

TOWN OF STOW
PLANNING BOARD

Minutes of the September 25, 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 September 11, 2018

Karen Kelleher moved to approve the minutes as amended.

John Colonna-Romano seconded.

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

Public Input

None.

Member Updates

John Colonna-Romano said that at a recent Community Preservation Committee meeting, it was discussed that the Cemetery Department is concerned about the Lower Village construction during services at Brookside Cemetery. The Cemetery Department is also interested in using CPC funds to rebuild a wall at Brookside due to an erosion control concern.

Megan Birch-McMichael said that the Lower Village Revitalization Subcommittee met recently, and the group discussed the history of planning in Lower Village. Megan Birch-McMichael suggested that the Board discuss the committee's charge at an upcoming meeting, as she feels there is momentum to work beyond the current scope.

Planner's Report

Regency at Stow

Jesse Steadman noted that there is correspondence in the packets regarding the most recent stormwater management reports. Jesse Steadman noted that he has reviewed the report and identified several areas on site that should be inspected to ensure that issues are being properly addressed.

Jesse Steadman noted that the Regulatory Agreements for the affordable and middle income units have been recorded. At this stage in the development we are waiting for Toll to find eligible buyers and execute the agreed upon deed riders.

Jesse Steadman said he also received correspondence from a resident at 218 Boxboro Road requesting the creation of a berm between his home and the Regency development. Jesse Steadman said he spoke about the issue with the site contractor and Conservation Coordinator on a recent site visit and it appears that the work would not conflict with any resource areas, Open Land or stormwater areas.

SpringBrook Farm Conservation Restriction

Jesse Steadman pointed the Board's attention to a draft Conservation Restriction for SpringBrook Farm as well as correspondence between himself and an abutting property owner at Apple Blossom Way. The Public Hearing has been continued until October 9, 2018. Jesse Steadman recommended the Board review the restriction, specifically those aspects that relate to allowed and prohibited uses. Jesse Steadman noted that if the Board is willing to modify the Subdivision, both the CR and the subdivision modification decision will need to work in unison.

Hallocks Point Subdivision

Jesse Steadman reported that a Definitive Subdivision plan has been submitted for Hallocks Point Road. In the Application, the attorney for the Applicant has submitted a letter indicating that the terms of Section 8.9 of the Zoning Bylaw regarding Inclusionary Housing, do not apply in this instance, since in their view the lots are not contiguous. Jesse Steadman said that staff recommend the letter is provided to Town Counsel for comment in response.

Assabet Street

Jesse Steadman said he has been corresponding with a resident on Assabet Street in Stow regarding how best to make more permanent improvements to the Street and whether the Town would potentially accept the road as a public way. Jesse Steadman said he is happy to meet with the resident and Highway Superintendent but that the best venue was with the Board of Selectmen. The Board suggested reviewing the subdivision decision, as it may have been decided that the road would be private so that it would not need to be built to a higher standard.

Climate Resiliency Grants from MAPC

Jesse Steadman reported to the Board that there is a new opportunity from MAPC regarding making progress on some of the identified action steps in the recently approved Municipal Vulnerability Plan. Jesse Steadman said if any of the Board members can identify priorities in the plan that may be applicable staff can begin following up.

GIS Flyover Grant

Jesse Steadman said he and Valerie Oorthuys submitted a multi-town grant for a GIS imagery flyover as part of the Community Compact IT Grant program. The grant would be equivalent to \$13,662.48 for the Town of Stow and would provide the Town with up to date

orthoimagery and contour data to supplement a variety of mapping efforts in Town. The grant would also provide a more modernized data set to build off of if the Town moves toward a publicly accessible GIS platform.

Phased Growth Bylaw

Jesse Steadman noted that there is a memo from Town Counsel in the packets regarding the Phased Growth Bylaw, specifically a case known as Zuckerman v. Hadley as well as previous minutes on the topic. The Board should review the memo and be prepared for conversation on the topic on October 9, 2018.

EPA Municipal Separate Stormwater Permit

Staff have been preparing the MS4 Notice of Intent for submission on October 1, 2018. The NOI describes the Town's Stormwater Management Planning efforts for the upcoming year and begins the cycle under the recently updated MS4 permit. It is anticipated that compliance with the new permit will require further budgeting as we approach fiscal year 2020. Jesse Steadman said that some of the requirements we can comply with in house, such as mapping, and through partnerships with local organizations. However, other tasks will need to be evaluated as to cost to get a better sense of what type of funding will need to be allocated.

Complete Streets

Planning Staff have received a Notice to Proceed regarding the \$265,000 grant for Complete Streets upgrades along Great Road from Town Center to Lower Village, at the Old Bolton Road intersection with Great Road and at the intersection of Route 117 and Harvard Road.

Merrill Inc. responded to a request for quote on behalf of the Complete Streets Committee for an existing conditions survey plan from the Town Center to Bradley Lane. The purpose of the survey plan is to understand whether road widening and bike lane installation that has been approved by MassDOT is able to advance to the design stage. The town must have a survey before some of the more advanced feasibility can be understood. The Complete Streets Committee and the Planning Board received allocation of \$50,000 for the purpose of advancing design of funded projects. Another RFQ for the awarded work at Old Bolton Road and Harvard Road is expected to be submitted for quotes shortly.

Gleasondale Bridge and Canoe Launch

Representative Kate Hogan's office organized an information session on the Gleasondale Bridge replacement last week, attended by many residents, local officials and members of MassDOT. Jesse Steadman noted that the time may be right to have the immediate abutters of the bridge come together to discuss potential options for a more permanent canoe put-in along the Assabet River. The Town Administrator noted that the Kane Land may also present some options. Jesse Steadman said that due to the Kane Land's location and floodplain, it would be helpful to have some design work done by an engineering/survey professional.

Gleasondale Engineering Plans

The other item of note from the meeting was how the Town was preparing to integrate recent Complete Streets discussions into the Planning for Gleasondale. There has been discussion that if the Town is considering updates to the Gleasondale streetscape it may be beneficial from other a funding or construction logistics standpoint to undertake work at the same time. It would likely be perceived negatively by the neighborhood to undergo two years of bridge construction only to start streetscape improvements immediately after. The Planning Board included \$125,000 on their Capital Plan for the purpose of design and engineering for the Gleasondale corridor. An updated survey has already been obtained. Staff recommend the Planning Board schedule a working meeting to discuss these transportation issues.

Lower Village

Jesse Steadman said after the Board's last meeting he revisited the latest estimate and found an area that was inaccurately billed, saving several thousand dollars. Jesse Steadman noted that he has the resident engineer and the contractor's engineer working on an analysis of budget items to understand which line items are likely to see further overages, whether there are any underruns that could save money and whether there are any inconsistencies in the grading that could cause the pavement costs to outpace the contingency the Town is carrying. Jesse Steadman said he is awaiting some further survey work to analyze the paving estimate as they approach the final month of construction.

Collings Foundation

Jesse Steadman said that the Collings Foundation has requested the ability to pave the access road to the museum. Jesse Steadman said that the road was engineered for recycled asphalt paving. The Board agreed that input is needed from the Board's consulting engineer and the Conservation Commission. The Board discussed their previous request for an Erosion Control Special Permit application to formalize the remediation process regarding the excavation on the site.

Public Hearing

Special Permit and Site Plan Approval for Screened Storage, Athens Lane

Present:

Frank French Sr., Frank French Jr., Michael French – Applicants

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).

Lori Clark stated that the purpose of the hearing tonight is to discuss what guidance the Board will provide regarding the standard for road improvements for the proposed use at Athens Lane.

Lori Clark reviewed a letter sent to the applicant, stating that the applicant has previously asked why their proposal is not considered an expansion of an existing nonconforming use.

Lori Clark explained that the proposal is not a change of intensity in the existing landscape enterprise at the site, but a new application for screened storage allowed in the Industrial District. Lori Clark stated that typically the Board received complete, detailed plans for a Special Permit application, but this application was unconventional in that the applicant has asked for clarity on legal access to the parcel ahead of submitting a full application.

Lori Clark described road standards as described in the Board's Subdivision Rules and Regulations.

Lori Clark stated that it is not customary for the Board to research the rights of an Applicant to access a property but rather to review information submitted. Lori Clark said that the discussion tonight should focus around what standard would be required, understanding that the applicant must have the signature of any property owner that must convey land for the purpose of widening the existing right of way on their application.

Sue Carter, the Board's consulting engineer at Places Associates, stated that the 16 foot wide right of way does not enable two travel lanes, and that industrial lanes would be much wider. Sue Carter said that the proposal is for a low intensity industrial use, which should be taken into consideration. Sue Carter said 11 foot wide traffic lanes are adequate for the State's Complete Streets Program, though she feels that for this use a 24 foot wide roadway would be appropriate. This would give two 12 foot lanes, though there may be places where it would need to be wider. Sue Carter said that for a 24 foot wide roadway, there should be a 50 foot right of way though that width could be decreased to 40 feet.

Sue Carter noted that the Subdivision Rules and Regulations include standards around grades and level areas. Sue Carter said that she feels the grades aren't significant except for those at the intersection with Hudson Road, which would need to be looked at by an engineer. Sue Carter said that sidewalks aren't necessarily appropriate for this road, though the Board could consider that abutting properties would have access over the roadway. Sue Carter said that a turning lane may be required later if the intensity of use increased.

Len Golder asked if there are any egress issues at Hudson Road. Sue Carter said that the sight distances would need to be taken into consideration and a larger leveling area may need to be constructed to accommodate larger trucks. Sue Carter said that the truck turns would be important to see with a subdivision plan.

Lori Clark stated that Sue Carter's recommendation would be similar to the Marginal Access and Single Access street classifications. Sue Carter said that the Board may want to consider a hybrid of the two, so that the vertical criteria for higher use roads may be implemented without the lane width.

John Colonna-Romano asked whether the existing box culvert is adequate. Sue Carter said that it needs replacing to ensure that it is structurally sound for truck traffic. Sue Carter said that it has a pressure treated timber headwall which needs to be enlarged.

Michael French asked if the right of way could be narrower at the stream crossing. Sue Carter noted that the width of the right of way would be larger than the width of paving. Sue Carter said that the stream crossing could need guardrails or other provisions.

Mark Jones asked if the angle of the road at the intersection with Hudson Road was measured. Sue Carter said that it was not measured, though there is no leveling area.

The Board discussed the potential for the road to accommodate bicycles and pedestrians, agreeing that a wider paved area may be beneficial if the use changes.

Ken Duchi, 209 Hudson Road, asked whether there is an accurate drawing of the road, the right of way, and abutting properties. Lori Clark said that there is not at this time, and the applicant would need to create a subdivision plan of the road in order to show that detail.

The Board discussed the process of withdrawing the Special Permit application without prejudice. The applicants agreed that they would like to withdraw in order to review their next steps.

Frank French, Jr. requested to withdraw the Special Permit application without prejudice.

Karen Kelleher moved to accept the applicant's request to withdraw the Special Permit application for screened storage without prejudice.

Len Golder seconded.

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

Karen Kelleher moved to close the Public Hearing.

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 stated that since the last public hearing regarding the Recreational Marijuana Establishment Overlay District, staff have met with residents and received comments from residents which are included in the correspondence. Jesse Steadman provided the Board with a document describing the implications of a 'yes' and 'no' vote on Articles 1 through 9.

Jesse Steadman said that the Board of Selectmen and the Finance Committee have voted to recommend Article 1 to Town Meeting. Jesse Steadman said that the Finance Committee also voted to approve the prohibition of Marijuana Retail Establishments and Cultivator Cooperatives.

The Board discussed a letter received from Tara Buck, of 31 Robert Road. Jesse Steadman said that Tara Buck asked that the bylaw include a buffer zone from places children commonly congregate. Jesse Steadman said that this language was allowed to be included in the Medicinal Marijuana bylaws, though the State felt it was too vague so it was changed to a buffer zone from k-12 schools.

The Board discussed a letter received from Laurel Cohen, of 481 Gleasondale Road, regarding her concerns of including the Gleasondale Mill in the Overlay District when the mill is part of a thickly settled neighborhood and the neighborhood has been actively involved in several planning processes. The Board noted that the Gleasondale Mill is on industrially zoned land, and that industrial and commercial land in town is surrounded by residences. Laurel Cohen noted that the industry may bring in more armored trucks that are needed to run a cash based business. Margaret Costello said that one Massachusetts credit union has allowed marijuana establishments to open accounts.

John Colonna-Romano asked if improvements to the entrance of the mill could be required for an establishment to locate at the Gleasondale Mill. Lori Clark said that any establishment would need to present the Board with their plans to address traffic concerns as part of a public hearing.

Margaret Costello said that she is sympathetic to the concern over the Gleasondale Mill's inclusion in the Overlay District. Margaret Costello said that many of the houses in the area have apartments and residents are dependent on the rental income. Margaret Costello said there is concern that families may be hesitant to move in if there is a Marijuana Establishment located nearby.

The Board agreed that the current layout of the parcel would need to improve for another use to come in, and that the Special Permit process allows that discussion.

Laurel Cohen said that she is afraid of the effect the Overlay District would have on rentals. Laurel Cohen said that the Gleasondale Mill is only separated from her house by the width of the Assabet River, and that she does not feel the town is protecting her family. Laurel Cohen said that she feels this is a vastly different use from other industrial uses. Laurel Cohen noted the Gleasondale Revitalization Plan, saying that she does not feel the proposed uses are in line with Marijuana Establishments. The Board noted that the Gleasondale Mill is not currently zoned for mixed use development. Laurel Cohen said that she is concerned for neighborhood safety.

The Board discussed the Gleasondale Mill, agreeing that there are issues that any future business owner would need to address such as water, sewer, and traffic circulation, and that these issues could be discussed through a Special Permit process.

Karen Kelleher moved to recommend Town Meeting approve Article 1.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 3, the prohibition of Craft Marijuana Cultivator Cooperatives, because the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 4, the prohibition of Independent Marijuana Testing Laboratories, because the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 5, the prohibition of Marijuana Cultivators, because the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 6, the prohibition of Marijuana Microbusinesses, because the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Chris Buck, of 31 Robert Road asked for further discussion of Tara Buck's letter. Jesse Steadman reiterated previous statements around the reasoning for the buffer zone from k-12 schools.

Jesse Steadman said that the suggestion to strike "Under no circumstance shall a REGISTERED MARIJUANA ESTABLISHMENT be held to a Zoning Bylaw standard for signage more restrictive than those applied to retail establishments selling alcoholic beverages within the Town of Stow" likely would not be accepted by the Attorney General, thereby putting the approval of the full bylaw at risk.

Jesse Steadman said that Tara Buck had asked that the bylaw explicitly limit the number of Marijuana Retailers to one, rather than 20% of the liquor licenses. Jesse Steadman

explained that the 20% limitation is in accordance with how the State law has been written. Chris Buck said that the interest in limiting the number of stores to one is because of a concern that Stow could become a center for Marijuana Retailers should surrounding Towns prohibit the use.

Jesse Steadman said that in response to feedback the Board has received in the past months, the Board chose not to prohibit cultivation in greenhouses or outside, though this could be reconsidered in the future.

Karen Kelleher moved to recommend Town Meeting not adopt Article 7, the prohibition of Marijuana Product Manufacturers, as the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 8, the prohibition of Marijuana Research Facilities, as the Board supports it as an allowed use in the Overlay District.

John Colonna-Romano Seconded.

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

Karen Kelleher moved to recommend Town Meeting not adopt Article 9, the prohibition of Marijuana Retailers, as the Board supports it as an allowed use in the Business District. Len Golder Seconded.

VOTED: 3-2 In favor (Lori Clark, Margaret Costello, Len Golder- Yea; Karen Kelleher, John Colonna-Romano-Nay).

Karen Kelleher moved to close the Public Hearing.

John Colonna-Romano Seconded.

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

Joanne Drive Definitive Subdivision Extension Request, Status Update, and Endorsement

Present:

Stephen Bjorklund, on behalf of the applicant

Stephen Bjorklund provided several updates regarding the Joanne Drive Definitive Subdivision. Stephen Bjorklund said that at a recent shade tree public hearing, it was determined that three street trees could come down, though the Planning Board allowed two to be taken out, with the third possibly removed after reevaluation of the need.

Stephen Bjorklund said that their engineer is working through the plan modifications described in the decision. Stephen Bjorklund said that he believes the owner has agreed to donate the Open Space to the town, and that he is working with the Conservation Commission to make improvements, including the canoe landing. Stephen Bjorklund said that fallen trees in the river will be cut back to make room for kayakers and parcel R-13 11-C will be donated as well. Stephen Bjorklund said that they would be requesting a sidewalk waiver.

Stephen Bjorklund requested a sixty day extension from the December 14, 2018 deadline.

Jesse Steadman asked how the Board would want to codify the offer to work with the Conservation Commission on a trail system on the Open Space to ensure it is completed. Jesse Steadman said that a note could be added to the plans or there could be a minor modification for the trail system, which would require a plan prior to a specific threshold. The Planning Board agreed to a minor modification so that the changes would be more clearly stated for future Boards.

Stephen Bjorklund discussed a letter provided to the Board from Wilchins Cosentino & Novins, LLP stating that the Inclusionary Zoning bylaw does not apply to this subdivision. Stephen Bjorklund said that the subdivision was first approved in 1972 for construction of 11 lots. Stephen Bjorklund said that the owner was notified in 1980 that Stow's zoning had changed and the lots would need to be reconfigured to bring them into compliance with the new requirements. Stephen Bjorklund said that he feels the doctrine of merger would have given the owner 5 buildable lots, as the subdivision was not rescinded. Stephen Bjorklund said that he feels the owner is therefore only creating two new buildable lots.

The Board agreed that for the conversation to move forward, Town Counsel would need to provide guidance.

Karen Kelleher moved to grant a 60 day extension.

Len Golder Seconded.

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

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys