

TOWN OF STOW  
PLANNING BOARD

Minutes of the June 6, 2023, Planning Board meeting

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

Absent: Nancy Arsenault, Deb Woods (non-voting associate)

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

**Approval of Meeting Minutes**

*Karen Kelleher motioned to approve the minutes of March 7, 2023 as amended.*

*John Colonna-Romano seconded.*

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

*Karen Kelleher motioned to approve the minutes of March 14, 2023 as amended.*

*John Colonna-Romano seconded.*

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

*Karen Kelleher motioned to approve the minutes of May 16, 2023 as amended.*

*John Colonna-Romano seconded.*

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

**Public Input**

None.

**Planning Board Member Updates**

John Colonna-Romano updated the Board that he has been reelected for another term as a member of the Board.

John Colonna-Romano stated the Green Advisory Committee hosted a booth at Springfest. The visitors to the booth showed interest in preserving the Forests of Stow; John Colonna-Romano shared that protecting the forests can help reduce carbon emissions in Stow by 20%. One visitor to the booth was asking about a missing sidewalk section near the cemetery on Route 117; John Colonna-Romano informed the visitor to contact the Complete Streets Committee or the Planning Board.

Karen Kelleher stated the Planning Department will be staffing the Zoning Board of Appeals beginning July 1. Town Counsel will be assisting the Zoning Board of Appeals in providing guidance on determining if a variance or special permit is required for expanding a nonconforming single-family dwelling.

## Planner's Report

### *Stow Acres Climate Resilience Master Plan*

The Town has selected the consulting firm BSC Group to assist in the preparation of the Stow Acres Master Plan.

### *Comprehensive Plan Update*

The Town received four proposals for technical assistance for the Comprehensive Plan update. Staff will select a consultant, with the goal of kicking off the project in July. Planning applied for a Community OneStop grant in the amount of \$100,000 to partially fund the project. 6 of 7 seats on the Master/Comprehensive Plan Committee have been appointed and staff are looking to schedule the first meeting of that Committee in the coming weeks.

### *Hudson Road/ Route 117 Intersection Improvements*

Staff have applied for a MassWorks grant for construction funding. The plans are about at the 75% design phase and the project has received an Order of Conditions from the Conservation Commission. Next steps include developing an easement plan ahead of the fall Special Town Meeting in order to have the Town accept any needed easements related to the project so that construction may begin early in the 2024 construction season.

### *Boxmill Bridge Reconstruction*

Conservation staff have led the eminent domain process so that MassDOT may move forward with reconstruction and temporary replacement of the bridge. The Town is in receipt of environmental permitting plans for the project.

### *Assabet Regional Housing Consortium Spring Event*

The Assabet Regional Housing Consortium has planned a spring event for Tuesday, June 20<sup>th</sup> from 1-2:30pm via zoom. The topic is 'Creating Support for Affordable Housing'.

## Public Hearing

### *148-156 Great Road Special Permit Reissuance*

Present: Rich Harrington

Lori Clark opened the public hearing.

*Karen Keller motioned to waive the reading of the public Notice of the Public Hearing.*

*John Colonna-Romano seconded.*

**Roll Call Vote:** Lori Clark – **Yea**; Karen Kelleher- **Yea**; John Colonna-Romano- **Yea**; Margaret Costello- **Yea**; Mark Jones (Voting Associate Member) -**Yea**.

Staff provided background information about the purpose of reissuing the Special Permit. The Special Permit will expire at the end of June 2023 for the applicant to come into compliance. Reissuing the special permit will allow the Town to enforce the conditions within the permit.

Rich Harrington, on behalf of the applicant, presented a plan to the Board. Marked on the plan are two buffers, one 30 feet and one 50 feet from the property lines adjacent to residential parcels, and a line around the area disturbed. The map contained aerial imagery of the site. Rich Harrington verbally

explained the plan for the site. The plan included grading the mounds of earth, putting in erosion control measures, and prepping the site to accommodate future outdoor dining seating pads.

Lori Clark asked Rich Harrington for clarification on what he is presenting. Lori Clark asked if Rich Harrington is proposing to do work on the site without a plan, and what his intentions are regarding the conditions of the Special Permit. Rich Harrington did not respond regarding working without a plan.

Rich Harrington referenced conditions set in the Special Permit that he believes do not apply. Regarding condition 7.5, Rich Harrington stated that the timeline is already past. Regarding 7.10, Rich Harrington stated that the addition to the building was to be added to the plan which he claims has since been completed. Regarding condition 7.13, Rich Harrington stated that the plan has changed, making the grade of the slope less steep. Regarding condition 7.14, Rich Harrington stated that there is no longer a need for a retaining wall. Regarding 7.23, Rich Harrington stated that there is no need for screening the parking as the parking on the site is all located in the front of the site; the parking to the side and rear of the site will not be altered. Regarding 7.24, Rich Harrington claimed that the 8-foot fence is not needed as there is an existing berm that blocks the view from 196 Great Road, and there is screening on other properties adjacent to the site. He claims that the vegetation removed on the site was interior vegetation and that there was no need for screening as the vegetation removed was not within the buffer zone. Regarding condition 7.25, Rich Harrington claimed that the gravel is not within the specified buffer around the neighboring property. Rich Harrington then claimed that the dumpster is most conveniently located at the rear of the site and would not need screening as other properties along Great Road have visible dumpsters.

The Board then presented comments and questions regarding reissuing the permit. Karen Kelleher stated she is supportive of reissuing the Special Permit but is frustrated that no plan has been submitted. Karen Kelleher asked Rich Harrington if he has a plan; Rich Harrington responded that he does. John Colonna-Romano is hesitant to reissue a permit, citing the amount of time that has passed and the lack of any progress being made. Lori Clark clarified that it was in the Special Permit that no work is to be done until a plan is received by the Board. Margaret Costello did not have any further comments to make and supported the comments of John Colonna-Romano.

Lori Clark asked Rich Harrington why nothing has happened in 2 years. Rich Harrington stated that he was introduced to the project 1 year ago, the zoning has changed, Staff were not available, and he did not have the time to create the plans due to his workload. Lori Clark articulated frustrations regarding these excuses and her frustrations with the site.

Lori Clark opened the hearing to the questions and comments from the public.

Leigh Hilderbrandt, 196 Great Road, asked the Board if any appeals to the Special Permit were recorded in the Registry of Deeds, as she could not find any recorded with the Registry, and questioned why the Board will not allow the permit to expire so that it must follow the new Zoning Bylaws. Lori Clark responded that this site is a unique in that the work done started before a permit was issued; letting the permit expire would mean that the applicant would not have to do any more work on the site. Leigh Hilderbrandt said that she believes that the site should be responsible for providing screening since it is a business adjacent to residences, specifically her residence.

Dorothy Granat, 11 White Pond Road, shared how she sees the situation as frustrating and that she is thankful to the Board to continue trying to enforce it.

Mark Jones suggested that the Board to affirm the previous decision of the Special Permit, and then consider modifications if needed. John Colonna-Romano agreed.

Leigh Hilderbrandt, 196 Great Road, asked for clarification about the timeline for compliance of reissuing the Special Permit to understand if it will be another two years. Karen Kelleher suggested extending the Special Permit but shortening the timeframe of the conditions within it. John Colonna-Romano asked the Board what the timeframe for requesting a plan should be; Lori Clark asked Rich Harrington how long it would take to submit the plan. Rich Harrington responded with keeping the original condition of 60 days.

Leigh Hilderbrandt, 196 Great Road, addressed the Board stating that the plans used were old plans, and do not reflect the existing conditions of the property and changes to the plan. Rich Harrington replied that he has plans for the existing conditions of neighboring properties and will go to the site for further information.

*Karen Keller 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**; Mark Jones (Voting Associate Member) -**Yea**.

The Board deliberated about the information needed in a decision letter, beginning with the information regarding the timeframe. John Colonna-Romano began by suggesting amending the deadline of the plan to be 45 days. Karen Kelleher followed by suggesting including language to ensure that a plan is received within an agreed timeframe. Lori Clark expressed concern that a plan may be submitted timely, but not be sufficient for the Board to approve. Lori Clark suggested having a preliminary plan sent to the Board in 30 days followed by requiring an approved plan in 60 days and a timeframe.

The Board deliberated further with Staff about the content of the decision letter. Staff suggested having a brief decision letter mandating the applicant to meet all conditions followed by language on requesting modifications if the applicant believes modifications are needed. Karen Kelleher opposed including the language of requesting modifications to the permit; Lori Clark agreed. Lori Clark emphasized that the decision letter differentiates a proposed plan and an approved plan in the decision. Margaret Costello emphasized that the decision letter must include that no work is to be done on the site until a plan is approved; she cited her concern was from Rich Harrington's claim that he will go out to the site and move earth around, which could potentially mean pushing the mounds of earth down the hill to the rear of the property. Lori Clark expressed frustration that the applicant is ignoring any regulation put on them, such as continued outdoor dining after being told that it is not permitted. Mark Jones expressed concerns about the timeline of the project citing that if one deadline is missed, it will interfere with the subsequent deadlines.

Staff will have a draft decision letter for the next meeting based on the discussion with the Board.

## **77 White Pond Road, Request for Minor Modification of Special Permit**

Present: Peter Malone, John Malone, Darren Grady

Darren Grady, engineer of the applicant, presented a plan showing the former and current sediment discharge areas. Darren Grady provided a description of the history of the project that included the modifications to permits and work with the Conservation Commission.

Lori Clark asked about the clearing of the site. John Malone stated that the site had been used since the 1960s. Peter Malone told the Board that the original permit application did not include 122 White Pond Road which is where the disturbance was noticed by Staff.

Darren Grady told the Board one sheet was missing from the submittals to the Board; however, all sheets were received and approved by the Conservation Commission. Lori Clark requested to see what the Conservation Commission approved to understand if the modification to the Special Permit was minor.

The Board will review what was submitted to the Conservation Commission and discuss at the next meeting.

### **Debrief of Request to Amend Registered Marijuana Establishment Overlay District**

Staff had produced a memorandum for the Board regarding changes in Stow since the 2018 process of creating the Marijuana Establishment Overlay District. The memorandum was in response to a request received by 84 Walcott Street for guidance as they develop a business plan to cultivate marijuana. The property is not located within the overlay district and cultivation is not a permitted use in any district.

John Colonna-Romano commented that the request is large as it would involve changing the overlay district's boundaries and the permitted land uses. Karen Kelleher agreed and added that the request is for a specific property. Lori Clark stated that if cultivation were to happen in Stow, it would hypothetically occur in an industrial district not residential. Karen Kelleher furthered Lori Clark's point by stating areas for consideration would be industrial or commercial districts; Lori Clark agreed. The Board discussed what the facility would look like for the cultivation of Marijuana. The Board agreed that the cultivation would need to be indoors.

Margaret Costello stated that she does not think that this is something to be pursued now as the Board will have a busy year and the request is site specific. John Colonna-Romano agreed with Margaret Costello and added that he did not know if the additional taxes generated would be worth the process of making the amendments. Lori Clark stated she is not opposed to cultivation but specified that 84 Walcott Street would not be a location to allow it.

Staff will provide information to 84 Walcott Street regarding the Board's comments.

### **Annual Board Reorganization**

*Karen Kelleher moved to nominate Lori Clark to serve as Chair.*

*John Colonna-Romano seconded.*

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

*Margaret Costello moved to nominate Karen Kelleher to serve as Vice Chair.*

*John Colonna-Romano seconded.*

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

*Margaret Costello moved to designate John Colonna-Romano and Valerie Oorthuys to endorse ANR plans on behalf of the Board.*

*Karen Kelleher seconded.*

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

*Karen Kelleher moved to nominate John Colonna-Romano as the Planning Board's appointee to the Community Preservation Committee.*

*Margaret Costello seconded.*

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

*Margaret Costello moved to nominate John Colonna-Romano as the Planning Board's appointee to the Green Advisory Committee.*

*Karen Kelleher seconded.*

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

*Karen Kelleher moved to nominate Valerie Oorthuys as the Planning Board's representative on the Minuteman Advisory Group on Interlocal Coordination (MAGIC).*

*John Colonna-Romano seconded.*

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

*Karen Kelleher moved to nominate Valerie Oorthuys as the Planning Board's representative to the Metropolitan Area Planning Council (MAPC).*

*John Colonna-Romano seconded.*

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

*Karen Kelleher moved to nominate Margaret Costello as the Planning Board's representative to the Gleasondale Steering Committee.*

*John Colonna-Romano seconded.*

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

The Board discussed their interest in reconvening the Lower Village Revitalization Subcommittee to carry out economic development tasks, agreeing that this should be reviewed within the next year.

*Margaret Costello motioned to adjourn.*

*John Colonna-Romano seconded.*

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

Respectfully submitted,

Michael Slagle