

TOWN OF STOW
PLANNING BOARD

Minutes of the October 8, 2013, Planning Board Meeting

Planning Board Members Present: Lori Clark, Len Golder
Steve Quinn, Ernie Dodd

Voting Associate Member: Mark Jones
Non-Voting Associate Member: Dan Beaudette

Lori Clark called meeting to order at 7:00 p.m.

Correspondence Update

None.

Member Updates

None.

Review of Meeting Minutes – October 1, 2013

Steve Quinn motioned to accept the minutes of October 1, 2013

Ernie Dodd seconded.

VOTED: (4-0) Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Len Golder)

Review of October 1st, 2013 Executive Session Minutes

Ernie Dodd moved to approve the minutes of October 1st, 2013 Executive session as written.

Steve Quinn seconded

VOTED: (3-0) in favor (Lori Clark, Ernie Dodd, Steve Quinn; Len Golder Abstained)

Coordinator's Report

Capital Planning and Finance Committee Meetings

Lori Clark reported that the two committees had a good understanding of the traffic articles, and gave some good feedback to help illustrate the fact that the investment will leverage further funding. Capital Planning Committee member suggested that we explain a timeline concept to show how the chronology of events comes together.

Lori Clark indicated they did not take a vote but it seemed that the Finance Committee understood the proposal and were supportive. Karen Kelleher said she spoke with Bill Wrigley regarding the support of the Capital Planning Committee in concept. Karen Kelleher said that Bill Wrigley said it is likely that they should have enough funds to cover the two capital planning requests.

Planner's Report

Warrant Articles

Karen Kelleher reported that she and Lori Clark attended the Finance Committee's Public Hearing. The Committee will be voting on its recommendations this evening.

Karen Kelleher and Lori Clark also attended the Capital Planning Committee Meeting to discuss the article for Lower Village traffic design and construction plans. Although it appeared that individual members supported the project they did not take a formal vote said Karen Kelleher, adding they will be meeting on October 24.

Karen Kelleher spoke with the Town Administrator about the capital request. He will advise the Finance Committee and the Capital Planning Committee that there are sufficient funds for the two capital projects included in the warrant (Lower Village Traffic Design and Construction Plans and Water Treatment System).

Medical Marijuana Moratorium

Karen Kelleher reported that the Planning Department invited staff from the Conservation Commission, Board of Health, Building Department, Town Administrator and Police Chief to begin discussion on potential bylaws and regulations tomorrow morning.

Zoning

Stowaway Inn Bed and Breakfast

Karen Kelleher reported that a resident stopped by the office to inquire about the Stow Away Inn and if it were possible, under current zoning, to put a restaurant in the barn. Karen Kelleher advised him of the Zoning Exemption for historic buildings to allow by Special Permit uses that are not otherwise allowed in the district. She advised that he first do some investigation as to whether it is feasible to develop a public water supply on site and to also see if the existing septic system is adequate for the additional use.

Drive-through Coffee

Karen Kelleher reported that the same resident who inquired about Stow Away Inn also asked if the Board would be willing to change the zoning to allow a drive-through coffee shop in Lower Village. Karen Kelleher advised that she would bring the subject up with the Board but also advised him that the Board's current vision for Lower Village is for pedestrian oriented uses.

Gleasondale Planning

Karen Kelleher reported that she and Assistant Planner Jesse Steadman met with Professor Mullin and his graduate students at UMass to discuss the Gleasondale

Planning Project. We discussed a proposed meeting schedule. Karen Kelleher said the focus groups will be meeting up to three times beginning in early October and running through the month. The Charrette will be held on a Saturday morning early November. Efforts will be made to coordinate the Charrette to be held the same day as the Historic Commission's Gleasondale tour. Karen has been in contact with owners for permission to hold the charrette at the mill. Karen Kelleher reported that the advisory group will meet three times – early October, November (after the charrette) and December.

Karen Kelleher contacted the Mill owners about holding the Charrette at the Mill. Karen Kelleher has some reservations about the location due to ADA access. If it is deemed not feasible, we will contact Center and/or Hale School to see if we can use that space.

Hemenway Farm Subdivision

Karen Kelleher reported that the Stow Conservation Trust met yesterday and proposed that a portion of the Hemenway Farm Open Space be conveyed to the Trust. The Conservation Commission will be discussing this proposal at their public hearing continuation on October 15.

GIS

Karen Kelleher reported that Jill Kern continues to volunteer Monday mornings in the Planning Department. She has been a tremendous help to the Planning Department and others:

- She created shapefiles for existing and proposed walkways and trails in consultation with the Planning Department, Conservation Commission staff and Stow Conservation Trust.
- Updated roads shapefiles
- Created Stow Open Space shapefile for Conservation Commission
- Created Map of Sureau Property to be used in evaluating the Chapter 61 withdrawal notice
- Georeferenced an 1830 map for the Historic Commission
- Is developing Japanese Knotweed map for Conservation Commission
- Is improving the organization of GIS-related files and data: Begin with catalog of data and locations

Cross Town Connect Proposal

Karen Kelleher reported that the Board of Selectmen will be voting on a proposed Regional Transportation Management Services Inter-Municipal Agreement for a Cross Town Connect Regional Transportation project, which received \$400,000.00 in Grants. They are looking for Town's to contribute between \$2,750.00 and \$6,000.00 (Stow's contribution would be \$2,750.00)

Karen Kelleher said that Phase one is a regional dispatch system, using computer software that was purchased so that seniors can call in for rides. Phase two would be to utilize COA vans to coordinate rides cross town lines for mixed users adults, seniors and kids.

Karen Kelleher continued, saying Stow's Council on Aging feels that they currently have a good dispatch system in place and is concerned about expending funds for a service they already provide. They are also concerned about Phase two for many reasons, including reallocation of funds that might impact individual services they provide Stow seniors, such as outreach and field trips; and the fact that their vans are restricted to use for seniors and handicapped residents because they were acquired through grants.

Karen Kelleher noted that perhaps a Cross Town Connect should focus on a system that augments Council on Aging services – A cross-town service could be available to all ages, including seniors (some of who might prefer not to use senior van). She referred to an email she sent to the Selectmen.

State Ethics and open Meeting Law

Karen Kelleher reminded Planning Board Members of their requirement to acknowledge receipt of the Conflict of Interest Law Summary, Conflict of Interest Law Online Training Information and Open Meeting Law Information and to update their Training Certificates.

Public Hearing

Review of October 2013 Town Meeting Zoning Articles

Steve Quinn moved to waive the reading of the Notice of Public Hearing

Ernie Dodd seconded.

VOTED: (4-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Steve Quinn)

Medical Marijuana Moratorium

Lori Clark opened the hearing to public comment:

Marcia Rising, Chair of the Board of Health, said that since the Department of Public Health has taken on the guidance position, it is best to let them take the leading role. Marcia Rising said it is unlikely Stow will be affected by an RMD facility, but possible. She added that the DPH has done their due diligence and is trying to keep things in perspective, although the implementation of the law will likely be a difficult issue.

Karen Kelleher asked if there are any loopholes evident that could be taken care of through Town regulatory action? Karen Kelleher said that initially she did not think

Stow could be approached but Bolton has been approached twice. Marcia Rising said she is unaware of growing practices and is not sure what kinds of nutrients growers will be putting back into the ground.

Len Golder said the one thing that makes Stow a draw from a cultivation perspective due to the fact that there is not a lot of land in the Boston area. Lori Clark said the plants will likely be grown indoors.

Marcia Rising said she believes the moratorium is a great idea to help the town plan for the law's implementation.

The board discussed that the moratorium can be lifted prior to the deadline if planning efforts advance ahead of the one year deadline. The board discussed the possibility of Registered Marijuana Dispensaries being able to take advantage of the agricultural zoning exemption afforded certain growers through Ch.40A S.3.

Mike Kopzynski said that Stow cannot afford to fight wealthy businesses and savvy attorneys in litigation. Mike Kopzynski added that a moratorium is a good idea to give the Town time to plan.

Karen Kelleher said that she believes that DPH regulations do not reference anything about the setback distances.

Len Golder asked who to go to about tax policies and other legislative fixes.

What happens without the moratorium Steve Quinn asked. Karen Kelleher said we could not restrict it to a certain zone. According to statute, said Karen Kelleher, if it is not designated to a certain district, it can go anywhere.

Marcia Rising said that this is a pandoras box, adding there are quite a few lawfirms to make this their banner business. Marcia Rising said small Towns have to be really careful.

Lori Clark said it seems obvious that the board is in favor of the moratorium.

Inclusionary Housing Article: Amend Section of the Zoning Bylaw Amendment Section 8.9.4.

Mike Kopzynski said that it seems the addition of "may" rather than "shall" in the amendment wording would make it more likely that someone would give the unit rather than the payment. Marcia Rising asked what a fractional affordable dwelling unit is. Karen Kelleher explained how rounding the lot numbers would work.

Mike Kopzynski said that Town Counsel said that the payment should be a fractional cost rather than a rounding up of a payment as well. Mike said it is encouraging the

payment rather than the unit. If it is going to be amended, it should be amended to round up for the payment. Mike Kopzinski said that the Town Counsel should be consulted on the matter.

Ernie Dodd said the cost of the home is linked to the MSA number. Steve Quinn said if the payment is linked to the retail price it should still incentivize the building of the unit.

The Board discussed that the affordable housing rate can only change as the MSA changes without a vote of town meeting.

Ernie Dodd moved to close the public hearing.

Steve Quinn seconded.

VOTED: (4-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Steve Quinn).

Review of Non-Zoning Planning Board Articles:

Traffic Design

Karen Kelleher said the motion for the traffic design article will read “up to \$125,000.”

ZBA Hearing on Lanes End Variance

The Board discussed the ZBA meeting with Bill Byron regarding the Lanes End lot size variance request from Habiteck Inc. The Zoning Board of Appeals has continued the hearing until later in the month.

Lower Village Planning

Steve Quinn said it is important to spend some time on the RFP and scope of work for the final design and construction funds so the Board knows exactly what they will be getting for the money.

Steve Quinn motioned to go into executive session to discuss 323 Great Road negotiations with adjournment afterwards.

Roll Call Vote Unanimous in favor (Lori Clark – Yea; Len Golder – Yea; Ernie Dodd – Yea; Steve Quinn -Yea.)