

TOWN OF STOW
PLANNING BOARD

Minutes of the December 6, 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 November 1, 2022 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**

Karen Kelleher motioned to approve the minutes of November 9, 2022 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 mentioned news that a petition for Site Plan Approval for a large distribution warehouse at the site of the former Intel campus in Hudson was recently withdrawn. John Colonna-Romano commented on an error in a recent memo to the Select Board regarding the Planning Board's recommendations for Town Charter revisions; "tactical considerations" should be removed from the Town Charter, not the Comprehensive Plan. Deborah Woods said she will take note of that revision for the Charter Review Committee. Valerie Oorthuys said the Select Board has allotted roughly 30 minutes to discuss these topics with the Planning Board at the next Select Board meeting.

Margaret Costello addressed correspondence regarding the renaming of "Plantation Apartments" to "Elizabeth Brook Apartments". Karen Kelleher, as a board member of applicant Stow Elderly Housing Corporation, recused herself from the discussion. Margaret Costello said she disagrees with the proposal to separate an existing single-family dwelling from the rest of the project, and said that the dwelling should be part of the project and maintained as an affordable unit. Margaret Costello said she questions the logic of selling that unit at market rate in order to subsidize the rest of the project.

The Planning Board asked for an update regarding zoning non-compliance at Stow House of Pizza. Valerie Oorthuys said that there has been no response from the owner and engineer to the Building Commissioner's last email.

Planner's Report

Planning Director Valerie Oorthuys said the Traffic Safety Advisory Committee will host a public forum on December 7 to review a proposed temporary realignment of the intersection of Marlborough Road and Route 62. Valerie Oorthuys said that the resident Justice, Equity, Diversity, and Inclusion (JEDI) working group is working on making revisions to the draft Community Engagement Plan/guide discussed at a previous meeting.

Valerie Oorthuys said the Town's consultant for the Lower Village Water Feasibility Study is appearing before the Conservation Commission tonight to request permits to drill test wells on town property off Red Acre Road and behind Heritage Lane.

Valerie Oorthuys said the Fire Chief has convened a local Hazard Mitigation Plan working group, and have issued a solicitation for quotes for consultant assistance to create that plan.

Valerie Oorthuys reminded the Planning Board of a joint boards discussion with the Select Board on December 13.

Economic Development & Industrial Commission (EDIC) Mission Statement

John Colonna-Romano said he is disappointed that there is no language covering reporting or oversight in the draft mission statement revision. Lori Clark said that the Select Board may intend to communicate oversight expectation, but outside of a mission statement. Lori Clark suggested that the Board address the matter with the Select Board at next week's joint boards meeting. Nancy Arsenault asked what the Planning Board's relationship to the EDIC should be, Lori Clark said there is no guaranteed relationship to the Planning Board unless determined by priorities set with the Select Board's approval. Karen Kelleher said that she hopes to have a cooperative relationship with the EDIC going forward. Board members said they agree with the text of the mission statement but encourage the Select Board to come up with specific goals and specific communication and reporting requirements.

PUBLIC HEARING – 98 Old Bolton Road Hammerhead Lot Special Permit Modification

Karen Kelleher motioned to waive reading of 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**

Planning Board and staff introduced themselves. Engineer Scott Hayes introduced himself on behalf of applicants KC building and Ray Mong and Jacquie Prince. Scott Hayes said the proposed land swap between the applicants requires Planning Board modification of a Hammerhead Lot Special Permit granted in 1990, which created the 98 Old Bolton Road lot. Scott Hayes said the amount of land area being swapped is minimal and will allow 98 Old Bolton Road to become a standard dimensionally conforming lot, while granting enough area to abutting 7 Maple Street to allow it to be divided into two standard buildable lots. Scott Hayes said that an application for endorsement of the plan as "approval not required" under the Subdivision Control Law was also included to actually modify the lot lines, as would become allowable with a Special Permit modification.

Scott Hayes presented the submitted plans to the Board. Scott Hayes said an existing dwelling on 7 Maple Street has been razed, and a replacement dwelling is currently under construction. Scott Hayes showed which pieces of which lots were proposed to be swapped and noted that there are no wetland areas in the project locus.

John Colonna-Romano noted that the plan before the Board does not include all lots that were the subject of the 1990 Hammerhead Lot Special Permit. Scott Hayes confirmed that of those lots, only 98 Old Bolton Road is being modified, and the other lots are not germane to the proposed land swap.

Lori Clark asked the purpose of making 98 Old Bolton a conforming lot. Scott Hayes said that both lots are exchanging area because simply adding additional area to the 7 Maple Street lot would make 98 Old Bolton Road too narrow to exist as a legal Hammerhead Lot. Scott Hayes said that removing 98 Old Bolton Road from the Special Permit would also remove uncertainty about the legality of the lot line adjustments. Scott Hayes said that it was not clear if a modification to the 1990 Special Permit was legally required to perform the proposed land swap, but that an application was made out of an abundance of caution.

Margaret Costello asked who is currently using a common driveway shown on 98 Old Bolton Road. Assistant Planner Malcolm Ragan said that the dwelling of 94 Old Bolton Road is accessed over that driveway through 98 Old Bolton Road.

The Board asked to continue the Public Hearing to January 10, 2023 at 7:15pm. Lori Clark asked that a plan showing all lots included in the 1990 Special Permit and the proposed land swap be presented to the Board.

Karen Kelleher motioned to continue the hearing to January 10th, 2023 at 7:15pm
John Colonna-Romano seconded

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

Green Advisory Committee – New opt-in stretch energy building code

Chair of the Green Advisory Committee (GAC) Arnie Epstein presented details of a new opt-in stretch energy code that has been promulgated by the state Department of Energy Resources (DOER), and said the GAC will propose adoption of the new code at the spring 2023 Town Meeting. Arnie Epstein said the GAC will sponsor the warrant article and would like Planning Board support. Arnie Epstein said that Stow already adopted the current Stretch Energy code when it became a designated “Green Community” in 2015, and that this code will automatically be updated in July 2024 without any further action by the Town. Arnie Epstein said the new “specialized opt-in” code will require a vote by Town Meeting.

Arnie Epstein provided comparisons of the existing stretch code in force in Stow, the update that will automatically come into effect in 2024, and the new specialize opt in code. Arnie Epstein said that incentives for all-electric homes through Hudson Light & Power and the state Green Communities program actually make long term costs lower for all-electric units. Arnie Epstein said Stow is very well

positioned for adoption of the new opt-in code because of very low electric rates offered by Hudson Light & Power.

Arnie Epstein said a framework for being designated a “Green Communities Climate Leader” is also being finalized by the state, which will unlock additional grant opportunities. Arnie Epstein said the GAC will work to earn Stow that designation.

Nancy Arsenault asked if renovations to existing structures will be governed by the updated stretch code or specialized opt-in code. Arnie Epstein said that special requirements for homes utilizing fossil fuels under the opt-in code would not apply to renovations or additions of less than 1,000 square feet. Arnie Epstein said that new requirements for all construction coming from the updated stretch code will come into force automatically. Nancy Arsenault said that Town Meeting voters may be wary of additional requirements for renovations to existing houses under the opt-in code. Nancy Arsenault asked if the current electric grid has enough capacity for more all-electric dwellings. Arnie Epstein said Hudson Light & Power primarily sources its generation from emission-free and reliable sources, primarily nuclear power. Arnie Epstein said Stow would be relatively insulated from electricity rate increases because most of the generation does not depend on volatile fossil fuel prices. John Colonna-Romano noted that 83% of Hudson Light & Power’s generation is greenhouse gas emission free.

Karen Kelleher asked if Hudson Light & Power has the capacity to meet increased electricity demand. Arnie Epstein said that meeting 2030 emissions reduction targets will entail a 20-25% increase in electricity demand. Arnie Epstein said Hudson Light & Power is confident that they can meet this increase in demand, but that toward 2050 they would need to source additional generation and upgrade the Stow substation, including construction of a redundant transmission line.

Lori Clark said the Planning Board is likely to support adoption of the specialized opt-in code at a future Town Meeting. Arnie Epstein said the new code would become effective January 1, 2024 if adopted.

108-118 Great Road Special Permit Decision Deliberation

The Planning Board reviewed the draft decision and made several edits. The Board discussed uses that would be allowed by the decision and agreed it should be limited to office and retail uses, which were the uses allowed under the previously-granted Special Permit. The Board agreed that if a restaurant was proposed for one of the two commercial units, an additional Special Permit would be required for that use.

The Board discussed conditions related to rear lot line and dumpster screening at 118 Great Road.

Nancy Arsenault suggested not including any conditions related to delivery hours, as that could seriously impact the functioning of a restaurant use if one is ever proposed for the site. The Board decided not to include such conditions.

The Board discussed how to ensure that electric utilities are located underground. Valerie Oorthuys suggested some language that would require underground utility connections to 108 Great Road “to the extent possible”. Applicant’s attorney Brian Levey cautioned against conditioning work off site, which the applicant cannot control. The Board asked that a cover letter be attached to decision when it is sent to Hudson Light & Power to emphasize their hopes for underground utility connections.

The Planning Board continued to make additional small edits to the decision, and planned to vote on an additional revision at their December 13th meeting.

Draft MBTA Communities Action Plan

Valerie Oorthuys provided a draft of an action plan drafted according to the Department of Housing & Community Development's template. Valerie Oorthuys said that Stow will most likely achieve compliance with the new zoning requirements for by-right multifamily housing through amendments to an existing zoning district or the creation of a new overlay district. Valerie Oorthuys provided an overview of potential areas to locate a compliant district and listed some site planning considerations the Board should include in any revised zoning language. Valerie Oorthuys said that the action plan template does not require a detailed schedule of public outreach events, and that the Board may want to establish a more detailed timeline for their own benefit. Valerie Oorthuys said that a revised Housing Production Plan in 2023 will include some preliminary recommendations for compliant zoning.

Margaret Costello said that some towns continue to resist these zoning requirements and brought up the example of Kingston, which is considering closing its MBTA commuter rail station in order to not be subject to the new zoning requirements. Margaret Costello said the new requirements are unfair and do not account for other strategies to construct new housing.

FY2024 Budget Discussion

The Planning Board discussed plans to bring staffing responsibilities for the Zoning Board of Appeals (ZBA) into the Planning Department, and suggested that ZBA expenses remain a separate budget item. Valerie Oorthuys said the Town Administrator is open to the idea of additional staff to remove some minute taking responsibilities from current staff. The Planning Board discussed making a special article request to Town Meeting to fund comprehensive planning efforts, the cost of which could be supplemented with remaining American Rescue Plan Act (ARPA) funds or with other grants. The Planning Board agreed that this funding request should not be considered a capital planning item, but acknowledged that the Capital Planning Committee may see things differently.

Mark Jones suggested the budget also reference the many other committees whose work is supported by Planning Department staff.

Karen Kelleher motioned to adjourn

Margaret Costello seconded

Respectfully submitted,
Malcolm Ragan