

TOWN OF STOW  
PLANNING BOARD

Minutes of the February 28, 2023 Planning Board meeting

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

Lori Clark called the meeting to order at 7:30pm

**Approval of Meeting Minutes**

*Karen Kelleher motioned to approve the minutes of January 24, 2023 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**.

**Public Input**

None.

**Planner's Report**

*Housing Production Plan*

The Town now has a signed contract with MAPC for technical assistance for the Housing Production Plan and associated public outreach. The project is anticipated to begin in April and will take approximately 9 months to complete.

*Community Engagement Guidelines*

The Working Group intends to present the current draft of the Community Engagement Guidelines at a Planning Board meeting in March.

**Planning Board Member Updates**

Board Members discussed the vacancy in the Planning Department and upcoming interviews with candidates. The Board agreed they would like two members present during the interviews and to invite the top candidate to meet the Board at a regularly scheduled meeting.

**Request to Rezone to Permit Cultivation and Sales of Marijuana at 84 Walcott Street**

*Present:*

Louis Levine, Esq., D'Agostine, Levin, Parra & Netburn. P.C.

Rich Ferrara, Prospective Applicant

Jesse Dykstra, Prospective Applicant

Louis Levine provided an overview of the rezoning request, stating that his clients have a lease at 84 Walcott Street and would like to cultivate marijuana in accordance with all state laws and regulations. The site is not in the Marijuana Overlay District and cultivation of marijuana is not a permitted use in Stow. Louis Levine says his client is interested in the Board supporting the allowance of cultivation in Stow and the inclusion of this parcel within the Overlay District. Louis Levine noted that it has been

roughly four years since the Town voted on recreational marijuana uses and wondered if, in the time since, voters' feelings have changed toward cultivation.

Louis Levine clarified that his clients are not looking to sell directly to customers on site but are instead focused on cultivation and selling to marijuana retail stores or product manufacturers.

John Colonna-Romano recalled that a primary concern with cultivation that was previously raised is the concern of odors. Jesse Dykstra stated that odor is a concern with outdoor growth, however in order to comply with State laws the facility would need to contain odors and appear as a discrete facility. Louis Levine added that through the Town's Special Permit process, the Board could condition that no noxious odors leave the site and that the facility is adequately equipped.

Nancy Arsenault stated that another concern brought up at Town Meeting was concern for security and whether trespassers would be able to break in, as it may pose as an attractive target. Rich Ferrara stated the State's Cannabis Control Commission has very strict requirements on security. Rich Ferrara stated that as the facility would not be open to the public, there would not be signage on site and the facility would not be otherwise advertised to the public. The site would have an on-site security guard at all times.

Rich Ferrara noted that he is already licensed through the State for Tier 6 cultivation, a retail dispensary, and a marijuana courier license under Greenerside Holdings.

Lori Clark noted that the Planning Board typically does not support articles that are specific to a singular property, but may opt to review the Overlay District in general. The Board would need to discuss further whether they support expanding uses allowed in Town and amending the Overlay District. Lori Clark said that there are other means of bringing forth articles to Town Meeting, through Citizens Petitions or as a property owner looking to change zoning on their property.

### **Public Forum- Lower Village Zoning Amendments**

Valerie Oorthuys provided a presentation on the Planning Board's proposed zoning amendments to create a Lower Village Business District. The presentation covered the vision for the district, current problems facing the district, the Planning Board's goals, and a discussion of how the language of the bylaw connects to those goals.

Leigh Hilderbrandt, 196 Great Road, said that the bylaw encourages parking lots to the side and to the rear of buildings, which would impact abutting residences more than locating parking lots in front of buildings. Leigh Hilderbrandt asked if the Planning Board has considered this impact and potential safety concerns with having pedestrians closer to residences. Valerie Oorthuys noted that the bylaw includes landscaping and screening requirements to residences. Lori Clark noted that with some parcels, such as the shopping plaza, this would not mean that parking would be located behind the existing building, but rather the owner would be able, through the Special Permit process, to construct additional buildings along Great Road and allow for parking in the middle of the site.

Laura Reiner asked about implementation of the proposed bylaw, specifically whether new development or redevelopment would require adherence to the bylaw. Valerie Oorthuys said that is correct and the vision will take years to achieve because it does depend on commercial property owners proposing modifications or redevelopment to their sites. Valerie Oorthuys noted that the owner of the former Beef N'Ale restaurant, a Stow resident, reviewed previous Lower Village planning documents including the

visual preference survey to arrive at the design of the newly permitted structure that will replace the Beef N'Ale. However, the Board is not always so lucky with developers, and the site planning could have been improved upon if the zoning did not require so much parking.

Laura Reiner asked for comment on the new development at Maynard Crossing, as she would not want to see that style of development replicated in Stow. Valerie Oorthuys noted the Planning Board would agree with that opinion and stated that Maynard Crossing would not be permitted through this bylaw. The proposed bylaw does not allow freestanding residential buildings, includes design standards that would not allow the architectural style seen in Maynard Crossing, and includes internal sidewalks and functional open spaces to encourage walkability and activate civic spaces.

Ellen Anthony, expressed concern with the bylaw's encouragement of building footprints that include façade articulations, as this provides corners where dust and debris could build up and may not create an inviting space for a business entrance. Ellen Anthony asked if parking lots are located behind businesses would patrons need to walk all the way around the building to gain access? Lori Clark said that retail businesses would have entrances on both sides of the building and noted the example of storefronts along Boston Post Road at Concord Road in Sudbury. Lori Clark said the intent is to have different ways of movement.

A resident who identified themselves only as Mo noted that the location of parking is also a concern for the elderly and disabled, as they would need storefronts to be easily accessible from parking. Mo noted that she had heard it took two years for the owner of 108 Great Road to get through the Special Permit process and asked whether the length of time of the Special Permit process would be addressed through the proposed zoning. Lori Clark corrected this, as the owner has had his permits in place, however the pandemic caused some obstacles. Lori Clark stated the original permit was granted within seven months of the date of application. Lori Clark said a typical Special Permit timeline could be made public.

Mo stated that the vision described in the presentation recalls the image of downtown Concord and stated this would take a long time to achieve and existing structures would need to be demolished. Lori Clark agreed the vision will take a long time to achieve, however the Board isn't imagining Lower Village would look like Concord Center because Lower Village does not have on street parking, the streetscape, the population, or the proximity to public transit. What is intended to change from the current landscape is the design of buildings, the design of parking lots, the increase in pedestrian and bike accessibility and the inclusion of open space for community activities to locate.

Charlie Hartford noted that the bylaw includes mixed use development and asked whether the intent is for the proposed bylaw to meet the Town's requirement of allowing multifamily housing development in accordance with the MBTA Communities legislation. Lori Clark said this point hasn't been specifically discussed as of yet.

Marcia Rising asked about the boundary of the proposed new district and whether it would only cover the Shopping Plaza. Valerie Oorthuys said it would include all of the business district parcels within the Lower Village neighborhood.

Marcia Rising said that she feels allowing mixed use development is a good idea, though she expressed concern with the lack of public water and sewer infrastructure. Valerie Oorthuys agreed, stating that the

intent is to get the zoning in place before any water and sewer infrastructure comes so that the Town has greater control over the look and feel of the district as it gets redeveloped.

Leigh Hilderbrandt, 196 Great Road, asked if the bylaw requires second floor units, as this would restrict universal design. Valerie Oorthuys said the bylaw does allow a certain percentage of units to be located on the first floor. Lori Clark added that the intent is not to have free standing residential structures, as this is the Town's primary business district.

Dorothy Granat, 11 White Pond Road, expressed concern that the bylaw's inclusion of no minimum lot size would result in subdivision of existing lots that are already undersized for water and septic systems. Dorothy Granat said that she is not in favor of any change to buffers. John Colonna-Romano said the intent is to provide flexibility to dimensional requirements to allow for developers to put forth more creative proposals. John Colonna-Romano said that major redevelopment would require the Special Permit process, so these types of concerns would be addressed in a public meeting and negotiated on a case by case basis. John Colonna-Romano said there is no incentive for a property owner to decrease the size of their lot to make a site plan non-viable.

Dorothy Granat asked if the Building Inspector and Zoning Board of Appeals have provided their input. Lori Clark said that all Town Boards and Committees, as well as Town staff, have been asked for input.

Rich Presti, Presti Limited Partnership, provided feedback as a commercial property owner, stating that he feels the vacancy issues in Lower Village may not go away unless the provisions of the bylaw are approved. Rich Presti noted that three of the uses which will no longer be allowed are those that occur on his property at 92 Great Road. Rich Presti reiterated that redevelopment will not happen without water or sewer infrastructure provided to the south side of Great Road. Rich Presti said the bylaw should be reviewed to understand whether they encourage or discourage development. Rich Presti said that he feels that given the size of the parcel he owns, a future anchor tenant of Lower Village will be located at 92 Great Road, however without infrastructure the vision will take decades to achieve. Rich Presti agreed that redevelopment will include existing buildings in Lower Village being leveled in favor of a higher and better use. Rich Presti noted the Special Permit process, in addition to other Town approvals and licenses, is a burdensome process that may stymie change. Lori Clark agreed that water is key to redevelopment, though the Board wants to put zoning in place first. Lori Clark said the newly prohibited uses are not intended to target any specific property, but rather taken from resident feedback heard through the years at public forums.

Rich Presti said there has been recent interest in 92 Great Road, as an unsolicited offer came in to knock down the building and bring new businesses in, though he did not disclose why this deal did not come through.

Ellen Anthony asked for clarification about no longer allowing gas stations, garages or repair shops. Valerie Oorthuys said these uses would no longer be allowed in the new Lower Village Business District, but would be allowed in the Business District zoned parcels located at the Hudson Road and Great Road intersection and at the Harvest Drive and Great Road intersection. Further, existing garages and repair shops in the Lower Village Business District would be allowed to continue operating.

Leigh Hilderbrandt asked how recently the Board has received public input and wondered if the Board is acting on outdated information if Maynard Crossing was developed after the Board last received

feedback. Lori Clark said that the Business District Assessment and Market Analysis was completed a few years back, when Maynard Crossing had been announced, and our consultant produced an analysis and recommendations understanding that Stow is a small town and does not have a large market reach.

Leigh Hilderbrandt asked of the proposed zoning changes, which are going to be the most appealing to businesses and why? Valerie Oorthuys distinguished between business owners and commercial property owners, stating that a business may come in because they're attracted to a specific tenant space or to the local market. Valerie Oorthuys noted that in previous surveys, business owners have remarked on their wish for a more attractive and vibrant district as they stated that was a deterrent. With outdoor civic spaces, outdoor dining, a strong anchor tenant that would bring patrons to the district, Lower Village will become more attractive to businesses.

Mo asked how the bylaw, if passed, would be promoted to welcome new businesses to Lower Village if the district still looks the way it does today? Valerie Oorthuys agreed that there will need to be outreach to businesses and noted that staff have provided existing commercial property owners with the draft bylaw so that they can be aware of the implications of Town Meeting approval of the bylaw. Staff would likely lean heavily on commercial property owners for drawing in new businesses, however Stow has connections with other regional economic development groups such as the 495/MetroWest Partnership and the Assabet Valley Chamber of Commerce.

Mo asked if the Town still has a single tax rate. Valerie Oorthuys said Stow has a single tax rate.

Matt Gallacher asked how many residences the Board would anticipate coming in. Valerie Oorthuys said the zoning would allow for a maximum density of 6 units per acre, should the developer wish to construct mixed use development. Matt Gallacher asked if the inclusion of mixed use development was considered in conjunction with the 189 units of housing proposed at Stow Acres. Valerie Oorthuys said the Board is aware of the growth in Town and the Board does not anticipate every property owner to construct mixed use development, due to the size of the lots in Lower Village. Valerie Oorthuys noted that population growth and impact on municipal services is certainly something the Planning Board takes into consideration and will be reviewing in greater detail through the Comprehensive Plan process. Lori Clark reiterated that it will take many years for Lower Village to develop into the vision put forth in the bylaw, and the district as a whole will not immediately change.

Matt Gallacher asked if there are plans for a cell tower to locate in the Lower Village in conjunction with this bylaw. Lori Clark said that has not been discussed.

Margaret Costello highlighted the Business District and Market Analysis that was done a few years back, stating that interested residents should review that document for its recommendations and findings as it was put together with feedback from residents, business owners, and commercial property owners.

Leigh Hilderbrandt questioned whether planning documents from three years ago are out of date given the pandemic and market conditions changing.

Trish Settles expressed her enthusiasm for the proposed zoning and asked if the Board is considering putting forward design guidelines if the bylaw is passed. Valerie Oorthuys said that the Board has discussed this and would want to work on design guidelines once passed.

Mark Dexter expressed support of the proposed zoning, stating that bike and pedestrian accessibility is important. Mark Dexter said that the bylaw would allow residents to park in Lower Village and easily patronize several shops with ease.

Sally Griffin said that while she generally supports the bylaw, she is concerned with the shrinking buffer to residences. Sally Griffin asked if voters would be able to vote on that item in isolation. Valerie Oorthuys said the bylaw would be presented at Town Meeting as a bundle, however the Board will continue to consider feedback in the lead up to Town Meeting. John Colonna-Romano restated that the bylaw includes language to allow the buffer between businesses and residences to be considered through the Special Permit process, which is a public hearing. John Colonna-Romano noted the example of the True West Brewing building in West Acton as a good visual of the Board's intent with this bylaw.

Matt Gallacher noted that the True West building does not have housing. Lori Clark stated that the proposed bylaw does not require developers to create housing, but allows it as an option. Nancy Arsenault cited other mixed use buildings in West Acton, noting that housing was also part of Acton's vision.

Lori Clark thanked participants for attending the presentation and providing comments and feedback for the Board to consider.

The Board concluded the public forum and reviewed the proposed bylaw. John Colonna-Romano noted the proposed changes to the schedule of minimum parking may need some clarification to distinguish between the Business District and the Lower Village Business District.

Karen Kelleher motioned to adjourn.

Margaret Costello seconded.

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

Respectfully Submitted,  
Valerie Oorthuys