special Permits in the residential district. Eva Barstow asked if it would be possible to rezone the D&D Farms property individually. Jonathan Silverstein said that he is concerned about avoiding a spot zoning approach. Jonathan Silverstein said he tried to address the concern of contractor yard business proliferating by requiring Special Permits for such uses, and requiring the Special Permit Granting Authority (the Zoning Board of Appeals, as drafted) to consider the historical use of the subject property.

Property owner Daniel Taranto said that very little of the D&D farms property is visible from the road. Daniel Taranto said that during 50 years of operation at D&D he never heard complaints from nearby residents. Daniel Taranto mentioned that many of the abutters have already signed onto the zoning citizen's petition, suggesting they have no opposition to the proposal or concerns of impacts. Daniel Taranto said that many landscapers would be using the property for equipment storage but would not be operating loud equipment on the site.

Bill Byron said that he believes neighbors feel D&D Farms were good neighbors, but that a new owner may not be, especially given the change in use from a nursery to contractor yard. Bill Byron reiterated his concern that additional landscapers could be permitted in other residential neighborhoods, who may not be as good of neighbors as D&D Farms was historically.

Fred Meyers (49 Heather Lane) said that the owners sought a town-wide zoning amendment so that abutters to the D&D Farms property would not receive mailed notice of this Public Hearing. Fred Meyers also commented that the proposed amendment was not specific enough about the exact uses that would be permitted.

Jesse Steadman read comments from Conservation Director Kathy Sferra, which addressed unpermitted work that took place over many years without proper wetland permitting, and that any discussion of rezoning the property should include the Conservation Commission.

Nancy Arsenault said that the Board previously discussed possible overlay districts to allow such uses in more specific areas of Town. Nancy Arsenault said that she believes the Planning Board has sufficient

controls through Special Permits to make the use more amenable and compatible with the neighborhood, and that the Board has not heard from any abutters who did sign the citizen's petition. Nancy Arsenault commented that the Special Permit conditions would run with the land and protect from impacts in perpetuity.

Karen Kelleher said that the Board needs to focus on the language of the petition, and that they should not be too focused the individual property, as that would be an inappropriate discussion in response to a town-wide zoning petition. Karen Kelleher said that the way the bylaw amendment is written is opens up the whole Residential District to contractor yards and landscaper businesses, even though they would require Special Permits. Karen Kelleher asked Jonathan Silverstein if he considered the continuation of a pre-existing non-conforming use, given info from Daniel Taranto that the site is still in light use. Jonathan Silverstein said that part of the concern is finding a buyer who would want to use the site at something of a higher intensity or beyond the current use.

John Colonna-Romano acknowledged that the Public Hearing is for the written proposal before the Board and cautioned the Board against discussing other zoning approaches. John Colonna-Romano echoed Karen Kelleher's concerns that the proposal would open up the whole town to uses incompatible with residential areas.

Margaret Costello agreed that the Board cannot guarantee landscaper businesses and contractor yards would not be permitted at other locations in the Residential District if the proposed amendment were adopted. Margaret Costello said she is concerned about impacts to Elizabeth Brook and nearby wetlands from allowing new uses at the site, noting that work was done without proper Conservation Commission approvals in the past. Margaret Costello said she is concerned about noise impacts to abutters from truck traffic resulting from contractor yard uses.

Mark Jones said that besides the concern of the proposed amendment applying to the full Residential District, the Zoning Board of Appeals is also not well equipped to permit such uses. Mark Jones said that the Planning Board is aware of limitations on spot zoning, but that there could be a workable way to rezone the individual property. Mark Jones said he would oppose the zoning change as proposed.

Lori Clark said she shares concerns that the proposed amendment is town wide, and that she feels the historic use provision is weak. Lori Clark said she shares concerns with making the Zoning Board of Appeals the Special Permit Granting Authority. Lori Clark said that protections through Special Permit sound good, but there have been historic difficulties enforcing the terms of such permits.

Fred Meyers said that no one in the nearby Arbor Glen housing development was approached with the citizen's petition. Fred said that every landscaper he knows runs snow plow businesses and often store salt on site, and may run outside of typical business hours.

Mark Forgues said that a Special Town Meeting to consider the zoning amendment would be a significant cost to the Town. Daniel Taranto said that he would be amenable to bringing the zoning petition to a later Special Town Meeting, whenever that may be.

Jonathan Silverstein asked the Board if they would entertain a revised amendment that creates an overlay district, remove contractor's yards as an allowed use, and change the Special Permit Grant Authority to

the Planning Board. Mark Jones said that the petitioner would have been wise to consult the Planning Board before drafting a petition.

The Planning Board said they would be interested to see a revised zoning amendment proposal. Margaret Costello said that continued involvement with the Conservation Commission is clearly necessary given the proximity of D&D Farms to Elizabeth Brook.

Lori Clark reiterated that the Planning Board is open to further discussions with Daniel Taranto as he decides how best to move forward with the zoning petition.

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**

Planner's Report

Assistant Planner Malcolm Ragan reported that Stow House of Pizza has hired an engineer and is working on making requested plan modifications needed to clean up the dirt piles and other issues at the site. Jesse Steadman said he spoke to the attorney for the developer of Joanne Drive, and they are now interested in requesting a formal determination from the Building Commissioner regarding the amount of the fee-in-lieu of affordable housing construction. Jesse Steadman said it is possible the full requested amount may be paid to secure building permits. Jesse Steadman said the applicant will likely appeal a determination on the amount required and seek reimbursement if the Zoning Board of Appeals agrees with their interpretation of the Zoning Bylaw and Subdivision approval.

Jesse Steadman said he heard back from Town Counsel regarding options to respond to the Collings Foundation's interpretation of the settlement agreement. The Board said they would like to see a draft letter from Counsel, regarding the Planning Board's interpretation of the agreement, at their next meeting. Lori Clark said the Planning Board would also like to understand how counsel interprets additional scheduled events as identified in resident concerns.

The Board scheduled meetings for June 7, 21, 28 and July 12, 19.

The Board asked about the Masters Academy. Jesse Steadman said that no application has been made yet. Lori Clark said the Planning Board has not yet seen the executed development agreement between Masters Academy and the Select Board.

Lower Village Zoning Updates

Lori Clark said that this session is another opportunity for the Planning Board to discuss the draft bylaw before them, and that there will be multiple opportunities for public input at a later date.

The Board discussed parking requirements in the draft, including spaces needed where multiple uses share a building, and cases where minimum parking requirements could be reduced.

Mark Jones asked for an agenda item to discuss cistern regulations. Lori Clark agreed to put the topic onto a future agenda.

John Colonna-Romano questioned the requirement that parking be located at the back and to the side of developments. John Colonna-Romano said that parking should be distributed around the development. John Colonna-Romano said that if separate entrances are maintained for the parking areas, design standards should apply to all public facing facades.

The Board discussed linking parking minimums to completion of pedestrian connectivity improvements.

The Board discussed parking lot screening requirements and requested that a provision to allow reduction in the width of buffer areas where a fence is proposed be removed, as it could incentivize fence construction over natural screening.

John Colonna-Romano requested additional language in the street trees section to establish standards for location as well as the number required by square footage of development.

Respectfully submitted,

Malcolm Ragan