

WARRANT FOR

**ANNUAL TOWN MEETING
DECEMBER 3, 2007**

**with
ANNUAL TOWN ELECTION
DECEMBER 13, 2007**



PLEASE BRING TO TOWN MEETING

Table of Contents

Article 1. Rescind October 2005 Vote to Authorize Borrowing and CPA Funds for Cushing Property.....	2
Article 2. Form Land Use Planning Committee - Non-binding Resolution.....	2
Article 3. Purchase Snow Property.....	3
Article 4. Purchase Snow Property and Create Recreational Facilities.....	3
Article 5. Repair and Upgrade Fire/Rescue Department Communications.....	4
Article 6. Establish Agricultural Preservation Fund.....	4
Article 7. Accept MGL Chapter 64, Section 16A: Fill Election Officer Vacancies.....	5
Article 8. Accept MGL Chapter 41, Section 110A: Close Town Bldg on Saturdays.....	5
Article 9. Accept Street as Public Way: Fairway Drive.....	5
Article 10. Accept Street as Public Way: Indian Ridge Road	6
Article 11. Amend General Bylaw: Animal Control	6
Article 12. Amend Zoning Bylaw: Recreation-Conservation District Uses.....	16
Article 13. Amend Zoning Bylaw: Accessory Apartments	18
Article 14. Amend Zoning Bylaw: Cross-country Ski Uses in Residential District Subject to a Special Permit by the Planning Board.....	22
Article 15. Amend Zoning Bylaw: Golf Course Uses in Residential District Subject to a Special Permit by the Planning Board.....	22
Article 16. Town Election.....	24
Question 1. Purchase Snow Property.....	24
Question 2. Purchase Snow Property and Create Recreational Facilities.....	24

TOWN OF STOW

SPECIAL TOWN MEETING

MONDAY, DECEMBER 3, 2007

7:00 P.M.

HALE MIDDLE SCHOOL
HUGH MILL AUDITORIUM

SPECIAL TOWN ELECTION

THURSDAY, DECEMBER 13, 2007

7:00 A.M. TO 8:00 P.M.

HALE MIDDLE SCHOOL
GYMNASIUM



WARRANT FOR 2007 SPECIAL TOWN MEETING

To either of the Constables of the Town of Stow, in the County of Middlesex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL

In said Town on

MONDAY, THE THIRD DAY OF DECEMBER 2007

AT 7:00 P.M.

Then and there to act on the following Articles, namely:

Article 1. Rescind October 2005 Vote to Authorize Borrowing and CPA Funds for Cushing Property

To see if the Town will vote to rescind the vote on Article 2 of the 2005 October Special Town Meeting to purchase the so-called Cushing property, and to rescind the borrowing authority granted under Article 2 for this purpose. The CPA funds appropriated for this purpose shall be unencumbered and returned to the following accounts, in accordance with Massachusetts General Law Chapter 44B, the Community Preservation Act:

\$79,100	Return to Reserved for Open Space/Recreation
\$65,000	Return to Reserved for Affordable Housing
\$955,900	Return to Unreserved Fund Balance;

Or to take any other action relative thereto.

(Community Preservation Committee and Treasurer-Collector)

The Finance Committee recommends in favor of this article. The town cannot complete the project as voted by the town, so the borrowing authority should be rescinded and the CPA funds returned to the proper Community Preservation accounts.

Article 2. Form Land Use Planning Committee – Non-binding Resolution

To see if the Town will vote to have the Selectmen form a Land Use Planning Committee whose purpose is to prepare a Land Use Plan for Stow. The committee will assemble a list of current and future municipal land needs. The committee will also inventory and assess all land

presently owned by the town, and propose where any currently owned lands may be feasibly used for Stow's municipal needs. The committee shall report its findings and be accepted by a town meeting vote prior to any further land purchases.

(Citizen's Petition)

The Finance Committee does not recommend approval of this article. We believe that even a non-binding article could make the Board of Selectmen reluctant to pursue transactions that could benefit the Town.

Article 3. Purchase Snow Property

To see if the Town will vote to appropriate and borrow the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00), or any other sum of money, for the purpose of purchasing for (1) the protection of existing agricultural land, (2) affordable housing and/or (3) recreational purposes approximately 13 acres of land, shown as Parcel 18 on Map R-3 of the Assessors Maps of the Town of Stow, located off Old Bolton Road, Stow, and known as the "Snow Property,"; to authorize the expenditure of \$595,900.00, or any other sum, from the Community Preservation Unreserved Fund Balance and/or \$154,100.00, or any other sum, from the Community Preservation Affordable Housing Reserve Fund and/or the Community Preservation Open Space Reserve Fund in accordance with the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act, and to fund the costs associated with said acquisition, including legal, appraisal, engineering, and other costs or fees associated therewith, and apply for and accept such gifts, federal grants, and/or state grants as may be available for reimbursement to the Town for these purposes, provided further that any grants received shall be used to reduce the total expenditure of general municipal and Community Preservation Funds in an amount proportional to their contribution for the project. Such borrowing is to be undertaken by the Treasurer with the approval of the Selectmen, pursuant to MGL Chapter 44 or as otherwise authorized by law, provided that an affirmative vote on this article shall be null and void and of no further force and effect unless the Town approves by an affirmative vote a ballot question to exempt the debt service on the amount to be borrowed hereunder from the provisions of Proposition Two and One-half; or take any other action relative thereto.

(Board of Selectmen)

The Finance Committee will make a recommendation at Town Meeting.

Article 4. Purchase Snow Property and Create Recreational Facilities

To see if the Town will vote to acquire by purchase or as otherwise provided by General Laws, on such terms and conditions as are in the Town's best interest, 13+/- acres of land shown as Map R-03 Lot 18 on Old Bolton Road, Stow, known as the Snow Property, for one or more of the following uses: active recreation, agriculture, or other municipal purposes so long as areas designated for separate purposes shall be clearly identified and delineated. Further, to authorize the Treasurer, with the approval of the Selectmen, to borrow or transfer from available funds \$650,000.00 (or any lesser sum) to acquire 6 +/- acres of the parcel for general municipal purposes, and to authorize the expenditure of \$595,900.00 (or any lesser sum) from the Community Preservation Unreserved Fund Balance and \$154,100.00 from the Community Preservation Open Space Reserve Fund to acquire 7 +/- acres of the parcel for active recreation and open space in accordance with the provision of Massachusetts General Laws Chapter 44B, the Community Preservation Act, and for the costs associated therewith including legal, title, appraisal, engineering, and other costs or fees incidental thereto, and further to authorize the Board of Selectmen to enter into such agreements, execute such documents, and convey any

restrictions required by MGL Chapter 44B. The 7 +/- acres of the parcel acquired for recreational facilities shall be conveyed to the care, custody and control of the Recreation Commission with the remainder held by the Board of Selectmen for general municipal purposes, but leased for agricultural use for the protection of existing agricultural land by the Board of Selectmen in consultation with the Agricultural Commission and/or Conservation Commission in accordance with the provisions of Chapter 30B, so long as there is a qualified lessee interested in farming this parcel for a fair market value lease rate.

Further, the Town votes to authorize the Treasurer, with the approval of the Selectmen, to borrow or transfer from available funds \$225,000.00 (or any lesser sum) and to expend \$1,100,000.00 (or any lesser sum) from the Community Preservation Unreserved Fund Balance in accordance with the provisions of Massachusetts General Laws Chapter 44B, the Community Preservation Act for costs for the development and creation of recreational fields/facilities on the 7 +/- acres acquired for active recreation and construction, legal, appraisal, engineering, and other costs or fees incidental thereto and apply for and accept such gifts, federal grants, and state grants as may be available for reimbursement to the Town for these purposes, provided further than any grants received shall be used to reduce the total expenditure of general municipal and Community Preservation Funds in an amount proportional to their contributions for the project. Such borrowing is to be undertaken by the Treasurer with the approval of the Selectmen as provided by the law, provided that an affirmative vote on this Article shall be null and void and of no further force and effect unless the Town approves by an affirmative vote a ballot question to exempt the debt service on the amount to be borrowed hereunder from the provisions of Proposition Two and One-half, so called; or to take any other action relative thereto

(Community Preservation Committee and Recreation Commission)

The Finance Committee will make a recommendation at Town Meeting.

Article 5. Repair and Upgrade Fire/Rescue Department Communications

To see if the town will appropriate and transfer from free cash the sum of \$5,000.00, or any other sum, for repairs and upgrades to the Fire/Rescue Department's communication system; or to take any other action relative thereto.

(Fire Chief)

The Finance Committee recommends approval. The article will improve the effectiveness of the Fire/Rescue communications system and will not add to the tax levy since the funds are appropriated from Free Cash.

Article 6. Establish Agricultural Preservation Fund

To see if the Town will establish an Agricultural Preservation Fund for the purpose of preserving existing productive agricultural lands and supporting and revitalizing the Stow agricultural industry. This Agricultural Preservation Trust fund will provide the Town of Stow with the means to exercise options, which include:

- (1) Contributing to Agricultural Preservation Restriction (purchase of development rights and preservation of agriculture rights).
- (2) Exercising the Town's Right of First Refusal under M.G.L. chapter 61A on farmlands.

- (3) Activities deemed to be in the best interest of preserving agricultural land and revitalizing the agricultural industry in Stow.

Management of the Agricultural Preservation Fund shall be overseen by the Stow Agricultural Commission. Moneys may be added to the fund through appropriations, transfers, grants, or gifts. All expenditures must be determined through a public hearing process, with notice to parties concerned, and in conformity with M.G.L. Chapter 39 Section 23B; or to take any other action relative thereto.

(Agricultural Commission)

The Finance Committee recommends in favor of this article. This article will allow the Agricultural Commission to have a separate account to hold any funds it collects and to use them for appropriate agricultural purposes. Approving this article does not appropriate or spend any funds at this time.

Article 7. Accept MGL Chapter 64, Section 16A: Fill Election Officer Vacancies

To see if the town will vote to accept the provisions of Massachusetts General Laws, chapter 54, Section 16A, which provides that the town clerk may appoint a person to fill an election officer vacancy at the opening of the polls, on election day, if one of the election officers is not present; or to take any other action relative thereto.

(Town Clerk)

The Finance Committee recommends approval of this article. We believe that this article will help the Town Clerk conduct orderly elections.

Article 8. Accept MGL Chapter 41, Section 110A: Close Town Building on Saturdays

To see if the town will vote to accept the provisions of Massachusetts General Laws chapter 41, Section 110A which formally closes Town Building on Saturdays; or to take any other action relative thereto.

(Town Clerk)

The Finance Committee recommends that Town Meeting approve this article. We believe this article will not prevent Town business.

Article 9. Accept Street as Public Way: Fairway Drive

To see if the Town will vote to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

Fairway Drive which way is approximately 1033.78 feet long and is as shown on a plan of land by Zanca Land Surveyors Inc., dated October 4, 2002, recorded in the Middlesex South Registry of Deeds on March 17, 2003 as Plan 216 of 2003 and a plan entitled "As-Built Plan and Profile, Fairway Drive, Country Club Estates Revised Subdivision," prepared for Alyssa Real Estate, dated April 23, 2007,

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways; or to take any other action relative thereto.

(Selectmen)

The Finance Committee recommends approval. The Planning Board has reviewed the developer's progress and has recommended acceptance of this street.

Article 10. Accept Street as Public Way: Indian Ridge Road

To see if the Town will vote to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

Indian Ridge Road as shown on a plan entitled "Indian Ridge Road As-Built Plan in Stow, Mass.," prepared for Hudson Road Realty Company, 58 Randall Road, Stow, MA, prepared by Lancewood Engineering, Inc., 178 Great Road, Acton, MA, dated January 13, 1997 and shown in subdivision plans of said road recorded with the Middlesex South Registry of Deeds, at Book 28253, Page 165;

And to authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways; or to take any other action relative thereto.

(Selectmen)

The Finance Committee recommends approval. The Planning Board has reviewed the developer's progress and has recommended acceptance of this street.

Article 11. Amend General Bylaw: Animal Control

To see if the Town will vote to amend the General Bylaw by amending Article 6, Section 7, Animal Control, to read in its entirety as stated below; or to take any other action relative thereto.

(Board of Health)

The Finance Committee recommends approval of this article. The article contains several housekeeping items, including a clearer definition of a commercial kennel. The article, if approved, will also transfer responsibility for dog trials from the Selectmen to the Board of Health.

BOARD OF HEALTH SUMMARY

This article proposed to clarify some definitions and add some changes referring to fees charged, at large animals, and commercial kennels. This article will replace in its entirety the current bylaw.

SECTION 7. Animal Control

a. Definitions

Adoption: The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.

Animal: Every nonhuman species of animal, both domestic and wild, living or deceased.

Animal Control Officer: Any officer appointed by the Board of Health to enforce this bylaw.

Animal Shelter: Any facility or kennel operated by a humane society, the Town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

At Large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.

Commercial Kennel: A kennel maintained as a business established for, or to include, the boarding, grooming, breeding, or sale of dogs.

Dangerous/Vicious Dog: Any dog that attacks, bites, injures, or kills humans or domesticated animals without provocation; or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, injure, or kill humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:

1. Molests and/or intimidates pedestrians or passersby;
2. Has bitten and/or attacked any person;
3. Has bitten, attacked, or killed other domestic animals;
4. Has been found by the Board of Health, after notice to its owner or keeper and a public hearing, to be a dangerous/vicious dog by virtue of being a menace to public health, safety, or welfare.

Keeper: Any person, corporation, or society, other than the owner, harboring or having in his possession any dog.

Kennel: **More than three (3) dogs six (6) months of age or older on a single private premise.**

License Period: The time between January first of any year to December thirty-first of the same year, both dates inclusive.

Livestock or Fowl: Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats, or other pets.