

IN BOARD OF SELECTMEN
MONDAY, MAY 8, 2000

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

Announcements

Chairman Roopenian made several public recognitions: (a) A successful Earth Day at Stone Farm was celebrated recently. Laurence Hammel was the first recipient of the Jane Coddington Award; (b) Sudbury Educational Resource Fund (SERF) held a successful "Just Desserts" at Orchard Hill; (c) the Roadside Cleanup Day in Sudbury on May 6 was a very productive endeavor. Ms. Roopenian thanked everyone who participated. (d) Ms. Roopenian expressed thanks and appreciation to Mark Thompson, Technology Administrator, for his prompt action in controlling the "Love Bug" computer virus, and (e) finally, Ms. Roopenian reminded everyone that the Special Town Election will be held on May 15.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of April 7, 2000, and the regular and 9:30 p.m. executive session minutes of April 24, 2000, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$151.57 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.

Massachusetts Tobacco Control Program Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant from the Massachusetts Department of Public Health under the Massachusetts Tobacco Control Program in the total amount of \$209,688.32, to be awarded in four increments of \$52,422.08 for fiscal years 2001 through 2004.

Sudbury Grange Flea Market

Present: Peter Glass, 523 Hudson Road.

The Board was in receipt of a request from Peter Glass, dated April 27, 2000, for permission to use the Town Common and to block off the road in front of the Town Hall, Grange Hall, and Presbyterian Church on Saturday, June 3, 2000, from 10 a.m. to 2 p.m. during a flea market/yard sale/penny carnival. The Board also reviewed a letter, dated May 4, 2000, from Safety Officer Alan Hutchinson, presenting options for closing the road and directing traffic.

Mr. Peter Glass stated this was the first time the Grange has planned an activity of this sort. He stated further that he had spoken with the Fire Department and he had requested that an engine would be used to block the Concord Road entrance to the access road. He indicated the D.A.R.E. Officer would also be on hand. Townspeople will be able to "purchase" table space to sell their flea market items; vendors will not be allowed. Litter will be cleaned up after the event is over.

Selectman Drobinski asked if the Fire Chief had been consulted. Mr. Glass reported that one of the Grange personnel had spoken with the Fire Department about their plans and received no objections. Chairman Roopenian suggested contacting the Fire Chief to make him aware of the event from a public safety standpoint, that fire equipment had been promised, and to request a written report for the files.

Town Manager Valente suggested Mr. Glass check to see if the event needs to be registered with the Town Clerk.

Mr. Glass asked if the Highway Department would be able to supply the barriers for blocking the road. Town Manager Valente stated Mr. Glass should contact them to work out the logistics for getting the barriers, setting them up and later returning them after the event.

Selectman Drobinski expressed concern for a large crowd in attendance and whether a police detail would be necessary. As this event has never been held before, he encouraged Mr. Glass to look into the availability of a detail as this will be held in a very congested area of Town.

After discussion, it was on motion unanimously

VOTED: To grant permission to the Sudbury Grange to use the Town Common on Saturday, June 3, 2000, from 10 a.m. to 2 p.m. for a flea market/yard sale/penny carnival, and to authorize blocking the roadway between the Common and the Town Hall and Grange Hall from use during this event, subject to meeting the requirements of the Police Department, Fire Department and possible registration with the Town Clerk, and that the Police Department shall determine the need for a police detail in the interest of public safety.

SP00-353, Omnipoint Communications MB Operations LLC – Feeley Park

Present: Peter J. Cooke, Wellman Omnipoint Communications.

At 8:00 p.m. Chairman Roopenian reconvened a Public Hearing for the purpose of continued consideration of Site Plan Application SP00-353 of Omnipoint Communications MB Operations LLC, in accordance with Sudbury Zoning Bylaw Article IX.V.A, to construct a wireless communications facility consisting of a 100-foot stealth pole with light fixture and including an equipment cabinet and power pedestal, replacing existing stanchion at Feeley Park, Raymond Road, Town Property Map L08-012, owned by the Town of Sudbury, zoned Residential and Wireless Overlay district. This hearing was continued from April 24, 2000.

The Board was in receipt of a Draft Decision prepared by the Town Manager and Town Counsel. Town Manager Valente distributed a replacement page for the Board's review. She stated that Motorola, the company purchasing the antenna cabling, is proposing some changes for the public safety equipment. Due to the changeover for future (analog to digital) equipment, the alternative of a donation of \$6,000 has been added to Item 12, page 6. This is because placing the public safety equipment at another site may be more advantageous.

Town Manager Valente stated the Town has received the confirmation letter, dated May 4, 2000, from Anne Patrick, Omnipoint, with regard to the \$5,000 donation to the Park and Recreation Department.

Town Manager Valente stated she and Town Counsel will review the final lease agreement, for the Board's final consideration at the May 22, 2000 Selectmen's meeting. Peter Cooke stated some exhibits have been added to the draft agreement.

Peter Cooke, Omnipoint Communications, submitted the mylar plans for signature.

Selectman Drobinski asked about the Town's access to the lighting fixtures as there was no mention of it in the Decision. Mr. Cooke stated the gate is being relocated to provide Town access by a cherry picker.

Selectman O'Brien asked about a timetable. Mr. Cooke stated they will go through the Board of Appeals for special wireless communications permit as well as a permit for construction in a flood zone and a Water Resource Protection District Special Permit from the Planning Board. Once those have been secured, Mr. Cooke opined work to be begin soon with completion before the end of the summer.

Selectman O'Brien asked about interference with baseball games. Mr. Cooke responded the pole goes up fairly quickly and opined it could be changed within a day, but the foundation work is a bigger issue time wise. He stated Omnipoint will prepare a construction schedule for Park and Recreation to know how and when they plan to complete the work.

With regard to the public safety equipment, Mr. Cooke stated the central issue is analog vs. digital, and that the digital does not have the same "push" that the analog does. He clarified that it is more a coverage issue than compatibility with antenna. Town Manager Valente stated higher ground may be necessary depending on the type of equipment used.

Discussion followed regarding correct adjustment of lights at the field. Mr. Cooke stated no objection to assisting with the lights while Omnipoint is on site with appropriate equipment and will keep in touch with Park and Recreation with regard to scheduling. Selectman O'Brien suggested Park and Recreation personnel observe the current lighting situation and make note of poles needing attention in order to be as prepared as possible (i.e., light bulbs on hand) when the equipment is available.

It was on motion unanimously

VOTED: To close the Public Hearing.

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 Communications MB Operations LLC, in accordance with Application No. SP00-353, to construct a wireless communications facility consisting of a 100-foot stealth pole with light fixture and including an equipment cabinet and power pedestal, replacing existing light stanchion at Feeley Park, Raymond Road, Town Property Map L08-012, owned by the Town of Sudbury, as shown on plans dated November 29, 1999, revised April 17, 2000 and May 2, 2000, entitled "Omnipoint, Feeley Park, Raymond Road, Sudbury MA 01776, 4DE-B010-E", drawn by Edward and Kelcey, Boston, Mass., including T-1 (Title Sheet), C-1 (Survey Plan), Z-1 (Partial Site Plan) and Z-2 (Enlarged Site Plan, South Elevation and Details), 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:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer/Director of Public Works;
2. Placement of all utilities underground;
3. No wells for water supply to be installed on site;
4. The grant of an earth removal permit by the Earth Removal Board, if applicable; any topsoil removed shall be the property of the Town of Sudbury;
5. The grant of a propane gas permit, if applicable;
6. The grant of a Water Resource Protection Special Permit by the Planning Board;
7. 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 hereunder;
8. No use of salt or chemical de-icers on site;
9. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site by Omnipoint Communications MB Operations LLC;
 - (b) the use of salt or chemical de-icers on the site by Omnipoint Communications;
 - (c) the installation by Omnipoint Communications of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
10. The gate to the gravel access drive shall be made accessible to the Sudbury Fire Department, Sudbury Police Department, Sudbury Department of Public Works, and Recreation Department;
11. Compliance with the provisions of a lease agreement, which includes requirements concerning collocation of an additional carrier, between the Town of Sudbury acting through its Board of Selectmen and Omnipoint Communications MB Operations LLC;
12. Omnipoint Communications shall provide space on the pole for public communications by the Sudbury Police, Fire, and Public Works Departments, and Omnipoint shall provide appropriate conduit and access to power as required by said departments in accordance with final construction drawings, all at no cost to the Town. Additionally, as offered by Omnipoint, Omnipoint shall pay for the purchase and installation of whip antenna and associated cabling for the Police Department, as

set forth in a letter dated April 21, 2000, from Anne Patrick, Technical Manager, Northern New England Region, Omnipoint Communications Services, LLC, or substitute a donation of \$6,000 for future installation at this or another location.

13. Submission of detailed construction drawings to the Building Inspector;
14. In accordance with Sudbury Bylaw Article IX.V.P.5.I, Omnipoint Communications shall furnish a bond in the amount of the estimated cost plus 25% of dismantling the facility;
15. Any air conditioners or generators shall not produce undue noise and shall be consistent with average noise levels for residential uses;
16. Omnipoint Communications shall annually measure radio frequency emission levels and report same to the Board of Health and Board of Selectmen;
17. 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 Bylaws IX.V.A.5.a, Additional Plan Details under Zoning Bylaw IX.V.A.5.b, and Traffic Calculations;
18. 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;
19. No building permit shall be issued until certain items noted above (1, 6, 13, 14) as specified by the Board, are complied with;
20. No occupancy permit shall be issued until certain items noted above (2, 4, 5, 7, 9, 10, 11, 12, 18) as specified by the Board, are complied with;
21. 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.

Date: May 8, 2000

SUDBURY BOARD OF SELECTMEN

Eagle Scout Achievements – Troops 60 and 61

The Board received notification that Nikhil D. Pundit, 62 Ridge Hill Road, of Boy Scout Troop 60 and Christopher Tomassian, 20 Briant Drive, and David Fleischman-Rose, 23 Clark Lane, Troop 61, have attained the rank of Eagle Scout.

It was on motion unanimously

VOTED: To sign and send letters of congratulation to Nikhil D. Pundit, Christopher Tomassian, and David Fleischman-Rose in honor of their attainment of the Eagle Scout rank.

Selectmen Liaison Assignments

The Board briefly discussed their respective assignments. They also discussed various regional groups of interest.

It was on motion unanimously

VOTED: To tentatively accept the list as presented, with certain changes, for final review on May 22.

Special Town Meeting

The Board addressed the question of reserving the date of October 23, 2000, for a Special Town Meeting to address the Lincoln-Sudbury Regional High School building project, zoning bylaw codification, and possible other matters, and utilizing the November 7, 2000 State Election for Proposition 2 ½ ballot question. The formal vote will occur in July.

Town Manager Valente stated placing the ballot question on the State Election would save election costs as well as assist the staff in preparation. She stated the Town must “call” the Special Town Meeting at least 45 days before the Town Meeting. Advance planning would help coordinate with the Town of Lincoln who is also planning their election for November 7. Ms. Valente stated the Board is simply reserving the date for now.

After discussion, it was on motion unanimously

VOTED: To reserve the date of October 23, 2000 for a Special Town Meeting and to utilize the November 7, 2000 State Election for Proposition 2 ½ ballot question.

Overhead Wiring Connection – Lot #4, Willis Road

Present: Joseph Santangelo, Contractor.

The Board was in receipt of a letter, dated May 4, 2000, from Joseph C. Santangelo, Contractor, stating the septic system for the property on Lot #4, Willis Road, extends under much of the front yard, making underground installation of utilities very difficult, if not impossible.

Ms. Valente stated she understood Mr. Santangelo’s concern is that underground installation would not conform to the State Electrical Code.

Mr. Joseph Santangelo stated the other three lots on Willis Road would be served by poles on the same side of the road. Lot #4 is the only one where the line must go over the road. He stated further that, in discussion with his electrician, several “bends” would be required to get around the septic system. He calculated five bends necessary. He stated further a gas line runs along the side of the property, and that the Wiring Inspector would allow 2 feet between the gas and electric, though he prefers to allow 5 feet. He presented a drawing for the Board’s review and indicated items of discussion. Mr. Santangelo stated it is

Boston Edison's decision as to where the pole box would be located. There is a wetlands buffer zone to consider as well. Discussion followed.

Selectman O'Brien stated he would like to hear Boston Edison's decision regarding box placement, as well as input from the Wiring Inspector. He stated he would prefer to continue to pursue underground installation.

The Board asked Mr. Santangelo to review the situation with Boston Edison, the gas company, and Conservation Commission and report back to the Board if installation cannot go underground.

Charity Walk – LSRHS

The Board was in receipt of a request, dated April 12, 2000, from the senior class at Lincoln-Sudbury Regional High School, requesting permission to hold a walk-a-thon to benefit cancer research. The walk will begin and end at Lincoln-Sudbury and consist of a loop around Water Row and Plympton Road. In addition, the senior project includes a concert at the conclusion of the walk.

Town Manager Valente stated this request just arrived in the Selectmen's office. She stated further that, while the Board cannot approve a police duty, such a request can be forwarded to the Police Chief.

It was on motion unanimously

VOTED: To grant permission to the senior class of Lincoln-Sudbury Regional High School to hold a walk-a-thon for cancer research, on Saturday, May 20, 2000, from 11:00 a.m. to 5:00 p.m., as outlined in a request, dated April 12, 2000, from David Onigman, Rebecca Taylor, Kati Devaney, and Susan Shields, Advisor, subject to approval from the Police and Fire Departments.

"Love Bug"

Town Manager Valente expressed appreciation to Mark Thompson, Technology Administrator, for his swift action in stabilizing the computer/internet system. She stated only six or seven computers were affected, and those files will need to be recovered. She stated the system is "backed up" nightly with those files stored off-site so files can be located and reinstalled.

Goodnow Library – Termites

Town Manager Valente stated termites have been found in the old section of the Goodnow Public Library. The Library Trustees are getting estimates from exterminators.

Senior Tax Relief

The Board was in receipt of a memo from Ralph Tyler, One Deacon Lane, suggesting some changes to tax laws with regard to seniors. The memo was forwarded from the Assessor's Office with its response.

Selectmen Goal-Setting

Town Manager Valente distributed lists of suggestions from staff for consideration at the goal-setting session on May 10.

There being no further business to come before the Board, the meeting adjourned at 9:52 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk