

IN BOARD OF SELECTMEN  
TUESDAY, SEPTEMBER 4, 2001

Present: Chariman 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.

**Announcements**

Chairman Drobinski asked all residents to pay careful attention to all the schoolchildren walking to school now that school is in session.

**Condolences**

The Board and Town Manager extended condolences to the family of Ed Blackey who recently passed away. Mr. Blackey served on the Historic Districts Commission for many years.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular and two executive session minutes of August 13, 2001, as amended.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$134.42 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 Scouts**

It was on motion unanimously

VOTED: To sign letters of congratulations to John S. F. Romain, 31 Eddy Street, and Kristofer J. Jenson, 14 Petersen Circle, for attaining the rank of Eagle Scout.

**Pay Per Throw Advisory Committee**

It was on motion unanimously

VOTED: To appoint Sarah M. Guilford, 126 Hemlock Road, to the Pay Per Throw Advisory Committee, as requested by said Committee.

**United Nations Day**

It was on motion unanimously

VOTED: To proclaim October 24, 2001 as United Nations Day in the Town of Sudbury and to urge all citizens to participate in activities related to said Day.

**Classic Pizza Restaurant**

It was on motion unanimously

VOTED: To acknowledge receipt of revised corporate Articles of Organization for Classic Pizza Restaurant, licensed on August 13, 2001, noting corporate name change from J & G Corporation to J G L Enterprises, Inc., and naming Jo Ellen Haley as sole owner and officer.

**Natural Gas Contract**

It was on motion unanimously

VOTED: To approve the Town Manager's execution of a contract to purchase natural gas, for a term of five years commencing from the August meter read date, from Northeast Energy Partners, One Heritage place, Manchester, CT 06040, under the MMA MunEnergy program, at a fixed price of \$6.75 per Dth.

**Contract for Audit Services**

It was on motion unanimously

VOTED: To approve the Town Manager's execution of a three-year contract to perform audit services for the Town for fiscal years 2001, 2002 and 2003, with the firm of Powers & Sullivan, at the respective fees of \$20,000, \$21,000, and \$31,500 (GASB 34), in accordance with their proposal dated July 5, 2001.

**Hunting Waterfowl on Town-Owned Property**

It was on motion unanimously

VOTED: To grant permission to Donald Stanley, 1599 Lowell Road, Concord, MA 01742, and Mr. Michael Higginbotham of Concord to hunt waterfowl on property owned by the Town of Sudbury, "Tax Possession Parcel #172 (Parcel 013 on Property Map G12), during the October 2001-January 2002 waterfowl hunting season dates specified by the Commonwealth of Massachusetts, and only within 50 yards of the shoreline of the Sudbury River, one-half hour before dawn to one-half hour before sunset.

**Proposed 2002 Selectmen Schedule**

The Board reviewed and approved a draft schedule of proposed meetings dates for 2002. Selectman O'Brien asked if meeting dates for other groups such as Conservation Commission and the Planning Board might be included to facilitate more effective communication and meeting planning. The Town Manager will work on preparing this for the Board. Discussion followed.

**The Charcuterie – 525 Boston Post Road**

Present: Melissa Croteau, Owner.

The Board was in receipt of applications for Common Victualer and Entertainment Licenses, dated August 23, 2001, from Melissa Croteau, d/b/a The Charcuterie, 525 Boston Post Road; and verbal reports from Building Inspector, Health Director and Fire Chief, each stating no objections to the restaurant receiving the licenses.

Town Manager Valente stated this licensing is required for Ms. Croteau, the new owner of The Charcuterie at 525 Boston Post Road, who plans no changes to the premises or the business.

It was on motion unanimously

VOTED: To grant a Common Victualer License to Melissa Croteau, d/b/a The Charcuterie, 525 Boston Post Road, for the remainder of 2001.

It was further on motion unanimously

VOTED: To grant an Entertainment License for background music only to Melissa Croteau, d/b/a The Charcuterie, 525 Boston Post Road, during hours of operation of 8 a.m. to 3 p.m. Monday through Friday, and 9 a.m. to 3 p.m. on Saturday, for the remainder of 2001.

**Initiative Petition on Housing – Chapter 40B Amendment**

The Board was in receipt of a letter, dated August 27, 2001, from Representative Marie J. Parente, House Chair, Joint Committee on Local Affairs, providing information on an initiative petition concerning an amendment to Chapter 40B to allow increased local control over siting of new housing developments in communities that have not yet achieved the 10 percent level of affordable housing. Town Manager Valente opined this communication to be of an informative nature at this time. Discussion followed. The Board agreed to support the initiative and asked the Town Manager to respond accordingly.

**Town of Sudbury Traffic Rules and Orders**

Town Manager Valente reminded the Board of a previous discussion regarding traffic between Abbotswood and Country Village Lane, noting that a gate between the subdivisions is not always closed to restrict traffic. She stated that the Police Chief had indicated the subdivision agreement was not sufficient to allow the Police Dept. to write tickets for vehicles going through the open gate, and that the Traffic Rules and Orders would have to be amended first. The Board reviewed a draft amendment to revise the Rules and Orders to state that traffic between Abbotswood and Country Village Lane shall be prohibited, with exceptions for municipal and emergency vehicles and maintenance.

Selectman O'Brien commented that much of the discourse on this matter has to do with a gate that is to be kept closed and available only to emergency vehicles. If DPW opened the gate to plow, residents closed it, preventing snow plows from getting through on subsequent "passes" down the road during snowstorms. In effect, the residents were not allowing DPW sufficient access when it was required. He suggested tabling this matter until the DPW Director can provide more information on street maintenance issues.

It was on motion unanimously

VOTED: To table this matter until more information can be obtained, specifically from the Director of Public Works, Police Department and Planning Board.

**Chapter 61/61A Hearing -- Prichett Property, 80 Goodnow Road**

Present: Gordon and Jill Prichett, 80 Goodnow Road; Peter Crabtree, Jack Dawley, Northland Residential Corporation; Deborah Dineen, Conservation Coordinator; Jody Kablack, Town Planner; Richard Bell, Stephen Meyer, Conservation Commission.

At 8:03 p.m. Chairman Drobinski reconvened a Public Hearing for the purpose of considering a Notice of Intent to Sell from Gordon D. and Jill Prichett, for property at 80 Goodnow Road. This matter was previously heard on July 23, 2001.

Chairman Drobinski stated Northland Residential Corporation had submitted a letter with four exhibits dated August 30, 2001, describing commitments it will make to the Town relative to land use controls and road improvements, and the Board is waiting for reports from the Conservation Commission and Sudbury Valley Trustees.

The Board received a copy of the Town Planner's memo to the Planning Board, dated August 31, 2001, discussing the construction of Goodnow Road and additional house lots, and recommending (1) improvements to the cul-de-sac at the end of Goodnow Road should be subject to Planning Board approval, and possibly easements if a turnaround is necessary; (2) the performance bond should be administered through the Planning Board; (3) development of neighborhood trails; (4) consideration be given to the possibility of school buses using Goodnow Road, though they presently do not, and its suitability for such travel; and (5) stormwater management be addressed.

Mr. Gordon Prichett expressed his concern that this process is taking longer than it should, given the fact that it is either a "yes" or "no" vote on whether the Town will exercise its option to purchase his property. He opined the Conservation Commission's report to be complete, and that the Sudbury Valley Trustees had made their decision, but neither group was forthcoming with its report. He noted there are only 24 days remaining before the option expires.

Chairman Drobinski thanked Mr. Prichett for his concern, but acknowledged the reports are necessary for the Board to make its decision. He emphasized the Board is also responsible to the citizens of Sudbury and must be able to explain their decision. He opined the Board could arrange a special meeting to handle the matter, if necessary. Mr. Prichett stated the waiting and indecision is something of a burden, and asked the Board to work toward a decision as soon as possible.

Jody Kablack, Town Planner, stated most of the issues raised by the Planning Board in their original report have been addressed. Most of these issues involved improvements to Goodnow Road. The Planning Board will be meeting the following evening to make its final decision. She expressed concern that potential problems be considered at this time, in case the Prichetts decide, for some reason, not to proceed with their plans with Northland Residential. This is a prime piece of property that could be developed by another group, and the Planning Board would like to take into consideration actions that could conceivably take place.

Richard Bell, Conservation Commission, stated the ConCom felt fairly comfortable with the oral agreements made by Northland. Deborah Dineen, Conservation Coordinator, concurred and stated they have

been working with Northland to resolve concerns, with all issues being addressed. She stated a Conservation Restriction has been drafted, as well as a draft Declaration of Covenant, and noted some of the wording needs to be revised as it was taken from an old format, which does not fit with present State regulations. She suggested the Board condition its vote on the receipt of revised documents.

Mr. Jack Dawley, Northland Residential Corporation, responded they have been working with all groups in order to address all concerns raised. He opined that, if the Prichetts do not pursue plans with his company, the Town will have an opportunity to purchase this property again. He stated a "letter of commitment" or similar document can be legally enforceable, whereby Northland could be held to perform according to the letter of the document. Mr. Dawley expressed concern that all parties reach a satisfactory conclusion for planning, documentation, and execution of this project, and suggested the Town Manager and all legal counsel discuss these issues.

Selectman Roopenian apologized to the applicants for the response time, but stressed that all information must be considered in such an important matter.

Selectman O'Brien concurred with Ms. Roopenian's remarks and expressed concern that the Board needs to be cognizant of the good faith offer by the Prichetts in its resolution and decision.

Mr. O'Brien asked about trail easements through the property, connecting to Sudbury Valley Trustees land. Ms. Dineen stated she spoke with SVT that afternoon and they reported they were not interested in trails on the land. She explained this property does not connect anywhere to the northeast and trails would be somewhat difficult to maintain due to steepness. She acknowledged that if the residents of the area would like to develop their own trails, they are able to do so. Ms. Kablack, Town Planner, stated a trail was envisioned more toward the Camperdown area of the property. Discussion on walkways followed. Mr. Dawley stated Northland has been looking at the Camperdown area, checking soils for suitability for trails and/or walkways, and as yet have not determined anything.

Selectman O'Brien asked the Conservation Coordinator about runoff coming down Goodnow Road, and whether it could continue onto Hudson Road. Ms. Dineen stated best management practices include infiltration trenches, which direct the runoff away from the shoulders of the road. She stated the Conservation Commission will be involved in this discussion as wetlands are nearby. Chairman Drobinski asked if DEP Stormwater Management guidelines were to be followed. Ms. Dineen responded it depends on whether the runoff is simply infiltrated, or collected, treated, and then discharged. The Conservation Commission will enforce whatever State regulation applies as the plans become finalized.

Concern was expressed for the number of housing lots being proposed, thirteen or fourteen. Town Planner Kablack stated she had always heard thirteen, never fourteen. Mr. Prichett stated it is a condition of the Purchase and Sale Agreement that no more than thirteen lots can be developed. This would be in addition to the existing farmhouse. Ms. Dineen pointed out a section of the P&S that stated a limit of eleven lots, to which Mr. Dawley stated he believed that referred just to the lots off Goodnow Road. Chairman Drobinski stated Town Counsel will look over all documents.

Selectman O'Brien stated he was not inclined to vote that the Town should purchase the land and acknowledged the wonderful stewardship of the Prichetts for the past 23 years. He noted they have chosen a developer known for land preservation practices, instead of choosing to get the most money possible. He agreed the matter should be concluded quickly to allow the Prichetts to move on in their own pursuits.

After discussion, it was on motion unanimously

VOTED: To continue this hearing until Monday, September 10, at 7:30 p.m.

**Wastewater Management Needs Report**

Present: Lisa Eggleston, Chairman, Technical Advisory Committee for Route 20 Wastewater Needs Assessment Study; William Cossart, Committee Member; Jody Kablack, Town Planner.

The Board was in receipt of a report, Assessment of Wastewater Management Needs for the Route 20 Business District, for the Town of Sudbury, MA, dated June 2001, prepared by Weston & Sampson.

Ms. Lisa Eggleston, Chairman, Technical Advisory Committee for Route 20 Wastewater Needs Assessment Study, briefly explained as follows: The study focused on the business area on Route 20 and Union Avenue with respect to wastewater and Title V septic system issues. Board of Health records, soil samples, and information from the Water District were studied in compiling this report. Ms. Eggleston referred the Board to various graphs, charts and illustrations within the report as she spoke. Points were assigned to varying criteria in order to arrive at a ranking. For example, a major indicator of septic use is how often that system is pumped out. The charts contain 30 areas, shaded in pink, that do not comply with current regulations. She noted that 27 of these 30 areas are in the central business district. Discussion followed on septic systems, shared capacities, decentralized wastewater treatment, disposal sites, and collection alternatives.

After discussion, Ms. Eggleston stated that Weston and Sampson recommends the Town opt for a decentralized system for the central area. She stated the next steps would be to approach DEP for their recommendations and research impact on traffic and other issues.

The final step would be to apply for monies from the State Revolving Fund to assist with costs. Ms. Eggleston noted funds are typically given out more often for construction than for planning and engineering. The Committee was advised not to pursue SRF funds for the needs assessment study as an application costs around \$5,000. DEP ranks projects according to their own criteria such as watershed use, loss of business, home water impact, etc.

Chairman Drobinski opined a Citizen Advisory Committee will facilitate getting the project off the ground as well as for information distribution. All Town boards and committees need to be informed of this group's activities, but citizen involvement is critical. Potential committee makeup has been suggested.

Ms. Eggleston stated Weston and Sampson was a good group to work with, and acknowledged a lot of support from the Health Director and Town Planner.

It was noted that unless zoning is changed or modified, there will be little new types of business coming into that central business area. Selectman O'Brien suggested zoning issues be considered by a third committee, following the Town Planner's suggestion that citizen involvement would be more important than Town board involvement.

Discussion followed on a public forum for citizen input, DEP input on the report, response from business owners, Town Meeting article, potential funding sources, etc. The Technical Advisory Committee will approach DEP for their input prior to scheduling a public forum, with the forum hopefully to take place sometime in October. A final timeline depends on what the ultimate solution happens to be.

It was on motion unanimously

VOTED: To accept the Town of Sudbury Assessment of Wastewater Management Needs for the Route 20 Business District, June 2001, as prepared by Weston & Sampson Engineers, Inc.

### **Walkway Fund Donation**

Town Manager Valente stated the Town has received a generous donation from Mr. Irwin Jungreis, and stated further Mr. Jungreis has placed no conditions or restrictions on these funds other than going toward walkways.

It was on motion unanimously

VOTED: To accept a donation of \$5,000 from Irwin Jungreis, 30 Goodmans Hill Road, to be deposited into the Walkway Fund.

### **Mass Highway Projects**

The Board reviewed a memo, dated August 28, 2001, from State Representative Susan W. Pope, inviting Mass Highway Department Commissioner Matt Amorello to tour highway projects in Sudbury on September 20, and extending the invitation to the Board of Selectmen. Separately, DPW Director I. William Place submitted a list of potential projects in town to discuss at that time. Discussion followed.

The Board stated its preference for items (7) secure funds to construct a rail trail along the abandoned portion of the CSX rail line and former Contrail line, currently owned by the Commonwealth of Massachusetts, from the Framingham town line to the Concord town line; (6) secure lease agreement from the Executive Office of Transportation and Construction to construct a rail trail from Route 20 to Concord town line; and (8) petition Massachusetts Highway to transfer ownership of Boston Post Road (Route 20) to the Town of Sudbury, in that order.

### **Banner Program**

Town Manager Valente stated a recent complaint about the Route 20 banners prompted her to research the matter more thoroughly. She stated the sign bylaw does not address signs of this type spread over a wide area. She noted the banner program has changed and expanded significantly from its initial proposal (twice the number of banners and now spreading outside the business district), and reported that if the program was now permanent, Zoning Enforcement Agent Jack Hepting felt that the Chamber of Commerce should apply to the Board of Appeals for a permit.

Selectman O'Brien stated it seems inappropriate to ask the Chamber to get a permit now. Selectman Roopenian opined the Board should have made more stringent guidelines as the program went along, and worked toward keeping the program at its launch level. Chairman Drobinski stated the Building Inspector has the right to request a permit if the program has changed from its initial concept. Discussion followed.

It was suggested that Town Manager Valente will work with Mr. David Levington of the Chamber of Commerce and the Zoning Enforcement Agent to arrive at a reasonable solution while the sign bylaw is being revised. The Town Manager will respond to the citizen who made the complaint.

**Teachers Early Retirement Law**

The Board reviewed a letter, dated July 23, 2001, from William T. Friel, Town Executive Secretary, Town of Canton, MA, concerning the Teachers Early Retirement Law, and requesting the support, participation and commitment of all 351 cities and towns across the Commonwealth in challenging said Law.

Town Manager Valente briefly described the health costs associated with retirees for an additional five to six years due to early retirement.

It was on motion unanimously

VOTED: To direct the Town Manager to send a letter responding that the Town of Sudbury wishes to be included in the challenge.

**DPW Facility**

Town Manager Valente stated a meeting has been scheduled for Wednesday, September 19, 2001, with abutters to the proposed DPW facility to review designs and address any issues brought forward. She stated the architects and the DPW Director will also be there, and invited Board members to attend.

**“No Place For Hate” Program**

Selectman O’Brien stated the first event of this program will be on October 23, 2001, with Holocaust survivor, Mr. Stephen Ross, as the featured speaker. It will be at the Curtis Middle School

Plans for the community-wide Interfaith celebration on Thanksgiving Eve have begun, as well as for a Martin Luther King Day program.

There being no further business, the meeting adjourned at 10:38 p.m.

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