

TOWN OF STOW
PLANNING BOARD

Minutes of the April 18, 2017 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello

Voting Associate Member: Mark Jones

Non-Voting Associate Member: John Colonna- Romano

Absent: Len Golder

Lori Clark called the meeting to order at 7:00 pm

Discussion of Meeting Minutes

Minutes of April 11, 2017

Ernie Dodd moved to approve the minutes as amended.

Steve Quinn Seconded.

VOTED: 3-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn -Yea).

Public Input

None.

Member Updates

None.

Planner's Report

Complete Streets

The Complete Streets Working Group has chosen Howard Stein Hudson to complete the Town's Complete Streets Prioritization Plan. The advancement of the study is still contingent upon a Town Meeting Vote and receiving confirmation that the Town is eligible for Technical Assistance funding.

Hudson Light and Power Streetlights (HLP)

Jesse Steadman noted that staff have been in discussion with HLP, who has begun a pilot project to install more energy efficient LED streetlights throughout Stow and Hudson. They have already installed several in each town to gauge whether there would be any public complaint or comment, for which they have gained very little of. Jesse Steadman said that HLP is pursuing a state grant to complete the rest of the conversions which could save them

50% of their public streetlight energy usage. They would need a vote of the Board of Selectmen and a signature on a Memorandum of Understanding for the state to provide HLP with the funding to complete work in Stow.

Mark Jones said that Concord recently switched to LED streetlights to darken their streets, and it may be useful to hear the Town's thoughts ahead of a public comment period.

Meg Costello arrived.

Arbor Glen

Jesse Steadman said that an Arbor Glen trustee noted that they are expecting to come forward with lighting plans for the signage being installed at Arbor Glen. The trustee noted that they have talked with HLP and the utility noted that a streetlight could be installed at Heather Lane, especially given the high traffic in and out of the development. The trustee noted that that would preclude the need for lighting on the sign itself.

Stow Acres

Jesse Steadman reported that staff met with Stow Acres owner Peter Brown to discuss upcoming plans for the potential subdivision at the driving range. Peter Brown is currently in discussion with the Historic Commission and Community Preservation Committee regarding the renovation and restoration of the historic clubhouse.

Gleasondale Survey

Jesse Steadman noted that Howard Stein Hudson has updated the Gleasondale survey plan in the vicinity of Rock Bottom Road at no additional cost. Jesse Steadman said he is in contact with the CEO to discuss the best time to present the survey plan to the Board and discuss potential next steps, which was part of the proposal cost.

23 Gleasondale Road

Jesse Steadman reported that he has had a few inquiries from an interested buyer of the former Stepping Stones nursery building, including someone looking to have a coffee shop and office space in the building. Jesse Steadman said that after discussions with the Building Inspector, and review of the file, it appears that a new Special Permit from the Zoning Board of Appeals is the cleanest way to move forward with the new use.

Lower Village

Jesse Steadman said that during this week Howard Stein Hudson is finalizing the construction specifications and bid documents. All of the Draft easement plans are being reviewed by the survey team at A-Plus and will be finalized prior to Town Meeting. Jesse Steadman said that he worked with the Consultant to be sure that the Town had an updated estimate for April 25th, in time for the Selectmen's final meeting prior to Town Meeting. Final construction plans will be available on April 24th.

Given the tight time frame and the fact that the Warrant had to be mailed in advance of all of the easements being finalized, Jesse Steadman said that the Planning Department sent notices to abutters in the Lower Village district explaining the warrant articles and ensuring that through acceptance, the Town is not acquiring any interest in their land.

Jesse Steadman noted that in the next two weeks he and Valerie have a presentation at Meeting House and at the COA on the 26th of April.

Athens Lane

Jesse Steadman noted that he and Conservation Commission staff have been in discussion with Neal Fossile and Bob Newis since their last meeting and have been able to explain some of the permitting challenges present at the Quirk property. After further discussion with the potential applicant, Jesse Steadman said it appears that they may be looking to create a self-storage facility under the bylaw's allowance of "screened storage" in the industrial district. Jesse Steadman said that clarity is still needed regarding crossing the residential land to access industrial land.

Public Hearing

Zoning Bylaw Amendments

Lori Clark opened the Public Hearing.

Ernie Dodd moved to waive the reading of the Public Hearing notice.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Jesse Steadman described Article 70, which amends the definition of Planned Conservation Developments in the zoning bylaw to correct a scrivener's error from the May 2016 update. No comments from the Board or the public were heard.

Jesse Steadman described Article 71, which adds language to the Phasing of Growth section of the Zoning Bylaw to specify a timeframe for the Town to conduct a planning process to keep up with growth, as suggested by Massachusetts Supreme Judicial Court case law. Under the current bylaw, the number of building permits per year issued per year is limited. Case law suggests that there needs to be a specific time period in which the Town can respond to regional and local growth, rather than an indefinite period. Jesse Steadman said that Active Adult Neighborhoods built in Stow have approached the threshold for rate of growth, though they are exempt from the bylaw.

Lori Clark added that the Town needs this time to address concerns such as school crowding and public safety. This bylaw asks developers to limit growth so that Town services aren't disturbed.

No comments from the public were heard.

Jesse Steadman said that Article 72 adds language to the description of Occupancy of an Active Adult Neighborhood to provide those homeowners with security around unforeseen circumstances, such as the death of a spouse, so that they are not asked to quickly move out of their home should they not qualify to live in an AAN. Jesse Steadman said that after looking at the master deeds from AAN developments in Stow, it is clear HOA's have included a process for regulating the age restriction.

No comments from the public were heard.

Jesse Steadman discussed the intention for introducing Article 73, a Temporary Moratorium on Recreational Marijuana Establishments, comparing it with the reasoning for the 2013 Medicinal Marijuana Moratorium, which successfully led to the creation of an overlay district in Stow. Jesse Steadman said that there are a lot of uncertainties with regulating Recreational Marijuana, and it would be best to wait for the State to figure out their policy before the Town entertains permitting or placement of establishments. Jesse Steadman said that this moratorium would give the Town 18 months to create a zoning response, though other time frames may present different approaches. The Board discussed an appropriate amount of time for the moratorium, looking to ensure that the Town has enough time to respond to the State's response, which is set to be announced in April 2018.

Matt Sonnichsen, of 101 Packard Road, questioned the moratorium, asking why it would be considered as the prohibition of cannabis was originally the result of racist intentions. Matt Sonnichsen also questioned the moratorium's effect on 'right to farm' bylaws, and asked whether a vote on a 2% local-option tax would be a better response.

Lori Clark said that the Planning Board's purview covers zoning, rather than taxes, and said that the moratorium is not a ban, and that the Board wants time to understand the law's potential impacts.

Ernie Dodd moved that the Planning Board recommend to Town Meeting that the Town pass Article 70 to amend the Zoning Bylaw by amending Section 1.3.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Ernie Dodd moved that the Planning Board recommend to Town Meeting that the Town pass Article 71 to amend the Zoning Bylaw by amending Section 8.6, Phasing of Growth.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Ernie Dodd moved that the Planning Board recommend to Town Meeting that the Town pass Article 72 to amend the Zoning Bylaw by amending Section 5.4.8, Occupancy of an Active Adult Neighborhood.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Ernie Dodd moved that the Planning Board recommend to Town Meeting that the Town pass Article 73 to amend the Zoning Bylaw by adding a new Section 10, Temporary Moratorium on Recreational Marijuana Establishments, for an 18 month moratorium.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Ernie Dodd moved to close the Public Hearing on Zoning Bylaw amendments.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Vote of Recommendations on Town Meeting Warrant Articles

*Citizen Petition for Modification of Zoning of Portion of Map R-22 Parcel 2-A, 44 Box Mill Road
The Board deliberated on the recommendation of support for the citizen petition article after the March 21st Public Hearing on the issue.*

Ernie Dodd said that he would not recommend a vote in support of the citizen petition, as it takes land out of conservation by the Elizabeth Brook, and allows for copycat rezoning.

Mark Jones said that a leading argument for the rezoning is that it would provide a retirement home, and that elderly housing is a listed goal on the Master Plan. However, Mark Jones said there is no guarantee that this unit would be age-restricted, and more units are expected from Plantation 2. Mark Jones said that the zoning shift from Recreation/ Conservation to residential is not compelling.

John Colonna- Romano agreed that rezoning as residential, with all of the rights that accompany the shift and no age restriction, is not a compelling argument.

Margaret Costello said that she would not recommend supporting the petition, as the land is clearly part of the area that should be protected around the Elizabeth Brook.

Steve Quinn said that he is not sure the Board should support or oppose the petition, as it is the town that needs to be convinced.

Ernie Dodd moved that the Planning Board recommend Town Meeting not pass Article 73 regarding the re-zoning of land from recreation/conservation district to residential district at 44 Box Mill Road.

Margaret Costello Seconded.

VOTED: (3-1) In Favor (Lori Clark, Ernie Dodd, Margaret Costello), Opposed (Steve Quinn).

Gleasondale Historic Sub-Committee

Present: *Rosemary Monahan, Dot Spaulding, Laurel Cohen, Jeri DiPietro*

Rosemary Monahan said that members of the Gleasondale Working Group are interested in becoming a subcommittee of the Planning Board to preserve the character of the neighborhood. As a Working Group of the Planning Board, members have discussed neighborhood boundaries, establishing a historic district, design guidelines, and demolition delay bylaws. Most recently, the members have surveyed surrounding towns to look at their efforts of preserving historic character. Rosemary Monahan said that the next steps for the group is to survey residents in town to get a sense of public support for historic preservation, to invite the Massachusetts Historical Commission (MHC) to present preservation options in Stow, and to meet with other towns to learn from their public engagement strategies.

Jesse Steadman said that exploring the creation of a historic district was one of the major recommendations that came out of the Gleasondale planning effort. The survey proposed by the Gleasondale Historic Working Group may reach beyond the scope of a Working Group, and may make more sense coming from a sub-committee, given that proposals for changes to regulatory bylaws may be made.

Lori Clark asked if the sub-committee would be Gleasondale –specific, or looking at Town-wide historic opportunities. Rosemary Monahan said that the group is interested in Gleasondale, though there is interest in keeping the survey Town-wide, so that other neighbors could participate. The questions would be rather open-ended, and based off of a template from MHC. Jesse Steadman said that the survey was discussed with the intention of not purposefully limiting the conversation, acknowledging the tension between giving this issue attention, and still receiving advice from others such as MHC. Lori Clark recommended that it may be best to start with Gleasondale, so that other neighborhoods can learn from this group’s process.

The Board discussed open meeting law requirements applicable to sub-committees, and agreed that positions should be appointed annually, and that a Planning Board member should act as a liaison to the sub-committee. Jesse Steadman said that to move forward, the

sub-committee letter will be posted and the Planning Department will collect letters of interest, which will then be renewed.

Ernie Dodd moved to create a sub-committee for the Gleasondale neighborhood for the purposes of conducting public engagement and study regarding Historic districts, bylaw revisions, and relevant policies.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Public Hearing

Planning Board Rules and Regulations Amendments

Lori Clark opened the Public Hearing.

Ernie Dodd moved to waive the reading of the Public Hearing notice.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Jesse Steadman discussed Section 5.1.1 of the Special Permit and Site Plan Approval Rules and Regulations regarding publication of notice. The return receipt has been a burden on relatively small projects, and the certified mailing is sufficient, as it shows a list of people the notice is sent to.

Ernie Dodd moved to approve changes to Section 5.1.1 concerning the removal of the requirement for a public notice return receipt.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Jesse Steadman discussed amendments to Section 4.7 of the Subdivision Rules and Regulations would also allow for certified mailings rather than a return receipt.

Ernie Dodd moved to approve changes to Section 4.7 concerning the removal of the requirement for a public notice return receipt.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Jesse Steadman said that the amendments to Section 2.1.2.11 of the Subdivision Rules and Regulations pertain to requirements for an Approval Not Required plan. The changes would require existing and proposed driveways to be shown on the plan.

The Board agreed to amend the section to include language around existing driveways, leaving out proposed driveways.

Ernie Dodd moved to approve modifications to Section 2.1.2.11 to include reference to existing driveways.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Jesse Steadman described amendments to Section 6.9 of the Special Permit Rules and Regulations, which adds clarity as to what would qualify as a minor modification to a Special Permit.

Ernie Dodd moved to approve changes as modified to Section 6.9 Amending a Special Permit to include what is considered a minor modification.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Ernie Dodd moved to close the Public Hearing on Planning Board Rules and Regulations amendments.

Steve Quinn Seconded.

VOTED: 4-0 Unanimously in favor (Lori Clark, Ernie Dodd, Steve Quinn, Margaret Costello- Yea).

Executive Session- In Accordance with M.G.L. Ch.30A s.21 for purposes of discussing ongoing litigation

Lori Clark stated that the last agenda item is an executive session, as public discussion would be detrimental to the litigation.

Ernie Dodd moved to enter into Executive Session to discuss ongoing litigation and adjourn the regularly scheduled meeting of the Planning Board thereafter.

Steve Quinn Seconded.

Roll Call Vote: Lori Clark – Yea; Margaret Costello – Yea; Ernie Dodd – Yea; Steve Quinn – Yea.

Meeting Adjourned.

Respectfully Submitted,

Valerie Oorthuys