

IN BOARD OF SELECTMEN
MONDAY, JANUARY 11, 1999

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

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

Joint Meeting - Strategic Planning Committee

Present: Town Planner Jody Kablack, Martha Landrigan, Catherine Rader, Dan Claff, Strategic Planning Committee; William J. Cossart, Chamber of Commerce; Lawrence J. O'Brien, Planning Board; James Halverson, 109 Dakin Road.

The Board acknowledged receipt of a memo, dated December 8, 1998, from the Town Planner outlining the following recommendations from the Strategic Planning Committee (SPC): (1) creating an economic development entity to address goals of the Route 20 Revitalization Task Force; (2) senior housing for the Unisys property; and (3) application under the Downtown Initiative Technical Assistance Program prepared by the Route 20 Revitalization Task Force.

Martha Landrigan briefly described the SPC Economic Sustainability Task Force (ESTF) and its objectives, including the revitalization of the Route 20 commercial district, hence the evolution of the Route 20 Revitalization Task Force. This group espoused a "commercial revitalization strategy" with one of the major contributions being its addition to the tax base along with the provision of additional goods and services. She stated the method promotes private sector investment while targeting public sector investment in order to improve and strengthen the commercial sector. She stated some activities this might encompass include development of downtown organizations, investment in public amenities such as parking, sidewalks and lighting, promotion of downtown business activities, establishing design and development control, financing programs for improvements.

Ms. Landrigan stated the SPC recommends that, by the year 2000, Sudbury has in place a distinct organizational entity to address the following goals: (a) To develop a stronger tax revenue stream from the commercial sector – without sacrificing Sudbury's ecology and character – in order to reduce the tax burden currently carried by residential taxpayers **and** to meet the increasing revenue demands of the future; (b) To reverse the perception of decline (i.e., to revitalize) the Route 20 Central Business district in order to protect property values and to retain our current commercial base; and (c) To acknowledge the important contribution of Sudbury's business community to our Town's economic sustainability and to maintain a strong and mutually sustaining relationship between Town government and the commercial sector.

Ms. Landrigan explained the entity would do things such as fill current vacancies, explore options like ecotourism, promote downtown historic tourism, and basically create a source of excitement that is currently lacking in the commercial business district. Based on the SPC's research, she stated the best entity would be an Economic Development Committee or Council (EDC) and described it as a public-private partnership. She stated further that it would be more than the Chamber of Commerce, and added that the Chamber would be included. She continued to state that Sudbury's needs do not warrant more formalized organizational structures presented in the matrix of options the SPC included with its recommendations. The Economic Sustainability Task Force excluded anything industrial, which means the Industrial Development Commission is outdated, and should be replaced with an entity more user-friendly. She stated that Sudbury is faced with a declining business district at a time when the residential tax burden is becoming untenable.

At this time Ms. Landrigan distributed survey results compiled in February 1998. For the question "*What is the most important issue facing Sudbury in the next few years?*" 54% of respondents stated Growth, while 42% stated taxes. When respondents were asked to name issues they were "very concerned" about, the high percentages went to property taxes (61%), water quality (70%), and residential development (74%). The survey's random sample population consisted of 100 persons.

Ms. Landrigan continued to state that a new and dedicated organizational entity, if formed to address these goals through a concerted revitalization effort, is a significant first step toward arriving at a sustainable economic and environmental balance that will bring Sudbury into the next century. She stated that, based on their research, an Economic Development Committee made up of a maximum of 10 – 12 carefully chosen individuals with specific professional business-related credentials (i.e., bankers, accountants, developers, public relations experts, real estate brokers) with a small professional staff would be an optimal solution. The Task Force feels a joint effort with the Chamber of Commerce should be explored. The private sector contribution to this entity would be expertise and credibility while the public sector contribution would be a public commitment to these goals. The public sector would also be contributing access to policy makers.

Ms. Landrigan hypothesized the entity could serve as a business assistance team, as liaisons between business sectors and Town boards, one-on-one assistance, and produce and distribute an Assistance Sheet – all actions designed to help retain current business. In a recruitment role, the entity could do prospecting, market analysis, space inventory, a recruitment information packet, and networking. She stated a series of community forums focusing on Sudbury businesses would help develop a community driven vision of the Route 20 business district and educate the community about the potential for growth. She opined these forums might serve as a recruitment tool for persons interested in offering their expertise. She stated the permit streamlining initiative must continue, as well as the interactive sessions with the Sudbury Chamber of Commerce. Ms. Landrigan asked the Selectmen to adopt the SPC recommendations as part of their own agenda.

Selectman Clark asked how the term Route 20 Central Business District differs from Route 20 Commercial District. Ms. Landrigan stated the terms are interchangeable and refer to anything commercially zoned. Ms. Landrigan stressed that the new entity would not be working to change zoning. Ms. Clark stated her major concern is protection of the wells, and that a concentration of commercial development near the wells is not good. Ms. Clark referred to the recently released movie, "A Civil Action", which features pollution of drinking water with tragic results. She stated further that a company, Coatings, formerly located in Chiswick Park, polluted the water. Ms. Landrigan stated that is the reason the Economic Development Committee would be made up of people from Sudbury, people who know and care about the Town, and look for companies that match this vision.

Selectman Clark stated she agreed with the concept of an Economic Development Committee yet expressed concern for encroaching on the aquifer area. She opined that "research and development" could conceivably include companies that use chemicals extensively. She stated she would like the term "Route 20 central business district" better defined, and stated further her desire to exclude the aquifer area. Chairman Drobinski stated much of the relevant business district includes the aquifer area. Ms. Clark opined maintaining the businesses already there is just as important as attracting new ones, and stated the environmental issues must not be ignored. Ms. Landrigan stated this committee would certainly work with current businesses. Ms. Clark stated further another agenda item for tonight's meeting is a proposal from the Planning Board and Conservation Commission for a Multi-board Environmental Summit, and opined that environmental issues are not viewed by everyone the same way.

Chairman Drobinski suggested Sudbury should not be considered in the same light as Woburn (with reference to "A Civil Action") as there has not been nearly that extent of chemical use in Sudbury. James

Halverson, 109 Dakin Road, inquired about Sperry in north Sudbury. Mr. Drobinski stated that company is working with DEP to get it cleaned up.

Jody Kablack clarified this committee would be charged with the task of enhancement of commercial areas that already exist, not to define new areas. She stated companies using toxic chemicals would not be allowed in Zone 2 due to Town bylaws preventing it.

William Cossart, Chamber of Commerce, stated the Chamber enthusiastically supports the proposal for an Economic Development Committee as presented this evening. He stated further they would like to see Route 20 look better, unoccupied space utilized, as well as see goods and services expanded. Selectman Clark wanted to know how a committee would be able to find tenants for vacant spaces when a commercial real estate broker has not been able to do so. Mr. Cossart stated that once the committee is established and its mission defined, it will be able to develop a plan to bring appropriate tenants in. Ms. Landrigan described it as a "split focus" in that a commercial broker has an enormous book of listings while this committee will be able to better focus on Sudbury. Selectman Roopenian stated a commercial broker also has a financial stake in development and will not be as selective as this committee might be. Ms. Roopenian asked for and received clarification that this committee is not a "widen Route 20" group, nor is it a zoning group, but rather a revitalization and marketing group. She stated that from her experience with the Strategic Planning Committee, the goal is to have more of a "Concord look" rather than Marlborough's downtown.

Selectman Roopenian stated that an entity or committee of some kind is needed because the Town Manager does not have time to market business locations, and such a task is not within the scope of the Selectmen duties. Ms. Roopenian wanted to know if this committee is intended to be a policymaking committee. Ms. Landrigan replied no, and reiterated that the public sector would bring in access to the policy making as well as bring issues to the attention of policy makers. Ms. Roopenian wanted to know about establishment of business outside of Route 20. Ms. Landrigan stated that, while there are other pockets of commercially zoned area, the committee would be focusing its attention along Route 20, as it is prime location. Selectman Clark stated a viable parcel is located near the Buddy Dog facility on Route 20. She stated it would make a wonderful office park.

Lawrence O'Brien, Planning Board, stressed to the Selectmen that they have the opportunity to be proactive rather than reactive. He stated the "reactive" approach is used too often. He cited an example of a company looking at space in Sudbury, hitting approval roadblocks at every turn, then going into Acton and making a deal in a fraction of the time. He stated it took only one phone call from Methods Machines to the Planning Board in Acton to get the process started. He commented that type of action might be the kind of thing this Economic Development Committee could do for Sudbury.

Selectman Clark stated the term "Route 20 Central Business District" is restrictive and suggested the word "central" be removed and add the word "commercial" to make it "Route 20 Business/Commercial District". She asked if the individuals serving on the committee would all be Sudbury residents. Ms. Landrigan replied they would and might utilize an application with essay as a recruitment tool. William Cossart stated the term "Route 20" is also limiting as it excludes businesses along Union Avenue.

Chairman Drobinski suggested the Board establish the committee, work with the SPC task force to establish the charge (using the SPC recommendations as a starting point) and discuss a formal charge at the next meeting.

It was on motion unanimously

VOTED: To establish an Economic Development Committee whose purpose is revitalization of the Business/Commercial District, all members of which shall be Sudbury residents, and continue the matter of a formal charge until the next meeting.

Regarding senior housing for the Unisys property, Chairman Drobinski stated the Board supports the effort and noted further the project is moving along as the Request for Proposal has been issued.

Regarding the Downtown Initiative Technical Assistance Program, Selectman Clark stated she has concerns with several areas of the application. She stated on page 1 there is reference to 30-year-old buildings and asked if one could logically conclude their respective septic systems are of comparable age. She noted a "Not Applicable" response to a question regarding parks and other open spaces. She referred to a map included in the application. Catherine Rader stated the application instructions asked for a focus on one particular area and she stated further she concentrated on the business/commercial district. Selectman Clark stated that within that area are conservation lands, the Stone Farm, and wondered why they were not included. Selectman Roopenian opined it is a matter of interpretation.

Selectman Clark asked why office buildings were omitted from the section regarding "business mix", the Chiswick Office Park being located within the district. She suggested that section be corrected. Regarding page 2 of the New Directions section, Selectman Clark stated the one of the issues of concern not addressed in the application is environmental sustainability which was voted as a primary concern of the SPC. She stated water is a critical issue and even sewers cannot prevent contamination. She stated she disagreed with the statement on page 1 of the Economic Sustainability Task Force Report, which states: "Economic sustainability as a goal for Sudbury was given the highest priority by the members of the Strategic Planning Committee". Ms. Clark stated that *environmental* sustainability with regard to drinking water was given number one priority. Ms. Landrigan stated that priority had been expanded to include economic sustainability, retention of Town character, and the development of a Master Plan.

Chairman Drobinski asked Town Planner Jody Kablack about the purpose of this grant. Ms. Kablack stated the grant could be used to kick-start the Economic Development Committee as the issues are the same. She remarked the format of the application was difficult to work with, utilizing little boxes and no essay questions. She stated the grant is for technical assistance only, and not a dollar amount. She stated the Massachusetts Department of Housing and Community Development will do an on-site visit of 12 communities.

Selectman Clark wanted to know the status of the questionnaire going out to residents. Town Manager Ledoux stated the Town has received a grant from the Sudbury Foundation and stated those monies will be used to develop and analyze the questionnaire.

Selectman Clark wanted to know where Appendix A and Appendix B were, as they were missing from her packet but referenced in the application. Ms. Rader stated the committee did not include the appendices, as they were not relevant for Selectmen review. Ms. Rader stressed the fact that the application itself will not be evaluated for content, but that it will be submitted for inclusion into a lottery if basic requirements are met. Jody Kablack stated that Sudbury fits the criteria very well. Selectman Clark stated two areas are misrepresented, the first of which is the MAPC mini plan, which had been rejected by a large segment of the citizenry with concern for the Town wells. Ms. Clark stated the second misrepresentation was the reference to the Woodard & Curran independent study stating no problems with commercial septic systems for 20 years, yet omitted the condition that proper maintenance is the way to avoid problems. Ms. Clark suggested monies be allocated for a part-time person for the Board of Health to make certain those septic systems are adequately maintained.

Chairman Drobinski stated he agreed with Ms. Clark's suggestion for a Board of Health person, but stated it was not germane to this application. Ms. Clark stated that anyone who reads this application would be misled. Ms. Kablack stated the mini plan was rejected at a Selectmen's meeting and never went to Town Meeting. Ms. Clark stated this application appears to be salvaging a plan previously rejected. Selectman Roopenian stated she understands Selectman Clark's concerns for the wells, but that this application is merely for technical assistance. Ms. Clark stated the application should accurately reflect the importance of the wells and aquifer and that a person not familiar with Sudbury would not glean that information from this document. Chairman Drobinski stated the groundwater issues are vital and should not be ignored in favor of tax rates.

Following further discussion, it was on motion unanimously

VOTED: To submit the application for the Downtown Initiative Technical Assistance Program, with appendices omitted, including all related references, and table of contents.

Overhead Utility Connection -- 65 Goodman's Hill Road

The Board acknowledged receipt of a letter, dated December 30, 1998, from R. Barry Liner, Don-Mar Enterprises LLC, requesting permission to install an overhead connection from an existing pole to a new home at 65 Goodman's Hill Road.

Town Manager Ledoux stated the Wiring Inspector has recommended approval. Selectman Clark asked if a plan had been submitted. Chairman Drobinski wanted to know why this type of connection needed to come before the Selectmen. Mr. Ledoux opined the pole may be in the Town right-of-way, but could not say for certain without reviewing the plan.

It was on motion unanimously

VOTED: To continue this matter until the applicant submits a plan and the Board has time to review it.

Schofield Bros. -- TJMaxx

Present: Bruce Ey, Schofield Bros.; Myron Fox, Esq.; Town Planner Jody Kablack.

Mr. Bruce Ey, a registered engineer with Schofield Brothers in Framingham, stated he is representing the Marmaxx Group (TJMaxx). He stated the property owner is refinancing and there are three "loose ends" in the TJMaxx site plan approval for the renovations that began in 1993: 1) the rear parking lot was not completed; 2) the walkway to Raymond Road was not completed; and 3) clarification regarding the coffee kiosk is necessary to satisfy the bank. He stated the landlord and tenant have agreed to complete the rear parking lot in the spring, which increases the parking by 40 spaces. He stated further that the walkway has not been completed because neither TJMaxx nor CGI, the property owner, own the right-of-way to Raymond Road.

Mr. Ey presented a plan of the parking area involving the coffee kiosk. Chairman Drobinski briefly recapped that the kiosk would be allowed as long as the owner (a Sudbury resident) was still in business. Mr. Ey stated that the refinancing bank considers this issue to be a liability and is requiring money in an escrow account for removal of the coffee kiosk. He stated this costs the property owners money and creates a complicated accounting system. Mr. Ey asked the Board to amend the site plan approval requirements and to eliminate the kiosk removal

as a condition of the site plan approval. He stated that it is a non-conforming enterprise and any change in site plan requirements does require a vote by the Board.

Selectman Roopenian asked who is responsible for the structure if the coffee kiosk goes out of business. Mr. Ey stated the landlord would be responsible for the removal. Selectman Clark asked how many parking spaces are occupied by the kiosk. Mr. Ey estimated 10 – 12 spaces.

Selectman Roopenian wanted to know how much improvement had been done in the rear. Mr. Ey stated landscaping was done in the rear and some improvements were done in the front. He stated compliance with the site plan will be 100% for the rear of the property. Selectman Clark recalled an issue with adequate room for trucks (fire trucks, delivery trucks) to get in and out of the rear area, and asked Mr. Ey if this plan is the result of that decision. Mr. Ey pointed out the differences between the as-built plan and as-approved plan. He noted that the addition to the back of the store, the loading docks, and the parking in the immediate area were completed according to the site plan, leaving the southwest corner of the parking lot the only unfinished portion. He stated that particular area is the farthest from the store and its unfinished state was an oversight.

Mr. Ey stated the improvements to the parking area involving the kiosk cannot be completed because of the Selectmen's vote in 1993. He added that the wording of the Selectmen vote puts the property owners "on the hook" to commit funds for potential changes in that area. Selectman Clark asked if an Automatic Teller Machine (ATM) would be considered comparable to the kiosk, similar to the ATM in the Star Market parking lot. Town Planner Jody Kablack stated all kiosks are now prohibited by Town bylaw, but added that a drive-through ATM would be allowed. Selectman Clark opined the situation will take care of itself -- when the businessman stops selling coffee, the kiosk becomes vacant, and a new owner would have to go to the Zoning Board of Appeals for a variance.

Attorney Myron Fox clarified the original vote had been to remove the kiosk, then the business owner, Mr. DeMille, came forward to complain, and the Selectmen amended their vote to accommodate him.

It was on motion unanimously

VOTED: To amend the Site Plan Special Permit by eliminating the requirement for removal of the kiosk Coffee Hut when the present owner vacates that premises.

Mr. Ey stated the last requirement involved construction of a walkway from the rear parking lot to Raymond Road, if an easement could be obtained. He stated the easement was granted to the Town of Sudbury to build and maintain a sidewalk over private property. The Town Engineer felt it unsafe for pedestrians to cross the street to the other walkway because of the crest of the hill. At that time an easement was obtained on the water district property, allowing pedestrian traffic on the property of Deborah Vana, walk along the road, then cross Raymond Road. He stated both the water district and Vana easements give permission for the Town of Sudbury to build the walkway and maintain it. That permission is not given to anyone else, yet the building of the walkway is a requirement of the site plan for TJMaxx.

Mr. Ey stated that TJMaxx would prefer not to have a walkway in that particular location because of the slope heading toward Raymond Road. He suggested discussing the matter with the Town Engineer. He asked the Board to amend the site plan approval to eliminate the walkway. He suggested that, if a walkway were to be built, the money should go to the Town and the Town should build it, because of the way the easements were worded. He suggested further that the Town Engineer estimate the cost of building the walkway as well as maintaining it. He pointed out that neither TJMaxx nor the property owner, CGI, have the right to maintain the walkway on private property.

Selectman Clark stated the walkway construction is listed in the site plan requirements as follows: "Construct a walkway from Sudbury Crossing southerly to Raymond Road, within a proposed Town easement as shown on a plan over the land of Deborah Vana, dated August, 1993, and prepared by Town of Sudbury Engineering Department, and extending across Sudbury Water District land adjacent thereto, if the Water District and Deborah Vana give petitioners such easements." Mr. Ey presented a copy of the Water District easement.

Mr. Ey described the current footpath as a very rugged, narrow one, barely wide enough for one person to walk down it. He stated it obviously has enough traffic that the path is well worn. He stated further that the slope of the path is 6 – 7%. He noted TJMaxx expressed concern for liability, if skateboarders, bicyclers, or pedestrians should have accidents while on the path. Selectman Roopenian wanted to know how the Town ended up with the easement. Chairman Drobinski opined it may have been part of a plan to join it with other walkways along Raymond Road and going over private property necessitated the easement.

Chairman Drobinski stated he did not see a problem with constructing the walkway and suggested the Director of Public Works might be able to work out a solution regarding the 6% slope. Mr. Ey suggested Public Works build the walkway, and if reimbursement is to take place, TJMaxx and the Town can work something out.

Chairman Drobinski directed Town Manager Ledoux to work with TJMaxx and the Department of Public Works to resolve the walkway issue.

Site Plan Applic. 98-347 -- Community National Bank, 450 Boston Post Road

Present: Myron Fox, Esq.; Fredric King, Schofield Brothers of New England, Inc.; John McNulty, M & M Realty and Development LLC; Raymond Murphy, Facilities Coordinator, Community National Bank; Town Planner Jody Kablack.

At 9:20 p.m. Chairman Drobinski continued a Public Hearing from December 21, 1998 for the purpose of approving a Decision prepared by Town Counsel with regard to a Site Plan Special Permit Application No. SP98-347 of Community National Bank, 17 Pope Street, Hudson, MA 01749, in accordance with Sudbury Zoning Bylaws Art. IX.V.A, to remodel and enlarge (with three additions) the existing building, including a drive-up teller window and drive-up ATM (automatic teller machine) on the westerly side, for use as a branch office, reconfigure parking area and driveways, and make landscape, drainage and septic system changes on property located at 450 Boston Post Road, owned by M & M Realty and Development LLC, 896 Boston Post Road, Marlborough, MA 01752, zoned Business District.

Selectman Clark asked if the letter confirming the improvements at the intersection of Edgell Road and Route 20 had been received from the Mass. Highway Dept. Myron Fox stated it had not, and still had only a verbal agreement that the work would be done. He suggested that requirement (#15) be moved from the list for building permit conditions to the list for occupancy permit approval, as by that time the developer should have the letter. Selectman Clark stated she did not agree with moving the requirement. She stated she wants to hold the Mass. Highway Dept. to their promise of improving that intersection and perhaps having this developer apply a little pressure would make sure it was completed. Mr. Fox agreed that might work, but stated all the other permits were in place and pointed out that weather conditions dictated the construction/renovations begin as soon as possible.

Selectman Roopenian stated she had no problem with changing the requirement to the occupancy permit approval, and stated further she had spoken with Representative Susan Pope about completion of this project. Mr. Fox expressed confidence that the developer could get a letter from the Highway Department by the time the

building is ready to occupy, but expressed doubt it would arrive in two or three weeks in time to get the building permit. He stated they have the Order of Conditions, and the Planning Board will meet to sign the Zone 2 permit.

Selectman Clark stated she disagrees with the way the Highway Dept. does business in that they make promises but fail to follow through on them. Mr. Fox stated the client should not be punished for their poor performance. He added it would take much more effort than the developer phoning them for the letter. He suggested holding the developer up is not fair. Selectman Roopenian agreed that the developer should not be held up. She asked for the name of the Highway Department person to whom Mr. King sent his letter.

Town Planner Jody Kablack stated that Sudbury Department of Public Works has agreed that the same level of safety can be achieved by moving the STOP line back. She stated that generally the applicant is notified if they are not in compliance. Mr. Fox stated that in the original correspondence the Mass. Highway Dept. did not realize the building was going to be renovated and occupied, and later agreed to close one of the openings to accommodate the improvement to the intersection.

Mr. Fox displayed a revised landscaping plan and stated it incorporated all the suggestions of the Design Review Board. Selectman Clark asked what kind of street trees were going to be planted. Raymond Murphy, Facilities Coordinator, Community National Bank, stated locust and flowering crab trees would be planted. Selectman Clark expressed concern that the height of the trees not block vision of motorists.

It was on motion unanimously

VOTED: To approve and sign the Notice of Decision, amended by making item #15 a condition of the Occupancy Permit instead of the Building Permit.

The Board signed revised plans, Sheets 1 - 4, dated January 5, 1999.

Goodnow Library Signage

Present: David Levington, Goodnow Library Trustees.

The Board acknowledged receipt of a memo, dated December 18, 1998, from David Levington to Robert Noyes regarding directional signs for the library. Sizes and pricing information was included.

David Levington, Goodnow Library Trustees, stated the Open House for the new library will be held on April 10 – 11, 1999, with the dedication held on the 11th. Mr. Levington requested directional signs be placed at heavy traffic intersections throughout Town and to have such signs posted in flowerpot barrels that would also be attractive to the area. He stated further that Fire Chief Michael Dunne has indicated he has a pump that might be suitable for watering these flowerpot barrels.

Mr. Levington stated further it would be ideal to have five ceremonial banners (attached to telephone poles) placed from the library to Boston Post Road along Concord Road. He stated he is willing to raise the monies to purchase these banners through the Chamber of Commerce and local businesses, and asked the Board for permission to install on an experimental basis for one year and also whether the Town would install them once purchased. He suggested one might announce the new library opening, another might be holiday related, and so forth. He noted the Trustees have yet to obtain permission from the owners of the telephone poles. Mr. Levington expressed concern for any signage in the Mill Village area, recently devastated by fire. He felt it may be insensitive to be jovial in light of their misfortune though the library opening is still three months away.

Selectman Roopenian asked if the Trustees need to go before the Design Review Board and whether the directional signs could be made to appear more historical. Town Manager Ledoux stated they will need approval by the Design Review Board for the banners, but he did not think the directional signs required DRB approval. Mr. Levington stated the directional signs are fairly generic and are either green or blue background.

Chairman Drobinski expressed concern for an abundance of directional signs from other entities in Town. Town Manager Ledoux concurred. Selectman Clark stated Mr. Levington's desire to have signs at all entrances into Sudbury is ambitious but added that signs at the beginning of Concord Road and Route 20, one at the lights at Sudbury Center, Concord Road, Old Lancaster and Union Avenue would be appropriate locations. Selectman Roopenian stated keeping the number of signs down to a minimum is preferable.

It was on motion unanimously

VOTED: To approve the installation of directional signage for the Goodnow Public Library and to place such signage at Route 20 and Concord Road, Concord Road and Route 27, and the intersection of Concord, Old Lancaster and Union Avenue.

With regard to banners, Town Manager Ledoux stated the appropriate approvals need to be checked out. Selectman Clark asked how long it would take to get the banners, once ordered. Mr. Levington responded he did not know, as the money had not yet been secured, but hypothesized 3 – 4 weeks. Selectman Roopenian expressed concern for the visual impact of banners. Ms. Clark suggested they might be very spirited and add a little excitement to the area. Mr. Levington reiterated that the Trustees are asking the Town to install these banners and be responsible for changing them as needed. He stated these banners are 2 ft. by 6 ft. and hang approximately 18 ft. over the street.

Mr. Levington stated that if the Board approves the venture, he would attempt to secure permission from Bell Atlantic or Boston Edison to utilize the poles. He asked about other boards that he might need to approach. Chairman Drobinski suggested he speak with Frank Riepe of the Design Review Board.

It was on motion unanimously

VOTED: To approve the installation of 5 ceremonial banners between the Goodnow Library and Boston Post Road, along Concord Road, subject to approval from the Design Review Board and permission of Bell Atlantic/Boston Edison for use of the telephone poles.

Joint Meeting -- Planning Board/Board of Appeals -- Wolfe Property

Present: Lawrence J. O'Brien, Planning Board; Deborah Dineen, Conservation Coordinator.

The Board acknowledged receipt of a memo, dated January 6, 1999, from Town Planner Jody Kablack, advising that Carole Wolfe, et. al. is requesting a variance on the minimum parcel size for a Senior Residential Community on a 23-acre parcel off Butler Road.

Lawrence O'Brien, Chairman, Planning Board, presented plans of the area off Butler Road. He stated this parcel is located across the street from the Fairbank Senior Center and would be an ideal location for a Senior Residential Community (SRC). He described the current situation as follows: Carole Wolfe, et. al. have received approval for a single-family subdivision consisting of 12 lots with house sizes of 5 bedrooms and 4000-5000 sq. ft.

Their attendance at a Planning Board forum on senior housing this past summer prompted the family to look into the option of constructing an SRC at this site. However, the minimum parcel size for an SRC in accordance with the bylaw is 35 acres and this parcel is only 22.8 acres. Mr. O'Brien stated the family is therefore requesting a variance on the size restriction.

Mr. O'Brien stated many of the available larger parcels of land in Town have already been approved for single family subdivisions. The Wolfes have been offered \$3.2 – 3.5 million for this parcel for the 12-lot subdivision, with home prices nearing the \$1 million range. Mr. O'Brien described these homes as "starter mansions". He stated that Butler Road is barely 18 feet wide, the minimum required to get fire trucks in and out, and widening of the road would be extremely difficult. He stated further that some of the homes in this area are former summer cottages, 1940s vintage, renovated for year-round use and nowhere near the scale of homes proposed for the development. Mr. O'Brien stated the location of an SRC here would be ideal as it is very near the Senior Center and Town Pool.

He stated the Zoning Board has asked Town Counsel for an opinion as to whether the application should be for a use variance or a dimensional variance. That opinion has not yet been rendered. He stated the Planning Board would help the Wolfes in any way they can and certainly support their desire to construct an SRC on this parcel.

Mr. O'Brien stated the Planning Board is looking for a letter of support from the Selectmen stating that the construction of an SRC with 35 2-bedroom units on this parcel is a better use than a single-family subdivision. He stated an SRC would generate approximately \$175,000 - \$200,000 in tax revenue yearly and require no Town services other than police and fire, EMT's, plowing of road, etc. The construction can all be done inside of the 100-ft. wetlands buffer. Selectman Clark asked if the 200 ft. pond buffer requirement exists for this project. Deborah Dineen, Conservation Coordinator, stated it did not because the pond did not exhibit river characteristics. Mr. O'Brien the units would be built in clusters as the bylaw does not allow for more than four front doors within a unit of homes with a maximum of three bedrooms per unit.

Selectman Clark wanted to know why the 10-acre incentive senior development initiative was not used. Mr. O'Brien stated that initiative has a price cap on it of approximately \$200,000 - \$225,000 per unit and the developer would not be able to make a profit. Ms. Clark suggested four units could be deleted from the plan to bring the dollar amounts under the limits, still allow for 26 units, and bring the value to the same level as the single-family subdivision. Town Planner Jody Kablack stated one cannot base the value of the project on the units produced, but instead on the price of the land. If a landowner can sell land for single family homes that they know will sell, they are reluctant to lose that security. Ms. Kablack stated it has taken over a year for anyone to consider an SRC because there appeared to be no market for one. Landowners are scared and developers would offer less money because of a potentially risky market.

Mr. O'Brien stated this parcel is fairly flat and would require little tree clearing or site preparation and remarked that it is surprising anyone approached the Planning Board for anything other than a single family development. Selectman Roopenian stated as a resident in this neighborhood she cannot even envision the "starter mansions" proposed as they would not fit with the character of the neighborhood and expressed support for an SRC on this parcel.

Mr. O'Brien stated the Planning Board is meeting with the Zoning Board of Appeals on February 9 allowing time to consider options. He stated a letter of support from the Selectmen would be greatly appreciated.

Chairman Drobinski asked if there would be public access to Willis Pond. Jody Kablack stated it would be difficult from that parcel because of a significant drop in the slope.

Selectman Clark stated she would like to think about it and also take a drive through the area.

Mr. O'Brien opined the traffic for single-family homes would consist of ten trips a day per home, 120 trips a day for 12 homes. He stated this is the first application for single-family homes where the public way access permit was put into effect with some requirements for improvement to the roadway. For an SRC, the traffic drops to about three trips a day. He stated during soccer season, there is a good deal of parking along Butler Road.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 10, 1998 and December 21, 1998, (excluding the Tax Classification Hearing section), as amended, and to approve the executive session minutes of December 10, 1998 and December 21, 1998, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$120.14 in miscellaneous donations to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

D.A.R.E. Donation Fund

It was on motion unanimously

VOTED: To accept the donation of \$150.00 from the Williams, Mercorelli, and Hodgson families to be deposited into the D.A.R.E. Donation Fund, and to authorize the Police Chief to expend same for the D.A.R.E. program.

Sudbury Foundation -- Master Plan

It was on motion unanimously

VOTED: To accept a grant received from The Sudbury Foundation in the amount of \$4,000 to be deposited into a separate account, and to authorize the Town Manager to expend same to develop an updated Master Plan.

E.B. Hosmer Memorial Fund

It was on motion unanimously

VOTED: To authorize the following expenditures from the Edwin Barrett Hosmer Memorial Fund: \$543.44 for refurbishing/carpentry work for the Child's Room at Hosmer House; \$369.19 for reception expenses for grand opening of the Child's Room; and \$2,882.72 to purchase cup plates from Pairpoint Crystal.

Constable Steven Kaup -- Bond

It was on motion unanimously

VOTED: To approve the surety of the bond for Constable Steven Kaup (Western Surety Company Bond No. 68808296, dated December 29, 1998) in the amount of \$5,000, to be filed with the Town Clerk.

Sudbury Toyota & Volvo Service -- Used Car Dealer's Class II License

It was on motion unanimously

VOTED: To renew the Used Car Dealer's Class II License held by Sudbury Toyota & Volvo Service, 684 Boston Post Road, for calendar year 1999.

Selectmen's Annual Report for the Town Report

It was on motion unanimously

VOTED: To approve the Selectmen's Annual Report for the Town Report, as amended.

Health Insurance Contract

It was on motion unanimously

VOTED: To approve a contract for health claims with Stop Loss Insurance with Life Insurance Company of North America, brokered by American Stop Loss Insurance Brokerage Services, Inc., for calendar year 1999, at a monthly cost of \$17.99 per employee and \$39.60 per family.

Letter to the Editor

Selectman Roopenian stated she reworded much of the letter so that it would read smoothly. She stated there had been concern that the Land Use Priorities Committee was in fact an Eminent Domain Committee, and she stated rewording was essential to clear up that misconception.

Chairman Drobinski stated the letter should be a Letter to the Editor in *The Town Crier* as there is much public confusion. Ms. Roopenian suggested sending the letter to the landowners who attended the first meeting where Armando Carbonelli spoke. She stated Mr. Carbonelli used words like eminent domain, moratorium on building, break the zoning laws, etc. which were perceived as threatening words. There is concern for eminent domain takings for schools, and who the committee members were. Ms. Roopenian stated there was a rumor that

the committee members were actually 21 people who were attempting to buy land for their own purposes, and who had not been appointed as a Town Committee.

Selectman Clark stated she would like a little time to review the letter and stated further she would forward her comments to Selectman Roopenian for a final draft of the letter to be sent to *The Town Crier*.

Conservation Commission 1998 Land Management Reports

Present: Deborah Dineen, Conservation Coordinator; Stephen Meyer, Chairman, Conservation Commission.

With regard to the Conservation Commission's proposal to designate the Raymond Land as conservation land, the Commission invited the Selectmen to walk the land with them when the weather is suitable.

It was on motion unanimously

VOTED: To accept the 1998 land management reports of the Conservation Commission dated December 29, 1998.

1999 Annual Town Meeting – Warrant Articles and Zoning Amendment Articles

Town Manager Ledoux stated the Board may want to re-consider amending Bylaw Article V.3, Regulation of Dogs, with regard to increasing the fines. He stated that statutorily the Town is limited to a \$50 fine. Selectman Roopenian suggested the fines be raised to \$50 for every offense. The Board concurred the article be so worded and remain on the warrant.

Mr. Ledoux reminded the Board of an earlier "junk nuisance" complaint, and stated the Building Inspector has informed him the only regulatory avenue is a nuisance bylaw, and Mr. Hepting has put together some language, though such a bylaw would be cumbersome to enforce. Selectman Clark suggested discussion be reserved for another meeting.

Mr. Ledoux stated the language for the Land Bank article has not yet been finalized, pending completion of the Community Preservation Act.

It was on motion unanimously

VOTED: To accept thirty-seven articles submitted to date for the 1999 Annual Town Meeting Warrant, and to refer the seven articles which are Zoning Bylaw amendments to the Planning Board for its hearings and report in accordance with M.G.L. Ch. 40A, S.5.

Multi-Board Environmental Summit

Present: Stephen Meyer, Chairman, Conservation Commission; Deborah Dineen, Conservation Coordinator; Jody Kablack, Town Planner; Lawrence O'Brien, Chairman, Planning Board.

Jody Kablack, Town Planner, stated the summit would be open to the Board of Selectmen, Board of Health, Sudbury Water District, Zoning Board of Appeals, and the Water Resource Protection Committee. Mr.

Ledoux requested the date be set for sometime after mid-February. Chairman Drobinski suggested the Town Planner and Town Manager meet to set the date for the summit.

Chairman Drobinski asked if there would be a specific agenda. Ms. Kablack stated the first meeting may be used to narrow down the issues. Stephen Meyer, Conservation Commission, stated there are some specific issues, but added that the focus could very well be on water and water management issues.

Bid Review and Selection Committee -- Unisys Housing

Present: Stephen Meyer, Chairman, Conservation Commission; Deborah Dineen, Conservation Coordinator; Jody Kablack, Town Planner.

Jody Kablack, Town Planner, stated the Conservation Commission has requested being included in the Bid Review and Selection Committee for the Unisys property housing project. Deborah Dineen, Conservation Coordinator, stated their presence on the committee is important because of their knowledge of the conservation bylaws, which would help guide the construction away from potential problem areas.

The Board agreed to appoint a representative of the Conservation Commission upon receipt of a designee by the Commission.

It was on motion unanimously

VOTED: To appoint the following individuals to the Bid Review and Selection Committee:

| | |
|-------------------|------------------------------|
| Dan Claff | Housing Task Force |
| Jo-Ann Howe | Housing Task Force |
| Ed Kreitsek | Housing Task Force |
| Jody Kablack | Town Planner |
| Steve Ledoux | Town Manager |
| Kirsten Roopenian | Selectman |
| Lawrence O'Brien | Planning Board |
| Craig Blake | Permanent Building Committee |
| Lawrence Blacker | Citizen-at-Large |
| (To be appointed) | Conservation Commission |

Melone Gravel Contract

Present: Ursula Lyons.

Selectman Clark stated she read a memo recently which stated Concord was incorrect in their belief Sudbury was improperly gathering gravel from the site on North Road. Town Manager Ledoux stated Town Counsel Paul Kenny was working with Concord's Town Counsel.

Mr. Ledoux stated the Town would hire David Burke as consultant to delineate wetlands.

Mill Village Assistance Plans

Town Manager Ledoux stated the Massachusetts Environmental Management Agency (MEMA) began interviews with affected business owners to determine if the business owners would be able to qualify for low interest Small Business Administration loans. In order to qualify, at least five businesses must be uninsured or underinsured. After the interviews, MEMA determined that seven businesses fit this criteria, and all will qualify for SBA assistance. Mr. Ledoux stated Governor Cellucci submitted the paperwork to the Small Business Administration on January 6, 1999.

Mr. Ledoux stated the Town is working with Congressman Meehan's office to set up a meeting to meet with the SBA, the Selectmen, and the affected businesses. The SBA will then set up an office to meet with the businesses directly.

Mr. Ledoux stated he attended a meeting on January 6 with Fire Chief Michael Dunne, Ron Stephan, Chamber of Commerce, and Randy Goldberg, owner of Mill Village. They agreed that 1) Mr. Goldberg will serve as liaison with the business owners, while Mr. Ledoux will serve as liaison with the Town; 2) the Town will publicize that some Mill Village businesses are still open and that Mill Village will be rebuilt; and 3) the Chamber of Commerce has agreed to establish a fund for fire victims. Mr. Ledoux stated donations should be sent to: Benefit for the Mill Village Tenants, c/o Cindy Dedecko, Middlesex Savings Bank, 19 Concord Road, Sudbury.

Mr. Ledoux stated that Michael Dunne, Fire Chief, will be compiling some information on the possibility of reimbursement to other towns whose fire units assisted in fighting the fire. Reimbursements can be made for "extraordinary expenses" incurred during their assistance.

Mr. Ledoux stated Michael Dunne has also compiled a list of individuals who offered support during the fire. Dunkin' Donuts donated donuts and coffee throughout the day at an estimated cost of \$50 - \$100 and refused payment.

Mr. Ledoux stated Chief Dunne's plan to donate \$100 from the Fire Chief's Expense line in the Fire Department budget to the Red Cross Canteen or Leominster and Acton Auxiliary Explorer Post 7 for the coffee and donuts they provided during the fire. He stated these are both volunteer groups who raise their own funds to support their operations. This contribution would help replace supplies they used in Sudbury.

Mr. Ledoux stated that Sudbury businessman Donald Morris of D.J. Morris Contracting supplied diesel fuel to the fire trucks during and after the fire. Mr. Morris was able to use his own trucks to deliver fuel directly to the site and refuel vehicles while they were in operation.

It was on motion unanimously

VOTED: To express appreciation for the assistance volunteered to help victims of the Mill Village fire, and to write a letter to the newspaper headlining the generosity of these groups and individuals.

Selectman Clark asked the Conservation Commission if any exemptions exist with regard to rebuilding. Deborah Dineen, Conservation Coordinator, stated there are no exemptions as such, but there are provisions within the Wetland Protection Act and in Town bylaw. She stated there are no major problems with reconstruction, but the Commission would like to see some upgrades to drainage and other very manageable concerns.

Selectmen Reports

Selectman Clark stated she will be attending the next meeting of the MetroWest Growth Management Committee.

Selectman Roopenian stated she spoke to Boy Scout Pack 11 at the Loring Parsonage. She commented they were especially interested in the fact that Selectmen do not get paid. She invited them to attend Town Meeting to get a look at the way Town government works. Ms. Roopenian stated she will be attending the EdCo Collaborative meeting on January 29 where discussion will focus on legislative relative to Education Reform and the Suburban Coalition.

Town Manager Ledoux stated he told Randy Goldberg, owner of Mill Village, that the Selectmen would keep the Mill Village fire an agenda item for meetings. Ms. Roopenian stated she spoke with several people who wanted to know about a central location for information. Mr. Ledoux stated Mr. Goldberg had indicated a bulletin board would be established for this purpose. Ms. Roopenian suggested the business owners contact the Town Manager for a meeting location so they do not have to meet outside in the parking lot. Selectman Clark suggested that the business owners incorporate a hydrant somewhere in the back of Mill Village in their site plan. She stressed it would provide better protection and would also reduce their insurance premiums.

Chairman Drobinski reminded the Board the State budget cherrysheets should be out by March 1.

Marlborough Mayor Mauro – Wastewater Treatment Plant

Present: Stephen Meyer, Chairman, Conservation Commission; Deborah Dineen, Conservation Coordinator; Ursula Lyons, Hop Brook Protection Association.

Town Manager Ledoux reported on the meeting he had with Marlborough Mayor William Mauro on January 5. Mr. Ledoux stated Mr. Mauro had been advised there was no guarantee that the weed problems in the Hop Brook system would be better even if the phosphorous level were dropped to 0.1 mg/l. Mr. Mauro has made a proposal for aggressive pond management, with the issue of improvements to the Easterly Wastewater Treatment Plant to be revisited if this is unsuccessful. Mr. Mauro also indicated to Mr. Ledoux he would set up a meeting to discuss pond management in detail and would include the Town, the Wayside Inn (Gristmill Pond) and the City of Marlborough.

Mr. Ledoux stated he spoke with David Pinkham of the EPA who stated a pond management program cannot be effective without necessary improvements to the treatment plant. Chairman Drobinski stated an open discussion of a pond management program would be nice, but that doing so does not negate the Board's support for the EPA recommendations.

Stephen Meyer stated the Hop Brook Ponds Study Commission memo included in the packets was written over four years ago. He stated the "let's get together to discuss it" option was done, and the City of Marlborough did nothing toward solving the problem.. He suggested a strong show of support from the Selectmen would strengthen the EPA position in this matter. Mr. Meyer stressed that this problem has existed for over seven years and Marlborough has done everything from denying responsibility to blaming septic systems along Hop Brook. He encouraged the Board to keep the pressure on.

Chairman Drobinski asked if there were other plants with the 0.1 mg/liter limit. Mr. Meyer stated his belief that there was one in Millis, among others. Ursula Lyons stated Mayor Mauro met with Frank Lyons, Hop

Brook Protection Association, and Peter Marston of MicroMag, regarding a pilot project at the plant. Mr. Marston indicated at that time that the 0.1 mg/l limit was certainly possible.

Deborah Dineen stated these discussions have gone on for a long time, through several mayors. Selectman Clark commented the reasons for inaction are even being recycled. Ms. Dineen stated there are State and local bylaws regulating this type of activity, and the activity at the Marlborough plant is damaging the wetland areas downstream. Ms. Clark opined that costs for dredging and other options will continue to climb. Ms. Dineen stated some dredging operations are prohibited within the bylaw, and fines can be assessed.

Mr. Meyer stated the Hop Brook Protection Association undertook initiatives regarding proper septic system maintenance. He stated that through a grant the Conservation Commission received, the Town upgraded a number of catch basins that feed into Hop Brook. Revegetation procedures were also initiated. Ms. Dineen stated Marlborough continues to connect sewer mains, both commercial and residential, to this treatment plant.

Mr. Ledoux stated Mayor Mauro is under the impression that the Wayside Inn owns the Gristmill Pond. Mr. Meyer stated the Wayside Inn does own the spillway. Mr. Ledoux stated further that Mayor Mauro would like to open the dam. Mr. Meyer responded that would be bad as it would reactivate the phosphorous in the sediment as well as send the problem further downstream and destroy wildlife. Mr. Meyer stated the Hop Brook Protection Association should certainly be present at this meeting as they have been working very hard at resolution.

Mr. Meyer suggested contacting the attorney for the Conservation Commission for a legal opinion of one Town using both the Wetlands Protection Act and the Town bylaw against a neighboring town. He added that the EPA had been concerned with their own image of a heavy federal agency, but the letter from the Selectmen supporting them made a difference.

Selectman Clark expressed disbelief that the City of Marlborough could not understand that they will actually save money in the long run by solving this problem, and added that the publicity for a new technology certainly will help them. Mr. Meyer estimated the process would cost \$10 – 20 million.

It was on motion unanimously

VOTED: To direct the Town Manager to communicate to the EPA that the Selectmen support their 0.1 mg/liter phosphorous level at the wastewater treatment plant, are willing to discuss remedial options with the City of Marlborough, and to endeavor to keep the permit process on track.

There being no further business to come before the Board, the meeting was adjourned at 11:02 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk