

IN BOARD OF SELECTMEN  
WEDNESDAY, MARCH 31, 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.

**Mill Village Plan**

Chairman John Drobinski announced that, due to a conflict with the religious holidays, the Mill Village Plan would be presented at a Selectmen's meeting sometime after Annual Town Meeting. He stated briefly that the development plan contains a completion date of September.

**Annual Town Meeting**

Chairman Drobinski reminded the audience and viewers that Annual Town Meeting begins on Monday, April 5, 1999, at Lincoln-Sudbury Regional High School, and encouraged everyone to participate. He advised everyone to read the Warrant that was mailed to each household in order to be prepared for the issues presented at Town Meeting.

**Minutes**

It was on motion unanimously

VOTED: To hold approval of the regular session and executive session minutes of March 22, 1999, until the April 5th Selectmen's meeting.

**Council On Aging Donations**

It was on motion unanimously

VOTED: To accept \$58.31 in miscellaneous donations to be deposited 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.

**D.A.R.E. Donation Fund**

It was on motion unanimously

VOTED: To accept (1) a donation of \$1,000 from the Sudbury Rotary Club, and (2) a donation of \$337.50 from a fund-raiser coordinated by the Lincoln-Sudbury Regional High School Cheerleaders; and to deposit said donations into the D.A.R.E. Donation Fund and to authorize the Police Chief to expend same for the D.A.R.E. program.

**License to Store Inflammables #75101 – Sudbury Nurseries**

In response to a letter dated March 22, 1999, from John C. Cutting, it was on motion unanimously

VOTED: To acknowledge tank removal and termination of License to Store Inflammables, Town Clerk Document No. 75101, dated August 11, 1975, issued to Sudbury Nurseries, Inc., John C. Cutting, President, for underground storage of 1,000 gallons of gasoline on property located at 381 Maynard Road.

**Industrial Development Commission – Resignation**

It was on motion unanimously

VOTED: To accept the resignation of Joseph A. Dudrick from the Industrial Development Commission, effective as of April 1, 1999, and to send a letter to Mr. Dudrick thanking him for his service.

**Site Plan No. SP96-328 – Automotive Diagnostic Center**

Chairman Drobinski stated this matter had been tabled at the February 22, 1999 meeting due to unresolved zoning issues. Town Manager Ledoux reported that the Building Inspector advises no zoning issues remain.

It was on motion unanimously

VOTED: To sign the as-built site plan, SP96-328, for Automotive Diagnostic Center, 100 Boston Post Road, prepared by Schofield Brothers of New England, Inc., dated December 18, 1998.

**Community National Bank – Landscape Plan & Details (SP98-347)**

Town Manager Ledoux presented Plan SP-2 Landscape Plan & Details for Site Plan 98-347 for Community National Bank, 450 Boston Post Road, dated August 31, 1998, revised January 7, 1999. Chairman Drobinski mentioned the Design Review Board questioned the hardiness of some of the vegetation indicated on the original plan.

After review and discussion, it was on motion unanimously

VOTED: To sign Plan SP-2 “LANDSCAPE PLAN & DETAILS” for SP98-347 for Community National Bank, 450 Boston Post Road, dated August 31, 1998, revised January 7, 1999.

**League of Women Voters – Comments on Permitting Booklet Draft**

Present: Martha Landrigan, Marianne D’Angelo, League of Women Voters.

Selectman Clark briefly presented her comments pertinent to various sections of the booklet which the Board reviewed and discussed. Selectman Roopenian agreed that the issue of the site plan pre-application process should be discussed further relative to making the pre-application consultation mandatory. Chairman Drobinski stated it should be resolved as quickly as possible so that the League has the appropriate information when their booklet goes to press.

Chairman Drobinski asked that all comments regarding the booklet be forwarded to the Town Manager for coordination before passing along to the League of Women Voters.

#### **Warrant Review – 1999 Annual Town Meeting**

Present: Thomas J. Dignan, Town Moderator; Emil Ragones, Chairman, Finance Committee; Carmine Gentile, 33 Surrey Lane; Patrick M. Lee, 243 Maynard Road; Martha Landrigan, Marianne D'Angelo, League of Women Voters.

Town Manager Ledoux stated that the legislative bill referenced in Article 41 has been signed by Governor Cellucci and advised that the article would be indefinitely postponed.

Thomas J. Dignan, asked the assembly if anyone wished to withdraw an article from the Warrant. He then asked if anyone wished to request advance recognition to speak. There were no responses to either question.

After brief discussion, it was on motion unanimously

VOTED: To **INDEFINITELY POSTPONE** Article Nos. 4, 14, 41, 42, 43, and 48; and to **HOLD** taking a position on Article 45.

Carmine Gentile, 33 Surrey Lane, asked whether his daughter, Sarah, (a minor) could present the motion under Article 29. Mr. Dignan advised that, in order to protect all the work his daughter has done toward this effort, a registered voter should present the motion. The Moderator advised that after the reading, if the Hall consents, Sarah Gentile will be able to speak on the issue.

Patrick M. Lee, 243 Maynard Road, inquired about the process of presenting a motion at Town Meeting. Chairman Drobinski briefly outlined the sequence. Mr. Drobinski advised Mr. Lee to contact Mr. Dignan or Town Counsel with any specific questions.

#### **Willis Woods Subdivision – Right of Way, Emergency Access and Drainage Easements**

Town Manager Ledoux stated that the Planning Board has endorsed this plan, noting that it complies with all conditions of approval. Mr. Ledoux presented a plan of the subdivision for the Board's review.

Selectman Roopenian expressed disappointment that a subdivision was going forward rather than a Senior Residential Community. She opined that a subdivision of expensive homes is very much out of character with the rest of the neighborhood.

After reviewing the plan, it was on motion unanimously

VOTED: To accept Right of Way, Emergency Access and Utility Easement, and Drainage Easements granted by Thornberry Lane Corporation, Carole A. Wolfe, President, and Richard G. Wolfe, Treasurer, relative to the Willis Woods Subdivision, off Butler Road, dated March 24, 1999.

#### **Community Preservation Act**

Chairman Drobinski stated that a public hearing at the Statehouse regarding the Community Preservation Act will be held on April 14, 1999, at 1:00 p.m. He stated the act currently allows for a local

option of enacting a transfer tax, a surcharge, or a combined transfer tax/surcharge. He stated that Governor Cellucci is said to be in favor of only a straight surcharge.

Selectman Clark stated that large landowners are concerned they will not be able to afford an additional surcharge and still retain the land.

Chairman Drobinski wondered if the Board should write a letter to the Taxation Committee supporting the Community Preservation Act, as written, or wait and see what happens. Selectman Roopenian suggested contacting Representative Pope and Senator Fargo for their support of the local option and, if necessary, override a veto by Governor Cellucci.

Town Manager Ledoux agreed to write a letter to Representative Pope and Senator Fargo.

#### **Quitclaim Deed – Fieldstone Farms**

Town Manager Ledoux stated that, pursuant to acceptance voted on October 26, 1998, all Board members have signed the quitclaim deed on the Edmund H. Sears and Leslie S. Karpp property in Sudbury, Massachusetts, shown as "Open Space" on a plan by Sullivan, Connors & Associates, entitled "Definitive Subdivision Cluster Layout Plan of Land of Fieldstone Farms in Sudbury Massachusetts," and asked that the Board confirm, for the record, having done so.

It was on motion unanimously

CONFIRMED: That Chairman John C. Drobinski, Maryann K. Clark, and Kirsten D. Roopenian, Selectmen, signed the aforementioned quitclaim deed on March 29, 1999.

#### **Mass. Highway Dept. – Nobscot and Route 20 Traffic Light (Article 45)**

Regarding the Eminent Domain issue on this matter, Town Manager Ledoux stated he and Selectman Clark attempted to secure a letter from the Mass. Highway Dept. stating they would be willing to do "pro tanto" if the Town of Sudbury enacted the eminent domain option. He expressed doubt such a letter would arrive. He reported that Town Engineer I. William Place has spoken with the head of the Mass. Right of Way office that all the Eminent Domains and Rights of Way would be in hand by the end of May.

Mr. Ledoux stated the Finance Committee is reluctant to support this action so that the Town is not left "holding the bag" for any "pro tanto" settlement, and stated that the Finance Committee recommends voting against this Article at Town Meeting. He further reported that Mr. Place feels confident the State will do what it promises, and that Mr. Place suggested Article 45 be indefinitely postponed at Town Meeting.

#### **Site Plan Special Permit SP99-349 – Sudbury Animal Hospital**

Present: Betsy A. Sinnigen, John K. Sinnigen, Sudbury Animal Hospital; Debra McPhee, Architect, Sullivan Connors & Associates.

At 9:00 p.m. Chairman John Drobinski convened a Public Hearing for the purpose of considering Site Plan Special Permit Application SP99-349 of John K. and Betsy A. Sinnigen, d/b/a Sudbury Animal Hospital, in accordance with Sudbury Zoning Bylaw Art. IX.V.A, to construct an approximate 800 sq. ft. addition to the north side of the animal hospital at 662 Boston Post Road, zoned Residential A-1.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier/TAB on March 4 and March 11, 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, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. Application for Site Plan Special Permit, dated February 9, 1999.
2. Plan entitled "TOPOGRAPHICAL PLAN OF SUDBURY ANIMAL HOSPITAL", dated January 12, 1999, revised, February 23, 1999, drawn by Sullivan, Connors & Associates, 121 Boston Post Road, Sudbury, Mass., and architectural plans showing foundation, first floor, roof, and north and west elevations, dated May 1, 1998, prepared by Deborah McPhee, R.A.
3. Letter, dated March 1, 1999, from John B. Hepting, Building Inspector, raising a question regarding parking spaces, and stating the one-foot contour interval requirement should be waived, all exterior lighting must be shielded from adjacent properties, and that additional concerns are reflected in the Town Engineer's report of February 16, 1999.
4. Initial report dated February 16, 1999, and letter, dated March 1, 1999, from I. William Place, Town Engineer, stating all issues raised in his February 16, 1999 report have been adequately addressed, and therefore recommending approval for the 800 sq. ft. expansion of the Sudbury Animal Hospital.
5. Letter, dated March 26, 1999, from Lawrence W. O'Brien, Planning Board, stating the Planning Board voted to recommend approval of Site Plan, and noting that runoff from Route 20 onto the site should be dealt with by the Town or State.
6. Memo, dated February 25, 1999, from Michael C. Dunne, Fire Chief, stating that the Fire Dept. has no objection to the 800 sq. ft. addition.
7. Memo, dated March 19, 1999, from Robert C. Leupold, Health Director, Board of Health, stating that the proposed alterations will require replacement/upgrade of the existing septic tank, and noting that the existing leaching area, upgraded in 1995, is adequate for the proposed facility.
8. Memo, dated March 19, 1999, from Frank W. Riepe, Chairman, Design Review Board, stating that the alterations to the Sudbury Animal Hospital site were not sufficient to warrant further review.
9. Verbal report, dated March 29, 1999, from the Sudbury Conservation Commission, stating they have no problems with this project.

Betsy Sinnigen stated they would like to add 800 square feet to the north side of their facility. She presented photographs of the existing building and explained the proposed changes. She explained further that they wish to expand their examination space inside the building, plus add a doctors' office and a staff lounge. She stated there would be no change in the work performed in the animal hospital.

John Sinnigen stated they also wish to provide direct access to bathroom facilities so that people would not have to go through the exam areas to reach them.

Ms. Sinnigen stated that all the immediate abutters have seen the proposed plans and approve of them. She also submitted letters of support from members of the pet care community in Sudbury.

Selectman Clark asked about soundproofing. Mr. Sinnigen specified that veterinary standards on this subject were provided to the architects. Ms. Sinnigen stated the kennel itself, which is not going to change, is in the back of the hospital, and proposed changes will actually provide a buffer.

Town Manager Ledoux raised the issue of parking spaces mentioned by the Building Inspector. Mr. Sinnigen stated the square footage demands 16 spaces and stated further that there are now 17 spaces.

Following discussion, Chairman Drobinski stated that, while the Board verbally approves this Site Plan, a written Decision needed to be prepared by Town Counsel and added that, due to Annual Town Meeting, he could not predict when the draft Decision would be ready for review. Ms. Sinnigen stated they were under no particular time constraints, as they plan to make the changes over the next few months. She requested that the decision specify that the property is in Zone III of the Water Resource Protection District, as recommended by Town Planner Jody Kablack, and submitted the plan also reflecting this.

It was on motion unanimously

VOTED: To waive the one-foot contour interval requirement for plan submitted and to continue this matter to April 26, 1999, at 7:30 p.m. for the purpose of approving a draft Decision to be prepared by Town Counsel.

The Board wished the Sinnigens well in this endeavor and thanked them for their assistance in the recent dog incident involving two of their canine clients.

### **Reports**

***Selectman Clark*** stated she attended the Ashland Finance Committee meeting last evening for their Warrant Review. She stated it was interesting to view another Town Government in action. She noted that questions from the public were encouraged and answered, and opined that this would save time during the Town Meeting itself.

***Selectman Roopenian*** stated numerous individuals have contacted her asking when the Selectmen would change Election Day from a Monday to a Tuesday. Town Manager Ledoux opined that Election Day is usually one week before the Town Meeting, and since Town Meeting begins on a Monday, the Election Day will also be on a Monday. Ms. Roopenian stated people often forget to vote on a Monday and suggested some kind of reward. Chairman Drobinski suggested a complimentary sticker for the transfer station for every participating voter.

***Selectman Roopenian*** asked if Sudbury could request to be designated a Millenium Community. Town Manager Ledoux stated that the Department of Revenue has ruled that a fund for millenium celebrations can be established in towns, as it was for bicentennial observances. She suggested the Town should develop a theme for its observance, perhaps involving its rich history. Ms. Roopenian stated she would photocopy the pertinent information and forward it to Chairman Drobinski and Selectman Clark.

***Chairman Drobinski*** stated a Pay-Per-Throw workshop is scheduled for April 22. He stated further he had attended an MMA meeting that morning where there were mixed responses to the Pay-Per-Throw system. He stated some individuals felt the State was mandating this type of program, which is not the case.

**Chairman Drobinski** reported on a new piece of legislation entitled Massachusetts Sustainable Development Act, which does not require communities to do planning, but does require regional planners submit master plans to a regional planning authority. He stated further if a regional master plan does not meet with approval, that region may be ranked lower for receipt of funds, possibly Chapter 90 monies.

**Town Manager Ledoux** stated Clay Gollobin, Staff Writer for the Sudbury *Town Crier, Tab*, etc., is writing a news article covering all the issues indefinitely postponed. Mr. Ledoux suggested writing a letter to the editor if the article is not clear or does not provide enough information.

**Chairman Drobinski** stated recent legislation has placed \$150 million back into the state budget for wastewater projects, water supply projects, or open space projects in a state revolving fund. Town Manager Ledoux stated the monies are equivalent to a 50% grant.

### **Executive Session**

At 9:17 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the Middlesex County Retirement System and litigation regarding AT&T. (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 9:45 p.m.

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