

ARTICLE 54. Stow Acres Conservation Restriction Purchase

To see if the Town will vote to act by and through its Conservation Commission, in accordance with Chapter 40, Section 8C, to acquire a conservation restriction for recreational, conservation and agricultural purposes on land presently owned by Stow Holdings, LLC, said land being known as the South Course of Stow Acres, Randall Road, consisting of 151 acres, more or less, and being shown as Assessors' Map R11, Parcel 37A, such conservation restriction to be co-held with the Stow Conservation Trust, and recorded at the Middlesex South Registry of Deeds; and for this purpose to appropriate and transfer One Million Five Hundred Thousand Dollars (\$1,500,000) from the Community Preservation Fund Unreserved Fund Balance, in accordance with the provisions of Mass. General Laws Ch. 44B, the Community Preservation Act, which monies may include necessary and incidental expenses for appraisals, surveys, engineering, consulting and legal services; and to authorize the Conservation Commission to negotiate, execute, prepare and file all documents or applications, receive gifts and grants, and undertake all actions necessary or appropriate for such purpose, including applying for, obtaining and accepting any funding available from the Commonwealth in connection with the so-called Self-Help Act and LAND grant program (MGL Chapter 132A, Section 11), and all rules and regulations, policies or guidelines thereunder; or any other relevant state or federal land acquisition grant programs; or take any other action relative thereto.

(Community Preservation Committee and Conservation Commission)

The Finance Committee recommends approval of this article. The Finance Committee understands that this is the first phase of a multi-phase project. Passage of the article does NOT increase expenditures.

This \$1.5M and the conservation restriction will remain in escrow until Phase II is negotiated and approved. Approval of Phase I at this time is important to all the parties as evidence of the Town's commitment to this effort.

ARTICLE 55. New General Bylaw Governing Discharges to Municipal Storm Drain System

To see if the Town will vote to add a new Article 18 to the Stow General Bylaws to read in its entirety as stated below; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the General Bylaws; or to take any other action relative thereto.

(Town Planner & Highway Superintendent)

The Finance Committee recommends approval of this article. Passage of the article does NOT increase expenditures.

Article: 18

Bylaw Governing Discharges to The Stow Storm Drain System

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Stow's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this bylaw are:

1. to prevent pollutants from entering the Town of Stow's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Highway Department (hereafter the Department), its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sump pumps, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 7, subsection 4, of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Stow.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
9. rock, sand, salt, soils;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product,

finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Department shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Department to employees or agents of the Department.

SECTION 6. REGULATIONS

The Department may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

SECTION 7. PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Department.

Pumping of Water. No person, owner of property, or person controlling property shall discharge or permit to be discharged into the Town's stormwater drainage system, including catch basins, leaching basins, manholes, outfalls, or pipes, or upon any street, court, lane, public roadway, or roadway to which the public has a right to use, any water by pumped means so as to create a nuisance or safety hazard.

Discharging of Pool Water. No person shall pump pool water, dechlorinated or otherwise onto any public ways or streets, adjacent property, into any Town drainage system; MS4; or into any watercourse or Waters of the Commonwealth. Any pumping of pool water shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

SECTION 8. EXEMPTIONS

The following non-stormwater discharges or flows are exempt from the prohibition of non--stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Discharge or flow resulting from firefighting activities;
2. Waterline flushing;
3. Flow from potable water sources;
4. Springs;
5. Natural flow from riparian habitats and wetlands;
6. Diverted stream flow;
7. Rising groundwater;
8. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20),
9. Water from exterior foundation drains, footing drains (not including active groundwater

- dewatering systems), crawl space pumps, or air conditioning condensation;
10. Incidental discharges from landscape irrigation or lawn watering;
 11. Water from individual residential car washing;
 12. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 13. Discharge from street sweeping;
 14. Dye testing, provided verbal notification is given to the Department prior to the time of the test;
 15. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 16. Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents, or may present, an imminent risk of harm to the public health, safety, welfare, environment or to the Town of Stow's MS4. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, environment or to the Town of Stow's MS4.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire, police, and highway department. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

The Department or an authorized agent of the Department shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. If remediation is not completed within the specified deadline, the Town of Stow may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Stow including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Stow may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd violation shall be \$300. The penalty for the 4th and subsequent violations shall be \$400 each. The Town of Stow may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

Appeals. The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

SECTION 13. TRANSITIONAL PROVISIONS

Residential property owners shall have 90 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

ARTICLE 56. Amend Zoning Bylaw Sections 1.3 (Definitions), 5.4 (ACTIVE ADULT NEIGHBORHOOD Overlay District), and 8.9 (Inclusionary Housing)

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 1.3, 5.4, 8.9.1, 8.9.2.1, 8.9.5.1, 8.9.5.2, and 8.9.6.2 to read in their entirety as stated below in section (A- D) of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

A) Amend Section 1.3 (Definitions) by amending the following definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOD (AAN) - A group of DWELLING UNITS subject to specific site and building design standards to aid older adults in aging in place within a communal environment.

B) Amend Section 1.3 (Definitions) by adding new definitions to read in their entirety as stated below:

ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS – A process for designing the AAN site plan undertaken by appropriate professionals in fields including, but not limited to, landscape architecture, urban design, engineering and environmental science, which documents the chronological process for designing an AAN as described in

Section 5.4.12 (ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS) of the Zoning Bylaw, through the identification of conservation areas, locating the dwelling sites, determining the layout of streets and trails and drawing in the lot lines, in the order so described.

COTTAGE DWELLING - A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding non-dwelling areas such as attic space, basement or detached garage).

COTTAGE DWELLING ALLEY – A private RIGHT OF WAY of 20 – 24’ feet wide meeting the requirements of the National Fire Protection Association standards, and primarily designed to provide vehicular access to the rear of COTTAGE DWELLINGS.

COTTAGE DWELLING COMMON AREA – The shared area of pedestrian accessible open space associated with COTTAGE DWELLINGS, which may include but not be limited to gardens and pedestrian courtyards.

POCKET OPEN LAND - Areas of undisturbed land not less than .25 acres in size, owned and managed as common land by the HOMEOWNERS ASSOCIATION and not subject to the OPEN LAND ownership requirements of Section 5.4.13.5 of the Zoning Bylaw.

TOWNHOME - A DWELLING containing three or more DWELLING UNITS in a row, in which each DWELLING UNIT has its own access to the ground, no DWELLING UNIT is located over another, and each DWELLING UNIT is separated by one or more walls. There shall be no more than four (4) DWELLING UNITS in any residential TOWNHOME.

C) Amend Section 5.4 (ACTIVE ADULT NEIGHBORHOOD) to read in its entirety as stated below:

5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District

5.4.1 **Purpose** - Stow cherishes the wisdom and experience of our citizens, and encourages participation in the town by all residents. This bylaw is intended to provide a diversity of housing specifically designed and targeted to older adult residents who wish to downsize from the traditional single-family home or age in place in a communal setting without requiring an age-restriction. The ACTIVE ADULT NEIGHBORHOOD (AAN) shall be designed to meet the following goals:

- provide for universal accessibility designs to allow adults to age in place;
- promote a sense of community among its residents through the use of traditional neighborhood design principles, pedestrian accessibility and shared communal spaces, such as gardens and commons;
- Incentivize diversity of housing types to encourage opportunities for homeownership at various income levels;

- be in harmony with the natural terrain and consistent with Stow's rural New England character;
 - emphasize and require protection of existing resources on the site, including natural resources, agriculture, recreation and trail connectivity;
- 5.4.2 **Applicability** - An AAN shall only be permitted by Special Permit, and any amendments thereto from the Planning Board, acting as the Special Permit Granting Authority, in accordance with MGL Ch. 40A, s.9 on land located in the AAN Overlay District.
- 5.4.3 **AAN Overlay District** - This district shall be an overlay district and shall include parcels of land depicted on a map dated May 13, 2002 and entitled “Active Adult Neighborhood Overlay District”, or any amendments thereto. This map is hereby adopted coincident with the adoption of this Bylaw. Development in an AAN Overlay District is subject to all provisions of the remainder of the Zoning Bylaw, except to the extent provided in Section 5.4, ACTIVE ADULT NEIGHBORHOOD Overlay District.
- 5.4.3.1 Any ACTIVE ADULT NEIGHBORHOOD permitted prior to the adoption of this Bylaw amendment (May 22, 2021) shall be considered conforming to the Zoning Bylaw, providing it conforms to the previous version of Section 5.4 ACTIVE ADULT NEIGHBORHOOD Overlay District in effect prior to the adoption of this amendment.
- 5.4.3.2 Section 8.9, Inclusion of Affordable Housing, shall govern the inclusion of housing eligible on the Department of Housing and Community Development’s Subsidized Housing Inventory in the AAN Overlay District.
- 5.4.4 **Permitted Uses - There shall be permitted in any AAN District:**
- 5.4.4.1 Single-family DWELLINGS;
COTTAGE DWELLINGS;
TOWNHOMES;
MULTI-FAMILY DWELLINGS.
- 5.4.4.2 MULTI-FAMILY DWELLINGS, including DUPLEXes, provided that they are designed to be consistent in architectural character with the single-family DWELLINGS in the same development unless specifically waived under Section 5.4.4.4 of the Zoning Bylaw.
- 5.4.4.3 TOWNHOMES, provided that they are designed in accordance with Section 5.4.11.
- 5.4.4.4 The Planning Board may allow for an increase in the number of DWELLING UNITS allowed in a MULTI-FAMILY DWELLING or TOWNHOME where the required design approaches of Section 5.4.11 can be demonstrated for the specific STRUCTUREs subject to the request.
- 5.4.4.5 Accessory uses and structures incidental to principal uses indicated above, including but not limited to:

- a. Communal spaces for residents, employees, and guests, such as central or common dining facilities, communal kitchen spaces, indoor or outdoor recreation facilities, gardens and/or parks;
- b. Conservation or agricultural uses.

5.4.5 Procedural Requirements

- 5.4.5.1 Application for an AAN Special Permit - An application for an AAN Special Permit shall be submitted in writing and meeting the requirements set forth herein and all other information that may be required by the Planning Board under its Rules and Regulations for Special Permits and Active Adult Neighborhoods.
- 5.4.5.2 Any new AAN and any proposed modification of an AAN shall be allowed only by Special Permit from the Planning Board in accordance with MGL Ch. 40A, s.9, subject to the requirements, conditions and limitations contained herein and in the Rules and Regulations adopted by the Planning Board.
- 5.4.5.3 AAN Regulations - The Planning Board shall adopt and maintain a set of AAN Rules and Regulations that contain the necessary policies, procedures, and requirements to implement the provisions of this Section.
- 5.4.5.4 In order to streamline the permitting process, if the proposed AAN involves any other use that requires a Special Permit or Site Plan Approval by the Planning Board, the proceedings for all such Special Permits and the Site Plan Review shall occur in one consolidated proceeding. If the proposed AAN requires a permit from two different permit granting authorities, the Planning Board or other Permit Granting Authority may request that a joint public hearing be held and shall conduct reviews simultaneously, to the extent possible.
- 5.4.5.5 An Application shall be submitted to the Planning Board in accordance with the Rules and Regulations for AAN Special Permits and Rules and Regulations Governing the Subdivision of Land as applicable.

To enable the Planning Board to determine whether or not a proposed AAN satisfies the purposes and standards of the OPEN LAND Requirements of Section 5.4.13, an applicant shall present sufficient information on the environmental and OPEN LAND resources for the Board to make such a determination. The required information shall be provided in the form of the ACTIVE ADULT NEIGHBORHOOD DESIGN PROCESS described in Section 5.4.12 of this Bylaw.

5.4.6 Dimensional Requirements

- 5.4.6.1 There shall be no minimum LOT area, FRONTAGE, FLOOR AREA RATIO, LOT width or YARD requirements within an AAN or for any LOT or BUILDING within an AAN except as provided in this Section and as stated in Section 5.4.10, COTTAGE DWELLING Site Standards. However, an AAN shall comply with the applicable requirements of the Water Resource Protection and Flood Plain Overlay Districts. The Planning Board may impose appropriate additional conditions on the location, layout and size of BUILDINGS, STRUCTURES and OPEN SPACE.

An AAN shall be built according to the following dimensional standards:

Minimum TRACT OF LAND area	25 acres
Minimum frontage of TRACT OF LAND	No Minimum Required
Minimum TRACT OF LAND width	No Minimum Required
Minimum SIDE and REAR YARDS of TRACT OF LAND	No Minimum Required
Minimum setback of BUILDINGS, pavement areas other than ACCESS DRIVEWAYS and walkways from all boundaries of the TRACT OF LAND	50 feet*
Minimum separation between BUILDINGS and/or STRUCTURES	20 feet*
Maximum height of Principal and Accessory STRUCTURES	35 feet
Minimum OPEN SPACE	50% (OPEN SPACE shall not contain more than 50% wetlands, as defined in MGL Ch. 131, S.40 and the Stow Wetlands Protection Bylaw.)
Maximum density	3 DWELLING UNITS per acre of DEVELOPABLE SITE AREA
Maximum DWELLING UNITS per BUILDING	4**
* Nothing in this Section shall preclude the Planning Board from reducing or waiving minimum setback requirements between buildings or internal lots created within the ACTIVE ADULT NEIGHBORHOOD Overlay District or between the boundaries of the TRACT OF LAND.	
** See Section 5.4.4.4 for exceptions	

5.4.7 Occupancy Income Range

5.4.7.1 The AAN shall be designed to provide housing for occupants earning a broad range of incomes, as defined by DHCD for the Town of Stow. The AAN shall comply with the provisions of Section 8.9 Inclusion of Affordable Housing, which requires 15% of the units to sell at a price affordable to low income QUALIFIED AFFORDABLE HOUSING PURCHASERS.

- a. Low and moderate income DWELLING UNITS created under this Section shall be restricted as such in perpetuity and comply with the provisions of MGL Ch. 184, s.31.
- b. All low and moderate income DWELLING UNITS shall provide for notice of any proposed resale and a right of first refusal to the Town of Stow, prior to any such sale.
- c. Rights and privileges - QUALIFIED AFFORDABLE HOUSING PURCHASERS shall have all rights, privileges and responsibilities given to owners or renters of market rate DWELLING UNITS, including access to all amenities within the development.
- d. A Special Permit issued under this Bylaw shall include a provision stating a limit on the number of Building Permits that may be issued until such time as the Town of

Stow has received written correspondence from the Department of Housing and Community Development (DHCD) that the low or moderate income DWELLING UNITS, authorized as a result of the Special Permit, will be included in DHCD's Subsidized Housing Inventory of low income or moderate income housing DWELLING UNITS for the purposes of compliance with the provisions of Massachusetts General Laws Chapter 40B, § 20-23. In the event the Special Permit issued under this Bylaw does not include such provision, the written correspondence from DHCD describe herein shall be required prior to the issuance of the first Building Permit. The correspondence from DHCD shall contain an affirmative statement that the low or moderate income DWELLING UNITS will be included on Stow's Subsidized Housing Inventory.

- e. Purchaser/tenant selection - Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Stow or its designee.
- f. Timing of commitments - All contractual agreements with the Town of Stow and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of any Special Permit required to commence construction.
- g. Timing of construction - As a condition of the issuance of a Special Permit under this Section, the Planning Board may set a time schedule for the construction of both low income or moderate income and market-rate DWELLING UNITS. No Certificate of Occupancy shall be issued for any market-rate DWELLING UNIT in a development, subject to the requirements of this Section, until there have been issued Certificates of Occupancy for low income or moderate income DWELLING UNITS in an amount equal to the percentage of low income or moderate income UNITS, which are to be constructed in the development.
- h. The above provisions apply to all on-site, buildings and existing housing stock made affordable with AAN provided funds.

5.4.8 Age-Targeted Design Standards

5.4.8.1 The design of the AAN Overlay District shall encourage housing options in a walkable, Americans with Disabilities Act (ADA) compliant environment that encourages and supports aging in place in a communal setting. At a minimum, all DWELLING UNITS shall incorporate the following designs:

- a. At least one zero-step entrance,
- b. Doorways with a 36-inch clear passage space,
- c. Master bedroom, en-suite bathroom, kitchen, living room and dining room on the same floor as the zero-step entrance,
- d. Master bedroom and en-suite bathroom designed in a manner that allows for future mobility impairment modifications, and
- e. Options for shared, indoor or structured parking.

5.4.8.2 The Planning Board may waive the requirement for a zero step entrance in Section 5.4.8.1(a) where the physical site constraints are shown to make it impracticable to

provide for a zero-step entrance and where the Applicant can demonstrate that a diversity of unit types throughout the development include a zero step entrance where feasible.

5.4.8.3 Shared Community Space – An AAN shall provide shared indoor and outdoor facilities, open to all residents of the AAN, for the purpose of incentivizing community interaction and social engagement.

- a. Outdoor community spaces may include but not be limited to shared community facilities such as walkways, paths and multi-use trails, community gardens, courtyards, and recreation areas, all of which shall be designed for universal access and comply with the MA Architectural Access Board, with the exception of primitive walking/nature trails.
- b. Indoor community facilities may include, but not be limited to clubhouses, community kitchens, pools and event spaces. All STRUCTURES, other than DWELLINGS, shall be designed for community use.

5.4.8.4 Indoor community facilities, such as clubhouses, community kitchens and other STRUCTURES designed for community use shall comply with the MA Architectural Access Board's standards for ADA compliance.

5.4.9 Special Housing Standards

5.4.9.1 In no case shall the total number of DWELLING UNITS in the AAN Overlay District exceed thirteen percent (13%) of the total number of single-family DWELLING UNITS in the Town of Stow at the time of the adoption of this Bylaw on May 22, 2021, defined as the sum of all single-family DWELLING UNITS with the State Use Code 101 as assigned by the Massachusetts Department of Revenue and documented by the Stow Assessors Department.

5.4.9.2 The DWELLING UNITS proposed in an AAN shall be governed by a single HOMEOWNERS ASSOCIATION.

5.4.9.3 To the extent practicable, all DWELLING UNITS in an AAN, including those restricted to meet DHCD affordability standards shall be evenly distributed in terms of size and type, for the purpose of providing a diversity of unit size and affordability. The Planning Board will accept deviations from this expectation where certain DWELLING types are grouped together to form a cohesive pocket neighborhood, including but not limited to the inclusion of COTTAGE DWELLINGS.

5.4.9.4 At least 30% of total number of units in an AAN shall have a gross floor area below 1,800' square feet. At least 50% of those units below 1,800' square feet shall be comprised of detached housing types.

5.4.9.5 No DWELLING UNIT in an AAN shall contain more than two bedrooms.

5.4.10 COTTAGE DWELLING Site Standards

5.4.10.1 COTTAGE DWELLINGS are intended to be a community of modestly sized DWELLING UNITS arranged around a shared COTTAGE DWELLING COMMON AREA. In addition to the standards described in Section 5.4.10 of the Zoning Bylaw, COTTAGE DWELLINGS shall be further designed in conformance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

- a. COTTAGE DWELLING neighborhoods shall consist of a minimum of four (4) dwelling units and a maximum of Eighteen (18) dwelling units.
- b. COTTAGE DWELLINGS shall be oriented toward the COTTAGE DWELLING COMMON AREA. In the event that physical site restraints preclude the ability for all units to be oriented toward the COTTAGE DWELLING COMMON AREA, the Planning Board may use appropriate discretion in determining the orientation.

5.4.10.2 **COTTAGE DWELLING Building Standards** - A COTTAGE DWELLING neighborhood is expected to reflect a coherent design concept and include architectural elements that ensure compatibility with the neighborhood cluster in a manner that is consistent with the overall community character of the AAN. Specific BUILDING standards for COTTAGE DWELLINGS shall conform to the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

5.4.10.3 **COTTAGE DWELLING COMMON AREA Standards** – COTTAGE DWELLING COMMON AREAS shall be designed as contiguous natural or landscaped spaces that provide pedestrian access to each abutting COTTAGE DWELLING unit. Vehicles shall not be accommodated within the COTTAGE DWELLING COMMON AREA.

- a. COTTAGE DWELLING COMMON AREAS may be divided into two separate common areas connected by a pedestrian network. Narrow strips of common are discouraged, unless utilized for pathways or walkways;
- b. COTTAGE DWELLING COMMON AREA shall be improved for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas or gardens. Common areas may include amenities such as but not limited to seating, landscaping, trails, gazebos, barbecue facilities, covered shelters or water features.
- c. Stormwater management areas shall not be counted toward the COTTAGE DWELLING COMMON AREA requirement.

5.4.10.4 **Access and Parking for COTTAGE DWELLINGS**

COTTAGE DWELLINGS shall be accessed by a STREET or COTTAGE DWELLING ALLEY meeting the standards of the Rules and Regulations Governing the Subdivision of Land. Vehicular access to COTTAGE DWELLINGS shall be provided via INTERIOR DRIVEWAYS at the rear of the STRUCTURE, on-street parking accommodations or shared parking arrangements designed in conformance with ACTIVE ADULT NEIGHBORHOOD Rules and Regulations.

5.4.10.5 COTTAGE DWELLING units shall not include attached garages.

5.4.10.6 Access STREETS, including COTTAGE DWELLING ALLEYS, shall meet the requirements of the National Fire Protection Association standards as amended.

5.4.11 **Architecture and Site Design for ACTIVE ADULT NEIGHBORHOODs**

5.4.11.1 Mandatory Design Findings – In addition to the Mandatory Findings for Special Permits in Section 9.2.6 of the Zoning Bylaw, the Planning Board shall not issue a Special Permit for an AAN unless, without exception, it shall find that the proposed use and development meets the following site design and architectural goals:

- a. Architecture– BUILDINGs are generally reflective of traditional New England vernacular architecture that exemplifies Stow’s regional architectural style, including predominately gable-type roofs.
- b. Proportion – BUILDINGs, including detached and attached DWELLINGs present a balance in height and width that is common or typical to traditional New England architectural styles.
- c. Scale and Height – Building heights as measured along the street frontage or pedestrian courtyard vary, rather than appear uniform from the primary vantage point. The BUILDINGs are articulated to achieve a human scale and interest, including the use of different textures, shadow lines, detailing and contrasting shapes.
- d. Massing - BUILDINGs incorporate facades and roof lines that are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation MULTI-FAMILY DWELLINGs and TOWNHOMEs include facades and architectural characteristics that are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING’s primary vantage point.
- e. Orientation – The relationship between BUILDINGs, STREETs, and pedestrian and community amenities shall be designed to encourage community interaction and accessibility for people of all ages and abilities. The development includes BUILDINGs that are oriented to pedestrian infrastructure and to other BUILDINGs where feasible through the creation of courtyards, plazas and other non-vehicular modes of access. Garages are placed along the sides or rear of BUILDINGs to the extent practicable, accessed via alleys and shared driveways.
- f. Street Network – DWELLINGs are serviced by a mix of primary and secondary STREETs, utilizing eyebrows, cul-de-sacs, and alleys, among other techniques to provide access to neighborhoods of various housing types.
- g. Connectivity – DWELLINGs and neighborhood clusters provide for relatively balanced access to pedestrian amenities, including shared access points to preserved OPEN LAND, multi-use trails, walking paths, sidewalks and shared community amenities.

The development is connected to the existing Stow STREET network through sidewalks and or accessible walking paths. Public gathering spaces, such as pick-up and drop off areas, that may or may not include bus shelters are provided at key intersections to accommodate transit opportunities. STREETs connect to other STREETs in the development and to the existing STREET network in a manner that provides for multiple routes of travel.

- h. Landscaping – The site plan uses landscaping to soften the visual impact of BUILDINGS, create shade along roadways, parks and pedestrian courtyards and provide visual separation between pedestrian and vehicular spaces. Landscaping is utilized to create attractive, functional and decentralized stormwater management techniques that complement the existing topography and neighborhood design, including but not limited to rain gardens, detention ponds and other low impact development techniques.
- 5.4.11.2 **Access to Development** - In the event that the land that comprises an AAN is located in different zoning districts, it shall be a permitted USE in each such zoning district not in the ACTIVE ADULT NEIGHBORHOOD Overlay District for roadways and driveways to provide access to land and BUILDINGS in the District.
- 5.4.11.3 **Streets and Utilities** - All streets and ways, whether public or private, wastewater disposal systems, drainage facilities, drinking water supplies, and utilities shall be designed and constructed in compliance with the Town of Stow Rules and Regulations Governing the Subdivision of Land, as amended.
- a. Access Roads, driveways, common driveways, alleys and subdivision roads, either intended for public or private use shall conform to the National Fire Protection Association standards as amended, inclusive of all Massachusetts amendments. In the event that the Fire Chief, acting as the *Authority Having Jurisdiction*, encounters a conflict between the NFPA standards and the Subdivision Rules and Regulations, the NFPA standards shall control.
 - b. All wastewater and public and/or private water supply wells shall conform to the requirements of the Stow Board of Health and/or the Massachusetts Department of Environmental Protection regulations as applicable.
- 5.4.11.4 **Sidewalks, Walking Paths and Trails** – Sidewalks shall be required for all developments in the AAN District in accordance with the following schedule of street types as described in the Planning Board’s Rules and Regulations Governing the Subdivision of Land:
- a. Access Street and Sub-Collector Streets shall have a sidewalk required on one side of the travelled street.
 - b. Single Access Streets shall have a sidewalk required on one side of the street and around the entire length of the turnaround.
 - c. Entrances to garages that front a STREET with a sidewalk shall contain adequate setbacks from the STREET to ensure that vehicles parked in the driveway do not protrude into the sidewalk.
- 5.4.11.5 The Planning Board may waive the requirement for a sidewalk where the homes that would otherwise be served by the sidewalk have adequate access to an alternative pedestrian provision, such as a multi-use path or an improved trail containing a surface treatment that eliminates trip hazards, can be maintained year round, and with a grade which meets the MA Architectural Access Board standards for trails and similar pedestrian improvements.
- 5.4.11.6 Internal primitive walking trails and nature paths are encouraged as a means to provide additional connections between areas of OPEN LAND and neighborhood clusters.

However, such trails shall not be considered by the Planning Board to be an adequate provision for waiving the requirements for sidewalks in Section 5.4.11.4.

- a. Improved trails, multi-use paths, and primitive nature trails shall include adequate signage as viewed from a sidewalk or street to direct pedestrians toward the trail entrance.

5.4.12 ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS

5.4.12.1 The application for an AAN shall demonstrate to the Planning Board that the following design process was performed, in the order prescribed below. The design process shall be undertaken by an interdisciplinary team of qualified professionals, including but not limited to landscape architects, engineers or environmental professionals, and in conformance with the Rules and Regulations for AAN Special Permits, to determine the layout of proposed streets, parcel boundaries, building envelopes, easements and locations of all common areas and open land.

- a. Calculate the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with this Bylaw.
- b. Calculate the size of the OPEN LAND to be preserved by multiplying the AAN locus by 50%.
- c. Identification of Conservation Resources – The Applicant shall identify and show the location of PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES. The potentially developable area of the site will consist of land outside identified PRIMARY CONSERVATION RESOURCES to the extent described herein and outside the SECONDARY CONSERVATION RESOURCES to the fullest extent practicable. It is strongly recommended that the Applicant meet with Planning Board and Conservation Commission staff during the process of identifying conservation resources.
- d. Locating Dwelling Sites – Locate the approximate sites of individual DWELLINGS within the potentially developable area, including the delineation of private yards and shared amenities.
- e. Locating Streets and Trails – Layout streets in order to access the individual dwellings. Any trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks and/or trails.
- f. Lot Lines – Draw proposed lot lines or areas of exclusive use if proposed for condominium or other common ownership.

5.4.13 OPEN LAND Requirements

5.4.13.1 The OPEN LAND within an AAN shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in Section 5.4.13.8 (Allowable use of OPEN LAND)

of this Bylaw, and maintained in a manner that will ensure its suitability for its intended purposes.

5.4.13.2 Minimum - A minimum of 50% of the gross area of the proposed AAN locus, which shall include all parcels of land that are to be developed, preserved or otherwise altered in accordance with Section 5.4 of this Bylaw shall be set aside as permanently conserved OPEN LAND.

- a. The minimum required area of the OPEN LAND shall not contain more than 50% wetlands, as defined in G.L. c.13, s.40 and the Stow Wetland Protection Bylaw;

5.4.13.3 POCKET OPEN LAND – For the purpose of reducing the amount of clearing in the AAN locus and preserving the wooded, rural feel of the land, the Planning Board may permit up to 5% of the required OPEN LAND set aside to consist of POCKET OPEN LAND.

In the event that a HOMEOWNERS ASSOCIATION is selected to own and manage the required OPEN LAND in accordance with Section 5.4.13.5 of this Bylaw, then all POCKET OPEN LAND shall be included in the required conservation restriction in accordance with Section 5.4.13.6 of this Bylaw.

5.4.13.4 OPEN LAND Design Requirements – The location of OPEN LAND provided through this bylaw shall be consistent with the ACTIVE ADULT NEIGHBORHOOD OPEN LAND DESIGN PROCESS, as well as policies contained in the Town of Stow Master Plan and Open Space and Recreation Plan. The following design requirements shall apply to the OPEN LAND:

1. Open Land shall be planned as large, contiguous areas. Long, thin strips or narrow areas of OPEN LAND shall occur only when necessary to provide for:
 - a. Enhanced access to the OPEN LAND;
 - b. Vegetated buffers along wetlands;
 - c. Buffers to areas of existing or potential agricultural use;
 - d. Buffers to any other existing use abutting the AAN Locus if it can be shown, to the satisfaction of the Planning Board that such areas are particularly sensitive to the AAN development due to specific site characteristics;
 - e. connections between open space areas.
2. OPEN LAND may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.
3. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100 foot buffer to such areas should be incorporated into the OPEN LAND where feasible.
4. OPEN LAND shall be designed to encourage access from existing or proposed roads and abutting open space lands by providing for adequate upland access at least forty (40) feet wide and suitable for a footpath.

5. OPEN LAND shall primarily consist of open fields and undisturbed woodlands and other natural areas, or restored areas. Lawn and landscaped areas shall not be counted toward OPEN LAND requirements.
6. Prior to conveyance, the Planning Board may require OPEN LAND that has been degraded by extraction, site grading or similar activities to be restored, where such restoration would benefit PRIMARY CONSERVATION RESOURCES and SECONDARY CONSERVATION RESOURCES.
7. Where a proposed development abuts existing land held for conservation purposes, the development shall be designed to maximize contiguous protected land, and minimize adverse impacts to the existing conserved land. Trail connections shall be provided where appropriate. The Planning Board shall give consideration to the recommendations of the existing conservation land owner with regard to access, parking and connecting trails.

5.4.13.5 Ownership of the OPEN LAND - At the applicant's discretion and subject to Planning Board Approval, the OPEN LAND may be owned by one or more of the following:

- a. The Town of Stow and accepted by it for park or open space use consistent with G.L. c.40A, s.9;
- b. A non-profit organization, or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of OPEN LAND for any of the purposes set forth herein;
- c. A HOMEOWNERS ASSOCIATION as defined herein owned jointly in common by the owners of LOTS or units within the project.

5.4.13.6 Selection of ownership option "c" above requires:

- a. A conservation and/or historic preservation restriction to a third party conservation organization or agency pursuant to G.L. c.184, s.31-33 as outlined herein;
- b. The granting of an access easement to the Town over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land.
- c. Such easement shall provide that in the event the trust or other owner fails to maintain the OPEN LAND in reasonable condition, the Town may, after notice to the lot owners and after a public hearing is held, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the property owners within the development and/or to the owner of the OPEN LAND. Pursuant to G.L. c.40, s.58 the Town may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. c.40, s.57 the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

5.4.13.7 Timing – The Planning Board shall specify in its final Decision at what phase in the development any deed, restriction or other legal document necessary to permanently conserve OPEN LAND as required herein shall be recorded with the Registry of Deeds.

5.4.13.8 Allowable Use of the OPEN LAND - Such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth in this Bylaw and in the deed and/or in the restriction, and maintained in a manner which will ensure its suitability for its intended purposes.

- a. The OPEN LAND shall only be used for the following purposes: wildlife habitat, conservation, historic preservation, outdoor education, passive and active recreation, aquifer protection and public water supply, agriculture, horticulture, forestry, and shall be served by suitable access for such purposes. Potential, current or acceptable uses of the open land identified during the Design Process shall be noted on the AAN plan with reference in the deeds of the lots created or altered through the AAN plan approval process. Permissible uses of the OPEN LAND shall not be inconsistent with protection of the resources in the OPEN LAND.
- b. The Planning Board shall permit a small portion of the OPEN LAND, not to exceed 5%, to be paved or built upon for STRUCTURES accessory to the dedicated use or use(s) of such OPEN LAND (i.e. barns, or other farm structures, parking to facilitate public access for passive recreation, informational kiosks, pedestrian walks and bike paths) so long as the conservation values of the OPEN LAND are not compromised beyond what is reasonably necessary to facilitate the allowed uses.
- c. Preferably any such area to be paved or built upon shall utilize permeable pavement and/or other means of retaining natural hydrology. Treated stormwater may be discharged into the protected OPEN LAND or land subject to a restrictive covenant.
- d. The following infrastructure may be located on the OPEN LAND as permitted or regulated by Title 5 or local Board of Health regulations, if serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning.
 1. rain gardens;
 2. constructed wetlands;
 3. any other decentralized stormwater management systems consistent with the Massachusetts Stormwater Handbook, as amended, that serve the AAN.
- e. The following infrastructure may be counted toward the OPEN LAND requirement as permitted or regulated by DEP, Title 5 or local Board of Health regulations, provided that such infrastructure is located on a parcel owned by the HOMEOWNERS ASSOCIATION serving the AAN, and if such use, in the opinion of the Planning Board, enhances the specific purpose of the AAN to promote better overall site planning:
 1. common subsurface leaching fields and other underground components of wastewater systems, provided the Planning Board finds such infrastructure is designed and located to enhance the shared outdoor community spaces required in Section 5.4.8.3.
 2. public water supply wells;

5.4.13.9 Easements for infrastructure outlined in Section 5.4.13.8(d) of the Zoning Bylaw shall be no larger than reasonably necessary. To the extent feasible, infrastructure referenced in Section 5.4.13.8 of the Zoning Bylaw shall be located to minimize any

effect on the PRIMARY and SECONDARY CONSERVATION RESOURCES of the site.

- 5.4.13.10 The OPEN LAND may be used as the land subject to a restriction for the purpose of an aggregate calculation under Title 5 of the Sanitary Code.
- 5.4.13.11 Monumentation - Monumentation shall clearly delineate the interior and exterior boundaries of the protected OPEN LAND in manner that facilitates monitoring and enforcement.
- 5.4.13.12 Subdivision - Neither further division of the protected OPEN LAND into LOTs nor the use of the protected OPEN LAND toward any further building requirements on this or any other LOT is permitted;
- 5.4.13.13 Maintenance - The Planning Board shall require, in accordance with the ACTIVE ADULT NEIGHBORHOOD Rules and Regulations, the submission of an operations and maintenance plan for the OPEN LAND in the event the OPEN LAND is owned by a HOMEOWNERS ASSOCIATION, and may require an operations and maintenance for the OPEN LAND in the event the OPEN LAND is owned by the Town of Stow, a non-profit organization or agency of the Commonwealth. Such operations and maintenance plan is intended to ensure that stormwater facilities and utilities are properly maintained and the OPEN LAND is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials inconsistent with intended uses of the OPEN LAND as stated in Section 5.4.13.8 (Allowable Use of the OPEN LAND) of this Bylaw and/or as stated in the language of an applicable conservation or agricultural deed restriction.
- 5.4.13.14 Conveyance - At the time of its conveyance the Open Land shall be free of all encumbrances, mortgages, liens or other claims, except as to easements, restrictions and encumbrances required or permitted by this Bylaw.
- 5.4.14 The Planning Board, in granting a Special Permit for an AAN, may impose reasonable conditions to protect the environment, and the health, safety and welfare of the neighborhood, of residents in the proposed development, and of the general public. Such conditions may include, but shall not necessarily be limited to, requirements for the tertiary treatment of wastewater effluent, the location of wastewater effluent disposal, and necessary limitations on the total number of DWELLING UNITS to prevent negative impacts on the groundwater and other existing or potential water resources.
- 5.4.15 Performance Guarantee - Before the issuance of any building permits for the AAN, the petitioner shall agree to complete the required improvements specified in the decision, such construction and installation to be secured in accordance with performance guarantee requirements of the Town of Stow Rules and Regulations Governing the Subdivision of Land to the extent applicable and/or the regulations adopted pursuant to the ACTIVE ADULT NEIGHBORHOOD Overlay District Bylaw for this purpose. Exceptions to the Regulations that may be adopted pursuant to this bylaw may be authorized by the Planning Board in granting a Special Permit hereunder, provided the Board determines such exceptions are in the public interest and are consistent with the purposes of Section 5.4 of the Bylaw.

- 5.4.16 Revisions and Amendments of an AAN Special Permit - Any change which, in the sole opinion of the Planning Board, would alter the character of an AAN, including, but not limited to, an increase in number of total DWELLING UNITS within the AAN, an increase in the number of parking spaces, a decrease or cessation of any recreation amenities or similar use, structural change or alteration, shall require an amendment of the Special Permit or the filing of an application for a new Special Permit, as the Planning Board may determine.
- 5.4.17 Planning Board Action - In evaluating the proposed AAN, the Planning Board shall consider the general objectives of this Bylaw and of AAN's in particular: the existing and probable future development of surrounding areas, the appropriateness of the proposed layout, the configuration, and use of the OPEN LAND in relation to the characteristics of the tract of land in question. The Planning Board may grant a Special Permit for an AAN if it finds that the AAN meets the purposes of this Bylaw as set forth herein:
- A. Meets the intended purposes of this Bylaw as set forth herein;
 - B. Diversifies the housing inventory of Stow;
 - C. Meets the Site and Architectural standards outlined in Section 5.4.11 of this Bylaw;
 - D. Provides various opportunities for communal interaction and connection among residents;
 - E. Protects and enhances the rural character and environment of Stow;
 - F. Provides OPEN LAND which is of a size, shape and location and has adequate access so as to benefit the town and the residents of the AAN;
 - G. Is appropriate to the natural terrain of the tract of land to be developed;
 - H. Provides for the convenience and safety of vehicular and pedestrian movement in the development in a manner that is compatible with the narrow, tree-lined country roads of Stow;
 - I. The application set forth a specific plan for maintenance of all common facilities including but not limited to waste disposal and drainage facilities, roadways and other improvements to be constructed in an AAN;
 - J. will result in the creation of DWELLING UNITS that count toward the Town's Subsidized Housing Inventory requirements as established by MGL Ch. 40B s. 20-23;
 - K. Includes some combination of energy efficiency methods and/or upgrades consistent with the emissions reductions goals expressed in MA Bill S.9 "*An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy*," for example, incorporation of bike and pedestrian infrastructure, site planning that enhances passive solar gains, enhanced insulation of BUILDINGS, vehicle charging stations and station compatibility and/or electric heat and hot water systems.
 - L. Complies with all other legal requirements for a Special Permit and the Zoning Bylaw, including those for an AAN; and
 - M. Is consistent with the Stow Master Plan or succeeding plan, as amended.
- 5.4.18 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Town's consulting engineer, and other Boards, Departments and experts, in making said findings.

- 5.4.19 The Planning Board may require changes to the “AAN Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.
- 5.4.20 The provisions of this Bylaw are severable from each other, and the invalidity of any provisions or Section shall not invalidate any other provision or Section thereof.
- 5.4.21 ACTIVE ADULT NEIGHBORHOODS constructed under a Special Permit issued in accordance with this Section are exempt from Section 8.6, Phasing of Growth.

D) Amend Section 8.9 (Inclusionary Housing) by amending Section(s) 8.9.1, 8.9.2.1, 8.9.5.1, 8.9.5.2 and 8.9.6.2 to read in their entirety as stated below:

- 8.9.1 Purpose and Intent - The purpose of this Bylaw is to increase the supply of housing in the Town of Stow that is available to and affordable by low income or moderate income households who might otherwise have difficulty in finding homes in Stow, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Law Chapter 40B and its implementing regulations, Stow Comprehensive Permit Policy, the Stow Master Plan, and other ongoing programs within the Town of Stow. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward Stow’s requirements under Massachusetts General Law Chapter 40B, Sections 20-23, as amended. Through multi-family units, developers will be able to increase the number of DWELLING UNITS within a development versus conventional developments. The increased number of DWELLING UNITS is intended to offset the reduced revenue from the affordable homes. In those cases where the Inclusion of Affordable Housing may conflict or be inconsistent with Section 8.5, Planned Conservation Development (PCD), Section 5.4 ACTIVE ADULT NEIGHBORHOOD, or other sections of the Town of Stow Zoning Bylaw, except as otherwise expressly provided herein, the provisions of Inclusion of Affordable Housing shall be controlling.
- 8.9.2.1 Beginning with the effective date of this Bylaw, any development or division of land, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:
 - A. At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
 - B. At least 15% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS within the ACTIVE ADULT NEIGHBORHOOD Overlay District.
 - C. The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
 - D. Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the

Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.

8.9.5.1 Allowed types of AFFORDABLE DWELLING UNITS:

- A. Single-family DWELLINGS;
- B. Single-family DWELLINGS with ACCESSORY APARTMENTS;
- C. MULTI-FAMILY DWELLINGS, which are designed to be consistent in architectural character with the single-family DWELLINGS in the same development. Such MULTI-FAMILY DWELLINGS may be allowed provided:
 - i. in terms of exterior appearance, the BUILDING is compatible in design and, to the extent practicable, indistinguishable from the single-family DWELLINGS in the same development; and
 - ii. there shall be no more than four (4) DWELLING UNITS in any residential BUILDING, except as modified in accordance with Section 5.4.4.4; and
 - iii. the total number of MULTI-FAMILY DWELLINGS shall not exceed 10% of the lots in the development; and
 - iv. the overall length of any residential BUILDING shall not exceed 100 feet.
- C. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

8.9.5.1.1 Allowed types of AFFORDABLE DWELLING UNITS in the ACTIVE ADULT NEIGHBORHOOD Overlay District :

- A. Single-family DWELLINGS;
- B. COTTAGE DWELLINGS;
- C. TOWNHOMES
- D. MULTI-FAMILY DWELLINGS, which are designed to define and accentuate the appearance of each individual unit through the use of varied textures, materials and setbacks from the BUILDING's primary vantage point

8.9.5.2 Siting of AFFORDABLE DWELLING UNITS. All AFFORDABLE DWELLING UNITS that

are constructed on-site under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Site Plan shall identify those lots selected for AFFORDABLE DWELLING UNITS.

8.9.5.2.1 AFFORDABLE DWELLING UNITS provided in connection with an ACTIVE ADULT NEIGHBORHOOD shall be constructed on the locus of the ACTIVE ADULT NEIGHBORHOOD, in conformance with Section 5.4.9.3 and shall not be subject to the provisions 8.9.4(B) allowing for construction on a non-contiguous locus.

8.9.6.2 The Planning Board may not accept a fee-in-lieu of affordable unit construction within the ACTIVE ADULT NEIGHBORHOOD Overlay District. Within the AAN, the required number of units shall be constructed in accordance with Section 8.9.4 of the Zoning Bylaw.

The Finance Committee will make a recommendation for this article at Town Meeting. Passage of this article does NOT increase expenditures.

This proposed update to the Active Adult Neighborhood Overlay District is intended to provide a diversity of housing specifically designed and targeted to older adult residents who wish to downsize from the traditional single-family home and age-in-place in a communal setting. The Bylaw has been updated to remove the age-restriction and better balance Stow's housing goals with expanded open space conservation, as well as architecture and site design standards that create opportunities for social interaction.

The Town of Stow is currently faced with a surge in housing demand. This update will allow the Town to steer that development pressure toward outcomes that align with the Town's goals, rather than push builders toward less compatible development options, including currently allowed uses in the underlying industrial and commercial districts.

This Active Adult Neighborhood Overlay District update removes the current age-restriction and instead utilizes a series of design principles to create homes for older adults looking to downsize. Over the past year, the Planning Board has studied "age-targeted" developments and finds that even slightly more diverse neighborhoods are in higher demand than the typical age-restricted products common throughout the region. Lastly, by removing the age-restriction, the Town aligns with state regulations prohibiting the exclusion of children in the required affordable units, allowing the Town to advance toward the state minimum requirement of affordable homes in Stow through an increased affordability requirement in the district.

ARTICLE 57. PFAS (Per and Polyfluoroalkyl Substances) Remediation Expenses

To see if the Town will vote to borrow the sum of One Hundred and Seventy-Five Thousand Dollars (\$175,000) or any other sum for the purpose of hiring a Licensed Site Professional (LSP) to provide environmental due diligence, Massachusetts Contingency Plan (MCP) and other LSP related services necessary to address the release of per- and polyfluoroalkyl substances (PFAS) that has been detected in several public and private supply wells in Stow, including any relevant professional and administrative support services; and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor; or take any other action relative thereto.

(Town Administrator)

The Finance Committee recommends approval of this article. Passage of this article increases expenditures.

This is a continuation of the PFAS project, to remediate the contamination from the former Fire Station.

And you are directed to serve this warrant by posting copies attested by you calling same at the Town Building and at each of at least seven (7) other public places at least seven (7) days before the time of holding said meeting.

Hereof, fail not and make due return of the warrant with your doings thereon to the Town Clerk or Selectmen on or before the time of said meeting.

Given under our hands this 27th day of April in the year 2021.

BOARD OF SELECTMEN

Thomas E. Ryan III, Chair
Cortni Frecha, Clerk
Megan Birch-McMichael
James H. Salvie
Ellen Sturgis

CONSENT CALENDAR PROCEDURES

Each year there are a number of warrant articles, for which past experience suggests that the **action will be routine, non-controversial and predictable**. Again at this annual meeting, these articles have been selected for inclusion in the Consent Calendar. The use of the Consent Calendar speeds the passage of warrant articles which the Selectmen and Moderator, in consultation with Town Counsel and the Finance Committee, believe should generate no controversy and can be properly voted without debate.

The consent calendar will be taken up as one of the first orders of business at the Annual Town Meeting.

There will be a motion to take all of the Consent Calendar articles identified in the warrant and **act upon these as a group by a single brief affirmative main motion**, referred to as the Consent Calendar, which will also contain separate and specific motions for each such article included in the Consent Calendar. The language and the amount of money specified in the Consent Calendar articles as printed in the warrant are subject to change. The motion made at Town Meeting will include any changes.

At the motion of the Consent Calendar, the Moderator will call out the number of each of the articles, one by one. If any voter has doubt about passing any motion or wishes an explanation of any article included in the Consent Calendar, the voter should say the word **“Hold”** in a loud voice when the article number is called by the Moderator.

The Moderator will then inquire as to whether the request to hold is for a question or for debate. If the purpose of the request is merely to ask a question, an attempt to obtain a satisfactory answer will be made, and if this occurs the article will remain on the Consent Calendar. If the purpose of the request is to hold the article for debate, the article will be dropped from the Consent Calendar and restored to its original place in the warrant, to be brought up, debated, and voted on in the usual way. It is hoped that voters will remove articles from the Consent Calendar only in cases of genuine concern.

After calling the individual articles on the Consent Calendar, the Moderator will ask that all articles remaining be **passed as a unit** by a unanimous vote after a brief affirmative main motion is made inclusive of all articles remaining on the Consent Calendar.

Before Town Meeting, please review the Consent Calendar articles. The articles begin after Article 5 and are marked **“(CONSENT CALENDAR)”** in the upper right-hand corner of the article. Please do your homework before coming to Town Meeting. If you have any questions about the articles included in the Consent Calendar, motion or procedures, please feel free to call the Town Administrator (978-897-2927) **before Town Meeting**.

CONSENT CALENDAR MOTION

Move that the Annual Town Meeting take action on Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 as printed in the warrant, without debate on any such articles, and provided that upon the request of any voter at this meeting made before the vote is taken on this motion, an article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course and order of business at this Town Meeting.

APPENDIX A – Annual Report of Revolving Funds

Recreation – pursuant to M.G.L. Ch. 44, §53D

FY21 Beginning Balance: \$6,152.73
Revenue through March 31, 2021: \$ 48,585.33
Expenses through March 31, 2021: \$ 29,644.80
Balance as of March 31, 2021: \$ 25,093.26

Inspection Fees – pursuant to M.G.L. Ch. 44, §53E-1/2

GAS

FY21 Beginning Balance: \$13,573.41
Revenue through March 31, 2021: \$ 3,865.50
Expenses through March 31, 2021: \$ 4,131.00
Balance as of March 31, 2021: \$ 13,307.91

PLUMBING

FY21 Beginning Balance: \$23,084.24
Revenue through March 31, 2021: \$ 7,110.00
Expenses through March 31, 2021: \$ 6,795.00
Balance as of March 31, 2021: \$ 23,399.24

WIRING

FY21 Beginning Balance: \$32,367.10
Revenue through March 31, 2021: \$ 14,085.00
Expenses through March 31, 2021: \$ 10,755.00
Balance as of March 31, 2021: \$ 35,697.10

WEIGHTS AND MEASURES

FY21 Beginning Balance: \$99.00
Revenue through March 31, 2021: \$ 0.00
Expenses through March 31, 2021: \$ 0.00
Balance as of March 31, 2021: \$ 99.00

Advanced Life Support Services – pursuant to M.G.L. Ch. 44, §53E-1/2

FY21 Beginning Balance: \$425.00
Revenue through March 31, 2021: \$ 2,761.00
Expenses through March 31, 2021: \$ 3186.00
Balance as of March 31, 2021: \$ 0.00

APPENDIX B – Map of Great Road Land Donation (Article 50)

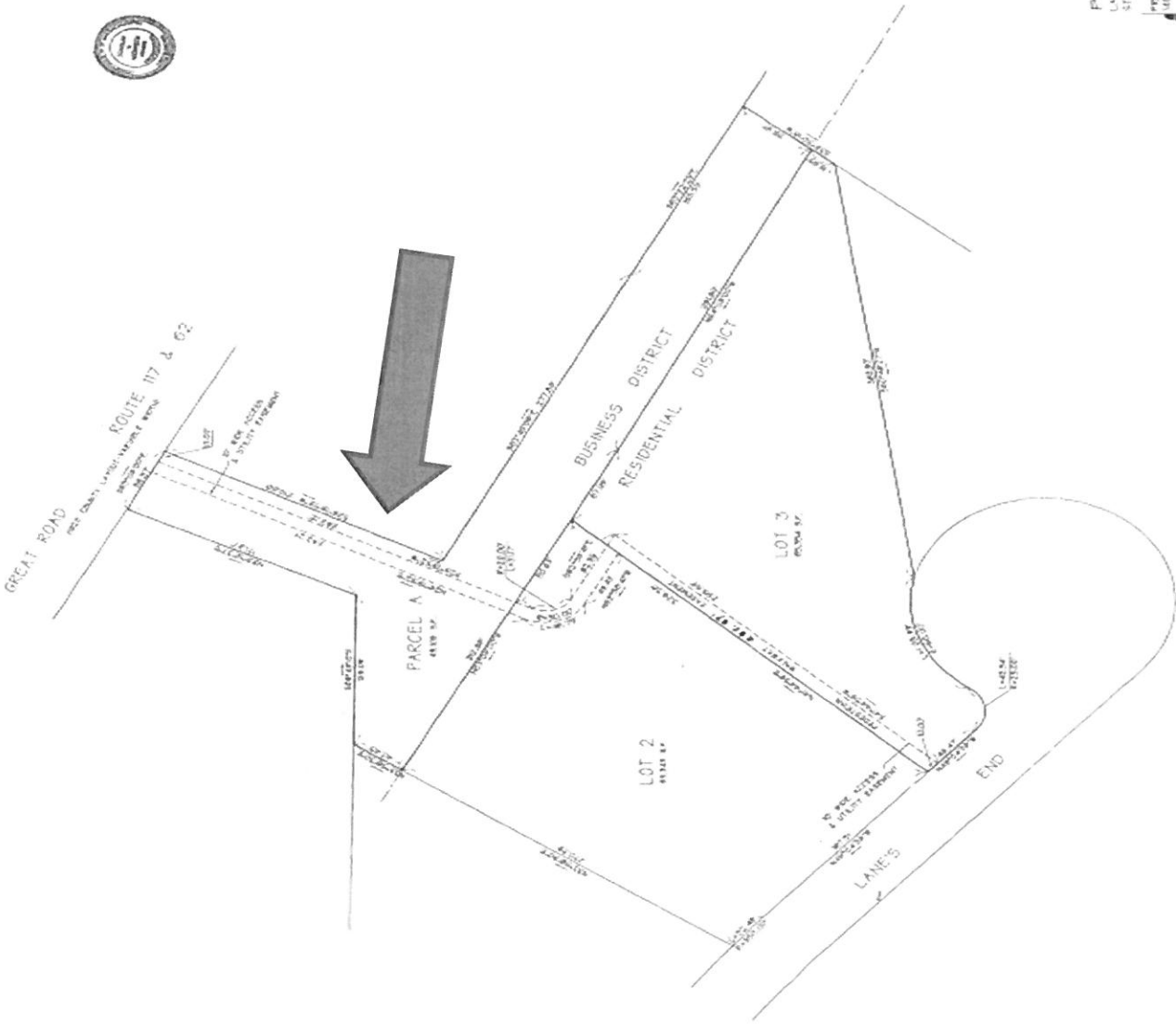
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRY OF PROFESSIONAL LAND SURVEYORS IN MASSACHUSETTS.

David L. ...
 PROFESSIONAL LAND SURVEYOR
 01/16/14

I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN WERE MEASURED AND PLANNED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THE LINES OF THE PROPERTY ARE ACCURATE AND TRUE TO THE RECORDS OF THE MASSACHUSETTS DEPARTMENT OF REVENUE AND TAXATION.

David L. ...
 PROFESSIONAL LAND SURVEYOR
 01/16/14

NOTE: THE LINES AND AREA SHOWN ON THIS PLAN WERE MEASURED AND PLANNED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THE LINES OF THE PROPERTY ARE ACCURATE AND TRUE TO THE RECORDS OF THE MASSACHUSETTS DEPARTMENT OF REVENUE AND TAXATION.



PLAN OF EASEMENT
 LANE'S DR
 STON, MASSACHUSETTS

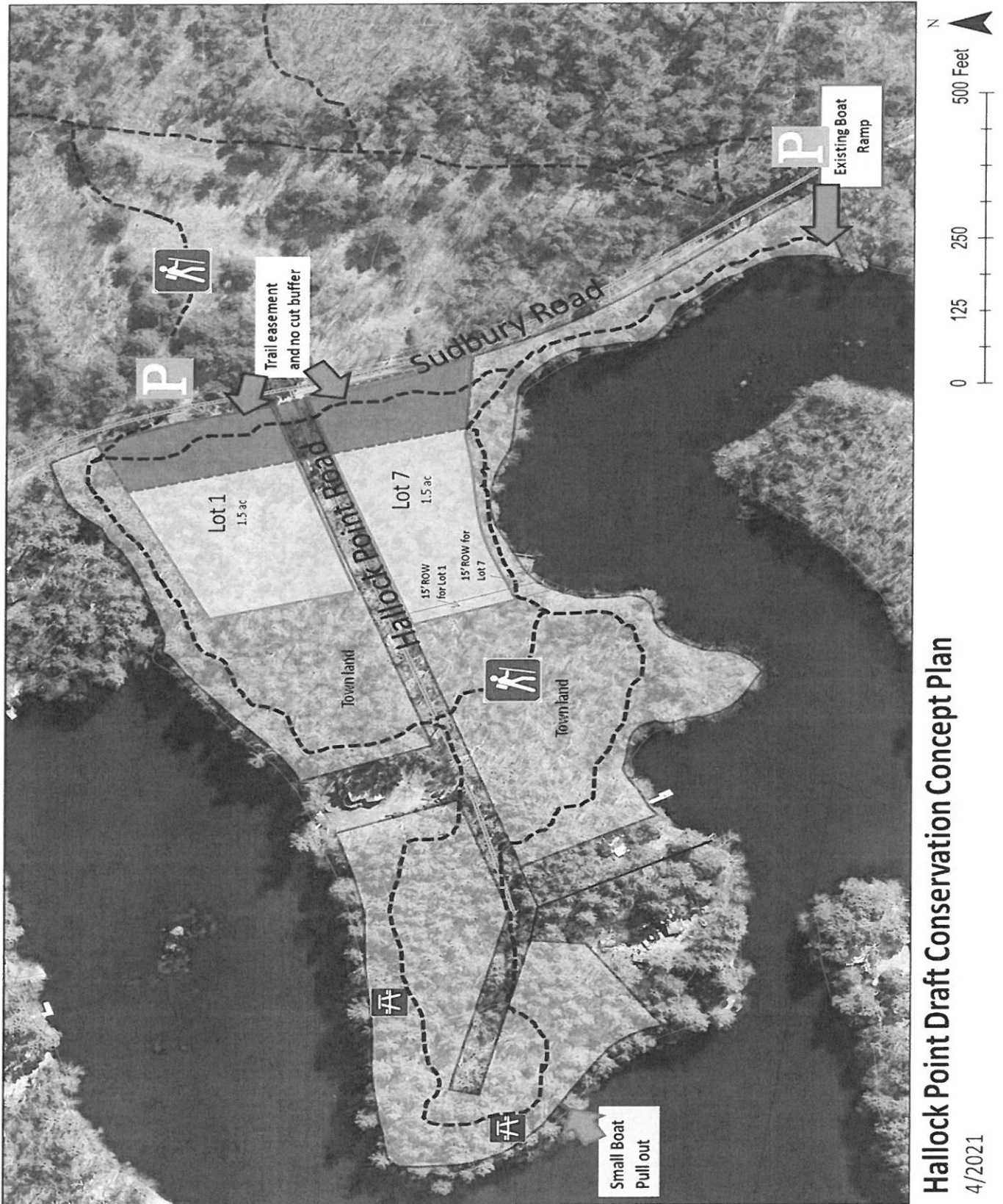
PREPARED FOR: BRITTON, INC.
 100 PARK STREET, NORTH READING, MA 01864

SCALE: 1" = 40' FEET DATE: OCTOBER 20, 2013
 ACTION SURVEY & ENGINEERING, INC.
 100 PARK STREET, NORTH READING, MA 01864

Middlesex Property of Deeds
 Southern District
 Cambridge, Massachusetts
 Plan No. 22,213 of 20,019
 Book 22-3 22-3
 at 450 Comm Ave No. 22-3
 Boston, MA
 Date: 10/20/13
 Page: 1
David L. ...
 Registrar

THE RECEIPT OF THIS USE ONLY

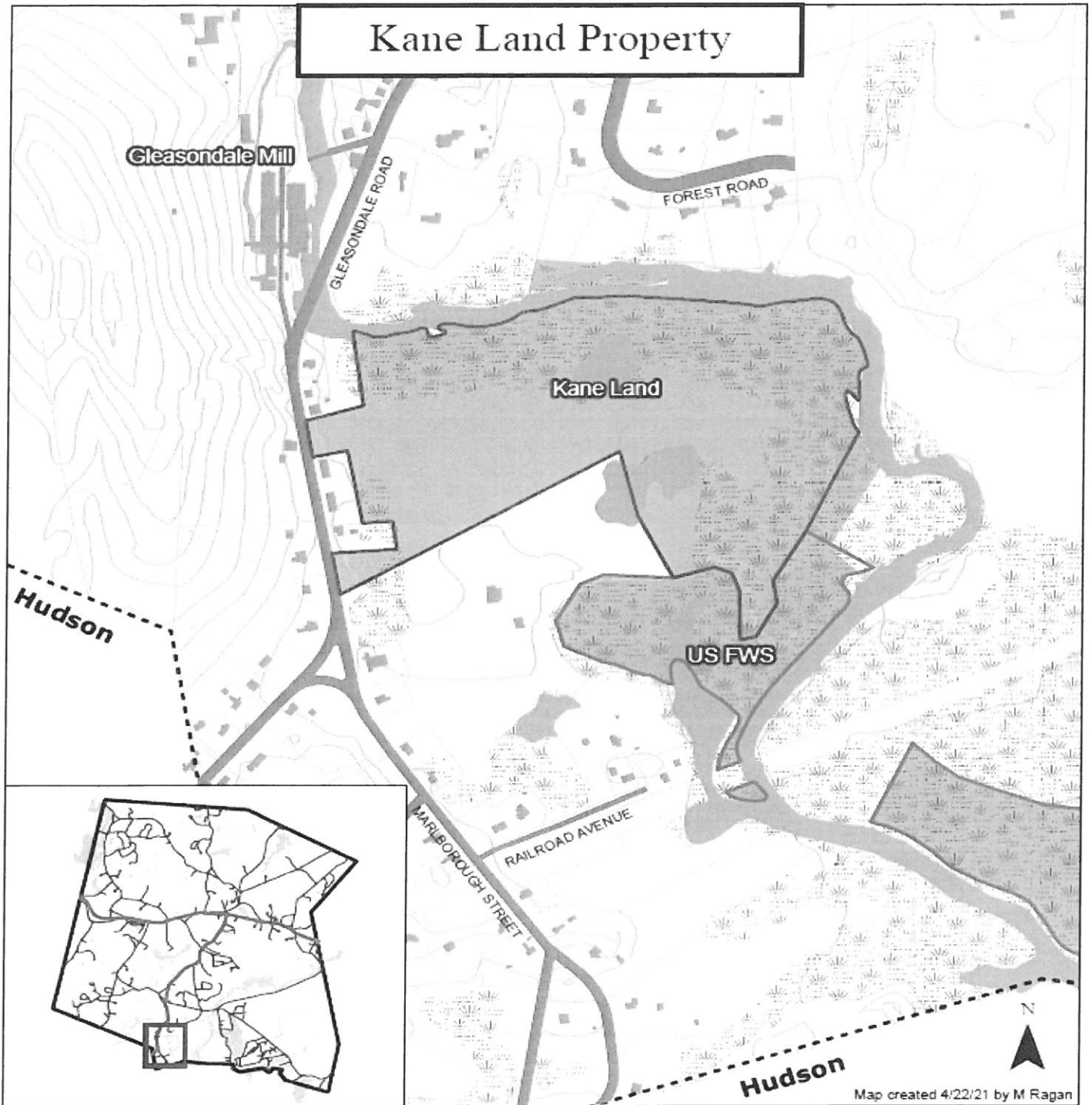
APPENDIX C – Hallock Point Concept Plan (Article 51)



Hallock Point Draft Conservation Concept Plan

4/2021

APPENDIX D - Map of Kane Lane (Article 53)



Town of Stow
 Planning Department
 380 Great Road
 Stow, MA 01775

- Wetlands
- Federal Open Space
- Town of Stow Not protected

0 250 500 750 1,000 Feet

Data Source: Town of Stow, MassGIS
 Coordinate System: NAD1983 MA StatePlane
 Projection: Lambert Conformal Conic

APPENDIX E - Definitions of Commonly Used Terms at Town Meeting

Appropriation – An authorization by the Town Meeting to make expenditures and incur liabilities for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Assessed Valuation – A valuation set upon real estate or other property by the Assessors as a basis for levying taxes.

Bond – A written promise to pay a specified sum of money by a fixed date, and carrying with it interest payments at a fixed rate, paid periodically. A **Note** is similar, but issued for a shorter period.

Debt and Interest – The amount of money necessary annually to pay the interest and the principal on the Town's outstanding debt. Also known as "Debt Service."

Fiscal Year – The budget period used by the Town running from July 1 of one year to June 30 of the next year. At the end of this period, the Town closes its books in order to determine its financial condition and the results of its operation.

Free Cash (Available Funds) – The amount of money left after all prior years' uncollected taxes have been deducted from surplus revenue. This amount may be used as available funds by vote of the Town Meeting.

Overlay – The amount, up to 5% of the tax levy, raised by the Assessors in excess of appropriations and other charges to cover abatements and exemptions.

Overlay Reserve – Unused amount of the overlay for previous years, which the Town may transfer to Surplus Revenue after all abatements for such fiscal year are settled.

Reserve Fund – A fund voted by the Annual Town Meeting and controlled by the Finance Committee for extraordinary and unforeseen expenditures incurred by Town departments during the year.

Stabilization Fund – Special Reserve Fund that can be used by a 2/3 vote of the Town Meeting.

Surplus Revenue – The amount by which cash, accounts receivable and other assets exceed the liabilities and reserves. Used in calculating free cash.

Transfer – The movement of funds from one account to another. Transfers between accounts (other than the Reserve Fund) can be made only by vote of the Town Meeting, unless it is the last two months of the fiscal year.

Unexpended Balance – That portion of an appropriation or account not yet expended. Any such balances left at the end of the fiscal year are generally used as Surplus Revenue in calculating Free Cash.

APPENDIX F - Table of Motions

Reprinted from **Town Meeting Time**, by Johnson, Trustman and Wadsworth.
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Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to fix time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	Yes	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
INCIDENTAL MOTIONS							
*	Point of order	No	No	No	None	No	Yes
*	Appeal	Yes	Yes	No	Majority	Yes	No
*	Division of a question	Yes	Yes	Yes	Majority	No	No
*	Separate consideration	Yes	Yes	Yes	Majority	No	No
*	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
*	Nominations to committees	No	No	No	Plur.	No	No
*	Withdraw or modify a motion	No	No	No	Majority	No	No
*	Suspension of rules	Yes	No	No	2/3***	No	No
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Var.	Yes	No
**	Reconsider or rescind	Yes	**	No	Majority	No	No
None	Take from the table	Yes	No	No	Majority	No	No
None	Advance an article	Yes	Yes	Yes	Majority	Yes	No

* Same rank as motion out of which they arise.

** Same rank and debatable to same extent as motion being reconsidered.

*** Unanimous if rule protects minorities; out of order if rule protects absentees.

Town of Stow

Volunteer Openings and Committee Vacancies

*Stow Town Building, 380 Great Road
Stow, Massachusetts 01775
(978) 897-4515*

Interested individuals should send a letter of interest and/or resume to the Board of Selectmen's Office via email to selectmen@stow-ma.gov

Current Board & Committee Openings – Volunteer

- Agricultural Commission
- Capital Planning Committee

- Charter Review Committee (five members)
- Council on Aging

- Historical Commission
- Open Space Committee

- Springfest Organizing Committee
- Traffic Safety Advisory Committee
- Zoning Board of Appeals

For more information, please visit our website at www.stow-ma.gov and click Board & Committee Vacancies on the left.

**TOWN OF STOW
MASSACHUSETTS
2020-2021**

BOARD OF SELECTMEN

Thomas E. Ryan III, Chair
Cortni Frecha, Clerk
Megan Birch Mc-Michael
James H. Salvie
Ellen Sturgis

TOWN ADMINISTRATOR

Denise M. Dembkoski

FINANCE COMMITTEE

Erica Benedick
Christopher Buck
Zack Burns
Brian Patuto
Atli Thorarensen

Board & Committee Appointment Process

townadministrator

From: thomasryan
Sent: Thursday, April 29, 2021 8:39 PM
To: townadministrator
Cc: cortni.frecha
Subject: May 11 BOS Meeting

Hi Denise,

Hope you had a GREAT vacation and are all rested for TM.

As mentioned I will be out of town from May 1-8 with limited phone or email. If for some reason you need to get ahold of me the best way is my personal email: dtryan1@aol.com You can discuss the agenda for the May 11 meeting with Cortni in my absence.

A few things for the May 11 agenda:

1) Please include a discussion/vote item relating to the process for appointing members to Boards and Committees by the BOS.

Past practice has been to have people that have expressed interest attend a few meetings and speak to the existing membership prior to appointment as well ask the members of the Boards or Committees for a recommendation on the candidates. I think this practice should continue.

Your recommendation is a valued addition to the process.

2) Given #1 above please refrain from putting any appointments to any Committees on the May 11 agenda unless they have at least attended a meeting **and** spoken to the Committee of their interest and understand what the Committee does. It would be preferable to also have a recommendation (for or against) from such Committee prior to appointment along with your recommendation.

Talk to you on May 10.

Regards,

Tom Ryan

Permit for
Recreation Department
Boating Program



Town of Stow
RECREATION COMMISSION
380 Great Road
Stow, Massachusetts 01775-112
(978) 461-1411
FAX (978) 897-4534

March 29, 2021

Kris Krablin
LBC Chairman
Town of Stow
380 Great Road
Stow, MA 01775

Dear Kris,

I'm writing a letter requesting what I would like to do at Pine Bluff Beach Area relating to our boating program.

1. Continue our Camp Stow boating program, which includes kayaking and canoeing.
2. Continue our boat rental program that currently runs when Camp Stow is not using the boats and the beach is open. This would include renting kayaks and canoes and paddle boards.

We currently have 5 canoes and 6 kayaks. With the growth of our summer camp program, I would like the LBC to consider the following.

1. Allow the Recreation Department to purchase and use 2 stand up paddle boards. These would be used during our camp program and for rent when not in use by our Lifeguards or camp program.

The Stow Recreation Commission would again like to thank you for taking the time to consider our request. Please don't hesitate to contact me if you have any questions.

Regards,

Laura Greenough
Recreation Director

Joyce Sampson

From: kris krablin <kriskrablin@gmail.com>
Sent: Monday, April 26, 2021 8:47 PM
To: selectmen; recreation
Cc: Dan Barstow; Conray Wharff
Subject: LBC Support of 2021 Recreation Dept Boat Rentals

At the 4/26/2021 Public Meeting of the LBC, the commission unanimously approved Laura Greenough's (Recreation Director) request to allow the Stow Recreation Department to rent boats to the public from the Pine Bluff Beach area for the 2021 season.

Please advise if there are any questions related to this approval.

Kris Krablin
Lake Boon Commission, Chairperson

Town of Stow, Massachusetts

This is to certify that: Stow Recreation Department

is hereby granted an Annual Commercial Use Permit bestowing permission to use watercraft for Camp Stow and to rent watercraft including, but not limited to, kayaks, canoes, paddle boards and stand-up paddle boards on the premises of the Pine Bluff Recreation Area on Lake Boon, consistent with documents submitted by the Recreation Commission dated March 29, 2021, and the Lake Boon Commission dated April 26, 2021, effective immediately.

This permit is granted in conformity with the Boating Regulations of the Lake Boon Commission, issued by the Board of Selectmen and expires on:

Friday, December 31, 2021

Thomas Ryan, Chair

Cortni Frecha, Clerk

Megan Birch-McMichael

James. H. Salvie

Ellen Sturgis

May 11, 2021

MINUTES

**Board of Selectmen Meeting Minutes
Tuesday, April 27, 2021
Stow Town Building & Via Zoom**

Attending in the Warren Room in the Stow Town Building: Chair Thomas Ryan, Megan Birch-McMichael, Cortni Frecha, James Salvie, and Ellen Sturgis, Executive Assistant Joyce Sampson.

Absent: Town Administrator Denise Dembkoski.

Chairman Ryan called the meeting to order at 7:00 p.m.

Public Input: None.

Chairman's Comments: Get your vote-by-mail ballots in; Town Election is May 8, 2021. The State reports that at least 55% of people in Stow have received their first vaccination. He encourages people to go get vaccinated; as a reminder, we are part of the regional clinic at the Marlborough Hospital. Wear your mask and stay healthy!

Appointments

Chief Sallese explained the hiring process. He received 42 applications. There were two copies of the cover letter and resume, and the copy with no personal information was sent to the Hiring Advisory Board. There were 14 academy trained individuals and 28 non-academy trained. The Advisory Board offered 11 interviews, 4 academy trained and 7 non-academy trained, and then submitted 6 names to Chief Sallese and TA Denise Dembkoski. They interviewed 4 of the candidates.

Brandon Murphy – Full-Time Police Patrol Officer

Selectmen Salvie moved to appoint Brandon Murphy to the position of full-time Patrol Officer for the Stow Police Department, for a one-year probationary period from the effective date of hire, pending final approval by the Town Administrator that the prerequisite physical and mental health exams have been satisfactorily completed. Additionally, Mr. Murphy's official start date as a Patrol Officer will be dependent upon hiring a Dispatch replacement and his status at a bridge or full-time academy. Selectwoman Frecha seconded, and the motion was approved unanimously (5-0).

Jacob Champoux - Full-Time Police Patrol Officer

Selectman Salvie moved to appoint Jacob Champoux to the position of full-time Patrol Officer for the Stow Police Department, for a one-year probationary period from the effective date of hire, pending final approval by the Town Administrator that the prerequisite physical and mental health exams have been satisfactorily completed. Selectwoman Frecha seconded, and the motion was approved unanimously (5-0).

7:30 PM Public Hearing – Chapter 61 Right of First Refusal – Hallock Point

Chairman Ryan read the Public Hearing Notice into the record (attached).

Selectman Salvie moved to convene a Public Hearing on Chapter 61A Right of First Refusal for property at Hallock Point Road. Selectwoman Frecha seconded, and the motion was approved unanimously by roll call vote: Selectwoman Birch-McMichael-aye; Selectman Salvie-aye; Selectwoman Frecha-aye; Selectwoman Sturgis-aye; and Chairman Ryan-aye.

Conservation Director Kathy Sferra, Dan Barstow from the Lake Boon Commission and Dave Gray from the Lake Boon Association were present via Zoom.

Ms. Sferra provided an overview of Hallock Point, which is a peninsula of land between the third and fourth basins of Lake Boon. The parcel is approximately 12 acres, which if not acquired by the Town is proposed for subdivision into 7 single-family house lots and an 8th lot which would be open space. The plan is for the Conservation Commission to acquire the property for open space and passive recreation.

There is a proposed financial plan for the Town to purchase the parcel. The project has 3 elements: a request for \$400,000 in Community Preservation funds, to raise at least \$500,00 through the sale of 2 reconfigured lots on Sudbury Road, and raise approximately \$168,00 in private funds (\$132,00 raised to date). The total Hallock Point budget of \$1,020,000 includes survey, due diligence, and legal.

The next step is the vote of the Selectmen tonight to exercise the Right of First Refusal contingent on a vote at Town Meeting on May 22, 2021.

Dan Barstow stated that the Lake Boon Commission (LBC) strongly supports Stow acquiring the Hallock Point property and its preservation for the health and safety of the lake and for public access and use. It supports the Healthy Lake Boon Initiative which is funded with a \$154,000 grant from the state.

David Gray of the Lake Boon Association (LBA) stated that it has been rewarding to see the support from the community in contributing to this cause. The interest is strong.

Selectwoman Sturgis asked about boat access; Ms. Sferra said the existing boat ramp is very close and they did not want to put in a parking lot there so the access is more for kayaks and canoes.

Bill Maxfield, Chair of the Open Space Committee, said the OSC met last night and urge the Selectmen to exercise the Right of First Refusal and endorse the warrant article for acquiring Hallock Point.

Joe Callandrelli (of O'Connor, Carnathan and Mack, LLC), attorney for the owners of 25 Hallock Point Road, said the owners support the purchase by the Town but believe they are the rightful owner of a very small, narrow strip of land that abuts their property and has their shed on it, but is included in the 12.6 acre parcel that is under consideration. The shed has been there for over 20 years and has also been used by prior owners. He submitted a letter to the Town and is open to discussion on this issue. Chairman Ryan stated that the letter has been received and there won't be any discussion of the letter tonight.

Bob Wilbur, President of the Stow Conservation Trust, and Vin Antil, Chairman of the Community Preservation Committee, both said their groups support this project.

Selectman Salvie, Selectwoman Birch-McMichael, Selectwoman Frecha, and Chairman Ryan are in favor of the project and putting it forward to Town Meeting.

Selectwoman Sturgis is in support of the Right of First Refusal but she is not in support of the project. The Open Space Report does not include this parcel; we ask people to prioritize the needs of the Town and use these lists to guide us. She does not feel that this is a priority for the Town.

Selectwoman Frecha said she was on the Conservation Commission when this project came through for the development and one of the challenges was that several of these house lots would be expensive lots with large homes and the owners would most likely want direct access to the lake, which would affect the 35-foot no-disturb buffer zone. She feels that developing it is not an asset to the Town.

Selectman Salvie moved to close the Public Hearing for the Chapter 61A property at Hallock Point Road. Selectwoman Frecha seconded, and the motion was approved unanimously by a roll call vote: Selectwoman Sturgis-aye, Selectwoman Frecha-aye, Selectman Salvie-aye, Selectwoman Birch-McMichael-aye, and Chairman Ryan-aye.

Selectman Salvie moved that the Board of Selectmen exercise its statutory right of first refusal pursuant to Chapter 61, Section 8 to purchase that land located off Sudbury Road, on Hallock Point Road, in the Town of Stow, Massachusetts, shown as Lots 1 through 7, Hallock Point Road and Parcel X, on a plan of land entitled "Definitive Plan 'Hallocks Point' Hallocks Point Road Stow, Massachusetts Prepared for Robert Dawes LLC," dated September 17, 2018, revised through July 30, 2019, prepared by Meisner Brem Corporation, recorded with the Middlesex South District Registry of Deeds as Plan 802 of 2019,

and being a portion of those premises described in a deed recorded with said Registry in Book 70590, Page 300, owned by Robert Dawes, LLC, and authorize the Chair of the Board of Selectmen to execute any and all documents necessary or convenient in connection with the acquisition of said property, including, but not limited to, a Notice of Exercise and Purchase and Sale Agreement, provided, however, this vote is contingent upon the approval of the purchase of this property at the 2021 Annual Town Meeting. Selectwoman Frecha seconded, and the motion was approved unanimously by a roll call vote: Selectwoman Sturgis-aye, Selectwoman Frecha-aye, Selectman Salvie-aye, Selectwoman Birch-McMichael-aye, and Chairman Ryan-aye.

Perambulation of Town Bounds Update

Selectwoman Sturgis presented her update, noting that MGL regulations require that towns look at their borders every 5 years. Stow is very attentive to this regulation. Our most consistent volunteer over the last 15 years is Greg Troxel. She thanked him for his dedication, and shared that Mr. Troxel wanted to thank Ross Perry. There are 12 corner boundary markers and 17-19 road bounds. To date, all the corner bounds have been visited, and there are 6 or 7 road bounds to be seen in the next few weeks.

There are 3 potential problem corners: one on the Hudson border has fallen into the river; one at the Delany project is in the middle of a field and is about 3 inches above the ground (is it realistic to replace it with a bigger monument?); and the most concerning issue is at the corner of Barton Road between Hudson and Stow; there is no marker. She suggested that Hudson be contacted to come up with a solution which would require a surveyor, an estimate of the cost to replace it, and a cost-sharing agreement. It would be a flat stone in the middle of the road.

Selectman Salvie moved that the Board direct the Town Administrator to contact the Hudson town government to begin conversations about re-delineating the Town Bound at the Barton Road boundary. Selectwoman Frecha seconded, and the motion was approved unanimously (5-0).

Review and Approve 2021 Town Meeting Warrant

The Selectmen discussed and corrected wording on page 51 of Article 55, to show “the penalty for the 4th and subsequent violations...” not “the 3rd and subsequent...”.

Selectman Salvie moved to accept the warrant for the May 22, 2021 Annual Town Meeting, dated April 27, 2021, pending legal edits by Town Counsel that may change the wording but not the intent of the articles. Selectwoman Frecha seconded, and the motion was approved unanimously (5-0).

Town Administrator’s Report (as read by Chairman Ryan)

- As previously mentioned, the Town has partnered with Marlborough Hospital to provide the COVID vaccine to our residents. Appointments are added daily, so anyone who wishes to make an appointment should visit our website or our Facebook page and follow the links to schedule an appointment.
- The Town is holding a rabies clinic on Thursday, May 6th from 6 p.m. to 8 p.m. at the Highway Yard, 88 South Acton Road. Please visit our website for further information.
- The Stow Recreation and Conservation Departments are soliciting applications from area artists to install a work of outdoor art at the Town Center Park arrival area just off Great Road in Stow’s Center at 323 Great Road. Applications are due June 1st with a winner being selected by July 1st with the installation/unveiling planned for the Fall. The artist of the selected art piece will be awarded a \$500 prize, made possible by a grant from the Stow Cultural Council. Visit our website for the application and for more information.

Meeting Minutes

April 13, 2021: *Selectman Salvie moved to approve the meeting minutes of April 13, 2021 as written. Selectwoman Frecha seconded the motion, and it was approved unanimously (5-0).*

April 13, 2021 Executive Session: *Selectman Salvie moved to approve and release the meeting minutes of the April 13, 2021 Executive Session as written. Selectwoman Frecha seconded the motion, and it was approved unanimously (5-0).*

July 28, 2020 Executive Session: *Selectman Salvie moved to approve, but not release, the meeting minutes of the July 28, 2020 Executive Session as written. Selectwoman Frecha seconded the motion, and it was approved unanimously (5-0).*

November 13, 2018 Executive Session: *Selectman Salvie moved to accept, but not release, the meeting minutes of the November 13, 2018 Executive Session as written. Selectwoman Frecha seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

July 10, 2018 Executive Session: *Selectman Salvie moved to accept and release the meeting minutes of the July 10, 2018 Executive Session as written. Selectwoman Frecha seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

April 10, 2018: *Selectman Salvie moved to accept the meeting minutes of April 10, 2018 as written. Selectwoman Frecha seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

Liaison Reports

- Selectwoman Birch-McMichael: no report
- Selectman Salvie: The Finance Committee held its Public Hearing for the Warrant last week. Stow TV's LACAC is entering contract negotiations and has a strategy session tomorrow night. There is the possibility of a new and exciting funding source for Track Road; more information to follow.
- Selectwoman Frecha: The Open Space Committee met last night and discussed Hallock Point and the Stow Acres project, which is advancing.
- Selectwoman Sturgis: As of May 15th, the DHCD (Dept of Housing & Community Development) will be encouraging a resident of affordable housing be on the Stow Housing Authority.
- Chairman Ryan: He just finished his 10-week course with the Stow Civilian Police Academy and he strongly suggests that his colleagues attend.

Correspondence: There is a petition from residents regarding the Gleasondale Mill. There is an invitation for the Memorial Day Ceremony at Brookside Cemetery on Monday, May 31, 2021.

Adjournment

At 8:38 p.m. Selectman Salvie moved to adjourn. Selectwoman Frecha seconded the motion, and it was passed unanimously (5-0).

Respectfully submitted,

Joyce Sampson

Executive Assistant

Documents used at this meeting:

Town Administrator memo

Hallock Point: Public Hearing Notice; Conservation Director memo

Additional documents can be found in the Selectmen's Office filed with meeting folder.



Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

Denise M. Dembko
Town Administrator

townadministrator@stow-ma.gov

April 27, 2021

Town Administrator's Report/Comments on agenda items

Appointments: I overwhelmingly support the appointment of the two new officers. These two appointees were the top selection of the Hiring Advisory Board, which included two residents, and the Chief and I concluded the same after our interviews.

I respectfully ask that you make these appointments pending final authorization by the Town Administrator. We cannot schedule mental or physical exams or background checks until they are formally appointed, but I would like some flexibility to be able to ratify the appointments once we obtain the results.

Their resumes are available in the office if any BOS member would like to review.

Brandon Murphy has been a full-time Dispatcher with the Stow Police Department since December 2016 and a Special Police Officer with our department since July 2017. He is very knowledgeable about the Town and departmental policies and protocols. Brandon holds a Bachelor's degree in Criminal Justice and has been through the Reserve Police Academy. He is well liked within the department and I think he will be a great addition to the full-time roster. Brandon mentioned that he would like to be a guardian for the community.

There has been talk of a bridge academy, to bring those with Reserve Academy training up to the full-time standards, and not require the full police academy. The hope would be that we can take that route to fully train Brandon, but if not, we will schedule him for the full-time academy once we have the results of his exam and have a replacement Dispatcher ready to go.

Jacob "Jake" Champoux graduated from the full-time police academy in March 2021. He currently works as a Corrections Officer for the Middlesex Sheriff's Office. Additionally, Jake is a Military Police Officer in the Army National Guard. A position he has held since 2013. He has one class left to complete his Associate's degree in Criminal Justice. While Jake's knowledge of Stow is limited, he has a very likable personality and was very open and honest during the interview process. I think he will fit in very well with the members of the department and the community.

Where Jake is fully academy trained, he will be ready to begin field training once the results of physical and background checks are completed.

Chapter 61 Right of First Refusal on Hallock Point:

By now, I expect you are all aware of the details surrounding Hallock Point, but if not, Kathy's memo does a great job articulating this project. I would encourage the Board to vote to exercise your right of First Refusal contingent upon a favorable vote at Town Meeting. As I believe that an article of this scale should be put forward to town meeting to have a broader discussion and vote.

Obtaining this property will follow recommendations in the Open Space and Recreation Plan, create and expand upon the walking trails on this property, as well as, maintain the appearance of Lake Boon and hold off on "mansions" of the area. Additionally, there are a number of conservation and wildlife benefits to keeping this area undeveloped.

In the ATM Article 51, Town Meeting will be asked to support the total budget of \$1,020,000 to acquire this property. The funding for that breaks down as follows:

- \$400,000 from the Community Preservation Committee
- ~\$150k from fundraising efforts
- ~\$500k from selling the 2 re-configured lots along Sudbury Road

Only \$400,000 is being appropriated from town funds (CPA) – but the full expenditure needs to be identified.

We currently have an RFP in the market for bids on the two lots, which will be sold as part of this plan. Proposals are due in before Town Meeting, and should there be an issue with the RFP or proposals, it will be discussed as part of the article discussion.

Review and Approve the 2021 Annual Town Meeting Warrant:

Please find the 2021 Annual Town Meeting Warrant. There have been some changes since I sent out the draft last week, but mostly in the verbiage. Some suggestions & requests were made over the last week (and Fin Com hearing) and I have incorporated a number of them into the warrant. As you will see, the majority of the articles are the same every year, just dates and dollar amounts change.

There are a handful of new articles and I have placed comments under the articles to give the Board and residents a better understanding of what the article is for. I hope this will provide some assistance to you all as you review the document.

I would ask that the Board vote to approve the warrant, pending any legal changes from town counsel. Then at the meeting on the 11th (and again on the 18th, if need be) we can discuss the articles at length and the Board can decide which articles you would like to make a recommendation on.

The Finance Committee will be meeting again next week to vote on their recommendations. Once I return from vacation, I will update their votes and incorporate any legal edits from counsel. If you vote on any changes or amendments, I will incorporate those, as well.

Town Administrator's Report:

As previously mentioned, the Town has partnered with Marlborough Hospital to provide the COVID vaccine to our residents. Appointments are added daily, so anyone who wishes to make an appointment should visit our website or our Facebook page and follow the links to schedule an appointment.

The Town is holding a rabies clinic on Thursday, May 6th from 6pm to 8pm at the Highway Yard, 88 South Acton Road. Please visit our website for further information.

The Stow Recreation and Conservation Departments are soliciting applications from area artists to install a work of outdoor art at the Town Center Park arrival area just off Great Road in Stow's Center at 323 Great Road. Applications are due June 1st, with a winner being selected by July 1st with the installation/unveiling planned for the Fall. The artist of the selected art piece will be awarded a \$500 prize, made possible by a grant from the Stow Cultural Council. Visit our website for the application and for more information.



Town of Stow Board of Selectmen

380 Great Road
Stow, Massachusetts 01775-0261
(978) 897-4514 FAX (978) 897-4534
email: selectmen@stow-ma.gov

STOW BOARD OF SELECTMEN NOTICE OF PUBLIC HEARING

Pursuant to MGL Chapter 61, Section 8, the Stow Board of Selectmen will hold a public hearing via Zoom web conferencing Tuesday April 27, 2021 at 7:30pm to consider exercise of the Town's Chapter 61 Right of First Refusal for 12.6 acres of land located at Sudbury Road and Hallock Point Road owned by Robert Dawes, LLC, and shown on the Stow Assessors' Maps as Map U6, Parcel 9B and 13A. Notice of withdrawal of this land from Chapter 61 was given to the Town of Stow on June 5, 2020, and the time period for the town's consideration of this matter has been extended during the State of Emergency by Chapter 53 of the Acts of 2020. Call-in instructions will be posted on the agenda and website.

STOW BOARD OF SELECTMEN
Thomas Ryan, Chair

Printed in the April 14, 2021 Stow Independent

Posted 4/8/2021

Please print the above legal notice in the April 14, 2021 edition of the Stow Independent and bill as indicated below:

Stow Board of Selectmen
380 Great Road
Stow, MA 01775
978-897-8615
selectmen@stow-ma.gov



Town of Stow Conservation Commission

380 Great Road
Stow, Massachusetts 01775
(978) 897-8615
FAX (978) 897-4534
conservation@stow-ma.gov

TO: Board of Selectmen
FROM: Kathy Sferra, Conservation Director, Stow Conservation Commission *KS*
RE: Hallock Point Exercise of Right of First Refusal
DATE: April 22, 2021

Background

On June 5, 2020, the Town received a Notice of Intent to Sell and Convert from Chapter 61 approximately 12.03 acres of land, made up of two parcels, off Sudbury Road and Hallock Point Road, owned by Robert Dawes, LLC. The notice included a Purchase and Sales Agreement between the seller and Kendall Homes, LLC for \$1 million. As outlined in the Selectmen's Chapter 61 Policy dated 11-14-08, various town departments and committees began the process of considering whether the town should exercise its statutory Right of First Refusal, match the buyer's offer, and acquire the property – and for what purpose to do so.

The timeframe for consideration of the town's right of first refusal has been extended by Chapter 53 of the Acts of 2020 during the Covid-19 State of Emergency. Section 9 of this legislation provides that... *"Notwithstanding section 8 of chapter 61 of the General Laws, section 14 of chapter 61A of the General Laws, section 9 of chapter 61B of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, all time periods within which any municipality is required to act, respond, effectuate or exercise an option to purchase shall be suspended."* Accordingly, the clock has not yet begun ticking on the Town's 120-day deadline.

Early on, interest in acquiring the property for conservation and passive recreational purposes was expressed by the Stow Conservation Commission, Stow Open Space Committee, Lake Boon Commission and Lake Boon Association. No other departments or committees expressed interest in the property. From the outset, the interested parties have sought to craft a plan to acquire this property in a fiscally responsible manner – which does not ask the town to pay the full \$1 million purchase price, and which leverages outside funds for the majority of the cost. Following several briefings for the Board of Selectmen, and meetings of the Community Preservation Committee and others, a financial plan was developed to acquire the property which has three key components. The three components – which total \$1,050,000 – are:

- Request for a maximum of \$400,000 in Community Preservation Funds;
- Private fundraising in the amount of \$150,000 by the Lake Boon Association (LBA) and the Stow Conservation Trust (SCT) (note that an additional \$18,000 is being raised as part of the same campaign for match for the Town's Healthy Lake Boon Municipal Vulnerability Preparedness Grant);

- Sale of 2 reconfigured single-family lots on Sudbury Road for a projected amount of \$500,000 (\$250K per lot).

The total project cost is an estimated \$1,020,000 – which includes the purchase price along with survey, title and legal costs. The Conservation Commission committed \$10k toward due diligence costs if needed.

Reasons for Acquisition

- The 2016 Stow Open Space and Recreation Plan recommends acquisition of key parcels along the shoreline of Lake Boon to enhance physical and visual access to the water. Hallock Point is the largest remaining undeveloped property on Lake Boon in Stow.
- The property is located in the shallow and wildlife-rich third and fourth basins of Lake Boon. Unlike most of the lake which supports intensive water-based recreation, this portion of the lake is relatively quiet and frequented by herons, beavers, otters, and other wildlife, and used extensively by kayakers and canoeists.
- While both the Planning Board and Conservation Commission reviewed the project and sought to impose limitations on clearing and docks on the seven lots in the subdivision, it is expected that seven large single-family homes would be built on the Point, forever changing this portion of the Lake. Septic systems from these homes will contribute phosphorus and other nutrients to the Lake and adversely impact views of the Point from surrounding waters and public ways. Permit restrictions will require a commitment to ongoing enforcement, particular with regard to clearing limitations.
- The property abuts the small public boat launch on Lake Boon and a foot trail will link this launch and parking to the tip of Hallock Point.
- Trails on the property will connect to the existing network of trails on the Assabet River Wildlife Refuge and Marlboro-Sudbury State Forest, affording trail users a destination for hiking and picnicking, and linking Hallock Point to more than 2000 acres of protected land. The property also offers a quiet opportunity to appreciate Lake Boon for residents of Stow and beyond – with a very different character than the current user experience at Pine Bluff.

Use of the Property

A Concept Plan for the use of the property for conservation and passive recreation was developed with input from the various organizations and individuals involved in the effort. That plan would result in the creation of walking trails looping through the property leading from the Marlboro-Sudbury State Forest Parking Lot directly opposite Hallock Point and from the Lake Boon boat ramp (see attached map). Sections of this trail already exist and the remainder would be created by the Conservation Commission staff and volunteers. Trails would follow the shoreline on most of the point and lead to the tip of the peninsula, where a shady, relatively open overlook on a high knoll has a panoramic view of Lake Boon. A small canoe/kayak pull up would also offer lake users the opportunity to stop and picnic on the Point. The property and trails would be managed by the Stow Conservation Commission.

Current Project Status

Financial Status:

- The Community Preservation Committee has voted unanimously to support a request of \$400,000 in Community Preservation Funds toward the purchase. This request will be on the warrant for Annual Town Meeting in May.
- To date, LBA and SCT have received gifts and pledges totaling almost \$120,000 from nearly 150 people around Lake Boon and beyond. They are endeavoring to complete as much of the fundraising as possible prior to Town Meeting, with any balance by closing.
- Pursuant to Chapter 30B, the Town of Stow has issued an RFP for the disposition of the two lots, contingent on the Town Meeting vote and closing. Bids are due on 5/11/21.

Status of Due Diligence:

- A survey is currently being completed which will reconfigure Lots 1 and 7 slightly so that the Town would own the entire shoreline on the property and to facilitate trail construction in this area. This plan will be brought to the Planning Board as an Approval Not Required Plan.
- We are currently working with KP Law to put the legal framework in place to complete this transaction. The seller desires that the Town move as quickly as possible to a resolution on this matter despite the statutory extension of the 120-day period and we have committed to doing so insofar as is feasible given the need to bring this to Town Meeting.

Status of Support from Town Boards:

- The Stow Conservation Commission voted unanimously at their meeting of April 6, 2021 to support this project for all of the reasons noted above.
- The Stow Open Space Committee has supported this project from the outset, and will formally vote on April 26, 2021.
- The Lake Boon Commission is also expected to vote at their meeting on April 26, 2021.

Recommended Action

We request that the Selectmen vote at the conclusion of tonight's meeting to exercise the town's Chapter 61 Right of First Refusal and acquire the land on Hallock Point that is the subject of the June 5, 2020 Notice of Intent to Sell and Convert, contingent on a favorable Town Meeting vote. Assuming an affirmative Town Meeting vote, the notice of exercise would be recorded at the Registry of Deeds and we expect that the closing would occur in July 2021.

Thank you for your time and attention to this issue. Project representatives will be in attendance at your meeting and prepared to answer any questions you may have.

Attachments

Town's Chapter 61 Policy

Concept Plan Map and Regional Trails Map

**Board of Selectmen Meeting Minutes
Tuesday, July 11, 2017
Stow Town Building**

Attending in the Warren Room: Chairman Brian Burke, Donald Hawkes, Ingeborg Hegemann, and Thomas Ryan.

Absent: James Salvie

Also attending: Town Administrator William Wrigley, and Administrative Assistant Maureen Trunfio.

Chairman Burke called the meeting to order at 7:01 p.m.

Public Input: none

Chairman's Comments: Thank you to all involved in the Special Town Meeting last night. There is a Public Hearing at the Community Center regarding the Collings settlement next Wednesday night. The DCHD has received applications for 40Bs and asked for public comment; one is Plantation Apartments II and the other is the Pine Point Habitat for Humanity/Sudbury Road project. The deadline for comments is July 28th; there is a site visit on July 25th at 10 a.m. at the Pine Point site. The Facilities Advisory Committee of the NRSD is seeking members; applications are due by August 16th. The Chairman would like the Board to think about policies, priorities, and ideas that they may want to put forward and discuss.

Correspondence: none

Certificate of Appreciation

Police Prosecutor Gary Murphy is retiring after 32 years of service; his last day is July 22, 2017.

Mr. Hawkes moved to approve and sign a Certificate of Appreciation for Officer Gary Murphy, who is retiring from the Stow Police Department. Mr. Ryan seconded the motion and it passed unanimously.

Appointment of New Police Prosecutor

Chief Bosworth was present and recommended Bob Nelson, who has been here for 6 years. The union position was posted internally and he received 3 applications. He took input from Lt. Marino, Sgt. Thraen, Sgt. Sallese, and Gary Murphy.

On the recommendation of Police Chief William Bosworth, Mr. Hawkes moved that the Board appoint Robert Nelson as Prosecutor for the Stow Police Department. Mr. Ryan seconded the motion and it passed unanimously.

Appointment of Special Officers

The Board was happy to announce that it would retain Officer Murphy as a Special Officer, and will also appoint Police Dispatcher Brandon Murphy as a Special Officer.

On the recommendation of Police Chief William Bosworth, Mr. Hawkes moved that the Board of Selectmen appoint retiring Police Prosecutor Gary Murphy as a Special Police Officer, effective upon his retirement on July 22, 2017 for a term ending June 30, 2018, and subject to annual reappointment thereafter. Mr. Ryan seconded the motion and it passed unanimously.

Mr. Hawkes moved that the Board of Selectmen appoint Police Dispatcher Brandon Murphy as a Special Police Officer, effective immediately, for a term ending June 30, 2018, and subject to annual reappointment thereafter. Mr. Ryan seconded the motion and it passed unanimously.

Police Chief and Police Lieutenant Contracts

The renewals are for 3-year contracts and the Town Administrator strongly supports them both professional and personally.

Mr. Hawkes moved to approve the contract for Police Chief William Bosworth and to authorize the Town Administrator to sign the contract. Mr. Ryan seconded the motion and it passed unanimously.

Mr. Hawkes moved to approve the contract for Police Lieutenant Ralph Marino and to authorize the Town Administrator to sign the contract. Mr. Ryan seconded the motion and it passed unanimously.

Special Liquor License and permit for Schultz Family Benefit

Bill Conley of 109 Barton Road was present to explain the planning of a fundraiser for Ari "Danger" Schultz and his family through the Greg Hill Foundation, to be held on August 19th from 12 to 7 p.m. at Pine Bluff. They will have 4 bands and a BBQ with tickets going on sale soon. Mr. Conley handed out a site plan.

Parking is the concern as Pine Bluff can only handle 100 spots. Honey Pot offered 400 parking spots, and 2 coaches have been donated to shuttle people from Honey Pot to the main entrance. They were planning a bonfire on the beach but decided along with the Fire Chief to skip that part. The Fire Chief offered an ambulance and 2 EMTs and the event will pay for a police detail that day. Mr. Conley said that Laura Greenough, Recreation Director, said the beach will be closed to the public that day. The Town Administrator instructed them to provide a one-day Liability Insurance Certificate.

(The application indicates they would like to have food, bands, a DJ, kids' activities, volleyball tournaments, horseshoes, bocce, and a bonfire on the beach. The Board may choose to permit or restrict activities in accord with Public Safety considerations. The Board indicated that they are confident that Mr. Conley will work with Police Chef to ensure a safe event.)

Mr. Hawkes moved to approve the use of Pine Bluffs Recreation area for a benefit event for Ari "Danger" Schultz and his family on Saturday, August 19, 2017, between 12 noon and 7 p.m., and further,

Mr. Hawkes moved to approve and sign a Special One-Day Liquor License for William P. Conley and the Greg Hill Foundation, for an Ari "Danger" Schultz Benefit, to be held at the Pine Bluff Recreation area on Saturday, August 19, 2017, between 12 noon and 7 p.m. Mr. Ryan seconded the motion and it passed unanimously.

Ms. Hegemann noted that the license form is for wine and malt beverages only, but the applicant requested wine, beer, and liquor. Town Administrator Wrigley said to write in 'and liquor' on the license.

Appointment to Nashoba Regional School District Audit Advisory Committee

This is a joint appointment between the Board of Selectmen and the Finance Committee. Present were Rich Eckel, Chair of Finance Committee and member Julianne North. Ms. North spoke regarding her interest in the position and her history; she has an audit background and thought she could be proactive. The Finance Committee met and voted unanimously to appoint Julianne to the NRSD.

Mr. Hawkes moved, in a joint appointment with the Finance Committee, to appoint Julianne North as the Stow representative to the Nashoba Regional School District Audit Advisory Committee, to serve a one-year term ending June 30, 2018. Mr. Ryan seconded the motion and it passed unanimously.

Appointment to the Stow Cultural Council

Mary Bradt Mintz was present and explained her interest in serving on the Cultural Council. Her husband sculpts and has a studio on their property; she began to look at Open Studio events in nearby towns for ideas to create events for artists that live in Stow.

On the recommendation of the Stow Cultural Council, Mr. Hawkes moved to appoint Mary Bradt Mintz to the Stow Cultural Council, to serve a three-year term effective immediately and expiring July 11, 2020. Mr. Ryan seconded the motion and it passed unanimously.

Relocation of Historic Flag

Marilyn Zavorski was present to represent the Stow Historical Society and the Historical Commission. Due to the Library restoration, historical artifacts are being professionally packed up and put into storage. The 1823 flag will not go into storage easily and they would like to move it to the Whitney Room.

Mr. Hawkes moved to approve the request of the Historical Commission to temporarily relocate the 1823 Stow Washington Guard Company silk flag from Randall Library to the Whitney Room of the Stow Town Building, in advance of Randall Library renovations scheduled to begin in August. Mr. Ryan seconded the motion and it passed unanimously.

Change Term Designation for Open Space Committee

Carol Sureau, Chair of the Open Space Committee was present.

With the consent and agreement of current members of the Open Space Committee, Mr. Hawkes moved to alter the length of term for the Open Space Committee members from indefinite to three-year terms, implemented on a staggered schedule, with the following assignments:

Robert (Bob) Wilber and Eve Donohue to serve terms ending June 30, 2018;

William (Bill) Maxfield and Vin Antil to serve terms ending June 30, 2019;

Greg Jackson and Carole Sureau to serve terms ending June 30, 2020;

And a seventh position, currently vacant, for a term ending June 30, 2020.

Mr. Ryan seconded the motion and it passed unanimously.

Formation of a Complete Streets Committee

The Board received a memo and a copy of the Complete Streets Policy from Town Planner Jesse Steadman (attached) updating the Board on Complete Streets Prioritization Planning efforts and to request the establishment of a Complete Streets Committee.

Mr. Hawkes moved, on the recommendation of the Planning Department, to establish a Complete Streets Committee, being a subcommittee to the Board of Selectmen, composed of seven members, with membership and terms specified in the revised memo of the Planning Department dated July 10, 2017,

And, further, to designate members of the Complete Streets Committee as Special Municipal Employees pursuant to Mass. General Law c.268A. The at-large member must be a registered voter of Stow, and all members must agree to comply with State ethics and Open Meeting Law requirements.

Mr. Ryan seconded the motion and it passed unanimously.

Chairman Burke asked for clarification on this being a subcommittee of the Board of Selectmen. Town Administrator Wrigley stated that it is a subcommittee to make it subject to the Open Meeting Law. It is

really a working group being called a committee. Mr. Steadman said this is a much more transparent way in comparison to how other towns are doing this.

Town Administrator Report:

The report has been covered in the meeting. At 8:43 p.m. Town Administrator Wrigley left the meeting.

Liaison Reports

- Ms. Hegemann: no report
- Mr. Ryan: The Civilian Police Academy began a Youth Police Academy this week at the Fire Department. This is the 3rd year and there are 24 boys and girls from the 6th to 8th grade. The Police Chief thanked the Fire Chief for the use of the FD Training Room.
- Mr. Hawkes: The Lake Boom Commission reorganized last week and he is the new Chair.
- Mr. Burke: The Eversource petition for Stow to be an intervenor was allowed and Town Counsel appeared at the scheduling conference on Friday.

Adjournment

At 8:49 p.m. Mr. Ryan moved to adjourn. Mr. Hawkes seconded the motion and it passed unanimously.

Respectfully submitted,

Joyce Sampson
Executive Assistant

Documents used at this meeting:

Memo from Town Planner Jesse Steadman, dated July 10, 2017;

Copy of the Town of Stow Complete Streets Policy, dated February 1, 2016;

Additional documents can be found in the Selectmen's Office filed with the meeting folder.

Memo

To: Board of Selectmen
From: Jesse Steadman – Town Planner on behalf of Stow Permit Team
Date: 7.10.2017
Re: Complete Streets Working Group Composition Mission Statement

The purpose of this memo is to update the Board of Selectmen on Complete Streets Prioritization Planning effort and request the establishment of a Complete Streets Committee. At the May Annual Town Meeting, reimbursable funds for a *Complete Streets Prioritization Plan* were allocated and an award for the consulting contract has been issued. The Planning Department, on behalf of the current Complete Streets working group, is coordinating with MassDOT and the Town Administrator on a contract for the acquisition and use of reimbursable planning funds.

In accordance with the Complete Streets Policy adopted in January of 2016, the Stow Permit Team respectfully requests that the Board of Selectmen designate a Complete Streets Committee for the purpose of guiding the Consultant and Town through the Prioritization Planning process. In addition to the administration of the Complete Streets Program in Stow, the Committee will provide ongoing support Town wide traffic safety objectives, including coordination with consultants, data gathering and analysis, and the development and implementation of traffic safety policies and design solutions. Below is the proposed charge and makeup of the Complete Streets Committee.

Proposed Mission Statement

The Complete Streets Committee will serve to advise the Board of Selectmen, as well as the Highway and Planning Departments as appropriate, in applying Complete Streets principles to Stow's roadway network on an ongoing basis. Utilizing information from public outreach and Town Planning Documents, including the Complete Streets Prioritization Plan as amended, the Complete Streets Committee will provide informed judgement regarding the desirability and feasibility of applying said principles; make recommendations for the purpose of complying with the Town of Stow Complete Streets Policy; and guide the Town's efforts in developing and implementing traffic safety policies and interventions throughout Stow.

Proposed Seven (7) Member Composition

3 Year Terms

Up to two (2) Town of Stow staff and/or serving Members from each of the following Departments, Boards or Committees

- Highway
- Public Safety / Police

- Conservation
- Board of Health
- Planning

1 year Term Renewed Annually

One at-large Stow resident member. Preference will be given to those with background, representation or interest in one or more of the following areas, including but not limited to:

- Public Health
- Recreation
- Cycling Organizations
- Organized Running Groups
- Community Planning
- Council on Aging
- Conservation
- Transportation

Cc: Town Administrator
Highway Department
Conservation Commission
Board of Health
Police Department

Town of Stow COMPLETE STREET POLICY	
Effective Date	February 1, 2016
Planning Board Vote of Support	January 5, 2016
Board of Selectmen Vote to Adopt Policy	January 26, 2016

Vision and Purpose:

Complete Streets are designed and operated to provide safety, comfort, and accessibility for all the users of our streets, trails, and transit systems, including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles and for people of all ages, abilities, and income levels. Furthermore, Complete Streets principles contribute toward the safety, health, economic viability, and quality of life in a community by improving the pedestrian and vehicular environments in order to provide, safe, accessible, and comfortable means of travel between home, school, work, recreation, and retail destinations. Complete Streets also further equity objectives by providing safe forms of travel for Stow residents of all income levels.

Therefore, the purpose of the Town of Stow’s Complete Streets Policy is to further Stow’s Master Plan Transportation Vision of improving safety and providing alternatives to the single occupancy vehicle, accommodating all road users by creating a roadway network that meets the needs of individuals utilizing a variety of transportation modes, while maintaining the rural and scenic qualities of Stow that data has shown to be important to residents. It is the intent of the Town of Stow to formalize the plan, design, operation, and maintenance of streets so that they are safe for users of all ages, all abilities and all income levels as a matter of routine. This Policy directs decision-makers to consistently plan, design, construct, and maintain streets to accommodate all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, and freight and commercial vehicles in a manner that is sensitive to the rural and scenic character of Stow.

Core Commitment:

The Town of Stow recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders are legitimate users of roadways and deserve safe facilities. “All Users” includes users of all ages, abilities, and income levels.

The Town recognizes that all roadway projects – including new construction, maintenance and reconstruction – are potential opportunities to apply Complete Streets design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects, as appropriate. All transportation infrastructure and street design projects requiring funding or approval by the Town of Stow, as well as projects funded by the State and Federal government, including but not limited to Chapter 90 funds, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Capital Funding, and other state and federal funds for street and infrastructure design shall adhere to the Town of Stow Complete Streets Policy to the extent practicable. Private developments and related roadway design components shall also adhere to the Complete Streets principles as practicable, with consideration of environmental, aesthetic and historic features.

The Complete Streets Working Group will utilize information from current town planning documents and existing conditions to provide informed judgment regarding the desirability and feasibility of

applying Complete Streets principles for routine roadway maintenance and projects, such as repaving, restriping, and so forth.

Project Feasibility:

In determining whether a pedestrian and bicycle upgrade is practicable, feasible or otherwise excessively disproportionate to the probable future use, the Complete Streets Working Group will consider the following plans, specifications or metrics:

- a. Planning Board Sidewalk Policy cost per linear foot figures
- b. Priorities outlined in the Pedestrian Walkway Subcommittee Final Report; Master Plan and Complete Streets Prioritization Plan as amended.
- c. Impacts to wetlands resource areas as defined by Section 2 of Article 9, Wetlands Protection, of the Town of Stow General Bylaw and the MA Wetlands Protection Act, areas in the Floodplain District as defined in the Zoning Bylaw, and Areas of Habitat Significance as shown in the Stow Open Space and Recreation Plan.
- d. Impacts to protected open space
- e. Topography
- f. Land taking and easements
- g. Impact to public shade trees
- h. Impact / relocation of stone walls and other historically significant features

Project Exclusion

Transportation infrastructure projects, including but not limited to roadway reconstruction, reconfigurations, rehabilitation, upgrades or repairs may be excluded from review by the Complete Streets Working Group where documentation and data indicate that any of the below metrics apply, and provided that such exclusion is documented in an annual progress report to be submitted to the Board of Selectmen each year.

1. Roadways where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases, for accommodations elsewhere.
2. Cost and/or associated environmental or physical impacts of accommodation for public work are excessively disproportionate to the need or probable future use. In determining whether a pedestrian and bicycle upgrade is excessively disproportionate to the probable future use, the Complete Streets Working Group will consider the following plans, specifications or metrics noted under the *Project Feasibility* section of this Complete Streets Policy.
3. Other Town policies, regulations, or requirements which consistently contradict or preclude implementation of Complete Streets principles. In instances in which other town policies, regulations or requirements consistently contradict or preclude implementation, the Complete Streets Working Group will assess whether it is practical and/or feasible to recommend amendments to said requirements for consistency with Complete Streets commitments as set forth in this policy.

Best Practices

The Town of Stow Complete Streets Policy will focus on developing a connected, integrated network that serves all road users. Complete Streets will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. As practicable, recommendations from the Complete Streets Working Group for incorporating complete streets elements will occur in projects' beginning stages prior to design.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the community's physical, environmental, economic, and social setting. The context-sensitive approach to process and design allows for goals and solutions to develop based on consideration of stakeholder and community values. The purpose of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

Implementation of the Town of Stow Complete Streets Policy will be carried out cooperatively within all relevant departments in the Town of Stow and, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

The Town of Stow recognizes that "complete streets" may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets, including the most up-to-date versions of:

- The Massachusetts Department of Transportation Project Design and Development Guidebook
- Pioneer Valley Planning Commission's Healthy Community Design Toolkit
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Documents and plans created for the Town of Stow, including but not limited to:
 - Bicycle Network and Pedestrian Priority Plan (MAPC, 2013)
 - Town of Stow Sidewalk Prioritization Plan (2013)
 - Pedestrian Walkway Subcommittee Final Report (January 2012)
- AASHTO Highway Manual

Working Group Composition

A Complete Streets Working Group comprised of the Stow Permit Team, including members of relevant Boards and Committees where applicable, shall be designated by the Board of Selectmen to implement this initiative. The Complete Streets Working Group will be a multidisciplinary team, with potential input and representation from: Chamber of Commerce, Board of Selectmen, Council on Aging, Board of Health, Highway Department, Planning Board, Police, Fire, Conservation and other committees, departments or organizations as applicable.

Implementation

The Town shall make complete streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve complete streets. The Complete Street Working Group will serve three key functions:

1. To increase communication and develop partnerships among various stakeholders
2. Ensure the implementation of the Complete Streets Policy, and where necessary, provide alternatives to existing practices that may act as impediments to implementation.
3. Regularly update and solicit feedback on potential projects with the general public to ensure consideration of community perspectives.

The Complete Streets Working Group, in conjunction with relevant departments, shall integrate Complete Streets principles in all new planning documents, as applicable (master plans, open space and recreation plan, etc.), laws, procedures, rules, regulations, guidelines, programs, and templates and make

recommendations for zoning and subdivision codes in line with their existing updated timeline. The Complete Streets Working Group will lead, coordinate or assess the following supporting implementation roles:

- The Planning Department, in consultation with the Complete Streets Working Group shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will highlight projects that eliminate gaps in the sidewalk and bikeway network.
- The Town will evaluate projects within the Capital Improvement Plan to encourage implementation of this Policy.
- The Town will secure training for pertinent Town staff and decision-makers on both the technical content of Complete Streets principles and best practices, as well as community engagement methods for implementing the Complete Streets Policy. Training may be accomplished through workshops and other appropriate means.
- The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.
- The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Annual Schedule

Each year the Complete Streets Working Group will meet as needed in the months of November and December to develop and update a multi-year workplan. The annual workplan meetings will provide opportunity for the Complete Streets Working Group to coordinate efforts with Highway Department maintenance and upgrade timelines and goals for the current and following fiscal year as applicable, in order to identify upcoming implementation and funding opportunities.

The Complete Streets Working Group will schedule recurring update meetings, not less than biannually, to outline and update an evolving action plan based on the annual workplan. The action plan may include but not be limited to information regarding:

- priority complete streets implementation sites;
- funding opportunities;
- analysis of technical, financial and environmental feasibility;
- outreach efforts to stakeholder groups and the public.

Evaluation of Effectiveness

The Complete Streets Working Group will develop performance measures to periodically assess the rate, success, and effectiveness of implementing the Complete Streets Policy. The Permit Team described above will determine the frequency of assessment and utilize appropriate metrics for analyzing the success of this policy. These metrics may include the total number of new bicycle lanes, the linear feet of new pedestrian accommodation, number of retrofitted pedestrian facilities or amenities, number of intersection improvements made to improve Level of Service (LOS) and safety for vehicles, pedestrians and bicyclists, rate of crashes by mode, rate of children walking or bicycling to school, and/or number of trips by mode. These metrics will be compiled into a report by the working group and presented to the Board of Selectmen no less than annually.

Board of Selectmen Minutes
May 10, 2017
Stow Town Building

Present in the Warren Room: James Salvie, Brian Burke, Donald Hawkes, Ingeborg Hegemann, and Thomas Ryan

Chairman Salvie called the meeting to order at 7 p.m.

Election Results

Chairman Salvie thanked Town Clerk Linda Hathaway for her hard work during the election. Ms. Hathaway, in turn, thanked her staff and the volunteers who made it all happen. Chairman Salvie congratulated Mr. Burke on his election win. Mr. Burke thanked all his supporters.

Reorganization

Mr. Hawkes thanked Mr. Salvie for being a very good chair; he was very impressed.

Mr. Hawkes moved to nominate Brian Burke as Chair. Mr. Ryan seconded the motion and it passed unanimously.

Mr. Ryan moved to nominate Don Hawkes as Clerk. Mr. Burke seconded the motion and it passed unanimously.

Liaison Assignment

The consensus was to keep the current assignments, with the exception that the liaison to the ZBA would change from Mr. Burke to Mr. Salvie.

Mr. Hawkes noted that appointments for town positions should be posted before June 30. We need to post sooner and he suggested by next week.

Adjournment

At 7:12 p.m. Mr. Burke moved to adjourn. Mr. Hawkes seconded the motion and it passed unanimously.

Respectfully submitted,

Joyce Sampson
Executive Assistant

**Minutes
Stow Board of Selectmen
February 14, 2017
Town Building**

Present at the meeting that was held in the Warren Room were James Salvie, Brian Burke, Donald Hawkes, Ingeborg Hegemann and Thomas Ryan.

Also present were William Wrigley, Town Administrator and Maureen Trunfio, Administrative Assistant.

Mr. Salvie called the meeting to order at 7:00 p.m.

Public Comment: None.

Chairman's Comment: Mr. Salvie thanked Craig Martin, the Council on Aging, the Recreation Department, the Fire Department, and everyone else who helped make the Pompo Community Center Open House on February 11th a success.

Approve Minutes:

Mr. Ryan moved to approve the minutes of January 24, 2017 as written. Mr. Hawkes seconded the motion and it was passed unanimously.

Mr. Hawkes moved to approve the minutes of December 28, 2015 as written. Mr. Ryan seconded the motion and it passed 4-0-1, with Ms. Hegemann abstaining.

Correspondence: None

Discussion/vote on permit for Run for the Woods Sunday, May 14, 2017

Aims Coney was present on behalf of the Stow Conservation Trust to present plans and request permission from the Board to operate the 19th Annual Run for the Woods. He mentioned the importance of the hanging of the banner on Great Road advertising the race. The Town has received the SCT's insurance certificate and Public Safety has approved the event.

Mr. Hawkes moved to approve the use of public ways by the Stow Conservation Trust for the purpose of the Trust's annual Run for the Woods on Sunday, May 14, 2017, commencing at 7:30 a.m., provided they abide by the Operational Plan for traffic and routing devised by Public Safety officers and Race Director Aims Coney. Mr. Ryan seconded the motion and it was passed unanimously.

Reading of Notice of Acquisition of Boon Road/Sullivan Agricultural Preservation Restriction

In compliance with M.G.L. 7C, Section 37, Mr. Salvie read the required Notice of Proposed Acquisition of an Agricultural Preservation Restriction on Property in the Town aloud.

Notice Period for Boon Road/Sullivan Agricultural Preservation Restriction

At a Special Town Meeting on August 8, 2016, it was voted to expend \$140,000 in Community Preservation funding to acquire an Agricultural Preservation Restriction (APR) on nearly 20 acres owned by Boon Road South Realty Trust on Boon Road (a portion of Honey Pot Hill Orchards.)

The Commonwealth requests that the Board consider reducing the number of days in the notice period so that this transaction can proceed more expeditiously. The Conservation Commission noted their support of the reduction of the notice period in documentation they provided prior to the Selectmen's meeting, and the Board agreed.

Mr. Hawkes moved to reduce the notice period from 120 days to 60 days, to allow closing on the Boon Road/Sullivan Agricultural Preservation Restriction to proceed more expeditiously. Mr. Ryan seconded the motion. It was passed unanimously.

Discussion/vote on Waiver of 90-day Requirement for Resident-Submitted Warrant Article– 44 Box Mill Road

Mark Burrell delivered a resident's petition for consideration for inclusion in the 2017 Annual Town Meeting warrant. The Town's Charter states that such petitions must be submitted to the Selectmen 90 days before the date of Annual Town Meeting. Mr. Burrell's submission was delivered 87 days before the scheduled date of Annual Town Meeting. Mr. Burrell was present at the meeting.

Ms. Trunfio explained that the requirement for ten residents' signatures was waived by M.G.L Chapter 40a section 4, provided that the petitioner owns the property being discussed, which Mr. Burrell does. The Selectmen discussed whether to waive or uphold the 90-day requirement to determine whether to allow the resident-submitted warrant article relating to 44 Box Mill Road to appear as an article on the Selectmen's ATM warrant. Both the Planning Board and the Conservation Commission noted that the late submission would not hinder their ability to process the application as required. The Selectmen noted that the submission was only three days late and because it appeared all required departments would not be hindered by the small degree of tardiness, they would allow the submission to appear in the 2017 Annual Town Meeting Warrant.

Mr. Hawkes moved that the Board of Selectmen waive the requirement stated in section 2-7 C of the Stow Charter that petitions found and certified by the registrars of voters to be sufficient, be received 90 or more days prior to the date fixed for Annual Town Meeting, so that a petition from Mark Burrell of 44 Box Mill Road may be considered for inclusion in the May 2017 Annual Town Meeting warrant.

Further, Mr. Hawkes moved that the citizens' petition submitted by Mark Burrell of 44 Box Mill Road be included in the May 2017 Annual Town Meeting warrant. Mr. Ryan seconded the motion and it was passed unanimously.

At 7:35 p.m. Ms. Hegemann excused herself from the meeting to attend a portion of the concurrent Finance Committee Meeting at which her presence was required.

Discussion/vote on Livery License Procedure

Ms. Trunfio explained to the Board that a resident of Warren Road came to the Selectmen's Office in January asking for a signature from the Chair in order to complete paperwork required by the Massachusetts Port Authority (MassPort) in order to allow him to pick up passengers at Logan Airport. The applicant, Aiyden Guven, had already acquired a Business Certificate from Stow's Town Clerk.

It was determined that there are no statutory requirements that towns must adhere to for livery operators. The Board discussed whether the Selectmen's office will set up a procedure to follow for applicants to approach the Selectmen's Office seeking permission to establish a livery

operation in Stow, or if the Chair of the Board would simply sign the document required by MassPort. Mr. Wrigley encouraged considering the cost benefit of establishing a procedure for each applicant and the exposure to liability if the Board decided to regulate livery services. Mr. Burke asked whether Ms. Trunfio had spoken with Public Safety officials and she said that she had. Because Ms. Hegemann was not present, the Board decided that this item would be discussed again at the Board's next meeting on February 28th.

Discussion/vote on Board of Selectmen 2016 Annual Report

The Board presented minor revisions to Ms. Trunfio and will review the revised version at their next meeting and vote whether to approve the Board of Selectmen's report for submission in the Town's 2016 Annual Report.

Update from Nashoba Regional School Committee – Stow School Committee Members

Nashoba Regional School Committee representatives Mark Jones and Lynn Colletti were present to update the Board on items relating to the District. Items discussed included the District's proposed FY-18 budget, the recent audit and an update on possible submission to the Massachusetts School Building Authority (MSBA) in conjunction with space issues at the High School.

Discussion/vote to allow deficit spending of the FY 2017 Snow and Ice Account, pursuant to MGL Chapter 44, section 31D

Pursuant to Mass General Law Chapter 44, section 31D, Mr. Hawkes moved to allow deficit spending of the fiscal year 2017 Snow & Ice account. Mr. Ryan seconded the motion and it was passed unanimously.

At 9:15 p.m. Ms. Hegemann returned to the meeting.

Presentation/discussion of Town Administrator's preliminary FY 2018 budget

The Town Administrator presented his preliminary FY-18 budget and reported that he is currently estimating potential revenues totaling \$30,319,717 in FY-18 which represent an 8.22% increase relative to FY-17. He noted that the Town has \$2,266,676 in certified free cash available and that together with a balance of \$868,163 in the stabilization fund, the Town has \$3,134,839 in stored assets.

He stated the preliminary budget report shows total requested expenditures of \$30,230,375 representing a 7.9% increase above FY-17. He added that the Town's group health care premium is increasing to \$845,290.

Regarding schools, he reported that the FY-18 Nashoba Regional School District Assessment (the preliminary assessment number received from the District) is \$17,812,460. This 8% increase represents an increase of \$1,321,272 above our FY-17 assessment. He said he was hopeful that this estimated assessment increase is reduced significantly over the upcoming weeks. For comparison purposes, all remaining requested increases to the Town budget for FY-18 total only approximately \$780,000. The FY-18 Minuteman Regional School District Assessment of \$630,999 represents an increase of 9.2% above FY-17. Mr. Wrigley mentioned Capital Requests that were received for FY-18.

At 9:40 p.m. Mr. Wrigley left the meeting.

Liaison reports

Ms. Hegemann reported that she was not able to attend recent SMAHT and Recreation Commission meetings, but that she reviewed the SMAHT minutes to stay current.

Mr. Ryan mentioned that he appreciated the work the Highway Department had achieved during the recent unrelenting snow storms, and asked residents to be understanding when plowed snow ends up at the edge of their driveways.

Mr. Salvie reminded everyone that the Capital Planning Committee will be meeting on 2/15, 2/23 and 3/2 to discuss departmental Capital requests. He said that he had been in contact with members of the School Committee prior to this meeting and he appreciated that he had been updated on information regarding the District.

Mr. Hawkes stated that there have been no developments to report with the Lake Boon Commission. He noted that since there has been no ice on the lake, there has been no snowmobile activity.

Mr. Burke reported that the CPC is looking at the many requests before them for funds.

Adjournment

At 9:45 pm Mr. Burke moved to adjourn. Mr. Ryan seconded the motion and it was passed unanimously.

Respectfully submitted,

Maureen Trunfio
Administrative Assistant

*Amended 5/5/2021
Joyce Sampson,
Executive Assistant*

Documents addressed at the Selectmen’s 2/14/17 Meeting

Documents can be found in the Selectmen’s Office filed with the meeting folder.