

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 4, 2000

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien and John C. Drobinski, Selectmen.

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

Opening Remarks

Present: Kerry Speidel, Finance Director; Deborah Dineen, Conservation Coordinator.

On behalf of the Board and Town Manager, Chairman Roopenian praised the Police and Fire Departments for their quick response to a serious traffic accident the day after Thanksgiving. She stated their superior response time and cooperation was extraordinary.

Regarding Town finances, Town Manager Valente stated the Town's credit rating was upgraded to AAA by Standard and Poor's, two steps up in the past three years. Chairman Roopenian thanked the Town Accountant, Director of Assessing, Finance Director and Finance Committee for their hard work in securing this position, as well as the Town Planner and the Economic Development Committee.

Ms. Valente reported the Town has received a grant from the Executive Office of Environmental Affairs under the Self-Help Program in the amount of \$250,000 toward purchase of the Piper land. She stated further that Deborah Dineen, Conservation Coordinator, was instrumental in preparing all the paperwork and following the application through the grant process. Ms. Valente thanked Ms. Dineen for her efforts. Ms. Dineen thanked the Town Counsel's assistant, Elaine Jones, for researching information back to the early 1800's, which helped significantly in this application. Chairman Roopenian also acknowledged the efforts of the Town Manager's staff in this matter.

Citizen Petition – Zoning Bylaw

Present: Ralph Tyler, One Deacon Lane; Bridget Hanson, Chairman, Conservation Commission.

Mr. Ralph Tyler, One Deacon Lane, submitted a petition article to recodify the Zoning Bylaw as prepared by the Zoning Bylaw Revision Committee, with 12 signatures, requesting the new, proposed bylaw be printed in total in the 2001 Annual Town Meeting Warrant, allowing opportunity for every citizen to read and digest the changes in the bylaw and see how changes affect the entire document. He noted people may be concerned such a major step should be approached piece by piece instead of voting the entire bylaw up or down.

Selectman Drobinski pointed out the additional cost of printing it in the Warrant. Mr. Tyler responded people felt the cost was justified due to the importance of the issue.

Bridget Hanson, Chairman, Conservation Commission, asked if the document could be put onto the Town web site. Mr. Tyler stated not everyone has web access, and those who do will not want to print out 280 pages to be able to comfortably read the bylaw.

Borrowing – School Construction and Piper Lane

Present: Kerry Speidel, Finance Director; Clark Rowell, Unibank Fiscal Advisory Services, Inc.

The Board met for the purpose of approving borrowing in the amount of \$34,305,000 for payment of Curtis School construction and Haynes School renovation (\$32,255,000) and Piper conservation land (\$2,050,000) pursuant to Town Meeting authorizations of 2/25/97, 3/2/98 and 4/4/00, and to sign bonds, dated December 1, 2000, therefor. The Board reviewed a memo, dated November 29, 2000, from Kerry A. Speidel, Finance Director, to the Town Manager, outlining the bond sale and stating the low bidder to be PaineWebber, Inc.

Ms. Kerry Speidel, Finance Director, stated the Town accepted bids for \$34,305,000 of permanent financing for school projects and land purchase. The bonds are divided into Series A and B to accommodate cash flow needs for the Town and to also meet State reimbursement guidelines. Ms. Speidel noted this is the first time the Town accepted electronic bids, and further noted bids were received one minute before the deadline. Ms. Speidel stated she and the Town Manager recommend the Board award the bid to the low bidder, PaineWebber Incorporated.

After discussion, it was on motion unanimously

VOTED: That the sale of the \$32,805,000 Municipal Purpose Loan of 2000 Bonds, Series A of the Town dated December 1, 2000, to PaineWebber Incorporated at par and accrued interest plus a premium of \$6,578.40 is hereby confirmed. The Series A bonds shall be payable on June 1 of the years and in the principal amounts and bear interest at the respective rates, as follows, subject to earlier redemption at the option of the town as provided in the Preliminary Official Statement dated November 16, 2000:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2002	\$5,725,000	4.75%	2011	1,265,000	5.00
2003	4,850,000	4.75	2012	1,265,000	5.00
2004	2,375,000	4.75	2013	1,265,000	5.00
2005	1,290,000	4.75	2014	1,265,000	5.00
2006	1,290,000	4.75	2015	1,265,000	5.00
2007	1,290,000	4.75	2016	1,165,000	5.125
2008	1,265,000	4.75	2017	1,100,000	5.125
2009	1,265,000	4.75	2018	1,100,000	5.125
2010	1,265,000	5.00	2019	1,100,000	5.125
			2020	1,400,000	5.125

It was further on motion unanimously

VOTED: That the sale of the \$1,500,000 5.50 percent Municipal Purpose Loan of 2000 Bonds, Series B of the Town dated December 1, 2000 and payable December 1, 2020, subject to earlier redemption at the option of the Town as provided in the Preliminary Official Statement dated November 16, 2000, to PaineWebber Incorporated at the price of par and accrued interest plus a premium of \$8,865.00 is hereby confirmed.

The Board and Town Manager signed all documents pertinent to this matter.

Earth Removal Board/Board of Appeals Associates – Appointment

Present: Jonathan G. Gossels, Applicant for appointment.

Mr. Jonathan G. Gossels stated he has lived in Sudbury for 14 years, and has been interested in zoning issues. He stated he has attended several Board of Appeals meetings to learn more about the process and help determine the time this commitment will take.

Selectman O'Brien asked Mr. Gossels about a statement on his application referring to "capriciousness" in the way zoning bylaws are interpreted and applied. Mr. Gossels responded his opinion has changed, after seeing the Board of Appeals in action, and he believes the ZBA has the best interest of the Town at heart, with no personal agendas.

It was on motion unanimously

VOTED: To appoint Jonathan G. Gossels, 11 Spiller Circle, to the Earth Removal Board and Board of Appeals Associates for a term to expire April 30, 2001, replacing Lauren O'Brien.

Site Plan Application #00-357 – Omnipoint Holdings, Inc.

At 8:02 p.m. Chairman Roopenian reconvened a Public Hearing for the purpose of considering Site Plan Application #00-357 of Omnipoint Holdings, Inc., for a Site Plan Special Permit, for property located at Village Green, 29 Hudson Road. This matter was continued from November 6 and 20, 2000.

The Board reviewed a Draft Decision in this matter.

Regarding **Condition #10**, Selectman Drobinski recalled discussing requiring bi-annual radio frequency monitoring instead of annual. The Board concurred.

There was discussion regarding space for public safety equipment. The Board agreed this installation was not appropriate for such equipment.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Omnipoint Holdings, Inc., in accordance with Application No. SP00-357, dated September 8, 2000, received September 19, 2000, to construct a wireless communications facility consisting of three EMS DualPol panel antennas mounted on the rooftop at a height of seven feet above the perimeter of the roofline hidden within a fiberglass chimney plus an electronic equipment cabinet located on a lower roof on property located at Village Green, 29 Hudson Road, as shown on plans entitled "4DE-B481-F VILLAGE GREEN, HUDSON ROAD, SUDBURY, MA", with submittal dates of June 20, 2000 and July 6, 2000, drawn by SEA Consultants Inc., Cambridge, MA, comprised of Sheet Z-1: Plans, Elevations, Details and Notes, and Sheet Z-2: Plot Plan, subject to compliance with all governmental laws and regulations including but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Approval of any changes to the drainage system, including traps, catch basins, and period maintenance as required by the Director of Public Works/Town Engineer;
2. Placement of all utilities underground;
3. The grant of a propane gas permit, if applicable;
4. Receipt of a permit from the Massachusetts Department of Public Health;
5. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
6. Compliance with conditions of the Board of Appeals Case No. 00-30 variance and recommendations of the Design Review Board:
 - a. the texture and color of the simulated chimney shall match the existing chimneys,
 - b. the equipment cabinet shall be screened from view from the public way,
 - c. the addition to the brick parapet shall match the brick and mortar of the existing structure,
 - d. English ivy or climbing hydrangea shall be planted to soften the mass of the extended parapet;
7. The Omnipoint installation shall cause no interference with public safety radio transmissions; if any conflict occurs, Omnipoint shall pay for any filtering equipment the Town may require to eliminate the interference, or otherwise immediately eliminate the interference;
8. In accordance with Sudbury Bylaw Article IX.V.P.5.1, Omnipoint Holdings shall furnish a bond in the amount of the estimated cost plus 25% of dismantling the facility;
9. Any air conditioners or generators shall not produce undue noise and shall be consistent with average noise levels for residential uses;
10. Omnipoint Holdings, Inc. shall biannually measure radio frequency emission levels and report same to the Board of Health and Board of Selectmen;
11. The following site plan submission requirements of the Selectmen's Site Plan Special Permit Rules and Regulations are waived: Sections 5.1.5 Landscape Plan, 5.1.7 Floor Plan, 5.2 Coverage, Drainage and Earth Removal Calculations under Zoning Bylaw IX.V.A.5.a, Additional Plan Details under Zoning Bylaw IX.V.A.5.b, and Traffic Calculations;
12. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
13. No building permit shall be issued until this Decision is recorded at the Middlesex South Registry of Deeds, the site plan is approved and signed by the Board of Selectmen, and certain items noted above (1,4,8), as specified by the Board, are complied with;
14. No occupancy permit shall be issued until certain items noted above (2,3,5,6,12), as specified by the Board, are complied with;

15. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

Appeals of the grant of the Special Permit, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of notice of this Special Permit in the office of the Town Clerk.

The Board signed the Decision. The site plan was not available for signing.

Marrone Housing Development

Present: Alan J. Marrone, Applicant; David A. Wallace, Attorney, Whittemore & Wallace; Jo-Ann Howe, Sudbury Housing Authority Executive Director; Jody Kablack, Town Planner; Marianne D'Angelo, Lisa Eggleston, Christopher Morely, Planning Board; Catherine Rader; Joseph M. Angelosanto, 29 Easy Street; Lloyd M. Kittelson, 11 Easy Street; Jennifer Jackson McCabe, 15 Easy Street; Richard J. Babineau, 717 Boston Post Road.

The Board was in receipt of the following information:

1. Plan entitled "PROPOSED CONCEPTUAL PLAN", dated August 3, 2000, by Sullivan, Connors & Associates, 121 Boston Post Road, Sudbury, MA 01776, with accompanying untitled/undated plans featuring elevation perspective and unit floor plans.
2. Letter, dated December 1, 2000, from David A. Wallace, Whittemore and Wallace, Attorneys at Law, requesting the Board of Selectmen's support for the construction of 24 townhouses on the property of Alan Marrone at 729 Boston Post Road, and that of Richard Babineau at 717 Boston Post Road under a Comprehensive Permit. Included was an analysis by the Board of Assessors office on vital housing and acreage statistics, and a letter, dated November 30, 2000, from the Executive Director of the Sudbury Housing Authority to Mr. Wallace.
3. Draft Local Initiative Program Application for Comprehensive Permit and Units Only Projects, containing information on the proposed location, site, zoning, project and its feasibility, marketing plan, design and construction.

Town Manager Valente stated residents on Easy Street, Uplook Drive and nearby Boston Post Road addresses were notified of the proceedings.

Chairman Roopenian announced this is the first of public discussions on this matter, informational in nature, and stated abutters would be provided time to speak at some point in the future.

Mr. David Wallace, Attorney for the Applicant, stated this is a fairly small development at 717/729 Boston Post Road, consisting of 24 townhouses. Two parcels will be combined, forming a 2.5 acre piece. He noted if the land is successfully combined, the single-family homes currently there will be demolished and the townhouse units built in their place.

Mr. Wallace stated the construction would occur in three separate phases, in groups of four or six. Each unit would contain 1,800 sq. ft., 2.5 baths, 2 stories, 2 bedrooms, kitchen, dining room, foyer, and

basement. Of the 24 units, 6 would be considered “affordable”, selling at the current State rate of \$78,000, with construction cost per unit being \$276,000. He described these units as a “\$200,000 donation” to the buyer, with local preference (Sudbury residents). The units would be owner-occupied and not rentals.

Mr. Wallace opined the purchase price of regular units would be fairly high, near mid-\$300’s, and will not be intended for persons over 55 years of age, as are other current developments in Town.

Mr. Wallace opined traffic and schools impact to be minimal for these units, stating his belief couples would have only one child. He stated adding residential units to an otherwise commercial area is a good thing. He noted this project would be done under the Local Initiative Program through the State Department of Housing and Community Development. Through this program, the developer provides his own financing, in conjunction with the Board of Selectmen co-sponsoring the project. He opined this project will not get off the ground if the Board does not co-sponsor. He opined further if this project is not accomplished with the Board of Selectmen, the Town runs the risk of a developer coming in from elsewhere, giving no benefit to Sudbury.

Mr. Wallace stated the Town cannot have more than 0.3% of land in any one year being developed for affordable housing, or 34.3 acres. This project adds 2.5 acres.

Mr. Alan J. Marrone, Applicant, submitted artistic renderings of what the buildings would look like. He stated there is good line of sight in both directions along Route 20. He stated four of the six affordable units would be available to Sudbury residents or employees. He described the buildings as having cedar shingles, architect shingles on roofs, and copper flashing on windows and doorways.

Chairman Roopenian asked what is behind the buildings. Mr. Marrone stated the fronts of the buildings would face each other, with a decorative tree screening along the back on the Route 20 side and on the opposite side.

Responding to a question from Selectman Drobinski, Mr. Wallace stated this project must have the Board’s recommendation or approval to proceed. After application to the State, the project and site will be reviewed and evaluated, followed by a visit to the Board of Appeals. He stated there is a purchase and sale agreement in place for Mr. Richard J. Babineau, 717 Boston Post Road.

Mr. Marrone requested an additional meeting with the Board sometime in January.

Mr. Wallace stated they are not considering an over-55 project at this time, though that would be a possibility if it were the Board’s preference.

Selectman O’Brien asked, if the Board does not approve the project, will State or federal monies be pursued. Mr. Wallace responded yes.

Selectman O’Brien asked if this project would be based on condominium ownership, with an association. Mr. Marrone responded yes, adding there would be condo fees as well, to cover snow removal, yard care, etc.

Selectman O’Brien asked if the units would be owner-occupied. Mr. Wallace responded that condition could be included in the condo association bylaws, but noted the six units of affordable housing must be kept at a low price. Mr. Marrone stated they are not trying to create a rental situation. He opined further most residents of this project could be senior citizens.

Chairman Roopenian asked if objections from abutters have been worked out. Mr. Marrone responded most of their concerns centered on the issue of screening from direct abutters and opined he has been successful in reaching some sort of agreement, involving fences, and transplanting of trees. He concluded by saying the designs are in a draft phase and changes can still be made.

Mr. Joseph M. Angelosanto, 29 Easy Street, commented the traffic from Orchard Hill Assisted Living Facility and Frugal Flower has increased traffic and accidents dramatically. He stated the stretch from Orchard Hill to Horse Pond Road is very congested, and necessitates a police officer every day to manage that traffic.

Mr. Lloyd M. Kittelson, 11 Easy Street, asked if there would be no access to the project via Easy Street. Mr. Marrone confirmed this. Mr. Kittelson asked Mr. Wallace about his statistics on affordable housing. Chairman Roopenian stated a copy of the memo from Jo-Ann Howe, Sudbury Housing Authority, could be sent to him.

Ms. Jennifer Jackson McCabe, 15 Easy Street, expressed surprise that 24 units, access road, and parking areas could be constructed on only 2.5 acres of land, and expressed concern for school busses. She also asked where the children would play and that schools are already maxed out, noting new homes in the area.

After discussion, Chairman Roopenian suggested another informational meeting. Mr. Marrone stated they would appreciate comments before spending additional money on architects and other professionals. Mr. Wallace reiterated his intent to handle this project as a collaborative effort.

Selectman O'Brien stated he would like to see Board of Health reports as to soil content and condition. Mr. Marrone stated engineers have indicated to him there are no restrictions on the soil with regard to septic and drainage, and offered to provide data.

Selectman O'Brien suggested defining this project as an over-55 community might satisfy all conditions necessary for affordable housing and minimize traffic and school impacts.

Selectman Drobinski expressed concern that the Board's recommendation might present a conflict of interest in that they are also the appointing authority for the Board of Appeals.

Lisa Eggleston, Planning Board, expressed concern that other Town boards and commissions would like to comment on this project during the initial stages.

Chairman Roopenian suggested meeting again with Mr. Marrone and Mr. Wallace during the January 8, 2001 Selectmen's meeting. Jody Kablack, Town Planner, stated that gives the Boards only one month, with the holidays in the middle, to assess information presented, and asked Ms. Roopenian to move the hearing to the January 22 meeting. Ms. Kablack noted the Planning Board, in particular, meets only one time before January 8. The Town Manager concurred with Ms. Kablack's concerns. The Board agreed to schedule the hearing on January 22, 2001.

Chairman Roopenian announced that the Board will consider neighborhood concerns heavily and assured those in attendance there will be ample opportunity to speak. The Town Manager stated abutters will be notified by using the Assessors list of property owners.

Town Forum

At 8:45 p.m. Chairman Roopenian convened the 245th Session of the Town Forum. She announced this is a revised format featuring a Master Plan update, the Planning Board and Conservation Commission.

Bridget Hanson, Chairman, **Conservation Commission**, stated their biggest accomplishments this year were the acquisition of the Piper property as conservation land and securing the \$250,000 grant toward its purchase. She stated a State representative praised the Town for their open space plan. Other topics discussed included: preservation of open space, use of the Master Plan in other projects, Community Preservation Act, stewardship of conservation land, compliance with wetlands bylaws and its violations, and remediation. She asked for citizen assistance in publicizing conservation issues toward preventing homeowner mistakes. Ms. Hanson noted Deborah Dineen, Conservation Coordinator, is a key individual in coordinating efforts in outreach education, clearing out invasive plants, maintaining trails, and working with school groups. Commission members assist whenever possible, as well as many volunteers. Discussion followed.

Jody Kablack, Town Planner, provided an update on the **Master Plan**. She stated it is going to the typesetter for printing after the Committee has a final read through it. All recent policy changes, Master Plan survey results, bibliography, tables and charts are included. Ms. Kablack stated the draft was well received by boards, committees and residents last year, and everyone must continually refer back to its goals and objectives to implement it. In order to achieve sustainability and make a difference in development trends, obstacles must be overcome. The Town needs to be more proactive in working with businesses to revitalize Route 20, continue to identify property needs and work creatively with landowners, and develop innovative zoning techniques to steer development to acceptable locations and at acceptable scales.

Ms. Kablack stated various committees were formed based on the Master Plan: Land Use Priorities Committee, Economic Development Committee, Waste Water Technical Advisory Committee, all made up of residents in their professional capacities. Planning Board representatives attend these Committee meetings in order to stay informed. Discussion followed.

Christopher Morely, **Planning Board**, presented the report of the Planning Board. He stated public hearings are being held to discuss the recodification of the Zoning Bylaw and preparation of the 2001 Annual Town Meeting Article. There was discussion on the Community Preservation Act, open space, affordable housing, historic districts, and new subdivisions.

Reports concluded at 9:50 p.m. Chairman Roopenian declared Town Forum closed. Refreshments were served to those present.

In addition to a taped recording, this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

Site Plan Application #00-356 – ESS Sudbury Athletic Academy LLC

Present: Myron Fox, Attorney, Rollins, Rollins & Fox; Bruce Ey, Schofield Brothers of New England; Christopher Morely, Planning Board.

The Board met for the purpose of continued deliberation on the application of ESS Sudbury Athletic Academy for a Site Plan Special Permit for property at 141 Boston Post Road, the public hearing having

been closed on October 10, 2000. Chairman Roopenian acknowledged the 90 days within which to act upon the Application will expire January 8, 2001.

The Board was in receipt of a revised Draft Decision for its review, as well as the following new information:

1. Memo, dated November 24, 2000, from I. William Place, DPW Director, to the Town Manager, submitting a cost estimate to widen and install a deceleration lane [hard shoulder] at the entrance to ESS Athletic Academy, reporting a final cost of \$28,186.73, including curbing.
2. Memo [submitted at meeting], dated December 4, 2000, from I. William Place, DPW Director, to the Town Manager, stating a cost for bituminous concrete berm is \$2.64/ft or \$1,320 and the cost for granite curb is \$20.50/ft. or \$10,250, and prioritizing traffic mitigation items as follows: (a) improve shoulder of Buddy Dog and ESS; (b) utilize a consulting firm to research a traffic control signal at Landham Road/Route 20; and (c) walkway on the north side of Route 20 from Goodman's Hill Road to Green Hill Road. Mr. Place further recommended the use of granite curbing as opposed to the bituminous concrete berm.

The Board discussed the above memos from I. William Place, DPW Director, which noted the berm in front of the ESS site is in immediate need of repair, the berm in front of Buddy Dog is non-existent, and the type of berm used in front of ESS must be approved by Mass. Highway. There was consensus to concur with Mr. Place's recommendation for use of granite curbing. Discussion followed regarding a deceleration lane vs. expanded shoulder along Route 20. It was agreed to not consider Item #3 of Mr. Place's priority list from the memo, as the applicant had already agreed to donate money to the walkway fund rather than construct that stretch of walkway.

With regard to **Condition #23**, Selectman O'Brien asked Mr. Ey if he could offer an opinion as to Mass. Highway's reaction to a request for paving and firming up the shoulder in this area. Mr. Ey responded it would be acceptable as long it is not perceived to be a bypass lane at the intersection of Goodman's Hill Road and Route 20. He opined a bypass lane would definitely not be accepted. Discussion followed.

Selectman O'Brien suggested the applicant contribute \$35,000 to traffic mitigation, and \$18,000 toward the cost of the hard shoulder repair/improvement. This would increase his overall traffic mitigation donation by an *additional* \$3,000. This changes the wording on **Conditions #19 and #22** by increasing the dollar figure to \$53,000.

On **Condition #23**, it was agreed to remove the phrase "the cost of the shoulder to be borne by the applicant", and increase the traffic mitigation contribution dollar figure to \$53,000. The last sentence of **Condition #24**: "The expenditure for this highway enlargement may be paid from the \$50,000 traffic mitigation contribution" [\$50,000 is now \$53,000] should be added to **Condition #23**, and the remaining text of **Condition #24** shall be eliminated. Conditions #25 through #33 shall be renumbered accordingly.

After discussion, it was agreed by both parties to eliminate the word "centerline of the" from **Condition #20**, subject to verification by the Town Engineer. [It was later determined by the Town Engineer and agreed to by all parties that the wording should remain.]

On **Condition #31**, Mr. Fox requested Condition #15, donation of seven acres, be moved to #32 [Occupancy Permit] as it cannot be accomplished for the purposes of the building permit. The actual location of the seven acres will not be determined until *after* construction has begun.

On **Condition #33**, it was suggested the time limit for lapse of permit be increased to two years. Concern was expressed for setting a precedent. Mr. Fox stated there are more hearings to be completed, using time out of the original one year period. After discussion, it was agreed to substitute the word "has" for the wording "and a substantial use thereof", and retain the time period of one year.

Selectman Drobinski asked about the large maple trees in front of the property. Mr. Ey stated the trees may be able to stay, after trimming, if they do not block sight distance.

With regard to **Condition #8**, Selectman O'Brien asked about pool chemicals and storage/disposal thereof. Mr. Fox responded those chemicals will be stored at the site, but not disposed there. He stated the Order of Conditions from the Conservation Commission contains requirements about this issue, and they fully intend to comply with those guidelines.

There was discussion on exterior lighting and its impact on residences. **Condition #12** provides for the Board to inspect the premises prior to occupancy to certify the intent of the lighting plan.

On **Condition #14**, item c [last phase] should read: "... by the Board of Selectmen, Board of Health or the Conservation Commission."

With regard to **Condition #26**, it was agreed to strike the first sentence, as the shell space will be eliminated from the plan. The Board retains the authority to refuse to sign off if the shell space still appears on the final plan.

Selectman Drobinski expressed concern for the outdoor "agility area" and residual levels of PCB's. Discussion followed. An additional **Condition** regarding outdoor use for children was suggested: "No child care activities shall be conducted outdoors on pervious surfaces unless approved by a licensed site professional." This Condition will be #34, renumbered #33 after #23 is eliminated.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to instruct Town Counsel to incorporate tonight's comments for a revised Draft Decision to be reviewed on December 18, 2000.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of November 20, 2000, as amended, and the executive session minutes of November 20, 2000, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$68.40 in miscellaneous donations, to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

Memorial Day Committee – Appointment

It was on motion unanimously

VOTED: To appoint William S. Farrell, 191 Pratt's Mill Road, to the Memorial Day Committee for a term to expire April 30, 2001, replacing George Cyr, as requested by said Committee.

New Year's Eve

It was on motion unanimously

VOTED: To grant permission to holders of Restaurant and Club Alcoholic Beverages Licenses to extend serving hours on December 31, 2000, New Year's Eve, to 2:00 a.m. on January 1, 2001.

Rubbish Removal

It was on motion unanimously

VOTED: To approve a contract for calendar 2001 with low bidder Browning Ferris Industries, Inc. (MA), 385 Dunstable Road, Tyngsboro, MA 01879, to provide rubbish removal and disposal for Town and School facilities, in accordance with Town of Sudbury specifications and individual pickup costs, totaling \$47,656.44, as stated in the bid dated November 30, 2000.

Fugakyu Café – Alcoholic Beverages Serving Training

The Board considered a request of Fugakyu Café to administer the alcoholic beverages serving training in-house.

Selectman O'Brien commented it is typically understood by the Workers Compensation and Liability Insurance carriers that in-house training is done for a group of people and conducted by a certified trainer from an outside firm, or an employee certified as a trainer. He asked if the Board was satisfied with only a roster of trained personnel being available or if the certificates should also be posted. He expressed concern for the roster not being kept up to date with a high rate of turnover in restaurant staff.

After discussion, it was on motion unanimously

VOTED: To conditionally approve the request of Fugakyu Café to administer the alcoholic beverages serving training in-house, provided the person conducting the training is a Certified Trainer.

Selectmen Policy Revision

It was further on motion unanimously

VOTED: To amend, subject to review by Town Counsel, Town of Sudbury Board of Selectmen Rule and Regulation: Training for Dispensers and Sellers of Alcoholic Beverages as follows:

D. All establishments must display copies of certificates of all trained personnel as well as a roster or certificate of said personnel in an accessible place during operating hours. [Continue as before]

Annual License Renewals

The Board reviewed the following:

1. Memo, dated November 29, 2000, from the Health Director, stating the Board of Health has no pending deficiencies for business license renewals, the food establishments are inspected at least twice annually, and inspections have been conducted for compliance with smoking regulations.
2. Report, received November 30, 2000, from the Building Inspector, stating he has no violations to report on the licensee list for 2001.
3. Report, received December 1, 2000, from the Fire Chief, stating he has completed all his inspections of the licensees, and that there are no violations that could cause denial of any licenses.

Town Manager Valente stated two establishments are in arrears in monies due the Town. Selectman O'Brien suggested withholding those licenses, and notifying the owners the licenses will be forthcoming after their accounts are brought up to date.

It was on motion unanimously

VOTE: To renew Alcoholic Beverages, Common Victualler, Entertainment, and Second Hand Motor Vehicle Licenses, which expire December 31, 2000, for calendar 2001, as listed in the December 1, 2000, "Licensee List Renewals for Calendar 2001", attached and incorporated herein, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes and real estate taxes; said licenses shall also be subject to all previous restrictions; and

It was further on motion unanimously

VOTED: To renew Sunday Entertainment License of Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 104 Boston Post Road, for operation of a juke box during 2001, for the hours of 11:00 a.m. to 10:00 p.m.

Overhead Wiring – 47 Powers Road

Town Manager Valente stated this matter has been withdrawn for the time being.

Conservation Restriction – 40 Maynard Farm Road

Town Manager Valente stated this matter has been tabled due to incomplete information.

Selectmen's Annual Town Report for 2000

The Board received draft copies of the Selectmen's report for the Annual Town Report. Discussion and several edits followed. The Board approved the report as amended.

Community Preservation Act

The Board was in receipt of a memo, dated December 4, 2000, from the Town Manager, recommending the Board appoint an ad hoc committee to work on the Community Preservation Act as it would apply to Sudbury, and listing reasons therefor. Chairman Roopenian reported on the Land Use Priorities Committee meeting she attended recently with regard to this subject, and opined a citizen petition may come forward if the Board does not take action soon. Discussion followed.

Town Manager Valente suggested the ad-hoc Committee be formed from interested members of the Land Use Priority Committee, Finance Committee, Sudbury Housing Authority, Council on Aging, along with Town Counsel. Chairman Roopenian volunteered to serve as the Board's liaison to this Committee.

After discussion, it was on motion unanimously

VOTED: To implement the action items listed in the Town Manager's memo, dated December 4, 2000, as follows:

- There may be substantial benefits from being one of the few communities to move forward with the program at this time. These benefits should be investigated and confirmed.
- We need to develop broad support if the CPA program moves forward. If the Board wants the bylaw and article to have support from all parties who have a stake in this—affordable housing advocates, recreational space advocates, historic preservation advocates, town office space advocates, stressed taxpayer relief advocates, and good municipal financial planning advocates as well as conservation land advocates - then a group that includes all should be developed
- To achieve credibility for the results of the committee. If the Board gives this committee specific questions to answer, the issues addressed by the committee's efforts will not appear self-serving.
- The CPA should be considered as an opportunity to meet some of the goals and objectives that have been established by the Master Plan and the Board of Selectmen's goals for FY2001, including among others sustaining the historic and cultural resources in the town, working to improve the Historic Town Centre, and encouraging greater diversity of housing opportunities in Sudbury. Board leadership is needed to keep these goals at the forefront of any CPA planning.
- To identify key dates and requirements early on, so that none are inadvertently missed if the town decides this is the year to move forward with this program.

Chamber of Commerce Presentation

The Board met for the purpose of discussing a half-hour presentation scheduled for the Chamber of Commerce meeting on January 24, 2001. Selectman O'Brien suggested a concise, succinct presentation that adequately conveys the message the Board wishes to send. Topics considered for inclusion were Financial, Zoning Recodification, Community Preservation Act, Economic Development Committee activities, update on Waste Water study and highlighting the Selectmen's Goals and Objectives.

Dept. of Public Works – Front End Loader

It was on motion unanimously

VOTED: To approve a contract to lease/purchase a front end loader from Woodco Machine Company, at a cost of \$134,605.00, yearly cost of \$26,921.00 per year for 5 years, for use by Department of Public Works.

North Road Cell Tower

Town Manager Valente asked the Board for comments before the end of the week on the RFP for the North Road wireless communications facility (former Melone property).

Sudbury Historical Society

Town Manager Valente reported to the Board she has notified Lee Swanson and the Sudbury Historical Society that, because they are not a part of Town government, the space in Upper Town Hall cannot officially be turned over to them. She expressed concern for the SHS spending money on repairs and improvements on a space not officially theirs.

Executive Session

At 11:38 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the Discretionary Fund expenditures and litigation matters. (Chairman Roopenian, aye, Selectman O'Brien, aye, Selectman Drobinski, aye).

Chairman Roopenian announced that public session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 12:05 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk