

**AGENDA
BOARD OF SELECTMEN
June 16, 2009
7:00 p.m.
Town Building**

Public Input

Chairman's Comments

Town Administrator's Report

Meeting Minutes

Action/Discussion

- Appointment of Trench Permitting Authority: Building Commissioner
- Appointment of new call firefighters
- Annual appointment of inspectors
- Annual warrant for Animal Control Officer
- Stow Acres liquor license – alteration of premises approved
- Letter to MBTA re additional parking at South Acton station
- Permit for parking at the West School parking lot
- Board of Selectmen's Master Plan responsibilities
- Board of Selectmen's committee memberships and liaison assignments
- Board of Selectmen's meeting schedule

Selectmen's Master Planning

Liaison Reports, if any

Correspondence

Adjournment

Posted 6/12/09

Correspondence

Town:

CC of Planning Board letter on Land Use Partnership and Comm Planning acts, rec'd 5/27
ZBA decisions on 101 Sudbury Rd and Sudbury Rd property Map R-25, Parcel 1A, rec'd 5/28
Recreation Commission letter of interest in Wildlife Woods open space parcels, rec'd 5/29
MART Advisory Board request for 2009-2010 rep, rec'd 5/29/09
Mass Recycle request to support the updated bottle bill, rec'd 6/1
Building permits report for May, rec'd 6/2
CC of MassDEP request to Lake Boon Comm for add'l info on lake drawdown, rec'd 6/10/09
Resident's draft of proposed letter to Acton selectmen re MBTA parking, rec'd 6/12

Suggested motions for June 16 Selectmen's meeting

- **Motion to appoint Trench Permitting Authority:**

I move that the Board appoint the Stow Building Commissioner as the permitting authority to issue permits and otherwise implement the provisions of the Excavation and Trench Safety regulations (including the regulation of trenches, as that term is defined by M.G.L. c. 82A, s.4 and 520 CMR 14.00), as promulgated by the Commonwealth of Massachusetts Department of Public Safety.

- **Motion to appoint new call firefighters**

On the recommendation of the Fire Chief, I move that the Board appoint the following new call firefighters to one-year terms, expiring on June 30, 2010:

Francie Adams
Fred Brooks
Carolyn Fisher
Jason Galofaro
David Hawksley
Frank Patterson
Robert Smart
Bryan Willett

- **Motion to appoint inspectors**

I move that the Board appoint the following inspectors to one-year terms, expiring on May 31, 2010:

Wire Inspector: Robert W. Norton
Deputy Wire Inspectors: Michael A. Norton and Charles Weeks
Gas Inspector: Ray A. Smith
Deputy Gas Inspector: Robert Smith
Plumbing Inspector: Eric S. Sahlberg
Deputy Plumbing Inspectors: Ray A. Smith and Adam Sahlberg
Local Building Inspectors: Douglas Hyde and Ray A. Renzoni

- **Motion to issue annual warrant for animal control:**

I move that the Board issue the annual Dog Control Warrant to the Stow Animal Control Officer, in accordance with MGL Chapter 140, section 151A.

- **Motion to approve Stow Food Services (d/b/a Stow Acres) liquor license:**

I move that the Board approve the Stow Food Services, Inc. liquor license, with the alteration of premises approved by the ABCC on May 28, 2009.

- **Motion to send MBTA parking letter to Acton Selectmen**

I move that the Board send a letter to the Acton Board of Selectmen regarding the MBTA parking situation in West Acton, as described in Allan Fierce's draft letter, and authorize Steve Dungan to finalize and sign the letter on behalf of the Board.

- **Motion to permit parking at West School on Saturday:**

I move that the Board approve the use of the Stow West School parking lot by Bob Turner, 212 Harvard Road, on Saturday, June 20, 2009, for the purpose of overflow parking from his residence. The Stow Police Chief and the Public Safety Officer support this use of the parking lot for public safety reasons.

TUNE 16th Selectmen

Stow Selectmen's Office

From: TownAdministrator [TownAdministrator@stow-ma.gov]
Sent: Wednesday, May 27, 2009 9:40 AM
To: Mike McLaughlin
Cc: Susan McLaughlin
Subject: RE: New Call Firefighters

Susan, would you include this on the next agenda. Thanx, Bill.

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

From: Mike McLaughlin [mailto:FireChief@stow-ma.gov]
Sent: Tuesday, May 26, 2009 4:09 PM
To: Town Administrator
Cc: Susan McLaughlin
Subject: New Call Firefighters

Bill,

I would like to have the following individuals appointed as Call Firefighters. They are completing their formal recruit firefighter training this weekend.

Francie Adams

Fred Brooks

Carolyn Fisher

Jason Galofaro

David Hawksley

Frank Patterson

Robert Smart

Bryan Willett

If you need more information, please let me know.

Thank you,

Mike

Mike McLaughlin
Stow Fire Chief
Stow Fire Department
16 Crescent Street
Stow, MA 01775
Phone: (978) 897-4537
Fax: (978) 461-1400
Cell: (978) 580-7774



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

To Susan Latham, Animal Control Officer of Stow:

In the name of the Commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said town not duly licensed, collared or harnessed, and tagged, according to the provisions of Chapter 140 of the General Laws, and you are further required to make and enter a complaint against the owner or keeper of every such dog, and to kill or cause to be killed by methods of execution other than gunshot except in case of emergency, T-61, so-called, an euthanasia solution not under the control of the Federal Drug Enforcement Administration, unless by a veterinarian, succinylcholine chloride, any drugs that have a curariform-like action, electrocution or any other method which causes an unnecessarily cruel death, each dog which after being detained for a period of ten (10) days, shall not then have been duly licensed, collared or harnessed, and tagged, except that any male or any spayed female dog not found to be diseased may be made available for adoption for not less than three dollars (\$3.00), and you shall keep an account of any such adoptions and forthwith pay over the money to the Town Treasurer. Before delivery of any dog so adopted you shall require the purchaser to show identification and to register and procure a license and tag for such dog from the Town Clerk of the town where the dog is to be kept, in accordance with the provisions of Section 137 of said Chapter 140 of the General Laws.

Hereof fail not, and make due return of this warrant with your doing therein, on or before the first day of October next, on or before the first day of January next, and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, or adopted, and the name of the owners or keepers thereof, and whether all unlicensed dogs in said town have been caught, confined and/or killed, or adopted, and the names of persons against whom complaints have been made under the provisions of said MGL Chapter 140, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said Chapter 140.

Given under my hand and seal at aforesaid the 16th day of June 2009.

Stephen M. Dungan
Chairman, Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION

RECEIVED

JUN 1 2009

Town of Stow
BOARD OF SELECTMEN

FORM 43

124600003
License Number

Stow
City/Town

2/11/09
Date

Type of Transaction (Please check all relevant transactions)

- New License
- Transfer of License
- Change of Manager
- Transfer of Stock
- New Officer/Director
- Change of Location
- Alter Premises
- Pledge of License
- Pledge of Stock
- Other _____

Stow Food Services, Inc.
Name of licensee

04 295 3881
FID of Licensee

Stow Acres Country Club
D/B/A

Walter E. Lankau, Jr.
Manager

58 Randall Road Stow MA 01775
Address: Number Street Zip Code

Annual All Alcohol Restaurant
Annual or Seasonal Category: All Alcohol, Wine & Malt Type: Restaurant, Club, Package Store, Inn, General on Premise, Etc.

Description of Licensed Premises: Building with basement, first floor, second floor, and grounds of the south course and the north course.

Application was filed: 2/13/09 noon
Date & time

Advertised: 3/11/09 The Stow Independent
Date & Publication

Abutters Notified Yes No

Person to contact regarding this transaction:

Name: Walter E. Lankau, Jr.
Address: 58 Randall Road, Stow, MA 01775
Phone #: 978 568-1100 x 104

MAY 28 2009

Remarks:

The Local Licensing Authorities

By: Thomas Pappas
MENSON
Laura Spear

[Signature]
Alcoholic Beverages Control Commission

Remarks: APPROVED
P.K.

Stow Selectmen's Office

From: Fierce, Allan (LSP) [Allan.Fierce@state.ma.us]
Sent: Friday, June 12, 2009 10:35 AM
To: Stephen Dungan
Cc: Susan McLaughlin (bos)
Subject: RE: letter to Acton selectmen

Steve,

A draft letter is attached. I know you may wish to modify it and to add additional diplomatic niceties. That's fine. Please feel free to call me if you have any questions about the facts or the letter. Kudos to the Selectmen for doing this. Please let me know if you receive any response to the letter.

Allan Fierce
(O) 617-574-6870
(cell) 978-621-9850

From: Stephen Dungan [mailto:s.dungan@comcast.net]
Sent: Tuesday, June 02, 2009 3:39 PM
To: Allan (LSP) Fierce
Cc: Susan McLaughlin (bos)
Subject: letter to Acton selectmen

Allan, I want to take you up on your offer to prepare a draft letter re: construction of additional parking at the S. Acton station. We meet again on June 16, so if you can get something to me and Susan before then, we'll make sure it is on our agenda for that evening.

Thanks, Allan.

Steve

6/12/2009

[Stow Letterhead]

June 17, 2009

Board of Selectmen
Acton Town Hall
472 Main Street
Acton, MA 01720

Re: Parking at South Acton Commuter Rail Station

Dear Selectmen:

On behalf of the residents of the Town of Stow, we respectfully request that the Town of Acton move quickly to accept the MBTA's offer to construct a deck over the parking lot at the South Acton commuter rail station, creating a second level of parking there. Our reasons for making this request are as follows.

The presence of the South Acton commuter rail station is an enormously beneficial resource for the entire local area.

First, taking the train saves our area commuters significant time and reduces their stress levels. The alternative, driving to Cambridge or Boston, has become a painfully frustrating, tension-filled nightmare that takes almost twice as long during rush hours as the trip takes on the commuter rail.

Second, taking the train reduces congestion on our local area roads. That twice-daily traffic flow from our area heading towards Boston on Routes 2, 2A, 62, and 117 would be at even higher levels without the South Acton station. The quality of life in our local area is diminished by traffic flows at such high levels on our major traffic arteries.

Third, taking the train avoids contributing to harmful, ground-level pollution generated by commuters' vehicles. In particular, commuter traffic generates significant amounts VOCs and Nitrogen Oxides that pollute the air of eastern Massachusetts, especially during the summertime when those pollutants combine to create ground-level ozone that is particularly harmful to children, the elderly, and those with respiratory ailments.

And, finally, taking the train contributes far less CO₂ to the atmosphere than does commuting to work by car. Given the dire warnings scientists are now making about the grave consequences to mankind and the planet unless CO₂ emissions are reduced significantly, and fast, it behooves us as governmental leaders in our local area to encourage as much use of commuter rail as possible.

Unfortunately, the desire of our citizens to take the train to work, and any efforts we as leaders make to encourage this, are currently hampered by the shortage of available parking at the South Acton commuter rail station. At the station's lot, all the parking spaces for non-Acton residents are almost always taken by the time the 7:18 a.m. train arrives. Although conveniently timed morning trains depart South Acton for Boston at 7:37, 7:58, and 8:41 a.m., these trains leave with many seats unfilled simply because those who might prefer to catch one of these trains have no convenient place to park. Similarly, if you are not commuting to work but are, say, retired or a mother with young children and you want to travel in to Boston by train later in the morning, forget about catching the 9:25 or 11:02 from South Acton. You can't park there.

As a matter of public policy, this is shameful. After 7:18 a.m., due to the shortage of parking spaces at South Acton, hundreds of empty train seats are being hauled daily into Boston by multiple trains while drivers, who but for a parking space would gladly fill those train seats, are inching angrily down Route 2 or 117, contributing to congestion, Boston's unhealthy air, and Global Warming.

We credit the Town of Acton for locating and using a couple of satellite lots to afford parking to additional train users. We know that some residents from Stow are renting spaces on a quarterly or semi-annual basis from Acton at the Jones baseball field, along Stow and Martin Streets in Acton. While they are grateful to Acton for this parking option, some are also reporting occasional denting of their vehicles from the many foul balls hit there. Thus, it is not an ideal solution, nor a sufficient one. More spaces are needed, especially for the not-uncommon train user who does not need a space every day and for whom a long-term daily rental is impractical.

As you know, the shortage of parking at the South Acton station is not a new problem. It has been around for at least the past 5 years. Various options have been discussed but, other than advertising satellite lots and renting spaces at Jones field, nothing else has been implemented. All the talk about shuttle busses has gone nowhere. Perhaps Acton came to the same conclusion Stow did a few years ago when Stow Selectman Greg Jones studied the shuttle bus option here and found that, given the wide range of times people would like to catch the train in the morning and the wider range of times they return home, it would not be economical to run a shuttle bus. The fees that would have to be charged to cover the costs would deter usage.

The only realistic answer is to have more parking made available at or near the train station. And not just a few more spaces. Local area commuters need many more parking spaces.

Luckily, another option discussed previously remains viable, although probably not for long. As you know, as a result of a settlement agreement with environmental groups resolving litigation over "mitigation" requirements for the Big Dig construction, the MBTA incurred an obligation to construct 1,000 parking spaces at commuter rail stations throughout its service territory by the end of 2011. As we understand it, to meet a portion of this commitment, the MBTA has offered to construct a deck over the parking lot at the

South Acton commuter rail station, creating a second level of parking there for between 120 and 130 vehicles. That offer was initially presented to Acton at least a year ago and was again verbalized by the MBTA at a public meeting Acton and the MBTA held in late April of this year to discuss plans for improvements, including accessibility improvements, to the South Acton station and its platform(s).

We are concerned that Acton appears to have taken no action towards accepting that offer, which seems to be an ideal solution to the parking shortage at the South Acton station. We are also concerned that time may be running out. While Acton contemplates the MBTA's offer, the MBTA is undoubtedly lining up other communities in which to construct 1,000 spaces by 2011. Once it fulfills that commitment, Acton – and the rest of the local area – will lose this option to address a critical need.

We urge you, the Acton Board of Selectmen, to do everything within your power to move forward with the Town's acceptance of the MBTA's offer, before it is too late and the offer is withdrawn.

Perhaps we are in error and Acton is actually moving forward with its acceptance of the MBTA's offer. If so, please let us know. But if no action is being taken by Acton, we would appreciate the courtesy of a response explaining why not.

We understand that there are concerns in the immediate neighborhood about adding a second level to the parking lot. Some of these concerns arise out of a fear of additional traffic flowing into the neighborhood to access the station. This concern seems to us to be mitigated by the likelihood that once additional parking is available and commuters are able to ride all the morning trains, not just those at 7:18 a.m. and earlier, the traffic will be more evenly spread out over the course of the morning. Congestion may well be reduced, not enhanced.

We as Selectmen in Stow and Acton are faced with neighborhood opposition on many projects, yet we are not deterred from making the tough decisions that serve the greater public good. That's our job. So, yes, listen to the neighbors and obtain their input, e.g., on the design of the new parking deck. But please do not let them make your decision for you by default.

We look forward to hearing from you.

Sincerely,

[Stow Selectmen]