

IN BOARD OF SELECTMEN
MONDAY, AUGUST 10, 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.

Chairman Drobinski announced the Town had prevailed in the Meachen lawsuit and can go forth to purchase the Meachen property. He added the Town had worked hard to preserve the open space environment in Sudbury. Ralph Tyler, 1 Deacon Lane, stated the Town prevails in most lawsuits; Chairman Drobinski responded success comes down to knowing which issues to fight for. Selectman Clark described it as a good calculated risk, reflecting the Board's risk management approach to litigation.

LEAP School

Present: Ralph Tyler and Nancy Halverson, residents.

Ralph Tyler commented the Board of Appeals has not reached a decision and believed some of the members to lean toward the Selectmen having the right to conduct a Site Plan Review prior to issuance of the building permit. Others are leaning toward the Board of Appeals conducting the Site Plan Review themselves, though there is no statutory basis for that action. He urged the Board to be on record with the Board of Appeals that they (the Board of Appeals) still have the power to condition the occupancy permit, emphasizing that the more building and renovating is completed, the ability to review the project is compromised.

Chairman Drobinski stated the Board needs to wait until the Board of Appeals reaches its decision and proceed from that point. He reminded the assembly a hearing had been held during which they recommended work on the project be stopped until the review could be completed. He stated, if Mrs. Shapiro has completed something that is in violation of the decision, she will have to fix it.

Ralph Tyler commented stopping renovation now is difficult and questioned how the Board can review something that is completed. He wondered if the applicant may believe construction was somehow approved because the permit had not been pulled and wondered whether the Board will feel constrained in jurisdiction issues if the construction is allowed to continue.

Chairman Drobinski stated he feels no constraint and purposely avoided the Board of Appeals hearing in order to maintain an open mind on the issue.

Selectman Clark stated several avenues the Zoning Board can take: 1) overrule the Building Permit, declaring it to be in error; 2) send the applicant back to the Board of Selectmen for a Site Review; or 3) they can declare themselves the Board that has to determine reasonable regulations for this particular site for this use. Time is of the essence; the longer it takes for a decision, more construction will be completed, and this becomes unfeasible if one is trying to regulate it.

Selectman Clark added there is a view that the Zoning Enforcement Agent (Building Inspector) had the authority to regulate and now the Board of Appeals must step into his shoes, imposing regulations.

Mr. Tyler indicated the Attorney General ruled the Selectmen had original jurisdiction. He wondered if the vagueness of procedure will hurt resolution of the issue. Selectmen Clark commented the applicant can be enjoined to stop construction, if decisions warrant such action.

Mr. Tyler indicated completion of the LEAP School was aimed for September. Nancy Halverson, 109 Dakin Road, stated the opening date is scheduled for November 2. Mr. Tyler urged the Selectmen to make their voices heard.

Chairman Drobinski stated the views of the Selectmen had been heard through the televised coverage of Selectmen meetings, adding Board of Appeals was the appropriate venue at this time. He added further the Selectmen have no qualms about the Site Plan Review coming to them for action.

Cummings Property

Ralph Tyler submitted photographs of the site and expressed concern that the dumpster and loading dock are visible from Route 117, in violation of zoning requirements. He noted it has been a couple of years since they moved in, adding Zoning Enforcement Agent John Hepting has not been enforcing requirements in a timely manner.

Chairman Drobinski stated they would have to see the Site Plan before commenting. Selectman Clark added that a large portion of the parking lot has been sold to Conant. Mr. Tyler continued on, saying the dumpster and parking should be screened from view. Selectman Roopenian indicated she had driven there several days ago and could not see the dumpster from the road. Mr. Tyler commented accessory warehousing is allowed (temporary storage of product prior to shipment), but general warehousing is specifically prohibited in this district.

Chairman Drobinski asked Town Manager Steven Ledoux to instruct Zoning Enforcement Agent John Hepting to look into it.

Orchard Hill Assisted Living Residence – Overhead Utility Change

The Board was in receipt of Boston Edison Grading Plan entitled “Orchard Hill Assisted Living Residence, 761 Boston Post Road, Sudbury, Massachusetts”, showing existing poles and overhead wires and indicating proposed location of overhead wires, in order to service Orchard Hill Assisted Living Residence currently under construction. Drumlin Development LLC requests permission to move the overhead utility connection westerly approximately 100 feet, and, if permission is granted, will remove the existing overhead facilities.

Ralph Tyler, 1 Deacon Lane, stated he has been interested in the impact of overhead utilities for many years, expressing concern for opening the road for one utility and overhead wires for another. He described a directional drilling “mole” that would bore a hole under the road without opening it, and wondered why Boston Edison does not have that technology. He urged the Board to require these utilities be put underground, citing an opportunity to reduce the visual clutter over Route 20, and questioned whether Boston Edison had a reason why utilities could not go underground. He added this particular site is not far from the Wayside Inn, and wondered if the Town should consider whether overhead wires would be in opposition to the desire to protect scenic character.

Chairman Drobinski stated this is a relocation of existing utilities, not new installation. He agreed that Boston Edison should consider directional drilling and would like to see a Cost Benefit Analysis as to why they have not proposed it. Selectman Roopenian agreed utilities should go underground if at all possible.

Selectman Clark expressed concern that the new span would go over Lafayette Drive as well as Boston Post Road. She stated further if the technology for directional drilling exists, every effort should be made to utilize it.

Chairman Drobinski mentioned another Boston Edison Co./Bell Atlantic-New England utility petition was approved with the condition that Mr. Sharkey's tree situation be resolved, and wondered if any progress had been made in that matter. Town Manager Ledoux will look into it.

The Board tabled the matter, requesting the Town Manager to advise the applicant it prefers underground installation if feasible and to submit a cost analysis for underground installation versus overhead.

Utility Petition 98-6 – Moore Road

Present: Susan and Thomas Plati, 22 Moore Road, Abutters.

The Board was in receipt of the following:

1. Bell Atlantic-New England plan, dated July 30, 1998, entitled "Moore Road, Sudbury, Mass." and petition to construct a line of conduits and manholes with necessary wires and cables on Moore Road, northwesterly, approximately 190 feet southwest of White Oak Lane, a distance of about 32 feet of conduit off of pole 192/5, in order to provide underground service to three new homes.
2. Petition of Boston Edison Company including plan entitled "Moore Road, Sudbury", dated July 16, 1998, showing identical proposed conduit location.
3. Verbal reports, on July 30, 1998, from Wiring Inspector Arthur Richard of the Building Department, and John Hepting, Building Inspector, stating they have no problems or issues with Utility Petition 98-6.

Susan Plati asked who was going to do the digging. She continued: Bob Quirk is doing the driveway and site development, while Chris Mutti will be building the houses. Recently someone from Bob Quirk's crew cut down 25 trees on the Plati property, and she has been unable to contact him about it. There was some question about boundary lines; an engineer employed by Chris Mutti provided the accurate boundary. She had to contact the police to get them to stop work. Mrs. Plati stated further Chris Mutti said it was Bob Quirk's fault, yet no one has contacted her about replacing the trees.

It was on motion unanimously

VOTED: To table Utility Petition 98-6 until the tree removal/replacement issue at 22 Moore Road has been resolved.

Chairman Drobinski stated the Board can also look into the permitting issues.

Utility Petition 98-7 – Dakin Road

Present: James Halverson and David Windle, neighbors.

The Board was in receipt of the following:

1. Boston Edison Plan, dated July 16, 1998, entitled “Dakin Road, Sudbury” and petition to construct and locate conduit and manholes in Dakin Road, on the northwesterly side approximately 150 feet southwest of Field Road, a distance of about 28 feet, in order to provide underground service to the LEAP School.
2. Verbal reports, on July 30, 1998, from Wiring Inspector Arthur Richard of the Building Department, and John Hepting, Building Inspector, stating they have no problems or issues with Utility Petition 98-7.

James Halverson, 109 Dakin Road, wanted to know where the digging would take place, and how abutters would know what steps are taken. Chairman Drobinski responded that all abutters were notified of the meeting, showed Mr. Halverson the diagram of where the work would take place, and described the general work to be done. Mr. Halverson wondered who they could contact to find out more about the project, specifically where it would be and what it would look like. Ralph Tyler wanted to know what size transformer would be used. He noted a transformer in the historic town center is quite big.

Chairman Drobinski suggested continuing this matter until the Dakin Road residents get their questions answered, noting that it was unfortunate Boston Edison was not represented at this meeting.

David Windle, 12 Field Road, stated there was already a trench in the road. Mr. Halverson wanted to know where the work would be, relative to the cut that was already across the road. He stated further that the “mole” equipment was tried to bore a water line under Dakin Road, but for some reason it did not work.

It was on motion unanimously

VOTED: To table Utility Petition 98-7 until Boston Edison provides answers to area residents regarding the proposed work.

Utility Petition 98-8 – Tantamouse Trail

Present: Susan Pasieka, 34 Tantamouse Trail; Susan Ouellet, 28 Tantamouse Trail, abutters.

The Board was in receipt of the following:

1. Boston Edison Plan entitled “Tantamouse Trail, Sudbury”, dated July 16, 1998, and petition to construct and install conduit, showing proposed conduit location, northly, approximately 670 feet southwest of Hawes Road, a distance of about 55 feet, in order to provide underground service to two new residential lots.
2. Petition of Bell Atlantic enclosing plan, dated July 31, 1998, entitled “Conduit on Tantamouse Trail” showing identical location of proposed conduit.

3. Verbal reports, on July 31, 1998, from Wiring Inspector Arthur Richard of the Building Department, and John Hepting, Building Inspector, stating they have no problems or issues with Utility Petition 98-8.

Ms. Pasioka, 34 Tantamouse Trail, wanted to know if the conduit would be going under a driveway. Chairman Drobinski stated he did not think it would, and showed her the plan of the proposed work. Ms. Pasioka indicated this particular driveway is in a strange position. Selectman Clark noted there was no scale reference on the plan so position was difficult to estimate.

Chairman Drobinski suggested holding this matter until Boston Edison can meet with the abutters, walk them through the site so everyone knows exactly where the conduit will be placed. Town Manager Ledoux noted their names and phone numbers to pass along to Boston Edison.

It was on motion unanimously

VOTED: To table Utility Petition 98-8 until Boston Edison meets with the abutters to define specific conduit placement and answer questions regarding coordination with future projects with Dakin View Estates.

Ralph Tyler asked if abutters could be given copies of the plan along with notification of the utility petition to be considered by the Selectmen, alleviating many of these questions. Selectman Roopenian wondered if the diagram could be posted on the Internet for residents to view.

Ms. Ouellet pointed out the Dakin View Estates will be going in very near this location and wondered if Boston Edison will petition again, re-opening the road and disrupting the neighborhood a second time. Chairman Drobinski stated future work may depend on the type of cable and transformer installed this time around, but pointed out that to open the public way, Boston Edison will again have to come to the Selectmen.

Patricia Windle, 12 Field Road, suggested Boston Edison should look at the big picture instead of doing this type of work in bits and pieces. Chairman Drobinski postulated projects may be kept small due to scheduling of work crews, equipment availability, whether people want to wait to build their house, etc.

Ms. Ouellet, 28 Tantamouse Trail, wanted to know about landscaping in the public way, and can Boston Edison just take out the trees. Selectman Clark suggested Ms. Ouellet specifically ask that question when the residents meet with Boston Edison. Chairman Drobinski stated anyone working in the public way must get permission from the Tree Warden to remove any landscaping.

Cancellation of Inflammables Storage License – Sousa Enterprises

The Board was in receipt of the following:

1. A communication, dated July 22, 1998, from Sudbury Town Manager Steven Ledoux to Jerome Sousa, President, Sousa Enterprises, advising that a public hearing to revoke his License for Storage of Inflammables on property located at 475-477 Boston Post Road would be held this evening, unless he chose to acknowledge cancellation of his license.
2. A sworn statement, dated August 3, 1998, signed by Jerome Sousa, Jr., acknowledging his license to store inflammables has not been exercised since January 1996, certifying the storage tanks for

those materials to have been properly removed, and further acknowledging the license to be cancelled.

3. A communication, undated, from Fire Chief Michael C. Dunne, declaring the underground storage tanks at 475 Boston Post Road were removed in December 1997. Mr. Dunne adds that contamination was noted during removal, and that DEQE and Mr. Sousa were notified.

Selectman Clark wanted to know what gasohol was. Town Manager Ledoux stated it was popular in the 70's during the energy crisis, and is ten percent corn fuel.

Selectman Clark wondered if the contamination had been cleaned up. Mr. Ledoux stated it had, based on reports received.

It was on motion unanimously

VOTED: To record the cancellation of Licenses for the Storage of Inflammables, in accordance with notification of cancellation/surrender dated August 3, 1998, by landowner Jerome Sousa, Jr., Sousa Enterprises, described as follows:

Licenses for Sousa Enterprises for property located at 475-477 Boston Post Road:

- 1) Town Clerk's Document #75099 issued 7/14/75, for storage of 18,000 gallons Gasoline and 500 gallons Waste Oil.
- 2) Town Clerk's Document #79068 issued 6/25/79, for storage of 8,000 gallons Diesel Fuel.
- 3) Town Clerk's Document #80060 issued 5/27/80, for storage of 20,000 gallons Gasohol.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of July 27, 1998, as amended.

Council on Aging Donations -- Vans

It was on motion unanimously

VOTED: To accept \$216.90 in miscellaneous donations for deposit into the Council on Aging Van Donation Account; and to authorize the Council on Aging to expend same for purposes of operating and maintaining the Council on Aging vans.

Council on Aging Donations – Tax Work Program

It was on motion unanimously

VOTED: To accept \$500.00 from the Knights of Columbus, Sudbury, for deposit into the Council on Aging Tax Work Program Donations Accounts; and to authorize the Council on Aging to expend same for the Tax Work Program.

Sale of Bond Anticipation Notes

It was on motion unanimously

VOTED: To approve the sale of a \$4,500,000 3.75 percent Bond Anticipation Note, Series A, of the Town dated August 11, 1998 and payable on April 15, 1999 to BankBoston, N.A. at par and accrued interest plus a premium of \$5,949.50.

It was on motion unanimously

VOTED: To approve the sale of a \$30,500,000 4.00 percent Bond Anticipate Note, Series B, of the Town dated August 11, 1998 and payable on August 11, 1999 to BT Alex Brown, Inc. at par and accrued interest plus a premium of \$109,830.50.

Strategic Planning Committee Appointments

The Board acknowledged Helen Neelon and Ed Gottmann have declined appointment to the Strategic Planning Committee.

Revised Conservation Restriction – Lot 9 Dutton Road

It was on motion unanimously

VOTED: To approve and sign a revised Conservation Restriction, dated August 20, 1997, granted by Kevin M. and Karen A. Thompson for Lot 9, Dutton road, as requested by the Secretary of Environmental Affairs, and approval by Town Counsel, with the following amendment: page 5, under Miscellaneous, Item B should state “General Laws, Chapter 184, section 31-33” (not 331-33).

Walkway Easement -- 3 Singing Hill Circle

It was on motion unanimously

VOTED: To accept on behalf of the Town a Walkway Easement dated August 3, 1998, granted by Steven L. and Pamela S. Ledoux, shown on Plan entitled, “Walkway Easement over land of Steven L. Ledoux and Pamela Swack Ledoux, 3 Singing Hill Circle, Sudbury, MA 01776”, dated July 13, 1998, and drawn by Town of Sudbury Engineering Department.

Employee Assistance Program Contract

It was on motion unanimously

VOTED: To approve the contract with Gerald W. Lewis, d/b/a/ Comprehensive Assessment & Consultation, to provide the Town of Sudbury with an Employee Assistance Program for the term July 1, 1998 through June 30, 1999, in the amount of \$18,400.00.

Cable Television Committee – Cablevision/RCN

A draft letter had been prepared for the Selectmen's signature to give negotiating authority to the Cable Television Committee.

Selectman Clark expressed concern with the word “act”, which implies authority is given to perform instead of the Selectmen, adding the letter’s intent was to authorize negotiations. She suggested taking out the words “act on the Selectmen’s behalf” and amend the sentence to state “authorize the Cable Television Committee to enter into negotiations with Cablevision and RCN in regard to licensing issues and to initiate such negotiations at your convenience.”

Peggy Fredrickson, Cable Television Committee, indicated there was some question about the Committee’s ability to act and asked for clarification. She added a quick response time is sometimes needed, and asked how much time would it take for the Selectmen to review any proposal.

Selectman Clark wondered whether Cable Television Committee was looking for the authority to make final decisions, suggested another set of eyes to be helpful, and added the Selectmen having the final decision would catch any errors from slipping through.

Dan Claff commented that not everyone is pleased about decisions made in previous cable contracts with regard to local event coverage, citing an example where priority use of a mobile van was included in contracts of other towns. Sudbury had not considered it, and was many times unable to get services of the mobile van. He agreed more than one group should look at the contracts to avoid hoodwinking.

Selectmen Roopenian stated she sensed some insecurity on the part of some Committee members as to what the next steps would be, and believed it important for the Cable Television Committee to meet with the Selectmen to adequately discuss RCN opportunities. She added the Committee was also looking for assistance with legal wording, and suggested any qualified resident willing to help should contact the Town Manager. Ms. Roopenian agreed it was important to be careful in contract negotiations, and while it was no reflection on the Committee, she stated further there may be issues the Selectmen need to discuss with RCN and Cablevision that are not directly related to contract negotiations. She agreed the word “act” needs to be clarified, and added the Cable Television Committee should use the Selectmen as a sounding board for some of these opportunities.

Selectman Clark asked who would act as spokesperson for the Committee; Peggy Fredrickson stated all inquiries should be directed to the Chairman, M. Jacob Kuykendall. Selectman Roopenian inquired how soon the Cable Television Committee could be scheduled to meet with the Selectmen. Town Manager Ledoux stated he would look into it.

Selectmen Roopenian expressed concern over sending this letter without meeting with the Cable Television Committee and without clarifying what “act” really means, and felt the two groups should meet first. She added she has no particular problem with the words “on the Selectmen’s behalf”. Selectman Clark stated she did not want anything the Committee did to be a final act, adding the Selectmen should retain authority.

Town Manager Ledoux stated this situation is similar to his negotiating labor contracts in the Town’s behalf, but the Selectmen ratify the contract.

Chairman Drobinski commented that meeting with the Committee would be beneficial, to give them some direction. Selectmen Clark and Roopenian agreed the Committee should not stop their work, but would like to meet with them as soon as possible. Town Manager Ledoux indicated the Committee was currently looking at some technical issues. Ms. Clark wanted to know about procedures, and wondered if there were junctures along the way where a decision would have to be made before proceeding to the next step. Mr. Ledoux stated a timetable did exist, and he would make the information available to the Board.

It was on motion unanimously

VOTED: To amend the letter to the Cable Television Committee as suggested by Selectman Clark, and to request the Town Manager schedule a joint meeting to clarify their authority and jurisdiction as soon as possible.

MBTA – RIDE Program

Town Manager Ledoux stated this matter was held over from a previous meeting pending the outcome of current legislation. The “phase-out” legislation got bogged down and is not going to happen in the next year or so.

Selectman Clark commented a bus service years ago was cancelled due to low ridership. Ralph Tyler stated there is currently a bus that goes to Boston daily, leaving at 7:30 a.m. and returning around 5 p.m. Dan Claff stated this service goes through a number of communities along Route 20 and drops riders at one of two downtown Boston locations, and costs \$5.00 each way. He added that the previous bus service was eliminated due to low income. Chairman Drobinski commented Sudbury’s demographics have changed since that time, and asserted THE RIDE would be favorably received by the current population. He stated THE RIDE is specifically for elderly and disabled, and runs along an established route.

Town Manager Ledoux stated the Town has received their assessment invoice for the coming year, showing an increase to \$345,000. Selectman Clark asked what the attributable amount would be; Mr. Ledoux did not know as MBTA uses a unique budgeting system, referring to it as a “forward funding” system. Selectman Roopenian expressed dismay at such a large annual payment and still getting no services. Selectman Clark indicated there must be a way to gain some leverage, citing the Town of Ashland will refuse permission for MBTA to put in their train station until their assessment is moderated or removed.

Selectman Roopenian wondered how hard communities have tried to reduce their assessment as it did not appear to be an issue previously, but is becoming one. Dan Claff stated when this issue comes before the Legislature the suburban towns are often not represented in large enough numbers that their combined vote on an issue carries any weight. He added the Boston communities who actually receive THE RIDE outvote coalitions of more than twenty towns not receiving services.

It was unanimously agreed to continue working on this matter and periodically review progress.

Joint Meeting: Housing Task Force of Strategic Planning Committee

Present: Jody Kablack, Town Planner; Dan Claff, Chairman, Housing Task Force; Task Force members Mal Arnum, Peggy Fredrickson, Hale Lamont-Havers, Charles Saraglow, and Ellen Siegars.

The Board was in receipt of a communication, dated August 5, 1998, outlining the Task Force’s efforts in developing 18 acres of Town property in north Sudbury into moderately priced senior housing.

Also submitted was a draft of a resolution to be placed on the April 1999 Town Meeting warrant, details on housing complex and individual units, and plan of designated area.

Dan Claff described the contents of the information packet, listing a cover letter, proposed Town Meeting resolution, Town bylaws, Board of Health regulations, spreadsheet analysis, narrative of intent and general maps of area. This packet will be sent to at least 15 developers on their list and anyone who expresses an interest in building. Mr. Claff called the Board's attention to both the spreadsheet and narrative.

Selectman Clark inquired if the Housing Task Force had considered leasing instead of a sale, and had the Task Force discussed their plans with Town Counsel Paul Kenny. She likened it to a "turnkey" operation and suggested Paul Kenny could be helpful. Mr. Claff stated Ed Kreitseck, a Task Force member, is drawing up a proposal for leasing and Mr. Claff declined to answer questions until that proposal was prepared. He added the Task Force will meet with the Selectmen when the proposal is ready, and lease options can be explored at that time.

Selectman Roopenian described a similar development in Ogunquit, Maine, and will be getting some information on how that development was set up and managed. Mr. Claff indicated there are some advantages to leasing, in that the Town retains ownership of the land over a long period of time, and property taxes are reduced for the condo owner, making it financially attractive. He continued further to state that, while the revenue to the Town would be less, the main goal in providing senior housing is to retain senior citizens in Sudbury. Selectman Clark submitted an artist's rendering of a development called The Villages at Marlborough for the Task Force's use as a possible choice.

Selectman Roopenian asked how the list of developers was compiled. Jody Kablack, Town Planner, submitted a list of developers, stating the Task Force had visited many senior communities, and then chose the developers of the facilities they liked. Mr. Claff stated again that any developer interested in learning about this project should contact the Housing Task Force.

Chairman Drobinski asked how the development would be situated on the parcel, expressing concern for its location on the Concord town line, abutting Concord's open space. He urged the Task Force to go forward carefully as Concord views its open space very seriously, and suggested they keep the Town of Concord informed of their progress in development.

Ms. Kablack stated the most developable area is the portion right at the town line, near the Frost House, as another portion had been put into the Open Space Plan, as recommended by the Conservation Commission. She added the developer will come up with the final plan and layout design.

Selectman Roopenian suggested the Task Force talk to Concord officials to let them know of plans, avoiding difficulties later. Mr. Ledoux is acquainted with the Town Manager in Concord and will update them. Chairman Drobinski remarked there have been numerous talks and agreements between the two towns, provisions of which must be adhered to. Ms. Kablack declared all previous agreements would be kept.

Selectman Clark wanted to know if this project would go forward as a Senior Residential Community (SRC) or as new zoning. Ms. Kablack indicated it would depend on the developer's wishes, and would probably be under SRC. The Task Force has discussed differences and benefits under each. Mr. Claff pointed out a major age difference in the bylaw, one being 55 while the other is age 62. The SRC age limit is 55 for 35 acres, and ISE is 62 for 10 acres. He pointed out further that while the 35-acre parcel qualifies for SRC, the development itself will use approximately 13.

Ms. Kablack stated the Task Force will meet with Town Counsel Paul Kenny in the very near future to discuss the possibility of lease, and to define the procedure of leasing or selling the property. Chairman Drobinski asked how active the Task Force will be after the developer is chosen, and inquired if the Planning Board will do the final permitting. Ms. Kablack indicated all permits will be issued according to existing bylaws, and noted the developer will be the one to go through the process, not the Task Force. She stated Task Force members are working hard to familiarize themselves with the site, understand the bylaws, learn about the soils, etc. in an effort to gather as much information as possible to pass along to the developer.

Mr. Claff indicated for a 10,000-gallon septic system, as many as 43 units could be built, but it is their intention to stay well under that. He added various configurations of bedrooms and units could get as high as 35 or 36, well within the range for 10,000 gallon septic system. He noted 43 units are too close to maximum usage, and expressed concern for the overall look of the development. Underbuilding would keep the physical look of the development pleasant and hopefully encourage building of similar projects. Chairman Drobinski agreed the looks of the project will be a key selling point to potential buyers, in keeping with Sudbury's rural character and ambiance.

Ms. Kablack inquired how much the Town would hope to reap from this project. Selectman Clark stated she would have to see a cost analysis before answering. Chairman Drobinski stated it would be difficult to state as population, school enrollment, and community needs continually change.

Mr. Claff asked the Selectmen how to define the word "affordable", i.e., an \$80,000 price range, as there was mixed opinion among the Task Force members, and wondered how many "affordable" units to offer in a project like this. Ms. Kablack indicated these would all be moderately priced, a bargain for Sudbury with no senior housing currently available. Mr. Claff described an ideal scenario: long time residents who want to downsize would sell homes priced at \$250K, buy one of these units for \$150-160K, benefit from new capital gains laws, and have extra funds to pay condo fees for years.

Chairman Drobinski commented there should be a few units designated as affordable and added he would like those units to be restricted to Sudbury residents if that would be possible. Dan Claff stated that could be accomplished by a lottery type system in a local offering, then open it to everyone after a reasonable period of time. Chairman Drobinski agreed this project will not solve all senior housing needs at once, but the goal should be to provide a viable existence for the seniors in Town, something pleasing with respect to the character of Sudbury, even though it means lower tax revenue for the Town. Mr. Claff admitted cost is a factor in that for every affordable unit built, the cost of the other units goes up. Selectman Clark commented other communities have used ten percent as a guideline for the number of affordable housing units, noting that in this project it would be four units. Mr. Claff wanted to know if the Board felt strongly about the number of affordable units offered.

Selectman Roopenian asked about the segment of population the Task Force hopes to target and opined that age 55 is quite young, and that 35 units will be gobbled up quickly. She wondered how easy it will be to refuse people willing to buy, cash in hand, who do not qualify for the affordable units. She suggested not putting affordable units into this particular project as its success is crucial, to discourage the naysayers, then mandate affordable units in the next senior housing development. She urged the Task Force to consider that when making their determination.

Selectman Clark wondered if any assurance could be guaranteed that seniors selling their homes to come into this project would sell to people without school age children. Peggy Fredrickson said that could not be done, but no matter where these seniors move, there is every likelihood that families will purchase

their homes. The point of having senior housing is that Sudbury seniors are not leaving Sudbury. Mr. Claff stated the following example: if the seniors leave town after their home is sold, there are two people paying for the school. If the seniors stay in town, there are four people paying for the school.

Ralph Tyler raised the issue of economic sustainability and rezoning areas for commercial development, noting this site is already zoned for commercial use but the Town is proposing it for residential use. He expressed concern for taking research district land, which is commercially zoned, and saying it is a great place for housing. Residential land will not be rezoned for commercial. He suggested selling the land to a commercial developer, enabling the Town to reap a tremendous financial benefit.

Selectman Roopenian asked what kind of effort has been made over the years to commercialize that particular site and expressed doubt such efforts would be successful. Mr. Tyler responded the Cummings property is fully leased for about a year. Ms. Roopenian asked what possible enterprises could go in there. Mr. Tyler stated offices, professional offices, R & D facilities, to name a few. He continued further to recap the history of the Cummings property, citing a sale that fell through due to contamination, and eventually it was sold to the Town, but for years it was tied up in a lawsuit and not available to anyone. He proposed a sale to a commercial developer would give the Town money to buy residential land and put this project there. He further suggested making the parcel municipal land, exempt from zoning, and the Town would be free to develop it any way they wished. The Town would retain control of the land and keep the costs down.

Mr. Claff responded, saying with 35 units, 70 seniors would stay in town, citing economic sustainability of a different nature. He pointed out Sudbury has zero senior housing, a major consideration in pursuing this project. Mr. Tyler added he has no problems with the project, just where it would be located, stating this site is isolated from the community.

Mr. Arnum stated the former Raytheon site in Wayland is being renovated. Mr. Tyler added the facility has approximately 600,000 sq. ft. of renovated space, so the economics must be there.

Ms. Kablack cited a fallacy in selling commercial land for \$4.5 million, and buying twice as much residential land for that amount. The Town has just bought two parcels of land that can both sustain only a 45-unit SRC development, both cost in the \$4-5 million range. Selectman Roopenian pointed out that any SRC development will generate a revenue stream and agreed that economic sustainability is an important consideration, and Sudbury must be more business-friendly.

Chairman Drobinski thanked Mr. Tyler for his comments and for raising some good issues, suggested the Town needs to look at growth from all sides, considering how it impacts the community both now and in the future. He cited this discussion as a prelude to Town Meeting. Selectman Roopenian stated that providing senior housing may encourage businesses geared toward that age group to look at Sudbury as a possible location. Chairman Drobinski stated Town Meeting will have the final say.

Mr. Claff commented the Task Force will attempt to bring together a group of interested seniors to get some reaction to the proposed building plans. He believes virtually any senior housing built will sell, but feels input from potential purchasers can only improve the project. Selectman Roopenian suggested including individuals near the age limit for their input as their perspectives may be a little different.

Ms. Fredrickson stated the property was offered for commercial uses twice in the early 90's, and twice it was turned down at Town Meeting, citing traffic on Route 117. She added traffic for these 35 units will be minimal. She continued further that because this land was owned by the Town, a developer might work better with them and be reasonable, as opposed to selling the land to the developer who would inflate

the unit prices beyond what seniors would be willing to pay. Mr. Tyler opined the reason the proposals were turned down at Town Meeting, stating he believes it was the zoning issue that was defeated.

Chairman Drobinski suggested bringing the matter back to the Selectmen as things progress.

Joint Meeting: Sudbury Cultural Council

Present: Donna Kruse, Chairman; Ellen Given and Janice Rudolf, Members

The Board was in receipt of a communication, dated August 5, 1998, from Susan W. Pope, State Representative, informing the Sudbury Cultural Council that the Massachusetts Cultural Council has been granted \$14,000,000 for fiscal year 1999, \$50,000 higher than budgeted.

It was on motion unanimously

VOTED: To appoint Rhonda S. Fowler, 151 Mossman Road, to the Sudbury Cultural Council for a three-year term to expire August 26, 2001.

Selectman Clark expressed pleasure at Ms. Fowler's appointment and is pleased Ms. Fowler now has the time to devote to the Council. Ms. Fowler brings years of Town experience with her, as well as experience with other organizations.

Selectman Roopenian noted the Mass. Cultural Council will receive increased funding, and asked Ms. Kruse if she knew how much Sudbury would get. Ms. Kruse did not know what the dollar amount would be, but estimated it to be in the area of \$4,300.00.

Ms. Kruse updated the Board on the Council's activities, beginning with a description of their philosophy, trying to fund everything local they possibly can. Their particular focus areas are the cultural events in the schools, and historical things such as the Hosmer House and Historic Trail. Selectman Roopenian asked for examples of programs funded by the Cultural Council. Ms. Kruse stated a dance program at the elementary school, The Art of Black Dance, and a tap dancer who did music and dance with the children. At the middle school, there was a play about peer pressure.

Selectman Roopenian wondered if the Council works with each school's cultural coordinator. Ms. Kruse indicated each school "scouts out" the talent, views it and determines if it is appropriate for their use. People sometimes phone to suggest various programs and inquire if a particular program can be funded. The Council developed the art show during the Town Meeting the first time. As the Council tries not to fund the same thing twice, the schools now handle most of the show, while the Council helps with opening party and helps to hang the show. Selectman Roopenian commended the Council for its efforts in this regard.

Ms. Kruse stated they will have more exhibit space when the library renovation is complete. Until then, space is limited. Selectman Roopenian asked if the Wayside Inn had been considered for an art show. Chairman Drobinski suggested using the Town Hall after the library is moved out.

Selectman Roopenian asked if the Council had considered doing anything with sculptures. Ms. Kruse stated the subject has come up in her work with a garden club, and a member of the Cultural Council, Janice Rudolf, is a renowned sculptress. Ms. Rudolf commented the sculpture of the girl reading a book at the Brimmer School is hers, made of bronze and granite.

Selectman Roopenian wanted to know what obstacles the Cultural Council faces. Ms. Kruse cited lack of manpower. Chairman Drobinski noted they were allowed to have at least 5, but not more than 9. Ms. Kruse indicated more people would be helpful as the paperwork gets backlogged. People are reluctant to commit to committee work, but they continue to speak to people. Mr. Drobinski suggested they write an article for the newspaper, highlighting their work and let it be known they are recruiting additional members.

Ms. Kruse said it would also be helpful if all three schools worked together on a single program. She stated the performer or program may charge a lower cumulative fee if they are able to visit all three schools the same day. She indicated they would get more programs funded if they worked together and submitted a joint proposal. She attributed this lack of cooperation to a "competitive spirit" that still exists. Chairman Drobinski asked if there is a single cultural enrichment person to contact; each school has its own. Ms. Roopenian suggested making the Curtis Middle School the focus as all elementary students wind up there. She further suggested assigning a member of the Cultural Council as a liaison person to each school, urging the schools to get together or their programs may not be funded.

Selectman Roopenian stated William Hurley, Superintendent of Sudbury Schools, has a joint PTO meeting every month, and suggested the Cultural Council could speak at one of those meetings to get the ball rolling on cooperating with each other.

Ms. Kruse stated sometimes they have to tread lightly with the schools and be careful how they approach them about a program. She cited an example of promoting the visual arts at the high school -- sometimes the teachers get defensive about their own programs, or interpret the Council's efforts to mean the teachers are not doing enough. Ms. Kruse acknowledged the art show during Town Meeting has worked out very well, especially as a way to get the Townspeople to the art show. Selectman Roopenian suggested covering this art show in a newspaper article. Ms. Kruse commented that the high school students get quite excited about the show, especially since the prizes are ribbons and not money.

Chairman Drobinski asked what the Board could do to make the Council's task easier. Selectman Roopenian suggested writing a synopsis of the types of talent and potential committee members the Council is looking for. Ms. Kruse indicated each year develops its own personality as to the programs funded, depending on the grant writers and what they're looking for.

Ms. Given wondered if the grant money could be distributed sooner, citing times when approvals take months to come back. Grants are submitted in October, and approvals are sent out in March. Individual school enrichment programs must spend their own money for costs incurred up front while waiting for grant money to come. Ms. Kruse cited an example where they waited months to hear about a grant, planned the event, and were denied the funding a week before the event. This precipitated more paperwork to file a reconsideration, and eventually funding was secured, after the fact.

The Board thanked the Council for their report and wished them luck in their endeavors.

Land Use Priorities Committee – Appointments

The Board reviewed a list of names suggested for appointment to the Land Use Priorities Committee received to date. Selectman Clark wanted to know why there was only one board representative on the list. Town Manager Ledoux stated more will be forthcoming, and he understood that Sheila Stewart of the Finance Committee will also serve. Going through the list, representation was clarified as follows: as the four citizens-at-large, Jane Coddington (environmental interests), Richard Davison, (broad Town government experience and land preservation/Sudbury Valley Trustees), John Cutting, (broad Town government

experience and large landowner), Sigrid Pickering, (interested citizen and Sweetwater Trust), and Lisa Eggleston (representing Planning Board).

It was on motion unanimously

VOTED: To appoint Jane S. Coddington, Richard H. Davison, John C. Cutting, Sigrid L. Pickering and Elizabeth D. (Lisa) Eggleston to the Land Use Priorities Committee, for terms to expire on April 30, 1999, subject to each individual's acceptance.

Selectman Roopenian asked Town Manager Ledoux if the Land Use Priorities Committee could be ready to hold their initial meeting sometime in September. He indicated all the appointments may not be made by then and suggested a later date.

Permit Streamlining

Selectman Clark submitted her response to Town Planner Jody Kablack's request for comments on this issue, suggesting Goodnow Library serve as an additional centralized location for all pertinent application information regarding permits, various rules and regulations, and zoning laws. Ms. Clark expressed caution in creating a guidebook such as proposed by the League of Women Voters, stating it should be limited to procedural and not substantive issues. She suggested an amendment to the Site Plan Special Permit bylaw to exempt the uses of land and structures from the Site Plan Special Permit process, while still making such uses subject to reasonable regulations; specifically, "to amend Zoning Bylaw V.A, entitled "Special Regulations, Site Plan Special Permit" by adding the following at the end of Clause 1, entitled "Applicability":

"and further provided, however, that those uses of land or structures as are permitted in any zoning district by State law, as may be amended, though not subject to a Site Plan Special Permit, are subject to reasonable regulations, including but not limited to special permit standards and regulations, which may be applied to the specific use in relation to its impact and the ability to reasonably use the property for the exempted use, where such use conforms to the procedural regulations adopted by the Board of Selectmen."

Her last comment focussed on "considering the Planning Board as the site plan permit granting authority to reduce the number of boards who review each application." She expressed her disagreement with this proposal for the following reasons:

1. By state law, the Board of Selectmen is the licensing board that issues various licenses to businesses. An integral part of that decision process is the review of the business site plan. To transfer site plan permit approval to the Planning Board would remove this necessary part of the Selectmen's decision, denying the Selectmen the opportunity to obtain all pertinent and relevant information to make an informed decision, and would amount to a duplicate review by the Planning Board.
2. On the other hand, the Planning Board, by state law, while having no authority to issue business licenses, has the authority to determine residential subdivision rules and regulations and approvals. There would be confusion for applicants as to whether residential subdivision rules and regulations or business rules and regulations apply, if both were under the purview of one board.
3. This would allow too much concentration of power in one board.

4. The record of the Board of Selectmen on site plan permit approvals has been very good to excellent, while still resolving the myriad of issues of abutters and others, residential and commercial, that arise with each application, such as noise from dumpsters and outside HVAC units, and metal tailgates of delivery trucks banging in the early a.m. hours, to name a few.

5. A revision is in order to the Site Plan Permit Approval Process to exempt State exempted uses with those uses being subject to reasonable regulations, as earlier discussed in this reply.

Ms. Clark stated the Board of Selectmen should retain the Site Plan Permit Approval Process because they are the Board responsible to issue licenses, citing the recent license application of Victory Cigar, Ltd. The proprietor required several licenses, and each one had to be investigated and scrutinized, to make certain he had complied with all regulations. The Selectmen have a duty to find out what businesspeople plan to do with their premises.

Selectman Roopenian suggested the guidebook could be produced as planned, but specify boldly in a disclaimer that it is just a guidebook and is in no way an authoritative reference. Ms. Clark stated a rough draft of each section could be proofed by each prevailing board to make certain all information is correct. Ms. Roopenian felt it important to provide as much information to applicants as possible.

Selectman Roopenian asked for some clarification on Ms. Clark's third paragraph about rewriting the Site Plan Special Permit bylaw before commenting on it, and made plans to meet to discuss it. Ms. Clark described it as a suggestion, and opined the issue would need the expertise of Town Counsel. Ms. Roopenian expressed concern that the Selectmen are first in the Site Plan process while anywhere down the line, a site plan could be denied. This makes the Selectmen look powerless. She suggested changing the permitting process so that the Selectmen come in much later, after many of the other approvals are in. Ms. Clark stated the Zoning Board should come first. Ms. Roopenian commented no one's time should be wasted because approvals are backwards. Ms. Clark suggested the present view of the Zoning Board is that the Selectmen should see the site plan first, while the Zoning Board wanted to see it first at the time she was on that board. No one should waste money on plans if the approval sequence is skewed. Chairman Drobinski agreed that applicants should not spin their wheels in Sudbury's permitting process, and added it also makes the Town look business unfriendly.

Electric Deregulation

Selectman Clark distributed a memo from Kathleen Bartolini, Director of the MetroWest Growth Management Committee in Natick, dated August 7, 1998, containing notification of a meeting in Haverhill on August 26, 1998, concerning streetlights, and an article by Mayor James Rurak of Haverhill concerning Haverhill's decision to aggregate purchase of electric power for city, residents, and businesses. Ms. Clark noted both the meeting notice and article came from a new newsletter entitled *Bay State News*, which is focused on deregulation in New England, and published by Attorney John Shortsleeve.

Chairman Drobinski indicated the Cape and Islands were doing a similar thing. Town Manager Ledoux indicated they had put together a consortium to look into electric power needs, but did not know if the Cape and Islands had made a decision to aggregate.

Litigation -- Meachen Property, et. al.

Selectman Roopenian expressed pleasure at the favorable outcome regarding the Meachen lawsuit and wished the process success all the way down the line. She had some questions regarding the Town and

other litigation and wondered about the Town's involvement with various Boards. Town Manager Ledoux stated the Town defends the Board that has come under fire. Ms. Roopenian wondered about the Hill Property in particular. Mr. Ledoux stated, in that instance, the Town would defend the Planning Board.

Quilted or Not – 344 Boston Post Road

The Board was in receipt of a letter dated August 10, 1998, from Andria Grant, d/b/a Quilted or Not, withdrawing her Site Plan Special Permit application filed July 9, 1998, for property at 344 Boston Post Road. She indicated she would be resubmitting her application in more complete form.

Town Manager Steven Ledoux informed the Board that Ms. Grant has run into some septic system issues that were not anticipated, but she will refile her application when these are resolved.

It was on motion unanimously

VOTED: To accept withdrawal of the above-referenced site plan application by Andria Grant.

All Town Finance Meeting

Selectman Roopenian wondered if it would be appropriate for her to make a proposal regarding the All Town Finance Meeting. Town Manager Ledoux indicated the Board would "walk through" a financial model developed by the International City Management Association that will help evaluate financial conditions, adding the presentation will involve himself, Maureen Valente, and Terri Ackerman, and will invite the School Committees and Finance Committee. He suggested September 15 as a tentative meeting date. Ms. Roopenian noted it was an important issue, while Mr. Ledoux indicated the difficult thing will be to forecast revenue at that meeting as the Legislature usually will make a decision regarding local aid funding after spring Town Meeting.

Weisblatt Property

Town Manager Ledoux noted the three appraisals for this property are now complete, adding the Town will be spending the full \$4.9 million on that property, though the appraisal average exceeds that amount. The Town is looking to close on the property sometime during the week of August 24. Mr. Ledoux expressed surprise at the wide range of fees charged for the appraisals, and stated he would make the appraisal reports available to the Board if they wished to see them.

Executive Session

At 10:08 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:23 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk