

IN BOARD OF SELECTMEN  
TUESDAY, NOVEMBER 19, 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 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman O'Brien extended congratulations to the Lincoln-Sudbury boys soccer team whose athletic success took them to the championship game as "Best of the East."

Chairman O'Brien expressed thanks to everyone who participated in the HOPEsudbury telethon on Saturday, November 16. The event raised over \$26,000 for the group's activities. He praised the high level of volunteerism throughout the private and business sector, as well as the tremendous talent among residents, ranging from teens to seniors. Selectman Roopenian echoed his sentiments, adding that it was a huge undertaking, and immensely successful with the short preparation time.

**Conservation Restriction – Franco Property, Raymond Road**

Present: Deborah Dineen, Conservation Coordinator.

The Board reviewed a letter, dated November 14, 2002, from Town Counsel, stating that, in regard to the Franco property, the date of the deed recorded at the Middlesex Registry of Deeds at Book 20819, Page 041 should be inserted where indicated on the first page. Otherwise, he stated this restriction meets the legal requirements of his office.

Ms. Deborah Dineen, Conservation Coordinator, briefly described the proposed Conservation Restriction, portions of Lots 2 and 4. She stated Mr. Franco intends to build on the remaining area of each lot. She indicated this area is predominantly wetlands and unbuildable. The shaded areas on the plan indicate the area included in the restriction, a little over 2.5 acres. Lot 6 of this property is a parcel Mr. Franco would like to donate to the Town, as it is also predominantly wetlands, containing vernal pools and habitat for blue-spotted salamander, wood frog and fairy shrimp. Ms. Dineen stated the DPW Director is anxious to have this area under Town jurisdiction so that drainage could be monitored and a walkway could be constructed. The owner also plans to donate a strip of land adjacent to the road which will allow street widening.

Selectman Roopenian asked if the DPW Director's plans would be thwarted due to the placement of a Conservation Restriction. Ms. Dineen responded the restricted area would not be affected at all. She added that a drainage easement would need to be executed.

Selectman Drobinski asked Ms. Dineen for information on the tax status of Lot 6 so that the Board knows the financial impact of accepting a donation instead of collecting taxes on the land. She stated that, in order for the land to be built upon, it would most likely require wetlands "fill" which the Conservation Commission would not be likely to grant. She opined the owner can benefit from a capital gains aspect if he donates the land.

It was on motion unanimously

VOTED: To approve and sign a Conservation Restriction granted by David P. Franco in perpetuity for conservation purposes, on approximately 24,913 sq. ft. of Lot 2 and 66,467 sq. ft of Lot 4 shown as "No-

Disturbance” areas on “Conservation Restriction Plot Plan in Sudbury, Mass.”, dated September 20, 2002, prepared by Noonan & McDowell, Inc. and “Subdivision Plan of Land in Sudbury, Mass. (Middlesex County)”, by Noonan & McDowell, Inc., dated August 8, 2002, located off Raymond Road.

**Conservation Restriction – Morris Property, Hampshire Street**

Present: Deborah Dineen, Conservation Coordinator.

The Board reviewed a letter, dated November 14, 2002, from Town Counsel, in which he states that, regarding the Morris property, the letter from PHH Mortgage is insufficient to subordinate the mortgage and that a fully executed Mortgagee’s Assent should be obtained by the owners and provided with the document prior to submittal to the state for approval. Subject to the receipt of said Assent, this restriction meets the legal requirements of his office.

Using a large drawing, Ms. Deborah Dineen, Conservation Coordinator, briefly described the area proposed for Conservation Restriction, Lot 21, off Hampshire Street. She indicated Parcel B is entirely within the restricted area, originally granted in 1997, and as each house lot was developed, portions were added to the restriction. She stated this restriction was required not only during the permitting phase of the development, but also by State Fisheries and Wildlife Program under Massachusetts Endangered Species Act. Additional portions will be added in piecemeal fashion, as individual house lots are developed. She stated this restriction is one of the requirements holding up the acceptance of Hampshire Street at Town Meeting.

Selectman Drobinski asked about Town Counsel’s comments. Ms. Dineen explained that the Mortgagee must agree to having the Conservation Restriction placed, and he felt the letter did not sufficient indicate this.

It was on motion unanimously

VOTED: To approve and sign a Conservation Restriction granted by Robert A. and Marylyn K. Morris in perpetuity for conservation purposes, on approximately 53,578 sq. ft. of Lot 21, shown on “PLAN OF LAND IN SUDBURY, MASS PREPARED FOR BRIARWOOD DEVELOPMENT CORP.”, dated June 13, 1997, by Thomas Land Surveyors & Engineering Consultants, Inc., located off Hampshire Street, subject to receipt of a fully executed Mortgagee’s Assent from PHH Mortgage.

**Minutes**

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive (2) session minutes of November 5, 2002, as drafted.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$119.15 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, and further, to authorize Maureen G. Valente, as Town Manager and Clerk to the Board, to accept and acknowledge all future donations for deposit into this fund.

**Sky Restaurant – One-Hour Extension on Liquor License**

The Board reviewed a letter, dated November 6, 2002, from Brian R. Ravella, General Manager, Let's Eat, Inc., d/b/a Sky Restaurant, requesting a one-hour extension on their liquor license on Wednesday, November 27, 2002, to 1:00 a.m. on November 28. Mr. Ravella stated this day is typically very busy, and the extension accommodates an anticipated increase in customer traffic that evening. The Board also reviewed a report, dated November 11, 2002, from Police Lt. Peter Fadgen, stating the Police Department has no objection to the request, and that the department has not experienced any problems in the past when similar requests were granted.

It was on motion unanimously

VOTED: To grant an extension of one hour for serving alcoholic beverages on Wed., November 27, 2002, to 1:00 a.m. on Thursday, November 28, for Sky Restaurant, 120 Boston Post Road.

**Eagle Scout Honors – Boy Scout Troop No. 61**

The Board acknowledged an announcement, dated November 5, 2002, that three Boy Scouts from Troop No. 61 have successfully attained the honor of Eagle Scout, and an invitation to attend the Court of Honor on December 22. Town Manager Valente requested Board members notify her if they plan to attend the Court of Honor so she is able to respond to the Troop Advancement Chairperson.

It was on motion unanimously

VOTED: To sign letters of congratulation to Matthew Bradley Tenure, Kent Michael Hatton, and David Hutcheson Burkhardt for achieving the rank of Eagle Scout.

**Utility Petition #02-3 – Goodnow Road**

The Board reviewed the following information:

(1) A petition, dated October 31, 2002, from Richard Schifone, Supervisor, Rights and Permits, Boston Edison Company, d/b/a NStar Electric, and Verizon, for a Grant of Location to relocate three (3) poles [pole 58/6, 58/9, and 58/11] along Goodnow Road, enclosing a plan entitled "Plan of: GOODNOW RD, SUDBURY Showing PROPOSED POLE RELOCATION", dated July 17, 2002, Work Order #1199037.

(2) A report, dated November 14, 2002, from the DPW Director, with the following comments:

1. Boston Edison should re-examine the large pine tree adjacent to pole 58/7. Half the root system has been removed from the tree and could be a liability not only for Boston Edison but to the adjacent home owner.
2. A utility easement from the abutter to pole 58/10 will be required.
3. The developer took great pains to remove as few trees as possible along Goodnow Road. Trees were removed to improve sight distance and improve snow removal operations. The relocation of poles 58/9, 58/10, and 58/11 will require the trimming and removal of a significant amount of trees. If this was considered earlier in the construction process, further widening of Goodnow Road could have been contemplated.

The Board questioned why trees need to be removed at this point, when the developer was careful to leave as many trees as possible. It was suggested that tree removal was not considered until it was time to connect all the utilities. Selectman Drobinski suggested the Board consider the DPW Director's comments carefully and ascertain more specific detail in this matter. The Board also questioned why poles are being moved short distances of only 4 or 7 feet.

It was agreed to table this matter until NStar can come in and explain the project more fully.

### **Proposal to Restore Water Quality**

The Board reviewed a draft letter offering the Town's support for the Watershed-based Proposal to Restore Water Quality in the Sudbury, Assabet, and Concord Watershed, submitted by the Organization for the Assabet River and its partners: the Wild and Scenic River Stewardship Council, the SuAsCo Community Council, the Sudbury Valley Trustees, and the SuAsCo EOEA Watershed Team, and nominated for funding by Massachusetts Governor Jane Swift.

Speaking as chairman of the Wild and Scenic River Stewardship Council, Selectman Drobinski briefly explained the purpose of the letter is to seek support for funding by Governor Jane Swift. This is a recommendation to the EPA, endorsing the Watershed-based Proposal to Restore Water Quality in the Sudbury, Assabet, and Concord Watershed, as mentioned in the letter.

Town Manager Valente pointed out some changes the staff suggested, specifically prohibiting motorized boating on the Sudbury River, and including the Hop Brook area in the discussion of water pollution issues. She indicated the Board signing the letter involves no financial cost for the Town of Sudbury, but offers support for an environmental cause and eventual benefit to the Town in improved water quality.

It was on motion unanimously

VOTED: To approve the letter as amended and authorize Chairman O'Brien to sign the letter on behalf of the Board.

### **Kenneth E. Pickard Municipal Innovation Award**

Town Manager Valente reported to the Board the Massachusetts Municipal Association (MMA) has selected the Town of Sudbury to be one of the recipients of a Kenneth E. Pickard Municipal Innovation Award. From the MMA letter announcing the award, Ms. Valente read as follows: "Your Project, *Bridges, Growing Older, Growing Together*, has demonstrated your dedication, commitment and ability to increase the effectiveness of local government by successfully implementing a unique and creative program."

Ms. Valente opined this project stood out because it has been integrated into the fourth grade curriculum, involving a large number of children, instead of just a few students participating in an after-school program or scout group. She opined further that the project's design can be replicated in other communities and serves as a good model for intergenerational growth and enrichment. There are only five awards presented annually throughout the State.

### **Recycling Grant**

Selectman Drobinski expressed disappointment the Town's grant from the state to help with recycling was suspended. This represents a loss of \$14,000 used to educate residents on the benefits of recycling and to implement programs. He opined the state spent a lot of time and effort to get people interested and cutting the financial aid seems counterproductive.

### **Star Market Shopping Plaza**

Selectman Drobinski reported he had contacted Harley & Aldrich, Inc., the LSP firm overseeing the cleanup of contamination at Shaws/Star Market about numerous changes in that shopping area. They indicated they would be willing to come in and discuss it with the Town Manager and at least one member of the Board. Ms. Valente stated she would be happy to meet with them to discuss how things are progressing in order to keep the Board and Town informed.

### **Community Preservation Committee**

Selectman Roopenian briefly reported on the projects submitted to the Community Preservation Committee, and indicated that a number of projects do not qualify or have been withdrawn for one reason or another. She stated one project, involving affordable housing (17 units), would involve the Town transferring land to the Housing Authority.

Town Manager Valente pointed out a two-step process is necessary, the first getting the funding from the CPC, and then getting approval at Town Meeting, involving a transfer of land ownership from the Town to the Housing Authority. Discussion followed. Ms. Roopenian stated all projects are still in the information-gathering stage and encouraged the Board to attend CPC meetings to hear presentations on various projects.

### **National Children's Book Week at Loring School**

Town Manager Valente reported to the Board she participated in the Loring School's National Children's Book Week. She stated there were many activities involving students reading and encouraging families to read together at home.

### **Town Forum**

At 8:38 p.m. Chairman O'Brien convened Town Forum. This evening's presentations were from the Finance Committee, Capital Improvement Planning Committee, and the Lincoln-Sudbury Regional School Committee.

Michael Grosberg and Tracy Billig of the **Finance Committee** utilized a Power Point presentation to highlight the activities of the Finance Committee. They briefly laid out the committee's goals and how those goals are being met, including listening to the residents, developing two-way communication between the Finance Committee and the voters, and designating committee members liaison to various Town committees to learn more about those committees and their needs. These liaisons make monthly reports in order to better gauge progress toward goals. The committee has created a "road show" that visits meetings of school PTO's and other groups in Town to introduce the committee and what it's trying to accomplish. Mr. Grosberg and Ms. Billig opined these efforts to be important in order to avoid voters hearing at the end of the budget process about the need for an override.

David Wallace of the **Capital Improvement Planning Committee** updated the Board on the Committee's activities. He briefly described various projects and requests that have come to them for consideration. This included a number of items for DPW use, such as a 1-ton truck, a small bobcat to clear snow from sidewalks, a wood chipper and other things. Other projects considered included additional funds for installing an elevator for the Flynn Building, Haskell Field improvements (moving the entrance) and renovating the bathrooms in Lower Town Hall. Mr. Wallace briefly explained the process the committee uses in working with requests and arriving at the final projects chosen. He stated the Committee recommended expenditures totaling \$416,100.

Representing the **Lincoln-Sudbury Regional School Committee**, Eileen Glovsky updated the Board on activities at the school. She reported on changes based on "belt-tightening" including staff positions cut, classes eliminated, MCAS preparation, class size changes due to staff elimination or reassignment, and cross training between staff. She noted that Superintendent Ritchie has been doing some teaching this year in addition to his regular duties. Ms. Glovsky noted the final numbers for the FY04 budget request have not yet been determined. She also touched on the construction of the new high school, noting that the steel structure is presently being put in place on the largest building, which will be followed by steel work on the other two buildings concurrently in order to save time. The fields have been seeded and are on schedule.

Reports concluded at 10:00 p.m. The Board thanked all participants for their informative presentations.

There being no further business to come before the Board, the meeting adjourned at 10:05 p.m.

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