

TOWN OF STOW
PLANNING BOARD

Minutes of the October 3, 2023, Planning Board Meeting

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

Lori Clark called the meeting to order at 7:15pm.

Planning Board Member Updates

Nancy Arsenault shared that she has seen a revised effort to fill in vacancies in Lower Village.

Margert Costello noted that she saw large piles of earth along Track Road near some of the water channels. She asked if there is proposed work there. Valerie Oorthuys responded that she is unaware of any permitted work there, but she will check in with other Town Departments.

Planning Director's Report

Stow Acres Climate Resilience Master Plan

A virtual forum regarding the Stow Acres Climate Resilience Master Plan will be held on Wednesday, October 18, 2023. The forum will present the work completed by the consultant so far and provide opportunity for public input.

The Conservation and Recreation Departments will be hosting a fall festival at Stow Acres on Sunday, October 29, 2023, from 1:00 to 4:00pm. The event will include tours of the property, games, crafts, and informational tables.

Kane Land Access Path

The contractor has not finished the access path to the Kane Land. More information will be provided when the Planning Department receives an update from the contractor.

Public Input

Katie Fisher, 1 White Pond Road, asked if there is an increase in traffic now that the Gleasondale bridge over the Assabet River is now open to two-way traffic. Valerie Oorthuys responded that data has not been gathered regarding traffic and the bridge. Margaret Costello asked if the canoe launch area is within the scope of the Gleasondale bridge construction project. Valerie Oorthuys stated that canoe launch is part of the project and is intended to be in the same location as it was prior to construction.

Leigh Hilderbrandt, 196 Great Road, asked if there are any updates on 148-156 Great Road. Valerie Oorthuys stated that an internal meeting with the property owner has been requested. She added that there has been communication with a real estate agent about the possibility of utilizing new uses permitted under the Lower Village Zoning District Bylaw.

Dorothy Granat, 11 White Pond Road, stated that she believes the public water supply at 148-156 Great Road is nonconforming. She stated that she wants the property owner to speak with the Department of Environmental Protection (DEP) about the expansion of outdoor seating at the property. She added that

she thinks if the property owner goes to DEP first, it will not waste the time of the Board. Lori Clark responded that the current permit is to remediate the unpermitted work on the site, not for further expansion.

Michael Sallese, Police Chief, acknowledged Valerie Oorthuys and Michael Slagle for their work on other projects and committees in Town.

Green Advisory Committee Updates

John Colonna Romano stated that the Green Advisory Committee has drafted a report for reducing the Town's carbon footprint. He stated that the Committee does not have a staff member, so much of the work done has been individual contributions or in small groups that are less than a quorum. A portion of the Committee is working on an initial review of the report; several volunteers will be reviewing the report in addition. The report will also be sent out to other boards and committees for comment.

Public Hearing – 501 Gleasondale road (Gleasondale Mill) Special Permit and Site Plan Approval for artist spaces and gun manufacturer spaces, continued from August 15, 2023

Members Participating in the Hearing: Lori Clark, Nancy Arsenault, John Colonna-Romano, Margaret Costello, and Debbie Woods.

Present: Chris Franklin, applicant

Also Present: Michael Sallese, Police Chief

Lori Clark opened the public hearing at 7:30pm.

Members of the Planning Board and Staff introduced themselves to the public. Lori Clark provided a summary of the previous hearing, noting that the Board has requested additional information from the applicant. She stated that the applicant has not provided all the information that the Board has requested and anticipates that the hearing will be continued to a later date at the conclusion of the current hearing session. She acknowledged that the public did not have the opportunity to provide input at the last hearing session, but she anticipates public input will be taken at the current session.

Lori Clark described the process of the public hearing and established ground rules for participants to follow. She acknowledged that the Board has received written correspondence from the public. She encouraged everyone at the meeting to be respectful to one another.

Lori Clark asked the applicant if he had any additional information that he would like to present to the Board. Chris Franklin updated the Board that he is working with an engineer to develop a site plan indicating parking and snow storage. He anticipates that the plan will be produced by the end of November 2023.

Chris Franklin acknowledged the taxes owed for his property; he noted that the cell phone company leasing space within the property owes him their portion of the taxes.

Lori Clark opened the hearing up for public comment.

Mark Forgues, 1 White Pond Road, asked for clarification about the definition of gun manufacturing. He expressed concern about the creation of ghost guns (a term used to describe firearms produced without a serial number and cannot be traced by government agencies). He also asked why the gun manufacturers

had vacated their space at the Littleton Mill in Littleton, MA. He encouraged the Board to add conditions to the Special Permit to mitigate the issues that may be caused by the presence of gun manufacturing.

Chris Franklin responded to Mark Forgues by stating that the gun manufacturers have vacated the Littleton Mill because (1) the owner of the building has passed away and (2) the building is under new ownership. He stated that he is not aware of any issues with the manufacturers in Littleton, noting that Littleton Mill had other tenants. Chris Franklin stated that the manufacturers do not interact with the other tenants and are reviewed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (referred to as the ATF) annually. He stated that he has heard of one incident in Littleton in the past ten years.

Chris Franklin noted that the gun manufacturers have low vehicle traffic. He stated that during the weekdays, many people would not know that the businesses are there. He added that he spoke with the Police Chief of Littleton and that no concerns were raised regarding the operation of gun manufacturers.

Lori Clark also responded to Mark Forgues by stating that it is premature to comment on if the proposed use of the site is considered manufacturing as the Board has not been provided with details as to what will be happening on the site.

Chris Franklin stated that he anticipates that there will be gunsmithing on the site; he provided examples of modification to components of firearms to better suit the needs of the firearm's owner. He stated that these businesses are appointment based, and not open to the general public.

Katherine West, 8 High Street, stated that her concern relates to the Gleasondale Mill building being a polluter. She noted that the building has had a history of lead contamination and is currently a polluter of per- and poly- fluoroalkyl substances (PFAS). She asked if the owner has taken the required steps from DEP for the remediation of PFAS. Chris Franklin responded that he is working with an environmental consultant to monitor the water contamination. He stated that DEP is working with the federal government to classify most, or all, of the Town of Stow as a superfund site with the idea that it would provide funding for water purification systems for residents.

Rune Christensen, 247 West Acton Road, stated that there is a criminal case against a firearm business that sold guns from the Littleton Mill to a person not authorized to have a firearm. He noted that guns illegally sold in Littleton were used to commit crimes in Boston, MA. He encouraged transparency in discussion regarding the Littleton Mill.

Rune Christensen, 247 West Acton Road, added that when firearm regulations were adopted in Massachusetts, it considered guns as a whole unit, not as individual pieces that make up the gun. Because of this, he noted that several businesses could work together to sell specific parts of a gun, resulting in individuals going to multiple businesses to purchase all the needed pieces to assemble a gun.

Rune Christensen, 247 West Acton Road, encouraged the Board to consider a section of the Zoning Bylaw that states that a Special Permit must not be issued if it could be detrimental or injure the Town. He stated that he considers people to be the Town of Stow, not necessarily just the building and physical landscape.

Katie Fisher, 1 White Pond Road, asked who is responsible for reviewing a change in use from one type of manufacturing to another. Lori Clark stated that the Board writes the Special Permit for a use, and the

Building Inspector is responsible for interpretation and enforcement of a use. She explained that all decisions the Board makes must be compliant with other regulations in Massachusetts.

Katie Fisher, 1 White Pond Road, furthered her question by asking if there is a protocol that the Board uses to know which other boards and agencies need to provide input to the Board. She also asked if the Building Inspector is informed when one manufacturing use is changed to another manufacturing use. Lori Clark deferred to Valerie Oorthuys. Valerie Oorthuys stated that changes of use are often provided to the Town through different mechanisms, such as a change in a business license, comments from residents or noticing a change in traffic. She explained that the Board provides copies of Special Permit applications to other boards and departments for comment prior to the opening of the public hearing.

Bill Byron, 469 Gleasondale Road, expressed concern about the proposed use of the site and its impacts on the surrounding neighborhood. He noted that inspections are useful but notifying the businesses that there will be an inspection may cause the business to hide items or activities that are not allowed. Bill Byron stated that he understands that the owner of the Mill has inherited the problem of PFAS; he encouraged attendants of the meeting to be mindful of this.

Rumel Mahmood, 32 Peabody Drive, commented that he believes the Littleton Mill was sold for the development of apartments due to pressure from the public and local government because of displeasure of having an abundance of firearm businesses. He noted that the ATF has been relaxed in their regulation of firearm business, noting claims from investigative journalism publications. He expressed concern about the gun dealers timely reporting the sales of firearms if the businesses are open on weekends only.

Mark Forgues, 1 White Pond Road, asked how many gun dealers have requested space at the Mill and how many spaces the Mill will be allowed to have. Lori Clark responded that the application is for 10 spaces. Mark Forgues expressed concern about the creation of ghost guns. He asked if the guns produced at the site will be allowed to be tested on site. Michael Sallese responded that guns cannot be discharged within 500 feet of a building or residence; because of the site's proximity to other buildings and residences, no guns can be tested on the site. Chris Franklin responded to Mark Forgues stating that he has 3 to 4 potential tenants. He added that each space is approximately 8 feet by 8 feet in area, and that there are 10 spaces built.

John Colonna-Romano asked if there may be storage of ammunition on site. Chris Franklin responded that his insurance does not allow for the storage of ammunition or black powder.

Rune Christensen, 247 West Acton Road, stated he has found that any business related to firearms, such as a retailer or shooting range, can have a negative impact on the perception of a community and property values. He referenced section 9.2.6.2 of the present Zoning Bylaw.

Bill Byron, 469 Gleasondale Road, asked where the gun ranges in Stow are. Chris Franklin responded that he does not know where the gun ranges are in Stow. Michael Sallese responded that the two gun ranges in Stow are privately owned and not associated with any clubs or organizations. Lori Clark noted that there are public shooting ranges in Hudson and Maynard.

Kay Hartung, prospective artist tenant, spoke about how she is part of a group of artists who would like to lease space at the Mill. She reminded the attendants that artist spaces are included in the application, not just spaces for gun manufacturing. She stated that the artists are looking to move into the Gleasondale

Mill as soon as possible. She asked if the permit could be separated into two permits, one for each of the proposed uses, so that the artist could potentially locate into the building sooner.

Kay Hartung, prospective artist tenant, shared information regarding the safety of different artist mediums. She stated that there is a filtering system that removes paint particles from water, safely preventing these particles from entering a wastewater system and preventing contamination. Regarding odors and fumes, she stated that the artists looking to locate at the Gleasondale Mill have not had any issues with the use of mediums that have odors or fumes.

Lori Clark responded to Kay Hartung's question regarding separating the uses in the application. She stated that it would be the applicant's discretion to separate the uses. However, Lori Clark noted that there is some overlap in the information the Board is seeking for both proposed uses.

Rune Christensen, 247 West Acton Road, stated that he finds the area of each gun manufacture's space to be small. He noted that the small spaces could be used to obtain a business address that would hide illegal activity occurring on other properties. Lori Clark responded that the lack of information from the applicant makes it challenging to make determinations about the size of spaces.

Katie Fisher, 1 White Pond Road, asked if there are floorplans of the interior of the Mill. Valerie Oorthuys responded that floor plans were submitted with the application and are available at the Planning Board's webpage on the Town's website.

Bill Byron, 469 Gleasondale Road, asked for clarification regarding the space devoted to the gun manufacturers. He noted that ten 8 feet by 8 feet spaces is equal to 640 square feet, while the application calls for 1,500 square feet for gun manufacturers.

Katherine West, 8 High Street, shared a report from DEP. In the report she read that none of the required action for the remediation of PFAS has been taken by the owner of 501 Gleasondale Road. She asked for clarification on what the environmental consultants have been doing and for accountability of the property owner. Chris Franklin stated that he is unsure and will discuss this with the environmental consultant. Katherine West responded that she is not blaming Chris Franklin for the contamination of PFAS. She stated that it is the responsibility of the property owner to pay for the remediation work unless the property owner defaults. If that is the case, she noted that taxpayers will be paying for the remediation of his site.

Chris Franklin stated that the property is currently using a tight tank system for wastewater. He noted that the tank gets pumped about every week, and that no wastewater is discharged on the site. The wastewater instead is transferred to a wastewater treatment plant.

Nancy Arsenault asked for further clarification about the interaction between gun related tenants and the public. She noted that it was mentioned that there would be internet sales only in the previous Hearing session, and, in this Hearing session, there was discussion about appointment-based sales and interaction. Chris Franklin responded that he will get more information regarding this.

Nancy Arsenault asked if people could bring ammunition to the site to test a gun, even though ammunition is not allowed to be stored by tenants. She also asked about security of the site and storage of potentially dangerous components. Michael Sallese stated that he does not have the authority to regulate

insurance regulations. He noted it would be unsafe and irresponsible for a person to test a gun at a site that is not a designated shooting range. Michael Sallese noted that he encourages security at any building, and that based on the information presented, he is not aware if any of the items that will be on site are considered high theft. Chris Franklin stated that there will be locks and cameras for security. He added that he intends for the businesses to be invite only, removing accessibility from the public.

Debbie Woods asked for clarification on the different entities listed on the application. Chris Franklin stated that Industrial Rents is his company which owns several other mill buildings in the region. He stated that Stow Industrial, LLC, is the company that owns the Gleasondale Mill, of which he is the only member of the LLC.

Lori Clark reminded Chris Franklin about the list of information that the Board is requesting. She stated that the information will be needed in writing so that the Board can understand what is being proposed. She stated that this information is in addition to the ask for a site plan. She added that providing the information will help move the application along.

John Colonna-Romano stated that impacts to the site, such as water and parking, are dependent on the details provided by the applicant. He noted that when these details are provided, necessary mitigations can be provided to protect the surrounding neighborhood.

Karen Kelleher, 209 Barton Road, asked if it is typical for the Police Department to inspect firearm related businesses. Michael Sallese responded that gunsmiths and gun dealers are required to have one inspection per year during normal business hours. He informed that the inspections are not scheduled and are instead a surprise. He stated that the compliance division of the ATF does inspections in addition to the Police Department.

Dorothy Granat, 11 White Pond Road, stated that documentation regarding PFAS contamination for sites can be found at the official Massachusetts government website.

Rune Christensen, 247 West Acton Road, asked if there is a schedule or requirement for the ATF for conducting inspections. He noted that the FDA may inspect a biotech facility annually or at periods exceeding a decade. He expressed concern if this is the case for the ATF. Michael Sallese responded that he cannot speak on behalf of the ATF. He noted that the previous firearm retailer in Stow was inspected twice annually. He stated that communication was regular between the ATF and Police Department.

Lori Clark provided an overview of what next steps are expected if the Hearing is continued. These steps include receiving additional information and a site plan, followed by receiving comments from other town boards, departments, and peer review engineer. The submitted information will then be used for discussion.

Lori Clark asked for any remaining comments. Rumel Mahmood, 32 Peabody Drive, stated that he has concerns that the ATF will not revoke any licenses from businesses with violations.

Margaret Costello motioned to continue the public hearing for Special Permit and Site Plan Approval to allow for the inclusion of artist spaces and gun manufactures spaces at 501 Gleasondale Road to December 5, 2023, at 7:30pm.

John Colonna-Romano seconded.

Roll Call Vote: Lori Clark - **Yea**; Nancy Arsenault - **Yea**; Margaret Costello - **Yea**; John Colonna-Romano - **Yea**, Debbie Woods - **Yea**.

Adjournment

John Colonna-Romano motioned to adjourn.

Margaret Costello seconded.

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

Respectfully Submitted,
Michael Slagle