

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 9, 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.

Chairman's Opening Remarks

"As everyone knows, there has been an incident of unacceptable graffiti in Town and I want to make it clear that the Board finds it totally unacceptable. The Board will not accept any type of intolerance in Sudbury at all. It's unfortunate that it happened here. It does not represent the view of the community. The police are actively trying out to find who the perpetrators are. Again, this does not represent what Sudbury is all about. I think, as you all know, Sudbury has worked very hard to raise money for assisting those affected by the tragedy, the two events at the high school were very, very moving, and clearly this type of vandalism does not represent the citizens of Sudbury."

Ride for A.L.S.

Present: Steve Austin.

Mr. Steve Austin thanked the Board for allowing the bicycle ride to go through Sudbury and reported 191 riders participated in the event, raising over \$40,000 for Mass. General Hospital. Next year's event is scheduled for May 19, 2002. He presented the Board with t-shirts commemorating the event.

D.A.R.E. Program – Sky Restaurant

Present: Steve Corcoran, Sky Restaurant; Officer Ronald Conrado, D.A.R.E. program; Jean Lind, Sudbury Teen Center Coordinator.

Mr. Steve Corcoran of Sky Restaurant presented a check for \$1,000 to the Sudbury Teen Center, and a check for \$1,000 to the D.A.R.E. program, from proceeds earned through its annual golf tournament.

Jean Lind, on behalf of the Sudbury Teen Center, thanked Sky Restaurant and the Town for their support. Last year's donation allowed them to purchase new equipment for the Center. She stated 452 young people attended this year's opening and the funds will be put to good use.

D.A.R.E. Officer "Rocky" Conrado also expressed his thanks. He stated support of this kind sends a message to the young people that people care about them and are willing to help.

Tessa's Restaurant Group – 418 Boston Post Road

Present: Rick Curtin, co-applicant; David Miller.

The Board was in receipt of the following information:

1. Application for Common Victualler License, dated August 24, 2001, received Sept. 12, 2001.
2. Application for Entertainment License, dated September 17, 2001.

3. Certificate of Organization, dated August 14, 2001.
4. Floor plans of dining room and seating area.
5. Tax Attestation, dated August 24, 2001, stating all state taxes have been paid to date.
6. Certificate of Liability Insurance, dated October 2, 2001, for \$1 million, from Tuttle & Traina Insurance Agency, Northern Insurance Company of New York as insurer, listing the Town as certificate holder.
7. Assignment of Lease, dated October 3, 2001, for premises at 420 Boston Post Road, between Alan J. Marrone, Marrone's Bakery, and Richard Curtin, d/b/a Tessa's Restaurant, to terminate on August 14, 2007, as stated in original lease agreement, with consent of landlord, Encore Bank.
8. Report, dated October 1, 2001, from the Fire Chief, requesting certification that the fire suppression system has been checked and approved by a licensed company, and stating no other objections to the application.
9. Report, dated September 28, 2001, from the Building Inspector, stating a visit to the existing facility at 418 Boston Post Road suggests the proposed occupancy with NO facility changes can be approved within current building code limitations, but noting the applicant did not provide floor plans, equipment and furniture arrangement, bathroom locations, exits, emergency lighting, or exit sign locations. Liability insurance expired on September 22, 2001. [listed documents, drawings, and insurance coverages have since been received]
10. Report, dated October 5, 2001, from the Health Director, stating the food service permit application has reported 39 inside seats for a number of years; and stating documentation of approval for 39 seats is needed. Mr. Leupold expressed concern restrooms are accessible only through the kitchen, or by exiting the restaurant space on access second floor restrooms. The restrooms serve the second floor office space. Mr. Leupold requested verification that the lease includes use of the second floor restrooms as part of the restaurant facility, that the Board of Health will review access at their next meeting on October 11, 2001, and final approval will be subject to inspection of the facility prior to opening.

Mr. Richard Curtin, applicant, stated they were interested in opening a family-style, Italian casual dining restaurant and were able to negotiate a lease agreement for the former Andiamo location at 418 Boston Post Road. He stated hours of operation would be for lunch and dinner, 11 a.m. to 9 p.m. during the week and open until 10 p.m. on Friday and Saturday. The restaurant would be closed on Sunday.

Chairman Drobinski stated the vote would be conditioned on the comments contained in reports from the Building Inspector, Fire Chief, and Health Inspector.

Selectmen O'Brien asked about insurance and worker's compensation coverage expired on September 22, 2001. Mr. Curtin stated new policies have been forwarded to the Town Manager's office.

Selectman O'Brien inquired about the restrooms, now located on the second floor. Mr. Curtin responded use of the second floor restrooms has been grandfathered into the lease, taking over whatever Andiamo's had.

While they are not applying for the liquor license at this time, Mr. Curtin stated the liquor service would be beer and wine only, served at tables. The bar area depicted on the plan is for people waiting for seating.

After discussion, it was on motion unanimously

VOTED: To approve the Common Victualler license for Tessa's Restaurant, 418 Boston Post Road, subject to the following : (1) verification of use of second floor restrooms; (2) Board of Health approval prior to opening; (3) proof of general liability and workers compensation coverage be provided to the Town Manager; and (4) fire suppression system certification be provided to the Fire Chief and to the Board of Selectmen.

It was further on motion unanimously

VOTED: To approve the Entertainment license for Tessa's Restaurant, 418 Boston Post Road, for television and background music only.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 24, 2001 and the executive session of September 10, 2001, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$137.51 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 in Memory of Edwin A. Blackey

It was on motion unanimously

VOTED: To accept, on behalf of the Sudbury Fire Department, donations made in memory of Edwin A. Blackey, 62 King Philip Road, as follows, and to authorize their deposit into the Ambulance Gift Account with expenditure under the direction of the Fire Chief, and, further to direct that letters of thanks be sent to the donors and notification to Mrs. Edwin A. Blackey.

Dr. and Mrs. Wilber Blackey	\$100
Mr. and Mrs. Frank Blackey	\$25
Mr. and Mrs. Alan Cowles	\$50
Miriam Bennett	\$10
Mr. and Mrs. Stuart Cowles	\$25

Richard and Marilyn Cowles	\$50
Peter and Linda Riendeau	\$100
Charlene Sullivan	\$20

Capital Improvement Planning Committee – Appointment

It was on motion unanimously

VOTED: To appoint Jose A. Garcia-Meitin, 41 Willis Lake Drive, to the Capital Improvement Planning Committee, for a term to expire April 30, 2003, replacing Ellen B. Goodman, as recommended by said Committee.

Town Report Committee – Appointments

It was on motion unanimously

VOTED: To appoint Carolyn A. Anderson, 22 Woodmere Drive, and Lorraine S. Knapp, 74 Warren Road, to the Town Report Committee, for a term to expire April 30, 2002, as recommended by said Committee.

Walkway Easement

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a walkway easement, dated September 4, 2001, granted by Daniel J. and Anne W. Silva, 185 Peakham Road, Lot 35A.

DPW Contract 2002-PM-2 – Cold Planing, Milling, Resurfacing and Related Work

It was on motion unanimously

VOTED: To approve execution by the Town Manager of Contract 2002-PM-2 for Cold Planing, Milling, Resurfacing and Related Work with E. H. Perkins Construction, Inc., in the total estimated amount of \$284,807.53, pursuant to bid opening of September 17, 2001.

SP01-359 Lincoln-Sudbury Regional High School

Present: Jack Ryan, L-S School Building Committee; Whitney Granger, Office of Michael Rosenfeld, Inc.; Liam O'Connell, Brown/Sardina (Landscape Architect); Gary Pease and Rick Gorman, Judith Nitsch Engineering, Inc.; Christopher Menge, 9 Fern Trail; Preston Halperin, 5 Fern Trail; John Hynes, 375 Lincoln Road; Richard Ballou, 415 Lincoln Road.

At 7:45 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering 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.

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on September 20 and 27, 2001. Abutters within 300 feet according to the Assessors were provided written notice by first class

mail. The Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided notice by first class mail. Additionally, the Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The most recent plans prepared by the Office of Michael Rosenfeld, Inc., submitted are as follows:

Topographical Plan, dated May 26, 2000, revised August 3, 2000 (4 sheets);
Site Demolition Plan, dated September 15, 2001 (6 sheets);
Site Layout Plan, dated September 15, 2001 (5 sheets);
Site Utility Plan, undated (7 sheets);
Soil Erosion and Sediment Control Plan, dated September 13, 2001 (1 sheet);
Detail Sheet, dated September 13, 2001 (1 sheet);
Site Utility Detail Sheet, dated September 13, 2001 (1 sheet);
Site Context and Sheet Layout Plan, dated September 14, 2001 (1 sheet);
Layout and Materials Plan, dated September 14, 2001 (6 sheets);
Grading Plan, dated September 14, 2001 (6 sheets);
Athletic Field Underdrainage and Soils Disposition Plan, dated September 14, 2001 (1 sheet);
Planting Plan, dated September 14, 2001 (6 sheets);
Construction Details, dated September 14, 2001 (2 sheets);
Orientation Plan, undated (4 sheets);
Roof Plan, undated (1 sheet);
Exterior Elevations, undated (4 sheets); and
Building Sections, undated (3 sheets)

The following reports have been received:

1. From Town Historian Curtis Garfield, dated May 4, 2001, providing historical information concerning the White House nursery school.
2. From the MetroWest Growth Management Committee, dated June 28, 2001, to the Mass. Executive Office of Environmental Affairs MEPA Office commenting: The construction of a 367,000 sq. ft. regional high school on 93.9 acres will increase traffic on Lincoln Road by almost one-third and add more than 1000 vehicle trips per day at full build-out. Parking spaces will increase almost 50%. MetroWest considers 700 spaces excessive and recommends parking expansion be tied to "transportation demand management" measures that encourage car-pooling, bike riding and increased use of school buses.
3. From the Building Inspector, dated October 5, 2001, noting numerous areas of concern which need to be addressed:
 - a. Lack of updated code analysis with drawings.
 - b. Undesirability of parking lot islands and hammerheads.
 - c. Flat roof design historically has produced notorious leak and maintenance problems.
 - d. Triple entry confusion.
 - e. Complicated mechanical system - heat pumps, back-up boilers, heat recovery geo-thermal
 - f. Links between buildings much too small.
 - g. Treating two buildings as one floor plate for egress purposes.
 - h. Warehouse appearance of elevators
 - i. Academic floor above gymnasium spaces requires very costly protected construction
 - j. Skylights over atriums - leak potential

4. From the Police Chief and Safety Officer, dated October 1, 2001, recommending the project area be completely fenced in and lighted at night, that a night watchman be considered at least between the hours of 9 p.m. and 3 a.m., a police detail on Lincoln and Concord Roads would be needed while work is done, and further commenting that the traffic flow for the completed project appears to be safe.
5. From the Director of Public Works/Town Engineer, dated October 3, 2001, commenting as follows:
 - a. A written statement detailing the proposed use, building coverage, open space, drainage calculations and volume of earth to be removed have not been submitted.
 - b. Site plans, landscape plans, building plans and elevations have not been stamped by a registered professional engineer, registered landscape architect or registered land surveyor as appropriate to the information.
 - c. Catch basin frame and grate should be labeled Lebaron type LF 248 or equivalent and manhole frame and cover should be labeled Lebaron type LK 110 or equivalent.
 - d. There are no details for bituminous concrete berm and precast concrete curb.
 - e. He suggests the Selectmen require removal of the parking lot to the preschool located at the corner of Lincoln and Concord Roads, *and use the old tennis court area instead for preschool parking, thus avoiding backing onto the roadway.*
 - f. The drainage system along Concord Road from Lincoln Road to Thompson Drive discharges directly onto LSRHS property. The watershed to this system should be included in the overall drainage analysis for the site.
 - g. Parking calculations should be submitted for review.
 - h. Outdoor lighting plan should be made part of the submittal.
 - i. The stopping site distance should be noted at the entrances to LSRHS and Lincoln Road.
6. From the Conservation Commission and Coordinator, dated October 4, 2001, reporting:
 - a. A wetlands filing is expected about October 22, 2001.
 - b. Changes reviewed informally include a new Conservation Restriction line in accordance with previous discussions and addressing MEPA/NHP concerns, more work in the Commission's jurisdictional areas, and drainage will be installed under the fields which will be redesigned.
 - c. Flexibility for grading for the detention basins is need at the edge of the wooded hill; the largest detention basis must be raised due to the water table.
 - d. The Town must comply with EPA Phase II Stormwater guidelines by March 2003. Any catch basins in Lincoln Road should be upgraded as part of the project, even though SBAB does not pay for any off-site work.
 - e. The Coordinator has concerns about extending the lawn to the edge of the wetland resource area off Concord Road; the Commission will not permit expansion of lawn into the upland resource area; and there are lawn areas shown that are not necessary. Native shade trees should be considered, and detention basins should not have lawn but native grasses to aid in pollutant attenuation.
 - f. As agreed between the Commission and School Committee, all plantings should be changed to native species.
7. From the Board of Health dated October 5, 2001, stating Food Service Plans have been received and the proposed kitchen facilities are sufficient to meet the requirements of the State Sanitary Code.
8. From the Fire Chief dated October 8, 2001, recommending approval subject to:
 - a. The driveway around the building on the Concord Road side should go all the way to the loop road going to the athletic fields for public safety access. This is now shown on the plan, but the Conservation Commission may have concerns.

- b. An additional, existing fire hydrant be added to the plan; also that authority be given to the Fire Chief to request and have added to the plan additional fire hydrants as necessary as the plan evolves.
 - c. Continued consultation with the Fire Chief relative to access issues during the construction phase.
9. Updated Traffic Volume Analysis, dated October 9, 2001, from Abend Associates.

Chairman Drobinski stated that one of the Board's goals is to assist the Lincoln-Sudbury School Committee in building a successful school project. He stated it was determined helpful for the school project to go through the site plan review process, to gain the experience and knowledge of Town boards and committees. He stated another purpose was to provide the taxpayers of Sudbury an opportunity to see the project in various stages, and finally, to have a school project that everyone can be proud of.

Town Manager Valente briefly listed the reports received to date.

Mr. Whitney Granger stated the project team is working toward a bid completion date of January, 2002. He stated the Notice of Intent will be submitted to the Conservation Commission on October 27, 2001.

Mr. Granger briefly described changes in the project that have occurred since the group last came before the Board. He stated construction would begin in late spring 2002 with completion targeted for the fall of 2004. Demolition of the existing school would take place during the summer of 2004.

Utilizing artistic renderings, Mr. Granger stated changes include new locations for the tennis courts and parking area, in response to abutters' concerns about proximity to their property lines. He stated the building committee decided not to pursue irrigation systems for the playing fields due to the possibility of insufficient water. It was instead decided to concentrate on draining excess water instead of adding water during dryer months. There will be more work on a retaining wall in a wetlands area than anticipated; replication will occur at the north end of the property.

Mr. Granger stated they have met several times with the Conservation Commission toward laying out the Conservation Restriction. That area will be proposed as mitigation for any other work done in resource areas. Certain uses (currently allowed at the school) will continue to be allowed on the protected areas, including sports, a septic system field, and science study (vernal pools). Three ponds on the property will be used to collect excess water; drainage systems will be installed to effectively move the excess off the property.

Mr. Granger stated they are working with the Town Engineer to address all concerns listed in his memo. He stated a request was made by the Police Chief regarding a night watchman at the construction site, the cost of which would impact the budget. It may be pursued during particular hours of particular times of the year.

With regard to abutters, Mr. Granger stated they have met with most abutters and are working to alleviate their concerns. He stated lighting fixtures will be directed such that the light is focused toward the site/school and not outward, shining into abutting property.

Mr. Granger stated they were not able to meet with the building inspector, and felt only one of his concerns was a code issue, the rest being design and budget issues. Chairman Drobinski asked if the group

had a letter addressing uses listed in Chapter 40A, section 3 of the Mass. General Laws (exempt uses). Mr. Granger responded they would look into it as he was not sure how it affected the project.

Mr. Granger stated the traffic study done last May was done when a lot of seniors were absent (senior week). The study was redone this fall, with the results unchanged from the previous one. He stated the recommendation was for a traffic light at the intersection of Lincoln Road and Concord Road.

Elevations for the proposed buildings were next discussed. Mr. Granger described each section of the building as he pointed to them. He stated much design work has been done on the drawings since they last met with the Board in March. Much effort was put into pulling all design elements together, while not projecting the image of a very large concrete structure.

Rick Gorman, Judith Nitsch Engineering, described the drainage system and how it was determined. Basic considerations were the field areas, toward the wetlands and the areas approaching the abutters. He stated there will be little overall change as there is only a little bit more impervious cover, less than half an acre. Stormwater runoff will be directed toward catch basins to detection basins to pipes into discharge areas. The comments from the Town Engineer will be incorporated into the systems as they are installed. Mr. Gorman stated no discharge is being directed toward Lincoln Road.

Mr. Gary Pease, Judith Nitsch Engineering, stated they are working with the Conservation Commission toward satisfying all requirements involving runoff and catch basins.

Mr. Liam O'Connell, Brown/Sardina [landscape architects], stated one curb cut will be closed (current exit onto Concord Road). He opined the traffic flow to be fairly fluid, with a bus loop circling the parking lot, unloading students, then exiting. He stated there is room for 26 busses to park at one time. He stated Abend Associates performed the traffic study and forwarded recommendations.

Mr. O'Connell stated the project will use as many of the existing trees as possible. The area around the building includes walkways, courtyard spaces, as well as outdoor spaces with lighting, seating, and plantings. Signage and striping will be reviewed by the Town before it becomes final.

Selectman Roopenian asked if native species would be planted. Mr. O'Connell responded many will be used, if possible, or cultivated native species with similar characteristics.

With regard to upland resource areas, Mr. O'Connell responded they will work hard to keep that area as close to the existing grade as possible. No new lawn areas are being proposed. Other areas may contain tall grasses and native species instead of manicured lawn. Grading will not impact the existing tree line.

Mr. O'Connell stated the documentation for the replication of the wetland area will fall to the civil engineers, and Brown/Sardina will offer input. Selectman Roopenian asked if the abutter to that area has been involved in the discussions. He stated they met together today and will be meeting again. He stated there is no negative impact to their property due to the direction of the drainage. The replication will occur on the school property. Ms. Roopenian stated the current playing fields are the driest ones and expressed concern for the wetlands being moved closer.

Mr. O'Connell stated the wetlands will be close to where they are now, beginning with the existing grade, and not impact the existing vegetation. Subsurface drainage will be installed to control the amount of water on the fields. Mr. Pease stated other areas have been examined, but it was determined that these areas

are the best ones to use, requiring little modification. Chairman Drobinski clarified that the Conservation Commission will have the final say as to whether the project planners have met all requirements.

Town Manager Valente asked how the line of sight will be handled, expressing concern for future requests that trees and other obstacles be removed. Mr. Ryan stated line of sight was corrected at one entrance already. The current entrance to the auditorium has no line of sight problems. The field/faculty parking lot entrances have no line of sight issues either.

Responding to Selectman O'Brien's question about the traffic study, Mr. Granger stated signalization of the intersection is the recommendation but that recommendation is not part of this plan. It would be a public improvement, the cost of which would not be reimbursed from state funds, nor use any Town of Lincoln funds. Mr. Ryan clarified it is a matter of jurisdiction. Selectman O'Brien opined the public perspective, however, may think not improving the intersection would be an oversight, given the amount of money invested in the project.

Selectman O'Brien asked about the Town Engineer's suggestion that parking for the pre-school be moved to the tennis court area. Mr. Pease stated that report was received today, and they have had no time to address it. The ratio of parking spaces to student population will be the same as now.

There was general discussion regarding recommendations received in various Town reports.

Mr. Christopher Menge, 9 Fern Trail, expressed concern over drainage onto his property due to an increased area being directed into the existing catch basin. Mr. Pease stated a stormwater study was performed and expressed his belief there will no difference in drainage. He stated further infiltration systems will be installed to monitor the runoff and maintain the water in the ground. He stated there may be a slightly larger area using the catch basin, but it should not greatly affect the overall drainage.

Mr. Menge expressed concern for the use of salts and runoff containing salt on the increased impervious surfaces. Chairman Drobinski stated the Conservation Commission will likely require that no salts or de-icers be used on the site.

Mr. Menge expressed additional concern for the parking area and tennis court being located very close to his property. Due to the fact his property is mostly wetlands, they were required to build their home in the corner of the parcel to avoid the 100 foot buffer from wetlands. He opined increasing the parking in this particular area was unnecessary and did not want to see any trees removed for it. Mr. Ryan stated the plan being shown depicted parking that has been removed in revised plans.

Selectman O'Brien asked if snow removal would necessitate removal by truck, and if not, do the stormwater calculations include figures for the snow "mountains" melting in the spring. Mr. Ryan stated truck removal is not anticipated, but responded he did not know if the spring thaw was considered in the calculations. Mr. Pease stated the snow melt is actually significantly less on a daily basis than a good thunderstorm yielding several inches.

Mr. Menge expressed concern for recreational use of the area near their property, especially during the summer, noting increased noise and activity in an otherwise quiet area. He also requested there be no lighting installed on either the tennis courts or softball fields. Mr. Ryan responded no such lighting was planned at this time.

Preston Halperin, 5 Fern Trail, expressed concern over the area directly behind his property. He was displeased at the prospect of a parking lot with a chain link fence, but said this was preferable to a sport area such as a tennis court. He stated that, because of wetlands and narrow configuration of his parcel, he was required to place his home fairly far back on the property. He wondered why some of the large areas of protected space could not be placed behind the two homes on Fern Trail. He noted that the additional half acre of impervious surface is all in the same area. He suggested the recreational areas be moved farther from his property.

Mr. Ryan stated the choices for relocating some of those recreational areas are limited due to the topography of the open spaces, and traffic or parking areas would be affected, which pulls in safety concerns. He stated the tennis courts have been changed since the hearing in March in response to abutter concerns. Mr. Ryan confirmed that this particular drawing depicts a parking area where one has been removed. He stated the ratio of student parking spaces to the student population will remain the same as it is now.

John Hynes, 375 Lincoln Road, expressed concern that the view from his front door would be a large parking lot. Mr. Liam O'Connell responded that the bulk of the landscaping already along Lincoln Road will remain undisturbed. After discussion, Chairman Drobinski pointed out that parking comes under the jurisdiction of the Building Inspector with regard to Chapter 40A and Exempt Uses.

Mr. Hynes inquired about truck traffic. Mr. O'Connell stated the trucks delivering to the cafeteria will not be delivering during peak traffic times. The cafeteria can arrange those deliveries at quiet times so that traffic flow will not be interrupted. He also expressed concern for the total amount of traffic on the site by separating fields from parking areas and scattering fields all over the site.

Mr. Hynes expressed concern for the amount of lighting that will spread across the entire site. He asked that low intensity lighting be used, and directed inward toward the property.

Mr. Hynes asked if the traffic study included vehicles coming along Water Row. He opined the traffic to be very difficult during times of flooding, and students also trying to avoid the traffic light by using Water Row.

Mr. Richard Ballou, 415 Lincoln Road, asked if the traffic patterns could be adjusted to improve the flow. He also asked what kind of landscaping or trees would be in front of the building. Mr. O'Connell responded existing curb cuts will be adjusted and that most trees will remain, with the exception of a couple that must be removed to improve sight distance. Responding to Mr. Ballou's query about lighting, Mr. O'Connell stated the pole-mounted lights will be directed toward the site and not into the neighboring areas.

It was announced the next School Building Committee meeting will be held on October 17 at 7:30 p.m. at the Lincoln-Sudbury High School Library. Mr. Ryan suggested abutters attend this meeting to discuss issues and concerns.

After discussion, it was on motion unanimously

VOTED: To continue this hearing until November 19, 2001 at 8:30 p.m.

SP01-361 Sudbury Research Center/Cummings Properties

Present: Marc Knittle, Director of Development, Cummings Properties; Myron Fox, Joshua Fox, Rollins, Rollins & Fox; Bob Griffin, Griffin Engineering Group; Susan F. Brand, Clerk & General Counsel, Sudbury Research Center; Jody Kablack, Town Planner; Ralph Tyler, One Deacon Lane; Rob Verrill; Hale Lamont-Havers.

At this time Chairman Drobinski recused himself from this matter as he is employed by a company that has done environmental work on this site. He turned the gavel over to Vice Chairman Lawrence O'Brien and left the room.

At 9:40 p.m. Vice Chairman O'Brien convened a Public Hearing for the purpose of considering Site Plan Application #01-361 of Sudbury Research Center, LLC, for site plan review in accordance with Zoning Bylaw Article IX.V.A1, to construct a three-story addition of approximately 63,700 sq. ft. to the existing 69,538 sq. ft. mixed-use commercial building located at 142 North Road, Town Property Map C11-300, owned by Sudbury Research Center, LLC, f/k/a Cummings Properties, Sudbury MA, zoned Research District.

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on September 20 and 27, 2001. Abutters within 300 feet according to the Assessors were provided written notice by first class mail. The Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided notice by first class mail. Additionally, the Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The following information has been submitted by the applicant:

1. Application for Site Plan Review in Research District, dated August 17, 2001.
2. Plan, dated August 13, 2001, entitled "142 North Road, Sudbury MA, PROPOSED ADDITION, Owner; Sudbury Research Center, LLC, 200 West Cummings Park, Woburn, MA, Site Plan Review, dated August, 2001, including Sheets A0-A2, C1-C5, D1-D2 (with drainage report).
3. Stormwater Management Report, dated August 2001, Office Building Expansion for Sudbury Research Center, LLC at 142 North Road, Sudbury MA, prepared by Griffin Engineering, Beverly MA.

The following reports from Town boards and committees and letters have been received:

1. From the Director of Public Works/Town Engineer, dated September 5, 2001, commenting as follows:
 - a. The roadway to Frost Farm senior residential community should be shown as to its connection with Cummings driveway.
 - b. Method or location of solid waste storage should be noted on the site plan.
 - c. There is to be a 25-ft. wide buffer strip between the westerly sideline and the reserved parking spaces.
 - d. The invert elevations for the 6" and 10" culverts located in the detention basin should be noted on the site plan.

e. The drainage calculations should include how runoff curve numbers and time of concentration were determined.

f. The existing and proposed drainage calculations were based upon a design point located at the 5' diameter culvert under the access drive to the Cummings properties. The entire watershed should be included to this point.

g. Calculations are to be submitted showing how the first flush (1" of runoff from all impervious surfaces) will be treated.

h. Discharge velocities should be noted and riprap sized to control scouring.

i. Summary of post development runoff rates should be included in the drainage analysis.

j. Temporary or permanent services should be given to the Frost Farm development when underground utilities are relocated for the proposed building expansion.

2. From the Conservation Commission and Coordinator, dated August 30 and October 4, 2001, commenting:

a. Regarding site drainage, the DEP must be involved and provide written approval of additions or changes, due to contamination issues. Grease, gas traps and deep sumps should be required in all catch basins - existing and proposed.

b. Regarding access, the Commission needs to review possible encroachment into conservation land and trails by the shifted roadway to the west.

c. Regarding parking, the Commission opposes locating parking over the old leach field on the west side of the roadway, and recommends the Town allow the reserve parking in Zone II to avoid the area of contamination and to preserve the field for its biological and aesthetic qualities.

d. Regarding wetlands issues, should there be any changes to any drainage that ultimately discharges into an upland or wetland resource area, a wetlands filing and Order of Conditions will be necessary. This includes the shared roadway drainage.

e. The Town, Cummings and Frost Farm need to work together to design and permit a new drainage design for the runoff from the roadway jointly used by all three parties, which must comply with the new EPA Phase II stormwater guidelines, DEP stormwater guidelines, and local requirements to retain and treat the minimum of the first one-inch of runoff. The proposal to locate the shared roadway drainage structure on conservation land within 100' of wetlands will involve the Commission. An Operation and Maintenance Plan will be needed.

3. From the Design Review Board dated September 27, 2001, recommending approval but asking that the applicant be requested to return to the Design Review Board with revised elevation drawings prior to issuance of a Building Permit, and further recommending as follows:

a. There should be harmony between the existing building and this addition - the design needs fine-tuning.

b. A brise soleil (sunscreens) should be installed around the top of the building as is seen on the existing building.

c. Additional material needs to be added to enrich the facades.

d. Street horizontally in the design and modify the concept of punched windows in a brick wall.

e. Plan parking to allow more street trees, particularly along the main road.

f. Employ better site lighting, particularly low-level and pedestrian.

4. From the Town Planner to the Planning Board, dated September 11, 2001, providing several recommendations and notations of additional material required for review.

5. From the Board of Health dated October 5, 2001, reporting: Soil testing indicates soil conditions are suitable for subsurface sewage disposal, however, septic system design plans have not been reviewed and

approved. Further, Zone II requirements under Title 5 of the State Environmental Code will apply to a portion of the property. Overall, the Cummings parcel is limited to 10,000 gallons per day septic design flow for the entire parcel.

6. Communications dated September 20, 2001, to the Board of Selectmen and September 28, 2001, to the Planning Board from resident Ralph S. Tyler raising zoning issues relative to the proposed site plan.

7. From the Police Safety Officer, dated October 8, 2001, stating no safety problems are apparent, as parking appears ample and with the road being moved he does not see any problems with traffic entering into Frost Farms.

8. From the Planning Board, dated October 9, 2001, reporting a unanimous vote to recommend approval subject to the following comments and conditions:

a. The Planning Board believes that the Zone II line shown on the Sudbury Research Center plan, dated August 13, 2001, prepared by Griffin Engineering, Beverly, MA is accurate, as it matches the approved zoning line adopted at the 1994 Town Meeting which should prevail in a zoning issue. Note is made that considerable time has been given to the zoning allegations raised by Mr. Ralph Tyler and the Planning Board will continue to review these issues as it addresses the Water Resource Protection District permitting process.

b. The condition that no additional impervious surface shall be installed within Zone II on this parcel as part of this proposal.

c. The 21 parking spaces along the west side along the main driveway and on the west side of the new addition be made Reserve Parking and be the last constructed if needed, noting that adding 20 spaces to the Reserve Parking will not exceed the maximum number permitted. Or in the alternative, the spaces could be relocated to other areas within Zone III. Additionally, the Planning Board recommends No Parking signs be posted along the driveway.

d. Obtain DEP response relative to the cumulative impacts of development on this site before final approval of the site plan.

e. Request that Cummings assist the Town in designing and installing drainage structures along the main driveway and at the driveway intersection with North Road; the improvements were required as part of the settlement agreement for Frost Farm.

f. A lighting plan be submitted for approval.

g. Coordination of signage for all parties of the site (including Northwood, Frost Farm and Conservation Commission). The Planning Board recommends one unified sign approved under the guidance of the Design Review Board.

h. Cummings has agreed to furnish a defined access and utility easement for the benefit of the Frost Farm parcel (the existing easement is undefined), and has also agreed to work on a shared maintenance agreement for the driveways.

i. Additions to the Site Plan should be submitted, including:

1) Impervious surface calculations (percentage and acreage) for pre- and post development, broken down by land area in Zone II and land area in Zone III.

2) Land area that has been deed restricted for use by Northwood shall be shown.

3) Location of solid waste storage shall be shown.

4) Road profile and construction specifications of the new driveway to Frost Farm shall be shown.

5) Additional shade or street trees shall be shown on the Landscape Plan.

j. In conclusion the Planning Board encourages this proposal as it generate significant tax revenue for the Town. The Board would like the opportunity to continue its review and provide further input if the plans change.

9. From the Fire Chief, dated October 8, 2001, stating the plan appears acceptable with the exception of his request that access be provided around the building. He understands this is being pursued by the applicant.

10. Third communication from Ralph S. Tyler, dated October 6, 2001, concerning "existing zoning violations on the Cummings Site".

11. From the Building Inspector, dated October 9, 2001, noting:

a. Intensity regulations and criteria under Site Plan Review-Research District, paragraph V.A1.6 appear to have been met.

b. Appropriate screening should be provided to the south of the main parking lot. Additionally, the bylaw requires 44 shade trees (one per 10 parking spaces) which could be treated as part of the screening in that location.

c. Accommodation for 44 bicycles is also required.

d. Any questions of alleged zoning concerns or violations should not be the subject of site plan review and should be dealt with at the appropriate time by the appropriate jurisdictions.

Town Manager Valente briefly listed reports and letters received from Town boards and committees. It was noted the Board of Selectmen have 75 days from date of receipt of Site Plan application to file its report with the Building Inspector, unless an extension is granted. The report deadline is October 31, 2001.

Mr. Myron Fox, Attorney for the Applicant, stated this project consists of constructing a three-story building of 63,700 sq. ft. He estimated the Town will receive approximately \$37,000 annually in real estate taxes from this addition.

Responding to Vice Chairman O'Brien's question, Mr. Fox clarified a definitive subdivision plan filed May 11, 1995 allows site plan approval for this project under previous Zoning Bylaw IX.V.A1.

Mr. Marc Knittle, Director of Development, Cummings Properties, stated he had received all reports listed by the Town Manager and that all suggestions have been addressed in the most recent plans. He submitted new drawings for the Board's review, dated October 9, 2001. Instead of discussing all raised points from the Town reports, he reviewed a few that were of greatest concern.

Utilizing an artistic rendering, Mr. Knittle pointed out various parts of the addition project as it relates to the existing building. He stated the proposed construction would take place west of the existing building, and in front of the existing loading dock facility which will serve both structures. There is no change to the access to the site which is via North Road, but there will be increased parking to support the new building. He stated the access road to Frost Farm will be slightly realigned and merged with new roadway design.

Mr. Knittle continued: Reserve parking spaces are planned for over the old leaching field and an area south of the existing building. Sixteen spaces were originally located on a slope, to which the Planning Board objected, and the spaces were relocated. The proposed reserve parking over the former Unisys leaching field would effectively "cap" the contaminated area, and there is no concern on the part of DEP and ERM, the company doing remediation work.

Vice Chairman O'Brien asked where the new Frost Farm units are located with respect to this map. Mr. Knittle stated he did not know but offered to gather that information for the next meeting.

With respect to Water Resource Protection Zones, all proposed work will be within Zone III, and none in Zone II. Mr. Knittle stated they have worked with some calculations to determine runoff from the access road. Bob Griffin of Griffin Engineering has prepared that information, though they are not involved in the planning or construction of said road. Zone percentages and square footage calculations have been made for Zone III; Zone II data will be submitted as requested in reports submitted recently. Mr. Knittle stated that, under Section 5.c.9b, of the 1995 Zoning Bylaw, they are required to maintain a 10-foot setback.

Responding to a comment in the Conservation Commission report, Mr. Knittle stated there is some concern over relocating the access easement; he opined there should be no problem. The wetlands have been flagged.

Shared road maintenance is being discussed with all parties.

Drawings for the septic system and subsurface sewage disposal will be submitted to the Board of Health. Additional tank capacity and pump chamber will be added. The existing system will be removed; a bed design system will be installed which can handle greater capacity.

With respect to Design Review Board comments, Mr. Knittle displayed drawings of the proposed building showing continuity with design of the existing building. He noted they were attempting to respond to all the DRB issues.

Mr. Knittle stated loop access to the site is featured, responding to a concern by the Fire Chief. The owner of the Northwood property is willing to incorporate the loop access through that site in order to achieve a continual loop throughout the entire area.

Town Planner Jody Kablack stated the Planning Board was concerned with the location of the Zone II line which had become "blurred" over time. Alleged zoning violations appear to be related to impervious surface with regard to the Water Resource Protection bylaw. She opined the discussion of alleged violations is not pertinent to a Site Plan Review, most notably because no improvements are proposed in Zone II. She noted she has discussed the matter with the Building Inspector and Town Counsel who feel the investigation of alleged violations should occur separately from this matter.

Selectman Roopenian expressed concern with the reserved parking proposed for the western area of the site. She was particularly concerned that this parking is very close to the Frost Farm housing development. She opined these people are under the impression they have a beautiful pastoral view from their new homes, still under construction, and should not have to look at a parking lot of 38 spaces. Mr. Knittle stated it could be earmarked as the last area to be paved, and only under the conditions that those spaces are necessary based on usage of the rest of the lot. He opined the need to build those spaces will not arise anytime soon. He stated 21% of total parking is currently designated as reserve, but he did not feel they would be needed to support the buildings. Because a reserved parking area used to be a leaching field, nothing else can be done with that land, and it will be left as is.

Mr. Knittle stated the easement document for the access road is written in such a way that allows them to relocate the easement as necessary. He opined the intent now is to rewrite that document to place the easement in a specific location. Said document is in process.

Responding to Selectman Roopenian's question, Mr. Knittle stated the dumpsters will be located in places near the loading dock and garage and not visible from the street. It currently does not have any

fencing, and is screened by the buildings. He stated an arborvitae screen could be planted to block view from the Frost Farm entrance.

There was brief discussion of lighting on the site. The height of the new light poles in the parking area will be 16' in height. If glare becomes a problem, Cummings will install baffles to redirect the light away from neighboring properties. Vice Chairman O'Brien suggested installing lights that include a shroud, or baffle, in their design.

Vice Chairman O'Brien expressed concern that motorists with large vehicles will park in "compact" parking spaces. Mr. Knittle stated only 15% of the parking is labeled or intended for smaller vehicles.

Mr. Knittle stated all of the new impervious areas will have adequate drainage. A detention pond (to the south) is designed to accommodate all the new impervious parking area runoff. Before the runoff gets to the pond, it is directed through various traps and filters on the site. Recharge trenches pick up the runoff from the proposed building. All designs have been approved by DEP. Mr. Knittle noted there are no existing drainage structures near the existing roadway, and the new drainage plan should handle much of the water going down the driveway.

Responding to Vice Chairman O'Brien's question, Mr. Knittle stated the first work on the site will be to move the existing roadway so that access to Frost Farm is impacted as little as possible by building construction. He stated the water and gas connection changeovers will be made with very little shutdown time as it's just a matter of shutting down one end and reconnecting. Homeowners will have advance notice of when those changeovers will be scheduled. He stated there will be no disruption of water service as there is an existing water loop on site, thus avoiding the need to shut down the water service.

Mr. Knittle stated traffic flow is expected to remain close to the present flow, with respect to the Montessori school. He stated further he was not aware of any problems at this time.

Hale Lamont-Havers, Frost Farm Housing Task Force, expressed concern over the proposed reserved parking near Frost Farm, as well as increased lighting on the property. She stated it is already well lit at night. She asked Mr. Knittle to prepare a plan showing the Frost Farm units, opining the new homeowners have no idea this is taking place. She stated she was "stunned" these changes were taking place without concern for those residents.

Ralph Tyler, One Deacon Lane, opined parking will have to be built in the reserve areas due to zoning requirements. He briefly touched on "alleged zoning violations", inaccuracies of maps, protection of Town wells, and Town Meeting acceptance of maps via vote. He opined the protection of the 1995 bylaw was lost when the land was divided and portions were sold off. He opined the Board's discretionary option to determine reserve parking does not apply in this type of approval process, but only in regular Site Plan Review. He stated the inherent inaccuracies of the mapping process need to be acknowledged.

Town Planner Jody Kablack stated the zoning map used to determine the Water Resource Protection District is historically a hand drawn map, and not surveyed. It is an approximation and not to be perceived as exact. Town Meeting adopted the line with all of its inherent inaccuracies, and that ruling must be observed by all permitting processes from now on.

Mr. Steve Verrill expressed concern about contaminated wells on the former Unisys property that drain onto his property. He said new wells drilled this spring show contamination; 22 sites for new wells have been determined and will be tested. He advised making no changes in the infiltration systems for

drainage until the level and extent of plume contamination has been determined. He stated the water is contaminated by the time it reaches his property and he is not allowed to drain it into the stream or anywhere else. Mr. Verrill submitted a letter to the Board outlining his concerns. Mr. Griffin, Griffin Engineering, stated there are roof trenches and infiltration systems designed to appropriately recharge the water on site.

It was on motion unanimously

VOTED: To continue this matter until October 22, 2001, at 7:45 p.m. and to direct the Town Manager to instruct Town Counsel to prepare a Draft Decision for the Board's review.

2002 Annual Town Meeting Articles

The Board briefly discussed potential articles for the 2002 Annual Town Meeting Warrant. An article on stormwater planning has been placed on the list for review. Town Manager Valente stated preparation on some articles need to begin now in order to have them ready on time. The Board agreed to schedule a working session for another day as it was getting very late this evening.

Conservation Commission – Zoning Bylaw

Town Manager Valente reported to the Board the Conservation Commission has taken exception to some wording in the newly recodified Zoning Bylaw regarding issuance of building permits. They contend the language seems to imply that, at the time the building permit is issued, all other permits have been applied for and/or taken care of. Ms. Valente has discussed the matter with Town Counsel.

Executive Session

At 12:09 a.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining, litigation matters and assignment of Town Counsel to specific actions. (Chairman Drobinski, aye, Selectman O'Brien, aye, Selectman Roopenian, aye).

Public session will not reconvene following Executive Session.

There being no further business to come before the Board, the meeting adjourned at 12:30 a.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk