

TOWN OF STOW
PLANNING BOARD

Minutes of the November 15, 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

*Karen Kelleher motioned to approve the minutes of October 18th, 2022 as amended
Nancy Arsenault seconded*

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

Correspondence

Karen Kelleher addressed correspondence regarding PFAS contamination at the former Bose campus, related to a proposed school use for the property. Karen Kelleher said the Planning Board would address any drinking water concerns when a Special Permit application comes before the Board. Planning Director Valerie Oorthuys said that Bose has recently completed environmental site assessments and submitted a “Statement of Permanent Solution with No Conditions” to the Department of Environmental Protection. Valerie Oorthuys said that site assessments found no evidence of PFAS contamination coming from on site. Valerie Oorthuys said that additional groundwater testing may be required when the site is sold.

Board members addressed correspondence related to the car dealership in Lower Village. Karen Kelleher said that the property is a unique circumstance and that the permitting for a nonconforming use is wrapped up in the courts. Karen Kelleher said a business license being issued by the Select Board does not mean that a use is allowed under the Zoning Bylaw. Karen Kelleher said that the Select Board has not historically considered the Zoning Bylaw when issuing licenses. Margaret Costello said that the large lot of parked cars is ugly and not in keeping with the Town’s vision for a revitalized Lower Village. Lori Clark said that the Planning Board must defer to the authority of the courts in this circumstance.

Planning Board Member Updates

Karen Kelleher said the Zoning Board of Appeals (ZBA) has received an application from Stow Elderly Housing Corporation to modify the Comprehensive Permit applications for Plantation Apartments phases I & II, with the intent of consolidating the project into a single property and owner. The Public Hearing for the request will open on December 12th. Karen Kelleher said the ZBA will also consider a request for a lot size variance to facilitate the sale of a nearby single-family dwelling that is currently owned by Stow Elderly Housing Corporation.

Planner’s Report

Valerie Oorthuys said that the Montachusett Regional Transit Authority (MART) has received funding to provide on-demand and shuttle services in several communities in and around Stow. Valerie Oorthuys said that staff met with representatives of MART and the Stow Council on Aging to discuss options for

shuttle services to popular destinations. Valerie Oorthuys said that the Planning Department will cooperate with MART to distribute a survey to residents to better understand ridership potential.

Valerie Oorthuys said that in response to concerns about traffic circulation at Nan's Market, she attended a meeting with the owners and Stow public safety departments. Valerie Oorthuys said issues of double parking and parking in fire lanes were discussed, as well as how to encourage customers to use overflow parking at a nearby church. Valerie Oorthuys said that removing some outdoor seating during certain seasons was also discussed.

Valerie Oorthuys reminded the Board that there will be a meeting with the Select Board on December 13th to discuss revisions to the Town Charter, Comprehensive Plan activities, and the Planning Board's overall workplan. Valerie Oorthuys said that she provided the Charter Review Committee with the Planning Board's recommendations, and that the Select Board is expected to approve a revised mission statement for the Economic Development & Industrial Commission at their next meeting.

Preparations for Annual Town Meeting

Valerie Oorthuys provided a meeting schedule showing the lead up to Annual Town Meeting and possible dates for public outreach events and project milestones. Valerie Oorthuys said that there should be enough time for up to four outreach events for proposed Lower Village Business District zoning. The Board noted that a date has not been set for Annual Town Meeting and said that scheduling should account for that uncertainty.

The Board scheduled additional meetings for Dec 6th and 13th; January 10th, 17th, and 24th; February 7th, 15th, and 21st; and March 7th, 14th, and 28th.

PUBLIC HEARING – 108-118 Great Road

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**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Presenting on behalf of the applicants was Brian Levey, attorney at Beveridge & Diamond. Also introduced were Mark and Meghan Pesce of MAP Holdings, Jon Kramer of JKC Holdings, Dan Carr of engineering firm Stamski & McNary, and project architect Robert Paccione.

Brian Levey said that the MAP Holdings and JKC Holdings are seeking an extension or new approval for the exact same plans and exact same permit conditions previously approved by the Planning Board in March 2020 and modified in December 2020. Brian Levey said that the Stow Zoning Bylaw specifies that Special Permits are valid for a period of two years after approval, and said that this project is likely, depending on the Board's interpretation of regulations, past that deadline. Brian Levey said that this will be the start of a two part process where the owners will re-appear for a restaurant Special Permit to propose to construct a Dunkin Donuts. Brian Levey said that the best process for extending the Special Permit depended on contradictory language in the Zoning Bylaw and Special Permit Rules and Regulations, which is why the application is for either renewal of a previously granted permit or granting of a new Special Permit.

Dan Carr presented a site plan showing replacement of the building at 108 Great Road, which will share a public water supply and septic system with the neighboring 118 Great Road property. Dan Carr said that pavement will be modified around the new building and underground stormwater detention chambers will be installed to control the rate and volume of runoff from the site. Dan Carr said that some additional landscaping and changes to the parking lot layout are also proposed and were previously approved by the Planning Board.

Robert Paccione presented architectural drawings and said the design incorporates typical New England vernacular style and draws from existing nearby buildings. Lori Clark asked if the Architectural Plans are identical to those previously seen and approved by the Board. The Applicant confirmed that these are the same plans.

Nancy Arsenault asked about the purpose of an enclosure at one side of the proposed new building. Robert Paccione said that it is a utility space that will house the water treatment system for the building. Mark Jones asked if there will be a functional second floor. Robert Paccione said the second floor will serve as mechanical and storage space.

Brian Levey provided an overview of the procedural matters and permitting timeline. JKC Holdings purchased the two adjacent properties in December 2018 and filed for a Special Permit to raze the existing structure on 108 Great Road and replace it with a new two unit commercial building. The Planning Board issued a Special Permit in March 2020, followed by a modification that December to adjust the signage plan and address permitting conditions. Brian Levey said the governor issued emergency orders at the start of the Covid pandemic to extend permits for projects that were unable to commence work, but that the Special Permit for this property just missed a deadline.

Brian Levey said that JKC Holdings entered into a purchase and sale agreement with MAP Holdings for the site and have filed this application to extend the previous Special Permit and Site Plan Approval or issue a new Special Permit and Site Plan Approval with identical conditions. Brian Levey said that regardless of the apparent conflict in the regulations, the applicant would prefer issuance of a new Special Permit. Brian Levey also asked that requested waivers from some submission requirements of the Special Permit rules and regulations be granted.

Karen Kelleher said that issuing a new Special Permit is the best way to ensure compliance with the Zoning Bylaw. Margaret Costello asked if a tenant for the other commercial unit has been lined up. Brian Levey said that the applicant has not yet made that arrangement. Lori Clark said that the Special Permit could be granted for the structure and office and retail uses allowed in the Business District, and further review by the Planning Board should not be required to fill the second unit.

Margaret Costello said she wants to make it clear that a drive thru use is not allowed in Stow and asked if granting a new Special Permit for this proposed development could create the possibility of one being built. Board members noted that a Building Permit cannot be granted for a drive thru under the Zoning Bylaw.

Mark Jones said that there is no general zoning regulation requiring construction of fire protection cisterns at new commercial developments, but that the Board is considering such requirements for proposed amendments, and wondered if the conditions could require one at this site. Karen Kelleher said that the Planning Board was satisfied with the fire protection measures taken at this site when the site plan was previously approved and does not think additional conditions are warranted without changes to the site plan.

Chair Lori Clark asked for questions or comments from members of the public. None were offered.

Margaret Costello said that she is happy to see this project proceeding and asked that the applicants respect the Planning Board's work to redevelop Lower Village more toward pedestrians and with less focus on car travel.

Margaret Costello asked about the status of replacement of the internally illuminated Bank of America sign at 118 Great Road. Lori Clark said that the decision includes conditions about the timing of that sign's replacement, and that the same should be included in the new Special Permit.

The Planning Board discussed the applicant's request for a waiver to reduce the application fee. The Board decided that costs and staff time to notice the Public Hearing and draft a Special Permit decision warranted the full application fee and denied the waiver. Valerie Oorhuys said that a new decision will include required plan modification from the previous version, and final Planning Board endorsement will require those changes be made.

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**;
Margaret Costello -**Yea**; Nancy Arsenault -**Yea**

Lori Clark said that the Board will review a draft Special Permit decision at an upcoming meeting. Brian Levey asked that his client be notified when those deliberations are scheduled.

PUBLIC HEARING CONTINUANCE – The Cottages at Wandering Pond Active Adult Neighborhood

Lori Clark said that tonight's Public Hearing will focus on the Traffic Impact Assessment, which has been peer reviewed by Green International on behalf of the Board. Lori Clark said there will be further continuations of the Public Hearing.

Paul Kirchner of Stamski & McNary introduced the project team and said that several changes to the proposed development would be presented.

Paul Kirchner said that the total unit count has been reduced from 141 to 140, owing to a rounding error in calculating the number of required affordable units in the original application. Paul Kirchner said the septic soil absorption system has been relocated a short distance north of the original proposed location, and that road layouts have been adjusted to ensure required setbacks to all dwellings. Paul Kirchner said some units have been located further away from adjacent wetlands, and the sewer system has been redesigned to use gravity conveyance throughout. Paul Kirchner said the stormwater drainage design has been modified to remove most detention basins from the centers of looped roads, and that overflow outlets at detention basins have been designed to channel flows away from dwellings during extreme storms.

John Colonna-Romano asked if the soil absorption system would be closer to the proposed drinking wells. Paul Kirchner confirmed that the system would be closer to the drinking wells but still compliant with all Department of Environmental Protection (DEP) and local Board of Health regulations.

Landscape Architect Tom Miner said that relocating detention basins allowed for more trees to be retained at several locations on the site. Tom Miner said that several homes' walkouts will look out into woods instead of detention basins. Tom Miner said the planting plan is mostly using native species from

the Tree Warden's approved list. Tom Miner said that a few public parking spaces have been added for the proposed trail system around the site. Tom Miner said that the pool location was slightly modified, and some overflow parking was provided near the clubhouse. John Colonna-Romano asked if a pickup location and shelter has been discussed by the applicant. Bruce Wheeler said that they will work on locating such a shelter central to the development.

Mark Jones asked for the reasoning of constructing all detached, single family dwellings, and no multifamily structure that are allowed under the Zoning Bylaw in this overlay district. Bruce Wheeler said the primary consideration was strong demand for a single family product in the older adult market that the development will be marketed towards.

Hydrological engineer Don Provencher explained that irrigation and drinking water wells will be separately located to comply with DEP regulations. Don Provencher said that a protective radius around the drinking water wells, known as a "Zone 1", must be entirely within property controlled by the applicants, and that the pumping capacity influences the radius of this zone 1. Don Provencher said that including the irrigation draw in these wells would have increased the size of the zone 1 radius such that it could not have been located on the site. Don Provencher said that irrigation wells have none of the treatment requirements of a drinking well, and it would not make sense to route that water through the same treatment system as the drinking water. Don Provencher said that irrigation is only needed for a small part of the year, and that factoring this seasonal demand into the design of the drinking water system would have led to system overdesign.

Don Provencher noted that DEP does not have jurisdiction over the irrigation wells, and those are instead permitted by the Stow Board of Health. Don Provencher said that the team will still assess the irrigation needs for the site and include those in separate filings that are reviewed separately from the potable water wells.

John Colonna-Romano asked what parts of the site will require irrigation and suggested that the Board try to minimize the amount of plantings that require irrigation. Tom Miner said that the native plants considered for this development should not require frequent watering, and that all lawn grasses are selected to be drought tolerant. Paul Kirchner said many grassy areas are road shoulders which can be allowed to naturally vegetate to some degree. Paul Kirchner said that plans showing the location and design of the irrigation system will be presented at a future meeting.

Traffic Engineer Daniel LaCivita (Vanasse & Associates, Inc., VAI) recalled the Planning Board received a peer review by Green International of the applicant's Traffic Impact Assessment. Daniel LaCivita said revisions were made to the assessment based on the peer review, most significantly by using a use code for single family housing rather than senior housing, as the development will not include an age restriction. Daniel LaCivita said that the impacts are substantially similar, with the greatest impacts being felt at the intersection of Hudson Road and Route 117. Daniel LaCivita said that other recommendations were responded to with plans to make minor improvement to other affected intersections, as well designing the development entrance to provide adequate sight lines.

Engineer Corinne Tobias of Green International said that they found VAI's responses to their peer review acceptable and recommended that their suggested changes be included in any Special Permit conditions. Corinne Tobias said that the analysis was run with a more intensive land use code, and that impacts to Hudson Road were worsened, with additional queuing time for northbound traffic at the intersection with Route 117. Corinne Tobias said Green's biggest concerns are with site access and safety, including the steep grade on Athens St, which applicant has committed to regrading to be less than 3% grade within 50 ft of the Hudson Road intersection.

Corinne Tobias noted that the applicant has continued to commit to a “fair share” contribution toward pedestrian and complete street improvements. The revised assessment also includes additional signage at the intersections of Walcott Street and Randall Road with Hudson Road. Also included will be a site management plan that shows the location of electric vehicle charging stations in the development. Bruce Wheeler said that bicycle parking will be provided in resident garages.

John Colonna-Romano expressed concern about 40 peak hour left turns out of Athens Lane onto Hudson Road. Corinne Tobias said that under a full buildout scenario this condition is rated “C”, with an average delay of around 16 seconds. Corinne Tobias said that a “C” or better rating is generally considered acceptable in traffic engineering. Daniel LaCivita remarked that the build condition is referenced against the zero units of housing currently on the site.

Lori Clark noted that measurement adjustments were made for both covid conditions and seasons, but wondered if a condition where the Bose property was fully occupied was considered. Daniel LaCivita said that it would be difficult to account for uses at the Bose property because the future use is not known at this time, given uncertainty around the proposal to locate the Masters Academy school at the site. Lori Clark asked if a general condition of occupancy of the site could be assumed. Daniel LaCivita said that the northbound approach to the Hudson Road/Route 117 intersection is already operating at a low level of service and that additional traffic from the west would not worsen this condition.

Corinne Tobias said the best solution for backups at that intersection will be a traffic signal, which is currently being designed. John Colonna-Romano said the traffic impact assessment references the traffic signal as a solution to anticipated impacts, but asked if that has been properly assessed. Daniel LaCivita said queuing will be increased for traffic along Route 117 and lessened for northbound traffic on Hudson Road. John Colonna-Romano asked if coordination with the Bose signal has been considered. Corinne Tobias said that the design will include coordination with that signal to the west.

Margaret Costello said all drafts of the traffic studies have assumed most traffic will travel north on Hudson Road and said impacts to the roads to the south of the proposed development are being overlooked. Daniel LaCivita said that traffic studies are limited in scope to the area within a fixed radius of the project site. Daniel LaCivita said that they estimated that 15% of traffic would go south during peak hours. Corinne Tobias said that MassDOT standard is that an increase of 100 vehicle trips per hour or 5% over existing condition at a nearby intersection requires additional improvements.

John Colonna-Romano said that vehicle trips look to be personal cars, and said that trucks will be travelling in and out of the development during construction and afterwards. Daniel LaCivita said that the land use codes from the Institute of Traffic Engineers (ITE) manual includes an average of all vehicle trips, including delivery and maintenance trucks.

Resident David Bryant (210 Hudson Road) noted that all drafts of the traffic study show a future condition of a level of service “F” at the northbound approach, but said that wait times can still be increased within that condition. David Bryant asked if there are plans in place to resolve issues at that intersection. Valerie Oorthuys said that the Town is working on securing 100% design plans from Green International for a signalization of the intersection. Valerie Oorthuys said that a MassWorks infrastructure grant for construction funds was recently denied, but the Town will be in a much better position for that grant next cycle when cost estimates and design documents are in hand.

David Bryant also said that a grade change at the entrance could affect adjacent wetlands and asked if the Conservation Commission has been asked to provide input. Lori Clark said that parts of the proposal are within the jurisdiction of the Conservation Commission and their own review will take place. Paul Kircher said the project team has already received feedback from the Conservation Commission related to

the design of stream crossings. Paul Kirchner said that no Notice of Intent (NOI) has yet been filed with the Conservation Commission but will be required to begin any site work. Paul Kirchner said an NOI will be filed when all revisions have been made to the Site Plan in accordance with Planning Board Special Permit conditions. Paul Kircher said it will be necessary to fill in some existing wetlands but that replication and compensatory flood storage will be provided elsewhere on the site as appropriate.

Ken Duchi (209 Hudson Rd) said that 30% increase in traffic will make that area of Hudson Road around the proposed development dangerous, and that there was a fatal accident there in the past. Ken Duchi said the traffic study measured speeds at the 85th percentile of drives, and that he wonders how fast the other 15% of observed traffic was travelling. Ken Duchi said that the intersection of Athens Street and Hudson Road will be more dangerous than the Hudson Road/Route 117 intersection if the Planning Board grants the requested Special Permit.

Mark Jones said he has concerns about the grade for those exiting Athens St, and that 3% sounds like a lot for entering a busy road. Corinne Tobias said that the 3% grade limit is set by engineering standards and that a longer slope would have impacts to adjacent wetlands. Corinne Tobias said a gentler grade than 3% will need to weighed against cost feasibility and possible environmental impacts.

The Board agreed to continue the Public Hearing to December 13th at 8:00pm.

Karen Kelleher motioned to continue the Public Hearing to December 13th, 2022 at 8:00pm
John Colonna-Romano seconded

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

John Colonna-Romano asked that the applicant not make changes to the site plan until the Board has had a chance to review and comment on their consulting engineer's peer review during a Public Hearing.

Other Business

Dorothy Granat said that her correspondence is not related to ongoing litigation about the allowed uses at the car dealership property. Dorothy Granat said the Select Board has made decisions that are not in line with the long-term goals of the Planning Board. Dorothy Granat said that zoning should require that the pre-existing non-conformities never be increased. Dorothy Granat said that she is opposed to the Select Board taking a broader role in setting the agenda for upcoming Master Plan updates.

Karen Kelleher motioned to adjourn
Margaret Costello seconded

Respectfully submitted,
Malcolm Ragan