



Town of Stow
BOARD OF APPEALS
380 Great Road
Stow, Massachusetts 01775-2127
978-897-7258

April 3, 2024

NOTICE and DECISION
Stow Acres Country Club
Driving Range and Snack Bar Building
SPECIAL PERMIT No. 5

Applicant: Peter Brown
Stow Holdings, LLC
258 Andover Street
Georgetown, MA 01833

Owner: Stow Holdings, LLC

Address: 58 Randall Road
Stow, MA 01775

Premises Affected:

Stow Acres Country Club, 58 Randall Road, Stow, MA, shown on Stow Property Map Sheet R11 as Parcel No. 37A, containing 151.0541 Acres.

Property Deed: Middlesex Registry of Deeds Book 67309, Page 266

Special Permit Requested:

A special permit is sought under G.L.c.40A, s.6 and Stow Zoning Bylaw Section 3.9 (Non-Conforming Uses and Structures), to allow the construction of a building containing driving range bays and a snack bar, and the reuse of an existing fairway for the range portion of the driving range.

A duly posted Public Hearing was held at 380 Great Road and online via Zoom Web Conferencing Service on January 8, 2024. The Public Hearing was continued to February 5, 2024, and March 11, 2024, and closed at the conclusion of the March 11, 2024, session. Zoning Board of Appeals Members David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Leonard Golder were present throughout the proceedings. Associate Member Leonard Golder was not present during the vote of this Decision.

The following documents were submitted for the Board's consideration:

1. Application, received December 8, 2023, comprising of the following documents:
 - Letter to Town Clerk
 - Letter to the Zoning Board of Appeals with two attachments
 - Exhibit A – Conservation Restriction
 - Exhibit B – Stow Conservation Commission Email
 - Application Form
 - Certified List of Abutters
 - Other Permits and Variances
 - Recorded Plans and Deeds
 - Plans
 - Architectural Plans
 - Plan entitled “Ver. E 2 Schematic Elevations,” prepared by Slateblue Design, LLC, dated June 19, 2023
 - Plan entitled “Schematic Floor Plan” prepared by Slateblue Design, LLC, dated June 19, 2023
 - Proposed Building Rendering (looking southwest)
 - Site Plan
 - Plan entitled “Site Plan: Stow Acres Country Club, Stow, Massachusetts,” prepared for Black Swan Management, LLC, by Stamski and McNary, Inc., dated November 8, 2023, and revised December 7, 2023.
 - Development Impact Statement
2. Additional documents submitted
 - Letter to Peter Brown, from Stow Conservation Trust, dated December 9, 2023, and received December 19, 2023
 - Order of Conditions, received December 20, 2023
 - Supplemental Information Packet, received February 1, 2024, with six attachments
 - Letter to the Board
 - Proposed Building Rendering (looking northeast)
 - Plan entitled “Ver. E 2 Schematic Elevations,” prepared by Slateblue Design, LLC, dated January 19, 2024
 - Plan entitled “Site Plan Stow Acres Country Club: Stow, Massachusetts,” prepared by Stamski and McNary, Inc., dated January 10, 2024
 - Current and Proposed Hours of Operation
 - Lighting Plan and Specifications
 - Letter to the Board, received March 7, 2024
3. Correspondence
 - Letter from Stow Conservation Commission, received December 21, 2023
 - Memorandum from Stow Planning Department, dated December 29, 2023

- Letter from Janet and Jim Wheeler, 151 Randall Road, received January 8, 2024
- Email from Bob McDonald, 387 Gleasondale Road, received January 10, 2024
- Letter from William Byron, 469 Gleasondale Road, received February 2, 2024
- Letter from Janet and Jim Wheeler, 151 Randall Road, received February 2, 2024
 - Attachment 1 - Stow ZBA Notice and Decision of Special Permit related to Stow Acres Country Club driving range expansion, dated April 28, 1989.
 - Attachment 2 - Amendment to Stow Zoning Bylaws, Article 47, filed with the office of the Attorney General, June 18, 1990.
 - Attachment 3 - Zoning Bylaw Section 8.4 – Golf Course Uses in the Residential District
- Email from Richard Lent, 154 Taylor Road, received February 5, 2024
- Letter from Janet Wheeler, 151 Randall Road, received February 5, 2024
- Email from Alison Doucette, 22 Cross Street, received February 6, 2024
- Email from Michael Duclos, 3 Birch Hill Road, received February 12, 2024
- Email from Helen Rolfe Ham, 21 Cross Street, received February 14, 2024
- Email from Bennett Daley, 32 Randall Road, received March 6, 2024
- Email from Helen Rolfe Ham, 21 Cross Street, received March 6, 2024
- Email from Kelly Lawlor, 170 Hudson Road, received March 7, 2024
 - Attachment 1 – Petition entitled “Supporting Our Golf Club, Our Community, and Our Town”
- Email from Janet Wheeler, 151 Randall Road, Received March 8, 2024
 - Attachment 1 – Stow Acres Website – Screenshot of the driving range hours of operation.
 - Attachment 2 – Stow Acres Website – Screenshot of homepage
 - Attachment 3 – Petition entitled “Stow Acres Driving Range/Grille Relocation”
- Letter from Janet and Jim Wheeler, 151 Randall Road, Received March 11, 2024
- Memorandum from Stow Planning Department, dated March 11, 2024

Findings of the Board:

The Board makes the following findings:

General

1. The Applicant seeks a Special Permit under Section 3.9 (Non-Conforming Uses and Structures) of the Zoning Bylaw to allow the construction of a building containing driving range bays and a snack bar.
2. The Golf Course Use is a pre-existing non-conforming use in the Residential District subject to the following Special Permits granted by the Zoning Board of Appeals:
 - a. Special Permit dated April 28, 1989, to allow alteration to an existing storage shed; addition of exterior floodlights; enlargement of the driving range tee and impact area; and addition of a new putting green. (Volume III, Page 252)
 - b. Special Permit dated February 1990, to allow an additional use of the present golf course for commercial cross-country skiing. (Volume III, Page 275)

- c. Special Permit dated January 31, 1996, to allow additional floor area for the pro-shop and lounge. (Volume II, Page 357)
 - d. Special Permit dated March 6, 2023, to allow the construction of a maintenance building. (Volume III, Page 866). The March 6, 2023, Special Permit was modified on January 8, 2024. (Volume III, Page 866-1)
3. The site is subject to a Conservation Restriction recorded in the Middlesex South Registry of Deeds, Book 79426, Page 313. The Conservation Restriction is co-held by the Stow Conservation Commission and the Stow Conservation Trust.

The Applicant provided a letter from Stow Conservation Trust, dated December 9, 2023, to the Board. The letter indicates that the Stow Conservation Trust finds that the proposed driving range and snack bar are within the Conservation Restriction's reserved permitted rights. The Stow Conservation Trust finds that notice and approval from the Conservation Restriction holders is not required.

The Stow Conservation Commission submitted a letter, dated December 21, 2023. The letter indicates that the Conservation Commission unanimously voted that the proposed driving range and snack bar are consistent with the terms of the Conservation Restriction.

The evaluation and determination of the consistency with the Conservation Restriction lies within the Stow Conservation Commission and Stow Conservation Trust and is independent of the Zoning Board of Appeals' review.

4. The applicant proposes to construct one new building (hereinafter "BUILDING") on the site. The proposed BUILDING will have a footprint of 12,692 square feet. The BUILDING will comply with the front, rear and side yard setbacks of the Zoning Bylaw; the BUILDING will be 500 linear feet from the closest dwelling on an abutting lot. The BUILDING will be used as part of the driving range and will contain a snack bar.

Driving Range

5. Stow Acres Country Club currently operates a driving range on the North Golf Course. The range portion of the existing driving range contains 10+/- acres of land. The driving range contains 32 driving range bays; the driving range bays are not enclosed and are placed at grade. The existing range contains a protective netting to prevent golf balls from exiting the site. There is a parking area for the existing driving range, but the parking area does not contain delineated parking spaces.
6. The current driving range has been purchased by the Town of Stow. The applicant proposes to relocate the driving range from the North Golf Course to the South Golf Course. It is the Board's understanding that the existing driving range will be reverted to wetlands or some other conservation use.
7. The applicant proposes a driving range on the footprint of an existing fairway of the golf course, located south of the existing Clubhouse on the site and to the west of the existing parking lot. The proposed range portion of the driving range is proposed to contain 3+/- acres of land. 26 driving range bays are proposed. All driving range bays are proposed to be partially enclosed within the BUILDING, stacked vertically in two rows: 13 bays elevated approximately 10 feet 6 inches off the ground, and 13 bays located at ground level, beneath the 13 elevated

bays.

The Board finds that the number of driving range bays is proposed to decrease. The Board finds that the size of the range portion of the driving range is proposed to substantially decrease.

8. The applicant proposes to construct a protective netting around the range portion of the driving range. The netting will be 900 feet long and 75 feet high and be placed along the sides of the range. The netting will be tapered to the ground at both ends.

The applicant proposes to not have protective netting at the end of the range portion of the driving range. The applicant proposes to have periodic openings within the protective netting. The purpose of the open end of the range and the periodic openings within the protective netting is to allow wildlife to pass through without getting trapped or caught in the netting. The Board acknowledges the communications and discussions between the applicant and the Stow Conservation Commission with respect to the netting.

The applicant's revised proposal indicates no exterior lighting along the range, other than certain 'glow sticks' described below.

Snack Bar

9. The snack bar is proposed to be within the BUILDING. The applicant proposes to close the existing "Grille Room" (hereinafter "Grille") located in the Clubhouse. The snack bar is proposed to replace the dining use of the Grille.
10. The proposed snack bar consists of a bar with 27 seats, a dining area with 60 seats, and an outdoor dining area with 148 seats. The total capacity of the snack bar is proposed to be 235 seats.

The applicant, at the January 8, 2024, Public Hearing session, stated that the number of seats at the Grille is 150 to 170. The applicant, at the March 11, 2024, Public Hearing session, stated that the number of seats at the Grille is 60 with 48 outdoor seats (108 seats total). Because of the difference in number, the Board, for the intent of this Special Permit, will use the number of 108.

The Board finds that the number of seats in the snack bar is proposed to increase by 127.

11. The operation of the snack bar is proposed to have counter service. Patrons of the snack bar are proposed to order and pick up food and beverages at the bar. There is no proposal for table service. Patrons are proposed to be given a pager to know when their ordered food or beverage is available for pick up.
12. The Board finds that the snack bar will primarily serve patrons who are using the golf course and/or the proposed driving range as an accessory use.

Other Buildings

13. The applicant proposes to repurpose the Grille within the existing Clubhouse on the site from a dining use to a storage facility for electric golf carts.

14. No other changes in use are proposed within the Clubhouse.
15. The applicant proposes to remove three existing buildings on the site. The existing buildings subject to removal are identified on the site plan dated November 8, 2023, and revised December 7, 2023.
16. All other buildings on the site are proposed to remain.

Parking

17. The applicant proposes 9 additional parking stalls, as indicated on the site plan, of which 3 parking stalls are proposed to be accessible.
18. The Board finds that the golf course is reducing its overall operation. Currently, the golf course operates 36 holes. In 2025, the golf course will have 27 holes. In 2033, the golf course will have 18 holes. The number of driving range bays will decrease from 32 to 26.
19. The Board finds that the existing parking at the golf course and the addition of 9 parking stalls is sufficient for the proposed and ongoing uses at the golf course.

Lighting

20. The applicant, at the January 8 and February 5 Public Hearing sessions, proposed exterior lighting that would partially illuminate the driving range. The intent of the exterior lighting would be to allow a golf ball tracking system to be utilized; the proposed system would have provided patrons using the driving range data regarding the speed and distance that their golf ball has traveled. The Board asked for specifications and a plan regarding the proposal to partially illuminate the driving range.
21. During the public input period at the January 8 and February 5 Public Hearing sessions, certain members of the public opposed any illumination of the driving range.
22. At the March 11 Public Hearing session, the applicant amended the proposal for the partial illumination of the driving range and the original golf ball tracking system. A new golf ball tracking system was proposed that utilized a radar system that does not require range illumination to track golf balls. The Board finds that the removal of the exterior lighting to use for the tracking of golf balls addresses this particular concern that had been raised by certain members of the public.
23. Also at the March 11 Public Hearing session, the applicant proposed 5 “glow sticks” to be placed within the range portion of the driving range. A sample glow stick was shown at the March 11 Public Hearing session. The glow stick was a narrow cylinder approximately 6 feet tall, approximately 1 inch in diameter and was semi-transparent with internal LED bulbs that were illuminated in a blue hue.

Drainage and Stormwater Management

24. The applicant proposes to modify part of the existing stormwater infrastructure on the site.
25. An existing stormwater drainpipe is proposed to be rerouted. The existing stormwater is discharged directly into a wetland. The rerouted drainpipe is proposed to enter a deep sump

to filter out solids and contaminants, and then discharged through a level spreader. The discharged water empties to the south of the proposed BUILDING. The Board finds that the modification to the stormwater system is an improvement to the existing stormwater system and sufficient for ongoing and proposed uses.

26. The applicant proposes a net reduction in the area of impervious surfaces on the site.

Landscaping

27. The applicant proposes the planting of shrubs along the east side of the BUILDING. The applicant proposes the planting of shrubs along the north side of the driving range portion of the BUILDING. The Board finds that proposed plantings are sufficient.

Hours of Operation

28. The applicant proposes the hours of operation of the uses within the BUILDING to be 6:00am to 10:00pm.

29. The current hours of operation at the Grille depend on the time of year and have been set at the discretion of the applicant. The current hours include:

March, October & November: 7:00am to 6:00pm

April & September: 6:00am to 9:00pm

May, June, July & August: 6:00am to 10:00pm

January, February & December: Closed

The Board finds that there are no existing restrictions on hours of operation for the Grille.

30. The hours of operation for the existing driving range are restricted to one-half hour before sunrise and one-half hour after sunset as stated as Condition C of the Special Permit dated April 28, 1989.

31. The Board finds that separating the hours of operation for the driving range and snack bar within the BUILDING will be a regulatory burden. The Board finds that setting hours of operation for all uses within the BUILDING is preferred.

32. Certain members of the public requested that all uses on the site should be restricted in some manner, including from one half hour before sunrise to one half hour after sunset.

Noise

33. The applicant stated that there will be no outdoor music or speakers. The applicant stated that there will be background music in the interior of the snack bar.

The Board recognizes that outdoor music and speakers may violate section 3.8.1.3. of the Zoning Bylaw. The Board finds that no outdoor music or speakers is consistent with the intent of the Bylaw.

Public Comment

34. Certain members of the public requested that Section 8.4 (Golf Course Uses in the Residential

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District Subject to a Special Permit by the Planning Board) of the Zoning Bylaw apply to this application.

The Board finds that the Stow Acres Country Club is a pre-existing non-conforming use, which existed prior to the adoption of this section of the Bylaw. Therefore, the Board finds this section of the Bylaw does not apply.

35. Certain members of the public expressed concern about exterior lighting on the site illuminating the range portion of the driving range. The Board finds that the applicant is no longer proposing exterior lighting for the illumination of the range portion of the driving range.
36. Certain members of the public expressed concern about the driving range and snack bar being branded as, or materially like, a TOPGOLF facility. The applicant stated that the driving range and snack bar will not be a TOPGOLF facility and will not have any affiliation with TOPGOLF. During the Public Hearing sessions, the applicant referenced the TOPGOLF system only as a means of comparing the golf ball tracking system the applicant originally proposed. The Board finds this concern to be mitigated.
37. Certain members of the community expressed concern that there will be sales of alcohol on the site within the Residential District. The Board finds that the sale of alcohol is a pre-existing use on the site. The Board finds that the sale of alcohol is granted by the Select Board and must follow applicable laws of the Commonwealth of Massachusetts.
38. Certain members of the public expressed concern that lighting (direct or indirect) will cause harm to the lifecycle of native insects. The Board finds that lighting, particularly in the driving range bays, is needed for the safety of patrons, compliance with Building Code, and is limited in area of illumination.
39. Certain members of the public expressed concern that the driving range bays will contain heating elements sourced by natural gas. The applicant stated that the heating system is not finalized. The Board notes it has no authority to specify the type of heating system that will be used.
40. A member of the public expressed concern that illegal activities are occurring in the golf course parking lot (which will be used by the new relocated driving range) during non-business hours by third parties unaffiliated with the applicant. The Board was not provided additional evidence of alleged illegal activity. The Board finds that the Stow Police Department should be contacted in the event of illegal activity occurring on the site.

Wastewater

41. The Applicant proposes modifications to the existing septic system on the site. The Board finds that any review of the septic system is under the purview of the Board of Health.

Traffic Flow

42. The Board acknowledges that the traffic flow around the site may change because of the proposed BUILDING and the proposed abandonment of the existing driving range. The Board finds that the existing traffic plan for Stow Acres will be satisfactory for the overall reduction

of uses.

Impact of Nonconformities

43. The Board finds that, when the compilation of all components of the application are considered, there is no net increase in the nonconforming nature of the site, as defined in section 3.9.6 of the Zoning Bylaw.

Mandatory Findings

44. The Board makes the following mandatory findings as required by Section 9.2.6 of the Zoning Bylaw:

The Board finds the proposed use and development, as conditioned herein:

- a. is in harmony with the purpose and intent of the Zoning Bylaw;
- b. will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities or the Town of Stow;
- c. is appropriate for the site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed BUILDINGS in the immediate vicinity that have functional or visual relationship to the proposed use;
- d. includes sufficient mitigating measures for any adverse effects noted in reports from town boards and agencies, reports from consultants and public hearings;
- e. will result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse or inland wetland;
- f. will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads;
- g. will result in no significant effect on level of service for any service provided by the Town;
- h. will result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties;
- i. will result in no transport by air or water of erodible material beyond the boundary line of the LOT;
- j. will provide adequate provision for pedestrian traffic; and
- k. will comply with requirements of Site Plan Approval and all other applicable requirements of this Bylaw.

VOTE

Pursuant to Massachusetts General Laws, Chapter 40A, after referring to the application for Special Permit, the Board, by roll call vote of the four members present throughout the proceedings (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd), **VOTES TO GRANT A SPECIAL PERMIT for the construction of a snack bar and driving range building at 58 Randall Road**, subject to the following conditions:

1. The proposed construction shall result in no pollution or contamination of the GROUND WATER, a GROUND WATER recharge area, a well, pond, stream, watercourse, or inland wetland.
2. The proposed construction shall result in no redirection of existing surface water runoff such that there would be material impact on abutting parcels or downstream properties.
3. The proposed construction shall result in no transport by air or water of erodible material beyond the boundary line of the LOT.
4. The design and construction shall be essentially in conformance with documents and plans on file with the Board.
5. The proposed construction shall comply with conditions set by other Town Departments, Boards, and Commissions.
6. The proposed construction shall comply with all applicable requirements of the Zoning Bylaw.
7. Exterior construction activity shall take place only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday (excluding holidays), and 8:00 a.m. to 12:00 p.m. Saturdays unless specific approval is granted by the Building Commissioner.
8. Prior to the issuance of a certificate of occupancy, specifications for the glow sticks shall be provided to the Board for approval. The glow sticks shall not exceed 7 feet in height. The lighting output for each glow stick shall not exceed 1,000 lumens. The glow sticks shall have a steady output of light; the glow sticks shall not blink, flash, pulse, twinkle or strobe under any circumstance. The glow sticks can only be illuminated while the driving range is in operation.
9. All lights, except for the glow sticks, shall comply with Section 3.8.1.5 of the Zoning Bylaw (Exterior lighting).
10. The hours of operation for the driving range and snack bar shall be limited to 6:00am to 10:00pm.
11. Prior to the issuance of a certificate of occupancy for the BUILDING, the existing driving range and Grille shall cease operations. The proposed driving range and the existing driving range shall not operate at the same time. The proposed snack bar and the Grille shall not operate at the same time.
12. All soil or other material brought onto the site for fill shall be clean and free of contaminants.
13. There shall not be any outdoor music or speakers at the BUILDING. The proposed use shall comply with Section 3.8.1.3 (Noise) of the Zoning Bylaw.
14. This Special Permit No. 5 shall be considered a condition of, and modification to all prior Special Permits granted by this Board. Except as expressly modified by this Decision No. 5, all terms and conditions of all other Special Permit decisions shall remain in full force and effect.

The Board has complied with all statutory requirements in the granting of this Special Permit.

Two copies of this decision, together with copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 15.

This Special Permit shall lapse with two (2) years of recording unless substantial use or construction has commenced or in the case of a permit for construction or reconstruction, if construction has not begun by such date, except for good cause (Massachusetts General Laws Chapter 40A, Section 9).

This Special Permit shall not take effect until a copy of the decision has been recorded, at the owner's expense, in the Registry of Deeds and duly indexed or noted on the owner's certificate of title. A copy of the recorded decision, certified by the Registry, or notification by the owner of the recording including recording information, shall be furnished to the Board of Appeals, Town Clerk and Building Inspector.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

Signed on behalf of and with the permission of the Zoning Board of Appeals.



Andrew J. DeMore
Zoning Board of Appeals Clerk



Date Received and Filed
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Linda E. Hathaway
Stow Town Clerk