

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 12, 1999

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

**Hunt/Raymond Water Tower**

Chairman Drobinski reported that Barberry Homes proceeded with the demolition of the water tower, in spite of varied protests. He suggested the Board send a letter expressing their displeasure at the demolition.

It was on motion unanimously

VOTED: To direct the Town Manager to send a letter to Barberry Homes on behalf of the Selectmen expressing their displeasure at the demolition of the historic Hunt/Raymond Water Tower.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of September 27, 1999, as amended.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$138.26 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 purpose of operating and maintaining the Council on Aging vans.

**D.A.R.E. Donation – Kappy's Liquors**

It was on motion unanimously

VOTED: To accept \$402 in miscellaneous donations by the public (collected at Kappy's Liquors) and \$100 from Kappy's Liquors, Sudbury, to be deposited into the D.A.R.E. fund and expended under the direction of the Police Chief for the D.A.R.E. program.

**Atkinson Pool Donation – Raymond and Sally Alexander**

It was on motion unanimously

VOTED: To accept a donation of \$180 to the Atkinson Pool from Raymond and Sally Alexander of Weston, to be separately accounted for and used toward the repair or replacement of the lift for the handicapped, with expenditure under the direction of the Park and Recreation Commission.

**Constable Bond**

It was on motion unanimously

VOTED: To approve the surety of bond #BON1605289 for Constable Sean B. McCarthy from the Hanover Insurance Company in the amount of \$5,000, for filing with the Town Clerk.

**Youth Commission Appointment**

It was on motion unanimously

VOTED: To appoint Candace McMahon to the Youth Commission for a term to expire on April 30, 2000, as requested by said Commission.

**Cable Television Committee – Resignation**

The Board reviewed a letter, dated September 29, 1999, from Hans J. Lopater, stating his wish to resign from the Cable Television Committee.

Selectman Roopenian stated she would attempt to attend a meeting of the Cable Television Committee in order to learn more about that Committee and its workings.

It was on motion unanimously

VOTED: To accept, with regret, the resignation of Hans J. Lopater from the Cable Television Committee and to direct the Interim Town Manager to send a letter of appreciation to Mr. Lopater thanking him for his service to the Town.

**Board of Selectmen 2000 Meeting Schedule**

It was on motion unanimously

VOTED: To approve the Board of Selectmen 2000 Meeting Schedule, as drafted.

**Best Friends Pet Care – Site Plan 98-342**

The Board was in receipt of a letter, dated September 28, 1999, from J. Richard Ford, Managing Member, Chafford Industries, LLC, on behalf of Best Friends Pet Care Project, 150 Boston Post Road, outlining changes to Site Plan 98-342. Mr. Ford stated that the existing building will be demolished, but not reconstructed, and that the area will instead be filled and landscaped. Verbal reports from Town Counsel and the Building Inspector state that no amendment to site plan approval is required, but the change should be acknowledged in the record and incorporated into the as-built plan.

After discussion, the Board agreed to table this matter until an updated plan describing new landscaping and more information is provided.

**Frugal Flower – Site Plan 97-335**

The matter of signing an as-built plan for Site Plan 97-335 for Frugal Flower, 736 Boston Post Road was tabled on recommendation of I. William Place, Town Engineer.

**Bell Atlantic Mobile – Landfill and Fire Station Sites**

The Board was in receipt of a letter, dated September 10, 1999, from Kenneth Kelly, Bell Atlantic Mobile, requesting that the Town consider placing two flagpoles at the landfill and fire station.

Interim Town Manager Valente stated that the proposals accepted for those sites are presently being reviewed, and added that the recommendation is to allow only one pole, with co-location of two additional carriers. She stated she has asked Town Planner Jody Kablack for input. Chairman Drobinski stated he was not inclined to allow more than one pole at each location. Selectmen Clark and Roopenian concurred.

After discussion, the Board agreed to let the staff complete review of the applications and advise Bell Atlantic Mobile that the Town is not inclined toward approving multiple poles at the landfill and fire station.

**Bushey House**

Chairman Drobinski briefly recapped the situation of a potential tenant for this property, renovation costs to the Town, and whether the Town wants to be in the property rental business.

Selectman Roopenian stated that she had toured the house and found it to be in quite a state of disrepair. She stated she later contacted the Chairman of the Finance Committee about cost/benefit to the Town; she indicated his inclination that the project should not be pursued.

Selectman Clark reminded the Board that Mr. Swanson indicated that he would reimburse the Town for up-front costs for the septic system, and that he would absorb remaining costs himself. She stated that a previous suggestion of a duplex would cost the Town far more, after demolishing the Bushey House. She commented that other historic houses in Town have been renovated with impressive results.

Selectman Clark stated that, because the house is located at the entrance to conservation trails, a tenant in the house would deter vandals and partygoers. She reiterated her support for Mr. Swanson and his renovation plans. She opined an appropriate lease agreement could be created.

Chairman Drobinski reiterated his concern that the Town should not be in the real estate business. He opined that a difficult situation would develop if the tenant were to become disabled and be unable to complete the renovations as planned, and questioned whether the parcel might be used for something else in the future. He stated the tenant/landlord situation has not been good for the Town. He opined that the task of monitoring tenant activity would fall to the Town Manager; i.e., repairs done on time, maintenance, etc.

Selectman Roopenian stated that almost every room seemed in extraordinary disrepair. She asked if a bond should be provided to protect the Town against incomplete repairs. She questioned whether the tenant is financially able to absorb the costs for such extensive renovations.

After discussion, it was on motion by Chairman Drobinski and subsequently

VOTED: To not enter into a lease agreement with Lee Ford Swanson for occupancy and renovation of the Bushey House, and to direct the Interim Town Manager to evaluate an appropriate use for the parcel and to place the property into discussion for land use planning. (Drobinski and Roopenian, aye; Clark, nay)

**Peter Noyes School – “Happy Haunt”**

Present: Rhonda Peters.

The Board was in receipt of the following: (1) letter, dated October 1, 1999, from Rhonda Peters requesting approval of a “Happy Haunt” fund raising event at the Peter Noyes School on October 30, 1999; (2) report on October 6, 1999, from Bob Leupold, Health Director, stating that the contact person should obtain a one-day food permit/license the day before the event; (3) report on October 7, 1999, from Jack Hepting, Building Inspector, stating that the six kiddie rides must be inspected after they are set up and before they are used, and the contact person needs to schedule the inspection the day before the event; (5) report on October 8, 1999, from Peter Lembo, Police Chief, stating he has no problems with this fundraiser as outlined, and (6) report, dated October 8, 1999, from Michael Dunne, Fire Chief, stating the Fire Department will inspect the cooking area and propane gas hookups on the day of the event.

Rhonda Peters briefly described the fundraising event as it has been planned, including kiddie rides, dancing at Town Hall, haunted house, crafts, games, etc. She stated that five or six chaperones will be in Town Hall at all times.

Selectman Roopenian expressed concern for children wandering upstairs where historic documents are stored in areas that cannot be locked. Ms. Peters opined that the side door could be used and avoid using the front doors.

Ms. Peters asked who she should contact to get lights repaired in the parking lot. She stated that there are presently three lights not working. Chairman Drobinski advised her to contact the Interim Town Manager who would in turn contact Art Richard, Supervisor of Town Buildings.

After discussion, it was on motion unanimously

VOTED: To approve the “Happy Haunt” fundraiser as presented, with appropriate inspections by the Health Director, Fire Department, and Building Inspector.

**Council on Aging – Request for Additional Space**

Present: Ruth Griesel, Director, Council on Aging; Carol Oram, Chairman, Joseph Proud, John Rhome, Council on Aging; Patricia Savage, Director, Park and Recreation.

Ms. Ruth Griesel, Director, Council on Aging, briefly updated the Board on programs offered for seniors at the Fairbank Center and cited high registration, nearing the saturation point on available space. She stated there are often as many as five programs going at the same time, and noise from nearby groups can be distracting to another needing quiet time. Ms. Griesel stated there is a lack of storage for many items, including crafts supplies, parade float, holiday decorations, and costumes for the Senior Strutters. She concluded the Council on Aging needs additional space to run the sixteen programs currently offered, as well as any additional programs that might be offered in the future.

Ms. Griesel clarified further that additional space would not require additional staff or funds. She noted they share space with the Park and Recreation Department, also housed at the Fairbank location. She respectfully requested any additional space that the Board might be able to allocate to them.

Selectman Clark asked how much space would be needed. Ms. Griesel responded their needs are a computer lab, a permanent recreation space for cribbage and card playing, an art studio that could be shared with the Park and Recreation Department, as well as storage space.

Chairman Drobinski asked what other communities have for their space allocations. Ms. Griesel stated some communities have renovated other type of space, such as schools no longer used. She opined that space allocation may be based on number of senior residents in Town.

Carol Oram stated that there are waiting lists of people wishing computer instruction. These classes run during the daytime.

Chairman Drobinski asked what the ideal Senior Center would look like. Ms. Griesel stated the idea of a *community* center is a real plus, and that other communities are coming to Sudbury to see how various groups can work together. She added that the Council on Aging would prefer not to have their own building but share with other groups as a multi-generational facility.

Patricia Savage suggested space be found for the School Department elsewhere, freeing up space at Fairbank for both senior and recreational programs. Selectman Roopenian noted that giving space to one group means displacing someone else, and that the School Department should be involved in any discussions regarding space at Fairbank. Ms. Savage stated that the School Department being at Fairbank was intended to be a temporary placement, and that they have been there five years. She wondered why space was not included for the School Department in any of the new school buildings under construction.

Chairman Drobinski opined that the architects for the Lincoln-Sudbury Regional High School could be looking at adding some space for the School Department. It would make sense for school departments to be located under the same roof. Selectman Roopenian stated a discussion with the L-S School Committee would be a good idea, and inviting the Council on Aging and Park and Recreation at the same time. Chairman Drobinski cautioned there may not be room at L-S to make any changes or additions.

The Board thanked Ms. Griesel and the Council on Aging for the fine programs and efforts on behalf of the senior residents in Sudbury.

### **Victoria Road – Pole Relocation**

Present: Deborah Dineen, Conservation Coordinator; Alexander Sanda, 32 Victoria Road.

At 8:15 p.m. Chairman Drobinski reconvened a Public Hearing for the purpose of considering the petition of Boston Edison Company and New England Telephone and Telegraph Co. for permission to alter the location of Poles 168/2 and 168/3 on Victoria Road (easterly side at Stock Farm Road). This matter was originally discussed on September 13, 1999.

Deborah Dineen, Conservation Coordinator, stated she had originally contacted Boston Edison to tell them the prospective location might be within the 100-foot wetlands buffer and that a Request for Determination of Applicability must be filed with the Conservation Commission. She stated she has walked the site and noted the abutting property is owned by the Conservation Commission and U.S. Fish and

Wildlife Commission. She stated it was difficult to see from the sketch just where the poles would be relocated and opined it was within the buffer. She stated it is not a big issue, and Boston Edison simply needs to get the permit.

Ms. Dineen stated she would be happy to contact Boston Edison to pursue the matter further. Chairman Drobinski stated that Mr. Richard Schifone, Rights & Permits, was the appropriate person.

Alexander Sanda, 32 Victoria Road, asked where the poles would be going. Chairman Drobinski advised him to contact Mr. Schifone at Boston Edison for clarification. Another resident stated that work crews told her little red stakes mark where the poles would go. Mr. Drobinski stated that, until the wetlands issues are cleared up, the Board would take no action on the matter.

#### **Gift of Land – William D. Chisholm/Raymond Road**

Present: Deborah Dineen, Conservation Coordinator.

The Board met to consider a gift of land from William D. Chisholm, shown as Parcel A off Raymond Road on “Plan of Land in Sudbury, Mass., owned by William D. Chisholm, P.O. Box 841, Acton, Mass., prepared by: Thomas Land Surveyors & Engineering consultants, 118 Forest Ave., Hudson, Mass.”, dated December 1, 1997, revised May 4, 1999.

Deborah Dineen presented the plan of the land, stating that this particular parcel is an odd shape. She stated the Town owns property on both sides, while property north of the parcel is owned by the Sudbury Valley Trustees. She explained this piece contains the old causeway over Allowance Brook, and it could be used for trail connection, although the causeway is in terrible shape and cannot be used in its present condition.

Ms. Dineen stated that a donation from Wellen Construction has enabled the Commission to create a nesting site for wood turtles, which have been spotted there every year. She stated that this parcel is a key piece in development potential for overall habitat management and trail linkage plans.

After discussion, it was on motion unanimously

VOTED: That the Town accept the gift of land from William D. Chisholm, shown as Parcel A off Raymond Road on “Plan of Land in Sudbury, Mass., prepared by: Thomas Land Surveyors & Engineering Consultants, Inc., 118 Forest Ave., Hudson, Mass.”, dated December 1, 1997, revised May 4, 1999, upon presentation of a deed approved by Town Counsel.

#### **Jason Drive – Land Court Petition**

The Board reviewed a communication, dated October 5, 1999, from Shirley M. Sheridan, Attorney at Law, on behalf of Peter Gallipeau, Manager, Woodside Estates, LLC, seeking the Board’s assent to a petition to Land Court to recognize Jason Drive as a Public Way.

Interim Town Manager Valente stated that she spoke with I. William Place, Town Engineer, who indicated this is a minor housekeeping task, and the filing simply was not done in 1992 when the parcel was developed.

After discussion, it was on motion unanimously

VOTED: To assent to the petition to be filed in Land Court requesting the Court acknowledge Jason Drive as a Public Way. The Board signed the petition.

**Charles and Melody Scott – SRC/Old Framingham Road/Nobscot Road**

Present: Deborah Dineen, Conservation Coordinator; Lawrence O'Brien, Chairman, Planning Board; Charles Scott; Melody Scott.

The Board was in receipt of a communication, undated, received September 14, 1999, from Charles and Melody Scott, 218 Boston Road, Southboro, MA relative to a possible Senior Residential Community for 20 acres of their land located off Old Framingham Road and Nobscot Road.

Charles Scott requested the Board's opinion on the possibility of an SRC on a 20-acre wooded lot on their property off Old Framingham Road and Nobscot Road. He stated he and his wife would prefer to see this development rather than individual homes. He presented a plan of the area. Chairman Drobinski asked if the entire parcel was included in Chapter 61A. Mr. Scott stated that the house was excluded from 61A. He stated he intends to use the rest of the land as a horse farm.

Selectman Clark submitted the following into the record:

*"Before discussions begin this evening, I'd like to make a public disclosure. The 20-acre parcel being discussed tonight is located between Old Framingham Road and Nobscot Road, and is about 700 feet more or less from my family blueberry farm on Nobscot Road. This 20-acre parcel is one of five (5) parcels totaling about 70 acres that comprise the former Mahoney beef, chicken, vegetable and strawberry farm. Across Old Framingham Road, are two parcels which abut my farm along a section in the rear. I will abstain from participation on those parcels."*

Selectman Clark stated, "Mr. Scott, at the time of your purchase, you signed an affidavit, under oath, declaring that you would maintain the land in agricultural use." She asked him what, three months later, have they been doing with this 20-acre woodland. Mr. Scott stated they have been working with an engineer to develop a site plan on other farm parcels for the horse farm. For the land in question, they have done "perc" tests. She asked if he has done any farming on the land, as he indicated in the affidavit. Mr. Scott stated that the 20-acre parcel is heavily wooded and expressed doubt that anyone had actually farmed it since the late 1800s. He added that he has done haying on other portions of the land, and the hay was sold to a farmer in Hopkinton.

Deborah Dineen, Conservation Coordinator, stated that if a Senior Residential Community (SRC) were planned, it would trigger the Town's option to purchase the property. She stated further that this parcel is a high priority parcel on the open space plan. She stated that there were some Conservation concerns with this parcel, and opined that there are two vernal pools located there. Ms. Dineen submitted a letter she had written to the Scotts on September 14, 1999, outlining the preliminary issues on the site.

Ms. Dineen stated that the Town might allow limited development in order to protect key areas on the parcel and open space plan, and look at permanent protection through an agricultural restriction on the balance of the piece, particularly areas from Nobscot Road back to and beyond the railroad track.

Mr. Lawrence O'Brien, Chairman, Planning Board, stated that the SRC bylaw requires that 50% of the land be set aside as open space and the definition of that 50% of the parcel would be worked out between the Planning Board and the Conservation Commission. He opined that limited development, including an SRC, would be of benefit to the Town and maintain the character of the land. He stated a subdivision plan would be required so that a base cost could be determined, with the number of units included in the permit.

Ms. Dineen stated that she recommended the Scotts develop a conceptual plan before coming before the Commission. She stated her impression that the remaining 50-acre portion of the land would be under an agricultural restriction, and opined that the Scotts plan to build a home in the field in the back. She is not sure how wetlands issues would be addressed in that regard.

Chairman Drobinski stated that, under Chapter 61A, the Town would have to offer a fair market price for the land, a decision all Town boards must consider. He stated that, in general, the Board's preference is for an SRC on the parcel instead of single-family homes.

A resident asked if the Green Company was interested in the project. Mr. Scott stated that the Green Company is involved in another project at this time and is not immediately interested in this one.

Chairman Drobinski stated that this particular parcel of land is the essence of Sudbury, the beautiful farm and open fields, and the Town needs to seriously consider protecting it.

Ms. Dineen advised the Scotts that, whether it is single-family homes or an SRC, it is the change in use that triggers the Town's option to purchase.

The Board thanked the Scotts for coming in and for considering an SRC on their property.

#### **Conservation Commission Appointment**

Selectman Roopenian submitted a letter, dated October 1999, responding to the allegations in Conservation Chairman Stephen Meyer's letter, accusing her of inappropriate behavior. That letter is attached to these minutes.

#### **Community Preservation Act – Bill #3203**

Selectman Roopenian stated she mailed a letter to the newspaper concerning Chapter 90 monies, Education Reform, MCAS and Community Preservation Act. The Community Preservation Act is currently in debate at the House, Bill #3203. She stated she also had a letter to Representative Susan Pope, drafted with the assistance of Sigrid Pickering, that she wanted the Board to sign. The letter requested that communities be allowed to make their own choice between a tax override or a surcharge. Ms. Roopenian stated she would like other boards and commissions to also support the bill by sending their own letters. She noted that it is rumored Governor Cellucci plans to veto the local option of the bill.

After discussion, it was on motion unanimously

VOTED: To sign the letter, dated October 12, 1999, from the Board of Selectmen to Representative Susan W. Pope and to direct the Interim Town Manager to contact the other Town boards and commissions regarding their letters of support.



### **Financial Summit**

Interim Town Manager Valente stated that the Financial Summit last year included the two School Committees, the Finance Committee, and the Board of Selectmen. Selectman Roopenian stated that more departments might like to attend, even for an overview of the process. Ms. Valente stated she would contact the other boards to invite them to the summit.

### **L-S Regional High School**

Chairman Drobinski stated he spoke to the L-S School Committee regarding collective bargaining and someone from the Board of Selectmen from either Lincoln or Sudbury needs to be involved in that process. Ms. Valente stated she would contact the appropriate people to get their input but that former Town Manager Ledoux indicated she should not participate, given her interim status.

Regarding the Regional Agreement, Mr. Drobinski stated the issue is concerned with the makeup of the L-S School Committee members. He stated the Town of Lincoln has appointed three members to look at this issue and the School Committee would like the Selectmen to do the same. Selectman Clark opined that representation is based on a percentage going to the school.

Chairman Drobinski stated Lawrence Blacker, David Wilson and Fred Pryor have been suggested by the Committee to serve. They have not yet been contacted. Selectman Roopenian suggested that Geraldine Nogelo be considered.

### **Selectmen Reports**

*Selectman Clark* reported the MetroWest Growth Management Committee (MWGMC) will be looking at survey returns in order to prepare for a forum to be held October 20. The survey asks each community to indicate which areas are of top priority so that the Committee can address those needs.

*Selectman Clark* stated she received a call from Andrew Schwartz, Metacomet Way, with a complaint against the Board of Health, the Police Department, the Animal Officer, and the Assistant Animal Officer. She reported that his dog and a raccoon were involved in a fight, and after an hour and a half, the Police Department finally showed up. The raccoon was determined to be rabid and was left lying on the ground from 9 a.m. to noon. Mr. Schwartz was concerned for his children as well as other animals coming around. Ms. Clark stated this type of situation has occurred before and wondered what can be done to speed up response. Chairman Drobinski stated that only certain people are allowed to handle carcasses. Selectman Roopenian suggested that the Animal Officer carry a pager for these types of problems.

### **Town Manager Ad**

Interim Town Manager Valente stated that the ad was somehow omitted from the Beacon. She stated that it will be run in early November, and the response deadline was extended to November 15.

### **Frost Farm Lease**

Interim Town Manager Valente stated that Town Planner Jody Kablack and the Housing Task Force would like one or more Selectmen to attend a meeting to look at the lease for Frost Farm. The meeting is scheduled for October 26.

**Bylaw Codification**

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

The Board will meet with Mark Bobrowski on October 20 to review progress. There are approximately 25 copies of the final draft in circulation at Town boards. Selectman Roopenian suggested publicizing the changes to the public well in advance of Town Meeting so everyone knows what they will be voting on and to speed up Town Meeting process. Mr. O'Brien suggested that a summary would be helpful for people to understand what changes were made.

There being no further business to come before the Board, the meeting adjourned at 9:15 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Interim Town Manager-Clerk