

TOWN OF STOW
PLANNING BOARD

Minutes of the June 21st, 2022 Planning Board meeting

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

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

Minutes

*Karen Kelleher moved to approve the minutes of April 26th as amended
Nancy Arsenault seconded*

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

*Karen Kelleher moved to approve the minutes of May 3rd as amended
John Colonna-Romano seconded*

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

Correspondence

Nancy Arsenault said she appreciated the Police Chief's informative response to a resident complaint regarding the unloading of cars at the dealership in Lower Village. Karen Kelleher agreed and said she appreciated the Police Chief's commitment to speak with the property owners in question about the impacts of car unloading along Great Road.

Lori Clark asked if the Planning Board should have been consulted regarding a recent Select Board agenda item related to the management responsibilities for the Wildlife Woods development open space. Jesse Steadman said that the Select Board did not grant the Homeowners Association's request to assume more of the open space management, partly because it was not clear who could hold a Conservation Restriction that would be required.

The Board discussed an email regarding a proposal to donate a vacant parcel on Samuel Prescott Drive to the Town. Jesse Steadman said the lot is less than 1.5 acres, undeveloped, and is crossed by an easement to access a Fire Department water source behind the shopping plaza. Jesse Steadman said there had been proposals to develop the site in the past, but the proposed uses were not allowed in the Business District. Jesse Steadman said the land has limited appeal for the Conservation Department, and that the site could be suitable for a new Fire Department cistern. Karen Kelleher asked if Linear Retail may have some interest in acquiring the parcel. Jesse Steadman said that the current owner suggested donating rather than selling the land to the Town, but that would need to be confirmed. Karen Kelleher suggested that the Stow Municipal Affordable Housing Trust (SMAHT) be notified about the property.

Margaret Costello said she is saddened by the apparent lack of effectiveness of no-cut buffers that have been required at new housing lots at Hallocks Point and Hiley Brook Road, and that the widths were not sufficient to maintain the forest cover.

Public Input

Mark Forgues said car carriers should not be allowed to unload along Great Road. Mark Forgues said that the Planning Board should consider not allowing unloading on the South side of Great Road as part of their rezoning efforts for Lower Village. Lori Clark said that the Board will keep that in mind if the property is redeveloped under a Special Permit process. Karen Kelleher noted that the Planning Board does not have authority to ban parking along a portion of the public right-of-way, and that such authority rests with the Select Board and Police Chief. Mark Forgues said he would appreciate any advocacy from the Planning Board to not allow parking on the road at the location. Mark Jones suggested Mark Forgues make a request to the Traffic Safety Advisory Committee.

Planner's Report

Jesse Steadman said the owner of 57 Barton Rd and a newly created abutting vacant lot has received a quote to repair the edge of the road prior to septic installation, which will satisfy a condition of the Hammerhead Lot Special Permit. Jesse Steadman said that the Highway Department has been in contact with the owner and is satisfied with the proposed repairs.

Jesse Steadman said the contractor at the Spring Hill Estates subdivision has submitted required EPA stormwater permits, which will come into effect after a 14-day comment period elapses. Jesse Steadman said he expects to have a stormwater report in hand soon and will release holds on Building Permits at that point once received.

Jesse Steadman said that the Town has entered a contract with engineering and design firm Green International for finishing concepts for cross sections of Track Road. Jesse Steadman said Green International has been in discussions with MassDOT to verify that the overall concepts meet requirements of federal earmarks for final designs. Jesse Steadman said there will be public meetings to review the concepts once they are completed.

Jesse Steadman said that Green International is also likely to contract for designs for signalization of the Hudson Rd/Route 117 intersection as well, pending approval by a selection committee. Jesse Steadman said Green International was the only bid for the project.

Jesse Steadman said Lower Village zoning amendments will be a focus of agendas for the next several meetings. Jesse Steadman said that staff have reached out to planning and design firm Dodson & Flinker for visualizations of possible projects under the draft zoning revisions. Jesse Steadman said this would help the Board understand possible outcomes, identify any potential issues, and provide valuable outreach tools. Board members expressed approval for the idea and noted that potential issues could be identified before the zoning is implemented.

Lori Clark said it would be useful to see what is possible given what the Planning Board knows is and is not in line with the visions for the district as articulated by the Lower Village Revitalization final report and other planning efforts. Karen Kelleher cautioned against focusing on specific properties, so as not to lead any single property owner on. Karen Kelleher suggested the property owners could also come up with model site plans with the draft zoning updates. Mark Jones said that maximal use should be rendered, so the Board can decide if that upper limit of development is acceptable.

Jesse Steadman reported that a draft of a Community Engagement Plan, intended to set the terms of engagement for a future Comprehensive Plan, will be ready in a couple weeks. Jesse Steadman said he hopes to collect input from boards and committees that will use the document during the Comprehensive Plan/Master Plan update.

Jesse Steadman said that staff have met with Metropolitan Area Planning Council (MAPC) staff regarding assistance for an update to the Housing Production Plan. Jesse Steadman said the scope of work will likely involve MAPC assistance to local committees and staff. Jesse Steadman said the Planning Board will be required to approve any Housing Production Plan update and should have a chance to review a proposed scope of work for assistance from MAPC.

Jesse Steadman said there are some project peer review accounts (“53G accounts”) that have not been closed out, and the Planning Department is working to track down applicants to return unspent funds. Jesse Steadman said the amounts range from six dollars to several thousand dollars. Jesse Steadman said Town Counsel will be consulted in cases where the applicant or firm is unable to be contacted.

Stow House of Pizza

Rich Harrington introduced himself as representative of the applicant. Rich Harrington said he has requested a stay on zoning enforcement until he has had a chance to discuss the conditions of the 2021 Special Permit decision with the Board. Rich Harrington argued that the business is exempt from Special Permit process for outdoor dining per the Zoning bylaws. Rich Harrington said that the governing decision does not allow for remediation of the site, and that outdoor tables that have been used for years without issue have been prohibited. Rich Harrington said that he would like to regrade the parking area without filing a complete site plan.

Lori Clark asked how Rich Harrington reasons that Stow House of pizza is allowed by-right to have outdoor seating. Rich Harrington said that the business does not require a Special Permit for a previously grandfathered use, and that the recent amendments to the Zoning Bylaw exempt the use from Special Permit requirements because the principal operations include sale of food in paper containers. The Board discussed this reading of section 3.3.2.4 of the Zoning Bylaw.

Karen Kelleher said that her reading is that tables previously at the site were never legally allowed, but enforcement was never acted upon. Karen Kelleher said she is frustrated at the implication that the Planning Board is the party holding up action to remediate the site, and that they have been waiting on a response from the applicant for over a year. The Board affirmed their reading of the zoning bylaw that it does not allow outdoor seating unless granted by Special Permit. Lori Clark said that the bylaw revision to section 3.3.2.4 was meant to allow outdoor seating by Special Permit, prior to which outdoor seating was not legally allowed by zoning.

Rich Harrington said that the language in the decision referencing the bylaw did not imply that the Board would have ever allowed the outdoor seating, given that foods are often served on paper plates. Rich Harrington said that he would like to gauge the Board’s amenability to modifying the permit to allow regrading of the parking lot and dirt piles, without the need for a complete site plan. Lori Clark said that conditions of the 2021 Special Permit were in response to site disturbance that was done without proper approvals. Lori Clark said that the Board’s conditions require a plan to remediate the site, after which time the Board will again entertain a request for a Special Permit for outdoor seating. Margaret Costello said that the applicant has damaged the site and neighborhood, and that there needs to be a clear plan in place to remediate the site before any additional work commences.

Karen Kelleher asked if Rich Harrington is requesting a waiver from requirements for a site plan or if one is currently being prepared. Rich Harrington said he can submit a grading plan for the parking lot area and a design memo. Rich Harrington said he wants to clarify that a zoning variance would be required to allow the outdoor seating at the business. Lori Clark said that grading without remediation of the screening to abutting lots would not be suitable for the Planning Board. Rich Harrington said that the site

will sit in its current state for 3 months if the Planning Board does not allow site grading to happen without a full site plan in place.

Mark Jones said the decision was issued in lieu of an enforcement order, and that the Board wants to see a full site plan to address the unresponsiveness of the applicant. Rich Harrington said he will return to the Board with a draft sketch plan for a future requested modification.

Karen Kelleher reiterated that the Board needs to have a plan to react to at a future meeting. Abutter Leigh Hildebrandt asked what is causing such a delay to create a new site plan and remediate the site. Leigh Hildebrandt said that the dirt piles changes traffic flows in the gravel parking lot. Rich Harrington said he noted the Special Permit requirement to create an 8-ft fence 30 ft from the property boundary and that there is already an existing 6-ft tall fence atop a stone wall on her property to the West. Rich Harrington said that he is still amenable to providing some additional screening up against her property line. Leigh Hildebrandt asked again why the plan has been delayed. Rich Harrington said that the applicant believes the conditions were excessive, especially given that the applicant attempted to withdraw the Special Permit application in 2021. Rich Harrington said that the applicants do not feel a complete site plan is needed and will instead come forward with a limited plan to remediate the grading.

Lori Clark said that the owner completed work they should not have without a Special Permit, and that the Board issued the Special Permit as a tool to force remediation of that unpermitted work. Lori Clark reiterated that the Board needs to see a site plan. Nancy Arsenault asked if the Board should place a timeline for submittal of an updated site plan. Rich Harrington said he will try to have a sketch plan and letter within the next week.

Verizon Wireless – Proposal to Construct New Tower at Stow Acres

Michael Giaimo, counsel representing Verizon, introduced RF Engineer Keith Vallente and Site Specialist Phil Cotto to discuss a proposal to locate a 110-ft monopole cell tower in the existing Stow Acres parking lot. Michael Giaimo said that the coverage gaps in Stow cannot be adequately addressed from any other site within the Wireless Service Overlay District.

Michael Giaimo presented preliminary survey plans of the proposed location and access easements near the Stow Acres south course. Michael Giaimo noted that the design is “mono-pine”, or a monopole disguised to look something like a tree. Michael said the tower would need to be 110-ft tall to close the coverage gap. Michael Giaimo presented a set of images using a balloon at 110 feet to simulate sight lines. Michael Giaimo said that Verizon fully intends to meet all submission requirements under the Board’s bylaws.

The Board viewed existing and proposed RF coverage maps. John Colonna-Romano asked who owns the property at present, and who is expected to own it in the future. Jesse Steadman said that Stow Acres still owns the parcel, which is now regulated by a Conservation Restriction with a specific carve out for installing a cell tower at the proposed site.

Phil Cotto said that Verizon would secure a 25-year lease from Stow Acres for the location. Karen Kelleher said she has seen examples of “mono-pine” towers that stand out from their surroundings more than a typical tower. Michael Giaimo said that some examples can blend well with an existing tree canopy. Mark Jones said that such a tower off Route 2 in Harvard sticks out against its surroundings. Margaret Costello differed and said that the tower should be blended with the existing area and tree cover. Karen Kelleher clarified that the tower is proposed at 110 feet, but the zoning bylaw limits the tower to 100 feet. Michael Giaimo said Verizon would request an amendment to that height restriction. Michael Giaimo said that a requirement to have a 900-ft setback to the nearest residence also cannot be met.

Margaret Costello asked the distance to the nearest residence from the proposed site. Phil Cotto reported that the nearest residence is 252 feet from the proposed tower. Michael Giaimo said there are no other possible sites within the area allowed under the Conservation Restriction.

Mark Jones urged the Board to not request a “mono-pine” construction. Mark Jones said that he is in favor of raising the height limits on cell towers given the poor cell coverage in town, and especially given the anticipated development at Stow Acres. Lori Clark agreed that coverage in Stow needs to be improved. Lori Clark said that historically the Board has been concerned with visual impact and noise impacts from any attendant generators or other equipment at cell towers. John Colonna-Romano said the Board recently had an extensive discussion about a backup generator at a Gleasondale Tower. Margaret Costello said that the Board had requested additional noise screening around the generator at the Gleasondale Mill.

Michael Giaimo asked if there is likely to be a fall Town Meeting. Lori Clark said they are common, but one is not currently scheduled. Lori Clark said the Board needs ample time to hold public hearings on any proposed changes to be made at any Special or Annual Town Meeting. Michael Giaimo said he can present some proposed zoning amendment language at a later meeting. Michael Giaimo said that some of the parcels located in the current Wireless Overlay District are not practical to build on, and that a proposed change could involve removing some parcels from the district.

Joanne Drive Subdivision – Request for Relief from Monumentation Requirements

Jesse Steadman said the developer asks to reduce the size of required monuments for the right-of-way and change the material from granite to cement. Jesse Steadman said that he reached out to the Board’s consulting engineer to understand the reasoning of the current Subdivision Rules. Jesse Steadman noted that the bounds are included in the overall performance guarantee and the town is bonded for their cost.

Karen Kelleher read that granite bounds are more durable than concrete and that she sees no reason to allow a smaller size. Developer Chuck Black said that his team is having a hard time obtaining the required 6”x6”x4’ bounds and is requesting a 4”x4”x4’ granite bounds instead, not concrete.

Mark Jones said that Chuck Black should not have too much difficulty locating the required 6”x6”x4’ granite posts, as they are commonly required for right-of-way monumentation. Chuck Black said he will speak to his surveyor/engineer again to locate the required materials. Chuck Black said that he intends to complete the subdivision this year. Mark Jones said he was able to find similar posts for currently for sale online.

Collings Foundation Settlement Agreement Discussion

Karen Kelleher said she is an abutter to the Collings Foundation and recused herself from discussion.

Mark Jones said Town Counsel was clear in their letter that there is a difference in interpretation of the terms of the settlement agreement governing operations at the Collings Foundation. Lori Clark said that the Board should decide what direction to give to counsel based on assessment of the situation. Lori Clark said the letter from Counsel suggested a follow-up to request for cooperation from the Collings Foundation, otherwise the town could pursue enforcement under the terms of the agreement. Lori Clark said the Board should think about how to come to agreement without resorting to litigation.

Nancy Arsenault said that a risk of bringing Collings to court would be a judge agreeing to Collings’ interpretation of the settlement, meaning limitations on noise generating events would be further

loosened. Mark Jones said that both parties could also consent to amend the terms of the agreement to provide greater clarity.

Rob Collings asked how the Board considers the Collings Foundation out of compliance with the terms of the settlement agreement. Lori Clark said that the Board and the Collings Foundation have a disagreement about allowed frequency of certain types of events happening at the museum. Rob Collings said that the museum does not require approvals for tank demonstrations, and that the museum receives approval from the Select Board for major events in accordance with the settlement. Rob Collings said that there is a misunderstanding about which events are major demonstrations and which are demonstrations limited to twice monthly by the settlement terms.

Rob Collings said the driving experiences offered are not a demonstration that are limited in frequency by the terms of the settlement agreement. Nancy Arsenault asked how frequently the driving experiences take place. Margaret Costello asked for a 3-month accounting of how often these demonstrations have occurred in recent months or the past year. Rob Collings said that the museum should be informed of when complaints are received so they can verify occurrences of driving experiences. Rob Collings said that vehicle engines are also run for routine maintenance.

Jesse Steadman said last summer residents had been reporting noise more often than they had been expecting under the terms of the settlement. Jesse Steadman said that staff will review files to pinpoint when complaints were received.

Planning Board Member Updates

Lori Clark said she, the Town Administrator, and the chair of the Economic Development & Industrial Commission have been discussing the charge of the commission. The Town Administrator recommended dissolving the committee after discussions with the EDIC chair and previous and current town staff. Lori Clark said she offered support for the recommendation to dissolve that committee.

Nancy Arsenault asked about the status of the Masters Academy. Jesse Steadman said he has no updates to offer at this time.

Karen Kelleher asked if Stow Acres is expected to file a Comprehensive Permit application with the Zoning Board of Appeals soon. Jesse Steadman said the developer needs to finalize locations of water and septic services on the site.

Lori Clark said the Town Administrator will convene a search committee for a new Town Planner and is recommending Karen Kelleher and Lori Clark sit on that committee. Lori Clark said the Building Inspector and Conservation Director will also sit on the committee. Lori Clark said the full Planning Board will not have a chance to interview applicants.

John Colonna-Romano said that during an open house at Minuteman Airfield, the owner discussed the high level of activity and space constraints currently faced. Karen Kelleher said she was impressed by the level of economic activity at the airfield.

Karen Kelleher motioned to adjourn

Respectfully submitted,
Malcolm Ragan