

TOWN OF STOW  
PLANNING BOARD

Minutes of the October 17, 2023, Planning Board Meeting

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

Planning Board members absent: Margaret Costello

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

**Review Minutes**

*Karen Kelleher motioned to approve the minutes of September 26, 2023, as amended.*

*John Colonna-Romano seconded.*

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

*Karen Kelleher motioned to approve the minutes of October 3, 2023, (Quorum at the Traffic Safety Advisory Committee meeting) as amended.*

*John Colonna-Romano seconded.*

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

**Review Correspondence**

Nancy Arsenault asked if the letter from Regency at Stow was from residents or a wireless service company. Valerie Oorthuys stated that the letter was from a group of residents who would like to have a wireless service facility added to their property. She stated that Planning Staff have provided the residents with information about the Zoning Bylaw and an overview of what the permitting process is. She informed the Board that the residents will need to come to an agreement and reach out to a wireless service provider to see if a wireless service facility could be added to the Regency property.

**Public Input**

There was no public input from attending residents.

**Planning Board Member Updates**

Karen Kelleher stated that Elizabeth Brook Apartments (formerly known as Plantation Apartments) is ready to begin construction on the new apartment building after 12 years of permitting. A groundbreaking ceremony will be held at a later date.

Lori Clark shared that the Comprehensive Plan Committee met on September 16, 2023, for the first time with the consultants. She expressed gratitude that the consultants have planned a path forward for the committee and didn't make the process feel overwhelming. She stated that the committee participated in a mapping activity highlighting places that are special in Stow and the locations that could be opportunities for change. Valerie Oorthuys stated that this is the first of four phases in the planning process.

Nancy Arsenault asked if there are any updates from 148-156 Great Road. Valerie Oorthuys stated that the Town Administrator has sent a letter to the property owner requesting a meeting. As of the time of the meeting, the property owner did not respond. However, the Town Administrator sent another letter and will follow up in person if no response is received.

### **Planning Director's Report**

#### *Hudson Road and Great Road Signalization*

Staff received a letter from the Community OneStop Program stating that the Town was not awarded MassWorks funding for the signalization of the intersection of Hudson Road and Great Road. Valerie Oorthuys stated that next steps for this project will be to finalize the plans and acquire the needed easements. She added that a stronger inclusion of the economic impact may make the application stronger during the next grant cycle.

#### *Comprehensive Plan Funding*

Staff received a letter from the Community OneStop Program stating that the Town was not awarded the remaining funding for the consulting services for the Comprehensive Plan update. The Planning Department can fund the consultants through phase two of the planning process. The consultants did not recommend stopping after phase two citing that stopping halfway will create a gap in the public's understanding of the process. Staff continue to look for additional grant opportunities and plan for a Town Meeting request.

Lori Clark asked if any feedback was provided from MassWorks. Valerie Oorthuys responded that feedback was not provided for either grant rejection, though staff will reach out to the Commonwealth to debrief.

#### *Town Center Transportation Improvement Plan*

Staff met with the consultants for development of concept plans for improving the streetscapes around Town Center. A working group was established with representatives from the Police Department, Highway Department and Fire Department. The group discussed scheduling and local knowledge with the consultant. The next few months will be focused on reviewing existing data.

Members briefly discussed the recent Common Road one-way scenario decision of the Select Board as the road is within the scope of the Town Center Plan.

#### *Stow Acres Climate Resilience Master Plan*

The working group and consultants for the Stow Acres Climate Resilience Master Plan will be hosting a public forum on October 18, 2023. There will be a presentation about the work the consultants have done so far followed by the opportunity for residents to ask questions and provide comments.

#### *Housing Production Plan*

Staff have been working with the Metropolitan Area Planning Council to update the Housing Production Plan. Staff have drafted a housing needs assessment and a development limitation section of the plan. A public forum regarding the Housing Production Plan will be held on November 7, 2023, at 7:00pm at the Pompositticut Community Center.

#### *Kane Land Access Trail*

The access trail to the Kane Land has been completed. A few remaining procurement items need resolution before the project is officially complete. Trails in the Kane Land will be planned next by residents of Gleasondale.

### **Planning Board Work Plan**

Lori Clark asked the Board to review the board's work plan. She stated that there are several items on the plan that are in progress and additional items that are going to be added. She suggested that the Board review, assess and reprioritize the items in the plan.

Lori Clark asked Valerie Oorthuys to provide an overview of the work plan. Valerie Oorthuys stated that several items have been completed. She noted that some items marked as medium priority have been taking up significant time of Staff. She highlighted high priorities of the work plan that have not been started (refer to the Planning Board's Work Plan dated October 13, 2023).

The Board discussed the work plan item regarding amending the Wireless Service Facilities Bylaw. Lori Clark asked if there has been any correspondence from Verizon. Valerie Oorthuys stated that there has not been any correspondence from Verizon, noting that it is why the item has not been worked on. Karen Kelleher suggested moving the priority down in the plan; Lori Clark agreed.

Valerie Oorthuys stated that amending the Stormwater Bylaw is to comply with the EPA's MS4 (Municipal Separate Storm Sewer System) regulation. She noted that there is some risk for not complying, but there will need to be interdepartmental work to achieve compliance. Lori Clark suggested leaving the item as high even though it has not been started.

Nancy Arsenault stated that she feels Special Permit enforcement is important. She stated that she would like to have a schedule so that the Planning Board could review issued Special Permits. Lori Clark restated Nancy Arsenault's ideas as inventorying all the Special Permits issued and reviewing a set number of permits monthly or quarterly. Karen Kelleher agreed that reviewing Special Permits may be helpful; she noted that it is hard to anticipate when a business may violate a Special Permit. Karen Kelleher asked if the review would involve inviting business owners to a Board meeting; Nancy Arsenault stated that she would want businesses to appear before the Board.

Lori Clark stated that if Special Permit enforcement is to remain high on the Board's work plan, there must be a specific task that the Board gives to Staff. She stated that if the Board asks Staff to inventory all Special Permits, the responsibility will then fall on the Board to review them. After the review, Lori Clark indicated that it would be a discussion on what to do next regarding the reviewed permits. John Colonna-Romano added that the Board can adjust their pace at which they review Special Permits based on how long the process takes. He stated that the process of review would need to be randomized to ensure that it would be fair to not target businesses.

Lori Clark asked Valerie Oorthuys for her feedback regarding Special Permit Enforcement. Valerie Oorthuys asked what the end result would be when the permit is reviewed. Lori Clark stated that she intends that this will be a proactive awareness of what activities are going on, and to follow up with business owners if something needs to happen. John Colonna-Romano stated that reviewing the Special Permits could help mitigate the Board coming across violations. Lori Clark asked Valerie Oorthuys to create an inventory of all Special Permits, and to add an agenda to discuss the inventory once it is compiled.

The Board discussed the work plan item regarding Gleasondale Village Streetscape Improvements. Valerie Oorthuys stated that a consultant would need to be hired to develop concept plans for Gleasondale. She explained the work plan has the item under the Fiscal Year 2025 (July 2024 to July 2025) capital plan, which would be requested at the May 2024 Annual Town Meeting. Members of the Board discussed that the project is a priority, but the timing of the project will need to be pushed back one year to Fiscal Year 2026 in order to juggle other ongoing transportation projects.

Lori Clark noted that all projects that are in progress have mandatory deliverables to them, stating that there is time and financial investments to these projects. She suggested that all items that are labeled as “Staff Ongoing” in the status column should be moved to the top of the work plan.

Lori Clark suggested moving amendments to the lighting and sign bylaws further down on the list as the amendments are not currently being worked on. The Board agreed to make the items a medium priority.

Lori Clark asked the Board where firearm zoning would need to be on the list of priorities. Members agreed that there is limited choice for where the priority would be, citing that the September 2023 Fall Town Meeting had a citizen’s petition asking the Board to create firearm zoning. Nancy Arsenault suggested adding the item towards the top of the list as it is a high priority and will take less time than other items on the list. John Colonna-Romano suggested placing the item third on the plan.

Lori Clark stated that the Board is aiming to have a firearm zoning bylaw ready for the 2024 Annual Town Meeting; because of this, it will need to be one of the top five items on the plan. She followed by stating that the discussion later in the meeting will determine what the scope of the bylaw will be and if the Board can achieve drafting a bylaw by the Town Meeting. The Board agreed with John-Colonna-Romano’s suggestion to make the item third on the work plan.

Lori Clark asked the Board to comment on the proposed workplan item to add the Gleasondale Mill to the National Register of Historic Places. She stated that she is confused that the Board would be pursuing this instead of residents or the Historical Commission. Karen Kelleher stated that she does not see it as priority unless there is a neighborhood group that can lead the task. John Colonna-Romano stated that it should be low in priority, but the Board can offer support to whatever group leads. Nancy Arsenault suggested adding it to the low priority of the Board and suggested adding it below the creation of a forest and agriculture overlay district.

Nancy Arsenault asked if the creation of a zoning district around Lake Boon is a medium priority. Lori Clark stated that the request for that new district likely came from a request from members of the Zoning Board of Appeals to decrease the number of nonconforming lots on the Lake.

Lori Clark asked Karen Kelleher, as the former administrative assistant to the Zoning Board of Appeals, for her opinion on the creation of a new district around Lake Boon. Karen Kelleher responded that she does not think that the creation of the district would make a difference unless the minimum lot size decreases dramatically. Karen Kelleher asked Valerie for her perspective. Valerie Oorthuys stated that the issue arose from concerns about wells, septic, and stormwater since many of the new dwellings built along the lake are much larger than the cottages that they replaced. She stated that a district would need to better regulate floor area ratio or lot coverage if it was to achieve these other goals. Lori Clark suggested revising the purpose of the work plan item to reflect concerns of wells, septic, stormwater.

Lori Clark asked again why adding the Gleasondale Mill to the Historic Register is needed on the Board's work plan. Valerie Oorthuys stated that the Gleasondale Local Historic District Study Committee had recommended that there should not be a local historic district in Gleasondale; instead, the committee recommended that specific structures within Gleasondale should be added to the National Register. She added that being added to the National Register could provide tax credits for development within a historic structure, such as adding housing units inside the Gleasondale Mill. However, she noted that a historian would need to be hired to present the Gleasondale Mill to the Massachusetts Historical Commission for the Commission's endorsement of the property to the National Register. Lori Clark asked Valerie Oorthuys to ask Stow's Historical Commission if adding the Gleasondale Mill to the National Register is one of their priorities before the Board adds it to the work plan. Karen Kelleher suggested to let the Historical Commission know that the Board would support the effort but would want the Historical Commission to lead.

The Board discussed adding a wayfinding program to the workplan, specifically for the Lower Village. Valerie Oorthuys stated that the Town Administrator suggested use of the settlement funds from the Lower Village Streetscape Improvement project as a funding source for the project. John Colonna-Romano asked what wayfinding would entail. Valerie Oorthuys responded that the project would involve procurement and community engagement for the selection of graphics, fonts, colors, and styles of the wayfinding signs. Karen Kelleher asked if wayfinding could be part of the building design guidelines for Lower Village. She also asked if the settlement funds could be used for the guidelines. Valerie Oorthuys stated that she will look into combining the two. The Board agreed that wayfinding as a standalone item would be a medium priority.

Lori Clark asked Valerie Oorthuys for context regarding the addition of Housing Choice Designation to the work plan. Valerie Oorthuys stated that the designation allows the Town to apply for capital funding grants from the Commonwealth; she stated that the Housing Production Plan will need to be completed before grants can be applied for. She added that the designation would allow for more grant opportunities given that the Town was not awarded funding for the last two grants applied for. Karen Kelleher asked about the status of the Housing Production Plan. Valerie Oorthuys stated that the plan is in progress and is anticipated to be completed by April 2024. Lori Clark suggested adding the item to the top of the medium priority list of the work plan.

Lori Clark asked if there are any general comments about the work plan. There were no comments.

Lori Clark suggested that the Board should question adding new items on the work plan. She stated that before a new item is started, the Board should have a discussion and review it against other priorities on the work plan. John Colonna-Romano suggested that if the number of items in progress becomes overwhelming to Staff, a conversation regarding priorities should be had. Lori Clark stated that the list is currently at or above the time capacity of Staff.

Valerie Oorthuys stated that once items are completed on the work plan, Staff would not be looking for additional work given the number of large projects in progress. She referenced that the Housing Production Plan is taking a significant amount of time for Staff. Karen Kelleher asked if Staff are receiving support from other agencies. Valerie Oorthuys stated that Staff are responsible for writing and data collection and are receiving peer review and community engagement assistance from MAPC (Metropolitan Area Planning Council).

### **Working Session: Zoning for Firearms Businesses**

Lori Clark began the work session by stating that this will be the first work session for developing zoning for firearm businesses. She stated that the Board has been provided a memorandum from the office of Senator Jamie Eldridge and copies of bylaws from the Towns of Littleton and Westford. She stated that the work session will allow the Board to form an opinion on firearm business zoning and serve as a reference point for the public to comment on at a future meeting. She asked members of the Board to comment.

John Colonna-Romano commented that the bylaws he has reviewed are similar in nature. He stated that the bylaws regulate the siting of firearm businesses and the proximity of one firearms business to another. He noted that one sample bylaw had a provision that allowed for the Planning Board to provide waivers to some criteria of the bylaw, preventing firearm businesses from being completely excluded. He supported the idea of not having firearm businesses concentrated in one location and setting limits on the number of firearm businesses allowed.

Nancy Arsenault noted that one of the bylaws divided the industrial district into “Industrial A” and “Industrial B” districts. She stated that Minuteman Airfield may attract firearm businesses as it is within the industrial district. She suggested that a bylaw should have siting requirements that include distance from residences.

Lori Clark stated that she found it surprising that one bylaw forbid firearm businesses from retail zones. Karen Kelleher responded that she also found it surprising. She asked if the bylaw would then allow for firearm retail within an industrial district. Valerie Oorthuys stated that she interpreted that firearm retail, as a principal use, would be allowed in industrial districts.

John Colonna-Romano stated that the bylaws had a Special Permit renewal process, criteria to revoke a Special Permit, and the inability of Special Permits to be transferred between ownership of property. Karen Kelleher noted that the bylaw appears to issue the special permit to the business owner, not the property owner. Nancy Arsenault and John Colonna-Romano asked if the Special Permit can be held by the business owner instead of the property owner.

Nancy Arsenault noted that the term “gun-smithing” does not include language regarding sales of firearms. She asked for clarification if gun-smithing would be the sale of a service instead of the sale of a physical product. Valerie Oorthuys stated that a firearm dealer would be the business that sells a physical product. Nancy Arsenault stated that the Board has used the term “manufacturing,” which does not appear in the sample bylaw. Staff clarified that defined terms taken from any sample bylaw would be adjusted to fit Stow’s existing definitions.

Lori Clark asked members of the Board if there are components within the other towns’ bylaws that they do not like or found components not appropriate for Stow. John Colonna-Romano stated that he would like further clarification between the business owner and the property owner. Karen Kelleher asked who would hold the permit: the business owner or the property owner. Valerie Oorthuys responded that she interprets other town’s processes as necessitating a Special Permit issued to the property owner for the site, and a separate permit for the use of the site, issued to the business owner. She provided an example of 108 Great Road getting a special permit for the structure, but there will be a separate permit for the restaurant use.

John Colonna-Romano noted that a security plan, operation plan, and management plan were included in the bylaws, and the plans were to be submitted to the Police Department. He agreed that submitting to the Police Department would be a good idea, stating that it would keep the security plan out of public record.

Lori Clark asked the Board to form an opinion and a goal for zoning firearm businesses. She stated that then the Board can begin discussing details of a bylaw.

Karen Kelleher stated that she believes that firearm businesses will need to be allowed in Stow, but should be regulated, with a bylaw needed to achieve this. However, she stated that she believes that the first step is to identify where firearm businesses should be allowed to locate.

Planning Board members agreed the goal of a firearms business bylaw would be to regulate firearm businesses in some form.

Lori Clark asked the Board if making firearm businesses a separate use would be appropriate; she noted that separating the use would not impact other uses like manufacturing or retail. Members agreed.

John Colonna-Romano supported separating firearm businesses from residential uses. Lori Clark added that separating firearm businesses from uses targeted around children, such as schools and childcare, should be included.

Lori Clark asked the Board for an opinion regarding locations where firearm businesses can locate. She noted that Littleton only allows firearm businesses in their industrial zone, requires a 500-foot buffer between firearm businesses, and requires a 500-foot buffer between a firearm business and a residence. She asked if there are any areas that meet the criteria in Stow. Valerie Oorthuys stated that there are a limited number of properties that meet the criteria. She added that a preliminary map could be shared with the Board that could identify parcels that would allow firearm businesses.

Lori Clark asked the Board what zoning districts should be considered preliminarily to allow for firearms businesses. Karen Kelleher stated that the Business Districts would not be suitable, noting the small size of the properties. John Colonna-Romano stated that there was opposition to a former firearm retailer when it was located within the Business District. Lori Clark asked if starting with investigating the Industrial District would be appropriate. Members agreed. Valerie Oorthuys reminded the Board that the distance between businesses and residences could be adjusted based on the initial findings.

John Colonna-Romano stated that 500 feet is the distance away that a person must be away from a residence to discharge a firearm. Karen Kelleher stated that discharge distance could be incorporated within a zoning bylaw. Lori Clark followed this by stating that commercial firing ranges could be defined under firearm businesses.

Nancy Arsenault asked for clarification if all firearms are considered a weapon. Lori Clark stated that anything that fires a projectile with an explosive charge would be considered a weapon. Valerie Oorthuys stated that a weapon is defined under Massachusetts General Laws.

The Planning Board confirmed the following:

1. The Board would like to create a bylaw that regulates firearm businesses,

2. The Board would start by examining the suitability of the Industrial and Commercial districts for firearm businesses, and
3. The Board would identify what components of a bylaw should be included.

Lori Clark asked Staff if there are any other topics related to firearm businesses that the Board should discuss. Valerie Oorthuys responded that there is nothing immediate that the Board will need to discuss, however that she has a few questions for the planner in Littleton that will help improve her understanding of their bylaw. She stated that Staff can start mapping and looking into drafting a bylaw.

John Colonna-Romano stated that there was a severability clause in Littleton's bylaw. He noted that this is something that is not typical for zoning bylaws in Stow.

Lori Clark noted that she liked that one of the bylaws requires a legal agreement between the property owner and the business owner. John Colonna-Romano responded that the agreement is good but needs to be clear in the level of responsibility for the Board, the business owner, and the property owner. Karen Kelleher stated that an agreement will hold property owners accountable and prevent them from leasing space with little insight as to what business would be there.

Lori Clark mentioned again that the Board has received a memorandum from the office of Senator Jamie Eldridge. She stated it is helpful to know that other towns are working on it, but she questioned why more is not being done at the state level.

### **Adjournment**

*Karen Kelleher motioned to adjourn.*

*John Colonna-Romano seconded.*

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

Respectfully Submitted,  
Michael Slagle