

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 25, 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 7:35 p.m. at the Senior Center, 40 Fairbank Road.

**LSRHS Pre-Prom Party**

Present: Robert Hurstak, Jr., Marjorie Wallace, Michael Dunne.

Mr. Robert Hurstak described the ritual of private parties before going to the prom in Boston each year, and stated that these parties are the only opportunity parents have to take pictures, but involve only a small number of students and are not as safe as parents might like them to be. He requested that the Board support a Town-sponsored pre-prom party held at 4:30 or 5:00 p.m., prior to the departure to Boston. The party would last 1 – 1 ½ hours and would be held at Heritage Park with a minimal cost. He opined that, in addition to a tent and soft drinks, many refreshments/supplies would be donated. Parking would be nearby, with a small police detail to direct traffic. He stated this is a good time for the Town to support the students at this coming-of-age event and provide an event many students can safely attend.

Mr. Hurstak stated that Michael Dunne and Marjorie Wallace have agreed to co-chair the event and that they have received word from Park and Recreation that the park is available. He stated he has already spoken with some of the students and the school superintendent, all of whom are very excited about the idea.

Chairman Drobinski stated that it is a good idea and a great way to show community spirit. He opined that commitment from police and fire (for public safety) would be necessary. Town Manager Ledoux stated he will be meeting with Chief Lembo tomorrow and will discuss it with him. Selectman Roopenian expressed concern for traffic and students crossing the street at that time of day. Mr. Hurstak stated the traffic will only add to the event, making more people aware of it, but added that the police detail will help keep things moving smoothly.

Selectman Roopenian stated it must be made abundantly clear that no alcohol will be available and noted she had attended an alcohol/drug discussion at the high school two weeks earlier.

It was on motion unanimously

VOTED: To endorse the LSRHS pre-prom party at Heritage Park, subject to the commitment of police and fire protection.

**1999 Annual Town Meeting Warrant Articles**

With regard to the numbering of the articles, Selectman Clark suggested moving No. 18 (Union Avenue Walkway) to No. 16, as it is a walkway in the area of the new library. The Board concurred.

Regarding the Site Plan Bylaw Amendment, Town Manager Ledoux stated Mark Bobrowski has stated the Building Inspector has some authority under the Mass. General Laws, and can do his own site plan review and solicit input from other boards and departments. Mr. Bobrowski suggested it as an interim measure while he looks at the entire codification process. Chairman Drobinski asked Mr. Ledoux for a letter

from Mr. Bobrowski to John Hepting, Building Inspector, outlining his authority in these matters. The Selectmen's article was kept in place pending review of said letter.

It was on motion unanimously

VOTED: To accept six additional articles submitted for the 1999 Annual Town Meeting Warrant and to order the warrant as amended.

### **Minutes**

It was on motion unanimously

VOTED: To approve the Tax Classification Hearing section of the regular session minutes of December 21, 1998, as amended, and the regular session minutes of January 11, 1999, as amended.

### **Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$179.87 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.

### **Ambulance Gift Account**

It was on motion unanimously

VOTED: To accept a \$100 donation from Nancy Langman-Dorwart, 27 Julian's Way, to be deposited into the Ambulance Gift Account to be expended under the direction of the Fire Chief.

### **Overhead Utility Connection – 65 Goodman's Hill Road**

Pursuant to tabled discussion of January 11, 1999 and a memo, dated December 30, 1998, from R. Barry Liner, requesting an overhead connection from an existing pole adjacent to the property, for a new home at 65 Goodman's Hill Road, as shown on Plan A-5, dated September 28, 1998, drawn by HPA Design, Inc., it was on motion unanimously

VOTED: To grant permission to R. Barry Liner, Don-Mar Enterprises LLC, in accordance with Bylaw Art. XX.3.E, for an overhead utility connection to a new home at 65 Goodman's Hill Road as shown on Plan A-5, dated September 28, 1998, drawn by HPA Design, Inc.

### **E. B. Hosmer Memorial Fund**

It was on motion unanimously

VOTED: To authorize the expenditure of \$188.50 from the Edwin Barrett Hosmer Memorial Fund to pay for police detail on the occasion of the Child's Room opening/reception.

**Site Plan Applic. SP99-348 – Roche Bros., Sudbury Farms, 439 Boston Post Road**

Present: Bruce Ey, Schofield Brothers; Robert Annand, President and CEO, Roche Bros.; David Stratos, Construction Division, Roche Bros.; Charles (Chuck) Bomely, Plan B Retail Design and Project Management LLC.

At 8:05 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering a Site Plan Special Permit Application No. SP99-348 of Roche Bros., d/b/a Sudbury Farms, in accordance with Sudbury Zoning Bylaws Art. IX.V.A, to construct additions totaling 8,435 sq. ft. to the rear and front of the existing shopping plaza for the Sudbury Farms Store; and to reconfigure driveway, relocate and replace lighting fixtures, and improve drainage and septic system on property located at 439 Boston Post Road, owned by 1776 Plaza Limited Partnership, zoned Limited Business District.

Notice of the Public Hearing was duly posted, and advertised in the *Sudbury Town Crier* and *TAB* on December 31, 1998 and January 7, 1999. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided written notice by first class mail.

The Board was in receipt of the following:

1. Application for a Site Plan Special Permit, No. 99-348, dated December 1, 1998, from Roche Bros., 70 Hastings Street, Wellesley Hills, Massachusetts 02181-5439 for property at 439 Boston Post road, including:
  - a) Plans entitled "PROPOSED SITE PLAN OF LAND IN SUDBURY, MASS. AT 439 BOSTON POST ROAD 'SUDBURY FARMS'" (Sheets 1 & 2), Reference No. 19852, dated December 1, 1998, drawn by Schofield Brothers of New England, Inc.;
  - b) Plan "POTENTIAL PARKING LAYOUT", dated December 1, 1998, drawn by Schofield Brothers of New England, Inc.;
  - c) Plan "WATERSHED MAP", dated October 24, 1998, drawn by Schofield Brothers of New England, Inc.;
  - d) Plan A3.1, "CONCEPTUAL EXTERIOR ELEVATIONS", dated September 30, 1998, drawn by Plan B Retail Design and Project Management, LLC;
  - e) Plan A3.2, "CONCEPTUAL EXTERIOR ELEVATIONS", dated September 30, 1998, drawn by Plan B Retail Design and Project Management, LLC;
  - f) Plan C6, "CONCEPTUAL FLOOR PLAN #6", dated September 30, 1998, drawn by Plan B Retail Design and Project Management, LLC.
2. Memo, dated January 20, 1999, from Jody Kablack, Town Planner, with the following comments:
  - a) Waiver for 27 reserve parking spaces is recommended.

- b) Regarding waiver request for submitting a landscape plan; consideration of additional landscape islands in the parking lot is urged.
  - c) A painted walkway, or walkway of brick or other surface, between the Sudbury Farms plaza and the Sudbury Crossing plaza should be required.
  - d) Lighting details for new lighting are needed.
  - e) Waiver of submitting topographic plan is recommended.
3. Letter, dated December 15, 1998, from I. William Place, Town Engineer, commenting as follows:
- a) The painted traffic island at the westerly entrance should be replaced with a granite curbed island to improve access and egress to the site;
  - b) The Coffee Hut was to be removed with the change in ownership as conditioned in the site plan for Sudbury Crossing. If the ownership has changed, the hut should be removed and parking reconfigured;
  - c) The trees in the landscaped area along Route 20 are stressed and dying. Mr. Place suggests the dead trees be replaced with native trees that are not salt sensitive;
  - d) A maintenance program for the water quality inlets should be submitted and approved by the Board.
4. Letter, dated January 19, 1999, from Frank W. Riepe, Design Review Board, recommending:
- a) that the Site Plan be approved with the building elevations as shown on the revised plan dated January 12, 1999, drawn by Plan B Retail Design and Project Management;
  - b) that the applicant provide a clear, formalized pedestrian zone along the front of the building, possibly designated by planters, and recommends this as a condition for approval;
  - c) that the applicant work with the owners of Sudbury Crossing to create a visible pedestrian connection between Sudbury Farms and Sudbury Crossing, and recommends this as a condition for approval.
5. Memo, dated December 31, 1998, from Michael D. Dunne, Fire Chief, stating the department supports the overall plan, especially the removal of the utility poles at the rear of the property, and that the applicant should connect the fire sprinkler system and the fire suppression system at the cooking hoods to the municipal fire alarm system via a master box connection.
6. Memo, dated January 21, 1999, from Robert C. Leupold, Board of Health, stating the proposed expansion meets the design flow criteria for the existing septic system, and noting that an innovative/alternative technology system is being installed which will improve the effluent quality and increase the leach field's longevity.

7. Memo, dated January 22, 1999, from Deborah Dineen, Conservation Coordinator, stating that an Order of Conditions will be issued, and noting that the upgrades in the drainage system will result in improved water quality in critical areas.
8. Memo, dated December 31, 1998, from the Treasurer/Collector's Office, stating that Roche Bros., d/b/a Sudbury Farms has no unpaid taxes.
9. Memo, dated January 25, 1999, from John Hepting, Building Inspector, providing the following comments:
  - a) The easternmost two handicapped spaces should be relocated three parking bays west to be more opposite the entry.
  - b) There should be more handicapped curb cuts between the Sudbury Farms entry and the west end of the walkway.
  - c) There is an above grade utility building in the septic field area which is not shown on the plan.
  - d) There must be handicapped signposts between each pair of end-to-end handicapped spaces.
  - e) Regarding the Town Engineer's suggestion to replace the street trees along Boston Post Road, he suggests *Gleditsia Triacanthos 'Inermis'* (Common 'Thornless' Honeylocust), a salt tolerant, low maintenance shade tree.

Bruce Ey, a registered engineer at Schofield Brothers of New England, briefly described proposed site modifications. He stated the proposed additions will add 8,435 sq. ft. primarily to the rear of the building. The site consists of 8.11 acres of land with jurisdictional wetland and that the Conservation Commission will issue the Order of Conditions soon.

Mr. Ey stated that Roche Bros. would move into three of the adjacent stores that have been vacated to allow the expansion. He noted that some of the businesses occupying that space have moved further down in the plaza, and named Alden Merrell as one. He stated the Sudbury Farms store itself will expand by 13,564 sq. ft, some of which is internal, with the external additions being 8,435 sq. ft.

Mr. Ey stated Roche Bros. has agreed to "regrind" or "recycle" the pavement from the parking lot and slightly change the grades of the drainage system. They will install water-quality inlets, 2,500-gallon tanks with baffle. He noted the operation and maintenance plan for this system has been submitted to the Conservation Commission. He stated this improved system will not only attenuate the solids going into the system, but address the portable hydrocarbons from the parking lot.

Mr. Ey stated the addition will be in the area of the existing store, and that the intent was not to increase the impervious surface area at all. He stated, due to "squaring off" the building, it was necessary to move the external edge of pavement out by approximately 5 feet and remove a little from the western portion of the parking lot. He noted the net reduction in parking area/impervious surface is 727 sq. ft.

Mr. Ey stated the bylaw requires 251 spaces for a combined parking use of retail and restaurant. He noted that, combined with the easement for Sudbury Crossing, the existing total is 271 spaces. With the additional square footage from the renovations, the new requirement will be 298 spaces. He stated that the submitted plan includes 298 spaces, some of which are in odd locations, and requested that the Board approve the site parking at 271 spaces, a 9% waiver under the bylaw. He stated the Planning Board has indicated this reduction is not a problem. Roche Bros. feels the 271 spaces are adequate for the site. He

stated further that the intent is not to change the parking in front of the site or add more impervious surface than is necessary.

Mr. Ey stated I. William Place, Town Engineer, asked them to add granite curbing for the island at the westerly entrance which will be added to the site plan, and further, that trees at the street edge will be replaced in the spring.

Mr. Ey stated a hearing with the Planning Board is scheduled for tomorrow evening for Zone II Water Resource District issues, and noted they will be discussing Town Planner Jody Kablack's letter of recommendations at that time. He stated that the installation of water-quality inlets will effectively treat the runoff, putting almost clean water into the ground. He stated that the new system, an aeration system which allows waste treatment and organic waste reduction, is from Smith and Loveless in Kansas and will soon be fully installed and operating. Roche Bros. wishes to maintain the existing leach field which was installed three years ago.

Selectman Clark asked if Friendly's Restaurant has its own septic system and leach field. Mr. Ey stated the restaurant has its own, and opined they may consider treatment options at replacement time.

Charles (Chuck) Bomely, Plan B Retail Design and Project Management LLC, presented both the original and updated exterior plans for the Sudbury Farms building. He stated improvements made in the last two years were a starting point for redesign with the intent to maintain a cupola look. He briefly described changes designed to draw customers, smooth flow of pedestrian traffic and yet maintain an aesthetically pleasing and balanced appearance. He stated the Design Review Board recommended a more subtle look than had been originally proposed, and the revision has been included in updated site plans. He stated the overall cupola look has been duplicated, in a smaller version, further down the plaza to present a uniform appearance.

Mr. Bomely stated the next step was to implement a more defined pedestrian area and walkway. He stated a sidewalk of permanent concrete will connect Sudbury Farms with Cherry & Webb, and it continues across the front of the building. He noted that the angle of entry has been adjusted to allow pedestrians safer entry to the sidewalk and ability to see traffic coming from the rear of the site. A pedestrian walkthrough will now be provided throughout the shopping center. He stated the existing islands and landscaping in front will remain and additional landscaped areas will be added.

Mr. Bomely stated the lighting has been completely redesigned in order to improve lighting. The fixture selected is a "Hall of Fame" fixture, 30 ft. in height, which is a complete cutoff fixture maintaining a 3 ½ - 4 ft. canopy. He noted that light will stop at pavement's edge.

Selectman Clark inquired about the removal of utility poles and undergrounding of utilities. Mr. Ey stated there will be one pole located with the transformer.

Selectman Clark stated she was glad to see the connection between Sudbury Crossing and Sudbury Farms. She suggested the addition of some benches in front would make the area more user-friendly.

Selectman Roopenian asked if the Hydrogeologic Assessment and Water Balance Calculation would be available for the meeting with the Planning Board. Mr. Ey stated those items were forwarded to Town Planner Jody Kablack on Friday, January 22, 1999.

Regarding the pedestrian walkway, Selectman Roopenian suggested the addition of a speed bump between Cherry & Webb and Sudbury Farms behind the walkway so that traffic coming from the rear would have to slow down. She suggested also the planter be extended all the way to the edge.

Chairman Drobinski suggested approaching the owners of Sudbury Crossing to bring the speed bump from their side.

Chairman Drobinski requested re-evaluating the landscaping plan to replicate the visual impact carried over from Sudbury Crossing.

Chairman Drobinski stated the Town of Sudbury appreciates what Roche Bros. has done for the Town, noted many volunteer and charitable efforts, and thanked them for their community spirit. Mr. Robert Annond, President and Chief Executive Officer of Roche Bros., stated the company has enjoyed a good relationship with the Town since they first came in, noting it exceeded all their expectations.

It was on motion unanimously

VOTED: To continue this matter to February 8, 1999, at 9:00 p.m., to allow time for a draft Decision to be prepared for the Selectmen's consideration.

#### **Town Forum – 236<sup>th</sup> Session**

At 8:30 p.m. Chairman John Drobinski convened the 236<sup>th</sup> Session of the Town Forum.

Selectman Clark presented a commendation to Donna Cutler, Mail Carrier, U.S. Postal Service, for her quick thinking and heroism in preventing further harm to a resident during a vicious dog attack on November 25, 1998. Selectman Roopenian presented a commendation to Suzanne H. Foley, 45 Bent Road, for her heroism in securing the dogs after their attack and preventing further marauding in the neighborhood.

Various representatives of the Town's boards and departments updated the Town on their activities. Mark W. Thompson, Technology Administrator, narrated an informative slide presentation on Y2K compliance with respect to equipment using automatic dating systems. Other reports were presented by Hans J. Lopater, Goodnow Library Trustees; Marilyn A. MacLean, Historical Commission; John B. Hepting, Building Inspector; and Michael C. Dunne, Fire Chief. Chairman John Drobinski outlined the Board's recent activities after which Town Manager Ledoux updated the Town on his endeavors.

Reports concluded at 9:30 p.m.; Chairman Drobinski declared Town Forum closed. Refreshments were enjoyed by those present.

A cassette recording of this Town Forum is archived at the Selectmen's Office.

#### **Payment in Lieu of Taxes – 10 Landham Road**

It was on motion unanimously

VOTED: To extend the Payment in Lieu of Taxes agreement between the Sudbury Housing Authority and the Town to include a single family house at 10 Landham Road, as proposed in a letter dated January 6, 1999, from Jo-Ann Howe, Executive Director, Sudbury Housing Authority.

**Economic Development Committee – Membership/Charge**

In reviewing the draft charge, Selectman Clark had the following comments: under Mission: the word *central* had been previously removed (with reference to business district) and should be so removed here; and 2) under Membership, *half of whom* was questioned, as not all business owners belong to the Chamber, and this requirement could eliminate otherwise qualified individuals. She suggested one-third as a minimum for Chamber members. She recalled Martha Landrigan stating this committee would be “more than just the Chamber”. Selectman Roopenian suggested the word *several* as that would be ambiguous and more flexible. The Board agreed.

Chairman Drobinski stated an environmental professional should also be included in the list of specific professional business related credentials, as the Route 20 business district is included in Zone II of the Water Protection Act. Chairman Drobinski suggested a Selectman be included as an ex-officio member. He expressed his belief that the presence of a Selectman on this committee not only lends credibility but indicates the support of the Town.

Chairman Drobinski asked Town Manager Ledoux if the mission of this committee was really “to develop a stronger tax revenue stream from the commercial sector”. Mr. Ledoux stated this language came out of the Strategic Planning Committee’s recommendations. Selectman Roopenian expressed her belief that this committee is intended to maintain a “Sudbury-friendly” district. Mr. Drobinski suggested removal of the word *residential*, as the tax burden is carried by all taxpayers.

It was on motion unanimously

VOTED: To establish the membership composition and charge for the Economic Development Committee, amended to incorporate all of the above suggestions.

Chairman Drobinski asked how committee members would be recruited. Selectman Roopenian opined that Martha Landrigan would have a good idea of expertise necessary as she has worked on this project for a long time. Town Manager Ledoux stated he would work with Ms. Landrigan to develop appropriate criteria for recruitment.

**Conservation Restriction – Northwood Realty Trust**

Town Manager Ledoux stated Town Counsel Paul Kenny has approved the conservation restriction as presented and recommends the board accept and sign it.

It was on motion unanimously

VOTED: To accept and sign the Conservation Restriction, dated December 4, 1998, granted by Northwood Realty Trust on approximately 1.6 acres of land shown on Map C11, Parcel 302, Lots 8 & C-2.

**Nuisance Bylaw**

Town Manager Ledoux stated the draft copy is the Framingham law tailored for Sudbury by John Hepting, Building Inspector. Mr. Ledoux said Mr. Hepting advises enforcement would be difficult. Mr. Ledoux stated Stephen Meyer, Conservation Commission, had expressed concern for Section 4.25, item d, the reference to overgrown vegetation, which may conflict with some residents’ attempts at letting “a natural lawn” flourish. Mr. Ledoux stated the Board of Health determines if an area is harboring vermin and can



regulate that violation. Selectman Clark stated that there is a State law prohibiting more than one junk car on a premises so the Board need not get involved at this time. Mr. Ledoux suggested pulling the Nuisance Bylaw from the Town Meeting Warrant; the Board concurred.

It was on motion unanimously

VOTED: To withdraw the Nuisance Bylaw article from the Warrant, and renumber articles accordingly.

### **Land Bank Article**

Town Manager Ledoux stated the Community Preservation Act, a proposed acceptance statute, must first be passed by the State. Members of the Board stated they had not had adequate time to review the draft copy. After discussion, Chairman Drobinski suggested they review it further before making a recommendation for the warrant. Mr. Ledoux advised keeping the article on the warrant for the time being. Selectman Roopenian stated the Board should go forward with it and opined that a positive vote in Sudbury might be a reminder for the State if they are slow to respond. Chairman Drobinski suggested having two articles as a backup measure, one to accept enabling legislation and one to go forward with the language approved by the 1997 Annual Town Meeting. The Board agreed and requested the Town Manager to arrange for a petition article to be submitted which would have the Town accept the Community Preservation Act (currently being drafted by the Legislature) after passage, if Town Counsel believes feasible.

Mr. Ledoux informed the Board it will need to finalize the warrant at the next meeting.

### **Proposed SRC – Wolfe Property**

Selectman Clark stated she agreed with the concept but disagreed with advising a board which the Selectmen have appointed. She referred to it as micromanagement.

Chairman Drobinski agreed with Ms. Clark, and stated he would not want to tell another board how to vote. He stated that, if a letter is written, it must be worded carefully to state that the Board is in favor of the concept, but that the Board must remain within their own jurisdiction.

Selectman Clark stated the project would work well with “detached units in groups of two”, noting that sometimes the word “duplex” has a negative connotation. Selectman Roopenian stated the parcel is ideal for an SRC, as the existing homes are small, and the proposed “starter mansions” would look very much out of place. Chairman Drobinski stated he would work on a draft letter stating the Board’s position.

### **Board Reports**

Selectman Clark stated Duane Levangy, the acting Program Manager of the Watershed Management division of the Department of Environmental Protection, was a guest speaker at the last meeting of the MetroWest Growth Management Committee. She stated his comments centered not only on the quality of water, but on the amount of available water. She stated she asked Mr. Levangy if there was language in the Water Management Act that refers to wastewater transferred between town boundaries, and he responded yes. She opined Mr. Levangy might be of assistance in dealing with the Marlborough Treatment Plant.

Selectman Roopenian stated she attended an I-495 Initiative meeting which was very informative. She stated the three main themes were transportation, water and sewer, and permitting, and stated further she obtained information booklets for the Board.

Town Manager Ledoux stated applications for the Youth Coordinator position are being evaluated, and one of the duties will be developing new youth programs.

**Rubbish Disposal Contract (Schools)**

It was on motion unanimously

VOTED: To approve a contract for the calendar year 1999, with the low bidder, EARTH Corporation of Medford, Massachusetts, to provide rubbish pickup for town and school facilities, in accordance with Town of Sudbury specifications and the individual pickup costs, totally \$19,224, stated in the bid dated December 21, 1998.

**Basic Town Meeting Procedures**

Town Manager Ledoux distributed a Summary of Basic Town Meeting Procedures and suggested including it in the warrant book, somewhere before the warrant articles. The Board agreed.

**Draft Commendations**

Town Manager Ledoux presented the Board with copies of draft commendations for all the departments, companies and individuals who assisted during the Mill Village fire. He stated they would be presented at a future meeting.

There being no further business to come before the Board, the meeting was adjourned at 10:40 p.m.

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