

**Zoning Board of Appeals  
Minutes  
December 4, 2023**

A meeting of the Zoning Board of Appeals was held in person at 380 Great Road, Stow, and via Zoom Web Conferencing Service on December 4, 2023, at 7:00 pm.

**Present:** David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth (virtually).

**Associate Members:** Maria McFarland and Michael Naill

**Absent:** Associate Member Leonard Golder

**Staff Present:** Michael Slagle

David Hartnagel called the meeting to order at 7:00 pm.

**Minutes**

November 6, 2023

*Ernest Dodd moved to approve minutes of the November 6, 2023, meeting as amended. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, Ruth Kennedy Sudduth).*

November 15, 2023

*Ernest Dodd moved to approve minutes of the November 15, 2023, meeting as amended. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, Ruth Kennedy Sudduth).*

**Stow Green Advisory Committee Updates**

The Green Advisory Committee is working on finishing the Climate Action Plan. After the initial completion, the Committee will have the Plan reviewed by volunteers.

**Review Correspondence**

*CPTC Fall Workshop Series – Upcoming Workshops*

David Hartnagel shared that the Citizen Planner Training Collaborative will be hosting workshops that may be of interest to members of the Board; if members are interested in attending a workshop, they may reach out to Staff to get signed up. Ernest Dodd stated that the workshops are informative and worthwhile for members.

**Set Upcoming Meeting Dates**

The following meeting dates were scheduled:

- March 4, 2024, at 7:00pm
- April 8, 2024, at 7:00pm

**Discussion: Recording of Meetings Policy**

David Hartnagel stated that the Select Board has adopted a Recording of Meeting Policy for Select Board appointed boards and Committees. He stated that his interpretation of the policy is that recording a Board meeting and uploading it to the internet is optional.

David Hartnagel asked Michael Slagle where the Board's meeting recordings are kept after the meeting adjourns. Michael Slagle responded that meeting recordings are saved in the Zoom Cloud. He added that the recording does not get distributed to the public unless a resident requests the recording.

David Hartnagel asked how meeting recordings will be distributed under the Recording of Meeting Policy. Michael Slagle stated that the recordings will be uploaded to YouTube, StowTV, and linked on the Town's website.

Members expressed concern regarding the amount of time that will be required to upload the recordings to YouTube.

Michael Slagle stated that other boards and committees have interpreted the Select Board's policy differently. He shared examples of the other interpretations.

David Hartnagel asked for the reasoning behind the adoption of the Recording of Meeting Policy. Michael Slagle replied that other municipalities upload recordings (Stow being one of the last to do so) and to improve government transparency.

David Hartnagel asked the Board for additional questions and comments regarding the Recording of Meeting Policy.

Michael Naill stated that the Board already records all its meetings. David Hartnagel agreed and asked the Board to discuss the preferred distribution of the recordings.

Andrew Crosby shared that the Green Advisory Committee had some opposition to distributing the recordings globally (like using YouTube as a platform) but was favorable towards distribution of the recordings to residents and local media. Andrew DeMore added that the document is public no matter the method of distribution.

**Public Hearing: 98 Pine Point Road – Special Permit; Continued from October 2, 2023**

*Members participating in the Public Hearing: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Michael Naill.*

*Andrew DeMore moved to accept the continuance of the Public Hearing for Special Permit at 98 Pine Point Road to March 4, 2023, at 7:15pm. The motion was seconded by Ernest Dodd and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Michael Naill).*

**Discussion: Recording of Meetings Policy, continued**

David Hartnagel asked Michael Slagle if the Board is required to record meetings as the Board has voluntarily recorded meetings prior to the adoption of the Recording of Meeting Policy. Michael Slagle responded that he interpreted the policy to require meetings to be recorded and the upload of the recordings to be recommended. Members noted that the language of the policy is contradictory.

David Hartnagel stated that he does not have an opinion on whether to upload meeting recordings. He added that he believes there should be a clear rule that applies to all Boards and Committees instead of this policy.

David Hartnagel asked for additional comments.

Andrew DeMore stated that the policy will require additional administrative work which may not be needed. Michael Naill asked who is responsible for the administrative work. Michael Slagle stated that he will send the recording file to StowTV who will then upload the recording for distribution.

David Hartnagel asked if the Board could adopt an ad-hoc policy for uploading meeting recordings. He provided an example of recording and uploading a Comprehensive Permit application Public Hearing. Michael Slagle responded that the Planning Board records and uploads some of its meetings, particularly those related to Zoning Bylaw amendments.

Andrew DeMore expressed concern regarding the administrative work and maintenance of uploaded recording files.

David Hartnagel asked how meeting recordings are distributed once a record request is submitted. Michael Slagle stated that he sends a link to the file to the person requesting the recording. David Hartnagel asked if the link allows the person to download the file. Michael Slagle stated that the person could download the file or conduct a screen recording on their device.

Ernest Dodd expressed opposition to uploading a meeting recording, citing that watching a recording lack context that is provided while attending a meeting.

David Hartnagel stated that he supports uploading meeting recordings that are of broad public interest.

Andrew DeMore inquired about how a recording is distributed and for how long the recording will be available. He provided an example about watching a recording after a decision is rendered. Ernest Dodd stated that any person can appeal a decision made by the Board within 20 days of the decision being filed with the Town Clerk; after the 20 days, he stated that watching a past recording does not matter.

Ernest Dodd suggested having a time limit for how long a recording is uploaded. David Hartnagel stated that a public record could always be requested, even after it is not made public online. Ernest Dodd responded that the person could read the minutes instead. David Hartnagel asked how long a public record is kept. Michael Slagle responded that the recordings of the Board's meetings are available on the Zoom Cloud for 6 months unless he downloads the file to the Town's server. He added that the Planning Board keeps the recording until the meeting minutes are approved at the following meeting. He stated that there is no requirement now for the recording to be kept.

Michael Naill stated that he is in favor of recording the meetings, but he has hesitation regarding making the recording publicly available at a global level. He stated that there may be exceptions to uploading recordings based on the content of the meetings.

Members discussed having a notation in the meeting minutes, for example, that indicates that meeting recordings are available upon request.

*At 7:27pm, Ruth Kennedy Sudduth joined the meeting.*

David Hartnagel suggested taking no action on the Recording of Meetings Policy, maintaining the status quo of the Board.

**Public Hearing: 31 Hale Road – Special Permit**

*Members participating in the Public Hearing: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth.*

*Present: Winona Wall (applicant), Ryan Proctor (applicant's engineer)*

*Ernest Dodd moved to waive the reading of the Public Hearing Notice. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).*

David Hartnagel summarized the Public Hearing process and invited the applicant to present their petition for Special Permit.

Ryan Proctor, on behalf of the applicant, presented the application to the Board. In the presentation, he identified the location of the site, the relation of Hale Road to the site, and the petition to expand the current dwelling.

Ryan Proctor explained that the expansion of the dwelling consists of two parts. First, the front porch of the dwelling is proposed to be expanded by approximately 10 feet by 12 feet. The expanded porch conforms to the Zoning Bylaw setbacks. Second, a second story deck is proposed to the rear of the dwelling. The proposed deck is approximately 10 feet by 16 feet and is within the rear yard setback.

Ryan Proctor stated that a Notice of Intent was filed with the Conservation Commission, and the applicant is awaiting a file number from the Department of Environmental Protection.

David Hartnagel asked if the applicant expects any conditions to be placed on the site from the Conservation Commission. Ryan Proctor responded that the Conservation Commission may have conditions related to a dock on the site, but not the proposed porch or deck.

David Hartnagel asked for clarification regarding the existing and proposed rear yard setback. Ryan Proctor confirmed that the existing rear yard setback is 32.9 feet, and the proposed rear yard setback is 24.8 feet.

David Hartnagel asked for any public input. There was no public input.

Ernest Dodd requested a site visit, citing that the site is small and complex. Andrew DeMore also requested a site visit.

David Hartnagel asked when the applicant intends to start the project. Winona Wall stated that the start of construction will likely be in the upcoming Spring.

The Board discussed the logistics of a site visit. Ernest Dodd, Andrew DeMore, and Associate Member Maria McFarland agreed to coordinate with Michael Slagle and the applicant to schedule a site visit.

*Ernest Dodd moved to continue the Public Hearing to January 8, 2024, at 7:15pm. The motion was seconded by Andrew DeMore and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).*

### **Discussion: 58 Randall Road - alternative screening locations for new maintenance building**

Members of the Board deliberated their site visit to the Stow Acres Country Club maintenance building on December 2, 2023. Ernest Dodd shared that there are dozens of boulders between Randall Road and the new maintenance building; he believes that the boulders and the existing trees greatly limit new plantings. He opposed to the planting of arborvitae as the trees, when planted singularly, grow vertically and not horizontally. He expressed concern about the impact of plantings for the topography of the site is variable.

Andrew DeMore stated that the building is not fully screened from October to April when the deciduous trees do not have leaves. He shared that a resident who walked by during the site visit indicated that the visual impact of the maintenance building is less than what was anticipated. He suggested that the existing low-lying trees could be groomed, resulting in new growth for screening.

Ernest Dodd and Andrew DeMore suggested planting trees on the adjacent property, 32 Randall Road, to block that property owner's site of the building.

Members of the Board stated that the visual impact of the maintenance building is not detrimental to the public.

Maria McFarland stated that protection of the existing trees should be a priority; she expressed concern that more plantings and associated soil disturbance could compromise the health of the trees.

Ernest Dodd suggested removing pavement at the rear of the building and planting trees in the pavement's place. Andrew DeMore stated that the pavement is used for emergency vehicle access. Michael Naill responded that the rear of the building is shaded by the building's shadow, resulting in poor conditions for plantings.

David Hartnagel asked the Board to consider if the intent of the condition was to keep the area around the maintenance building looking visually appealing or to have the view of the maintenance building obstructed by trees. He stated that the abutters who have a view of the shed do not view the maintenance building from street level, rather their property is elevated and looks over the maintenance building.

Matthew Gallacher, 41 Randall Road, stated that he supports the protection of the existing trees. He stated that he would like the Board to consider imposing a condition that would ensure that no outdoor storage would be allowed to the rear of the maintenance building, which faces his property. He also asked if the Board could consider limiting the hours that the maintenance building can be illuminated.

David Hartnagel agreed that a condition regarding keeping the area around the maintenance building tidy could be a solution for the maintenance building.

David Hartnagel asked if a modification to the Special Permit would require a Public Hearing. Michael Slagle responded that the Board would need to determine if the modification is major or minor. If major, a Public Hearing is necessary; if minor, a Public Hearing is not necessary.

The Board discussed the authority of the Board to review Special Permits and the associated procedure of it.

David Hartnagel suggested discussing the request for modification to the screening plan and an overview of the Special Permit at the January 8, 2024, meeting. He asked Michael Slagle to draft a minor modification for the Board to review.

### **Upcoming Meetings**

David Hartnagel summarized what was requested to be on the agenda for the January 8, 2024, meeting. Ruth Kennedy Sudduth stated that she will not be able to fully attend the meeting.

### **Adjournment**

*Andrew DeMore moved to adjourn. The motion was seconded by Ernest Dodd and carried by a vote of five in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth).*

Respectfully submitted,

Michael Slagle  
Land Use Planner/GIS Administrator