

IN BOARD OF SUDBURY SELECTMEN  
THURSDAY JANUARY 27, 2011  
EXECUTIVE SESSION  
(10:08 P.M - 10:44 P.M.)

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde, Town Manager Maureen Valente and Director of Planning and Community Development Jody Kablack

**Land Negotiations – Cemetery Land and Abrams Properties – Update**

Town Manager Valente stated the Town is in receipt of a plan to swap one acre of Town land for two acres of cemetery land from Laura Abrams. It involves the approval of a subdivision road over the Town land to provide access and frontage to the Abrams property. Ms. Kablack explained where the right of way would be created. In response to questions from the Board, Ms. Valente stated the property owners are looking to develop a one-house subdivision. Ms. Kablack stated the Planning Board had previously granted a subdivision for a similar proposal; however, the right of way was located within the Agricultural Preservation Restriction land, and was litigated by neighbors. She further stated the entire lot is approximately nine acres.

Town Manager Valente stated the land swap needs to be approved by Town Meeting. She further stated Town Counsel Kenny would urge acceptance of the offer. Ms. Valente asked the Board to consider what conditions it might want, such as limiting development to a one-house lot with a deed restriction, and/or stating the Board is inclined to want both cemetery parcels, so Town Counsel can factor them into negotiations.

Selectman Haarde stated the plan sounds like a good deal for the Town. It was noted the plan creates value for the property owners. Ms. Kablack stated frontage would be created for one lot.

The Board will consider the matter further for discussion again in Executive Session on February 1, 2011.

**Collective Bargaining – Firefighters' Union - Update**

Town Manager Valente stated no update is available at this time, since the union has requested additional time to collect data from other municipalities.

**Land Negotiations – Fairbank and MacNeill Properties – Update**

The Board was previously in receipt of a memorandum and accompanying materials from Ms. Kablack to the Historical and Historic Districts Commissions dated January 5, 2011 regarding discussions underway with Bill Fairbanks to purchase an Agricultural Preservation Restriction (APR) on his farm and the possibility of placing an Historic Preservation Restriction (HPR) on the large barn on the property. Ms. Kablack reported the Community Preservation Committee (CPC) voted last night to recommend funding of both Restrictions from Open Space Community Preservation Act (CPA) funds. Earlier tonight, Ms. Kablack met with the Sudbury Historic Districts Commission, which believes this is a good use of CPA funds.

Ms. Kablack stated she does not yet have an estimate for the Historic Preservation Restriction, noting how difficult it is to assess. She has requested a consultant be hired to complete a structure report to help determine the value.

Selectman Haarde stated he has some concerns regarding development on the parcel. Ms. Kablack noted the property includes an active farm, which includes buildings. She further explained that, under the APR, the Town cannot forbid or limit construction of residential properties on the parcel for the seller, his family or employees.

Chairman Drobinski asked if the exemption is eliminated when the property owner is deceased. Ms. Kablack stated, if the property no longer is used for agriculture, the housing for workers could be ordered to be removed. She further stated that the APR conditions would be similar to those approved for the Cutting Farm and as dictated by the Massachusetts General Laws. Ms. Kablack believes the property owner is amenable to restricting the amount of area for the building of greenhouses. In addition, the property owner has agreed to offer the Town a Right of First Refusal. Ms. Kablack opined negotiations are going well at this time, and the APR is in the process of being drafted.

The Board was also in receipt of a memorandum from Ms. Kablack dated January 5, 2011 and accompanying material regarding an offer to purchase nine acres of land on Brimstone Lane owned by the MacNeills for \$900,000 and copies of a draft Petition Article for the Annual 2011 Town Meeting regarding this land purchase. She highlighted this is the same land for which the Town is currently engaged in litigation regarding denial of a preliminary subdivision plan. Ms. Kablack provided a brief explanation of the difference between the processes for preliminary and definitive subdivision plans. She noted the land offered is considered undevelopable and that no documentation has been provided regarding value.

Ms. Kablack reported the property owner has submitted a petition article for Town Meeting. She informed the seller that an appraisal would be required and that it is late in the process to request the use of CPA funds at this Town Meeting. Ms. Kablack has asked the Community Preservation Committee to consider taking the request out of cycle, but the decision ultimately rests with the Selectmen.

In light of the Town's economic challenges, Chairman Drobinski stated the CPC deliberately reduced its recommendations for funding this year. Ms. Kablack emphasized there is no urgency to this proposal, and she believes the value has been inflated.

It was on motion unanimously

VOTED: To not support obtaining an appraisal for the MacNeill property located on Brimstone Lane as a high-priority project, and further to not recommend advancement of this proposal to the Community Preservation Committee for consideration.

There being no further business, the meeting adjourned at 10:44 p.m.

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