

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 10, 2000

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien, and 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.

**Sky Restaurant – Teen Center Donation**

Present: Stephen Corcoran, Owner, Sky Restaurant; Jean Lind, Director, Sudbury Teen Center; Sue Kuykendall, President, Friends of the Sudbury Teen Center.

Stephen Corcoran, Owner, Sky Restaurant, 120 Boston Post Road, stated October marks their third anniversary of doing business in Sudbury. He stated further they hold a golf tournament every year in order to make a charitable donation to a worthy local cause. Mr. Corcoran presented a check in the amount of \$2,000 to Jean Lind, Director of the Sudbury Teen Center.

Ms. Lind thanked Mr. Corcoran for the donation and also acknowledged the help of many volunteers, parents and businesspeople, making the Teen Center a success. She also distributed new brochures describing the Teen Center and the services/programs it offers.

The Board thanked Mr. Corcoran and Sky Restaurant for their generosity.

It was on motion unanimously

VOTED: To accept a donation of \$2,000 from Sky Restaurant to be used for Teen Center programs.

**Town Trust Funds – June 30, 2000**

Present: Kerry Speidel, Finance Director/Town Treasurer, Co-Trustee of Town Donations.

Chairman Roopenian convened a meeting of the Co-Trustees of Town Donations.

Serving as Finance Director prior to Ms. Speidel's hire, Town Manager Valente stated the Wood Davison House Fund and Harry Rice Fund are now shown as "expendable" portions of the total trust fund. She stated also the Goodnow Library had been saving up their expendable portion for several years and now had spent those funds for projects during FY2000. She stated the portfolio is conservative and delivers a fairly steady income stream.

With the approval of Co-Trustee Kerry Speidel, it was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to accept the Finance Director's Trust Fund Report for the period ending June 30, 2000, accompanying a communication, dated September 6, 2000, from Town Manager Maureen Valente with regard to Beneficiaries Requests for FY2001 Distributions.

Kerry Speidel, Finance Director, briefly outlined requests for distribution of funds.

After discussion, with approval of Co-Trustee Kerry Speidel, it was further on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve requests for distribution allocations of income, totaling \$86,964.73, from Town Trust Funds for FY2001, as specified in a communication, dated October 6, 2000, from Kerry A. Speidel, Finance Director/Treasurer-Collector, as follows:

Goodnow Library Board of Trustees	Goodnow Library Trust	\$40,000.00
Goodnow Library Board of Trustees	Forest Bradshaw Trust	250.00
Goodnow Library Board of Trustees	Lydia Raymond Trust	200.00
Goodnow Library Board of Trustees	Rhodes Memorial Trust	350.00
Goodnow Library Board of Trustees	Gertrude Farrell Trust	20.82
Board of Health	Cheri-Anne Cavanaugh Trust	7,143.91
I. William Place, Town Engineer	Raymond Mausoleum Trust	1,000.00
I. William Place, Town Engineer	Cemetery Trust	<u>38,000.00</u>
		\$86,964.73

### **Traffic Calming**

Present: I. William Place, Director, Public Works; Peter Lembo, Police Chief; Michael Dunne, Fire Chief; Safety Officer Alan Hutchinson; Ralph Tyler, One Deacon Lane; Robert Cargill, 33 Oakwood Avenue; Lisa Vitale Barth and Douglas Barth, 286 Old Lancaster Road; Vincent Surwilo, 220 Old Lancaster Road; Steven L. Schwartz, 332 Goodman's Hill Road; Karen Madden, 137 Nobscot Road; other residents.

The Board was in receipt of a preliminary report, dated September 1, 2000, from Town Manager Maureen Valente, addressing many of the traffic concerns and complaints from both residents and staff, and stating what traffic management should accomplish. In this report, Ms. Valente asked for input from citizens and staff. The Board also reviewed a letter, dated October 4, 2000, from Valerie Papas, 78 Dudley Road, expressing her suggestions on this matter, as she was unable to attend the meeting.

Town Manager Valente stated tonight's meeting has a narrow focus, and recommended the Board consider only neighborhood streets, and leave discussion of Route 20 and major routes for another time. She suggested supplying citizens (after traffic complaint) with information on traffic measures attempted in Sudbury, how successful they were and also present traffic calming ideas and solutions experienced in other communities. In addition, she suggested developing a "first response" procedure so that all Town departments are informed as to what other departments are doing when a complaint comes in.

Ms. Valente stressed the three "E's" of traffic calming: education, enforcement, and engineering. She stated she has formed an Ad Hoc Staff Committee for Traffic Calming with the following individuals: Police Chief Peter Lembo, Fire Chief Michael Dunne, Town Engineer I. William Place, Police Sgt. Anthony Deldon, Safety Officer Alan Hutchinson, Town Planner Jody Kablack and herself.

Safety Officer Alan Hutchinson presented a brief overview of traffic complaints and what happens what the complaint comes in. The Police Department checks previous complaints for that street (time of day, conditions, amount of traffic, etc.). He acknowledged some streets have a reputation for being "cut-throughs" where motorists use residential streets to bypass heavily used main intersections. He stated officers cannot be everywhere but attempt to schedule additional coverage in areas with problems.

Town Engineer I. William Place stated he reviews intersections or patches of road to determine if there are impediments his department can handle, i.e., brush, trees, layout of the road, sight distance, etc.

Some areas needing attention lie on private property, where he cannot go without permission of the owner. He noted that Old Lancaster Road residents cleared the brush in a narrow spot of the road, which greatly improved the sight distance and helped lessen the problem at that location. Additional signage can help, though having too many signs can also be a problem. Significant changes to intersections or roads must go through the State TIP (Transportation Improvement Program) and it can take years before funds and all approvals are secured.

Ms. Valente suggested the Ad Hoc Committee might begin by compiling information for citizens, including regulations on how speed limits are determined and certified, maintaining a list of speeding complaints, and keeping a log of calming methods used. Traffic calming devices include things such as speed humps, speed bumps, rumble strips, road narrowing strategies, more signs, and more rotaries. She noted there are many articles and information on the Internet.

Ms. Valente suggested using a traffic monitor, a device that shows motorists the speed limit on the road, as well as the speed they are traveling. Safety Officer Hutchinson opined these monitors cost from \$7,000 to \$11,000. He stated the Framingham Police Department uses the monitor for two days, followed by increased presence by officers issuing tickets. He opined grant money might be available to obtain a monitor for as low as \$4,000.

The Town Manager advised as follows: The narrowness of many Sudbury streets provides natural traffic calming, which can be coupled with improving the sight distance of those areas. Additional signage can be helpful, though the Town is restricted by both Town bylaws and State regulations as to where signs can be placed. A public awareness campaign would bring the issue to citizens, by means of newspapers, school newsletters, signage, cable television, and investigating the success of other communities in public awareness efforts. Ms. Valente cautioned against obtaining temporary relief in one area by pushing the traffic problem to another area. School areas are of utmost importance from a safety standpoint.

Chairman Roopenian stated nearby towns use many signs stating "No Turning Between Hours of 7 – 9 AM/4 – 6 PM" which pinpoint heavy traffic times when motorists wishing to make turns significantly slow the movement of traffic. Commercial truck restrictions also need to be considered. She suggested developing a brochure of traffic "expectations" in Sudbury for newly licensed drivers.

There was brief discussion on proposed legislation that would let localities establish speed limits rather than the State. Interested parties should contact State Representative Susan Pope for more information.

Police Chief Peter Lembo stated he has found travel through other communities to be fairly easy, until he reaches the Sudbury Town line, from any direction. Motorists are looking for alternate routes via many different roads. He stated having only one lane for traffic slows motorists significantly.

Selectman Drobinski opined a good economy adds to the problem as more people are out in the workforce and/or out shopping.

Safety Officer Hutchinson suggested flashing-yellow lights would alert motorists to dangerous intersections.

Selectman O'Brien suggested using "speed gullies", depressions in the road surface instead of bumps or humps which can create snow plowing problems.

Mr. O'Brien asked if the traffic problems in Town have prevented emergency equipment to make timely responses to accidents and alarms. Fire Chief Dunne stated they must slow down on Route 20 sometimes in order to allow motorists to pull to the side, but so far it has not been a large issue. Police Chief Lembo stated there have been no complaints of slow response, to his knowledge. Both gentlemen stated some roads are so narrow there is no place for a motorist to pull over to allow them to pass.

Doug Barth, 286 Old Lancaster Road, asked if additional officers might be funded from the ticket fines. Town Manager Valente stated the revenue goes into a general fund and cannot just be shifted around.

Ralph Tyler, One Deacon Lane, complimented the Board on beginning this endeavor, and suggested trying things instead of studying issues longer. He suggested installing speed bumps on Goodman's Hill Road on a trial basis. Technology solutions might also assist, such as videotaping miscreants (speeding teenagers) and later informing their parents of it. Mr. Tyler suggested also making some roads dead end or cul-de-sac so that motorists won't use them as cut-throughs, and putting up more stop signs even if they are against State Traffic policies (let the State take them down). Lastly, he noted that varying speed limits on the same street, sometimes as many as eight, are confusing to motorists, and suggested using a consistent one.

Steven Schwartz, 332 Goodman's Hill Road, suggested adding more stop signs, opining that a "rolling stop" is better than just going through an intersection.

Karen Madden, 137 Nobscot Road, stated large commercial trucks traveling along her road are moving at speeds of at least 50 miles per hour. She opined increased police presence is necessary. She wondered why the citizens are interested in building a \$70 million school yet cannot find the funds to hire one or two more officers for the police force. She opined the speed monitor on a cruiser might be a good way to see the speed of traffic on Nobscot Road.

Vincent Surwilo, 220 Old Lancaster Road, commented the garbage handlers just drop the containers at the edge of the road and sometimes in the road. He also wondered if traffic actually slows down after a speed monitor and subsequent tickets have occurred in a particular area.

Town Manager Valente suggested researching what other communities are doing with regard to speed bumps and humps, the cost and effectiveness of a speed monitor, budgeting for expenses, and also determining what things could be easily done in the short term. Selectman O'Brien suggested meeting again in a few months to revisit the issue and determine how to move forward.

Chairman Roopenian thanked the staff and residents for their input and attendance. She urged them to attend Town Meeting and remain a part of Town government.

### **Ambulance Billing – Emerson Hospital and Medicare**

Present: Michael C. Dunne, Fire Chief.

Michael Dunne, Fire Chief, briefly explained how Medicare related ambulance service charges are processed. Medicare will pay only one provider, so Emerson Hospital in Concord has been billing for themselves and the Town, then Emerson reimburses the Town. This has allowed the Town to be reimbursed at the higher rate. He reported that Emerson Hospital has indicated they can no longer afford paramedic services unless this arrangement is changed to the Town doing the billing. Chief Dunne stated his belief that change in the billing system was a reasonable and prudent course of action. He proposes the Town/Fire Department bill Medicare and then reimburse Emerson Hospital, the reverse of what has been happening.

There would be no additional cost from the billing company, Comstar. He stated that paramedic revenues are around \$150,000 per year, but that could drop to \$100,000 if a shared billing is not pursued.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager to enter into a shared billing arrangement with Emerson Hospital for paramedic services rendered to Medicare patients, as outlined in a memo, dated September 22, 2000, from Michael Dunne, Fire Chief.

**Insurance Contracts**

Present: Chris Gundling, Benefits Coordinator.

Ms. Chris Gundling, Benefits Coordinator, stated there has not been an increase in life insurance premiums in several years. HMO Blue is the largest provider of health insurance and their increase is only 2%. Ms. Gundling stated there are some other issues yet to be worked out, regarding prescription coverage, for example, which will be finalized at a later date.

It was on motion unanimously

VOTED: To approve renewal of a contract with Boston Mutual Life Insurance Co., 120 Royall Street, Canton, MA 02021, to provide for active employees Basic and AD&D (Accidental Death and Dismemberment) Life Insurance at a cost of \$1.12/month for a \$2000 policy and to provide for retirees Basic Life Insurance at a cost of \$0.51/month for a \$1,000 policy; the Town to contribute 75% and 50% respectively, and the employee/retiree to pay the remainder; and further to provide the Optional Life Insurance Program, to be paid by the employee/retiree, at the following rates; all effective January 1, 2001, for calendar 2001:

<u>Age Classification</u>	<u>Monthly Rate per \$1,000</u>
Under age 40	\$ .20
Age 40-44	.25
Age 45-49	.40
Age 50-54	.70
Age 55-59	1.25
Age 60-64	1.45
Age 65 - retirement	2.00
Retirees to age 75	4.75

It was on motion unanimously

VOTED: To approve contract with Blue Cross Blue Shield, 100 Summer Street, Boston, MA 02110-2190, to provide dental insurance and Medex coverage as shown below, and further to establish that the Town contribute 75% of employee dental, 50% of Medex, and 0% of retiree dental, and the employee/retiree to pay the remainder, effective January 1, 2001:

<u>Family</u>	<u>Single</u>	
\$49.60	\$ 19.69	BCBS Dental Blue premium
N/A	\$254.55	BCBS Medex premium

It was on motion unanimously

VOTED: To approve contract with Blue Cross Blue Shield to serve as third party administrator for HMO Blue and Blue Choice self-funded health plans, and, further, to establish health insurance working rates as shown below, and to establish that the Town contribute 90% of HMO Blue and 75% of Blue Choice for active employees, and 50% of both plans for retirees, and the employee/retiree to pay the remainder, effective January 1, 2001:

<u>Family</u>	<u>Single</u>	
\$643.30	\$249.66	HMO Blue - self-funded
\$860.30	\$332.14	Blue Choice - self-funded

It was on motion unanimously

VOTED: To approve contract with Harvard/Pilgrim Health Care, 3 Allied Drive, Dedham, MA 02026-6121, to serve as third party administrator for its self-funded health care plan, and, further, to make this plan available to all eligible employees, and to establish health insurance working rates as shown below and to establish that the Town contribute 80% for active employees and 50% for retirees, and the employee/retiree to pay the remainder, effective January 1, 2001:

<u>Family</u>	<u>Single</u>	
\$807.68	\$309.16	Harvard/Pilgrim Health Care - self-funded
--	\$ 87.40	First Seniority Premium

**ESS Sudbury Athletic Academy LLC – Site Plan 00-356**

Present: Jody Kablack, Town Planner; Myron Fox, Attorney, Joshua Fox, Attorney, Rollins, Rollins & Fox; D. J. Bosse, Chief Executive Officer, Stephen Gray, Dr. David Striegel, ESS Sudbury Athletic Academy LLC; Bruce Ey, Schofield Brothers of New England; Jennifer Conley, Rizzo Associates; David A. Wallace, Attorney, Whittemore and Wallace; Laury Hammel, The Longfellow Clubs; Ted Pasquarello, T & E Realty; Hale Lamont-Havers, 173 Morse Road.

At 9:00 p.m. Chairman Roopenian reconvened a Public Hearing for consideration of Site Plan Application #00-356 of ESS Sudbury Athletic Academy LLC for a Site Plan Special Permit, in accordance with Town of Sudbury Bylaws Arts. IX.V.A, to construct a recreational and educational athletic facility consisting of a two-story building containing approximately 64,833 s. f. in floor space, three outdoor tennis courts and three seasonally enclosed tennis courts, with associated driveway, parking and drainage structures, on property located at 141 Boston Post Road, owned by T. & E. Realty LLC, zoned Industrial District #4. This matter had been continued from September 11 and 25, 2000.

The Board was in receipt of the following new information:

1. Report [submitted during meeting by Myron Fox], dated October 10, 2000, from Bruce Ey, Senior Vice President, Schofield Brothers of New England, presenting a Floor Area Ratio analysis for the Coach House Inn, Auto Diagnostic, Longfellow Tennis and Fitness (Wayland), and ESS Sudbury Athletic Academy LLC.
2. Report [submitted during meeting by Myron Fox], entitled "Trip Generation of Potential Site Uses", undated.
3. Letter [submitted during meeting by Myron Fox], dated October 9, 2000, from Terry Condon, General Manager, Waltham Athletic Club, noting their facilities, services, and fees, and stating their 95-100 parking spaces are 80% used at the busiest times.
4. Letter [submitted during meeting by David Wallace], dated October 10, 2000, from Bill Grimes, Manager of the Wightman Tennis Center, describing their 45,000 sq. ft. building, twelve tennis courts, outdoor pool and snack bar, and 100 parking spaces. Mr. Grimes stated further each membership consists of a \$5,000 initiation fee, a \$3,500 refundable bond, and annual dues of \$2,536.
5. Report [submitted during meeting by David Wallace], featuring traffic counts at the Longfellow Club on October 4, 2000, during time frames of 7 – 8 a.m., 8 – 9 a.m. and 9 – 10 a.m., on October 10, 2000, during the times of 4 – 5 p.m., 5 – 6 p.m. and 6 – 7 p.m.
6. Letter [submitted during meeting by Myron Fox], dated September 27, 2000, from Bill Grimes, Manager of the Wightman Tennis Center, stating the club has approximately 1,100 members, 20 – 25% of whom use the facility on a weekly basis. He stated further the clients actively use approximately 40 parking spaces, except for special events a few times each year.
7. Letter [submitted during meeting by Myron Fox], dated September 26, 2000 from Stephen R. Gray, Chief Operating Officer, ESS Sudbury, addressed to the Board of Appeals, countering a letter comparing ESS Sudbury with L.G.E. Performance Systems, from Mr. Gray's previous knowledge as Director of Corporate Fitness at L.G.E.

Chairman Roopenian stated only new information would be considered at this time.

Mr. David Wallace, representing the Longfellow Club, submitted a letter from Bill Grimes, Manager of the Wightman Tennis Center, as well as traffic counts from the Longfellow Club. Chairman Roopenian asked if the traffic count was cars coming into the parking lot or cars actually parking. It was confirmed that it was a count of cars coming into the lot.

Ms. Hale Lamont-Havers, 173 Morse Road, stated this facility would provide a decent amount of tax dollars, which might offset property taxes for homeowners. She stated her perception that, if this facility is not approved, something with a greater detrimental impact might later come into Town. She opined this facility would be helpful to the area overall.

Mr. Myron Fox, representing the applicant, reviewed zoning classifications on property surrounding the proposed ESS site, using a zoning map dated 1999. Zoning classifications included industrial (varying levels), and business.

Mr. Fox referred to a Bowditch and Dewey report, dated September 25, 2000, on parking requirements, and declared the numbers to be inaccurate. He stated there is only one Zoning Enforcement Agent in Sudbury, the Building Inspector, who said their parking was adequate. He now referred to a report, dated September 8, 2000, from the Building Inspector, in which the "parking numbers were generated empirically from actual numbers at existing comparable facilities. They were also figured three different ways using the Sudbury Bylaw criteria."

Selectman Drobinski asked if Mr. Fox could outline those three methods. Mr. Fox described the "Parking Space Calculation" submitted with the Site Plan, using the educational method, one space for each staff person [seventeen]. Forty people in the fitness area, divided by 5 as quoted by the bylaw, equals 8 more spaces. Thirty-two students engaged in other activities using a space for each person. This totals 57 spaces. He cited case law which stated any amount of educational activity can classify this as an educational facility.

Mr. Fox explained that the Building Inspector asked for more information so the industrial standard was used. One space for every 2,000 sq. ft. of the first 20,000 sq. ft. plus one space for every 10,000 sq. ft. over 20,000, and one space per person for the largest shift. This total comes to 42.

The third method employed was a combination of the educational, retail, and restaurant as a mixed-use to see how those numbers worked. The educational method equaled 57 spaces. Retail space square footage is divided by 180, requiring 3 spaces. The office area, 2,742 sq. ft., is divided by 200, and results in 14 spaces. Restaurant (juice bar) is 12 seats divided by 3, plus 2 for employees at juice bar, which equals 6 spaces. The total comes to 80, and ESS is proposing 95 spaces.

Selectman Drobinski asked about the "shelf space" and whether it was incorporated into these figures. Mr. Fox stated that area is now being eliminated, at the request of the applicant, making the ceiling over the fitness center twice as high. He stated other changes have been requested by Town boards and commissions, so final plans are not ready.

Mr. Drobinski thanked Mr. Fox for those explanations, but reiterated concerns about whether enough parking was being provided, regardless of the use. It is unknown how the facility will be received and supported by the public and it is the Board's duty to assess the information presented on this issue.

Mr. Fox stated the LGE facility in Orlando has 40 parking spaces, a proportional use compared to the ESS square footage. Mr. Fox submitted a letter from the Wightman Tennis Center of Weston, MA., citing a \$5,000 initiation fee and a refundable \$3,500 bond, in addition to annual dues. He stated his belief that this high figure makes the Wightman Center a private club. There are also over 100 people on the wait list for membership. He opined those people will come to ESS as the enrollment prices are comparable. Many of the amenities in both facilities are similar.

D. J. Bosse stated he worked at the Wightman Tennis Center for several years. He described it as a social club/educational club, featuring programs in tennis and swim lessons, as well as having a large social aspect. Guests are allowed. He stated he had never seen the parking lot full, even at a special event. He indicated ESS will have higher level of training, more sophisticated fitness equipment, video analysis of skill performance in lessons, and nutritional analysis.

Selectman O'Brien asked if the special services will attract more people. Mr. Bosse responded many people will join as families, wanting access to a high level of service but using regular amenities. There will also be members who will want high level amenities such as nutritional analysis. Mr. Bosse stated he has



been working on this project for over two years, and the design team has worked hard to provide all the amenities (including parking) that will be in use compared to area facilities. He stated he plans to run this facility in a different way than the Longfellow Club is operated, hence, the differences in parking and use.

Mr. O'Brien asked about the possibility of future parking expansion, such as eliminating one outdoor tennis court, as discussed in an earlier meeting. Mr. Fox stated parking over the detention basin was not acceptable to the Conservation Commission, and eliminating a tennis court would interfere too much with the business plan and was therefore rejected; also, parking over the septic system was rejected by the Health Director. Mr. Fox stated the applicant had just signed, today, a lease for 30 additional spaces at Frank's Spoke and Wheel. Mr. Bosse stated new pavement will go all the way across the front of the property, allowing safe access to ESS.

Mr. O'Brien asked if Frank's Spoke and Wheel can spare the spots without impacting his retail business. Mr. Fox stated ESS would need those spaces only during the peak usage times, before Frank's is open and after it is closed, 5:30 – 8:00 a.m. and p.m. Mr. Fox stated that Frank reported to Mr. Bosse that he seldom has more than three spaces occupied at any given time. Mr. Bosse added that, due to Frank having a store in Waltham, this store basically shuts down for part of the year, and ESS has been given access to the 30 spaces throughout the entire day. In addition, should Frank need more parking space, there is adequate space in the rear of his property to create more.

Mr. Fox stated Town Counsel rendered a legal opinion regarding the Sunoco station, allowing parking next door. He stated further the parking was allowed, as long as it was not the primary use of that property.

Selectman O'Brien asked about the lease. Mr. Fox stated it is a ten-year lease with two ten-year options. For leases over a seven-year length, a Notice of Lease must be filed with the Registrar of Deeds. That Notice will stay with the land, not change with new owners. It would have to be honored by any subsequent owner, regardless of any change of use. Mr. O'Brien requested a copy of the lease be forwarded to the Town Manager.

Chairman Roopenian asked Mr. Fox about the Health Director's preference not to allow parking over the septic system. She noted that Lotus Blossom and Sudbury Farms park on their septic systems. Mr. Fox responded those businesses are grandfathered and not subject to current regulations, unless they were to make a change in their septic systems. Bruce Ey, Schofield Brothers of New England, stated Title V regulations discourages parking on leaching fields, unless all other alternatives have been explored and exhausted. This did not occur in this instance.

Ms. Roopenian read from the Zoning Bylaw with regard to inadequate parking and an applicant being required to construct reserve spaces to satisfy the requirements of the bylaw. She asked Mr. Fox if ESS is prepared to be able to make such a change. He responded if the Building Inspector later decided the parking was inadequate, they would go back to the Board of Health to seek permission to construct parking over the septic system.

Mr. Fox submitted a letter from the Waltham Athletic Club, noting 1,768 members with 30% using the club on a regular basis. The facilities are similar in size with the exception of the seasonal bubble at ESS.

Selectman O'Brien asked if the applicant could approach Buddy Dog and see if they could use the ESS entrance as a combined entrance and then seal the Buddy Dog entrance, thereby eliminating some of the traffic issues at the Goodman's Hill Road intersection. He asked also if the applicant's donation to traffic

mitigation could be increased from \$35,000 to \$50,000. Mr. Fox stated many of the accidents at that location are rear end in nature, due to inability to safely pass cars waiting to turn, or possibly watching people walking dogs at Buddy Dog. He said it was first suggested to combine entrances by using the Buddy Dog access, but this did not work out due to high tension wires and their septic system. Two more driveway locations have been explored with the final one being over 300 feet from the Goodman's Hill Road intersection. Mr. Fox pointed these out on the map. Buddy Dog patrons could enter the same driveway, travel along the paved frontage area in front of ESS, into the Buddy Dog property. He stated ESS is willing to make this change, and Buddy Dog has agreed to it as well. Mr. Fox briefly spoke with Mr. Bosse, who agreed to increase the contribution to \$50,000. The Board thanked Mr. Bosse for his generosity. Mr. Fox stated this new driveway would be #11 on a list of property and safety improvements that will be made, totaling over \$250,000. The real estate tax revenues are not included in that figure.

Selectman Drobinski suggested a turning lane in conjunction with the wide driveway would help the "thru traffic" keep moving and allow ESS and Buddy Dog patrons to turn into the property. Mr. Fox responded that the Town Engineer had previously sought permission for a bypass lane at Old County Road; that request was denied by the State.

Selectman O'Brien asked about the turning lane at Orchard Hill Assisted Living Facility and how it was approved by the State. Jody Kablack, Town Planner, stated that is a deceleration lane that the State originally rejected but later allowed. She added that the lane was funded by the applicant.

Bruce Ey stated the State has issued the permit for the curb cut. He stated further the speed limit in that area is 35 mph so a deceleration lane would be unnecessary. He cautioned against widening the area too much, as he was concerned that motorists would pass on the right, around a car attempting a left hand turn. If cars pull up behind the turning car, then try to get around it, they may be hit in the right fender by a car passing on the right to make the right-hand turn. He stated the driveway will be over 40 feet wide, allowing an easy, safe entry. There will be no island.

Jennifer Conley, Rizzo Associates, stated widening the road to allow more space would be encouraging people to ignore the painted lines on the roadway.

Mr. Ey stated the alterations suggested by the Town Planner and Town Engineer, moving the driveway 310 feet to the east of Goodman's Hill Road, will actually improve the plan.

Mr. Ey stated the site is not currently landscaped in any way. He stated some mature, unhealthy trees in the front of the property will come down and be replaced with formal landscaping. Mr. Bosse stated the Design Review Board suggested adding height to trees outside the indoor tennis court area, plus some additional shrubbery on the island in the parking area. Bruce Ey stated they worked closely with the Conservation Commission on the rear of the site, a future wooded area, now an open meadow. The retention basin is being planted with wetlands plant species for wildlife enhancement. The Order of Conditions is about to be filed. The Conservation Commission rejected the Design Review Board's recommendation on specific plantings.

Selectman O'Brien asked about the outdoor lighting. Mr. Fox stated the building will be set at least 70 feet back from Route 20, and sits down from the road at least five feet. Mr. Bosse stated that since the driveway has been relocated, less lighting will be necessary as it will be very close to the light near the front of the building. The outdoor tennis courts will be lit. Bruce Ey stated shielded, directional lights will be used. Mr. Bosse stated there will be minimal lighting around the building during off hours, for security reasons, and other lights will be on timers. Some lights in the parking lot will be set to motion detectors.

Mr. Fox stated the architectural renderings are almost complete, similar to plans already submitted.

Mr. Fox stated there is room in the parking area to accommodate snow removal. If there is a large storm with significant snowfall, the excess snow will be trucked off site.

Chairman Roopenian asked about overhead utilities. Mr. Fox stated all utilities will be placed underground.

Mr. Fox complimented the Board on their revised permitting process as it saves an applicant a great deal of money by starting with the Town Boards and Commissions before they have spent money on architects and designers. Ms. Roopenian opined the length of the process has been significantly reduced.

Regarding access stairways to adjoining properties, Mr. Fox stated the applicant would be happy to construct them, provided the property owners allow it.

Selectman Drobinski referred Mr. Fox to the Planning Board's letter, which asked the applicant to investigate securing a left turn lane for eastbound traffic on Route 20 at Goodman's Hill Road. Mr. Fox responded that, in conversing with Mr. Ey and Ms. Conley, the construction of such a lane would exceed \$100,000, an amount Mr. Bosse is not inclined to offer, over the \$250,000 already promised.

Regarding other uses of the site, Mr. Ey extrapolated for this size building traffic counts as follows: For office space, that building would generate 44% more trips in the peak hours. Wholesale or retail lumber yard would generate 100% more trips. An industrial/manufacturing use would generate 75% more traffic. A restaurant would generate a 69% increase. A fast food restaurant would increase peak trips by 338%. He submitted the report, Trip Generation of Potential Site Uses, to the Board.

Jennifer Conley, Rizzo Associates, stated a traffic count was done by an independent company for the Wightman Tennis Center on September 7, 2000. She reported there were only 12 vehicle trips during the morning peak hour and 20 vehicle trips during the afternoon peak hour.

Mr. Fox stated he requested Mr. Ey prepare a Floor Area Ratio comparison of other buildings in Town. He submitted this report, dated October 10, 2000, to the Board. Entities considered included the Coach House Inn, Auto Diagnostic, Longfellow Tennis and Fitness and ESS Sudbury Athletic Academy.

Selectman Drobinski stated the proposed building will be massive and expressed concern for the size of it positioned on the parcel. He stated he was trying to envision the building, with landscaping, from the road. Mr. Ey stated the first floor will be about 5 feet below the roadway, with the peak of the building 30 feet above the level of Route 20. Mr. Fox stated both the Design Review Board and Economic Development Committee expressed no issues with the appearance of the building and its placement.

David Wallace, representing the Longfellow Club, expressed appreciation for the applicant wishing to develop the site and improve safety along Route 20, yet expressed concern for inadequate parking. He stated the parking calculations do not detail what each individual use of the multi-use facility would generate. He stated that, under the bylaw, parking must be calculated for each use. Mr. Wallace expressed concern for spill-over onto Route 20. He reminded the Board that the Town Planner had calculated 162 spaces. He stated he met with the Building Inspector on September 27, 2000 to discuss parking, and the Building Inspector reported to him the comparable facility used in calculations was LGE in Orlando, a facility of significantly smaller size.

Laury Hammel, 610 Peakham Road and owner of the Longfellow Club, expressed concern for the parking calculations. He noted that building capacity for staff and client vehicles is closer to over 200 than 95, especially since staff at one particular time was listed as 54 persons. He also questioned that 8 spaces for 40 clients in the fitness facility would be enough, and noted the indoor pool, agility lab, and human performance lab are not included in parking calculations. He questioned why the applicant and his attorney are reluctant to respond to this issue.

Mr. Hammel stated the term “social club” does not exist in the fitness industry and that Mr. Fox made it up. He said the Wightman Tennis Center stated in their letter that their busiest time is during the summer, implying the social aspects of the outdoor pool. Mr. Hammel disagreed Wightman is a comparable facility, and compared membership numbers and fees.

Mr. Hammel opined the traffic count Ms. Conley reported could not be accurate. He stated his disbelief that only six people [12 vehicle trips] used the Wightman facility one morning during peak hours, as the facility could hardly stay in business with such low activity. He noted that 33% of the 300 family members are the same members who joined four years ago. He said, to use the Wightman Tennis Center as comparable, ESS should limit their membership numbers to 300.

Selectman O’Brien reminded Mr. Hammel the Board is not able to make a decision on the applicant’s business plan, and wondered why the applicant would want to build such a massive facility and not provide adequate parking. Mr. O’Brien opined that to be a poor business move. He opined further that the nature of business will take its course and their business will fail, if Mr. Hammel’s allegations are true.

Mr. Hammel stated the Town bylaws state what the capacity of a facility should be and subsequent parking for such a facility. He contended the applicant used comparable facilities which are not comparable and skews the image presented to the Town Boards. He stated further that the applicant has not provided a list of membership fees and that is an unknown. Mr. Hammel stated he did not care if this applicant stayed in business, and reiterated his concern for their non-compliance with Sudbury bylaws.

Selectman O’Brien stated the Board must accept the information presented by an applicant. He stated further he had not seen anywhere in the bylaw a place where particular fitness activities are defined, nor was there any guidance for the Board to evaluate the type of individual patronizing this facility.

Mr. Hammel outlined the potential number of patrons who could use the facility at one time, for example, 28 people could conceivably use 7 tennis courts at once. He listed other activities and reiterated his concern for inadequate parking. He stated he is not concerned about their membership prices, but that the overall business plan could change in a heartbeat, thus changing the capacity of the facility and impacting the parking. He discussed what he considered to be five core businesses within this facility. He informed the Board they were being asked to “buy a pig in a poke”. Mr. Hammel noted the traffic count for Wightman was done in September when the outdoor pool would be cold and not used, another misleading factor.

Chairman Roopenian responded to Mr. Hammel’s innuendo that the Board is not paying attention to parking by reading from the Zoning Bylaw: *If at any time after the Certificate of Occupancy is issued for the building or use, the Building Inspector determines that additional parking spaces are needed, the Inspector shall notify the Board of Selectmen in writing of such finding, and the Board of Selectmen may require any or all of the portion of the spaces shown on the approved Site Plan as reserve parking be constructed in a reasonable period.* Selectman Drobinski stated this means the applicant needs to set aside reserve parking space on their plan. Mr. Fox stated the paving over the septage area could provide 39 additional spaces, after meeting setback requirements. Mr. Drobinski stated the Zoning Bylaw also states the parking must be in the

rear of the property, so paving the septage area would not be allowed. Town Planner Jody Kablack opined that area could be considered "side" instead of "front".

Ms. Roopenian continued, stating the Board has received reports from all Town staff and professionals who do this kind of work all the time. She stated the Board gets clarification if any information is obscure or unclear. The Board is required to evaluate uses for particular parcels. She expressed concern for the heavy traffic coming out of the new Polaroid facility in Wayland, and felt a similar type of use would not be appropriate for this site. She challenged Mr. Hammel's statement that his concerns are not about competition, though the Board cannot consider one facility over another. She contended that the Longfellow Club simply does not want another tennis club within such close proximity. She asked Mr. Hammel if he would be at the public hearing if the applicant were an Asian food restaurant or an office park, and why he presented information about other clubs, if his concerns were not about competition. She stated the Board must make their decision using the bylaw and the information presented by the applicant.

Selectman Drobinski suggested asking the Building Inspector to review all information the Board has received and determining if he (the Building Inspector) can stand by his original letter.

Mr. Fox stated Mr. Hammel has attended many meetings with his arguments, and in every instance, Mr. Hammel's numbers were rejected by every Town board or commission. For example, the Board of Health required monitoring of the septic system, with the condition the facility could be shut down if the flow is greater than what the applicant stated. The Planning Board unanimously recommended approval, thereby rejecting Mr. Hammel's numbers. The Conservation Commission rejected his comments as well. He concluded not one department head objected to the applicant's site plan.

Mr. Fox stated there is a difference of opinion, and that Mr. Hammel simply does not want this facility to open. He stated his disbelief that Mr. Bosse and his partners would open a \$5 million business only to have it fail as easily as Mr. Hammel contends it will. He stated Mr. Bosse will operate his business in a much different way than any of the other facilities in the area. Mr. Fox stated the applicant has done everything he was supposed to do, met with all the Town boards, incorporated their suggestions into his plan, and is contributing over \$250,000 to the Town.

Mr. Fox reminded the Board that at the last meeting there was a public hearing for a Thai restaurant near the proposed site for the athletic academy. He noted that Mr. Hammel did not stay, nor express any objections to the traffic a restaurant might generate. He made the same comment about the Wingate and Best Friends site plan applications and hearings.

Karen Mahoney, 3 Intervale Road, stated she works at the Longfellow Club and supported Mr. Hammel in his objection to this club. She stated the needed traffic improvements alone should indicate that this use is inappropriate.

Steve Goldman, owner of the Weymouth Club, stated he has 330 parking spaces and feels they are close to being maxed out. At this club in Canton, a 22,000 sq. ft. facility, he has 95 spaces. He stated, with regard to parking, the Board should consider "crossover traffic" in that, for example, people using tennis courts will not have left the facility before the next group of tennis players come into the facility. There will also be laps in the staff shifts as well. He opined that, in a 5,000 sq. ft. fitness center with 40 clients, there will also be fitness trainers.

Mr. Bosse stated the opponents to his business plan cannot possibly know how he plans to run this business, which he has been formulating for over two years. He stated he could not understand why Mr.

Hammel is here objecting to the facility if he is not concerned about competition. Mr. Bosse stated Mr. Hammel does not pay more than \$21 to the Town of Sudbury, whereas ESS will generate over \$100,000 in taxes, offer scholarships and be a good contributor to the Town.

Mr. Fox stated there will be a shuttle van transporting students from the schools to ESS. He also stated a corporate program will be offsite and out of town. He submitted a memo to that effect.

The Board discussed deliberation time and acknowledged they have 90 days, by statute, to make their decision. Selectman Drobinski repeated his suggestion to have the Building Inspector review all information with regard to parking. He asked Mr. Fox to investigate the cost of widening the road just a little at Goodman's Hill Road to allow motorists to bypass cars waiting for a left hand turn onto Goodman's Hill Road. He also asked Mr. Fox for a written list of the eleven improvements Mr. Bosse is making.

It was on motion by Selectman O'Brien and unanimously

VOTED: To close the public hearing on this matter with the understanding all information requested this evening will become part of the public record.

#### **Selectmen Positions on Special Town Meeting Articles**

Selectman Drobinski stated he spoke with Christopher Parella at Bell Atlantic regarding the easement landscaping. Mr. Parella sent the Board updated plans with a letter, dated October 6, 2000. The Board was also in receipt of a letter, dated October 6, 2000, from Deborah Kruskal, Permanent Landscape Committee, suggesting plantings for this area. Chairman Roopenian stated her concern was line of sight, coming out of Fairbank Road and being able to see both ways along Hudson Road. Discussion followed. The Board took note of the plan Ms. Kruskal submitted which listed 51 plants for the easement. It was agreed that the Board should get Verizon's written agreement that they will landscape the easement with her recommendations in mind.

After discussion, it was on motion unanimously

VOTED: To *support* the following Special Town Meeting Articles:

- Article 1. Unpaid Bills,
- Article 2. FY01 Budget Adjustment,
- Article 3. Revised Bell Atlantic Easement – Fairbank Road,
- Article 4. Piper Land Purchase,
- Article 5. Zoning Bylaw Recodification, and
- Article 6. Lincoln-Sudbury Regional High School Construction.

#### **Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of September 25, 2000, as drafted.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$91.15 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.

**Fire Department Donations**

Present: Michael Dunne, Fire Chief.

Michael Dunne, Fire Chief, presented the Board with three additional checks totaling \$260 toward the purchase of the thermal imaging camera. He stated the drive ended on September 30, 2000.

It was suggested the Board send a letter of thanks to Gravestar for their offer to match funds raised.

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:

Doreen & Adam Neale	\$50	Karen & Albert Chepulis	\$50
Gerald E. Tulman	\$50	Lisa Bruni	\$50
Spaulding & Slye Retail Serv.	\$100	The Crowell Family	\$50
James Peter Boland, Jr.	\$50	Leslie Stern	\$50
Steven A. Gunderson	\$50	The Ader Family	\$50
Gary J. Polito	\$50	Claudia Sears	\$10
William B. Dorfman	\$50	The Boyd Family	\$100
Linda J. McAleer	\$50		

**Flynn Building Grant**

It was on motion unanimously

VOTED: To accept a grant in the amount of \$1,150 from the Department of Revenue/Underground Storage Tank Petroleum Product Cleanup Fund as partial reimbursement for the Flynn Building oil tank removal.

**Library Services Grant**

It was on motion unanimously

VOTED: To accept a grant in the amount of \$23,036 (federal funds) under the State Plan for the Library Services and Technology Act Special Mini-Grant Program, "Web-Access to Sudbury Archival Materials for FY2001."

**Office of Elder Affairs Grant**

It was on motion unanimously

VOTED: To accept a grant in the amount of \$9,625 from the Executive Office of Elder Affairs, as the Council on Aging Formula Grant for FY2001.

**Historical Commission Resignation/Decline Reappointment**

It was on motion unanimously

VOTED: To accept the resignation, received August 2, 2000, from Kirsten VanDijk, from the Historical Commission, to acknowledge a letter from Marilyn A. MacLean, dated June 7, 2000, declining reappointment to the Historical Commission, and to send letters of thanks to both for their service to the Town.

**Historical Commission Appointments**

It was on motion unanimously

VOTED: To approve Town Manager appointments of Timothy C. Coyne, 24 Taylor Road, to the Historical Commission for a term to expire April 30, 2001, replacing Kirsten C. VanDijk; and Carole R. Wolfe, 637 Concord Road, to the Historical Commission for a term to expire April 30, 2003, replacing Marilyn A. MacLean, as recommended by said Commission.

**Utility Petition 00-03 – Woodside Road**

The Board considered Utility Petition 00-03 of Boston Edison Company and New England Telephone and Telegraph Company to relocate a pole on Woodside Road. The Building and Wiring Inspectors have no issues concerning this petition, as reported October 3, 2000. The Director of Public Works recommends approval, as noted in a report dated October 3, 2000. This petition is to formalize the emergency approval granted in August of 1999, for the relocation of this pole at the Loring School driveway. The pole has already been relocated.

It was on motion unanimously

VOTED: To approve Utility Petition 00-03 of Boston Edison Company and New England Telephone and Telegraph Company, without requirement of public hearing, for relocation of a pole as follows: Woodside Road – Northerly side, approximately 710 east of Alta Road, pole 12/15 to be relocated, one pole to be removed, as shown on "Boston Edison Co. Plan of: Woodside Road Showing Proposed Relocation of Utility Pole 12/15", dated August 25, 1999.

**Utility Petition 99-04**



The Board received a request for the withdrawal of Utility Petition 99-04 of Boston Edison Company and New England Telephone and Telegraph Company, dated September 29, 2000, from Christine Cosby, Boston Edison Company, stating Boston Edison was able to complete the installation of overhead utilities without the need to relocate the poles as requested in Utility Petition 99-04. This matter was originally heard in a public hearing on October 12, 1999.

It was on motion unanimously

VOTED: To acknowledge and record the withdrawal, dated September 29, 2000, of Utility Petition 99-04 of Boston Edison Company and New England Telephone and Telegraph Company dated August 20, 1999, for relocation of poles 168/2 and 168/3 on Victoria Road.

### **Selectmen's Meeting Schedule for 2001**

It was on motion unanimously

VOTED: To approve the Selectmen's meeting schedule for calendar 2001, as drafted.

### **Minuteman Regional High School – State Aid**

The Board was in receipt of a letter, dated October 2, 2000, from Ronald Fitzgerald, Superintendent of Schools for the Minuteman School Committee, requesting a formal vote to “authorize the Minuteman School District to expend an additional \$10,000 in Chapter 70 aid to be received in FY2001.” He stated these funds can be used to offset heating oil/electricity bills anticipated for FY2001.

Chairman Roopenian expressed disappointment that the Town of Sudbury is not represented on this committee, though frequent requests have been made of the citizenry. She stated she would like clarification on the matter of school choice and Minuteman funding. Town Manager Valente stated these funds are separate from school choice issues. This money is additional aid.

After discussion, it was on motion unanimously

VOTED: To authorize the Minuteman School District to expend an additional \$10,000 in Chapter 70 aid to be received in FY2001, as requested by the Minuteman School Committee in a communication dated October 2, 2000.

### **Sprint Spectrum L.P. – Sprint PCS**

The Board was in receipt of a proposal, dated September 3, 1999, from Sprint PCS as subordinate lessee on the AT&T site at the Sanitary Landfill on Route 20, for installation of radio equipment and related equipment, cable, and accessories for use as a wireless communications facility, for an initial term of five years with renewal option. It was noted that Town Counsel prepared and approved the lease agreement.

Selectman O'Brien asked how many other leases are currently in effect and revenues for each. Town Manager Valente stated this bid is the highest bid as secondary carrier. Discussion followed. Concern was expressed for locking the Town into a 10-year agreement and that new technology may adversely affect the value of the lease payment in later years.

The Board agreed to hold this matter until more information/clarification can be obtained.

**Draft List of Articles for 2001 Annual Town Meeting**

The Board reviewed and approved a draft list of articles for preparation for the 2001 Annual Town Meeting, adding three additional subjects: Senior Tax Relief, Scenic Roads, and the Town taking over ownership of Route 20.

**Cable Television**

Selectman O'Brien wondered if the public access channel could be set any lower than Channel 61. He also expressed concern for length of contract and privacy of subscribers. Ms. Valente offered to email those questions to Jeff Winston to get specific answers.

**Home Depot**

Town Manager Valente stated she contacted John Schneider of MetroWest Growth Management concerning how Staples negotiated with Framingham with regard to traffic mitigation relative to its corporate office building. He will get back to her with his report. She will then notify Chairman Roopenian who can contact Marlborough Mayor William Mauro to discuss traffic concerns if Home Depot locates a store in east Marlborough along Route 20.

**Cumberland Farms/Sudbury Gulf**

Town Manager Valente informed the Board of the receipt of a check in the amount of \$3,500 as Cumberland Farms/Gulf Oil's contribution toward walkway improvements in the Town of Sudbury. These funds will be used to contract a walkway on the south side of Route 20 in the area of Sudbury Gulf at 470 Boston Post Road.

**Executive Session**

At 12:30 a.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining and litigation. (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 was adjourned at 12:50 a.m.

Attest: \_\_\_\_\_  
Maureen G. Valente