

TOWN OF STOW
PLANNING BOARD

Minutes of the February 13, 2018 Planning Board Meeting

Planning Board Members Present: Ernie Dodd, Margaret Costello, Len Golder, Karen Kelleher

Associate Member: Mark Jones

Absent: Lori Clark, John Colonna-Romano (Voting Associate Member)

Ernie Dodd called the meeting to order at 7:00pm.

Discussion of Meeting Minutes

Minutes of February 6, 2018

Ernie Dodd moved to approve the minutes as amended.

Karen Kelleher Seconded.

VOTED: 3-0 Unanimously in favor (Ernie Dodd, Margaret Costello, Karen Kelleher-Yea; Len Golder abstained).

Public Input

Richard Riel, 113 Walcott Street, said that construction at Jillian's Lane, adjacent to his home, is bringing water into his cellar and through the garage. Richard Riel said that he had contacted the contractor, though the situation has not changed. Jesse Steadman said that he would contact engineering consultants at Places Associates to inspect the site.

Member Updates

None.

Planner's Report

27 Wheeler Road- Hammerhead Lot Decision

Jesse Steadman said that the owner of 27 Wheeler Road has requested a Certificate of Occupancy, and there are a few outstanding items needed prior to its issuance, including an as-built plan and an approved Operations and Maintenance Plan referenced in the property deeds to ensure maintenance of the stormwater system, including the rain garden.

Regency at Stow- Affordable Units

Jesse Steadman said that the Planning Department has received the last of the payments in lieu of constructing 3 affordable units.

Regency at Stow- Legal Documents

Jesse Steadman said that the Homeowners Association documents have been recorded, though they can be amended and re-recorded. Jesse Steadman said that there are a few

items missing from the master deed that the Board asked to be included. The Board agreed to discuss this further at their next meeting.

Age-Friendly Communities

Jesse Steadman said that the 13 towns in MAPC's MAGIC region have the opportunity to apply to AARP's Age Friendly Communities initiative. Once the towns are accepted to the program, they will decide on a housing or transportation project to work on.

Lower Village Traffic Improvement Project

Jesse Steadman said that he is working to finalize the last of the temporary and permanent easements needed to begin work, and has reached out to Town Counsel to clarify remaining questions.

Sign Bylaw Discussion with the Economic Development and Industrial Commission

EDIC Members Present:

Kevin Whalen (Chair), Bob Collings, Jen Gero, Serena Howlett

The Planning Board noted their appreciation of the EDIC's review of the Sign Bylaw. Ernie Dodd said that the Sign Bylaw is known to have flaws, and should be changed to address concerns brought forth by the EDIC and others, while considering recent Supreme Court decisions.

Kevin Whalen noted that the EDIC began to look into the Sign Bylaw after completing a survey of Stow business owners. Kevin Whalen said that the EDIC brought these concerns to the Planning Board to hear the Board's opinion of the most important elements of the bylaw to reconsider, and what changes could be made without hiring a consultant. Kevin Whalen said that of particular interest is enforcement of the bylaw.

Ernie Dodd noted that, as with any bylaw change, the revision would need to be approved at Town Meeting, and therefore would have to satisfy multiple interests. Ernie Dodd said that he agreed with the suggestion of including a purpose section.

Bob Collings said that sign bylaws have been widely litigated before the Supreme Court, as sign bylaws are relevant to freedom of speech. Bob Collings said that he has concern with rewriting the sign bylaw without a legal review.

Len Golder added that a clarified appeals process would be helpful, as is included in the EDIC's letter to the Board.

Ernie Dodd spoke to the difficulty in crafting the sign bylaw, stating that previously, the Board went through a planning process with the Agricultural Commission to revise the sign bylaw, which was then passed by Annual Town Meeting only to be told by the Attorney General that the revision was too restrictive. Ernie Dodd offered the example of the Shopping Plaza signage, noting that its owners went through a process with the Zoning Board of Appeals to come to a compromise on dimensions. Ernie Dodd suggested that the

EDIC, as liaisons to the business community, could compile guidelines that would help business owners, and the Planning Board could work to incorporate those guidelines into a revision. Ernie Dodd said that a Working Group or Subcommittee could be formed to draft the bylaw.

The EDIC and the Planning Board discussed the need to balance rural character while providing business owners the ability to attract patrons.

Bob Collings said that he would like to use the EDIC's budget to hire a third part to provide legal recommendations on the sign bylaw, as the EDIC does not have that expertise. Karen Kelleher agreed that the draft bylaw should be reviewed, though it need not be reviewed both before and after revisions. Karen Kelleher suggested that any draft be agreed upon by the committee and then sent to a consultant for further revising.

Len Golder suggested looking to other towns' bylaws as examples. Mark Jones said that towns have not revised their bylaws since recent Supreme Court decisions, so those examples may not be comprehensive. Len Golder said that some elements of the bylaw wouldn't be affected, such as lighting, and that most of the legal matters would revolve around size and color. Len Golder said that he would want a revised bylaw to ensure consistency.

Karen Kelleher asked if there were specific comments from the EDIC's business survey regarding signage. Kevin Whalen said that most sign comments weren't specific, though one respondent mentioned allowing illuminated signs.

Ernie Dodd said that he agreed that the size of signs should not be tied to the amount of frontage of a store, but in his opinion, could be based on the maximum size of a business.

Susan Lucas, 175 Maple Street, asked why signage in some towns' business districts look more appealing. Karen Kelleher said that it could be because it's in a local historic district, or it could be their sign bylaws. Ernie Dodd said that design guidelines in other towns could insist that signs meet certain requirements.

Mark Jones said that there should be consistencies in signage between farms and other businesses. Jen Gero said that with GPS, directional signs may not be as necessary.

Margaret Costello said that the American Planning Association's sign guidelines, along with our sign bylaw, provide a good foundation to move forward with revisions.

Bob Collings asked if a member of the Planning Board would want to join the EDIC in revising the bylaw. The Board discussed whether a working group or a subcommittee could be formed, and decided that a working group should be formed. Len Golder volunteered to help.

Endorsement of Minor Modification for Regency at Stow

The Planning Board endorsed Minor Modification 12 for Regency at Stow, after discussion during their meetings of January 16, 2018 and February 6, 2018.

Recreational Marijuana Forum Planning

Jesse Steadman said that the Massachusetts' Cannabis Control Commission (CCC) recently published their draft legislation for the state. Jesse Steadman said that with the warrant closing March 30th for Stow's Annual Town Meeting, the Board should aim to hold a public forum to show what options the CCC's draft provides to a 'yes' community such as Stow, and to discuss what zoning could look like in town. Jesse Steadman said that there are a handful of ways the Selectmen could influence what Recreational Marijuana looks like in Stow, for example they could vote and put forth an ordinance to limit marijuana establishments to 20% of the liquor licenses in Town. Jesse Steadman said that originally it was thought that limitations or restrictions could only come through a citizen petition.

Matt Sonnichsen, 101 Packard Road, said that he believes the law would state that if a town or municipality has fewer than 5 liquor licenses, the town couldn't limit the number of marijuana establishments to fewer than 3.

Jesse Steadman said that because Stow voted in favor of legalizing recreational marijuana, any local restrictions or regulations that would limit or restrict use would have to pass at Town Meeting and at a subsequent election.

Jesse Steadman discussed the potential public forum, saying that he hopes to gather representatives from Public Safety, the Board of Health, and the Planning Department to hold a Q&A forum. Jesse Steadman said that the main purpose of the forum would be to discuss options so that residents understand the draft law and what choices the town can make. Jesse Steadman said that he is putting together a presentation, and considering drafting an informal survey to figure out where residents are on the issue.

Matt Sonnichsen asked why a survey is needed, when voters passed legalizing marijuana at the November election. Jesse Steadman said that it would be up to the Board of Selectmen whether they would like to put something on the ballot, for example to limit or restrict uses or to accept a higher local sales tax, and a survey could break down the different types of uses in a way that November's ballot question did not.

John Boyle, 175 Maple Street, said that he and his wife have benefited from medicinal marijuana, and would like to help residents understand the industry. John Boyle said that his wife has been using medicinal marijuana to treat epilepsy. John Boyle said that Bolton has allowed small operations to cultivate on residential land, rather than locating on industrial land, which he feels is an important element of keeping the revenue created by the industry in the hands of locals.

Matt Sonnichsen stated that his support of Stow becoming a Right to Farm community includes the issue of growing marijuana, though the Cannabis Control Commission's draft policy separates marijuana from agricultural uses.

Susan Lucas, 175 Maple Street, asked if the Planning Board has considered asking residents what fears they may have related to marijuana legalization. Jesse Steadman said that concerns typically come out at public forums.

Susan Lucas noted that medical dispensaries in Massachusetts are nondescript buildings and have security at the door to check identification of anyone entering.

Margaret Costello said that one of her concerns is personal safety with guarding plants on residential property. Matt Sonnichsen said that there are residents in Stow growing marijuana for personal consumption without trouble.

Jesse Steadman said that he would schedule a meeting with representatives from Town to begin planning a public forum for March.

Potential Warrant Articles for Annual Town Meeting

Jesse Steadman said that aside from zoning for adult use of marijuana, other warrant articles may include updates to the Erosion Control Special Permit, the sidewalk policy, and accessory retail uses in the industrial area. Jesse Steadman said that these would be addressed at a future meeting.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys