

BOARD OF SELECTMEN
MONDAY, DECEMBER 17, 2001

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

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

Citizen Petition – Community Preservation Act

Present: Steve Wishner, 92 Fox Run Road.

Mr. Steve Wishner urged the Board not to place the Community Preservation Act article on the Annual Town Meeting ballot. He cited the following reasons: (1) this is not the right time to hit the townspeople with another tax issue, as there have been many recently; (2) he personally believes this legislation to be bad as it does not reflect fiscal responsibility, only a portion of this tax will go to purchase land, thereby creating minimal fiscal benefits for the Town; and (3) this legislation was already before the voters who rejected it. Mr. Wishner stated he believes bringing this matter back to the voters again would be unfair, just because there is no restriction against doing so.

Chairman Drobinski thanked Mr. Wishner for his comments.

Friends of L-S Hockey “Fun Run” – January 1, 2002

Present: John Moore.

Mr. John Moore, event organizer, briefly described the proposed Fun Run, sponsored by the Friends of Lincoln-Sudbury Hockey, to take place on Tuesday, January 1, 2002. All proceeds are to benefit Dana Farber for cancer research. The Board reviewed the following information: (1) a draft flyer and proposed route; (2) email communication, dated December 12, 2001, from Sgt. Anthony Deldon, Safety Officer, expressing concern about proposed route; and (3) memo, dated December 12, 2001, from Sgt. Deldon, stating he had proposed alternate routes to Mr. Moore, who agreed to a final route. The final route will be: High School to Lincoln Road, Lincoln Road to Water Row, Water Row to New Bridge Road, New Bridge Road to Concord Road, Concord Road to Lincoln Road and back to High School.

Selectman Roopenian expressed concern about safety and possible poor weather conditions. Mr. Moore responded he and the Safety Officer have discussed safety issues and all appropriate measures will be taken. There was discussion on various routes. Selectman O'Brien suggested an earlier starting time as there would be less traffic on the roads.

It was on motion unanimously

VOTED: To approve the “Fun Run”, scheduled for January 1, 2002, sponsored by the Friends of Lincoln-Sudbury Hockey, starting time to be determined by the Safety Officer.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of December 3, 2001, as drafted.

No Place for Hate Program – Grants Received

It was on motion unanimously

VOTED: To accept a grant received in July 2001 in the amount of \$750 from the Anti-Defamation League to be used with a matching grant from the Sudbury Foundation for the No Place for Hate program and expended under the direction of the Town Manager.

Traffic Rules and Orders – Stop Signs: Marlboro Road and Water Row

The Board review the following : (1) memo, dated November 28, 2001, from Sgt. Anthony Deldon, Safety Officer, recommending stop signs be placed at the intersections of Marlboro Road at Maynard Road, and Water Road at Old Sudbury Road, citing motorists not exercising caution before entering said intersections and nearly causing accidents; and (2) memo, dated December 7, 2001, from I. William Place, Town Engineer/DPW Director, stating said intersections meet minimum guidelines for stop sign placement as outlined in the manual on Uniform Traffic Control Devices, and recommending installation of such signs.

It was on motion unanimously

VOTED: In accordance with the provisions of Chapter 89, S.9, of the General Laws, Marlboro Road is designated as a stop street for southwest bound drivers at the intersection of Maynard Road, and Water Row is designated as a stop street for southbound drivers at the intersection of Old Sudbury Road; and

it is further

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following locations:

“Southwest bound drivers on Marlboro Road at Maynard Road.”

“Southbound drivers on Water Road at Old Sudbury Road.”

Ambulance Rates

The Board reviewed a memo, dated December 10, 2001, from Michael Dunne, Fire Chief, outlining present Medicare approved ambulance rates, as well as new rates effective January 1, 2002, and proposed fees tentatively scheduled to be effective on April 1, 2002. He included a rate sheet provided by Comstar, Ambulance Billing & Collection Services. Chief Dunne stated the Town will actually receive a higher rate even though the mileage allowance will decrease.

It was on motion unanimously

VOTED: To approve the recommendation of the Fire Chief to adopt new Medicare approved ambulance rates effective January 1, 2002, and the proposed rates to be effective on April 1, 2002, as set forth on the rate sheet from Comstar dated December 7, 2001.

SP01-359 -- Lincoln-Sudbury Regional School District

Present: Jack Ryan, Lauri Wishner, L-S School Building Committee; Whitney Granger, Ron Steffek, Office of Michael Rosenfeld, Inc; Liam O'Connell, Brown/Sardina (Landscape Architect); Gary Pease and Rick Gorman, Judith Nitsch Engineering, Inc., Jody Kablack, Town Planner; Carole and Richard Wolfe, 637 Concord Road; Richard Ballou, 415 Lincoln Road.

At 7:50 p.m. Chairman Drobinski reconvened a Public Hearing for the purpose of continued consideration of Site Plan Application SP01-359 of the Lincoln-Sudbury Regional School District for site plan review, for the construction of a new high school and demolition of the existing school at 390 Lincoln Road, owned by said School District, zoned Single Residence A-1. This matter was previously heard on October 9, 2001.

Town Manager Valente stated this matter had been scheduled for the Board of Selectmen for November 19, 2001, but was postponed at the request of the applicant as meetings with abutters had not been concluded.

The following new information was received: (1) Letter, dated November 2001, from Zoe and John Macready, 561 Concord Road, opposing the installation of any traffic light at the intersection of Concord Road and Lincoln Road; (2) Letter, dated December 14, 2001, from Carole and Richard Wolfe, Pantry Brook Farm Realty Trust, expressing grave concern over the excessive amount of water drainage onto their property, stating the Building Committee's Notice of Intent Plans lack crucial information and contain technical errors, and enclosing their engineer's (Christiansen & Sergi, Inc.) observations and comments; and (3) Report, dated December 6, 2001, from Phillip Christiansen, Christiansen & Sergi, Inc., Professional Engineers and Land Surveyors, citing diversion of surface waters to the Wolfe property, non-compliance with Stormwater Management Standard #3, and technical errors in the Drainage Report and design. Town Manager Valente stated these items have been placed in the project file as the public hearing has not been closed.

Mr. Jack Ryan, L-S School Building Committee, stated significant progress has been made toward resolving outstanding issues with abutters, with the exception of the Wolfe property, which is a Conservation Commission issue. He requested that matter be left to the Conservation Commission for resolution as it is a very technical issue, requiring special expertise. With respect to other abutter issues, plantings have been increased, parking has been reduced by 10%, berms have now been included in plans, and the entry/exit to the preschool area will be modified. Mr. Ryan stated the project is scheduled to go out to bid in February.

Chairman Drobinski clarified that the public hearing on such a matter does not close until all issues are resolved, as the Board needs to consider all information in making its decision.

Mr. Whitney Granger, the Offices of Michael Rosenfeld, Inc., introduced all individuals appearing on behalf of the applicant. He briefly described modifications made in the plans since the last hearing date. This was in response to concerns by the abutters. Berms and landscaping had been added, parking has been reduced in the tennis court area, tennis courts moved a little to the west, acoustical buffers may be added near the tennis courts, and Lincoln Road area parking for the White House has been eliminated.

Mr. Granger stated the group has recently met with both the Planning Board and Design Review Board. They are attempting to work with the Conservation Commission to resolve those issues. They have met with all the abutters and have addressed their concerns.

Carole Wolfe, 637 Concord Road, stated her concerns are greater than presented by the applicant. She stated she has met with the engineers only one time, and that she has never met with Mr. Ryan. Ms. Wolfe stated her own engineering consultant has been talking with the Office of Michael Rosenfeld. She stated the wetlands issues have not been resolved, and the drainage onto her property is unacceptable.

Mr. Ryan stated he has not met with the Wolfes because he does not have the expertise to deal with such a technical specific situation, noting it is better for the experts to work it out. Chairman Drobinski suggested the Building Committee make certain communication is flowing smoothly and all issues are being worked on.

Selectman O'Brien asked if the project could go out to bid before the remaining issues are resolved. Mr. Ryan responded it probably could not, as significant revisions would affect the project's cost analysis. The Order of Conditions from the Conservation Commission is still outstanding. Mr. O'Brien pointed out the Board of Selectmen did not want to push it forward if it was not completed. Discussion followed.

Chairman Drobinski requested the Building Committee work with the various experts to get the remaining issues resolved.

Gary Pease, Judith Nitsch Engineering, stated a project can go out to bid without the Order of Conditions, as there is a time period of approximately two months in which bids are solicited. If the Order of Conditions arrives within that time period, the changes can be incorporated prior to opening the bids. Mr. Pease stated there are different ways to interpret technical information, resulting in different solutions for particular issues; assessing information and digesting comments from Town boards and commissions took longer than expected. He stated they are well aware of the Wolfes' concern on the runoff toward their property, and they received the latest reports and comments in the past few days. He stated the engineers for the project will make every attempt to resolve the issue, but pointed out that it will take some time to adequately review all new information. Mr. Pease reiterated that this is a huge site with a very complicated drainage system and the entire project must continually be evaluated as changes are made.

Meetings pertinent to the project are as follows: (a) Conservation Commission hearing related to the Notice of Intent is scheduled for January 7, 2002; (b) meeting between the Wolfes' consultant and applicant's civil engineering consultant is scheduled for December 27, 2001; and (c) next Building Committee meeting is scheduled for December 20, 2001, at the high school.

Richard Ballou, 415 Lincoln Road, asked about access in and out of the school property, with specific concern about traffic going in both entrances during the early morning hours. Mr. Granger responded portions of the drive will be restricted during morning hours so that traffic flows smoothly during the drop off hours. Signage will indicate which way the traffic is to flow.

Mr. Granger indicated on the plans the main entrance would loop from the southeast, splitting into a bus route and an automobile drop off route. Both streams of traffic will hook up again, exiting out the southwest. There are also service entrances and an entrance to the fields area. Discussion followed. Mr. Ryan opined traffic monitors may be used in the first few weeks of use to get users accustomed to the appropriate traffic flow.

Selectman O'Brien asked about the reduction in parking spaces. Mr. Granger stated there are now approximately 640 parking spaces on the site, down from 700. Mr. Ryan stated the ratio of spaces to students will be approximately the same as it is now.

Mr. Ryan opined groundbreaking will take place in April 2002. He stated isolated areas of construction will be done first so that school activities are not disturbed.

Selectman Roopenian expressed appreciation for the time everyone has put into this project, but emphasized the importance of keeping the communication open. Mr. Ryan concurred, noting specialized situation (as in the drainage issue) is a little different, involving three groups exchanging ideas.

Chairman Drobinski asked about emergency generators and the use of the high school as an emergency shelter. Mr. Ryan stated the school will continue to cooperate with the Town in times of need, but noted that neither the emergency generator nor the proposed building is designed to meet Civil Defense Shelter requirements.

Discussion followed on preparation of playing fields. Mr. Ryan opined the Athletic Director at the school is working on this issue as she is more in tune with what is needed. Patricia Savage, Director, Park and Recreation, stated she has not been involved in any meetings regarding the availability of playing fields during construction. She indicated there may not be space to accommodate all needs. Mr. Ryan stated he would look into this matter later this week.

With regard to security issues, Selectman O'Brien asked whether the Building Committee has considered increasing security measures in the building design. Mr. Ryan replied it is not a physical plant issue, more of policy and procedure.

Jody Kablack, Town Planner, stated the Planning Board supports the Building Committee in their efforts toward resolution of outstanding issues. She stated the drainage system utilizes a technology known as a "Stormceptor" which requires regular maintenance, and urged the engineers to consider this in their implementation of this particular technology. She stated it is similar to that of the Curtis Middle School.

It was on motion unanimously

VOTED: To keep the Public Hearing open until all the technical issues are resolved.

Town Forum

At 8:40 p.m. Chairman Drobinski convened Town Forum, a time when various boards or commissions present information and updates. Tonight's reports were presented by the Planning Board, Conservation Commission and Park and Recreation Commission. The Youth Commission did not make a presentation at this time.

Jody Kablack, Town Planner, and Christopher Morely presented the report for the **Planning Board**. Ms. Kablack stated the Planning Board has been involved in many types of projects, residential plans requiring the most time. \$20,000 has been collected for the town-wide walkway system this year. The Planning Board does support the Community Preservation Act as it is a means of administering the Master Plan.

Ms. Kablack stated the Planning Board would like to rezone the corner of Nobscot Road and Route 20 and change those properties to limited business district. This will be submitted as an article for Town Meeting as well as several others including removing a portion of Highland Avenue from Town maps. Discussion followed.

The **Conservation Commission** report was presented by Deborah Dineen, Conservation Coordinator, and Bridget Hansen, Chairman. There was general discussion regarding hunting on Conservation land. A condition of getting a permit to hunt is to do a few hours of community service in Town, and most of the hunters have come back to do this. Anyone not doing community service will not get a permit next year.

Ms. Dineen displayed a map for the Board showing all the present Conservation violations in Town. She noted most are homeowners who simply do not know the law and are willing to work out a solution. The more difficult ones are the developers who know better but ignore the law.

Selectman Roopenian asked about shooting on Federal land. Ms. Dineen stated no one can hunt on Federal land, but that hunters often don't know they have wandered from State land to Federal land. The State land extends a distance of 300 feet from Hudson Road near the lake.

With regard to the proposed new high school, Ms. Dineen stated the first real meeting with them will be in January. She stated the storm water management plan seems inadequate for the size of the site. She expressed concern that the Order of Conditions is outstanding, and there are numerous issues to resolve. Chairman Drobinski informed her the engineers indicated they could go out to bid but not open any bids until the Order of Conditions is satisfactorily completed and incorporated into the final specifications.

The Board reviewed the Land Management Report dated November 28, 2001. Discussion followed regarding assigning land management with unspecified time periods. It was suggested that any change be at the advice of Town Counsel. Additionally, the Commission expressed its desire to have its assignment of management of the Parkinson Land removed.

It was on motion unanimously

VOTED: To accept the Land Management Report, dated November 28, 2001, from the Conservation Commission, and further subject to the advice of Town Counsel,

VOTED: To place the management of the Parkinson land under the direction of the Town Manager and Board of Selectmen until such time as use of the land and its assignment is made clear, and further

VOTED: To extend assignment of the Raymond Land properties to be under the management of the Conservation Commission for an unspecified period, as follows: 72 acres on the westerly side of Raymond Road and 38 acres on the easterly side of Raymond Road; and finally

VOTED: To extend assignment of the Raymond Land properties to be under the management of the Park and Recreation Commission for an unspecified period, as follows: 18 acres and 8.9 acres on the easterly side of Raymond Road.

Patricia Savage, Director, presented the report for the **Park and Recreation Commission**. Other members were also in attendance. Ms. Savage briefly described a "land swap" situation where a portion of a homeowner's backyard shed actually stands on Park and Rec land at Featherland; the homeowner is willing to swap an equal piece of land to compensate rather than move the shed. She presented a map for the Board's review.

Ms. Savage briefly described the improvements being made at Haskell field, i.e., grading is complete, and trees have been replanted in specified areas to re-establish a buffer.

Francis Logan informed the Board of an easement [pedestrian cut-through] that has now been blocked by the homeowner, after having been open for many years. It is an actual easement, deeded to the Town, and should be open for access to Town property.

With regard to the proposed new high school and availability of playing fields, Chairman Drobinski expressed concern that one group or the other will be shortchanged due to shortage of space. Ms. Savage stated the sport most impacted would be lacrosse, and expressed disappointment that the fields at the Curtis Middle School are still not ready due to an engineering problem. She stated the Park and Rec Commission has been providing space for Curtis programs for four years, much longer than originally anticipated. She stated new requests for field space are coming in regularly. Ms. Savage clarified that not all fields are available for all groups; i.e., high school groups must play on regulation size fields.

Selectman Roopenian expressed surprise that the L-S School Building Committee did not pay more attention to this issue as the subject of playing fields has been in almost every discussion. Ms. Savage stated she has not met with the Committee nor have they asked for her input.

A committee member stated so much time is spent on the issue of field availability that other recreational issues are pushed aside. She opined that programs could be cut back on a temporary basis; for example, no soccer for five-year olds, rather than impacting the established high school programs. Many times groups seek the same time period of 3 – 7 p.m. on the same space.

It was suggested that the Town Manager, Dr. John Ritchie, Mr. William Hurley and Pat Savage get together to discuss some plans on how to handle the availability issue. User groups believe their usage requirements are being considered, and that may not be true due to communication breakdown. Discussion followed.

Ms. Savage expressed concern about parking at Lower Featherland as high school students are parking there and many times there is no room for user groups who are legitimately using the field space. She stated there was recently \$2200 damage to the fence when a student driver decided to spin some turns through the parking area and did not make it. She stated further there is no agreement, written or otherwise, that indicates Lincoln-Sudbury students are allowed to park there. Ms. Savage expressed additional concern about parking when areas are frozen for ice skating during the winter. She noted there will be serious impact to the parking situation in the spring when construction on the new school begins. There was brief discussion on the possibility of charging for parking in that area. Town Manager Valente stated there is also a safety issue involved for the students who park there and then cross Concord Road to get to the school. Shuttle busses from auxiliary parking areas was mentioned as a possibility.

It was on motion unanimously

VOTED: To accept the Land Management Report, dated December 12, 2001, from the Park and Recreation Commission.

Reports concluded at 10:10 p.m. Refreshments were served to those present.

Selectmen's Annual Town Report for 2001

The Board reviewed a draft of the Selectmen's Annual Town Report for 2001. Minor corrections were suggested.

It was on motion unanimously

VOTED: To approve the Selectmen's Annual Town Report for 2001, as amended.

2002 Annual Town Meeting Warrant Articles

Town Manager Valente distributed an updated copy of articles under consideration. Discussion of various articles followed:

EPA Stormwater Phase II – M. Valente recommended it not be considered at this time, but advised it will be needed next year.

Veterans Services: Revolving Fund--This will pay the Veterans Agent.

Amend Bylaws: Double Utility Pole Removal

Permanent Landscape Committee – not ready to be considered at this time, but Board will support PLC if it submits article.

Wastewater Feasibility Study – M. Valente suggested the Board authorize her to approve wording

Frost Farm Fund – to be established from sale/rent proceeds for affordable housing projects

Sale of Tax Title – Unknown owner of 0.09 acres on Dutton Road; abutter would like to acquire

Land Swap at Featherland – 150 sq. ft.-- A corner of a shed is on Town property

Revolving Fund for Parking fees at Featherland – M. Valente does not recommend

Right-of-Way Bylaw – M. Valente advises against submission at this time; needs further research

It was agreed to pursue the following at this time: Support the Town Manager's recommendation to delete the EPA Stormwater article and Featherland Parking Fees article, her recommendation to continue working on amending bylaw for double utility poles, and to ask the Permanent Landscape Committee to submit their own article instead of the Selectmen doing it. The Board agreed to remove from consideration the Right-of-Way bylaw, as recommended by the Town Manager.

With regard to street acceptances, Town Manager Valente expressed concern that there must be a better way to handle noncompliance, as an entire street of residences is affected when perhaps only one or two lots are in violation. She opined that the Town refusing to accept the street affects sanding and plowing and other maintenance concerns that residents have a right to expect. Planning Board bonds are used to hopefully bring developers into compliance with site plan requirements, and a similar approach might be taken by the Conservation Commission.

It was on motion unanimously

VOTED: To authorize the Town Manager to submit the following articles on their behalf, provided further research determines each is advisable:

Street Acceptances

Veterans Services – Revolving Fund

Amend Bylaws – Double Utility Pole Removal

Wastewater Feasibility Study (Rt. 20 sewer study)

Frost Farm Fund

Cutting Property (Maynard Rd.) Acquisition

Sale of Tax Title 67490 (Dutton Rd.)

Land swap with Featherland Park abutter

Discretionary Fund Donation – Sudbury United Methodist Church

It was on motion unanimously

VOTED: To accept a donation of \$250 from the Rebecca Circle of the Sudbury United Methodist Church for deposit into the Discretionary Fund and expended under the direction of Martha Lynn, Social Worker.

Hosmer House Donation – Sudbury United Methodist Church

It was on motion unanimously

VOTED: To accept a donation of \$100 from the Rebecca Circle of the Sudbury United Methodist Church for deposit into the E. B. Hosmer Memorial Fund.

Finance Committee Budget Hearing Schedule

Town Manager Valente distributed a schedule of meeting dates for the Finance Committee Budget Hearings and urged the Board to attend as many of their liaison groups as possible.

Executive Session

At 11:02 p.m. it was on roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters. (Chairman Drobinski, aye, Selectman O'Brien, aye, Selectman Roopenian, aye).

Chairman Drobinski announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:12 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk