

**Zoning Board of Appeals
Minutes
January 25, 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 25, 2024, at 7:00 pm.

Present: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth (via Zoom Web Conferencing)

Associate Members: Leonard Golder, Maria McFarland, and Michael Naill

Staff Present: Michael Slagle and Valerie Oorthuys

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

Public Hearing: 0 Randall Road (Stow Acres North Course) Comprehensive Permit.

Members Participating: David Hartnagel, Andrew Crosby, Andrew DeMore, Ernest Dodd, and Ruth Kennedy Sudduth

Associate Members Present: Leonard Golder, Maria McFarland, and Michael Naill

Present: Mark O'Hagan (Applicant)

Also Present: Ezra Glen (Massachusetts Housing Partnership ("MHP") 40B Consultant)

David Hartnagel opened the Public Hearing at 7:00 pm.

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).

Application Process Overview

Members of the Board introduced themselves to the Applicant and to the public. Associate Members (not participating), and Staff also introduced themselves.

David Hartnagel informed members of the public that the meeting is being recorded and will be uploaded to the Stow TV YouTube channel.

David Hartnagel provided an overview of Massachusetts General Laws Chapter 40B to the public. The overview included the authority of the Board; the creation of affordable housing; and waivers to local bylaws, rules, and regulations. He stated that the Board has requested comments from other departments and boards regarding the waivers sought by the Applicant.

At 7:07, Associate Member Leonard Golder entered the meeting.

David Hartnagel stated that the Town currently has 7% of its total housing units deeded as affordable to low- or moderate-income households. He stated that the Board cannot deny an application for a comprehensive permit unless the Town has 10% of its total housing units deeded as affordable to low- or moderate-income households.

David Hartnagel provided an overview of the three components of the Stow Acres Planning Process, of which the current application is part of. He stated that the Town, the owners of Stow

Acres, Stow Conservation Trust, and the Applicant worked on a plan for the future of the Stow Acres property (composed of the South Course and North Course). The first part of the process was the purchase of a conservation restriction on the South Course to limit development of the site and allow for the golf course to remain. The second part of the process was the purchase of part of the North Course by the Town for conservation and recreation uses. The third part of the process is the current application for the development of housing.

David Hartnagel stated that the present meeting is one of several Public Hearing sessions for the application. He stated that the Board and Applicant will develop a schedule of future Public Hearing Sessions later in the present session. He added that the purpose of having multiple sessions is to allow the Board and Applicant to discuss specific topics.

David Hartnagel noted that the Board will be taking limited public comment during the meeting. He stated that there will be opportunity at future Public Hearing sessions for the public to provide comments and that the Board is accepting written comments until the Hearing is closed.

Presentation by the Applicant

Mark O'Hagan, Applicant, introduced himself to the Board and the Public. He shared a presentation to the Board outlining his application.

The beginning of the presentation focused on the three components of the application. The components include:

- 40 rental cottages,
- 25 age-restricted apartments (within one building), and
- 124 single family dwellings.

Mark O'Hagan stated that the land will be subdivided: each single family dwelling will have its own lot, the rental cottages will be on one lot, the age restricted apartments will be on one lot, and the common spaces for all components of the project will have one lot.

Mark O'Hagan referenced that the application requests three Comprehensive Permits. He stated the reasoning of the request is due to administration of the affordable housing units; this includes housing tenure (rental vs. ownership), age restriction, and affordability levels.

The next section of the presentation was focused on details of the different housing types proposed within the application. Mark O'Hagan began this section with a description of the rental cottage component. The rental cottages component will contain:

- 40 rental units in three styles (2-bedroom bungalow, 2-bedroom cottage, 3-bedroom cottage),
- 2 parking spaces per unit (some designated for units, remainder in parking lots)
- Common mail station,
- Potential for garages,
- Open green spaces and trails,

He stated that the units will have services, like snow plowing, that are typically associated with rental communities. Rent for the affordable units are currently set at \$2,325 (subject to change). Floor plans and exterior renderings of the three-unit types were shared with the Board.

Mark O'Hagan continued with a description of the age-restricted apartment building, referred to as the Manor House. The Manor House will contain:

- 25 one-bedroom units;

- A common space for recreation, meetings, and activities; and
- A large front porch.

The affordable units for this project are currently set for \$1,395 (subject to change). Floor plans and exterior renderings were shared with the Board.

Mark O'Hagan explained that there are three sub-components to the single-family dwellings. However, all of the single family dwellings will be:

- Sold on fee simple lots (from 4,000 to 9,000 square feet),
- Integrated with pocket parks,
- Located off a private way, and
- Part of a Homeowners Association.

Affordable units will be sold at \$268,000 (subject to change).

The first sub-component of the single-family dwellings is the "Interior Homes." Mark O'Hagan explained that these homes are located inside of the loop of the proposed "Stow Acres Drive." These dwellings are proposed to have:

- Detached, two-car garages at the rear of the lot;
- Front porches; and
- Three bedrooms on the second floor; and

The second sub-component of the single-family dwellings is the "Exterior Homes." Mark O'Hagan shared that these homes are located along the outside of the loop of the proposed "Stow Acres Drive." These dwellings are proposed to have:

- Sideload, attached, two-car garages;
- Front porches;
- Three bedrooms with a primary bedroom on the first floor;
- A larger total floor area than the Interior Homes; and
- A larger lot than the Interior Homes.

The third sub-component of the single-family dwellings is the "Village Homes." Mark O'Hagan shared that these homes are located along the outside of the loop of the proposed "Stow Acres Drive." These dwellings are proposed to have:

- Detached, two-car garages at the rear of the lot;
- Front and side porches;
- Three bedrooms on the second floor;
- A smaller total floor area than the Interior Homes; and
- A smaller lot than the Interior Homes.

Mark O'Hagan presented additional amenities on the site, like the proposed clubhouse, guest parking, walking facilities, bicycle facilities, mail stations, community gardens and traffic calming measures. Near the clubhouse, Mark O'Hagan presented a second entrance to the site for emergency access use only.

Mark O'Hagan presented the infrastructure that would support the development. This includes a public water supply, a wastewater treatment facility, a stormwater management system, underground utilities, private roadways, and fire cisterns. He noted that there is going to be green infrastructure incorporated within the site, like infiltration of stormwater drains and electric vehicle charging stations. The infrastructure and amenities are proposed to be managed by a community umbrella corporation with representatives from each of the components of the site.

Mark O'Hagan concluded his presentation with a summary of the proposal and key facts for the Board's reference.

Questions and Comments from the Board, Town Staff, and Board/Committee Representatives

David Hartnagel asked members of the Board if they have any questions.

Leonard Golder, non-participating Associate Member, asked if the dwellings will be deeded affordable in perpetuity. Mark O'Hagan responded that the single-family dwellings will be deeded affordable in perpetuity, and the rental units are essentially affordable in perpetuity.

Andrew Crosby asked if the dwellings are proposed to meet the Specialized Energy Code adopted by the Town. Mark O'Hagan replied that the dwellings will meet the standard. Andrew Crosby also asked if there will be any recognition of Mapledale Country Club (the first African American owned and operated golf club in the United States; eventually was sold and became Stow Acres Country Club). Mark O'Hagan stated that he met with the abutters, and in their conversation, he decided to name the connector road to the south of the Manor House (unlabeled on plans) as "Mapledale Place."

Andrew DeMore asked if the infrastructure will serve all three sections of the proposal, noting that there will be three Comprehensive Permit decisions. Mark O'Hagan stated that the infrastructure will serve all of the sections, and that he does not foresee the sharing of the infrastructure to be a problem. He stated that the reason for the three decisions is for consistency with the standards of the subsidizing agencies. He added that there will be a regulatory agreement to oversee the relationship between all three sections.

Ernest Dodd stated that he is not supportive of the dead-end alleys proposed on the site plan, citing fears with fire protection. Mark O'Hagan responded that he has met with the Fire Chief to review these plans, and that the alleys are short in length.

Ernest Dodd asked how long the buildout of the entire project will be. Mark O'Hagan stated that it will take approximately four years for the project to be built out. He added that the critical infrastructure (like water and wastewater) will need to be constructed first, and that the single-family dwellings will act as an economic driver for the project.

Ernest Dodd asked how high the water table is. Mark O'Hagan responded that the water table is relatively close to the surface, ranging from 5 to 12 feet. He noted that there was an unusually wet spring and summer, which raised the water table higher than what was anticipated. He stated that the soils are well draining as they are composed of gravel and sand.

David Hartnagel asked if the secondary emergency access near the proposed clubhouse will have signs deterring vehicles from entering or a gate with a lock box. Mark O'Hagan responded that it will be gated with a lock box.

David Hartnagel asked for more details regarding the ownership structure of the common amenities. Mark O'Hagan stated that there will be an overarching trust on the site. The trust will have representation from a homeowner association for the single-family dwellings, the owner of the age restricted apartments, and the owner of the rental cottages. The homeowner association will have 75% of the votes, the age restricted apartments will have 5% of the votes, and the rental cottages will have 20% of the votes.

David Hartnagel asked if Ruth Sudduth Kennedy had any questions or comments. She responded that she does not have any questions or comments at the time.

David Hartnagel asked if the non-participating Associate Members had any questions or comments. Maria McFarland and Michael Naill did not have any questions or comments. Leonard Golder asked how wide the roads are proposed to be. Mark O'Hagan responded that the roads vary in width from 20 to 24 feet; the entrance to the site contains a road divided by a median with each travel lane proposed at 12 feet.

Leonard Golder asked where guest parking would be. Mark O'Hagan replied that there will be on-street guest parking along the roads that are inside the loop of Stow Acres Drive. He noted that cars could be parked in the driveways as well.

Andrew Crosby asked about the aesthetic design of the wastewater treatment building as it may be visible from a public way. Mark O'Hagan responded that the building will have a façade that is consistent with the other proposed buildings, allowing it to blend in with the rest of the development.

David Hartnagel asked Staff if they had any questions or comments. Michael Slagle responded that he does not have any initial concerns for the project. Valerie Oorthuys did not have any questions or comments.

Ezra Glenn briefly explained his role as an MHP consultant. He reminded the Board that the development review process is different than typical application reviews; instead of a developer proving that a proposal meets the standards of the Zoning Bylaw, for example, the developer must prove why they cannot meet the standard and what they are doing to mitigate any adverse impacts. Ezra Glenn also reminded the Board of their purview and what is in the purview of the subsidizing agency.

David Hartnagel asked for questions or comments from representatives of a Town board or committee.

Mike Kopczynski, of the Stow Municipal Affordable Housing Trust ("SMAHT"), stated that SMAHT supports the project, for it provides a mix of housing types and aligns with planning goals of the Town. He stated that there will need to be continuous work, even after this project is permitted, to continue to meet the State's goal of 10% deeded affordable housing.

Andrew DeMore expressed concern regarding the need for electrical infrastructure on the site as Hudson Light and Power ("HLP") has a long waitlist for some electrical components. Mark O'Hagan responded that it is a concern, but he is working through the process with HLP.

Maria McFarland asked for further clarification of the need for three Comprehensive Permit decision and the relationship of the shared utilities between property sales. Mark O'Hagan stated that the trust will be established for the common utilities and include a section regarding the sales of any of the properties. He stated that the three decisions are needed for compliance with the subsidizing agency.

Ruth Kennedy Sudduth asked if it is within the Board's purview to review the trust and homeowner association documents. Ezra Glenn replied that the Board can ask for these documents. He recommended reviewing these once the large problems, if any, on the site are

resolved, like traffic or utilities. Mark O'Hagan stated that he intends to provide the Board with these documents.

Questions and Comments from the Public

David Hartnagel opened the discussion to comments to members of the public. He provided general rules for providing comment and noted that there will be subsequent public hearing sessions that will address specific topics. He began by asking for comments from members of the public who were present in the meeting room.

Helen Ham, 21 Cross Street, stated that she is supportive of making Cross Street a one-way road as suggested in the application's traffic study.

Jim Wheeler, 151 Randall Road, asked when a schedule for future public hearings will be established. David Hartnagel responded that the schedule will be discussed later in the Public Hearing.

Cole Page, 115 Wheeler Road (owner of Butternut Farm Golf Club), expressed support for the proposed application.

Kathy Sferra, Conservation Director, stated that part of the parcel subject to the Comprehensive Permit Application, is included in the Town's Climate Resilience Master Plan for the town owned portion of the North Course of Stow Acres Country Club. She thanked the Applicant for allowing the integration of the two properties. She stated that the plan for the use of the Town owned portion of the North Course is in progress, and that the plan will be shared with the Board once complete (estimated for June 2024).

Denise Dembkoski, Town Administrator, expressed support for the application and shared the collaboration between all parties involved in the planning work for the future of the entire Stow Acres property.

Bob Wilbur, on behalf of the Stow Conservation Trust, described the collaboration between the parties involved in the planning work of the entire Stow Acres property. He expressed support that much of the Stow Acres site will be conserved (on the South Course and Town owned portion of the North Course), and that there will be housing integrated within the overall property.

Eve Donahue, of the Stow Conservation Trust, expressed support for the application. She acknowledged that several other members of the Stow Conservation Trust are in attendance at the Hearing.

David Hartnagel asked for comments from members of the public who were attending virtually through Zoom Web Conferencing. There were no comments from the public attending virtually.

David Hartnagel acknowledged the correspondence received by the Board prior to the opening of the Public Hearing.

Discussion and Selection of Peer Review Proposals

The Board reviewed the following peer review proposals:

- GCG Associates (Civil engineering and traffic study review).
- Wright-Pierce (Civil engineering and traffic study review).
- Dillis & Roy (Civil engineering review).

- Bayside Engineering (traffic study review).
- MDM Transportation Consultants (traffic study review).

The Board discussed the content of the peer review proposals.

Andrew DeMore moved to accept the peer review proposal submitted by Dillis & Roy. 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).

The Board did not select a firm to conduct the peer review of the traffic study. The Board asked the Planning Department to solicit new proposals for the traffic review portion.

Public Hearing Schedule

The Board and the Applicant established a schedule for future Public Hearing sessions based on topics. The schedule includes:

- March 5, 2024 – Water, Wastewater, & Other Utilities.
- April 8, 2024 – Stormwater Management and Wetland Permitting.
- May 6, 2024 – Mobility (Streets, Traffic, & Trails).
- June 3, 2024 – Ownership Structure, Affordability, Integration with Town-Owned Land.
- July 8, 2024 – Misc. Topics, and Final Questions and Comments.

The Board noted that the schedule may be modified, sessions may be added, and topics may be shifted. The Board will have a joint meeting with the Conservation Commission at the April 8, 2024, meeting to discuss wetland permitting.

Closing Remarks

David Hartnagel asked if there are additional comments or questions from the Board or Staff. Michael Slagle asked if the Board would like the Applicant to provide any additional information. Ernest Dodd stated that he submitted a list of additional information he would like submitted. The Board agreed with his list and asked the Applicant to provide the additional information listed.

Members of the Board stated that they will conduct individual (or paired) site visits to the site. The Planning Department will coordinate the visits with the members and the Applicant.

Ernest Dodd moved to continue the Public Hearing until March 4, 2024, at 7:30 pm. 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).

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