

IN BOARD OF SELECTMEN  
WEDNESDAY, APRIL 23, 2001

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

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

**Announcements**

Chairman Roopenian briefly recounted the results of the 2001 Annual Town Meeting.

Residents were encouraged to participate in Annual Town Clean-up Day on May 5.

Wednesday, May 9, 2001 is the scheduled date for the Special Town Election with regard to the operating override and capital projects (Feeley Field restrooms, Haskell Field Improvements, Dakin Road traffic light, and walkways).

Chairman Roopenian thanked the Board and Town Manager for their support during her year as Chairman. She stated it was a tremendous learning experience.

**Reorganization of the Board**

It was on motion unanimously

VOTED: To reorganize the Board of Selectmen as follows: John C. Drobinski as Chairman and Lawrence W. O'Brien as Vice Chairman for the 2001-2002 year, effective at the conclusion of tonight's meeting.

It was further on motion unanimously

VOTED: To appoint Maureen G. Valente as Clerk of the Board of Selectmen.

**Selectmen Liaison Assignments**

The Board briefly discussed their respective assignments. It was agreed they would forward any comments or changes to the Town Manager and conclude discussion on this matter at the next meeting.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of March 28, 2001, minutes of two special meeting on March 28, 2001, regular session minutes of April 3, and 4, 2001, all as drafted, and the regular session minutes of April 2, 2001, as amended.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$231.11 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.

**Eagle Scout Recognition**

It was on motion unanimously

VOTED: To send a letter of congratulations to Brett Rudowsky, 10 Red Horse Path, on his advancement to the rank of Eagle Scout.

**Constable Reappointment**

It was on motion unanimously

VOTED: To reappoint Lawrence E. Hartnett as Constable for the Town of Sudbury, for a three-year term to expire April 30, 2004.

**Economic Development Committee - Appointment**

It was on motion unanimously

VOTED: To appoint Lynn D. Sand, 116 Victoria Road, to the Economic Development Committee for a term to expire April 30, 2002.

**Chapter 61A Notice of Intent to Sell – Beverly Emmons Simon**

Present: Ruth Kennedy, LandVest.

The Board reviewed a Notice of Intent, dated and postmarked March 2, 2001, received March 7, 2001, from Beverly Emmons Simon sent by her attorney, Mary S. Tracy, of Palmer & Dodge, in accordance with General Laws Chapter 61A, section 14, to sell and convert from Forest Land to Residential, Commercial or Industrial use approximately 3.39 acres of land on the east side of Concord Road, shown as Lot 1 on a plan entitled, "Land in Sudbury, Mass. Surveyed for Estate of Howard W. Emmons", dated June, 2000, drawn by David E. Ross Associates, and being a portion of Parcel 018 on Town Property Map H09.

The Board was in receipt of the following information:

1. Report, dated April 4, 2001, from the Planning Board, stating its recommendation the Town not exercise its right of first refusal on 3.39 acres of land noted as Lot 1 on said Approval Not Required plan dated June 2000 prepared by David E. Ross Associates. The Planning Board acknowledged a single family dwelling will be built on this property and expressed the belief the Emmons family will select a developer who will produce an overall site design plan that blends in with the natural and neighborhood setting.
2. Report, dated March 19, 2001, from the Conservation Commission, stating its unanimous vote on March 12, 2001, to recommend the Town NOT exercise its option to purchase this parcel for conservation purposes. The report points out that development on this parcel is very limited by the wetlands on site and expressed the belief that residential use would be unlikely without encroachment into a wetland or upland resource area.
3. Report, dated April 20, 2001, from the Board of Assessors, stating the Board of Assessors had reviewed the Notice of Intent and wished to make no recommendation on the Town's right to purchase the property for \$425,000. The Board of Assessors deferred to the Conservation

Commission, Planning Board, Park & Recreation, Sudbury School Department, and the Land Use Priorities Committee for their determinations.

4. Verbal report on April 18, 2001 from the Park and Recreation Department stating they are not interested in this property due to its small size.
5. Verbal report on April 19, 2001 from the Historic Districts Commission stating as the property is just outside the Historic District, the Commission declined to comment.
6. Verbal Report on April 19, 2001 from the Historical Commission stating the Commission does not recommend purchase and has no further comment.
7. Verbal Report on April 20, 2001 from the Sudbury Valley Trustees stating they have no interest in acquiring this property, noting the assessment of the Conservation Commission.

Town Manager Valente briefly reviewed reports received from Town Boards and Commissions.

Selectman O'Brien suggested the Sudbury Housing Authority be included in the list of those solicited for comment on matters such as this.

Ms. Ruth Kennedy, LandVest, representing Beverly Emmons Simon, stated an engineer has determined the parcel to be a developable lot, and further stated they have no objection to allowing the Housing Authority to look at the parcel and provide comment. She stated the family has a strong commitment to the Town and would allow further assessment before going forward.

Ms. Kennedy noted there are wetlands on the site, but opined a developer would be able to work around them. She noted further the buyers of the property have no intention of developing the lot across the street from this parcel.

Selectman Drobinski suggested conditioning the vote on the Housing Authority's site visit; however, after discussion this stipulation was not included.

After discussion, it was on motion unanimously

VOTED: To NOT EXERCISE the Town's right of first refusal in response to the Notice of Intent, dated and postmarked March 2, 2001, received March 7, 2001, from Beverly Emmons Simon sent by her attorney, Mary S. Tracy, of Palmer & Dodge, in accordance with General Laws Chapter 61A, section 14, to sell and convert from Forest Land to Residential, Commercial or Industrial use approximately 3.39 acres of land on the east side of Concord Road, shown as Lot 1 on a plan entitled, "Land in Sudbury, Mass. Surveyed for Estate of Howard W. Emmons", dated June, 2000, drawn by David E. Ross Associates, and being a portion of Parcel 018 on Town Property Map H09.

### **Bullfinch's Restaurant – Outdoor Entertainment License**

Present: Scott Richardson, Manager, Bullfinch's Restaurant.

At 8:08 p.m. Chairman Roopenian convened a Public Meeting to consider the request, dated March 21, 2001, of Bullfinch's Restaurant, 730 Boston Post Road, for an Outdoor Entertainment License to hold "Dining and Dancing Under the Stars" events from 6 – 10 p.m. on the evenings of June 21, July 19, and August 23, 2001, which would feature traditional jazz by a five-piece combo.

There were no abutters present, although neighbors on Easy Street, Uplook Drive, Washington Drive, Lafayette Drive, Nokomis Road, Revolutionary Drive, Revere Street, Douglas Drive and Route 20 had been notified.

The Board briefly reviewed reports received, summarized as follows:

1. Report, dated April 18, 2001, from Robert Leupold, Director of Health, stating he has no problems with this request as long as the restaurant does not exceed the septic system limits for their location.
2. Verbal Report, April 18, 2001, from the Fire Chief stating he recommends approval of this request as the Fire Dept. has never had a problem in the past with outdoor entertainment at this establishment.
3. Verbal Report, April 19, 2001, from the Building Inspector, stating he has checked the premises and has no issues, provided the seating does not exceed capacity limit, indoor and outdoor combined.
4. Report, dated April 9, 2001, from the Police Chief, stating he has no objections to the issuance of a special license for a five piece jazz combo as requested by Ms. Richardson.

Mr. Scott Richardson, Manager, Bullfinch's Restaurant, stated the date of June 21 has been dropped from their request. He stated they are happy to work with the Board regarding any comments from the neighborhood. He stated further all activity will be held under the outdoor tent.

Selectman O'Brien complimented Mr. Richardson and Bullfinch's on a "quality" operation, noting his residence is located near this establishment and he has never had any problems with their activities.

After discussion, it was on motion unanimously

VOTED: To approve the application of Peggy [Margaret] Richardson, President, Bullfinch's Restaurant, 730 Boston Post Road, for a special license to have a five piece jazz combo perform outdoors at the restaurant from 6 – 10 p.m. on July 19, 2001 and August 23, 2001 for the "Dining and Dancing Under the Stars" event, subject to any traffic control measures required by the Police Dept. and rules and regulations of the Town of Sudbury. [The third date, June 21, was withdrawn from the request by the applicant.]

#### **Metropolitan Planning Organization – Framingham Nominee**

The Board reviewed a letter from David Teller, Chair, MetroWest Growth Management Committee, asking for the Board's support of Framingham's nominee to the Metropolitan Planning Organization (MPO).

The Board briefly discussed the MPO and its functions. It was agreed to invite Charlie Sisitsky, Chair, Framingham Board of Selectmen, to a future meeting to discuss the role of the MPO and how it can help smaller towns. Discussion followed.

It was on motion unanimously

VOTED: To support Charlie Sisitsky and the Town of Framingham in their re-election campaign as a representative to the Metropolitan Planning Organization (MPO).

**Tour of Upper Town Hall – Historical Society**

Town Manager Valente reported the Sudbury Historical Society would like to take the Board on a tour of the Upper Town Hall prior to a future meeting. May 7 was suggested.

As the May 7 Selectmen's meeting will be held at the Fairbank Senior Center, the Board asked the Town Manager to schedule this tour for Monday, May 21, at 7 p.m.

**Marrone Comprehensive Permit**

Town Manager Valente reported revised plans for this project have been received and should be scheduled for an upcoming agenda. Discussion followed. The Board stated their position they will not be ready to vote on this matter for at least two more meetings where it is reviewed.

Selectman O'Brien questioned the requirement of having the State review those plans before the Selectmen do, with regard to the LIP program. Ms. Valente stated she would look into the matter further. Mr. O'Brien suggested sending a copy of the plans to the Design Review Board.

After discussion, it was agreed to schedule this matter for 75 minutes on Monday, May 7.

**Selectmen Goal Setting Session**

After discussion, the Board tentatively set their initial goal setting session for 8:30 – 11:00 a.m. on Friday, May 11, 2001. It was suggested to have a brief meeting with department heads and committee chairs as an additional topic of Town Forum on Monday, May 21.

**Site Plan #00-353 – Omnipoint Communications – Feeley Park Cell Tower**

Present: Amy Mower, Omnipoint Communications.

The Board met to consider 1) approving and signing a license to Verizon New England Inc for placing and maintaining underground cables and lines for the transmission of intelligence and all necessary appurtenances and attachments incidental thereto; and 2) a revision of site plan #00-353 shown on Sheet A-2 Construction, last revised April 5, 2001, depicting new location and description of utilities and landscaping.

Town Manager Valente clarified Verizon provides the connections to get the utilities out to the site, while on the landfill site, those utility lines were overhead.

Ms. Amy Mower, Omnipoint Communications, submitted updated plans, revised April 19, 2001, depicting landscaping and location of utilities. She briefly pointed out all changes including a fence around the equipment cabinet and landscaping.

Town Manager Valente reported the Permanent Landscape Committee is developing a plan for plantings, which will not be ready for a while. The site plans cannot be signed until that review is complete. She noted, however, that the license approval should not be affected by that.

The Board briefly discussed the fence around the equipment cabinet, a 6' chain link fence with barbed wire at the top. The Board members requested that there be no barbed wire. It was agreed to discuss the fence with the Public Works Department, Park & Recreation, as well as the Permanent Landscape Committee in case it would interfere with their plans. Ms. Mower stated the DPW Director had stated his

preference for chain link, and added Omnipoint would do whatever the Board deemed necessary. Selectman O'Brien suggested a color other than the traditional silver as that gets very bright in the summer sun.

Selectman Drobinski questioned Condition #6 of the License which allows Verizon to remove any trees they want, with no reference to the Town and approval by the Tree Warden. He expressed concern for trees not within the area of the equipment cabinet or pole. Mr. Drobinski expressed additional concern for the vagueness of Condition #7 with regard to lines and equipment. The Board acknowledged the License to be a standard document with good intent, but opined some protection for the Town needs to be included.

After discussion, the Board agreed to approve the license with amended Conditions #6 and #7, amended to refer to compliance with all Town and State Regulations.

It was on motion unanimously

VOTED: To conditionally approve an amended License to Verizon New England Inc. for placing and maintaining underground cables and lines for the transmission of intelligence and all necessary appurtenances and attachments incidental thereto at Feeley Park on Raymond Road, subject to review by Verizon and Town Counsel.

#### **Cable Television Committee**

Chairman Roopenian reported the Cable Television Committee is throwing support behind the contract for Michael Morrissey who tapes the Selectmen meetings for AT&T Broadband for viewing on the public access channel 61. Selectman O'Brien opined this issue to have been covered in the license, describing it as a "bait and switch". The Board expressed their disappointment that AT&TB is now reneging on some of the things they promised during contract/license negotiations. Selectman O'Brien stated he would review the license retained at the Parsonage sometime this week to determine if the Town has any leverage or authority on this particular issue.

#### **LSRHS Election Committee**

Chairman Roopenian reported there would be a meeting in May for the Election Review Committee for the Lincoln-Sudbury Regional School Committee. Three representatives from both Sudbury and Lincoln each serve on this Committee. Selectman Drobinski stated his recollection that the LSRHS Committee asked the Board to appoint individuals to the Committee. It is unclear whether there are outstanding issues or if this is a regular meeting.

#### **Executive Session**

At 9:25 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss Discretionary Fund Expenditures and land negotiations. (Chairman Roopenian, aye, Selectman O'Brien, aye, Selectman Drobinski, aye).

Chairman Roopenian announced regular session would not reconvene following Executive Session. There being no further business, the meeting adjourned at 10:00 p.m.

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