

**IN BOARD OF SELECTMEN  
MONDAY, JUNE 22, 1998**

Present: Chairman John C. Drobinski, Maryann K. Clark and Kirsten D. Roopenian, Selectmen.

The statutory requirements for notice having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

**LEAP School – 123 Dakin Road**

Present: David Mandel, 147 Dakin Road, and at least a dozen others.

Due to the scheduled joint meeting with the Planning Board, Chairman Drobinski announced that the residents concerned with the LEAP School would have only five minutes now for discussion, as the issue was Item No. 16 on the meeting agenda.

Mr. Mandel reiterated residents' objections voiced at Selectmen meeting on June 8, 1998. During the ensuing discussion, the following issues were raised by the neighborhood:

- High potential student enrollment
- Increased traffic on twisty and windy roads
- Public health and safety in a residential neighborhood
- Construction noise from early morning to late at night
- Uncooperative developer
- Lack of neighborhood notification
- Town officials have not served residents well
- No control over the Building Inspector – management problem
- The LEAP School is more a business than a school

Chairman Drobinski assured the residents that the Selectmen have every intention of working with them, within the letter of the law, toward a solution everyone can live with. He cautioned that there are no guarantees. The Selectmen raised the following points:

- Instead of fingerpointing, residents should work diligently to change bylaws
- A Dakin Road neighbor was aware LEAP was coming in and did not share the information
- A letter is being prepared for Mrs. Shapiro urging her to work with the Town under a Site Plan Review

**Joint Meeting – Planning Board**

Present: Chairman Lawrence W. O'Brien, William Cossart, Carmine Gentile, Lisa Eggleston and William Keller, Jr., Planning Board; Jody A. Kablack, Town Planner.

The Board was in receipt of the following:

1. A communication, dated June 8, 1998, from Jody A. Kablack, Town Planner, regarding Site Plan Special Permit Rules and Regulations, citing her recommendations for requiring pre-application

consultations by amending sections 2.1, 2.1.1, and 2.1.3, and including the list of FY99 Planning Board Projects and Priorities. An enclosure to this communication was a memorandum, dated December 12, 1996, from Jack Hepting, Building Inspector, to the Town Manager, recommending Site Plan Regulations, and Site Plan Bylaws if necessary, be amended to allow review of uses not now possible under Special Permit provisions, and providing text from MGL Chapter 40A, Section 3, to illustrate sections in review.

2. A communication, dated June 4, 1998, from Rod Geant to Jody Kablack, Town Planner, expressing appreciation for her organization of a recent pre-application meeting.

Mr. O'Brien referred to the Planning Board's Goals and Objectives List, and stated they had a good jump on putting together some priorities, accomplished at a special goals meeting. Goals were divided into three categories: communication issues, building issues, and long-term planning issues.

Communication: This consists of a three-sided strategy. Town Planner Jody Kablack will be back to full time starting July 1. The Planning Board would like to take advantage of an allowance in the law, relative to subcontracting subdivision review out to firms, which would free up time for the Town Planner to put together the Master Plan. Toward this end, three members from the Strategic Planning Committee were appointed to serve on the Master Plan Committee: Marianne D'Angelo, Jane Coddington, and Catherine Rader.

Mr. O'Brien continued further that economic sustainability and economic development were of utmost importance, stating the Town is 94% reliant on residential property taxes with little revenue coming from the commercial sector. He cited an example of empty-nesters maintaining single family homes with no children in school. For site plans with 10 acres or greater, the Planning Board wants to make it a point to encourage builders to consider senior housing under Town bylaws.

Mr. O'Brien distributed copies of the federal code used in discussions between the Strategic Planning Committee, the Planning Board and the Board of Health. He then distributed copies of an article from *The Boston Globe, West Weekly* section, June 21, 1998, which described exactly what the Planning Board has been discussing regarding senior housing. He postulated that while builders may want to consider senior housing, they are afraid of the Board of Health, and being subjected to browbeating and delayed processes. He stated that, above all, the Town of Sudbury does not want to lose the long-time resident when that resident sells their home, and moves to another town where senior housing is available.

Referring to the Strategic Planning Committee, Mr. O'Brien stated that when it was created, the *de facto* coordinator became the Town Planner. He continued further, pointing out that letters go out on Town Management letterhead, but its actual physical coordination is done by the Town Planner. He opined since the Town Planner is now full time, devoting 20% of her time to the Master Plan, she can serve as the *de facto* coordinator, pulling all the information together, making the coming year a lot easier.

Selectman Clark stated she (Ms. Clark) was the one who suggested that the Strategic Planning Committee, and it was established by the selectmen and Town Manager, but pointed out it is a separate committee. She expressed concern for a system of balance and check, which would not be available under one person. She continued further to suggest the Town Manager should be the coordinator for the Strategic Planning Committee, and the Town Planner serve as coordinator for the Master Plan Committee, as the Master Plan is the product of the Planning Board.

Mr. O'Brien acknowledged he had no problem with that, and reminded the Board that Town Planner Jody Kablack's time is dedicated to it, but they can easily pack up the information and ship it to the Town Manager.

Selectman Clark pointed out that Town Planner Jody Kablack has not started the Master Plan yet, and coordinating it will take up a lot of her time.

Mr. O'Brien suggested clarification so everyone will know where to forward their information.

Chairman Drobinski inquired about the dovetail between the Strategic Plan and the Master Plan.

Selectman Clark remarked the two documents should be one and the same.

Mr. O'Brien commented the independent subdivision plan review was intended to be for approximately a one-year period and then return to the established way of doing things, emphasizing the Planning Board wants to get the most out of next year.

Selectman Roopenian, addressing Ms. Kablack, asked if the criteria for the added hours were based on participation with the Strategic Planning Committee. She commended Ms. Kablack for her efforts to keep things organized. Ms. Roopenian, acknowledging that Town Manager Steven Ledoux's time is earmarked for other responsibilities, inquired if there is a plan to share information.

Ms. Kablack explained one of her reasons for bringing up the issue of coordinator was the Planning Board felt the public did not know who to contact. She emphasized the need for a centralized location for documents as well as a place to phone. Ms. Kablack stated work should not be done on parallel tracks, with both the Strategic Planning Committee and Planning Board both working on similar documents, but instead all should work together toward the same goal.

Chairman Drobinski agreed the project needs to be focussed and better defined, adding that parallel tracks would lead to confusion, and the Town needs a document outlining the Town's direction.

Selectman Roopenian commented it would be appropriate for Ms. Kablack, or someone else from the Strategic Planning Committee, to work with one of the Selectmen and the Town Manager on process review, to look at overlaps, and insure a clean, crisp document at the end of the trail.

Ms. Kablack indicated she would bring it up at the next Strategic Planning Meeting later this summer. She suggested sending out a mailing to the members to recruit interested parties, opining that most of the task force members have finished their tasks.

Chairman Drobinski stated he does not mind if there is a central coordinator, pointing out the Strategic Planning Committee was formed under the auspices of the Selectmen, and while the community's help is welcome, the Master Plan needs to come back to the Selectmen so they can modify it or endorse it. He continued further to state the Town Manager should still be involved, but saw no problem with Town Planner Jody Kablack serving as coordinator.

Ralph Tyler, 1 Deacon Lane, remarked the recent criticisms of the Board of Health were not productive, pointing out the Board of Health has the responsibility of keeping an eye on the Planning Board. Citing the example of packaged treatment plants, he continued that each board should be allowed to do their

jobs, responding to the needs of the community, protecting things, and working hard against differences of opinions.

Chairman Drobinski agreed that both boards are doing their jobs, and it is reasonable for one board to remind the other to look at their regulations from time to time, and remarked that often a difference of opinion comes down to differences in interpretation of guidelines and regulations.

Lawrence Blacker commented the reason a packaged treatment plant was not addressed for the senior housing bylaw was due to vehement opposition by the chairman of the Board of Health, and the Planning Board at that time felt modest support was better than getting into a war over engineering science.

Chairman Drobinski agreed cooperative efforts toward joint zoning bylaws can be scheduled for any town meeting, emphasizing the two boards should have better communication to solve the Town's problems.

Mr. O'Brien commended Selectman Roopenian's efforts on improving communication since she joined the Board of Selectmen.

Chairman Drobinski suspended the meeting at 8:15 p.m. so that everyone could attend Town Forum.

### **Town Forum - 233<sup>rd</sup> Session**

At 8:15 p.m. Chairman John Drobinski convened the 233<sup>rd</sup> Session of the Town Forum. Prior to departmental reports a reception was held in honor of former Selectman Lawrence L. Blacker. Chairman John Drobinski outlined Mr. Blacker's many accomplishments during his years of service, reducing the insurance burden for the community, encouraging diversified housing, and changing from Executive Secretary to Town Manager form of government under his stewardship. Representative Susan Pope presented Citations from Acting Governor Argeo "Paul" Cellucci of the Commonwealth of Massachusetts, and from the House of Representatives, signed by Thomas Finneran, Speaker of the House, and herself. State Senator Susan Fargo presented Mr. Blacker with a citation from the State Senate, signed by Thomas Birmingham, President of the Senate, and herself.

Chairman Drobinski presented Mr. Blacker with an engraved gavel.

Mr. Blacker commended the members of the Board for their ability to work as a team and draw on their individual strengths to get results, though not always "eye to eye" with each other.

Refreshments were enjoyed by those present.

Following the reception various representatives of the Town's boards and departments updated the Town on their activities. Reports were presented by John Hepting, Building Inspector and Zoning Enforcement Agent; Susan Pope, State Representative; Susan Fargo, State Senator; Hans J. Lopater, Goodnow Library Trustees; Gregory S. Lauer, Sudbury School Committee; Michael C. Dunne, Fire Department; Ruth Griesel, Director of Council on Aging; Marilyn A. MacLean, Historic Commission; June E. Allen, Permanent Landscape Committee; Patricia H. Burkhardt, Park & Recreation Commission; Lawrence O'Brien, Planning Board; and Marjorie Wallace brought to the Board's attention that traffic congestion during rush hours was being caused at the Rt. 20 railroad crossing because of servicing for Sudbury Lumber. She asked if such could be timed differently.

The Selectmen outlined their short-term and long-term goals. Town Manager Steven Ledoux updated the Town on his recent efforts.

Reports concluded at 9:47 p.m.; Chairman Drobinski declared Town Forum closed.

In addition to a taped recording, this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

**Sudbury Lumber Company – Site Plan Special Permit No. SP98-344**

Present: Laura Schofield, Schofield Brothers of New England.

On June 8, 1998, the Board of Selectmen held a public hearing pursuant to Application No. SP98-344 of Sudbury Lumber Company for a Site Plan Special Permit, in accordance with Sudbury Zoning Bylaw Article IX.V.A, to replace the existing open shed with an enclosed storage shed covering approximately 6500 sq. ft., on property at 28 Union Avenue, owned by Robert W. McNamara Trust, zoned Lim. Ind. Dist. #6 and Bus. Dist. #5. This public hearing was continued until June 22, 1998, at 9:15 p.m. to review Planning Board recommendation and a draft Decision by Town Counsel.

The Board was in receipt of the following:

1. A communication, dated June 10, 1998, received June 11, 1998, from Jody A. Kablack, Town Planner, declaring the Planning Board's approval of the Sudbury Lumber plan to replace an existing shed with a larger, enclosed shed, as proposed.

Laura Schofield stated they have met with the Planning Board to discuss the plan to replace the existing structure and further stated the Planning Board had no issues or concerns. She presented the revised site plan, which now includes parking spaces and calculations as well as signature blocks.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Sudbury Lumber Company, in accordance with Application No. SP98-344, to replace the existing open lumber shed with an enclosed storage shed covering approximately 6500 square feet, on property at 28 Union Avenue, zoned LID#6 and BD#5, owned by Robert W. McNamara Trust, as shown on a one-sheet plan entitled, "Plan of Land in Sudbury, Mass. Prepared for: Sudbury Lumber Company", dated May 1, 1998, drawn by Schofield Brothers of New England, Inc. of Framingham, MA and on drawings entitled "New Building for Sudbury Lumber Co. Inc., 28 Union Ave. Sudbury MA 01776" containing elevations, floor plan, foundation plan and section drawings on Sheets A-1, A-2, A-3 and A-4 respectively, dated March 31, 1998, drawn by Robert M. Connell of Wilmington, MA, subject to compliance with all governmental laws and regulations including, but not limited to, Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions:

1. approval of the drainage system, including traps, catch basins and periodic maintenance as required by the Director of Public Works/Town Engineer; said drainage system to be inspected, cleaned and operating properly;
2. placement of all utilities underground;
3. no wells for drinking water to be installed on the site;
4. the grant of an earth removal permit by the Earth Removal Board, if applicable;
5. the grant of a Water Resources Protection Permit by the Planning Board;
6. approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
7. no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
8. no use of salt or chemical de-icers on site;
9. if applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
  - (a) the disposal or removal of effluent and wastes generated on the site;
  - (b) the use of salt or chemical de-icers on the site;
  - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
10. parking calculations and location of parking spaces shall be shown on the plan;
11. a signature block for approval by the Board of Selectmen and a signature block for approval by the Building Inspector and Dir. of Public Works/Town Engineer shall be added to the plan and drawings;
12. submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
13. no building permit shall be issued until certain items noted above (1, 5, 10, and 11) as specified by the Board, are complied with;
14. no occupancy permit shall be issued until certain items noted above (2, 4, 6, 7, 9, and 12) as specified by the Board, are complied with;

15. this Special Permit shall lapse if construction and a substantial use thereof, have not commenced except for good cause within one (1) year from the effective date of said Permit.

The Board signed the plans, as well as the Decision.

**Notice of Sale/Conversion/32 Rice Road**

Present: David A. Wallace, Esq., representing Edmund H. Sears and Leslie S. Karpp; Edmund H. Sears; Lawrence O'Brien, Chairman, Planning Board; Town Planner Jody Kablack.

The Board was in receipt of the following:

- 1) A communication, dated and received via certified mail June 19, 1998, from David Wallace, Esq., describing the circumstances in which 10,601 sq. ft. of property located at 30 Rice Road owned by Dorothy Piper, was conveyed to the abutter, Mary Sears, residing at 32 Rice Road, allowing frontage and access to Rice Road, and requesting the Selectmen vote to waive the Town's right of first refusal as allowed under MGL, Chapter 61B. Conveyance was effected on July 9, 1991, without a title search, and the resulting tax situation was unforeseen. Attachments include: (a) Recreational Land Tax Lien, No. 321038-P273, dated February 12, 1991, filed by, Dorothy Piper; (b) Deed No. B21276-P051, the legal description of the property conveyed to Mary Sears; (c) Certificates of Roll-Back Taxes, MGL Chapter 61B, for fiscal year 1992 for both Mary Sears and Dorothy Piper; and (d) Plan of Land for Edmund H. Sears and Leslie Karpp, 32 Rice Road, Sudbury, and Richard F. and Dorothy J. Piper, 30 Rice Road, Sudbury, drawn by Sullivan, Connors & Associates of 121 Boston Post Road, Sudbury, MA, dated September 23, 1997, revised October 15, 1997, signed by the Sudbury Planning Board on November 3, 1997.
- 2) A communication, dated, June 22, 1998, from the Planning Board advising it sees no benefit in acquiring this property.

David Wallace stated the transaction on May 29, 1991 deeding Parcel A (10,601 sq. ft.) from Mrs. Piper to Mrs. Sears was intended to give Mrs. Sears access to Rice Road. As it was a transaction within the family, there was no title search conducted. Now that the Sears property is completing subdivision review, a title search was conducted and they discovered that Parcel A should have been offered to the Town upon its transfer to Mrs. Sears in 1991. Given that the property had been put under Chapter 61B earlier that year, Mr. Wallace acknowledged the Sears family technically has to offer the land to the Town, and are therefore seeking a waiver of first refusal before they can proceed.

Selectman Clark inquired whether 2.86 acres, marked Lot P-1 on the plan, located on Rice Road at the corner of Old Sudbury Road, was part of the transfer from Piper to Sears.

Mr. Wallace stated that another transfer took place in November of 1997, consisting of a like exchange – land for \$9,000, more frontage given to Ed Sears and Leslie Karpp, in exchange for other land near the rear of the property closer to their aunt's (Mrs. Piper) house.

Selectman Clark stated the lien was put on in February of 1991, and from that date the land is liened until such time they request to be taken out of it, or they automatically stop using it for recreation. She inquired how much land was included in 61B for Piper.

Mr. Wallace replied, 40 acres, adding there are actually two parcels, but only Parcel A is affected by this waiver request. He stated further the Town Assessor prepared a rollback tax certificate on Friday, June 19, 1998, and those taxes were paid on that date.

Selectman Clark stated: The Open Space and Recreation Plan was recently completed by the Open Space Committee, a subcommittee of the Conservation Commission, and it covers 1997 to 2002. This subject property is #5 on the Primary Priority Parcels list. It shows Piper, Libby and Hill between Plympton Road and Rice Road, a total of 165 acres. Libby and Hill are not the subject of this discussion, but these properties are viewed as a group. As their individual open space value diminishes, they are viewed in isolation. Together they contain at least four vernal pools, open meadows, forested slopes, rock outcroppings, steep ravines, streams and ponds. These combinations of features provide a substantial wildlife corridor with diverse nesting sites and migratory routes. Currently Sears and Hill Properties have definitive subdivision plans submitted to the Town. However, the Town has the first purchase option under Chapter 61A. She then inquired if Chapter 61A referred to only Hill, or Libby and Hill.

Mr. Wallace responded the Sears property is not under Chapter 61B or 61A. He continued to say Mrs. Piper, who is in her 90's, put the property in Chapter 61B in 1991 for fiscal year 1992. He stated the land in question is 10,601 sq. ft., on which the Town may exercise its right of first refusal, and they are working with the Conservation Commission in developing a very limited housing project, consisting of ten dwellings on 33 acres, with the rest of the property put into permanent conservation restriction.

Selectman Clark remarked wetlands take up most of the front parcel of 2.86 acres.

Town Planner Jody Kablack stated Lot P-1 is in the open space of the proposed subdivision; the Sears property is not part of Chapter 61B consideration, only the Piper property.

Selectman Clark cautioned this parcel is a strategic access to the back of the Sears property, and if it is not in 61B, the Town has no control over it.

Ms. Kablack remarked this will be a very low density development, with 70% of the 33 acres in permanent open space.

Chairman Drobinski indicated the Board has had no communication, no letters from the Assessors or Conservation Commission, and suggested continuing this matter until the next meeting to allow time for input from other boards. He cautioned against the Board making a unilateral decision without additional input.

Selectman Clark asked Ms. Kablack how much wetlands can be included in open space.

Ms. Kablack replied the open space can contain 50% wetlands, and 50% of the open space must be upland.

Lawrence O'Brien assured the Board key features will be preserved and in some cases enhanced in the proposed subdivision.



It was on motion unanimously

VOTED: To continue the matter of the Town's right of first refusal regarding the 10,601 sq. ft. of property conveyed from Dorothy Piper to Mary Sears on May 29, 1991 as allowed under MGL Chapter 61B, until the Board of Selectmen meeting on July 13, 1998, to allow time for additional input from appropriate committees and boards.

### **Minutes**

It was on motion unanimously

VOTED: To approve the minutes of June 3, 5, and 8, 1998, as drafted.

### **Sale of Bond Anticipation Note**

It was on motion unanimously

VOTED: To approve the sale of a \$4,105,000 Bond Anticipation Note of the Town dated June 23, 1998, and payable on November 3, 1998, to BankBoston, N.A. at part and accrued interest.

Interest rate will be 3.7% and this short-term borrowing is authorized under appropriations for the \$43.6 Million School Building Project and the \$108,500 Fire Station Construction. The notes were signed by the Board on June 15, 1998.

### **Dept. of Public Works Contracts**

It was on motion unanimously

VOTED: To approve contracts for the Dept. of Public Works, as follows:

#### **Contract 99-M-1 Bituminous Materials**

- 1) Class I Bit. Conc. Type 1 @ \$27/ton At Plant – Brox Industries, Inc.
- 2) Type 1 Dense Mix @ \$27/ton At Plant – Brox Industries, Inc.
- 3) Asphalt Cold Patch w/Add. @ \$55/ton At Plant & \$59/ton Delivered – E. H. Perkins Corp.
- 4) Asphalt Cold Patch w/o Add. @ \$32/ton At Plant & \$36/ton Delivered – Bardon Trimount, Inc.

#### **Contract 99-M-2 Type I In Place/Adj CB & MH Structures**

- 1) Class I Bit. Type I-1 In Place, 3800 Tons @ \$26.99 = 102,562 – E. H. Perkins Constr. Inc. & Subs
- 2) Adjusting to Grade CB or MH, 40 structures @ \$60 = \$2,400 – E. H. Perkins Constr. Inc. & Subs

#### **Borrow Materials**

- 1) Ordinary Borrow @ \$3.50/ton At Plant & \$4.75/ton Delivered – E. H. Perkins Construc., Inc.
- 2) Gravel Borrow (Bank run) @ \$6.00/ton At Plant & \$6.25/ton Del. – Assabet Sand & Gravel Co. Inc.

- 3a) Gravel Borrow (Screened) @ \$5.50/ton At Plant – P. J. Keating Company
- 3b) Gravel Borrow (Screened) @ \$8.50/ton Delivered – E. H. Perkins Construction, Inc.
- 3c) Gravel Borrow (Screened) @ \$8.50/ton Delivered – Assabet Sand & Gravel Co., Inc.
- 4) Processed Crushed Bank run @ \$7.25/ton At Plant & \$8.50/ton Delivered – Assabet Sand & Gravel
- 5) Loam Borrow @ \$11.00/ton At Plant & \$13.00/ton Delivered – E. H. Perkins Constr., Inc.
- 6) Loan Screened @ \$14.00/ton At Plant & \$16.50/ton Delivered – E. H. Perkins Constr., Inc.
- 7) Sand Borrow @ \$5.00/ton At Plant & \$6.50/ton Delivered – Assabet Sand & Gravel Co., Inc.
- 8) Sand (ice control) @ \$6.00/ton At Plant & \$7.35/ton Delivered – Assabet Sand & Gravel
- 9) Sand (Bituminous Cover) @ \$6.00/ton At Plant & \$7.35/ton Delivered – Assabet Sand & Gravel
- 10) Brick Sand @ \$9.25/ton At Plant & \$11.00/ton Delivered – Assabet Sand & Gravel
- 11a) Concrete Sand @ \$6.00/ton At Plant – Lorusso Corp.
- 11b) Concrete Sand @ \$6.00/ton At Plant & \$7.35/ton Delivered – Assabet Sand & Gravel
- 12) Pea Stone Mix (sand 60/40%) @ \$6.00/ton At Plant \$ \$8.95/ton Delivered – Lorusso Corp.
- 13) Pea Stone Mix (sand 40/60%) @ \$6.00/ton At Plant & \$8.95/ton Delivered – Lorusso Corp.
- 14) Pea Stone Mix (sand 30/70%) @ \$6.00/ton At Plant & \$8.95/ton Delivered – Lorusso Corp.
- 15) Pea Stone Washed @ \$6.00/ton At Plant & \$8.95/ton Delivered – Lorusso Corp.
- 16) Pea Stone @ \$6.00/ton At Plant & \$8.95/ton Delivered – Lorusso Corp.
- 17) ¾” Stone @ \$6.25/ton At Plant & \$9.95/ton Delivered – P. J. Keating Company
- 18) 1 ½” Stone @ \$6.00/ton At Plant & \$9.70/ton Delivered – P. J. Keating Company
- 19a) 1-3” Stone @ \$8.00/ton At Plant - Lorusso Corp.
- 19b) 1-3” Stone @ \$10.50/ton Delivered – E. H. Perkins Construction, Inc.
- 20) Processed Crushed Base Mix @ \$5.25/ton At Plant & \$8.95/ton Delivered – P. J. Keating Co.

Contract 99-PM-1 Cold Planing, Resurfacing, Crack Sealing, Related Work

- 1) Total contract @ \$280,634.96 – E. H. Perkins Construction, Inc. & Subs

Contract 99-T-1 Trees and Stumps Removal and Disposal

- 1) With Assabet Valley Tree & Landscape in accordance with bid opened May 21, 1998

Contract 99-CM-1 Cemetery Mowing

- 1) Mowing & Trimming 15 times @ \$1,450 = \$21,750 and Fall Cleanup @ \$2,850 – RNH Landscape & Design

Contract 99-F-1 Diesel 2 Fuel

- 1) Based on N. Y. Journal of Commerce Boston Posted Tank Car Price on 1/1/98, a price differential of + \$.098 and transportation cost of \$.049 @ \$0.6905/gallon – Interstate Gas & Oil Corp.

Contract 99-ER-1 Streets Sweeping

- 1) Cost per hour of \$67.50 – JK Municipal Service, Inc.

**Liability Insurance Contracts – Fiscal Year 1999**

The Board was in receipt of the following:

- 1) A memorandum, dated June 17, 1998, from Terri Ackerman, Budget and Personnel Department, to Town Manager Steven Ledoux, containing FY99 contract recommendations for liability insurance, and referencing FY98 amounts paid to Murphy Insurance.

It was on motion unanimously

VOTED: To approve liability insurance contracts for FY99, as follows:

- 1) With Murphy Insurance/Great American, totaling \$57,462:

Automobile	\$21,094
Property/Liability Package	\$21,128
Boiler & Machinery	\$ 1,773
Public Officials & Employ. Practices	\$ 7,013
Umbrella	\$ 2,060
Educators' & Employ. Practices	\$ 4,394
- 2) With Hastings-Tapley/Hartford Life - \$19,750  
Police and Fire Accident
- 3) With Cook & Company/Great American - \$24,179  
Workers Compensation

### **Highway Department Local 1156 Contract**

Selectman Clark wondered what benefit the Town received in exchange for increasing the compensatory time from 32 to 40 hours; Town Manager Ledoux indicated some detrimental language was dropped.

Selectman Clark inquired about the urgency of this approval; Town Manager stated the time frame was important due to salary increases being implemented on July 1.

It was on motion unanimously

VOTED: To ratify a Memorandum of Agreement, dated May 27, 1998, with Highway Department Local 1156 of the Laborers' International Union of North America, for a three-year contract for the period of July 1, 1998 through June 30, 2001.

### **Hosmer House – Sale of Town Property**

Town Manager distributed the list of items from the Hosmer House earmarked for sale by the Sudbury Historical Commission at the Yankee Doodle yard Sale on July Fourth.

Following review, it was on motion unanimously

VOTED: To grant permission to sell selected items from the Hosmer House at a Fourth of July Yankee Doodle Yard Sale as outlined in a communication, dated June 15, 1998, received June 18, 1998, from Marilyn MacLean, Sudbury Historical Commission, specifically, items not carrying an inventory number nor

recorded in the original itemized record book, and items in too poor a condition, not Hosmer family articles, or duplicate items not of historic value, subject to the concurrence of the Committee for the Preservation and Management of Town Documents.

**Pine Lakes/Great Lake Drive and Lakewood Drive – Intersection Stop Signs**

The Board was in receipt of a letter dated June 2, 1998, to Town Manager Ledoux from I. William Place, Director of Public Works, and letter dated June 4, 1998, to Town Manager Ledoux from Safety Officer Ronald Conrado, with an attached Petition for Stop Signs in the Pine Lakes neighborhood, on Pinewood Avenue, Beechwood Avenue, Oakwood Avenue and Basswood Avenue at the intersections of Great Lake Drive and Lakewood Drive. Citing the manual on Uniform Traffic Control Devices, Mr. Place stated that, at present, conditions do not exist to warrant additional stop signs, and stated further that stop signs should not be used to speed control, the primary concern of the petitioners. Mr. Place recommended to the Board that Pinewood Avenue, Beechwood Avenue, Oakwood Avenue, and Basswood Avenue do not warrant stop signs at this time and advised greater enforcement of the 30-mph speed limit; Safety Officer Conrado concurred.

Selectman Clark inquired about the Police Department's position on the proposed stop signs.

Town Manager Ledoux responded they were not receptive to the idea at this time.

Selectman Roopenian expressed concern about people on bicycles as this area is thickly settled. She further suggested the police department take some time to note the area's level of activity.

Chairman Drobinski stated the Board does not have to take a position on this at this time, and, after obtaining additional information, consider the issue at a later date.

Town Manager Ledoux noted Safety Officer Conrado suggested increased police visibility and enforcing the speed limit. Mr. Ledoux advised that the Selectmen direct the Police Chief to give more attention to this area.

Selectman Clark agreed more enforcement will help. She opined that people will start paying more attention when they start getting speeding tickets.

It was on motion unanimously

VOTED: To have the Police Department ensure public safety by monitoring these intersections, enforcing the speed limit for two months and reporting the results to the Board of Selectmen.

**Rules and Regulations for Alcoholic Beverage Licensees**

The Board was in receipt of a memorandum, dated June 17, 1998, from Town Manager Ledoux, containing draft rules and regulations concerning Training Requirements for Dispensers and Sellers of Alcoholic Beverages, and including previous rules and regulations for pouring licensees and for package store licensees regarding the sale of kegs.

Town Manager Ledoux directed the Board to pay particular attention to Section C: All Personnel shall be required to participate in a training program based on the type of license issued. Establishments will have six (6) months to comply with this policy from the date of its adoption or by the 1999 license renewal by having 75% of their eligible employees trained and certified. After that time, new employees of any establishment will have sixty (60) days from the date of employment to complete one of the training programs. Each establishment must have all personnel trained and certified by the 2000 license renewal.

Mr. Ledoux described this training schedule as a "phase-in" approach, but stated the Town would like to have everyone trained by the end of this year.

Mr. Ledoux continued to review the document, adding the language is a hybrid of documents in use from the Town of Northborough, the Town of Dedham, and the City of Worcester, using the better parts of each.

Selectman Clark suggested striking the 75% requirement as most establishments in town are not very large; thus, the training will not be a financial burden, so 100% can easily be accomplished.

Town Manager Ledoux stated it is the license holders' responsibility to contract and train their employees, adding there are at least three firms available for training.

Selectman Clark asked if recertification every three years is the norm. Town Manager Ledoux responded three years was representative of other towns' regulations.

Selectman Roopenian wondered if the 60-day requirement for new summer employees would be logical, suggesting a 30-day requirement instead. She inquired further if requiring training for short-term employees, like summer help, is a detriment to the license holder because there is not enough time.

Town Manager Ledoux acknowledged it is not cost effective to contract a training program for only one person, but added there are discounts for additional people.

Selectman Roopenian suggested businesses get together and arrange a one-day workshop for anyone needing the training, and take advantage of lower prices.

Selectman Clark noted that all license holders have been notified that this requirement will be part of their license renewal, so no one should be surprised nor indicate financial hardship.

Town Manager Ledoux opined chain establishments like Kappy's already require the training and he did not suspect it will be a hardship for many.

It was on motion unanimously

VOTED: To request the Town Manager revise the Rules and Regulations and to further require full compliance to qualify for License Renewal beginning with December 1998 renewals, and to add that establishments may conduct joint training and bring back to the Board for finalization on July 13.

### **Town Permitting Process – Discussion**

Selectman Roopenian commented that some town boards do not typically interact with each other, yet should be kept informed of various issues, and suggested a process review to establish criteria for notifying all boards and the Selectmen on a FYI basis, including routine matters. She further suggested adding a routing slip that could be marked as an Action or FYI item.

Town Manager Ledoux suggested the town staff who deal with these issues should brainstorm and prepare a recommendation for the Board.

Chairman Drobinski inquired if everything should be included: Planning, Selectmen, Fire, Health, Zoning, underground storage tanks.

Selectman Roopenian suggested everyone be included, adding some would be on an FYI basis. She further suggested all information could go to the Town Manager who can disseminate it as necessary.

Selectman Clark wondered what is meant by “Town Permitting Process”, and asked if it will include every little addition.

Selectman Roopenian responded when there are situations that may require notification to other boards, perhaps because of future impact; the information should get to them now, rather than later. She cited the uncertainty of the Dakin Road situation as an example.

Chairman Drobinski suggested the Board direct Town Manager Ledoux and staff to draft something. Addressing Town Planner Jody Kablack, he asked for her thoughts as she spoke of a similar pre-application process earlier in the evening.

Ms. Kablack admitted there are a few things that get lost in the cracks, and a process designed to notify everyone might catch those things.

Selectman Clark asked Ms. Kablack if the Planning Board had discussed anything like a primer, or defining suggested routes for various topics.

Ms. Kablack stated the process is complicated by the division of labor and Site Plan Review. She further stated improvements could be made in Site Plan Distribution.

Chairman Drobinski directed Town Manager Ledoux to work with his staff to come up with a proposal, and suggested the proposal be considered at the Selectmen meeting on July 27, 1998.

### **Land Use Priorities Committee – Discussion**

The Board was in receipt of a communication, dated May 4, 1998, from Sigrid Pickering, 17 Peakham Circle, supporting the Board’s initiative to form a Land Use Priorities Committee, and containing an informal draft on the makeup, mission, and goals of said Committee.

Chairman Drobinski wondered why no progress had been made since this was discussed at the January meeting, and asked if all the information has been gathered.

Town Planner Jody Kablack indicated not much work has been done on it.

Selectman Roopenian stated the name of the committee is not as important as developing a methodology by which lands are designated for the priority list, adding the Open Space Committee should be helpful in that regard. She acknowledged not establishing the committee formally may cause people to become discouraged that the Selectmen are not proactive, and suggested that Town Manager Ledoux obtain names from some boards to serve and get started. She distributed a proposed draft of the committee's structure.

Chairman Drobinski asked if this committee would be a duplication of anything the Strategic Planning subcommittees are doing.

Selectman Roopenian stated several individuals have expressed interest in serving, but before moving forward with a citizen body, the staff should be coordinated to develop the committee plan.

Selectman Clark agreed the committee's mission, or charge, must be determined, and would like to review what other towns are doing in order to give the committee something definite. She stated further it is inappropriate to appoint people to a committee if that committee's mission parameters are not determined.

Chairman Drobinski inquired if the mission outlined in the draft is somewhat on target.

Selectman Clark responded it looked fine, but she had nothing to compare it with.

Selectman Roopenian stated this is a very aggressive proposal, fairly unique, as it incorporates other land needs besides open space.

Chairman Drobinski likened it to a process issue, and suggested Town Manager Ledoux send letters to other boards and commissions, ask for interest and input, and ask them to nominate a member to serve. He added the Selectmen can draft what the committee's charge should be.

Town Planner Jody Kablack stated the Planning Board has copies of two models recently completed, one being a rating and valuation plan, and the other Hopkinton's Land Use Plan, adding her recommendation to the Selectmen will be based on these plans. She opined that due to the workload, many towns are not doing anything like this now.

Selectman Clark wondered if the Town of Northborough also has a Land Use Committee.

Town Manager Ledoux agreed to find out at the next Metrowest Managers meeting.

Chairman Drobinski directed the Selectmen to draft individual visions of this committee's mission, submit them to the Town Manager, and settle on a mission at the next Selectmen meeting on July 13. He added they should be able to learn about interested citizens through cable television and media coverage of tonight's meeting.

Selectman Roopenian pointed out new perspectives are refreshing, but declared it equally important to incorporate people who have had experience on other town boards.

Chairman Drobinski agreed a mixture of viewpoints is good, but overall they should be people who are not only dedicated, but also understand the Town.

### **LEAP School**

Present: At least two dozen residents of Dakin Road and their supporters.

Town Manager Ledoux updated the Board on the LEAP School situation, stating a letter has been drafted to Mrs. Shapiro citing tensions within the neighborhood, and encouraging her to participate in a voluntary site plan review. He distributed copies of the draft, and expressed concern she may not be cooperative.

Chairman Drobinski suggested the Town Manager send the letter to Mrs. Shapiro and see what happens.

Selectman Clark suggested adding the words “at your earliest convenience” at the end of the last sentence.

The neighborhood expressed concern about nothing happening if the letter is ignored.

Chairman Drobinski stated at this point the law is on her side, and the proper course is to send the letter, and keep the dialogue moving, noting that the Dakin Road residents have an appeal pending and the ZBA hearing is July 27.

Selectman Roopenian stated certain parameters prohibit us from going to Mrs. Shapiro and commanding her to stop building; no one can do that. She added they should instead move aggressively forward to work with the law, but leave no stone unturned.

Patricia Windle, 12 Field Road, inquired about the appeal process and whether more people should file appeals.

Town Manager Ledoux stated it takes only one appeal to trigger the hearing, but added the Town is accepting additional letters and those letters are being forwarded to the Board of Appeals, but without charging filing fees for them.

David Mandel, 147 Dakin Road, asserted the state law is really not on her side, that within certain technically defined parameters the Zoning Bylaw can flatly prohibit that kind of educational facility. He maintained it is a residential neighborhood and commercial enterprises are not allowed. He expressed appreciation of the Board’s indication of support and sending of the letter, but expressed equal concern for a mindset of “there’s nothing we can do”, likening it to a self-fulfilling prophecy.

Chairman Drobinski disagreed, saying that it is a use issue, not a zoning issue. He continued: as residents we have as much frustration about this as you do. We are not immune to community feeling.

Shervin Ayati, 67 Dakin Road, wanted to know if the lack of notification was because it is being called an educational facility, noting it is bigger than any average day care, and asked for a time frame of what the residents could expect.



Chairman Drobinski agreed the facility is perhaps bigger in scope than anyone realized, and suggested the Board direct Town Manager Ledoux to develop a time frame, utilizing input from various town boards, if one is not already in the works.

Mr. Mandel stated that under Chapter 40A this type of use cannot be outlawed, but reasonable restrictions can be imposed, and he expressed concern that no restrictions are being proposed if Mrs. Shapiro does not agree to a Site Plan Review. He further stated her inability to overcome proposed restrictions may force her to stop construction, adding the citizens have a right to expect the Selectmen to take those kinds of risks.

Sharon Wilson, 21 Philemon Whale Lane, expressed concern about icy road conditions, and parents hurrying to pick up a child before a late fee is assessed.

Joanne Topham, 19 Dakin Road, wondered how this could be "signed off" and not have the traffic evaluated, declaring the intersection at Rt. 117 one of the worst in town.

Another resident declared each individual department is hiding behind their shields, saying they cannot do anything, and suggested the Town Manager declare it an emergency and make sure all the public safety issues have been addressed.

Chairman Drobinski stated the Town can regulate certain things such as a driveway permit, but increased traffic, by itself, is difficult to regulate because there is no case law which says traffic is a reason for turning down a plan. He reminded meeting attendees of the Dunkin' Donuts issue on Route 20 where the Town could not use traffic as reason to deny. He added, health can be an issue, but the Board of Health has looked at the septic system.

Another resident asserted it should be looked at again, for a school with an enrollment of up to 200 students, including food, diapers, etc.

Selectman Clark asked if anything was being done about lead paint.

Julie Clifford, 139 Dakin Road, stated Mrs. Shapiro was installing vinyl siding on the house.

Another resident stated the house was being de-leaded now.

Mae Shoemaker, 28 Paddock Way, claimed the Planning Board is saying it is not their problem, and demanded they should at least try to help.

Selectman Roopenian stated the Planning Board wrote the Selectmen a letter giving suggestions on what could be done, and cautioned the residents on their behavior. She further stated that the Selectmen cannot break the law to get onto the property, and declared the Conservation Commission was denied access.

A resident inquired about conservation issues, such as vernal pools, and how to proceed if Conservation cannot get on the property.

Chairman Drobinski responded vernal pools can be determined from a topographical map.

Mae Shoemaker stated the maps date from 1957, wondered how anyone can determine what the changes are or how they will impact the current layout, and insisted the Planning Board should have done its job better.

Chairman Drobinski reiterated the Planning Board was not involved, and is just as concerned. He cautioned about working within the scope of the law.

Ms. Shoemaker expressed concern about vandalism, Mrs. Shapiro taking signs off residents' property, and the possibility that "things could get ugly and dirty".

Chairman Drobinski again cautioned the residents to exercise reasonable care in their behavior.

Ms. Windle mentioned the new senior housing development down the street on Route 117, and asked whether issues, like traffic, can be addressed on a larger scale. She stated further she commutes to Boston daily by train, and it is not unusual to sit at the end of Dakin Road for ten minutes, with traffic stopped at the site for the new senior housing all the way through the road in Lincoln until the train station.

Chairman Drobinski stated the message to take away from this meeting is that the Board will do whatever they can, looking into issues, modifying the letter to Mrs. Shapiro, and directing the Town Manager to look into safety issues.

Ms. Clifford wanted to know if Mrs. Shapiro can come onto her property and take signs down.

Chairman Drobinski stated no one can come onto your property without permission.

Ms. Shoemaker stated the citizens have First Amendment rights.

Town Manager Ledoux stated there is a Supreme Court decision regarding political signs; the Town of Sudbury cannot regulate them.

Residents asked what the Selectmen would do about the Board of Health.

Chairman Drobinski answered, the Board of Health is an independent board and does not report to the Selectmen.

Selectman Clark indicated residents can contact the Board of Health for a status report.

Residents expressed dismay at early morning to late evening noise, as well as vibrations.

Chairman Drobinski responded there is a bylaw stating no objectionable noise or vibrations in the neighborhood, as well as a state building code regarding vibrations.

Mark Richter, 38 Dakin Road, wanted to know how to get the vibrations measured.

Chairman Drobinski stated the applicant would have to measure them, and the vibrations must conform to the specifications in the state law. He added the person to complain to is Fire Chief Michael Dunne.

Ms. Topham wanted to know how residents can be kept informed, and what the next step would be.

Selectman Roopenian asked if a liaison group from the neighborhood had been created.

Town Manager Ledoux suggested a Site Plan public hearing be set up and then see if Mrs. Shapiro attends.

Chairman Drobinski agreed and set it for July 13, cautioning the residents there is no guarantee Mrs. Shapiro will attend.

Mr. Richter asked if a traffic count on that intersection could be done by then.

Chairman Drobinski indicated the Commonwealth does traffic counts, and it probably wouldn't be done by July 13.

Selectman Roopenian agreed it is a terrible intersection, and reminded the residents they can contact their elected representatives, Susan Pope and Susan Fargo, by phone, mail, and e-mail.

Ms. Shoemaker wanted to know, if a problem is found, if Mrs. Shapiro can be required to "fix the problem".

Chairman Drobinski stated mitigation is typically a function of money.

A resident inquired about straightening Dakin Road to make it safe. Another resident asked if the road would be protected because of its role in the Revolutionary War.

Selectman Roopenian stated there was a similar situation on Powder Mill Road; the Town was prevented from widening it because of its use during the Revolutionary War.

Chairman Drobinski declared the public hearing on the 123 Dakin Road issue for 8:30 p.m. on July 13, adding the Selectmen can update the residents at that time, especially if Mrs. Shapiro chooses to respond to the letter.

### **Appointments - Vacancies**

Selectman Roopenian stated Deborah Crowell lives within a historic district and is interested in serving on the Historic Districts Commission.

Selectman Clark indicated Steve Goldberg, who also lives in a historic district, applied last year. She noted the Historic Districts Commission is looking for someone with an architectural background.

### **LEAP School**

Gregory S. Lauer, 25 Willow Road, interrupted briefly to state he would serve as contact person for the Dakin Road contingent as Bernie Bonn travels a great deal and is often unavailable. The Selectmen referred him to Paul Kenny, Town Counsel.

**MSA Conference**

Selectman Clark recently attended an all-day conference for Massachusetts Selectmen's Association and distributed reports.

**Town Counsel Contract**

Town Manager Ledoux suggested the Board consider the issue of Town Counsel's employment agreement.

Chairman Drobinski stated the draft Letter of Understanding is in the spirit of what had been discussed.

It was on motion unanimously

VOTED: To approve the draft Letter of Understanding regarding the appointment of Paul Kenny as Town Counsel.

There being no further business to come before the Board, the meeting was adjourned by 11:15 p.m.

Attest: \_\_\_\_\_  
Steven L. Ledoux  
Town Manager-Clerk