

TOWN OF STOW  
PLANNING BOARD

Minutes of the December 12, 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 of Correspondence**

Margaret Costello asked for clarification about last week's correspondence. Valerie Oorthuys said the owner of Gleasondale Mill had made an informal request to remove the manufacturing piece from the special permit, but that no formal documentation of the request had been received to confirm the request.

**Public Input**

A request was taken by Paula and husband, residents of Regency Condominiums, for Planning Board members to spend some time reviewing the town's lighting bylaws at a future meeting. A note was made to include the Building Commissioner and the residents agreed to reach out to Planning staff via email attachment, which would be distributed to the Board.

**Planning Board Member Updates**

John Colonna-Romano asked if the code of conduct signature requirement pertained to him for Green Advisory Committee and Community Preservation. The Chair confirmed he is a representative of the Planning Board, but his signature is still needed by the Town Administrator because each Committee is under the purview of the Select Board. She thanked him for the reminder to sign for the Comprehensive Plan Committee.

Lori Clark stated that the Planning Board's memo to the Select Board regarding ongoing noncompliance at the Stow House of Pizza site was included in the Select Board's packets for their meeting of December 12<sup>th</sup> and stated that the Town Administrator was in alignment of the Board's concerns and recommendations.

Lori Clark stated that she had brainstormed briefly with the Select Board Chair, Cortni Frecha, about how to better collaborate between the Boards. Initial ideas included joint working sessions without the conflict of regularly scheduled meetings.

**Planning Director's Report**

*Stow House of Pizza* – Valerie Oorthuys reported back that the Select Board had extended the license to Stow House of Pizza through March, in order to give them time to come into compliance. The owner's engineer attended the Select Board's meeting with a slightly modified site plan and the news that he would be joining an engineering firm. The Planning Director acknowledged the positive progress. She said she appreciated having the support of the Select Board and noted the owner had not been in attendance.

*MART Service* – Routing service in Stow is still being planned with a start date of mid to late January. The program would be free for the first 90 days, with a minimal fee of a dollar or two, per ride, after that.

The routes are to/from commercial destinations from Elizabeth Brook Apartments, Meeting House and Pilot Grove Apartments to Lower Village and Maynard Crossing. Another route is planned with the same starting points, then heading west to Highland Commons and Hudson. The third route is from the former fire station to the South Acton Commuter Rail, in the morning and in the evening. Valerie Oorthuys added that MART is creating an outreach campaign for Stow, and in the next several weeks she hoped to have materials to share.

Karen Kelleher asked if others in town are interested in using the service, would there be an opportunity for parking, as the starting points are limited to the apartment complexes and Town Center. Valerie Oorthuys acknowledged there is challenge of limited parking at the apartments. She said if a growing interest in the ride service is proven, however, alternative options for parking in Lower Village could be investigated.

*School Lot, Gleasondale* – The Recreation Department has begun tree work on the site, laying the groundwork ahead of planting that will be done in the spring.

*Lower Village Design Guidelines and Wayfinding* – A request for quotes was prepared and will be sent out this week to a few different firms, in effort to gain insight of what it will cost ahead of this year's budget planning process.

*Lower Village Public Water Feasibility Study* – A public presentation will happen either late February or early March to share the progress of the study.

*Pedestrian Signals at Hudson Road/Route 117* – The Highway Department is working to get the pedestrian crosswalk signal fixed.

*Groundbreaking for Elizabeth Brook Apartments* – The event was a spirited and encouraging reminder of affordable housing at work in Stow. The presentation was impressive, with multiple speeches, state representatives and members from all sides of the project represented, which helped to bring people together. She said she also wanted to acknowledge Board members, Karen Kelleher & Deb Woods, for the work they do!

*Changes in Hours Open to the Public at Town Building* – Tonight the Select Board would be talking about a change to potentially start in January, in which Town Building offices would close to the public, every Friday at noon. Staff would maintain typical hours, but would use the quiet hours to finish work before the weekend.

*Stow Acres Comprehensive Permit Application* – The Applicant filed with the ZBA on Friday. The first public hearing is scheduled for January 25, 2024.

*Stow Acres Driving Range* –The Applicant filed with the ZBA on Friday for the relocation of the driving range to the South Course. The public hearing is scheduled for January 8, 2024. Related materials will be made available as a link on the Zoning Board of Appeals webpage following completion of administrative duties.

## **FY25 Planning Board Budget Vote**

Valerie Oorthuys said she incorporated feedback from last week’s discussion and had added more concrete numbers in the Special Articles Section. In addition, \$15,000 was requested for the Comprehensive Plan Consulting Account. Karen Kelleher asked if it would be appropriate to request if the Lower Village Settlement funds could be used as a potential funding source for the budget, specifically for items related to Lower Village. Members agreed to add a comment about this in the document.

*Karen Kelleher motioned that the Board support the proposed FY25 Planning Board Budget as drafted. John Colonna-Romano seconded.*

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

**Public Hearing – Special Permit and Site Plan Approval, 108-118 Great Road, Assessor’s Map R29 Parcels 86 & 87**

*Karen Kelleher motioned that the reading of the public hearing notice be waived. John Colonna-Romano seconded.*

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

Present:

Brian Levy, Esq., Beveridge & Diamond

Dan Carr, P.E., Stamski & McNary

Megan Pesce, Applicant

Mark Pesce, Applicant

John Cramer, Applicant

Jay Rajagopal, James Smith Architects

Brian Levy introduced himself as the attorney representing Map Holdings, Flint Realty & JKC Properties who applied for a Special Permit and Site Plan Approval for the renovation and maintenance of Dunkin Donuts at 108 Great Road in Stow. The special permit is to allow a restaurant use in the Lower Village Business District and to amend the prior special permit that was issued by the Board. The site plan approval is for accessory outdoor dining and to amend the prior site plan approval under rules and regulations. Megan Pesce noted that they have owned Dunkin Donuts stores for several years, in nearby locations, and are very eager to become a part of Stow’s community.

Brian Levey provided background about the project, which began several years ago but came to a halt when Covid hit. JKC Properties purchased 108-118 Great Rd in 2018. In 2020 the Board approved the plan to raise and reconstruct at 108 Great Rd to create an 8,000 + square foot two-story retail building. Since that time, JKC Properties entered into a purchase and sale agreement with his clients, Megan & Mark Pesce, which necessitated the extension of the permit in 2022, which expires in 2024. The adoption of the Lower Village Business District’s zoning bylaw has given new purpose and design to the project. The existing structure, which dates back to 1895 will be rehabilitated and maintained as the Dunkin Donuts instead of being rebuilt. The intent is to provide ample space for community gathering, with 36 indoor seats, 22 outdoor seats and a front porch extension. The building will be moved closer to the street to comply with setback requirements and to create a “village feel” at the gateway to Stow. Parking will be located to the sides of the building. In addition, it will have functional open space, multiple pathways of

entrance, and landscaping. The building façade will be upgraded with New England style architecture and it maintain connectivity with the adjacent site, 118 Great Rd.

Dan Carr provided an overview of the site plan, showing grading and stormwater management. The same stormwater maintenance system previously approved would be used, however with the improvement of connecting to the existing catch basins, which currently don't have an outlet. All drainage would run to a subsurface chamber system underneath the parking lot. An isolator row to filter out sediment before it drains into the ground would also be added. The reuse of the existing building was described with the addition of the front porch, the necessary setback distance in the front and loading ramp in the back. It was noted that the septic system was upgraded in 2019, with the only addition being a new sewer line to the property. A change in the location to the handicap spaces was noted, as well as the addition of a handicap ramp to service the front entrance. The engineer noted removal of some of the pavement and said that adding trees and shrubs would break up the monotony in the parking lot. Several bike racks will be on the premises as well. Landscaping, including a storm remediation, silt barrier system, and snow storage were also discussed.

Brian Levey asked Dan Carr to talk briefly about lighting and traffic. New lights are planned for the parking area but will not shine beyond the property line. Dan Carr stated that 89% of the trips generated to Dunkin Donuts should be cars already driving by, so less daily and peak hour trips than that historically of a restaurant location. In addition, parking spaces are ample, based on square footage.

Jay Rajagopal provided an overview of the architectural plans, noting the exterior elevations and details of the building. A historic look will be maintained through appropriate choice of siding, paint and trim color, windows, lighting, signage, ramps and egress in the rear of the building. Interior décor will be new and very typical of next gen Dunkin Donut stores. Color choice, accessibility and kiosks were noted. Brian Levey asked for confirmation from the architect that the square footage of the signage is compliant with Stow's sign bylaw. Dan Carr brought the presentation to a close, sharing his screen once more to note the location of the front entrance pile-on sign.

#### *Public Input*

Mark Forgues, 1 White Pond Road, clarified that he was not against the project, but noted his concern for the front porch design and the interpretation of the new bylaw. He also asked how the proposed lighting would be powered and questioned the number of parking spaces being required. He didn't think it would be enough. He also inquired how "call ahead ordering" would be handled in the parking lot, without the allowance of a drive-through. Brian Levey responded that the porch was compliant with the new bylaw, especially with the intent to help create a pedestrian-scale village feel. Dan Carr confirmed power to the building is through existing overhead wires.

Rich Presti, 84-92 Great Road, expressed his support for the project. He asked for more details about the removal of any shared hot top surfacing and the flow of traffic, with respect to the existing/shared curb cuts and maintenance. In previous plans, there appeared to be a very small overlap of site improvements onto his property. Dan Carr stated the tiny triangle of pavement that was off property had been removed from the proposal. Brian Levey stated they are seeking a modification of the prior special permit, with respect to the curb cuts.

Dorothy Granat, 11 White Pond Road, encouraged the use of motion detector lighting in the parking lot after hours and asked that the owners comply with the conservation buffer. She also inquired about the

color scheme and well water situation. Mark Pesce described the lighting in his other stores. He said the one in Stow would be run similarly and would close early, so the goal is not to have lights on late at night. He also described the design of the porch as traditional, in white paint. Megan Pesce added that they would like the building to have the look and feel of a country home, in a rural landscape. Dan Carr stated that there is no buffer zone on the property.

Leigh Hilderbrandt, 196 Great Road, said she was excited to hear the plan to rehab the old building. She was curious to know if the cedar tree on the property could be kept. Dan Carr confirmed the tree is on the plan in an area where it could be saved.

Katie Fisher, 1 White Pond Road, said she was also pleased about keeping the old building. Any questions beyond first glance would be about access and lighting.

Sally Griffin, 29 Lane's End, said she was supportive of the project, but noted that she and her husband owned a house to the rear of the property. She hoped there would be consideration with regard to snow storage, visual screening, and also noise pollution. Dan Carr shared his screen and property owner, John Cramer, explained that the dumpster is screened with trees in the back, but that trees that had either died over the winter, or needed to be taken out due to the recent septic work, had to be replanted. The area might appear light on screening right now, but he hoped it would fill in over time. Brian Levey noted the existing stockade fence on the plan, which will be maintained.

#### *Planning Board Input*

Lori Clark asked if there had been any new comments from the Town's Engineer. Valerie Oorthuys confirmed that Sue Carter didn't add anything new since the last review and the idea of maintaining the existing structure gives her far less concern. She will remain available to discuss the truck turn radius on the site.

John Colonna-Romano said he was concerned about a misinterpretation of the bylaw regarding internally illuminated signs. Mark Pesce stated that it would be fixed.

Nancy Arsenault asked about exterior signs, the choice of siding and details on the landscape plan. Each concern was addressed by the Dunkin Donuts team.

Karen Kelleher said that she liked the farmer's porch. She questioned whether parking on street side of the island complies with the bylaw and the 2<sup>nd</sup> floor of the building would be used for storage. Dan Carr confirmed. Members noted their approval and appreciation for the addition of the farmer's porch.

Margaret Costello noted the need for stormwater management in the area and reiterated residential concerns for consideration when it comes to screening and noise. She asked if there were plans to move the electrical panel to the back. Jay Rajagopal confirmed it would be in the back. She stressed the unattractiveness of the front light pole and suggested wiring go underground as was proposed in previous iterations of the site plan. The response from the team was that this solution would likely be cost-prohibitive but Hudson Light & Power could be asked.

Deb Woods received confirmation from the owner that the building had not been compromised by prior drills done by the fire department.

John Colonna-Romano asked for detail regarding the building's basement. Jay Rajagopal responded there is an existing basement, though he didn't have the plan to share.

Brian Levey said no additional permitting is required with the Board of Health because of the new septic. He added that Northeast Environmental intends to file this week with the MA Department of Environmental Protection (DEP), regarding the public water supply permit.

Lori Clark asked that the location of the pylon sign be considered with care. She asked for more details about traffic flow. Dan Carr shared his screen and provided an explanation. She said she liked the building renovation and the plans for reducing impervious surface. She touched on several topics such as the hours of outdoor dining, outside music, farmer's porch lighting, trash receptacles and dumpster screening. Mark Pesce confirmed the hours would not extend past 8pm, there would be no outside speakers, the farmer's porch will have light, and trash receptacles will be found outside the front entrance and a couple in the back parking lot.

Past noncompliance regarding lighting on the adjoining property was also raised. John Cramer noted Bank of America is in the process of changing out their sign to come into compliance.

John Colonna-Romano considered the traffic flow around the building and asked if there would be interference with scheduled deliveries. Mark Pesce said there would be just one delivery per week from the distribution center, with flexibility to come during non-peak hours. The donuts are a quick delivery, no more than 5 minutes, early in the morning. Dark sky lighting compliance was confirmed, as well as the placement of a Dunkin sign on the side of the building.

Valerie Oorthuys noted that the Treasurer's office had reported no outstanding bills for either parcel. She went on to ask several questions pertaining to the Board's interpretation of the new bylaw. The dimensions of the pylon and window signage were discussed at length.

Suggestions were made for visual striping to better indicate traffic flow and increasing bicycle safety and the amount of bicycle parking. Dan Carr shared his screen and noted the changes. The Planning Director noted her opinion that the site complied with buffer requirements. She also acknowledged the residential uneasiness about screening expressed earlier but noted the segment of landscaping in the back and length of stockade fence.

John Colonna-Romano asked if the heating system would be replaced. Brian Levey said this would be addressed in the building plans.

Mark Pesce confirmed for a resident that interior illuminated 'open signs' are not part of the proposal.

Brian Levey noted a safety issue and the need to change the emergency access to the existing building which could be a condition in the decision draft. He confirmed with Dan Carr that a set of exterior stairs would be added to the second floor of the building, providing a second egress in case of an emergency.

Members agreed deliberating was still needed regard to the bylaw, but that they had enough information from the presentation and satisfactory public feedback to close the hearing.

Margaret Costello confirmed with Brian Levey that a condition could also be in the decision draft to confer with Hudson Light & Power about underground utilities.

*Karen Kelleher motioned for a vote to close the hearing.*

*John Colonna-Romano seconded.*

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

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

Valerie Oorthuys noted few changes to the draft bylaw beyond adding the compilation of comments that had come in. Her next step is to provide it to the police and building departments for feedback on the administration of the bylaw, and to make sure that any references are correct. Afterwards, the draft will be sent to Town Counsel for additional comment. It was noted that wording around “hours of operation” for a retail business was borrowed from Littleton’s bylaw and could be regulated, though the Planning Board has not typically done this through bylaw language or Special Permit decisions. A section was added about continued access to the premise so that random police inspections could take place. Draft maps were provided to indicate the Industrial District and the proposed buffers from residential and other uses.

John Colonna-Romano confirmed with members that residential uses included group homes. He also spoke of the ambiguity of the language around gun parts/components. Members agreed to think about the wording and touched on other sections needing clearer terms, such as trash dumpsters, conservation land restrictions, and hearings for revocation.

Draft maps were shared on screen for initial feedback. Planning staff took questions and provided context. No member expressed surprise at the locations displayed within the industrial zone. Distinction was made that the bylaw is not proposed as an overlay district. Also, few commercial spaces in town would actually meet the bylaw requirements and were not included in the evening’s discussion.

### **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 Margaret Costello - **Yea**.

Respectfully Submitted,  
Julie Windzio