

AGENDA
SELECT BOARD
June 14, 2022
7:00 p.m.
Town Building & Zoom

The public may attend the Select Board meeting in person or may participate via remote Zoom access.

Join Zoom Meeting

<https://us06web.zoom.us/j/88061063800?pwd=VnRkS1NJNUltRmJic1ZsTmtWQitRQT09>

Meeting ID: 880 6106 3800

Passcode: 356529

1. Public input
2. Board Members comments
3. Recognition
 - Certificate for Eagle Scout Dylan Gross
4. Town Administrator's Report
5. Discussion and Possible Vote
 - Kelly Lawlor and Hector Constantzos to ask the Board to sign a Proclamation for Pride Month
 - Set Special Election Date
 - Anthony Parrinello to request modification of Wildlife Woods Open Space Agreement with the Town – follow-up from August 10, 2021 meeting
 - Sign Annual Warrant and Inter-Municipal Agreement for Animal Control Services
 - Request by Town Administrator to create new Library Committees
 - Library Building Committee 2.0
 - Library Building Exterior Design Committee
 - Review & Approve One Day Liquor License Application
 - Town Administrator ARPA funding requests
 - Part-time Procurement/Grants Administrator
 - Fire Apparatus Bay floor resurfacing
 - FY23 COLA for Town Administrator
 - Select Board Committee roles
6. Meeting minutes
 - May 24, 2022
7. Correspondence
8. Adjournment

Posted Friday, 6/10/2022

 10 a.m.

RECOGNITION

Certificate of Achievement

Presented to
Dylan Gross

in recognition of your achievement of attaining the rank of Eagle Scout

“CONGRATULATIONS Dylan on achieving your goal!!

We are PROUD to have you as a member of our community and appreciate the service project you completed on conservation land at Marble Hill in 2020. The project was to construct a 60’ by 60’ deer enclosure with 8’ high fencing, enabling the Town to conduct research on forest growth and health in an effort to maintain a healthy population of both deer and vegetation. The community benefits from management of a healthy forest, and a well-balanced deer population and ecosystem.

We wish you the Best of Luck in the future!”

Stow Select Board

Megan Birch-McMichael, Chair

Ellen Sturgis, Clerk

Cortni Frecha



Ingeborg Hegemann Clark

June 14, 2022

DISCUSSION & POSSIBLE VOTE

Kelly Lawlor and Hector Constantzos
to ask the Board to sign a
Proclamation for Pride Month



Town of Stow Select Board

380 Great Road

Stow, MA 01775

Tel: 978-897-4515

selectboard@stow-ma.gov

PROCLAMATION

PRIDE MONTH

June 2022

WHEREAS, The Town of Stow strives to be a welcoming community and a good place to live; and

WHEREAS, Stow recognizes and values diversity of its residents and people everywhere; and

WHEREAS, Stow recognizes and values the contribution that each and every resident makes to work, improve recreation, and civic life in our Town; and

WHEREAS, LGBTQIA+ members of our Town are full and participating members of our community; and

WHEREAS, We all appreciate the rich tapestry of ethnic, cultural, racial, sex and gender identities of the residents of our Town; and

WHEREAS, LGBTQIA+ youth are at especially high risk of experiencing discrimination, mistreatment and even violence, and have increased suicide rates, and the Town is committed to ensure that they are safe, valued and supported;

NOW THEREFORE, be it resolved that June, 2022 be declared Pride Month in the Town of Stow and that all residents be encouraged to recognize and acknowledge the contributions of the LGBTQIA+ members of our community as we continue to advance the principles of liberty, equity and inclusivity for all.

Signed this day 14th day of June 2022

Members of the Select Board of Stow, MA

Set Special Election Date



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembkoski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Special Election Date

Date: June 6, 2022

As you may be aware, the School Committee has voted to close school on Tuesday, September 6, 2022 (State Primary Election). Therefore, my recommendation to the Board is to call the Special Town Election to fill Zack Burns' Select Board vacancy for that same day – Tuesday, September 6, 2022.

As we previously discussed, the Town Clerk needs 60 days from the date the election is called to the actual election. That would bring us to August 13th. There is only one meeting between August 13th and the State Primary date of September 6th.

Calling the Special Election for September 6th would be the most sensible and fiscally prudent action to take. I respectfully request your support of this recommendation.

I look forward to discussing this further with the Board. Thank you.

Wildlife Woods

Request Modification to the Care and Maintenance of Wildlife Woods Open Space Area agreement

At the August 10, 2021 meeting, the following transpired:

Anthony Parrinello, a trustee of the Wildlife Woods Homeowners Association, was present via Zoom. He said when the subdivision was completed, the builder or the HOA had the opportunity to take the land back, but it was not voted that way at Town Meeting. They (HOA) maintain the land and they want to keep the general character but it is getting overgrown and branches are encroaching over the sidewalks and common areas. It is cosmetically unappealing.

The Select Board asked “why are we in this business?” (of owning and maintaining the open space) and suggested it be tabled until the Board figures out how to send it back to the HOA; as the language is taking something very specific and making it more vague; in particular, what is meant by “forestry standards?”

The Town Administrator said that any proposed revision should state that the work would need to meet all permits and regulations of the Town.

The Select Board wants to see the Order of Conditions from the original development from the Planning Board and the Conservation Commission.

There was no action to be taken by the HOA and they will wait to hear from the SB about when it will be back on the agenda.

**Agreement Between the Town of Stow, Massachusetts and
the Wildlife Woods Homeowners Association Trust, Stow, Massachusetts, on the Care and
Maintenance of Wildlife Woods Open Space Areas**

Proposed Revision


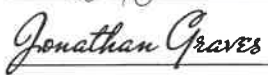

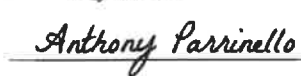
The Town of Stow (the Town) agrees to permit the Wildlife Woods Homeowner Association Trust (the Trust) to care for and maintain selected open-space areas of the Wildlife Woods development, as shown on the attached map, dated July 5, 2011.

The care and maintenance of the land will be on an ongoing basis, consisting of:

- Bi-weekly mowing of common areas, beginning ~~in the spring on or about May 1~~ and ending ~~on or about~~ November 1~~5~~th, each and every year.
- Semi-annual clean up, during the ~~spring and fall months of April and November~~, to remove leaves, fallen limbs and other appropriate debris.
- Maintenance shall be limited to mowing and clean up of debris. Tree ~~pruning and~~ removal shall be ~~permitted-prohibited~~ as long as it is performed with sound forestry management practices and stewardship so as to keep the general character of the neighborhood.
- Mowing of the area between Lots 60 and 61 Whispering Way shall be ~~permitted such that a path is maintained limited to an 8-foot wide path~~ to access the open space. Private and Town property boundaries shall be maintained.
- The use of pesticides and herbicides on the Town-owned Wildlife Woods open space is strictly prohibited.
- The mowing and clean-up service shall be performed by a private landscaping contractor hired by the Trust. The landscaping contractor shall provide the Town with a Certificate of Insurance on an annual basis. The Certificate of Insurance is to list the "Town of Stow" as additional insured as respects services performed on land owned by the Town of Stow in Wildlife Woods. The minimum acceptable limits of liability are as follows:
 - General Liability: \$1,000,000 each occurrence/ \$2,000,000 products/completed operations aggregate and \$2,000,000 general aggregate
 - Workers Compensation: Statutory coverage for Massachusetts/ Employer Liability: \$500,000 each accident/ \$500,000 disease policy limit and \$500,000 disease each employee
- The Trust will "manage" the landscape contractor to ensure all appropriate areas are maintained in the appropriate manner and all work is performed to a satisfactory level. The Trust will manage the collection and payment of all fees in relation to this work. The Town assumes no administrative burden, financial costs or oversight associated with the performance of this work.

In witness whereof, this Agreement has been executed this ~~413~~th day of ~~August~~September 202~~1~~¹.

Wildlife Woods Homeowners Association Trustees

	_____ Alexander McKinney
	_____ Jonathan Graves
	_____ Christopher V. Hoeffler
	_____ Anthony L. Parrinello

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the Wildlife Woods Homeowners Association Trust, Stow, Massachusetts, on the
Care and Maintenance of Wildlife Woods Open Space Areas**

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- Semi-annual clean up, during the months of April and November, to remove leaves, fallen limbs and other appropriate debris.

Maintenance shall be limited to mowing and clean up of debris. Tree removal shall be prohibited.

Mowing of the area between Lots 60 and 61 Whispering Way shall be limited to an 8-foot wide path to access the open space. Private and Town property boundaries shall be maintained.

The use of pesticides and herbicides on the Town-owned Wildlife Woods open space is strictly prohibited.

The mowing and clean-up service shall be performed by a private landscaping contractor hired by the Trust. The landscaping contractor shall provide the Town with a Certificate of Insurance on an annual basis. The Certificate of Insurance is to list the "Town of Stow" as additional insured as respects services performed on land owned by the Town of Stow in Wildlife Woods. The minimum acceptable limits of liability are as follows:

- General Liability: \$1,000,000 each occurrence/ \$2,000,000 products/completed operations aggregate and \$2,000,000 general aggregate
- Workers Compensation: Statutory coverage for Massachusetts/ Employer Liability: \$500,000 each accident/ \$500,000 disease policy limit and \$500,000 disease each employee

The Trust will "manage" the landscape contractor to ensure all appropriate areas are maintained in the appropriate manner and all work is performed to a satisfactory level. The Trust will manage the collection and payment of all fees in relation to this work. The Town assumes no administrative burden, financial costs or oversight associated with the performance of this work.

In witness whereof, this Agreement has been executed this 13th day of September 2011.

**Town of Stow
Board of Selectmen**

**Wildlife Woods Homeowners
Association Trustees**

James H. Salvie, Chair

David M. Alter

Charles Kern, Clerk

Christopher J. Dalto

Gary M. Bernklow

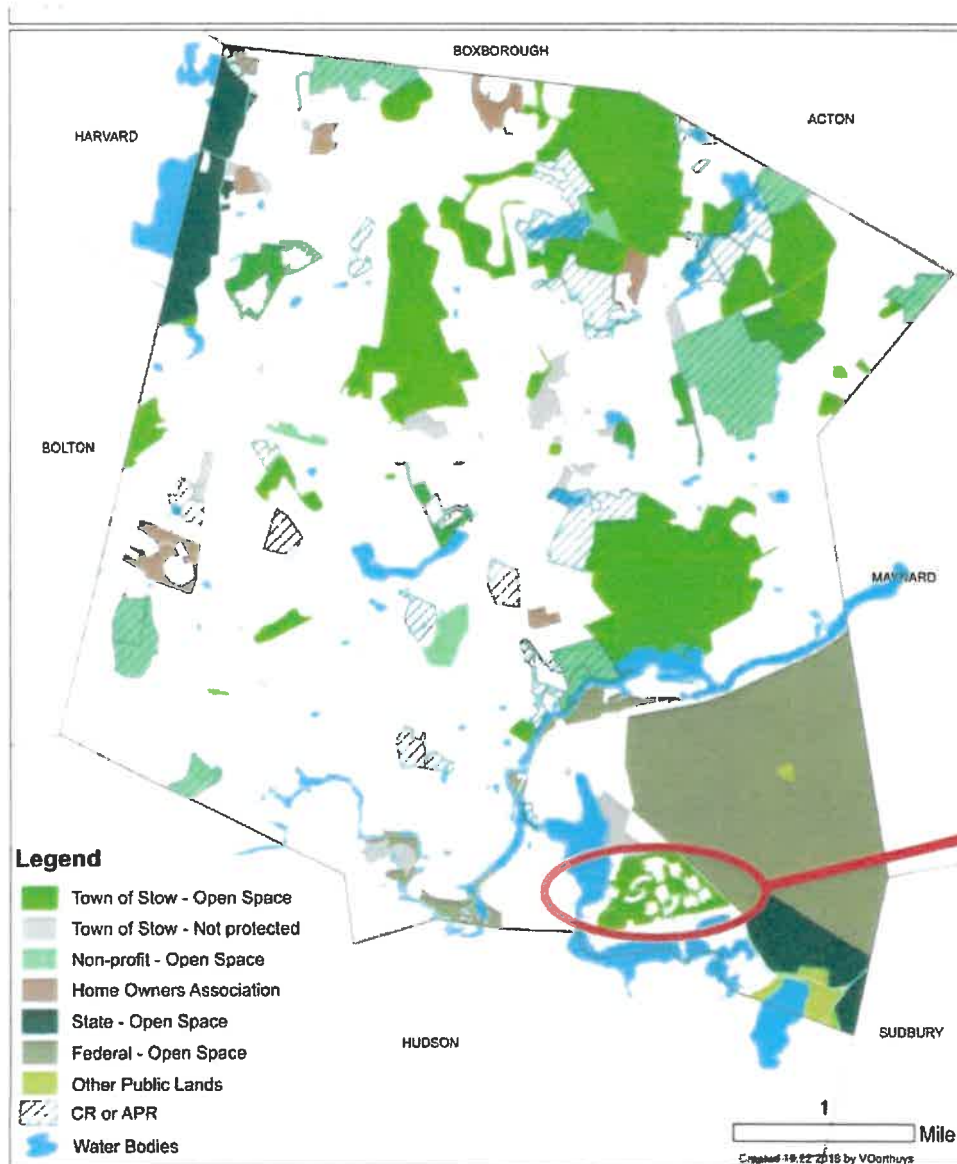
Christopher V. Hoeffler

Thomas E. Ryan III

William J. Jones

Laura Y. Spear

Anthony L. Parrinello II

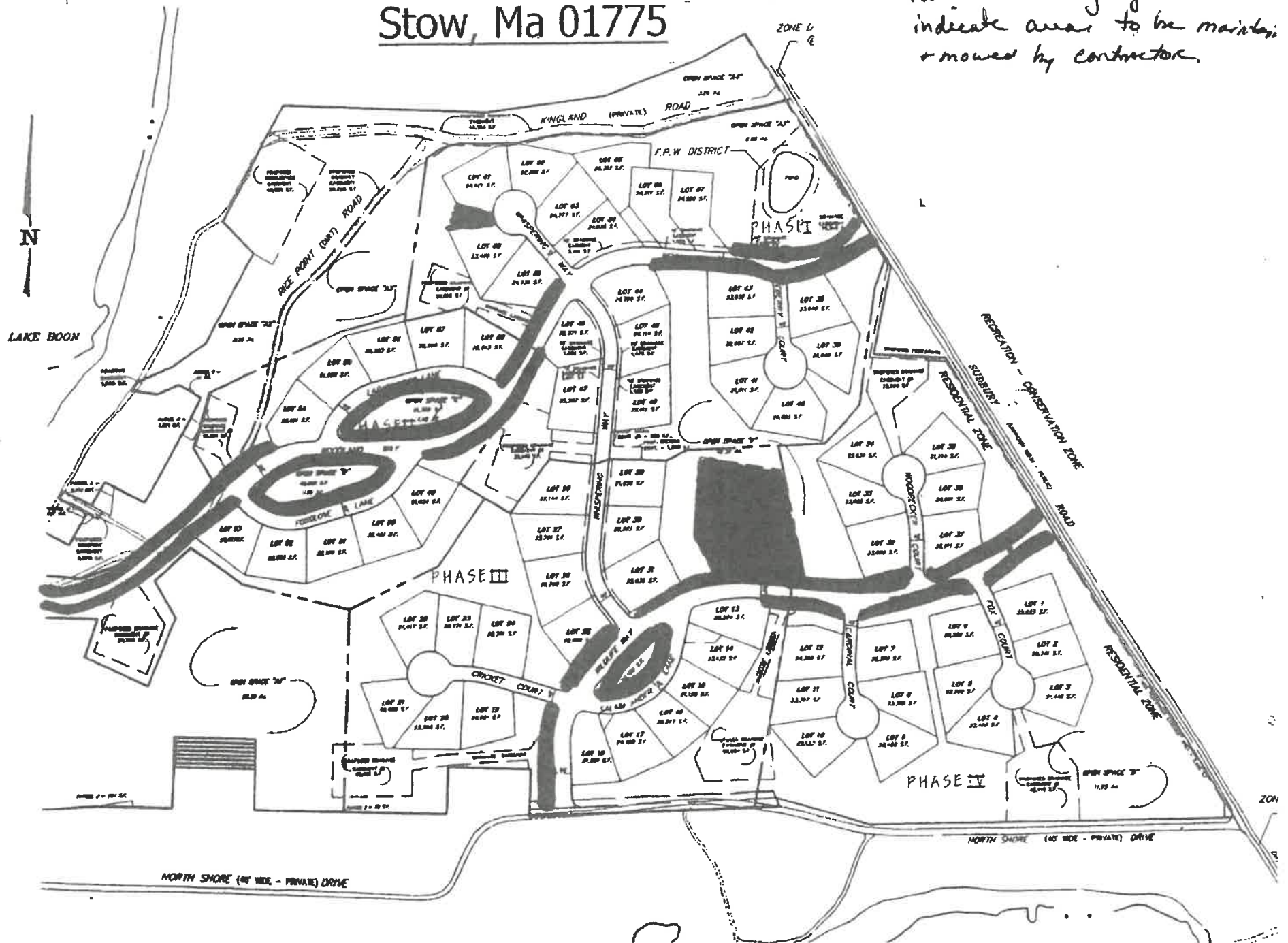


Wildlife Woods Open Space Locus Map



Wildlife Woods Stow, Ma 01775

Note: Areas highlighted in black indicate areas to be maintained + mowed by contractor.





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 01/07/97 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 6th 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



Town of Stow Conservation Commission

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

TO: Stow Select Board
FROM: Kathy Sferra, Conservation Director *KS*
RE: Wildlife Woods PCD Open Space
DATE: June 6, 2022

I understand that you have on your agenda a request to modify the 2011 Wildlife Woods Agreement with the Homeowners Association. I wanted to share a little bit of the history of this parcel:

- The Wildlife Woods Open Space originally went to a homeowners' association (HOA). In 2009, there was a petition to the town from the developer to accept the open space because the HOA did not want the responsibility of taking care of it.
- At that time, the Conservation Commission indicated that it was not interested in ownership of the open space parcels. There was interest on the part of the Recreation Commission in some of the parcels that abutted Pine Bluffs but the Planning Board wanted the land to stay as passive open space and ultimately Town Meeting voted to accept the open space and place it under the custody and control of the Board of Selectmen in 2009. The deed was recorded at Book 53275, Page 413 on 7/27/09.
- In the Fall of 2009, the Planning Board amended its decision with regard to the project, which amendment specifically addressed the open space. A copy of that decision is attached. The Planning Board's decision states that "A perpetual restriction approved the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed..." I do not believe that any restriction was ever recorded and can find no evidence of such at the Registry of Deeds.
- In 2011 Anthony Parrinello, a resident of Wildlife Woods, asked if the town would be cleaning up the trails on the land. Discussions that followed led to the execution of the 2011 maintenance agreement that is currently in place. The agreement was explicit that the homeowners would *not* be permitted to clear trees on town land, but they could maintain the roadsides and other areas shown on the map attached to the agreement using a landscape contractor.
- In the years since, the town has had numerous inquiries regarding management issues on this open space from the residents. These have included: unauthorized dirt bike uses, dumping by residents on the town land, tree removal and other issues. The Select Board Office, Conservation Dept, Highway Dept., and others have been involved in attempting to respond to these issues.

The Select Board may want to consider investigating whether it is possible to transfer this land back to the Homeowners' Association, give the town's limited capacity to manage large parcels of land and the homeowners' desire for more active management than the Town would normally do. In order to comply with the Bylaw and Planning Board's decision, any transfer should be accompanied by a permanent restriction limiting the use of the property as specified in the Planning Board's decision.

Alternatively, if the town is going to continue to own the property, I would recommend that the HOA not have the broad ability to remove trees on Town land as described in the agreement. At a minimum there should be requirements to comply with wetland permitting and Street Tree/Tree Warden requirements and some advance approval requirement for the Select Board. You may want to limit any removal to dead/diseased/hazardous trees as documented by an arborist. The Board may want to inquire what notice provisions there are for residents when tree cutting is proposed, as there was significant neighborhood opposition to the tree cutting that was proposed to be done several years ago when this matter was last discussed. Lastly, the Board should clarify whether the revised agreement continues to be limited to the "black" areas shown on the previous map, or whether it extends to the entire property.

Thank you.

cc: Planning Department
Tree Warden



Town of Stow
PLANNING BOARD

380 Great Road
Stow, Massachusetts 01775
(978) 897-5098
FAX (978) 897-4534

RECEIVED

OCT 29 2009

TOWN OF STOW
CONSERVATION COMMISSION

MODIFICATION # 1
DECISION and CERTIFICATE OF ACTION
Wildlife Woods
Definitive Subdivision Approval
Planned Conservation Development Special Permit
Water Resource Protection Special Permit

October 20, 2009

1. Application

This document is the DECISION of the Stow Planning Board (hereinafter, the Board) on its review and clarification to the Decision and Certificate of Action of the Wildlife Woods Definitive Subdivision, Planned Conservation Development Special Permit and Water Resource Protection Special Permit, dated March 6, 1998 (hereinafter the Original Decision).

2. Location

Said property is located on the southerly side of Sudbury Road between Kingland Road and North Shore Drive as shown on a plan of land entitled: Definitive Subdivision Plan, WILDLIFE WOODS, Stow, Massachusetts, Prepared for: Robert T. Dawes Trust, P.O. Box 472, Sudbury, MA 01776, prepared by Meisner Brem Corporation, dated May 15, 1997, revised through October 27, 1999.

3. Board Action

After due consideration of the record of the proceedings, and based upon the findings, conclusions and conditions set forth below, the Board, on September 22, 2009, by a unanimous vote of four (4) members present at the Public Hearing (Kathleen Willis, Steve Quinn, Lori Clark and Leonard Golder) voted **MODIFY** the Decision and Certificate of Action of the Wildlife Woods Definitive Subdivision, Planned Conservation Development Special Permit and Water Resource Protection Special Permit, dated March 6, 1998. Board Member Ernest Dodd did not take part in discussions relative to this decision, as he is an abutter to the property.

4. Exhibits

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

1. Planning Board Decision and Certification of Action, dated March 6, 1998
2. Letter from Parker Environmental Corporation, dated October 22, 2007, re: Fall 2007 groundwater monitoring
3. Wildlife Woods Declaration of Trail Easement, recorded at the Middlesex Registry of Deeds Book 31831, Page 288

4. Wildlife Woods Homeowners Association Trust, recorded at the Middlesex Registry of Deeds – Book 31831, Page 290
5. Letter to property owner from Bentley Building Corp., dated March 1, 2009 re: Common Land Fund
6. Letter, dated May 28, 2009 from the Stow Recreation Commission with Plan of Wildlife Woods Subdivision Open Parcels identifying parcels of interest to the Recreation Commission
7. Email, dated June 1, 2009 from the Board of Health
8. Email, dated June 16, 2009 from the Recreation Commission
9. Email, dated June 18, 2009 from the Recreation Commission
10. Letter, dated July 1, 2009 from Lew Halprin – proposed Life Course
11. Letter, dated July 24, 2009, to Board of Selectmen from Shirley Rossetti, 89 Kingland Road
12. Letter, dated July 24, 2009, to Conservation Commission from Shirley Rossetti, 89 Kingland Road
13. Letter, dated July 28, 2009 from Town Counsel
14. Email, dated July 28, 2009 from Conservation Commission
15. Letter, dated September 22, 2009 from Bentley Building Corp.

5. FINDINGS, CONCLUSIONS and CONDITIONS

Based upon its review of the Exhibits and the record of the proceedings, the Board finds and concludes the following:

- 5.1 **Finding** – This Decision is in response to a notice of interest in Open Land Parcels A4, A2 and A3 of the Wildlife Woods Definitive Subdivision/Planned Conservation Development Plan entitled Wildlife Woods from the Town of Stow Recreation Commission.
- 5.2 **Finding** – Open Land parcels 2A-1A, 2A-2A, 2A-3A, 2A-4A, 2A-4A, 2A-B, 2A-C, 2A-D, 2A-3, and 2A-F were transferred to the Town at the May 2008 Annual Town Meeting.
- 5.3 **Finding** - In a letter, dated May 28, 2009, the Recreation Commission advised the Planning Board of its interest in Open Land Parcels A4, A2 and A3 of the Wildlife Woods Definitive Subdivision/Planned Conservation Development Plan entitled Wildlife Woods.
- 5.4 **Finding** – On June 23, 2009, members of the Recreation Commission met with the Board and stated their interest in Open Land Parcels A4, A2 and 3 is to have two contiguous parcels (Pine Bluffs Recreation Area and Wildlife Woods Open Land Parcels) in order to create access to Town owned land for foot traffic, a canoe and kayak launching area on an adjacent Conservation Commission parcel, and a small parking area.
- 5.5 **Finding** - On June 26, 2009, members of the Planning Board conducted a site walk with the members of the Recreation Commission to view parcels A2, A3 and A4 to their proximity to the homes in Wildlife Woods as well as their relationship to other Town owned land, including land that is under the care and custody of the Stow Conservation Commission.

- 5.6 **Finding** – The Board finds that access to the Conservation Commission Parcel, proposed to be used to launch canoes and kayaks, is available from Kingland Road.
- 5.7 **Finding** – The Board finds that access to the Wildlife Woods Open Land Parcels is available from an existing pathway from the Pine Bluffs Recreation Area to Kingland Road.
- 5.8 **Finding** – Several residents of Wildlife Woods Subdivision voiced objections to a change in use of the Open Land Parcels, stating that it was their understanding that use of the Open Land was to be limited to the existing walking trails and a 2-acre Recreation Easement for a neighborhood playground.
- 5.9 **Finding** – Section 8.5.9.1 of the Zoning Bylaw states:
- “The proposed use of the Open Land shall be specified on a Land Use Plan and appropriate dedications and restrictions shall be part of the deed to the Open Land. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Open Land in order to enhance the specific purposes of Planned Conservation Development.”
- 5.10 **Finding** – The Subdivision Plan, as approved by the Board shows an open land trail system and a 2-acre Dedicated Recreation Area Easement on Parcel F. In its Original Decision, the Board found:
- “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.”
- The Subdivision Plan, as approved shows a trail network for which public access easements were granted to the Town and a 2-acre Dedicated Recreation Area Easement on Parcel F.
- 5.11 **Finding** - A Declaration of Trail Easement, recorded at the Middlesex Registry of Deeds (Book 31831, Page 288), was granted to the Town of Stow.
- 5.12 **Finding** – Article II of the Wildlife Wood Homeowners Association Trust document, recorded in the Middlesex Registry of Deeds (Book 31831, Page 290n) states:
- “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.”
- 5.13 **Finding** – Section 8.5.1.10 of the Zoning Bylaw states:
- In all cases, a perpetual restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of PCD as set forth herein and, if

applicable, as further specified in the decision of the Planning Board governing the individual PCD.

Finding – A draft Conservation Restriction was submitted with the Original Application.

Finding – The Original Decision included the following finding:

“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.”

Finding – The Board finds that the above referenced finding is inconsistent with the requirements of 8.5.1.10.1 of the Zoning Bylaw, which states:

“In all cases, a perpetual restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of PCD as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual PCD.”

Condition – A perpetual restriction approved by the Planning Board and enforceable by the Town of Stow shall be imposed on the use of such land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed or used except in accordance with the provisions of Section 8.5 (PCD) of the Zoning Bylaw and, as further specified in the Original Decision, as modified herein.

- 5.14 **Finding** – In a letter, dated September 22, 2009, Mark White of Bentley Building Corporation, Developer of the Wildlife Woods Subdivision, stated in part:

“It has recently come to our attention that certain interests in the Town may be considering active recreational uses on certain of the Open Space Parcels. This potential use is, in my opinion, not in keeping with the spirit, if not the exact letter, of the Board’s Decision and Certificate and contrary to what we have understood, and thus communicated to homebuyers at Wildlife Woods, to be the possible long-term use of the Open Space Parcels.”

“As the actual developer for Wildlife Woods, we have always been of the understanding that whatever entity owned the fee in the Open Space Parcels they would be predominantly and permanently retained in their natural state. We have, in good faith so advised homeowners who purchased in Wildlife Woods.”

- 5.15 **Finding** – The Open Land parcels are subject to the provisions of the Grant of a Title 5 Nitrogen Loading Restriction and Easement. The Grant prohibits any activities, including but not limited to nitrogen fertilizers and the introduction of artificial impervious surfaces, on the Parcels that would have a detrimental effect on nitrogen loading on the credit land.

Finding – The Town of Stow Health Agent, John P. Wallace, advised that the Nitrogen Loading Restriction and Easement restricts the allowable use to passive recreation.

5.16 Finding – In a letter dated July 28, 2009, Town Counsel advised:

"The Town has fee title to each of the open space parcels found within the "Wildlife Woods" Subdivision as approved by the Planning Board in 1998. This title is unrestricted by deed or Town Meeting and Board of Selectmen vote. However, the Planning Board approved and endorsed a plan of land for the "Wildlife Woods" subdivision containing language that could reasonably be interpreted to protect the open space parcels from development or substantive disturbance, suggesting that the open space parcels were intended to be used for conservation" purposes only. Moreover, while the Planning Board *could* have specified in its decision its intentions with regard to the use of the open space parcels as provided for in Section 8.6.4.2, it chose not to, suggesting that Section 8.6.4.2's directive that the "...land be kept in its natural state." is controlling. (Emphasis supplied).

Given the inconsistencies found within the Board's 1998 decision and after a review of the Board's decision and the Zoning Bylaw upon which the Board's decision was based, it is my opinion that absent a modification of the Board's 1998 decision, the open space parcels as shown on the "Wildlife Woods" definitive plan and the subject of the Planning Board's 1998 decision cannot be used in a manner inconsistent with Section 8.6.4.2 of the Zoning Bylaw, that is, the land must be "kept in its natural state" and "not built upon or developed".

Town Counsel further noted that the Planning Board has the authority pursuant to G.L. c.40A, s.9 and G.L. c.41, s.8I-U and 81-W, as well as the Stow Zoning Bylaw (Sections 8.5 and 9.2) to amend the special permit issued for the "Wildlife Woods" subdivision to clarify the Board's intentions with regard to allowable uses of the open space parcels, provided that in no case may the Board allow uses of the open space parcels inconsistent with Section 8.5.9 of the Zoning Bylaw.

5.17 Finding – During the Public Hearing, residents of the Wildlife Woods Subdivision voiced concern that the Open Land Parcels were conveyed to the Town without notice to the residents.

Finding – Notice of intent to convey the Open Land Parcels was given to residents of the Wildlife Woods Subdivision, by letter from Bentley Building Corporation, dated March 1, 2009. Re: Common land Fund – Wildlife Woods Development to the Wildlife Woods property owners.

Finding – Notice of the intent to convey the Open Land Parcels was made by the Town by inclusion on the Town Meeting Warrant.

5.18 Finding – During the Public Hearing, residents of the Wildlife Woods Subdivision indicated their intent to approach the Board of Selectmen to convey the Open Land Parcels back to the Homeowners Association. Board members indicated they would support such a request.

5.19 Finding – During the Public Hearing, residents of the Wildlife Woods Subdivision advised that they do not have an active Homeowners Association.

5.20 Finding – Based upon its review of the Original Decision, the Zoning Bylaw and the record of proceedings, the Board finds that the intent of the Planned Conservation Development Bylaw and the Original Decision is that reference to "recreation" for the Open Land is intended to be "passive recreation", meaning: Activities, which are non-motorized, non-commercial, non-competitive, and require little or no modification to the natural landscape.

Condition – The Open Land Parcels shall be limited to the uses as defined on the Plan as approved by the Board.

Finding – Section 8.5.12 states:

“Any change in the layout of streets; in the configuration of the Open Land; in the ownership or use of the Open Land; or any other change which, in the opinion of the Planning Board, would significantly alter the character of the PCD, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a new Special Permit and hold a public hearing pursuant to the requirements of this bylaw if it finds that the proposed changes are substantial in nature and of public concern.”

Condition – Any modification to the present use of the Open Land Parcels shall be subject to Planning Board approval.

- 5.21 **Finding** - In a letter, dated July 1, 2009, Lew Halprin proposed a Life Course to be located on the Pine Bluffs Recreation Land and the Wildlife Woods Open Land Parcels.

The Board has insufficient details as to the final layout and use to determine if the proposed Life Course is appropriate for the Site.

- 5.22 **Finding** – Section 9.12 of the original Decision requires:

“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.”

Condition – The Homeowners Association shall submit a fertilizer application plan, as required by Section 9.12 of the Original Decision, to the board for approval prior to application of any pesticides or herbicides.

- 5.23 **Finding** – Section 9.14 of the Original Decision requires:

“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.”

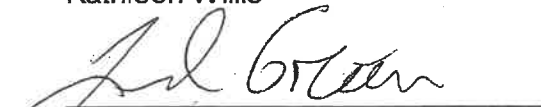
Finding – Results of the analysis were submitted to the Board of Health on an annual basis through October of 2007. No monitoring has been conducted since October of 2007.

Condition – The Homeowners Association shall be responsible to continue annual well monitoring program as required by Section 9.14 of the Original Decision.

- 5.24 **Finding** - This Site Plan Approval Decision Modification No. 1 shall be considered a condition of, and an amendment and modification to all prior site plan approvals and amendments for the purposes stated herein. Except as expressly modified by this Decision Modification No. 1, all terms and conditions of the Original Site Plan Approval Decision shall remain in full force and effect.

Witness our hands this 20th day of October 2009


Kathleen Willis


Leonard Golder

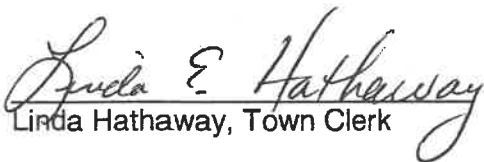

Stephen Quinn


Lori Clark

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.

Received and Filed
Volume II, Page 465


Linda Hathaway, Town Clerk

October 28, 2009
Date

Sign Annual Warrant and Inter-Municipal Agreement for Animal Control Services



**Town of Stow
SELECT BOARD**

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
978-897-4515 selectboard@stow-ma.gov

To Phyllis Tower, Animal Control Officer of Stow:

In the name of the Commonwealth of Massachusetts, you are directed to seek out, catch and confine all dogs within the town which are not licensed, collared or harnessed, or tagged, as required by Chapter 140, Section 151A of the General Laws, and to enter and prosecute a complaint for failure to comply with this chapter against the owners or keepers of such dogs, if known, and to euthanize or cause to be euthanized only by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia, or by gunshot in case of emergency, each such dog not licensed, collared or harnessed, or tagged after being detained by or for the officer for a period of 7 days; provided, however, that after 7 days, the animal control officer may make available for adoption any dog found free of disease for a sum of not less than \$3 to be determined by the town and shall keep an account of all moneys received by the officer for the adoption and shall immediately pay over the moneys to the treasurer who shall forward it to the town. Before delivery of a dog so adopted, the animal control officer shall require the purchaser to show identification and to procure a license and tag for the dog from the clerk of the town wherein the dog is to be kept. Dogs detained under this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The commissioner from time to time shall cause such places wherein animals are detained under this section to be inspected and shall make necessary orders in relation thereto. An animal control officer having custody of a detained dog or cat shall be allowed a sum determined by the town per day for the care of the dog or cat, payable by the owner or keeper, if known, otherwise by the town.

Each animal control officer shall make, keep and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in the officer's custody: (1) the date and location of apprehension; (2) a description of the animal; (3) the place of detainment; (4) if tagged, the name and address of the owner of the animal; (5) the name and address of a new owner, if any, including the date of sale or transfer of the animal; (6) if the animal is euthanized, the method and date of such euthanization and the name of the person who euthanized the animal; and (7) the date, location and description of an animal euthanized by gunshot in case of emergency, the disposition of the animal remains and a description of the situation requiring the gunshot.

Each animal control officer shall forward a copy of the record to the town clerk within 30 days. Copies of the record shall be kept for 2 years in the office of the town clerk wherein such animal control officer is employed.

Given under my hand as voted by the Select Board on the 14th day of June, 2022 and effective for one year starting July 1, 2022.

Megan Birch-McMichael
Chair, Select Board

INTERMUNICIPAL AGREEMENT
ANIMAL CONTROL SERVICES

This Inter-Municipal Agreement (the "Agreement") is entered into pursuant to M.G.L. c.40, § 4A, on the last day of execution below (the Effective Date), by and between the Town of Boxborough, a municipal corporation with a principal office at Town Hall, 29 Middle Road, Boxborough, MA 01719 ("Boxborough") and the Town of Stow, a municipal corporation with a principal office at Town Hall, 380 Great Road, Stow, MA 01775 ("Stow").

Whereas, Stow is seeking the services of an Animal Control Officer ("ACO") on an as-needed basis from 8:00 AM to 6:00 PM, Sunday – Saturday; and

Whereas, Stow seeks services of an ACO on an emergency basis to handle aggressive and injured animals from 6:00 PM to 8:00 AM, Sunday – Saturday; and

Whereas, subject to the terms of this Inter-Municipal Agreement, Boxborough is willing to provide its ACO to perform certain ACO Services for Stow.

NOW THEREFORE the Towns agree as follows:

Term

1. The Term of this Agreement shall be from July 1, 2022, through June 30, 2023, subject to appropriation of funding by Stow.
2. The Agreement may be further extended or modified upon written Agreement of the Boxborough Town Administrator and the Stow Town Administrator and as approved by the respective Boards of Selectmen.
3. The Initial Term and all Extension Terms shall be collectively referred to as the Term.
4. The Agreement may be terminated for convenience by either party as provided below.

Boxborough's Commitment to Provide ACO Services to Stow

5. Basic Services: Boxborough shall provide routine ACO services to Stow as defined under Scope of Services below on an as-needed basis seven days a week from 8:00 AM to 6:00 PM.
6. Emergency Services: For an additional cost during the Term, Boxborough shall provide ACO services on an emergency basis to Stow to handle aggressive and injured animals seven days a week from 6:00 PM to 8:00 AM.

Stow's Financial Commitment to Pay Boxborough for Animal Control Services

7. In consideration for the basic services provided under this Agreement, Stow shall pay Boxborough one-third (1/3) of the total cost of the Animal Control Officer, including wages, fringe benefits,

expenses and an administration fee which covers county retirement, workers compensation, payroll administration, supplies, veterinary expenses, and kennel lease, the total of which is broken down as follows:

Annual Wages (2088 hours @ \$25.95/hour)	\$54,183.60
\$25.47 (Step 5) x 1.9% COLA = \$25.95	
Medicare (1.45% x \$54,183.60)	785.00
Estimated Medicare on additional compensation (1.45% x \$7,570)	109.00
Health insurance family plan	21,654.00
Vehicle purchase, maintenance and insurance	10,000.00
Cell phone (@ \$96/month plus iPad)	1,152.00
Administration fee (10% x \$54,183.60)	5,418.36
	\$93,301.96

Stow's share of the annual expenses for the basic services provided under this Agreement for the period July 1, 2022 through June 30, 2023 shall be Thirty-One Thousand One Hundred Dollars and Sixty-Five Cents (\$31,100.65), to be paid in eleven monthly installments of Two Thousand Five Hundred Ninety-One Dollars and Seventy-Two Cents (\$2,591.72) and one final installment Two Thousand Five Hundred Eighty-Nine Dollars and Sixteen Cents (\$2,589.16).

8. In consideration for the emergency services provided under this Agreement, Stow shall pay Boxborough the sum of \$38.93 per hour, with a four-hour minimum per call, for the period July 1, 2022 through June 30, 2022.
9. Unless otherwise agreed in writing by the Boxborough Town Administrator and the Stow Town Administrator, Boxborough's Accountant will invoice Stow on a monthly basis, and Stow's Treasurer shall pay each such invoice within thirty (30) days of the invoice date.
10. Stow warrants and represents that it has appropriated funds for and sufficient to cover Stow's financial commitment to pay Boxborough for the shared services and any related costs and expenses under this Agreement.
11. For each Extended Term, Stow warrants and represents that it shall either (a) appropriate funds for and sufficient to cover Stow's financial commitment to pay Boxborough for the shared services and any related costs and expenses under this Agreement, or (b) notify Boxborough in writing at least thirty days prior to the commencement of the Extended Term that Stow has not made such an appropriation in which case this Agreement shall be null and void and of no further force or effect.

Fees, Licensing and Fines

12. Dog owner shall be responsible for paying the following fees directly to Boxborough:
 - a) \$10 Dog Pick-up fee
 - b) \$50 Dog picked up not displaying a valid license
 - c) \$40 Dog kenneling per day
13. Dog owner shall be responsible for paying licensing and fines directly to Stow.

14. In the event of non-payment, abandoned animal or unknown animal, Stow will be responsible for unpaid fees, which will be added to the monthly invoice.

Record Keeping

15. ACO shall keep accurate and comprehensive records of services performed under this Agreement.

Personnel

16. During the Term, Boxborough shall employ and pay all benefits for the ACO.
17. The ACO while engaged in performing ACO Services in Stow under this Agreement shall be deemed to be engaged in the service and employment of Boxborough, notwithstanding such service, activity or undertaking is being performed in or for Stow.

Rights and Indemnities

18. By entering into this Agreement, Boxborough and Stow have not waived any governmental immunity or limitation of damages that may be extended to them by operation of law. Boxborough and Stow are the sole and exclusive beneficiaries of the Agreement. No third-party rights, express or implied, are created by this Agreement. The provisions of this paragraph shall survive termination of the Agreement.
19. Notwithstanding the preceding paragraph, to the maximum extent permitted by law, both Boxborough and Stow agree that with respect to incidents which occur in their own town, they will defend, indemnify, and hold each other harmless from and against any and all claims or causes of action for injury, loss, damage, liability, costs or expenses (including reasonable attorneys' fees and court costs) arising out of any occurrences in each parties' respective towns which are related to Animal Control Officer Services provided in their own town under this Agreement. The provisions of this paragraph shall survive termination of the Agreement.

Procedure to Request Services

20. If available, Stow Police shall provide initial response to all animal complaints in Stow and determine if ACO services are required.
21. If Stow Police have determined that ACO services are required, they shall request such services by calling Boxborough's Public Safety Dispatch at 978-264-1740.
22. Although rabid animals fall under the jurisdiction of the Stow Animal Inspector, and are not subject to the terms of this Agreement, Boxborough's Public Safety Dispatch will provide communications coordination for both the ACO and the Animal Inspector. For tracking and operational purposes, Stow Police shall request Animal Inspector services for rabid animals by calling Boxborough's Public Safety Dispatch at 978-264-1740.

Scope of ACO Services

23. ACO Services under this Agreement shall include the following:

- a) Catching stray and/or injured dogs.
- b) Seeking treatment for ill/injured impounded dogs as necessary.
- c) Responding to complaints regarding stray or injured animals.
- d) Working with shelters and networking agencies to assist in the safe, legal and healthy transfer of impounded animals.
- e) Working with the Stow Police department to further investigate charges of animal cruelty as stipulated and explained in Massachusetts General Law.
- f) Verifying rabies and licensing status of impounded dogs.
- g) Prosecuting violators of Stow's animal control bylaws.
- h) Checking dead animals for microchip. Stow shall be responsible for final disposition.
- i) Transporting injured dogs to veterinarian. Dog owner shall be responsible for cost. If no known owner, Stow shall be responsible for cost.
- j) Providing advice and information to residents regarding pest control options.
- k) ACO shall pick up destroyed animals and arrange with Stow's Animal Inspector for testing if necessary. Stow shall be responsible for paying the testing fees and for final disposition of destroyed animals.

24. The ACO shall have enforcement jurisdiction in Stow under and concerning all applicable laws, bylaws, rules and regulations as may from time to time be in effect during the Term hereof.

25. ACO shall attend dog hearings as requested.

26. Stow Police should destroy severely injured dogs if possible and safe to do so.

27. Stow Police should destroy rabid animals if possible and safe to do so.

28. This Scope of Services may be amended from time to time with the mutual written agreement of both Towns.

Administration

29. The Boxborough Town Administrator and the Stow Town Administrator shall administer this Agreement. They, and/or the respective Chiefs of Police shall meet and/or confer periodically to address matters of policy, operations and logistics as from time to time may arise under this Agreement.

30. The Boxborough Police Chief shall provide primary supervision of the ACO.

31. Stow shall be responsible for providing the ACO with the most recently updated list of all active dog licenses and rabies vaccination information.

Termination

32. Either Boxborough or Stow, by votes of their Boards of Selectmen, may terminate this Agreement at any time on sixty (60) days advance written notice to the other, after which time this Agreement shall be null and void and of no further force or effect except (a) as to payments owed for services provided prior to termination, and (b) as otherwise expressly set forth with respect to survival of paragraphs 19 and 20 above.

Notices

33. All notices required under this Agreement shall be deemed made when provided by hand, sent by certified mail, or sent by overnight mail or courier service to, as applicable, (a) the Boxborough Town Administrator, Town Hall, 29 Middle Road, Boxborough, MA 01719, with a copy to the Boxborough Select Board at the same address, and (b) the Stow Town Administrator, Town Hall, 380 Great Road, Stow, MA 01775, with a copy to the Boxborough Select Board at the same address.

Assignment

34. This Agreement shall not be assigned or transferred by either party, without the express written consent of the other party given with the same formalities as are required for the execution of this Agreement.

Entire Agreement

35. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to the subject matter.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the ____ day of _____, 2022.

Carter Terenzini, Boxborough Interim Town Administrator

Denise Dembkoski, Stow Town Administrator

APPROVED BY: Select Board of
the Town of Boxborough

APPROVED BY: Select Board of the Town of Stow

Jennifer Campbell, Chair

Megan Birch-McMichael, Chair

Diana Lipari, Clerk

Ellen S. Sturgis, Clerk

Leslie R. Fox

Cortni Frecha

Wesley I. Fowlks

Ingeborg Hegemann Clark

John M. Markiewicz

Vacant

Request by Town Administrator to Create New Library Committees

- Library Building Committee 2.0
- Library Building Exterior Design Committee



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembowski, Town Administrator

Re: Library Building Committees

Date: June 6, 2022

As we embark on the next phase on the Randall Library project and the charge of the original committee has concluded, I am asking the Board to create two (2) new committees responsible for the library renovations.

The existing committee was charged with managing and overseeing the pre-design process: develop and issue the RFQ/RFP, evaluate prospective design consultants and recommend a preferred consultant for hire. Develop more than one conceptual design option including cost estimates. Hold public forums for input from residents and recommend to Town Meeting the most efficient design, including cost estimates, that meets the Town's needs for an expanded and/or renovated Randall Library.

Now that the financing has been approved, we shift our focus to the full design and construction.

I am asking the Board to create a primary Building Committee and to address the concerns on the exterior, I'm looking for an Exterior Design Committee. The reason I am asking for two committees is the primary committee will be a 3-4 year commitment as we work through the entirety of the project, but in an effort to engage more residents on the exterior design, I'm looking for a much shorter commitment with a much more narrow charge.

While there will be some overlap on the two committees, I will be looking for three residents, whose sole focus is the exterior design. I heard the criticism leading up to the vote on the look and concerns that residents had. This is my way to make good on my promise to have wider involvement and to ensure the library is a place everyone in town can be proud of.

I look forward to discussing this request with you. Thank you.



Town of Stow

Office of the Town Administrator

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

Denise M. Dembkojski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

Proposed Randall Library Building Committee 2.0

Appointing Authority:	Select Board
Number of Voting Members:	Nine (9)
Non-Voting Members:	Zero
Term:	The length of the building process, estimated at 3-4 years
Designation:	Special Municipal Employees

Voting Members:

Town Administrator
Library Director
Building Commissioner
Library Trustee (2)
Residents At-Large (4)

Purpose:

To oversee the full design and construction of the Randall Library Renovations and Addition.

Charge:

The RLBC2 will guide the Randall Library Renovation project. All major decisions shall be brought to the RLBC2 for review, approval, and formal submission to the Board of Library Trustees and Town Administrator for final approval.

Throughout the life of the project, the RLBC2 will work as a team with several consultants including the Owner's Project Manager (OPM) and the Architect firm. The RLBC2 will develop a timeline, milestones, and plans for the project.

The RLBC2 will work with the Library Director and Town Administrator to ensure the public is kept informed and engaged with the Randall Library Renovation Project.

Broad Committee Functions:

- Identify a wide variety of stakeholders in order to develop and execute multiple communication methods to engage members of the community through the entire design and construction process.
- Form subcommittees at various stages of the project such as:
 - Design –attends job site meetings and monitors the schedule
 - Interior Design – chooses styles, colors, and furnishings
 - Relocation – identifies the most appropriate and economically feasible location to relocate the staff and books during the renovations
 - Public Relations – keeps the community informed

- Groundbreaking/Grand Opening – organizes community celebrations
- Work with the separately appointed Exterior Design Committee on the exterior design.
- Review, evaluate, and approve all project invoices and change orders.
- Provide quarterly updates to the Select Board, Library Trustees, and the public.

Term:

The RLBC2 will serve until the project is complete and the renovated Randall Library is fully open.



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembko
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
asstownadmin@stow-ma.gov

Proposed Randall Library Building Exterior Design Committee

Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Non-Voting Members:	Zero
Term:	The length of the building process, estimated at 3-4 years
Designation:	Special Municipal Employees

Voting Members:

Library Building Committee Members

Town Administrator

Library Director

Building Commissioner

At-Large Member

Three Residents not serving on the primary Library Building Committee

Purpose:

To choose the style and materials for the building and plantings and structures for the landscaping.

Charge:

The Exterior Design Committee will guide and approve the exterior look of the Randall Library Renovation project.

During the exterior design process, the EDC will work as a team with several consultants including the Owner's Project Manager (OPM) and the Architect firm.

The EDC will ensure proper public outreach is conducted and the public is kept informed about the exterior look of the building.

Term:

The EDC will serve until the exterior of the building design has been approved.

Review & Approve One Day Liquor License Policy



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembkoski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
asstownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Special One-Day Liquor License Application

Date: June 9, 2022

In an ongoing effort to put forth policies and procedures that make doing business with the Town easier and clearer, please find attached a new One-Day Liquor License Application.

I have included the existing application and information that has been utilized by the Town since 2008. As you can see, the new application spells out very clearly the requirements to hold a one-day license in Stow and covers much more information for the Select Board to make an informed decision.

At your meeting on the 21st, we will be discussing our new Special Event Permit, which formalizes the process we have been utilizing for the last year. I wanted the Board to have additional time to review that packet before discussing it. Additionally, and I believe the last piece to this event puzzle, is the state requirement that we issue Entertainment Licenses for events having live or amplified music. We are working on the policy and hope to have that ready in the near future, as well.

I appreciate your consideration of this new application and look forward to discussing it further. Thank you.



TOWN OF STOW SELECT BOARD OFFICE

380 Great Road, Stow, MA 01775
978-897-4515 selectboard@stow-ma.gov

SPECIAL ONE-DAY LIQUOR LICENSE

INSTRUCTIONS AND INFORMATION

YOU MUST APPLY FOR A SPECIAL ONE-DAY LIQUOR LICENSE IF YOU ARE SELLING ALCOHOL IN ANY MANNER AT A PRIVATE FACILITY. IF YOU ARE NOT SURE IF YOU NEED A ONE-DAY SPECIAL LICENSE, PLEASE CALL THE SELECT BOARD OFFICE AT 978-897-4515.

REGULATIONS FOR A SPECIAL LICENSE CAN BE FOUND IN MASSACHUSETTS GENERAL LAWS CHAPTER 138 SECTION 14.

Application for sales of **all alcoholic beverages** must be for a non-profit, charity or club. Special Licenses may only be issued to the responsible manager.

Application for sales of **wine and malt beverages** may be issued to the responsible manager of any indoor or outdoor activity or enterprise (for profit or non-profit).

Application must be filled out completely and filed with the Select Board Office at least **thirty (30) days prior to the date of the event** in order for the application to be considered by the Select Board at a Regular Session Meeting.

Persons holding a Special Liquor License **must** purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer/winery, farmer/brewery or special permit holder. A person holding a Special License **cannot** purchase alcoholic beverages from a package store. Persons holding a Special License must not take delivery of, or store alcohol, prior to the date the License is granted.

No persons may be granted a Special License for more than a total of thirty (30) days per calendar year. No Special License will be granted to any person while their application for an Annual or Seasonal License under MGL Ch.138 Sec.12 is pending before the Local Licensing Authority, or to any premises that has an alcoholic beverages license.

The application requires a single point of contact and it must be the authorized representative of the locale/grounds holding the event.

The complete name, telephone number and address of the person applying for the Liquor License must be clearly printed on the Application.

Bartenders must be TIPS Certified (Training for Intervention ProcedureS) or certified by a MA approved program within the past three (3) years. Copies of server training certificates for individuals who will serve liquor, including their license numbers, are required. All alcoholic beverages must be served by trained bartenders or wait staff. Event Managers must be CORI checked.

The Police Chief, at his discretion, determines if Police Details are required. If required, the applicant must pay for the Detail prior to the event as directed by the Chief.

Copy of a Certificate of Liability Insurance showing insurance coverage must be provided from the company serving the alcohol or a private policy. The Certificate of Liability Insurance must name the Town of Stow as an additional insured.

APPLICATION CHECKLIST

- Completed license application for a Special One-Day Liquor License
- Proof of non-profit status (for One-Day All Alcohol License only)
- Cash or check fee of \$75.00 (check payable to the Town of Stow)
- Certificate of Liability Insurance (valid copy)
- CORI application for Event Manager
- TIPS Certifications (or MA approved program) including a list of names of all certified individuals with their training certification expiration dates (training within the last 3 years)
- Proof of permission to use facility where event is being held including statement of approval given for sale/service of alcohol and the occupancy number for the location
- Floor plan (8.5x11 paper) of the event area showing the location and manner in which alcoholic beverages will be served/sold, consumed, delivered, and/or dispensed (for public facilities only)
- Explanation of event (if there is an event flyer or invitation please attach it)

Return ALL PAPERWORK to the Select Board Office at least thirty (30) days prior to your event.
Applications received within 30 days may not receive approval in time.

Your application must be reviewed before being placed on the Select Board's agenda.
The Select Board usually meets the second and fourth Tuesday of each month.

**IF ALL INFORMATION IS NOT SUBMITTED PRIOR TO THE SELECT BOARD MEETING,
FINAL APPROVAL IS CONTINGENT UPON RECEIPT OF ALL REQUIRED DOCUMENTS.**

PLEASE NOTE:

If this license is for an event on Town property, authorization and other insurance requirements apply.

If this is for a SPECIAL EVENT, a separate application and a 45-day notice is needed.

Special Event permit regulations can be found on the Select Board webpage:

<https://www.stow-ma.gov/select-board/pages/event-permit>

SPECIAL ONE-DAY ALCOHOLIC BEVERAGES LICENSE APPLICATION

FEE: \$75.00 non-refundable



APPLICATION DATE: _____

MGL, CHAPTER 138, SECTION 14: The Local Licensing Authorities may issue special licenses for the sale of Wine and Malt Beverages to any enterprise; however, Special License for the sale of All Alcoholic Beverages may ONLY be issued to Non-Profit Organizations (proof of non-profit status is required).

SPECIAL ONE-DAY LICENSEES MUST PURCHASE ALCOHOLIC BEVERAGES FROM A LICENSED SUPPLIER. SPECIAL LICENSEES CANNOT PURCHASE ALCOHOLIC BEVERAGES FROM A PACKAGE STORE AND CANNOT ACCEPT DONATIONS OF ALCOHOLIC BEVERAGES FROM ANYONE.

See: <https://www.mass.gov/doc/authorized-sources-of-alcohol-for-1-day-licenses/download> for a complete list.

☐ ALL ALCOHOL (non-profit only, submit proof of status)

☐ WINE/MALT ONLY

Name of Applicant and/or Organization Applying (name to appear on license): _____

Address: _____

Applicant's Cell: _____

Organization Phone: _____

Applicant's Email: _____

Organization Email: _____

1. Name of Event: _____

Event Date: _____

Rain Date: _____

Hours of Event (from/to): _____

2. Event Location (name and address): _____

(Please attach proof of permission to use this facility, if applicable)

Where in building? _____

3. Details: ☐ Inside ☐ Outside # of People Expected: _____ Age Range: _____

4. Name(s) of person(s) who will be serving alcohol to guests: _____

Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts Alcoholic Beverages Server Training program. Attach identification and proof of alcohol server training for EACH individual who will serve, sell, deliver, and/or dispense alcoholic beverages on behalf of your event.

5. Please describe the manner in which alcohol will be served to your guests to insure compliance with existing laws (check IDs, table service/bar, etc.) and specify the manner by which service of such beverages, if minors are in attendance, will be controlled. Minors are not allowed within the area where alcoholic beverages are dispensed.

TOWN OF STOW LIABILITY DISCLAIMER FOR SPECIAL ONE-DAY LICENSE

By exercising the privileges of this Special One-Day License in serving persons with alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Special One-Day License will be deemed to be acknowledgment that you are aware of this potential liability.

You are encouraged to discuss the risks associated with exercising your privileges of this Special One-Day License and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor.

The Town of Stow and the Select Board (SB) acting as the Local Licensing Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of this Special One-Day License.

By signing this form, the Applicant acknowledges that they understand and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission (ABCC) and the Local Licensing Authority (SB) of the Town of Stow.

Signature of Applicant: _____

Date: _____

Printed Name: _____

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

- Completed license application for a Special One-Day Liquor License
- Proof of non-profit status (for One-Day All Alcohol License only)
- Cash or check fee of \$75.00 (check payable to Town of Stow)
- Certificate of Liability Insurance (valid copy)
- CORI application for Event Manager
- TIPS certifications (or MA approved program) and a list of names of all certified individuals with their training certification expiration dates (training within the last 3 years.)
- Proof of permission to use facility where event is being held including statement of approval given for the sale/service of alcohol and the occupancy number for location
- Floor plan (8.5x11 paper) of the event area showing the location and manner in which alcoholic beverages will be served/sold, consumed, delivered, and/or dispensed (for public facilities only)
- Explanation of event (if there is an event flyer or invitation please attach it)

Return ALL PAPERWORK to the Select Board Office at least thirty (30) days prior to your event.

Applications received within 30 days may not receive approval in time.

All applications must be reviewed before being placed on the Select Board's agenda.

The Select Board usually meets the second and fourth Tuesday of each month.

**IF ALL INFORMATION IS NOT SUBMITTED PRIOR TO THE SELECT BOARD MEETING,
FINAL APPROVAL IS CONTINGENT UPON RECEIPT OF ALL REQUIRED DOCUMENTS.**

Please note:

If this license is for an event on Town property, authorization and other insurance requirements apply.

If this is for a SPECIAL EVENT, a separate application and a 45-day notice is needed.

Special Event permit regulations can be found on the Select Board webpage:

<https://www.stow-ma.gov/select-board/pages/event-permit>

<u>For Office Use Only:</u>	<u>Approval Recommended:</u>	<u>Not Recommended:</u>	<u>Comments/Conditions:</u>
Police Chief	_____	_____	_____
Fire Chief	_____	_____	_____
Building Inspector	_____	_____	_____

Special Events

Local licensing authorities may issue special licenses for the sale of wines and/or malt beverages to a responsible manager of any indoor or outdoor activity or enterprise (for profit or non-profit). Special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only. No person may be granted special licenses for more than a total of 30 days per calendar year and no special license will be granted to any person while his application for an annual license under Section 12 is pending before the licensing authorities.

No more than one license can be issued for a premises at one time. Therefore, a Section 14 special license **can not** be issued for use in a licensed premises. Regulations for Section 14 are found in [204 CMR 7.00](#).

Persons holding a special license must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer brewery or special permit holder. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store.

From ABCC website, 3/17/08

Existing Information

*Existing
Application*

**TOWN OF STOW
STOW, MASSACHUSETTS 01775**

APPLICATION FOR SPECIAL LIQUOR LICENSE

Date: _____

Name of Applicant(s)

Home Address & Telephone

Name of Organization

Address

Date(s) for which license is requested: _____

Hours of sales: _____

Type of beverage(s) to be sold: _____

Event for which license is requested: _____

Profit or non-profit? _____

Location of event: _____

The undersigned will be responsible for the license, if granted.

Signature(s): _____

Town Administrator ARPA Funding Requests

- Part-Time Procurement/Grants Administrator
- Fire Apparatus Bay floor resurfacing



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembkoski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: ARPA Funds for Procurement/Grants Administrator

Date: June 6, 2022

I respectfully ask that Board authorize up to \$65,000 for wages for a part-time Procurement/Grants Administrator. With Jesse's departure, it will create a void in the work being done for procurement and grants. Jesse has not only been involved in road and transportation procurement, but he has been instrumental in assisting other departments with procurement guidance.

Ideally the new Town Planner will have some knowledge of procurement and grants, but it is unlikely they will be as versed or focused on it, as Jesse has been. We have a number of projects coming down the line and I would not want to see them delayed due to lack of resources dedicated to procurement.

As I mentioned during this past budget season, this is one of the few positions I believe we are still lacking. If approved, I would look to hire someone on a trial basis for the fiscal year and then determine if the position brings enough value to be added to the budget as a regular employee beginning in FY24.

We currently have \$399,299.70 in ARPA funds still to be allocated, and I expect this position will be involved with the procurement for all the projects previously approved with ARPA funds, as well as look for grant opportunities for additional state/federal funding. In addition, of the funds previously allocated, we have more than \$700,000 yet to be spent.

I would also anticipate this position will assist with the Community Preservation Fund procurement, as well. This would alleviate boards/committees from trying to maneuver MGL Ch.30B, 30/39M, and Ch.149 and may assist them with looking for grant opportunities to match our needs.

I appreciate your consideration of my request and look forward to discussing it further. Thank you.



TOWN OF STOW

American Rescue Plan Act Project Funding Request

Submitter: Denise Dembkoski

(Print Name or Board/Committee Name)

Department to Oversee/Maintain the Project: Town Administration

Date: 06/06/2022

Amount Requested: \$ 65,000.00

Project being Requested: Part-Time Procurement/Grants Administrator (Provide a full description below)

FUNDING CATEGORY

- ☐ Support Public Health
- ☐ Address COVID-19 Negative Economic Impacts
- ☐ Provide premium pay for essential workers
- ☐ Investments in water, sewer, and broadband infrastructure
- ☒ None of the Above (Would fall under Revenue Replacement funds)

Priority Ranking (Check One):

- Very High (Needed ASAP) ☒
- High (Needed in 1 year) ☐
- Medium (Needed in the next 2 years) ☐
- Was Planned for in the next 10 years ☐

Does this project meet the bylaw requirements for Capital Planning?

Yes

☐

No

☒

(Acquisition of land and any expenditure of \$10,000 or more having a useful life of at least three years)

Has this project been on a Department or Board's priority list? (ie. Master Plan, OSRP, Established Goals)

Yes

☐

No

☒

Have you received an estimate as a basis for cost?

Yes

☐

No

☒

If Yes, please provide estimate

Are grant or other funds available to offset this cost?

Yes

☐

No

☒

If Yes, please specify source of funds

Will this require annual maintenance or ongoing costs?

Yes

☐

No

☒

If Yes, please articulate below

Project Description:

*Provide project description and articulate funding category, include an overview of proposed timeline, location(s), and supporting detail. If requested equipment is a replacement, please provide the age (based on first in service date) and condition of current item. **Be as specific as possible; attach all backup supporting material.***

Please see attached memo.

Benefits of Project/Requested Equipment:

<i>Highlight project benefits, including efficiencies created, service enhancements, etc. Be as specific as possible; attach all backup supporting material.</i>

Ongoing maintenance costs of project or equipment:

<i>Describe any expected ongoing costs associated with this request. Be as specific as possible; attach all backup supporting material.</i>

Signature of Submitter

**Signature of Department Representative or
Town Administrator**



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembowski, Town Administrator

Re: ARPA Funds for Fire Apparatus Bay Floor Refinishing

Date: June 6, 2022

I respectfully ask that Board authorize \$32,000 to resurface the fire station apparatus floors.

Of the \$600,000 previously allocated for Capital projects, we still have approximately \$70,000 to be disbursed, and I would ask that \$32,000 be approved for this project.

Resurfacing this floor is in direct response to an employee injury and in order to prevent further injuries and costly workers comp claims, it is essential we take care of this sooner rather than later.

I appreciate your consideration of my request and look forward to discussing it further. Thank you.



TOWN OF STOW

American Rescue Plan Act Project Funding Request

Submitter: Denise Dembkoski

(Print Name or Board/Committee Name)

Department to Oversee/Maintain the Project: Fire

Date: 06/06/2022

Amount Requested: \$ 32,000.00

Project being Requested: Apparatus Floor Resurfacing (Provide a full description below)

FUNDING CATEGORY

- ☐ Support Public Health
- ☐ Address COVID-19 Negative Economic Impacts
- ☐ Provide premium pay for essential workers
- ☐ Investments in water, sewer, and broadband infrastructure
- ☒ None of the Above (Would fall under Revenue Replacement funds)

Priority Ranking (Check One):

- Very High (Needed ASAP) ☒
- High (Needed in 1 year) ☐
- Medium (Needed in the next 2 years) ☐
- Was Planned for in the next 10 years ☐

Does this project meet the bylaw requirements for Capital Planning?

Yes

☒

No

☐

(Acquisition of land and any expenditure of \$10,000 or more having a useful life of at least three years)

Has this project been on a Department or Board's priority list? (ie. Master Plan, OSRP, Established Goals)

Yes

☐

No

☒

Have you received an estimate as a basis for cost?

Yes

☒

No

☐

If Yes, please provide estimate

Are grant or other funds available to offset this cost?

Yes

☐

No

☒

If Yes, please specify source of funds

Will this require annual maintenance or ongoing costs?

Yes

☐

No

☒

If Yes, please articulate below

Project Description:

*Provide project description and articulate funding category, include an overview of proposed timeline, location(s), and supporting detail. If requested equipment is a replacement, please provide the age (based on first in service date) and condition of current item. **Be as specific as possible; attach all backup supporting material.***

We recently had an employee slip and fall on the apparatus floor when it was wet. During the course of our investigation we were informed the floor has always been slippery when wet. Dolores asked the Chief to obtain quotes to resurface the floor with a non-slip coating. We have obtained quotes and the lowest bidder is \$32,000.

Benefits of Project/Requested Equipment:

<i>Highlight project benefits, including efficiencies created, service enhancements, etc. Be as specific as possible; attach all backup supporting material.</i>
Avoid costly workers compensation claims and enhance employee safety.

Ongoing maintenance costs of project or equipment:

<i>Describe any expected ongoing costs associated with this request. Be as specific as possible; attach all backup supporting material.</i>
Once resurfaced, the floor shouldn't need to be maintained for many years.

Signature of Submitter

**Signature of Department Representative or
Town Administrator**

FY23 COLA for Town Administrator



Town of Stow
Office of the
Town Administrator

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

Denise M. Dembowski
Town Administrator
townadministrator@stow-ma.gov

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembowski, Town Administrator

Re: Town Administrator COLA

Date: June 6, 2022

For Fiscal Year 2023, I am not asking for any increase in pay other than the 3% cost of living, which was provided to all employees. This increase was budgeted for and went through the proper vetting process of the Finance Committee and Town Meeting. This 3% increase will bring my annual salary to \$150,328.

For your reference however, are salaries at a number of nearby communities based on job postings in the last three months.

Berlin (pop. 3,158) - \$150k
Carlisle (pop. 5,237) - \$170k
Lancaster (pop. 8,100) - \$175k
Norfolk (pop. 9,500) - \$150k - \$180k
Sherborn (pop. 4,400) - \$140k - \$170k

I look forward to discussing this with you or answering any questions you may have. Thank you.

Town of Stow
EMPLOYEE STATUS FORM

Employee: Denise Dembkoski Dept. Administration

Effective date of change 07 / 01 / 2022

Check all that apply

☒ Pay Change
(Complete Part I)

☐ Accrual Change
(Complete Part II)

☐ Status Change
(Complete Part III)

PART I – Only fill in changed information

Change: From \$ 69.89 per hour To \$ 71.99 per hour Hours Per Week: _____

New Weekly: \$ _____ Change in # hours/week _____

Payroll Account #: _____

New Grade: _____ Step: _____ Longevity Change: _____

Reason for change: July 1st - 3% COLA

PART II

New Accruals: Vacation: _____ Sick: _____ Personal Days: _____

Reason for change: _____

PART III

Transfer _____ Retired _____ Resigned _____ Terminated/Lay-off _____

Signatures:

Employee:  Date: _____
Required

Department Head: _____ Date: _____

Town Accountant: _____ Date: _____

Town Administrator: _____ Date: _____

For Office Staff:

Original Date of Hire: _____ Original to Personnel File: _____

Copies: Accounting, Treasurer/Collector's Office, Department Head _____

PAYROLL CHANGES WILL NOT BE MADE WITHOUT THIS FORM

March 2022

Select Board Committee Roles

Selectmen's FY22 Committee Assignments

Capital Planning Committee	Zack Burns, 2 years, ending 6/30/23
Complete Streets Committee	Jim Salvie
Local Access Channel Advisory Committee	Jim Salvie, 2 years, ending 6/30/22
MAPC Selectmen's Alternate	Ellen Sturgis, 3 years, ending 6/30/23
MAGIC Select Board's Rep.	Zack Burns, 1 year, ending 6/30/22
Lower Village Revitalization Committee	Megan Birch-McMichael 1 year, ending 6/30/22
Randall Library Building Committee	Jim Salvie, special term
SMAHT (Stow Municipal Affordable Housing Trust)	Cortni Frecha, 2 years, ending 6/30/23
Town Hall Restoration Committee	Cortni Frecha, 3 years, ending 6/30/24
Tri-Town	Megan Birch-McMichael

MINUTES

Select Board Meeting Minutes
Tuesday, May 24, 2022
Stow Town Building & Zoom

Present in the Warren Room: Megan Birch-McMichael, Ingeborg Hegemann Clark, Cortni Frecha, Ellen Sturgis, and Town Administrator Denise Dembkoski

Chair Sturgis called the meeting to order at 7 p.m. and welcomed the new, and returning, Board member Ingeborg Hegemann Clark (who is a former Board member) and welcomed back Cortni Frecha (who was re-elected for another term). She advised everyone participating in the meeting that Stow TV is recording this meeting. If a vote is not declared as unanimous, the vote will be done by a roll call.

Reorganization of the Board

Chair Sturgis said she has been honored to serve as chair and was not interested in continuing. She asked those interested to speak to why they want to be the chair.

Board member Birch-McMichael listed some responsibilities of the chair, stating the most important is being responsible for running an effective and efficient meeting. She is interested in becoming chair, and said she is highly organized and manages a small business with a staff of 13 employees. She has previously chaired the Lower Village Revitalization Subcommittee. This is her third year being on the Board and she has watched and learned and would like a shot to be the chair.

Board member Frecha agreed with Birch-McMichael's description of the duties of the chair. She sees it as a service to keep the meetings organized and running smoothly. Her goal in meetings is for members to be cordial and deliberate, and kind to both each other and to applicants and visitors. The Board is the public body that sets the tone for how conversations are held publicly in the Town. She has previously chaired the Community Preservation Committee and the Conservation Commission.

Chair Sturgis asked for a motion.

Board member Clark nominated Megan Birch-McMichael as chair. Chair Sturgis seconded the motion and it passed unanimously.

In making her motion, Board member Clark said it is member Birch-McMichael's last year in her term, and although member Frecha has a lot of good experience, she has a few years to become chair.

Chair Birch-McMichael proceeded with the meeting.

Board member Clark nominated Ellen Sturgis as clerk. Board member Frecha seconded the motion and it passed unanimously.

Public Input

Alex Riker, 24 Asa Whitcomb Way, asked the Board to reconsider expediting the filling of the vacant seat on the Board.

Board Member Comments

Board member Clark said that this is the forum for the public to bring ideas forward, either during Public Input or via correspondence to the Board.

Board member Frecha thanked all the voters and the other candidates, adding that it was exciting to run in a contested election that got the Town talking.

Chair Birch-McMichael thanked Ellen for chairing the Board during the past year.

Town Administrator (TA) Report

- Covid cases are up to 42 in town, with a positivity rate of 8.16%.
- Congratulations to Officer Brandon Murphy who graduated from the Police Academy last week. He has started as an officer, and his family welcomed a baby recently. We wish him luck all around.
- A huge 'shout out' to Kathy Sferra who completed her 50th half marathon, one in every state. She ran in North Dakota on Saturday.
- Thank you to the voters for turning up at Town Meeting and the election, and for supporting the Library project. The Board will be asked at the next meeting to disband the existing building committee and to create a new committee to carry the process through design and construction.
- From May 23rd to June 2nd the Gleasondale Bridge contractor will be working extended hours at the project site; work will be from 7 a.m. to 7 p.m. (except on May 27th). Traffic impacts are expected to be minimal.
- The Board will discuss the Special Election at the next meeting. The target date is September 6th, the Tuesday after Labor Day, to be held with the State Primary Election at Center School.
- The TA will be on vacation next week, the week of May 30th.
- Town Planner Jesse Steadman will be resigning this summer. He is leaving municipal government to focus on his Christmas tree business. He has been a tremendous asset to the community and to the Town.

Annual June 1 Appointments

Board member Frecha moved to reappoint Fire Chief John Paul Benoit to the position of Forest Warden, for a one-year term, ending May 31, 2023. Board member Sturgis seconded the motion and it passed unanimously.

Board member Frecha moved to reappoint Francis Ramsbottom to the position of Building Commissioner, for a one-year term, ending May 31, 2023. Board member Sturgis seconded the motion and it passed unanimously.

Board member Frecha moved to reappoint the following inspectors, for one-year terms, ending May 31, 2023:

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

Board member Sturgis seconded the motion and it passed unanimously.

Library Summer Reading Event – Saturday, June 18, 2022

Library Director Tina McAndrew was present via Zoom.

It has been three years since there has been a summer reading program. This will be a community event on June 18 at Town Center Park to promote the kick-off for summer reading. If there is inclement weather the event will be held inside the Library.

Board member Frecha moved to approve a permit for the Randall Library Summer Reading Event, to be held at Town Center Park on Saturday, June 18, 2022 from 4:30 until 6 PM. Board member Sturgis seconded the motion and it passed unanimously.

Stow SpringFest – Saturday, June 4, 2022

SpringFest Committee members Sherry Jusseaume and Jackie Spataro were present via Zoom.

Ms. Jusseaume provided an overview of the 2022 SpringFest. There will be entertainment, baby farm animals, activities, games, touch-a-truck, and more. Proceeds raised from a dunk tank, a blow-up archery game, and the sale of pre-packaged ice cream will go to the Stow Food Pantry. They will have vendors inside and outside, and are still looking for more vendors. There will be three food trucks if the permitting is completed. The Lions Club will be selling food, and their permit is in order. The committee has great sponsors and many volunteers.

The Town Administrator said the pending items are the tent inspections by the Building Inspector on Friday, June 3rd and permits for three food trucks through the Nashoba Associated Boards of Health. The TA said the three food trucks do not have an annual permit from Nashoba and therefore they need to go through that process. Nashoba has a list of 12 food truck vendors that do have the annual permit. Chair Birch-McMichael suggested to Ms. Jusseaume that she get the list of approved food trucks and reach out to them for availability.

Board member Frecha moved to approve a permit for Stow SpringFest, to be held at Center School on Saturday, June 4, 2022 from 11 AM until 4 PM, pending receipt of all the remaining Board of Health permits and inspection by the Building Commissioner. Board member Sturgis seconded the motion and it passed unanimously.

Permit for 2022 Recreation Department Boating Program

Board member Frecha moved, on the recommendation of the Lake Boon Commission, to grant a Commercial Use Permit to the Stow Recreation Department for its boating program for Camp Stow and the Town Beach, for the 2022 season, valid through December 31, 2022, and to waive the \$5 fee. Board member Sturgis seconded the motion and it passed unanimously.

Annual Town Meeting Debrief

Chair Birch-McMichael thanked everyone who attended the meeting.

Member Sturgis is in favor of having an outdoor component going forward. She thinks that the Saturday morning versus Monday night has not changed the voter turn-out, and she prefers the Saturday meeting.

Member Frecha also liked the outdoor celebratory feel, and asked about the electronic voting devices and the added time due to voters transmitting from outdoors.

The TA said it was discovered on Thursday night that additional equipment, including boosters, was needed for the set-up at Hale School. The boosters could not be procured in time. On Friday night, she and Town Clerk Linda Hathaway and IT Director Ron Eld found a way to make the outdoor voting work in an area marked off by cones. On Saturday, with the number of people inside and outside, there was too much interference for the antennas to transmit properly. We have since procured the boosters.

Member Clark said she was outdoors and placed her vote quickly so she did not have a problem voting. She said they've all heard about how young families can participate and hopes they will explore the liabilities and opportunities for this. Chair Birch-McMichael added that the past few years have changed people's relationship with town government and they are feeling more empowered to be part of the process. She would like to see how we can get more people to attend Town Meeting.

Moderator David Walrath did a hybrid method of voting, using both the clickers for some votes and by raising a card for other votes. The Board agreed this was a good method for this meeting. Chair Birch-McMichael said clickers give an accurate vote count that is anonymous.

Kate West, 8 High Street, was working at Town Meeting with the clickers. She spent most of her time outside and one of the issues was if any of the 75 people left the range of the clicker, it had to reregister to the base unit before they could vote.

Abby Morgan, 20 Railroad Avenue, appreciates the anonymity of voting by clicker. Covid has taught us that hybrid approaches are often the best solutions. She has a lot of ideas and hopes to meet about making Town Meeting more equitable, including an intermission.

The TA said that Abby is scheduled to meet with her and the new Moderator in June. The TA added that during Town Meeting, the Moderator asked if the people wanted to take a break, to which the majority responded 'no.'

Meeting Minutes

Board member Frecha moved to accept the meeting minutes of the May 10, 2022 meeting as drafted. Board member Sturgis seconded the motion and it passed 3-0-1 on a roll call vote: Frecha -aye; Sturgis -aye; Birch-McMichael -aye; Clark -abstain.

Correspondence

The Green Advisory Committee (GAC) emailed to ask about a follow-up to the meeting in March. Member Sturgis will follow up with GAC Select Board representative Carol Lynn for the written proposal which was not part of the presentation.

Adjournment

At 7:55 p.m., Board member Frecha moved to adjourn. Board member Sturgis seconded the motion and it passed unanimously.

Respectfully submitted,

Joyce Sampson, Executive Assistant

Documents used at this meeting:

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