

**Zoning Board of Appeals
Minutes
January 8, 2024**

A meeting of the Zoning Board of Appeals was held in person at 380 Great Road, Stow, and via Zoom Web Conferencing Service on January 8, 2024, at 7:00 pm.

Present: David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd

Associate Members: Leonard Golder and Michael Naill

Absent: Ruth Kennedy Sudduth, and Associate Member Maria McFarland

Staff Present: Michael Slagle

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

Minutes

December 2, 2023

Ernest Dodd moved to approve minutes of the December 2, 2023, meeting as drafted. The motion was seconded by Andrew DeMore and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

December 4, 2023

Ernest Dodd moved to approve minutes of the December 4, 2023, meeting as amended. The motion was seconded by Andrew DeMore and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

Members' Updates

David Hartnagel noted that the Comprehensive Plan Committee will be hosting an open house on January 17, 2024, at 6:30pm. The open house will provide an initial opportunity for the public to comment.

Stow Green Advisory Committee Updates

The Green Advisory Committee is doing a final review of the Climate Action Plan. The plan will have an opportunity for comment and be sent to a graphic designer for a document layout.

Discussion: FY25 Budget

The Board was provided a memorandum from the Planning Department with a budget for Fiscal Year 2025. Andrew DeMore asked if the Board is responsible for budgeting legal fees accrued by the Board. Michael Slagle responded that the Select Board is responsible for budgeting legal fees for the Board and other boards/committees in Town.

Ernest Dodd moved to approve the FY25 Budget. The motion was seconded by Andrew Crosby and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

Public Hearing: 31 Hale Road – Special Permit

Members participating in the Public Hearing: David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd. Ruth Kennedy Sudduth was a participating member but was not present at the present hearing session.

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

David Hartnagel informed the applicant that one voting member, Ruth Kennedy Sudduth, was not present. Prior to reopening the Hearing, he stated that the applicant could go forward with four voting members (requiring a unanimous vote) or continue the Hearing to a later date. Ryan Proctor, on behalf of the applicant, opted to go forward with four voting members.

David Hartnagel opened the Public Hearing at 7:15pm.

Ernest Dodd and Andrew DeMore shared that they visited the site with associate member Maria McFarland. Ernest Dodd stated that visiting the site provided additional context and was helpful in understanding the characteristics of the site.

David Hartnagel asked the applicant if there is any additional information that they would like to share with the Board. Ryan Proctor stated that the project has received and recorded an Order of Conditions from the Conservation Commission; other than the Order of Conditions, there was no additional information provided.

David Hartnagel asked if there were any additional comments from Staff. There were no additional comments from Staff. David Hartnagel asked if there were any comments from the public. There were no comments from the public.

Ernest Dodd moved to close the Public Hearing. The motion was seconded by Andrew DeMore and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

The Board reviewed a decision for the application. Ernest Dodd stated that he would like a finding related to 3.9.6 added to the drafted decision. David Hartnagel requested to add a finding that two members and an associate member visited the site.

Ernest Dodd moved to grant a Special Permit for 31 Hale Road. The motion was seconded by Andrew Crosby and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

Ernest Dodd moved to approve the Special Permit Decision for 31 Hale Road. The motion was seconded by Andrew Crosby and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

Discussion: 58 Randall Road – Minor Modification to Special Permit No. 4

David Hartnagel encouraged the Board to review a draft Minor Modification to Special Permit No. 4 for 58 Randall Road during the 5-minute period between the 31 Hale Road Public Hearing and 58 Randall Road Public Hearing.

Public Hearing: 58 Randall Road – Special Permit No. 5

Members participating in the Public Hearing: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Associate Member Leonard Golder

Present: Peter Brown (Applicant), Daniel Carr (applicant's engineer), Ian Urquhart (applicant's attorney, attending virtually).

David Hartnagel opened the Public Hearing at 7:30pm.

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

David Hartnagel informed the applicant and the public about the Public Hearing process and allowed the applicant to present to the Board.

Peter Brown presented the application for a driving range and restaurant¹ at the Stow Acres Country Club to the Board. In the presentation, he stated that the present driving range for Stow Acres Country Club is located on the North Course, and the application is proposing to relocate the driving range to the South Course. The relocation of the driving range is in response to the Town purchasing part of the North Course for conservation and recreation purposes.

Peter Brown described the proposal for the new driving range. He stated that the new range will be repurposing an existing fairway on the South Course. The range will contain a protective netting along the sides and contain an area of 3 acres. The driving range bays will be semi-enclosed within a building. The building will have two levels of driving range bays; Peter Brown noted that the number of proposed bays is less than the existing number of bays.

Peter Brown stated that the existing restaurant (“the Grill”) will be relocated from the clubhouse to the proposed driving range building. An outdoor patio area for the restaurant is also proposed. The existing space for the Grill will be repurposed as indoor storage of electric golf carts.

Peter Brown has noted that the driving range proposal has received (and filed) an Order of Conditions from the Conservation Commission, and the project has been found to be consistent with the Conservation Restriction held jointly by the Commission and Stow Conservation Trust. He shared that the relocation of the driving range is also consistent with the Stow Acres vision planning work conducted by the Town, Stow Acres Country Club, and a private housing developer.

Members of the Board asked a few questions about the site plan and the proposed building rendering to ensure that they are interpreting them correctly. Peter Brown provided clarification in his description of the site plan and proposed building rendering.

Leonard Golder asked how far away the proposed building is from abutting residential properties. Using the scale on the site plan, Peter Brown responded that the closest abutter to the proposed building is approximately 500 feet away. He added that the driving range is more internal to the site than the present driving range.

Ernest Dodd asked how many parking spaces are on the site. Peter Brown stated that there are over 200 parking spaces.

Ernest Dodd asked if the proposed restaurant will be open year-round. Peter Brown responded that the restaurant is intended to be open year-round, but the dining on the proposed patio will be seasonal.

¹ The term “restaurant” was used during the meeting, and the term “snack bar” was used in the application. For the intent of the minutes, the term “restaurant” is used to refer to the dining portion of the proposed building.

Andrew Crosby asked about the increase in the number of seats at the restaurant. Peter Brown responded that there will be an increase by approximately 15 seats. Andrew Crosby also asked about the proposed store within the driving range/restaurant building. Peter Brown answered that a small pro shop will be included in the building, noting it may sell small products during the winter.

David Hartnagel asked if there is exterior lighting proposed for the driving range. Peter Brown stated that the driving range is intended to be illuminated, for the existing driving range has exterior lighting. He stated that hours of operation for the range are anticipated to be until 10pm. Ernest Dodd told Peter Brown to review the exterior light component of the Zoning Bylaw.

David Hartnagel asked what the current hours of operation are for the Driving Range. Peter Brown replied that the driving range is in operation until 8:30/9:00 p.m.

David Hartnagel asked if there is any usable space below the proposed patio. Peter Brown confirmed that there is not usable space below the patio.

Andrew Crosby asked if gasoline powered golf carts will be stored in the space currently occupied by the Grill and the number of carts that will be stored. Peter Brown answered that the golf cart fleet will be converted to all electric and there is a storage capacity of approximately 80 carts.

Andrew Crosby asked if the maintenance of the golf carts will be conducted in the space currently occupied by the Grill or if maintenance will be done at the maintenance building on the site. Peter Brown stated that besides charging the golf carts, the maintenance building will be where maintenance will take place.

Ernest Dodd asked if a floor plan of the lower level will be provided to the Board. Peter Brown stated that a lower-level floor plan could be provided.

Peter Brown provided additional details regarding the driving range bays. He stated that the bays are 24 feet deep, allowing for a table and chair to be placed behind each driving range mat for patrons to watch each other.

Andrew DeMore asked for further clarification on the number of seats at the Grill. Peter Brown replied that there are about 150 to 170 seats at the Grill and its patio. Andrew DeMore asked if the septic system on the site can accommodate any additional seating. Daniel Carr confirmed that the septic system can accommodate additional seats as it was designed to accommodate a locker room, a use that produces more wastewater.

Ernest Dodd asked for more information regarding the protective netting at the edges of the driving range. Peter Brown stated that the netting will be 75 feet high and 300 yards long; the netting is proposed to be tapered at both ends to the ground. The netting will have occasional breaks along the sides and no netting at the end; this will allow wildlife to pass through the range without getting caught. The poles supporting the netting will be spaced 50 feet apart.

Ernest Dodd asked how many people are employed at the site. Peter Brown stated that there are 70 employees during the golf season, and 6 employees during the off season.

David Hartnagel asked how patrons will access the driving range bays. Peter Brown responded that there will be a separate entrance along the side of the building; alternatively, people can access the bays through the restaurant.

Leonard Golder asked how tall the proposed building will be. Members responded that it is approximately 24 feet tall, less than the maximum height allowed under the present Zoning Bylaw. Peter Brown noted that the building will be lower than the existing barn structures that will be removed and replaced with the driving range building.

Michael Slagle asked if patrons of the driving range will be getting food or beverage service from the proposed restaurant. Peter Brown stated that there will not be typical table service; instead, patrons will be able to walk to the bar within the restaurant to order food or a beverage and walk back to the bay with their order.

Michael Slagle asked if there will be any music playing at the driving range bays or patio. Peter Brown stated that there will not be a sound system installed for music.

Michael Slagle asked what the uses of the clubhouse are. Peter Brown replied that there is the Grill, a pro shop, restroom, and a function space (that can accommodate 250 people) within the clubhouse. He stated that the pro shop, restrooms, and function space will remain.

Andrew Crosby asked what the anticipated increase in patrons will be for the driving range and restaurant. Peter Brown responded that the number of patrons for the driving range is limited by the 26 bays provided. He stated that many patrons will practice at the driving range prior to playing the course; he anticipates that this will continue and may become more popular. Andrew Crosby asked a follow-up question regarding the operation of the site during the off season. Peter Brown stated that the Grill does close in the winter by choice and has a permit to allow cross country skiing in winter. He noted that there is consideration of operating the proposed restaurant year-round.

Ernest Dodd asked if the ground level driving range bays will be enclosed as they are shown to be open on the elevation drawing. Peter Brown stated that in the future, the lower level could be enclosed, but there are no plans now to do so. He stated that metal panels could be installed. Ernest Dodd expressed concern regarding the potential of enclosing the lower bays stating that there may be structural changes needed.

David Hartnagel opened the hearing for public comment.

Janet Wheeler, 151 Randall Road, asked for clarification if the driving range will be illuminated; she stated that she was under the impression that the range would not be illuminated after a neighbor meeting with Peter Brown. Peter Brown stated that the range is proposed to be illuminated. Janet Wheeler expressed concern and opposition to exterior lighting of the driving range.

Janet Wheeler, 151 Randall Road, asked the Board to consider limiting the hours of operation of the site. She expressed concern that there will be an increase in intensity of the site's use. She submitted a letter with her comments to the Board.

Denise Dembkoski, Town Administrator, supported the proposed project. She stated that the additional employment can provide the Town with additional funding through MGL Chapter 91.

She acknowledged that there will be some impacts to the existing neighborhood, but the project will have several benefits to the Town.

Leonard Golder asked if the Stow Acres liquor license allows for alcoholic beverages to be served until 10pm. Peter Brown responded that he believes the license allows for alcoholic beverages to be served past 10pm.

Ernest Dodd reiterated to Peter Brown to review the lighting bylaws in the Present Zoning Bylaw.

Kathy Sferra, Conservation Director, offered support for the proposed project, particularly regarding the improvements to the stormwater system of the existing parking lot adjacent to the proposed building.

Bob McDonald, 387 Gleasondale Road, asked if the lights for the driving range can be placed closer to the ground instead of the top of a pole. He also asked if guidewires would need to be installed to support the poles. Peter Brown stated that he will investigate the height of the lights, and that the poles will not require guidewires.

Gay Gibson McDonald, 387 Gleasondale Road, stated that she would like the lighting of the driving range to be at ground level to minimize the impacts to the surrounding residential neighborhood.

David Hartnagel asked for clarification on the intention of lighting the driving range. Peter Brown stated that the entire range will not be illuminated and not every pole supporting the protective netting will have a light. He stated that he could provide a lighting plan to the Board.

Bennet Daley, 32 Randall Road, stated that he has the same lighting concerns as the other members of the public. He asked if there will be landscaping on the east/south side of the proposed building as the building rendering provided to the Board was from the north/west elevation. He also expressed concern regarding the secure storage of solid waste on the site.

David Hartnagel asked for any additional questions or comments. Leonard Golder stated that he would like a lighting plan provided to the Board. David Hartnagel stated that he would like a rendering of the proposed building's south and east faces, a plan for the lighting, specifications for the proposed lighting.

Michael Slagle asked the Board if it would like to keep the Hearing open to allow for additional materials to be submitted, or to close the Hearing and have conditions to submit additional plans for approval. The Board agreed to keep the Hearing open.

Michael Slagle asked the Board to confirm the additional information they would like to receive. The Board requested:

- A rendering of the east/south elevation of the proposed building,
- Lighting specification and plan showing the location, and
- A drawing showing the distance away from abutters.

Leonard Golder asked if the proposed restaurant is a "restaurant" or "snack bar." Peter Brown stated that there is no exact term for the proposed use in the Zoning Bylaw. However, the proposed restaurant will offer counter service and operate the same way as the Grill.

Ernest Dodd moved to continue the Public Hearing until February 5, 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 Associate Member Leonard Golder).

Discussion: 58 Randall Road – Minor Modification to Special Permit No. 4, continued.

The Board continued their discussion regarding a modification to the screening plan of the Maintenance Building for Stow Acres Country Club. The Board found that the planting of arborvitae to the east of the Maintenance Building is infeasible due to existing trees, a stone wall, and topography. The applicant, at previous meetings, requested a modification to the screening plan. David Hartnagel asked the Board if modifying the screening plan would be a major or minor modification to the Special Permit.

Ernest Dodd moved to consider the modification to Special Permit No. 4 to be minor. The motion was seconded by Andrew DeMore.

Leonard Golder asked what the purpose of the minor modification was. The Board responded that the screening was to minimize visual impact. The Board discussed what determines a major or minor modification.

The motion made by Ernest Dodd, and seconded by Andrew DeMore, to consider the modification to Special Permit No. 4 to be minor was carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

The Board reviewed a draft minor modification decision. Ernest Dodd requested a condition that the exterior lights of the Maintenance Building be put on motion sensors.

Ernest Dodd moved to grant a Special Permit modification to Special Permit No. 4 as amended. The motion was seconded by Andrew DeMore and carried by a vote of four in favor (David Hartnagel, Andrew Crosby, Andrew DeMore, and Ernest Dodd).

Adjournment

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

Respectfully submitted,

Michael Slagle
Land Use Planner/GIS Administrator