

IN BOARD OF SELECTMEN
MONDAY, MARCH 10, 1997

Present: Chairman Lawrence L. Blacker and Selectmen Maryann K. Clark and John C. Drobinski.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:30 p.m. in the library at the Sudbury Town Hall.

Citizen Comments

Joyce Friedman, 18 Mark Lane, stated that she supported the Board's "bundling" of the capital items that had passed the Special Town Meeting. She said that the Town had become a place where often families only stay two or three years and although they support the school issues, they do not look to the Town's other needs. She said that she was an advocate for all of the projects and hoped that the Board would "bundle" them again if they failed to pass at the March 31 election.

Chairman Blacker expressed his appreciation of her comments. Selectman Drobinski agreed, saying that he believed that the Board had to act for the collective good of the community.

Street Layouts - 1997 Annual Town Meeting

At 7:35 p.m., the Board convened a public hearing on the acceptance of street layouts for the 1997 Annual Town Meeting.

Chairman Blacker explained that generally the Board approves the street layouts recognizing that the Planning Board and Conservation Commission or other officials may advise of unresolved problems at the Town Meeting which may cause their withdrawal. He stated that the Board votes to approve the acceptances and the Townspeople vote whether to accept them.

One resident from Saunders Lane asked about the procedures and the Board explained that unless there is an objection at Town Meeting, they pass automatically. Selectman Drobinski noted that in the case of Saunders it seemed that it was only a matter of confirmation that "as built" met the plans. Chairman Blacker noted that he had never known one not to pass eventually. Selectman Clark stated that the Town would be responsible for maintaining the road even prior to acceptance.

It was on motion unanimously

VOTED: To lay out the following streets for acceptance under Article 4 of the 1997 Annual Town Meeting:

- (a) Bowker Drive, from Ford Road to Elsbeth Road (1,195 ft. +/-);
- (b) Saunders Road, from Bowker Drive to dead end (500 ft. +/-);
- (c) Cutler Farm Road, from Woodside Road to dead end (2,227 ft. +/-);
- (d) Read Road, from Cutler Farm Road to Cutler Farm Road (694 ft. +/-);
- (e) Harness Lane, from end of 1971 Public Layout to dead end (105 ft. +/-);
- (f) Butler Road, from end of 1952 Public Layout to dead end (137 ft. +/-).

The Board signed the street layouts.
Renewal Sunday Entertainment License - MoonShadow Cafe

Upon request for renewal and amended hours of a Sunday entertainment license from MoonShadow Cafe and Catering, 385 Boston Post Road, and with notice having been provided to abutters and Mill Village Realty Trust, the Board convened a public hearing at 7:50 p.m.

The Board was in receipt of a communication, dated March 8, 1997, from Deborah R. Taylor, President, and Dixie Esseltine MD, Vice President, MoonShadow Cafe, 385 Boston Post Road, stating that they could not attend the meeting, but sought to change their Sunday Entertainment License hours. They stated that originally they had light classical entertainment during Sunday brunch, but have decided to close on Sundays with the exception of an occasional private party. Due to the change in use, they request a change in entertainment hours from 1:00 p.m. to 8:00 p.m., instead of the current 11:00 a.m. to 3:00 p.m.

Gary T. Finerty, 28 Maple Avenue, stated that he had no objection provided the same conditions, such as keeping the back door closed, would apply. He informed the Board that he had lost some seven trees screening his property from the cafe and was concerned regarding the sound factor.

Chairman Blacker stated that the same conditions would apply, only the hours were changing.

It was on motion unanimously

VOTED: To renew the Sunday Entertainment License for MoonShadow Cafe and Catering, 385 Boston Post Road, permitting live music with a maximum of three musicians from 1:00 p.m. to 8:00 p.m. each Sunday for the ensuing year, expiring March 8, 1998.

Minutes

It was motion unanimously

VOTED: To approve the minutes of February 24 and 25, as drafted, and February 26, 1997, as amended.

Selectman Clark requested that adoption of the February 10, 1997, minutes be considered at the next meeting of the Board and the Board concurred.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$87.70 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Donation - Ambulance Gift Account

It was on motion unanimously

VOTED: To accept a donation in the mount of \$50.00 from Mr. and Mrs. Joseph Proud to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief.

Permission for Boy Scout Road Rally

Upon request, it was on motion unanimously

VOTED: To permit, subject to any reasonable requirements as may be imposed by the Police Department, the Knox Trail Council, Boy Scouts of America, to travel through the Town on Saturday, May 31, 1997, and to use the Town Hall's parking lot as a check point stop during their Explorer Road Rally, which takes place over a three-hour period, beginning in Sudbury at Camp Nobscot and ending in Bolton at Camp Resolute, the purpose of which is to promote driving safety.

Permission for Licensees to Sell Alcoholic Beverages during the Polling Hours of the Town Election on March 31, 1997

It was on motion unanimously

VOTED: To grant permission to holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the March 31, 1997, Town Election, in accordance with General Laws chapter 138, s.33.

Acknowledgment of Lack of Renewal of Sunday Entertainment License - Jezebel's

The Board acknowledged the fact that the Sunday Entertainment License held by Jezebel's Restaurant expired on March 9, 1997, and that the licensee did not seek to renew such license.

Issuance of One-day Liquor License - Congregation B'Nai Torah

Upon request, it was on motion unanimously

VOTED: To issue a one-day wine and malt beverages license to Congregation B'Nai Torah to accommodate an art auction to be held on May 3, 1997, at 80 Woodside Road and it was further

VOTED: To waive the license fees for said liquor license.

(Selectmen Clark and Drobinski in favor and Chairman Blacker abstaining.)

Trustees of Town Donations - Educational Brochure

Present: Mary Ellen Normen Dunn, Town Treasurer and Collector and others.

The Board was in receipt of a proposal by Mary Ellen Normen Dunn, Town Treasurer and Tax Collector, to develop an educational brochure for the Town's trust funds to be prepared by utilizing the Senior Community Tax Work Program.

It was on motion unanimously

VOTED: To approve the proposal by Town Treasurer and Collector Dunn to develop an educational brochure to market the Town's trust funds and to utilize the Senior Community Tax Work Program in preparing such.

Chapter 766, Special Needs State Mandate Law - Ashland School Committee

The Board was in receipt of a communication from Barry Ruthfield, Superintendent of School, Ashland School Committee, dated February 27, 1997, stating that the Ashland School Committee had formed a special subcommittee to study the financial implications that Chapter 766, the Special Needs State Mandate Law imposes on local school districts and to determine what services are the responsibilities of the school district and what are the responsibility of other agencies. He invites a representative from the Town of Sudbury Board of Selectmen to attend a meeting to be held on Monday March, 17 at 7:30 p.m. in the office of the Superintendent, David Mindness School, 90 Concord Street, Ashland on this topic.

Chairman Blacker directed Town Manager Ledoux to refer such matter to the School Committee.

Selectman Drobinski suggested that the Town Manager also refer the matter to the Lincoln-Sudbury Regional High School District Committee.

Strategic Planning Committee

Town Manager Ledoux submitted to the Board a list of community strengths and weaknesses developed by the Strategic Planning Committee. He said that these had been developed after two meetings with the facilitator and that the Committee is scheduled to meet again on March 17.

Selectman Drobinski commented that the lists were quite interesting.

Chairman Blacker noted that in several instances the same factor was listed both as a strength and a weakness.

Selectman Clark stated that it is amazing to see the number of things that people agree on.

Boston Edison - December 7 Storm Response

Town Manager Steven Ledoux reported that he had received a letter from John Higgins, Boston Edison, stating that the Town undoubtedly had incurred a great deal of expense in responding to the December 7 storm, when large segments of the Town were without power for several days. For that reason, Boston Edison extended a \$5,000 energy credit to be applied to the Town's utility bill. Town Manager Ledoux stated that he would be meeting with a Boston Edison representative to determine how to apply the credit. He noted that each Town Department incurs a separate electric bill.

The Board directed the Town Manager to respond in writing and in a positive fashion to the communication and offer extended by Boston Edison.

Selectman Clark expressed dismay that the Company had not elected to compensate the several private individuals who had suffered considerable damage due to the power outage.

Melone Property - Highway Department Request for Use as Storage Site

Town Manager Ledoux informed the Board that Robert A. Noyes, Highway Surveyor, had requested that the Highway Department be able to use the Melone Property as a temporary storage site for sand.

The Board responded that such use would be acceptable provided: (1) that the materials being stored did not contain any salt or hazardous substance(s) that might affect the environment and impact the marketability of the gravel to be sold from the site; and (2) that the amount of materials stored and the length of the storage period would not affect the marketing and sale of the gravel to be extracted from the site.

Annual Town Meeting

A. Joint Meeting

Town Manager Ledoux stated that the School and Finance Committees have requested a joint meeting with the Board on April 3, 1997, to discuss matters regarding the Annual Town Meeting in the aftermath of the March 31, 1997, Town Election, which includes the bulk of the Town's capital items.

The Board concurred.

B. Board Position on Articles

The Board agreed to support the following articles: Articles 1, 7-10, 14, 27-30, 33-35, 43-45, 51 and 52.

The Board agreed to oppose the following articles: Articles 23 and 24. The Board did so, noting that it is in the purview of the School Committee, not individuals, to set the budget for the K-8 classes.

The Board agreed to report at Town Meeting on the following articles: Articles 2-5, 11-13, 15-22, 25-26, 31-32, 36-42, 46-50 and 53-57.

Site Plan Special Permit Application SP97-334 - Michael J. Coutu - 740 Boston Post Road

Present: Michael J. Coutu, President, Ron Boucher Associates, Inc., and Landscape Creations, Inc., and others.

At 8:00 p.m., the Board convened a public hearing on Site Plan Special Permit Application SP97-334 of Michael J. Coutu, President, Ron Boucher Associates, Inc., and Landscape Creations, Inc., in accordance with Zoning Bylaws Art. IX.V.A to construct a 2,000 sq. ft. carriage house to store vehicles and equipment and revise/reduce parking area, to be used with existing building for a landscape

architectural and construction business, at 740 Boston Post Road, BD#6 and Residential A-1 zones, owned by Nancy C. Grellier.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier on February 13, 1997 and February 20, 1997. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlborough, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. Excerpt of Minutes from the Water Resources Protection Committee, dated February 11, 1997, noting that the Board should be aware that construction at this site must comply with the Water Resources Protection Bylaw requirements and that the board should be cautious about permitting the storage of potentially hazardous materials, such as pesticides.
2. Communication dated March 6, 1997, from Board staff, noting that the Conservation Coordinator reports there are no wetland issues on the site.
3. Communication, dated March 7, 1997, from Board staff, noting that the Chief of Police has no problems with this site plan.
4. Communication, dated March 7, 1997, from Frank W. Riepe, Chairman, Design Review Board, recommending approval of this site plan, subject to review and approval of signage.
5. Communication, dated March 5, 1997, from Carmine L. Gentile, Chairman, Planning Board, stating that the Planning Board unanimously approves this site plan. He also notes that the plan requires a Water Resource Protection District Special Permit, which is being reviewed and no problems are anticipated.
6. Communication, dated January 31, 1997, from Michael C. Dunne, Fire Chief, stating that the site plan poses no fire safety issues.
7. Communication, dated February 7, 1997, from John B. Hepting, Inspector of Buildings, stating that the Building Department recommends approval of this site plan. He informs the Board that the proposed carriage house is shown on the zone change line from BD to A-1. He states that such is acceptable without the normally required 20' buffer since the same person owns both zones. He notes that a more restrictive zone may be used to serve a less restrictive zone provided the nature of the use is "passive".
8. Communication, dated February 12, 1997, from I. William Place, Town Engineer, stating that
 - (1) drainage calculations should be prepared and stamped by a Registered Professional Engineer;
 - (2) suggesting a "Do Not Enter" sign and double yellow center line be placed as shown on a plan titled, "Topographic Plan of Land in Sudbury, MA" by Everett M. Brooks, dated October 5, 1988; and
 - (3) since no loading area has been shown, deliveries should be restricted to non-working hours to avoid conflict with employee and customer traffic.

9. Communication dated March 10 from Board staff, indicating the Board of Health has no concerns.
10. Proposed Site Plan Application and Schedule of Drawings, including Cover, Site Plan, Landscape Plan, and Architectural Plan, date-stamped January 30, 1997, by the Town Clerk, prepared by John R. Snelling, State Registered Land Surveyor, and Ronald P. Boucher, State Registered Landscape Architect.

Michael J. Coutu, President, Ron Boucher Associates, Inc., and Landscape Creations, Inc., stated that he grew up in Sudbury and has been in business on Mossman Road for some thirty years. He stated that he plans to relocate his business to the former Want Ad Building at 740 Boston Post Road and plans a number of improvements to the site. He said that the lot at the site is a split zone, with the front being zoned business and the rear, residential. He stated that he notified some 45 households in the neighboring area of his plans and has had meetings and discussions with 12 adjacent property owners. He said, as a result of these discussions, he made minor changes to his original plans. Most of those changes were to further isolate and screen the residential neighborhood from the business activities anticipated at the site. He stated that the former business at the site, The Want Ad, was a very busy one with numerous employees and customers. Mr. Coutu anticipates that his business will have less traffic and is generally seasonal with most work occurring from March through September. He agreed that the entrance roadway in front of the site is very confusing and he is amenable to the safety suggestions of installing one-way (Do Not Enter) signage and a double yellow center line.

Mr. Coutu stated that the existing building has considerable charm and he plans to enhance its character in keeping with the "Sudbury look". He said that he plans to remove the asphalt in front of the building and install a green space, and parking will be in the rear. He proposes the construction of a 2200 square foot carriage house to house equipment and trucks used in his business. He stated that the design of the carriage house will be in keeping with the residential character of the neighborhood. He said that antique cobble stone and granite curbing will be utilized. The rear of the property will be enclosed with a stockade fence and there will be layers of tree and shrub screening to isolate the residential areas adjacent to the site. He stated that some security lighting will be needed but most lighting will be by colonial post lanterns and other low profile landscape lighting.

Mr. Coutu informed the Board the trucks used in his business are generally dispatched first thing in the morning and crews return at 5:00 p.m. He also noted that in some cases equipment is left at the work site. He opined the traffic from his site would not add to the existing traffic on Route 20 during those time frames.

Regarding the "use variance", Mr. Coutu stated he had no problems with it being restricted to him personally so long as it was not so restrictive that it would preclude him from selling the property in the future.

Mr. Coutu added that he had recently received a request from a neighbor asking that he maintain the old carriage path along the north boundary of the site to allow children from the west safe access to the roadway. He stated he was willing to do so, but the neighbors would have to work out the maintenance issues where the path extends beyond his property.

Selectman Drobinski asked if he needed the required 27 parking spaces, and Mr. Coutu responded in the affirmative.

Selectman Clark asked if there would be enough space for large trucks to maneuver in the proposed area at the rear of the site, and Mr. Coutu stated that he would have to schedule such deliveries when the parking facility is not being used. He said that the holding of nursery stock is merely temporary.

Selectman Drobinski stated that it is an excellent plan and Selectman Clark agreed.

Michael MacKeen, 39 Washington Drive, stated that Mr. Coutu had gone out of his way to include the neighbors in the development of this site plan and he should be applauded for his cooperative efforts. Mr. MacKeen also said that he expected some sort of commercial use and he was very pleased with the proposed one.

John Besemer, 17 Lafayette Drive, said the proposed project would be a tremendous improvement to current conditions on the site.

Chairman Blacker moved to continue the hearing until the Board's next regularly scheduled meeting at 7:30 p. m., March 24, 1997, to allow for a written Decision to be prepared, incorporating the conditions discussed herein and to remove any unnecessary boilerplate, and it was unanimously

VOTED: To continue this hearing for Site Plan Special Permit Application SP97-334 of Michael J. Coutu for property at 740 Boston Post Road until such time, for the sole purpose of approving and signing a Decision therefor.

Subsequently, Selectman Drobinski notified the Board that he is scheduled to be out-of-town from March 20 through March 29, 1997, and the Board agreed to amend its previous vote, in that, the continuation of the site plan hearing would occur on March 20, 1997, at 8:00 a. m., or alternatively, on March 24, 1997, at 7:30 p.m., depending on subsequent arrangements. Furthermore, the Board directed Town Manager Ledoux to notify Mr. Coutu of any new time and date.

Site Plan Special Permit Application SP97-335 - Craig Wambolt - 736 Boston Post Road

Present: Craig Wambolt, owner, The Frugal Flower, Inc., and Mark Wambolt, contractor, and others.

At 8:00 p.m., the Board convened a public hearing on Site Plan Special Permit Application SP97-335 of Craig Wambolt, owner of the Frugal Flower, Inc., for a site plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A. to remove existing buildings and construct a 6,624, plus or minus, square foot garden center comprised of a florist shop and greenhouses with parking facilities at 736 Boston Post Road, BD#6 and Residential A-1 zones, owned by Nancy C. Grellier.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier on February 13, 1997 and February 20, 1997. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlborough, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. A communication, dated February 7, 1997, from John B. Hepting, Inspector of Buildings, stating: (1) this site is subject to the split zone rule, i.e., the more restrictive zone may be used to serve the less restrictive zone provided the nature of the use is "passive"; (2) the parking analysis should appear on the site plan and floor plan sheet; (3) no drainage calculations have been submitted; (4) there is no landscape plan; and (5) a special permit is required from the Planning Board under Zone III, Water Resource Protection District.

2A. A communication, dated February 10, 1997, from I. William Place, Town Engineer, stating: (1) no pre and post development runoff calculation for the various storm events have been submitted; (2) no landscape plan has been submitted; (3) no parking calculations have been submitted; (4) a curb cut from the Massachusetts Highway Department is needed; (5) overhead utilities are prohibited; and (6) no loading area has been proposed for truck delivery service.

2B. A communication, dated March 10, 1997, from I. William Place, Town Engineer, addressed to the Planning Board, stating: (1) the plan does not show the Water Resource Protection District Zones, surface water bodies and wetlands within one-half mile of the site; (2) catch basin detail needs to be added to the plan, with a 4' sump and equipped with a gas and oil trap Lebanon type L219 or equivalent; (3) runoff calculations need to be submitted for the various storm frequencies, with mitigating measures for controlling the rate of runoff added to the site plan.

3. A communication, dated March 5, 1997, from Carmine L. Gentile, Chairman, Planning Board, stating that the Planning Board recommends approval of this site plan with the following conditions: (1) underground utilities; (2) submission of a landscape plan, including lighting, prior to approval; (3) a variance from the Zoning Board of Appeals is needed to locate a freestanding sign within three feet of the property line; (4) relocation of the easternmost access drive to achieve a 200' separation between the two accesses; (5) upgrading the walkway along the front of property, if needed; (6) acquisition of curb cut permit from the Massachusetts Highway Department and it is recommended that granite curbing at the access roundings up to the property line be used instead of the proposed bituminous concrete curbing; (7) acquisition of a Water Resource Protection District Special Permit from the Planning Board, which is currently under review.

4. A communication, dated February 21, 1997, from Deborah Dineen, Conservation Coordinator, stating current conditions at the site could be improved, i.e., drainage and establishment of wetland buffers. A stream and large pond, owned in part by the Conservation Commission, is located in the northwest section of the site. She states that the proposed site plan drainage design meets Bylaw requirements and the DEP's new Stormwater Guidance policy requirements. However, she said that the 3' sumps in the catch basins should be replaced with 4' sumps and grease/gas traps installed. She also said that a maintenance schedule for drainage structures should be included. She informed the Board that filings under both the Wetlands Protection Act and the Wetlands Bylaw are necessary. She recommends that the cape cod berm be augmented with earthen berm behind it to ensure flow to the drainage system, planted in a conservation mix and mowed one time each year after September 1. She further recommends a conservation restriction for all areas on the wetland side of the berm.

5. A communication, dated February 18, 1997, from Michael C. Dunne, Fire Chief, stating that the proposed plan does not pose a fire safety concern.

6. A communication, dated March 7, 1997, from Frank W. Riepe, Chairman, Design Review Board, recommending this site plan, subject to review and approval of signage and landscape plans.
7. A communication from Board staff, dated March 7, 1997, indicating that the Chief of Police has no problems with this site plan.
8. Excerpt of Minutes from the Water Resources Protection Committee, dated February 11, 1997, noting that the Board should be aware that construction at this site must comply with the Water Resources Protection Bylaw requirements.
9. "Site Plan of Land in Sudbury, Massachusetts, owned by: Nancy C. Grellier, developed by: Craig Wambolt", dated January 21, 1997, stamped by State Registered Engineer, Robert J. Parente, and architectural rendering dated January 20, 1997, drawn by Rack and Ruin Design.
10. A report dated March 10, 1997, provided verbally from the Health Director, advising the location needs to be tested for the septic system, which requires Board of Health approval.

Craig Wambolt, President of Frugal Flower, Inc., stated that he proposed to demolish the existing buildings on the site and construct a new building to house his garden center and florist business. He said that the subject land was formerly the site of Bay Path Nurseries. He stated he had met with many of the neighboring property owners and most of them were in favor of the proposed project.

Mr. Wambolt informed the Board that he had no problem moving the driveway two feet to the east and he had applied for a curb cut from the state. He further stated that the requests made by the Conservation Commission were fairly minor and could be accommodated. He noted his plan involved the installation of only 600 more square feet of impervious surface at the site. He stated he recently reviewed the condition of the sidewalk in front of the site and it appeared that only a surface dressing was needed. He noted the required number of parking spaces would be provided in the rear of the building.

Mr. Wambolt presented elevations of the proposed structure for the Board to review.

Selectman Drobinski asked the height of the proposed building.

Mark Wambolt, contractor for the project, stated that the height would be 33' 6" at the roof line, and the code, without considering a chimney, is 35'.

In response to concerns regarding a loading area for truck deliveries, Mr. Wambolt explained that the plan includes a gravel drive in the front, and large truck deliveries would only involve the seasonal delivery of Christmas trees. He stated that nursery stock is delivered in small trucks. He also informed the Board the gravel area in front would provide emergency access to the building.

Selectman Drobinski asked what would prevent customers from using this area for parking, and Mr. Wambolt responded that it would generally be used as a display area.

When asked what construction materials would be used, Mr. Wambolt stated that the greenhouse wings would be clear glass and carbonate, the siding would be cedar clapboard, and there would be wood windows and architectural roofing shingles.

Frank C. Sweet, Jr., 735 Boston Post Road, stated he was pleased that the greenhouses would be more like conservatories. He asked if there would be enough parking. He commented that it is often like a "zoo" around Russell's on Sundays.

Mr. Wambolt responded he did not plan to compete with the big garden centers such as Russell's or HQ. He said he did not have the space to compete with those outlets and noted that much of his business is in house plants and the florist trade.

Mr. Sweet asked what would be on the second floor of the building.

Mr. Wambolt stated that it would contain offices, storage, and a bridal center.

When asked the hours the garden center would be open, Mr. Wambolt stated, generally, from 9-6 on weekdays and until 7 or 8 on Fridays and Saturdays. He said that he is not open on Sundays.

Mr. Sweet asked about the type of lighting and amount of water use.

Mr. Wambolt stated that, other than the three and one-half weeks prior to Christmas, he did not contemplate any considerable lighting needs. He said that the parking lot would have halogen lights and all utility service would be provided underground. He said he planned to use the pond water for the bulk of his water needs.

Chairman Blacker moved to continue the hearing until the Board's next meeting at 8:00 a. m., March 20, 1997, or possibly later, to allow for a written Decision to be prepared, incorporating the conditions discussed herein and to remove any unnecessary boilerplate, and it was unanimously

VOTED: To continue this hearing on Site Plan Special Permit Application SP97-335 of Craig Wambolt, owner of the Frugal Flower, Inc., for a site plan Special Permit for property at 736 Boston Post Road, until such time, for the sole purpose of approving and signing a Decision in this matter.

Executive Session

Chairman Blacker moved to go into executive session in order to consider collective bargaining matters and a Discretionary Fund expenditure. He stated that the public meeting would resume at 9:30 p. m. and asked the general public to clear the meeting hall.

(Chairman Blacker, aye; Selectman Clark, aye; and Selectman Drobinski, aye.)

Site Plan Special Permit Application SP97-332 - Sudbury Valley Trustees, Inc. - Dutton Road

Present: Executive Director Stephen Johnson, Associate Director Whitney Beals, Sudbury Valley Trustees, Inc., (hereinafter referred to as SVT); Bruce R. Thomas, Landscape Architect, Schofield Brothers of New England, on behalf of SVT; Officer Conrado, Safety Officer; Kevin Shea, 232 Dutton Road; and others.

At 9:36 p.m., the Board re-convened a public hearing on Site Plan Special Permit Application SP97-332, from Sudbury Valley Trustees, Inc., to construct an eight-car parking lot on property located at 245 Dutton Road, owned by General Federation of Women's Clubs of Mass., Inc., zoned Residential District C-1.

The Board was in receipt of the following:

1. Communication dated February 20, 1997, from the Town Engineer which concluded that accident data, which had been reviewed, did not reflect a problem in the area of the proposed parking lot, tree and brush clearing could improve the stopping sight distance on the southbound lane of Dutton Road to a design speed of 35 mph, the 25 mph speed limit should be strictly enforced, and it would be preferable to provide "Reserve Parking" spaces to avoid further destruction of trees at this time; and
2. Communication from SVT Executive Director, Stephen Johnson, dated March 5, 1997, proposing four Reserve Parking spaces and clearing of understory vegetation to improve sight lines, and enclosing a copy of the Conservation Commission's determination that the work proposed will not alter any wetland area.

Steve Johnson, Executive Director, SVT, stated that the proposed trail head and parking area would provide access to some 600 acres of recreational land in Sudbury and Marlborough. He said that, when the adjacent Fort Devens land is released, over 3000 acres will be involved. He said that it is a wonderful area, rich in wildlife and, in addition to Hop Brook, it is dotted with ponds and kettles. He stated that unfortunately the area has been abused for many years and was the scene of many unlawful activities. Recently, clean-up efforts in both Marlborough and Sudbury have removed some 150 wrecked cars and 14 tons of metal debris. He stated that this large tract is accessed in Marlborough off Old Concord Road and from a site in the State Forest. He stated that the only access in Sudbury is from the Federation of Women's Clubs' land and from Hop Brook. He stated that the Federation of Women's Clubs desires the trail head parking to be on the roadway because such visibility results in self-policing. Given the lawlessness in the past, he said this is an important issue.

In response to the concerns raised at the last public hearing, Mr. Johnson said the site plan had been revised to allow for 35 mph traffic, although Dutton Road is posted 25 mph. He said, that in order to accommodate this higher speed, the line of sight needed to be improved by clearing the understory growth along the roadway leading up to the entrance to the trail head parking. He also said that the site plan had been revised to reserve space for four additional parking spaces should such prove to be needed in the future. He also said that the parking area would be posted, notifying users that overflow parking is available at the Hop Brook access. He concluded stating that the SVT had fallen behind the time line on this project and hoped that the project might be approved so that the trail head could be opened on June 7, 1997, National Trail Day.

Selectman Clark asked for clarification on the clearing of the understory growth.

Mr. Johnson responded that the understory, or brush growth, under the trees would be removed, in some areas up to 20 feet back from the roadway.

Selectman Clark stated that the permit should be conditioned upon the SVT being required to remove the understory and maintain it and that mandatory language, such as, "shall be done," should be utilized.

Selectman Clark stated she had been to the site years ago when she was on the Zoning Board. She said that she recently hiked the area with SVT Steward Burke to refresh her recollection of the terrain and to determine first hand what access options existed. Based on this on-site review, she said that she believed that the Federation of Women's Clubs' driveway was an option. She also said that the Hop Brook access was a viable option for overflow. She said that she did not find the cul-de-sacs on Pine Street, Mill Pond Road, Barton Drive and Surrey Lane to be feasible because they did not provide enough space for parking and were too far removed. Regarding the Federation of Women's Clubs' driveway, she related that she had contacted the attorney representing the Federation of Women's Clubs and obtained permission to speak to the principal of the group. Selectman Clark stated that she had attempted to no avail to communicate with this woman. Selectman Clark stated that she understood through intermediaries that the Federation of Women's Clubs was unwilling to allow their driveway to be used. Selectman Clark said she had to respect this position since they own the property, even though she believes that such access would be safer than that proposed.

Selectman Clark stated that she acquiesces to the parking lot because at least it had been made safer with the improved site lines and signage directing any overflow to the Hop Brook access.

Officer Conrado, Safety Officer, stated that he had been contacted by Kevin Shea of Dutton Road, regarding the safety issue. Officer Conrado opined that the proposed parking lot posed no major safety concern. He stated that policing the trail head facility will not be a burden to the Police Department. He noted that last summer the Police Department had undertaken bike patrols to make the area safer for people to enjoy.

Judith Rhome, 161 Dutton Road, stated there are many people in the Dutton Road neighborhood who are very grateful to the Federation of Women's Clubs for providing a "safe woods". She said that she knew that the Federation had been under a great deal of stress over this matter and wished to express her appreciation of the Federation's decisions.

Selectman Drobinski asked the SVT if they planned to maintain the clearing of the sight lines and if they would be clearing both Town and private land.

Mr. Johnson responded that the SVT would maintain the clearing and would assume responsibility for both the Town and privately owned land.

Chairman Blacker moved to continue the hearing until the Board's next meeting at 8:00 a.m., March 20, 1997, to allow for a written Decision to be prepared, incorporating the conditions discussed herein and to remove any unnecessary boilerplate, and it was unanimously

VOTED: To continue this hearing on Site Plan Special Permit Application SP97-332, from Sudbury Valley Trustees, Inc., for property located at 245 Dutton Road, owned by General Federation of Women's Clubs of Mass., Inc., until such time for the sole purpose of approving and signing a Decision in this matter.

IN THE BOARD OF SELECTMEN
MONDAY, MARCH 10, 1997
PAGE 14

There being no further business to come before the Board, the meeting adjourned at 10:00 p.m.

Attest: _____
Steve Ledoux, Town Manager - Clerk