

IN BOARD OF SELECTMEN  
MONDAY, MAY 10, 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.

**Announcements**

Chairman John Drobinski reminded the assembly and viewers of the Special Town Election for the Lincoln Sudbury Regional High School architectural fees of \$1.5 million on Monday, May 17, 1999. He stated that Tuesday, May 18, is the Water District Election and Warrant, held at the Fairbank Senior Center.

**American Red Cross – Kosovo Crisis Resource Center**

Chairman Drobinski announced that the Massachusetts Bay chapter of the American Red Cross has established a Kosovo Crisis Resource Center in Boston. Services provided include becoming a host family, refugee resettlement, Albanian organizations and resources, translators for refugees, and access to the American Red Cross website to trace family members still in the Balkans. Interested persons should phone 617/375-0700, ext. 214 and ask for Caroline Sciffet.

**Joint Meeting – Design Review Board**

Present: Frank Riepe, Chairman, Design Review Board; Deborah Kruskal, Vice-Chairman, Design Review Board; Marilyn MacLean, Historical Commission; Thomas Phelps, Board of Appeals.

Chairman Drobinski stated the Board is meeting with many Town boards and committees in an effort to improve communication and assist each other toward common goals.

Frank Riepe briefly described the duties of the Design Review Board, predominantly site plan reviews or modifications with respect to signage, signage applications, and revision to the signage bylaw.

Selectman Roopenian asked if there are any trends in signage or lighting requests in the commercial district. Mr. Riepe stated that lighting has not been an issue, but that signage has always been so. He stated that some applicants simply do not understand the bylaw, and added that sometimes they work hard at trying to get more signage than is allowed. He acknowledged that there are times the Design Review Board makes recommendations when an applicant plans to get a waiver before the Board of Appeals. Mr. Riepe stated that the signage bylaw does not treat all potential commercial site plan signage issues in a fair way, especially defining the size of the sign as related to the size of the property and the setback from the road.

Selectman Roopenian asked Mr. Riepe to comment on the Blockbuster Video sign. Mr. Riepe stated that the corporate colors are used in that sign and noted that the Design Review Board was able to get the company to comply more than they had originally planned. He stated the Design Review Board is more of an advisory group rather than enforcement. He noted that when it is a nation-wide company with corporate colors, the Design Review Board tries to work with them as much as possible. He added that the Blockbuster property was not subject to site plan approval.

Selectman Clark asked Mr. Riepe what the Design Review Board's preferences would be, in an ideal world. He responded that a particular style should not be adhered to, but that larger issues of urban zoning

should come first. He stated the DRB is more concerned about the relationship of one building to the next, complimentary to the surrounding area, a harmony of color, while also allowing each business to express itself through signage. He added that they encourage a strong freedom of pedestrian movement, a strong relationship to the roadway, landscape of the roadway, and other elements which comprise a cohesive business district rather than each site doing its own thing. Mr. Riepe noted that Osco Drug refused to deviate from their plan in order to accommodate the DRB, which is one of the reasons the project failed.

Selectman Clark asked about the design of Kappy's Liquors. He stated that people were upset after the building was completed, but that the Town had not asked what the building would look like. This was before the Design Review Board existed.

Deborah Kruskal, Vice Chairman, Design Review Board, stated that sometimes people come in with a completed sign and there is little the DRB can do at that point.

Selectman Roopenian stated that the pre-application process in site plan review should direct applicants to seek guidance before hiring the signmaker. Mr. Riepe stated that sometimes a new tenant takes direction from the property landlord, and that advice is often faulty.

Marilyn MacLean, Historical Commission, stated that an historical well on the Dunkin' Donuts site was destroyed because the Design Review Board was unwilling to allow them to have the sign they wanted. Chairman Drobinski stated that the Dunkin' Donuts site plan was a very contentious one.

Mr. Riepe suggested more education through the Chamber of Commerce, and new applicants be notified about Bylaw requirements as soon as they contact the Town. Selectman Roopenian advised Mr. Riepe to contact the League of Women Voters to include his recommendation in their new permitting booklet. Thomas Phelps, Board of Appeals, suggested keeping a log of "most common mistakes" made in signage preparation that come before the Board of Appeals in order to revise the bylaw. He stated the bylaw is over ten years old and that it could use some updating.

### **Mill Village Preliminary Plan Presentation**

Present: Randy Goldberg, Intrum Corporation; Dennis Riske, Chief Architect, Developmental Resources; Lawrence O'Brien, Planning Board; Marilyn MacLean, Historical Commission; Frank Riepe, Design Review Board; Deborah Dineen, Conservation Coordinator.

Randy Goldberg, Intrum Corporation, stated his company is the management and development company for Mill Village. He submitted the scale model of the proposed project.

Dennis Riske, Developmental Resources, stated they have been working with Benjamin Thompson Associates, whose specialty is retail design. He presented drawings of the proposed project, both in site plan drawings and architectural renderings of the exterior. He stated great attention was paid to placing the building in precisely the same place as the old one, while including all the safety features and building code requirements. He stated the building will be constructed of steel and concrete instead of wood, and will have the appearance of a wood clapboard building.

Mr. Riske pointed out the similarities of the new design compared with the old, but noted that it is definitely a more contemporary design. He stated that the main feature will be the clock tower, which houses the elevator shaft for handicapped access to the second floor. Mr. Goldberg stated the village atmosphere was important in the new design, as well as facilitating smooth traffic flow through the entire area. He stated

that a walkway has been created so that an individual can walk up along the stores and be protected from the weather. He stated that a fairly good return rate of previous tenants is expected and opined a favorable reception by potential new retail and office tenants. Mr. Goldberg thanked the Town, the community and their tenants for their support and encouragement.

A resident asked how tall the clock tower would be and if this would create a new town center. She also asked if the new clock tower was meant to compete with the Unitarian Church. Mr. Goldberg stated the clock tower was not meant to compete with anything, but that in order to create an aesthetically pleasing design similar to the previous building, the clock tower provided a focal point. He added that a tall structure is necessary to accommodate the elevator shaft, required for handicapped access. Mr. Riske stated the elevator shaft is 48 feet tall. He stated there will be office tenants on the second floor, and the clock tower will provide a reference point for locating those offices.

Marilyn MacLean, Historical Commission, asked if the windows were full pane, or more of a colonial look (12 over 12). Mr. Riske stated there was not a real attempt to create a historic design in that respect, but instead to replicate some of the original scale and texture.

Mr. Riske stated completion is scheduled for mid-September, possibly October 1. He stated that construction has been started, and that the footings would be poured next week. Mr. Goldberg stated that some of the critical pieces have already been ordered, such as the elevator, and the steel, because they take a long time to be manufactured and delivered. He added that once the foundation has cured, the steel framework can go up very quickly, producing a structure within two weeks.

Selectman Roopenian asked how many retail shops would be featured. Mr. Goldberg stated it is the same amount of space as in the original structure, but could not say how it would be divided. He noted that the office space on the second level will be divided for varying size offices.

A resident asked if historical artifacts from the original Mill Village could be displayed in a lobby area. Mr. Goldberg stated the previous tenants would like to sponsor a Spring Festival, and are considering putting together a time capsule for old Mill Village items, to be displayed in the new facility.

Frank Riepe, Design Review Board, stated they reviewed the drawings and were favorably impressed with it. He stated the DRB advised the Building Inspector to approve it, but asked to be kept in contact with further design aspects. He noted that the design of the intersection is important, as the State is planning to make various improvements and those should be researched and incorporated into the work at this time. He encouraged the Town to work with the Mass. Highway Dept. to get pertinent information. He stated the vehicular movement in and out of the site is the most critical thing to consider.

Selectman Clark suggested that Mr. Goldberg seriously consider moving the DeWolfe Building back from the intersection of Boston Post Road, to facilitate a safer traffic pattern.

Deborah Dineen, Conservation Coordinator, stated she met with Mr. Goldberg to implement two phases of wetlands permitting due to the proximity to Hop Brook. She stated the site plan provides for improved drainage and stormwater practices.

Chairman Drobinski thanked Mr. Goldberg for his quick response to putting together a project and wished him much success in the endeavor.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session and executive session minutes of April 26, 1999.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$155.45 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 the purposes of operating the maintaining the Council on Aging vans.

**Council on Aging – Senior Volunteer Coordinator**

It was on motion unanimously

VOTED: To accept a grant from The Sudbury Foundation in the amount of \$2,500 to be separately accounted for and expended under the direction of the Council on Aging for continued support of the Senior Volunteer Coordinator position at the Fairbank Senior Center.

**Constable Reappointment & Bond – Theodore Milgroom**

It was on motion unanimously

VOTED: To reappoint Theodore Milgroom as Constable for the Town of Sudbury for a three-year term, commencing May 1, 1999 with the term to expire on April 30, 2002.

It was on motion unanimously

VOTED: To approve the surety of bond #1651697 for Theodore Milgroom from Hanover Insurance Company in the amount of \$5,000, for filing with the Town Clerk.

**Troop 63 Eagle Scout – Scott Brooks**

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Scott Brooks, 28 Middle Road, for achieving the rank of Eagle Scout.

**Sudbury Family Network – David Grover and Big Bear Band Concert**

It was on motion unanimously

VOTED: To grant permission, subject to any requirements of the Police Department, to the Sudbury Family Network for use of the lower Town Hall as an alternative site in the event of rain, on June 26, 1999, at

11:30 a.m., for the David Grover and Big Bear Band Concert, as requested by Beth Kundert by letter dated April 28, 1999.

**Nursing Home Week**

It was on motion unanimously

VOTED: To proclaim May 9 – 16 Nursing Home Week in the Town of Sudbury, and to encourage citizens to honor and serve the individuals who laid the foundations of Sudbury by participating in this year's Nursing Home Week observance at one of the Town's nursing facilities.

**Cable Television – Special Counsel**

It was on motion unanimously

VOTED: To authorize the engagement of Richard A. Galante, Esq., Ferro & Galante, 35 Bedford Street, Suite 12, Lexington, MA 02420, as special counsel, to provide legal assistance and consultation in the negotiation and drafting of pending contracts and/or licenses for cable television services, at a cost of \$100 per hour, as set forth in a Letter of Engagement dated May 3, 1999.

**Site Plan Special Permit Application 99-350 – AT&T Wireless PCS, Inc.**

Present: Stephen D. Anderson, Anderson & Kreiger LLP, representing AT&T; Justin Leland, Consultant, Tower Resource Management; Peter Jeffrey, Radio Frequency Engineer, AT&T; Lawrence O'Brien, Chairman, Planning Board; Edward Kreitsek, 59 Dudley Road.

At 8:28 p.m. Chairman John Drobinski convened a Public Hearing for the purpose of considering Site Plan Special permit Application 99-350 of AT&T Wireless PCS, Inc., including request for waiver from Site Plan Special Permit Rules and Regulations in regard to submittal requirements, to construct a wireless communications facility consisting of a power mount pole with antennas erected through the center of an existing 100'5" Boston Edison power utility tower, extending 20' above the existing tower, and a 12' x 20' equipment shelter on property owned by Boston Edison Company located at 183 Boston Post Road, zoned Industrial District #4 and Residential.

Notice of the Public Hearing was duly posted, and advertised in the *Sudbury Town Crier* and *TAB* on April 22, and 29, 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 Site Plan Special Permit and request for waiver from Site Plan Special Permit rules and Regulations, dated April 2, 1999, which included among its exhibits:
2. Letter, dated May 5, 1999, from Paul A. Bergman, Bergman & Associates, Inc., responding to comments and requests in letters from I. William Place, Town Engineer, and Jody Kablack, Town Planner, and enclosing plans revised May 3, 1999.

- a. Consent of Record Owner, dated April 2, 1999, from Boston Edison, granting permission to AT&T Wireless PCS, Inc. for a proposed wireless telecommunications facility, as set forth in a letter from Joseph L. Simonelli, Wireless Communication Project Manager, dated December 22, 1998.
  - b. Three photographs, labeled "BECO Tower #90, Sudbury, MA" depicting various views of a similar AT&T "power mount" installation.
  - c. Letter, undated, from Peter Jeffrey, Team Leader, RF Engineering, Northeast Region, responding to questions outlined in the Town's Zoning Bylaw, describing the proposed facility and compliance with all applicable Federal and State standards.
  - d. Letter and completed form MCRP 122.021-1, undated, from Stan Sherman, NARTE Certified EMC Engineer, SRS Engineering Applications, 75 Clark Lane, Colchester, CT 06415, providing pertinent information on radiation levels for fixed communication installations.
  - e. Letter, undated, from Peter Jeffrey, Team Leader, RF Engineering, Northeast Region, responding to questions outlined in the Town's Zoning Bylaw, describing the coverage gap (shown on maps) adjacent to the proposed facility and description of the capacity of the proposed facilities.
  - f. License or Permit Bond, dated January 6, 1999, from St. Paul Fire and Marine Insurance Company, St. Paul, Minnesota, in the amount of \$35,000.00, for the removal of the Wireless Communications Facility.
3. Plans comprised of the following four sheets:
- a. Title Sheet, T-1, entitled "AT&T Wireless Services, BECO, R/W No. 8-2, Structure No. 90, Boston Post Road, (Route 20), Sudbury, MA, E-3451", dated November 16, 1998, last revised May 3, 1999, drawn by Bergman & Associates, Inc., 20 Washington Street, Haverhill, MA 01832-5524;
  - b. Locus Plan, Sheet C-1, dated November 16, 1998, last revised May 3, 1999;
  - c. Site Plan, Sheet C-2, dated November 16, 1998, last revised May 3, 1999; and
  - d. Site Details, dated November 22, 1998, last revised May 3, 1999.
4. Letter, dated April 8, 1999, from I. William Place, Town Engineer, listing calculations and references omitted from Locus Plan, Sheet C-1, and stating a runoff control may be required.
5. Letter, dated May 5, 1999, from Lawrence J. O'Brien, Chairman, Planning Board, reporting the Board's unanimous approval of the site plan special permit application, and stating further that the Planning Board favors the use of existing structures over the construction of new facilities or monopoles, and recommending a lower height for the tower if such will accomplish the applicant's purposes.

6. Letter, dated April 20, 1999, from Michael C. Dunne, Fire Chief, stating the Fire Dept. does not recommend approval of the AT&T application, for the following reasons: (1) lack of equipment capable of reaching the proposed height should it become necessary, (2) adding to height of towers we previously fought against is illogical, (3) suggesting an antenna could be attached to the existing tower without adding height, and (4) requesting, if application is approved, to arrange for lease free access for Town communications on both the tower and communications building.
7. Memo, dated April 16, 1999, from Frank W. Riepe, Chairman, Design Review Board, making no recommendation on the proposed site plan, as the alteration to the tower is minor and the structure is not visible from the road.
8. Report, dated May 6, 1999, from Robert Leupold, Board of Health, stating that the Health Department has no objections to this application.
9. Report, dated May 6, 1999, from John C. Hepting, Building Inspector, recommending approval.

Stephen Anderson, Anderson & Kreiger LLP, representing AT&T, presented the site plan to the Board. A court reporter hired by AT&T recorded the proceedings. Mr. Anderson briefly described the proposed wireless communications facility, submitting color printouts of what the structure would look like. He introduced Mr. Peter Jeffrey, Radio Frequency Engineer with AT&T, and Justin Leland, Consultant, Tower Resource Management.

Mr. Anderson stated AT&T has received from the Board of Appeals a use variance and special permit for the proposed wireless communications facility. He stated the front of the property is located in the industrial district and within the wireless communications overlay district, while the back of the lot is located in a residential district, necessitating the use variance. He stated further that the property is located within 500 feet of property that may in the future be used for residential housing, necessitating a variance with regard to the setback (for the tower). Mr. Anderson briefly related the remaining steps in the process, describing the application packets and information contained therein.

Peter Jeffrey, Radio Frequency Engineer, AT&T Wireless, stated he had been employed by AT&T for five years and verified the factual accuracy of the application and accompanying exhibits.

Justin Leland, Consultant, Tower Resource Management, stated he manages AT&T projects for his employer, including as his duties identifying suitable locations, leasing those locations, and assisting them through the permitting process. He concurred with Mr. Jeffrey as to the factual accuracy of the application and accompanying exhibits.

Mr. Anderson stated their intent is to take advantage of an existing structure to expand wireless communications for AT&T and opined the proposed facility to be appropriate for the area. He noted that the hearing was sparsely attended and opined that the residents must not have objections.

Chairman Drobinski stated he attempted to drive through the site but access was restricted and suggested Mr. Anderson go through the site plan to answer questions as they arise.

Mr. Anderson stated they would have preferred a location entirely within the industrial district, but instead opted for the tower already situated on Boston Edison property, closest to the highest intensity, pre-existing, non-conforming use on that site. He submitted Sheet C-1, depicting the proposed tower located

approximately 683 feet from the closest point of the street, 867 feet from the right buffer, 426 feet from the rear, and 197 feet from the left side of the property line. He noted other parcels in the area include the MBTA corridor, Boston Edison easement, underground gas transmission line, Buddy Dog property, and Praxair property.

Mr. Anderson stated that another alternative would be to construct a new monopole on the front portion of the property, but that proposal has been abandoned in favor of attaching a "power mount" to the existing structure on the rear of the property. He stated a 12' x 20' equipment shelter would be located at the base of the tower, housing computer and wireless equipment. The facility will be connected to standard telephone and electric service, including existing underground Boston Edison conduit.

Selectman Clark asked what the specific address on Boston Post Road is, stating that both 163 and 183 have been used. Mr. Anderson stated they have been using the Boston Edison structure numbers as well as the assessor's maps.

Selectman Clark expressed concern for lightning, given the close proximity of the towers. Mr. Anderson stated there is an elaborate grounding system, standard procedure for an electric facility. He added that Boston Edison would service that system as necessary.

Selectman Clark asked about a security fence. Mr. Anderson stated the security fence would go around their building, but not around the entire tower. Chairman Drobinski stated a tragic situation had taken place at the tower in N. Sudbury, hence the concern for fencing.

Selectman Clark asked about the possibility of co-location with another wireless provider, or Town uses, such as police and fire. Mr. Anderson stated it can be designed at the outset, but harder to do at a later date. He believed the height of the tower does allow for sufficient separation of wireless providers. He noted that AT&T has worked with various towns in the past to accommodate requests for service, but cautioned that there may not be enough existing conduit available for future uses.

Selectman Clark stated she could not identify another tower in the pictures. Mr. Anderson stated that it is a skewed view of one of the other transmission towers.

Edward Kreitsek, 59 Dudley Road, stated, as a member of the Board of Directors of Buddy Dog, the largest parcel abutting the site, he has had nothing but good experience with Boston Edison over the past thirty years, and recommended favorable consideration of their application.

Selectman Roopenian commented that the neighbors to the site have expressed concern for possible health hazards with regard to electromagnetic fields and the proximity of the tower, and asked Mr. Anderson if AT&T has adequately addressed this concern. He stated this particular tower will have emissions well below the standard emission rate allowed. He stated that AT&T recently sent engineers out into the field at a Wayland site to measure the actual emissions and found them to be minimal. Selectman Roopenian commented that AT&T may wish to do more with regard to public awareness and unsubstantiated health risk. Mr. Anderson responded that, at a recent hearing, residents seemed quite well informed on the issue as a full-scale debate ensued.

Chairman Drobinski asked if other communities require AT&T to do periodic monitoring of the signal. Mr. Anderson stated the Wayland instance was the first time in a pre-application process that AT&T was sent out to measure emissions to substantiate their predictions. He added that some communities include periodic monitoring in their bylaws.



Lawrence O'Brien, Chairman, Planning Board, stated that the zoning bylaw concerning cell towers does require periodic reporting by the operators on an annual basis.

Selectman Roopenian asked about the range of the signal. Mr. Jeffrey stated an area of two miles in diameter will be covered, with a small area of overlap to provide continuous coverage. He stated that when a phone call is initiated, the signal is carried by the first carrier, and as the caller moves farther away, their signal is transferred to the next facility to carry the call. He stated that both facilities involved need to be able to communicate with that phone at the same time in order to hand it off. He pointed out other facilities either already secured or being pursued. Mr. Jeffrey stated the power requirements are actually dictated by the handheld phone itself. The phone has one-half watt of power and if the phone cannot communicate with the tower, its use is limited. Mr. Jeffrey stated that the downlink must be balanced with the uplink for the calls to be transferred properly.

Selectman Clark asked about Omnipoint and their interest in Feeley Field and opined that it seems very close to existing towers. Mr. Anderson stated he could not speak to Omnipoint's intentions, but opined that they may be looking to co-locate with another carrier. Mr. Jeffrey stated that, in order for the signal to be properly carried, the height of the tower/pole must exceed the tree height by about 20 feet, adding that the terrain of the property may be an additional factor.

Mr. O'Brien asked whether a reduction in height and the "tweaking" of the signal from an adjacent tower would allow for changes in the height of trees or tower. He also asked if there is adequate conduit space for future Town use and recommended the Board require this of AT&T. Mr. Anderson stated that, if new conduit were being installed, AT&T would be happy to provide more, but, in this case, they are taking advantage of existing Boston Edison conduit. He added that, in all likelihood, the electric service at this tower would be more than enough to accommodate any Town need without the installation of additional conduit. Mr. Jeffrey stated that municipal communications typically do not need a great deal of power, and that surplus AT&T power could be utilized.

Chairman Drobinski suggested AT&T research just how much conduit is currently available. Mr. O'Brien stated that his suggestion is more in the line of accommodating future technology as well as additional service requirements. Town Manager Steven Ledoux stated that an updated police and fire dispatch is being proposed.

Mr. Jeffrey stated that line-of-sight technology does not mean a direct line from tower to tower, but rather from the tower to the mobile phone located somewhere between those two towers. He stated that just lining up the signals between towers is not accurate, and that towers never communicate with each other through an RF link. He stated the phone has to have close to line-of-sight contact with the tower, with a multi-path reflection. That multi-path environment is figured into all the models and calculations, after "dry-testing" with phones in the vicinity.

Chairman Drobinski asked what the difference was between the power mount and a monopole. Mr. Anderson stated that a monopole is a free standing structure with its own foundation, while the power mount is attached to another structure such as the Boston Edison tower, deriving its support from that structure and utilizing existing foundation.

Chairman Drobinski asked if "whip" antennas could be used in this facility. Mr. Anderson stated that at Willis Hill AT&T required three "whip" antennas separated by a certain distance around the tank. Mr. Jeffrey stated that a "whip" antenna has three sectors transmitting signal at different angles, which would not

work at this particular facility, due to the abundance of users within the Rt. 20 area. The "whip" antenna cuts the capacity of site by two-thirds. He stated that also these "omnis" are generally required by municipalities and two sets of omnis (one for Town and one for AT&T) cannot be located on the same structure, because a great deal of interference would be generated.

Town Manager Ledoux stated the Town is required to vote RFP's, so if the Board decides to pursue a monopole at Feeley Field, it would go out on RFP. Chairman Drobinski stated Feeley Field needs to be explored before the Board makes a decision on this facility. Mr. Drobinski stated the amount of available conduit also needs to be determined before a decision can be reached and opined that co-location might be an option.

Chairman Drobinski stated that conceptually this proposed facility looks good and added that it would be nice to co-locate as much as possible. Mr. Anderson asked specifically what information the Board desired with respect to conduit and expressed his belief that AT&T use of the existing conduit for the power mount would use all that remains. Mr. Drobinski opined it should be fairly easy for an engineer to check the amount of unused conduit.

Mr. Anderson stated a requirement that additional conduit be installed adds complexity to the situation as AT&T would have no control over BECO (Boston Edison Co.) and MBTA, which may govern the installation.

Selectman Clark asked what the size of conduit is and the approximate amount Boston Edison used. Mr. Leland stated typical conduit is 4", depending on whether it is being used for power or telephone and the age of the conduit. He stated that Boston Edison has indicated to them that adequate space is available. He added that municipal telephone service generally does not require a connection, depending on the system. Mr. Ledoux suggested Mr. Anderson or Mr. Jeffrey contact Lt. Nix of the police department to evaluate the system currently in use. Mr. Anderson expressed reluctance to commit to stating the amount of available conduit without more information regarding municipal use.

Chairman Drobinski suggested continuing the hearing until the requested information is provided and the Town has an opportunity to explore the Feeley Field opportunity. Mr. Anderson stated that time is of the essence as Boston Edison has to schedule outages in order to accommodate construction, and that cannot be done during the summer, their peak usage time.

Mr. Jeffrey expressed doubt that Feeley Field would be able to provide the coverage needed. Chairman Drobinski stated that both locations need to be investigated and reiterated his belief that co-location is preferred. Mr. Anderson asked if Omnipoint is aware of AT&T's application. Mr. Ledoux stated he did not know, but that Omnipoint was aware of the recent balloon testing at the fire station.

Selectman Clark asked whether AT&T and Omnipoint systems are compatible for co-location purposes. Mr. Leland stated they are, just that they use different technologies.

Selectman Clark congratulated Mr. Anderson and his team on finding the existing Edison Transmission Tower location, which is isolated and least offensive to all and allows co-location.

Mr. O'Brien asked about the current AT&T system of towers, and if he would use his cell phone today in Marlborough or Sudbury. Mr. Leland stated that AT&T service ends at Route 495 and they are in the process of setting up locations between Route 495 and Route 128 along Route 20. He stated that Mr. O'Brien's phone would work, but through another carrier.

It was on motion unanimously

VOTED: To continue this hearing until June 14 at 8:00 p.m. to allow time for a Feeley Field monopole to be investigated and for AT&T to provide information regarding available conduit.

**Overhead Utility Connection – 3 July Road**

The Board was in receipt of a request, dated April 26, 1999, from William F. Curley, III, of Hamblin Homes, seeking approval for an overhead utility connection to service from a new home being built at 3 July Road.

After discussion, it was on motion unanimously

VOTED: To grant special permission under Town Bylaw Art. XX.3.E. to William F. Curley, III, for an overhead utility wire connection from an existing pole on the opposite side of July Road to service a new home at 3 July Road.

**Metropolitan Planning Organization (MPO) Elections**

Town Manager Ledoux stated that the Metropolitan Planning Organization is the group that puts out the Transportation Improvement Program (TIP). He stated that one city and two towns will be elected at the election on Wednesday, May 26, 1999.

It was on motion unanimously

VOTED: To cast a ballot for Peter Torigian, Peabody in the City category, and Christopher J. Petrini, Framingham, in the Town category for the May 26, 1999 election of Metropolitan Planning Organization representatives.

[N.B. It was later clarified that although two towns would be elected, each town has only one town vote.]

**Board of Selectmen Liaison Assignments – 1999-2000**

Selectman Roopenian stated the Route 20 Sewer Studies Committee, the Economic Development Committee and the I-495 Development Committee were excluded from the assignment list and asked Town Manager Ledoux to add them. After discussion, the following assignment changes were agreed upon:

Selectman Clark	Sudbury Water District	(from Roopenian)
Selectman Clark	MAPC	(from Roopenian)
Selectman Roopenian	I-495 Dev. Committee	(to share with Clark)
Selectman Roopenian	Board of Appeals	(from Clark)

**Park and Recreation Commission**

Present: Lawrence O'Brien, Chairman, Planning Board.

The Board was in receipt of a letter, dated May 5, 1999, from Peter J. Buxton, Chairman, Park and Recreation Commission, responding to a proposal, dated April 26, 1999, on behalf of Omnipoint

Communications for a wireless communications site to be located at Feeley Field on Raymond Road. Mr. Buxton stated the commission voted favorably on the proposal, subject to several recommendations with regard to environmental protection, public safety, aesthetic sensitivity, maintainability and appropriate access, and fair and reasonable compensation.

Town Manager Ledoux stated that accepting a proposal must be an open, competitive process where the Town is required to put out an RFP and award to the most responsible proposal. He stated that Omnipoint has indicated to him that they would be interested in the fire station as a possible location to install a monopole and attach a light fixture to it, even though the radio frequency study did not work out for AT&T.

Chairman Drobinski stated this is an opportunity to upgrade the lighting at Feeley Field as well as explore a possible revenue source.

Lawrence O'Brien, Planning Board, stated there is extensive technology to mask the monopoles as trees. Chairman Drobinski stated such a disguised pole is located along Route 495 in Bolton.

Selectman Roopenian expressed concern for the area neighbors and suggested they be allowed to speak to the issue. She stated her reluctance to move forward with the project without hearing from the residents, as well as the Park and Recreation Commission. Town Manager Ledoux stated a public hearing could be scheduled for the next meeting. After discussion, it was decided to set a public hearing for possible use of Feeley Field for a wireless communications facility on May 24.

### **Sidewalk Committee**

Present: Lawrence O'Brien, Chairman, Planning Board.

Selectman Clark stated she was contacted by Christine Faucher, 307 Maynard Road, who would like a Sidewalk Committee established. She stated that Ms. Faucher expressed interest in chairing such a committee, but would like some guidance.

Lawrence O'Brien, Planning Board, stated he has spoken with Ms. Faucher and recommended she begin gathering information in order to get on the Finance Committee agenda for budgeting. He advised her that the Planning Board was reorganizing and would be establishing their goals and objectives soon.

Selectman Clark stated such a committee would be beneficial to the Town in that an inventory could be developed, complete with maintenance and repair reports and how sidewalks are put onto the Department of Public Works list of current projects.

Mr. O'Brien stated that the Planning Board would be happy to coordinate the effort to develop this committee as they already have many of the answers necessary, due to their close association with the Department of Public Works.

Chairman Drobinski stated that a Sidewalk Committee used to exist, comprised of Planning Board, Public Works, police, schools, Finance Committee and the public. Mr. O'Brien stated the committee should definitely have people other than Planning Board on it. Mr. O'Brien opined that a committee could be set up in about 30 days, and it was agreed the Planning Board would pursue the matter.

### **Meachen-Meggs Land Purchase**

Present: Lawrence O'Brien, Chairman, Planning Board.

Selectman Clark asked what plan references 18.85 acres. Mr. Ledoux stated the plan is dated March 24, 1998. Mr. O'Brien stated a plan dated March 10, 1997 was the plan referenced in the purchase and sales agreement. Ms. Clark stated there is a discrepancy of 10,000 sq. ft. Mr. Ledoux stated that the plan referenced in the purchase and sales agreement is the parcel that will be purchased. He stated that negotiations were working with a collateral agreement, which changed before the purchase, and sale agreement was drawn up.

Mr. O'Brien stated a plan dated January 24, 1997 reflects a smaller parcel. He stated this map became the map that went into Town Meeting Warrant, dragged around by the Conservation Commission, Planning Board and Selectmen, and presented at the Special Town Meeting for the purchase of the property. He stated that this map was referenced in the Intention signed by the Selectmen to exercise the Chapter 61A option. He stated further that a map dated March 10, 1997 was the one noted in the purchase and sale agreement, and noted that the parcel is etched out a little larger.

Selectman Clark expressed interest in going into Executive Session. Mr. Ledoux stated that while Paul Kenny, Town Counsel, is out on medical leave, nothing could be done.

Selectman Clark expressed concern that the Selectmen and Town Meeting votes may be in question. Mr. O'Brien stated that, according to the counsel for the Conservation Commission, that it should not be a problem. He suggested it may not be prudent to jeopardize the entire transaction in that the owner could decide to sell the land to a developer for residential housing and the Town would lose the opportunity. Ms. Clark stated that 10,000 sq. ft. is not a small amount of land.

Town Manager Ledoux suggested waiting for Mr. Kenny to return to work before taking action.

### **Bushey House**

Town Manager Ledoux stated bids for the Bushey House were due on April 30 and no responses were received. The Building Inspector has estimated \$60K - \$75K to renovate the premises. Options now include demolition, sale, or seeking a Town or non-profit group to use the house for offices or other use.

### **Concord Road Intersection**

Town Manager Ledoux stated residents of the Sudbury Centre Historic District suggested traffic improvements in keeping with the historic nature of the Concord Road intersection. He stated their concerns include signals in keeping with historic character, as well as improved pedestrian and traffic circulation. He stated that the Sudbury Foundation has offered to fund a study of such a project. Mr. Ledoux stated that, ideally, a steering committee should be established to develop the RFP and review the bids and choices.

The Board expressed its agreement with pursuing this project.

Chairman Drobinski stated that Richard Davison has expressed interest in such a project. Selectman Clark commented that the electrical cabinet may be a problem and that Boston Edison indicates it cannot be put underground.

**Department of Public Works – Bid Summary FY2000**

It was on motion unanimously

VOTED: To approve contracts for the Town of Sudbury Department of Public Works for FY2000, as follows:

Contract 2000-CM-1 Cemetery Mowing

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

Contract 2000-ER-1 Streets Sweeping

1) Cost per hour of \$74.50 -- JK Municipal Services, Inc.

Contract 2000-F-1 Diesel 2 Fuel

1) Based on N.Y. Journal of Commerce Boston Posted Tank Car Price on 1-1-99, a price differential of + 0.08 with no transportation cost @ \$0.454/gallon -- Taylor Oil Northeast, Inc.

Contract 2000-M-1 Bituminous Materials

- 1) Class 1 Bit. Conc. Type 1 @ \$26.00/ton At Plant -- E.H. Perkins Corp.
- 2) Type 1 Dense Mix @ \$26.00/ton At Plant -- E.H. Perkins Corp.
- 3) Asphalt cold patch w/add. NO BID
- 4) Asphalt cold patch w/o add. @ \$32.00/ton At Plant -- Brox Industries, Inc.
- 5) Tar cold patch NO BID
- 6) Mag. cold patch 70 @ \$55.00/ton At Plant and \$58.00/ton delivered -- E.H. Perkins Corp.

Contract 2000-M-2 Type I In Place/Adj CB & MH Structures

- 1) Class 1 Bit. Type I-1 In Place, 3800 Tons @ \$27.45 = \$104,310.00 – MASS Broken Stone
- 2) Adjusting to Grade CB or MH, 40 structures @ \$110.00 = \$4,400.00 – MASS Broken Stone

Contract 2000-M-3 Borrow Materials

- 1a) Ordinary Borrow @ \$3.50/ton At Plant – R.H. Perkins Construction, Inc.
- 1b) Ordinary Borrow @ \$6.25/ton Delivered – Assabet Sand & Gravel Co.
- 2) Gravel Borrow (Bank run) @ \$6.25/ton At Plant & \$6.25/ton Delivered – Assabet Sand & Gravel Co.
- 3a) Gravel Borrow (Screened) @ \$8.50/ton Delivered – E.H. Perkins Construction, Inc.
- 3b) Gravel Borrow (Screened) @ \$7.25/ton & \$8.50/ton Delivered – Assabet Sand & Gravel Co.
- 4a) Processed Crushed Bank run @\$8.50/ton Delivered – E.H. Perkins Construction, Inc.
- 4b) Processed Crushed Bank run @\$7.25/ton At Plant & \$8.50 Delivered – Assabet Sand & Gravel Co.
- 5) Loam Borrow @ \$12.50/ton At Plant & \$14.00/ton Delivered – E.H. Perkins Construction, Inc.
- 6) Loam Screened @ \$15.50/ton At Plant & \$17.00/ton Delivered – E.H. Perkins Construction, Inc.
- 7) Sand Borrow @ \$6.00/ton At Plant & \$7.35/ton Delivered – Assabet Sand & Gravel Co.
- 8) Sand (Ice Control) @ \$6.00/ton At Plant & \$7.35/ton Delivered – E.H. Perkins Construction, Inc.
- 9) Sand (Bituminous Cover) @ \$6.25/ton At Plant & \$7.80/ton Delivered – Assabet Sand & Gravel Co.

- 10) Brick Sand @ \$9.25/ton At Plant & \$11.30/ton Delivered – Assabet Sand & Gravel Co.
- 11) Concrete Sand @\$6.25/ton At Plant & \$7.80/ton Delivered – Assabet Sand & Gravel Co.
- 12) Pea Stone mix (sand 60/40%) @ \$8.25/ton At Plant & \$10.00/ton Delivered -- Assabet Sand & Gravel
- 13) Pea Stone mix (sand 40/60%) @ \$9.00/ton At Plant & \$11.00/ton Delivered – Assabet Sand & Gravel
- 14a) Pea Stone mix (sand 30/70%) @ \$11.50/ton Delivered – E.H. Perkins Construction, Inc.
- 14b) Pea Stone mix (sand 30/70%) @ \$9.75/ton At Plant & \$11.50/ton Delivered – Assabet Sand & Gravel
- 15a) Pea Stone washed @ \$11.50/ton Delivered – E.H. Perkins Construction, Inc.
- 15b) Pea Stone washed @ \$10.00/ton At Plant & \$11.50/ton Delivered – Assabet Sand & Gravel Co.
- 16a) Pea Stone @ \$11.50/ton Delivered – E. H. Perkins Construction, Inc.
- 16b) Pea Stone @ \$10.00/ton At Plant & \$11.50/ton Delivered – Assabet Sand & Gravel Co.
- 17) ¾” Stone @ \$10.50/ton At Plant & \$11.50/ton Delivered – E. H. Perkins Construction, Inc.
- 18) 1 ½” Stone @ \$10.50/ton At Plant & \$11.50/ton Delivered – E.H. Perkins Construction, Inc.
- 19) 1-3” Stone @ \$10.50/ton At Plant & \$11.50/ton Delivered – E. H. Perkins Construction, Inc.
- 20) Processed Crushed Base Mix @ \$7.50/ton At Plant & \$9.50/ton Delivered – E.H. Perkins Construction

Contract 2000-M-5 Catch Basins, Frames and Grates

- 1) With LeBaron Foundry, Inc. in accordance with bid opened May 4, 1999

Contract 2000-PM-1 Cold Planing, Resurfacing, Crack Sealing, Related Work

- 1) Total Contract @ \$112,645.50 – Mass. Broken Stone Co.

Contract 2000-T-1 Trees and Stumps Removal and Disposal

A) Complete Removal

- 1) 48-53" @ \$475 each -- Rusty's Landscaping
- 2) 42-47" @ \$405 each -- Rusty's Landscaping
- 3) 36-41" @ \$500 each -- Rusty's Landscaping
- 4a) 30-35" @ \$500 each --Rusty's Landscaping
- 4b) 30-35" @ \$500 each – Assabet Valley Tree & Landscaping
- 5) 24-29" @ \$400 each -- Rusty's Landscaping
- 6) 18-23" @ \$230 each -- Rusty's Landscaping
- 7) 12-17" @ \$170 each -- Rusty's Landscaping
- 8) 6 -11" @ \$35 each --Assabet Valley Tree & Landscaping

B) Top Removal

- 1) 48-53" @ \$325 each -- Rusty's Landscaping
- 2) 42-47" @ \$250 each -- Rusty's Landscaping
- 3) 36-41" @ \$180 each -- Rusty's Landscaping
- 4) 30-35" @ \$140 each -- Assabet Valley Tree & Landscaping & Rusty's Landscaping
- 5) 24-29" @ \$120 each -- Assabet Valley Tree & Landscaping
- 6) 18-23" @ \$60 each -- Assabet Valley Tree & Landscaping & Rusty's Landscaping
- 7) 12-17" @ \$30 each -- Rusty's Landscaping
- 8) 6-11" @ \$10 each -- Assabet Valley Tree & Landscaping & Rusty's Landscaping

C) Stump Grinding

- 1) Day Rate (8 hours) @ \$400/8 hours -- Assabet Valley Tree & Landscaping & Rusty's Landscaping
- 2) Hourly Rate @ \$50/hour -- Assabet Valley Tree & Landscaping & Rusty's Landscaping

D) Tree Climber w/Helper

- 1) Day Rate (8 hours) @ \$360/8 hours -- Rusty's Landscaping
- 2) Hourly Rate @ \$45/hour -- Rusty's Landscaping

E) Skyworker w/Operator

- 1a) Day Rate (8 hours) @ \$480/8 hours -- Rusty's Landscaping
- 1b) Day Rate (8 hours) @ \$500/8 hours -- Assabet Valley Tree & Landscaping.
- 2a) Hourly Rate @ \$60/hour -- Rusty's Landscaping
- 2b) Hourly Rate @ \$62.50/hour -- Assabet Valley Tree & Landscaping

F) Chipper w/Operator

- 1) Day Rate (8 hours) @ \$200/hours -- Assabet Valley Tree & Landscaping & Rusty's Landscaping
- 2) Hourly Rate @ \$25/hour -- Assabet Valley Tree & Landscaping & Rusty's Landscaping

Contract 2000-TLP-1 Traffic Line Painting

- 1) With Hi-Way Safety Systems, Inc. in accordance with bid opened May 4, 1999.

**LSRHS – Walk for Cancer**

It was on motion unanimously

VOTED: To grant permission to Lauren Widett, Lincoln-Sudbury Regional High School, to hang a banner at the Town Hall on May 16, 1999, the day of their Walk for Cancer, with the condition it will be removed by 3 p.m., and that appropriate arrangements with regard to the walk are made with the police department.

**MBTA Assessment**

Town Manager Ledoux stated that recent legislation would reduce Sudbury's MBTA assessment to approximately \$87,000 per year by 2006.

**Selectman Reports**

*Selectman Clark* thanked Mr. Ledoux for a letter to the EPA requesting a moratorium on sewer tie-ins for the Easterly Wastewater Treatment Plant in Marlborough.

*Selectman Clark* stated a copy of the May 3 Unisys letter was not sent to William Wagner who is a downhill abutter, and suggested that he be included in the recipient list. She stated he is still the owner of record of the land across the street. The Town Manager will forward a copy to Mr. Wagner.



*Selectman Clark* asked about Judith Mahoney, Maynard Road, and a letter sent to Public Works. There is apparently mud coming off a hill, entering her house, and ruining carpeting, floors, and furniture. She expressed concern for this woman not being treated well in resolving this problem.

**Amend Policies & Procedures – Site Plan Rules & Regulations**

Selectman Clark stated that, in the revised Site Plan Regulations, “MAGIC” should be deleted from page 10.

It was on motion unanimously

VOTED: To amend the Selectmen’s Policies and Procedures accordingly.

There being no further business to come before the Board, the meeting was adjourned at 10:28 p.m.

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