

TOWN OF STOW  
PLANNING BOARD

Minutes of the November 28, 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 7:00pm.

**Review Minutes**

*Karen Kelleher motioned to approve the minutes of October 17, 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 November 14, 2023, as amended.*

*John Colonna-Romano seconded.*

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

**Review Correspondence**

Nancy Arsenault noted that she plans to attend several of Citizen Planner Training Collaborative’s fall workshops and inquired about how to sign up.

Lori Clark referenced the water report mentioned in the meeting packet. Members agreed they would make time on a future agenda to discuss the Lower Village Public Water Supply Feasibility Study.

John Colonna-Romano said he appreciated that guidance was received ahead of time with regard to tonight’s public hearing being continued without testimony.

**Planning Board Member Updates**

Nancy Arsenault noted her wish for the Board to review existing special permits prior to the need for enforcement. The Planning Director agreed to share a list for members to prioritize at the next meeting.

Margaret Costello recalled a recent conversation had with former member, Mark Jones, on the topic of wetland setbacks. In their conversation, Mark Jones advocated for expanding Stow’s current wetland setbacks to further protect these resources. Members expressed interest in gaining the Conservation Commission’s interpretation of his ideas.

Karen Kelleher announced that Elizabeth Brook Apartments will be hosting a groundbreaking event on Thursday, December 7<sup>th</sup> at 2pm and encouraged members to attend.

Margaret Costello asked for clarification on the economic impact of denied grant funding on the Hudson Road Project. Valerie Oorthuys told of her recent debriefing meeting with MassWorks, explaining the grant application process and the criteria used to judge economic impact development. She noted that development projects in the vicinity of the Hudson Road/ 117 intersection were not considered a high

economic impact. Karen Kelleher suggested that a more concrete example for industrial reuse at Bose would be helpful in the next application, given the MassWorks requirement to price out economic benefits. Members agreed. John Colonna-Romano noted with interest, that distance from the proposed housing developments was called into question, considering Great Road is such a main route into/out of Stow. He suggested a more quantitative discussion, based on traffic numbers, in the future.

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

*Stow Acres* – Planning Staff are anxiously awaiting the submittal for the project's affordable housing plan, with an anticipated early January first Public Hearing date.

*Stow Acres Climate Resilience Master Plan*- This plan continues to progress, with a public forum planned for February to present concepts for the town-owned portion of the North Course. Conservation Staff, Town Administrator and the Recreation Director were there on Sunday, giving golf cart tours. The event was well attended.

*Track Road Project* – Staff are waiting for an agreement to be finalized with MassDOT so that the Town can access the design funds through the Transportation Improvement Plan (TIP). The long time frame is frustrating, but we will continue to wait for the contract before the consultants can get started.

*Stow House of Pizza* -The Town Administrator still has not heard back, but has presented the owner an invitation to attend the Selectboard's December 12th meeting of license review. Non-compliance with the permit cannot hold up a renewal, however, it is still a good opportunity to have a conversation about what is happening on the site, and how to move forward.

*Lower Village Test Well Report*– discussion of this study can be put on future Agenda, but it must be noted that this is the first phase of four, and at this point, the Consultant is still working to gain an understanding of what the demand is for water by calculating how much water businesses currently are using and looking at the potential need for water in a future buildout scenario.

### **Planning Board Member Updates - Continued**

Lori Clark stated she attended a recent Comprehensive Plan Committee meeting, where the Consultants held a prioritization exercise where members were asked to think about their top three concerns in a variety of categories. She said this led to a useful Committee discussion of each topic covered in the Plan. She mentioned that the Consultant's outreach plan would be drafted soon as well.

Margaret Costello expressed her frustration on the lack of relationship between non-compliance enforcement on special permits and the issuance of license renewals, like for Stow House of Pizza. She also asked for clarification about a special event permit for an open studio event held at the Gleasondale Mill and the unrelated, yet pending special permit application of the Mill. On the first topic, the Planning Director confirmed that Town Counsel had advised against holding up the license renewal based on permit violations. On the second topic, she noted that a special event permit was not needed for the artist event advertised in the Stow Independent, as it did not rise to the level of a special event. The Chair suggested that gaining a better understanding of what defines a special event by the Selectboard is necessary before any further discussion. This was followed by a brief reference to the Collings Foundation and the apparent need for the Planning Board to educate themselves on the differing nature of what constitutes of an "event" through the eyes of others.

## **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 for the Cottages at Wandering Pond Active Adult Neighborhood Special Permit without testimony until January 23, at 7:30pm.*

*John Colonna-Romano seconded.*

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

### **Request for Minor Modification, Wedgewood Pines Country Club, for the addition of protective netting**

Valerie Oorthuys noted that Planning and Conservation had requested additional information from the owner, but nothing new had been received. Members agreed to postpone deliberation and the Chair took a comment from Mark Forgues, 1 White Pond Road, who expressed his concern for abutter's right to know about the project before discussion.

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

Members reviewed a draft Firearms Business zoning bylaw.

Lori Clark acknowledged that the goal is not to prevent this type of business from locating in town, but to maintain safety, security, monitoring, and to regulate where they locate and what they look like. She also noted that other towns' bylaws, which had been successfully adopted and had already received approval from the Attorney General would serve as models for Stow.

John Colonna-Romano said he was under the impression that a large concentration in one area is not comfortable to the general population, so there is a desire not to replicate what happened in Littleton.

John Colonna-Romano suggested keeping definitions tight, as this domain is fraught with misinterpretation and/or unintended outcomes.

Members discussed the difference between sales to individual customers and wholesale operations between businesses.

Members discussed buffers to residential uses, with a brief reference to buffers included in the Marijuana bylaw.

Valerie Oorthuys suggested staff take a look at the industrial zone and prepare preliminary draft maps of the 500 foot buffer to residential uses for review at the next meeting.

Members agreed upon the need to confirm the process and language of the bylaw with the Police Chief, Building Inspector, and Town Counsel.

Business hours of operation sparked a lively debate between members and the Planning Director agreed to bring back more information for the Board to discuss further.

Members agreed on the need for the bylaw to be explicit in terms of brokerage of firearms from state to state, due to differences in gun legislation. Michael Slagle commented about referencing similar laws in other states, such as ‘sales to minors’ in which breaking the law in another state would preempt revocation of business license.

How a firearms business would conduct criminal background checks was discussed. This topic was added to the list to talk over with the Police Department. This led to the deliberation about the procedure involved in a revocation, including voting, denial of decision of special permit, a public hearing, intended timeline, as well as potential expiration. Annual license renewal and proof of insurance were also discussed.

John Colonna-Romano suggested finding language to clarify the role of business and property owner and how issues between the two get sorted out.

One final note was made by the Chair about the potential for this bylaw to require a large amount of information ahead of the special permit process about how a firearms business would be managed. Valerie Oorthuys said she would look at the marijuana bylaws for guidance in language, since this type of business would have had similar concerns up front. Margaret Costello added annual police reporting of security plans to the list and the Chair noted public engagement could be talked about next time as well.

### **Recording of Meetings Policy**

Members discussed the Recording of Meetings Policy, as adopted by the Select Board. Members agreed that concerns should be drafted into a letter and reviewed at a subsequent meeting prior to sending it to the Select Board.

Members noted the Planning Board’s practice of recording public hearings with high resident interest and all public forums. The Chair noted Planning Board meetings are held in adherence to open meeting law which states that a meeting notice be published ahead of time, the public is invited to the meeting, and minutes of the meeting are made available afterward. All approved meeting minutes are available online and Zoom recordings are made available upon request. The individual to which they are made available can download them at their convenience or at any time in the future. This would be different than the recording policy being proposed, however, which would require that recordings be posted from Stow TV to the internet within 24 hours, via youtube.com. They would be accessible for public viewing, world-wide and forever.

Members acknowledged the positive benefit of being able to be completely transparent and the adverse risk of information security. Members expressed thoughts that the recording policy may unintentionally discourage the public from attending and speaking out at meetings or volunteering for open positions. Members also worried that free-flowing conversation would be inhibited during important discussions.

### **Public Input**

Katie Fisher, 1 White Pond Road, voiced her opinion that most people are not comfortable speaking up in front of the camera and that she appreciated tonight’s discussion about public engagement.

A comment was taken from Mark Forgues, 1 White Pond Road, who thanked the Planning Board for continued transparency, but went on to express frustration with their ability to act as enforcers on issues of non-compliance.

**Adjournment**

*Margaret Costello motioned to adjourn.*

*John Colonna-Romano seconded.*

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

Respectfully Submitted,  
Julie Windzio