

TOWN OF STOW  
PLANNING BOARD

Minutes of the February 6, 2014 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Mark Jones, Len Golder

Absent: Steve Quinn

Non-Voting Associate Member: Dan Beaudette

Lori Clark called the meeting to order at 7:10 pm

**Correspondence Update**

None.

**Discussion of 1.29.2014 Meeting Minutes**

*Ernie Dodd moved to accept the minutes of January 29, 2014 as amended.*

*Mark Jones seconded.*

**VOTED: (3-0) Unanimously in favor. ( Lori Clark, Ernie Dodd, Mark Jones)**

**Executive Session Minutes 1.29.2014 Meeting Minutes**

Ernie Dodd moved to accept the minutes as written.

**Mark Jones seconded.**

**VOTED: (3-0) Unanimously in favor. (Lori Clark, Ernie Dodd, Mark Jones)**

**Member Updates**

None

**Planner's Report**

**Homestead Lane Hammerhead Lots Special Permit**

Karen Kelleher reported that she has had ongoing discussions with the Applicant about the Homestead Lane Hammerhead Lot Special Permit, saying she received a letter from the Applicant's Engineer with the argument that the ANR Plan supercedes the Special Permit. Karen Kelleher asked for further clarification on the intent of the public hearing so the Public Hearing notice will accurately reflect their intent and to ensure that discussions during the public hearing are within the four corners of the notice to preclude the need for an additional hearing.

Karen Kelleher said the public hearing will be scheduled for March 12. Karen Kelleher informed the applicant that we need an extension for the time period in which the Board can hold the hearing and a fee deposit to cover legal consultation.

### **Annual Report**

Karen Kelleher drafted the 2013 annual report. Copies are included in the Planning Board packets. Karen Kelleher asked that members review the document and forward edits to her. The deadline for submission is February 14 Karen Kelleher said.

### **Quirk Property**

Karen Kelleher reported that there have been a few inquiries about the Quirk Property. Bruce Ringwall of GPR was working with someone, who decided not to go forward. Karen Kelleher spoke with Todd MacDowell of Bystone Development and will get back to him on questions about the AAN Bylaw.

### **Lower Village Traffic Proposals**

Karen Kelleher reported that proposals have been distributed to the Review Committee who will be meeting next Wednesday to compare ratings and determine which firms to bring in to interview.

### **Medical Marijuana Bylaw Review**

The Planning Board discussed the pros and cons of allowing the retail component of a Registered Marijuana Dispensary in the business district. Lori Clark said she would want to know that abutting residential uses were adequately buffered from the use. Mark Jones asked whether it may be better to allow the retail component in the retail district to keep the bulk of traffic associated with the use in a district that was designed to handle it. The Board further discussed whether the retail component should be by right or by special permit in the Business district, with discussion focusing on what the Board may be able to regulate if the use were to move into a retail building covered by a compliant special permit. The Planning Board agreed that at this time they will include language allowing the retail use in the Business District by right, unless it would be located in conjunction with a new structure, which would trigger the special permit and site plan approval processes pursuant to section 3.3 of the Zoning Bylaw. The Board agreed to schedule discussion of the Rules and Regulations for Registered Marijuana Dispensaries for February 12 and the Public Hearing for March 5<sup>th</sup>, which would also include the FEMA FIRM update.

### **Floodplain/Wetland Overlay District**

Karen Kelleher explained the ongoing discussion of replacing several different water studies with the preliminary FEMA update floodplain. Karen Kelleher noted that Town Counsel said it would be safer to keep the older studies on the overlay. However, said Karen Kelleher, the wetland overlay district, aside from the floodplain data, is outdated and difficult to defend due to inconsistencies.

Karen Kelleher said that currently the bylaw is referred to as the Wetland/Floodplain Overlay district with several data sets combined. The Board agreed that perhaps it would be better to refer to the floodplain sections of the overlay rather than the wetland aspects.

Ernie Dodd suggested looking at the language in section 5.1 and amending as necessary before further discussion.

## **Natural Resource Protection Development**

The Board discussed the meaning of housing diversity and the benefits to multiple housing types incentivized through the NRPZ bylaw. Lori Clark said she likes the idea of diversity of floor area, bedroom number and smaller home options within a development, in that it may give a developer multiple options for creating different types of single family dwellings.

The Board discussed the by-right versus special permit aspects of the proposed bylaw, including which aspects of the bylaw are most important, such as providing better protection of the best parts of the locus property, and incentivizing different housing types.

The Board discussed the exclusion of drainage and stormwater infrastructure in the 60% required open space. Lori Clark said that to exclude such a large area would be make it difficult to provide the open space benefits that are already provided, risking the chance that a developer would move toward a conventional subdivision instead. Lori Clark expanded saying she understands that the open space acquired through the NRPZ process is not pristine, but rather a compromise against conventional development, and that the underlying benefit of the NRPZ process is that it gives other boards, such as the Conservation Commission, the Open Space Committee and the Planning Board a chance to converse with the developer early on, and have a say in what aspects of the open land should be prioritized, where it is located and how it is developed. Through the NRPZ process, the Planning Board has to try to encourage and entice a developer to choose this route that offers the most input from Town Boards.

The Board discussed the inclusion of active recreation as an allowable use on the open land, agreeing that it and any other potential use of the open space, agreed to be feasible and acceptable by Town Boards, the applicant and the developer, must be written into the deed to ensure that the prospective buyers know exactly what type of situation they are buying into and what potential neighboring uses may be a reality in the future.

The board agreed that they would like to gain valuable input from a developer and engineer that may need to interpret the bylaw to explore whether it is practical and workable, and from other Boards such as the Open Space committee to discuss whether there are any additions that would make the bylaw more effective and efficient.

Meeting Adjourned.

Respectfully submitted,

Jesse Steadman