

TOWN OF STOW
PLANNING BOARD

Minutes of the April 2, 2024, Planning Board Meeting

Planning Board members present: Karen Kelleher, Nancy Arsenault, John Colonna-Romano, Margaret Costello, Deb Woods (Voting Associate)

Absent: Lori Clark

Karen Kelleher called the meeting to order at 7:00pm.

Review of Minutes

John Colonna-Romano motioned to approve the minutes of February 27, 2024, as written.

Margaret Costello seconded.

Roll Call Vote: Karen Kelleher– **Yea**, Nancy Arsenault - **Yea**; John Colonna-Romano - **Yea**, Margaret Costello – **Yea**

John Colonna-Romano motioned to approve the minutes of March 12, 2024, as amended.

Margaret Costello seconded.

Roll Call Vote: Karen Kelleher– **Yea**, Nancy Arsenault - **Yea**; John Colonna-Romano - **Yea**, Margaret Costello – **Yea**

Planning Board Member Updates

John Colonna-Romano said the Green Advisory Committee has hired a graphic artist to design the look and feel of the Climate Action Plan. The content draft has already been reviewed, with edits anticipated. A final draft will be published and made available online, marking the end of a nearly 3-year effort.

Review of Correspondence/Planning Director Update

A memo regarding a technical assistance application program had positive comments from members. Valerie Oorthuys explained that a representative from Kate Hogan's office had reached out to MAPC to secure future funding for an economic development project for Stow's Lower Village. She noted the amount of funding is yet to be determined. She described the nature of the project and gave members several ideas. She noted she will be asking Planning Board to feedback in the weeks to come, but a check-in with MAPC will not be scheduled until after Town Meeting.

Nancy Arsenault initiated a brief discussion about small businesses and data collection, within the context of outreach efforts for the Comprehensive Plan. She also confirmed with the Planning Director the status of the Bose property and recent activity near Randall Library where the Highway Department had been working to get water to First Parish Church after a pipe broke.

A kick-off meeting with Dodson & Flinker for the Lower Village Business District Design Guidelines will be scheduled for later in April. There will also be a walking tour of Lower Village, with Board members welcome, to talk about Stow's vision for the district. Karen Kelleher and Nancy Arsenault agreed to attend the tour.

Valerie Oorthuys confirmed that Dunkin Donuts had not asked for a building permit, or provided plan modifications, as requested. No news to report at the location of the former gas station.

The Housing Production Plan forum happened last week. The next steps are the pulling together of feedback, plan finalization, and adoption by Select Board and Planning Board, mid to late May. Valerie Oorthuys noted the slide presentation is available online, though the forum was mistakenly not recorded. John Colonna-Romano asked about waivers associated with the Stow Acres project and if the permit could be denied without a certified housing production plan. Valerie Oorthuys explained the criteria for achieving a certified housing production plan.

The Gleasondale Bridge Project is nearly complete. Final tasks: striping, bike logos and signage, removal of temporary signs, cleaning up of kayak/canoe put-in area.

Valerie Oorthuys said she will be looking to schedule the public hearing for the zoning articles being brought before May 11th town meeting. She reported on her recent meeting with the Capital Planning Committee and asked whether members intended to push all items on the 5 year Capital plan back one fiscal year or solely the request for funding 25% design plans for Town Center. Members agreed that only the 25% design plans should be pushed back one year, meaning there will be two funding requests for the 2026 fiscal year.

Members noted they have been impressed with the outreach efforts related to the Comprehensive Plan.

7:30 PM Public Hearing: The Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street

Karen Kelleher opened the hearing and noted the Applicant requested a continuance because the Chair is absent and a super majority vote is required for the Special Permit. Valerie Oorthuys confirmed for John Colonna-Romano that no new information needs to be provided prior to the next meeting. All materials can be found through a link on the Planning Board page.

Margaret Costello motioned to continue the public hearing for the Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street, without testimony, until April 16, 2024 at 8PM
John Colonna-Romano seconded.

Roll Call Vote: Karen Kelleher– **Yea**, Nancy Arsenault - **Yea**; John Colonna-Romano - **Yea**, Margaret Costello – **Yea**

Work Session: Draft Firearms Business Zoning Bylaw and Debrief Forum

Members reviewed the Police Department’s memo, regarding the firearms business zoning bylaw. The memo requested to alter the language of the proposed bylaw to not include endorsement of a security plan by the Police Department.

John Colonna-Romano referenced a comment from the Police Department that language of this bylaw was being taken from the bylaws of several other towns. Valerie Oorthuys confirmed that both Littleton and Westford contain bylaw language in which a management and security plan is submitted to the police department, for review and approval. Members agreed the Police must be concerned with liability and it is unlikely that they would want to provide feedback to the Board on this type of permit.

John Colonna-Romano asked if there is some other profession or organization that could comment on security procedures and management of this kind of business operation. Valerie Oorthuys referred to

a conversation with Town Counsel, who said if the police chief is able to identify a concern and there was a need for technical assistance, then the Board could use a consultant. Members talked about the challenge of this approach, as no one could readily name an impartial, qualified security consultant.

John Colonna-Romano questioned the permitting requirements for a firearms business and if the application process for state and federal permits would address issues of security. The Planning Director said the Police Department uses the same application for a firearms dealer, license to sell ammunition, or gunsmith. She noted that the information required is limited to personal information and if the applicant has a conviction of a crime. If there is an additional background check, or a set of regulations, she could not say. John Colonna-Romano also asked if license approval needs to come before, or after, the special permit process. Valerie Oorthuys offered that licensing did not appear to be contingent on having a location, or prior zoning review.

Members discussed the public's concern for security and the language necessary in moving the bylaw past town meeting. Members agreed it would be best to edit the language of the bylaw, removing any section stating that a firearms business plans for security and maintenance would be subject to review and approval by the Police Department. Instead, the bylaw would require an applicant to generate three documents for review, as part of the Planning Board's special permit application and approval process.

Members moved through the bylaw, making changes to clarify the language, particularly on setbacks. Karen Kelleher said she understood the intent. However, she and several other members had questions around residential use and zoning districts. Valerie Oorthuys and Michael Slagle talked through the details of the section, making edits to the bylaw, as needed. John Colonna-Romano said he thought it made sense, that a setback is essentially the distance from the exterior tenant space of the firearms business and one of the following:

- the boundary line of the lot to residential use
- the boundary line of a residential zone district
- the boundary line of a mixed-use district within which residential uses are allowed or nearest point of any lot

Nancy Arsenault raised an issue from resident's letter included as correspondence. Valerie Oorthuys explained that the mapping follows the bylaw. The resident's suggestion to measure from property line to property line would be too restrictive. She also confirmed that it would be illegal to require a setback from another business. Members agreed they could not prevent a business of this type from locating near other businesses. However, when John Colonna-Romano brought up another piece of correspondence included in the packet, in which a resident suggested a firearms business be allowed in non-residential, members expressed doubt in public support for such an idea.

Deb Woods had a question about the hours of operation allowed under the special permit. Valerie Oorthuys had confirmed with Town Counsel that the same restrictions as other businesses would apply. Owners would be allowed inside, so long as the business was only open to the public from 8AM-9PM.

Valerie Oorthuys also confirmed with Town Counsel is that this bylaw would not cover gun ranges.

About increasing the abutter notification, Town Counsel said it is allowed, but at the expense of the Town. The Board did not think this necessary, however, it was agreed that staff would review the mapping to see how this may impact properties in the Industrial District.

A final item of consideration was whether the bylaw should include both a buffer and a town-wide limit. Town Counsel had not given a definitive answer, but just stated that in practicality it can't be prohibitive.

It was also noted that the Attorney General has never passed a bylaw with both. Valerie Oorthuys suggested the Board take another look at the map. She noted Acton's bylaw, with no more than two special permits, Westford's bylaw also no more than two, and Littleton's bylaw with a buffer.

Margaret Costello offered that she'd like to see Stow's bylaw pass on the first attempt. Members agreed to continue with only the buffer concept. Several members commented that they thought the bylaw draft was in good shape. Karen Kelleher noted the next step would be a public hearing.

Review Draft Memo to Zoning Board of Appeals, Residences at Stow Acres Comprehensive Permit

The Planning Board reviewed a draft memo to the Zoning Board of Appeals regarding comments on the Stow Acres Comprehensive Permit.

John Colonna-Romano, being a representative of the Green Advisory Committee, expressed concern with a handful of units being supported by propane or natural gas, instead of electricity. He would encourage all of the units to be made electric. Valerie Oorthuys made a suggestion to reference the Green Advisory Committee's Climate Action Plan.

John Colonna-Romano said further consideration should be made to roadway access, garage alleys, and snow storage.

Members discussed the fact that the age restricted multi-family rental units are limited to one bedroom. A larger two-bedroom unit would allow for a caregiver, for example, whereas restricting the size to a one-bedroom would give residents the chance to downsize and stay on a budget.

Karen Kelleher noted that designated residential and visitor parking spaces would be preferable.

John Colonna-Romano motioned to approve the draft memo to Zoning Board of Appeals, Residences at Stow Acres Comprehensive Permit, as amended.

Nancy Arsenault seconded.

Roll Call Vote: Karen Kelleher– **Yea**, Nancy Arsenault - **Yea**; John Colonna-Romano - **Yea**, Margaret Costello – **Yea**

Adjournment

Margeret Costello motioned to adjourn.

Nancy Arsenault seconded.

Roll Call Vote: Karen Kelleher– **Yea**, Nancy Arsenault - **Yea**; John Colonna-Romano - **Yea**, Margaret Costello – **Yea**

Respectfully Submitted,

Julie Windzio