

IN BOARD OF SELECTMEN
TUESDAY, MARCH 26, 2002

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.

Opening Remarks

Chairman Drobinski stated there had been good voter turnout at the Annual Town Election the previous day and encouraged residents to continue their participation by attending the Annual Town Meeting beginning April 1, 2002. He announced the operating budget override had passed and expressed thanks to all groups and individuals who supported the effort. He expressed particular thanks to the Town Manager and her staff in getting information out to the voters for review. Chairman Drobinski clarified that, though the override question was accepted by the voters, the Board of Selectmen will continue to address the issues of revenues and expenses.

Town Manager Valente congratulated Town Clerk Barbara Siira and her staff for a very efficient election, especially as a new precinct was added, and Ms. Siira had been appointed only weeks earlier. Ms. Valente expressed thanks to Art Richard and his staff in setting up the polling places and taking them apart post-election.

Trustees of Town Donations -- Reports on First and Second Quarters FY02

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector.

Ms. Kerry Speidel, Finance Director/Treasurer-Collector, stated the Board approved distributions of \$63,552 for this year, with actual disbursements of \$38,614.25. She briefly reviewed Trust Fund activity as outlined in her memo to the Trustees of the Town Trust, dated March 19, 2002. Discussion followed.

It was on motion unanimously

VOTED: To accept, as Co-Trustees of Town Donations, the reports, dated September 30, 2001, and December 31, 2001, as prepared by the Finance Director.

SP02-364 - Mead Trust - J. P. Bartlett Co., Inc.

Present: Laura B. McCarthy, President, J. P. Bartlett Co., Inc., and Trustee, Mead Trust; Robert Abrams, Attorney for the applicant; Frank DeLuna, Consulting Attorney; Jody Kablack, Town Planner; Brian Fortier, 111 Horse Pond Road; Linda Stone Cotter, 52 Horse Pond Road.

At 7:50 p.m. Chairman Drobinski convened a Public Hearing to consider Site Plan application #02-364 of Mead Trust – J. P. Bartlett Co., Inc., in accordance with Zoning Bylaw Art. IX.6000, Section 6300, to construct three modular homes and associated driveways to be used for agricultural housing by J. P. Bartlett Co., Inc., a wholesale greenhouse business, on property located at 40 Horse Pond Road, owned by Mead Trust, and zoned Residential "A1".

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on March 7 and 14, 2002. Abutters within 300 feet according to the Assessors were provided written notice by first class

mail. Boards and officials were notified and requested to report to the Selectmen. The following reports have been received:

1. Report from the Acting Inspector of Buildings dated March 12, 2002, commenting:
 - a) The proposed use is permitted by M.G.L. c.40A, s.3, as a matter of right in any zoning district.
 - b) The project conforms to requirements of Zoning Bylaw Section 2600, Appendix B.
 - c) Agricultural uses in all residential districts are permitted as a matter of right under provision of Section 2230, Appendix A of the Zoning Bylaw.
 - d) There is no requirement for a landscaping plan since the new structures contain less than 10,000 sq.ft. and there are less than 40 new parking spaces.
 - e) There is a discrepancy between the home dimensions on the building plans vs. the site plan which needs to be addressed.
 - f) He further stated that previously, the courts have ruled that housing, occupied by persons employed in the operation of a farm and located thereon, is a "structure used directly in farm operations and exempt from local zoning by-laws", and, assuming the people who occupy the modular housing are employees of J. P. Bartlett Co. and are directly employed in the Bartlett's wholesale greenhouse operation, the Building Department has no objections to the proposal.
2. Report from the Town Engineer/Director of Public Works dated March 11, 2002, commenting:
 - a) There is adequate site distance at the entrance of the proposed project and Horse Pond Road.
 - b) The mature pines remaining on the site appear to provide an adequate buffer along Horse Pond Road and the side and rear yards.
 - c) Soil and ground water at this location indicates there should be no increase in runoff onto Horse Pond Road; and suggesting a small detention basin be constructed between the gravel driveway and street line of Horse Pond Road.
3. Report from the Town Planner dated March 7, 2002 describing the proposed site plan, recommending the addition of impervious surface calculations on the plan and noting that in this Water Resource Protection District Zone II impervious surfaces should not exceed 15% of the total lot area, wooded buffers should be preserved as much as possible in front and side yards, the width of the common driveway should be expanded and reviewed for turning radius by the Fire Chief, a minimum of two parking spaces should be added, the exterior finish of the homes should minimize unreasonable departure from the character of the buildings in the vicinity, utilities should be installed underground, performance standards in Section 3400 of the Zoning Bylaw should be adhered to, side yard setback of 20 feet should be adhered to, no other development should be allowed on the lot with the exception of accessory structures permitted by right, a deed restriction should be recorded specifying that the multi-family use should terminate upon termination of the agricultural use on the adjacent property, and the Selectmen waive application submission requirements of drainage calculations, site plan prepared by a Registered Professional Engineer or Registered Land Surveyor, a landscape plan, and building plans and elevations.
4. Report from the Planning Board dated March 21, 2002, recommending approval of the site plan subject to:
 - a) Receipt of a legal opinion from Town Counsel discussing the legality of this lot being in separate ownership from the Bartlett Agricultural use, and its exempt status under MGL Chapter 40A, s.3.
 - b) Receipt of a legal opinion from Town Counsel regarding the need for the recordation of a deed restriction on the use of this parcel for agricultural uses, to terminate upon termination of the agricultural use at Bartlett greenhouses.

- c) The applicant has agreed to replant the front of the lot from the public way with transplanted white pines from the site or other similar screening vegetation.
 - d) Creation of a small excavated area at the front of the lot to retain surface water runoff.
 - e) Increasing the total number of parking spaces by a minimum of two spaces.
 - f) Installation of all utilities underground.
 - f) Adherence with the performance standards in Section 3400 of the Zoning Bylaw.
 - g) No greater than 15% of the lot area to be covered by impervious surface.
 - h) No further development of this parcel, with the exception of permitted accessory structures meeting all dimensional requirements of the Zoning Bylaw, without approval by the Selectmen.
5. Report from the Conservation Coordinator dated March 21, 2002, advising there are no wetland issues apparent on the site and recommending review by Town Counsel of the zoning agricultural/exemption question.
 6. Report dated March 21, 2002, from the Health Director advising that a revised septic design plan by Sullivan, Connors & Associates, dated March 20, 2002, meets Title 5 and Sudbury Board of Health regulations for the proposed multi-family residences with a shared septic system and the revised plan does not affect the site plan submitted.
 7. Report dated March 22, 2002, from the Fire Chief recommending the 10 foot driveway access be widened to a minimum of 12 feet and to 16 feet where possible.
 8. Report dated March 18, 2002, from the Design Review Board recommending the housing units be made less visible from the public way by moving the construction site back from the road (creating a 75 foot front buffer) and turning the cluster sideways; and questioning what prevents the housing from being rented to the general public once the greenhouse business ceases to exist.
 9. Legal opinion, dated March 26, 2002, from Paul L. Kenny, Town Counsel, stating his opinion that the construction of housing for farm workers on the property in question is entitled to an exemption under the Sudbury Zoning Bylaw and M.G.L. c.40A §3. He further states site plan approval does not set a precedent regarding exempt uses under the law, as enforcement and interpretation of the Zoning Bylaw is vested in the Inspector of Buildings. He advised site plan approval could be conditioned to require removal of the buildings when no longer being used for agricultural purposes. Also, it was his understanding the proposed housing does not qualify as affordable housing as the units are not available for rent.
 10. Report dated March 22, 2002, from the Tax Collector stating that all real estate taxes have been paid on the property located at 40 Horse Pond Road.

The following was received from the applicant: Application for site plan approval, dated February 22, 2002, received February 27, 2002, with accompanying site plan entitled "PROPOSED SEWAGE DISPOSAL SYSTEM", Sheet 1, dated October 29, 2001, drawn by Sullivan, Connors & Associates, Land Surveying and Civil Engineering, 121 Boston Post Road, Sudbury, MA 01776, for Bartlett [Applicant] on Horse Pond Road, Sudbury, MA [Location].

Jody Kablack, Town Planner, briefly reviewed all reports received thus far from Town boards and commissions.

Mr. Robert Abrams, attorney for the applicant, stated they have been working closely with Town Counsel and other Town entities on this application, and noted this is the first minor site plan application filed under the newly revised Zoning Bylaw. He stated the site plan proposal consists of construction of three modular homes for agricultural employees, which is therefore exempt under M.G. L. Chapter 40A. The site plan is also a septic plan which has been approved by the Board of Health.

Mr. Abrams stated the property is approximately 100 feet north of Boston Post Road, on the easterly side of Horse Pond Road. As he spoke, he pointed out various areas on a drawing. He noted the Fire Chief requested widening of the driveway to allow sufficient room for fire equipment. The driveway is currently unpaved, and the applicant has received no objection from the Planning Board to allow it to remain so. Mr. Abrams stated the Town Engineer requested a stormwater basin be created at the end of the driveway at Horse Pond Road in order to control drainage. That matter will be worked out between the Town Engineer and the civil engineer on the project.

Mr. Abrams stated two of the three homes will contain one bedroom each, and the third home will contain two bedrooms. He stated the applicant will comply with a request for additional parking places off the driveway. He opined all issues raised in reports from Town boards and commissions have been addressed.

Brian Fortier, 111 Horse Pond Road, asked why the applicant wanted to build a trailer park in Sudbury, and expressed concern for property values in the area. He asked if the Board can change the zoning from residential to agricultural.

Chairman Drobinski responded that the Board cannot change zoning, but that certain uses of land qualify as exempt uses and are therefore not bound by the regular zoning. This is governed by State statute.

Mr. Abrams clarified the proposed homes are not trailers and will be built on foundations. He stated further the homes are modular units and will look like small ranch homes. He opined many expensive homes in Sudbury are actually modular homes. Mr. Abrams stated that, while State statute supercedes local law in these instances, the Board of Selectmen can exercise its authority under a Site Plan Review. He briefly explained exempt uses under the law.

Mr. Fortier asked for a definition of agricultural use. Mr. Frank DeLuna, Consulting Attorney, responded that agricultural use is defined by the State Legislature as the activity of growing and marketing either a horticultural or agricultural product and recognizes ancillary activities done in conjunction with the farming activities, which, in this case, is the provision of agricultural housing for farmers actively involved in the business.

Mr. Fortier asked if the housing would be for migrant workers during busy seasons. Mr. DeLuna stated the housing is for full-time employees such as farm managers who must be on site, who monitor temperatures in greenhouses and must be available to handle emergencies quickly.

Mr. Fortier asked where these people reside now. Mr. Abrams responded J. P. Bartlett Co., Inc. is a growing business and stated the applicant is attempting to provide adequate housing for employees as that growth occurs. Three acres of additional greenhouses have been added in the past two years. Mr. Abrams stated also that J.P. Bartlett does not employ migrant workers, but does employ contract labor during busy seasons. The proposed housing is not intended for seasonal or contract labor.

Mr. Fortier asked if there was any other place on the property this housing could be located. Mr. Abrams replied this particular space is the closest to the greenhouses. Area at the rear of the property would be more suitable for additional greenhouses.

Mr. Fortier asked how much of the property abuts Raytheon Company on Boston Post Road. Mr. Abrams stated none of the property abuts Raytheon, as the Stone Farm is between the two.

There was brief discussion regarding the Mead Trust, owner of the property, and J. P. Bartlett Co., Inc., the agricultural entity occupying and leasing the property. The agricultural exemption is assigned to the lessee, not the property owner.

Laura B. McCarthy, President, J. P. Bartlett Co. Inc., submitted an artistic rendering of what the homes would look like. Mr. Abrams reiterated that the homes look like small ranch homes.

Selectman Roopenian clarified for any abutters in attendance that the Board of Selectmen cannot deny the application, but can set some conditions to protect abutters, such as screening the homes from the road.

Linda Stone Cotter, 52 Horse Pond Road, stated she shares the driveway and has not agreed to widening the driveway. She stated the shared driveway was originally a right-of-way to the barn. She stated the area at the end of the drive on one side is generally so wet it cannot be planted. It has become much worse since the J. P. Bartlett Co., Inc. removed some trees. She stated her family has needed AAA to pull cars out of the mud many times.

Mr. Abrams stated the right-of-way is deeded to the Applicant. He stated further it was his belief the Fire Chief's recommendation for widening the drive was for the first 20 feet from Horse Pond Road, not the part going toward Ms. Cotter's property. He added the stormwater basin being requested by the Town Engineer should take care of the drainage [wetness] issue Ms. Cotter described.

Ms. Cotter expressed concern for additional traffic on Horse Pond Road, especially so close to Boston Post Road. Mr. Abrams responded the traffic impact should be minimal as it will not be families residing in the houses.

Ms. Cotter again stated the wetness in the land at the end of the drive became worse after the trees were taken out. She asked how trees could be removed before an approval was granted. Chairman Drobinski stated trees can be removed without approval from the Board of Selectmen.

Chairman Drobinski emphasized the neighbors will have to work out their separate issues regarding use of the shared portion of the driveway.

Responding to a question by Selectman O'Brien, Mr. Abrams opined the driveway could be moved a little bit, but added the applicant intends to screen the proposed housing from Horse Pond Road by use of plantings.

Chairman Drobinski asked what would happen to the homes if the agricultural exemption went away for some reason. Mr. Abrams replied the buildings could be used for offices, if not used for housing, as long as they were agricultural offices. If the agricultural use no longer exists, the Zoning Enforcement Officer can prohibit anyone from occupying the buildings by revoking the occupancy permits. Mr. Abrams stated Town Counsel concurs with this interpretation of the exemption.

Responding to a question by Selectman O'Brien, Mr. Abrams responded the buildings will be owned by J. P. Bartlett Co., Inc., and built on land owned by Mead Trust. Mr. Abrams stated the buildings will not be leased or rented to the occupants, that occupancy is a benefit of their employment.

Selectman O'Brien asked if the circular driveway would be widened to the 16 feet requested by the Fire Chief. Mr. Abrams stated some areas can only be widened to the minimum of 12 feet due to the proximity of the septic system. This minimum width is listed within the Fire Chief's recommendations. Mr. Abrams stated the circular driveway can be negotiated in a forward manner the entire way so that fire equipment does not have to back out.

Selectman O'Brien asked about discrepancies in building measurements on the site plan and on the building plans. Ms. McCarthy stated one set of dimensions is from the State's modular building code while the other is the actual building measurements. She stated the code requires the buildings to be a little larger than they had originally intended.

Selectman O'Brien posed the possibility of conditioning the approval with some provision for removal of the buildings, should the agricultural use go away in the future, thus restoring that portion of the land to its original state. Mr. Abrams reiterated the Zoning Enforcement Officer's ability to revoke the occupancy permit, but stated that frequently farm buildings go unused from time to time. He added, demolition or removal, however, would involve the "taking" of the property, something the Town generally does not do. Mr. Abrams stated the buildings cannot be leased, nor property subdivided. Chairman Drobinski suggested obtaining an opinion from Town Counsel on the matter, and stated a bond might be required to cover any removal costs.

Selectman Roopenian stated the occupancy of the buildings would go away if and when the agricultural use went away, but that the removal of the buildings would be the responsibility or right of the next owner. She opined a deed restriction might resolve the issue. Ms. McCarthy stated the term of the lease is indefinite.

Selectman Roopenian stated the major issues are use of the driveway and landscaping. If a separate driveway is constructed, area for screening will be lost. In addition, a second driveway presents a traffic issue of another entry onto Horse Pond Road, very close to the existing driveway. She opined the removal of the buildings is irrelevant at this time, as the business has every intention of growing and using the land for an indefinite period of time.

Selectman O'Brien opined that the Board does need to consider future situations by applying appropriate conditions.

Chairman Drobinski stated a legal opinion is necessary from Town Counsel regarding the possibility of the agricultural use no longer existing, outlining actions required by the Town (and by which agents) if such occurs. In addition, the issues of the shared driveway, water retention and screening need to be addressed, he said. Mr. Abrams reminded the Chairman the Town Engineer and the applicant's engineer will work on the water/wetness issue.

After discussion, it was on motion unanimously

VOTED: To continue this matter until Tuesday, April 9, 2002, at 7 p.m. in the library at Lincoln-Sudbury Regional High School, if 2002 Annual Town Meeting is still in session, or 7:30 p.m. at Town Hall, if the

2002 Annual Town Meeting has adjourned. Abutters are encouraged to contact the Selectmen's Office for meeting location.

SP02-363 – Proposed DPW Building – 275 Old Lancaster Road

Present: Maury Wolfe, DiMarinisi & Wolfe, Architect and Project Manager; Shirley Bender; Project Engineer; Peter Reed, Linn Associates; Architect and Project Manager; Katherine Schreiber, Schrieber Associates, Landscape Architect; Bruce Ey, Elaine Jones, Michael Melnick, Frank Schimmoller, Permanent Building Committee; Jody Kablack, Town Planner; I. William Place, Town Engineer/DPW Director; Art Richard, Wiring/Plumbing Inspector.

At 9:05 p.m. Chairman Drobinski convened a Public Hearing to consider Site Plan application #02-363 of the Town of Sudbury by its Permanent Building Committee, in accordance with Zoning Bylaw Art. IX.6000, Section 6300, to construct a new Department of Public Works (DPW) 28,373 sq. ft. facility to be used for municipal offices and garage for DPW vehicles, including new parking areas, driveway and landscaping, on property located at 275 Old Lancaster Road, owned by the Town of Sudbury, and zoned Residential "A1".

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on March 7 and 14, 2002. Abutters within 300 feet according to the Assessors were provided written notice by first class mail. Boards and officials were notified and requested to report to the Selectmen. The following reports have been received:

1. Report dated March 12, 2002, from the Acting Building Inspector, providing the following comments:
 - a) The proposed project conforms to the applicable requirements of Sudbury Zoning Bylaw Section 2600 (Dimensional Requirements), Section 3100 (Parking Standards), Section 2230 (Use Regulations) as an exempt use, and Section 3400 (Performance Standards), as well as requirements of the Architectural Access Board.
 - b) He suggests looking into improving the entry and exit traffic flow between Old Lancaster Road to the facility.

2. Report dated March 13, 2002, from the Town Engineer/Director of Public Works, commenting as follows:
 - a) The A-1 zoning district and Water Resource Protections District Zone III should be located on the plan.
 - b) Refuse disposal should be located on the plan.
 - c) As the parking lot cannot be seen by the public and for ease of snowplowing, he recommends that additional landscaping be provided around the perimeter of the site to act as a visual buffer to abutters, and the 1620 sq. ft. of landscaping in the parking area required by Section 3540 be waived.
 - d) A new sign should be placed at the entrance and at the access drive stating what departments are located in the new office building.
 - e) Drainage upgrades required at the DPW entrance to prevent contaminates from entering unnamed brook will be done by the Dept. of Public Works.

3. Report from the Town Planner to the Planning Board dated March 15, 2002, commenting as follows:
 - a) The only deviation from the Zoning Bylaw is the requirement to install landscaping in the parking area and she agrees with the DPW Director that transferring the landscaping either directly along the

- eastern edge of the parking lot or on top of the slope to the east of the building would provide a better screen for abutting properties.
- b) The Water Resource Protection District provisions are compliant with the proposed facility and no Special Permit is necessary.
 - c) The trash receptacle must be located on the site, not within 10 feet of any property line and screened from view.
 - d) Regarding the increase in traffic volume, 15-20 new employees will be driving to the site each day, approximately 30 visitors each day are estimated, and less than 2 evening meetings each week are anticipated.
 - e) The entrance to the facility should be striped to delineate 2 lanes of traffic (in and out) at the entrance.
 - f) Stormwater management concerns have been reviewed by the Conservation Commission. A detention basin will be constructed on the site to capture and treat runoff. An Operation and Maintenance Plan should be developed for the stormwater structures.
 - g) A public access area to Hop Brook is being developed on this site in conjunction with the Conservation Commission; if the trail system becomes large enough, this site might be appropriate for a trail head with parking.
4. Report dated March 21, 2002, from the Planning Board recommending approval subject to the following conditions:
- a) Additional screening, in the form of a berm and plantings, installed at the driveway turn-off to the office building to shield the garage facade of the building.
 - b) Directional signage inside the site installed to direct visitors to the office building and keep unauthorized vehicles out of the DPW area, with additional signage at the end of the parking lot prohibiting unauthorized vehicles from continuing into the DPW area.
 - c) Addressing the removal of the portable classrooms without expenditure of Town funds.
 - d) Beginning to address outstanding environmental issues.
5. Report from the Fire Chief dated March 22, 2002, stating the proposed building will be fully sprinklered and the fire hydrant on site is adequate for protection of the building, but also seeking assurance the additional fire hydrant now located at the driveway entrance off Old Lancaster Road will remain there; additionally, he supported the request to waive some of the landscaping in the parking lot.
6. Report dated March 20, 2002, from the Health Director recommending that the septic system be slightly enlarged to allow for 25 instead of 16 highway/garage employees, and advising the proposed design meets the requirements of Title 5.
7. Report dated March 12, 2002, from Deborah Kruskal, Permanent Landscape Committee, containing the following concerns and recommendations:
- a) The Committee recommended substitutions of more shade tolerant plant material for some of the plantings and provided some suggestions.
 - b) Mulch is recommended as a substitution for the formal lawn areas, with possible ground cover around the birches, for ease of maintenance and to keep them neater.
 - c) Japanese Holly is suggested as a less expensive substitute for Blue Holly and wider spacing would further reduce the cost.
 - d) Updated planting specifications for trees and shrubs were furnished.

8. Report dated March 14, 2002, from Chairman Frank Riepe, Design Review Board, stating the Board's disapproval of the architecture and asking for the opportunity to meet with the architect to develop a new building design.
9. Site Plan application #SP02-363, dated February 21, 2002, received February 26, 2002, included plans drawn by DiMarinisi & Wolfe, Architects, Cover Sheet dated February 21, 2002, plus 22 sheets dated February 2002 or February 6, 2002.

Jody Kablack, Town Planner, briefly reviewed reports received to date from Town boards and commissions.

Mr. Maury Wolfe, Architect, DiMarinisi & Wolfe, stated his firm had been hired in 1994 to develop a new design for a Department of Public Works building on Old Lancaster Road. Utilizing a drawing, he briefly described the project at that time, later approved at a Town Meeting. He stated the office component of the project has increased since then, in order to accommodate the needs of the several Town departments that will move to that location. The project is a split level design, with the office portion on higher ground than the garage portion. A new roadway will be built to provide access to the new office portion, separate access from that of the highway department vehicles. All truck traffic will remain on the lower level. The DPW garage will be a dark green color to minimize visual impact. He briefly reviewed the updated design drawing.

Mr. Wolfe distributed a memo, dated March 26, 2002, from his company, responding to questions and issues raised in the reports from Town boards and commissions, as follows:

"Board of Health - Letter of 3/20/02

The septic system for the new facility can be enlarged at a modest (\$2,000.00+/-) increase in the construction cost; however, use of the sanitary facilities in the new building by highway/garage employees will be minimal, certainly less than the 16 employees accounted for in the design, so the enlargement isn't required. What's the Town's preference?

Planning Board - Letter of 3/21/02

1. Additional screening in the form of a berm (hillock) and plantings can be placed at the driveway turn-off to the offices as long as safe traffic sightlines are maintained and the grading doesn't interfere with the new septic system. The additional plantings would be an increase in the construction cost.
2. Directional signage will be provided on site to direct traffic to the office building.
3. Relocation of the School Department trailers is required by the Conservation Commission's Order of Conditions.
4. Remediation of other environmental problems at the site is discussed in the Order of Conditions. Funding for work outside the scope of the DPW Building's construction budget, including additional environmental remediation at the site, is not part of the current project.

Fire Department - Letter of 3/22/02

No existing hydrant is being removed from the site. The design team will check the survey and site plan to make certain that all existing hydrants are shown.

Permanent Landscape Committee - Letter of 3/12/02

1. Landscape materials will be reviewed with the Committee.

2. The landscape design is intended to be relatively low maintenance and the DPW has the equipment and personnel needed to provide appropriate upkeep.
3. The cost for each of the 42 smaller blue holly plants (not installed) is \$16.00; the cost of the two larger blue holly plants is approximately \$50.00. The total estimated installed cost of the shrubs, perennials and groundcover plantings is \$5,932.00. of which \$2,796.00 is the installed cost of the blue holly plantings.
4. The specifications for planting the trees and shrubs are standard for a construction project; however, they can be reviewed with the Committee.

Building & Inspections Department - Letter of 3/12/02

Improvements to the entry and exit traffic flow from Old Lancaster Road are currently outside the scope of the new DPW Building project; however, as work ancillary to the project, the DPW will be improving roadway drainage at the site entry and modifying the entry signage.

Design Review Board - Letter of 3/14/02

The site design of the new DPW Building has been done to minimize the building's visual effect on its residential neighbors; specifically, the Garage is set into the site's slope and the Offices and adjacent parking lot are below the crest of the existing wooded hill. The cut and fill has already been substantially completed. The two Building components each have their own identity, but are joined visually by a masonry plinth. The Garage is an industrial shed and the Offices are in a single story office building. The design has been done to provide an efficient use of space in a durable facility at a minimum cost."

Thomas Yarnall, 7 Wildwood Lane, stated he had the impression from previous meetings that the administration building would be two stories high instead of the one depicted now. He asked why there are two different levels and expressed concern that both levels would be visible to the abutters. Mr. Wolfe responded they wanted to keep the trucks separate from the office visitors and staff. He stated the property has an existing slope, which provides excellent drainage. Vegetative screening and berms will minimize the visual impact on the part of the abutters. He stated a berm is typically 5-6 feet in height with trees planted on top.

John Forino, 15 Pine Ridge Road, expressed concern that the top of the building was at least 15 feet above the crest of the hill and therefore visible to abutters. Mr. Wolfe replied balloon tests were conducted, and visibility depended on where one stood within the residential area. He stated plantings along the perimeter will minimize some of that.

Another abutter asked about the elevations and opined it would take a great deal of plantings to provide coverage. Mr. Wolfe responded elevations would range between 11 to 23 feet above the slope, more so on the Pine Ridge side.

Greg Bochicchio, 22 Pine Ridge Road, asked about the elevation of the existing building. Mr. Wolfe stated it was 173 ft. Mr. Bochicchio stated anyone standing at the end of Pine Ridge Road can see the existing building now. Mr. Wolfe emphasized one needs to assess the view from the perimeter of the property to replicate what abutters might see from their homes. Chairman Drobinski reminded abutters that if this property were developed for a subdivision, they would be looking into backyards as the setbacks would be significantly decreased. He stated the Board will consider all issues in making their decision.

Selectman Roopenian stated visibility will change during different seasons when trees are leafed out and when trees are bare. Balloon tests were conducted during the fall.

Mr. Yarnall wanted to know if plantings could be planted on the other side of the road to the north, along the brook, to help in noise abatement. Chairman Drobinski responded that area falls into the jurisdiction of the Conservation Commission due to the wetlands.

Bruce Ey, Permanent Building Committee, stated they worked with the Conservation Commission to write an Order of Conditions that would allow some flexibility to plant some screening in that area. Mr. Ey stated the Permanent Building Committee also considered fencing to block the view, but noted there are trails presently used by residents and fencing would be inappropriate. He stated trees of a 5-6 ft. height will be used for planting at this time.

Addressing the issue of noise, Mr. Wolfe responded most trucks will be started inside the garage, which should decrease some of the noise.

Joseph Arayas, 16 Pine Ridge Road, wanted to know about lighting. He stated that since the trees were removed, it is very open and light shines very far. Mr. Wolfe stated all lighting will be diverted down toward the pavement, with stanchions approximately 75 feet apart along the access drive. Lighting will conform to zoning bylaw requirements. While all existing lighting is on the building, there will be a minimal amount on the new building. Mr. Wolfe stated most of the truck traffic will be during the daytime hours, except in emergencies, and therefore, only a minimal amount of lighting will be necessary. Mr. Reyes stated police cruisers are in and out of the area at all hours, filling up at the gasoline pumps. Mr. Wolfe submitted a catalog with a photo of the proposed lighting fixture.

Selectman Roopenian asked if the school trailers have been removed. Town Manager Valente stated there has been no resolution yet, but another location is being sought.

Selectman O'Brien asked if the parking lot is presently illuminated all night. Town Manager Valente stated it is around the gasoline pumps. Mr. Wolfe stated the pumps will not be moved, but noted they will be between the existing and new buildings which will shield some of that activity.

Mr. O'Brien asked about shorter light stands. Mr. Wolfe stated they do not work in parking area perimeters as vehicles can block the lights.

Selectman O'Brien asked Mr. Ey if the Order of Conditions specified the school sheds be removed. Mr. Ey responded it does. Mr. O'Brien asked how the project can proceed without resolution of that issue. Mr. Wolfe stated that the entire building can be built without interfering with the area the sheds occupy. It merely gives the contractor a little less room in which to maneuver. Mr. Ey opined the occupancy permit could be withheld if the sheds are not removed in compliance with the Order of Conditions.

Chairman Drobinski asked the abutters if they like the piece of old equipment currently used as decoration at the entrance to the property. There was agreement through the audience. William Place, DPW Director, stated he intends to keep it, if possible. One abutter stated the traffic island becomes enmeshed in weeds during the summer.

Patricia Forino, 15 Pine Ridge Road, asked why lighting is such a concern at nighttime when most activity is during the day. She opined the smaller lights would be adequate for perimeter lighting. Town Manager Valente stated daytime employees leaving work at 5 p.m. will go to a dark parking lot during daylight savings time in the fall, and their safety must be addressed.

Selectman Roopenian suggested the architect take a look at the lighting along Main Street of Wellesley as they are about 4 ft. in height and throw a great deal of light.

After discussion, it was agreed to direct the Town Manager to work with Town Counsel on a Draft Decision, incorporating comments from the abutters with regard to screening, and as construction proceeds, the Town consider alternate lighting options.

It was on motion unanimously

VOTED: To direct the Town Manager to draft a Decision, incorporating concerns of the abutters with regard to screening, and to continue this matter until Tuesday, April 9, 2002, at 7 p.m. in the library of the Lincoln-Sudbury Regional High School if 2002 Annual Town Meeting is still in session, or to 8:30 p.m. at Town Hall if 2002 Annual Town Meeting has adjourned.

Thai Avenue Restaurant – New Owner

Present: Jitrada Banthoulivong, President, and Bounthavy Banthoulivong, Treasurer, Lemon of Siam, Inc.

The Board reviewed the following information: (1) Application for a Common Victualler license, dated March 6, 2002, from Jitrada Banthoulivong, President, Lemon of Siam, Inc., new owner of Thai Avenue restaurant; (2) Report, dated March 21, 2002, from the Health Director stating the transfer of the Food Establishment permit is acceptable subject to submittal of permit application and food service inspection by Board of Health at time of transfer. Any changes in facility would need Board of Health approval. (3) Verbal report, received March 20, 2002, from the Fire Chief, stating he has no issue with Thai Avenue and their change of owner, and (4) Report, received March 21, 2002, from the Acting Building Inspector, stating he has no issues with the change in ownership of Thai Avenue, provided there are no other changes to the premises.

Town Manager Valente stated this is an established restaurant, but as licenses are issued by owner, new owners need to obtain their own license. They are not applying for any other licenses at this time.

Jitrada Banthoulivong, President, Lemon of Siam, Inc., stated there will be no changes to the facility or menu.

Town Manager Valente briefly reviewed reports received from Town boards. She stated all taxes have been paid.

It was on motion unanimously

VOTED: To grant a Common Victualler License to Jitrada Banthoulivong, President, Lemon of Siam, Inc., d/b/a Thai Avenue restaurant, 621A Boston Post Road.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of March 11, 2002, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$115.50 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.

Board of Appeals – Resignation and Appointment

It was on motion unanimously

VOTED: To accept the resignation of Gilbert P. Wright, Jr., dated March 3, 2002, from the Board of Appeals and to send a letter of appreciation to him for his service to the Town.

It was further on motion unanimously

VOTED: To appoint Associate member Jonathan G. Gossels to the full Board of Appeals, to fill Mr. Wright's vacancy, for a term to expire April 30, 2004, as requested by said Board in a communication dated March 19, 2002.

The Sudbury Foundation – Repayment of Grant Funds

It was on motion unanimously

VOTED: To authorize the payment of \$7,720 to The Sudbury Foundation from the Wood-Davison House Restoration Fund, to accomplish the return of unspent grant funds received from the Foundation, in accordance with the Foundation's request.

Board of Selectmen Meeting – April 9, 2002

It was agreed earlier this evening to schedule a Board of Selectmen meeting for Tuesday, April 9, 2002, to accommodate scheduling for continued site plan hearings at 7 p.m. at Town Hall or alternatively at the library at Lincoln-Sudbury Regional High School if Town Meeting continues that evening. Hearings for the proposed DPW Facility, Lincoln-Sudbury Regional High School, and Mead-Bartlett agricultural housing will be considered. Discussion followed.

Conservation Commission – Street Acceptances Update

The Board reviewed a report, dated March 21, 2002, from the Conservation Coordinator, listing the status of outstanding issues and recommendations from the Conservation Commission for the Street Acceptance Warrant Article at the 2002 Annual Town Meeting. Town Manager Valente reviewed her meeting with the Conservation Coordinator, Town Planner and Town Engineer concerning what outstanding issues may still exist. The Board unanimously agreed to move acceptance of all proposed streets at the Annual Town Meeting.

State of the Town Address

Selectman Roopenian stated the letter to the editor was sent out. She stated she drafted the Address, basically listing positive points and goals for the future of the Town. She opined a PowerPoint presentation is being prepared by Mark Thompson and suggested contacting him to get on the same track. Town Manager Valente suggested putting a positive spin on the Address to counteract mention of the September 11 tragedy. Selectman O'Brien suggested making a point of stating that previous successes such as enacting the SRC bylaw has resulted in the Frost Farm housing project. The Board will collaborate in finalizing the address.

Walkway Account Donation – Oakwood Construction

It was on motion unanimously

VOTED: To accept a gift in the amount of \$6,625.00 on behalf of Oakwood Construction to be deposited into the town-wide Walkway account.

Sudbury Earth Week Proclamation

It was on motion unanimously

VOTED: To proclaim April 28 to May 4 as Sudbury Earth Week and to declare Saturday, May 4, as Annual Spring Cleanup Day.

Wastewater Study Funding

Town Manager Valente briefly updated the Board on the matter of funding for the Wastewater Study. She suggested issuing a bond authorization but not make it contingent upon a Proposition 2 ½ override. If the matter is successful at 2002 Annual Town Meeting, the debt exclusion question could be placed on a November ballot or the 2003 Annual Town Election to avoid holding a special election.

There being no further business, the meeting adjourned at 11:03 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk