

IN BOARD OF SELECTMEN
TUESDAY, AUGUST 13, 2002

Present: Chairman Lawrence W. O'Brien and Selectman Kirsten D. Roopenian. Selectman John Drobinski was absent.

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

Opening Remarks

Chairman O'Brien thanked residents for their enthusiastic response to openings on various Town boards and committees, and encouraged them to become involved in Town government.

Chairman O'Brien encouraged citizens to check on their neighbors during the warm weather, especially senior citizens or those who do not have air conditioning in their homes. He reminded residents the Senior Center is open from 9 – 4 daily for those individuals who may be seeking air conditioned comfort during the very hot daytime hours, and stated transportation is available. He noted the Goodnow Library is also available during daytime hours.

Chairman O'Brien cautioned residents on any open fires and BBQ grills. He reported Fire Chief Michael Dunne expressed concern that, due to the extreme lack of rainfall, brush fires are a potential hazard.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of July 22, 2002.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$203.00 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.

State Primary Election Warrant

It was on motion unanimously

VOTED: To sign the Warrant for the State Primary Election to be held on September 17, 2002.

United Nations Day

It was on motion unanimously

VOTED: To proclaim October 24, 2002 as United Nations Day in the Town of Sudbury and to urge all citizens to participate in activities related to said Day.

Selectmen Appointments and Resignations

It was on motion unanimously

VOTED: As the bylaw establishing this committee has been approved and posted, formal appointments to the Community Preservation Committee are made as follows: Selectman Kirsten D. Roopenian for a term to expire April 30, 2005; Mark A. Kablack for a term to expire April 30, 2004; and Sigrid L. Pickering for a term to expire April 30, 2003.

It was on motion unanimously

VOTED: To appoint Kathleen D. Middleton to the Town Report Committee for a term to expire April 30, 2003.

It was on motion unanimously

VOTED: To accept the resignation, dated July 26, 2002, of David Chenok from the Economic Development Committee.

It was on motion unanimously

VOTED: To appoint the following five persons to the Economic Development Committee, each for a term to expire April 30, 2005: Thomas W. Phelps, Charles D. Katz, John Williams of Gravestar, Inc., Cheryl A. Salatino, and Eric D. Poch.

Utility Petition #02-01 – Hudson Road

Present: Christopher Parella, Manager Right of Way, Verizon New England, Inc.

At 7:45 p.m. Chairman O'Brien convened a Public Hearing for the purpose of considering Utility Petition #02-01 of Boston Edison Company, d/b/a NSTAR Electric, and Verizon New England, Inc. for permission to lay and maintain underground conduits and manholes, with wires and cables placed therein, under the surface of Hudson Road, on the southwesterly sideline, approximately 119 feet west of the intersection with Old Lancaster Road at existing Pole No. 6/30, place approximately 43 feet of conduit in a westerly direction, then approximately 40 feet of conduit in a northerly direction to the entrance of Twillingate Lane, to service a five-lot subdivision on Twillingate Lane.

The Board reviewed the following information: (1) letter, dated July 11, 2002, from Christopher Parella, Verizon New England, Inc., submitting petition and plan; and (2) letter, received July 24, 2002, from Richard Schifone, Supervisor, Rights & Permits, Boston Edison Company, requesting a Grant of Location the conduit described in the petition and shown on an accompanying plan.

Town Manager Valente stated this installation has the approval of the DPW Director and will service a new housing subdivision on Twillingate Lane.

Mr. Christopher Parella, Manager Right of Way, Verizon New England, Inc., stated he is also representing NSTAR this evening as their representative was unable to attend. He stated their utility placement needs are almost exactly the same as that of Verizon.

Mr. Parella briefly described the proposed installation, as referenced in the petition and plan. He stated the trench across the road will be done one lane at a time, with a steel plate covering the lane not being worked on, and also at night. He stated it is possible to complete any utility installation in the area beneath the road within one day. He stated he could not guarantee that all utility companies would be on hand at the same time, but expressed belief that the trench would not be open very long.

The Board asked for a description of what the trench would hold, and Mr. Parella explained there would be four conduits: for NSTAR, Verizon, Comcast (cable television), and one left empty. The Board expressed concern about possible delays in the length of time to complete installation or the need for a second opening for Comcast inclusion, and requested that Verizon and NSTAR work together to contact Comcast to coordinate installation in this instance and in the future as well.

Chairman O'Brien advised Mr. Parella that Hudson Road becomes a very heavily traveled road once school begins.

It was on motion unanimously

VOTED: To approve Utility Petition #02-01 of Boston Edison Company, d/b/a NSTAR Electric, and Verizon New England, Inc. for permission to lay and maintain underground conduits and manholes, with wires and cables placed therein, under the surface of Hudson Road, on the southwesterly sideline, approximately 119 feet west of the intersection with Old Lancaster Road at existing Pole No. 6/30, place approximately 43 feet of conduit in a westerly direction, then approximately 40 feet of conduit in a northerly direction to the entrance of Twillingate Lane, as shown on plan marked, "VERIZON PETITION NUMBER 9AAUZV," dated July 11, 2002.

Conservation Restriction – 34 Haynes Road

The Board reviewed a memo, dated August 13, 2002, from Deborah Dineen, Conservation Coordinator, stating this Conservation Restriction is a requirement in the Order of Conditions issued to Collins Development for the construction of two new homes on the site. It is necessary as siting of two new homes falls within the 100-foot wetlands buffer, and the Restriction will protect the pond, the adjacent vegetated wetland and maintain much of the existing meadow area.. An existing home is being removed. A drawing of the property accompanied the memo.

The Board expressed concern that only one home was shown on the plan and was reluctant to approve the plan without additional information on the second home/lot. The Board requested more information on where the second home will be, the frontage for the second home, and more precise location of the portion under the Conservation Restriction.

It was on motion unanimously

VOTED: To hold this matter until September 3, 2002, and to request additional information from the Conservation Commission, Planning Board and Building Inspector.

Site Plan 01-362M – Roche Brothers (Sudbury Farms)

At 8:00 p.m. Chairman O'Brien reconvened a Public Hearing for consideration of Site Plan Application 01-362M of Roche Brothers, d/b/a Sudbury Farms, for modification of Site Plan 99-348 (continued February 11, March 11, April 22, May 20, and June 24, 2002). Chairman O'Brien stated that, due

to Selectman Drobinski's absence, the required three-member quorum for site plan consideration is incomplete, and therefore the hearing must be continued.

The Board reviewed a letter, dated August 6, 2002, from Schofield Brothers, representing Roche Brothers, requesting an extension of "Request for Modification" to October 31, 2002, and requesting this matter be placed on the agenda for the Selectmen's meeting on September 3, 2002 at 7:45 p.m.

It was on motion unanimously

VOTED: To extend the time limit for consideration of Site Plan Application 01-362M of Roche Brothers, d/b/a Sudbury Farms, to October 31, 2002, and to continue this hearing to September 3, 2002 at 7:45 p.m.

Sudbury Day Committee

Present: Aruna Pundit and Kimberly Kreisel, Sudbury Day Committee.

Ms. Aruna Pundit and Ms. Kreisel briefly informed the Board of their proposed activities for the first Sudbury Day celebration, scheduled for September 21, 2002. A draft overview was distributed for review. They stated their intent is to present a multi-cultural event for residents of all ages.

Proposed activities include a Passport to Culture, in which children can "visit" each featured ethnic group and get their passport stamped. Additionally, ethnic foods and entertainment and crafts, artisan and information booths will be featured. The Sudbury Cultural Council and Mill Village are among the event supporters.

Ms. Pundit stated they envision the activities taking place with the Town Hall as the center, and utilizing Heritage Park, the Hosmer House and nearby churches. Chairman O'Brien suggested they contact The Grange, next door to the Town Hall, as it may prove useful for some of the proposed activities.

Town Manager Valente informed the committee they would need to meet with department heads to coordinate specific activities and events. She offered to set up such a meeting to get many issues resolved. Selectman Roopenian suggested informational flyers go home with schoolchildren, and advised that the information could be placed on the Community Bulletin Board on the local cable access channel.

The Board thanked Ms. Pundit and Ms. Kreisel for their presentation and wished them much success in their endeavor.

Goodnow Road Walkway

The Board reviewed a memo, dated August 8, 2002, from the Planning Board, stating concerns for a section of the proposed walkway, specifically, that it will become a shoulder to the road due to its proximity, and recommending the developer be required to make a contribution to the Town-wide walkway fund, in lieu of construction. Town Manager Valente stated additional information is being obtained and suggested this matter be continued to a later date.

It was on motion unanimously

VOTED: To continue this matter until September 3, 2002, or until such time as the information becomes available.

Site Plan #02-268 – Lotus Blossom Restaurant

At 8:30 p.m. Chairman O'Brien convened a Public Hearing solely for the purpose of continuing Site Plan Application #02-368 of Ho-Tai Sudbury, Inc., for approval of a minor Site Plan, in accordance with Town of Sudbury Zoning Bylaw Art. IX. 6000, Section 6300, to enclose the existing front porch and add a 413 sq. ft. addition to the rear, northeast corner, accommodating an increase of 20 seats to the restaurant, on property located at 394 Boston Post Road, owned by Ho-Tai Sudbury, Inc., and zoned Business District #5.

As the Board lacks the required three-member quorum for site plan consideration, it was on motion unanimously

VOTED: To continue this hearing until September 3, 2002, at 8:15 p.m.

Dunkin Donuts – Change of Hours of Operation

Town Manager Valente reported that the manager of the local Dunkin Donuts contacted her office regarding a corporate change in hours of operation. He is being asked to stay open until midnight until the end of the year, and thereafter remain open 24 hours daily. She reminded the Board the Common Victualler License currently limits the hours to 5:00 a.m. to 11:00 p.m. daily, and the manager exercised his discretion at closing the eatery at 10:00 p.m. due to little late night business.

The Board reviewed a report, dated August 10, 2002, from Town Counsel states the Board of Selectmen can condition the license as to hours of operation, specifically [from State law] "A commission with the power to approve or disapprove the license carries with it the power to grant the license on some condition." The basis for the conditions [according to the statutory authority] involves public good. Town Manager Valente opined, therefore, if the eatery remains open during hours other than specified on the license, he will be in violation of his Common Victualler License.

Selectman Roopenian expressed concern for security issues for any establishment being open 24 hours. Chairman O'Brien stated no other establishments, even those with Alcoholic Beverages Licenses, stay open past 1:00 a.m. He expressed concern that changing the hours for this particular establishment might set a precedent that would greatly impact the Town and its Police/Fire services. Concurring with Selectman Roopenian, he stated he was not inclined to change the posted hours of operation for Dunkin Donuts.

The Board expressed faith in the manager's ability to gauge the operational needs of his establishment, and further, directed the Town Manager to draft a letter to the Dunkin Donuts manager expressing the comments made this evening.

Traffic Rules and Orders – Parking Restriction

Referring to the Board's vote of July 22, 2002, restricting parking on Thompson Drive, Bishop Lane and Newbridge Road, Town Manager Valente reported to the Board her conversation with the Safety Officer who expressed concern that the Traffic Rules should reflect the need to prevent students from parking in these areas, specifically on weekdays only. She stated the Rules should therefore be amended to exclude Saturday and Sunday.

Chairman O'Brien expressed concern for large events, such as Town Meeting, that occur on weekday evenings, and whether some discretion would be applied in those situations. Ms. Valente stated the Police Dept. must make sure any roadside parking allows room for emergency vehicles to pass.

It was on motion unanimously

VOTED: To amend the Town of Sudbury Traffic Rules and Orders by amending the wording of Article V. PARKING, Section 4. TIME LIMITED IN DESIGNATED PLACES, established Nov. 5, 1963 and amended July 22, 2002, to exclude Saturday and Sunday from the regulation. Section 4 shall read as follows:

Section 4. TIME LIMITED IN DESIGNATED PLACES. No person shall park a vehicle for a period of time longer than one (1) hour between the hours of 8 a.m. and 6 p.m. of any weekday (excluding Saturday and Sunday) on the following described streets or parts thereof:

Lincoln Road – both sides from Concord Road easterly 2,850'.

Sawmill Lane – both sides from Lincoln Road extending southerly 730'.

Oakridge Road – both sides from Lincoln Road to Sawmill Lane.

Thompson Drive – both sides from Concord Road to the end.

Bishop Lane – both sides from Thompson Drive to the end.

Newbridge Road – both sides from Concord Road to Clark Lane.

Utilities Installation – Frost Farm

Town Manager Valente reported to the Board the Town's need to establish a licensing agreement between the Town and Verizon with regard to the installation of utilities, including telecommunications apparatus and equipment, on Town land to service Frost Farm. This would establish a legal position allowing Verizon to access the property for this purpose, until such time as the precise location of an easement is determined and documentation can be executed. She noted the exact licensing documents will be reviewed and brought back to the Board for final review.

It was on motion unanimously

VOTED: To authorize the Town Manager to execute a License Agreement between the Town (Licensor) and Verizon New England, Inc., and Boston Edison Company to install utilities including telecommunications apparatus and equipment on Town land to service Frost Farm, location to be confirmed by the Town Engineer, and subject to further review by Town Counsel. [NOTE: License to be supplanted by an easement upon approval of the 2003 Town Meeting.]

Parking Concerns – Lincoln-Sudbury Regional High School

Town Manager Valente distributed a list of parking concerns drawn by Town staff now that construction on the new high school has impacted previously available parking. She asked the Board to review the list and forward any comments to her by the end of the week.

September 11 Memorial Activities

Town Manager Valente reported there are two memorial activities in the planning process in light of the first anniversary of the World Trade Center tragedies. She noted HOPEsudbury, school groups, and

many Town committees and commissions are participating. She stated a permanent memorial consisting of three park benches and appropriate plaques are planned for Heritage Park.

Ms. Valente also distributed a proposed agenda of various activities currently under discussion. She asked the Board to forward comments and additional suggestions to her.

Chairman O'Brien and Selectman Roopenian complimented all the groups participating in this project, and extended their support. They further noted the park to be an excellent site for such a memorial, allowing individuals a quiet place for reflection.

Chairman O'Brien suggested having an enlarged sketch of the planned memorial available for viewing on the site, as the benches and plaques will not yet be installed. He also suggested including the No Place for Hate group in the program.

It was on motion unanimously

VOTED: To authorize the Town Manager to supervise this project, and keep it moving toward completion and unveiling at an appropriate ceremony on September 11, 2002.

No Left Hand Turn Signs – Nobscot Road and Dudley Road

Selectman Roopenian stated she had been contacted by Dudley Road residents suggesting the left turn restricted signs prohibiting turns from Nobscot onto Dudley Road be removed, now that the traffic light on Nobscot Road and Route 20 is operational.

Chairman O'Brien recalled the original plan was to have the light installed for six months before removing the signs, and it has not been six months. He suggested also waiting until after school starts and residents have returned from summer vacations to see traffic counts when most residents are in town. The Board agreed to discuss it further at a later date.

Executive Session

At 9:15 p.m. it was on motion by roll call

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

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:40 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk