

TOWN OF STOW
PLANNING BOARD

Minutes of the June 27, 2023, Planning Board meeting

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

Absent: John Colonna-Romano

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

Approval of Meeting Minutes

Karen Kelleher motioned to approve the minutes of March 21, 2023, as amended.

Margaret Costello seconded.

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

Karen Kelleher motioned to approve the minutes of March 28, 2023, as amended.

Margaret Costello seconded.

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

Karen Kelleher motioned to approve the minutes of April 4, 2023, as amended.

Margaret Costello seconded.

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

Discussion of Correspondence

Margaret Costello shared that she is disappointed with the Town of Hudson's position to not permanently restrict trucks from using Chestnut Street. Nancy Arsenault stated that she has heard truck drivers would prefer to use the route because of the steep topography in Hudson. Valerie Oorthuys informed the Board that the Town cannot restrict trucks from using Chestnut Street because it connects Stow and Hudson; there would need to be an agreement with Hudson to restrict truck traffic under current Massachusetts Department of Transportation policy. The Board, however, was optimistic that it can rework the intersection to make the access challenging for truck traffic, without posting an enforceable restriction.

Karen Kelleher, regarding an email from Sarah Cleary, asked if a permit was needed for the event at Nan's Kitchen and Market for an event they were holding on June 24, 2023. Valerie Oorthuys answered by stating that they may need a special event permit from the Select Board if the event has 35 or more guests expected, but they did not file for one. Lori Clark asked why the Planning Board was asked about the special event permit even though it is the responsibility of the Select Board. Valerie Oorthuys stated that it was likely brought to the Planning Board's attention because they issued a special permit with the condition that Nan's Kitchen and Market must apply for a special event permits in accordance with the Select Board's policy.

Public Input

There was no public input presented.

Planning Board Member Updates

Nancy Arsenault shared that she read about two other towns that have created new districts to for economic revitalization. She shared that Lincoln will be transforming a plaza into housing and shops, and, like Stow, there is concern there about water capacity.

Margaret Costello shared that a disabled resident of Gleasondale had passed away at age 42. She stated that the resident was well known in the community and would commonly be seen at the Gleasondale Bridge watching the river below. The Board recognized the resident and the work that her parents did to give her a good life.

Planning Director's Report

Design and Engineering Services for Town Center Transportation Services.

Valerie Oorthuys stated the Request for Proposal for improvements to Town Center has been posted and shared with potential firms.

Kane Land Access Trail

A contract has been signed for the access trail to the Kane Land in Gleasondale. Planning Staff are waiting for the date that the project will start; after starting, the project will take two to three weeks to finish. Further coordination with the adjacent property owner to move back their fence and the police department are remaining action items.

Randall Library Renovation

The Randall Library renovation project will be appearing before the Zoning Board of Appeals on July 10. The Library will need a special permit, site plan approval, and a variance.

Open Space and Recreation Plan

At the next Board meeting, there will be discussion about the draft Open Space and Recreation Plan. The Board will need to submit comments to the Conservation Commission. A public forum will be held on June 29, 2023, for more information.

Upcoming Meetings

Meetings in August and September 2023 were tentatively scheduled for August 8, 15 and 22, and September 19 and 26.

Public Hearing

The Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street

Lori Clark opened the Public Hearing at 7:30pm.

Karen Kelleher motioned to continue the public hearing without testimony to July 25, 2023 at 7:30pm. Margaret Costello seconded.

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

Proposed Changes to Town Charter

Kathy Sferra, 74 West Acton Road, on behalf of the Charter Review Committee, presented proposed changes to the Town Charter regarding the Master Plan and Planning Board. Proposed changes include:

(1) clarifying that Master Plan is the responsibility of the Planning Board, not the Planning Board and Select Board; (2) changing the language to be Master Plan or Comprehensive Plan; (3) reducing the language referencing the powers and duties of the Planning Board by referencing State Laws; and (4) giving the Planning Board the responsibility of composing a Master/Comprehensive Plan update committee of seven members with two members at large appointed jointly with the Select Board.

Karen Kelleher asked why the committee will be seven members. Kathy Sferra replied by stating that it was a request to broaden the diversity of opinions brought to the update process. Karen Kelleher expressed concerns that there may not be enough people to hold a quorum; Lori Clark agreed.

Lori Clark asked if she is correctly interpreting the language stating that once an amendment to the Master/Comprehensive plan is accepted by the Board, the committee can disband. Kathy Sferra confirmed that she is interpreting the proposed change correctly and that the original Charter had the committee active for six months after acceptance for unknown reasons.

Karen Kelleher asked about the voting structure with the Select Board. Kathy Sferra said that it will be a combined majority vote of both the Planning and Select Board based on the number of members present. Lori Clark requested that language be made clear in the Charter.

Mark Jones applauded the work done to simplify the language, particularly around stating which laws give the Board its authority. Kathy Sferra thanked Mark Jones and stated that referencing state laws will prevent the Charter from changing if a state law changes.

The Board gave Kathy Sferra their support on the proposed changes to the Charter regarding the information she presented before them.

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

Lori Clark stated that the information provided to the Planning Board matched what was given to the Conservation Commission. Valerie Oorthuys stated that she spoke to the Conservation Department to confirm that the information provided to the Board was also presented to Conservation Board.

Lori Clark opened discussion with the Board on their comments as to whether the change is a minor modification. Karen Kelleher stated that she views the change as a minor modification; Mark Jones agreed with her.

Margaret Costello asked for clarification on what a minor modification would mean. Lori Clark replied that if the changes are determined to be a minor modification, the board can make a modification to the Special Permit without a public hearing; if it is not a minor modification, a public hearing must be held before a determination can be made. Karen Kelleher stated that there was a public hearing for the Conservation Commission, so it is assumed that it was vetted through the hearing process.

Nancy Arsenault stated that she views the change as a minor modification. Margaret Costello agreed that the modification was minor.

Karen Kelleher motioned to determine the updated plan amendments as a minor modification.

Margaret Costello seconded.

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

Karen Kelleher motioned to approve the plan titled “Proposed Basin 2” and dated May 17, 2019 with a last revision date of May 21, 2029 as amended.

Margaret Costello seconded.

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

148-156 Great Road Special Permit Reissuance

The Board reviewed the draft Special Permit and Site Plan Approval Reissuance. Changes to the draft letter began by stating that it will be the determination of 4 Board members including Lori Clark, Karen Kelleher, Margaret Costello, and Mark Jones.

Lori Clark expressed disappointment that the timing of the permit will restart. Karen Kelleher asked for clarification on the timeframe proposed in the draft decision letter. Valerie Oorthuys stated that all dates are based on when the town clerk certifies the appeal period is over; this will give the applicant 30 days to submit a preliminary plan, 60 days to submit an approved plan, and 120 days to complete all site work after the plan is approved. Lori Clark reiterated that this gives 60 days to complete the work.

Mark Jones inquired to the Board what would happen if there is not an approved plan by the end of the 60 days. Lori Clark stated that she does not want to incorporate more flexibility into the decision. She furthered this by stating that the Board can extend the construction period if there is good cause. She continued by stating that this will get the Board a plan instead of being told by the applicant that a plan is not needed or that a sketched plan is sufficient.

Lori Clark asked what would happen if the decision is not filed with the Registry of Deeds. Valerie Oorthuys answered that there could be a condition added that the Zoning Enforcement Officer could impose fines. Lori Clark requested that this be included in the decision.

The Board discussed the condition that the Special Permit/Site Plan Approval will lapse after two years. The Board was displeased that it will lapse after 2 years but viewed that this is the most appropriate timeframe.

Mark Jones asked if the original decision was filed with the Registry of Deeds; Valerie Oorthuys answered that it was not. The Board agreed to include a requirement that the decision must be filed with the Registry before any further site disturbances commence.

Lori Clark requested that a condition be made for the applicant to remove the outdoor dining furnishings from the site. Valerie Oorthuys stated that outdoor dining is prohibited under the original decision. Karen Kelleher suggested to add a finding that they are out of compliance; Margaret Costello supported this. The Board agreed to add a condition that site remediation must occur first before the Board will entertain the idea to allow outdoor dining.

Nancy Arsenault asked the Board about the ability of the Board to impose repercussions if the applicant does not comply with the reissued permit. Lori Clark stated that the Board does not have the authority to impose repercussions; if the applicant does not comply, the Board will need to seek assistance from Town Administrator and the Building Commissioner.

Karen Kelleher motioned to reissue the special permit and approve the decision as drafted and modified Margaret Costello seconded.

Roll Call Vote: Lori Clark -Yea; Karen Kelleher -Yea; Margaret Costello -Yea; Mark Jones – Yea.

Planning Board Work Plan

Valerie Oorthuys reminded the Board that a letter received recommended reviewing zoning options for gun stores. She stated that a site in Littleton, MA, is releasing all its gun stores, causing store owners to be looking for new spaces. Karen Kelleher stated that the use cannot be prohibited, but zoning can restrict where gun stores may locate. Margaret Costello shared that she does not want to regulate the existence of gun stores as advocacy groups for these stores will challenge any attempt for local control.

Lori Clark asked for clarification on determining if a gun store is considered a retail use. Valerie Oorthuys stated that gun stores can be considered retail; however, if a gun is taken apart, cleaned, modified, repaired or reassembled, it is considered manufacturing. Lori Clark followed up by asking if retail and manufacturing would be considered two different uses. Valerie Oorthuys state that manufacturing is allowed in the industrial district, and retail, as an accessory use, is allowed in the industrial district. She continued by stating that if an establishment sells guns without taking it apart, gun stores can locate wherever retail uses are permitted. Lori Clark asked for clarification on what accessory use means, specifically if it means that it is not the primary source of income for a business. Valerie Oorthuys confirmed.

The Board considered areas where gun stores may be permitted but could not identify an area where a gun store would be suitable.

Valerie Oorthuys shared an email from Margaret Costello regarding the Gleasondale Streetscapes Improvement project. In the email, she asked if the priority of this project could get moved up. Valerie Oorthuys stated that there would need to be additional funds requested at Town Meeting for conceptual plans, and that the Town Center Streetscape Improvement project was viewed previously as a priority. Margaret Costello clarified by stating that she heard that there is funding available for streetscape projects, and that she wants staff to start applying for funding for this project. She continued by stating that Gleasondale has several current projects and improving the streetscapes in tandem is the next logical step.

The Board deliberated about the order and the funding. Lori Clark identified that the Gleasondale Streetscape Improvement project is slated for Fiscal Year 2025 funding and is unsure how the funds could become available earlier. Valerie Oorthuys stated prior to Fiscal Year 2025, the Metropolitan Planning Organization could conduct a corridor study to provide a basis for conceptual plans.

The Board discussed several miscellaneous topics not explicitly listed on the Work Plan. Nancy Arsenault shared that she is interested in the commercial area revitalization webinar hosted by MAPC. Lori Clark asked if there are any updates to the Landscaping Plans for Joanne Drive; Valerie Oorthuys stated that they were not received. The Board discussed the competitiveness of the housing market in Stow. Nancy Arsenault asked about the status of the proposed cell phone tower at Stow Acres; there was nothing new received by the Board.

Margaret Costello motioned to adjourn.

Lori Clark seconded.

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

Respectfully Submitted,
Michael Slagle