

TOWN OF STOW
PLANNING BOARD

Minutes of the March 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 7:00pm

Review of Correspondence

Several members mentioned the articles against drive-thrus included in the packets, noting the different perspectives and long term affects. This topic would be brought up again later in the meeting.

John Colonna-Romano referenced a letter from the State regarding MBTA Communities legislation, admitting that he was surprised that the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants.

Public Input

Mark Forgues, 9 White Pond Road, asked when the Planning Board would be reviewing the final revisions for the warrant as he feels there would not be time enough for public comment to be incorporated into the draft before the submission date. Members noted the Board is required to hold an upcoming public hearing, and though the draft Warrant would already be in print, the public will still be able to weigh in on the Planning Board's proposed language. It was reiterated that the Planning Board is following their typical process.

Dorothy Granat, 11 White Pond Road, said she was concerned about ground water protection, and asked why several of the allowed uses in Lower Village did not match up to the table of uses regulated by Massachusetts DEP due to location over the aquifer, and also because of current interim well head protection areas. Planning Board agreed to review the topic to better understand the question asked. Dorothy Granat noted she would send a follow up email further describing the concern.

Planning Board member updates

John Colonna-Romano said the Community Preservation Committee (CPC) reported that the West School Preservation project would not make it to Town Meeting. The proposal for the Gleasondale school lot will move forward, however. He also said Green Advisory Committee is working on a policy to make new municipal buildings fossil free where possible. The Finance Committee already approved it and next week it goes before the Capitol Planning Committee. From there it would go to the Select Board for a discussion, followed by a vote.

Planning Director's Report

Valerie Oorthuys commented on the MBTA Communities letter. She reiterated that it is not an "opt in" recommendation, but rather a change in law, underscored by the Attorney General.

Valerie Oorthuys gave an update on the Kane Land access trail project, saying bid request would be posted the following day, with construction costs anticipated for the end of April.

Regarding the intersection improvement project at Great Road and Hudson Road, consultants at Green International would be preparing a notice of intent to file with the Conservation Commission. She also noted that Green would do the fieldwork for pavement and lighting.

Valerie Oorthuys stated the Housing Production Plan will be started in earnest next month, in collaboration with consultants from MAPC.

Lastly, the Planning Director asked for any comments to include in the Planning Board summaries that accompany the warrant articles. A suggestion was made to include more explanatory language to the marijuana article. Valerie Oorthuys said she would clarify that there is no change, only that the language itself is being cleaned up to align with what is referenced by the state.

Public Forum: Lower Village Business District Zoning Amendments

Valerie Oorthuys opened the public forum discussion and provided a presentation on the proposed Lower Village Business District zoning. The presentation reviewed the purpose of the bylaw, existing conditions of the district, history of planning efforts, and an overview of how the bylaw provides solutions to key problems the district currently faces. In summary, the vision of the district is of a walkable village district which includes a strong mix of uses (restaurants, services and retail), allows for housing, is accessible by car, bike and by foot, and also has a distinct sense of place, so that the district is known as the “gateway to Stow” where people want to play, stay and shop. She summarized that the bylaw will lead with architectural and design standards, rather than strict dimensional requirements. The special permit/site plan approval process will remain in place to help the Planning Board to work with the applicants to produce developments that align with the vision. Public feedback and conditions of approval will still be met.

Peter Flinker, of Dodson and Flinker, stated he was hired to help visualize what the new bylaw could produce. He said he tested the rules and regulations of the current zoning, to see if the vision could be met. He shared his screen to display a rendering of existing conditions and another of an imagined view. He noted changes would be based on decisions of individual landowners, future developers, and the town’s review process, but said the basic concept is to flip the parking to the rear and bring the buildings to the front of the main street. A perpendicular entrance way would also be added, to make it feel more like a side street and would include “on-street” parking, with trees and sidewalks. He said that a traditional village concept could develop in Stow, but it wouldn’t happen all at once. The key is knowing how to fit the standards into the process, as development is occurring.

Peter Flinker talked about a phased approach in Lower Village. In the first phase, as a hypothetical, he showed an example with the removal of part of the plaza, next to the Lower Common, but left the supermarket and some of the other businesses. In place of the removed portion strip mall and parking lot, was an attractive new building, complete with gables, 2-3 stories, with the parking behind it and pedestrian space in front, with buildings opening up on either side of the sidewalk and lined with trees to feel comfortable and attractive. Development in the second phase could take place along the street frontage, with a new building on the other side of the newly created entrance street. The supermarket and parking could remain and keep functioning, or eventually be redeveloped as more mixed-use. The buildings, under the zoning, could be several stories tall, with retail on the ground floor, offices or apartments above and parking to the rear. Development on the south side of the street could take shape, with some of the existing buildings remaining. By consolidating the access points and linking the parking

lots in the rear of the buildings you can free up space along the street, with fewer required driveways. New buildings could replace the space, the sides of older buildings could be filled in, or an existing building could be expanded. There would be many opportunities for change, but the work could be done around the existing businesses. The hope is to create an environment that is better for them, and better for new businesses, as time goes along.

Joel Kadis, President of Linear Retail, expressed his wish for the Planning Board and Linear Retail to have better communication when talking about change in the district. It was clarified by the Board that Peter Flinker's sketch plan was only a conceptualization of the bylaw. Valerie Oorthuys said she appreciated the comments made by the representative of Linear Retail. She noted that efforts have been made by the Planning Board to communicate, for nearly a decade. She also said they had worked with economic development experts, based on an understanding of what the market range is and what types of uses could thrive in Stow. She reiterated the goal of the bylaw is to guide the long-term vision. Peter Flinker shared his final thoughts, adding that it was great to see representatives of the owner of the plaza on the call.

Public Comments

Linda Hathaway, 76 Crescent Street, said that she appreciated the Planning Director's work on the presentation and the Board's efforts on the new zoning bylaw, so the town will be ready for future improvements to Lower Village.

Hector Constantzos, Meeting House resident & Select Board member, said it was a great presentation. He said he was unable to attend the one prior at Meeting House, but wanted to mention residents there often ask why the Lower Village District is expanding to include Meeting House? He said he has tried to explain to them that it is not a change in size, but in the concept of the business district. Members clarified that the district is not expanding, as Meeting House has always been located within the Business District.

Public Hearing: Citizen Petition from Linear Retail to allow drive through establishments in the Business District

Lori Clark opened the public hearing.

Karen Kelleher motioned to wave the reading of the public notice.

John Colonna-Romano seconded.

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

Present:

Mark Bobrowski, representing Linear Retail

Joel Kadis, co-CEO, Linear Retail

Greg Drowes, Director of Development, Linear Retail

Mark Bobrowski reviewed the details of the Petition and described the purpose as adding an establishment whose principle or ancillary method of operation includes sale of food or beverages for takeout and paper, plastic or other disposable containers, or where food and beverages are served directly to the customer, in a motor vehicle. He noted there were several reasons why this was being proposed.

One example was the experience of Covid. Another was the idea that restaurant dining is a passed pleasure, like it or not. The solution, Attorney Bobrowski said, is the drive-through & take out model, which he feels serves a lot more people quickly. He also noted the need for synergy in the existing plaza, stating that anyone that shops there can see that there's a significant problem with people coming in and out. Mark Bobrowski said he feels a drive-thru operation will allow people to enter and leave the site, and perhaps fulfill other shopping needs at the stores that are available to them. He noted that he believes most of the traffic will be pass-by traffic on today's volume. Lastly, he said, he feels a drive-thru can be safely handled at the location being proposed.

Joel Kadis spoke about the challenges facing the businesses at the plaza, not just from Covid or online shopping, but also because a new major development (Maynard Crossing) occurred successfully where the majority of the population in the area lives. He talked about the common interest, between Linear and the Town, for a healthy and sustainable place to shop and this is why Linear is trying to leverage off the cars that already drive by the center. He stressed that no restaurants are interested, at all, in that space in the plaza (ie: Papa Gino's), and they are proposing a Starbucks drive-thru (no sit-down) at the end cap. He noted that a public gathering space could be created, which would be consistent with the Town's vision. He summarized, stating the hope is to bring a Starbucks that will be unique for the area, that we'll take people off the road and bring them into our center to shop and bring additional vitality, which has been materially challenged by the Maynard development.

Public Comments

Hector Constantzos, Meeting House resident & Select Board member, asked if this petition and the Lower Village proposed bylaw were separate issues on the warrant. Lori Clark confirmed that they are two separate articles and Town Counsel had been approached for clarification on how the two items would appear on the warrant and what would happen between the two, depending on the order. She said the Board hoped to have an answer before the next meeting. Joel Kadis, of Linear, said he would appreciate knowing as well.

Mark Forgues, 9 White Pond Road, stated that he did not think there had been enough communication with Linear and argued that the Lower Village zoning amendments should be held off, which would allow Linear to be grandfathered in. He said he thought it was a good proposal.

Ross Perry, 4 Circuit Drive, thanked the Board for posting research on the topic ahead of the meeting. He said he thought businesses should speak for themselves and the Board should keep an open mind when considering if Starbucks would like to locate in Stow. It was also his opinion that the number of drive-thrus in the Lower Village will be self-limiting and traffic would not be a concern if properly addressed by special permit. He said he liked the idea of curb-side pickup, as an alternative. He also commented on the negative impacts of food trucks. He ended by discouraging the Board from allowing the closure of Gardner Road.

Andrea, a resident of Pompositticut Street, asked for an explanation of how the patrons of a drive-thru business would be helping the other businesses in the plaza. Representatives of Linear reiterated what was said earlier in their presentation.

Bob Wilber, 288 Red Acre Road, made a comment about grid lock traffic and cars backing up at the intersection of Red Acre and Great Roads, which happens several times daily and makes it a dangerous location. He said Gardner Road is a convenient entry into the plaza, provides relief during those times,

and should not be underappreciated. He also noted the historical significance of location, harkening back to the American Revolution, when Patriots marched from there to Lexington. The idea of putting a road through Lower Village Common would encounter tremendous resistance, he said.

Leigh Hilderbrandt, 196 Great Road, expressed her concern about the traffic, especially eastbound in the morning, and for left-hand turn movements, both into and out of the plaza. She added the logical location would be on the right side of the street, not the left.

Kathy Sferra, resident of West Acton Road, stated the proposal runs counter to everything that the Planning Board and the Lower Village subcommittee have been trying to do in Lower Village. She advised against the closure of Gardner Road, which would have significant traffic implications on Route 117 & Red Acre Road, and on Samuel Prescott Drive. She warned that the draft site plan submitted is probably not approvable and noted the risk of potential litigation with the Town. She noted that cities and states have been prohibiting drive-thrus due to climate change and emissions, and this would be counter to that. She concluded, however, with a statement Starbucks could be welcomed in Stow, but they should be asked to conform with town's zoning.

Allan Fierce, 284 Red Acre Road, noted the difficult traffic conditions during peak hours at the intersection of Route 117. He mentioned he had advocated for a stop light in the past, but it had not met the requirements of the state's traffic studies. He said a drive-thru at this location would add to the congestion and cause drivers to flood Samuel Prescott Drive. He strongly urged that traffic flow be considered as part of this proposal.

Mark Forgues, 9 White Pond Road, suggested Starbuck's construct a drive-thru with a one-way entrance only at Gardner Road to prevent adding to the traffic congestion at this location.

Gordon Landis, 111 Crescent Street, stated he was concerned with the use of disposable containers in a drive-thru scenario. He said this goes against green thinking for a sustainable Stow and would add more trash to the roads. He noted the ban of new development of drive-thrus seen in many places in the world. He also questioned if a drive-thru would encourage drivers to get out of their cars and into other stores.

Megan Page said she and her husband, Mark, were the owners of a local Dunkin Donuts franchise planned to locate at 108 Great Road. She said that while they would love a drive-thru, they plan to locate in Stow, with or without one. She said they want to see the business community in Stow thrive and had already been approved through a public hearing.

Hector Constantzos, 34 Meeting House Lane and Select Board member, asked for clarification to the two parts of the discussion. Lori Clark confirmed step one is for the Town to decide if they want to change the zoning to allow drive-thrus in the business district. If it were to pass, step two would include businesses looking to submit applications for a drive-thru at a particular location. Each one would be subject to site plan review, meaning a public hearing process with public comment and input from relevant Boards and Departments.

Dorothy Granat, 11 White Pond Road, agreed with what many of the residents said about the traffic and trash. She warned against the traffic implications at this location and potentially up and down Route 117.

Andrea, a resident of Pompositticut Street, noted the number of pedestrians walking to and from the plaza. She asked if there is plan for the plaza, in terms of safety and attractiveness to pedestrian traffic, if a drive-thru is allowed. Foot traffic helps the other businesses in the plaza, she said. Joel Kadis, of Linear, replied a traffic study would be completed, after final approval, and assured the resident it would be addressed.

Planning Board Members expressed frustration about how the presentation sounded like a site plan or special permit application for Starbucks, and clearly this was not the intent of the discussion. They agreed that approving the warrant article could result in not only one drive-thru, but many. The district may become an automobile-oriented, drive-thru strip, going against what they had been working on for decades, based on what they understood from surveys, that residents wanted a pedestrian-safe village district.

Nancy Arsenault noted the intersection at Hudson and Great Roads, and an undeveloped parcel at Villages, listed as commercially available would be included as potential drive thru sites if this article were to pass. She reminded others to keep in mind the bigger picture and concluded that there's a future to consider with this, not just the immediate service of coffee.

Karen Kelleher referenced the earlier comment about Stow not having the population to invite a restaurant, only a drive-thru and gave examples to the contrary. John Colonna-Romano agreed.

Margaret Costello stated that she thought the proposal was short-sighted proposal and didn't fit the vision.

Deb Woods said that she didn't think a drive-thru would be the silver bullet that others were making it out to be. She further stated that there are other issues to consider when talking about the plaza, such as business models and traffic.

Mark Jones stated a drive-thru is 'out of sync' with a pedestrian-oriented vision.

John Colonna-Romano added that if a drive-thru were to go through, it should be required to use more environmentally friendly packaging. Nancy Arsenault followed this thought with a suggestion for placing regulations on trash removal.

Lori Clark summarized that the Planning Board was in agreement that the idea runs counter to the vision of pedestrian-friendly people gathering places. A secondary concern would be that it would be inconsistent with the state regulations in trying to reduce greenhouse gas emissions and trying to achieve a more sustainable Stow.

Gordon Landis, 111 Crescent Street, made a comment about the synergy of the various shops in the Lower Village, that it already exists with the businesses in the plaza but as walk-in scenarios, not drive-thru. He said this is what needs to be encouraged to create more synergy within the plaza.

Mark Forgues, 9 White Pond Road, said they should focus on traffic mitigation on Route 117, which has a speed of 35 miles per hour. In his opinion, locating a drive-thru there would help slow the traffic at that end of the plaza and on the surrounding roads.

Lisa Fierce, 284 Red Acre Road, asked if Starbucks is willing to come to Stow only on the condition that they are allowed to have a drive-thru? Joel Kadis confirmed this condition is explicit to what Starbucks is looking for. Lori Clark reiterated this is consistent with the business model that Starbucks typically works under.

Margaret Costello motioned to close the public hearing.

Karen Kelleher seconded.

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

Karen Kelleher moved that the Planning Board not support the petition for drive-thru inclusion in food establishments in the Lower Village Business District or in any business district in Stow.

John Colonna-Romano seconded.

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

Work Session: Lower Village Business District Zoning Updates

Valerie Oorthuys said she would be providing a complete draft to the Town Administrator by the April 3rd deadline, however the Town Administrator will allow a final draft of the Lower Village bylaw to be submitted by April 5th to provide the Planning Board an additional meeting to review.

Lori Clark noted the Board should discuss the bylaw's language around design, as the language could specify periods of historical significance as it pertains to the types of architecture they want to encourage in Lower Village. Valerie Oorthuys noted that a diverse representation of historic features can have a cohesive appearance, but it has to be done well. Members talked about the concept of parapets for some time.

Valerie Oorthuys reported that she had obtained background information from the Acton Town Planner about the VillageWorks building in West Acton at 525 Massachusetts Avenue. Planning for VillageWorks dates back to 1994, when a master plan helped create the zoning, and then it just took a while for the right developer to come along. Members agreed this building was something to strive for from a design perspective. The Planning Director reiterated that it takes time, a long time, so it is important to get the zoning in now.

The Board worked through more comments, noting changes in the draft under signs, decentralized parking, and buffers to abutting districts. Valerie Oorthuys said that her interpretation of the discussion last week was that if buffers are needed in the residential district, then they would also be desirable to residences, within the business district. John Colonna-Romano noted that this wouldn't include a pre-existing mixed use. Members agreed that it was necessary to distinguish between the two. The discussion turned to parking lots, loading areas, and the question of what should be allowed in landscape buffers. Valerie Oorthuys said she would clarify terms with Peter Flinker. She said she would also include a statement that buffers are not part of the functional landscape.

The Board talked about their preferences of landscaping components, and if explicit language is needed, to make the terms more clear to applicants. All agreed that tree size and planting specifications are better suited to regulations. Margaret Costello added that language about minimum soil volume, to allow for proper tree growth, would also be helpful.

The Planning Board reviewed the Table of Principal Uses, making edits pertaining to independent adult residences, noting that Meeting House and Faxon Farm are grandfathered in, business/professional offices, sales rooms for bicycles, country/membership clubs, hotels/motels, gasoline service stations, garages, or repair shops. Lori Clark confirmed that all the uses being called out directly in the bylaw were listed on the table.

Members discussed the Planning Board summary of the warrant article, adding language to include the main points from the presentation to highlight the 5 key features of the village design, the benefits to residents and businesses, and to stress that this is a long-term goal. Members confirmed the public hearing date on the bylaw is April 18th.

Margaret Costello motioned to adjourn.

Nancy Arsenault seconded.

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

Respectfully submitted,
Julie Windzio