

TOWN OF STOW  
PLANNING BOARD

Minutes of the September 11, 2018 Planning Board Meeting

Planning Board Members Present: Lori Clark, Margaret Costello, Karen Kelleher, Len Golder, John Colonna- Romano

Voting Associate Member: Megan Birch-McMichael

Associate Member: Mark Jones

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

**Discussion of Meeting Minutes**

**Minutes of August 21, 2018**

*Karen Kelleher moved to approve the minutes as amended.*

*Margaret Costello seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano-Yea).**

**Public Input**

None.

**Member Updates**

Megan Birch-McMichael said that the Lower Village Revitalization Subcommittee held their first meeting on August 23. The Subcommittee had a productive discussion regarding water infrastructure and will review planning documents to learn more of the history of Lower Village zoning and infrastructure conversations. Megan Birch McMichael said that the consultant for the Market Analysis and Business District Assessment of Lower Village has reported a high response rate for the resident survey.

John Colonna-Romano said that the Community Preservation Committee toured renovations at the upper level of Randall Library, which is soon to be completed.

**Planner's Report**

*Phased Growth Bylaw*

Jesse Steadman said that he followed up with Peter Brown regarding the Phased Growth Bylaw. The Board agreed to discuss the bylaw at a future working meeting, as it would be helpful to review past correspondence with Town Counsel and minutes of past meetings.

*Collings Foundation Erosion Control*

Karen Kelleher recused herself as an abutter to the Collings Foundation.

Jesse Steadman reported that the deadline for the Collings Foundation to apply for an Erosion Control Special Permit has passed.

### *Complete Streets*

Jesse Steadman said that the Complete Streets Committee has posted a Request for Quotes for a survey of a section of Great Road in order to move forward with the MassDOT funded project to install bicycle lanes on Great Road from Lower Village to Town Center.

### **Public Hearing**

#### **Definitive Subdivision Modification- Springbrook Farm, Apple Blossom Way**

*Present:*

Dick Bolton, owner

*Karen Kelleher moved to waive the reading of the Public Hearing notice.*

*Margaret Costello Seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano- Yea).**

Dick Bolton said that he is requesting approval to modify the existing Springbrook Farm Subdivision on Apple Blossom Way to add a housing unit and update the existing Conservation Restrictions on three parcels of the land. Approved in 1992, the 52 acre subdivision included 8 lots, two of which included existing homes, for a total of 6 buildable lots and one barn approved to be constructed on land with a Conservation Restriction. Dick Bolton explained that while it was intended for the Conservation Restriction, extending to multiple parcels along Apple Blossom Way, to be perpetual, the restriction was not recorded and therefore was only protected for 30 years. As 26 of those years have passed, Dick Bolton is looking to update the Conservation Restriction to be held in perpetuity and to convert the existing barn to a residence.

Dick Bolton described the barn further, noting that it has a Title 5 approved septic system for a 3 bedroom residence and a well with a purification system. Half of the barn is heated and air conditioned, and has a living area with a full kitchen and 1.5 baths. The barn had been used as a space for hosting farming seminars. The other half of the barn includes stalls, a loft, and space to store equipment.

Dick Bolton said that he intends to sell the barn to buyers wishing to continue to use the land for agriculture, which would be worked into the language of the Conservation Restriction, ensuring that future owners would also be allowed to farm while maintaining the footprint of the barn.

Darren Henry, 63 Apple Blossom Way, asked if the other two parcels under the same ownership would also have their Conservation Restrictions modified. Dick Bolton said that the other two lots, on the northeastern side of the subdivision are currently under the Conservation Restriction set to expire and will be part of the renegotiation.

Karen Kelleher asked if the intent is to convert the entire barn structure to a residence. Dick Bolton said that half of the structure is currently a barn and the other half has been used as a meeting space, though depending on the restriction placed on the land, the structure could be entirely converted by a future owner.

Margaret Costello asked how much of the barn parcel would be taken out of the Conservation Restriction. Dick Bolton said that the barn itself would become a residence and not included in the Conservation Restriction, though the rest of the parcel would be included. Jesse Steadman clarified that the Conservation Restriction would detail a building envelope to be left out, which is typical. Dick Bolton said that the footprint of the barn could not be expanded, and that activity on the land would be restricted to farming. Dick Bolton said that there are buyers interested in the property and are aware of the restrictions.

The Planning Board asked for further description of the Conservation Restriction. Jesse Steadman noted that the subdivision plan included 8 housing lots and in order to grant waivers requested in 1992, the Planning Board intended for a permanent Conservation Restriction. The Conservation Restriction was never signed by the State, so the CR reverted to a 30-year restriction. Jesse Steadman said that this means that as it stands now the lots could be developed in 4 years. Jesse Steadman said that the question here is whether gaining a permanent Conservation Restriction is worth allowing another building lot.

Lori Clark asked about the legality of having a parcel with a Conservation Restriction and a residence, and whether a future owner would be able to demolish the barn and build another home. Jesse Steadman said that the Conservation Restriction can be modified to allow a building envelope, and that the Conservation Commission would work out the details. Karen Kelleher said that she would like to review the newly drafted Conservation Restriction, to ensure there is language requiring the home to retain the look and feel of a barn rather than a single family dwelling. Dick Bolton said that the draft Conservation Restriction limits the residence to the footprint of the existing barn structure.

Jesse Steadman noted that another consideration for the Planning Board would be the inclusion of affordable housing. Karen Keller acknowledged that the subdivision was permitted prior to the adoption of Inclusionary Zoning.

The Board agreed to continue the public hearing to allow more time to look at the legalities around the Conservation Restriction.

*Karen Kelleher moved to continue the Public Hearing to October 9, 2018 at 8pm at Town Building.*

*Margaret Costello Seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano-Yea).**

## **Public Hearing**

### **Proposed Amendments to the Zoning Bylaw- Town Meeting Warrant Articles**

*Karen Kelleher moved to waive the reading of the Public Hearing notice.*

*Margaret Costello Seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano- Yea).**

Jesse Steadman and Valerie Oorthuys presented the Planning Board's Warrant Articles pertaining to zoning for Registered Marijuana Establishments. The presentation covered such topics as the State law and process, the role of the Cannabis Control Commission, minimum licensing requirements and additional options for local control, Stow's planning process, and the proposed Zoning Bylaw. The presentation is available on the Planning Board's page at [www.stow-ma.gov](http://www.stow-ma.gov).

Bhaird Campbell, 18 High Street, asked about the number of liquor licenses allowed in Stow. Jesse Steadman said that Stow currently has 5 liquor licenses, and that for communities with a population under 12,000, every 1,000 in population increase as stated in the Census adds an additional license.

Terri Kostas, 46 Trefry Lane, asked about the public hearing process for a Registered Marijuana Establishment Special Permit, and whether abutters could reject an application. Jesse Steadman said that abutters comments are taken into consideration during public hearings, though the applicant may follow every regulation. In that case, the Planning Board would be able to consider ways to mitigate abutters' concerns. Lori Clark added that abutters wouldn't be able to vote to reject an application, though there could be cause to deny an application, such as safety issues or traffic concerns that aren't properly addressed. Lori Clark added that the Planning Board cannot waive Zoning Bylaws regarding the specific use.

Ed Marsteiner, 29 Heritage Lane, asked why so many parcels are included in the Registered Marijuana Establishment Overlay District. Jesse Steadman said that the data collected by the Planning Department showed that respondents were in favor of allowing the use, and Commercial and Industrial zoning districts were included in the overlay district as those districts are most similar to the type of land use allowed for Registered Marijuana Establishments. Jesse Steadman said that the approved Overlay District for Medical Marijuana was slightly modified to create the Registered Marijuana Establishment District. The Registered Marijuana Establishment Overlay District includes all Industrial and Commercial parcels, excluding parcels with existing homes. Ed Marsteiner said he lives near White Pond Road, and that traffic and safety are a concern. Lori Clark noted that those concerns would be considered if an establishment were proposed, and noted that the area is already in a commercial district.

Katharine West, 8 High Street, asked about the inclusion of the Gleasondale Mill, noting that the Gleasondale Bridge is down to one lane. Katharine West said that she feels this could create additional traffic concerns for the neighborhood, and that the village is already

concerned with the Eversource project's impacts. Jesse Steadman said that the inclusion of the mill was factored into a long term approach to planning for improvements to the parcel. Jesse Steadman noted that all industrial land was included in the overlay district, except for parcels which are existing private residences. Lori Clark added that given the complexities of the infrastructure and traffic circulation at the mill, any future applicant would need to propose adequate solutions to these concerns.

Laurel Cohen, 481 Gleasondale Road, stated her preference for removing the Gleasondale Mill from the Overlay District, stating that the parcel is in a thickly settled residential zone, there are considerable traffic concerns in the neighborhood, and that the site is located away from public safety officials. Laurel Cohen said that she would appreciate including a buffer zone from residential properties in the proposed Zoning Bylaw. Jesse Steadman acknowledged that the Planning Board was provided a copy of a letter from Laurel Cohen regarding her concerns. Jesse Steadman said that a previous draft of the proposed bylaw includes language around having extended setbacks on the parcel if it is near a residential zone, and that the Attorney General would likely not approve a Zoning Bylaw including residential buffers, as the only buffer included in the State law is buffer around schools.

Jackie Spataro, 586 Great Road, asked if it is true that a prospective Registered Marijuana Establishment would hold two public hearings in Stow during their application process, thereby extending the time for public input and notice of a proposed establishment. Jesse Steadman said that a prospective Registered Marijuana Establishment would hold a public hearing in Stow at the point at which they are being considered for a license from the Cannabis Control Commission and then again to apply for the Special Permit through the Planning Board.

Jim Salvie, 74 West Acton Road, noted that the Board of Selectmen voted to support Article 1, agreeing that land uses in town need local zoning and oversight in addition to state regulations. Deb Seith, 11 Hale Road, added that the warrant articles have been posted online for residents to view.

Ed Marsteiner asked for the opinion of the Police Chief, and when residents could expect to hear from public safety officials. Jesse Steadman said that public safety officials may decide that the best time to address their plan for safety and security surrounding Registered Marijuana Establishments is after Town Meeting. Jesse Steadman noted that there is an ongoing statewide Police Chiefs discussion, and that local officials may choose at a later date to explore imposing a civil penalty for violation of a bylaw. Lori Clark noted that the Board of Health has the opportunity to place restrictions on Registered Marijuana Establishments as well. Ed Marsteiner said that he would like Public Safety officials to be present at Town Meeting for comment.

Jackie Spataro asked about marketing and signage for Marijuana Retailers. Jesse Steadman said that the State Law covers these topics, and that the Cannabis Control Commission's regulations detail what cannot be part of advertising and marketing. Jesse Steadman said that most of the regulation deals with ensuring the diversion of products from minors.

Jim Salvie noted that Article 2 on the Town Meeting Warrant regards the acceptance of a 3% local tax option for the retail sale of Marijuana and Marijuana products.

Chris Ruggiero, 62 Dunster Drive, stated that he feels the Town needs more time to understand this issue, and that he is primarily concerned with understanding what the cost to the town may be if additional safety and security measures are needed. Jim Salvie said that the question before Town Meeting voters will be around land use and whether residents want to prohibit individual uses. Jim Salvie added that safety and security measures are considered by State and local officials. Lori Clark noted that policing is not solved through zoning.

Claudia Dragun, 35 Sylvan Drive, noted that residents have the opportunity to prohibit uses. Lori Clark added that the Zoning Bylaw is important to have in place should prohibitions fail.

Jackie Spataro asked if the Cannabis Control Commission has approved any licenses to date. Jesse Steadman said that they have provided a handful of provisional licenses, and that dozens of applications have been submitted for review.

Laurel Cohen asked if one of the Articles at Town Meeting would be to expand the Medicinal Marijuana Overlay to include the Registered Marijuana Establishment Overlay. Jesse Steadman clarified that the Registered Marijuana Establishment Overlay District would replace the previously approved Medicinal Marijuana Overlay and that Medicinal Marijuana Establishments would be included in the new Overlay District. Jesse Steadman said that the Overlay District applies to all types of establishments except for Marijuana Retailers which are instead proposed to be located in the Business District. Jesse Steadman said that the locations included in the Overlay District map are very similar to the Medicinal Marijuana overlay, and that all parcels in the Industrial and Commercial districts which are not private residences were included.

Terri Kostas asked what the anticipated effect would be on property values. Jesse Steadman said that is difficult to predict this, as the laws governing the industry in Massachusetts don't directly translate to what is allowed in states such as Washington and Colorado.

The Planning Board agreed that it would be beneficial to leave the public hearing open to allow for additional comment and discussion at their next meeting.

*Karen Kelleher moved to continue the Public Hearing to September 25, 2018 at 8pm at Stow Town Hall.*

*John Colonna-Romano Seconded.*

**VOTED: 5-0 Unanimously in favor (Lori Clark, Margaret Costello, Len Golder, Karen Kelleher, John Colonna-Romano- Yea).**

### **Regency at Stow Erosion Control**

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

Jesse Steadman shared images from Toll Brothers detailing Stormwater Pollution Prevention work they have completed since the Planning Board's last meeting. Jesse Steadman said that Toll Brothers has completed many of their action items, including rolling out sod and seeding to stabilize the site.

John Colonna-Romano, as an abutter to the project, noted that it appeared as though an herbicide was sprayed along the property from the driveway south along Boxboro Road.

The Board agreed that they should discuss, at a future meeting, how erosion and sediment control is understood during construction as well as in the long term. The Board recalled a previous discussion with Greg Roy of Ducharme and Dillis, and his recommendation to require the contractor to provide an erosion control plan.

### **Lower Village Revitalization Subcommittee Member Appointment**

The Planning Board reviewed a letter of interest submitted by Tom Farnsworth, a current member of the Economic Development and Industrial Commission and a resident of Lower Village. Tom Farnsworth previously served on the Lower Village Committee.

*Karen Kelleher moved to appoint Tom Farnsworth to the Lower Village Revitalization Subcommittee.*

*Margaret Costello Seconded.*

**VOTE: 5-0 Unanimously in favor (Lori Clark, Len Golder, Margaret Costello, Karen Kelleher, John Colonna- Romano- Yea).**

### **Lower Village Traffic Improvement Project**

Jesse Steadman provided the Board with a table showing the current funding allocations and the real and anticipated expenditures for the Lower Village Traffic Improvement Project. Jesse Steadman said that if the contractor meets their targets, there may be \$45,000 left over, which does not provide much flexibility. Jesse Steadman noted that with invoices coming in monthly, all of the drainage work completed so far was reflected in only two invoices.

Margaret Costello asked for clarification on why items are listed as cost overruns rather than change orders, which would have allowed for more oversight. Jesse Steadman said that the change orders are items that were not part of the bid, while cost overruns account for bid items that were more expensive than anticipated. Jesse Steadman said that one example is the HMA driveways, which required more paving than expected because of the accuracy of the grades on the plans.

The Board agreed that a conversation with the project managers should include a discussion of risk mitigation, as the project budget is tight and the project is close to completion.

**Executive Session- In Accordance with M.G.L. Ch30A s.21 for the purposes of discussing ongoing litigation**

Lori Clark stated that she finds that an open discussion would have a detrimental effect on the Board's litigating position.

*Margaret Costello moved to enter into Executive Session to discuss litigation and to adjourn the regularly scheduled meeting of the Planning Board thereafter.*

*John Colonna-Romano Seconded.*

**Roll Call Vote: Lori Clark – Yea; Margaret Costello – Yea; Len Golder – Yea; John Colonna-Romano – Yea.**

**Meeting Adjourned.**

Respectfully Submitted,

Valerie Oorthuys