

TOWN OF STOW  
PLANNING BOARD

Minutes of the April 16, 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.

**7:00 PM Appointment: Subdivision Approval Not Required (ANR) Plan Review and Endorsement, 297 Boxboro Road, Assessor's Map R-19 Parcels 8A and 8B**

*Present: Scott Hayes, Foresite Engineering; Kathy Sferra, Stow Conservation Director*

Scott Hayes described the parcel, which the owner intends to convey to the town, as a large plot of land with 50 ft frontage on the south side and opening up to roughly 7.8 acres, known as lot A3. He noted the adjacent tract, with the existing barn structure and partial foundation would be retained in trust of the owner. It is not considered buildable, though it is seen on the plan as an area of land where a canvas shed is used as temporary shelter for the storage of firewood. Karen Kelleher asked if members had any questions and confirmed that staff had reviewed the plan. John Colonna-Romano confirmed with Scott Hayes that Lot A2 is not intended to be conveyed to the Town, at this time. He reiterated the lack of frontage/area. It was neither buildable/livable space. Kathy Sferra added that the Town has been trying to protect this property for years. One of the former owners originally wanted to sell it to the Town, and now upon his passing, family members would like to donate it, in his memory. John Colonna-Romano offered that the CPC will offset the legal fees associated with the conveyance.

*John Colonna-Romano motioned that the Board move to a vote of acceptance for the ANR Plan. Margaret Costello seconded.*

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

*Margaret Costello motioned that John Colonna-Romano sign the document on behalf of the Board, as endorsement of the Plan.*

*John Colonna-Romano seconded.*

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

**Review of Minutes**

*Margaret Costello motioned to approve the minutes of March 19, 2024, as amended.*

*John Colonna-Romano seconded.*

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

**Review of Correspondence**

Several members asked about Stow House of Pizza. Valerie Oorthuys confirmed that no new information had been received. Margaret Costello noted the “save the date” for the May 22<sup>nd</sup> event at Stow Acres and encouraged members to attend. Karen Kelleher asked about the MBTA Community newsletter included in the packet. Valerie Oorthuys noted that Stow is participating in a monthly educational cohort sessions

with towns like Carlisle, Boxborough, and Dover. The hope is that the towns with similarities can start to share stories during the MBTA Communities bylaw process.

**7:15 PM Public Hearing: Modification of a Contractor's Yard Special Permit, Erosion Control Special Permit, and Earth Removal Special Permit and Site Plan Approval, 63-65 White Pond Road.**

Karen Kelleher said it was time to open the public hearing, but noted that continuing, without testimony, was anticipated with only three Board members present and eligible to vote. Valerie Oorthuys confirmed the applicant is willing to continue the public hearing until April 30<sup>th</sup>.

Karen Kelleher recused herself as she is not a voting member on this Special Permit. Members reviewed the calendar. Karen Kelleher took a question from Mark Forgues, 9 White Pond Road, who asked that his correspondence Re: 63-65 White Pond Road be held until the time of the hearing.

*John Colonna-Romano motioned to continue the Public Hearing for Modification of a Contractor's Yard Special Permit, Erosion Control Special Permit, and Earth Removal Special Permit and Site Plan Approval, 63-65 White Pond Road to April 30, 2024, at 7:15PM, without testimony. Margaret Costello seconded.*

**Roll Call Vote:** John Colonna-Romano – **Yea**; Deb Woods – **Yea**; Margaret Costello – **Yea**;  
Nancy Arsenault – **Yea**

**Vote of Recommendation to Select Board to Lay Out Joanne Drive as a Public Way**

Karen Kelleher recalled that there were no outstanding items, short of the final review in the spring. Valerie Oorthuys confirmed that Places Associates has reviewed the As-Built Plan and provided comments and the applicant's engineer had made revisions based on the comments. An additional As-Built Plan had been submitted. She said the Board's recommendation to the Select Board to layout the road will still allow for the opportunity for highway/public safety to give feedback. She noted that was not part of tonight's packet, however. John Colonna-Romano confirmed that the road was always intended to become a public way. Karen Kelleher referenced the bond held for cleanup, which Valerie Oorthuys estimated the value of \$60,000. John Colonna-Romano asked if there is any reason not to make the recommendation. Valerie Oorthuys reported no reason not to make the recommendation, so long as the roadway functions the way it was intended, which is ensured by overwintering of pavement and evidence that the drainage systems are working correctly. She added that the neighbors have had no complaints, barring the replacement of several trees, which would be covered by the bond. A note was made that the developer could be approached about this item. Valerie Oorthuys said seven lots had been built and sold, according to plan, with no further development intended under today's zoning. She confirmed, for Margaret Costello, what would substantiate the vote and the type of feedback the Select Board would need to receive in order to facilitate street acceptance at Town Meeting. Karen Kelleher's summary was complimented for clarity and a motion was made.

*John Colonna-Romano moved that the Board recommends to the Select Board to approve the making of Joanne Drive a public way, so long as catch basins are cleaned out, street trees are replaced & comments from public safety are considered. Margaret Costello seconded.*

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

**Deliberation – Special Permit and Site Plan Approval to allow the inclusion of artist spaces and gun manufacturer spaces, 501 Gleasondale Road (Gleasondale Mill)**

Valerie Oorthuys offered to take member feedback before drafting a decision. She noted that site plan approval and special permits can be handled as separate decisions in some towns, but were linked together in Stow. Based on her research and specifics of the application, a denial might prove difficult. Members talked about the conditions for site plan approval and what would be the rationale for denying the special permit. Valerie Oorthuys began the discussion by asking how members felt about the state of the site plan. A collective sense of frustration was expressed about the lack of information provided by the applicant. It was also acknowledged that the applicant could have applied for two separate applications, one for artists and one for gunsmiths, but that time had passed. John Colonna-Romano referenced the applicant's unpaid taxes. Valerie Oorthuys said she could ask the tax collector's office if a payment plan had been set up, but it would not impact the special permit. Deb Woods asked if the existence of a contractor's yard could be taken into consideration, within the context of the decision. Karen Kelleher suggested making a finding. The new use of a contractor's yard, which was not grandfathered in at the mill, was especially concerning to members. Nancy Arsenault moved the discussion to inside the mill. John Colonna-Romano offered that Scott Hayes had included an inventory as part of his site plan, so they had some idea of what was going on over there. Nancy Arsenault expressed her concern for the unknown, however. John Colonna-Romano asked how the special permit originally came about. Karen Kelleher suggested it was because the owner applied for a building permit. Valerie Oorthuys confirmed the applicant had asked for a building permit, in order to expand/build out spaces onto two different floors. She added that the site plan can cover the full parcel, whereas the special permit covers the expansion into the first and second floors of the main mill building. Nancy Arsenault noted the mill already had artists working inside the building. John Colonna-Romano commented that it was more about new use, than specific use, in a sense. Margaret Costello brought up the fact that the mill is a brownfield site and steered the conversation back to the contractor's yard. She said she felt uncomfortable to not knowing the impact and suggested this be tied into whatever document gets created.

### **Planning Director's Report**

Valerie Oorthuys said only two Zoning Bylaw articles would go to Town Meeting, the firearms business bylaw and a clarification for the Board of Health regarding commercial stables. Changing a reference from Streets Superintendent to DPW Director will wait until a fall town meeting, or next year, as a vote to amend the Charter is needed first. May 7<sup>th</sup> is the public hearing date for the articles. Karen Kelleher asked about the recent markings made on Marlborough Road, near Route 62. Valerie Oorthuys said she would reach out to Highway for more information. She hoped to have more news regarding the Library Project and Bose, in the coming weeks.

### **Public Input**

Katie Fisher, 1 White Pond Road, asked if contractor's yard is defined in the bylaw. Karen Kelleher did not think so. This answer was confirmed by Valerie Oorthuys, who offered that the term typically means the outdoor, long-term storage of materials that a contractor would use, like hardscaping, soils, mulches, etc., in addition to equipment. Members noted the potential for defining such a term in the bylaw.

Dorothy Granat, 11 White Pond Road, raised a question but was reminded by several members that it could not be verbally addressed until the public hearing associated with that special permit, due to the continuance. Margaret Costello added that if the resident preferred, her question could be put in writing and sent to the Planning Board.

### **Discussion of Underground Utilities**

Margaret Costello described a meeting she had with a former Planning Board member, Steven Quinn, and his contact from Hudson, Light & Power to discuss underground utility option for 108-118 Great Road and future developments on the south side of the street in Lower Village. She talked members through the details of how it would be done and associated costs. Members acknowledged the value of

the information, the time it took to collect it and decided that it should be shared with the owner, but without expectation. The content of the letter would report on the conversation with Hudson, Light & Power, indicate that there is a feasible solution to put the wires underground from the pole and the Planning Board requests that the information be considered. In addition, the letter would point to the finding in the decision which strongly encouraged the applicant to go underground and the Board had not heard back if a conversation with Hudson, Light & Power had occurred. John Colonna-Romano reiterated here's an approach to handle electrical service for this site and in the whole of Lower Village, which should strongly be encouraged. Karen Kelleher noted that it will be something to add to a policy to specify details.

**8:00 PM Public Hearing: The Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street**

Karen Kelleher said it was time to open the public hearing, noting that this applicant may also wish to continue, without testimony, because of the majority vote required. Valerie Oorthuys confirmed the applicant is willing to continue and available on April 30<sup>th</sup>.

*John Colonna-Romano motioned to continue the Public Hearing for The Cottages at Wandering Pond Active Adult Neighborhood Special Permit, Athens Street for April 30<sup>th</sup> 2024, at 8:00 PM, without testimony.*

*Margaret Costello seconded.*

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

**Adjournment**

*Margaret Costello motioned to adjourn.*

*Nancy Arsenault seconded.*

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

Respectfully Submitted,

Julie Windzio