

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 6, 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 7:35 p.m. at the Senior Center, 40 Fairbank Road.

Opening Remarks

Chairman Roopenian reminded citizens to vote in the State and U.S. Election on Tuesday, November 7, 2000.

Chairman Roopenian extended condolences on behalf of the Town to the family of Marshall Karol. Mr. Karol was a long time member of the Zoning Board of Appeals who recently passed away.

Cable Television License

Present: Jeffrey Winston; Chairman; Peggy Fredrickson, Hal Barnett, Cable Television Committee; Attorney Peter J. Epstein, Consultant; David A. Green, Director of Government Relations, Cablevision; Robert Kiburz, 82 Belcher Drive.

At 7:40 p.m. Chairman Roopenian convened a meeting of the Board of Selectmen, the Cable Television Committee, and Cablevision representatives to review the final-license draft and, if approved, to grant a Cable Television Renewal License to Cablevision of Massachusetts, Inc., for a period of ten years commencing November 6, 2000 and expiring November 5, 2010.

The Board was in receipt of the following: 1) a memo, dated November 3, 2000, from Paul Kenny, Town Counsel, stating his opinion that the document is appropriate for execution by the Selectmen from a legal standpoint in accordance with municipal law and as municipal law relates to the Cable TV Acts; and 2) a memo dated November 3, 2000, from Jeffrey Winston, Chairman, Cable Television Committee to the Town Manager, noting the last changes made to the license.

In response to inquiry by Selectman Drobinski, Atty. Peter Epstein responded that a performance bond is required by State statute, and must be maintained throughout use of the system.

Selectman Drobinski asked about the PEG access support and expressed concern for including LSRHS in the listing that references the Sudbury School Department. Mr. Drobinski reminded the Committee that the high school is a separate entity from the elementary and middle schools. Discussion followed. The Board and Committee decided to add LSRHS in the listing, add the schools and LSRHS to the definition of "Town of Sudbury" and initial the changes to facilitate the signing of the License this evening.

Selectman Drobinski asked about including the Loring Parsonage as a drop location. Mr. Epstein opined it would be included as a public building even though it is not specifically listed.

Mr. Robert Kiburz, 82 Belcher Drive, asked if there was any provision for aesthetic treatment to hide the equipment in residential neighborhoods. Chairman Roopenian responded the Board can require utilities to provide landscaping to shield cabinets from view, but that usually does not apply to Cablevision as most of their connections are underground. Selectmen O'Brien stated a Decision can stipulate that plantings must

be provided, if an installation cannot be placed underground. Town Manager Valente stated utilities must follow the Town's rules of using the right-of-way, which includes meeting with the Selectmen.

Further discussion on minor wording changes followed.

Selectman O'Brien asked about the funds listed in the license and wondered if the studio will stay in the new high school. Mr. Winston stated those funds will be used for equipment that can be moved to the new building when it is completed.

Mr. David Green, Director of Government Relations, Cablevision, stated Cablevision plans to use a standardized, state-wide channel lineup for all systems in their control, but it will take a while to get it up and running with channels gradually brought into alignment. Selectman O'Brien asked if that channel could be lower in the channel lineup as cable access is a primary way for the Town to communicate with residents. Mr. Green stated the Town will be notified of any change in channel lineup, but that the Town cannot request or designate a particular channel for their public access.

Mr. Epstein stated the contract is a good one with many provisions for the subscribers. He praised the Committee for its hard work and diligence. He stated that, in approximately a month, AT&T should take over the contract and honor the commitments and agreements therein.

The Board thanked the Cable Television Committee for its extraordinary efforts in the negotiation of this contract on behalf of the Town.

It was on motion unanimously

VOTED: To grant a Cable Television Renewal License to Cablevision of Massachusetts, Inc., for a period of ten (10) years commencing November 6, 2000, and expiring November 5, 2010, as written, and to sign said License with the initialed changes indicated above.

AR Cable Investments, Inc. – Utility Petitions #00-06A, B and C

Present: Timothy F. Broderick, Rebuild Manager, David A. Green, Director of Government Relations, Cablevision; Jeffrey Winston, Cable Television Committee; Joann and Robert Kiburz, 82 Belcher Drive; Douglas Blackwell, 74 Belcher Drive; Robert Mandel, 38 Saxony Drive.

At 8:12 p.m. Chairman Roopenian convened a Public Hearing to consider three utility petitions of AR Cable Investments, Inc., d/b/a Cablevision. Town Manager Valente stated notice of the hearing was sent by first class mail to all abutters as noted by the Assessors Office. She stated further all concerns raised in a memo, dated September 20, 2000, from the DPW Director have been resolved, with proposed equipment relocated from private property to within the right-of-way, as set forth in the petitions before the Board this evening. A favorable report dated September 22, 2000, was received from the Building Inspector and Wiring Inspectors.

a) UP00-06A for installation of a new power supply pedestal and connecting conduit at the intersection of Suffolk Road and Belcher Drive.

Mr. Tim Broderick, representing Cablevision, submitted photographs of the proposed cabinet. He clarified for Mr. Robert Kiburz, 82 Belcher Drive, that existing cabinets belong to Boston Edison, Telephone and Cable TV. He clarified further that equipment may already have been delivered to the site in packing crates.

Mr. Broderick stated new electronics are being installed into the system, upgrading existing equipment. In addition to this request, a larger cabinet was requested and approved through Public Works to replace the existing cabinet at this site. Mr. Broderick stated his company attempts to locate installations where other utility cabinets already exist, to avoid splattering the landscape with them.

Mr. Kiburz stated his displeasure at having all these cabinets located near his home. He stated there is no landscaping around the installation.

Mr. Broderick stated the completed installation will contain landscaping to hide all the cabinets from view.

Town Manager Valente clarified that the existing cabinets are all within the public right-of-way.

Mr. Broderick stated this is a power supply pedestal, powered by batteries, and cannot be placed underground due to potential water damage. He opined no watertight power supply exists at this time. The power supply contains batteries that could supply a minimum of 4-5 hours of power in the event of an outage. It also powers the new electronics that will be installed to upgrade the system.

Mr. Broderick stated the original installation was much more visible than this one will be, and he believes that this location was the best for this neighborhood. He stated further that some cabinets need to be together for adequate power supply. He noted older systems can be powered from pole lines (this is preferable), but this neighborhood has all underground utilities with no poles

Mr. Jeffrey Winston, Cable Television Committee, stated some of these systems are designed to someday carry telephone service as well as cable television.

Selectman O'Brien asked about access. Mr. Broderick stated the equipment regulates itself and access would be mostly for maintenance purposes. Access is from the front. The color is a grayish green which blends nicely with vegetation.

Selectman O'Brien asked Mr. Kiburz about the existing vegetation (trees, etc.). Mr. Kiburz pointed out on the diagram where the area is somewhat wooded and mulched.

Mr. Broderick stated the original proposed installation was behind another box, but it would have been on private property. The DPW Director advised moving it into the right-of-way which was agreed upon. Town Manager Valente stated the only way the Town can have any control over these installations is to use only the right-of-way. Installation on private property would require an agreement with landowners.

Mr. Broderick agreed to look throughout the area for a more wooded site that would be more to the liking of the objecting residents.

Mr. Winston pointed out that delays could affect the time new cable services are brought online. He expressed concern for the impact cold weather could have on the project.

Mr. Broderick stated there is a power supply at 65 Ford Road which can be utilized in the interim, although he was concerned it may be somewhat overloaded.

Selectman Drobinski asked Mr. Kiburz if he would be amenable to the installation if Cablevision is required to landscape around the entire group of cabinets. Mr. Kiburz stated he would prefer no additional cabinet.

Selectman O'Brien asked if the existing cable box can be replaced with a larger one, leaving only three cabinets on the site. Mr. Broderick responded in the negative, clarifying the existing one will be upgraded (enlarged), and the power supply needs to be added separately. Mr. O'Brien asked if the boxes can be grouped together and not in a long line. Ten feet back is the requirement by DPW for line of sight and snow plowing.

Mr. Broderick withdrew Utility Petition 00-06A and offered to research the neighborhood for a more agreeable location.

(b) UP00-06B – Installation of new power supply pedestal and connecting conduit at the intersection of Ford Road and Bowker Road.

Town Manager Valente stated abutter Mr. Stanley Klein, 68 Ford Road, notified the Selectmen's office he is agreeable to this project if appropriate landscaping is planted after installation and the existing Cablevision pedestal on Mr. Klein's property (not part of this petition) be replaced with a flush mounted installation, and she understood Cablevision has agreed to this.

Mr. Broderick concurred and stated the equipment on Mr. Klein's property is a passive supply source and does not contain batteries. This is why it can be flush mounted. The placement will be behind existing trees.

After discussion, it was on motion unanimously

VOTED: To approve Utility Petition #00-06B at the intersection of Ford Road and Bowker Road (65 Ford Road and Bowker Road): Install new CATV power supply pedestal #1 approximately eight feet (8') to the side of an existing CATV pedestal. Place conduit approximately three feet (3') to BECO power pedestal and place approximately three feet (3') conduit to existing CATV pedestal, subject to installation of plantings to hide all existing and new cabinets from view, and replacing the existing pedestal at 68 Ford Road with an underground unit, the top to be flush or slightly below ground level, in a location satisfactory to the property owner.

(c) UP00-06C – Installation of a new power supply pedestal and connecting conduit at the intersection of Saxony Drive and Churchill Street.

Mr. Robert Mandel, 38 Saxony Drive, expressed concern for this particular location. He stated a fire occurred there approximately three years ago on a Boston Edison transformer, which has been replaced. Since then, however, two of the neighbors have had trouble with electricity. There is cable coming directly out of the ground and threaded through tree branches. Mr. Mandel stated he would like to see the

Cablevision cabinet placed behind shrubbery, the existing shrubbery cleaned up and Boston Edison wires properly restored underground.

Mr. Mandel stated he has been corresponding with Boston Edison for about eight months, without success. He stated he eventually received an email that the work would be cleaned up the week of October 30, which it was not. He stated further there are holes in the ground "large enough to swallow a dog".

Selectman Drobinski asked the Town Manager to notify Boston Edison the Town will not approve any further requests until the repairs requested by Mr. Mandel are completed. The Board asked for copies of Mr. Mandel's correspondence with Boston Edison, which he submitted.

Mr. Mandel asked about landscaping around the cabinet so the boxes are not visible from residents' front windows. Chairman Roopenian stated that request can be made a condition of the approval.

Mr. Broderick stated the cabinet will go behind a bush. He stated further that a single crew does the entire job, including the cabinet installation and planting the landscaping.

Selectman O'Brien asked Mr. Mandel to be the Board's "eyes" on the street to mark progress of the project. Mr. Broderick stated Cablevision would like to get started before winter. All parties exchanged business cards to facilitate effective communication.

It was on motion unanimously

VOTED: To approve Utility Petition #00-06C at the intersection of Saxony Drive and Churchill Street (43 Saxony Drive & Churchill Street): Install new CATV power supply pedestal #1 approximately three feet (3') to the side of an existing CATV pedestal. Place conduit approximately nine feet (9') to BECO power pedestal and place approximately three feet (3') conduit to existing CATV pedestal. Appropriate vegetative screening shall be provided to limit visibility of cabinets by the neighborhood.

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

Present: Joseph J. Della Selva, Zoning Coordinator; Stephen Maley, RF Engineer, Omnipoint Holdings, Inc.

At 8:54 p.m. Chairman Roopenian convened a Public Hearing for the purpose of considering Site Plan Application #00-357 of Omnipoint Holdings, Inc., for a Site Plan Special Permit, in accordance with Town of Sudbury Bylaws Article IX.V.A, to construct a wireless communications facility consisting of three EMA 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 (approximately 5' tall, 4.5' wide, and 2.5' deep) located on a lower roof, on property located at Village Green, 29 Hudson Road, owned by Somerset Sudbury, LLC, zoned Limited Business District.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on October 12 and 19, 2000. Abutters within 300 feet according to the Assessors were provided written notice by first class mail. The Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided notice by first class mail. Additionally, the Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The Board is in receipt of the following:

- 1) The September 12, 2000 minutes and vote of the Board of Appeals granting a variance from the provisions of Section V, P, 5,c&d of the Zoning Bylaw for this installation having a setback deficiency of 250 feet from a residential lot line and having a setback deficiency of up to 1,000 feet from a school building, subject to 1) the color of the simulated chimney shall match the existing chimneys and 2) the equipment cabinet shall be screened from view from the public way.
- 2) Report from the Planning Board, dated October 12, 2000, recommending approval subject to the conditions contained in the Board of Appeals variance decision; and stating the Planning Board has determined that use of the land as proposed will have no impact on groundwater resources and has waived the requirement for a Water Resource Protection Special Permit.
- 3) Report, dated October 18, 2000, from the Conservation Coordinator advising there are no wetlands issues regarding the project.
- 4) Report from the Design Review Board, dated October 16, 2000, recommending: 1) the texture, as well as the color, of the fiberglass chimney should match the existing chimney, and further recommends that a sample of the material be supplied to the Selectmen; 2) the addition to the brick parapet should match the brick and mortar of the existing structure; and 3) the planting of English ivy or climbing hydrangea to soften the mass of the extended parapet.
- 5) Report, dated October 12, 2000, from the Fire Chief advising he has no objections, subject to Omnipoint being required to pay for any filtering equipment the Town may require to eliminate any interference with Town radio transmissions, if it occurs.
- 6) Report, dated October 12, 2000, from the Building Inspector, advising he has no concerns relative to this application.
- 7) Report from the Treasurer advising there are no overdue taxes.
- 8) Report, dated November 3, 2000, from the Historic Districts Commission advising of its meeting on November 2, 2000, at which two members were present and expressed their approval of the application. Due to a lack of quorum, the hearing for grant of a Certificate of Appropriateness has been rescheduled to November 16, 2000.
- 9) Report, dated November 3, 2000, from the Town Engineer noting his review found there would be no increase in impervious surface, and no changes in parking, topography, drainage, or traffic.
- 10) Verbal report from the Health Director on November 3, 2000, stating he has no concerns as long as the applicant receives a permit from the Massachusetts Department of Public Health.

Town Manager Valente summarized all reports received from Town boards and commissions.

Mr. Joseph J. Della Selva, Zoning Coordinator, Omnipoint Holdings, Inc., stated this is a Stealth wireless communications facility and is in fact, an artificial chimney. He submitted photo simulations of the front and back of the building. Mr. Della Selva stated the installation would be as pictured on Photo 1, with a stucco finish and should be indistinguishable from a real chimney.

Mr. Della Selva stated Stealth Networks, Inc., out of Charleston, South Carolina, is the company they would be working with. He submitted photos of previous work done by this company, one in Colorado and one in Pennsylvania.

Mr. Della Selva submitted photos by Atlantic Design Engineering of Sagamore, depicting views of the rooftop. He directed the Board's attention to the lower roof, which currently contains HVAC equipment. That equipment will be relocated and Omnipoint's cabinet will be placed there, with appropriate brick covering.

Mr. Della Selva stated this site is in compliance with the Town's wireless communications bylaw, within the overlay district, with exterior mount, minimizing visual impact, maximizing use of existing buildings, and concealing equipment.

Selectman O'Brien pointed out the bylaw's requirement of a minimum setback of 1000 feet from schools and 500 feet from residences. Mr. Della Selva responded they have received a variance from the Board of Appeals and are approximately 10 days into the appeal period.

Mr. Della Selva stated he met with the Historic Districts Commission who were in favor of the project, but could not vote due to a lack of quorum. They will meet again on November 16, 2000.

Mr. Della Selva submitted samples of stucco finishes provided by Stealth. He stated they will work to match the existing color of chimneys already on the rooftop, taking into account weathering. He stated this particular finish allows the RF signal to pass through.

Mr. Della Selva stated this use is passive and innocuous. It will be visited once a month during the first six months of operation by a technician, and intermittently thereafter. The equipment cabinet and antennas are monitored by a remote location.

Selectman O'Brien asked how this proposed installation and its coverage would be affected by the monopole at Feeley Park. Mr. Della Selva responded this installation will work off that pole, but that it is necessary to provide the coverage. He continued to state that, due to the "push" from the Feeley Park pole, this installation will work at 42 feet above ground level instead of a taller unit within the Historic District.

Mr. Della Selva introduced Mr. Stephen Maley, RF Engineer, who explained this coverage acts like a "connector" in conjunction with the Feeley Park pole, but without this coverage, there would be a gap with no phone service. He used coverage maps to illustrate coverage areas. Mr. Maley stated Omnipoint would not be requesting this facility if the coverage was not necessary.

Selectman O'Brien asked if a co-locator would be possible. Mr. Maley responded no, due to the height of this facility and the additional 10 feet a co-locator would require.

Selectman Drobinski reminded the applicant of the Fire Chief's concerns over interference with Town radio transmissions. Mr. Della Selva stated they have never had problems of this sort, and agreed the Board could make it a condition of approval.

Selectman Drobinski stated the Board of Health requires annual RF measurements. Mr. Della Selva stated that function would be contracted out to a separate entity and agreed to forward said reports.

Selectman Drobinski asked if there were any problems with suggestions proposed by the Design Review Board. With regard to Item #2, Mr. Della Selva stated the color of the stucco as well as the actual brick will be matched to that already on the building.

Chairman Roopenian asked about the reported ability to handle 90 calls and asked if this meant simultaneous calls. Mr. Maley responded that eventually 90 calls could be carried at one time. He stated that initially only one cabinet will be needed, but another can be added when customer demand requires it. Those two cabinets together can carry the 90 calls. Mr. Della Selva stated the cabinets are approximately 5' x 4' x 2.5'.

Chairman Roopenian asked if this installation would be visible from the First Parish Church or Fire Station. Mr. Della Selva stated it is innocuous and blends into the rest of the building very well.

Selectman Drobinski asked the Town Manager to have the Building Inspector check building heights and conformance to the Zoning Bylaw for the Historic District as there seemed to be some discrepancy. The peak of the roof is 41 feet. Mr. Drobinski opined this building could be considered non-conforming with the chimney addition.

Selectman O'Brien asked about the height of the installation compared with the existing chimney. Mr. Della Selva responded it will be similar, but could be 6 inches taller. He clarified that all chimneys on this building are decorative, not functional.

Selectman O'Brien asked if the lease is between the property owner and the applicant. Mr. Della Selva responded yes, as it is private property. The Town will not receive any revenue.

The Board agreed to wait on a decision until the reports from the Building Inspector and Historic Districts Commission have been received and reviewed.

It was on motion unanimously

VOTED: To continue this hearing until November 20, 2000 at 8:30 p.m., subject to receipt of the above-noted reports from the Building Inspector and Historic Districts Commission.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of October 23, 2000, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$117.25 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.

Sudbury Foundation – Intergenerational Bridges Program

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant of \$8,300 from The Sudbury Foundation to be separately accounted for and used to enable the Sudbury Senior Center and Sudbury Public Schools to codify the Intergenerational Bridges Program and make it available to all fourth grade students in the Sudbury Schools.

The Board requested a letter of thanks to The Sudbury Foundation.

Fire Department Donations – Thermal Imaging Camera

It was on motion unanimously

VOTED: To accept the following donations on behalf of the Fire Department, to be deposited in the Fire Department Gift Account and expended under the direction of the Fire Chief for the thermal imaging camera purchase:

Roberta Grierson	\$150	Mr. & Mrs. Robert Boyd, Jr.	100
Rene Greene	50	Robin Trovato	100
Sally Jones	50	Todd & Susan Richman	50
Donna Jones	50		

Engineering Department Donation – Printer

It was on motion unanimously

VOTED: To accept, on behalf of the Engineering Department, the donation of a Hewlett-Packard LaserJet 6P/6MP Printer (estimated value \$500) from Dale W. Schubert.

Sudbury Cultural Council

It was on motion unanimously

VOTED: To accept the resignation, dated October 20, 2000, of Geraldine Apostle from the Sudbury Cultural Council, and to appoint Aruna Pundit to the Sudbury Cultural Council for a term to expire November 6, 2003, as requested by said Council.

Access Easement – Piper Property

It was on motion unanimously

VOTED: To confirm the Board's signing of an Access Easement, dated October 27, 2000, granted by Dorothy J. Piper, as shown on "Plan of Land in Sudbury, Massachusetts (Middlesex County) Prepared For: Town of Sudbury", dated October 23, 2000, drawn by Schofield Brothers of New England, Inc.

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

Present: Myron Fox, Attorney, Rollins, Rollins & Fox; D.J. Bosse, CEO, ESS Sudbury Athletic Academy; Jennifer Conley, Rizzo Associates; Bruce Ey, Schofield Brothers of New England; Ted Pasquarella, T & E Realty; Steven Astrove, Attorney, Goulston & Storrs.

The Board was in receipt of the following new information:

1. Letter, dated October 25, 2000, from Myron Fox, listing the eleven (11) improvements the applicant will be making to this location.
2. Letter, dated October 24, 2000, from Bruce Ey, Schofield Brothers of New England, stating the State's position against widening the pavement at Goodman's Hill Road and Boston Post Road to allow eastbound traffic to pass (on right) cars waiting to turn left onto Goodman's Hill Road, citing safety reasons. Mass. Highway would require a dedicated left turning lane and a traffic light. The new entrance, however, was acceptable.
3. Letter [supplement to the 10/24/00 letter], dated October 31, 2000, from Bruce Ey, Schofield Brothers of New England, providing a cost estimate of \$500,000 for design and reconstruction of the intersection with the aforementioned left-turn lane and traffic light at Goodman's Hill Road and Route 20. In addition, Mr. Ey concluded a deceleration lane to turn into the ESS site is not required, it would conflict with the Goodman's Hill Road intersection, and it could be used as a bypass lane which would not be approved by the State.
4. Memo, dated October 26, 2000, from the Building Inspector, Town Planner and DPW Director, reporting on their review of various correspondence, additional site visits and further discussions on the issues of parking and traffic volume and circulation, and making the following recommendations: (a) recommended requirement for parking spaces was 152 and has been calculated at 107 for daily use, *after* 45 spaces have been labeled as reserve on the site plan; (b) 34 additional spaces (as they have been qualified) have been provided via lease agreement with two commercial sites in the area (see items 5 and 6 below) more than fulfilling the need for the 12 additional spaces above the 95 active spaces delineated on the plan; (c) accommodations may be made for a police detail and/or off-site parking during special events; (d) during heavy use, the level grassy area along Boston Post Road can be utilized for temporary parking, accessed from within the site; (e) the Buddy Dog curb cut shall be abandoned and Buddy Dog shall combine its access with ESS at the revised location approximately 250 feet east of the centerline of Goodman's Hill Road; (f) the applicant should install sloped granite curbing along Route 20 from the old Buddy Dog entrance to approximately 150 east of the new entrance and the curbing should be placed approximately 10 feet south of the existing roadway pavement and a useable shoulder area constructed along this entire length (approximately 500 feet in total), for which Mass. Highway Department approval will be required; the applicant should pay for this from funds additional to the previously offered traffic mitigation contribution of \$50,000; (g) the applicant and DPW Director should work with the Mass. Highway Department toward the construction of a shoulder on the north side of Route 20 in front of the Wingate Nursing Home to facilitate westbound traffic into and out of the site, to be accomplished by moving the centerline of Route 20 slightly southward and using a small portion of the Athletic Academy property (the \$50,000 traffic mitigation funds should be used for this); and (h) [walkway paragraph revised on October 31, 2000], the applicant should contribute funds toward the town-wide walkway program, in lieu of a constructing a walkway in front of the property, at a cost of \$15/linear foot

(\$9,000) to be borne by the applicant in addition to the \$50,000 traffic mitigation contribution noted above.

5. Lease Agreement, dated October 10, 2000, between Francis S. Spinoza (d/b/a Frank's Spoke and Wheel, 119 Boston Post Road) and ESS Sudbury Athletic Academy LLC, for the provision of thirty (30) parking spaces for a period of ten years, with option of extending the term for two additional ten-year periods.

6. Lease Agreement, dated October 17, 2000, between CMS Realty Corporation and ESS Sudbury Athletic Academy LLC, for the provision of twenty (20) parking spaces on the premises known as 121 Boston Post Road for a period of seven (7) years, to be utilized as employee parking prior to 9:00 a.m. and after 5:00 p.m.

The Board began discussion regarding the comments made in a memo, dated October 26, 2000, from the Building Inspector, Town Planner and DPW Director.

Selectman O'Brien opined the parking calculations (Paragraph #1) to be very reasonable, using the area over the septic system as "reserve" and invoking the Board's authority to waive up to 30% of the required parking.

Selectman Drobinski asked if the reserve area is landscaped. Mr. Ey replied it would only be lawn. Discussion on future access followed. The applicant has secured leases from two nearby commercial sites for a total of 34 spaces (Paragraph #2).

After discussion, the Board set the parking requirement at 168 spaces and agreed to waive 23% of the required parking spaces, with 39 spaces to be shown on the plan as Reserve Parking Spaces. Adding these 39 spaces to 34 off-site spaces and the 95 shown on the plan brings the total to 168 parking spaces. It was noted the Building Inspector has the authority to request the applicant to provide additional parking at a later date, if it is determined to be inadequate.

Mr. Ey noted that the fence along the front of the property will come down, but the fence between the site and Buddy Dog may remain.

The Board had no issue with Paragraphs #3 and 4 of the joint staff letter.

Paragraph #5 refers to traffic mitigation. Part a includes closing the Buddy Dog curb cut, and moving the entrance (now combined with ESS) 250 feet to the east. This was accepted by the Board. Part b, which requires installation of sloped granite curbing along Route 20 (south side) and construction of usable shoulder space along its entire length, was accepted by the Board. Due to Mass. Highway Department approval being required for this work, the applicant asked that the Board's decision not require it, but make it conditional upon the Town Engineer and MHD approving the request.

Discussion followed with regard to a deceleration lane. Mr. Ey referred to his letter of October 31, 2000 in which the Orchard Hill Assisted Living Facility was discussed, noting the age of patrons, different speed limit and road configuration.

With reference to Paragraph #5, part c, the Board determined that requiring the construction of a widened shoulder on the south side of Route 20 was preferable to creating a shoulder on the north side. The Board discussed the possibility of securing an easement with which to widen Route 20 on the south side,

utilizing some of the ESS property. The applicant is willing to look into it, provided the funds for the work are not in addition to funds already promised. Mr. Fox clarified the applicant would be willing to either provide an easement or sell the necessary land to the State for this work. The Board agreed that the Town Planner, Building Inspector and DPW Director should review the recommendations for parts b and c before they are included in the decision. Mr. Fox reiterated his concern that these things should be listed only on condition of appropriate approvals.

Regarding a walkway along the front of the property (Paragraph #6), it is recommended that the applicant contribute such funds to the town-wide walkway program, instead of constructing an isolated walkway segment at this location. The funds would total \$9,000 and should be in addition to traffic mitigation funds already promised. This paragraph was revised on October 31, 2000 and will replace the one that appears in the October 26, 2000 document.

Selectman O'Brien suggested including in the decision: Mr. Fox's list of traffic/drainage improvements, recommendations made in the joint staff memo of October 26, 2000, with revised Paragraph #6 dated October 31, 2000, parking standards and calculations, Conservation Commission Order of Conditions, wastewater flow monitoring, and the relocated entrance. He suggested further allowing the Board of Health, DPW Director, Building Inspector, Conservation Commission and Town Planner to review the decision prior to final approval.

Selectman Drobinski asked about the assessed value of the eight acres being donated to the Town, as requested by the Conservation Commission. The Town Manager agreed to get this information.

With regard to sight distance at the entrance, Mr. Ey stated it is more than adequate for the road design and existing landscaping is not a hazard. Any large trees in the front of the property will be trimmed. He suggested that the decision require the existing sight distance to be preserved.

Selectman O'Brien asked about the Design Review Board's (DRB) recommendations. Mr. Fox submitted a letter from the DRB stating they would like to review colors and signage. The Board agreed the DRB's recommendation on these two items would be final without further approval by the Selectmen.

Mr. Fox noted the trash receptacle/dumpster will be shown on the final plan. He stated there is no outdoor children's play area. The landscaping plan will be submitted with the final plan.

Selectman O'Brien suggested the Board send an informative memo to the Zoning Board to keep them updated of the progress on this particular matter. He noted their hearing is still open and they may benefit from the information, working in harmony with the applicant. Town Manager Valente suggested sending them a copy of the meeting minutes, noting the Board's unanimous support.

The Board complimented the applicant on being flexible to modifications and suggestions toward public safety and working with the Town toward a favorable conclusion.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to instruct Town Counsel to prepare a Draft Decision relative to Site Plan Application #00-356 of ESS Sudbury Athletic Academy LLC for a Site Plan Special Permit for property at 141 Boston Post Road, to include all the conditions discussed and referenced this evening, and agreed to by applicant. This draft decision will then be reviewed by the Health Director, Building Inspector, DPW

Director, Town Planner and Conservation Coordinator before it is placed before the Board of Selectmen again.

Discussion was tentatively continued to November 20 at 9:00 p.m.

Cemetery Request – Asa Carpenter

The Board was in receipt of a report, dated November 1, 2000, via the DPW Director, from Mary Jane Hillery, Veterans Agent, requesting that the grave opening fee be waived for Asa Carpenter due to financial constraints. Ms. Hillery reported in a phone call that the Carpenter family resided on Dutton Road for many years. Town Manager Valente stated these fees have occasionally been waived in the past.

It was on motion unanimously

VOTED: To waive the grave opening fee for Asa Carpenter, as requested by the Veterans Agent.

Community Preservation Act

Chairman Roopenian stated the original intent of her memo, dated October 2000, was to allow for consideration of Senior Exemptions to the Community Preservation Act, but stated further she is now urging the formation of a Review Committee of appropriate boards and staff to report findings of overall impact of these exemptions and the Community Preservation Act to the Town. She noted this input is crucial to bringing this matter to the 2001 Annual Town Meeting. She reported that members of the Land Use Priorities Committee have indicated interest in helping to research this matter.

Selectman O'Brien suggested defining the mission of this committee to identify the pertinent issues and develop a charge. He opined the Town that moves the fastest will have the advantage of getting funds. Discussion followed.

The Board agreed to appoint an Ad Hoc Committee to research the Community Preservation Act and report their findings to the Board. Committee membership was discussed.

Town Manager Valente suggested utilizing the minutes of the Land Use Priorities Committee as a foundation to build on. Selectman Drobinski suggested mentioning the idea at a meeting of department heads for their initial feedback. The Board agreed to table this matter until their next meeting.

Use of Town Hall and Fairbank Center

Town Manager Valente stated she would like to see use of lower Town Hall confined to meetings of Town Boards and Committees and official Town functions and not used by other groups. She suggested either amending the Selectmen's Policy or eliminating the policy. She reminded the Board that new furniture for lower Town Hall will be ordered soon and stated her belief that the value of that furniture needs to be protected. She stated that, technically, the Town Manager is responsible for Town facilities and use of Town Hall and Fairbank Community Center falls into that category. She noted that upper Town Hall is not available at this time due to its use by the Historical Society.

Chairman Roopenian asked if fees collected have been significant. Town Manager Valente stated there have been only small fees.

Ms. Valente stated groups have been turned away, or referred to other locations, as lower Town Hall is being scheduled for painting. She noted the Grange is getting a good share of referrals.

Selectman O'Brien asked about future elections. Ms. Valente stated she would work with the Town Clerk to make sure the furniture is mobile enough to be stacked on the little stage during elections.

After discussion, it was on motion unanimously

VOTED: To amend the language of Selectmen's Policy O – Policy for Use of Facilities to reflect that use of Town Hall will be at the discretion of the Town Manager.

Schedule of Town Forums – 2001

In follow-up to a request by the board, Town Manager Valente presented a draft proposal for revising the format of Town Forums, assigning specific groups to a specific Selectmen's meeting to make their reports. She opined this would bring all committees in at least once during the year, with department heads coming in twice. There would be no Forums during March and April due to preparation for Annual Town Meeting. She noted that one of the Selectmen's goals and objectives was to meet with each board and committee at least once during the year and this proposal would thus serve a dual purpose.

Selectmen O'Brien suggested quarterly review with department heads instead of twice-yearly, and wondered if Forums could be set up on a topic basis, rather than by group. Chairman Roopenian stated they would be on somewhat of a topic basis as groups would be reporting on specific matters in their own area of responsibility. She expressed concern that topic-based Forums might eliminate the need for various summits. Town Manager Valente reminded the Board that their agendas of late have been very full and may remain so, squeezing out opportunities for lengthy Forums. Discussion followed.

Selectman Drobinski suggested using the new schedule on a trial basis, at least for January and February. Selectman O'Brien suggested starting now, but moving the Planning Board from November to December due to Zoning Codification Hearings. All parties agreed.

Selectmen's Articles – 2001 Annual Town Meeting

The Board discussed the following articles:

Bushey Property Disposition – Town Manager Valente has requested reports from department heads. If the house is to be demolished and land retained, the Fire Chief does not approve using the structure as a practice "burn" due to environmental reasons. If the land is sold, the Town will need to assure access to the Weisblatt property.

Amend Town Manager Act/Health Department – It was agreed the Town Manager should first speak with the Health Director on this matter, then schedule some time on the Health Department's agenda at a future meeting to discuss it with all elected members.

Assume Ownership of Route 20 – The Board reported this was recommended by Dr. Mullin in the Master Plan and suggested directing the Town Planner contact him about backup information on this matter.

Thanksgiving Day Bonfire

It was on motion unanimously

VOTED: To grant permission to Lincoln-Sudbury Regional High School to hold a Pre-Thanksgiving Day All-Sports Ceremonial Bonfire at the school on Wednesday, November 23, 2000, from 6:00 p.m. to 9:00 p.m., subject to complying with Police, Fire, DPW and School Department to ensure the event is safely accomplished, as set forth in a letter, dated October 26, 2000, from David J. McCormick, 55 Hunt Road.

Eagle Scouts

It was on motion unanimously

VOTED: To send letters of congratulations to the following individuals who have attained the rank of Eagle Scout: Sami Enein, 71 Fox Run; Ken Natoli, 6 Hollow Oak, and Chris Tomassian, 20 Briant Drive.

Zoning Recodification Meeting

Selectman O'Brien reported significant progress on the Zoning Bylaw revisions, and the Zoning Board of Appeals is now in full support. Four public hearings have been scheduled.

Flag Retirement Ceremony

Town Manager Valente extended an invitation to the Board and citizenry from Mary Jane Hillery, Veterans Agent, for the Flag Retirement Ceremony to be held on Saturday, November 11, 2000, at 2 p.m. Any U.S. flags in poor condition can be disposed of at this time.

Wayland-Septage Facility

Town Manager Valente reported the Finance Committee plans to meet with this group to work toward a balance in financial and policy decisions. Selectman O'Brien indicated he would also plan to attend when this occurs.

There being no further business, the meeting adjourned at 11:47 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk