

# Memo

**To:** Zoning Board of Appeals  
**From:** Planning Board  
**Date:** April 2, 2024  
**Re:** The Residences at Stow Acres Comprehensive Permit

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The Planning Board has reviewed the plans and supplemental application materials regarding the Residences at Stow Comprehensive Permit and would like to offer the following comments on the project's alignment with existing plans and requested zoning waivers.

## Summary

MCO & Associates, Inc. has submitted a Comprehensive Permit application for 189 housing units on 69.15 acres, located where a portion of the Stow Acres North Course currently operates. The Town of Stow, together with a diverse planning team, advanced an intensive, multi-disciplinary effort to create a shared housing and conservation vision for the future of the North and South courses of Stow Acres. The effort has resulted in preservation of portions of the Town's largest previously unprotected open space and the development of The Residences at Stow Acres, offering mixed-income housing created with the principles of traditional neighborhood design. The planning effort provided a unique public-private partnership, including MCO & Associates, Stow Conservation Trust, the Stow Planning and Conservation Departments, and Stow Acres Country Club.

The Planning Board continues to view this project as a cohesive whole, providing mixed-income housing while preserving, through overwhelmingly positive Town Meeting votes, the purchase of a Conservation Restriction on the 150 acre South Course of Stow Acres and for acquiring 115 acres of conservation and recreation land on the North Course. Throughout the 2021 Town Meeting process, the project vision and housing concepts were supported by the Select Board, Planning Board, Conservation Commission and Finance Committee. In total, the Town of Stow will generate 96 units of affordable housing to count towards its SHI and, and importantly, will create a range of housing alternatives and prices to better meet the needs of current and future Stow residents.

The Planning Board previously provided a letter of support for the project's Local Initiative Program (LIP) applications to the Executive Office of Housing and Livable Communities. The Board is pleased to see this application includes very few alterations from the proposed plans presented at Town Meeting and supported by the Town through the LIP process.

The Planning Board voted at its April 2, 2024 meeting to send the following comments at this time:

## 1. Support of The Residences at Stow Acres

### *Alignment with Current Master Plan (2010)*

While a Comprehensive Plan revision is underway, the Planning Board recognizes the following key action items from the 2010 Master Plan that relate directly to the development of Stow Acres:

Priority Rank	Master Plan Priority	Action Item
1	High	Implement a Golf Course Study with a goal to protect existing scenic vistas and evaluate the preferred method of future development on those parcels.
3	High	Protect Open Space in Southwest Stow.
7	Medium	Modify zoning to allow residential development under more conditions that would increase the diversity of housing types and choice, integrating affordable housing into more areas as well. For example, the Town could consider allowing free-standing multi-family housing, creating an overlay district with incentives for the development of “cottage housing”, etc.

As stated earlier, the proposed development assists the Town in meeting its goals of diversifying housing options in Stow while preserving the community’s open spaces.

*Alignment with Current Housing Production Plan (2016)*

Although an update to the 2016 Housing Production Plan is currently underway, the Board reviewed The Residences at Stow Acres against the goals and needs described in the 2016 Plan. The goals include:

1. Provide housing opportunities for those at the entry level of homeownership, “empty nesters”, elder residents, and those requiring housing assistance and rental housing units.
2. Ensure increases in the present housing mixture including single-family, two-family, and multi-family dwelling units.
3. Encourage the elderly and handicapped to remain in Stow, preferably in their own homes
4. Continue to pursue creative approaches to local zoning to better direct development and integrate affordable housing.

The 2016 priority housing needs for Stow were identified as follows:

1. Rental housing need
2. Homeownership need
3. Special needs population
4. Address housing needs of seniors

The proposed development provides a mix of housing types within one neighborhood, offering rental housing, homeownership opportunities, cottage-style housing, and age-restricted housing.

**Recommendations**

- Should comments from other Town Departments, peer reviewers, or ZBA members include the need to adjust the placement of dwellings, the inclusion of **duplexes** could offer spatial flexibility while not decreasing the total unit count and providing additional missing middle housing types.
- As proposed, the multi-family rental building provides small scale rental housing opportunities, limited to one bedroom per unit. For these age-restricted units, it may be beneficial to mix in some 2 bedroom units, in case a live-in or temporary caregiver is needed.

**2. Transportation and Mobility**

The Planning Board recommends the ZBA and the developer consider fostering pedestrian and cyclist connectivity between the proposed neighborhood development and existing neighborhoods:

- The ZBA should consider requesting the installation of a sidewalk or shared use path along the property's frontage.
- Intersections: The ZBA and Applicant should review intersections along Randall Road, given the multiple driveways along a short stretch of the roadway. The Town may opt to convert a paved golf cart path just west of Stow Acres Drive to a vehicular access road as well. The Applicant should clarify if the clubhouse access along Randall Road is intended only for emergency vehicle access. Intersections along Randall Road should be reviewed with an eye toward creating T-style intersections with the Stow Acres Country Club driveway to the south of the proposed development.

Similarly, interior intersections should be reviewed, particularly the first two intersections along Stow Acres Drive upon entering the development. The Applicant should consider creation of a 4 way intersection in place of the two offset intersections within the development at Stow Acres Drive/Clubhouse and Stow Acres Drive/Stow Acres Drive.

- Transportation Impact Assessment
  - The Assessment includes an off-site recommendation related to the intersection of Randall Road and Cross Street, in order to convert Cross Street to a one-way northeast bound toward Route 62. The Planning Board supports this recommendation, however this conversion would need to be handled through the Town's process, rather than by the Applicant. It should be clarified whether the Applicant proposes to provide funding for items such as signage and striping in order to implement this recommendation.
  - The Assessment should be revised to include Transportation Demand Management, in order to consider additional transportation methods aside from personal vehicles, in order to reduce local vehicle miles travelled. Topics for consideration could include a future shuttle pick up/drop off area, provision of bicycle shelters or lockers at the clubhouse and multi-family building for multi-seasonal storage and safety, construction of pedestrian and bicycle improvements for safety along Randall Road and connectivity between on-site paths and future walking paths on the Town-owned parcel.
  - The Zoning Board of Appeals should consider the applicability of Section 9.2.7.14 of the Zoning Bylaw, related to Conformance with Complete Streets Policy related to on- site vehicular, pedestrian, and bicycle access.
  - As noted in the Assessment, the developer of the Cottages at Wandering Pond off Athens Street has committed to providing funding to the Town on a proportional basis to advance Complete Streets improvements in proximity to the development. If the same is to be offered by the developer of The Residences at Stow Acres, please review the following projects included on the Complete Streets Prioritization Plan (2019) within proximity of the proposed development:

Rank (of 97)	Project Name	Project Description
32	Hudson Road Pedestrian Improvements	If a shared use path along Hudson Road (Proj.43 below) is not feasible, pursue 5ft wide sidewalk construction along one side of Hudson Road from Arbor Glen Drive to Billadell Road. Install ADA curb ramps and crosswalks at all side street crossings.
33	Hudson Road Bicycle Improvements	If a shared use path along Hudson Road (Proj.43 below) is not feasible, repaint striping to narrow travel lanes and widen shoulders from Great Road to Hudson town line and install sharrows.

43	Hudson Road Shared Use Path (Phase 2)	Install a shared use path along one side of Hudson Road from Arbor Glen Drive to Hudson town line to provide a high quality pedestrian and cyclist connection to/from Hudson.
71	Traffic Calming Improvements along Gleasondale Road	Reduce current varied speed limits along Gleasondale Road (currently 25-35mph) to have it be consistent to 25mph, from Boon Road to Hudson town line
76	Intersection Improvements on Hudson Road	Realign the intersection of Walcott Street, Randall Road, and Hudson Road. Supplement with crosswalks and ADA-compliant curb ramps.
79	Intersection Improvements along Gleasondale Road at Randall Road	Realign skewed “T” into a T-type intersection at the intersection of Randall Road/ Gleasondale Road
86	Traffic Calming on Gleasondale Road	Install a “Side Road” intersection warning sign (W2-2) approximately 300ft from the Boon Road/ Gleasondale Road intersection in both directions. Supplement with speed radar signs.

Please note that the Complete Streets Final Report states that Randall Road and Cross Street are both considered medium priority roads for bicycle infrastructure.

### **3. Relationship to Stow Acres Climate Resilience Master Plan (ongoing)**

By June '24, the Town will finalize a Climate Resilience Master Plan for the Town-owned portion of the North Course. The Plan will provide a roadmap for a years long process of wetland restoration, removal of golf elements, trail creation, and the inclusion of additional conservation and recreation amenities. The ZBA should ensure there are connections within the proposed development to future trails within the Town-owned portion of the North Course. To that end, the Planning Board would ask that the decision formalize the applicant's offer of allowing public pedestrian paths over the rear portion of the lot abutting the Elizabeth Brook in the area of the proposed wells, in order to provide connectivity. An additional trail connection could be useful along the western property line, in the area of the infiltration basins. Lastly, the ZBA should review master deeds and condominium documents to ensure that maintenance and public accessibility of the trails within the housing development is clear.

### **4. Age Restrictions and Deed-Restricted Affordable Housing**

Regarding the age-restricted multi-family rental building, the Planning Board would like to note their previous issue with the Executive Office of Housing and Livable Communities (EOHLC, formerly DHCD) due to fair housing concerns of affordability restrictions and age restricted units. Given these units are limited to 1 bedroom this issue likely won't arise, however in case the earlier recommendation (on page 2 of this memo) for a mix of 1- and 2-bedroom units is pursued the following history could be helpful.

In 2018, the Board received notice from the EOHLC that four proposed affordable units approved in the 2007 Special Permit for the Regency at Stow Active Adult Neighborhood did not meet Local Initiative Program (LIP) guidelines and would not be eligible for inclusion on the Town's SHI due to language existing in the Town's Zoning Bylaw, the Special Permit decision, and the project's draft Master Deed, which excluded long term residency of children in the fifty five and over development. The Town worked with EOHLC closely and ultimately received a favorable outcome, with the units included on the SHI. However, EOHLC made their policy clear to the Town at that time, and likely would require that older adults with children are included in the initial and all subsequent lottery processes for the affordable units. It is important that this is known prior to marketing the units as age-restricted.

## 5. Zoning Bylaw Waivers

The Planning Board has reviewed the requested exemptions from the Town's Zoning Bylaw and the Planning Board's Rules and Regulations Governing the Subdivision of Land. Below are a series of recommendations for consideration by the Zoning Board of Appeals to aid in review of the upcoming project.

Section 3.2, Residential District Uses: An exception is sought to allow construction of a multi-family building and accessory structures, such as a clubhouse, wastewater treatment structure, a well water control building, and additional storage buildings.

*The Planning Board recommends granting this waiver. This type of housing has successfully been developed in other areas of Stow, such as at Meeting House at Stow, Villages at Stow, Pilot Grove Apartments, and Elizabeth Brook Apartments. Accessory structures such as the types proposed at Stow Acres have been seen at Regency at Stow and the Cottages at Wandering Pond, currently under Planning Board review.*

Section 4.1.2, Standard Dimensional Provisions: An exception is sought to allow the construction of more than one main building per lot within the Residential District. This waiver relates to the ability to construct rental cottages within one lot, proposed to be under common ownership and leased individually.

*The Planning Board recommends granting this waiver. Housing governed by common ownership agreements are typical of subdivisions within Stow. The Zoning Board of Appeals should review any association documents to ensure the maintenance and operations of all shared infrastructure and amenities is made clear.*

Section 4.4, Table of Dimensional Requirements: An exception is sought to allow a minimum lot size of 3,000 square feet, a minimum frontage of 30 feet, minimum front and side yard setbacks of 5 feet, and minimum rear yard setbacks of 3 feet.

*It is recommended that the Building Inspector and Fire Department provide comment to the ZBA in order to determine whether additional building and fire codes apply regarding the distance between buildings. The Planning Board notes that some of the waivers from dimensional requirements are to allow detached garages in the rear yard. The ZBA will need to clarify in the decisions the location of the front yard for several interior lots and rental cottages, as the dwellings are oriented toward common areas and frontage is provided off of alleys. Aside from these considerations, the Planning Board supports the granting of this waiver.*

Section 5.2, Water Resource Protection District: An exception is sought from the Water Resource Protection District as a whole.

*It is recommended that the Applicant provide greater detail over the portions of this Section they wish to have waived. In addition, it is recommended that the Zoning Board of Appeals' engineering peer reviewer provide comment on the applicability of Section 5.2, in particular:*

- Sections 5.2.1.1.2 and 5.2.2.3: These sections prohibit uses that generate on-site sewage disposal exceeding 110 gallons per day per 10,000 square feet of Lot area in a Water Resources Protection Overlay District ("WRPOD"), except as allowed by a special permit.

*It is recommended that the Building Inspector make a determination as to the intent of the bylaw and the applicability of the requested waiver. The Applicant should revise the Plan to indicate the location of the WRPOD so the Town may verify the location of the proposed soil absorption system.*

- Section 5.2.1.1.8: This section prohibits any use that renders impervious, by any means, more than ten percent (10%) of the Lot area proposed for development within a WRPOD, or 5,000 square feet of such district, whichever is greater.

*The development must ensure that the post-development rate and volume of runoff from the property are equal to or less than the pre-development rate and volume. The Stormwater Management Report should be prepared in conformance with the Massachusetts Stormwater Handbook, Section 3.8.1.9 of the Zoning Bylaw to the extent practicable. The Zoning Board of Appeals should utilize guidance for the **Stormwater Management Design Process** found in the Planning Board's **Stormwater Management Policy** to ensure consistency of design principles.*

- Section 5.2.1.6: This section ensures that public utilities and facilities are designed to prevent contamination of groundwater.

*It is recommended that the Applicant provide detail of any underground utilities and facilities and the location of the WRPOD, as neither are shown on the Plan.*

- Sections 5.2.5.2, 5.2.5.4, 5.2.5.7: These sections relate to the treatment of runoff within the WRPOD.

*It is recommended that the Applicant indicate the location of the WRPOD so the Zoning Board of Appeals can better review potential impacts. It is recommended that the Zoning Board of Appeals' engineering peer review provide additional comment on the treatment of runoff.*

- Section 5.2.5.3: This section requires that excavation shall not extend close that 5 feet above the maximum groundwater elevation, except to provide structural foundations, holding ponds for drainage purposes, and utility conduits.

*As before, it is recommended that the Applicant indicate the location of the WRPOD so that this item can be properly evaluated.*

**Section 6.3, Signs:** An exception is sought to allow for the temporary installment of a construction sign with an area of 32 square feet for the duration of construction.

*The Planning Board recommends granting this waiver, understanding that this sign would be in place for a number of years. The Plans did not include sign specifications, which should be submitted as part of the permit application. Further, the Board recommends that the ZBA ensure that signage is not internally lit and is in keeping with the character of the surrounding neighborhood.*

**Section 6.5, Earth Removal:** An exception is sought from the requirement of a Special Permit in order to allow the removal of earth, unless specifically exempted under Article 17 of the General Bylaws.

*The Applicant should provide additional information to indicate why this waiver is requested, as the application indicates that removal is not required.*

**Section 7, Parking Regulations:** An exception is sought from this section in its entirety. The Applicant notes that the proposed development meets the standard of providing two parking spaces per dwelling unit.

*The Applicant should detail the specific sections of Section 7 where zoning relief is needed. Through a number of Special Permit processes, the Planning Board has come to recognize that the parking regulations within the Zoning Bylaw typically provide for an excess of parking. If further specificity is provided, the Planning Board would be interested in reviewing. Of note, this section includes items related to landscaping around parking areas.*

*In addition, the ZBA should consider whether a phased parking approach may be helpful in this housing development, allowing the Applicant to build out portions of the site while monitoring the need for parking within the neighborhood as new residents move in. The Applicant may want to consider the provision of*

*covered parking areas for the age-restricted multi-family rental building. The Applicant may also want to consider assigned parking and visitor parking sections. The Planning Board has heard from residents of Pilot Grove Apartments and Elizabeth Brook Apartments that assigned and visitor parking spaces is preferred.*

#### **7. Additional Waiver May Be Needed - Section 9.3.3.5, Site Plan Approval**

An exception may be needed to allow the parking and vehicle access area to be built as designed and shown on the Plans without site plan approval. To the extent that it is not in conflict with the comprehensive permit, the ZBA should require the developer to comply with the Planning Board's Site Plan Approval Rules and Regulations, Section 4.4 through 4.17 to the extent practicable, for the purposes of showing important site planning aspects and ensure adequate review. For instance, it is unclear whether adequate turning radii exist for fire apparatus and other trucks in certain areas of the parking layout.

#### **8. Subdivision Rules and Regulations Waivers**

The Applicant requested a waiver from the entirety of the Planning Board's Subdivision Rules and Regulations. The Planning Board recommends the Zoning Board of Appeal's engineering peer review provide additional comment on the applicability of specific sections of the Rules and Regulations. In addition, the Applicant could provide guidance as to which portions of the Rules and Regulations relief is needed from. Prior to receiving additional guidance, the Planning Board would like to bring attention to the following items:

- Section 5, Performance Guarantee: Developer shall provide a guarantee with respect to construction-related damage of public roads adjacent to the Site.

*It is recommended that the developer obtain an estimate from the Highway Department for repair of potential damages to Randall Road and post a bond in accordance with the Subdivision Rules and Regulations.*

- Section 10, Administration: A waiver is sought from the administrative requirements of Section 10.4, Mandatory Notice Prior to Commencement of Construction Work, Section 10.5, Inspections, and 10.8, Completion within Eight Years.

*Section 10.4, Mandatory Notice, and Section 10.5, Inspections are necessary requirements that allow a peer review consulting engineer to inspect and oversee erosion control and utility installation and other critical points in the construction process.*

- The Applicant should provide clarification of how the proposed alleys relate to street design standards within Section 7 of the Subdivision Rules and Regulations to better understand requested waivers. The Planning Board acknowledges that this type of roadway is seen at Villages at Stow.

#### **9. Additional Considerations**

- The Planning Board would encourage the buildings to be serviced by electric utilities rather than natural gas, bringing the project closer to alignment with the forthcoming Climate Action Plan, anticipated to be finalized shortly.
- The Applicant should clarify with the Police and Fire Departments whether one entrance to the development is acceptable.
- The Applicant should provide detail of any exterior lighting, if proposed.
- The Fire Chief has previously advised the Planning Board of the need for Knox boxes, particularly in age-restricted developments. Please review with the Fire Department.
- The Applicant should provide detail of snow storage locations on site, particularly at the dead-end alleys.
- The Applicant should clarify the responsibility of maintaining the open space and common lawn areas.
- The Applicant should review the location of the Community Gardens to ensure there is enough sunlight for vegetable gardening. In addition, the Applicant should consider the provision of 1-2 parking stalls so

that residents can conveniently unload plants, soil, and equipment. Language in the master deed should accompany the community gardens ensuring that any compost or loam brought on site is free of invasive species, including Japanese knotweed and jumping worms.

- The Applicant should provide sample landscaping plan, as the only planting detail provided to date is the location of trees. Additional plantings may be helpful in mitigating stormwater runoff from roofs and paved areas. Landscaping plans should be included in any submission to an outside consultant for peer review.

The Board would be interested in reviewing any plan revisions, draft deeds, draft Affordable Deed Rider and Regulatory Agreement, or engineering and traffic peer review comments. If there are any clarifications the Board can offer or if ZBA members would like to discuss these items further, please let us know. Thank you for the opportunity to provide comment on this application.