

AGENDA
SELECT BOARD
June 8, 2021
7:00 p.m.
Town Building & Zoom

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place. This meeting of the Select Board will take place without any public present, but we will make every effort to ensure the public can adequately access the non-executive session proceedings in real time via Zoom.

Join Zoom Meeting

<https://zoom.us/j/94026286586?pwd=aUJBMEp5Q3VGNmhyOTRlMUjU5NjY0QT09>

Meeting ID: 940 2628 6586

Passcode: 341274

1. Public input
2. Chair comments
3. Public Hearing – 7:30 pm
 - Class II License
 - Dover Speed Shop LLC
4. Discussion and Possible Vote
 - Conservation Restriction for 172 Harvard Road
 - Annual Town Meeting debrief
 - Town acceptance of Juneteenth Holiday
 - Discussion of Select Board meeting format after June 15, 2021
 - Liaison Discussion
 - What is the role of the Select Board liaison?
 - Is there value to these positions?
 - Are there alternatives?
5. Town Administrator's Report
6. Liaison reports
7. Meeting minutes
 - May 25, 2021
 - May 22, 2021
 - May 11, 2021
 - May 18, 2017
 - April 25, 2017
 - February 28, 2017
8. Correspondence
9. EXECUTIVE SESSION: Pursuant to MGL c. 30A, sect. 21(a)(3) for the purpose of reviewing Executive Session minutes and under section sec.21 (a)(6), for the purpose of considering the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
10. Adjournment

Posted Friday, 6/4/2021
1 p.m.

PUBLIC HEARING

Public Hearing 7:30 p.m.

Class II License
Dover Speed Shop, LLC
370 Hudson Road

Additional Documentation
available in the Select Board office:

- CORI for Jared Spence
- CORI for Anton Melchionda
- Workers' Compensation Insurance Affidavit
- IRS Employer Identification Number (EIN)
- MA Used Car Dealer's Bond



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4534

LEGAL NOTICE

The Stow Board of Selectmen will conduct a public hearing on Tuesday, June 8 at 7:30 P.M. in the Warren Room in the Town Building, 380 Great Road, Stow, MA on the application of:

Dover Speed Shop LLC
Jared Spence
370 Hudson Road
Stow, MA 01775

for a Class II Used Car Dealer's License under Massachusetts General Law. C. 140, §§57-59, as amended.

Persons wishing to be heard on this matter will be afforded the opportunity, but must participate via Zoom.

STOW BOARD OF SELECTMEN

Join Zoom Meeting
<https://zoom.us/j/94026286586?pwd=aUJBMEp5Q3VGNmhyOTRMUjU5NjY0QT09>

Meeting ID: 940 2628 6586
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Posted 5/14/2021

Print 1x, The Stow Independent, 5/19/2021 issue



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STOW

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR
ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Class II License to Buy, Sell, Exchange, or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. Name and address of the concern: DOVER SPEED SHOP LLC
370 HUDSON RD, STOW, MA 01775

2. Is the above concern an individual, co-partnership, an association, or a corporation?
CORPORATION

3. If an individual, state full name and residential address: _____

4. If a co-partnership, state full names and residential addresses:

5. If an association or a corporation, state full names and residential addresses of the principal officers:

JARED SPENCE - 71 KENDALL AVE, FRAMINGHAM, MA 01702

ANTON MELCHIONDA - 140 FARM ST, DOVER, MA 02030

6. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles?

YES

If Yes, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on this business:

PROPERTY WILL NOT BE USED TO ADVERTISE CARS. DOVERSPEED SHOP LLC IS AN ONLINE BUSINESS. VEHICLES ARE STRICTLY ADVERTISED ONLINE. VEHICLES TEMPORARILY STORED PRIVATELY ON THE LOT. (SEE MAP DETAILS)

8. Are you a recognized agent of a motor vehicle manufacturer? NO

If yes, state the name of the manufacturer: _____

9. Have you signed a contract as required by Section 58, Class I? NO

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? NO If Yes, which city, town? _____

If yes, did you receive a license? _____ For what year? _____

11. Has any license issued to you, in Massachusetts or otherwise, to deal in motor vehicles or parts thereof ever been suspended or revoked? NO

EVERY QUESTION MUST BE ANSWERED WITH THE FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE, IF ISSUED.

Signature of Applicant: Jane Pence

Address of Applicant: 71 KENDALL AVE, FRAMMINGHAM, MA 01702

Phone Number of Applicant: 339. 216. 0856

IRS TAX ID
86-1209650

370 HUDSON DEALER

4 CARS

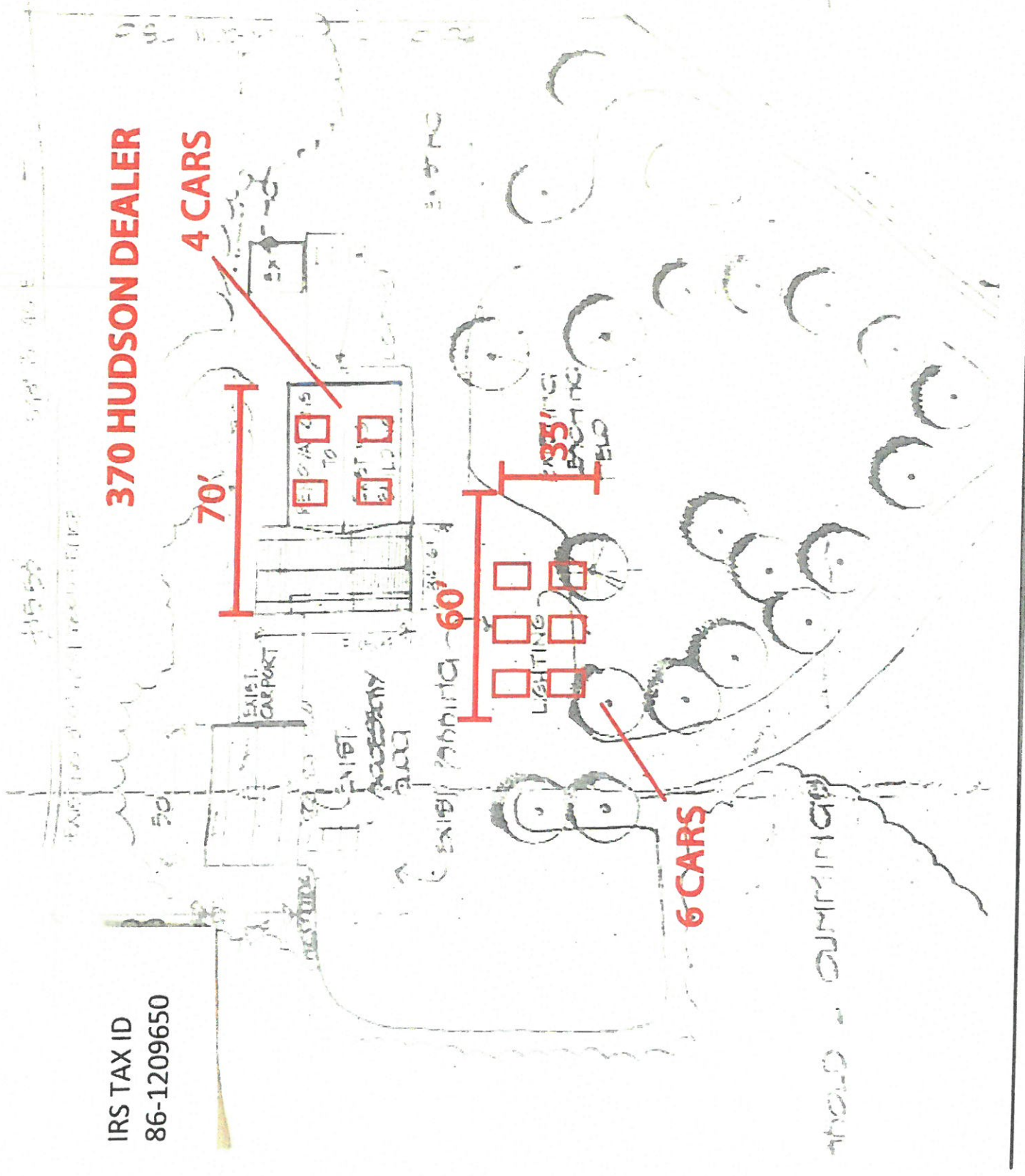
70'

EXIST. BUILDING - 60'

EXIST. LIGHTING
35' HGT
BRACING
FIELD

6 CARS

THIRD - QUARTER



AFFIDAVIT

I, JARED SPENCE, of FRAMINGHAM, MA
(Print Name) (Town & State of residence)

hereby state that I have applied for a Class II Auto Dealer's with the TOWN OF STOW, MA and with that in mind, I hereby attest, under the pains and penalties of perjury, that the following statements are true to the best of my knowledge and belief:

1. I have filed with the Town Clerk, or will file within seven (7) days of the signing of this Affidavit, a Certificate of Doing Business concerning this application.
2. Pursuant to MGL Chapter 62C, Section 49A, I hereby certify that I/we, to the best of my/our knowledge and belief, have filed all state tax returns and paid all state taxes under the law; and have paid all local taxes which may be due to the Town of Stow.

Signed under the pains and penalties of perjury this 23rd day of
APRIL, 20 21.

Jared Spence
Signature of Class II License Applicant

Phoebe Haberkorn

From: building
Sent: Thursday, June 3, 2021 10:01 AM
To: Phoebe Haberkorn
Subject: RE: Comments requested - Class II License Application
Attachments: SKM_C454e21060310110.pdf

Yes, I would agree. You can reference the special permit.

See attached.

Sincerely,
Craig

Craig D. Martin, P.E.
Building Commissioner
Town Office Building
380 Great Road
Stow, MA 01775
Office 978/897-2193
Cell 508/561-3977

From: Phoebe Haberkorn <phaberkorn@stow-ma.gov>
Sent: Thursday, June 03, 2021 9:42 AM
To: building <building@stow-ma.gov>
Subject: RE: Comments requested - Class II License Application

Thank you, Craig. This looks like something that should be stipulated when the license is issued.

Phoebe

From: building <building@stow-ma.gov>
Sent: Wednesday, June 2, 2021 2:01 PM
To: Phoebe Haberkorn <phaberkorn@stow-ma.gov>; policechief <policechief@stow-ma.gov>; planning <planning@stow-ma.gov>; firechief <firechief@stow-ma.gov>
Subject: RE: Comments requested - Class II License Application

Hello Phoebe, With regard to this Class II Application for 370 Hudson Rd, the ZBA Special Permit for this property dated June 30, 1989, Condition #4 reads in part:

"All vehicles shall be parked only on paved areas. No vehicular components shall be stored outside of the buildings except on a short term, temporary basis and then only on paved areas."

Sincerely,
Craig

Craig D. Martin, P.E.
Building Commissioner
Town Office Building
380 Great Road
Stow, MA 01775
Office 978/897-2193
Cell 508/561-3977

Phoebe Haberkorn

From: policechief
Sent: Wednesday, June 2, 2021 1:36 PM
To: Phoebe Haberkorn; planning; firechief; building
Subject: RE: Comments requested - Class II License Application

Hi,

I see on the permit that there is one name and phone number. I would request they provide of a list of names and phone numbers of a few employees so we can get a hold of them in an emergency.

He does not have other employees.

Thank you,

*Michael Sallese, Chief of Police
Stow Police Department
305 Great Road
Stow, MA 01775
978-897-4545*

From: Phoebe Haberkorn <phaberkorn@stow-ma.gov>
Sent: Tuesday, June 1, 2021 11:50 AM
To: policechief <policechief@stow-ma.gov>; planning <planning@stow-ma.gov>; firechief <firechief@stow-ma.gov>; building <building@stow-ma.gov>
Subject: Comments requested - Class II License Application

Good morning,

The Select Board office has received an application for a Class II used car sales license from Dover Speed Shop at 370 Hudson Road. The Select Board will hold a hearing on June 8 and ask that you submit any comments in advance of the meeting.

Thank you for your consideration.

Regards,
Phoebe

DISCUSSION & POSSIBLE VOTE

Conservation Restriction for 172 Harvard Road

Conservation Restriction for 172 Harvard Road

You are being asked to approve of the CR between Nancy Shepherd and the Stow Conservation Trust.

Nancy Shepherd is donating a CR on 6.6 acres of land she owns at the corner of Harvard Road and Hiley Brook Road. The property is a highly significant scenic landscape, prime agricultural soil, and part of the historic landscape around the West School on Harvard Road.

Because the CR will be held by the Stow Conservation Trust and not the Town, the Select Board's role is to approve that you believe it is in the public interest to move forward with the CR. (M.G.L. CH. 184, §32)

I did confirm that the parcel is already in Chapter, so the CR should not have any impact on the tax status.

A handwritten signature in blue ink, enclosed in a blue oval. The signature is stylized and appears to be "Nancy Shepherd".

townadministrator

From: sjc@susancrane.com
Sent: Thursday, May 20, 2021 10:33 AM
To: townadministrator
Cc: selectmen; Rob Bowen (rob@bowenbowen.com); conservation
Subject: FW: Stow CR #38 Ref. #16987
Attachments: Stow CR #38 Ref. #16987 EEA Approved for Local Signatures 5.19.2021.docx; Signed municipal certificate from ConCom.pdf

Good morning, Denise,

I am the Vice President of the Stow Conservation Trust (SCT), and I am pleased to let you know that Nancy Shepherd will be generously donating a 6 ½-acre Conservation Restriction to SCT on her beautiful scenic and historic Harvard Road horse farm property. The State approved the CR yesterday – see attached and below.

I just spoke with Phoebe in the Selectmen's office about getting on the Selectmen's agenda for approval and signatures on the CR, and she suggested that I reach out to you. Can this be put on the Selectmen's agenda either for May 25th (ideally) or for June 8th? I don't think we would need more than a couple of minutes. I should be able to get both the grantee's and grantor's notarized signatures in advance of either date, and I will provide copies to you upon receipt. Both Nancy and I presented a very similar prior draft of the CR to the Conservation Commission in March, and they unanimously approved it (see attached municipal certificate), also voting to recommend that the Selectmen approve it. This property will be a wonderful addition to Stow's permanently conserved land!

I am copying Kathy Sferra and Rob Bowen, Ms. Shepherd's attorney, on this email. Please reach out to any of us if you have questions.

Best,
Susan

Law Office of Susan J. Crane
122 Kirkland Drive
Stow, MA 01775
o (978) 298-5349
c (978) 460-0239
sjc@susancrane.com
www.susancrane.com

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IRS CIRCULAR 230 DISCLOSURE: There is no tax advice in this e-mail.

Please consider the environment before printing this e-mail.



From: Gioia, John (ENV) <john.gioia@state.ma.us>
Sent: Wednesday, May 19, 2021 7:42 PM
To: sjc@susancrane.com; Rob Bowen (rob@bowenbowen.com) <rob@bowenbowen.com>
Subject: RE: Stow CR #38 Ref. #16987

Hi Susan and Rob

Those final edits are fine with us. I have applied them to the CR and attached hereto clean copies in PDF and Word format of the CR that is now cleared for local signatures. Please carefully review the acknowledgement with next steps below and let me know if you have any questions.

.....
Stow CR 38 Ref 16987 is now approved for local signatures. **PLEASE READ** the instructions below:

1. Collect signatures/approvals from the Grantor, Grantee(s), and municipal officials, using the PDF of the CR attached to this email
2. Fill in all dates and other information, as necessary, on the signature pages
3. Properly notarize all signatures
4. Once steps 1-3 are completed, e-mail me a PDF of the signed CR (**do not mail a hard copy**).
5. In your email in #4, tell us to whom and where you would like us to send the original of the Secretary's signature page.
6. **Do not** make any changes to the attached without first notifying me. If you need to make changes – substantive or non-substantive (formatting, typos, etc.), e-mail me a word document showing the revisions in track changes using the MS Word version of the CR attached to this email. We will review any such changes and issue a revised approved CR or let you know of further changes.

Let me know if you have any questions.

Regards,

John

GRANTOR: Nancy H. Shepherd
GRANTEE: Stow Conservation Trust, Inc.
ADDRESS OF PREMISES: 172 Harvard Road, Stow,
Massachusetts
FOR GRANTOR'S TITLE SEE: Middlesex South
County Registry of Deeds at Book 21216, Page 310.

CONSERVATION RESTRICTION

Nancy H. Shepherd, of 172 Harvard Road, Stow, Middlesex County, Massachusetts, being the sole owner of the Premises as defined herein, for myself and my heirs, successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to Stow Conservation Trust, Inc., a Massachusetts non-profit land trust, with an address of P.O. Box 397, Stow, Middlesex County, Massachusetts, and its permitted successors and assigns ("Grantee"), for nominal consideration, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located Stow containing a 6.449 acre portion ("Premises") of a 8.116-acre property, which Premises is more particularly described in Exhibit A and shown in the reduced copy of a survey plan of land in Exhibit B, both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to ensure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("conservation values").

The conservation values include the following:

- Open Space Protection. The Premises contributes to the protection of the scenic and natural character of this area of Stow, and the protection of the Premises will enhance the open-space value of nearby conserved lands, including Sudbury Valley Trustees' 13-acre Herene Preserve on Great Road in Stow, less than 1,000 feet from the Premises. The Town of

Stow's 2016 Open Space Plan (the "Open Space Plan"), which designates the Premises as of agricultural significance, states, "The farms of Stow are one of the primary components of the Town's rural character and are an integral part of Stow's heritage and economy."

- Scenic. The Premises is identified in the Open Space Plan as an unprotected parcel of scenic significance. The fields, bordered by Colonial era stone walls, are visible from both Harvard and Hiley Brook Roads. The Premises surrounds one of the oldest houses in Stow and is also visible from the historical West School, a restored one-room school house, now a museum, on the opposite side of Harvard Road. The preservation of the Premises will maintain unique historical vistas harkening back to Stow's Colonial days.
- Prime Farmland Soils. The Premises includes 5.86 acres of Prime Farmland and .15 acres of Farmland of Statewide Importance.
- Working Farmland. The majority of the Premises consists of Prime Farmland Soils and is currently used as horse pastures. The Open Space Plan designates the Premises as of agricultural significance, stating that agricultural lands "need particular attention for protection because they generally have excellent development potential and are under heavy pressure for conversion to other uses." Depicted in the sketch plan of the Premises attached as Exhibit C are two open space areas, totaling 3.49 acres, currently being used as horse pastures (the "Open Space Areas"). This CR shall ensure that the Open Space Areas be perpetually maintained in an open condition, available for agricultural, equestrian, and other animal husbandry operations, including clearing, mowing, and the grazing of livestock, as well as for the planting and maintenance of hay, crops, or fruit or nut-bearing trees, consistent with the protection of other conservation values present on the Premises.
- Protection of Wildlife Habitat. The Massachusetts Natural Heritage Program has identified the eastern box turtle, a listed species of special concern under the Massachusetts Endangered Species Act, in the vicinity of the Premises. The protection of the Premises aligns with NHESP's wildlife and habitat protection objectives. Additionally, the Premises' open meadows, wetlands, and forests provide habitat for a diversity of bird and mammal species. The regional land trust, Sudbury Valley Trustees, ranked the Premises at its highest level, "above-average conservation priority," for unprotected parcels with habitat significance in the Sudbury, Assabet, and Concord River basin.
- Water Quality Protection. The Premises include .45 acres of Palustrine forested wetlands and a .09-acre pond, which together form the headwaters of a small, unnamed stream that drains directly into Elizabeth Brook, the largest tributary of the Assabet River. The protection of the Premises will contribute to improved water quality in both the Elizabeth Brook and the Assabet River, a portion of which is a federally-designated Wild & Scenic River. The Open Space Plan designates the Premises as of surface and groundwater significance.
- Water Supply Protection. A portion of the Premises lies within the Town of Stow's Water Resources Protection District, a zoning overlay district established by the Town to regulate the types and intensity of land uses for the protection of its water resources,

including private drinking water wells. Numerous private wells are in close proximity to the Premises.

- Maintain Natural Ecosystems and Minimize Climate Change Impacts. As described in the Open Space Plan, land conservation advances numerous Town of Stow priorities, including to “[m]aintain the often overlooked green infrastructure that preserves natural system functions and ecosystem services such as clean air and water” and to [m]inimize the impacts of climate change by making land and systems more resilient and protecting stream corridors.” Protection of the Premises with its forests, fields, wetlands, pond and stream will further these goals.
- Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy. As stated in the Open Space Plan, “Stow is only one of a handful of communities within Route 495 that has managed to retain a largely rural character with many prominent open lands, farms . . . which contribute to the Town’s character and economy.” It further states that Stow’s remaining farms are “important elements of the Town’s business base and community character and play a key role as scenic vistas . . . from . . . public roads Protection of agriculture and agricultural lands is a high priority in this Plan.” The protection of the Premises also furthers the Commonwealth’s goal of protecting agricultural lands, as set forth in its Executive Order 193 and Agricultural Land Mitigation Policy, which states that “the loss of agricultural land has had a detrimental affect [*sic.*] upon environment quality. Agricultural land reduces flooding by effectively absorbing precipitation, while replenishing critical ground water supplies. The open characteristic and natural vegetation of agricultural land helps purify the air; enhances wildlife habitat; . . . and maintains the landscape’s aesthetic and historic quality. Therefore, it is essential to ensure that the Commonwealth’s agricultural land remains available for present and future generations.” This is further described in the Massachusetts Department of Food and Agriculture’s 2001 “Agricultural Land Mitigation Policy,” stating that agricultural lands, including those with soils classified as Prime or of Statewide or Local Importance and that are in or are suitable for agricultural use, are a “critical natural resource.” Therefore, a “concerted effort . . . shall be made by the Commonwealth to avoid the loss of agricultural land as a result of non-agricultural development.”
- Historical Purposes. The Premises surround the Brown-Boaz-Stow house, identified in the Open Space Plan as having been built in the 17th century and listed among Stow’s Heritage Landscapes for historical residential buildings in Stow’s Reconnaissance Report for the Freedom’s Way Landscape Inventory. According to a letter issued on December 29, 2020, by the Massachusetts Historical Commission (“MHC”) after a records review, the historical house adjacent to the Premises is listed in both the State and National Registers of Historic Places. MHC states that preservation of the Premises “will assist to protect and preserve significant historic and archaeological resources that may be present.” It further states, “Multiple ancient Native American archaeological sites are recorded in proximity along Elizabeth Brook with similar environmental settings. This archaeological sensitivity is primarily due to environmental setting, with areas of level, well-drained soils in close proximity to wetlands and water resources of Elizabeth Brook and the Assabet River, favorable for ancient Native American and historical period land use and occupation.

Evidence of ancient and historical period Native American activities, as well as colonial period agricultural and residential activities associated with the Brown and Stow families, may be present within undisturbed portions of the property.”

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary

for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;

- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for business, residential or industrial use, or for more than *de minimis* commercial recreation;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises; and
- (10) Any other use of the Premises or activity that is inconsistent with the purpose of this Conservation Restriction or that would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

- (1) Vegetation Management. The selective minimal removing of brush, pruning and cutting, to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in Paragraph I of this Conservation Restriction and in the Baseline Report, woods roads, a dirt driveway, fence lines, trails, and meadows. In those areas of the Premises outside of the Open Space Areas and Buffer Zones, as depicted in Exhibit C, that are currently used as pastures and identified as such in the Baseline Report, trees are allowed to remain and/or may be planted, but may be removed at any time to convert those areas back into pastures for conducting the activities described in Paragraphs II.B.13 and II.B.14;
- (2) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) Composting. The stockpiling and composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting are in locations where the presence of such activities will not impair the conservation values (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;

- (4) Wildlife Habitat Improvement. With prior written approval of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species, including selective planting of native trees, shrubs and plant species;
- (5) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official);
- (6) Trails. The marking, clearing, repair and maintenance of existing trails as shown in the Baseline Report. With prior written approval of the Grantee, the construction of new trails or the relocation or alteration of existing trails, provided that any construction, relocation, or alteration results in trails that are no wider than six (6) feet;
- (7) Dirt Driveway, Woods Roads, and Bridges: The clearing, repair, and maintenance of the existing dirt driveway, woods roads, and wooden bridges serving as stream crossings, all as shown in the Baseline Report;
- (8) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;
- (9) Outdoor Passive Recreational Activities. Hunting only by Grantor, or with the express permission of Grantor, but only if necessary to control an invasive or otherwise overpopulated species having a negative effect on the ecosystem and further provided that any hunting is conducted in conjunction with a wildlife management plan prepared by a qualified professional or relevant government agency, fishing, hiking, horseback riding, cross-country skiing and other non-motorized outdoor recreational activities that do not materially alter the landscape, do not degrade environmental quality, and do not involve more than minimal use for commercial recreational activities;
- (10) Forestry and Cutting. Conducting or permitting others to conduct sound silvicultural uses of the Premises, including the right to commercially harvest forest products (as such term may be defined from time to time in Section 1 of Chapter 61 of the Massachusetts General Laws, or successor law) and the establishment of new woods roads in accordance with prudent and sound silvicultural practices that conform at least to the minimum standards set forth in the Massachusetts Forest Cutting Practices Act (Chapter 132 of the Massachusetts General Laws, or its successor) and carried out pursuant to a Forest Management Plan.

Before any harvest of forest products occurs on the Premises, Grantor shall submit a Forest Management Plan to the Grantee, the Massachusetts Department of Conservation and Recreation (or appropriate successor agency) and to any other required state agencies for

their approval. The Forest Management Plan shall be prepared by a forester licensed through the Massachusetts Department of Conservation and Recreation in conformance with the "Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans" and such statutes, regulations and directions in effect at the time of the approval of said Forest Management Plan. The Forest Management Plan shall include provisions designed to minimize soil erosion, conserve surface and groundwater quality, scenic views, wildlife habitat, and to protect the conservation values of this Conservation Restriction.

The Forest Management Plan shall be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional timber harvests occur. All cutting plans and designated access routes shall avoid any stone structures or historical and cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a licensed forester.

The provisions of this Paragraph II.B. 10 shall not apply to the Open Space Areas, including the Buffer Zones, or to any other areas of the Premises currently used as pastures, as provided in the Baseline Report;

- (11) Private Drinking Water or Irrigation Wells. With prior written approval of the Grantee, the construction of: (i) new irrigation wells for irrigation of the Premises and/or for the adjacent historical house lot at 172 Harvard Road in Stow shown as Lot 2 on Exhibit B ("Lot 2"); and, (ii) new drinking water wells for the exclusive use of Lot 2, provided that no feasible location for any such irrigation well or drinking water well exists within said Lot 2;
- (12) Septic System. The use, repair, maintenance and replacement of a leach field and related lines and equipment on the Premises that service a septic tank (collectively, the "septic system") on Lot 2 for the exclusive use of Lot 2. The locations of the existing leach field and the septic tank are depicted on the sketch plan attached as Exhibit D, and it is believed that underground lines and equipment consisting of a distribution box are in an approximate direct line between the septic tank and leach field. Any repair of, maintenance of, replacement of, or addition to the components of the septic system may occur within their current locations on the Premises with prior written notice to the Grantee, but any relocation or enlargement of the area utilized for the components of the septic system that are on the Premises shall require the prior written approval of the Grantee
- (13) Equestrian Activities and Animal Husbandry. Grazing of livestock, including but not limited to horses; placing sight-pervious fences to contain livestock that do not interfere with the passage of wildlife to, from and through the Premises; and constructing, maintaining or replacing related temporary structures, such as equestrian fences and jumps and, with prior written approval of the Grantee, lean-tos or other temporary shelters for horses or other livestock. All such activities shall comply with all federal, state, and local laws, rules, regulations, and permitting requirements;
- (14) Agricultural Activities: Conducting or allowing others to conduct sound agricultural activities, which term shall include the following:

- a. Planting, seeding, and maintaining hay cover, crops, and/or fruit or nut-bearing orchards in the Open Space Areas, Buffer Zones, or that are currently used as pastures but are outside of the Open Space Areas and Buffer Zones as depicted in Exhibit C, as identified in the Baseline Report;
 - b. The sale of such agricultural products;
 - c. Mowing to maintain existing fields;
 - d. Constructing sight-pervious fencing designed to inhibit the passage of deer;
 - e. The use of fertilizers, pesticides, herbicides, and fungicides, provided that any such uses are done in a manner to avoid impairing water quality and follow generally accepted best management practices;
 - f. The storage and application of manure as fertilizer on the Premises, provided such storage and application does not impair the scenic values of the Premises, and provided such application is done in a manner that will not impair the water quality of brooks, streams, wetlands, or any other surface water body, and provided such storage and application complies with all federal, state, and local laws, rules, regulations, and permitting requirements, and does not otherwise impair the conservation values of this Conservation Restriction. Any manure storage shall be confined to one concentrated area;
- (15) Vehicles: Use (but not the storage) of vehicles and other motorized or non-motorized equipment for:
- a. The activities described in Paragraphs II.B.10, II.B.13, and II.B.14, including, but not limited to, tractors, trucks, wagons, skidders, balers, and spreaders;
 - b. Carrying out any other activity described in this Paragraph II.B., except that vehicles for the activities described in Paragraph II.B.9 are prohibited;
 - c. Any other single-day use associated with the Premises or on Lot 2 that will not impair the conservation values of the Premises; and
 - d. With prior written approval of the Grantee, any other temporary purpose that will not impair the conservation values.
- (16) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II.B. shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises, including to the unnamed stream and pond, that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II.B., any disturbed areas shall be restored substantially to the

conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report;

- (17) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph II.B. shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued; and
- (18) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II.B. shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Maintenance of the Open Space Areas and Buffer Zones

Grantor shall maintain the open fields, pastures and meadows identified as the Open Space Areas in Exhibit C in their natural, scenic, agricultural and open condition to preserve the scenic, historical and agricultural qualities of the Premises and to ensure such areas may be used for equestrian activities and animal husbandry, as described above in Paragraph II.B.13, and for agricultural activities, as described above in Paragraph II.B.14. The Open Space Areas shall not be permitted to succeed to forest. Grantor shall also maintain the Buffer Zones identified in Exhibit C in a condition that will preserve the vistas from Harvard Road.

In the event that Grantor fails to so maintain the Open Space Areas and/or the Buffer Zones, the Grantee shall, after prior notice to the Grantor as provided in Paragraph XII hereof, have the right, but not the obligation, to take all required action to so maintain the Open Space Areas and/or the Buffer Zones, at Grantee's expense, subject to reimbursement by Grantor in accordance with Paragraph III(A).

D. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Grantee agrees to use reasonable diligence to respond to Grantor's request within 60 days of delivery. Grantee's failure to respond within the sixty (60) calendar day period shall be deemed a denial of the request (hereinafter, a "Deemed Denial"). A Deemed Denial is not final or binding on Grantee, and Grantor may subsequently submit the same or a similar request for approval.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth

movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoints the Grantee her attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Premises, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument that grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after her ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Middlesex South Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Nancy H. Shepherd
172 Harvard Road
Stow, MA 01775

To Grantee: Stow Conservation Trust, Inc.
P.O. Box 397
Stow, MA 01775

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Homestead. The Grantor hereby releases, agrees to waive, subordinate, and release any and all Massachusetts General Law Chapter 188 Homestead rights it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

C. Subordination. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval by Town of Stow Select Board

Approval of the Secretary of Energy and Environmental Affairs

Exhibits:

Exhibit A: Description of the Premises

Exhibit B: Reduced Copy of Plan of Premises

Exhibit C: Sketch Plan of the Open Space Areas and Buffer Zones

Exhibit D: Sketch Plan of the Septic System

WITNESS my hand and seal this ____ day of _____, 2021,

Nancy H. Shepherd

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

This Conservation Restriction from Nancy H. Shepherd was accepted by Stow Conservation Trust, Inc. this _____ day of _____, 2021.

By: _____
Robert Wilber

Its: President, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF SELECT BOARD OF TOWN OF STOW

We, the undersigned, being a majority of the Select Board of the Town of Stow, hereby certify that at a public meeting duly held on _____, 2021, the Select Board voted to approve the foregoing Conservation Restriction from Nancy H. Shepherd to Stow Conservation Trust, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

SELECT BOARD:

[Type in names beneath lines]

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Nancy H. Shepherd to Stow Conservation Trust, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2021

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is the entirety of one of two parcels of land located at 172 Harvard Road in the Town of Stow, Middlesex County, Commonwealth of Massachusetts, containing a total of 6.440 acres, identified as Lot 1A as depicted on a survey plan entitled "Plan of Land, Stow, Mass., Prepared for Thomas R. & Nancy H. Shepherd," compiled by Clyde R. Wheeler, Inc., 110 Old Bay Road, Bolton, Mass., dated August 30, 1991, recorded at the Middlesex South Registry of Deeds at Book 22180, Page 552.

Street Address: 172 Harvard Road, Stow, MA 01775

EXHIBIT B – Reduced Copy of Plan of the Premises

For official full size plan see Middlesex South Registry of Deeds at Book 22180, Page 552

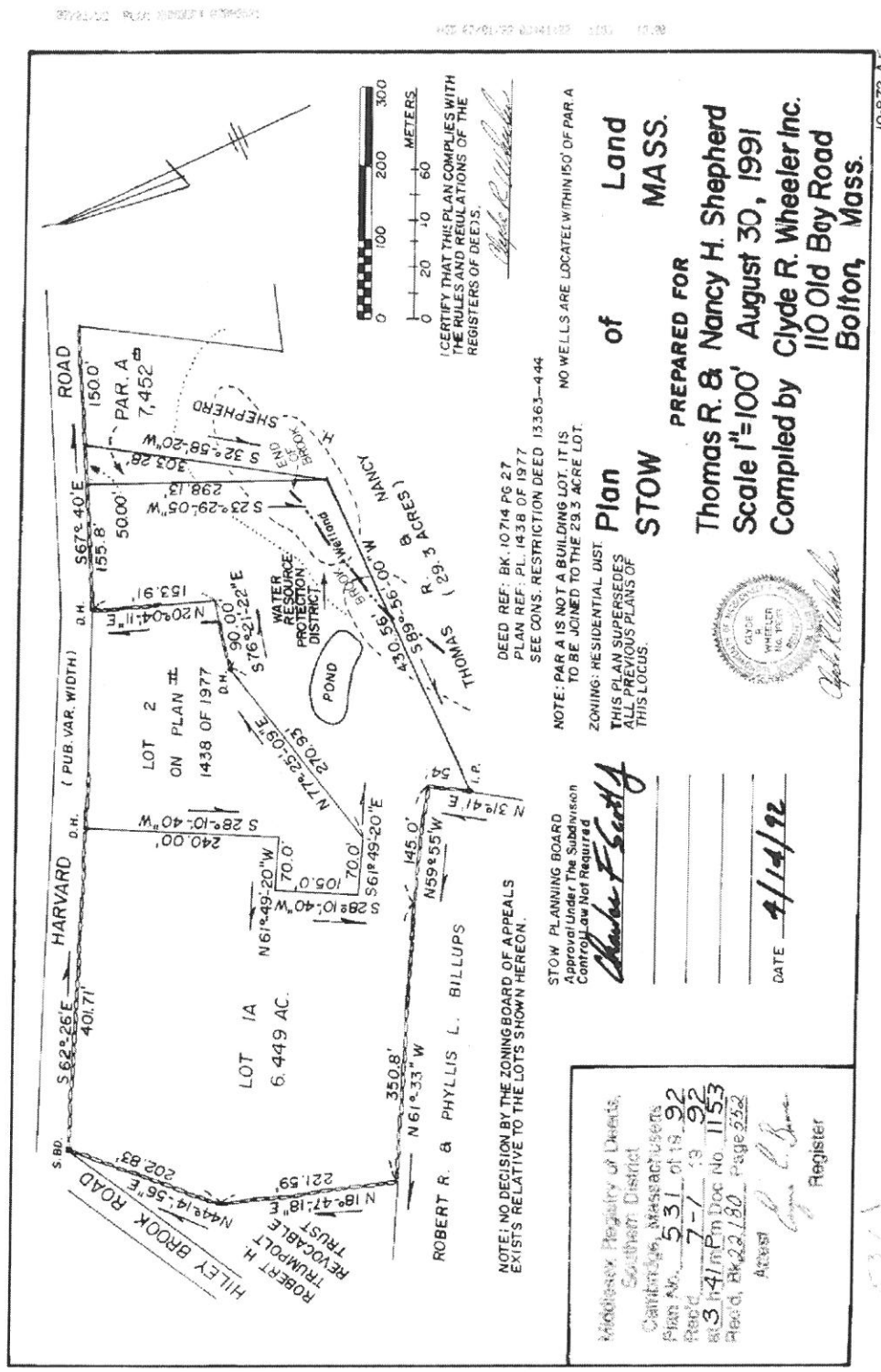


EXHIBIT C - Sketch Plan of the Open Space Areas and Buffer Zones

Open Space Areas and Buffer Zones Exhibit C

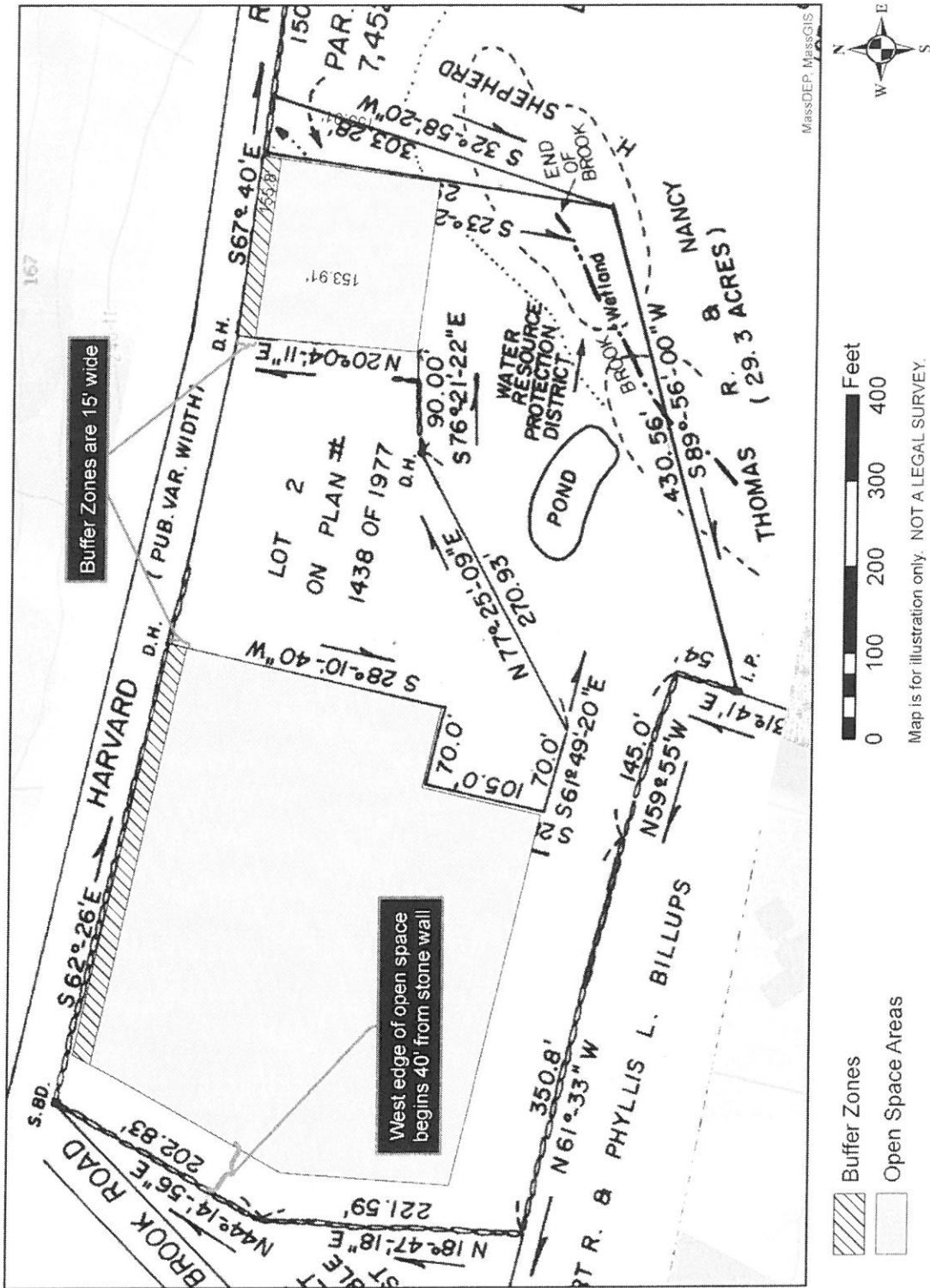
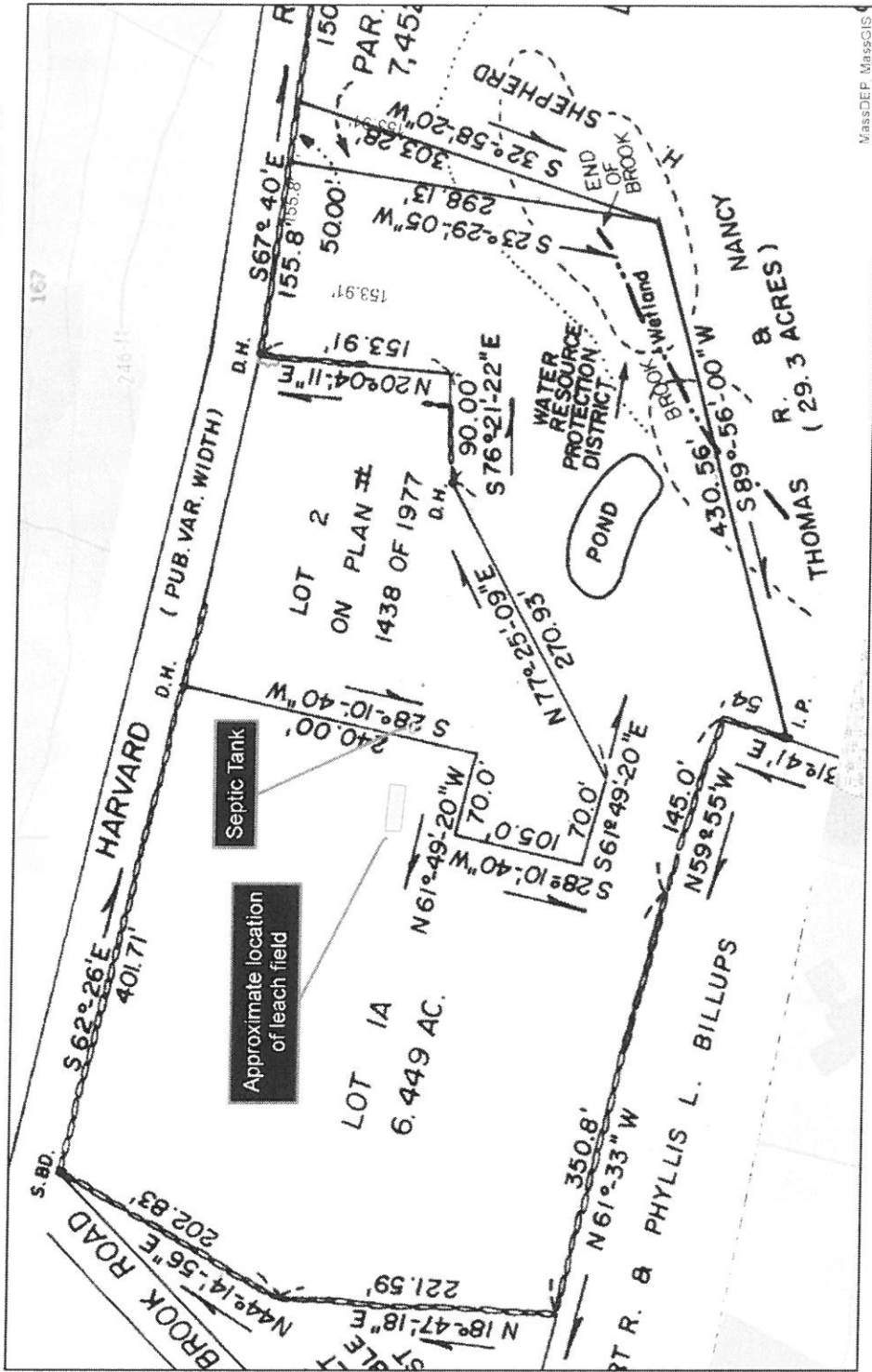


EXHIBIT D - Sketch Plan of the Septic System

Septic System Exhibit D



Septic System


MUNICIPAL CERTIFICATION


Shepherd Conservation Restriction, 172 Harvard Road, Lot 1A, approximately 6 1/2 acres

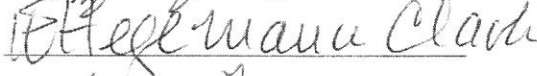
(We) the undersigned Conservation Commission of STOW (the certifier) hereby certify that the proposed conservation restriction is in the public interest in that it (describe public benefit):

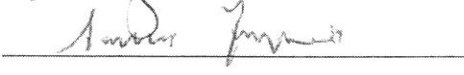
- (1) Protects the scenic and natural character of this area of Stow and enhances the open-space value of nearby conserved lands;
- (2) Protects historical resources that may be present, including ancient Native American archaeological sites and colonial period agricultural and residential activities associated with the adjacent 17th century house, which is listed in both the State and National Registers of Historic Places;
- (3) Protects an important scenic and historical resource that is visible from Harvard and Hiley Brook Roads, from the abutting 17th century house, and from the historical West School across Harvard Road;
- (4) Protects Prime Farmland and working farmland;
- (5) Protects the headwaters of a small, unnamed stream that drains directly into Elizabeth Brook, the largest tributary of the Assabet River;
- (6) Protects important wildlife habitat, including the eastern box turtle, and provides habitat for a diversity of bird and mammal species; and
- (7) Advances other goals of the Stow Open Space and Recreation Plan, including the protection of wetland, surface and groundwater resources.

Signed:









Date: 3-30-21

Annual Town Meeting debrief

Town acceptance of Juneteenth Holiday

Discussion of Select Board
meeting format after
June 15, 2021

Liaison Discussion

- What is the role of the Select Board liaison?
- Is there value to these positions?
- Are there alternatives?

**Selectmen's FY21 Committee Assignments and Liaisons/Contacts
Committee Memberships**

Capital Planning Committee	Jim Salvie
Local Access Channel Advisory Committee	Jim Salvie
MAPC Selectmen's Alternate	Ellen Sturgis
MAGIC Selectmen's Rep.	Ellen Sturgis
Lower Village Revitalization Committee	Megan Birch-McMichael
SMAHT (Stow Municipal Affordable Housing Trust)	Cortni Frecha
Town Hall Restoration Committee	Megan Birch-McMichael
Town Hall Restoration Committee	Cortni Frecha

Liaisons/Contacts, Annual July 1 - June 30

Cemetery Trustees	Ellen Sturgis
Community Preservation Committee	Cortni Frecha
Conservation and Open Space Comms	Cortni Frecha
Council on Aging	Ellen Sturgis
Finance Committee	Jim Salvie
Economic Development & Industrial Commission	Cortni Frecha
Fire/Highway/Police	Tom Ryan
Health, Board of	Tom Ryan
Historical Commission	Tom Ryan
Lake Boon Commission	Megan Birch-McMichael
LEPC (Local Emerg.Planning Ctte.)	Tom Ryan
Minuteman Regional School District	Ellen Sturgis
Nashoba Regional School District	Megan Birch-McMichael
Planning Board	Megan Birch-McMichael
Randall Library Trustees	Jim Salvie
Recreation Commission	Ellen Sturgis
Tri-Town	Megan Birch-McMichael
Zoning Board of Appeals	Cortni Frecha

MINUTES

Select Board Meeting Minutes
Tuesday, May 25, 2021
Stow Town Building, & Zoom

Present in the Warren Room: Corti Frecha, Megan Birch-McMichael, Zack Burns, James Salvie, and Ellen Sturgis.
Also present: Town Administrator Denise Demboski.

In the absence of a Chair, the Clerk steps in as Acting Chair of the Select Board.

Acting Chair Frecha called the meeting to order at 7 p.m.

Acting Chair Frecha welcomed new member Zack Burns, and thanked all those who made town meeting go smoothly.

Reorganization of the Board – Chair and Clerk

Acting Chair Frecha asked for a brief discussion to include each member's thoughts on the roles of the Chair and the Clerk. The consensus is that the Chair is a more ceremonial role and is the person who runs the meeting. A successful Chair needs the support of the other Board members and needs to keep in mind that the Chair does not speak for the Board. The Clerk fills in for the Chair as needed.

Select Board member Salvie nominated Cortni Frecha as Chair, seconded by Select Board member Frecha.

The motion did not move forward on a 2-0-0 vote with Board members Salvie and Frecha in favor.

Select Board member Birch-McMichael nominated Ellen Sturgis as Chair, seconded by Select Board member Sturgis. The motion passed unanimously.

Select Board member Frecha nominated Megan Birch-McMichael as Clerk, seconded by Select Board member Burns. The motion passed unanimously.

Certificate of Appreciation for Eric S. Kraus, DDS

Select Board member Birch-McMichael moved to sign a Certificate of Appreciation for Eric S. Kraus, DDS. Select Board member Salvie seconded the motion, and it passed unanimously.

(Dr. Kraus established his dental practice in 1979 and is retiring after 42 years of being a family dentist in Stow.)

Annual June 1st Appointments

Annual Appointment of Forest Warden

Select Board member Birch-McMichael moved to reappoint Fire Chief Joseph Landry to the position of Forest Warden, for a one-year term, ending May 31, 2022. Select Board member Salvie seconded the motion, and it passed unanimously.

Annual Appointment of Building Commissioner

Select Board member Birch-McMichael moved to reappoint Craig Martin to the position of Building Commissioner, for a one-year term, ending May 31, 2022. Select Board member Salvie seconded the motion, and it passed unanimously.

Annual Appointment of Inspectors

On the recommendation of Building Commissioner Craig Martin, Select Board member Birch-McMichael moved to reappoint the following inspectors, for one-year terms, ending May 31, 2022.

- *Assistant Facilities Manager/Local Inspector: Douglas Hyde*

- *Electrical Inspector: Robert W. Norton*
- *Deputy Electrical Inspector: Dennis Monteiro*
- *Deputy Electrical Inspector: Michael A. Norton*
- *Gas Inspector: Adam Sahlberg*
- *Deputy Gas Inspector: Robert Smith*
- *Plumbing Inspector: Adam Sahlberg*
- *Deputy Plumbing Inspector: Robert Smith*

Select Board member Salvie seconded the motion, and it passed unanimously.

Remote Participation Policy

Town Administrator Demboski presented the draft of the Remote Participation Policy.

Board member Salvie said the Select Board did not vote on the option to adopt a remote policy when it was first added to the Open Meeting Law in 2009. Board member Salvie is concerned that other boards may not follow the policy if not properly trained.

Board member Burns suggested that the Town adopt a single method for remote participation. For Step 5, and for all future policies, he would like the policies to be gender neutral.

Discussion ensued regarding Step 4; if the wording is from the Open Meeting Law it will stay as is, if not, the Board proposed a change to the approval process to be: *...unless the presence of that person is approved by a simple majority vote of the quorum present at the executive session.*

Select Board member Birch-McMichael moved to approve the Remote Participation Policy as amended. Select Board member Salvie seconded the motion, and it was approved unanimously.

Notice of Exercise for Hallock Point

Chair Sturgis asked about the process for ownership and selling of land. The Town Administrator stated that the 2 lots went through the full procurement process. Chair Sturgis congratulated the team who made this happen.

Select Board member Birch-McMichael moved that the Select Board execute the Notice of Exercise for Hallock Point. Select Board member Salvie seconded the motion, and it was passed unanimously.

Correspondence:

- The Board discussed who might be able to attend the Maynard Historical Commission and the Maynard Sesquicentennial Committee event on June 5th.
- Regarding the letter from former Chair Ryan to the Police Chief, Board member Burns said he also has attended the Citizens' Police Academy and it was very well done and one of the best experiences he has had, and he encouraged the Board members to attend.

Adjournment

At 7:51 p.m. Board member Birch-McMichael moved to adjourn. Select Board member Frecha seconded the motion, and it passed unanimously.

Respectfully submitted,

Joyce Sampson

Executive Assistant

Documents used at this meeting:

Documents can be found in the Select Board's Office in the meeting folder.

Board of Selectmen Meeting Minutes
Saturday, May 22, 2021
Center School, 403 Great Road, Stow, MA

Present: Chairman Thomas Ryan, Cortni Frecha, James Salvie, Megan Birch-McMichael, Ellen Sturgis
Also present: Town Administrator Denise Dembkoski; Atty. William Hewig; Executive Assistant Joyce Sampson

Chairman Ryan called the meeting to order at 8:35 a.m.

Discussion/vote on ATM 2021 warrant articles

Selectwoman Sturgis noted for the record that she has changed her vote to be against the pickleball court. The Boards would still be in favor of Article 52, and it was not reconsidered.

Selectman Salvie asked for confirmation that any question on Article 4 regarding the Assistant TA/HR Director position will be deferred to the Town Administrator.

Discuss Town Meeting

Chairman Ryan will recognize both Craig Martin and Chief Landry as both are retiring soon, Mr. Martin in July and Chief Landry in August, and this is their last Annual Town Meeting.

Selectwoman Sturgis asked for confirmation that the votes the Board took are included. They are and will be read as part of the motion.

Selectman Salvie asked for confirmation that they will remove their masks when speaking.

Adjournment

At 8:40 a.m. Selectwoman Birch-McMichael moved to adjourn. Selectwoman Frecha seconded the motion, and it passed unanimously.

Respectfully submitted,

Joyce Sampson

Executive Assistant

Board of Selectmen Meeting Minutes
Tuesday, May 11, 2021
Stow Town Building & via Zoom

Present in the Warren Room: Chairman Thomas Ryan, Megan Birch-McMichael, James Salvie, and Ellen Sturgis. Cortni Frecha was present via Zoom.

Also present: Town Administrator Denise Dembkoski.

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

Public Input: Dorothy Granat was present via Zoom to discuss the emails she recently sent to the Town and the Building Commissioner about various issues over the past 3 ½ years. Ms. Granat was advised to speak with the Town Administrator as the Building Commissioner is a town employee and falls under her purview.

This is Chairman Ryan's last regular Board meeting, and on behalf of the Board Selectwoman Sturgis presented him with a 'limited edition' sweatshirt with the town seal. They have more things planned for him in the future. Chairman Ryan said it was a pleasure serving with them. He thanked the staff and volunteers of the Town.

Chairman's Comments: The Chairman thanked everyone who stepped forward at the Town Election. He is grateful that people ran for public office. He congratulated Ellen Sturgis and Zack Burns. He thanked Town Clerk Linda Hathaway and Assistant Town Clerk Deb Seith for their hard work leading up to and during the Election, and he thanked the voters. Town Meeting is Saturday, May 22 beginning at 9 a.m. There will be an indoor and outdoor component due to COVID-19.

Appointments

There have been 3 Highway Department positions posted.

Selectwoman Sturgis moved to appoint Derek Hopper as a full-time Highway Department Mechanic. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Selectwoman Sturgis moved to appoint Jerry Camara as a full-time Highway Department Tree/Grounds Driver Laborer. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Selectwoman Sturgis moved to appoint Nicholas Whalen as a temporary Highway Department Tree/Grounds Driver Laborer. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Surplus Goods and Equipment from Stow TV

Selectwoman Sturgis moved to declare as surplus, the goods and equipment on the list provided by Stow TV Director Jonathan Daisy, valued at less than \$10,000 and belonging to the Town, and to authorize the disposal of these surplus items. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

FY 2020 Audit Report – Zackary Fentross, Melanson Audit Manager

Mr. Fentross was the Audit Manager in charge of the June 30, 2020 audit for the Town of Stow. He wants the takeaway from the presentation to be that the Town is in a good financial position.

The independent Auditor's Report shows that the Town has received a 'clean opinion' which is the best that a town can receive from an independent audit. Stow has received this in the past. There is a paragraph titled "Emphasis of Matter;" there is an ongoing investigation being conducted by the state and he is unable to answer any questions on this matter. Mr. Fentross proceeded to review the Management Letter for the Board.

In response to a question from Selectman Salvie, Mr. Fentross said employees were very forthcoming and provided information in a timely manner. The Board appreciated the presentation and thanked him for his clarity.

This Audit Report, and those from prior years, are on the Town's website on the Town Accountant's webpage.

2021 Annual Town Meeting Article Discussion

Article 3 - Wage and Salary Schedules for Fiscal Year 2022

Selectman Salvie moved that the Board support and recommend approval of Article 3. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Article 4 - General Budget for Fiscal year 2022

Selectwoman Sturgis discussed her strong support of the Assistant Town Administrator/Human Resources Director position. Selectman Salvie thinks it would be more effective to call out certain things in Article 4 at Town Meeting as opposed to a general support of the entire Article.

Selectman Salvie moved that the Board support Article 4, and in particular, the addition of the Assistant Town Administrator position. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Article 35 - Capital Requests

The Finance Committee comment for Item 6 actually refers to Item 5, although FinCom supports both trucks. The Fire Department is still waiting to see if they will receive a grant for Item 4; that item may be removed on the Town Meeting floor. The Finance Committee has voted favorably on Item 9.

Selectman Salvie noted that the Capital Planning Committee has previously approved these items.

Selectwoman Sturgis moved that the Board of Selectmen support the Capital Requests for Fiscal 2022. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Article 38 - Legal Services

Selectman Salvie said this amount is larger than it has been, but he wanted to point out that we are defending the Town and only in one lawsuit are we the plaintiff and we are not paying for that. The Town Administrator said there are 2 cases that are becoming active and will increase costs.

Selectman Salvie moved that the Board of Selectmen recommend approval by Town Meeting of Article 38. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Article 39 - Implementation of MS4 Stormwater Permits Requirement

Town Administrator Demboski stated that this is a requirement and we must comply with NPDES permits and MS4 requirements. The EPA gave cities and towns a timeline for this and it is now time. This will be ongoing. The Board did not take a formal position on this article.

Article 45 - Bylaws and Regulations amendment to change the Board of Selectmen Name

Selectwoman Birch-McMichael said it is important for the Board to take a position on this and it is a necessary change. The word 'man' is not synonymous with 'person' anymore.

Selectman Salvie feels they should not be bound by what some people in 1683 decided to call this Board.

Selectwoman Frecha added that 'female' is not synonymous with 'woman.' Even by calling us Selectwoman and Selectman we are calling out our differences. It doesn't have anything to do with our gender.

Chairman Ryan does not support this but feels it is inevitable. He does not see it as a 'miniscule cost.' He noted that it doesn't change his view of his colleagues on the Board.

The Town Administrator said it is the cost of the time to go through the website and go through the changes. Selectman Salvie said that by that standard every article has a cost; it will cost less than \$100 to scrub the website.

Selectwoman Sturgis moved that the Selectmen support Article 45 to change the name to Select Board. Selectwoman Birch-McMichael seconded the motion, and it was approved 4-1 with Chairman Ryan opposed.

Article 47 - Online Permit and License Fees & Article 48 - Online Budgeting Software

Selectman Salvie moved that the Board of Selectmen recommend that Town Meeting approve Articles 47 and 48. Selectwoman Sturgis seconded the motion, and it was approved unanimously.

Article 49 - Salary Reserve Line to Implement Salary and Classification Changes

Selectman Salvie moved that the Board of Selectmen recommend that Town Meeting approve Article 49. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Article 50 - Acceptance of Great Road Land Donation

Selectwoman Sturgis moved that the Selectmen support Article 50 for the acceptance of the Great Road land. Selectman Salvie seconded the motion, and it was approved unanimously.

Article 51 - Hallock Point Chapter 61 Land Purchase

Selectwoman Sturgis is not in favor of this, she is concerned about the use of CPC money (Community Preservation Committee) for a piece of property that was not listed on any priority list. She is concerned that we will not have money for the properties that have been discussed for decades. She feels the trail system will not be used as it goes around people's houses. She appreciates the amount of work that has gone into this and supports it going to a Town Meeting vote.

Selectwoman Birch-McMichael understands what her colleague is saying, but she is looking at it as having sat on the permitting process for the Planning Board and would be fine with it going to development. It should be put to a vote at Town Meeting. She does not have a strong position on it.

Selectman Salvie regards this as a transaction and the policy questions are minimal. It is 'high profile' and the Selectmen should take a position. His biggest issue is the notion that it has an impact on the local neighborhood more than the town as a whole but you can say that about any Town resource or piece of conservation land. He is impressed by the local neighborhood involvement and the fundraising efforts.

Selectwoman Frecha believes the trails will get used as there are existing conservation trails going behind people's houses. It is an opportunity to view the water in a way that is not characteristic of a lot of our town properties. She does not see development of this property as a gain and is in favor of this. She agrees with Selectwoman Sturgis about how this was funded (by CPC), and not the Town Hall.

Chairman Ryan feels it will be a good piece of property and the Board's support will give others an incentive to work out other creative solutions. He is in favor of it.

Town Administrator Dembkoski stated there is a contingency with a purchase and sale of a 3-acre parcel of land. There was a bid opening today and it was favorable and above the price indicated in the Warrant, and with the donations coming in, the amount in the Article may be amended to a lower number on the Town Meeting floor.

Selectman Salvie moved that the Board of Selectmen recommend that Town Meeting approve Article 51. Selectwoman Birch-McMichael seconded the motion, and it was approved 4-1 with Selectwoman Sturgis opposed.

Article 52 - Pickleball Court

Town Administrator Dembkoski said that at the Community Preservation meeting last night, the 2016 plan for the original Town Center Park was presented and it showed a hard court for some type of recreation. The Selectmen had approved that conceptual design, along with other boards and Town Meeting. Town Center Park is under the care, custody, and control of the Board of Selectmen, with 6.5 acres down to the pond under the care, custody, and control of the Conservation Commission.

The motion will be for the Pickleball Court to be at Town Center Park. The expectation is that it will come in less than \$65,000, possibly \$44,000, but it will stay as \$65,000 at Town Meeting. Parking and sound should not be an issue at this location. The cost to put it elsewhere could potentially be higher.

Selectwoman Sturgis said that CPC funds are usually matching funds; the people that are in favor of this should have done fundraising. Just because it is a smaller amount of money does not mean that fundraising should not have been done. She feels it has been presented poorly.

Selectwoman Frecha said the Town is made up of different groups of people. We are a collective of all sorts of interests and we should be funding something like this.

Discussion ensued about there not being information with hard costs and a budget to back up the numbers.

Selectman Salvie moved that the Board recommend that Town Meeting approve Article 52. Selectwoman Birch-McMichael seconded the motion, and it was approved 4-1 with Chairman Ryan opposed.

Article 53 - Kane Land Walking Path Design and Construction

Selectwoman Sturgis would like to see this supported as we don't do a lot in the Gleasondale area. There is also an Eagle Scout project which will be building boardwalks along the walking path.

Selectwoman Sturgis moved that the Board approve Article 53. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Selectman Salvie noted for the record that the town is not doing the bridge work in Gleasondale.

Article 54 - Stow Acres Conservation Restriction Purchase

Selectwoman Sturgis moved that the Board support Article 54. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

The Board discussed logistics at the Annual Town Meeting. They will all sit inside, together on the stage facing the audience, with a 4-foot buffer between them and sharing a microphone.

The Board will not be having a meeting on Tuesday, May 18; the Board's next meeting will be on Saturday, May 22 at 8:30 a.m. prior to the Annual Town Meeting.

Board & Committee Appointment Process

The Board discussed how people were traditionally appointed to a board or committee. They agreed that a candidate should attend a meeting of the board/committee that they want to join and meet with the Chair.

Selectmen Salvie said there should be a written policy, and the only requirement in the Charter is for the Town Administrator to recommend.

The Board did not take any action on this process at this meeting.

Recreation Department Boating Permit

On the recommendation of the Lake Boon Commission, Selectwoman Sturgis moved to grant a Commercial Use Permit to the Stow Recreation Department for its boating program for Camp Stow and the Town Beach, for the 2021 season and valid through December 31, 2021, and to waive the \$5 fee. Selectwoman Frecha seconded the motion, and it was approved unanimously.

Town Administrator's Report

- There is a Stow Acres Public Forum tomorrow night to present updated plans and concepts.
- Selectwoman Sturgis asked about Town buildings reopening. The target is when state offices reopen.
- Selectwoman Sturgis asked if Bose is leaving Stow. The TA said yes, and there was a meeting to discuss what the best use of the property would be, and that there has been interest in the property. Bose has to do well testing for PFAS prior to selling.

Liaison Reports

- Selectwoman Birch-McMichael: The Town Hall Restoration Committee is meeting tomorrow night. They have split into 3 groups, including fundraising and community outreach.
- Selectman Salvie: He would like the Board to be in discussions regarding Town Hall restoration. Regarding the Randall Library, the Building Committee discussed the 2012 Engineer Report stating that books cannot go on the second floor. He feels the report was vague and that they are not bound by an 8-year-old report. The existing space should be used as efficiently as possible. LACAC (Local Access Channel Advisory Committee) had its first negotiation session with the Xfinity attorney.
- Selectwoman Sturgis: The Recreation summer positions have been posted. Minuteman High School has 4 students (3 sophomores and 1 adult student) going on to the National Skills USA competition. She reminded people that the Council on Aging has many good programs. She attended the recent MAGIC (Minuteman Advisory Group on Interlocal Coordination) meeting and the MAPC (Metropolitan Area Planning Council) offers regional workshops.
- Selectwoman Frecha: The Conservation Commission has lifted the leash advisory that was in place due to the pandemic. There is still 'please leash your dogs' in certain areas. Permit applications for the water portion of the Plantation II project have been submitted.
- Chairman Ryan: Most of his liaisons for the past 10 years have been with public safety. He felt it was important and helpful to him as a selectman, prior to the new hiring process, to be part of the interviews for finalists for public safety positions. He suggested that the new Board consider keeping this tradition.

Meeting Minutes

April 27, 2021: *Selectwoman Sturgis moved to approve the meeting minutes of the April 27, 2021 meeting as presented. Selectwoman Frecha seconded the motion, and it was approved unanimously.*

November 12, 2019 Executive Session: *Selectwoman Sturgis moved to approve and release the meeting minutes of the November 12, 2019 Executive Session as presented. Selectman Salvie seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

September 24, 2019 Executive Session: *Selectwoman Sturgis moved to approve and release the meeting minutes of the September 24, 2019 Executive Session as presented. Selectwoman Frecha seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

July 11, 2017: *Selectwoman Sturgis moved to approve the meeting minutes of the July 11, 2017 meeting as presented. Selectman Salvie seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

May 10, 2017: *Selectwoman Sturgis moved to approve the meeting minutes of the May 10, 2017 meeting as presented. Selectman Salvie seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

February 14, 2017: *Selectwoman Sturgis moved to approve the meeting minutes of the February 14, 2017 meeting as presented. Selectman Salvie seconded the motion, and it was approved 4-0-1 with Selectwoman Birch-McMichael abstaining.*

Correspondence

Selectwoman Birch-McMichael wanted to confirm that the letter from the resident regarding Nan's Market has gone to the Planning Department.

Regarding the letter from the resident who spoke at the beginning of the meeting, Selectman Salvie wanted to confirm that she is aware of the appeals process from decisions made by the Building Inspector.

Adjournment

At 10 p.m. Selectwoman Sturgis moved to adjourn. Selectwoman Birch-McMichael seconded the motion, and it was approved unanimously.

Respectfully submitted,

Joyce Sampson

Executive Assistant

Documents used at this meeting:

Documents can be found in the Selectmen's Office in the meeting folder.

Board of Selectmen Minutes
Thursday, May 18, 2017
Stow Town Building

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

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

Discussion on Chapter 61 property – 49 Old Bolton Road

The Board discussed the matter of the withdrawal of the parcels on Old Bolton Road from the Chapter 61 program. The consensus was to discuss this further at the next meeting on May 23, 2017.

Letter of Support for Municipal Vulnerability Preparedness (MVP) Grant Program

The consensus was to have Chairman Burke sign a letter to be sent to the Executive Office of Energy and Environmental Affairs in Boston.

(Executive Session with the Planning Board was identified on the agenda. However, there is no record that the Boards convened into Executive Session.)

Adjournment

Respectfully submitted,

Joyce Sampson
Executive Assistant

Documents used at this meeting:

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

Stow Board of Selectmen
Stow Town Building
April 25, 2017

Present in the Warren Room were Selectmen James Salvie, Brian Burke, Don Hawkes, Ingeborg Hegemann, and Tom Ryan.

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

At 7:01 p.m. Chairman Salvie called the meeting to order.

Chairman's Comments: Chairman Salvie announced that Spring Fest would take place on Saturday, May 13, 2017 from 10 a.m. to 3 p.m. at Center School. There is an Ice Cream Social Friday May 12, 2017 from 4 p.m. to 7:30 p.m. at Hale School for the Ari Fun Run by the Greg Hill Foundation.

Minutes

Mr. Hawkes moved to approve the minutes of March 28, 2017 as amended. Mr. Ryan seconded the motion and it was approved unanimously.

Mr. Hawkes moved to accept the minutes of the April 11, 2017 meeting as submitted. Mr. Ryan seconded the motion and it was approved 4-0-1 with Ms. Hegemann abstaining.

Correspondence: None

Appointment to Historical Commission

Mr. Crosby is a registered voter in Stow residing on Edgehill Road, and has already served as an Associate on the Historical Commission. The Historical Commission voted in favor of his appointment and has provided a letter of recommendation.

Mr. Hawke moved, on the recommendation of the Historical Commission, to appoint Andrew Crosby to the Historical Commission to fulfill the remainder of a three-year term ending June 30, 2018. Mr. Burke seconded the motion and it was approved unanimously.

Vote to Sign Bond Anticipation Note

Treasurer Pamela Landry and Town Clerk Linda Hathaway were present to answer any questions.

Mr. Hawkes moved to approve the sale of a \$9,721,000 Bond Anticipation Note at 2% interest dated May 1, 2017 and payable May 1, 2018 to Jefferies LLC, for the Fire Station/Community Center project, the remainder of the Elementary School project, and the purchase of 323 Great Road. Mr. Ryan seconded the motion and it was approved unanimously.

Special Liquor License for Domestic Violence Services Network "Celebration of Hope" Benefit at Collings Foundation May 6, 2021

DVSN has hired Tastings Caterers for the event and will have licensed bartenders. Attendees pay for tickets but are offered complimentary beer and wine, and may purchase a featured cocktail, mint juleps. The license is for wine and malt beverages only; the Town Administrator said the Board could add "and liquor" to the license and the Chair can initial the change.

Mr. Ryan moved to approve and sign a Special One-Day Liquor License for the Domestic Violence Services Network, Inc. (DVSNI), for a "Celebration of Hope" benefit to be held at the Collings Foundation, Barton Road, on Saturday, May 6 from 6:30 to 10 PM. Mr. Hawkes seconded the motion and it was approved unanimously.

2017 Annual Town Meeting Articles

Regarding Article 37*, Cortni Frecha, Chair of the Community Preservation Committee, was present to provide an overview of the CPC funds. Mike Kopczynski, Chair of SMAHT (Stow Municipal Affordable Housing Trust) also provided an update. There is a database for every affordable housing unit, with a scan of every document that applies to it, such as deeds, mortgages, and everything that is recorded at the Registry. The monitoring is a recurring administrative task and expense. This article is to fund the next year's activity. Mr. Kopczynski said the monitoring service is approximately \$8000 and \$4000 is involved with foreclosure activity. This will not come out of CPC funds; it is 'raise and appropriate'.

Mr. Hawkes moved to support Article 37. Ms. Hegemann seconded the motion and it was approved 4-1 with Chairman Salvie against.*

**(The Board did clarify that this was actually Article 36. At the prior meeting, this article had been listed as Article 37.)*

The Board discussed many articles and decided to vote at the end of the discussion.

Town Planner Jesse Steadman spoke about Article 51 - Lower Village Traffic Safety Improvements, and Article 73 - Temporary Moratorium on Recreational Marijuana Establishments. The Board has deferred action on Article 51 until their meeting prior to Town Meeting.

Mr. Hawkes moved for the Board to support Article 42. Ms. Hegemann seconded the motion and it was approved unanimously.

Mr. Ryan moved for the Board to support Article 73. Mr. Hawkes seconded the motion and it was approved unanimously.

Mr. Ryan moved for the Board to support Article 44, the Restoration of the Second Floor Historic Area of the Randall Library. Mr. Hawkes seconded the motion and it was approved unanimously.

Mr. Hawkes moved for the Board to support Article 47, Creation of Community Park at 323 Great Road. Ms. Hegemann seconded the motion and it was approved unanimously.

Ms. Hegemann moved for the Board to support Articles 45 and 46. Mr. Hawkes seconded the motion.

Discussion ensued and the Chair requested that the Articles be in separate motions.

Ms. Hegemann withdrew her motion and Mr. Hawkes withdrew his second.

Ms. Hegemann moved for the Board to support Article 45, the Purchase of Conservation Restriction on Carver Hill Orchard. Mr. Hawkes seconded the motion and it was approved unanimously.

Ms. Hegemann moved for the Board to support Article 46, the Purchase of Conservation Restriction on small farm. Mr. Hawkes seconded the motion and it was approved unanimously.

Update from Library Trustees

Chair of the Library Trustees Marianne Sharin and Library Director Melissa Fournier provided an update on circulation, attendance, assistance from community groups, accessibility of services, and historic building updates.

Town Administrator's Contract

Mr. Ryan noted that one section states extending the contract for 3 years, but in the section on page 2 it states 5 years. The contract was corrected and initialed by the Chair and the Town Administrator.

Mr. Ryan moved to renew the Town of Stow employment agreement with Town Administrator William Wrigley, for a three-year term, commencing on July 1, 2017, as specified in the agreement dated April 25, 2017, with the amendment made. Mr. Hawkes seconded the motion and it was approved unanimously.

Town Administrator's Report

Mr. Wrigley spoke about the long-standing practice of tree banners being hung by groups. Earlier in the year the Town had to take down and attempt to repair or replace wires and latches. They were ready to rehang banners about a month ago, however, Hudson Light & Power stated that nobody can hang or attach anything to their poles due to safety reasons. Mr. Wrigley said Doug Hyde is meeting with the Finance Committee tonight for a Reserve Fund transfer so the Town can purchase stub poles that Hudson Light & Power will install for the Town. There are 3 locations and 6 poles. Mr. Burke asked if there was a contract for this as he is concerned with indemnification and liability. Mr. Wrigley said that HLP has it, and there is a written cost estimate that he will sign with a short scope. The cost is approximately \$6000.00.

Ms. Hegemann moved that the Board support the purchase of 6 poles, and the appurtenances necessary, to be installed in 3 locations along Route 117 for the purpose of hanging community event banners. Mr. Hawkes seconded the motion and it was approved unanimously.

At 9:20 p.m. Mr. Wrigley left the meeting.

Liaison Reports

Mr. Burke: He will attend the Tri-Town meeting next Wednesday. He is working with Sudbury and Hudson on the Eversource filing for the proposed future transmission line project.

Mr. Hawkes: The Lake Boon Commission meeting is tomorrow night.

Mr. Ryan: Emerson Hospital sent a 'thank you' letter to the Police and Fire Departments for their lifesaving efforts a few weeks ago.

Ms. Hegemann: She attended a meeting with the EPA and the DEP on permits for wastewater treatment plants. They are issuing draft permits after which there is a comment period. She suggests a joint meeting between the BOS and the Conservation Commission meeting to review the details.

Chairman Salvie: STOWS (Stow Town Officials Work Session) is tomorrow night.

Adjournment

At 9:30 p.m. Mr. Burke moved to adjourn. Mr. Hawkes seconded the motion and it was passed unanimously.

Respectfully submitted,

Maureen Trunfio
Administrative Assistant

Amended 5/19/2021

Joyce Sampson, Executive Assistant

Documents referenced at the meeting:

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

Board of Selectmen Meeting Minutes
Tuesday, February 28, 2017
Stow Town Building

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

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

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

Public Input: None.

Chairman's Comments: Nomination papers are available for our May election. Papers can be taken out until March 17th and are due back on March 21st with 34 signatures to the Town Clerk's office. The Stow Police in conjunction with the State Environmental Police are holding MA Voting Basics courses in the new Community Center at Pompo.

Minutes

February 14, 2017: Approval of minutes was postponed due to multiple corrections that need to be made.

Correspondence: no comments.

Town Administrator's Joint Boards Meeting on the "FY 2018 Financial State of the Town"

Town Administrator Wrigley stated that this is an annual requirement of the Charter and the Bylaws, and welcomed members of the Board of Assessors, Finance Committee, Capital Planning Committee, and a member of the Nashoba Regional School District. The purpose of the meeting was to provide a high-level overview of the financial state of the town and give the projected expense and revenues for FY-18.

TA Wrigley said the expenditure numbers have improved significantly since he presented his preliminary FY-18 budget report at the last meeting.

We are looking at overall projected revenues of 8.3% above the current year, which includes an increase in state aid. For expenditures, the general municipal budget is up 4.4% and Nashoba Regional School District is up 4.23%. The Minuteman High School assessment is going up 9.25%.

The one area of the developing FY-18 budget that remains troublingly high is the capital project requests totaling more than \$754,000 which is an increase of over 50%. This amount does not include the estimated \$490,000 requested by the Planning Department for the Lower Village Roadway Improvement Project which will need to be debt financed if approved by town meeting and at a local election.

The bottom line is, total expenditures for next year are expected to increase 5.26% and revenue is expected to 8.3%.

Update from the Stow Transportation Working Group

Town Planner Jesse Steadman and Valerie Oorthuys presented "An Approach for Traffic Data Gathering." This group was formed last fall after discussions about Boxboro Road led to conversations about traffic in general. There is staff collaboration between the Highway, Fire, Police and Planning Departments to provide a foundation for creating a baseline of data on roads and traffic. The focus is on secondary roads as some data had been gathered from the Lower Village project (for Route 117), from when the bridge in Gleasondale failed (for Route 62), and from a recent study on Hudson Road at the Route 117 intersection. But there was a big blank spot for the more rural roads. There will be some requests at the Annual Town Meeting for this project. Going forward, they will build and refine the database, utilize Town and Complete Streets data to inform potential Town-wide

traffic analysis, and explore studies into seasonal traffic issues. At the request of the Board, the Traffic Study Working Group will provide another update in July or August of this year.

Board of Selectmen's Annual Report

Mr. Hawkes moved to accept the Board of Selectmen's 2016 annual report as written, dated February 28, 2017, for inclusion in the 2016 Town of Stow Annual Report. Mr. Ryan seconded the motion, and it was approved unanimously.

Procedure for Livery Service Applicants

An applicant is interested in starting a livery service, primarily to the airport. He spoke with the Town Clerk regarding a business certificate. According to research done by Administrative Assistant Maureen Trunfio, there is no requirement for a town such as Stow to license livery drivers. A letter from the Board to Massport is sufficient. Discussion ensued regarding if Stow should begin a licensing process for livery drivers, with one opinion that we should not add an extra layer of regulation if it is not required, and another opinion that it is part of public safety and that we should.

Mr. Ryan moved 'no action' on the Livery Service application procedure. Ms. Hegemann seconded the motion, and it was approved 4-0-1 with Mr. Hawkes abstaining.

Letter to Massport for Guven Limousine Service

Mr. Hawkes moved to authorize the Chair to sign the letter to the Massachusetts Port Authority for Guven Limousine Service as amended. Mr. Ryan seconded the motion and it was approved unanimously.

Town Administrator's Report:

Items have been covered throughout the meeting. Town Administrator Wrigley left the meeting at 8:43 p.m.

Liaison Reports

- Mr. Burke: Regarding CPA, there are a number of projects before the CPC (Community Preservation Committee). Funds are replenished annually.
- Mr. Hawkes: He attended the Nashoba School Committee meeting and will attend their hearing tomorrow night. The Lake Boon Commission will request a meeting with the Board regarding the dam.
- Chairman Salvie: The second floor of the Randall Library houses artifacts that will need to be rehoused before renovations.
- Mr. Ryan: Chief Landry said 3 of the 4 Call Lieutenants are going to the MA Fire Chief's Association meeting at the DCU Center in Worcester to get them more involved. The Citizen's Police Academy is a 30-hour course and is starting soon.
- Ms. Hegemann: The SMAHT meeting is next week. The MMA will have a marijuana seminar. The Board will add this topic to a future meeting's agenda.

Adjournment

At 8:58 p.m. Mr. Ryan moved to adjourn. Mr. Hawkes seconded and the motion was approved unanimously.

Respectfully submitted,

Joyce Sampson
Executive Assistant

Documents used at this meeting:

Documents can be found in the Selectmen's Office in the meeting folder.

CORRESPONDENCE

Select Board Policies found in the files

(Ellen thought they would be of
interest to the Board.)

Stow Board of Selectmen Standard Operating Procedure Performance Reviews

By Charter, the Town Administrator and the Administrative Assistant report directly to the Stow Board of Selectmen (BoS). While performance reviews are addressed in both the Town Charter and the Town's Bylaws, the following Standard Operating Procedure clarifies the process to which the BoS will adhere in conducting annual performance reviews for these two positions.

Town Administrator

1. The Chairman of the Board will solicit feedback on the Town Administrator's performance from all Board members. The Chairman shall use the Town of Stow Annual Performance Evaluation Form.
2. Individual Selectmen will complete their evaluation and will review the evaluation with the Town Administrator. Following this discussion and after the Town Administrator has had the opportunity to comment on the evaluation in writing, the Board member will submit the final version of the evaluation to the Chairman.
3. The Chairman will consolidate the five individual reviews and will prepare an overview (numerical ratings and general commentary) for public presentation at a regularly scheduled Board meeting.

Administrative Assistant

1. The Chairman of the Board will solicit feedback on the Administrative Assistant's performance from all Board members and from the Town Administrator. The Chairman shall use the Town of Stow Annual Performance Evaluation Form.
2. Individual Selectmen and the Town Administrator will complete their evaluation and will review the evaluation with the Administrative Assistant. Following this discussion and after the Administrative Assistant has had the opportunity to comment on the evaluation in writing, the Board members and Town Administrator will submit the final versions of the evaluations to the Chairman.
3. The Chairman will consolidate the six individual reviews and will discuss the aggregate feedback in a private session with the Administrative Assistant.

Goals & Objectives

Following the annual elections and the subsequent BoS reorganization, the BoS will establish goals and objectives for the following fiscal year. The Board will then cascade those goals and objectives as appropriate to the Town Administrator and the Administrative Assistant.

TOWN OF STOW
Statement of Ethics of the Board of Selectmen

Adopted: 7.28.09

1. **A member of the Board of Selectmen, in relation to his or her community, should:**
 - a. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.
 - b. Realize that in creating and enforcing Town policy, the Board of Selectmen may direct the Town Administrator in setting priorities that affect policy, but that the day-to-day operations of the Town are left to appropriate department heads.
 - c. Realize that he or she is one of a team and should abide by, and carry out, all Board and Town Meeting decisions once they are made.
 - d. Be well informed concerning the duties of a Board member on both local and state levels.
 - e. Remember that he or she represents the entire community at all times.
 - f. Realize that service on the Board is service to the community and not service for personal or political benefit.
 - g. Abide by the ethics guidelines established by the Commonwealth.
 - h. Abide by the Commonwealth's Open Meeting Law, including regulations for electronic communications.

2. **A member of the Board of Selectmen, in his or her relations with the Town Administrator, should:**
 - a. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.
 - b. Recognize and support the administrative chain of command and refer complaints to appropriate members of the administration.
 - c. Give the Town Administrator full responsibility for discharging his or her duties.
 - d. Refrain from requesting assistance from Town department heads; instead all such requests should be handled through proper administrative channels through the full Board and the Town Administrator.

3. **A member of the Board of Selectmen, in his or her relations with fellow Board members, should:**
 - a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
 - b. Refrain from making statements or promises regarding the outcome of matters that will come before the Board until after having a full and fair opportunity to weigh the merits of an issue during a Board meeting.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Make informed decision.
 - e. Refrain from communicating the position of the Board of Selectmen to reporters or state officials without prior board approval.
 - f. Be respectful of other Board members and their opinions.

4. **A member of the Board of Selectmen, in his or her relations with Town staff, should:**
 - a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
 - b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed to the Town Administrator, Town Counsel, Assistant Town Administrator, Administrative Assistant to the Board of Selectmen, or Department heads.
 - c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Administrator through private conversation.
 - d. Limit requests for staff support, and ensure that all requests go through the Town Administrator's office.

Town of Stow

Board of Selectmen Standard Operating Procedures

Approved July 20, 210. Revised as noted.
Latest revision: January 24, 2012

PURPOSE

The Board of Selectmen of the Town of Stow, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, and the Board and other Town boards, committees, officials, and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Board of Selectmen.

AUTHORITY

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts and the bylaws of the Town of Stow. Pursuant to the Town Charter, the Board functions as the chief executive officer and primary policy-making entity of the Town.

ORGANIZATION OF THE BOARD

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. A majority vote of those members present and voting shall constitute an election. The immediate past Chairman shall preside as Chairman pro tem from the annual town election until the new Chairman is elected. The Chairman shall not serve two consecutive years in any given term. The Board may remove the Chairman at any time. If a vacancy occurs in the office of Chairman, the Board shall elect a successor.

The Board shall further appoint a Clerk under the same provisions stated for the Chairman.

RESPONSIBILITIES OF THE CHAIRMAN

The Chairman of the Board shall:

- 1) Preside at all meetings of the Board. In doing so, he or she shall maintain order in the meeting room, recognize speakers as appropriate, call for votes, and preside over the discussion of agenda items.
- 2) Sign official documents, as authorized by the Board, which require the signature of the Chairman.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the administrative assistant and the Town Administrator.
- 5) Arrange for orientation for new members.
- 6) Represent the Board at meetings, conferences, and other events as appropriate.
- 7) Assign responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

The Chairman shall have the same rights as other members to offer and to second motions and resolutions, to discuss questions, and to vote thereon.

RESPONSIBILITIES OF THE CLERK

The Clerk shall act in the place of the Chairman during his/her absence from meetings or should the Chair need to recuse himself or herself from discussion during a meeting. Should the Chairman leave office or be unable to serve, the Clerk shall assume the duties of Chairman pro tem until the Board elects a new Chairman.

The Clerk shall also be responsible for meeting minutes should the administrative assistant be absent from a meeting.

MEETING PROCEDURES

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Massachusetts Open Meeting Law. Every meeting shall be open to the public, and any person, including the press, shall be permitted to attend. If the meeting room is too small and provisions are not made for all observers to listen in another room, the meeting will be adjourned to a new location and/or time when all can observe or listen. Although noise from other nearby meetings or conversations may affect the meeting, doors to the meeting room must remain open.

An open meeting is for citizens to witness the proceedings of the Board of Selectmen. An open meeting does not mean that it is open to comments and participation by the public. Members of the public may participate when recognized by the Chairman.

A public hearing, on the other hand, provides an opportunity for the public to comment on a specific issue. A public hearing requires posting and solicits public comments, and a hearing is required for proposed changes to bylaws, liquor licenses, earth removal permits, subdivision plans, special permits, and the like. A public hearing may also be used to solicit public comment on other projects and proposals. Public participation is allowed at a hearing, but again, individual members of the public may participate only when recognized by the Chairman.

A meeting quorum shall consist of a majority of the members of the Board then in office. Actions and decisions shall be by motion, second, discussion, and vote. In "split votes," the minutes will reflect how individual Board members voted.

The Town Administrator is expected to attend meetings of the Board in order to keep the Board informed and advised and aware of matters that fall within the jurisdiction of his or her office.

AGENDAS – adopted 2007

Getting Items on Agendas

- The Administrative Assistant will ask each Board member to submit items to her by a specific date.
- Items may not appear on the next agenda, or at all, depending upon various factors; e.g., timing, other information known to the Town Administrator, etc. If an item needs to be delayed/deleted, the Administrative Assistant will contact the appropriate Board member directly.
- Board members should submit agenda items to the Administrative Assistant as they think of them; there is no need to wait for the Administrative Assistant's reminder.
- When Board members submit items to the Administrative Assistant, they should be sent to her only; copies of emails should not be sent to other members or the Town Administrator.

- The Town Administrator and the Administrative Assistant will develop a draft agenda.
- Several days prior to each meeting, the Chair will speak with the Administrative Assistant and the Town Administrator to review and finalize the draft agenda.
- The Administrative Assistant and the Town Administrator have the discretion to add/delete items after the review meeting if necessary as a result of late-breaking information or other developments.
- With the exception of times for visitors, agendas will not contain any time slots.

Preparation Before Meetings

- The Chair may send an email to the other members prior to a meeting to elaborate on certain agenda items; e.g., what specifically will be covered under "Selectmen's Master Planning."

Managing the Agenda During Meetings

- The Chair will use his/her best judgment to control the amount of time allotted to each item. If it is clear that further discussion is required, the Chair will request that the issue be raised again at the next meeting.
- At his/her discretion, the Chair may establish the time parameter for a given agenda item when it first comes up.

COMMITTEE MANAGEMENT – adopted November 17, 2009

Background

The Selectmen appoint approximately 20 committees composed of 100 volunteers; however, there is little oversight once the appointments are made. In addition, we rarely lay out specific charges, deliverables, or deadlines when committees are first established. On the other hand, when the Selectmen have established various "task forces", they have been able to deliver on concrete, project-specific goals.

Objective

To make committees more effective, focused, and productive.

Actions Required

1. When possible, set up task forces rather than committees.
2. Do not appoint volunteers for "indefinite" terms. Instead, use staggered 3-year terms. For example, a 5-member committee/task force would begin with two people at one-year terms, two people at two-year terms, and one person at a three-year term. Upon expiration, each term would renew for three years.
3. Prepare a charge, deliverables, and deadlines for each new and existing committee/task force as needed. Committees and task forces may also do this on their own using guidance and suggestions from the Selectmen.
4. Inform each committee/task force that initial charges cannot be modified without Selectmen approval.
5. Provide annual goals when the expectations of a committee cannot be well-defined.
6. Require quarterly progress reports. Committees and task forces will be expected to adhere to the Open Meeting Law and also post their agendas and meeting minutes on the town website so that the Selectmen can follow progress between reports.
7. Make sure each potential appointee understands the expectations and is able to fully participate and contribute.
8. Require that the chairs of each committee/task force change annually.

9. Ensure that all committees/task forces follow the requirements for “multiple member bodies” as provided in the Stow Town Charter, Article V, Section 5-4, and Article VII, Section 7-8.
10. Recommend that other appointing boards in Stow adopt this same Standard Operating Procedure.

EMAIL RECORDS MANAGEMENT

As documented in the Records Management Policy & System, adopted October 5, 2009, the recipient of email is responsible for saving correspondence unless it is received from another town employee, official, or an appointee or volunteer serving on a town committee or board. In these cases, the sender is responsible for retaining the correspondence he/she generates. Note that the sender may be the original author or a person who replies to an email or forwards it to other(s). The sender is always responsible for saving correspondence sent to anyone outside of town government. More information is in the Records Management Policy & System.

MEETING PACKETS AND DISTRIBUTION – adopted August 14, 2007

The Board will adhere to the following process relative to the development and distribution of meeting packets:

1. Following the development of the meeting agenda (developed jointly by the Chairman of the Board, the Town Administrator and the Board’s Administrative Assistant), the Administrative Assistant will:
 - Prepare the “meeting packet”
 - The packet will be emailed to all Board members ideally two business days prior to the scheduled meeting
 - The Administrative Assistant will also post the packet on the Town website 24 hours in advance of the meeting whenever possible
2. The meeting packet will include the following:
 - The meeting agenda, including a list of all correspondence received by the Office of the Board since the last meeting of the Board
 - The Administrative Assistant will make copies of any correspondence not included in the meeting packet for an individual Selectman upon request.
 - If after a review, an individual Selectman wishes to publicly discuss any correspondence that they requested, they can ask the Chairman to add it to the agenda for the next Selectman’s meeting.
 - All material pertinent, including any relevant correspondence to the actionable agenda items for the upcoming meeting
3. The Administrative Assistant will maintain a folder of all correspondence that can be reviewed at any time by a Selectman; the AA will make the folder available prior to and following each Selectmen’s meeting for review by the Selectmen. Any member of the public can request from the AA a copy of any correspondence at any time from the list appearing on the agenda.

COMPLAINT MANAGEMENT – adopted July 20, 2010

All citizen complaints are to be answered promptly. The complaint must be in writing and submitted to the Selectmen’s office, either in hard copy format or by email. The Selectmen’s administrative assistant will route the complaint to the appropriate representative, as specified

below, upon receipt. The Board will make good faith effort to respond to the complaint within a reasonable timeframe, not to exceed 45 days.

A complaint regarding a Town department in general or an employee will be directed to and acknowledged by the Town Administrator. A complaint regarding a Town board or committee will be directed to and acknowledged by the Board of Selectmen liaison or member. If a Town board or committee does not have a Board of Selectmen liaison or member, the Chairman will acknowledge the complaint.

If a complaint cannot be resolved by the appropriate representative or is serious enough to warrant discussion, the representative will forward the complaint to the Chairman and request inclusion on an upcoming meeting agenda, and the Board will determine how to address the complaint. If the citizen making the complaint wishes to speak before the Board, that request should be made in writing and submitted to the Selectmen's office. The Board will address complaints as part of its regular meeting and not as a public hearing.

GUIDELINES FOR ACCEPTING DONATED BENCHES – adopted July 26, 2011

Over the years, the Town of Stow has received several generous donations from citizens and community organizations. These guidelines specify conditions for the Board of Selectmen's acceptance of offers to donate benches for public use on Town-owned land:

1. Adequate funding will be provided to address both the cost of a bench as well as its installation:
 - a. Donations may be in the form of donor-provided purchase, delivery, and installation of the bench. This is the preferred option.
 - b. Alternatively, if a cash donation is made, the Board of Selectmen will determine if the cash donation is sufficient to cover:
 - The cost for the Town to purchase the bench
 - A memorial/honorary plaque, if requested
 - Bench delivery
 - Bench installation
 - c. If the donation is not sufficient to cover all costs, the Board of Selectmen will determine if sufficient Town services and funds are available to cover all implementation and costs before accepting the donation.
2. Donated benches will be of the Garden Memorial Bench model in Weathered Wood, available from Conversion Products Inc., or an equivalent model. An exception may be granted if existing benches for the specific location are of a different model: The goal would be to maintain consistency in design.
3. Installation standards will consist of concrete slabs under the benches for minimal landscape maintenance and anchoring devices for the benches.
4. Donations must be approved in advance by the sponsoring board or committee before they are presented to the Board of Selectmen for acceptance (Planning Board for placement on the Lower Village Common, Recreation Commission for placement on recreational land, Conservation Commission for placement on conservation and open space land, School Committee for parcels that contain schools, Town Administrator for other municipal land).
5. The proposal of a specific bench to the Board of Selectmen must identify the exact model, cost for purchase and installation, who will install the bench, the exact location of the bench installation, and the project manager.
6. Once the Board of Selectmen has accepted a donation for a public bench, the appropriate liaison will work with the sponsoring board or committee, the Highway

Department, and the designated project manager to oversee the acquisition and installation of the bench in the approved location.

7. Once the Board of Selectmen has accepted a bench, the Town of Stow has full ownership and may act on it without permission from the owner.

SELECTMEN'S GUIDELINES FOR THE ACCEPTANCE OF GIFTS – adopted January 24, 2012

Generally, a gift to the Town of money or tangible property can be accepted only by vote of the Selectmen, and a gift of real estate or an interest in real estate may be accepted only by Town Meeting, after a recommendation by the Selectmen (*MGL Chapter 44 Section 53A*). These guidelines cover the acceptance of or recommendations on such gifts. They do not apply to situations where other Town boards or departments may, by statute or other legal authority, be authorized to accept gifts without the approval of Town Meeting or a vote by the Selectmen.

A. Communication with Donor. When a resident donor offers a gift, the donor should be informed, preferably in writing, of the procedure for how the Town can accept the gift. The donor should be invited to all meetings at which the gift is discussed until acceptance or rejection, and generally kept informed of events. For example, a resident donor who offers a gift of real estate should be told that only Town Meeting can accept the gift, and invited to all meetings at which the Selectmen will discuss their recommendation. A resident donor who offers a tangible gift should be informed that the gift cannot be accepted until all considerations have been addressed, and the donor invited to participate. These Guidelines may be provided to prospective donors to illustrate those considerations.

B. Considerations. Gifts offered to the Town may be unrestricted or restricted. Restrictions include not only conditions that result in revocation ("for so long as the Library remains on the Upper Common . . .") or time limitations (funds to plant flowers for 20 years) but any specification for use (a bench for a certain place; a requirement that the gift be "displayed prominently"). In deciding whether to accept or reject a gift, the Selectmen should consider the following:

1. Whether the gift fills a present need of the Town, or a need anticipated in the near future;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness (a gift of money to purchase an ambulance may be useful; a gift to purchase an ambulance made only by a certain company with equipment that the Town may not need is less useful);
3. Whether the gift is revocable or irrevocable and, if revocable, the conditions under which it may be revoked and the consequences of revocation;
4. Whether the gift imposes an unwanted or unsustainable financial burden on the Town. In particular, implementation costs and operating expenses should be considered;
5. If the gift is restricted or entails ongoing expense, the Selectmen should consider:
 - a. Which Town board or department will be responsible for fulfilling the conditions or paying related expense. That department or board should be involved in the decision whether to accept the gift and they should make known their plans for implementing the gift as quickly as possible, and for maintaining or operating it;

b. Whether the terms of the gift allow the Town to apply the gift to related purposes in the event the designated purpose is no longer practical, needed, or able to be performed;

c. If the terms of the gift are such that acceptance appears unwise, the problem should be explained to the donor and the donor invited to consider whether other terms might be mutually acceptable.

If gifts are offered to other Town departments or boards that lack the authority to accept them, the gifts must be referred to the Selectmen for acceptance or rejection. In referring the offer of the gift, the department or board should address the considerations above, particularly how a restricted gift will be implemented.

6. Gifts may be rejected because they give the appearance of impropriety, e.g. if they appear to espouse a political or personal cause.

C. Acceptance. Gifts of money should be deposited with the Town Treasurer in such a manner that the interest accrues to the Town general fund, unless otherwise specified in the terms of the gift. The Selectmen or another Town department or board should acknowledge the gift in writing, and provide a receipt that can be used for tax purposes.

APPENDIX: OTHER RELATED DOCUMENTS

Performance Reviews procedure, adopted November 18, 2008, and form

Records Management Policy & System (13 pages), adopted October 5, 2009

Stow Board of Selectmen Statement of Ethics, adopted July 28, 2009

Handbook for Massachusetts Selectmen from the Massachusetts Municipal Association

Open Meeting Law Guidelines and Law

Code of Massachusetts Regulations (CMRs) for Open Meeting Law

Conflict of Interest Law from the State Ethics Commission

Introduction to the Conflict of Interest Law

Public Records Division

A Guide to Massachusetts Public Records Law (Mass. General Laws Chapter 4, section 7(26), Chapter 66) from the Office of the Secretary of the Commonwealth

Municipal Records Retention Manual

Stow's Town Charter

Stow Board of Selectmen
Standard Operating Procedure
Committee Management
Adopted November 17, 2009

Background

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4. Inform each committee/task force that initial charges cannot be modified without Selectmen approval.
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CORRESPONDENCE

Additional correspondence on file in the office:

Planning Board

- Public Hearing June 15, 2021:
Petition for an Erosion Control Special Permit and
Site Plan Approval at 137 Harvard Road