

AGENDA
BOARD OF SELECTMEN
June 15, 2010
7:00 p.m.
Town Building

Public Input

Chairman's Comments

Town Administrator's Report

Meeting Minutes

Public Hearing

- 7:15 p.m. Earth Removal Permit for school building project

Visitors

- Appointment to Council on Aging

Action/Discussion

- Blacksmith shop disposition
- Budget transfer to FY 2011 Snow and Ice Account
- Appointment to MART Advisory Committee
- Review committee vacancies for July 1 appointments
- Support for OAR re DEP permit for Marlborough wastewater treatment facility
- South Acton shuttle survey
- Priorities grid update

Liaison Reports, if any

Correspondence

Adjournment

Posted 6/11/10

Correspondence

Town:

Bolton Historical Commission letter re preserving blacksmith shop and apple barn, rec'd 6/1
Resident letter re preserving blacksmith shop and apple barn, rec'd 6/1
HL&P letter on Great Road crosswalk lighting, rec'd 6/1
Resident request for public records, rec'd 6/2
Resident letter on proposal to pave Track Road, rec'd 6/3
Resident letter re availability of Selectmen's correspondence, rec'd 6/3
Lancaster Historical Commission letter re preserving blacksmith shop and apple barn, rec'd 6/4
Letter of interest in Historical Commission vacancy, rec'd 6/7
Historical Commission letter of recommendation for applicant, rec'd 6/7
Planning Board memo re municipal use for blacksmith shop, rec'd 6/7
Historical Commission memo re municipal use for blacksmith shop, rec'd 6/7
FEMA changes to National Flood Insurance map, rec'd 6/7
Board of Health memo re municipal use for blacksmith shop, rec'd 6/8
Cc of award letter for school building project General Contractor, rec'd 6/8
Suburban Coalition position paper and membership request, rec'd 6/8
Resident request to televise ESBC meetings, rec'd 6/9
Building permits report for May, rec'd 6/9
Planning Board notice of MAGIC rep and Associate member appointment, rec'd 6/10
CC of Planning Board memo to Building Inspector on Lower Village Zoning Bylaw infractions, rec'd 6/11

General:

MBTA Advisory Board meeting announcement and FY 11 budget final report, rec'd 6/3
Stow Conservation Trust newsletter for April
495/MetroWest Partnership 6/25 annual conference announcement
TransReport (Boston MPO) newsletter for June



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

Notice Of Earth Removal Hearing

The Board of Selectmen will hold a public hearing on Tuesday, June 15, 2010 at 7:15 p.m. in the Town Building, 380 Great Road, Stow, MA on the application by Symmes Maini & McKee Associates, Inc. for a permit to remove 6,800 cubic yards of loam and soil from the Center School building project site, as shown on Assessor's Maps and Parcels U9-44 and U10-9 and described in the project plans.

If there are questions about the hearing, please contact the Selectmen's Office at 897-4515.

Laura Y. Spear
Chair, Board of Selectmen

Posted 5/27/10

The Stow Independent
One time: 6/2/10 issue



SMMA SYMMES MAINI & MCKEE ASSOCIATES

May 25, 2010

Town of Stow
Board of Selectmen
380 Great Road
Stow, MA 01775

Re: Pompositicut/Center Elementary School

Application for Earth Removal Permit

SMMA No. 09020

Dear Board Members:

Enclosed please find an Application for Earth Removal Permit associated with construction of the new Pompositicut/Center Elementary School project at 403 Great Road.

The Project has recently received local approvals from the Planning Board, Board of Appeals, Conservation Commission and Board of Health. It is currently out to bid with an anticipated construction start this summer. As required by General By-law Article 6 Section 22 an earth removal permit is necessary for the removal of excess loam and soil from the site to construct the new addition, associated site improvements and proposed utilities.

The Project will require removal of approximately 3,000 cubic yards(cy) of loam and 3,800 cy of soil. Alternatives to allow retention of the loam and soil on-site were reviewed however due to the existing topography, adjacent wetland resource areas and poor quality of the native soils, removal of the soil from the site was deemed the most appropriate solution for the Project.

The excess loam will remain the property of the Town of Stow. The awarded contractor will be required to deliver the loam to three designated Town-owned sites within 2 miles of the Project (see attached figure) Excess soil will be removed from the site for disposal, in accordance with applicable federal, state and local regulations. Exact detail of the disposal site, planned traffic routes and earth removal operations will be provided to the owner for review prior to any earthwork activities.

Included with this application are the proposed site plans that have been approved by the Town boards noted above. Compliance with the various permits and approvals that have been issued will be a requirement of the awarded contractor. In particular earth removal operations will be performed in accordance with the Order of Conditions, Planning Board Notice of Decision and EPA NPDES General Permit for Construction Activities.

Because the Earth Removal application includes a significant amount of information that would typically be provided by the General Contractor we respectfully request issuance of the Permit with a condition that General Contractor provide final details of the proposed hauling routes, disposal site and sequence of operations to the Building Inspector for final review and approval.

1000 Massachusetts Avenue
Cambridge, Massachusetts 02138
T 617.547.5400 F 800.648.4920
www.smma.com

400 Westminster Street
Providence, Rhode Island 02903
T 401.421.0447 F 800.648.4920

If you have any questions or would like additional information please feel free to contact me at (617) 520-9253.

Very truly yours,

SYMMES MAINI & MCKEE ASSOCIATES

A handwritten signature in black ink, appearing to read "James Warren". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James Warren
Associate

cc: ESBC, CMS, PJP, LBF (MF)
enclosures: Application, Site Plans

TOWN OF STOW

Application for Permit to Remove Earth Materials

1. Name, address and telephone number of

(a) applicant Stow Elementary School Building Committee
c/o William Wrigley, Town Administrator
380 Great Road, Stow, MA 01775

(978) 897-4514

(b) owner of land from which materials are to be removed

Town of Stow

(c) location/address of removal operation; Assessors' Map & Parcel No.

403 Great Road Stow, MA 01775; Assessors: U-9/44 & U-10/9

2. Include the following plans: (see Attached)

(a) Scale (40 feet = 1 inch) plot plan of land involved showing

(1) The perimeter of the area excavated, if any, as of the date of application.

(2) The location of walls, fences, test pits, loam and top soil stockpiles, structures and buildings, streams and ponds, on the land.

(3) The location and names of abutting and adjacent streets and property owners and the location of dwellings on abutting land.

(4) The location of the perimeter of the proposed excavation.

(b) A contour plan or plans, at five-foot interval, showing

(1) The topography of the land prior to any excavation.

(2) The topography of the existing excavation, if any.

(3) The topography of the area as proposed to be graded after removal operations are complete.

(4) The means of temporary and permanent drainage.

3. Describe the character of the immediate neighborhood, e.g., farm, residential, commercial, etc.

Residential

4. Describe and list the type and number of vehicles to be employed in removal operations.

The type and number of vehicles used for earth removal operations will be consistent with typical construction projects of this size and will include excavators, backhoes, front end loaders, bulldozers and large dump trucks. A detailed list of the quantity and type of equipment will be provided to the Owner by the contractor prior to

5. Describe and list other removal and/or processing machinery to be used in operations. Other machinery that could be used during construction may include hoe rams and rock crushing equipment associated with the anticipated ledge excavation. Exact detail to be provided to the owner by the contractor.
6. State the approximate number of cubic yards of earth material desired to be removed and the amount, if any, already removed from the land as follows:

	<u>Type</u>	<u>To Be Removed</u>	<u>Already Removed</u>
(a)	Soil	3,800 cu.yd.	0
(b)	Loam	3,000 cu.yd.	0
(c)	Sand	0	0
(d)	Gravel	0	0

7. Describe the proposed route or routes of transportation of vehicles carrying earth materials from the land involved and returning thereto, naming the road or roads to be used in Stow in sequence. Excess loam will remain the property of the Town and will be delivered to the DPW, Town Cemetery and Community Garden. Excess soil will be removed from the Town. Depending on the disposal location, the contractor will utilize Rt. 117W to Rt.495, Rt. 117E to 62 or Rt. 117E. The contractor is required to provide exact hauling routes to the Bldg. Inspector.
8. State the proposed days and hours of operations for review/approval prior to construction.
- (a) **Excavating** Phase I will start in June 2010 and be completed by December 2011.
- (b) **Processing** Phase II will start in December 2011 and will be completed by June 2012. The contractor will perform excavation, processing and
- (c) **Hauling** hauling operations during this time frame in accordance with the allowable work hours of 7a.m. to 5 p.m. Monday thru Friday and
- (d) **Other** 8 a.m. to 12 p.m. on Saturdays.

9. State the number of square feet of area to be excavated.

The total limit of disturbance for the Project is approximately 10.6 acres or 464,000 sq.ft.

10. Describe the proposed method of grading and reseeded and/or restoring the area after operations are complete, and state your estimate of the total cost of such grading, reseeded and restoration.

Earth removal operations for this Project are associated with the construction of the new school. The finished grading for the Project is shown on the Grading & Utilities Plan-C4.01. All slopes will be constructed at a maximum slope of 3:1 and will be stabilized in accordance with the NPDES General Permit and Order of Conditions for the Project during construction. The proposed seeding and landscaping improvements shown on the Planting Plans represent the final restoration of disturbed areas. The approximate cost of the site clearing, grading, restoration and landscaping improvements is \$1M.

11. Estimated date on which operations will be complete. Phase I (majority of earth removal operations) will be completed by Dec. 2011. Phase II will be completed by June 2012.

12. Is the applicant prepared to furnish a surety company bond or cash to ensure compliance with all conditions or requirements that may be imposed if a permit is granted?

The contractor will be responsible for complying with earth removal permit. The contractor is required to provide an insurance policy to the owner for all aspects of the project including earth removal.

The applicant hereby authorizes the Town of Stow and its officers, agents and employees to enter in and upon the land hereinbefore described from time to time hereafter for the purpose of inspecting same and, in the event a permit issues, to ensure compliance with the conditions thereof. The applicant further agrees to advance such costs of engineering, surveying and inspection as may be requested by the Selectmen and understands that the failure to advance such costs upon request will be grounds for denial of this application.

In witness whereof the applicant has set (its) (his) (her) hand and seal this

28th day of MAY, 2010.

[Signature]
BUILDING INSPECTOR &
ESBC MEMBER

Applicant is an individual (), partnership ^{NA}, corporation (). If a corporation, this application must be sealed with the corporate seal and the following vote certificate completed.

TOWN OF STOW PROJECT (X)

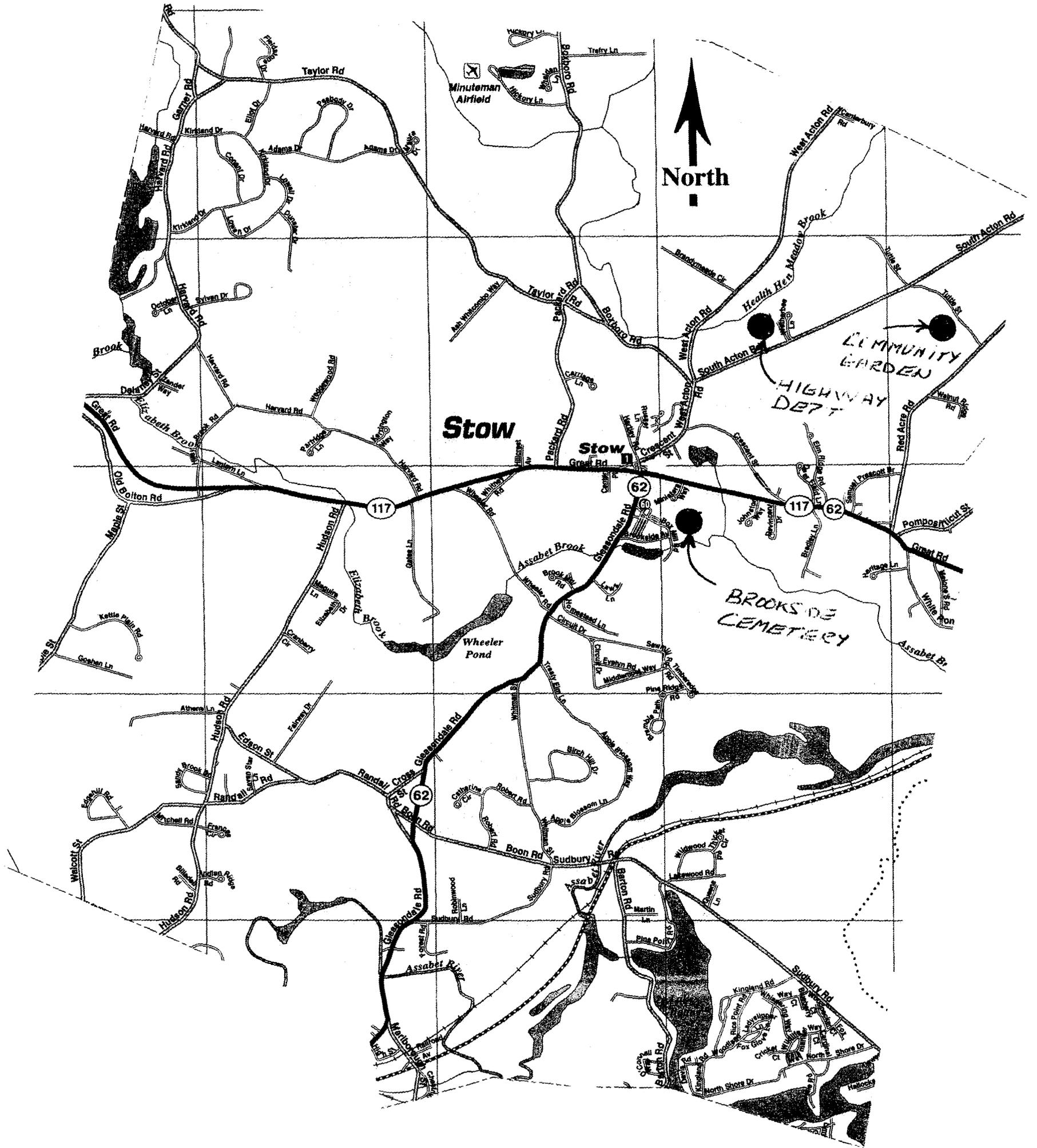
Certificate of Vote

I, _____, clerk of _____, a corporation duly organized under the laws of _____, certify that _____ is the _____ of said corporation and was duly authorized by vote of the Board of Directors on _____, _____ to sign this application, and agree on behalf of the corporation to any and all requirements and conditions that may be imposed by the Stow Board of Selectmen in connection with this application and any earth removal permit that may issue.

NA

Date

Clerk



Stow

COMMUNITY GARDEN
HIGHWAY DEPT

BROOKS DE CEMETERY

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Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

NOTICE OF VACANCY

COUNCIL ON AGING
One member

Duties: To coordinate and carry out programs designed to meet the needs of the senior population in coordination with programs of the Massachusetts Department of Elder Affairs as established under the Massachusetts General Laws.

Qualifications: Registered voter of Stow. A sincere interest in the welfare, health and well being of senior citizens. A willingness to accept and carry out assignments in that regard. A commitment of time and attendance at monthly meetings held the second Thursday at 9:00 A.M.

Term: Appointment by Board of Selectmen to fill an indefinite term.

Application: Please arrange to attend the monthly Council meeting on Thursday, June 10 at 9:00 a.m. in the Council on Aging Center in the Town Building. The Board of Selectmen will accept letters of application until 5:00 pm on Thursday, June 10, 2010.

Posted May 18, 2010

Stow Selectmen's Office

From: donovankrs@aol.com
Sent: Thursday, May 13, 2010 4:23 PM
To: selectmen@stow-ma.gov
Subject: COA Board seat

Dear Board of Selectmen,

I am writing to you today to apply for appointment to the Council on Aging Board. I believe I can bring a unique perspective to the board and hopefully some much needed energy as the Council on Aging looks to find a new site for its many programs, offices, and services. Over the past 2 years I have been volunteering as an associate member on the COA Board. As an associate board member, I have an understanding of the services provided by the COA and many of the struggles we have to provide these services.

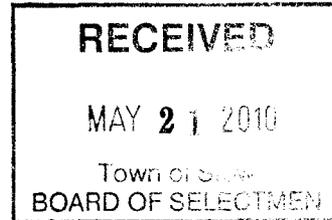
I also have been a volunteer teacher at the COA teaching the Monday morning Art Class for the last 3 years. I have enjoyed sharing my Art expertise with my students and plan on continuing this class if appointed. My experience with Stow's senior population was very much enriched this past year with my family's "Summer Vegetables for Seniors" program. We were able to travel to all areas of Stow and deliver fresh vegetables to seniors who had difficulty leaving their homes. It was such a valuable experience for my three children and such a eye opener for me. I knew it would be a nice thing for my kids to interact and connect with people other than their school experience. However, I didn't realize the impact that these visits made on the seniors that we visited. We continued this connection with my son's second grade teacher and developed a penpal program. I hope that outreach and cross generational programs can be one of the ways I can contribute to the Board's mission.

Thank you for your consideration,
Kristen Donovan
3 Blueberry Court
Stow, Ma 01775
978-568-1134

5/14/2010



Town of Stow
Council on Aging
380 Great Road
Stow, Massachusetts 01775
(978) 897-3676
FAX (978) 897-4534



May 20, 2010

Board of Selectmen
Town of Stow
380 Great Road
Stow, MA 01775

Dear Board of Selectmen:

It is with great pleasure that I recommend Kristen Donovan. I have known her for over two years.

Kristen has always displayed a high degree of integrity, responsibility, and ambition as a Volunteer. She is definitely a leader rather than a follower. She has proven her leadership ability by organizing and teaching an Art Class at the Council on Aging to provide our seniors an opportunity to learn the gift of art.

She is also a most dependable team player. Her good judgment and mature outlook ensure a logical and practical approach to her endeavors.

Kristen would be an asset to the Council on Aging Board, and I am happy to give her my wholehearted endorsement.

Sincerely,

Elizabeth A. Tobey
COA Chairman

TOWN OF STOW

PROPERTY DISPOSAL BID

The Town of Stow seeks bid proposals from those interested in purchasing and relocating the abandoned building known as the Blacksmith Shop located on the Center School property at 403 Great Road. Pursuant to a vote of the Board of Selectmen, the Blacksmith Shop has been declared as "surplus property". The Blacksmith Shop was originally constructed in 1914 and is less than 2,500 square feet. A new school is being constructed on the site and the Blacksmith Shop will need to be removed no later than July 31, 2010 or it will be demolished. Full costs associated with removal of the Blacksmith Shop will be the responsibility of the successful bidder. The Bid Form is available through the Selectmen's Office, Room 202, Town Building, 380 Great Road by calling 978-897-4515 between the hours of 9 am and 5 pm, Monday through Friday. Bids are due in the Selectmen's Office no later than 2 pm on Thursday, July 1, 2010 when they will be opened and read aloud. The bid will be awarded to the highest responsive and responsible bidder. The selected bidder must comply with G.L. c.7, s.40J requiring a disclosure of beneficial interests, if any. Stow reserves the right to reject any or all bids if it is in the Town's best interest to do so.

TOWN OF STOW BID FORM

The undersigned agrees to the following terms and conditions:

- A. To furnish all of the labor and material required to completely remove the Blacksmith Shop building located at 413 Great Road.
- B. To complete the work by no later than July 31, 2010. Any request for an extension of time to complete the work must be submitted in writing to the Town and approved in writing by the Town on or by July 30, 2010.
- C. To provide an acceptable certificate of liability insurance with Stow named as additionally insured in order to cover all activities related to all work performed on the site.
- D. To commit in writing as part of the contract with the Town to reconstruct the Blacksmith shop and to make a good faith effort to use it in an agricultural setting acceptable to the Town.
- E. To commit in writing as part of the contract with the Town to make a good faith effort to open the Blacksmith Shop to the public in a manner acceptable to the Town.
- F. To directly coordinate and cooperate with the Stow Elementary School Building Committee in performing all of the work associated with removing the Blacksmith Shop from the site. The Elementary School Building Committee, through its professional representatives, will retain full control of the site.
- G. To execute a contract with the Town of Stow incorporating this Bid Form into the contract by reference.
- H. To include a refundable \$100 Bid Deposit with this Bid in the form of a bank check.
- I. To place some bid value in the space below.
- J. To submit any applicable forms or materials to the appropriate state or local agencies as required.

The proposed bid to satisfy the terms and conditions above is _____,
Dollars. (\$_____).

The undersigned hereby certifies under the pains and penalties of perjury that this bid is
in all respects bona fide, fair and made without collusion or fraud with any other person.

Date _____

By: _____
Printed name and title

Street Address

City and State

Signature

Stow Selectmen's Office

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

Sent: Wednesday, June 09, 2010 1:26 PM

To: Susan McLaughlin

Subject: FW: End of Year Transfer

Susan, would you add this transfer request to the agenda for next tuesday as an action item.
Thanx, Bill.

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

From: Julie Costello [mailto:accountant@stow-ma.gov]

Sent: Wednesday, June 09, 2010 1:06 PM

To: William Wrigley

Subject: End of Year Transfer

Bill,

Can you please have the Selectmen and Fin Comm approve the attached transfer?

Thanks!

Julie

6/9/2010

End of Year Budget Transfer per MGL Chap. 44 Sec. 33B

The Board of Selectmen with the approval of the Finance Committee hereby approve the transfer of the following funds:

Account to be transferred from:	Minuteman Voc Tech Assessment <u>0100-30-312-60-63220-0000</u>
Account to be transferred to:	Snow & Ice <u>0100-40-423-60-67800-0000</u>
Amount to be transferred:	<u>12,753.01</u>

Note: Transfer may not exceed 3% of the annual budget of the department from or within the transfer is made or \$5,000, whichever is greater.

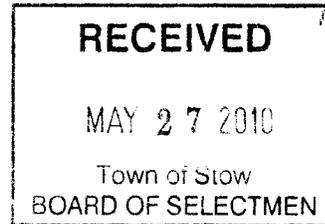
Date of meeting: _____
Signature of Board of Selectmen Chairman

Date of meeting: _____
Signature of Finance Committee Chairman



MONTACHUSETT REGIONAL TRANSIT AUTHORITY
1427R Water Street, Fitchburg, Massachusetts 01420
(978)345-7711 - 1-800-922-5636 - FAX: (978) 345-9867

Administrator
Mohammed H. Khan



Member Communities
Fitchburg
Leominster
Gardner
Ashburnham
Shirley
Ayer
Lancaster
Sterling
Hubbardston
Royalston
Littleton
Winchendon
Ashby
Templeton
Westminster
Hardwick
Lunenburg
Harvard
Bolton
Boxborough
Stow

MEMO

TO: Mayor-Fitchburg, Leominster and Gardner
Chairman, Boards of Selectmen, Montachusett Region

FROM: Mohammed H. Khan, Administrator

DATE: May 26, 2010

RE: Appointment to the MART Advisory Board 2010-2011

According to the state laws and the Montachusett Regional Transit Authority's bylaws, voting members of the MART Advisory Board shall be composed of the chief elected official of each of the member communities of MART, or a representative of the chief elected official who has been appointed as a designee. Enclosed is a copy of Article II of the bylaws which was written in accordance with Chapter 161B of the MA General Laws for your information.

Please fill out the attached form to nominate your representative. The representative's term will run for one year from July 1, 2010 to June 30, 2011. If you do not return the form your current representative will remain on board.

Thank you for your attention in this matter.

Enclosure

The Town of Stow on _____
(date)

HAS OFFICIALLY APPOINTED _____
(name)

of _____
(mailing address)

TO REPRESENT US ON THE MART ADVISORY BOARD FOR THE YEAR
BEGINNING
JULY 1, 2010 THROUGH JUNE 30, 2011.



BY:

(name)

(title)

YOUR CURRENT REPRESENTATIVE IS:

Alyson Toole

CHECK THIS BOX TO RE-NOMINATE THE CURRENT REPRESENTATIVE

PLEASE RETURN THIS FORM OR FAX TO:

FAX (978)345-9867

MONTACHUSETT REGIONAL TRANSIT AUTHORITY
1427R WATER STREET
FITCHBURG, MA 01420

ATTN: KEARY CONNORS

THANK YOU FOR YOUR PROMPT ATTENTION.

Stow Selectmen's Office

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

Sent: Thursday, June 10, 2010 11:17 AM

To: Susan McLaughlin

Subject: FW: Marlborough Treatment Plant Status Report

Susan, please provide the attached letter in the Selectmen's packet. Thanx, Bill

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

From: Jon Witten [mailto:jon@daleyandwitten.com]

Sent: Thursday, June 10, 2010 11:05 AM

To: Bill Wrigley

Subject: Marlborough Treatment Plant Status Report

Good Morning Bill:

Please find attached the letter to DEP in regard to the status report for the Marlborough Treatment Plant and prior litigation.

Please let me know if you have any questions.

Thanks Bill.

Jon

Jon D. Witten, Esq.
Daley and Witten, LLC
156 Duck Hill Road
Duxbury, MA 02332
781-934-0084
781-934-2666 (facsimile)

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6/10/2010

DALEY AND WITTEN, LLC

156 Duck Hill Road
Duxbury, Massachusetts 0232
781-934-0084
781-934-2666 (facsimile)
jon@daleyandwitten.com

Pamela D. Harvey, Presiding Officer
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street
Boston, MA 02108

June 10, 2010

Re: In the Matter of City of Marlborough Westerly Wastewater Treatment Facility
Docket Nos. 2009-070, 2009-080, and 2009-083, (Surface Water Discharge Permit)

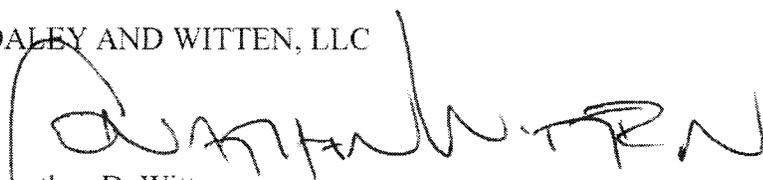
Dear Ms. Harvey:

The Town of Stow, one of the three appellants in the above-referenced matter, hereby supports the Organization for the Assabet River's June 2nd Response to the Department's Status Report and joins with OAR, for the reasons it states, in requesting that you direct the Department to file a further status report that either (1) states that the Department has withdrawn the permit modification that is the subject of this proceeding or (2) sets forth the Department's reasons for asserting that the modification has any current practical or legal effect.

Respectfully submitted,

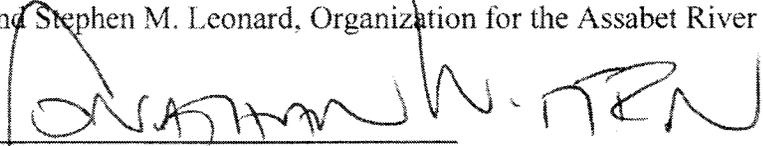
THE TOWN OF STOW, MASSACHUSETTS
By its attorney

DALEY AND WITTEN, LLC


Jonathan D. Witten

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of this letter by electronic mail on counsel for all other parties, as follows: Deirdre C. Desmond, Department of Environmental Protection (Deirdre.Desmond@state.ma.us); Donald L. Anglehart, City of Marlborough (don@anglehart.com); and Stephen M. Leonard, Organization for the Assabet River (sleonard@croninleonard.com).


Jonathan D. Witten