

TOWN OF STOW  
PLANNING BOARD

Minutes of the June 19, 2018 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, John Colonna- Romano

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

Absent: Len Golder, Karen Kelleher

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

**Discussion of Meeting Minutes**

**Minutes of June 5, 2018**

*Margaret Costello moved to approve the minutes as written.*

*John Colonna-Romano seconded.*

**VOTED: 3-0 Unanimously in favor (Lori Clark, Margaret Costello, John Colonna-Romano-Yea).**

**Public Input**

None.

**Member Updates**

Mark Jones said that the Zoning Board of Appeals met last night for a continued hearing of the Plantation Apartments II Comprehensive Permit. Mark Jones said that discussion centered around nitrogen levels and septic fields, and that hearings for the application were extended through the end of August. Mark Jones said that he feels the Board will need to have a hydrogeologist hired to provide baseline information about the groundwater on site to ensure compliance with Title 5. Mark Jones noted that Plantation II is considered as a combined site with Plantation I, which alters the water usage allowance for the site.

**Planner's Report**

*Sign Bylaw Discussion*

Jesse Steadman said that the Economic Development and Industrial Commission met recently to discuss the Sign Bylaw, and that Len Golder joined the conversation to provide a legal background for needed changes and to represent the Planning Board's previous conversations around the need for any revisions to balance interests of the Town.

*Athens Lane*

Jesse Steadman said that there is correspondence in the Board's packets related to the question of legal frontage and right of access over Athens Lane. Jesse Steadman said that

Town Counsel will provide the Board with comment prior to the Public Hearing. Jesse Steadman said that the issue of the right of way considered as frontage is complicated.

#### *Stow Acres*

Lori Clark updated the Board on a meeting with Jesse Steadman, Valerie Oorthuys, and Peter Brown, the owner of Stow Acres. Lori Clark said that Peter Brown is interested in securing a Conservation Restriction over part of the north course. Stow Acres has invested in their clubhouse and is looking to make further improvements, including the relocation of the driving range to the south course and the construction of a storage facility for golf carts and other equipment. Lori Clark said that the owner is considering developing a 5 lot subdivision on the north course. Lori Clark said that in preparation for an appraisal of the property, the owner would like an assessment of the Phased Growth Bylaw. Lori Clark said that the owner would also like to have the cap on Active Adult Neighborhoods lifted to consider that as an option. The Planning Board agreed that the Active Adult Neighborhood bylaw may need a more comprehensive revision, as evidenced by complications earlier in the year around the Department of Housing and Community Development's concerns of age discrimination and Inclusionary Zoning that were discussed in relation to Regency at Stow's application for affordable units.

#### *Municipal Vulnerability Preparedness Program*

Jesse Steadman said that the MVP final report is being revised, and that the grant also calls for a public listening session to review the findings and recommendations in the report. The Board agreed to host the listening session at an upcoming Planning Board meeting.

#### **Arbor Glen Request for Minor Modification**

Present: Fred Myers, Arbor Glen

Jesse Steadman said that the Board at Arbor Glen is requesting the ability to modify their Special Permit in order to pave 3 parking spaces as well as the road to the septic system. Jesse Steadman said that the 2006 Special Permit allowed the development up to 13% impervious area which Arbor Glen would still be under after the proposed addition of impervious surface.

Fred Myers said that Arbor Glen has three separated parking areas, and a septic tank under part of the road. Fred Myers said that these areas are not paved, though there is a concrete geogrid that creates an annual problem with plowing. Fred Myers said that the slope of the road is of concern and the location of four manhole covers creates a safety issue. Fred Myers said that this request has been made and granted back in 2005, though the applicant did not follow through on the construction.

Jesse Steadman said that the Board's consulting engineer did not have a concern with the paving, though she recommended that they use stone infiltration trenches where practicable to capture any sand in melting snow and to provide some recharge.

The Board agreed that the proposal constitutes a minor modification.

*Margaret Costello moved to accept the proposal to repave three parking spaces and the road to the septic system as described in the petition dated June 3, 2018 as a minor modification. John Colonna- Romano seconded.*

**VOTED: 3-0 Unanimously in favor (Lori Clark, Margaret Costello, John Colonna-Romano- Yea).**

*Margaret Costello moved to approve the Arbor Glen proposal to repave three parking spaces and the road to the septic system as described in the petition dated June 3, 2018. John Colonna- Romano seconded.*

**VOTED: 4-0 Unanimously in favor (Lori Clark, Margaret Costello, John Colonna-Romano, Megan Birch- McMichael (Voting Associate Member)- Yea).**

### **Joint Board Session with Board of Health- Recreational Marijuana**

Present: Merrily Evdokimoff, Stow Board of Health

Jesse Steadman said that the Marijuana Forum is scheduled for June 27<sup>th</sup> at 7pm. Jesse Steadman said that the intent of the forum is meant to let residents know of their options for local regulation of commercial marijuana. Jesse Steadman noted that the Board's packets include draft regulations for the sanitary and safe operation of marijuana establishments from the Associated Boards of Health.

Merrily Evdokimoff said that the regulations were drafted by a committee of directors of Boards of Health to address public health issues around marijuana. Merrily Evdokimoff said that it is more similar to tobacco regulations than alcohol regulations. The draft regulations address distance from schools and keeping products out of the hands of minors, though Merrily Evdokimoff said that the committee is still looking for information around the provision of food products.

Merrily Evdokimoff asked if the Planning Board has seen any interest from Recreational Marijuana Establishments to locate in Stow. Jesse Steadman said that past interest has come from Medicinal Marijuana Establishments.

Merrily Evdokimoff noted that State law requires agreements between an establishment and the Town it would be located in. Merrily Evdokimoff asked how these agreements are coordinated. Jesse Steadman said that the applicant would, in the course of their licensing through the State, contact the Town to set up a public hearing in Stow once they have identified the property they would like to be located at. Jesse Steadman said that if Stow allows commercial establishments, applicants would execute a Host Community Agreement with the Board of Selectmen. The agreement can include items such as impact fees, local hiring practices and voluntary donations, so long as the items have nexus and proportionality. Jesse Steadman said that even without a local bylaw, the State's process still includes some local measures.

Merrily Evdokimoff discussed some of the reading she's done to understand other towns' actions related to recreational use of marijuana, noting that some areas are treating

marijuana establishments as any other business, and some areas are treating it as a new business and land use.

Lori Clark said that it would be beneficial to have a Joint Boards Committee on commercial marijuana going forward so that there can be continued coordination between the Board of Selectmen, Board of Health, and Planning Board as the town's reaction to commercial marijuana takes shape. Jesse Steadman noted the importance of the survey to better understand residents' underlying concerns and interests, especially as Question 4 was only passed by 53%.

Merrily Evdokimoff stated that adopting the Board of Health's regulations would not require a Town Meeting vote to adopt, but rather done through a public hearing.

Jesse Steadman said that a Recreational Marijuana Establishment zoning bylaw will be on the warrant for the October Town Meeting, and that it is possible that the Board of Selectmen would put forth articles to ban Recreational Marijuana Establishments. The Board agreed that the order of votes at town meeting will be complicated, as there may be votes for zoning amendments allowing the use and also votes to ban uses.

The Board reviewed a draft survey and provided suggestions to clarify definitions around marijuana establishments and regulation options. The Board agreed that it should be very clear that personal use of marijuana is legal, and any Town action would be around regulating or prohibiting commercial use. Merrily Evdokimoff and the Board agreed that the Town's ability to enact fines or civil penalties should be clarified. Merrily Evdokimoff and the Board discussed a question related to where to locate certain commercial marijuana uses in Town, agreeing that residents' feelings about location is critical to shaping a bylaw, though zoning is a complicated topic.

Merrily Evdokimoff said that members of the Board of Health plan to attend the Marijuana Forum to discuss any questions that may be related to public health.

### **Regency at Stow Legal Documents**

*John Colonna-Romano recused himself as an abutter to Regency at Stow.*

Jesse Steadman said that an earlier miscommunication led to a discrepancy between the Master Deed, still in draft form, and an amendment to the Master Deed, which has been recorded. Jesse Steadman said that the Board wanted to ensure that the Conservation Commission would have the authority to allow trails to be constructed in the Open Space, which is a condition of the 2016 modification of the Special Permit. Jesse Steadman said that the amendment to the Master Deed includes language that says the Condominium Trust can determine the location of trails, should they own the Open Space. Jesse Steadman said that at their next meeting, the Conservation Commission plans to accept the Open Space. Jesse Steadman said that the Condominium Trust will not own the Open Space, so the amendment language doesn't hold.

Margaret Costello stated concern about the documents' clarity and ensuring that the Conservation Commission does hold the authority to allow construction of trails.

Jesse Steadman said that the Department of Housing and Community Development now has all of the documents for the low income units, and should soon execute the Regulatory Agreement so that the units at Regency at Stow are counted toward the Town's Subsidized Housing Inventory.

#### **Jillian's Lane Long Term Stabilization**

Jesse Steadman said that there is correspondence in the packets related to the applicant's request to replace the Board's consulting engineer with the applicant's wetlands consultant. Jesse Steadman noted that wetlands consultants have a different skill set than engineers, and pointed out that the wetlands consultant is currently working for the applicant. Jesse Steadman said that replacing a consulting engineer should be done if there is a legitimate conflict of interest or if there is a discrepancy with the engineer's professional experience and what is required of the inspection. The Board agreed that their consulting engineer should remain and that her responsibilities should be reiterated to the applicant.

Jesse Steadman said that both the Building Inspector and Maryann DiPinto, the applicant's wetland consultant, felt the site held up well with Monday's rains. Maryann DiPinto said that the site is fully loamed and that the next task will be the construction of the detention basin. Jesse Steadman said that once the Board's consulting engineer can inspect the site, the contractor and their wetland consultant can determine what to do in case of a rain event while the basin is under construction. Jesse Steadman said that they have filed the Notice of Intent with the Conservation Commission for the construction of the basin.

The Board agreed that once the Town's consulting engineer has inspected the erosion controls around the septic system and the plans for site stabilization during construction of the detention basin, and the Conservation Commission has provided the applicant with an Order of Conditions, the Board will ask the Building Inspector to lift the Cease and Desist order. The Board agreed that any other incident will reinstate the Cease and Desist.

#### **Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys