

IN BOARD OF SELECTMEN
MONDAY, MAY 20, 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 announced that vacancies still exist on a variety of Town boards and commissions and encouraged residents to contact the Selectmen's office or visit the Town website for more information.

Chairman O'Brien extended special birthday greetings to Clay Allen on the occasion of his 85th birthday. Mr. O'Brien expressed appreciation for Mr. Allen's many years of volunteer service to the Town.

Clerk Pro Tem

It was on motion unanimously

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

Site Plan #01-362M – Roche Bros.

At 7:45 p.m. Chairman O'Brien reconvened a Public Hearing to consider a letter from Bruce Ey of Schofield Brothers of New England, dated May 12, 2002, requesting an extension of the time limit of consideration to June 30, 2002, to work out improvements to the parking area. The letter also advised that, based on a decision from Mass. Highway Dept., Roche Bros. has decided not to move the existing curb cut.

It was on motion unanimously

VOTED: To grant the extension of time limit of consideration for Site Plan Application #01-362M of Roche Bros., 439 Boston Post Road, to June 30, 2002 and to continue the public hearing until June 24, 2002 at 7:50 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of May 6, 2002, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$133.70 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.

Sewer Study Technical Advisory Committee Grant

It was on motion unanimously

VOTED: To accept a grant from The Sudbury Foundation in the amount of \$25,000, to be separately accounted for and expended under the direction of the Town Manager for defraying the costs of the Project Evaluation Report commissioned by the Sewer Study Technical Advisory Committee.

E. B. Hosmer Memorial Fund Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$600 received from the Sudbury Villagers club in July 2001, for deposit into the E. B. Hosmer Memorial Fund.

Korean War Commemorative Committee – Special License

It was on motion unanimously

VOTED: To grant a one-day Special License for the Sale of Wines and Malt Beverages Only, to Ruth A. Griesel, Co-Chair, Korean War Commemorative Committee, to be exercised on June 13, 2002, from 7:30 – 11:30 p.m., at the Fairbank Community Center, for a barbecue honoring Korean War veterans; and further, to waive the license fee.

Walkway Easement – 161 Peakham Road

It was on motion unanimously

VOTED: To accept, on behalf of the town, a Walkway Easement granted by Patricia M. Cappelloni, 161 Peakham Road, dated April 9, 2002, and shown on “Plan of Land in Sudbury, Mass., owned by Ridgewood Construction Co., Inc., Plan by: Colburn Engineering, Hudson, Mass.” dated October 17, 1972.

Conservation Restriction – Lot 7, 347 Dutton Road

It was on motion unanimously

VOTED: To approve and sign, granted in perpetuity by Linda R. Sellier, trustee of L.R. Sellier Trust No. 1 dated July 5, 1990 and recorded with Middlesex South Deeds at Book 24296, Page 95, a Conservation Restriction dated October 2, 2001, on Lot 7, 347 Dutton road, as shown on “Easement Plan of Land in Sudbury, Mass. Prepared for: Countryside Estates, Inc.”, dated August 6, 2001, drawn by R. Wilson & Associates.

Conservation Restriction – Lot 6A, Dutton Road

It was on motion unanimously

VOTED: To approve and sign, granted in perpetuity by Countryside Estates, Inc., a Conservation Restriction dated February 13, 2002, on Lot 6A, Dutton Road, as shown on “Easement Plan of Land in Sudbury, Mass. Prepared for: Countryside Estates, Inc.”, dated August 6, 2001, drawn by R. Wilson & Associates.

Selectmen Appointments – Resignations/Rescind

It was on motion unanimously

VOTED: To rescind the May 6, 2002 appointments of Marianne D'Angelo and Peter S. Joseph to the Economic Development Committee and Harold L. Barnett to the Cable Television Committee, as the Selectmen's office has received notice of their resignations.

Early Childhood Revolving Fund – Increase Expenditure Limits

It was on motion unanimously

VOTED: To approve, in accordance with M.G.L. Chapter 44, Section 53E ½, an increase in the FY2002 authorized expenditure limits for the Early Childhood Revolving Fund from \$25,000 to the maximum amount of \$50,000 as requested in a letter, dated May 8, 2002, from Sudbury Schools Superintendent William J. Hurley.

Joint Meeting – Planning Board

Present: Jody Kablack, Town Planner; William Keller, Chairman, Christopher Morely, Michael Hunter, Planning Board; Michael Fee, Associate Member, Planning Board.

At 7:55 p.m. Chairman O'Brien convened a joint meeting of the Board of Selectmen and the Planning Board to interview and appoint a member to serve on the Planning Board until the effective date of the 2003 Annual Town Election, to fill the vacancy occasioned by the resignation of Marianne D'Angelo. Applicant Michael C. Fee, 178 Horse Pond Road, currently serving as Planning Board Associate Member, will interview for the vacancy as Full Member.

William Keller, Chairman, Planning Board, stated Marianne D'Angelo will be moving from Sudbury in the coming months and felt it prudent to resign her position at this time, before any subdivision plans come up for review. He stated leaving in the middle of a review process would create difficulties for the Planning Board.

Michael Fee briefly described his experience and service as an Associate Member on the Planning Board. Responding to a question by Selectman Drobinski, Mr. Fee stated that, should a situation arise that would involve his law practice in Sudbury and pose a conflict of interest, he would certainly recuse himself from such a discussion. He indicated he has particular interest in working on zoning issues.

Selectman Roopenian expressed appreciation for Ms. D'Angelo's years of service to the Town, as she has served on a number of committees including the Economic Development Committee and Master Plan Committee.

At the conclusion of discussion, it was on motion by roll call unanimously

VOTED: To appoint Michael C. Fee, 178 Horse Pond Road, as a Full Voting Member of the Planning Board, effective May 31, 2002, for a term until the effective date of the 2003 Annual Town Election, to fill the vacancy occasioned by the resignation of Marianne D'Angelo. (John Drobinski, aye; Michael Hunter, aye; William Keller, aye; Christopher Morely, aye; Chairman O'Brien, aye; Kirsten Roopenian, aye).

Mr. Fee was sworn in by Janet Silva, Notary Public.

Jody Kablack, Town Planner, stated the Planning Board has received several indications of interest in the now vacant Associate Member position, and interviews will be scheduled soon. She also updated the board on the efforts of the Economic Development Committee. A kick-off meeting to form task forces to work on a Master Plan for Route 20 will be held on June 26, at 7:30 p.m. in Lower Town Hall. All interested residents and business people are invited.

There being no further business, this joint meeting adjourned at 8:07 p.m.

Site Plan #02-366 – Sprint Spectrum and Voicestream Wireless

Present: Joseph Giammarco, Consultant, Sprint Spectrum; Edward D. Pare, Jr., Attorney, Brown, Rudnick, Berlack, Israels LLP, representing Sprint Spectrum; Nurullah Kose, Marconi Wireless/Sprint PCS; Paul Gascoigne, Zoning Manager, Voicestream; Deborah B. Haskell, Winthrop Real Estate Advisors; Jody Kablack, Town Planner.

At 8:10 p.m. Chairman O'Brien convened a Public Hearing for the purpose of considering Site Plan Application #02-366 of Sprint Spectrum and Voicestream Wireless, in accordance with Sudbury Zoning Bylaw Section 6300, for installation of a wireless communications facility consisting of a 100-foot flagpole-style monopole and associated equipment shelters (approximately 624 total sq. ft.) sufficient to house three carriers, on property located on the former Melone parcel, North Road, Town Property Map C12-100, owned by the Town of Sudbury, zoned Research District.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on May 2 and 9, 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 18, 2002, received March 18, 2002, enclosing site plan of five sheets, dated February 22, 2002, entitled, "MELONE PARCEL NORTH ROAD SUDBURY, MA BS13XC620", drawn by Greenman-Pedersen, Inc.; revised sheets A1 and A2 dated May 7, 2002; and also a "DRAINAGE STUDY, MELONE PARCEL Sprint", prepared by Greenman-Pedersen, Inc., dated May 2002.
2. Report from **Building Department**, dated May 15, 2002, commenting:
 - a) Plan dimension lines should be at 90 degrees to the property lines.
 - b) There is an error in the revision date on the 5/7/02 new sheets A1&2.
 - c) The plan is in violation of the intent of the Zoning Bylaw relative to lack of 500' setback to the west.
 - d) The plan is in violation of the Zoning Bylaw relative to the celltower being within 1000 feet of two schools - one at 650 feet and another at 730 feet.
3. Reports from the **Town Engineer/Director of Public Works**, dated March 27 and May 15, 2002, providing the following information and comments:
 - a) Signature block for Building Inspector and Town Engineer should be added to the site plan.
 - b) The entire lease area should be encompassed by an eight-foot chain link fence.

- c) No landscaping will be necessary. The proposed equipment building is completely screened from the public way.
 - d) The Water Resource Protection District Zone II and Research District No. 1 should be noted on the site plan.
 - e) The proposed transformer and proposed CSC cabinet should be placed within the 50'x50' lease area.
 - f) There will be no increase in the rate of runoff for the 100-year storm frequency.
 - g) Drainage calculations should be signed and stamped by a registered professional engineer.
4. Report from the **Town Planner** to the Planning Board, dated April 23, 2002, describing the proposal and noting:
- a) A Water Resource Protection District Special Permit from the Planning Board is required pursuant to Zoning Bylaw section 4243(f).
 - b) A Special Permit from the Board of Appeals under Zoning Bylaw section 4300 is required.
 - c) Additional information is needed concerning erosion and sedimentation control.
 - d) Requirements of Wireless Facilities Bylaw need to be addressed, as follows:
 - Section 4352: Applicant must demonstrate that facility cannot be co-located on any existing facility within 1/2 mile of the site.
 - Section 4363: Requires that any wireless facility be outside of 1,000 feet from any school building.
 - Section 4369: Requires a bond for removal of the structure.
 - Section 4374: Requires submittal of information on the full build-out of Sprint's wireless network in the Town of Sudbury.
 - e) All necessary grading around the lease area needs to be shown on the plan.
 - f) Questioning whether equipment storage space is adequate for three carriers.
 - g) Noting the leased area does not provide adequate space for three parking spaces as stated, the Town Planner suggests vehicles could park on the access road to avoid additional clearing.
5. Report from the **Conservation Coordinator**, dated May 13, 2002, commenting as follows:
- a) It appears that all work is outside of wetland resource areas. However, if the area on the plan shown as the "ditch" is a perennial stream and mean annual high water is beyond the stream channel, there is a potential for work to be occurring in a riverfront area. The applicant should address the issue of riverfront area and mean annual high water with the Commission.
 - b) It is unclear if work is proposed within 100' of a vegetated wetland. Only the brook and ditch are noted on the plan. The applicant should delineate the bordering vegetated wetland and submit a Notice of Resource Area Delineation to the Conservation Commission for review and acceptance.
 - c) DEP (Hazardous Waste) should have the opportunity to review the plan to determine if the proposed alterations upgradient of the contamination in the Concord gravel pit may create a problem.
 - d) The entrance to the proposed facility is from Rt. 117 at Sudbury's gravel pit. This entrance is within a riverfront area. This is a new use on the site that will generate additional traffic through the existing entrance adjacent to the brook. The applicant must file a Notice of Intent with the Commission. Increasing use of this area has created a problem with erosion due to the increased graveling activities and the access to the existing cell tower.
 - e) The existing 10' wide gravel trail is used by the public to access trails in both Sudbury and Concord. It appears that the lease area includes some of the gravel road. Continued public use of this trail should be allowed in the lease.
 - f) The applicant and Town should evaluate the need to widen the existing gravel path. Existing vegetation should be maintained where ever possible.
 - g) The lease term should take into account the potential need of the town to use the area for sports fields.
 - h) The drainage calculations were not signed and stamped by an engineer.

- i) It appears that the new location of the facility will require additional grading. A plan to stabilize the area with native species should be developed.
6. Report from the **Health Director**, dated May 16, 2002, stating the Board of Health has no concerns regarding the proposed celltower, except to note that a permit is required from the Mass. Dept. of Public Health.
7. Report from the **Fire Chief**, dated May 16, 2002, commenting:
- a) The applicant should be required to offer space on the tower and in the support building at no charge to the Town for future public safety communication needs.
 - b) The plan does not show an energy source for backup electrical power. If a source other than batteries is being used it should be shown on the plan.
8. Report from the **Design Review Board** Chairman, dated April 22, 2002, stating at its meeting of April 10, 2002, the Board reviewed the application and had no objections.
9. Memorandum from **Town Counsel**, dated April 22, 2002, advising that this application has been submitted pursuant to the Town's RFP and executed lease agreement, as approved by the Town Engineer, specifically with regard to the location of the facility and utility access, so as not to conflict with the present and future Town gravel mining operations. He further advises that, in conjunction with a further lease condition, Sprint has secured access to the property by virtue of a License from the Water District to access and cross the adjoining Water District parcel; because of the mining operation, permanent access has not been specifically delineated and will not be so delineated until such time as the mining ceases and a determination made as to the use of the Melone parcel.

Jody Kablack, Town Planner, briefly reviewed application materials and reports from Town boards and committees.

Mr. Edward D. Pare, Jr., Attorney, Brown, Brown Rudnick Berlack Israels LLP, briefly described the proposed facility, stating the monopole is a "stealth" design and will contain conduit to accommodate three carriers. The pole will be 100 feet in height and has been designed in accordance with the Town's wireless communications bylaw. Sprint will be on top, with Voicestream occupying the second position. The third carrier has not yet been determined. Photos/artistic renderings were displayed, depicting current conditions and how the area will look after the monopole is constructed.

Mr. Pare stated the equipment shelter, designed for three carriers, will contain all electronic devices necessary to supply power and direct calls through the monopole.

Mr. Pare stated traffic impact will be minimal, primarily service visits once or twice a month.

Mr. Pare stated the hearing with the Planning Board is ongoing. He stated the applicant has examined the Town's Zoning Bylaw carefully and can document how each section can be satisfied. A Special Permit for the facility and variances for setbacks from a residential lot line and school have been granted by the ZBA. Questions and comments were solicited from the public, and there were none.

Chairman O'Brien expressed concern for proximity to schools and the senior housing in the area, noting setback requirements in those situations. Mr. Pare responded, stating approval on a variance was obtained from the Board of Appeals concerning the 1000-ft. school setback requirement. He stated further that discussions with the Town Planner and Town Engineer determined the proposed location was the best

and least intrusive to current operations by the DPW on that site. The closest property line is 166 feet from the monopole location, and a setback variance has been obtained from the Board of Appeals for the 500 ft. distance requirement to a residential property line. Mr. Pare stated that, as long as the elevation requirements were met, the applicant has no objection to a different location meeting the 1000 foot setback requirement.

Selectman Roopenian advised the applicants it was the Board's practice to require annual emission level testing and asked if this could be provided. Mr. Pare stated the Telecommunications Act of 1996 removed health concerns from telecommunications issues, and stated Sprint operates well within established guidelines. He stated, however, the applicant would be willing to submit annual RF testing data, if the Board required them to do so.

Selectman Drobinski suggested checking with the Town Engineer to confirm whether or not the site is the preferred location or if it could be relocated to bring greater conformity to the Wireless Bylaw. Jody Kablack, Town Planner, stated the proposed location is the best as it is one of the higher points on the property, and is least intrusive to the gravel operation. She noted the Town has been working with Mr. Giammarco of Sprint for several months. Mr. Pare stated the design of the monopole must also be considered as they utilize a significant foundation and must be away from any vibrations caused by the DPW work. She added that the Town Engineer had been consulted several times in the siting process, but could be asked once more.

Selectman Roopenian expressed concern that accommodating requests for wireless communications facilities may impact future needs for recreational playing fields. She also reminded the applicant the Fire Chief has requested space for future use by public safety communications equipment, and further, asked about back up power.

Mr. Pare responded the facility will use batteries in case of power outages. He stated further that it is corporate policy to allow space for public safety equipment. However, municipal equipment is typically whip antennas externally attached to the tower and would be visible, whereas the three original carriers will be housed within the monopole.

Mr. Pare stated the location of the utility cabinet is generally up to the utility company and they will make every attempt to accommodate the Town Engineer's recommendation.

Responding to a question on fencing, Mr. Pare stated an 8-ft. chain-link fence is proposed, with straight wire on the top as a deterrent to climbing.

Selectman Roopenian asked about parking spaces. Mr. Giammarco stated that while three carriers will be accommodated on the pole, it is unlikely that service units from all three will be there at the same time. The site can also be gated so that service units can drive inside.

Mr. Nurullah Kose, RF Engineer, Sprint PCS, displayed coverage maps showing existing and planned Sprint PCS locations/areas. He stated gaps in coverage areas will prevent calls from going through or being supported. He stated this facility will enable Sprint to cover most of the Route 117 area in Sudbury.

Mr. Giammarco stated a facility has been proposed at the Maynard Rod and Gun Club. He stated they would like to be on the Willis Hill facility but have not been successful thus far. They are considering the TI-Sales location as well. He noted Sprint will eventually want to cover all those areas.

Mr. Paul Gascoigne, Zoning Manager, Voicestream, displayed coverage maps depicting current and proposed coverage for Voicestream signal. He noted the proposed facility on the Melone property is an excellent site for completing coverage, connecting with facilities in Concord and Lincoln. The existing coverage gap is approximately 3 miles.

Selectman Drobinski reminded the applicant of the Town's overhead wiring bylaw. Mr. Pare responded the utility company will have to approve the utility placements, and that has not yet been completed. He opined the electricity will most likely come in from the northwest but could not say for sure. He stated the Town Engineer is working with them on this.

Responding to Selectman Drobinski's question about monopole color, Mr. Pare stated the color must be determined before the equipment is ordered. He noted, however, blue or green does not look good, white stands out, and stated the silver/light gray seems to blend into the surroundings the best.

Regarding landscaping around the cabinet, Mr. Pare opined existing vegetation should be adequate, as long as it is maintained. Mr. Drobinski suggested a condition of approval state the applicant must provide future landscaping. Mr. Pare responded that adequate landscaping is an opinion, and unless the Town develops the site further [playing fields], the equipment cabinet should be nearly invisible. An open-ended condition is difficult to interpret, while a specific landscaping plan proposed now could be accomplished.

Selectman Roopenian expressed concern that a silver chain-link fence looks "prison-like", and asked if the fence could be a different color. Chairman O'Brien suggested a green color, if it is available.

It was on motion unanimously

VOTED: To continue this matter until Monday, June 10, 2002, at 9:30 p.m.

Town Forum

At 9:10 p.m. Chairman O'Brien convened Town Forum, during which reports were presented by the Septage Committee of the Wayland-Sudbury Septage Treatment Facility and the Sudbury Water District Commission.

Mr. Philip Pattison, Chairman, **Septage Committee**, stated that, thanks to the assistance of the Town Accountant and Finance Director, the Committee's financial status is much improved. The billing changes implemented by the Committee's accountant, Mark Abrahams, have eliminated much of the confusion. Mr. Abrahams briefly reviewed an outline of the billing change. Homeowners are billed by the hauler, who is billed by the facility. Under the new system there are 13 hauler accounts, none delinquent, and no liens to process, a far different picture than several years ago. Haulers from any area community can discharge at this facility, producing increased flow and income.

Mr. Abrahams stated there is approximately \$9,500 in amounts that have been liened for Sudbury accounts under the old billing system, and no outstanding Wayland accounts. The new system is far more streamlined and efficient, utilizing the Town's MUNIS General Billing System.

Mr. Pattison expressed thanks to the Town for their assistance in obtaining a grant from the State in the amount of \$14,500.

Mr. William Cossart, **Water District Commission**, expressed concern that water bans may be instituted this year, possibly earlier than usual. He stated two very warm days produced usage of 4 million gallons/day, double the regular daily usage. The lack of measurable precipitation this winter has had an impact. He noted keeping the recreation fields irrigated has been a concern, and they are working with the Park and Recreation Commission about wells. They are also working on watering the Curtis Middle School site with water pumped from Stearns Pond.

Mr. Cossart stated all potential sites for additional wells have been investigated without success.

Mr. Cossart stated the Commission is currently in the middle of a meter replacement program, which will cost approximately \$750,000 over a 5-year period. He noted many meters on homes are old and in need of repair. There is no cost to the homeowner for the new meter. The new meters can be read electronically, eliminating human error in recording.

Mr. Cossart stated the area around the wells is now protected by security alarms, alleviating concerns of water contamination by unauthorized individuals.

Reports concluded at 9:35 p.m. Refreshments were served.

Site Plan #02-365 – Foreign Motors West

Present: Myron Fox, Attorney for the Applicant, Rollins, Rollins and Fox; Bruce Ey, Schofield Brothers of New England; Jody Kablack, Town Planner.

At 9:50 p.m. Chairman O'Brien reconvened a Public Hearing for the purpose of continued consideration of Site Plan Application #02-365, in accordance with Sudbury Zoning Bylaw Section 6300, entailing building renovation, additional parking areas and associated landscaping, and septic and stormwater management changes, and further, to consider 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 finally, to consider a Class 1 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.

The following new information was received:

- 1) Letter, dated May 16, 2002, from Myron Fox, Rollins, Rollins & Fox, responding to questions from department head reports;
- 2) Application for Storage of Flammables, dated May 9, 2002, endorsed by the Fire Chief May 20, 2002.

Jody Kablack, Town Planner, briefly reviewed the new information received. Chairman O'Brien stated a site visit by the Selectmen and other parties was very informative in helping them to visualize the project.

Mr. Myron Fox, Attorney, representing the applicant, stated they are awaiting a response from the Board of Health regarding moving the septic system, but Mr. Fox opined there should be no problem in gaining that approval. He stated the installation of utilities underground should be no problem, and the utility

pole existing on the site will be eliminated. Mr. Fox indicated a fence could be installed between the site and Siam Garden.

Mr. Fox indicated the red maple tree noted on the landscaping plan is not particularly salt-resistant to be so close to the road. They will work with the Conservation Commission as to other species that would be more appropriate. He noted they have held three meetings with the Design Review Board, and the DRB is working with them and the Con Com on this issue.

With regard to access by fire equipment, Mr. Fox stated he spoke with the Fire Chief who indicated the height of the canopy, as well as the width of the driveway at 10 feet instead of 14 feet, is acceptable. Mr. Fox reported that Mr. Bruce Ey, civil engineer on the project, spoke with the DPW Director, who concurred with the Fire Chief.

Mr. Fox asked the Board to waive four parking spaces, declaring them reserve, two in front and two in back. The rear spaces are where the dumpsters will be located. Landscaping will be installed on the front two spaces.

Mr. Fox stated that, due to the presence of new and used cars, both in the showroom and in the service area, technically gasoline is stored in the vehicles, and therefore a License to Store Flammables is necessary. He stated there will be no gasoline pumps or other fuel storage on the site.

For utility connections, Mr. Bruce Ey, Schofield Brothers of New England, stated they will apply for a permit to go under the street, if required to do so. Selectman Drobinski noted the Board is endeavoring to be consistent with requiring all applicants to place utilities underground to decrease the proliferation of utility poles. Mr. Fox asked that the condition be subject to the approval of Mass. Highway Department, as Route 20 is a State highway. Mr. Ey opined they may have to install gas traps on the catch basins, if the Conservation Commission orders it, but that does not require opening the street.

Chairman O'Brien stated that it was suggested during the site visit to review the landscaping again after a significant amount of the building has been completed.

Selectman Roopenian asked about continuing the tree line from the Hatch and Sons property. Mr. Fox responded it could be done, as long as it does not interfere with sight distance. Mr. Ey pointed out on the plans where the new trees will be. He stated further three 5' x 5' planters with trees can be installed in the parking lot without causing difficulty for car carriers. Three deciduous trees will also be added at the edge of the parking area near Hatch and Sons. Ms. Roopenian opined consistency of species would be preferable. Mr. Fox stated the Design Review Board examined those issues carefully. Mr. Ey stated they will be meeting with the Conservation Commission on landscaping issues next week.

Selectman Roopenian asked about signage. Mr. Fox stated the Hatch and Sons sign will stay as they have no jurisdiction over it. The existing Havencraft sign will be replaced with the new Land Rover sign. Other small signs, noting athletic championships and a No Parking sign, will be removed.

Selectman Roopenian asked about any way to decrease solar glare, given the large amount of glass in the proposed building. Mr. Fox stated the current plans reflect the Design Review Board's request of more glass in the building, for aesthetic purposes. Mr. Ey stated they spoke with Land Rover regarding the "band" mentioned by the Design Review Board, and Land Rover would prefer to keep the building's look rugged and weatherworn.

Selectman Drobinski asked if the trees that will stay could be marked. Mr. Ey indicated this could certainly be done.

Mr. Ey briefly reviewed the revised lighting plan, reiterating points made when the plan was submitted at the last meeting. He stated lights point directly down, decreasing light shining in surrounding areas. He stated lighting would be provided around the vehicle storage area for security purposes. Mr. Ey noted the lighting would be decreased to minimal levels when the dealership is not open, making it apparent to consumers that a well-lighted facility means the dealership is open for business.

A resident expressed concern about the width of the internal driveway. Mr. Ey clarified the 10-foot drive is for employee use only, to reach vehicle storage area to exchange cars, and not the main entrance which would impact traffic on Route 20.

Jody Kablack, Town Planner, asked about type of curbing proposed. Mr. Ey stated the plan currently shows bituminous curbing, stating if they did not go into the right-of-way, no permit was needed. He added, however, if they need to go into the road for utility installation, they can include curbing in their requirements for that permit. Mr. Ey stated granite curbing can be installed at the entrance, if the Board wishes them to do so.

Ms. Kablack expressed concern about the car wash across the street, whether that business can effectively handle the increased business Land Rover will bring them. She noted that drainage may need to be upgraded. Mr. Fox responded they will attempt to work out issues with them, and if that business is not willing to make necessary adjustments, they will not use it. If all else fails, the applicant will convert one of the proposed service bays for in-house car washing, using a recycled-water system.

Ms. Kablack asked about the profile for the vehicle storage area. Mr. Fox responded this was discussed at length during the site visit. Mr. Ey displayed a drawing depicting the elevation, slope and tiers of this particular area. He noted the hill will be lowered, with two rows of cars "on display". Trees planted along Route 20 will be 16 feet in height and 4" in caliper, creating a canopy, in addition to the mature trees maintained on the site. Salt-resistant shrubbery will be approximately 3 feet in height. Mr. Ey opined the cars will be on display through the trees in a woodsy-type setting. He stated an 8-ft. cedar fence will be installed down the westerly side, the full length of the property line, for increased security. It will also serve as an architectural screen, preventing view of the cars on site when looking from abutting property.

There was brief discussion regarding landscaping, and how the property would look during seasons when trees are bare. It was suggested to review final landscaping plans on a site visit when the bulk of the building is complete; a tentative date would be 12-15 months from now. It was agreed that at least one member of the Board would participate in this review.

Ms. Kablack suggested a performance bond be required, assuring the applicant's completion of conditions. She reminded the Board of the many outstanding conditions on the Dunkin Donuts site plan, on which there was no bond required. Had a bond been required, she opined many of those issues would have been resolved by now. Chairman O'Brien asked who holds the bond. Ms. Kablack responded the Selectmen would hold the bond, the amount of which is determined per DPW bonding policy [estimate] based on the things that need to be addressed. Typically these things include drainage, basic landscaping and screening and signage.

Mr. Fox respectfully disagreed with Ms. Kablack, stating the Board already holds the control, applied through the Building Inspector. He pointed out the Occupancy Permit can be withheld until all

conditions are met, as set forth in any Decision. He acknowledged landscaping on the McManus section may be the outstanding issue, and requiring that a year after the business opens did not seem reasonable. Chairman O'Brien clarified his earlier comment, stating the 12-month time period was from now, not from when the business opens. Mr. Ey suggested that a Temporary Occupancy Permit could be issued until planting seasons are appropriate, if the project is ready during an off-planting time.

Mr. Fox stated his objection to a performance bond was of a philosophical nature, that requiring several thousand dollars in order to get a small amount of landscaping done seemed illogical. He opined a Temporary Occupancy Permit would seem to be a reasonable solution. He noted all items listed by Ms. Kablack as performance bond conditions are listed in most Decisions.

A resident expressed concern for too much landscaping, inhibiting the dealership from conducting business, which brings business to Town. Selectman Drobinski stated the Board has a responsibility to the Town and its residents to make sure requirements are fulfilled.

Chairman O'Brien suggested writing the condition such that further review will be conducted before the Occupancy Permit is granted, and to require any bond deemed necessary at that time. Mr. Fox stated this would be acceptable to the applicant, if said bond would be required only for any items still incomplete when they apply for the Occupancy Permit.

Mr. Fox expressed appreciation to the Town Planner for her many suggestions that significantly improved the site plan and project.

It was on motion unanimously

VOTED: To direct the Town Manager to direct Town staff to prepare a Draft Decision incorporating suggestions of Town boards and commissions received thus far, and further, to continue this matter until June 10, 2002, at 8 p.m. [hearing remains open]

It was also on motion unanimously

VOTED: To grant a Special Permit to Foreign Motors West to reduce the 25-foot landscape buffer requirement to 15.6 feet at the southwest corner of the rear parking lot, and to include this in the Draft Decision.

It was further on motion unanimously

VOTED: To grant a Class 1 License for the Sale of New and Used Motor Vehicles to Foreign Motors West, Inc., Frederick S. Tierney, President, for the remainder of calendar 2002, to be exercised at 83/103 Boston Post Road, Sudbury/Wayland.

Metropolitan Planning Organization Elections

The Board reviewed a letter, dated May 2, 2002, from Jerry Wasserman, Board of Selectmen, Needham, MA, requesting Sudbury's support in the Town of Needham's effort to be elected to the Metropolitan Planning Organization (MPO). If elected, John H. "Jack" Cogswell will be the designated participant.

Town Manager Valente stated the attached ballot calls for votes for two cities, Everett and/or Newton, and one town, Needham or Hopkinton. She opined Hopkinton is a community somewhat rural like Sudbury, but that Mr. Wasserman suggests in his letter that Needham is more like Sudbury from an educational and issues standpoint.

Selectman Drobinski stated he will deliver the ballot by 5 pm the following day.

It was on motion unanimously

VOTED: To cast Sudbury's vote for David B. Cohen, Newton, and Gerald A. Wasserman, Needham, for the Metropolitan Planning Organization (MPO).

L-S Regional High School

The Board briefly discussed parking issues that may arise due to closing a student parking area as construction begins. It was suggested that construction be put off until seniors have left school for the year and student parking needs are decreased. Town Manager Valente stated she would forward that suggestion to the School Building Committee.

Executive Session

At 11:20 p.m. it was on motion by roll call

VOTED: To go into Executive Session for the purpose of discussing a collective bargaining matter. (Chairman O'Brien, aye, Selectman Roopenian, aye, Selectman Drobinski, aye).

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

There being no further business, the meeting adjourned at 11:25 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

