

**AGENDA**  
**BOARD OF SELECTMEN**  
**March 16, 2010**  
**7:00 p.m.**  
**Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**Public hearing**

- 7:15 p.m. New liquor license application: Red Ginger Restaurant

**Visitors**

- 7:45 p.m. Senator Eldridge and Rep Hogan visit
- 8:10 p.m. Class II license application
- 8:25 p.m. First Parish Church request for small Town land parcel

**Action/Discussion**

- Town Administrator's recommended budget for FY 2011
- Town purchase of South Acton Road land parcel
- Approve Annual Town Meeting warrant
- Approve press release on EPA appeal result
- Approve support letter for MAGIC shared services study

**Selectmen's Master Planning**

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 3/12/10

**Correspondence:**

**Stow:**

Verizon 4<sup>th</sup> quarter grant report, rec'd 2/15

Letter of interest in Springfest Committee, rec'd 2/16

Cc of Planning Board memo to Community Preservation re archaeological study, rec'd 2/26

Twelve Cc's of email to Planning Board re stone building, rec'd 2/28-3/2

Building permits report for February, rec'd 3/1

Notice of March 11 Board of Health hearing on school project, rec'd 3/1

Invitation to March 24 Troop 1 (RSVP 3/17), rec'd 3/2

Cc of MSBA letter to Michael Wood re design review comments, rec'd 3/3

Cc of CMS letter to MSBA re timely progress reports, rec'd 3/3

Planning Board decision re Ridgewood AAN, rec'd 3/3

MassHighway bridge inspection report for Sudbury Rd/Assabet River, rec'd 3/3

Resident letter with Planning Board public hearing entry re stone building, rec'd 3/6

Feedback on Chapter 61 land evaluation process from Ch 61 Quick Start team, rec'd 3/10

Town Counsel email on MSBA position re project change-of-scope requests, rec'd 3/11

Mass DEP and EPA letter to Town Administrator re Assabet NPDES permits, rec'd 3/11

Two letters of interest in Pompo School Use Study Committee, rec'd 3/12 and 3/14

**General:**

Notice of 3/22 DPU hearing on NSTAR rate increase request, rec'd 2/26e

Notice of 4/1 Metro Area Planning Council nomination papers deadline, rec'd 3/3

Notice of Mass Capital Asset Mgmt RFP for lease space,, 4/14 deadline, rec'd 3/8

Notice of Verizon FIOS annual billing practice, rec'd 3/11

## **Selectmen's meeting motions, 3/16/10**

### **Liquor license for Red Ginger Restaurant**

I move that the Board approve an all-alcohol liquor license for a new restaurant owned by MPY, Inc, dba Red Ginger Restaurant, located at 117 Great Road, and managed by Yi Jin Yang, as described in the license application received on January 22, 2010.

### **Class II/Used Vehicle license for John Maione**

I move that the Board approve a Class II/Use Vehicle license for Omega Motors Sports, Inc., owned by John Maione, located at 102 Great Road, as described in the license application received on February 26, 2010.

### **Town land gift/sale to First Parish Church**

TBD

### **Town Administrator's FY 2011 budget**

I move that the Board accept the Town Administrator's budget recommendation for fiscal year 2011.

### **Town purchase of South Acton Road parcel**

TBD

### **Annual Town Meeting warrant**

I move that the Board approve the warrant for Annual Town Meeting, dated 3/16/10.

### **Press release for EPA/DEP decision**

I move that the Board approve the press release, dated 3/11, on the EPA/DEP decision regarding NPDES permits for the Assabet River.

### **Letter of support for MAGIC shared services study**

I move that the Board approve the letter to MAPC, dated 3/16, in support of the shared services study by MAGIC.

LICENSING BOARD FOR THE TOWN OF STOW  
(Board of Selectmen)

Notice is hereby given under Chapter 138 of the General Laws that MPY Restaurant, Inc., d/b/a Red Ginger Restaurant, Yi Jin Yang, Manager, has applied for an All Alcohol liquor license, for a new restaurant in the Linear Retail shopping plaza at 117 Great Road.

The public hearing on the license application originally scheduled for February 16, 2010 was canceled due to a snowstorm.

The hearing has been rescheduled for Tuesday, March 16, 2010 at 7:15 p.m. in the Stow Town Building, 380 Great Road, Stow, MA.

Stephen M. Dungan  
Chairman, Board of Selectmen

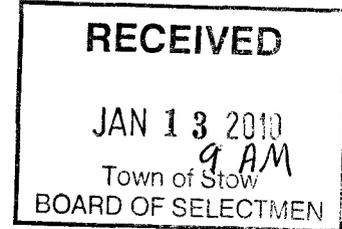
Posted 2/18/2010

Print 1x, The Stow Independent, 3/3/2010 issue

# Lim & Associates, P.C.

Attorney at Law

65 Harrison Avenue, Suite 407, Boston, MA 02111  
Tel (617) 451-3441 Fax: (617) 451-1899



October 9, 2009

Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
380 Great Road  
Stow, MA 01775-2127

RE: Liquor License Application for Red Ginger Restaurant

Dear Phoebe:

Enclosed please find the application for a new restaurant full liquor license on behalf of MPY Restaurant, Inc., d/b/a Red Ginger Restaurant. The enclosed documents include the following:

1. Six-page Application for Alcoholic Beverage License
2. Corporate Vote
3. Form A
4. Certificate of Naturalization for Yi Jin Yang
5. Copy of the Article of Incorporation
6. Copy of the lease
7. Floor plan
8. Check for \$200 payable to ABCC
9. Copy of bank transaction history showing the funds available

Thank you for your assistance in this matter. If you need additional information, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "Peter Lim".

Peter Lim

Enclosure

*Handwritten:*  
Tandy -  
plim1998@aol.com

## Stow Selectmen's Office

---

**From:** Stow Selectmen's Office [selectmen@stow-ma.gov]  
**Sent:** Monday, March 01, 2010 1:16 PM  
**To:** Karen Kelleher; Pat Perry; Dotty Wilbur; Terri Cole  
**Subject:** First Parish request for 3,000 sf parcel

Hi,

Bill received the attached letter from the First Parish Church regarding a small triangle of property (3,000 sq ft) at the junction of Common and Great roads. The land is presently owned by the Town and the church would like to acquire it.

As soon as feasible, please let me know if your boards have an opinion on this. It will likely be an article for May Town Meeting and on the Selectmen's March 16 agenda.

Many thanks.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

3/1/2010

rec'd 3/1/10

First Parish Church of Stow & Acton

*Unitarian Universalist*

353 Great Road

Stow, MA. 01775

(978) 897-8149

Office @fpc-stow-acton.org

10 January 2010

Mr. William Wrigley  
Administrator, Town of Stow  
Stow, MA 01775

Dear Bill,

You may recall meeting with a group from the First Parish Church this past November. We shared with you some concepts and possibilities for our campus as we create a plan to meet our growing needs.

One specific topic we discussed was the small triangle of land (approximately 3000 square feet) at the junction of Great Road and Common Road which is owned by the Town of Stow and which includes a portion of the driveway into the 'parsonage'. We are interested in acquiring that land and the associated frontage so as to integrate it into our complex.

Your suggestion was that we meet with the Highway superintendent, Michael Clayton to get his opinion on the value of that parcel to the Town. We did meet with Michael at the site and reviewed the request with him. You can confirm with Michael that he sees no significance of that land to the Town.

This is a formal request that you conduct a process for the First Parish Church to obtain the subject parcel from the Town. I suspect that this process will include a Town meeting Vote and thus will take some time.

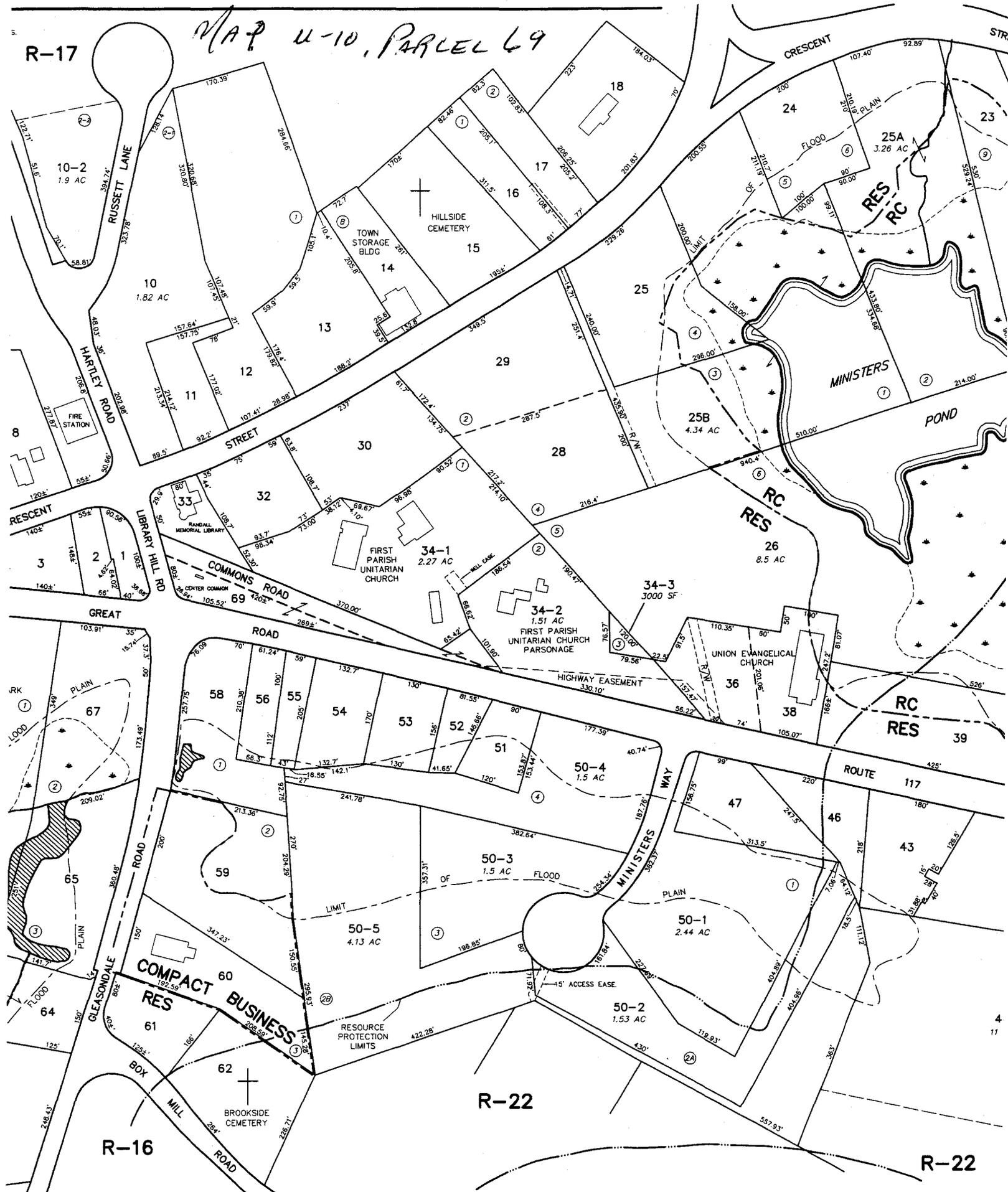
Thank you in Advance,



Roy W. Miller  
On behalf of the First Parish Church  
Board of Trustees.

R-17

MAP U-10, PARCEL 69

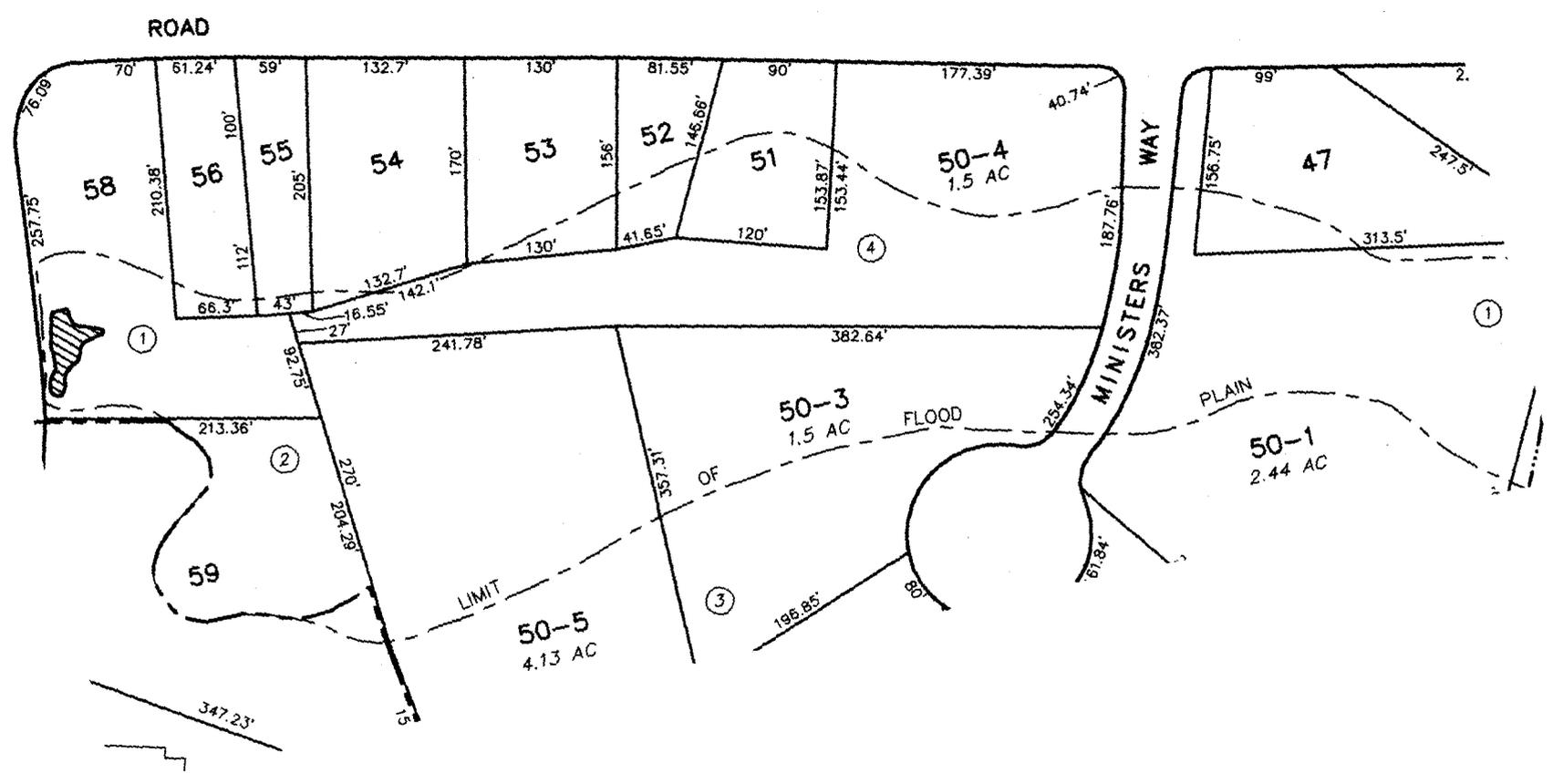
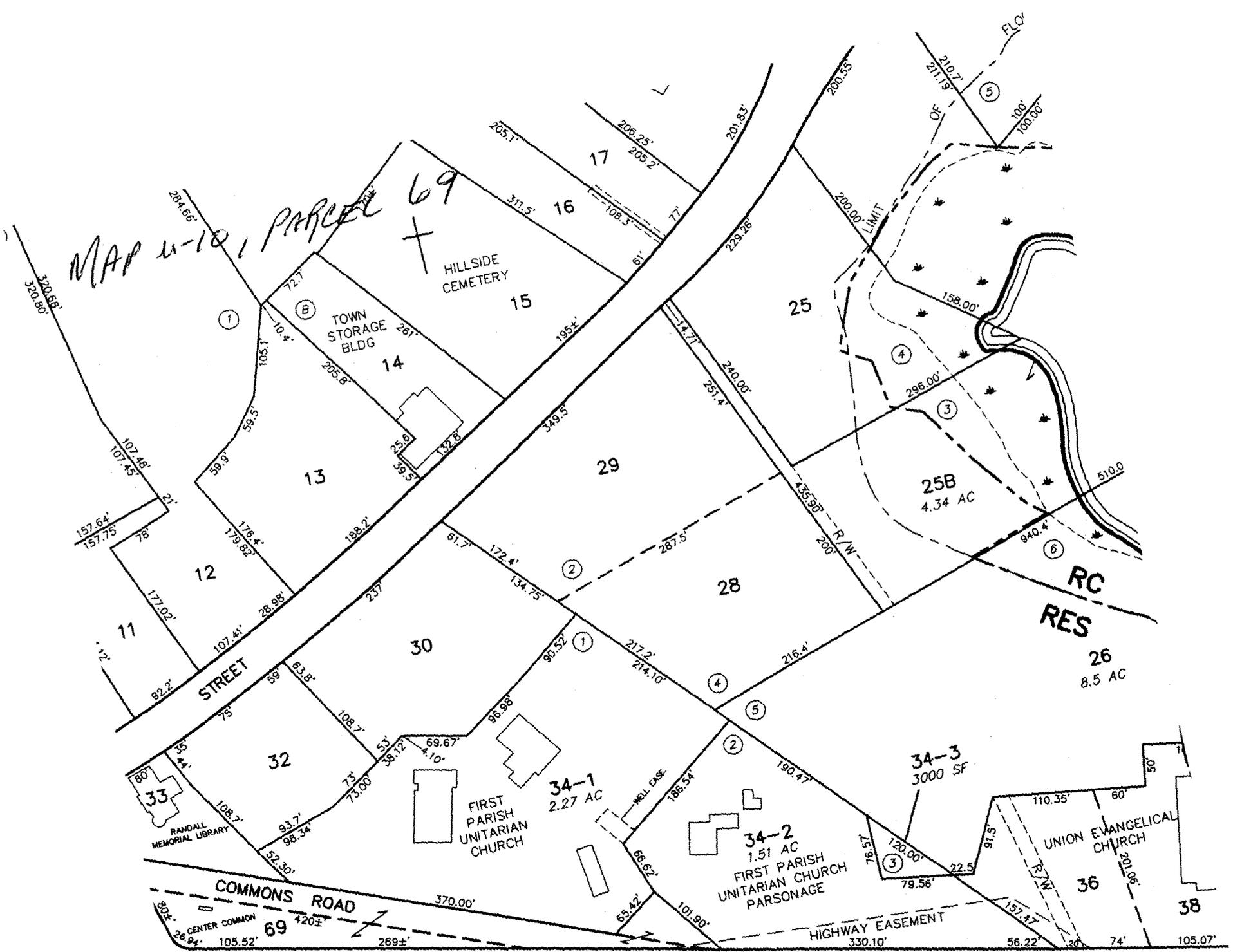


AND PHOTO, INC.  
 AD PO BOX 659  
 JACK, MAINE  
 18

FROM MAP ORIGINALS COMPILED BY:  
 JOHN E. O'DONNELL & ASSOCIATES  
 AUBURN, MAINE  
 1971

PROPERTY MAP  
**STOW, MASSACHUSETTS**





## Stow Selectmen's Office

---

**From:** Mike Clayton [highway@stow-ma.gov]  
**Sent:** Wednesday, March 10, 2010 7:22 AM  
**To:** selectmen@stow-ma.gov  
**Subject:** RE: First Parish request for 3,000 sf parcel  
 Susan,

My only concern is that the Town Byway may run through the southeast corner of the triangle before ending at the intersection of Common Road and Great Road. I'll see if I can figure that out. If it does, than maybe we could create a small easement through the parcel in question. Other than that, i'm fine with it.

I'll let you know about the byway issue. Thanks for thinkin of me.

Michael Clayton  
 Superintendent of Streets

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Tuesday, March 09, 2010 3:37 PM  
**To:** Mike Clayton  
**Subject:** FW: First Parish request for 3,000 sf parcel

Hi Mike,

The selectmen need your advice on whether to sell/give the First Parish Church the small Town-owned land piece that abuts their property.

Dotty Wilbur says that the triangle is part of the bigger parcel that includes all of the common. The parcel ID is U-10/69.

The Board will decide this at their next meeting, March 16. I asked the assessors, conservation, planning, and board of health but neglected to ask you! Pat Perry says Conservation is ok with it and I'm waiting to hear from the others.

Do you have an opinion or preference on this?

Thanks a lot.  
 Susan

Susan McLaughlin  
 Phoebe Haberkorn  
 Selectmen's Office  
 Town of Stow  
 978-897-4515

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Monday, March 01, 2010 1:16 PM  
**To:** Karen Kelleher; Pat Perry; Dotty Wilbur; Terri Cole  
**Subject:** First Parish request for 3,000 sf parcel

Hi,

Bill received the attached letter from the First Parish Church regarding a small triangle of property

3/10/2010

## Stow Selectmen's Office

---

**From:** Conservation Commission [Conservation@Stow-MA.gov]  
**Sent:** Monday, March 08, 2010 11:07 AM  
**To:** selectmen@stow-ma.gov; Karen Kelleher; Dotty Wilbur; Terri Cole  
**Subject:** RE: First Parish request for 3,000 sf parcel

Hi Susan,

The Conservation Commission has no objection to the First Parish Church purchasing the property as described in their letter dated January 10, 2010.

Pat

*Patricia R. Perry*  
*Stow Conservation Commission*  
*380 Great Road*  
*Stow, Massachusetts 01775*  
*978-897-8615*  
*978-897-4534 fax*  
*conservation@stow-ma.gov*  
*www.stow-ma.gov*

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Monday, March 01, 2010 1:16 PM  
**To:** Karen Kelleher; Pat Perry; Dotty Wilbur; Terri Cole  
**Subject:** First Parish request for 3,000 sf parcel

Hi,  
Bill received the attached letter from the First Parish Church regarding a small triangle of property (3,000 sq ft) at the junction of Common and Great roads. The land is presently owned by the Town and the church would like to acquire it.

As soon as feasible, please let me know if your boards have an opinion on this. It will likely be an article for May Town Meeting and on the Selectmen's March 16 agenda.

Many thanks.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

3/8/2010

**Stow Selectmen's Office**

---

**From:** Dotty Wilbur [assessors@stow-ma.gov]  
**Sent:** Wednesday, March 10, 2010 10:21 AM  
**To:** selectmen@stow-ma.gov  
**Subject:** RE: First Parish request for 3,000 sf parcel

The BOA isn't meeting until the 15th and it is on their agenda. However, I can't see that they would have a problem with it.

Dotty

Dotty Wilbur MAA  
Principal Assessor  
Town of Stow  
978 897-4597

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Tuesday, March 09, 2010 3:30 PM  
**To:** Dotty Wilbur; Karen Kelleher; Terri Cole  
**Subject:** FW: First Parish request for 3,000 sf parcel

Hi, folks.

This is a follow-up to the selectmen's question on the First Parish request for the small Town-owned parcel that abuts its property. Your board's advice will help with the decision, which needs to be made on March 16. Pat has replied that Conservation has no problem with selling/gifting the land.

Can you give me a sense of whether your board will have a problem with this? Have they made similar recommendations before? And will it be on your agenda before the selectmen meet on March 16?

Thanks.  
The Pushy One

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Monday, March 01, 2010 1:16 PM  
**To:** Karen Kelleher; Pat Perry; Dotty Wilbur; Terri Cole  
**Subject:** First Parish request for 3,000 sf parcel

Hi,

Bill received the attached letter from the First Parish Church regarding a small triangle of property (3,000 sq ft) at the junction of Common and Great roads. The land is presently owned by the Town and the church would like to acquire it.

3/10/2010

Town of Stow  
380 Great Road  
Stow, MA 01775

Sept 28, 2009

William Wrigley  
Town Administrator

Board of Selectmen

RECEIVED

FEB 25 2010



As a member of the Land Use Task Force, I was contacted by Richard Mortenson, a local realtor, regarding a parcel of land in Stow.

This land locked parcel consisting of 4.98 acres abuts the Municipal Garage property on South Acton Road. I recently walked this parcel with resident Bruce Fletcher, realtor Dick Mortenson and property owner, Mr. Jokinen.

The property is heavily wooded and contains significant wetlands, however, there are approximately 2-21/2 acres that are dry and usable. The property is offered for sale at \$65,000.00; the assessed value is \$32,400.00.

Mike Clayton, Superintendent of Streets, advised the Land Use Task Force that future expansion needs for his department could likely occur on the existing Municipal Garage site.

As the Land Use Task Force has been disbanded and Mr. Mortenson contacted me after our Committee had completed its land evaluations, I am forwarding this on to you for follow-up. This land could allow for additional expansion of the Municipal Garage site or other Municipal uses.

Enclosed are documents given to me by Mr. Mortenson; they include:

- MLS listing report
- residential property record card from Assessor's Office
- copy of plot plan recorded at the Registry of Deeds
- aerial survey photo
- Quitclaim Deed from May 1994

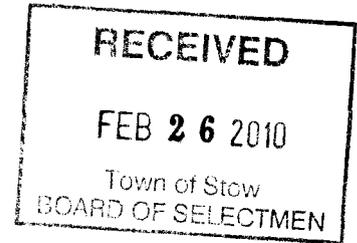
Sincerely,  
Kathleen Willis  
45 Walcott St.  
Stow, MA 01775

cc. Richard Mortenson

Planning Board  
380 Great Road  
Stow, MA 01775  
Tel: 978-897-5098  
Fax: 978-897-2321

**Town of Stow  
Planning Board**

# Memo



**To:** Board of Selectmen  
**From:** Karen Kelleher, Planning Coordinator *Karen*  
**Date:** February 25, 2010  
**Re:** South Acton Road Property (Map Sheet R-21, Parcel 39)

---

At its meeting of November 10, 2009, the Planning Board discussed a certain parcel of land located off of Hudson Road adjacent to the municipal garage.

Planning Board Chairman Kathleen Willis visited the site with Real Estate Agent Richard Mortenson and found that 2½ acres of the 5-acre parcel are potentially developable and access is available from the municipal garage site.

The Planning Board feels that parcel, currently assessed at \$32,400.00, is worthy of consideration for purchase for to be added to the municipal garage site.

**Stow Selectmen's Office**

---

**From:** Mike Clayton [highway@stow-ma.gov]

**Sent:** Wednesday, March 10, 2010 7:55 AM

**To:** selectmen@stow-ma.gov

**Subject:** RE: South Acton rd land adjacent to your facility?

Just doing your job, not a pest. I do believe the Town could benefit from this purchase. At this point, I'm not exactly sure how. But as the Town's future needs expand, I believe this Department will have to as well. I can think of a few things that this land may be used for in the future.

I cannot speak for the Board of Health, but they are considering renovations and possible expansion of the Dog Pound located at the Highway Department. A new Dog Pound could maybe be placed on that property.

If the Highway Department finds itself taking on more in town, (examples would be, maintenance of recreation properties, or becoming a water dept.) than that land would become crucial for storage of materials and equipment.

I believe it could be a good investment for the Town.

Thanks pest. Just kiddin!

Michael Clayton  
Superintendent of Streets

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]

**Sent:** Tuesday, March 09, 2010 3:55 PM

**To:** Mike Clayton

**Subject:** South Acton rd land adjacent to your facility?

Hi Mike,

Me, the Pest, again.

At their next meeting, 3/16, the selectmen will decide whether to have a warrant article on purchasing the land parcel next to you that Dick Mortenson is selling.

Dick said he spoke with you and that Highway might use it, in addition to other Town uses.

Could you please send me a brief email confirming your thoughts on the Town buying it?

For reference, I attached Dick Mortensen's email to the Board, suggesting the purchase. Also attached is an email from Karen Kelleher with opinions from the Planning Board and from Kathleen Wills, who was on the Land Use Task Force.

Thanks again.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

3/10/2010

**Stow Selectmen's Office**

---

**From:** Weathers, Pamela [weathers@wpi.edu]  
**Sent:** Friday, March 12, 2010 3:03 PM  
**To:** Selectmen@stow-ma.gov  
**Subject:** for Mar 16 Selectmen's meeting  
**Importance:** High

Hi Susan,

I understand that the Jokinen land is being offered to the Town and that this is being discussed at the 3/16/10 Selectmen's meeting. I recently sent the following message to Dick Mortensen in response to learning about that possibility. As an abutter, Dick had earlier also notified me that the land was for sale. I never got around to replying, but did in the case of its possible sale to the Town. My message is copied below for the benefit of the Selectmen. I thought that they should be aware of some issues related to that piece of property when deciding about any possible purchase.

Regards,  
Pam

Pam Weathers  
89 West Acton Rd  
Stow, MA 01775

-----Original Message-----

**From:** Weathers, Pamela [mailto:weathers@WPI.EDU]  
**Sent:** Saturday, February 20, 2010 10:21 AM  
**To:** ramort@aol.com  
**Subject:** about Jokinen land

Hi Dick,

As you know I have been here in Stow for decades...since 1974. I hear that you are trying to help sell, John Jokinen's land to Stow; he is my neighbor.

You also had approached me by mail last year about it. I never got around to replying. We locals are very aware of this property and the major troubles it represents. Let me enumerate those for you and then offer 2 alternative suggestions:

- 1) The land is very wet in a large portion as you mention. The Heath Hen Meadow Brook wetlands abuts it on one side, nearest the Town Barn, and a very large wetlands is on the S. Acton Rd side.
- 2) The wetlands and part of the drier area are heavily contaminated with trash (plastic wastes, bricks and concrete blocks, old furniture, etc.) . It would require major clean-up for anyone who buys it.
- 3) Some of the waste is likely hazardous in nature: old cars have rusted away on the site (oil), old appliances (CFC leakage??), and worst of all, an old oil storage tank (oil leakage)...possibly from Jokinen's home; we routinely see him transporting and dumping trash from his main lot to the wetlands.

Neighbors in the area have been aware of the problems for years. Jokinen has been observed carting the material with his small tractor and dumping in the wetlands,

3/12/2010

on the shores of the wetlands, and in the surrounding upland areas. Having spent many terms on the Stow Con Com, I am fully aware that Jokinen is in gross violation of wetlands laws. I have told town board representatives in the past, but nothing was done. I have not made a more formal complaint because John is my neighbor and, although I don't really know him personally, I don't want problems. Plus he is getting on in his years and I didn't want to see him stressed out health-wise about this. However, if he is now trying to sell this land for what I am sure is an inflated price per its true value, and for some supposedly useful purpose, I would fight that. No way anyone should pay anything significant for this property unless the price also included more than adequate funds (via price reduction) for the required clean-up. To do otherwise would be unethical and probably illegal because a buyer was not appraised of the condition of the land.

To suggest that it be used for tennis courts is also naive. The property would probably require significant blasting to level it for use, and thus the cost to build would be very high. This area has major amounts of ledge...we had to do considerable blasting to enable building a foundation under our master bedroom! I also suspect our neighbors would not want a public use of the property which would encroach on what are otherwise rather small lots off of South Acton Rd. In short there is not a lot of space between their lots and this back land.

Two alternatives:

- 1) I suggest that if Jokinen needs some major financial benefit, he donate the land to the Town. In that way he will get a major tax benefit that he could spread over several years. The Town could use CPC funds to clean it up.
- 2) Sell to a private individual, but with full awareness of the contamination on the site and accordingly a fair price reduction to enable the buyer to do the required clean-up.

Regardless of the end game, after purchase, clean-up should subsequently be required by Stow BOH/CC to insure that the contaminated site will not affect local ground water quality.

Kind regards,  
Pam

Pamela J. Weathers  
89 W Acton Rd  
Stow, MA

3/12/2010

*draft from Laura*

March xx, 2010

Marc D. Draisen  
Executive Director  
Metropolitan Area Planning Council  
60 Temple Place  
Boston, Massachusetts 02111

RE: MAGIC Subregion Request for District Local Technical Assistance (DLTA) from MAPC to Explore Regionalized Service Opportunities.

Dear Mr. Draisen,

The Town of Stow supports the Minuteman Advisory Group on Interlocal Coordination (MAGIC) request for MAPC staff support to identify opportunities for shared services and regional collaboration among some or all of the thirteen MAGIC Towns: Acton, Bedford, Bolton, Boxborough, Carlisle, Concord, Hudson, Lexington, Lincoln, Littleton, Maynard, Stow, and Sudbury. With MAPC staff support through the District Local Technical Assistance (DLTA) program, MAGIC would like to inventory and assess municipal services in MAGIC member communities and highlight opportunities where these services could be improved through collaboration with nearby towns.

MAGIC sponsored a meeting on shared municipal services in February, and member communities began an inventory of existing regionalized services, in which Stow participated. Although the inventory revealed many existing partnerships between the towns, further discussion suggested that our communities could benefit from developing new partnerships and from building upon existing shared service partnerships.

This DLTA project will set the stage for towns to share more services. It would include a list of services provided by each participating town including current staffing levels and additional staffing needs. This list, along with analysis of these services from MAPC, would highlight collaboration opportunities and provide contact information for all relevant officials and staff in each community.

Thank you for your consideration. We look forward to this opportunity to find ways we can make our municipal operations more effective and efficient.

Sincerely,

Stephen Dungan, Chair, Stow Board of Selectmen

cc: Joe Domelowicz, MAPC Senior Municipal Services Coordinator  
Mark Racicot, MAPC Land Use Division Manager

**Stow Selectmen's Office**

---

**From:** TownAdministrator [TownAdministrator@stow-ma.gov]

**Sent:** Friday, March 12, 2010 8:57 AM

**To:** Susan McLaughlin; selectmen@stow-ma.gov

**Subject:** RE: Draft MAGIC letter for next week's meeting package

Susan, would you add the following list to shared services to the attached Stow list. Thanx, Bill

10. State Fire Academy Training Service
11. Regional Fire District 14
12. Boards of Health Mutual Aid Agreement
13. Shared Animal Control Officer
14. Shared Town Nurse
15. Shared Veterans Agent
16. Shared Dog Kennel
17. Montachusets Area Regional Transit
18. Minuteman Nashoba Health Group Consortium
19. Middlesex County Sheriff Work Release Program
20. MAPC
21. SuAsCo
22. Lake Boon Commission with Hudson
23. Regional Mosquito Control Program
24. Regional purchase of road sand and salt
25. State COMPASS Procurement Service
26. Domestic Violence Services Network

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]

**Sent:** Thursday, March 11, 2010 2:33 PM

**To:** Bill Wrigley

**Subject:** FW: Draft MAGIC letter for next week's meeting package

Bill, this is on the agenda, per Steve's request. Does this fit with your revision of the shared services list? Just want to make sure everyone is in synch.

Thanks.

Susan

3/14/2010

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

-----Original Message-----

**From:** Laura Spear [mailto:laura@spear.net]  
**Sent:** Thursday, March 11, 2010 11:53 AM  
**To:** 'Susan McLaughlin (bos)'  
**Cc:** 'Stephen Dungan'  
**Subject:** Draft MAGIC letter for next week's meeting package

Hi Susan,

At our last MAGIC meeting, member communities were asked to submit a letter of support for the MAGIC DLTA request for funds for shared services. I have drafted the attached letter for review at our next meeting per Steve's request. It is based on the letter that MAGIC submitted (also attached).

Please let me know if you have any questions.

Thanks!  
Laura

3/14/2010

## Stow Selectmen's Office

---

**From:** Stephen Dungan [s.dungan@comcast.net]

**Sent:** Thursday, March 11, 2010 12:26 PM

**To:** selectmen@stow-ma.gov

**Subject:** draft of EPA appeal result notice

Susan, please include the attached draft in the packets.

Tx.

Steve

3/14/2010

*draft*

## **Appeals by Stow and OAR Prompt EPA to Withdraw Its Decision to Allow Marlborough to Discharge 44% More Treated Wastewater to Assabet River**

Contact Information: Stow Board of Selectmen, 978-897-4515

The U.S. Environmental Protection Agency (EPA) has decided not to contest the appeals filed by the Town of Stow and the Organization for the Assabet River (OAR) challenging the legality of EPA's decision to allow Marlborough's Westerly treatment plant to discharge 44% more treated wastewater to the Assabet River. Instead, EPA announced during the last week of February that it is withdrawing its approval of this additional discharge.

In telephone calls made to Stow's Town Manager, Bill Wrigley, and to OAR, an EPA official said that, rather than spending considerable time on these appeals, EPA preferred to focus its efforts on preparing the new 5-year discharge permits needed to replace the current 5-year permits that expire in November for all four of the Assabet's wastewater treatment plants (Westborough, Marlborough, Hudson, and Maynard). These permits set limits on how much phosphorous and other pollutants the plants may discharge to the river.

According to the plan set forth in the official Total Maximum Daily Load (TMDL) study for the Assabet, these new permits must set pollution limits low enough to bring the Assabet into compliance with its designated state water quality standards, namely, a "Class B" river that has good water quality suitable for aquatic life and is both fishable and swimmable.

Currently, the Assabet does not meet state water quality standards because of excessive nutrients, primarily phosphorus, discharged from the wastewater treatment plants. These nutrients cause excessive growth in the river of floating plants such as duckweed and, to some extent, rooted

macrophytes. Upon decaying, these plants rob the water of oxygen, resulting in a degraded habitat for fish.

During summer-time conditions (i.e., low flow), the discharges from the treatment facilities contribute about 97% of the phosphorus loading to the river.

EPA says that in reviewing appropriate conditions for Marlborough's new permit, it will consider whether Marlborough's Westerly plant can discharge additional treated wastewater to the Assabet and still achieve water quality standards. This is exactly what Stow and OAR wanted EPA to do before EPA issued Marlborough a permit modification last November allowing the discharge flow increase.

The additional discharge the permit modification would have allowed, 1.26 million gallons per day (mgd), is nearly as large as the entire daily permitted discharge (1.45 mgd) from the Maynard wastewater treatment plant.

To assist EPA and MassDEP in drafting of the next set of pollution discharge permits for the treatment plants, the 2004 TMDL report called for a study of the extent to which phosphorus levels in the river could be reduced by dredging the phosphorus-laden sediment or by removing dams (and the sediment behind them). That study, conducted by the Army Corps of Engineers, has now been completed, and it shows that sediment dredging won't work and dam removal is very costly and won't happen any time soon, if ever.

As a result of this study, when EPA and MassDEP write new permits for Marlborough and the Assabet's three other treatment plants later this year, they will have no choice but to require the plants to remove significantly more phosphorus from their discharges to the river.