

TOWN OF STOW
PLANNING BOARD

Minutes of the January 17, 2023 Planning Board meeting

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

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

*Karen Kelleher motioned to approve the minutes of December 13, 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

Karen Kelleher responded to correspondence received from resident Leigh Hilderbrandt and said that the Planning Board is still considering if and how to revise district boundaries as part of Lower Village zoning updates. Chair Lori Clark said that the Planning Board previously discussed revising boundary lines that bisected any parcels in the southwestern area of the zoning district. Lori Clark said the Board does not intend to allow any house parcels in the area of Lower Village to remain split zoned.

Public Input

Jon Mascia (153 Harvard Road) asked if the Planning Board has received any updates from Wedgewood Country Club regarding his concerns related to stormwater runoff downhill onto his property. Planning Director Valerie Oorthuys said that she has reached out twice recently and has not received a reply. Jon Mascia said that several residents near Wedgewood are needing to remediate PFAS in their wells. Jon Mascia said that someone was on his property ahead of a Public Hearing for a Special Permit before the Zoning Board of Appeals, and that it may have been the same person he believes relocated a property pin in 2021. Jon Mascia asked if there has been any update on the appeal of an Erosion Control Special Permit the Planning Board issued last year for a property abutting his. Valerie Oorthuys said there has been no update on that court case. Jon Mascia said that more neighborhood properties are affected by the runoff of late and several are experiencing worsening flooding in basements. Jon Mascia said that he has not received a response from the Select Board on these issues.

Planning Board member updates

Margaret Costello noted that AT&T recently installed a fence around a new backup generator for their equipment at the Gleasondale Mill, which was conditioned as part of a Planning Board site plan approval. Margaret Costello asked that someone inspect the acoustic barriers to ensure that they comply with the conditions of the Site Plan Approval. John Colonna-Romano said that he would be interested to hear feedback from the neighborhood on the function of the noise shielding. Valerie Oorthuys said that she will request an as-built plan from the applicant or ask the Building Inspector to assess the construction for compliance with the Planning Board's conditions.

Planner's Report

Planning Director Valerie Oorthuys said that last week the Dept of Housing & Community Development approved Stow's action plan to comply with new multifamily zoning requirements. Valerie Oorthuys said the Town Administrator's office is hosting a "citizen's academy", which will be a several part series running through the Spring on Thursday nights, for which each department will be asked to prepare a short presentation. Lori Clark said it would be good to record those sessions for those with questions in the future.

Valerie Oorthuys said the Select Board has posted vacancies for the Comprehensive Plan committee, which requires an appointee by the Planning Board, for which there will be a vote at an upcoming meeting.

Vote to Release Performance Guarantee for Pilot Point Subdivision

Valerie Oorthuys recalled that this is a small, 2-lot subdivision off Boxboro Road. Valerie Oorthuys said that a final condition to release the developer from their performance guarantee for the subdivision improvements involves the Town taking title to a land donation in Lower Village, which was offered in lieu of constructing sidewalks. Valerie Oorthuys said the Select Board recently endorsed the property deed, and the Planning Board has been asked to release the balance of the performance guarantee contingent upon recording at the Registry. Valerie Oorthuys said that the performance guarantee balance has been held in an account in the Treasurer's office, where it has been accruing some interest.

Karen Kelleher motioned to release the full balance of the performance guarantee for the Pilot Point Subdivision and close the account pending recording of the deed for the Town to take possession of a parcel shown as #100A on Assessor's Map R-29

John Colonna-Romano seconded

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

Deliberation – 98 Old Bolton Road Hammerhead Lot Special Permit modification

The Planning Board reviewed the draft Special Permit decision and made several minor amendments for precision and clarity. Lori Clark asked if any additional language regarding the common driveway needs to be inserted. Valerie Oorthuys said that the easement is described in both lots' deeds and is shown with identical dimensions on the plan submitted to the Board, so nothing is being altered regarding those rights of access. Lori Clark asked that other properties involved in the proposed land swap be included as a condition of final approval.

Karen Kelleher motioned to approve the Special Permit modification for 98 Old Bolton Road as drafted and amended

John Colonna-Romano seconded

Roll Call Vote: Lori Clark -**Yea**; Karen Kelleher -**Yea**; John Colonna-Romano -**Yea**;
Nancy Arsenault -**Yea**; Mark Jones -**Yea** (Margaret Costello was not in attendance at one hearing and so did not vote)

Vote to recommend design alternative for Hudson Road/Route 117 intersection signalization

John Colonna-Romano said it's a shame that the engineers find it impractical to install a westbound left turn lane, but understands that proximity to the Elizabeth Brook bridge creates serious challenges. John Colonna-Romano said that the advance left turn cycle proposed in alternative 3 would partially address difficulties making a left turn off Route 117. Nancy Arsenault noted that the existing pedestrian island in the Hudson Road crosswalk would be removed in all proposed alternatives. Lori Clark said that when MassDOT reviews that bridge for rehabilitation or replacement, the Town should be prepared to advocate for designs to allow a westbound left turn lane. John Colonna-Romano asked if owners of the liquor store, at which the engineer recommends closing one of two driveway entrances, have been consulted about the proposals. Valerie Oorthuys said that they have not as yet, although the Planning Department does plan to have those discussions.

Karen Kelleher motioned to recommend Alternative #3 as the Planning Board's preferred design alternative for signalization of Hudson Road/Route 117 and to advance toward 75% design
John Colonna-Romano seconded

Lori Clark said that the next step will be 75% design documents. John Colonna-Romano said that some residents don't think this signalization is necessary, either owing to cost considerations or a lack of urgency around safety issues at the intersection. Valerie Oorthuys said that there is no intent to seek construction funds from Town Meeting, and that the department will apply for MassWorks infrastructure grant funding instead.

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

Town Meeting Warrant Articles

Valerie Oorthuys said she provided the Board with a brief memo explaining proposed warrant articles for the next Town Meeting. Zoning articles will include a further revision to the Active Adult Neighborhood Overlay District and repeal of the phasing of growth bylaw. Although the department is investigating revisions to the Wireless Service Facility Overlay District, no changes are expected at this Town Meeting.

Valerie Oorthuys recalled that the Board considered repealing §8.6 – Phasing of Growth in the past, but have never brought forward a warrant article. Valerie Oorthuys explained that the bylaw as written would likely not survive a legal challenge, and that the bylaw has been ineffective at slowing the rate of development. Valerie Oorthuys said that having this bylaw in effect has previously disqualified Stow from Housing Choice Community designation and the capital grants that accompany that designation. Valerie Oorthuys said that staff drafted a memo summarizing relevant case law, and that staff recommend a clean repeal of the section. Karen Kelleher said that the department has known for years that the bylaw penalizes the Town in grant applications.

John Colonna-Romano asked if there is any interest to rewrite the bylaw to meet constitutional and statutory muster. Lori Clark said that the fact that the bylaw was never even triggered shows the lack of usefulness of this section.

The Board viewed a presentation prepared by staff in response to requests by Verizon Wireless to amend the Wireless Service Facility Overlay District. Assistant Planner Malcolm Ragan presented a series of maps that showed feasible locations for cell tower construction within the current limitations of the bylaw. For potentially suitable locations, a viewshed which assumed a tower built to the max height allowed under the current bylaw was calculated to provide a rough approximation of where wireless service could reach. Malcolm Ragan showed that an antenna located on the existing tower at Spindle Hill may provide coverage to new dwellings at Stow Acres but noted that the tower does not have space for another wireless provider. Malcolm Ragan also presented a location atop one of the peaks of Lambert Hill to the South of Stow Acres, which may provide a similar range of service coverage while meeting setback requirements.

Karen Kelleher said it is clear there are potential alternatives to the location proposed by Verizon in the parking lot of Stow Acres, and that the Planning Board should investigate the overlay district on a town-wide basis. John Colonna-Romano said that he is not in favor of Verizon's proposed location, as it is impactful to many adjacent properties, and there may be possible alternative locations. Other Board members agreed that they do not wish to support Verizon's proposed zoning amendments that would allow the Planning Board to reduce setback requirements. Lori Clark said that Verizon chose a location at Stow Acres with disregard for the existing Zoning Bylaw, and did not present any alternatives analysis.

Mark Jones said the Planning Board needs to be realistic that the Federal Telecommunications Act grants significant power for carriers to override local zoning for wireless towers where they can make a basic demonstration of need.

Lori Clark summarized that it looks like there may be other alternatives to Verizon's proposed sites, and the Planning Board should investigate other parcels that would be rational to include in the overlay district. Lori Clark said that the town should conduct careful study and develop an overlay district with feasible locations, in part to protect against a potential suit to allow tower construction at Verizon's proposed site at Stow Acres.

Margaret Costello said that she would be concerned with the visual impact of a tower at the Lambert Hill site, and that it seems a shame to put something like that in next to a recently built recreational trail. Margaret Costello said that she would like to see a more comprehensive alternatives analysis of other potential locations before the Planning Board would consider a location near Stow Acres.

Mark Jones said that potential locations at Minuteman Airfield should be assessed, and that the Board should look at the current 1000-ft setback to dwellings requirement. Lori Clark asked that staff research setback and height limits for wireless towers in surrounding towns. Lori Clark said the Board should also look at the potential coverages if the height limitation were raised slightly.

Margaret Costello commented that the existing Spindle Hill tower creates minimal visual impact given its construction methods, and that allowing additional height may allow for fewer overall towers. Lori Clark asked that potential sites with a reduced setback requirement also be investigated.

The Board questioned what would be required to modify any of the settlement agreements that govern the existing wireless towers. The Planning Board asked that staff communicate to Verizon that they are not inclined to pursue the Zoning Amendments provided, but that they are looking at other site alternatives

and their own zoning bylaw amendments. Valerie Oorthuys said that they will communicate changes to dimensional requirements that the Board is considering.

Finally, the Board discussed two proposed amendments to the Active Adult Neighborhood Overlay District. One amendment would add an additional parcel to the overlay district, which had been erroneously included in Assessor's maps for years. The other amendment would allow attached garages as part of so-called "cottage-style dwellings". Rules and Regulations for Special Permit were recently revised to allow attached garages, but the change was not made in the Zoning Bylaw. Karen Kelleher asked why the applicant for the Cottages at Wandering Pond also requested that the stray parcel also be included in the industrial zoning district. Valerie Oorthuys said that the table of principle uses only allows Active Adult Neighborhoods within the Industrial and Commercial Districts. Karen Kelleher said that it would be simpler to change the entry in the table of uses to allow AANs on any site within the overlay district rather than try to change the underlying zoning of this one parcel.

Mark Jones said that changing the AAN overlay to be allowed on any district could set a precedent for drawing the overlay district onto other residential areas. Karen Kelleher said she understands that the same number of units would be possible if the parcel was not added to the district, but that some units would have to be nearer to some adjacent conservation land.

The Board also discussed a proposal to allow attached garages within proposed cottage dwellings. Karen Kelleher said that the age-targeted intent of the developments makes attached garages a good idea. Board members recalled that there was significant prior discussion about allowing attached garages, which is reflected in the most recent changes to the Active Adult regulations.

Valerie Oorthuys said there will be some additional warrant articles that deal with department finances and non-substantive bylaw revisions.

Planning Board Workplan

The Board reviewed its workplan and assessed priorities. Valerie Oorthuys said that staff have completed a draft of an initial public outreach and framing survey for the Comprehensive Planning effort. John Colonna-Romano suggested that some subtasks be included under large items like the Comprehensive Plan. Valerie Oorthuys said that a document with detailed subtasks and clear deliverables can be provided to the Comprehensive Plan committee.

Lori Clark asked when public outreach events will begin for proposed Lower Village amendments. Valerie Oorthuys said that initial town committee/public forums can start the first week of February.

Valerie Oorthuys said that the Conservation Commission recently approved locations of test wells in Lower Village as part of a water feasibility study, and that drilling will be sometime in February. Valerie Oorthuys said that the town just closed on its portion of the Stow Acres north course, and that a Comprehensive Permit application for the housing proposal is expected soon.

Lori Clark asked what staff consider the next step to achieving compliance with new multifamily zoning requirements from the state. Valerie Oorthuys said staff should be able to complete some basic location feasibility analysis and that a consultant to assist with updates to the Housing Production Plan may also be able to provide guidance.

Valerie Oorthuys noted that the Planning Department continues to support the Complete Streets Committee and will also begin staffing the Zoning Board of Appeals in July.

Karen Kelleher motioned to adjourn

John Colonna-Romano seconded

Respectfully submitted,
Malcolm Ragan