

TOWN OF STOW  
PLANNING BOARD

Minutes of the November 1, 2022 Planning Board meeting

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

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

**Minutes**

*Karen Kelleher moved to approve the minutes of September 27, 2022 as amended  
Margaret Costello seconded*

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

**Correspondence**

Karen Kelleher said that correspondence from the Building Commissioner indicated that Stow House of Pizza is no closer to submitting a revised site plan as required by a previous Special Permit decision. Lori Clark said the letter from the Building Commissioner made it clear to that applicant what is still required of them to be in compliance with that decision.

**Planning Board Member Updates**

John Colonna-Romano asked if the new house currently under construction on Boxboro Road was reviewed for applicability under the erosion control section of the Zoning Bylaw. Planning Director Valerie Oorthuys said that the Conservation Commission reviewed the plans and made recommendations for proper erosion and runoff controls. Assistant Planner Malcolm Ragan said staff carefully reviewed the plans and determined that the thresholds requiring an Erosion Control Special Permit were not met.

Karen Kelleher said that the Zoning Board of Appeals will host a Public Hearing for a proposed dwelling on the second lot at 137 Harvard Road, and that the Planning Board's permitting history and concerns have been entered into the record for consideration.

**Planner's Report**

Valerie Oorthuys said the project team for the Lower Village Water Feasibility Study met with consultants at the two town-owned parcels being studied, and that a follow up meeting to confirm locations of two test wells is scheduled later in the week.

Valerie Oorthuys said that the Kane Land access path project will be ready to put out to bid this winter, although additional funding besides what was approved by Town Meeting will be required.

Valerie Oorthuys said staff noticed that some additional clearing of trees occurred at the J. Melone & Sons property that was not reviewed as part of a previous Erosion Control Special Permit. Valerie

Oorthuys said this looked to be an oversight, as other town departments were aware of the detention basin constructed at this location. Valerie Oorthuys said the owners are currently working with an engineer to update their plans. John Colonna-Romano noted that an acre of forested land sequesters 2 vehicles worth of yearly carbon emissions.

Valerie Oorthuys said that the Town did not receive a MassWorks grant to fund construction of a traffic signal at Hudson Road/Route 117. Valerie Oorthuys said the application was always considered a long shot, and that the Town will be much better positioned for the next funding round with engineering plans and a complete construction cost estimate in hand. Valerie Oorthuys said the engineering firm currently designing the signalization has provided several design alternatives, which staff will review ahead of a later public forum.

Valerie Oorthuys said that the regional Making the Connections working group, which secured funding for the GO Stow free taxi rides program, has secured a grant from MassDevelopment to fund the project for an additional year.

Margaret Costello addressed recent suits brought by towns against the state challenging its authority to withhold grant funding for non-compliance with new multifamily zoning laws. Margaret Costello said that Towns should be able to demonstrate compliance with creative solutions to constructing additional affordable housing, as Stow has done.

The Board verified upcoming meetings on Wednesday November 9<sup>th</sup>, Public Hearing on November 15<sup>th</sup> and December 6<sup>th</sup>, and scheduled an additional meeting for December 13<sup>th</sup>.

### **Joint Boards Discussion with Conservation Commission – Proposed Wireless Service Facility at Stow Acres South Course**

Attorney Michael Giaimo said Verizon is proposing a new wireless service tower in the parking lot of the Stow Acres clubhouse and acknowledged that the parcel is not within the Wireless Service Facility Overlay Zoning District. Michael Giaimo introduced a proposed amendment to the Zoning Bylaw to include that parcel in the overlay district and revise the setback to adjacent dwelling requirements.

Michael Giaimo presented a site plan that would be submitted to the Planning Board if the requested zoning amendment was approved by a future Town Meeting. Michael Giaimo noted that a recently recorded Conservation Restriction for the South Course of Stow Acres includes a carve out to allow a wireless tower at a specific location in the parking lot. Michael Giaimo said that Verizon has experience including elements that disguise towers as trees, but that it would not be required if not requested by the Planning Board.

Michael Giaimo presented result of a balloon test that approximated the visibility of a proposed tower at 100 ft above ground level. Photos showed that the balloon was not visible from most locations along streets near the proposed site. Michael Giaimo said that the Zoning Bylaw and the Conservation Restriction limit the tower to a maximum of 100 ft tall, and that Verizon is not requesting any taller.

Michael Giaimo presented a map of the existing Wireless Service Overlay district and said that none of the locations are suitable for the kind of coverage that Verizon Wireless is looking to extend. Michael Giaimo said that the Zoning Bylaw requires a setback to the nearest house of 1000 ft, which cannot be

met at the proposed Stow Acres location. Michael Giaimo said that the proposed zoning amendment would grant the Board the authority to grant relief from that setback for good cause.

Planning Board members asked how many dwellings are within the existing 1000 ft setback requirement. Michael Giaimo said that he does not have that information available, but said that there is no location that is both allowed by the Conservation Restriction and that is further than 1000 ft from existing dwellings.

Karen Kelleher noted that the draft site plan shows the central tower at 100 ft above ground level but that some antennas are shown over that height. Michael Giaimo said that plans will be modified to show strict compliance with the 100 ft height limit in the bylaw.

Michael Giaimo presented existing condition and proposed RF coverage maps for Stow. Michael Giaimo said that increased coverage maps have been calculated assuming a 100 ft tower. Nancy Arsenault noted that the proposed coverage map includes a gap at the site of the proposed Cottages at Wandering Pond development off Hudson Road. Karen Kelleher noted that one of the parcels for that development is within the Wireless Service Overlay District, and asked if that site has been considered by Verizon. Michael Giaimo said that a tower at that location would likely not serve new dwellings at Stow Acres, owing to topography.

Michael Giaimo presented proposed zoning amendments that would modify the requirements of the overlay district. Michael Giaimo said that draft language proposing a different height limit will be removed as Verizon is now proposing only a 100 ft tower. Michael Giaimo said that the existing bylaw also has a provision requiring renewal every three years and suggested that that be removed or extended as a matter of good practice. Michael Giaimo said that the existing bylaw is inflexible and offered some language that allows the Special Permit Granting Authority to waive strict compliance with the dimensional requirements where good cause is demonstrated.

Conservation Commission chair Serena Furman said that the Conservation Restriction is clear that the overall height limit is an unambiguous 100 ft above ground level. Serena Furman asked if the Planning Board knows why this parcel was not included in the Wireless Service Overlay District. Karen Kelleher said that the district was mostly drawn to include industrial and undeveloped parcels.

The Planning Board noted that there are at least 3 existing dwellings within 1000 ft of the proposed tower along Randall Road. The Board asked that Verizon provide measurements to nearby dwellings at a later date. Lori Clark asked if the proposed site is expected to produce any noise. Michael Giaimo said that a required backup generator will need to run a test cycle every two weeks or so, the timing of which can be configured to the town's preference. Lori Clark asked how that test cycle noise could be mitigated. Michael Giaimo said that an audio engineer would be asked to study the site and recommend some additional noise screening of the equipment.

Michael Giaimo said that nothing is proposed within 200 ft of any wetlands and no filings with the Conservation Commission would be anticipated. Michael Giaimo said that Verizon is requesting Planning Board sponsorship of the proposed zoning amendment. Michael Giaimo said that the location should not be a surprise to Town Meeting voters, who approved a Conservation Restriction with a carve out for that exact location just last year. Lori Clark said that the Board will specifically want to see some detail about

noise mitigation measures proposed for the site. The board also suggested that more detailed plans be made for visual screening at the base station.

John Colonna-Romano noted that that balloon test photos were taken in Summer and noted that visibility may be quite different in the winter months.

The Board noted that acceptance of the proposed zoning amendment by them and then subsequently Town Meeting would still require a separate Special Permit process to allow a tower at the site. Lori Clark said that the Board will discuss the proposed zoning amendments at a future session.

John Colonna-Romano asked about potential health risks of living near wireless service antennas. Michael Giaimo said that Verizon is happy to have an expert attend a meeting to discuss the regulatory levels that are considered safe by the FCC. Michael Giaimo stated that FCC regulations have been crafted in response to years of peer-reviewed science about the impacts of wireless frequencies on human health.

### **Community Engagement Plan Discussion**

Members of the Nashoba Area Social Justice Alliance (NASJA) Justice, Equity, Diversity, and Inclusion (JEDI) working group introduced themselves and explained that they have been in discussions with Planning Department staff for the last several months regarding a Community Engagement Plan (CEP) ahead of updates to Stow's Comprehensive Plan. ("Master Plan" was the term used in previous years and is still reflected in state statute and the Town Charter) Members of JEDI gave a brief overview of the purpose and goals of the draft community engagement plan.

JEDI's Joanna Miller presented a list of several other communities in Massachusetts that already have Community Engagement Plans in place. Joanna Miller said that the CEP is intended to ensure a consistency over time of outreach efforts by Town staff, boards, and committees. John Colonna-Romano said there is a trade off between having a consistent framework and the flexibility to adapt outreach procedures as needed. Joanna Miller said that JEDI is hopeful that the CEP could serve as a living document that is updated over time, and offers a toolbox for those who use it rather than a rigid process.

Lori Clark asked if the CEP could be revised to be applicable to more than just the Comprehensive Plan. Valerie Oorthuys said that application through the comprehensive planning process will be the first application of the CEP, and that lessons learned can be applied to future outreach efforts.

Mark Jones suggested staff or JEDI reach out to other communities about successes or failures operating with similar CEPs. Karen Kelleher said that she is struck by the length of the current draft and wondered if some repetitive language could be revised. Joanna Miller said there have been discussions about revising to include simple checklists or a "how to use this guide" explainer at the beginning of the document. Lori Clark suggested that language about the background of the drafting effort be removed from the final draft.

Lori Clark said that Community Engagement Plan does not seem like an accurate title for the document and suggested substituting "toolkit" or "guide". Deb Woods said that the Charter Review Committee has been struggling with questions of how to run their outreach, and that reading even this early draft gave her some ideas about how to increase public participation and feedback.

Karen Kelleher said she agrees with some feedback received from the Conservation Director about singling out specific populations, and would rather this CEP be addressed to the Stow public as a whole. Abby Morgan said that certain populations that have been difficult to reach in the past are worth specifically addressing. Members of JEDI said that acknowledgement of groups that have been left out of decision making processes in the past will be helpful to create buy-in for the comprehensive planning process. Margaret Costello said she appreciated the call to seek engagement from Stow's youth population.

Valerie Oorthuys said that members of JEDI and planning staff will meet again soon to discuss further revisions to the draft CEP. Valerie Oorthuys said that she will make edits based on feedback received and will present back to the Planning Board at a meeting in December.

### **Review Planning Board Comments to Charter Review Committee**

Margaret Costello said that the 200 voter signatures required to call a Special Town Meeting is too low a threshold. Lori Clark wondered if such petitions should require a disclaimer about the costs to the Town of hosting a Special Town Meeting. Deb Woods said the Charter Review Committee would appreciate a recommendation for a new threshold with a specific rationale provided. Mark Jones disagreed and said that getting 200 signatures requires great effort and would dissuade most people from trying to call a spurious Special Town Meeting.

The Planning Board discussed the Select Board's role in supervising a Master Plan, including a possible recommendation to delete language granting them authority to appoint the Master Plan Committee and supervise the development of the plan. Valerie Oorthuys noted that MGL Ch 41 §81D grants the Planning Board the authority to develop a Master Plan. Lori Clark said that Select Board believes they should be setting the agenda of the Master Plan at a high level and the Planning Board should handle more detailed topics. Lori Clark said the Planning Board and Select Board are clearly not aligned, and that discussions between both boards are needed. Karen Kelleher said that interest and involvement by the Select Board should be welcomed but that the Planning Board is obliged to carry out its responsibilities under Mass General Laws.

Deb Woods said that the Select Board will finalize their recommendations to the Charter Review committee at their Nov 15<sup>th</sup> meeting. Deb Woods said that the Charter Review committee may ask the Select Board and Planning Board to look for a compromise on Master Plan responsibilities. Valerie Oorthuys noted that upcoming Master Planning efforts will not be regulated under a revised charter.

Kathy Sferra said that Stow's charter is the only one she has seen that references a Master Plan, and suggested that the language could be struck. Kathy Sferra said that regardless of the Select Board's interest to be involved in a Master Plan, state statute is very clear that the Planning Board shall be the authority tasked with its development and acceptance. Kathy Sferra cautioned that a situation could arise where the Select Board develops a Master Plan that the Planning Board declines to accept.

Karen Kelleher said she opposes the Select Board having appointing authority of a Master Plan committee because they do not consider all applicants, and instead only those that have been recommended by the Town Administrator. The Planning Board noted that the Select Board discussed expanding the Master Plan committee beyond 7 members, and agreed that anything larger would become unwieldy.

Deb Woods said she will report to the Charter Review Committee about the Planning Board's proposed revisions, and Valerie Oorthuys said she will put together those thoughts in a final memo for the Board to approve at their next meeting.

#### **Lower Village Zoning Amendments – Public Outreach and Engagement Planning**

Lori Clark said that the Board will have one last pass at high level goals of the Lower Village bylaw and reach some agreement. Lori Clark said that the Board also talked about getting some initial feedback from other committees before beginning outreach to the broader public.

*Karen Kelleher motioned to adjourn*

*John Colonna-Romano seconded*

Respectfully submitted,  
Malcolm Ragan