

TOWN OF STOW
PLANNING BOARD

Minutes of the January 23, 2024, Planning Board Meeting

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

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

Executive Session Pursuant to G.L. c.30A, §21(a)(3)

Karen Kelleher moved to enter into Executive Session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation known as Black Oak Builders, LLC et al. v. Town of Stow Planning Board, because the Chair has declared that discussing the matter in open session may have a detrimental effect on the litigating position of the Board and with the Board to return to open session thereafter. Margaret Costello seconded.

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

The Board returned to the regularly scheduled meeting at 7:15pm.

Discussion: Joanne Drive Subdivision Street Acceptance Process, Bond Reduction and As-Built Plans

Present: Dan Burger

Dan Burger, on behalf of Kendall Homes, requested a reduction in the Subdivision bond for the Joanne Drive Subdivision. The Board informed Dan Burger that he will need to have the subdivision's engineer itemize where the reductions will occur.

Public Hearing: The Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street, *continued from July 25, 2023.*

Present: Bruce Wheeler (applicant), George Dimakarakos (applicant's engineer)

Lori Clark provided an overview of the Public Hearing process for the applicant and the public attending.

George Dimakarakos presented to the Board. He began the presentation by sharing the history of the project from October 2019 to the present. The project had gone through several iterations, from age restricted units to age targeted units, from 66 units to 257 unit, from cottages to multifamily dwellings. After receiving comments from the Board and Conservation Commission, and revisions to the Active Adult Neighborhood Zoning Bylaw, the project has been modified to its current design.

George Dimakarakos shared a site plan with the Board. He noted that the site plan has areas that will need to be further engineered and submitted for the Board's review at a later meeting.

George Dimakarakos presented changes to the site plan since the last Public Hearing. The changes made were to limit the amount of site disturbance within the 200-foot riverfront buffer, per the request of the Conservation Commission. These changes include:

- Moving the wastewater treatment plans further to the west.

- Reconfiguring the clubhouse (Labeled “Cottagehouse” on the plans) and associated amenities.
- Altering the placement of 6 housing units.

George Dimakarakos asked the Board for comments so that the comments can be incorporated into the final engineered plans.

Lori Clark asked George Dimakarakos if the number of units that are less than 20 feet apart has been calculated as the Board requested that information at the previous public hearing. George Dimakarakos answered that there will be 2 units less than 15 feet apart, and 49 units will be less than 20 feet apart. He added that the placement of units is intended to maximize the amount of open space and reduce the amount of infrastructure required for the project.

Lori Clark asked what would happen to the site plan if the Board would not allow the units to be closer than 20 feet from one another. George Dimakarakos stated that there will be a reduction in open space and longer roads.

John Colonna-Romano stated that the development pattern of the project is not consistent with the development pattern throughout the Town. He asked how the units closer than 20 feet from one another are distributed on the site. George Dimakarakos responded that the units are scattered throughout the site.

John Colonna-Romano asked if there is a market for housing units closer than 20 feet from one another in Stow. George Dimakarakos stated that there is a market for housing units within 20 feet from one another in similar communities.

Nancy Arsenault asked about the orientation of the cottage units’ garages. George Dimakarakos responded that the cottages will have parking spaces to the rear with the front of the units facing a pathway.

Nancy Arsenault asked what the average distance between units will be for those that are not closer than 20 feet from one another. George Dimakarakos replied that the remaining units will have a distance of (or slightly higher than) 20 feet from each other.

Margaret Costello stated that she is supportive of the clustering of the units and does not have objections to the housing units within 20 feet from one another. She stated that the clustering will preserve the open space.

Deb Woods asked what the price of each unit is expected to be. Bruce Wheeler stated that there has not yet been an analysis of the prices per unit. Deb woods stated that if the space around each unit becomes too small, she has concern that the market will view the housing units as too highly priced.

John Colonna-Romano stated that the site plan has the potential to create a neighborhood feel, something that is difficult with the current 1.5 acre lot sizes.

George Dimakarakos added that housing units built closer together cost less to construct, which could lead to the prices of each unit being lower.

Lori Clark stated that she personally does not like the proposed site plan as she finds the units to be too close to one another. She acknowledged that the style of development is found in other communities and

have proven to be successful. She stated that there will need to be a tradeoff of preservation of open space and allowing the site to be developed.

The Board discussed potential impacts to scenic vistas within the Town. George Dimakarakos stated that there will be minimal impacts to the scenic vistas as viewed from public right of ways.

John Colonna-Romano asked if the stormwater basin in front of the new location of the clubhouse could be made visually pleasing as it is in a highly visible position on the site. He then expressed concern about the placement of the mailboxes on the site as they are all located within the same location on the site. George Dimakarakos stated that the placement of the mailboxes will need to be approved by the Postmaster but is something that could be looked at. No clear response was given regarding the stormwater basin question.

Nancy Arsenault asked if a fire apparatus or a solid waste truck could turn around at the ends of Buttercup Lane and Daisy Lane. George Dimakarakos stated that both types of vehicles can turn around at the end of each of the lanes.

Nancy Arsenault asked if two cars can pass one another on each proposed street. George Dimakarakos stated that each street has a minimum width of 18 feet, allowing two cars to pass one another.

John Colonna-Romano asked where the fire cisterns are located, for the Board received correspondence from the Fire Chief. George Dimakarakos stated that the locations of fire cisterns have not been finalized yet, but, per the request of the Fire Chief, all units will be within 1,000 feet of a cistern.

Karen Kelleher hypothetically asked if there will be a noticeable difference between units that are 15 and 20 feet apart from one another. She asked if there could be additional duplexes added to the site to increase the diversity of housing. George Dimakarakos stated that there are currently 14 duplex units (7 buildings) on the site. Bruce Wheeler responded that he will investigate the idea of more duplex units.

Deb Woods stated that she personally prefers to have larger lot sizes, but she understands that there are people who would prefer the clustered development as proposed in the plan. She reminded the Board that when the housing units get sold, the buyer will know that the units will be close together, so debating the units closer than 20 feet may not matter.

Lori Clark opened the Public Hearing to public input. She reminded the public that full engineered plans will be subsequently provided, so not every question would be able to be answered at the present Hearing session. She stated that public input will be limited to 9:00pm, but there will be additional time at future Hearing session to provide input.

Prior to Public Input, Margaret Costello asked Valerie Oorthuys to share the public comment received from public engagement work regarding the Housing Production Plan. Valerie Oorthuys shared comments received from public engagement included a desire for smaller housing units and the ability to downsize. She asked if the Board had any comments that they would like to share with the applicant regarding the public comment and the proposed project. The Board discussed the size of units but did not form an opinion regarding decreasing (or increasing) the size of the proposed units; instead the Board expressed concern with affordability and price range of each of the units. Bruce Wheeler stated that there will be additional investigation on diversifying the price points of each of the units.

Margaret Costello encouraged the applicant to reduce the size of the 79 largest units to reduce each floor from 1200 sqft to 800 sqft. Bruce Wheeler acknowledged her comment.

Katie Fisher, 1 White Pond Road, stated that she does not find a significant cost difference in duplex units and detached units. She supported the preservation of open space on the site.

Matt Forrestall, 87 Kettle Plain Road, stated that he sent a letter of opposition to the Board. He expressed opposition to the number of units proposed in the development as he finds the number to be too high. He stated that he perceives the high number of units proposed to be advocated by the Board. He asked why the Board is asking for more units. Lori Clark stated that the original proposal was for 66 units on half of the site; once the other half of the proposal was included, the number went to 257 units. She explained that the number of units decreased to the present number after the Board's comments. George Dimakarakos confirmed that the Board did not advocate for more units.

Matt Forrestall, 87 Kettle Plain Road, stated that he perceives the Board amending the Zoning Bylaw so that more units can be maximized on this specific site. He expressed concern that the future buyers of the units will negatively impact the town; he provided examples of his perception that includes the future residents burning leaves in their backyards and straining municipal services. He asked why the Board continues to support the density of this project and the Residences at Stow Acres (a Comprehensive Permit Application under the review of the Zoning Board of Appeals).

Lori Clark responded to Matt Forrestall's comments and questions. She stated that the Residences at Stow Acres is a different project outside of the jurisdiction of the Board. She stated that the clustering of units is intended to preserve open space.

Ken Duchi, 209 Hudson Road, acknowledged that the design of the project is not currently found in Stow. He asked if the affordable units would help meet the Commonwealth's goal of 10% deeded affordable units. He stated that he would like more units to prevent another 40B development in Stow. Lori Clark responded that the applicant is provided the required number of affordable dwellings.

Mark Forgues, 1 White Pond Road, opposed the project because it does not help with affordability, the proximity of units to one another, and that there is only one egress from the site. He expressed fear that the development will have more children than anticipated.

Martin Massucci, 89 Kettle Plain Road, asked for the Board to consider asking for a decrease in the number of units in the development instead of spacing the units further apart from one another. Lori Clark stated that the number of units was decreased from 257 to 141. Martin Massucci stated that his vista onto the site will be ruined, and that he fears that the wetlands on the site will be filled in.

Adam Fulford, 114 Maple Street, asked what the development would look like if the units were built by right instead of using the Active Adult Neighborhood Overlay District Zoning. He stated that it could help compare the impacts to the site. Karen Kelleher responded that the underlying zoning is Industrial, which could allow for an industrial use on the site. She stated that another alternative could be a 40B development which would have less open space and greater density.

Catherine Forrestall, 87 Kettle Plain Road, asked if the Board will consider the comments from the public or if it too late for public comment to be incorporated. Lori Clark stated that the Board has heard public comments previously, and amendments to the proposed plan have been made. She stated that there is a need for balance in reviewing any application regarding what the developer is allowed to do while influencing a bettered outcome.

Lori Clark stated that there is a need for balance with this site as there could be alternative uses of the land, such as an industrial site or a 40B development. She stated that it would be naïve to assume that nothing will happen to the land, so the Board is working to find the right balance of development needs and Town needs. She concluded that the Board takes comments from the public seriously in finding the balance.

Martin Massucci, 89 Kettle Plain Road, expressed concern with the impacts to the wetlands near the proposed entry road to the site. Lori Clark stated that wetlands are under the purview of the Conservation Commission. Martin Massucci added that he does not see any development pressure on that site because it contains wetlands.

Mark Forgues, 1 White Pond Road, expressed concern that the entry road will have flooding complications caused by beavers.

Deb Woods stated that amendments to the Zoning Bylaw are approved at Town Meeting, not by the Board.

Matt Forrestall, 87 Kettle Plain Road, asked who is advocating for the density of the development. Lori Clark stated that the developer is proposing the density, and the Board is asking for open space.

Matt Forrestall, 87 Kettle Plain Road, rebutted Deb Wood's comments about Town Meeting. He stated that he was not at Town Meeting when this was voted. He stated that he believes that the Planning Board worked to amend the Zoning Bylaw for the applicant's benefit.

Mark Forgues, 1 White Pond Road, in response to Matt Forrestall's comments, expressed gratitude for the work of the Board and the Board's dedication to public input.

Dorothy Granat, 11 White Pond Road, added that people can make amendments at Town Meeting to what is presented during the Town Meeting. She stated that the Board does listen to public comment and has accurate meeting minutes.

Nancy Arsenault acknowledged the public input received. She stated that the Town cannot prevent development but can work with a developer to make a better development.

Lori Clark concluded the Public Hearing session with the next steps of the Hearing process. She stated that engineered plans will be provide to the Board, the plans will be reviewed by the Town's peer reviewing engineer, and that there will be additional opportunity for public comment.

*Karen Kelleher motioned to continue the Public Hearing until April 2, 2024, at 7:15pm.
John Colonna-Romano seconded.*

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

Deliberation: 108-118 Great Road Special Permit and Site Plan Approval Modification Decision

The Board deliberated the Decision for Special Permit and Site Plan Approval for 108-118 Great Road. Valerie Oorthuys shared the Decision with the Board with modifications made from the last meeting.

The Board began with reviewing the outdoor dining section of the Decision. Lori Clark noted that the outdoor dining furniture is written as seasonal, but the application does not indicate that; she asked for the term seasonal to be removed. The Board agreed.

Margaret Costello asked why there is a finding that states that the public water supply is noncompliant. Valerie Oorthuys explained that an earlier iteration of the plan had correspondence from the Board of Health expressing concern about the public water supply. She stated that the condition that follows asks the applicant to receive approval from the Board of Health or the Department of Environmental Protection (DEP) as necessary.

The Board discussed the sign design section of the Decision. The discussion included:

- specifying the different signs proposed and existing signs in the language of the findings and conditions,
- requesting that all signs are brought back to the Board for its review, and
- reminding the applicant that only one internally illuminated sign is allowed at the business (proposed to be a coffee cup graphic).

The Board reviewed the external lighting section of the Decision. The Board suggested that the applicant consider motion sensor lights to comply with the lighting Bylaw and maintain safety during after hour operations.

The Board discussed underground utilities at the Site. The Board's position on underground utilities is that all utilities are strongly encouraged to be installed underground at this site.

The Board discussed the number of parking spaces proposed on the site. Margaret Costello questioned if all of the proposed parking spaces are needed. John Colonna-Romano stated that there is uncertainty regarding the future uses located within the 118 Great Road building. After discussing the number of uses that could be at the site, the Board found that the proposed number of spaces to be adequate.

Brian Levy, lawyer for the applicant, requested a modification to a condition to the tree planting. The Board did not incorporate his request, as it was found to be outside of what was discussed at the Public Hearing.

Karen Kelleher motioned to approve the Decision for 108-118 Great Road Special Permit and Site Plan Approval as amended.

John Colonna-Romano seconded.

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

Adjournment

John Colonna-Romano motioned to adjourn.

Margaret Costello seconded.

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

Respectfully Submitted,
Michael Slagle