

IN BOARD OF SELECTMEN  
MONDAY, MAY 6, 2002

Present: Chairman Lawrence W. O'Brien, Kirsten D. Roopenian and John C. Drobinski, 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 O'Brien thanked all residents who participated in the Town-wide cleanup on Saturday, May 4. He stated over 150 people took part, including Sudbury's newspaper correspondent, Matt Fisher, who wanted to experience the clean-up in order to better write the article.

Mr. O'Brien briefly listed streets that will be undergoing resurfacing during the coming months. For more information, residents should contact the Department of Public Works.

Chairman O'Brien noted that vacancies exist on a variety of Town boards and commissions, including the Zoning Board of Appeals, Community Preservation Committee, Commission on Disability, Earth Removal Board, Economic Development Committee, Historic Districts Commission, Fair Housing Committee, Memorial Day Committee, Town Report Committee and Committee for the Preservation and Management of Town Documents. Mr. O'Brien encouraged interested persons to refer to the Town website or contact the Selectmen's Office for more information.

**Clerk Pro Tem**

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Wayne Walker as Clerk Pro Tem for tonight's meeting until Town Manager Maureen Valente arrives.

**Retention of Employee on Health Plan**

Assistant Town Manager Wayne Walker briefly stated that Police Dispatcher John Mitchell, Jr., was called to duty with the Air National Guard after the September 11 events. While technically a permanent full-time employee, Officer Mitchell is working part time with the Sudbury Police Department as his schedule allows. Mr. Walker requested the Board's favorable action in this matter.

It was on motion unanimously

VOTED: To retain John Mitchell, Jr., Police Dispatcher, on Town group health insurance at the employee rate while serving as a reservist on active duty in the Massachusetts Air National Guard.

**Recreation Programs Revolving Fund – Increase Spending Limits**

Assistant Town Manager Wayne Walker stated when the Recreation Programs Revolving Fund was created last year, it was done so with incomplete information as to what expenditures could ultimately be, and the suggested spending authorization amount of \$150,000 was deficient. Actual expenditure data for FY02 program indicates a more appropriate spending amount of \$225,000. He reported the Finance Committee unanimously voted to increase the authorization at their meeting on April 30, 2002. Finally, he stated this increase poses no additional cost incurred by the Town.

It was on motion unanimously

VOTED: To approve, in accordance with M.G.L. Chapter 44, Section 53 ½, an increase in the authorized expenditure limit for the Recreation Programs Revolving Fund for FY2002, from \$150,000 to the maximum amount of \$225,000.

**Overhead Utility Waiver – 224 Concord Road**

The Board met to consider a request, dated April 9, 2002, from Richard C. Rodman, for special permission, in accordance with Sudbury Bylaws Article XX.3.E, to install overhead utility wires from Pole #51 across the street to a new pole on private property to service a new home being built at 224 Concord Road. Applicant withdrew request prior to meeting.

**Minutes**

It was on motion unanimously

VOTED: To approve the minutes of April 22, 2002, as drafted.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$86.25 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.

**Council on Aging – Grant from Executive Office of Elder Affairs**

It was on motion unanimously

VOTED: To accept a Formula Grant for the Council on Aging in the amount of \$11,225, effective July 1, 2002, from the Executive Office of Elder Affairs.

**Early Childhood and Bus Revolving Funds**

It was on motion unanimously

VOTED: Responding to a request, dated April 29, 2002, from Sudbury Schools Superintendent William J. Hurley, to approve, in accordance with M.G.L. Chapter 44, Section 53E ½, an increase in the FY2003 authorized expenditure limits for the Early Childhood Revolving Fund from \$40,000 to the maximum amount of \$100,000, and for the Bus Revolving Fund from \$125,000 to the maximum amount of \$300,000.

**Site Plan #02-364 – Mead Trust/J. P. Bartlett Co., Inc.**

Present: Laura B. McCarthy, President, J. P. Bartlett Co., Inc. and Trustee, Mead Trust; Robert Abrams, Attorney; Jody Kablack, Town Planner.

At 8:00 p.m. Chairman O'Brien reconvened a Public Hearing for the purpose of continued consideration of Site Plan Application #02-364 of Mead Trust – J. P. Bartlett Co., Inc., 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. This matter was previously heard on March 26 and April 9, 2002.

The Board reviewed a Draft Decision prepared by Town Staff, incorporating all action thus far in this matter.

Assistant Town Manager Walker stated Town Counsel prepared some language addressing the concern that the Building and Occupancy Permits carry the condition of these buildings being removed after they are no longer being used for agricultural purposes. He stated this language can be incorporated into the Board's vote, or contained in a separate vote.

The Board, applicant, and interested parties discussed various points and conditions of the Decision, and agreed upon the following changes:

Item 6 – Selectmen Roopenian expressed concern that the Board should have approval of the exterior materials of the homes. The applicant stated a sample of the siding can be obtained from the manufacturer. After discussion it was agreed to **change the word “approval” to “review” and insert the words “or agent” following “Board of Selectmen”**.

Item 16 – This condition is further expanded in the language prepared by Town Counsel.

Item 20 – Mr. Abrams requested the words **“recorded by the Applicant” be deleted** as that condition applies to a full Site Plan review, not a minor one such as this. Town Counsel has approved this revision. The Board agreed.

It was on motion unanimously

VOTED: To close the Public Hearing on this matter.

Based on a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To approve Site Plan Application No. 02-364 of Mead Trust - J. P. Bartlett Co., Inc., to construct three modular homes and associated driveways to be used for agricultural housing by J. P. Bartlett Co., Inc., on property located at 40 Horse Pond Road, owned by Mead Trust, as shown on a plan entitled, "PROPOSED SEWAGE DISPOSAL SYSTEM", Sheet 1, revised on March 30, 2002, and April 2, 2002, 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]", subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Approval of the drainage system to include the addition of a detention basin to retain surface water runoff located between the gravel driveway and Horse Pond Road, to be constructed to the specifications of the Town Engineer, and traps, catch basins, and periodic maintenance as required by the Town Engineer.

2. Placement of all utilities underground.
3. Extension of Sudbury Water District lines to the site by the owner; no wells for drinking water supply to be installed on the site.
4. The grant of an earth removal permit by the Earth Removal Board, if applicable.
5. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder.
6. Review by the Board of Selectmen or their designee of the exterior materials and finish of the modular homes.
7. Installation of landscape buffers to provide screening of the proposed project for the neighbor to the north (Cotter) and along the front of the lot to screen the proposed project from the public way, the buffer areas to be planted with transplanted white pine or similar screening vegetation and permanently maintained.
8. Exterior lighting to be directed away from adjacent residences and have shields.
9. No use of salt or chemical de-icers on site.
10. The existing common driveway shall be utilized and its width expanded to a minimum of 12 feet and stabilized with the addition of crushed stone from Horse Pond Road to the proposed new interior driveway. The "Alternate Driveway" location shall not be constructed.
11. The plan shall provide a total of six parking spaces.
12. All structures shall conform to the Dimensional Requirements of Section 2600 of the Zoning Bylaw.
13. The Performance Standards of Section 3400 of the Zoning Bylaw shall be complied with.
14. This property is within Zone II of the Water Resource Protection District. There shall be no increase in the amount of impervious surface above 15% of the total lot area without the issuance of a special permit by the Planning Board.
15. Further development of this parcel, with the exception of permitted accessory structures meeting all requirements of the Zoning Bylaw, shall require the approval of the Board of Selectmen.
16. All structures approved herein and any accessory structures shall be removed when no longer used for agricultural purposes.
17. Occupancy and/or use of the structures approved pursuant to this decision shall be by employees or owners of JP Bartlett Greenhouses, or other entity associated with this business. Applicant acknowledges that other occupancy and/or use is prohibited.

18. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen.
19. Applicant has offered to pursue, with the assistance of the Town Planner, certification of these units as Local Initiative Units under 760 CMR 45.00 for that time period the units are used for agricultural housing, provided such certification does not conflict with the removal of the units when no longer used for agricultural purposes.
20. No building permit shall be issued until an approved plan has been signed by the Board of Selectmen and certain items noted above (1, 6, and 11) as specified by the Board, are complied with.
21. No occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 7, 8, 10, and 18) as specified by the Board, are complied with.
22. This approval shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said approval.

And it was further on motion unanimously

VOTED: To instruct the Building Inspector to include on any Building Permit and Occupancy Permit issued for property at 40 Horse Pond Road related to Site Plan Application No. SP02-364 the condition that: "All structures approved herein and any accessory structures shall be removed when no longer used for agricultural purposes."

#### **Annual Bike Ride for ALS – May 19, 2002**

Present: Stephen G. Austin, Director of Operations, ALS Ride 2002.

The Board reviewed (1) Letter, dated April 30, 2002, from Stephen G. Austin, Director of Operations, A.L.S. Ride 2002, requesting permission for the "Positive Spin" A.L.S. Ride to go through Sudbury on Sunday, May 19, 2002, and describing the proposed routes; and (2) Report from the Police Department, noting that as long as the promoters have complied with requested police coverage at both recommended locations, the Police Department does not see a problem with this event.

Mr. Stephen Austin stated this event is now a combined ride, joining with the Positive Spin folks, who will assist in promoting it. He stated they learned many things from last year's event, including many safety aspects, which will be implemented this year. For example, the riders will be "corralled" in order to safely release groups of 20 cyclists, slight changes to routes and having a check-in procedure at the end of the event to make certain all riders have safely finished the circuit.

Mr. Austin stated \$40,000 was raised last year, and opined this year's revenue could be \$150,000. He estimated 500 cyclists split among the four different rides.

Selectman Roopenian expressed concern that cyclists and motorists alike pay close attention to each other when in close proximity, especially on roads that are fairly narrow.

Chairman O'Brien suggested the promoters pay heed to the times when area church services dismiss that day, as vehicular traffic will significantly increase for a brief period of time.

It was on motion unanimously

VOTED: To grant permission for the "Positive Spin" Annual A.L.S. Ride through Sudbury on Sunday, May 19, 2002, from 7:00 a.m. through 4:00 p.m., in accordance with a request dated April 30, 2002, from Stephen G. Austin, Director of Operations, subject to requirements of the Sudbury Police Department, including police details.

**Site Plan #02-356 – Foreign Motors West**

Present: Frederick Tierney, Foreign Motors West, Applicant; Myron Fox, Attorney, Joshua Fox, Attorney, Rollins, Rollins and Fox; Bruce Ey, Civil Engineer, Schofield Brothers of New England; Al Hopwood, Manager, Foreign Motors West; Jody Kablack, Town Planner.

At 8:35 p.m. Chairman Lawrence O'Brien convened a Public Hearing for the purpose of considering application of Foreign Motors West for 1) approval of Site Plan Application #02-365, in accordance with Sudbury Zoning Bylaw Section 6300, entailing building renovation, additional parking and vehicle storage areas and associated landscaping, and septic and stormwater management changes; 2) a Special Permit to reduce the 25-foot landscape buffer requirement to 15.6 feet at the southwest corner of the rear parking lot, in accordance with Zoning Bylaw Sections 3543 and 3544; and 3) a Class I License for the Sale of New and Used Motor Vehicles; in conjunction with a proposal to install a Land Rover dealership on property located at 83 Boston Post Road, Sudbury/Wayland, owned by Arber Realty Trust (Evergreen Realty Trust) and including property at 103 Boston Post Road, owned by M. Claire McManus Trust No. 2, zoned Industrial.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on April 11 and 18, 2002. 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 Board is in receipt of the following:

1. Site Plan application dated March 4, 2002, received March 5, 2002, enclosing site plan sheets 1-6, elevation drawings (2 sheets) and floor plan (1 sheet), all dated February 28, 2002, and "Stormwater Runoff and Drainage Design for Proposed Foreign Motors West", dated March 1, 2002, by Schofield Brothers.
2. Under cover letter dated March 14, 2002, from Schofield Brothers, revised site plan drawings replacing the submission of March 5, as follows:  
Site Plan entitled, "Proposed Site Plan for Foreign Motors West at 83 Boston Post Road Sudbury, Massachusetts", dated February 28, 2002, revised March 12, 2002 (Sheets SP-1 through 7); Landscape Plan, dated March 12, 2002 (Sheet LP-1); Site Lighting Plan, dated March 12, 2002 (Sheet SL-1); all drawn by Schofield Brothers of New England, Inc.; and Architectural Floor Plan Layout (Sheet A1-1) and Architectural Building Elevations (Sheets A3-1&2), drawn by Channel Building Company.  
Also included was a traffic impact analysis dated March 11, 2002, by Conley Associates.
3. Revised site plan drawings, Site Lighting Plan, dated May 3, 2002 (Sheet SL-1), and Detailed Plan of Corner, dated May 6, 2002 (Sheet MC-1). [Submitted this evening by applicant.]
4. Application for a Class 1 License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof received April 1, 2002, for Foreign Motors West, Inc., to be exercised at 83/103 Boston Post Road, Sudbury, and 533/535 Boston Post Road, Wayland.

5. Report from Acting Building Inspector James F. Kelly, dated March 20, 2002, commenting:
  - a) The applicant will require relief from the Board of Appeals under Sudbury Zoning Bylaw Sections 2200 (for use of motor vehicle sales, motor vehicle general repairs and body repairs), 2420 (extension and enlargement of a nonconforming building), and Section 3144 (parking at the front);
  - b) The site plan conforms to Section 2600, Appendix B, Table of Dimensional Requirements. Only the side setback of 24 feet is nonconforming. (There is an error on the Site Layout Plan Page SP-2 - the front yard setback should be 20 feet minimum, not 50 feet.)
  - c) 118 parking spaces seem excessive. Is there a need for 31 spaces for the "retail" portion? Would this not be incorporated in the number provided for each service bay?
  - d) Questioning whether signs will conform to the Zoning Bylaw or require a Special Permit from the Board of Appeals.
  - e) Questioning the lack of dumpster location and how it would be screened.
  - f) Landscaping does not comply with Zoning Bylaw Section 3550; street trees are required at least every 40 feet along the front, so that a total of 14 trees are needed, instead of the 9 shown.
  
6. Report from the Town Engineer/Director of Public Works, dated March 21, 2002, providing the following information and comments:
  - a) The (elev. 123 MGVD) flood plain elevation along the Sudbury River did not change as a result of the 1998 restudy by FEMA; the referenced flood plain maps are dated November 20, 1998.
  - b) Signature blocks for Selectmen, Building Inspector and Town Engineer need to be included on all plans.
  - c) The plan is unclear whether the catch basin on the westerly side of the main entrance is connected to the 18" cmp. This should be verified and corrected accordingly.
  - d) Authorization to excavate over the gas easement will be required by Tenneco.
  - e) The applicant should be required to provide a walkway along the entire length of frontage.
  - f) Area for refuse disposal should be shown.
  - g) The one-way interior driveway should be changed from a width of 10 feet to 14 feet.
  
7. Report from the Town Planner to the Planning Board, dated April 9, 2002, describing the proposal and noting:
  - a) The site needs to be reviewed as a whole (Sudbury and Wayland areas together) and there needs to be full disclosure of the proposed plans for both Wayland and Sudbury areas, for example, the question of signs.
  - b) It should be investigated whether cars will be washed on site, and whether the car washing facility across the street planned to be used would have the necessary capacity to do so.
  - c) There should be a limit on the number of cars allowed to be stored on the premises for sale.
  - d) An exception to the parking requirement should be discussed in order to increase landscaping in the parking lot. She recommended certain changes at the northeastern corner of the parking lot near the entrance to the site.
  - e) The site also needs to be reviewed in context with neighboring businesses relative to signage and landscaping.
  - f) The applicant should demonstrate how it is meeting Zoning Bylaw Section 3541 concerning landscaping within the parking areas.
  - g) To address the visibility of the vehicle storage area, it is recommended that the grade be depressed more toward Route 20, a berm installed, and the back two tiers be constructed at a lower grade than the existing grade, with the proposed fence and landscaping along the rear property line screening the highway facility from Route 20.
  - h) To address the concern of the Wayland Conservation Commission that the stormwater management system proposed for the vehicle storage area does not include any pre-treatment, the applicant is encouraged to look into the installation of stormceptor units or other similar structures which both capture and treat runoff.

- i) Another suggestion is the possibility of tying into the Hatch and Son improved drainage system.
  - j) Signage plans drawn to scale should be included with the site plan application.
  - k) The applicant should demonstrate turning radius for large truck maneuverability on site.
  - l) It is recommended that the existing and proposed impervious surface amounts and percentages be added to the Plan.
  - m) No building permits should be issued from either town until all required permits from both towns have been received.
  - n) The Selectmen's Site Plan approval should reference and incorporate all the conditions imposed by the Board of Appeals for the special permits issued for this application.
8. Report from the Planning Board, dated May 2, 2002, recommending approval subject to the following:
- a) All signage, including the freestanding sign in Wayland, be subject to the review and approval of the Town of Sudbury.
  - b) Approval shall be subject to a maximum number of cars that can be stored on-site for sale. The applicant states that 49 spaces are provided for vehicle storage, plus 5 showroom spaces. It is recommended that no more than 60 cars be stored on-site for sale.
  - c) Removal of 2-3 parking spaces on the northeastern corner of the site, and the development of a detailed plan for this area showing proposed signage, landscaping, curbing, lighting, etc. for review and approval of the Town of Sudbury.
  - d) Existing and proposed impervious surface amounts and percentages shall be added to the Plan.
  - e) No building permits issued until all required permits from both towns have been received.
  - f) Incorporation of the Board of Appeals conditions into the Site Plan approval.
  - g) Continuation of discussions regarding upgrades to the car wash across Route 20 if that facility is to be used by Foreign Motors West.
9. Report from the Conservation Coordinator, dated May 2, 2002, summarizing the outstanding issues to be addressed resulting from the Commission's joint hearing with Wayland:
- a) Foreign Motors is planning on the use of the Car Wash across the street for an additional 20+ cars per day. The Commission wants to see upgrades to the Car Wash operation if the number of cars will be substantially doubled. Foreign Motors has agreed to investigate this request.
  - b) Foreign Motors has been asked to discuss the existing Route 20 drainage pipe and outlet with Mass Highway Dept. No easement is in place on the Foreign Motors site. The Conservation Commission suggested that a drainage upgrade could be done by the State before Foreign Motors repaves the lot. Foreign Motors is willing to give the State a drainage easement.
  - c) A detailed planting plan for the detention area is needed.
  - d) The applicant has agreed to upgrades of the Route 20 catch basins (with Mass Highway approval) along the frontage of the site. Grease/gas traps with deep sumps will be installed.
  - e) The 7.7-acre parcel will be offered to Wayland or placed under a perpetuity conservation restriction.
10. Report from the Health Director, dated March 21, 2002, stating the proposed septic system design is more than adequate for the proposed facility.
11. Report from the Fire Chief, dated April 11, 2002, commenting:
- a) The building is fully sprinklered and connected via Master Box to the Fire Dept. The applicant must continue this practice.
  - b) The Fire Dept. requests the applicant install a Knox Box for building access after hours by the Fire Dept. per Bylaw Article V, Section 2.C.
  - c) A license or permit will be required for fuel storage in vehicles stored within the building.



d) The site appears to have adequate maneuverability for emergency vehicles provided parking is kept as proposed. The Fire Chief reserves the right to designate Fire Lanes as provided in the Town Bylaws if he deems necessary in the future.

12. Comments on plantings from Deborah Kruskal, Design Review Board Member, dated April 24, 2002, suggesting changes for certain plantings.

13. Report from the Design Review Board, dated April 29, 2002, stating the Board approved the architectural design with the exception of requesting the addition of a feature strip between the upper and lower tiers of windows.

14. Report, dated April 19, 2002, from the Tax Collector's Office advising there are no outstanding taxes owed by Arber Realty Trust and Claire McManus, Trustee.

15. Letter from the Board of Appeals, dated March 27, 2002, enclosing their Board's Decision in the grant of five Special Permits for the Foreign Motors West project with thirteen accompanying conditions, and asking the Board of Selectmen to address in its site plan decision the issue of aesthetics/screening of the vehicle storage area on the McManus property and offering a detailed proposal for doing so.

Jody Kablack, Town Planner, briefly reviewed reports received from the applicant, Town boards and commissions.

Myron Fox, attorney for the applicant, briefly described the expansion project. He stated a Land Rover MetroWest dealership in Natick will move into this facility when the renovations are complete. The building currently houses Havencraft, a business that sells and repairs new and used sailboats.

Mr. Fox stated the site contains three parcels, and pointed each out on a drawing. A Conservation Restriction will be issued on the wetlands portion, the bulk of which is in Wayland. He noted that two-thirds of the Havencraft building is in Wayland. He described surrounding businesses and entities including Siam Garden, Hatch Motors [Mercedes], car wash, Longfellow Health Club, hardware store, Papa Gino's and a Mass Highway Department facility utilized for sanding operations.

Mr. Fox expressed appreciation for the joint, cooperative review of both Towns, noting that joint staff review has occurred, as well as a joint Sudbury/Wayland Conservation Commission hearing. He noted such a cohesive relationship has made the site plan review process much smoother. Mr. Fox also stated that, since the overwhelming majority of the building is in Sudbury, Wayland's jurisdiction is minimal and they are deferring to Sudbury. However, the parking lot is almost entirely in Wayland and must therefore meet Wayland's requirements and not Sudbury's.

Mr. Fox stated landscaping at the front of the site has been of great concern to many as it needs to enhance the site, yet be appropriate for screening some portions. There was particular concern about too much landscaping causing traffic problems, not allowing motorists to see the dealership until they are practically upon it, and then slowing suddenly to take a look. He stated there is enough maneuverability within the site for a truck carrying vehicles to pull off Route 20 entirely to unload vehicles. This was a major concern for many, as that stretch of road is not wide enough to accommodate a wide trailer and adequate space for motorists.

Mr. Bruce Ey, Civil Engineer, Schofield Brothers of New England, stated the entire parcel is 10.5 acres, but the project will be developed on only 3.5 acres. Much of the rest of the parcel is in wetlands. He

stated the existing building is in a state of disrepair, and has been expanded several times. They intend to also move the septic system as well as increase and improve parking areas. He opined a pond to have been on the property at one time, as drainage lines seem to lead there.

Mr. Ey stated the entire drainage system will be revised. This section of Route 20 drains into four catch basins and discharges on the Hatch and Sons property. The parking lot will be completely rebuilt and stormwater management design employed at the same time. Surface water runoff from the site will be collected and handled with a water quality inlet. After going through a series of baffles, the water will exit into a swale and a combination retention/detention basin, overflowing into the wetlands at the rear of the site.

Responding to Chairman O'Brien's question about the Route 20 catch basins, Mr. Ey stated he has been in contact with Mass Highway Dept. several times. He noted the catch basins are quite old and that Mass. Highway prefers that grease and oil traps not be installed as they are difficult to service. He opined replacing the catch basins would create significant traffic disruption and would require going into the roadway for installation. The project does not have any other need to go into the roadway. The new drainage system will be designed to handle a 100-year storm on-site. The applicant is not proposing any changes to the Route 20 drainage system.

Utilizing a landscaping plan, Mr. Ey stated there is a fair amount of wooded area, which will help to shield the Mass. Highway facility to the back and side of the site. The applicant needs the space in front of the Mass. Highway facility for new vehicle storage, beginning at 20 feet from the property line. The runoff from this storage area has been incorporated into the new drainage system. The septic system will be moved to a spot under the access to the new vehicle storage area. Although they have an easement to access the Siam Garden site, they do not intend to use it for access/exit. The entrance to the site will remain where it presently is.

Chairman O'Brien commented that car carriers have had difficulty with this site in the past, notably the crest of the hill. Mr. Ey stated the proposed project will make it easier for car carriers to enter and exit the facility, without parking on Route 20.

Mr. Ey stated all the overhead doors to the building are in the back, allowing entrance to 22 service bays. Drainage from the service bays will be processed into a 2000-gallon tight tank. He opined the tank would need emptying twice a year. The tank will be monitored with an alarm system which will indicate when it is two-thirds full.

Mr. Ey stated the demonstration course had initially been near the new vehicle storage area, but the Town Planner suggested utilizing the natural contours of the site, and placing the course around the side of the building. He briefly described the new storage area, which will be a terrace-type design, featuring vehicles on a 25-degree slope. Using elevation maps, he illustrated the slope of the new vehicle storage area. He stated a fence will be placed along the property line between the site and Siam Garden, also shielding view of the Mass. Highway facility.

Mr. Ey stressed that landscaping could be employed to fully screen new vehicles from view, but emphasized that this is an automobile business, and some vehicles should be visible from Route 20. There will not be a full parking lot of available vehicles, visible in the front of the parcel, only one row of vehicles. 12-foot trees will be planted along the front. The Land Rover image is of a rugged vehicle, and they like their locations to carry that theme. Two parking spaces have been eliminated from the lower corner of the site so that people are not backing into the entrance. That space will be landscaped instead. Mr. Ey stated there is already adequate screening between the adjoining Hatch property and this site.

Responding to a suggestion by Selectman Drobinski, Mr. Fox stated those two spaces are actually within the required 118 for the site as determined by the Zoning Bylaw, but suggested the Board waive those two spaces as required and consider them reserve parking. He stated he discussed this matter with Town Counsel who advised keeping to the letter of the Sudbury Zoning Bylaw, even though much of the parking lot is in Wayland. Mr. Drobinski also suggested adding a couple of islands to the parking lot for aesthetic purposes. Mr. Ey pointed out the space needs to be clear so that car carriers can maneuver it safely. As it is, three parked cars will have to be moved on those occasions vehicles are delivered.

Mr. Ey displayed an artistic rendering of what the building would look like. He noted the Design Review Board suggested adding a dark green horizontal stripe along the side. Land Rover typically designs their buildings to look rugged and outdoorsy, and that stripe would disrupt that feel. He stated they will add the stripe if absolutely required, but would prefer not to. Clapboard siding will be used on the side, with dark green tile on the tower.

Selectman Drobinski asked if the canopy is high enough to accommodate fire equipment, even if it was not mentioned in the Fire Chief's report. He suggested the applicant follow up with the Fire Chief before the building is built.

Mr. Ey stated the first attempt at developing a lighting plan was not successful. The revised plan features 400-watt lighting, directed straight down, producing 4.5-foot candle-feet at the base of the fixture. These lights will be significantly reduced when the dealership is not open for business. He submitted a picture for the Board's review. This revised plan has not been previously submitted. Two spotlights will be used from time to time to illuminate the signs. Hours of operation will be Monday through Friday from 7 a.m. to 8 p.m., Saturday from 9 a.m. to 5 p.m. and Sunday from noon to 5 p.m. The service department will not be open on the weekend.

Chairman O'Brien asked about snow removal. Mr. Ey responded that significant snow accumulation will be removed from the site as the parking area is too important to be lost to snow piles.

Selectman Drobinski expressed concern about the visibility of vehicles in the storage area, keeping Route 20 aesthetically pleasing and increasing the amount of landscaping in the parking lot.

Chairman O'Brien asked how the parking spaces would be used, noting Mr. Fox's comment about 48 vehicles in new vehicle storage area, and the requirement of 118. Mr. Fox replied, of the 118 spaces in Wayland, 10 spaces are for customers, 40 are for employees, 50 will be used for vehicles awaiting service or pickup from service, and 18 for used vehicles available for sale.

Mr. Fox noted that Section 3580 of the Zoning Bylaw allows for storage of vehicles. Selectman Drobinski referred him to Section 3550 and 3542, regarding screening. Mr. Fox reiterated the belief that cars can only be sold if those cars are somewhat visible, and screening that area may cause motorists looking for the Land Rover dealership difficulty in finding it, until the building and driveway are upon them. Mr. Ey suggested planting the area according to the design, and additional plantings can be added if, at a later date, the Town feels more would be appropriate. Twelve-foot trees will be added to the existing trees.

Chairman O'Brien asked if a plan could be submitted that would show where that vehicle storage area would be if it were not where currently proposed. Mr. Ey responded he can ask for one. Selectman Drobinski requested an artistic rendering, if it would not be cost prohibitive to the applicant.

Jody Kablack, Town Planner, suggested the Board make a site visit in order to get a better feel for how the proposed design will work.

Selectman Roopenian stated dumpster location, signage, car wash across street and a limit of parking spaces remain issues, in addition to the vehicle storage area.

Mr. Ey stated they are investigating the ability of the car wash to handle the increased business they will send over. He stated the dumpster will be located at the rear of the building, noting its location was inadvertently omitted from the plan.

With regard to signage, Mr. Fox presented a photo of the Land Rover sign used at the Natick location. It will be placed where the present Havencraft sign is now, and will measure 6' x 5', featuring the 4.5' x 2.5' dark green oval with Land Rover in white lettering.

Selectman Roopenian stated she liked the compromise plan featuring the new vehicle storage area with respect to Mass. Highway facility and opined concerns can be resolved fairly easily. Selectman Drobinski suggested a cedar fence between the two sites might work well. Mr. Ey responded a fence was considered, but as the property slopes somewhat in the location, they thought pine trees would be more suitable.

Issues remaining include: 1) how the storage area will look and appropriate screening and landscaping for it; 2) placement of planters in areas not affected by car carriers maneuvering the lot; 3) the height of the canopy should be investigated in order to allow successful passage by fire equipment; 4) adequacy of the Sudbury car wash; 5) review of the revised lighting plan; and 6) review of the northeast corner detail plan, showing the freestanding sign and landscaping.

It was agreed to coordinate a site visit through the Town Planner, via email.

Mr. Fox submitted 17 letters of support from businesses and individuals in Sudbury and Wayland.

It was on motion unanimously

VOTED: To continue this matter until 9:30 p.m. on May 20, 2002.

### **Sale of Bond Anticipation Note**

The Board reviewed a report, dated May 2, 2002, from Kerry A. Speidel, Finance Director/Treasurer-Collector, presenting bids for \$4,600,000 in short term debt to provide funding for Department of Public Works Facility construction. Six bids were received, the lowest being Fleet Bank, with a net interest cost of 1.89% for a net interest cost at maturity of \$81,181.97. Discussion followed.

It was on motion unanimously

VOTED: To approve the sale of a \$4,600,000 1.89 percent Bond Anticipation Note of the Town dated May 15, 2002, and payable April 15, 2003, to Fleet National Bank at par and accrued interest.

### **Town Donations – FY02 Third Quarter**

Meeting as Co-Trustees of Town Donations, the Board reviewed a report, dated May April 25, 2002, from Kerry A. Speidel, Finance Director/Treasurer-Collector, presenting Third Quarter Financial Reports for the Town Trust Funds. The Board expressed appreciation for the efforts of the Investment Advisory Committee and Ms. Speidel.

It was on motion unanimously

VOTED: As Co-Trustees of Town Donations, to accept the FY02 Third Quarter Report on Town Trust Funds, cover letter dated April 25, 2002, as presented in a report by the Finance Director/Treasurer-Collector.

### **Annual Appointments**

Chairman O'Brien announced various resignations at the close of term of appointment and thanked those committee members for their service to the Town of Sudbury.

It was on motion unanimously

VOTED: To accept the resignations of the following individuals at the close of their terms on April 30, 2002, and to request Town Manager Valente to send each person a letter of appreciation for their service to the Town:

Ruth A. Griesel – Commission on Disability  
Albert J. Cappeloni, Jr. – Economic Development Committee  
Bryan J. Koop – Economic Development Committee  
Alexa Crowe – Town Report Committee  
Sherri Melamut – Town Report Committee

Town Manager Valente reported she was awaiting additional information before presenting Conservation Commission appointments to the Board, but asked for approval of her reappointments of two Sudbury Historical Commission members on the appointment list.

Town Manager Valente presented an opinion from Town Counsel, supported by M.G. L. chapter 41, section 109, that members of the Permanent Building Committee need not be Sudbury residents to qualify for appointments.

After discussion, it was further on motion unanimously

VOTED: To make the following annual appointment (all appointments are subject to acceptance):

Council on Aging: To appoint Morton L. Brond for a term of three years ending on April 30, 2005 (replacing Clayton F. Allen), and to reappoint H. Ronald Riggert and Esther M. Mann for a term of three years ending on April 30, 2005.

Cable Television Committee: To reappoint Mark W. Thompson, Frederick G. Walker, Robert Kavanagh as Ex-officio members, and Margaret R. Fredrickson, Michael Daitzman, Martin Greenstein, Harold L. Barnett, and Jeffrey Winston, each for a term of one year ending on April 30, 2003.

Capital Improvement Planning Committee: To reappoint S. Wilson Heaps, III for a term of three years ending on April 30, 2005.

Civil Defense, Assistant Director of: To reappoint I. William Place for a term of one year to end on April 30, 2003.

Civil Defense, Director of: To reappoint Michael C. Dunne for a term of one year to end on April 30, 2003.

Radio Operator, Civil Defense: To reappoint James S. Idelson for a term of one year to end on April 30, 2003.

Constable: To reappoint James D. Conboy, Theodore Milgroom, Jerrald M. Vengrow and Nelson H. Goldin, for a term of three years to end on April 30, 2005.

Commission on Disability: To reappoint Irina Petsch for a term of three years to end on April 30, 2005.

Earth Removal Board/Board of Appeals: To reappoint Melinda M. Berman, Richard L. Burpee and Stephen M. Richmond, each for a term of one year to end on April 30, 2003.

Economic Development Committee: To reappoint John P. Barry, David R. Kerrigan, David C. Chenok, Peter S. Joseph, Marianne D'Angelo, Michael J. Burkin, Ronald A. Stephan, Abner S. Salant and Lynn D. Sand, each for a term of three years to end on April 30, 2005.

Fair Housing Committee: To reappoint Kelley A. French for a term of three years ending on April 30, 2005.

Fence Viewers: To reappoint Kirsten D. Roopenian, Lawrence W. O'Brien, and John C. Drobinski, each for a term of one year to end on April 30, 2003.

Land Use Priorities Committee: To appoint Paul Griffin, as representative for the Park and Recreation Commission (replacing Francis Logan) for a term of one year to expire on April 30, 2003, and to reappoint Sigrid L. Pickering, Elizabeth D. Eggleston, Richard H. Davison, Jody A. Kablack\*, Parker L. Coddington, Sheila A. Stewart, William G. Braun, Kelley A. French, Robert H. Sheldon, Donald C. Kern\*, David G. Berry\*, I. William Place\*, Kenneth A. Zito, Nicholas J. Palermo, Jr., Saul M. Bloom, Carole R. Wolfe, Deborah M. Dineen\* and Charles R. Schwager, each for a term of one year to expire on April 30, 2003. (\*Ex-officio appointments)

Mass. Bay Transportation Authority Designee: To reappoint Maureen G. Valente for a term of one year ending on April 30, 2003.

Memorial Day Committee: To reappoint Mary Jane Hillery and Spencer R. Goldstein, each for a term of three years ending on April 30, 2005.

Permanent Building Committee: To reappoint Bruce Ey and Michael E. Melnick, each for a term of three years ending on April 30, 2005.

Sealer of Weights and Measures: To reappoint Courtney W. Atkinson for a term of one year ending on April 30, 2003.

Septage Committee: To reappoint Robert A. Gottberg for a term of one year ending on April 30, 2003.

Sudbury Cultural Council: To reappoint Ellen Hoffman and Patricia H. Bodensab, each for a term of three years ending on September 26, 2005.

Sudbury Water District Water Resource: To reappoint James F. Occhialini for a term of one year ending on April 30, 2003.

Surveyor of Lumber & Measurer of Wood: To reappoint Russell DiMauro for a term of one year ending on April 30, 2003.

Town Historian: To reappoint Curtis F. Garfield for a term of one year ending on April 30, 2003.

Town Report Committee: To reappoint Carolyn A. Anderson and Lorraine S. Knapp, each for a term of one year ending on April 30, 2003.

U.N. Day Chairman: To reappoint Elaine K. McGrath for a term of one year ending on April 30, 2003.

Veterans' Advisory Committee: To reappoint Edward P. Rawson, Winifred C. Grinnell, Robert G. Mugford, William R. Duckett, Fred H. Hitchcock, Jr., and Spencer R. Goldstein, each for a term of one year ending on April 30, 2003.

Youth Commission: To reappoint Candace M. McMahon, John C. Ollquist, Laurie J. Triba, Jean Lind, Susan C. Asbedian-Ciaffi, Catherine A. Dill, Michael W. Precourt and Joanne T. Bleiler, each for a term of one year ending on April 30, 2003.

Special Constables, Non-Paid: To reappoint Michael C. Dunne, John B. Hepting, Earl D. Midgley, and Arthur J. Richard each for a term of one year ending on April 30, 2003.

Special Constable, Paid: To reappoint Joseph D. Bausk for a term of one year ending on April 30, 2003.

Special Constables, Traffic Duty Only, Raytheon: To reappoint Steven Materia, Brian O'Halloran, James Vandenkaker, John Whelan and Norman DeSalvo, each for a term of one year ending on April 30, 2003.

It was on motion unanimously

VOTED: To approve the renewed surety of Bond No. 1651697 for Theodore Milgroom from Hanover Insurance Company in the amount of \$5,000 for a three-year term commitment commencing April 30, 2002, for filing with the Town Clerk.

It was on motion unanimously

VOTED: To appoint Richard C. Williamson, 21 Pendleton Road, to the Bike Trail Committee, for an indefinite term, as recommended by the Town Manager.

It was on motion unanimously

VOTED: To approve the Town Manager's appointments, as follows:

Sudbury Historical Commission: To re-appoint Clayton F. Allen and Winifred C. Fitzgerald, each for a term of three years ending on April 30, 2005.

### **Municipal Recycling Grant**

The Board reviewed a proposal from the Sudbury Earth Decade Committee to sell composters to residents, the first 100 to be sold at a rate of \$20 each, and funded in part by a grant from the Executive Office of Environmental Affairs.

It was on motion unanimously

VOTED: To accept a Municipal Recycling Grant from the Executive Office of Environmental Affairs in conjunction with the Earth Decade Committee comprised of 100 home composting bins, 100 "Don't Trash Grass" brochure and 100 home composting brochures, valued at \$3,816; and to authorize the Town Manager to establish and administer a gift account for the purpose of receiving the proceeds from the sale of said composters and used to purchase additional composters for sale on a revolving fund basis.

**Sudbury Auto Sales**

Town Manager Valente reminded the Board they had requested the Board of Appeals be asked to limit the Sudbury Auto Sales special permit by excluding assembly and disassembly of motor vehicles. She stated the exact wording of that comment can be included as a condition on the license the Board granted on April 22, 2002.

It was on motion unanimously

VOTED: To add the recommended language to the Class 2 License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof, for Harold J. Salant, Sudbury Auto Sales, 9 Old County Road.

**Proclamations for Retiring Police Officers**

It was on motion unanimously

VOTED: To sign Proclamations for retiring police officers, Jeffrey F. Gogan, Neil J. McGilvray, Jr., and Raymond J. Spinelli, Jr., in appreciation and recognition of their long and outstanding service.

There being no further business, the meeting adjourned at 10:45 p.m.

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