

AGENDA  
SELECT BOARD  
August 24, 2021  
7:00 p.m.  
Town Building & Zoom

**The public may attend the Select Board meetings in-person or may continue to participate via remote Zoom access. Until further notice, all visitors are required to wear a mask regardless of vaccination status.**

Join Zoom Meeting  
<https://zoom.us/j/94853319424?pwd=Z2RBOTgzOTFzUzlwS0FjTFdJRTcwZz09>

Meeting ID: 948 5331 9424  
Passcode: 505690

1. Public input
2. Board Member comments
3. Recognition
4. Appointments:
  - Dolores Hamilton to the position of Assistant Town Administrator through June 30, 2022 and subject to annual appointment thereafter.
  - John Paul Benoit to the position of Acting Fire Chief until a permanent Chief is appointed.
5. Discussion and Possible Vote
  - Lions Club “Lion’s Orchard Days Food Truck Festival 2022” at Lion’s Field
  - Stow Film Permit Guidelines and Application
  - Town Administrator Evaluation Form discussion and selection
6. Strategic Planning
  - Civility and Role of Board Members
  - Continued policy discussion, if any
  - Continued Workplan and Goals discussion, if any
  - Continued meeting schedule discussion, if any
7. Town Administrator’s Report
8. Meeting minutes
9. Correspondence
10. Executive Session

Pursuant to MGL c. 30A, sec. 21(a)(7) for the purpose of reviewing Executive Session minutes, and under 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: purchase and value of Stow Acres. (Votes may be taken.)
11. Adjournment

Posted Friday, 8/20/2021  
12:15 p.m.

# **APPOINTMENTS**



*Denise M. Dembkoski*  
*Town Administrator*

[townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov)

*Town of Stow*  
*Office of the*  
*Town Administrator*

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

Dolores Hamilton – Assistant Town Administrator

I am thrilled to be recommending Dolores Hamilton to the position of Assistant Town Administrator.

Dolores comes to us after a lengthy municipal HR career. Most recently, she has been the Director of Human Resources for the City of Framingham since 2013, and prior to that she worked as the Director of Human Resources from 1997 to 2013 for the City of Newton.

Dolores served as the Chair of the Mass Municipal HR Association from 2019- 2020.

Dolores is excited to continue with her HR experience, while branching out into the administration side of the operation. And I could not be more thrilled that she has chosen to do that here in Stow. Dolores will be a tremendous asset to the Town and with her vast knowledge of HR and municipal government, will be able to hit the ground running on day one.

*Denise M Dembkoski*



Denise M. Dembkoski  
Town Administrator  
[townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov)

*Town of Stow*  
*Office of the*  
*Town Administrator*

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

JP Benoit – Acting Fire Chief

I am pleased to be recommending Captain John Paul “JP” Benoit to the position of Acting Fire Chief.

JP has worked for the Stow Fire Department for the last 35 years, with 27 of those as a full-time firefighter. Over the last 8 years, and under Chief Landry’s tutelage, JP was able to make his mark on the department by implementing a number of initiatives and automating a number of processes.

I met with JP and Chief Landry and am confident the department will be in good, capable hands while we go through the process to hire a permanent Fire Chief.

*Denise M Dembkoski*

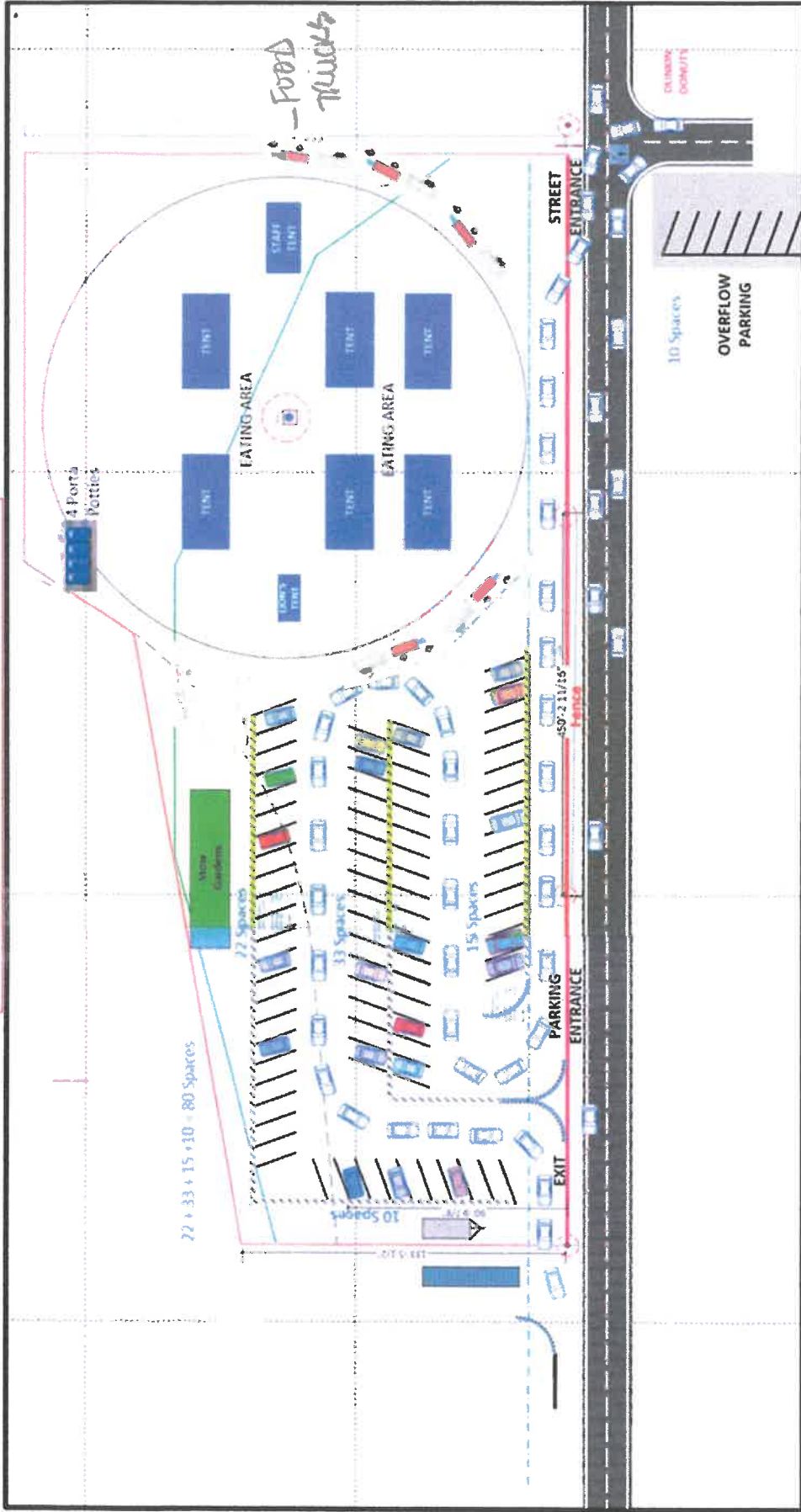
**DISCUSSION &  
POSSIBLE VOTE**

# Lions Club

“Lion’s Orchard Days  
Food Truck Festival 2022”  
Lion’s Field, Great Road

The Lion’ Club originally planned this event for weekends in September and October 2021, but are postponing until 2022. Mr. Beltz of the Lion’s Club would like to discuss this with the Board for future planning purposes.

# Lion's Orchard Days Food Truck Festival



**From:** philbeltz@aol.com,

**To:** robert.bostwick@mass.gov, gordon.schaubhut@gmail.com, lgothie1670@gmail.com, billglauner@gmail.com, grayscale@earthlink.net,

**Subject:** Stow Lions Club Food Truck Event near a Public Water Well (with attachments)

**Date:** Mon, 26 Jul 2021 22:12

**Attachments:** StowLions\_20210726\_1.jpg (185K), StowLions\_20210726\_2.pdf (316K), StowLions\_20210726\_3.pdf (517K)

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Robert Bostwick,  
Chief for Drinking Water  
Mass. Dept. of Environ. Protect.

### **Petition**

Susan Connor has suggested that the Stow Lions Club petition for temporary use of some land within the 100' radius of a well at 629 State Route 117, Stow, Mass.

### **History**

Several years ago the owners of the Gulf Service Station expanded to add a Duncan Donuts facility into their former car-repair bay. They pay \$4,000 per year to the Stow Lions Club (Club) for water from this well.

### **General Plan**

As a fund raiser, the Club would like to have a "Lion's Orchard Days Food Truck Festival". Two to six food trucks will sell food and non-alcoholic drinks on several Fall weekends. We will attract individuals and families who have been picking apples at one of the six local orchards.

Initially we considered the last two weekends in September and the first two weekends in October. More recent discussions suggest just two weekends, this our first year.

### **Detailed Plan**

We have measured the 100' radius ends and marked them with small poles. This 200' circle has been plotted on both a Satellite



view and also the Club's Plot Plan.

Within the Eating Area circle, we will have lightweight 6' tables, chairs, trash and recycle containers. Tents 20' by 40' will be used. Much of this will be removed and stored on Sunday nights.

Our plan is to have patron parking west of the circle. The food trucks would be placed around the circle with a further six foot buffer. North of the parking and west of the circle will be a sales stand for Stow Gardens. Northwest of the circle will be porta pottys. Nothing is planned for the area east of the circle, except for food trucks.

We are asking a \$5 donation per entering car and 10% of sales from Food Trucks.

## **Contact**

You are invited to visit the field. Please call Philip Beltz at (614) 905-6380 or Gordon Schaubhut at (201) 321-4804 to schedule a visit. We both live about one mile away from the field and can easily meet you.

## **Enclosures**

1. Satellite View with wellhead in red and 100' radius surrounding circle in blue.
2. "Lion's Orchard Days Food Truck Festival", the plot plan
3. promotional letter to Food Truck owners and managers

1 Attached Images



Elizabeth Brook

Great Rd

117

Great Rd



???????????? Food Truck,                      Owner/Manager: ?????? ??????????????  
Street: ??????????????????????????              City: ??????????????????              ZIP ??????  
Phone: ??????????????????????              Email: ??????????????????              www.?????????????????

Dear Sir;

The Town of Stow is famous for its six orchards. The Stow Lions Club has a large field within 2.0 miles of all six orchards. The Stow Lions Club is considering holding a 3 or 4 weekends, **“Orchard Days Food Truck Festival”**.

We are inviting food truck vendors from the MetroWest and Boston area. We are asking vendors to share 10% of gross revenues to cover costs for tables and chairs, tents, waste collection and removal, etc. Remaining funds will be donated to local charitable needs.

The contemplated weekends are September 18 & 19; 25 & 26 and October 2 & 3; 9, 10, 11. We anticipate that many food trucks cannot participate in all days or even half of the days. That’s OK. Come when convenient for you. Your food will be offered from 11am to 5pm.

The level field is ideally located on #117; four miles east of I-495; one mile west of the Stow Town Center; at the corner with Hudson Road. The address is 629 Great Road, Stow, MA 01775.

With over 20,000 people per day flowing through Stow, and with limited local restaurant capacity, we feel that this event will be fruitful for all involved.

Linda Gothie,

Stow Lions Club:

Food Truck Coordinator

[LGothie1670@gmail.com](mailto:LGothie1670@gmail.com)

(978) 618-0203



GREAT ROAD ~ 1950 COUNTY LAYOUT

Brook

EROSION CONTROL BARRIER

100' WELL ZONE 1 OFFSET

PROPOSED WELL

PROPOSED MDS PIT (4'x10'x6'D)

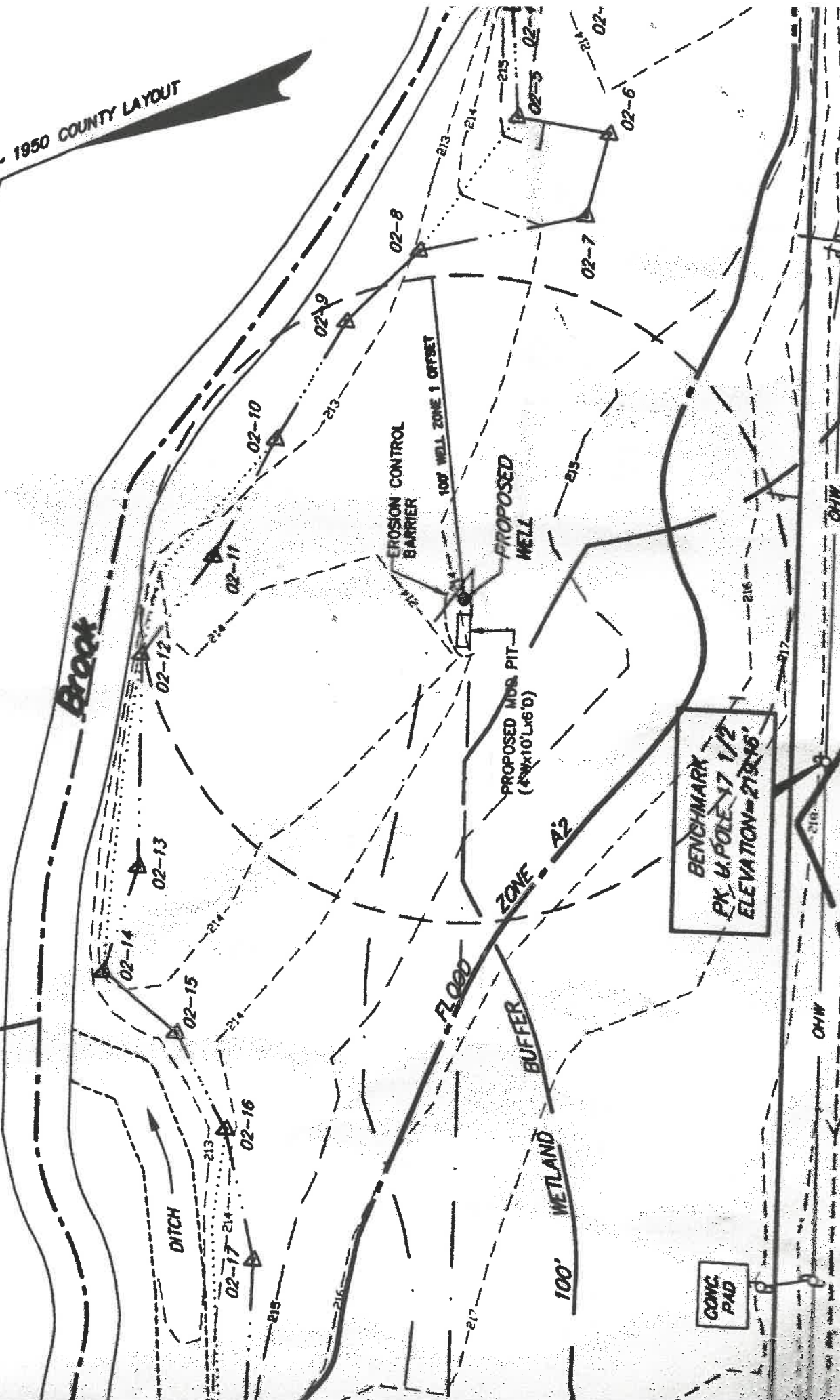
ZONE 2

FLOOD BUFFER

100' WETLAND

BENCHMARK  
PK. U. POLE 17 1/2  
ELEVATION = 2132.16'

CONC. PAD



Joyce Sampson

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**From:** c1fire  
**Sent:** Friday, August 20, 2021 10:30 AM  
**To:** Joyce Sampson  
**Subject:** Re: Lions Club Fall Event Sep/Oct 2021

Joyce,

The main concern for the fire department is traffic entering the event, I agree with other departments that the recommendation is to move it to the west away from Hudson Rd. As for the food trucks there are no concerns, the vehicles will be spaced apart enough to meet code requirements.

John Paul Benoit  
Captain  
Stow Fire Department  
978-897-4537



Life Safety ~ First Priority

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**From:** Joyce Sampson <jsampson@stow-ma.gov>  
**Sent:** Friday, August 13, 2021 3:44 PM  
**To:** policechief <policechief@stow-ma.gov>; firechief <firechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>; conservation <conservation@stow-ma.gov>; planning <planning@stow-ma.gov>  
**Cc:** c1fire <c1fire@stow-ma.gov>; selectmen <selectmen@stow-ma.gov>  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Thank you for your comments regarding this event. The Lion's Club met this week and voted to postpone the event until 2022. Mr. Beltz of the Lion's Club still wants to be on the upcoming agenda for discussion and to hear the comments so that the club can plan for next year.

If you haven't responded and have some thoughts, I will still gather the emails for the Select Board's August 24<sup>th</sup> agenda.

Best regards,  
Joyce

Joyce Sampson

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**From:** policechief  
**Sent:** Wednesday, August 18, 2021 10:15 AM  
**To:** Joyce Sampson  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Hi Joyce,

Based on the plans that were presented the police department recommends two detail officers, one at the entrance due to the close proximity of the intersection of Great Road and Hudson Road. The other at the exit point of the event. At this location vehicles would be turning left onto Great, and the second officer would reduce the risk exiting.

A further in-depth plan can be made next year as we get closer to the event.

Thank you,

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

**From:** Joyce Sampson <jsampson@stow-ma.gov>  
**Sent:** Thursday, August 12, 2021 1:19 PM  
**To:** policechief <policechief@stow-ma.gov>; firechief <firechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>; conservation <conservation@stow-ma.gov>; planning <planning@stow-ma.gov>  
**Cc:** c1fire <c1fire@stow-ma.gov>  
**Subject:** FW: Lions Club Fall Event Sep/Oct 2021

Hello,

I am writing to ask that if you have any comments for the attached event to please submit them by Thursday August 19<sup>th</sup> at 12 noon.

I apologize if I did not include you in the original email that was sent in July, and if you have already sent comments you do not to reply again (Steve).

Thank you,

Joyce

**From:** Joyce Sampson  
**Sent:** Thursday, July 29, 2021 3:41 PM  
**To:** policechief <[policechief@stow-ma.gov](mailto:policechief@stow-ma.gov)>; firechief <[firechief@stow-ma.gov](mailto:firechief@stow-ma.gov)>; highway <[highway@stow-ma.gov](mailto:highway@stow-ma.gov)>; building <[building@stow-ma.gov](mailto:building@stow-ma.gov)>; health <[health@stow-ma.gov](mailto:health@stow-ma.gov)>  
**Cc:** [selectboard@stow-ma.gov](mailto:selectboard@stow-ma.gov); townadministrator <[townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov)>  
**Subject:** Lions Club Fall Event Sep/Oct 2021

Hello,

The Select Board office has received the attached event proposal from the Stow Lions Club, for a "Lion's Orchard Days Food Truck Festival" to take place at Lions Field, Great Road on the last weekend of September (9/25 & 9/26) and the first weekend in October (10/2 & 10/3).

**Joyce Sampson**

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**From:** building  
**Sent:** Thursday, August 12, 2021 4:13 PM  
**To:** Joyce Sampson  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Hi Joyce

Efforts should be made to make accommodations for persons with disabilities. This includes parking, food services areas, eating areas and if port a johns/ toilets are provide accessible units must provided.

Respectfully

Frank Ramsbottom  
Stow Building Commissioner/ Facilities Manager

978-897-2193

**From:** Joyce Sampson <jsampson@stow-ma.gov>  
**Sent:** Thursday, August 12, 2021 1:19 PM  
**To:** policechief <policechief@stow-ma.gov>; firechief <firechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>; conservation <conservation@stow-ma.gov>; planning <planning@stow-ma.gov>  
**Cc:** c1fire <c1fire@stow-ma.gov>  
**Subject:** FW: Lions Club Fall Event Sep/Oct 2021

Hello,

I am writing to ask that if you have any comments for the attached event to please submit them by Thursday August 19<sup>th</sup> at 12 noon.

I apologize if I did not include you in the original email that was sent in July, and if you have already sent comments you do not to reply again (Steve).

Thank you,

*Joyce*

**From:** Joyce Sampson  
**Sent:** Thursday, July 29, 2021 3:41 PM  
**To:** policechief <policechief@stow-ma.gov>; firechief <firechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>  
**Cc:** selectboard @stow-ma.gov; townadministrator <townadministrator@stow-ma.gov>  
**Subject:** Lions Club Fall Event Sep/Oct 2021

Hello,

## Joyce Sampson

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**From:** planning  
**Sent:** Thursday, August 12, 2021 2:18 PM  
**To:** Joyce Sampson; policechief; firechief; highway; building; health; conservation  
**Cc:** c1fire  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Hello,

The Planning Department has reviewed the proposal for food trucks submitted by the Stow Lion's Club and makes the following findings:

- **Zoning**  
This office believes the event is an allowed use. Section 3.1.1.6 of the Zoning Bylaw allows ACCESSORY BUILDINGS and USEs in the Recreation Conservation District.
- **Traffic Circulation Plan**  
The intersection of Hudson Road and Route 117 is one of the most problematic in Town, with a higher than normal ratio of accidents due to the multiple gas station curbcuts, volume of traffic and other factors. This office recommends moving the entrance further west along Route 117 to provide sufficient vehicle queuing away from the intersection and to avoid unexpected turning at the already cluttered intersection. An entrance to the parking area at the easternmost end of the vehicle stalls may be more appropriate, or positioning the entrance and exit in location at the western end of the lot. I will defer to our public safety departments for confirmation of the best circulation plan.
- **Public Water Supply**  
It's unclear if the site plan is in conformance with the Drinking Water Program regulations from the DEP. I defer to the Board of Health and the Drinking Water Program to determine compliance.

Please let me know if you have any questions.

Jesse Steadman  
Town Planner | Town of Stow

*Stow Planning Department*  
380 Great Road  
Stow, MA 01775  
P: 978-897-5098  
[www.stow-ma.gov](http://www.stow-ma.gov)

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**From:** Joyce Sampson <jsampson@stow-ma.gov>  
**Sent:** Thursday, August 12, 2021 1:19 PM  
**To:** policechief <policechief@stow-ma.gov>; firechief <firechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>; conservation <conservation@stow-ma.gov>; planning <planning@stow-ma.gov>  
**Cc:** c1fire <c1fire@stow-ma.gov>  
**Subject:** FW: Lions Club Fall Event Sep/Oct 2021



## Joyce Sampson

---

**From:** conservation  
**Sent:** Thursday, August 12, 2021 1:38 PM  
**To:** Joyce Sampson  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Hi Joyce

These activities are within the buffer zone and riverfront area to wetlands/Elizabeth Brook, as well as within the floodplain. However, given their temporary nature, it is my opinion that no filing with the Conservation Commission is required as the activities are not likely to result in the alteration of resource areas or erosion and sedimentation. We support the decision to keep all activities out of the east side of the circle.

-Kathy

Kathy Sferra  
Conservation Director  
Town of Stow  
380 Great Road  
Stow MA 01775  
978-897-8615  
email: [conservation@stow-ma.gov](mailto:conservation@stow-ma.gov)  
[www.stow-ma.gov](http://www.stow-ma.gov)  
[www.facebook.com/stowconservation](https://www.facebook.com/stowconservation)

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**From:** Joyce Sampson <[jsampson@stow-ma.gov](mailto:jsampson@stow-ma.gov)>  
**Sent:** Thursday, August 12, 2021 1:19 PM  
**To:** [policechief](mailto:policechief@stow-ma.gov) <[policechief@stow-ma.gov](mailto:policechief@stow-ma.gov)>; [firechief](mailto:firechief@stow-ma.gov) <[firechief@stow-ma.gov](mailto:firechief@stow-ma.gov)>; [highway](mailto:highway@stow-ma.gov) <[highway@stow-ma.gov](mailto:highway@stow-ma.gov)>; [building](mailto:building@stow-ma.gov) <[building@stow-ma.gov](mailto:building@stow-ma.gov)>; [health](mailto:health@stow-ma.gov) <[health@stow-ma.gov](mailto:health@stow-ma.gov)>; [conservation](mailto:conservation@stow-ma.gov) <[conservation@stow-ma.gov](mailto:conservation@stow-ma.gov)>; [planning](mailto:planning@stow-ma.gov) <[planning@stow-ma.gov](mailto:planning@stow-ma.gov)>  
**Cc:** [c1fire](mailto:c1fire@stow-ma.gov) <[c1fire@stow-ma.gov](mailto:c1fire@stow-ma.gov)>  
**Subject:** FW: Lions Club Fall Event Sep/Oct 2021

Hello,

I am writing to ask that if you have any comments for the attached event to please submit them by Thursday August 19<sup>th</sup> at 12 noon.

I apologize if I did not include you in the original email that was sent in July, and if you have already sent comments you do not to reply again (Steve).

Thank you,  
Joyce

---

**From:** Joyce Sampson  
**Sent:** Thursday, July 29, 2021 3:41 PM

**Joyce Sampson**

---

**From:** highway  
**Sent:** Wednesday, August 4, 2021 7:45 AM  
**To:** firechief; Joyce Sampson; policechief; building; health  
**Cc:** selectmen; townadministrator; c1fire  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

Joyce,

Highway has no issues with this event.

Steve Nadeau  
Superintendent of Streets  
Stow Highway Department  
88 South Acton Road  
Stow, MA 01775  
Highway Departments Hours of Operations M-F 6:30AM to 2:30PM  
Tel# 978-897-8071  
FAX# 978-897-5682

**From:** firechief <firechief@stow-ma.gov>  
**Sent:** Friday, July 30, 2021 12:52 PM  
**To:** Joyce Sampson <jsampson@stow-ma.gov>; policechief <policechief@stow-ma.gov>; highway <highway@stow-ma.gov>; building <building@stow-ma.gov>; health <health@stow-ma.gov>  
**Cc:** selectmen <selectmen@stow-ma.gov>; townadministrator <townadministrator@stow-ma.gov>; c1fire <c1fire@stow-ma.gov>  
**Subject:** RE: Lions Club Fall Event Sep/Oct 2021

My apologize, I didn't scroll down all the way to see the site plans, the Captain and I will review all the documentation and advise.

Thanks

joe

Joseph Landry  
Fire Chief  
Stow Fire Department  
511 Great Road  
Stow,MA 01775

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# Stow Film Permit Guidelines and Application



*Denise M. Dembkoski*  
*Town Administrator*

[townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov)

*Town of Stow*  
*Office of the*  
*Town Administrator*

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

## Stow Film Permit Guidelines and Application

I am asking the Board to approve these film permit guidelines and application. We were just approached by a company that potentially wants to film in town at a residence.

These same guidelines and application are used by a number of towns. Therefore, in anticipation of your support/approval, I gave these guidelines and application to the recent inquiry.

Even if this potential movie doesn't come through, with more and more tv shows and films being made in Massachusetts, we should be prepared should anyone want to film in the town.

I would ask that the Board's motion allow me the discretion to approve the permits with signoffs by the identified departments. However, anything that would utilize town property, would come before the SB.

*Denise M Dembkoski*

# Film Permit Guidelines

## Town of Stow Location Filming Permit

Thank you for choosing the Town of Stow for your upcoming film project. The Office of the Town Administrator will help make your job as easy as possible while you are visiting. This page is designed to assist you with the Film Permitting process for the Town of Stow. A permit is required to film or photograph any commercial, motion picture or advertisement within the Town limits. In this document, the filming entity may be referred to as, "The Production Company." The Production Company is responsible for a permitting fee of \$ 100.00 per day. Changes to an approved permit require proper local approvals with updated information.

The following types of filming are exempt from the permitting and/or fee process and structure:

*The filming of news events concerning persons, scenes or occurrences of general public interest, filming and still photography by a 501(c)3 non-profit organization and/or a project with on-site personnel numbering 5 persons or less.*

Requirements for A FILM PERMIT:

- Film Permit Application - Please complete the following form, being as specific as possible, and return them to the Town Administrator at the Stow Town Building, 380 Main Street, Stow, MA 01775 or via email at [townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov).
- General Liability Insurance Certificate - In the amount of at least one million dollars per occurrence naming the Town of Stow as an additional insured.
- Indemnification Agreement – Must be completed and signed by an Authorized Agent for the Production Company.

The Production Company is responsible for paying any other required fees, damage deposits for services and for obtaining police, fire department, and/or other approvals. (Separate fees may be due to the Town Police Department for such services as providing traffic control, security work, etc.) The Town of Stow will bill the Production Company for any cost for town equipment, labor, and / or materials used as a result of the production. Labor will be paid at the benefited wage rate.

ADDITIONAL NOTE: It is the responsibility of the Production Company to notify all business and residential tenants who will be affected in anyway by filming. Permission to use private property must be granted in writing by property owners/landlords/property management companies before filming commences.

The Applicant acting through its authorized agent, agrees to defend, protect, indemnify and hold the Town of Stow harmless from any and all suits, claims, damages, liabilities, or losses, including attorney fees and costs, for injury to or death of any person(s) or for damage to any property arising from the Applicant's acts or omissions under the film permit or resulting from the filming/photography to be held on the locations, times and dates (Premises) named in the film permit. The bylaws of the Town of Stow and the laws of the Commonwealth of Massachusetts shall govern this permit.

Along with your application, please submit a check made payable to the Town of Stow for the permitting fee.

Should you have any questions regarding permits, fees, or jurisdictions, please call the Town Administrator at 978-897-2927.

Once the Select Board approve the permit, the Town will appoint individuals for the following roles

- Municipal Contact: A town representative that has the authority to make impromptu decisions if needed.
- Municipal Point Person: A person within the municipality that works for the town that can help with permits, connect with police, fire, and other departments.
- Film Liaison: A person who can assist as described above but also helps with locations, hotels, logistics, etc

# Town of Stow Film Permit Application



Production: Company: \_\_\_\_\_

Production Title: \_\_\_\_\_

Applicant Name & Title: \_\_\_\_\_

Permanent Company Address: \_\_\_\_\_

Applicant Phone: \_\_\_\_\_

Company Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Local Address: \_\_\_\_\_

Local Phone: \_\_\_\_\_

Local Fax: \_\_\_\_\_

Location's Manager's Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Production Type:

Feature Film

Television Film

Documentary

Commercial

Industrial

Still Photography

Music Video

Other (please specify): \_\_\_\_\_

Location: Please be as specific as possible. Provide street addresses, building names, etc. *The Town recognizes that these locations, dates, and times are subject to change. ALL changes must be made in coordination with the necessary town officials.*

Location 1: \_\_\_\_\_

Dates: \_\_\_\_\_

Times: \_\_\_\_\_

Description of Activity: \_\_\_\_\_

Location 2: \_\_\_\_\_

Dates: \_\_\_\_\_

Times: \_\_\_\_\_

Description of Activity: \_\_\_\_\_

Location 3: \_\_\_\_\_

Dates: \_\_\_\_\_

Times: \_\_\_\_\_

Description of Activity: \_\_\_\_\_

Will streets be used? Circle **Yes** or **No** If yes, please indicate below.

For filming

Parking

Will streets need to be closed/blocked to traffic? If yes, please indicate date(s) and time(s) below

If appropriate, attach separate sheet with diagram and map to illustrate. Streets and cross streets:

\_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

Will any scenes involve the use of fire, smoke, rain, explosives, aircraft, or firearms? Circle **Yes** or **No** If yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

Will this Production involve extraordinary noise (over 55 decibels)? Circle **Yes** or **No** If yes, Please describe:

\_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

Will this Production require turning off street lights for any length of time Circle **Yes** or **No** If yes, please describe and provide date(s) and time(s).

Please attach a copy of your general liability insurance coverage in the amount of one million dollars naming the Town of Sunderland as an additional insured party.

*The applicant agrees to comply with the applicable laws and to maintain town premises in good condition, and to return said premises to the same conditions before use for this film project.*

Production Company Agent: (Print): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*FOR TOWN USE ONLY*

Approved by:

\_\_\_\_\_  
Town Administrator Date: \_\_\_\_\_

\_\_\_\_\_  
Chief of Police Date: \_\_\_\_\_

\_\_\_\_\_  
Fire Chief Date: \_\_\_\_\_

\_\_\_\_\_  
Highway Superintendent Date: \_\_\_\_\_





**TOWN OF STOW**  
**MASSACHUSETTS**  
**INDEMNIFICATION AGREEMENT**

The Applicant (Production Company), \_\_\_\_\_ acting through its authorized agent, \_\_\_\_\_, agrees to defend, protect, indemnify and hold the Town of Stow harmless from any and all suits, claims, damages, liabilities, or losses, including attorney fees and costs, for injury to or death of any person(s) or for damage to any property arising from the Applicant's acts or omissions under the film permit or resulting from the filming/photography to be held on the locations, times and dates (Premises) named in the attached film permit unless caused by the Town's gross negligence or willful misconduct.

In addition, the Applicant specifically agrees to defend, protect, indemnify and hold the Town of Stow harmless from any and all suits, claims, damages, demands, liabilities, or losses, including attorney fees and costs, brought, made, or claimed by the owner of the Premises, or the owner's heirs, successors, or assigns, arising from the Applicant's use of the Premises unless caused by the Town's gross negligence or willful misconduct.

Authorized Production Company Agent:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Town Administrator  
Evaluation Form  
Discussion and Selection**



Denise M. Dembkoski  
Town Administrator

[townadministrator@stow-ma.gov](mailto:townadministrator@stow-ma.gov)

*Town of Stow*  
*Office of the*  
*Town Administrator*

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

Town Administrator Performance Evaluation Forms

I have enclosed the current Evaluation Form, which I don't really believe evaluates anything definitive.

I have also included forms from several other towns. The Board Members should review and be ready to discuss which form we want to use here for my review, as well as what changes/additional information should be included.

The Board will also need to discuss the process you'd like to use. Some fill out, but then meet with the TA to go over the individual results, prior to submitting it for consolidation.

The current plan is to update and disseminate the form, have members fill it out, (possibly meet with TA) submit it to the Chair, where she will consolidate it and have it included for my public review at the meeting on September 14<sup>th</sup>.

*Denise M Dembkoski*

# **CURRENT FORM**

Town of Stow  
Annual Performance Evaluation Form

Employee's Name:

Evaluator's Name:

Performance Levels: 4 - Excellent; 3 – Good; 2 – Satisfactory; Unsatisfactory – 1

A. Performance Category: Work Quality Level: \_\_\_\_\_

B. Performance Category: Responsiveness Level: \_\_\_\_\_

C. Performance Category: Problem Solving Skills Level: \_\_\_\_\_

Town of Stow  
Annual Performance Evaluation Form

D. Performance Category: Reliability \_\_\_\_\_ Level: \_\_\_\_\_

E. Performance Category: Initiative \_\_\_\_\_ Level: \_\_\_\_\_

F. Performance Category: Management Skills \_\_\_\_\_ Level: \_\_\_\_\_

G. Performance Category: Overall Performance \_\_\_\_\_ Level: \_\_\_\_\_

EMPLOYEE REMARKS:

Employee: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**BREWSTER**

## **Brewster Town Administrator Evaluation Form:**

Board Member Name: \_\_\_\_\_

4	Outstanding
3	Commendable
2	Satisfactory
1	Needs Improvement
	Not Applicable or Unable to Evaluate

RATING SCALE	
4	3
2	1

### **1. General Management/Effectiveness**

Efficiently and effectively manages day-to-day operations of Town government.  
 Sees the big picture – balances the needs and interests of the full range of municipal services.  
 Thinks and plans for the long term - keeps strategic planning in mind when addressing daily operational issues.  
 Employs a reflective and reasoned approach to decision making and makes timely decisions.  
 Demonstrates the ability to apply technical knowledge of collective bargaining, procurement, project management, human resource management, financial management, and other key elements of effective municipal management.  
 Oversees Town's interests in all matters of litigation, coordinating the provision of services by Town Counsel and special counsel.

Comments:

### **2. Board Relations/Communication**

Expresses ideas and information accurately and clearly in both oral and written form.  
 Prepares and distributes materials and information in a timely manner for Select Board and other Town Boards, Committees, and Commissions when applicable.  
 Provides recommendations to assist the Select Board and other Town Boards, Committees, and Commission when applicable in policy development and decision making.  
 Maintains a system of reporting to the Select Board on current plans and activities of Town staff and operations.  
 Shares information with employees and residents on a regular basis.  
 Develops and cultivates strong relationships with key regional partners to benefit the provision of Town services.

Comments:



4	Outstanding		4	3	2	1	Not Applicable or Unable to Evaluate
3	Commendable		4	3	2	1	
2	Satisfactory						
1	Needs Improvement						

**3. Interpersonal Skills & Development**

Takes responsibility seriously and works hard.  
 Is tactful, diplomatic and tolerant.  
 Manages and resolves conflict effectively.  
 Has a positive approach to position.  
 Recognizes and learns from past mistakes.  
 Devotes time and effort to personal and professional excellence, keeping abreast of current developments in the field of public administration and municipal governance.

Comments:

**4. Leadership**

Displays a competent and professional attitude.  
 Inspires confidence and respect from Town staff, elected/appointed leaders, and residents.  
 Promotes honesty, integrity, and fairness across the organization.  
 Creates a positive work environment, developing rapport and trust with employees.  
 Understands the importance of teamwork, recognizes the efforts and accomplishments of other Town employees, and motivates superior performance.  
 Balances taking responsibility and delegating assignments as necessary.

Comments:

Not Applicable or Unable to Evaluate	
Needs Improvement	1
Satisfactory	2
Commendable	3
Outstanding	4

<b>5. Pandemic Leadership</b>	
Provide competent leadership during the 2020 pandemic. Establish effective and innovative policies and actions during the 2020 pandemic. Communicates effectively with all stakeholders during the 2020 pandemic.	

Comments:

**6. Select Board Priority Goals for Fiscal 2020-21**

*The goals listed below were developed at the Select Board Annual Retreat in Summer 2019 and were incorporated into the Board's FY20-21 Strategic Plan. They are organized by category consistent with the Town's Vision Plan. Only goals for FY20 and FY20-21 that identified the Town Administrator as a (partially) responsible party were used as a basis for evaluation.*

<b>Building Block #1: Community Character</b>	
A. Engage stakeholders to determine policy position on residential exemption	
B. Continue to implement Age-Friendly Community Action Plan	

Comments:

Not Applicable or Unable to Evaluate	
Needs Improvement	1
Satisfactory	2
Commendable	3
Outstanding	4

Not Applicable or Unable to Evaluate		
Needs Improvement	1	1
Satisfactory	2	2
Commendable	3	3
Outstanding	4	4

**Building Block #2: Open Space**

A. Identify and evaluate policies / zoning bylaws that recognize and take advantage of potential synergies between affordable housing development and open space preservation

Comments:

**Building Block #3: Housing**

A. Establish permanent funding mechanism for Affordable Housing Trust

B. Establish housing rehabilitation program

C. Develop affordable housing off Millstone Road

Comments:

Outstanding	4	3	2	1	Not Applicable or Unable to Evaluate
Commendable					
Satisfactory					
Needs Improvement					

**Building Block #4: Local Economy**

A. Establish a process for submission of electronic permitting applications and create electronic access for viewing of public records

Comments:

**Building Block #5: Coastal Management**

A. Establish a vehicle to ensure coastal resource management plan is implemented

B. Update Department of Natural Resources regulations for commercial shellfish, razor clams, commercial aquaculture, and harbormaster

C. Work with MA Department of Conservation and Recreation on Rail Trail extension across Route 6A down to Linnell Landing

Comments:

**Building Block #6: Water Resources**

A. Consider requiring use of Innovative/Alternative (IA) technology (Title V) in environmentally sensitive areas

B. Continue ongoing water quality planning and implementation

C. Evaluate vulnerable Water Department utility infrastructure, determine possible improvements/modifications, and implement as possible/applicable

Comments:

	Outstanding	Commendable	Satisfactory	Needs Improvement	Not Applicable or Unable to Evaluate
<b>Building Block #7: Governance</b>					
A. Attain Green Communities designation and continue to promote energy conservation					
B. Develop financial policy to address unfunded Other Post-Employment Benefit liabilities					
C. Present the annual budget in an easily acceptable format and provide detailed review of Town's financial status on regular basis					
D. Identify major committees and require that they be on television for purposes of improved transparency					
E. Establish plan to address need for dedicated Human Resource function					
F. Complete a compensation and classification study and related staffing analysis of all union and non-union Town personnel (except for Fire and Police union positions), and implement recommended changes	4	3	2	1	
G. Adopt financial policies that are in accordance with 2019 MA Department of Revenue report and best practices, and implement short- and medium-term recommendations of DOR report as applicable					
H. Charter development/adoption and associated bylaw changes					
I. Design and launch new, more user friendly Town website, and brand/standardize Town communication tools (website, email, documents, etc)					
J. Foster a culture that views residents as customers and town services as the product - be proactive, transparent, and engaged					
K. Implement the Vision Plan and develop a Local Comprehensive Plan					
Comments:					

Not Applicable or Unable to Evaluate				
Needs Improvement				1
Satisfactory			2	
Commendable			3	
Outstanding		4		

**Building Block #8: Community Infrastructure**  
 A. Re-establish annual Capital Improvement Program process that aligns capital investments with Vision Plan / Local Comprehensive Plan, and includes long-range planning for Golf Department  
 B. Continue to invest in road infrastructure and pavement management plan, and consider merits of joining Complete Streets program  
 C. Work with School Committee to investigate feasibility of school consolidation  
 D. Create a community center planning committee to gather community input regarding interests/needs, conduct a feasibility/location study (ie. new or repurposed building), and make recommendations

Comments:

General Comments:

*The annual performance evaluation process is outlined in the Town Administrator's employment contract and is important to advancing Town-wide organizational and operational priorities. Please schedule a time to meet with the Town Administrator to discuss this evaluation. After this initial review, please submit your completed evaluation form to the Executive Assistant to the Town Administrator, who will aggregate individual ratings and comments.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

# SHREWSBURY



**Town Manager**  
**Performance Review Instrument**



## **POLICY AND PURPOSE**

The purpose of this review instrument is to formally appraise the Town Manager's performance on an annual basis. The document allows the Board of Selectmen to assess the Town Manager's performance in management practices and in the accomplishment of goals. Through the review procedure, Board members will recognize strengths, offer positive feedback, and suggest any areas that require corrective action.

Individual performance review forms will be prepared by members of the Board of Selectmen. In accordance with the Open Meeting Law the Chair will designate a staff member to prepare an overview document, compiling the scores and comments of individual board members.

## **PROCEDURE**

1. The period of review is the beginning to the end of the fiscal year.
2. The Town Manager will submit a narrative self-evaluation; a copy of the narrative and a blank review form will be distributed to each Board member at that time.
3. Board members will submit reviews by a date set by the Chair. The designee will compile scores from individual reviews and develop a consensus overview document.
4. Board members may meet individually with the Town Manager to discuss aspects of the performance review document.
5. The designee will provide all Board members and the Town Manager with the consensus review overview document at the meeting which the document will be publicly discussed.
6. The overview document and individual Board Member review forms will be finalized for placement in the Town Manager's file after consideration of the overview document at a regular meeting of the Board of Selectmen.

## **INSTRUCTIONS**

A table of descriptive statements with rating levels ranging from Unsatisfactory to Exceptional/Outstanding has been provided for each performance area factor. Check the rating level which most accurately reflects the level of performance for the factor. Please read the numbered statements labeled "Guiding Questions" to guide your decision making. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the Comments/Questions space.

## Factor 1 – Knowledge

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Lacks the necessary knowledge, skills, abilities, and experience to perform the job. Requires constant supervision.	Has sufficient knowledge skills, abilities, and experience to perform tasks with minimum guidance.	Has a good knowledge of the work to be performed. Average knowledge, skills, abilities, and training. Average knowledge of procedures.	Has a thorough understanding of job and all related procedures, laws, and regulations. Has extensive professional knowledge, skills, abilities, and experience.	Possesses a high level of expertise in the job area and procedures. Has comprehensive leadership experience in the profession.

### **Guiding Questions:**

1. Demonstrates thorough knowledge and understanding of finances, policies, procedures, processes, resolutions, state and federal laws and regulations, and Town operations.
2. Keeps abreast of critical trends, practices, and conditions inside and outside of the organization.
3. Demonstrates commitment to continuously enhancing professional knowledge and capability (does professional reading and research; attends seminars and conferences; actively participates in professional development opportunities).

### **Comments/Questions:**

## Factor 2 – Productivity

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Fails to meet estimated deadlines. Doesn't meet estimated standards. Requires constant assistance.	Work is normally accurate and complete. Generally meets estimated deadlines and standards.	Completes assignments on time with average results. Is willing to accept additional tasks, when requested.	Consistently completes complex assignments quickly and accurately. Does more than required with exceptional competence on a regular basis.	Always completes difficult tasks quickly and accurately. Takes initiative to improve on work to bring outstanding results.

### **Guiding Questions:**

1. Ensures that programs, services, and projects provide results that matter to the Town cost effectively and within budget.
2. Effectively uses both qualitative and quantitative measures to manage performance.
3. Ensures that prudent financial management is maintained for the continued success of the Town.

### **Comments/Questions:**

## Factor 3 - Decision Making

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
<p>Is unable to adapt to day-to-day problems. Fails to analyze all facts of problem. Will not make decision or makes them hastily or slowly.</p>	<p>Usually recognizes problems as they occur and contributes to their solution. Usually coordinates decision to achieve desired results.</p>	<p>Applies a rational approach to problems presented. Makes suggestions for improvement and carries them through promptly. Provides alternate approaches when necessary.</p>	<p>Makes expedient and logical decisions. Maintains an open mind and solicits input from colleagues before making decisions, when appropriate. Decisions reflect consideration for both short and long term organizational goals. Evaluates effectiveness and makes changes if necessary.</p>	<p>Anticipates and analyzes difficult situations before they become problems. Consistently involves colleagues in the decision making process. Logically and quickly applies action with superior results. Generates new and innovative ideas.</p>

### Guiding Questions:

1. Identifies and evaluates alternative courses of action.
2. Makes timely and relevant suggestions to solve problems.
3. Consults with affected parties when making critical decisions.
4. Makes sound decisions in a timely manner.
5. Analyzes situations to determine root causes and develops realistic alternative solutions.

### Comments/Questions:

## Factor 4 - Oral Communication

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Frequently fails to achieve understanding from listeners. Speaks in poorly organized fashion. Has difficulty verbalizing thoughts.	Has a little difficulty in making an oral presentation. Occasionally must repeat or amend to communicate desired message.	Presents ideas and material in an effective manner. Has average ability to make themselves understood without repetition.	Very good speaking ability. Effectively communicates ideas and messages to all parties to achieve results on a regular basis.	Outstanding ability to present ideas and articulate thoughts to diverse audience and organization. Expedites results through ability to communicate exceptionally well.

### Guiding Questions:

1. Listens attentively and effectively.
2. Speaks logically, clearly, and concisely.
3. Encourages and uses feedback.

### Comments/Questions:

## **Factor 5 - Written Communication**

<b>Unsatisfactory 0</b>	<b>Needs Improvement 1</b>	<b>Meets Expectations 2</b>	<b>Exceeds Expectations 3</b>	<b>Exceptional/Outstanding 4</b>
Lacks ability to provide written communications in a logical, understandable and timely manner. Requires constant rewrite and editing.	Written communications are readable and understandable with only occasional need for editing and rewriting. Usually completes written assignments in a timely manner.	Has very good writing ability. Uses correct grammar and diction which is appropriate for the purpose. No need for repetition or interpretation.	Effectively presents thoughts in writing in an understandable, concise style with little need for interpretation or repetition.	Consistently writes complex directives, letters, reports, etc. in clear, concise, and highly understandable style. Writing is convincing and timely and achieves desired results.

### **Guiding Questions:**

1. Practices timely and effective communication with Board of Selectmen and department heads regarding issues and concerns of the Town.
2. Makes logical and well-organized presentations.

### **Comments/Questions:**

## **Factor 6 - Financial Administration**

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Frequently overdrafts accounts and needs transfers of funds. Ignores bidding requirements and laws, uses poor purchasing practices. Is unaware of account balances.	On occasion overdrafts an account. Needs assistance in bidding, procedures and purchasing. Needs to be reminded of account balances more than monthly.	Prepares and manages budget adequately. Able to bid jobs without help. Is aware of account balances and financial position.	Shows creativity in financial management of department. Demonstrates savings in operations and contributes to speedy job completion at low cost. Demonstrates effectiveness in preparing and managing budget.	Recognized within the industry as a strong-financial manager with in-depth knowledge of the complexities of creating a municipal budget. Prepares outstanding budgets in a timely manner. Seeks and secures alternative sources of funding (i.e. grants, fees, etc.)

### **Guiding Questions:**

1. Establishes and effectively uses appropriate mechanisms to anticipate trends and opportunities.
2. Develops and implements alternative strategies for dealing with change and planning for the future.
3. Uses creative and innovative problem-solving strategies for adapting to uncertainties and complexities.

### **Comments/Questions:**

## **Factor 7 – Leadership**

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Is unable to motivate subordinates to complete work in an efficient and effective manner. Subordinates have poor moral.	Borders on adequate level of work output by utilization of personnel resources.	Effectively utilizes the skills of staff to maintain an adequate level of productivity and maintains an adequate level of morale. Promotes worker involvement in management decisions.	Maintains good productivity by motivating available staff to achieve goals. Is democratic in approach to completing tasks. Has respect of employees.	Obtains outstanding productivity while maintaining excellent morale. Perceived as an excellent leader by superiors, subordinates, and co-workers.

### **Guiding Questions:**

1. Sets an effective example of high personal standards and integrity with the drive and energy to achieve established goals.
2. Inspires trust and confidence with staff, and Board of Selectmen.
3. Functions as an effective member of a work group, gaining respect and cooperation from others.

### **Comments/Questions:**



## **Factor 8 – Public Relations**

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Is frequently rude and brusque in dealing with the public. Has periodic personality clashes with citizens, as evidenced in written and oral complaints.	Usually uses adequate tact to adjust to personalities and circumstances and gets the message across. Rarely is the subject of written or oral complaints from the public.	Usually utilizes good public relations skills. Makes it easy for citizens to communicate feelings, problems, etc. to Town. Citizens usually report satisfactory results.	Effectively interfaces with the citizenry in helping to solve their problems, concerns, etc. Is perceived as very helpful and understanding by the public. Is occasionally commended verbally or in writing by public.	Has an outstanding relationship with the public-at-large. Is regarded by the community as very responsive to needs, problems, etc. Is frequently commended in writing and verbally.

### **Guiding Questions:**

1. Effectively represents the Town in public
2. Has the respect of peers in local, state, and national government
3. Values people and recognizes their contributions
4. Seeks information from other governments that may assist the Town in determiningt if a potential synergy is available to make Shrewsbury services more effective and efficient

### **Comments/Questions:**

## **Factor 9 – Work Relationships**

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Is tactless and rude in dealings with co-workers.	Gets along generally well with colleagues in most work situations. Is perceived as easy to work with and cooperative in most cases.	Exercises adequate work relationships. Visits subordinates. Is perceived as firm and fair in dealings with subordinates and associates.	Gets along exceptionally well with co-workers. Is interested in the personal well-being of others regardless of position. Is spoken very well of by co-workers.	Has outstanding skills in relating to co-workers of all levels. Openly shows enjoyment of work and associates. Is well liked by all co-workers.

### **Guiding Questions:**

1. Allows sufficient lead time to plan presentation of requests, programs, and policies to the Board of Selectmen
2. Provides information and education on issues as appropriate
3. Effectively implements the board's policies, procedures, and philosophy in area of assignment
4. Seeks ways to cooperate, collaborate, or consolidate programs as appropriate
5. Seeks information from other governments that may assist the Town in providing services without need to redevelop them

### **Comments/Questions:**

## Factor 10 – Staff Development & Training

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Does not set standards for department tasks, nor evaluates employee performance. Fails to train or develop staff for job improvement or upward mobility through in-house or external programs.	Periodically measures workers' performance against set standards. Routinely instructs staff and assists in the improvement of work performance.	Sets standards and measures the degree of achievement with individual workers in comparative manner. Conducts and makes available training to improve performance.	Possesses very good ability to develop staff via participative management and regular performance review. Supports upward mobility via efficient use of training program.	Has an excellent ability to develop staff by using whatever means available. Motivates employees to further develop skills to the mutual benefit of the Town and employee.

**Guiding Questions:**

1. Demonstrates continued professional education and development importance
2. Allows and recommends attendance at professional meetings, seminars and conferences.
3. Maintains and recommends membership in state and national professional organizations

Comments/Questions:

## **Factor 11 – Personnel Practices**

Unsatisfactory 0	Needs Improvement 1	Meets Expectations 2	Exceeds Expectations 3	Exceptional/Outstanding 4
Does not observe labor contracts or Personnel Guidelines. Uses poor personnel practices such as cronyism, nepotism, etc. Poor labor relations as evidence in extraordinary number of grievances and employee complaints.	Generally observes and implements Personnel Guidelines and Labor contracts. Rarely uses poor personnel practices. Does not meet affirmative action goals on a regular basis.	Follows Personnel Guidelines in every respect. Follows affirmative action goals and coordinates all personnel actions with Personnel Department. Good employee/union interaction. Rarely is the subject of grievances and employee complaints.	Superior labor relations. Good employee turnover record. In management of employees, aids job satisfaction and increases productivity. Implements new and innovative ideas in management of personnel.	Is a leader in labor/employee relations and interaction with Personnel Department and employees. Develops and implements innovative ideas in management of personnel.

### **Guiding Questions:**

1. Handles conflict and initiates cooperation between employees, boards, commissions, etc. in a professional manner.
2. Establishes fair employee policies and procedures and enforces them equally and impartially

Comments/Questions:

## FY 21 Goal Evaluation

	<b>Unsatisfactory 0</b>	<b>Needs Improvement 1</b>	<b>Meets Expectations 2</b>	<b>Exceeds Expectations 3</b>	<b>Exceptional/Outstanding 4</b>
<b>OVERALL RATING</b>	<p>Work performance is inadequate and fails to meet position requirements and the individual performance standards required for the position. An improvement plan with strategies for achieving individual and organizational goals set for the position must be prepared, with performance reviewed within 90 days against the plan. May result in last chance agreement or termination if performance does not improve, standards are not met, and objectives are not achieved.</p>	<p>Work performance does not consistently meet most position requirements or achieve individual or organizational objectives. The employee must consistently fulfill position requirements and achieve individual and organizational objectives with a minimum of supervision.</p>	<p>Work performance consistently fulfills position requirements and achieves individual and organizational objectives. Demonstrates an ability to take on progressive responsibility with the likelihood of achieving additional objectives.</p>	<p>Work performance consistently exceeds position requirements and achieves individual and organizational objectives. Demonstrates an ability to take on progressive responsibility with the likelihood of achieving additional objectives.</p>	<p>Work performance is consistently exceptional when compared to the standards of the position; all individual and organizational objectives have been achieved. An employee may be considered for a recognition award after developing and implementing a significant process or customer service improvement or cost-saving measure beyond the scope of his/her position requirements and/or in addition to planned individual or organizational objectives.</p>

**Goals:**

1. Goal #1
2. Goal #2
3. Goal #3
4. Goal #4
5. Goal #5

Comments/Questions:

## Summary Evaluation

<b>OVERALL RATING</b>	<b>Unsatisfactory 0</b>	<b>Needs Improvement 1</b>	<b>Meets Expectations 2</b>	<b>Exceeds Expectations 3</b>	<b>Exceptional/Outstanding 4</b>
		Poor, subject to dismissal unless rapid improvements are made.	Needs improvement, not fully up to standards.	Fully adequate, meets all standards, performs satisfactory in all aspects.	Superior performance, consistently exceeds standards.

### **Guiding Questions:**

1. What would you identify as the manager's strength(s), expressed in terms of the principal results achieved during the rating period?
2. What performance area(s) would you identify as most critical for improvement?
3. What constructive suggestions or assistance can you offer the manager to enhance performance?
4. What other comments do you have for the manager (e.g., priorities, expectations, goals, or objectives for the new rating period)?

Comments/Questions:

**Town Manager Performance Review Form  
Acknowledgement of Receipt**

This is to acknowledge the fact that the performance review was conducted by the Board of Selectmen in accordance with the procedures and that the Town Manager has received the overview document with the compilation of scores.

**BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

**TOWN MANAGER**

\_\_\_\_\_

Date: \_\_\_\_\_

**CARVER**



## Town Administrator Evaluation FY 2021

1. Section 1: Goals and Objectives: Board of Selectmen Goals and Objectives for Town Administrator for FY ____	2.	3.	4.	5.
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

Section 2: Knowledge, Skills, and Professional Development	1. Maintains knowledge of current developments affecting the practice of local government management	2. Willing to try new ideas to supplement or stretch resources and improve the management of services and programs. Shows originality in approaching problems, creates effective solutions, and is able to visualize the implications of various alternatives	3 Exercises fair and unbiased professional judgment in providing services and arriving at decisions	4. Anticipates and analyzes problems to develop effective approaches for solving them
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

<b>Section 3: Core Responsibilities: Staffing, personnel, financial, and management relations</b>	<b>1. Is successful at recruiting and retaining competent personnel and appointees for town and ensures the fair and equitable treatment of employees</b>	<b>2. Encourages heads of departments to make decisions within their jurisdictions with minimal manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff. Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level</b>	<b>3. Directs the preparation of a balanced budget that provides services at levels consistent with elected body policy and direction. Makes the best possible use of available funds, conscious of the need to operate the organization in an efficient and effective manner</b>	<b>4. Monitors the budget to ensure that funds are spent correctly. Budget is prepared in a readable and easy-to-understand format. Keeps the elected body apprised of major financial issues affecting the organization</b>	<b>5. Motivates and communicates well with staff. Exhibits a loyal, cooperative attitude towards co-workers and the organization.</b>	<b>6. Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback</b>
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

<b>Section 4:</b> Leadership, Board Relations, and Personal Qualities	1. Energetic and willing to spend the time necessary to do a good job, has good initiative, and is a self-starter	2. Seeks and accepts constructive criticism of work. Demonstrates appropriate diplomacy and restraint in professional relationships. Demonstrates ability to work well with individuals and groups	3. Maintains high standards of ethics, honesty and integrity in all professional matters.	4. Conducts self in an impartial manner toward the BOS. Refrains from criticism of BOS members and actions of the Board
Far Exceeds Expectations – 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations – 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average – 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement – 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations – 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

<b>Section 5:</b> Community Relations and Communications	1. Provides the elected body with reports (written and/or verbal) concerning matters of importance to the organization in a timely fashion and provides equal information to all members of the elected body	2. Writes in a clear and concise manner, using terms and styles that are easily understood by the intended reader.	3. Speaks in a clear, distinct and understandable manner.	4. Is approachable, accessible, available, and responsive to the community, and displays diplomacy and tact when responding to others	5. Cooperates with neighboring communities and the county. Cooperates with other regional, state, and federal government agencies	6. Meets with and listens to members of the community to discuss their concerns, and strives to understand their interests
Far Exceeds Expectations -- 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exceeds Expectations -- 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meets Expectations / Average -- 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Needs Improvement -- 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fails to Meet Expectations -- 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

**CLINTON**

Employee Name	Hire date
Review Name	Date of review
Role	

Almost always exceeds expectations
Often exceeds expectations
Consistently meeting expectations
Meets expectations
Unacceptable
Unable to rate

**1 FISCAL MANAGEMENT**

FY Budget is submitted timely									
FY Town and Departmental reports completed (January) timely									
Fiscal oversight on Procurement									
Fiscal disposal of surplus items									

GOAL

**2 WORKING WITH THE BOARD OF SELECTMEN**

Provides professional recommendations									
Properly Interprets Board Policies									
Maintains a professional working relationship with the board									
Confidently replies to executives questions or concerns at Town Meeting									
Attend all Selectmen Meetings									
Complies with directives of BoS.									
Agenda's are submitted timely									

GOAL

**3 PLANNING**

Develop a strategic plan for new technology, systems and methods that can improve Town services									
Maintains an organized system of work load and responsibility									
Promotes and maintains an organized work environment and ensures that all Department Heads also have an organized work environment									
Creates and follows a 5 year capital outlay plan									

GOAL

**4 STAFF AND PERSONNEL MANAGEMENT**

Contributes to sound personnel procedures with Human Resources department									
Leads Town staff.									
Evaluates Directors (continuous improvement, coaching, feedback and reviews)									
Holds Town employees accountable									
Delegates responsibilities appropriately									
Properly delegates based on skill set and task									
Leads negotiations on labor contracts									
Obtains list of updates 9 months prior to contract expiring									
Creates and maintains staffing plans for each department (Retention Plan, Strategic Plan)									
Coordinates operations and ensure cooperation of BoS and non BoS departments									
Presents report on the duties of Town Secretary every April 30th									

GOAL

**5 COMMUNITY AND INTERGOVERNMENTAL RELATIONS**

Instills an attitude of customer service in all town employees									
Represents the Town as point of contact for all Public Relations interaction									
Maintains awareness of developments and plans in other municipalities that may relate or impact Town government									

GOAL

**6 CAPITAL MANAGEMENT**

Oversees maintenance of all Town Property along with Facilities Director									
Creates and maintains a full inventory of all town property (including schools)									

GOAL

**7 GENERAL EXPECTATIONS**

Manages Town Website and computer network									
---	--	--	--	--	--	--	--	--	--

GOAL

**BURLINGTON**



# Evaluation of Burlington Town Administrator

Please complete by Monday, July 29, 2013

The review will be discussed at the August 19, 2013 regular Board of Selectmen meeting. The public review will be a summary/overview of the evaluations based on the scores provided. The reviews will be anonymous.

Each member of the Board should schedule a meeting with the Town Administrator to discuss the review prior to finalizing their evaluation.

Refer to the BOS Chair's memo for the full definitions of the ratings categories.

 [faust@bpsk12.org](mailto:faust@bpsk12.org) (not shared) [Switch account](#)



\* Required

## Leadership

Acts in a fair and equitable manner \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Demonstrates clear vision and initiative through the establishment of honest and ethically defined goals \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Sets high expectations for self and others \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Effectively deals with unforeseen issues and problems \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Encourages participation of appropriate staff members and community groups in planning \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Monitors progress and adjusts plans or actions accordingly \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Establishes long-range plans for the system with clear and defensible priorities \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Communicates necessary information appropriately and timely \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Develops action plans to address issues \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Leadership

Your answer

Personnel Management

Organizes and maintains a program of staff development & evaluation \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Clearly articulates expectations regarding staff performance \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Sets short-term and long-term goals with department heads and ensures that these goals are achieved \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Demonstrates sound judgment in evaluating the relative strengths and weaknesses of each department head \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Helps implement specific actions needed for growth of professional staff \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Develops good staff morale \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Effectively leads labor contract negotiations \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Sees that expenditure controls are efficient to minimize waste and inefficiency \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Personnel Management

Your answer

Financial Management

Prepares a timely, clear and realistic annual budget \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Makes effective use of available resources \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Manages physical facilities so that the town's infrastructure is well maintained and future problems are anticipated \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Accurately controls and reports the town's financial condition \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Communicates with the community in a manner that is informative, timely, and consistently of high quality \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Seeks to enhance municipal services and its delivery \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Projects a positive image in the community \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Financial Management

Your answer

Keeps the citizens in town informed of current issues in town government \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Community Relations

Maintains communications with state and federal officials to enhance the town's position \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Maintains good communications and relationships with the business community \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Provides leadership within the community by being visible and approachable \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Community Relations

Your answer

Relationship with Board of Selectmen

Is fully knowledgeable and committed to the field of local government \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Ensures that all presentations and recommendations to the Board of Selectmen are based on thorough study and analysis \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Regularly informs Board of Selectmen about issues of importance \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Interprets, supports, and executes the intent of all Board of Selectmen policies \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Prepares self and Board of Selectmen appropriately for meetings \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Takes appropriate actions within the scope of authority \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Takes steps to move issues toward closure in a timely manner \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Actively participates in professional municipal management organizations and other professional development opportunities \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Maintains a professional relationship with the Board of Selectmen \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Earns the respect of professional colleagues \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Relationship with Board of Selectmen

Your answer

Personal Qualities

Maintains high standards of ethics, honesty, and integrity in all personal and professional matters \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Demonstrates ability to work well with individuals and groups and appreciates the viewpoints of others \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Interacts professionally and tactfully with others \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary



Exercises sound professional judgment and democratic processes in arriving at decisions \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Expresses ideas effectively verbally and in writing \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Maintains poise and emotional stability in the full range of his professional activities \*

- Unacceptable
- Needs Improvement
- Successful
- Exceeds Expectations
- Exemplary

Comments Regarding Personal Qualities

Your answer

List the most prominent strength(s) of the Town Administrator that positively impact overall effectiveness

Your answer

List the most important thing(s) the Town Administrator could improve upon to increase overall effectiveness

Your answer

Overall comments related to the Town Administrator's effectiveness

Your answer

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**BOLTON**

**TOWN OF BOLTON  
TOWN ADMINISTRATOR  
PERFORMANCE EVALUATION**

**INTRODUCTION**

A performance evaluation of the Town Administrator can result in substantial increases in municipal productivity. The evaluation process itself enhances communication with the governing body and strengthens the management team.

A positive or constructive evaluation will instill confidence in the Town Administrator and motivate that individual to a higher level of performance. The evaluation can identify real or perceived problems and give the team an opportunity for corrective action before the problems cause serious discord.

The evaluation session must reflect the thinking of the entire governing body. A carefully constructed evaluation process can be a very positive tool; it must be taken seriously and used wisely.

**FREQUENCY OF EVALUATION**

A comprehensive performance evaluation should take place at least annually. The annual evaluation should be scheduled well in advance to permit preparation time and to avoid having an evaluation scheduled due to a single problem.

Ample time should be scheduled for each step in the evaluation process. Hurried sessions will not encourage communications, team building or the identification of problems.

**THE EVALUATION PROCESS**

**Section I.**

Each member of the Board of Selectmen is to evaluate the Town Administrator on each of the items listed, by circling the appropriate number rating. Also provided under each major points are lines for comments. These written comments are essential in providing explanations for a rating given.

**RATING**

- 1 – Not enough information to answer
- 2 – Improvement Needed
- 3 – Satisfactory
- 4 – Good Performance
- 5 – Outstanding Performance

**Section II.**

Each member of the Board of Selectmen will list their overall comments.

**Section III.**

The Board of Selectmen will establish goals for the upcoming fiscal year whereby the members of the Board of Selectmen will evaluate the Town Administrator in the achievement of said goals.

**SECTION I.**

**DECISION MAKING** – The Town Administrator must have the ability to make sound decisions and solve difficult problems.

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Is objective, unbiased, analytical – able to deal with factors, rather than personalities, emotions or gossip when making decisions. |
| 1 | 2 | 3 | 4 | 5 | Is well informed – reads available background materials and, when necessary, requests additional information.                        |
| 1 | 2 | 3 | 4 | 5 | Considers innovative possibilities.  |
| 1 | 2 | 3 | 4 | 5 | Sticks with a decision even when it is controversial.  |
| 1 | 2 | 3 | 4 | 5 | Identifies and understands the problem and consequences of alternative decisions.  |
| 1 | 2 | 3 | 4 | 5 | Is able to make difficult decisions.   |

COMMENTS:

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**COMMUNICATION** – The Town Administrator must be effective with the residents, staff, news media, and elected officials.

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Listens, understands and asks questions.   |
| 1 | 2 | 3 | 4 | 5 | Keeps the governing body well informed with concise and written communication.                   |
| 1 | 2 | 3 | 4 | 5 | Considers opposing points of view and is open-minded.  |
| 1 | 2 | 3 | 4 | 5 | Focuses on the issue and is open and available to the public and takes their concerns seriously. |
| 1 | 2 | 3 | 4 | 5 | Criticizes the idea, not the person.   |

COMMENTS:

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**PERSONAL DEVELOPMENT – An effective policy maker must develop personal characteristics which are conducive to the smooth operation of the governing body and government.**

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Takes responsibility seriously and works hard.                   |
| 1 | 2 | 3 | 4 | 5 | Is sensitive to residents, staff and media.                      |
| 1 | 2 | 3 | 4 | 5 | Is tactful, diplomatic and tolerant.                             |
| 1 | 2 | 3 | 4 | 5 | Has a positive approach to position.                             |
| 1 | 2 | 3 | 4 | 5 | Recognizes and learns from the past mistakes.                    |
| 1 | 2 | 3 | 4 | 5 | Devotes time and effort to personal and professional excellence. |
| 1 | 2 | 3 | 4 | 5 | Respects opposition.   |

COMMENTS:

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**PLANNING – In order for the government to be efficient and meet its future needs, decisions must be deliberate rather than reactionary. Planning is the instrument of deliberate action.**

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Sees the big picture – is aware of the full range of services.                                     |
| 1 | 2 | 3 | 4 | 5 | Thinks and plans for the long term.  |
| 1 | 2 | 3 | 4 | 5 | Recognizes the need for improvement and believes positive change is possible.                      |
| 1 | 2 | 3 | 4 | 5 | Understands all major planning processes and actively participates where appropriate.              |
| 1 | 2 | 3 | 4 | 5 | Understands the critical importance of the budget and participates constructively in that process. |
| 1 | 2 | 3 | 4 | 5 | Is willing and able to prioritize competing needs.   |
| 1 | 2 | 3 | 4 | 5 | Plans for the long term purchasing, replacement and maintenance of Town equipment.                 |

COMMENTS:

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**LEADERSHIP/SUPERVISION** – The ability to guide the government forward and effectively supervise staff is crucial to growth and progress.

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Encourages staff and provides challenges.  |
| 1 | 2 | 3 | 4 | 5 | Gives clear direction to staff.  |
| 1 | 2 | 3 | 4 | 5 | Does not expect or require staff to always agree.  |
| 1 | 2 | 3 | 4 | 5 | Appreciates a job well done and recognizes outstanding employees.                                      |
| 1 | 2 | 3 | 4 | 5 | Provides staff ample opportunities for growth and development.   |
| 1 | 2 | 3 | 4 | 5 | Appreciates the range of responsibilities shouldered by staff and recognizes their concerns and needs. |
| 1 | 2 | 3 | 4 | 5 | Honestly, fairly, objectively and regularly evaluates staff.   |

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**UNDERSTANDS ROLE** – The role and function of a Town Administrator is generally well defined in the Town Charter. Serious problems arise when an Administrator does not understand that role or exceeds his/her authority.

- |   |   |   |   |   |  |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Understands the form of government and its operation.  |
| 1 | 2 | 3 | 4 | 5 | Recognizes that the authority of a governing body is constituted in the whole, and not its individual members. |
| 1 | 2 | 3 | 4 | 5 | Knows and follows the policies and legislation that define the role of the governing body.                     |
| 1 | 2 | 3 | 4 | 5 | Knows and follows the established chain of command.  |

1      2      3      4      5      Has the ability to resolve the numerous conflicts inherent in municipal government – is a good negotiator.

1      2      3      4      5      Recognizes the value of excellent employees and uses all reasonable efforts to insure that the best available individuals are recruited and hired.

COMMENTS:

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TEAM PLAYER – Excellence in government requires teamwork. A good team member must constantly strive to cooperate with other members of the governing body.
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1      2      3      4      5      Understands the importance of team work.

1      2      3      4      5      Willing to develop and work toward common goals.

1      2      3      4      5      Recognizes the efforts and accomplishments of other team members.

1      2      3      4      5      Spends the time and effort necessary to build the team.

1      2      3      4      5      Avoids bitter and unfair political rhetoric.

1      2      3      4      5      Recognizes and respects that staff members are part of the team.

COMMENTS:

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**CONDUCT AT MEETINGS – The success of a local government depends on the productivity of the meeting of the governing body.**

- 1      2      3      4      5      Stays on the topic and follows the agenda.
- 1      2      3      4      5      Abides by the rules of procedure for meetings.
- 1      2      3      4      5      Participates actively in the meeting.
- 1      2      3      4      5      Keeps comments concise and does not monopolize the meeting.
- 1      2      3      4      5      Prepares for all meetings.
- 1      2      3      4      5      Regularly attends the meetings.
- 1      2      3      4      5      Displays a competent and professional attitude.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ETHICS – A responsible Town Administrator adheres to a set of standards which are above reproach, consistently upholds the public trust.**

- 1      2      3      4      5      Is committed to the premise of good government and services to the public.
- 1      2      3      4      5      Knows and follows the policies and legislation that defines the role of the governing body.
- 1      2      3      4      5      Has high personal and professional standards.
- 1      2      3      4      5      Does not disclose confidential information.
- 1      2      3      4      5      Always avoids conflicts of interest when possible and discloses them when not.
- 1      2      3      4      5      Is able to set aside all bias against any segment of the community.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





SECTION III.

The Board of Selectmen will list the goals set for the prior year and evaluate these goals using the rating system as follows. (Attach additional pages for explanation, if necessary.)

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Surpasses    Highly Meets    Solidly Meets    Lowly Meets    Does Not Meet

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Surpasses    Highly Meets    Solidly Meets    Lowly Meets    Does Not Meet

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Surpasses    Highly Meets    Solidly Meets    Lowly Meets    Does Not Meet

4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Surpasses    Highly Meets    Solidly Meets    Lowly Meets    Does Not Meet

5.

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Surpasses    Highly Meets    Solidly Meets    Lowly Meets    Does Not Meet

# **STRATEGIC PLANNING**

# Strategic Planning

- Civility and Role of Board Members
- Continued policy discussion, if any
- Continued Workplan and Goals discussion, if any
- Continued meeting schedule discussion, if any

# MINUTES

Select Board Meeting Minutes  
Tuesday, August 10, 2021  
Stow Town Building & via Zoom

Present in the Warren Room: Chair Ellen Sturgis, Megan Birch-McMichael, Zack Burns, Cortni Frecha, James Salvie, and Town Administrator Denise Dembkoski.

Also present: Police Chief Michael Sallese, Austin Swinney, Rich Presti, Oleksii Savchenko, Abby Morgan, Mark Forgues, Kathleen Fisher, Dorothy Granat, and Marvin Guiles.

Chair Sturgis called the meeting to order at 7 p.m.

**Public Input:** none

**Board Member Comments:**

Board member Frecha has had conversations with a number of people who were upset by things that were said at the last Select Board meeting. She believes it is important to set the tone as the Board, and that they behave in a diplomatic way, not criticize people publicly, and consider their words carefully and be civil. She believes the Board can do all of their dealings without being unkind.

Board member Salvie expanded upon Board member Frecha's comments, saying the points she touched on are a lot broader than anything that happened at the last meeting. He said board members and employees who are not present are frequently criticized during the course of a Select Board meeting, and it is usually not regarding an agenda item. It is unnecessary and not leadership. He mentioned a policy that the Town of Sudbury has, and summarized that he was concerned about civility at our meetings, and that any criticism of employees should be done privately with the Town Administrator or if it must be done publicly it be done as an agenda item with the person present so we are not violating someone's rights.

Board member Burns agrees it should be an agenda item, adding that he thinks accountability is hard. He believes that when you take a position as a public official you accept a level of fiduciary duty and a level of willingness to engage in criticism. Letting it be known how strongly we feel about things is important and not uncivil. He has a different opinion and view about what board they are referring to and said it is not personal when you are angry about a policy.

Board member Frecha clarified that she was not referring to a policy discussion, but it was about what Board member Burns said at the previous Select Board meeting about a Community Preservation Committee member.

Board member Salvie asked if the topic of civility will be on an upcoming agenda. Chair Sturgis said yes, and suggested that a reminder statement could be read at the beginning of each meeting.

Chair Sturgis said that Lake Boon has reopened. If you have any concerns please check the Town's website.

**Recognitions**

Board member Birch-McMichael thanked Rich and Sue Muratori who are volunteer coordinators at the Stow Food Pantry. They make sure that the pantry is able to serve the most vulnerable people in our town and surrounding towns. She also congratulated the Muratoris on the recent celebration of their 50<sup>th</sup> wedding anniversary.

It was brought to the attention of Chair Sturgis by resident James Robinson that two New England women's sports teams with local residents have achieved titles. The Boston Renegades won the women's football national championship at the end of July and Boston Pride won the national women's ice hockey championship this past spring. Also, the Pan Mass Challenge was held this weekend both virtually and in person, and Stow resident Chris

Spear participated, as he has in previous years. Kathy Sferra and Laura Spear were on the command post, as they have been in previous years.

Fire Chief Joe Landry's last day is tomorrow and there is an Open House from 2-4 p.m. at the Fire Station. We all wish him well and are sad to see him go.

#### **Public Hearing – YOLO MOTO CO, 92 Great Road**

Chair Sturgis read the public hearing notice into the record:

The Stow Select Board will conduct a public hearing on Tuesday, August 10 at 7:15 p.m. in the Warren Room in the Town Building, 380 Great Road, Stow, MA on the application of: YOLO MOTO CO, Austin Swinney, 92 Great Road, Unit 2, Stow, MA 01775 for a Class II Used Car Dealer's License under MGL C. 140, §§57-59, as amended. Persons wishing to be heard on this matter will be afforded the opportunity and may participate in person or via Zoom. Until further notice, in-person attendees, who are not vaccinated, will be required to wear a mask. Posted 7/19/2021; Print 1x, The Stow Independent, 7/28/2021 issue.

Chair Sturgis stated that abutters have been notified and the list was included in the Select Board packet.

*Board member Salvie moved that the public hearing be opened on the application for a Class II license for Yolo Moto Co. at 92 Great Road. Board member Frecha seconded the motion, and it passed unanimously on a roll call vote.*

Mr. Austin Swinney thanked the Board and introduced himself to the meeting attendees. He said that YOLO MOTO CO is an online/offline retailer and broker of mid-market specialty vehicles including models appreciated for performance, style, and status as emerging classics. This is a start-up and a new business for Mr. Swinney.

The Board discussed the traffic flow and the ability for emergency vehicles to enter and exit the overall property with Police Chief Sallese. Mr. Swinney said it is primarily online sales with limited foot traffic at the location.

Mark Forgues, 9 White Pond Road and 39 Adams Drive, asked why the number of cars has changed from the amount in the initial email sent to the office to the number requested tonight. He feels having multiple dealerships is a change of use at this site and requires a special permit.

Rich Presti, owner of 92 Great Road, said that the area being rented can accommodate 10 cars outside but Mr. Swinney anticipates having only 4 outside to start.

Kathleen Fisher, 1 White Pond Road, said the structure has had a lot of changes over the years and asked if the unit has a garage door, proper drainage for auto fluids, and a rest room.

Bill Byron, 469 Gleasondale Road, was present via Zoom and asked if this was a new or a transfer of a license and will there be 2 Class II licenses on this site. He asked how many used car licenses will be in operation on this site.

In answer to questions regarding the number of cars on the lot in prior years, Rich Presti read a notarized affidavit from Wayne Erkinen, whose family previously owned the property and operated a Buick dealership on the site. This affidavit stated that in 1968, prior to zoning going into effect, there were 100-120 new and used cars, 20-25 employees' cars, 40-50 clients' cars, and 20-30 vehicles of other tenants and their clients, for a total of 180-225 total vehicles on site with regularity.

Dorothy Granat, 11 White Pond Road, asked about the public water usage. Chair Sturgis told her that this is the public hearing for the new license. Ms. Granat said that having 3 licenses at the property is an increased use.

Board member Birch-McMichael asked for civility and clarified that the Board is deciding terms around the licenses tonight. The Board is allowed to set limits as to how many cars are allowed on a property.

Marvin Guiles, 15 Heritage Lane, asked how many businesses are on the property. He said the appearance of the property has gotten worse and more congested.



Board member Salvie moved that the public hearing for YOLO MOTO CO at 92 Great Road be closed. Board member Frecha seconded the motion, and it passed 4-1 on a roll call vote: Salvie-aye, Burns-no, Frecha-aye, Birch-McMichael-aye, Sturgis-aye.

Board member Salvie moved that the Select Board approve the Class II license for YOLO MOTO CO at 92 Great Road in Stow with the following stipulations and conditions:

- No more than four (4) cars outside and eight (8) cars inside at any one time;
- A specific layout of how cars for sale are to be spaced shall be developed and approved by public safety before operations begin;
- Hours of operation for sales are 12 p.m. to 7 p.m. Monday through Friday, 9 a.m. to 7 p.m. on Saturdays, and by appointment only on Sundays;
- Hours of operation for mechanical work are 8 a.m. to 5 p.m. Monday through Saturday;
- Deliveries to the premises only on the days and hours of operations but not on Sundays.

This license is valid through December 31, 2021, and subject to annual renewal thereafter. Board member Frecha seconded the motion, and it passed unanimously.

### **Appointments**

#### Appointment to Economic Development & Industrial Commission

Board member Salvie moved to appoint Andrew Bluestein to the Economic Development & Industrial Commission (EDIC) for the remainder of a five-year term expiring June 30, 2026. Board member Frecha seconded the motion, and it passed unanimously.

#### Appointments to Gleasondale Local Historic District Study Committee

Chair Sturgis would like an architect on the committee and suggested the creation of an associate member or an advisor. Most Board members felt that if in the course of their work the committee needs to have an architect then they could add one as an associate, and that the Select Board should not be telling a committee who to add to their membership.

Dot Spaulding, 105 Pine Point Road, was present via Zoom and said she grew up in Gleasondale and she co-owns property there. She added that it is an interesting, historical area.

Board member Salvie moved to appoint the following members to the Gleasondale Local Historic District Study Committee for terms expiring June 30, 2022, and subject to annual appointment thereafter:

Meg Costello  
Eve Fischer  
Jennifer Gero  
Catherine Hammill  
Dot Spaulding

Board member Frecha seconded the motion, and it passed unanimously.

#### Appointment of Dispatchers

Select board member Salvie moved to appoint the following people as part-time Dispatchers for the Town of Stow Police Department, for terms expiring June 30, 2022 and subject to annual appointment thereafter:

Laurel Brazao  
Steven Walsh  
Kristen Sieverts  
Dezerae Rodriguez

Board member Frecha seconded the motion, and it passed unanimously.

### **Transfer of Class II License from Infinite Automotive to Car Lot Express, Inc., 92 Great Road**

Continuing a discussion begun at the July 27, 2021 Select Board meeting, Chair Sturgis stated that the Board has received and reviewed the information from Acton regarding the applications and licenses for Wheeler Dealer that shows Oleksii Savchenko as the President of Wheeler Dealer in the articles of organization. Discussion ensued, and Board member Salvie said the only thing in the record from Acton is the Lemon Law sticker issue that was corrected quickly. Board members discussed the number of cars to be allowed on the lot, with one of the concerns being that the property is visible when you enter town. Mr. Savchenko said that the more high-end cars ready for sale are the ones that are put in the front rows.

*Board Member Frecha moved that the Select Board approve the transfer of a Class II license for 92 Great Road, Units 1 & 3, from Infinite Automotive to Car Lot Express, Inc. with the following stipulations and conditions:*

- *Number of cars inside the showroom: 5*
- *Number of cars inside the garage: 5*
- *Number of cars outside on the lot: 60*
- *Days and hours of operation for sales: 9 a.m. to 8 p.m. Monday through Saturday, and by appointment only on Sundays;*
- *Days and hours of operation for mechanical: 8 a.m. to 8 p.m. Monday through Saturday;*
- *Further stipulations: the layout of car spaces on the outside lot be reviewed and approved by public safety; and*
- *Deliveries: only during business hours but not on Sundays.*

*This license is valid through December 31, 2021, and subject to annual renewal thereafter.*

*Board member Salvie seconded the motion, and it passed 4-1 with Board member Burns opposing.*

### **230 Hudson Road – Request to Put Utilities Underground**

Marco Coppola was present via Zoom. He has a renovation project in progress and would like to move his electric meter to the garage side of his addition. He discussed the options with Hudson, Light, & Power (HL&P) of bringing the wires back overhead or underground. Mr. Coppola wants to bury all the utility lines underground. He will need to cross Hudson Road to do this and is coordinating with all parties involved. Derek Scott of HL&P has stated that "HLPD does not own secondary underground wire. We do allow them to rise up on mainline pole, such as the one across the street from 370. It is therefore the homeowner's responsibility to obtain all town permits and follow electrical codes required."

Chair Sturgis asked if he would still lose power if other residents on Hudson Road lost power, adding that the ownership is complicated and he still won't have better service.

Some Board members were concerned with Mr. Coppola's lines being disrupted by digging, and wanted the utilities reported to Dig Safe for marking. Steve Nadeau, Stow Superintendent of Streets, said he can work with the homeowner and Derek Scott from HL&P to make sure it gets marked out.

Bill Byron asked, via Zoom, if this section of Hudson Road has been newly paved. It has not been repaved yet.

*Board member Salvie moved, that having received no objection from Hudson Light & Power, to grant permission for existing overhead utility lines at 230 Hudson Road to be buried underground under Hudson Road and attached to an existing pole on the other side of the street, with the following stipulations:*

- *Work to be coordinated with Dig Safe, Hudson Light & Power, and Stow Highway and Police Departments*
- *Trench to be approximately 2' wide and 3' deep*
- *Work to be completed to code and subject to inspection*
- *Roadway to be restored to finish by repaving 2" of Binder and 2" of Roadway Top*

- *Costs for the work are to be paid by applicant, Marco Coppola of 230 Hudson Road*
- *Work is expected to be completed in August*
- *Owner to arrange for his utility to be marked by Dig Safe for future digs, to avoid any liability for the Town*

*Board member Frecha seconded the motion, and it passed unanimously.*

Mr. Coppola asked, and was advised, that he needs to contact HL&P, the Highway Department, the Police Department and Dig Safe in order to move forward with the dates that he has confirmed with his contractors.

#### **Wildlife Woods Homeowners Association Trust**

Anthony Parrinello, 52 Whispering Way, and Alexander “Sandy” McKinney, 29 Woodland Way were present via Zoom and are both trustees of the Wildlife Woods Homeowners Association Trust (HOA).

The trustees are requesting modification to the existing agreement between the HOA and the Town regarding maintenance to the open space that was signed in 2011.

The Town Administrator said that based on the proposed revision, and whatever the Board chooses, one of the items in the agreement should be that it still needs to meet all permits and regulations of the Town.

Board member Salvie suggested that the Board table this and determine how to give it back to the HOA. This is what is done with every other homeowner association. Mr. Parrinello said that they just want the land to be maintained in a responsible way. They would like to bring in a contractor soon to begin pruning. The Board would like to see any Order of Conditions from the Planning Board and the Conservation Commission.

*Board member Salvie moved to table this matter and expeditiously review why the Town and/or the Select Board has to be involved in this and with making modifications. Board member Burns seconded, and it passed unanimously.*

#### **NASJA “All My Relations Community Art Show”**

Abby Morgan was present and spoke about the plans for the art show. The event is Saturday, August 28<sup>th</sup> and the art will remain on display through Sunday August 29<sup>th</sup>, with 22 pieces of art on display from local residents.

*Board member Salvie moved, with the approval of Public Safety officials, to approve a permit for All My Relations Community Art Show, hosted by the Nashoba Area Social Justice Alliance (NASJA), to be held at Town Center Park on August 28-29, 2021. Board member Frecha seconded the motion, and it passed unanimously.*

#### **Lake Boon Association Water Carnival - Labor Day Weekend**

David Gray, Treasurer of the Lake Boon Association, was present via Zoom. He noted that this is the 100 year anniversary of the Lake Boon Association.

*Board member Salvie moved, with the approval of Public Safety officials, and pending approval from the Board of Health, to approve a permit for the Lake Boon Association Water Carnival, to be held at Lake Boon the weekend of September 3-6, 2021. Board member Frecha seconded the motion, and it passed unanimously.*

#### **Multiple Sclerosis Society “Bike MS: Ride the Vineyard-Mainland” Ride**

Emily Rivera was present via Zoom. Typically, the ride is on Martha’s Vineyard every year. Covid has changed the course and they are combining the Vineyard ride with the former Bike MS Minuteman ride that went through Stow. This year’s ride will include only 4 miles in Stow, with riders in Stow between 9:30 a.m. and 11 a.m. They hope to raise \$225,000 with this ride. Board member Salvie suggested that Ms. Rivera check with the Police Chief about the safety of the left on Harvard Road.

*Board member Salvie, with the approval of Public Safety officials, moved to approve the use of Stow public ways for the National Multiple Sclerosis Society "Ride the Vineyard-Mainland" bike ride on Saturday, September 18, 2021. Board member Frecha seconded the motion, and it passed unanimously.*

#### **Update Records Access Officers (RAOs)**

The information on file and on the website is outdated. This will bring us up to date.

*Board member Salvie moved to modify the roster of Super Records Access Officers and Records Access Officers for the Town of Stow according to the list presented by the Town Administrator. Board member Frecha seconded the motion, and it passed unanimously.*

#### **Rescind the Stow Educational Incentive Program**

This action will finalize what was begun at Town Meeting.

*Board member Salvie moved to rescind the Employee Educational Incentive Program for Town of Stow employees, in accord with the May 2021 Annual Town Meeting vote on Article 20. Board member Frecha seconded the motion, and it passed unanimously.*

#### **Designee to MBTA Advisory Board**

Chair Sturgis is willing to remain as the representative to the MBTA Advisory Board. There is no vote required and a letter will be sent to the MBTA.

#### **Town Administrator's (TA) Report**

- The TA will be on vacation next week with limited cell phone coverage.
- The tentative start date for the new Assistant Town Administrator is Monday, September 13, 2021.
- The TA wishes Joe Landy well in his retirement. He will be greatly missed.
- The TA thanked Jesse Steadman, Kathy Sferra, Alyson Toole, and Chief Sallese and their staff who assisted with the visit from Congresswoman Lori Trahan. It was a successful event.

**Meeting Minutes:** *Board member Salvie moved to accept the minutes of the July 27, 2021 meeting. Board member Frecha seconded the motion, and it passed unanimously.*

**Correspondence:** no comments

#### **Adjournment**

*At 10:10 p.m. Board member Salvie moved to convene in Executive Session, pursuant to MGL Chapter 30A, section 21(a) (3), for the purpose of discussing strategy with respect to ongoing litigation with the Collings Foundation, and to adjourn thereafter. Board member Frecha seconded the motion, and it passed unanimously on a roll call vote.*

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.*

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Select Board Minutes

August 10, 2021

DRAFT

# **CORRESPONDENCE**

Correspondence  
Wildlife Woods information



Town of Stow  
**PLANNING BOARD**

380 Great Road  
Stow, Massachusetts 01775-1122  
(508) 897-5098  
FAX (508) 897-4534

**DECISION and CERTIFICATE OF ACTION**

**March 6, 1998**

**Wildlife Woods**

**Definitive Subdivision Approval**

**Planned Conservation Development Special Permit**

**Water Resource Protection Special Permit**

**1. Application**

This document is the DECISION of the Stow Planning Board (hereinafter the Board) on the application of Robert T. Dawes Trust of Sudbury, MA (hereinafter the Applicant) for property located off of Sudbury Road between North Shore Drive and Kingland Road. This Decision is in response to an Application for Approval of a Definitive Subdivision Plan entitled "Wildlife Woods, Stow, Massachusetts" dated May 15, 1997, an application for a Planned Conservation Development Special Permit (hereinafter proposed PCD/Subdivision), and an application for Water Resource Protection District Special Permit (hereinafter WRPD Special Permit). (All of which are sometimes hereinafter referred to as "the Applications")

**2. Applicant**

Robert T. Dawes Realty Trust  
P. O. Box 472  
Sudbury, MA 01776

**3. Location**

Said property is shown on the January 1997 Stow Property Map Sheet R-25 as parcels 1, 2, and 3 (hereinafter the Site), as more fully described in the Applications.

**4. Board Action**

After due consideration of the application, the record of proceedings, and based upon the findings set forth below, the Board on February 24, 1998 by a unanimous vote of five members, voted to GRANT the Planned Conservation Development Special Permit, GRANT the Water Resource Protection District Special Permit and APPROVE the Definitive Subdivision, subject to and with benefit of the following waivers and conditions.

**5. Proceedings**

The Applications for the PCD/Subdivision were received by the Board on May 27, 1997 pursuant to MGL, Ch. 41, Section 81-K through 81-GG, MGL Ch. 40A, Section 9, the Stow Zoning Bylaw, Section 8.5 and 9.2 (hereinafter the Bylaws), the Stow Subdivision Rules and Regulations (hereinafter the Subdivision Rules) and the Rules and Regulations for Planned Conservation Development Special Permits (hereinafter the PCD Rules). The Application for the WRPD Special Permit was received by the Board on October 23, 1997 pursuant to MGL Ch. 40A, Section 9, and Sections 5.2 and 9.2 of the Bylaws.

The Applicant presented the proposed PCD/Subdivision to the Board at a duly noticed public hearing of the Board on July 23, 1997 at 8:00 PM at the Stow Town Building. The hearing was continued to September 16, 1997, October 14, 1997, December 4, 1997, and January 13, 1998 and was closed at the conclusion of the January 13, 1998 session. The Applicant presented the proposed WRPD Special Permit at a duly noticed public hearing of the Board on October 14, 1997 at 7:45 PM simultaneously with the PCD/Subdivision. The hearings were continued to December 4, 1997, and January 13, 1998 and were closed at the conclusion of the January 13, 1998 session. Jeffrey Brem of Meisner Brem Corporation, Jay Billings of Geologic Services Corporation, and Attorney Howard Hall of Hall and Finnegan, P. C. C. assisted the Applicant in its' presentation. Board Members Donald G. McPherson, Ingeborg Hegemann Clark, John E. Puhlhorn, Donna M. Jacobs, and Associate Member Marcia Ast Rasmussen were present throughout the proceedings. The minutes of the hearing and submissions on which this decision is based, which together with this decision constitutes the record of the proceedings, may be referred to in the Office of the Planning Board or the Office of the Town Clerk at the Stow Town Building.

## **6. Exhibits**

Submitted for the Board's deliberation were the following exhibits:

- 6.1 A plan entitled "Wildlife Woods, Stow Massachusetts" prepared by Meisner Brem Corporation of Westford, MA , dated May 15, 1997, revised through November 14, 1997 and consisting of 49 sheets indexed as follows:
  - a. Sheet 1 - Title Sheet
  - Sheet 2 – Index Sheet
  - Sheet 3 – PCD General Layout/Phasing Plan
  - Sheet 4 - Boundary Plan
  - Sheet 5 – Natural Features/Existing Conditions Plan
  - Sheet 6 – Note Sheet
  - Sheets 7 through 17– Definitive Subdivision Plan
  - Sheets 18 and 19 – Plan and Profile – Wildlife Way
  - Sheets 20 through 22 – Plan and Profile – Woodland Way
  - Sheets 23 and 24 – Plan and Profile – Whispering Way
  - Sheet 25 – Plan and Profile – Salamander Lane and Cricket Court
  - Sheet 26 – Plan and Profile – Fox Court and Cardinal Court
  - Sheet 27 – Plan and Profile – Blueberry Court and Woodpecker Court
  - Sheet 28 – Plan and Profile – Ladyslipper Lane
  - Sheet 29 – Plan and Profile – Foxglove Lane
  - Sheets 30 and 31 – Drainage Profiles – Off Roadway
  - Sheet 32 through 42 – Grading Plan
  - Sheet 43 – Roadway Details
  - Sheet 44 – Drainage Details/Roadway Details
  - Sheet 45 – Drainage Details
  - Sheet 46 – Drainage/Cistern Details
  - Sheet 47 – Misc. Details/Drainage Details
  - Sheet 48 – Erosion Control Plan
  - b. Preliminary Plan (Conventional), dated 12/12/97 revised 11/14/97
  - c. ANR Plan entitled: "Plan of Land, Wildlife Woods, Stow, Massachusetts", Prepared for Robert T. Dawes Trust, P.O. Box 472, Sudbury, MA 01776, dated November 18, 1997, Scale: 1"=20'
- 6.2 Supplementary Documentation required by the Subdivision Rules and PCD Rules consisting of the following:
  - a. A properly executed Application for Approval of Definitive Plan



- b. A properly executed Application for Approval of PCD
- c. A properly executed Petition for WRPD Special Permit
- d. Designer's Certificate
- e. Certified List of Abutters
- f. Deed References
- g. Development Impact Statement
- h. Homeowners Documentation
- i. Road and Drainage Conveyance Document
- j. Locus Maps
- k. Environmental Impact Discussion
- l. Drainage Report and Calculations revised through 1/12/98
- m. Soil Testing Report dated 05/01/97
- n. Supplemental Soil Testing Information dated 05/20/97
- o. Easement Deed (roadway and drainage)
- p. Declaration of Reservation of Easements and Roadways and Restrictive Covenants
- q. Declaration of Covenants and Restrictions "Wildlife Woods"
- r. Quitclaim Deed
- s. Conservation Restriction
- t. Letters dated May 23, 1997 re: Open Land
- u. Declaration of Restrictive Covenants
- v. Filing fee in the amount of \$2,500.00
- w. Registered Professional Engineer and professional Land Surveyor signature and seal

6.3 Additional information submitted by the Applicant:

6.3.1 Reports prepared by Geologic Services Corporation:

- a. Baseline Hydrogeologic Study, dated 02/97
- b. Water Quality Impact Analysis, dated 06/97
- c. Numerical Flow and Solute Transport Model, dated 09/97, modified 10/03/97
- d. Letter dated 07/23/97 re: Technical Report Review Reply
- e. Letter dated 08/08/97 re: Additional Analysis
- f. Letter dated 08/20/97 re: additional Analysis, (Executive Summary)
- g. Letter dated 12/05/97 re: Well Sampling
- h. Letter dated 01/07/07 re: Residential Well Sampling
- i. Letter dated 01/09/97 re: Residential Well Sampling
- j. Letter dated 01/13/98 re: Well Sampling Results

6.3.2 Letter dated 01/09/98 from Attorney Howard Hall – Legal Documents revised:

- a. Wildlife Woods Homeowners Association Trust
- b. Quitclaim Deed
- c. Conservation Restriction "Wildlife Woods"
- d. "Wildlife Woods" Declaration of Private Roadway & Common Driveway Covenants and Restrictions
- e. Declaration of Reservation of Recreational Area
- f. Declaration of Reservation of Easements and Roadways and Restrictive Covenants
- g. Declaration of Septic Leach Easement

6.3.3 Additional Correspondence submitted by the Applicant:

- a. Letter dated 10/03/97 from Attorney Howard Hall – response to David E. Ross Assoc. Inc. review letter of 06/18/97
- b. Letter dated 08/08/97 from Meisner Brem Corporation - response to David E. Ross Assoc. Inc. review letter of 06/18/97
- c. Letter dated 12/03/97 from Meisner Brem Corporation re: Open Land

- d. Traffic Report dated 05/21/97 from McDonough & Scully, Inc.
- 6.4 Comments received from Town staff and other boards and committees:
- 6.4.1 Correspondence from David E. Ross Associates, Inc., Town of Stow Consulting Engineer:
    - a. Letter dated 06/18/97, Plan Review
    - b. Fax dated 11/18/97, Plan Review
    - c. Fax dated 11/25/97, Plan Review
    - d. Letter dated 12/04/97, Plan Review
    - e. Letter dated 01/13/98, Plan Review
    - f. Letter dated 01/14/98, Plan Review
  - 6.4.2 Correspondence from D'Amore Associates, Inc., Town of Stow Environmental Engineering and Ground Water Consulting Engineer:
    - a. Letter dated 07/10/97
    - b. Letter dated 10/07/97
    - c. Letter dated 01/12/98
    - d. Letter dated 02/09/98
  - 6.4.3 Correspondence from Town Boards and Departments:
    - a. Memo dated 06/02/97 from Treasurer/Collector
    - b. Memo dated 06/02/97 from Board of Health
    - c. Memo dated 06/17/97 from Conservation Commission
    - d. Memo dated 06/30/97 from Superintendent of Streets
    - e. Memo dated 07/23/97 from Fire Department
    - f. Memo dated 09/03/97 from Inspector of Buildings
    - g. Memo dated 09/04/97 from Stow Police Dept.
    - h. Memo dated 11/12/97 from Conservation Commission
    - i. Letter dated 11/17/97 from Town Counsel
    - j. Memo dated 11/20/97 from Historic Commission
    - k. Memo dated 12/04/97 from Inspector of Buildings
    - l. Memo dated 12/17/97 from Board of Selectmen
- 6.5 Other:
- a. Letter dated 06/23/97 Stow Conservation Commission from Paul J. Rogoshewski, Director, Friends of Lake Boon
  - b. Letter dated 06/24/97 from Marcia Lee, Shrewsbury, MA (41 Hale Road)
  - c. Letter dated 07/23/97 from Paul Rogoshewski, Director, Friends of Lake Boon
  - d. Letter dated 07/23/97 from Reinhard Schumann, 12 Davis Road
  - e. Letter received 07/23/97 from Peter Rhoads, 375 Sudbury Road
  - f. Letter dated 07/26/97 from David C. Morinoto and Kate Gascoign, 122 Barton Road
  - g. Letter dated 08/23/97 from Barbara Lafitte, 21 Davis Road
  - h. Letter dated 09/14/97 from Ellie Beaudette, 11 Kingland Road
  - i. Letter dated 09/15/97 from Mary Beth Rogers, 168 North Shore Drive
  - j. Letter dated 09/15/97 from Roger Duchesneau, 98 North Shore Drive
  - k. Letter dated 09/16/97 from Peter and Inger Rhoads, 375 Sudbury Road
  - l. Letter dated 10/13/97 from Kathleen King Farrell & Michael Farrell, 267 Sudbury Rd.
  - m. Letter received 10/14/97 from Karen Wright, 110 Kingland Road
  - n. Letter dated 10/14/97 from Ernest Dodd, Stow Open Spaces Committee
  - o. Letter dated 10/30/97 from Lewis Halprin, 82 Pine Point Road
  - p. Correspondence received 11/05/97 from Stow Open Spaces Committee
  - q. Letter dated 11/09/97 from Frederick R. Dusseault, 43 Hale Road
  - r. Letter dated 11/17/97 from Ernest E. Dodd, Stow Open Space Committee
  - s. Letter dated 11/17/97 from Paul Rogoshewski, 110 Kingland Road

- t. Letter dated 12/04/97 from Roger Duchesneau, 98 North Shore Drive
- u. Letter dated 12/04/97 from Marshall Cross, Stow Open Space Committee
- v. Letter dated 01/13/98 from Ernest E. Dodd, Stow Open Space Committee
- w. All records and proceedings from the approval of the Preliminary Subdivision Plan
- x. All records and proceedings from the Application for Special Permit under Section 5.2.2.3 of the Bylaw (Water Resource Protection District)

Exhibits 6.1 through 6.3 are referred to herein as the Plan.

## **7. Findings and Conclusions**

Based upon its' review of the Applications, exhibits, and the public hearings thereon, the Board makes the following findings and conclusions:

- 7.1 The proposed PCD/Subdivision is located within the Residential District and the Water Resource Protection District, an overlay district.
- 7.2 The Plan shows the division of approximately 118.7 acres into 67 residential lots and 16 parcels (Parcels A1, A2, A3, A4, B, C D, E, and F as shown on the Definitive Subdivision Plan and parcels T, U, V W, X, Y, and Z shown on the ANR Plan) of open land. The open land trail systems shown on the Plan are the result of collaborative efforts between the Applicant, the Board, and neighbors. It provides a trail network and 70+ acres of open land, which exceeds the 60% requirement for a PCD/Subdivision.
- 7.3 The Site abuts town-owned recreation land; is across the street from the Fort Devens Sudbury Annex; and is approximately 200 feet from Boon's Pond, a Great Pond used for water recreation by abutters and Town residents.
- 7.4 The proposed use, single family residences, as conditioned herein, is allowed on the Site in accordance with the Bylaws, including all overlay district requirements.
- 7.5 The proposed lots comply with the area and frontage requirements of the Bylaws, including all overlay district requirements, subject to and with benefit of the Planned Conservation Development Special Permit.
- 7.6 The Plan shows a roadway network consisting of 11 roads with a total length of 9,216 linear feet. The roadway layout is the result of collaborative efforts between the Applicant and the Board in an effort to minimize use of existing private ways by redirecting existing traffic onto the proposed roadway system.
- 7.7 The Applicant advised the Board that all subdivision roads will be presented to the Town for acceptance as town ways after completion of the roads and the required subdivision improvements.
- 7.8 During the public hearing, abutters requested:
  - a. Visibility at the S-curve on North Shore Drive should be improved by limited cutting of trees and brush.
  - b. Two or three curves should be added along North Shore Drive to help control vehicular speeding.
  - c. Where possible, utilities along existing roads should be placed underground.These requests are not within the jurisdiction of the Planning Board for purposes of this Decision.
- 7.9 During the public hearing, abutters requested that all existing road segments that are on (or partially on) the parcel to be subdivided should be brought up to current standards, and ultimately transferred to the town as public roads. The Board concludes the Plan as proposed minimizes use of existing private ways by redirecting existing traffic onto the proposed roadway system.

- 7.10 During the public hearing, abutters requested an official traffic impact survey be conducted with a traffic counter placed near the property and an analysis of impact to Sudbury Road/State Rd, Sudbury Road/Whitman St. intersections and Vogels corner. In its report dated May 21, 1997, McDonough & Scully, Inc., the Applicant's traffic consultant, states that the roadway system north and south of proposed development can likely accommodate the anticipated added traffic volumes. The Police Department provided a report on the history of accidents on Sudbury Road and advised that Sudbury Road is adequate to handle the proposed increase in traffic volume. Therefore, the Board concludes that the proposed PCD/Subdivision will result in no significant effect on the "level of service" (LOS) of the town roads or intersections of these roads.
- 7.11 The Inspector of Buildings has requested that all lot corners be staked. The Board concludes that the Building Inspector can impose this requirement at the time of issuance of building permits.
- 7.12 Section 4.10 of the Application package (Environmental Impact Discussion) is incorrect in that it states ".....is a relatively small subdivision of 17 being proposed as a single family residential development". Section 1.5.e of the Application package refers to attachment A. Narrative is provided as required but is not entitled attachment A. The Applicant has been advised and shall correct the document.
- 7.13 Sheet 3, note 1 (General Layout/Phasing Plan) of the Plan, is incorrect in that it states that the boundaries of the Subdivision are outside the Water Resource Protection Limits. The PCD/Subdivision is entirely within the Water Resource Protection District.
- 7.14 The Applicant stated that the open land will be placed in the ownership of a Homeowners Trust. The Homeowners Trust will offer a deed of the open land to the Town of Stow or its designee. In the event that the Town of Stow, or its designee, does not accept all or any portion of the land, any portion not accepted shall remain in the ownership of the Homeowners Trust. The Applicant also stated that any open land remaining in the Trust will be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws, Chapter 184, Sections 31 and 32 subject to underlying easements and uses as shown on the Plan.
- 7.15 The Board of Selectmen advised, although they support the concept of open space and public access, the Town should only pursue ownership if a particular parcel can be used by the Town. The Board of Selectmen believes the proposed open land should remain owned by the property owners under a homeowners association with appropriate fees to ensure ongoing maintenance.
- During the public hearing, abutters requested the open land be deeded to the Town for conservation purposes. The Board recommends that the Town accept all of the open land parcels (with the exception of that portion of Parcel F designated as Dedicated Recreation Area Easement – 2.0 acres) for purposes allowed by Section 8.5.9 of the Bylaw because it provides access to existing Town recreation land. The Towns' ownership of the land will allow neighbors Town residents use of the trail network.
- 7.16 The Plan shows seven neighbor encroachments (parcels I, J, K, L, M, N and O). The Applicant proposes to resolve the encroachments by conveying the parcels to the respective neighbor, or by removing such neighbor's encroachments. To the extent that any encroachments are removed, such parcel will be added to the open land. The Applicant requests the right to remove one or more of the Parcels T, U, V, W, X, Y and Z, beginning with Parcel Z, for each 3,000 square feet of land added to the open land.
- 7.17 During the public hearing an abutter requested an easement to access her property at 110 Kingland Road. The Plan shows an easement has been provided. The open land calculation is incorrect in that it includes this easement area.

- 7.18 During the public hearing, abutters noted that Rice Point Road should be considered as a roadway and not as part of the open land. Town Counsel advises that roads cannot be included to meet the requirement for open land unless limited to emergency access. If third parties have the right to use the roadways, these roadways constitute encumbrances not permitted by Section 8.5.10.3. The Applicant has advised there are no deeded easements that locate Rice Point Road, nor does the Town Clerk have Rice Point Road designated as a "private road". Future use of Rice Point Road is proposed for emergency access only. The open land has been recalculated deducting the area and use of Kingland Road and North Shore Drive and now correctly includes the area of Rice Point Road.
- 7.19 The Board of Selectmen requested that trail construction should include signage and barriers to motorized vehicles. The Board concludes that the Plan should be modified to include identification signage regarding allowed and prohibited uses of the open land, emergency access roads, trails, and landscaping measures to prevent access by motorized vehicles (other than public safety vehicles for emergency purposes).
- 7.20 During the public hearing, abutters noted that the existing trails have been used for hundreds of years and requested that rights to these paths and the ability to alter them be defined. The Applicant advises there are no deeded right of ways. The Plan shows an extensive trail network that largely preserves existing trails.
- 7.21 During the public hearing abutters requested that sidewalks be provided to the maximum extent possible. Others requested they be kept to a minimum. The Community Paths Committee reviewed the Plan and recommend the Board ask for a contribution in lieu of sidewalk construction. The Applicant offered to donate money to the Town of Stow for the purpose of constructing future sidewalks in lieu of constructing the required sidewalks on the Site with the exception of Wildlife Way and Woodland Way. The Board finds that the Applicant's offer of a donation to the Town of Stow in the amount of \$59,000.00 (approximately \$11.00/foot x 5,283 linear feet) (3,426' internal roads and 1857' frontage) is appropriate based on the length of roads and will recommend that the Town, acting through the Board of Selectmen accept said funds.
- 7.22 The Applicant offered to donate money to the Town of Stow for the purposes of constructing future sidewalks in lieu of providing streetlights. The Applicant has agreed to provide post lanterns on each lot instead of streetlights. The Board finds that the Applicant's offer of a donation to the Town of Stow in the amount of \$21,000.00 and installation of post lanterns is appropriate based on the estimated cost difference of streetlights vs. post lanterns, and will recommend that the Town, acting through the Board of Selectmen accept said funds.
- 7.23 The Board of Selectmen noted that the southern end of Kingland Road appears not to be a deeded Right of Way and recommends the owner deed a Right of Way to the Town to facilitate the future process for designating this road as a public way. The Applicant has agreed to provide an easement for rights to pass and re-pass, maintain and repair and all other rights customary to public ways.
- 7.24 The Board of Selectmen recommends a restriction be placed on the proposed subdivision as to the use of sodium with regard to winter ice and snow treatment. The Board is aware of this concern. This Site is located within the Lake Boon Watershed Area. The Board encourages the Board of Selectmen and Highway Department to consider this issue within the Towns roadway maintenance plan.
- 7.25 The Plan has been revised to eliminate all vertical curves as recommended by the Highway Department.

- 7.26 The Highway Department advised that proposed grades where the new roads are to meet the existing roads may need to be adjusted in the field and should meet the approval of the Superintendent of Streets. The Board concludes that the Superintendent of Streets and the Board's consulting engineer should monitor this issue during construction of the subdivision roadways.
- 7.27 The Plan has been amended to comply with the Highway Department's request that the proposed intersection of Woodland Way and Kingland Road be at the same or close to the same location as the existing intersection of Rice Point Road and Kingland Road.
- 7.28 The Board of Selectmen noted the existing boat ramp off North Shore Drive is on property owned by the Applicant and recommends, although not part of the subdivision, ownership and access to this ramp be provided to the town. The Board finds that the land containing the boat ramp is not part of this Application. Therefore, the Board cannot impose conditions relative to land not included within the boundaries of the proposed PCD/Subdivision.
- 7.29 The Conservation Commission advises that the Plan, as proposed, does not include any work within regulated resource areas.
- 7.30 The Fire Department advised that the proposed cistern easement adjacent to lot 29 is not large enough. The easement shown on the Plan is 53' long and the tank is over 64' long (area for setbacks is also need). An access road should be located adjacent to the cistern with a "no parking - tow zone" sign. The Plan has been amended to show changes to the cistern detail as requested by the Fire Department; other requirements will be included as a condition of approval.
- 7.31 During the public hearing, abutters noted concern that "Tommy's Pond" may be a vernal pool and should not be used for fire protection purposes. The Applicant has proposed an alternate fire protection plan to avoid the use of Tommy's Pond.
- 7.32 The Stow Historical Commission advises that they are not aware of any historical or prehistorical cultural resources that would be negatively impacted by the development.
- 7.33 The Inspector of Buildings advised that stumps are not allowed to be buried on Site. A note has been added to the Plan stating that "All stumps will be properly disposed of off-site or ground into woodchips on-site".
- 7.34 The proposed PCD/Subdivision is subject to Section 8.6 of the Bylaws (Phasing of Growth). The Applicant did not submit the Development Schedule as required by this Section of the Bylaws and instead asked the Board to determine the appropriate schedule. The Board has awarded 26 points in accordance with Section 8.6.4.6 of the Bylaw based on the Applicant's efforts to ameliorate development impacts through preservation of natural resources, preservation of scenic views, and preservation of open land.

Section 8.6.4.1 (Affordable Housing)	-10 points
Section 8.6.4.2 (Open Land)	+20 points
Section 8.6.4.3 (Aquifer Protection)	-30 points
Section 8.6.4.6 .1,2, a portion of 3, 6, and 7(Discretionary)	+26 points

Accordingly, the points accumulated under Section 8.6.4.1 through 8.6.4.6 of the Bylaw shall modify the development schedule to allow 30% of the units to be developed in one given year. The maximum build out shall be no more than 30% (20 building permits) in one given year.

- 7.35 The Board of Health has indicated soil conditions and percolation rates are suitable for subsurface sewage disposal designs. The Board of Health will review individual plans for wells and septic systems on a lot by lot basis, as is their customary practice.
- 7.36 During the public hearing, an abutter noted he is not in favor of the proposed Sewage Treatment and Disposal Easement located upgradient of existing shallow groundwater wells. Any future use of this easement area will be subject to Board of Health approval and may be subject to a Special Permit under the Water Resource Protection District.
- 7.37 The proposed PCD/Subdivision is subject to Section 5.2 of the Bylaw (Water Resource Protection District). The Applicant submitted an Application for Special Permit for the proposed generation of on-site sewage disposal exceeding 110 gallons per day per 10,000 square feet of lot area as required by Section 5.2.2.3 of the Bylaw.
- 7.38 Reports prepared by Geologic Services Corporation and reviewed by D'Amore Associates, Inc. were based on 68 four-bedroom homes. The PCD/Subdivision has been revised to 67 four-bedroom homes.
- 7.39 Town Counsel has advised, in his letter dated November 17, 1997, that a single special permit under the Water Resource Protection District "can be acted on to apply to all of the lots for which such permits would be required, approving or denying permits for individual lots within the proposed subdivision and overall tract of land involved, provided these standards are applied to or considered as to each separate lot". He further advised "the board can consider imposing possible compensating conditions or restrictions on some or all of the lots or other portions of the overall tract if presented to the board as a whole in the section 5.2. application for special permit".
- 7.40 Town Counsel has advised, in this same letter, that the terms "degradation" and "existing conditions" used in the Water Resource Protection District "should be given the usual and customary meanings and be interpreted in the context of the other terms and standards set forth in section 5.2. protecting ground water supply and water recharge areas, as a unified whole." He further advised "The term "existing conditions" cannot possibly be intended to permit "no change" in a bylaw intended to permit construction under certain conditions and "degrade" must be looked at in light of Sections 5.2.4.3 and 5.2.4.4 which gives some meaning to the term "degrade". A reasonable interpretation given to these provisions could and should be to permit construction upon appropriate findings and conditions as to reach the overall intention and purpose of section 5.2 to protect groundwater recharge areas."
- 7.41 During the public hearing, the following concerns were raised by abutters and property owners within the Lake Boon Watershed regarding the water resources:
- a. potential nitrate impact that the proposed leach fields will have on proposed and existing down gradient domestic wells;
  - b. the location of the proposed wells in relation to the Sudbury Annex;
  - c. a rumor than an underground oil tank is located in the area and that an old rusted steel drum is on the Site within a few hundred feet east of monitoring well MW10;
  - d. impact on Lake Boon;
  - e. the Lake Boon data was collected during late fall when the lake is not very productive - Subsequent testing was done by Geologic Services Corporation in the spring/summer season and adjustments were made to the model;
  - f. the statistical variables that occur in any modeling program - The Board discussed these concerns with its consultant and will require a monitoring well program for the Site;
  - g. the proposed development's drawdown of the water level affect on existing wells - Reports prepared by Geologic Services Corporation and reviewed by D'Amore

Associates, Inc. concluded that based on the projected maximum water level drawdown at the property line of approximately 0.85 feet, there will not be enough drawdown to result in significant well interference effects off site. The report further states that the majority of the projected off-site water level drawdown is to the northeast of the Site across Sudbury Road;

- h. installation of the proposed wells at a sufficient depth so as they will not be at risk when the Barton Road Dam is repaired - This request is not within the jurisdiction of the Planning Board for purposes of this Decision. The Applicant is working with the Board of Health as to depth of proposed wells;
  - i. the entire watershed as it affects several towns' private and public drinking water; and
  - j. potential stress on the existing aquifer and the eutrophic state of Lake Boon.
- 7.42 An abutter gave a verbal report of the environmental portion of the "Draft" Development Impact Study prepared by Commonwealth Research Group, Inc. for the Town of Stow and funded by the Town of Stow at the 1997 Annual Town Meeting. The final report was not prepared or submitted to the Board.
- 7.43 During the public hearing, abutters stated that 58 neighbors have petitioned the State to request an Environmental Impact Report and urged the Planning Board to do the same. As proposed, the project is not "categorically included" and therefore an Environmental Impact Report is not required. The Board considered environmental concerns throughout the public hearing process. These concerns have been addressed as evidenced in reports prepared by Geologic Services Corporation and reviewed by the Town's consultant Denis D'Amore of D'Amore Associates, Inc.
- 7.44 Based on the exhibits, documents, public hearings and findings set forth above, and as required by the Bylaws, the Board states the following additional findings:
- a. The proposed PCD/Subdivision is consistent with the goals and objectives of the Stow 2000 A Master Plan, adopted by the Planning Board, May 8, 1996.
  - b. The proposed PCD/Subdivision, as modified herein, is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood. It provides 70+ acres of open land, which exceeds the 60% requirement for a PCD/Subdivision.
  - c. The proposed PCD/Subdivision, as modified herein, is in harmony with the purpose and intent of the Bylaws and will not be detrimental or injurious to abutting properties or ways, the neighborhood, community amenities, or the Town of Stow.
  - d. The proposed PCD/Subdivision is appropriate for the Site for which the petition is submitted and is related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the immediate vicinity that have functional or visual relationship to the proposed use.
  - e. The proposed PCD/Subdivision, as modified herein, includes sufficient mitigating measures which shall be implemented as part of the special permit for any adverse effects noted in the Development Impact Statement, reports from town boards and agencies, reports from consultants, and public hearings.
  - f. The proposed PCD/Subdivision, as modified herein, will result in no significant pollution, degradation, or contamination of the ground water, a ground water recharge area, a well, pond, stream, watercourse or inland wetland, as evidenced in reports by Geologic Services Corporation and substantiated by D'Amore Associates, Inc.
  - g. The proposed PCD/Subdivision will result in no significant effect on Level of Service for any service provided by the Town for the purposes relevant herein. Any anticipated impact on education is not within the jurisdiction of the Planning Board.



- h. The proposed PCD/Subdivision, as modified herein, will result in no redirection of existing surface water runoff onto abutting parcels or downstream properties due to existing soils, topography, and design.
  - i. The proposed PCD/Subdivision, as modified herein, will result in no significant transport by air or water of erodible material beyond the boundary line of the Site.
  - j. The proposed PCD/Subdivision, as modified herein, provides safe pedestrian circulation through a network of roadways, sidewalks, and trails.
  - k. The proposed PCD/Subdivision, as modified herein, will comply with all applicable requirements of the Bylaw.
- 7.45 Based on the above exhibits, documents, public hearings and findings set forth above, the Board finds the proposed PCD/Subdivision, as modified herein, meets the following design requirements of the Water Resource Protection District:
- a. The Plan shows, to the extent feasible, potential pollution sources outside the Water Resource Protect District boundaries.
  - b. Roof, parking and driveway runoff is recharged on the Site and diverted toward areas covered with vegetation for surface infiltration to the maximum extent practicable. The Plan does not include any parking areas of 5,000 square feet or more.
  - c. Mining of the land or excavation for earth, sand, gravel and other soils will not extend closer than five feet above the maximum ground water elevation, except to provide for structural foundations, holding ponds for drainage purposes and utility conduits and wells. Exposed land will be returned to its natural vegetative state when excavation is complete except for development of required subdivision improvements as shown on the Plan and conditioned herein and normal residential lot development.
  - d. No net runoff volume will be diverted beyond the boundaries of the Water Resource Protection District.
  - e. There will be no storage of hazardous materials on the Site.
  - f. There will be no process wastes from operations other than those typical of residential use such as personal hygiene and food for residents on the Site.
  - g. All runoff from impervious surfaces will be recharged on the Site by diversion toward areas covered with vegetation for surface infiltration to the extent possible. There will be no discharge directly onto surface waters without intervening mitigative measures.
- 7.46 The Applicant has requested certain waivers from the Rules. These are discussed in Section 8, Waivers, below.

**8. Waivers**

The Applicant has requested the following waivers from the applicable Rules. Board action on the requested waivers is as follows:

- 8.1 Waiver from Section 4.3.16 of the Subdivision Rules which requires a statement from the utility companies certifying approval of the utility layout. The Board GRANTS the requested waiver in recognition of the fact that the utility companies will not certify approval in advance.
- 8.2 Waiver from Section 4.3.20 and 8.9 of the Subdivision Rules which requires the Plan show the location of proposed street trees and trees to be retained. The Board GRANTS a partial waiver to allow tree plantings as shown on the Plan. Plantings shall be of the species recommended by the Tree Warden and shall otherwise comply with the Subdivision Rules as to size and caliper.

- 8.3 Waiver from Section 7.8 to reduce the minimum pavement width from the required width of 22' to 18' and to reduce the right of way width from 50' to 40' on Salamander Lane, Foxglove Lane, and Ladyslipper Lane. The Board GRANTS the requested waivers because the Plan provides an alternative main road for through traffic and due to the minimal vehicular traffic expected on these access roads.
- 8.4 Waiver from Section 7.8.1.2 and 7.8.1.3 of the Subdivision Rules to allow an alternative turn-around as shown on the Plan. The Board GRANTS the requested waiver, as it is similar in design to the alternative turnaround shown in the Subdivision Rules. The cul-de-sac turn-arounds shall be constructed as a "Y" turn as shown on the Plan and as recommended by the Highway Superintendent.
- 8.5 Waiver from Section 8.3.1 and 8.3.2 (type of catch basin and manholes) of the Subdivision Rules. The Board GRANTS the requested waiver to allow precast structures as shown on the Plan and customarily used by municipalities and Mass. Highway Dept.
- 8.6 Waiver from Section 8.6.1 of the Subdivision Rules which requires cape cod berm as a minimum curbing. The Applicant proposes no curbing in various portions of the Site as shown on the Plan to allow the use of roadside grass lined drainage swales. The waiver is GRANTED because it is in keeping with DEP's Stormwater Management Policy and due to the unique character (soils and topography) of the Site.
- 8.7 Waiver from Section 8.7 of the Subdivision Rules which requires construction of sidewalks on all subdivision roads and along the frontage of public ways. The Applicant requests a waiver from the requirement to construct sidewalks on Fox Court, Cardinal Court, Cricket Court, Blueberry Court, Woodpecker Court, Salamander Lane, Ladyslipper Lane, Foxglove Lane, a portion of Whispering Way, and along the Sudbury Road frontage. The Applicant has offered to contribute \$59,000.00 for the purpose of allowing the Town to construct sidewalks elsewhere in Stow. A partial waiver is GRANTED to allow a combination of sidewalks within the subdivision and to recommend that the Town acting through the Board of Selectmen accept a donation of \$59,000.00 for the construction of sidewalks elsewhere in Stow as conditioned herein because a sidewalk along existing streets will be of greater public benefit.
- 8.8 Waiver from Section 8.10 of the Subdivision Rules which requires street lighting along subdivision roadways. The Board GRANTS the requested waiver to allow a combination of post lanterns on individual lots at the ends of the driveways (15' from the edge of the street pavement) to the proposed homes; and to recommend that the Town acting through the Board of Selectmen accept a donation of \$21,000.00 for the construction of sidewalks elsewhere in Stow as conditioned herein.
- 8.9 Waiver from Section 4.3.13 of the Subdivision Rules which requires the Plan show left and right profiles. The Board GRANTS the requested waiver due to the essentially flat topography of the Site.
- 8.10 Waivers from Section 8.3.1 of the Subdivision Rules to allow the distances between catch basins as shown on the Plan. The Board GRANTS the requested waiver to allow the distance between catch basins as shown on the Plan based on the recommendation of the Town's Consulting Engineer.
- 8.11 Waivers from Section 3.9.5.g of the Subdivision Rules which requires the Plan show the perimeter of existing wooded areas and location of existing 12" diameter trees. The Board GRANTS the requested waiver since the entire Site is heavily wooded with a large number of trees that are 12" diameter or greater.

- 8.12 Waivers from Section 4.3.17 of the Subdivision Rules which requires deep observation holes of the entire subdivision. The Board GRANTS the requested waiver due to the soil consistency and hydrogeologic study determinations based on data provided in the Applicant's Hydrogeologic Report and verified by the Town's Hydrogeologic Consulting Engineer.
- 8.13 Waivers from Section 4.3.14 of the Subdivision Rules which requires the highest watermark in the last five years and the mark 4' above the five-year high watermark be shown on the Plan. The Board GRANTS the requested waiver based on data provided in the Applicant's Hydrogeologic Report and verified by the Town's Hydrogeologic Consulting Engineer.
- 8.14 Waivers from Section 7.5.4, 7.10, and 8.7.4 of the Subdivision Rules which requires a 15' easement for pedestrian paths. The Board GRANTS the requested waiver to allow the construction of paths to meander around existing trees.
- 8.15 Waivers from Section 4.3.18 of the Subdivision Rules that requires the Plan show the location of wells within 150 feet of the Site. The Board GRANTS the requested waiver due to the large buffer established by open land and based on the hydrogeologic data and well testing data (both on and off the Site) submitted by the Applicant.

**9. Conditions and Plan Modifications**

- 9.1 The following conditions shall be binding upon the Applicant and its successors and assigns. Failure to adhere to the following conditions shall be reason to rescind this subdivision approval pursuant to MGL Ch. 40, S.81-W. Further, failure to adhere to these conditions may render these special permits null and void, without force and effect, and shall constitute grounds for the revocation of these special permits.
- 9.2 Unless directed otherwise by this Decision, the Definitive Plan shall comply with all requirements of the Subdivision Rules, the PCD Rules and the Bylaw.
- 9.3 The following Plan modifications shall be made prior to the endorsement of the Plan.
- a. Section 4.10 of the Application Package (Environmental Impact Discussion) shall be revised to correct the following incorrect statement: "is a relatively small subdivision of 17 being proposed as a single family residential development". Section 1.5.e of the Application Package shall be corrected by labeling attachment A.
  - b. The Plan shall be modified to correct note 1 on Sheet 3 (General Layout/Phasing Plan) to indicate boundaries of the Subdivision are within the Water Resource Protection Limits.
  - c. The Plan shall be modified to show all modifications required under section 8, Waivers, above.
  - d. The Plan shall be modified to show the minimum required open land acreage and the excess open land provided within the PCD/Subdivision, if any.
  - e. The Plan shall be modified to include identification signage regarding allowed and prohibited uses of the open land, and trails and landscaping measures to prevent access by motorized vehicles (except for public safety vehicles on emergency access roads).
  - f. The Plan shall be modified to expand the proposed cistern easement to the satisfaction of the Fire Department and the Board.
  - g. The Plan shall be modified to show a "no parking - tow zone" sign at the cistern easement. Such signs shall be established and approved so as to be enforceable by the Town.
  - h. The Plan shall be modified to show a revised access easement for 110 Kingland Road as discussed in finding 7.17 above.

- i. The Plan shall be modified to add a note indicating that all areas left unstable shall be wet down as needed to prevent transport of airborne material.
  - j. The Plan shall be modified to change "Subsurface Disposal Easement" to read "Sewage Treatment and Disposal Easement".
  - k. The Plan shall be modified to show post lanterns on individual lots at the ends of the driveways (15' from the edge of the street pavement) to the proposed homes.
- 9.4 The Board accepts the Applicants offer to donate \$80,000.00 to the Town of Stow for purposes of constructing future sidewalks in lieu of constructing the required sidewalks and street lighting on the Site and shall recommend that this donation be accepted by the Town acting through the Board of Selectmen with such donation of \$80,000.00 being made in 5 equal installments; the first installment shall be made upon issuance of the 10th building permit and the remaining installments upon issuance of building permit # 20, 30, 40, and 50.
- 9.5 The proposed grades where the new roads are to meet the existing roads shall be adjusted in the field and shall meet the approval of the Superintendent of Streets.
- 9.6 The Applicant shall provide easement documents for rights to pass and re-pass, maintain and repair Kingland Road.
- 9.7 The proposed PCD/Subdivision is subject to Section 8.6 of the Bylaws (Phasing of Growth). Accordingly, the points accumulated under Section 8.6.4.1 through 8.6.4.6 of the Bylaw shall modify the development schedule to allow 30% of the units to be developed in one year. The maximum build out shall be no more than 30% (20 building permits) in one given year.
- 9.8 Prior to construction, any debris located on the Site shall be removed.
- 9.9 The Board GRANTS the Applicant the right to remove one or more of the Parcels T, U, V, W, X, Y, and Z, beginning with Parcel Z (as shown on the ANR Plan), for each 3,000 square feet of land added to the open land in the event that any encroachments are removed.
- 9.10 If the open land parcel(s) are to be deeded to the Town, the Applicant shall assume all reasonable legal costs associated with said conveyance.
- 9.11 Trails located within 200' feet of any lot line of any lot being sold shall be delineated and marked to prevent inadvertent trespass onto private property, prior to any sale or requested release of lots. Upon release of 50% of the lots, all trails shall be rendered passable in accordance with allowed and prohibited uses of the open land.
- 9.12 The Homeowners Association shall be responsible for application of all fertilizers, herbicides, pesticides and other such chemicals. A fertilizer application plan shall include a goal to reduce topical application of pesticides and herbicides to 25% of the design amounts noted in the Mass. Balance calculations used in reports by Geologic Survey Corporation. A Plan shall be submitted to the Board for approval prior to application of any pesticides or herbicides.
- 9.13 The Applicant shall provide a covenant restricting development of the Site to no more than 272 bedrooms to ensure the PCD/Subdivision is consistent with the models, studies and testing data upon which this approval is based.
- 9.14 A monitoring well program shall be established for the areas of the projected highest nitrate concentration, as shown on the Plan and reports prepared by GSC and reviewed by D'Amore Associates. Monitoring Well MW7 and two additional wells to be installed at a location and depth as directed by the Town through its Hydrogeologic Consultant, shall be sampled to detect potential on or off-site degradation of drinking water. Each

well sampling shall include nitrate, sulfate, sodium, chloride, phosphorous, MBAS (a surfactant) and chlorine. Sampling shall be performed on or about October 1 on an annual basis. If the water quality analysis indicates a trend toward degradation, then the monitoring program shall be amended to detect any seasonal trend in the data or the need to evaluate additional mitigative measures. The results of the analysis shall be submitted to the Board of Health and the Board. The Homeowners Association shall be responsible for costs associated with on-going monitoring and any remediation deemed necessary by the Board. If the Homeowners Association fails to perform the required testing, testing will be done at the direction of the Town and the Homeowners Association shall reimburse costs (including collection costs) to the Town.

- 9.15 A monitoring well program shall be established to detect potential contamination that may migrate from the Sudbury Annex. Monitoring Well MW1 shall be re-drilled to sufficient depth to detect potential contamination that may migrate from the Sudbury Annex to be sampled for volatile compounds via USEPA Method 524 and the 13 priority pollutant metals. Sampling shall be done on or about October 1 every two years for the first 10 years. If no contamination, above normal standards, is detected after 10 years, testing can be performed once every 5 years until the Sudbury Annex clean up is completed. The results of the analysis shall be submitted to the Board of Health and the Board. The Homeowners Association shall be responsible for costs associated with ongoing monitoring. If the Homeowners Association fails to perform the required testing, testing will be done at the direction of the Town and the Homeowners Association shall reimburse costs (including collection costs) to the Town.
- 9.16 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that results in the flooding or siltation of any street, way, or drainage facility owned or maintained by the Town. If such runoff or erosion occurs, the Board may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.
- 9.17 All requirements of the Stow Board of Health shall be met.
- 9.18 The Stow Historical Commission shall be notified if any historical and/or prehistorical evidence is discovered on the Site.
- 9.19 No work on the Site shall begin prior to the endorsement and recording of the Plan and associated covenants.
- 9.20 All work on the Site shall be conducted in accordance with the terms of this approval and shall be limited to the improvements shown on the Plan.
- 9.21 Exterior construction activity shall take place only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and 8:00 AM to 12:00 PM Saturdays unless specific approval is granted by the Board.
- 9.22 Prior to the issuance of an occupancy permit for any dwelling unit, all site improvements related to said unit and providing access to said unit shall be fully completed in accordance with the Plan; alternatively, the Board will require a performance bond in accordance with Section 5 of the Subdivision Rules to secure completion of construction after the issuance of an occupancy permit.
- 9.23 Prior to endorsement of the Plan, the Applicant shall provide the Board with a performance guarantee in accordance with Section 5 of the Subdivision Rules.
- 9.24 As required under Massachusetts General Laws, Ch. 60, s. 23, the Plan approved hereunder shall not be recorded with the Middlesex South District Registry of Deeds or the Land Court unless it is accompanied by a municipal lien certificate, indicating that all

taxes, assessments, and charges then assessed against the land shown on the Plan have been paid in full. If not paid at the time of endorsement of the Plan, the Board will add a Plan note to remind the Registry of Deeds or the Land Court of this legal requirement.

- 9.25 A deed of streets and easements shall be given to the Board to be held in escrow, pending acceptance by the Town. The fee or an easement in such streets and easements shall be reserved on any conveyances of the subdivision lots or mortgages on the land.
- 9.26 The responsibility for plowing and maintenance of all streets in the proposed Subdivision shall be that of the Applicant or his designee or assignee until such time as the Town of Stow may accept the streets as public ways. Following acceptance of the streets, the Town's maintenance responsibilities will follow standard procedures for Town streets and ways and shall be limited to the improvements located within the street layouts and associated with their function as a street, and to any improvements associated with street drainage located within designated town utility easements. All private utilities and services whether or not located within the street layout or said town easements and any private drainage facilities feeding into drainage structures associated within the street layouts or easements shall be the responsibility of the Homeowners Association.
- 9.27 This Decision, the endorsed Definitive Plan, and the Restrictive Covenant if any, shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site. A copy of the recorded or filed decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Inspector.
- 9.28 The Applicant shall submit an "as built" plan for the roads and appurtenant drainage structures prior to final release of the restrictive covenant or subsequent performance guarantee.
- 9.29 This Decision applies only to the requested Subdivision approval, the PCD Special Permit and Water Resource Protection District Special Permit. Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 9.30 The foregoing required modifications and conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Subdivision Rules, the PCD Rules or other applicable laws and regulations. At the time of endorsement the Plan must be in compliance with the Rules except for the waivers granted herein.
- 9.31 This subdivision approval shall expire if not endorsed on the Plan within one year from the date that this decision has been filed with the Town Clerk. It shall also expire if street construction and installation of services is not completed within eight years from the date that this decision has been filed with the Town Clerk. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval.
- 9.32 This PCD Special Permit and Water Resource Protection District Special Permit shall lapse in two years from the date that this Decision has been filed with the Town Clerk, unless substantial use or construction has commenced, except for good cause. A request to extend said time limit must be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this special permit.

9.33 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this decision with or without a public hearing upon the request of the Applicant or upon its own motion.

9.34 The terms, conditions and provision of this decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Stow.

**10. Appeals**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, s. 17, and MGL, Ch. 41, s. 81-BB, and shall be filed within 20 days after the date of filing this Decision with the Town Clerk.

Witness our hands this 6<sup>th</sup> day of March 1998

\_\_\_\_\_  
Donald G. McPherson, Chairman

\_\_\_\_\_  
Donna M. Jacobs, Vice Chairman

\_\_\_\_\_  
John E. Puhlhorn, Clerk

\_\_\_\_\_  
Ingeborg Hegemann Clark

\_\_\_\_\_  
Marcia Ast Rasmussen, Associate Member

\_\_\_\_\_  
March 6, 1998  
Received and Filed  
Volume II, Page 465

\_\_\_\_\_  
Ann Allison, Town Clerk

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Ann Allison, Town Clerk

\_\_\_\_\_  
Date



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WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST

The Declarant, the ROBERT T. DAWES TRUST, u/d/t dated June 2, 1983, and recorded with Middlesex South District Registry of Deeds at Book 25847, Page 494, as amended at Book 25847, Page 522, Sarah W. Bailin and Barre E. Tozloski, Trustees, is the owner of that land shown on a certain plan of land entitled: "Definitive Subdivision Plan, WILDLIFE WOODS, Stow, Massachusetts, Prepared for: Robert T. Dawes Trust, P.O. Box 472, Sudbury, MA 01776, May 15, 1997, Scale: 1"=40", prepared by Meisner Brem Corporation, which plan has a latest revision date of 11/14/97, (the Subdivision Plan); and which Subdivision Plan is recorded with Middlesex South District Registry of Deeds as Plan No. 1013 of 2000. The Declarant is about to convey those portions of said land described hereinafter as "Open Space" in Article I hereof to MARK H. WHITE, as TRUSTEE of "WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST".

WHEREUPON, Mark H. White, agrees for himself and his successors in trust to hold, manage, administer, and depose of the Trust Property in accordance with the terms of this instrument:

ARTICLE I

a. Definitions. For purposes of this WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST instrument, the following terms shall have the following meanings:

"Lot" or "Lots": Lots 1 through 67, both inclusive, or any of them, as shown on the aforesaid Subdivision Plan or said Lots as they may be reconfigured from time to time.

"WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST" shall mean the mandatory Home Owners Association trust required for an Open Space Residential Development pursuant to Section 8.5.10 of the Stow Zoning By-Law.

"Open Space" shall mean those parcels shown as the Open Space on said Subdivision Plan, being Open Spaces "A" (including but not limited to "A1", "A2", "A3", and "A4"), "B", "C", "D", "E", and "F"; and Parcels T, U, V, W, X, Y and Z shown on an ANR Plan entitled: "Plan of Land, WILDLIFE WOODS, STOW, MASSACHUSETTS, Prepared for: ROBERT T. DAWES TRUST, P.O. Box 472, Sudbury, MA 01776, November 18, 1997, Scale: 1"=20", which Plan is recorded with said Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_. Further, prior to conveyance to the Town of the Open Space, Applicant shall resolve the neighbors' encroachments, shown as Parcels I, J, K, L, M, N and O on the aforesaid Subdivision Plan by conveying such parcel(s) to the respective neighbor, or by removing such neighbor's encroachment. To the extent that any such encroachments are removed, such parcel shall be added to the Open Space, and the Grantor reserves the right to remove one or more of Parcels T, U, V,

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W, X, Y and Z, beginning with Parcel Z, for each 3,000 square feet of land added to the Open Space by such inclusion of Parcels I, J, K, L, M, N and O as above referenced, the result being that the Open Space shall in no event be less than 60% of the net total parcel area of the Subdivision (the resultant parcels comprising Open Space being hereinafter referred to as the "Premises").

b. Subject of this Trust. The land which is the subject of this Trust shall be all of the Open Space.

#### ARTICLE II

The Declarant has covenanted with the Planning Board of the Town of Stow that the land which is the subject of this Trust shall be designated as Open Space for the equal use and enjoyment of each resident of the Subdivision represented in said Subdivision Plan and that it will remain permanently not occupied by any structure, nor by any use that would change its natural state, excepting structures required to serve utility needs of the beneficiaries of this Trust. The Trustee(s) of this Trust, in discharging its responsibilities hereunder, shall honor this covenant and enforce restrictions imposed thereby, but shall not be obligated to develop said Open Space except such improvements which may be directed by the lot owners and assessed as common expenses, as provided in Sec. 5.4 hereunder.

#### ARTICLE III - BENEFICIARIES

Section 3.1. The beneficiaries of this Trust shall be the owners of Lots 1 through 67 as represented on the aforementioned Subdivision Plan (hereinafter "Lot Owners"). Consistent with Section 3.4 below, a person shall become a beneficiary automatically upon becoming a lot owner and shall cease to be a beneficiary automatically upon ceasing to be such an owner.

Section 3.2. The beneficial interest in the Trust shall be divided among the owners of said lots in proportion to the number of lots owned by each, with each lot entitling the owner thereof to a 1/67th undivided beneficial interest in the Trust.

Section 3.3. The beneficial interest appertaining to each lot shall be held and exercised as a unit and shall not be divided among several owners of any such lot. To that end, whenever any of the lots of record are owned by more than one person, the several owners of such lot shall (a) determine and designate which one of such owners shall be authorized and entitled to cast votes, execute instruments and otherwise exercise the rights appertaining to such lot hereunder, and (b) notify the Trustee(s) of such designation by a notice in writing signed by all the record owners of such lot. Any such designation shall take effect upon receipt of the notice thereof by the Trustee(s) and may be changed at any time and from time to time by notices as aforesaid. In the absence of such notice of designation, the Trustee(s) may designate any one such owner for such purposes.

Section 3.4. The undivided beneficial interest in this Trust appertaining to each lot shall not be separated from ownership of the lot and shall be deemed conveyed or encumbered with the lot even though such interest is not expressly mentioned or fully described in the conveyance or other instrument.

Section 3.5. It is hereby expressly declared that a TRUST, and not a general partnership, limited partnership, joint venture or other association, has been created by this instrument and that the Lot Owners are the BENEFICIARIES, and not partners or associates between themselves with respect to the Trust property, and hold no relation to the Trustees other than Beneficiaries, with only such rights as are conferred upon them as such Beneficiaries hereunder.

#### ARTICLE IV - TRUSTEES

Section 4.1 - Successor Trustees. Upon the resignation, removal or inability or unwillingness of the original Trustee to serve as Trustee, then in either event, at least three (3) Trustees, but not more than five (5) Trustees shall be appointed by a vote of the Lot Owners holding not less than fifty-one (51%) percent of the beneficial interest hereunder. At no time thereafter shall the Lot Owners designate fewer than three (3) Trustees nor more than five (5) Trustees to serve at any one time. The Trustees shall at all times be Lot Owners. If, and whenever, the number of Trustees shall become less than three or less than the number of Trustees determined by the last vote of the Lot Owners, such vacancies shall be filled by a vote of the Lot Owners as aforesaid. Each vote of the Lot Owners appointing a Trustee or Trustees shall be evidenced by an instrument signed in writing by the Clerk of the Trustees that the Lot Owners holding not less than fifty-one (51%) percent of the beneficial interest hereunder, and the appointment of the Trustee or Trustees shall become effective upon the recording of said instrument and an instrument evidencing the acceptance of such appointment signed and acknowledged by the person(s) so appointed Trustee(s) with the Middlesex North District Registry of Deeds (hereinafter "Registry of Deeds"). Upon the appointment of any succeeding Trustee, the title to the Trust property shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee, and such succeeding Trustee shall have the rights, powers, authority and privileges as if named as an original Trustee hereunder.

Section 4.2 - Resignation or Removal of Trustees. Any Trustee may resign and be discharged from the Trust hereof at any time by an instrument in writing signed and acknowledged in the manner required in Massachusetts for acknowledgment of deeds, and such resignation shall take effect upon the recording of such instrument with the Registry of Deeds. By a vote of the Lot Owners holding not less than fifty-one (51%) percent of the beneficial interest hereunder, any Trustee may be removed with or without cause, and the vacancy among the Trustees caused by such removal shall become effective upon the recording with the Registry of Deeds of a Certificate of Removal signed by the Clerk of the Trustees.

Section 4.3 - Bond Required. No Trustee named or appointed as hereinbefore provided, whether as original Trustee or as a successor to or a substitute for another, shall

be obliged to give any bond or other security for the performance of any of his duties hereunder, except if a majority vote at a duly called Lot Owners meeting said Trustee(s) are required to be bonded, they shall immediately do so, said cost being Common Expenses.

Section 4.4 - Meeting of Trustees. Meetings of the Trustee(s) may be called by any Trustee (if there be no more than three then in office) or by any two Trustees (if there be more than three then in office) or in such other manner as the Trustee(s) may establish; provided, however, that notice of each such meeting, stating the place, day and hour thereof shall be given at least three (3) days before such meeting to each Trustee, unless such notice shall be waived in writing either before or after the meeting by those Trustees not so receiving it. A majority of the number of Trustees, or a single Trustee, if there be only one then in office, shall constitute a quorum at all meetings and shall be conducted in accordance with such rules the Trustee(s) may adopt. Unless otherwise provided by the Trustee(s) in such rules, all action by the Trustee(s) shall be majority vote of a quorum thereof. Any action required or permitted to be taken at any meeting of the Trustees may be taken without a meeting if all the Trustees consent to the action in writing and the written consents are filed with the records of the meeting of Trustees.

Section 4.5 - Meetings of Lot Owners. Meetings of the Lot Owners may be called at any time by the Trustee(s) and shall be called by him (them) upon the written request of Lot Owners holding more than twenty-five (25%) percent of the beneficial interest hereunder. Written notice of any such meeting designating the place, day and hour thereof shall be given by the Trustee(s) to the Lot Owners at least seven (7) days prior to the date so designated. Whenever at any meeting of the Lot Owners, the Trustee(s) will propose to submit to such owners any matter with respect to which approval of or action by the Lot owners is necessary or appropriate, the notice of such meeting shall so state and reasonably specify such matter. Meetings of Lot Owners shall be conducted in accordance with such rules as the Lot Owners may adopt.

Section 4.6 - Trustee Remuneration. No Trustee shall receive remuneration for his services unless he shall be appointed as Manager in accordance with the provisions of ARTICLE VII below; provided, however, that if approved by a vote of the Lot Owners holding not less than fifty-one (51%) percent of the beneficial interest hereunder, a Trustee may receive reasonable remuneration for extraordinary or unusual service, legal or otherwise, rendered by him in connection with the Trustee hereof.

Section 4.7 - Limitation on Disqualification of Trustee Dealing. No Trustee shall be disqualified by his office from contracting or dealing with the Trustees or dealing with one or more Lot Owners as vendor, purchase or otherwise, nor shall any such dealing contract or arrangement entered into in respect of this Trust in which any Trustee shall be in any way interested be avoided nor shall any Trustee so dealing or contracting or being so interested be liable to account for any profit realized by any such dealing, contract or arrangement by reason of such Trustee's holding office or of the fiduciary relation hereby established, provided the Trustee shall act in good faith and shall disclose the nature of his interest before the dealing, contract or arrangement is entered into.

Section 4.8 - Limitation of Trustee(s) Liability. No Trustee shall be liable to the Trust or to any Trustee for any act or omission of any other Trustee, officer or agent of the Trust or be held to any personal liability whatsoever in tort, contract or otherwise in connection with the affairs of this Trust except only that arising from his own willful malfeasance, bad faith, gross negligence, or reckless disregard of duty.

Section 4.9 - Indemnification of Trustee(s). Any person made a party to any action, suit or proceeding or against whom a claim or liability is asserted by reason of the fact that he, his testator or intestate was or is a Trustee of the Trust or active in such capacity on behalf of the Trust shall be indemnified and held harmless by the Trust against judgments, fines, amounts paid on account thereof (whether in settlement or otherwise) and reasonable expenses, including attorneys' fees, actually and reasonably incurred by him in connection with the defense of such action, suit, proceeding, claim or alleged liability or in connection with any appeal therein, whether or not the same proceeds to judgment or is settled or otherwise brought to a conclusion; provided, however, that no such person shall be so indemnified or reimbursed for any claim, obligation or liability which arose out of the Trustee's disregard of duty; and provided further, that such person gives prompt notice thereof, executes such documents and takes such action as will permit the trust to conduct the defense or settlement thereof and cooperates therein. The cost of such indemnification shall be charged to all the Lot owners as a Common Expense. The rights accruing to any person under these provisions shall not exclude any other right to which he may be lawfully entitled, nor shall anything contained herein restrict the right of the Trust to indemnify or reimburse such person in any proper case even though not specifically provided for herein, nor shall anything contained herein restrict such right of a Trustee to contribution as may be available under applicable law.

#### ARTICLE V - DUTIES AND POWERS OF TRUSTEES

Section 5.1 - General Duties. The Trustee(s) shall have the duty of managing, maintaining and controlling the Open Space and all improvements made thereto, pursuant to the Declaration of Covenants and Restrictions recorded herewith, for the benefit of the beneficiaries and to this end shall have, in addition to the powers and subject to the limitations hereinafter specified, the following powers:

- (i) To retain the trust property in the same form of investment in which received;
- (ii) To purchase and otherwise acquire any real or personal property;
- (iii) To borrow money and mortgage or pledge all or any part of the personal property and issue bonds, notes, or other evidence of indebtedness.
- (iv) To invest any of the trust personal property in such manner as he deems advisable without being limited as to the kind or amount of any investment;
- (v) To incur obligations and to pay, compromise, or adjust all obligations incurred and rights acquired in the administration of the Trust;

(vi) To determine whether his receipts shall be accounted for as principal or as income, and as to all obligations paid by him whether the same shall be charged against principal or against income;

(vii) To improve any property owned by the Trustee(s).

(viii) To manage, maintain, repair and restore the Open Space and improvements thereto;

(ix) To obtain advice of counsel and to rely thereon, and to employ, appoint and remove such other persons, agents, managers, officers, brokers, engineers, architects, employees, servants and assistants as he shall deem advisable, and to define their respective duties and fix their pay and compensation;

(x) To do anything and everything else necessary and proper for the sound management and administration of the Open Space and this Trust and to do all such acts and things except as by law or by this Trust may not be delegated to the Trustee(s) by the Lot Owners;

(xi) To execute any and all instruments incidental or necessary to carry out any of the foregoing powers.

Section 5.1.1 - Open Space. In the event the Trust fails to maintain any common open space, recreation area, landscaping area, or other improvements, including private roadways, drainage systems and related infrastructure, the Town of Stow may enter into said land and perform the necessary maintenance work and charge the cost, including attorney fees, to this Trust.

Section 5.2 - Taxes and Municipal Assessments. The Trustee(s) shall pay all real estate taxes and other municipal assessments in connection with the ownership, operation and control of the Open Space and improvements thereon, and such taxes and assessments shall be charged to all the Lot Owners as Common Expenses.

Section 5.3 - Insurance. The Trustee(s) shall obtain and maintain policies of (a) comprehensive public liability and (b) casualty and physical damage insurance, as appropriate, naming "Trustee(s) of WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST" as Insurance Trustee(s) for the benefit of the WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST, covering the Open Space and all buildings and facilities placed thereon and other insurable improvements made thereto. The cost of obtaining and maintaining shall be charged to all Lot owners as a Common Expense. The Trustee(s), as Insurance Trustee(s) under this Trust, shall collect all casualty loss insurance proceeds and shall hold, use and disburse the same in his

discretion to repair or restore the Open Space and/or any building or facility thereon or other improvements thereto. If there are insurance proceeds in excess of such cost of repairs and restoration, the Trustee(s) shall distribute the same to the Lot Owners in proportion to their beneficial interest in the Trust, except that if any such owner shall be delinquent in paying his share of the Common Expenses, his share of such excess proceeds shall be first offset against the amount by which he is so delinquent.

Section 5.4 - Improvements to Open Space and Facilities. If and whenever the Trustee(s) shall propose to make any improvement to the Open Space or shall be requested in writing by Lot Owners holding twenty-five (25%) percent of the beneficial interest hereunder to make any such improvement, the Trustee(s) shall submit to all the Lot Owners a form of Agreement (which may be in several counterparts) specifying the improvement or improvements proposed to be made and the estimated cost thereof, and authorizing the Trustee(s) to make the same. If the Agreement is signed by Lot Owners holding at least eighty (80%) percent of the beneficial interest hereunder, the Trustee(s) shall proceed to make the improvement or improvements specified in such Agreement and shall charge the cost of such improvement(s) to all the Lot owners as a Common Expense. The Agreement so circulated by the Trustee(s) may also provide that if Lot Owners holding more than fifty (50%) percent but less than eighty (80%) percent of the beneficial interest hereunder consent to the proposed improvements, said improvements shall be made and charged to such consenting Lot Owners alone.

Section 5.5 - Rules and Regulations. The Trustee(s) shall have the right at any time and from time to time to adopt, amend and rescind administrative rules and regulations governing the details of operation and use of the Open Space and/or improvements thereto. These rules and regulations shall be binding upon all Lot Owners and residents of the subdivision, the Lot Owners holding no less than fifty-one (51%) percent of the beneficial interest in this Trust.

#### ARTICLE VI - APPOINTMENT OF A MANAGER

The original Trustee or a majority of the successor Trustees may recommend to the Lot Owners that a Manager be hired to manage and maintain the Open Space and improvements thereon and shall, in such recommendation, state the proposed terms of employment and the cost thereof. If approved by Lot Owners holding no less than seventy-five (75%) percent of the beneficial interest hereunder, such Manager shall be hired upon the terms proposed and approved, and the cost of his services shall be charged to all the Lot Owners as a Common Expense.

#### ARTICLE VII - ASSESSMENT FOR COMMON EXPENSES

Section 7.1. By becoming beneficiaries of this Trust, the owners of Lots 1 through 67 agree to pay the Common Expenses of the Trust. These expenses shall be assessed against each Lot owner in proportion to his beneficial interest in the Trust and shall be payable upon demand, or upon such other terms (e.g. payable after thirty (30) days, as may be from time to time prescribed by the Trustee(s). The Trustee(s) may in his

discretion, prior to the commencement of each fiscal year of the Trust, estimate the common Expenses to be incurred by the Trust during such forthcoming fiscal year and assess each Lot Owner as aforesaid for such estimated expenses. In the event the actual Common Expenses incurred by the trust exceed such estimated expenses, supplemental assessments may be made by the Trustee(s) as aforesaid. That portion of a Lot Owner's share of the Common Expenses remaining unpaid thirty (30) days after the date stipulated for payment thereof, along with any interest accruing thereon, shall constitute a lien upon his lot and all improvements thereon. This lien shall take effect without the necessity of recording a notice thereof with the Registry of Deeds. At the end of each fiscal year of the Trust, the Trustee(s) shall render a written account to each Lot Owner of the receipts of and disbursements made by the Trust during said year. the trustee(s) is empowered to issue statements setting forth the amount of unpaid common expenses which have been assessed against a Lot Owner, which statements shall operate to discharge the lot from any lien for any other sums then unpaid when recorded in the appropriate Registry of Deeds.

Section 7.1.1 - Legal Liability. Notwithstanding any provisions of the covenants establishing a Homeowners' Association, ultimate legal liability and responsibility for the use and maintenance of the common open space shall rest with the individual lot owners, and any legal notices concerning the common open space which are sent by the Town may be directed to the individual owners of lots within the Subdivision.

Section 7.2 - Foreclosure of Liens and Subordination to Mortgage. The liens provided for in Article VII, Section 7.1 above may be enforced, in case of non-payment when due, by sale of the premises subject thereto, in the manner provided by law for the foreclosure of mortgages containing a power of sale, provided that notice of the commencement of such proceedings or an affidavit of such sale, is filed or recorded in said Registry within two (2) years of the date on which payment is made.

The liens provided for herein shall be subordinate to the lien of any mortgage given by the owner of any such building lot to any bank or other lending institution; provided, however, that any such mortgagee when in possession and any purchaser at any foreclosure sale, and all persons claiming under them, shall hold such building lot subject to the obligations and liens set forth in Article VII, Section 7.1 which have accrued after sale.

#### ARTICLE VIII - RIGHTS AND OBLIGATIONS OF THIRD PARTIES DEALING WITH TRUSTEES

Section 8.1. Any contract, conveyance or other instrument signed by the original Trustee or a majority of the Successor Trustees shall be conclusive evidence in favor of every person relying thereon or claiming thereunder that at the time of delivery thereof the execution and delivery of that instrument was duly authorized by all the Trustees. No person shall be bound to inquire concerning the validity of any sale thus purported to be made by the trustee(s) nor be liable to see to the application of any monies paid.



Section 8.2. No recourse shall at any time be had under or upon any note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant, or agreement, whether oral or written, made, issued, or executed by the Trustee(s) or by reason of anything done or omitted to be done by or on behalf of them or any of them, against the Trustee(s) individually, or against any such agent or employee, or against any beneficiary, either directly or indirectly, by legal or equitable proceeding, or by virtue of any suit or otherwise, and all persons extending credit to, contracting with or having any claim, or for the payment of any debt, damage, judgment or decree, or of any money that may otherwise become due or payable to them from the Trustee(s), so that neither the Trustee(s) nor the beneficiaries, present or future, shall be personally liable therefor.

Section 8.3. Every note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant or agreement whether oral or written, made, issued, or executed by the Trustee(s), or by any agent or employee of the Trustee(s) shall be deemed to have entered into subject to the terms, conditions, provisions and restrictions hereof, whether or not express reference shall have been made to this instrument.

ARTICLE IX - NOTICES TO LOT OWNERS

Every notice to a Lot owner required under the provisions hereof or other communication which may be deemed by the Trustee(s) to be necessary or desirable in connection with the execution of this Trust or which may be ordered in any judicial proceeding shall be deemed sufficient and binding if a written or printed copy of such notice or communication shall be given by one or more of the Trustees to such Lot Owner by leaving such or mailing it postage prepaid and addressed to such Lot owner at his address in the Subdivision or at such other address as shall appear on the records of the Trustees.

ARTICLE X - BANKING

The Trustees shall constitute as a depository for Trust funds, such bank or trust company as the Trustee(s) shall from time to time select. Checks, notes, drafts and other instruments for the payment of money drawn or endorsed in the names of the Trustee(s) or of the Trust may be signed by any two (2) Trustees or by one Trustee if there is only one, or by any Manager to whom such power at any time or from time to time be delegated by not less than a majority of the Trustees.

ARTICLE XI - FISCAL YEAR

The fiscal year of the Trust shall be the year ending with the last day of April or such other date as may from time to time be determined by the Trustee(s).

ARTICLE XII - AMENDMENT

This Trust may be amended from time to time by an instrument in writing signed by Lot Owners holding at least two-thirds (2/3) of the beneficial interest hereunder,

provided, however, except as specifically provided herein, that no amendment shall be made to this Article and Article I, II, III, VII, and XIII, without approval by the prior written approval of the Stow Planning Board (or its successor body) and provided further that no amendment shall (a) abridge the limitation on Trustee liability or a Trustee's right to indemnification hereunder, or (b) provide that any Lot Owner action may be taken by a vote of Lot Owners holding less than fifty-one (51%) percent of the beneficial interest hereunder or that improvements, the cost of which are to be charged as a Common Expense, be authorized by vote of Lot Owners holding less than eighty (80%) percent of the beneficial interest hereunder, nor any Stow subdivision regulation. Amendments to this Trust shall not take effect until the instrument of amendment shall be recorded in the Registry of Deeds.


ARTICLE XIII - TERMINATION

This Trust may be terminated by an instrument in writing signed by Lot Owners holding no less than eighty (80%) percent of the beneficial interest hereunder at a meeting duly called for such purpose with not less than seven (7) days written notice to all Lot owners, provided, however, that on or before the date set for termination (a) written consents to the termination are obtained from the holders of all liens upon the Open Space and any of the lots, and (b) a substitute form of owners' association is established and existing to assume the maintenance and management of the Open Space and all improvements thereto. If the above prerequisites for termination of the Trust are satisfied, on the date set for such termination, the Trustees shall by deed(s) duly executed by a majority of their number convey the Open Space and improvements thereon to the said substituted form of owners' association, the terms of which must be approved in writing by the Planning Board, together with their consent to the terms of the within Trust after deliberations held at a public hearing, prior to the termination of the trust. Termination pursuant to this Article shall become effective upon the recording with the Registry of Deeds of the aforementioned instrument signed by the Lot Owners authorizing termination, the consents of the lien holders and appropriate Trustee deed(s).

EXECUTED AS A SEALED INSTRUMENT, this 15<sup>th</sup> day of September, 2000.

DECLARANT: ROBERT T. DAWES TRUST

  
By: Sarah W. Baffin, Trustee

  
By: Barre E. Tozloski, Trustee

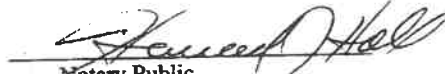
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COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, SS.

Date September 15, 2000

Then personally appeared the within named Sarah W. Bailin and Barre E. Tozloski, Trustees of the Robert T. Dawes Trust, and acknowledged the foregoing to be his/her free act and deed,

Before me,

  
Notary Public

My commission expires: 10/13/06

The undersigned Mark H. White hereby accepts his appointment as Trustee of "WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST".

  
Mark H. White

COMMONWEALTH OF MASSACHUSETTS  
Middlesex, ss

September 15, 2000

Then personally appeared Mark H. White and acknowledged the foregoing to be his free act and deed, and accepted his appointment as Trustee of "WILDLIFE WOODS HOMEOWNERS ASSOCIATION TRUST", freely and voluntarily,

Before me,

  
Notary Public

My commission expires: 10/13/06

wildlife.tru

# Correspondence Class II Licenses

Copies of the licenses for you to review;  
originals will be at the meeting for your  
signatures.

Joyce Sampson

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**From:** policechief  
**Sent:** Thursday, August 19, 2021 12:57 PM  
**To:** Joyce Sampson  
**Cc:** firechief  
**Subject:** RE: Class II License

Hi Joyce,

Today, the Acting Fire Chief and I went and met with both Class II license holders. We were able to inform them of our concern and impressed upon them the importance of keeping enough room open around the business for public safety equipment. They both accepted and acknowledged our plans to keep a path around the building open.

Rich Presti the building owner was also present. He is going to add, a marked fire lane, with no parking signs on the east side of the building, which will help ensure that the small pathway around the building remains open.

Both Public Safety Departments are satisfied the two businesses complied with the request of the Selectboard.

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

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF STOW

This is to Certify that



**AUSTIN SWINNEY  
YOLO MOTO CO  
92 GREAT ROAD, UNIT 2  
STOW, MA**

IS HEREBY GRANTED A

**USED CAR DEALER'S LICENSE – CLASS II  
TO BUY AND SELL SECOND-HAND MOTOR VEHICLES**

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto **Austin Swinney, YOLO MOTO CO** is licensed to buy and sell second-hand motor vehicles at **92 Great Road, Unit 2, Stow, MA 01775** on premises described as follows:

EXTRACTS FROM GENERAL LAWS, CHAPTER 140, AS AMENDED

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license; provided, however, that such person maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section seven N1/4 of chapter ninety. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section seven N1/4 of said chapter ninety. The registrar of motor vehicles shall promulgate rules and regulations defining sufficient repair facilities for the holder of a used car dealer's license. Also see section 57 and 59.

Conditions:

- No more than four (4) cars outside and eight (8) cars inside
- A specific layout of how cars will be spaced shall be developed and approved by public safety before any operations begin
- Deliveries only on the days and hours of operation, but not on Sunday

Hours of Operation:

Monday – Friday: 12:00pm to 7:00pm

Saturday – 9:00am to 7:00pm

Sunday – By appointment only

Hours of operation for mechanical work are 8 a.m. to 5 p.m. Monday through Saturday

**License # 2021-35**

By order of the Select Board this 24<sup>th</sup> day of August 2021.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS LICENSE EXPIRES JANUARY 1, 2022**

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES**

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF STOW

This is to Certify that



**OLEKSII SAVCHENKO  
CAR LOT EXPRESS, INC.  
92 GREAT ROAD, UNITS 1 & 3  
STOW, MA**

IS HEREBY GRANTED A

**USED CAR DEALER'S LICENSE – CLASS II  
TO BUY AND SELL SECOND-HAND MOTOR VEHICLES**

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto **Oleksii Savchenko, Car Lot Express, Inc.** is licensed to buy and sell second-hand motor vehicles at **92 Great Road, Units 1 & 3, Stow, MA 01775** on premises described as follows:

EXTRACTS FROM GENERAL LAWS, CHAPTER 140, AS AMENDED

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license; provided, however, that such person maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section seven N1/4 of chapter ninety. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section seven N1/4 of said chapter ninety. The registrar of motor vehicles shall promulgate rules and regulations defining sufficient repair facilities for the holder of a used car dealer's license. Also see section 57 and 59.

Conditions:

- Five (5) cars in the Showroom
- Five (5) cars in the Garage
- Sixty (60) cars outside in the Lot
- A specific layout of how cars will be spaced shall be developed and approved by public safety before any operations begin
- Deliveries only on the days and hours of operation, but not on Sunday

Hours of Operation:

Monday – Saturday: 9:00am to 8:00pm

**License # 2021-32**

Sunday – By appointment only

Hours of operation for mechanical work are 8 a.m. to 8 p.m. Monday through Saturday

By order of the Select Board this 24<sup>th</sup> day of August 2021.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS LICENSE EXPIRES JANUARY 1, 2022**

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES**

Correspondence  
3 emails from residents



Joyce Sampson

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**From:** selectmen  
**Sent:** Tuesday, August 17, 2021 10:58 AM  
**To:** 'Dorothy Flood-Granat'  
**Cc:** townadministrator  
**Subject:** RE: Conversation with Ombudsman's Office

Dear Ms. Granat,

This is to confirm that your email has been received, and will be included in the Select Board packet as part of their correspondence for the August 24th meeting. Thank you.

Best regards,  
Joyce

Joyce Sampson | Executive Assistant  
Town Administrator & Select Board Office Town of Stow | 380 Great Road | Stow, MA 01775  
978-897-4515 | [www.stow-ma.gov](http://www.stow-ma.gov)

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

**From:** Dorothy Flood-Granat <[lexifilly@icloud.com](mailto:lexifilly@icloud.com)>  
**Sent:** Tuesday, August 17, 2021 9:49 AM  
**To:** selectmen <[selectmen@stow-ma.gov](mailto:selectmen@stow-ma.gov)>  
**Subject:** Conversation with Ombudsman's Office

Dear Select Board,

I took the time to speak with the Ombudsman's Office that oversees auto sales licensing. My question of how many auto sales businesses exist at the Presti property and how many licenses are allowed, obviously left the Chair with a poor impression of the validity of questions I might form, as my concern that Chapter 59 was given an answer that showed the chairs assurance that all matters in Chapter 59 had been covered and a generalized statement regarding the pertinence of what I, "say".

The board showed knowledge Mr Presti has no auto sales. With reference to stipulations for a class 2 license, would the board explain why it chose to move to a vote on giving a new business a license when it seems as if first order should have been revoking the license of the person that did not meet guidelines and report having done so to the Registrar. I did not ask the Ombudsman office about the end of section 59. My call to the office was before I posed concern of it, at the second meeting. Does the board feel if they had revoked Mr Presti's license prior to pushing the transfer to a vote, that they would have lost power to provide a license to Mr Presti and or to any person/person that applied with the Presti property as their planned location?

Thank you for your time. Decisions are easy to accept, when one feels due process has occurred without bias towards any party involved.

In addition why was a document not currently enforceable per court judgement provided, with a disclaimer? There was no disclaimer in the packet, nor when Ms. Fonte referenced it. While I knew at the time this information, as I've used Massachusetts court webpages to follow this property, the lack of disclaimer seems to lack transparency.

I wish to end with an acknowledgement and appreciation for the the concern for internal audit of practices and policies that actions the town administrator and police chief have taken. It is much appreciated.

Respectfully,  
Dorothy Granat

## Joyce Sampson

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**From:** selectmen  
**Sent:** Tuesday, August 17, 2021 9:16 AM  
**To:** 'Dorothy Flood-Granat'  
**Cc:** townadministrator  
**Subject:** RE: Agenda formation, Pride Proclamation

Dear Ms. Granat,

This is to confirm that your email has been received, and will be included in the Select Board packet as part of their correspondence for the August 24th meeting. Thank you.

Best regards,  
Joyce

Joyce Sampson | Executive Assistant  
Town Administrator & Select Board Office Town of Stow | 380 Great Road | Stow, MA 01775  
978-897-4515 | [www.stow-ma.gov](http://www.stow-ma.gov)

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

From: Dorothy Flood-Granat <[lexifilly@icloud.com](mailto:lexifilly@icloud.com)>  
Sent: Tuesday, August 17, 2021 9:10 AM  
To: selectmen <[selectmen@stow-ma.gov](mailto:selectmen@stow-ma.gov)>  
Subject: Agenda formation, Pride Proclamation

Dear Select Board,

I have attempted to find information, on the process that is followed when forming an agenda.

Could I be directed to where I would find that information or be provided it directly.

Which agenda was Pride Proclamation put on, as was stated it would be? It was shown support by residents and stayed it would be put on a further agenda.

Respectfully,  
Dorothy Granat

**Joyce Sampson**

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**From:** selectmen  
**Sent:** Tuesday, August 17, 2021 9:00 AM  
**To:** Richard Presti  
**Cc:** townadministrator  
**Subject:** RE: August 10 th Selectboard Meeting.

Dear Mr. Presti,  
This is to confirm that your email has been received, and will be included in the Select Board packet as part of their correspondence for the August 24<sup>th</sup> meeting. Thank you.

Best regards,  
*Joyce*

Joyce Sampson | Executive Assistant  
Town Administrator & Select Board Office  
Town of Stow | 380 Great Road | Stow, MA 01775  
978-897-4515 | [www.stow-ma.gov](http://www.stow-ma.gov)

**From:** Richard Presti <rich.presti@gmail.com>  
**Sent:** Monday, August 16, 2021 3:02 PM  
**To:** editor@stowindependent.com; selectmen <selectmen@stow-ma.gov>  
**Subject:** August 10 th Selectboard Meeting.

I attended the August 10th Selectboard meeting in support of an Applicant seeking a transfer of a preexisting, grandfathered Class II License, for a use that has been in existence on the site since 1936. I am the property owner.

The request was a simple transfer of a License involving the same location, same areas of both the site and building , and **exactly** the same use.

I was appalled, disappointed, and disgusted by the conduct of many of the participants at the meeting.

A number of “concerned neighbors “ continued what is a widely understood , long standing , vendetta against me personally , with the apparent intent of preventing ANY type of business use on a 6.5 acre site that is zoned for exactly that....business... for as long as I own it.

More troubling, was a statement made by a Board member , wherein he announced that his vote would be no , on an Agenda item ( license transfer) , **prior** to it being opened up for discussion. Once the topic was opened up later in the meeting , he again announced twice that his vote would be no ...well **prior** to the completion of the discussion. As I am not an attorney ( but the Board member is), I can’t speak to the legality of those statements, but as a significant taxpayer in the Town of Stow, I can absolutely state that it sounded completely biased, totally unprofessional and patently incongruous with a reasonable standard of conduct for any Board member.

Later in the meeting , the same Board member discussed at length that he didn’t like the “theme” regarding the transfer. When did a “theme” become a critical criteria for a transfer of a License?

Interestingly , the meeting had started with a plea for civility by one of the Board members, seemingly based on comments made by the Board member referenced above, at the previous Board meeting where he had openly criticized another Town employee. That same request for civility was eventually reiterated by all “other” members of the Board.

Stated simply , the arrogant manner, rude conduct and hostile tone demonstrated by this Board member at both meetings were condescending , offensive, toxic...and completely unacceptable.

There are more examples of behavior unbecoming a Board member , but I’d prefer to call attention to a more positive aspect of the meeting; the multiple attempts by both the Chair , and other members of the Board , as well as the Town Manager , to focus the meeting on the subject at hand ( the transfer) , eliminate personal and off topic criticisms , and demonstrate an objective and open minded assessment of the facts , in order to come to a fair/reasonable outcome...for both the Town and the applicant.

In the end , it required some Herculean efforts on a few Board members parts to maintain civility , focus , fairness and professional behavior. These should be standards of conduct , and not require reminders or enforcement by other Board members.

For the good of the Townspeople and the integrity of both the process and future Decisions of the Board, there should be serious consideration of at minimum a “self assessment” by Board members , if not a peer review , which can result in expulsion for breaches of code of conduct standards.

Most individuals that volunteer for Board positions do it with the intention of contributing to the “public good” . Based on recent events, perhaps this Board member should consider resigning from the Board...for the “public good” .

There is no place in Town government for a bully.

Richard Presti ( property owner/tax payer)  
84-102 Great Rd  
Stow, Ma

--  
Richard Presti  
585 Massachusetts Ave.  
Acton, MA 01720

Phone: 978-264-9991  
Fax: 978-264-9992

# CORRESPONDENCE

Additional correspondence on file in the office:

## Conservation Commission

- Notice of Public Hearing:
  - August 31, 2021 at 7:45 p.m.
  - 466 Gleasondale Road

## Building Department

- Building Permits May 2021
- Building Permits June 2021