

IN BOARD OF SELECTMEN
TUESDAY, SEPTEMBER 3, 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 made the following announcements:

- 1) He urged all residents to be cautious while driving through Town as school is now in session and many children are walking;
- 2) He congratulated Dr. John Ritchie, the School Committee and staff at the Lincoln-Sudbury Regional High School for being recognized in *Boston Magazine* as one of the top high schools in eastern Massachusetts;
- 3) Sudbury Day will be held on Saturday, September 21, from 12 – 5 pm.;
- 4) HOPEsudbury is seeking talent for their telethon – check Town website for details;
- 5) Anyone interested in the Route 20 Task Force should contact the Selectmen's Office for details;
- 6) A September 11 memorial ceremony will be held Wed., September 11, beginning at 8 a.m. Town Manager Valente requested attendees park their cars in the Methodist Church parking lot, as the Town and school parking lots will be full.

Freedom's Way Heritage Association, Inc.

Present: June Allen, Lee Ford Swanson.

The Board reviewed a letter, dated July 9, 2002, from Marge Darby, President, Freedom's Way Heritage Association, Inc., requesting confirmation of June Allen's appointment as Sudbury's liaison and seeking support of legislative bills H.R. 1027 and S. 1925, establishing the Freedom's Way National Heritage Area within the Commonwealth of Massachusetts and the State of New Hampshire.

Town Manager Valente explained this organization/legislation concerns itself with historical tourism, which would dovetail nicely with the current work of the Town's Economic Development Committee.

Mrs. June Allen explained much of the effort is centered around a Route 2 corridor concept, and all area towns would benefit from historical tourism. She stated federal grant monies are available, once the appointment is made and legislation passed. She opined grant information would be made available, once the legislation is passed.

The Board was very receptive to highlighting historical sites/activities in the area and thanked Mrs. Allen for her involvement with this group.

It was on motion unanimously

VOTED: To confirm June Allen's appointment as Sudbury liaison to the Freedom's Way Heritage Association, Inc., for an indefinite period of time; and it was further

VOTED: That the Town pay the \$35 membership for June Allen's participation in the Freedom's Way Heritage Association, Inc.

It was further on motion unanimously

VOTED: To direct the Town Manager to write letters of support to Congressional and Senate subcommittees for Freedom's Way National Heritage Area Legislation (HR 1027 and S1925), which encompasses the Town of Sudbury.

Site Plan #01-362M – Roche Brothers

At 7:50 p.m. Chairman O'Brien reconvened a Public Hearing to consider Site Plan Application 01-362 of Roche Brothers, d/b/a Sudbury Farms, for modification of Site Plan 99-348 (continued February 11, March 11, April 22, May 20, June 24, and August 13, 2002).

The applicant requested a continuance until September 24, 2002 at 8:15 p.m. The issue of removing 1776 Plaza sign is not yet resolved between tenant and owner.

It was on motion unanimously

VOTED: To continue this matter until September 24, 2002 at 8:15 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of August 13, 2002, as drafted, and the minutes of the special meeting of June 6, 2001, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$156.75 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.

Sale of Alcoholic Beverages on Election Day

It was on motion unanimously

VOTED: To grant permission to holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the State Primary Election of September 17, 2002, in accordance with G.L. Ch. 138, sec. 33.

Conservation Restriction – 34 Haynes Road

Present: Deborah Dineen, Conservation Coordinator.

The Board reviewed a memo, dated August 13, 2002, from the Conservation Coordinator.

Deborah Dineen, Conservation Coordinator, submitted a detailed plan for review, and briefly described the proposed Conservation Restriction at 34 Haynes Road and its location on the plan. She stated the existing home has been demolished, and two new homes will be built, utilizing a common driveway. The "hay bale" area is the edge of the area of disturbance; everything outside this area will be included in the Conservation Restriction. Most of this area is wetland or meadow. The meadow will be mowed once a year. In order to build within the 100-foot buffer area, the developer will build a small turtle nesting area within the CR.

Chairman O'Brien asked about public access. Ms. Dineen stated there are no trails on this property, and the trails at the Willow Hill School do not extend this far. She stated that, aside from the meadow area, the land is very wet and difficult to walk.

Selectman Drobinski asked whether the Town loses potential income when land goes into a Conservation Restriction, as it is no longer considered residential or excess land. Ms. Dineen opined that land is taxed at a much lower rate than residential property. She offered to research it and forward information to the Town Manager. The Board asked that this financial data be considered by the Conservation Commission before requiring future Restrictions and that it be furnished to the Selectmen when approvals are requested.

It was on motion unanimously

VOTED: To approve and sign a Conservation Restriction for property at 34 Haynes Road, granted by Creative Land Management Associates, Inc., as requested by the Conservation Commission, specifically to include a 13,858 sq. ft. portion of Lot A and a 3.60 acre portion of Lot B, as described on the plan, "Easement of Land in Sudbury, Massachusetts" prepared for Collins Development Corp. by Schofield Brothers of New England, Inc., dated September 24, 2001, revised Oct. 19, 2001.

Election Officers – Resignations/Appointments

It was on motion unanimously

VOTED: To acknowledge and accept the resignations of Paul Davis (undated), Fred Lee Ford Swanson (dated July 29, 2002) and Janet and Richard Payson (dated August 12, 2002) as Election Officers.

It was also on motion unanimously

VOTED: In accordance with recommendations of the Town Clerk and Democratic and Republic Town Committee Chairmen, to make the following appointments of Election Officers: Mary Corley, Rita Farrell, Susan Nicklous Iuliano, Dorothy Oldroyd and Deann J. Rubin as Democratic Emergency Inspectors; Mary R. Davis, Richard Griesel and Elaine Jean Young as Republican Emergency Inspectors, and John V. Nikula as Unenrolled Emergency Inspector, all for the 2002-3 Election Year.

It was further on motion

VOTED: To appoint Lauren S. O'Brien as Democratic Election Officer (Teller) for the 2002-3 Election Year. (Selectmen Roopenian and Drobinski, aye, Chairman O'Brien, abstain).

Regulatory Changes – M.G.L. Chapter 40B

Present: Jody Kablack, Town Planner.

The Board reviewed the following: (1) memo, dated August 16, 2002, from the Department of Housing & Community Development, identifying new regulatory changes to Chapter 40B of Mass. General Laws, and requesting comments by Friday, October 11, 2002; (2) memo from the Town Planner encouraging the Board's support of changes; and (3) memo, dated August 29, 2002, from Jo-Anne Howe, Executive Director, Sudbury Housing Authority, stating the SHA's support in making the proposed changes permanent, and acknowledging that Chapter 40B can be an important tool in developing affordable housing in affluent suburbs such as Sudbury.

There was brief discussion on the DHCD regulations which mirror legislative proposals passed by the legislature but vetoed by Governor Swift. The regulations are "emergency regulations" issued by the Department of Housing and Community Development, and said regulations expire in 90 days. A formal public hearing will be held on October 11, 2002. The regulations complement regulatory changes limiting size of comprehensive permit projects based on community size, allow municipalities to deny 40B permits, and prevent retaliatory behavior by developers via a "cooling-off" period of one year between development proposals.

It was on motion unanimously

VOTED: To direct the Town Manager to send a letter of support, listing key points mentioned in correspondence from the Town Planner and Executive Director of the Sudbury Housing Authority.

Site Plan #02-368 – Lotus Blossom Restaurant

Present: Morris Chen, Owner, Lotus Blossom Restaurant; Peter Darlow, Darlow Christ Architects, Inc.; Kevin O'Leary, The Jillson Company, Inc. [engineers]; Jody Kablack, Town Planner; Deborah Dineen, Conservation Coordinator.

At 8:20 p.m. Chairman O'Brien convened a Public Hearing to consider Site Plan Application 02-368 of Ho-Tai Sudbury, Inc., d/b/a Lotus Blossom Restaurant, for approval of a Minor Site Plan, in accordance with Town of Sudbury Zoning Bylaw Art. IX.6000, Section 6300, to enclose the existing front porch and add a 413 sq. ft. addition to the rear, northeast corner, accommodating an increase of 20 seats to the restaurant, on property located at 394 Boston Post road, owned by Ho-Tai Sudbury, Inc., and zoned Business District #5. This matter was continued on August 13, 2002, as Selectman Drobinski was absent, making the required three-member quorum incomplete.

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on August 1, 2002. Abutters within 300 feet according to the Assessors were provided written notice by first class mail. Boards and officials were notified and requested to report to the Selectmen. The following application documents and reports have been received:

1. Application dated April 25, 2002, received July 11, 2002, for site plan approval with accompanying plans entitled, "Lotus Blossom, 394 Boston Post Road, Sudbury, Massachusetts 01776", issue date July 11, 2002, by Darlow Christ Architects Inc., containing 11 sheets including cover sheet, comprised of Site Sheets C-1.1 Site Grading Plan dated July 9, 2002 (revision dated July 19, 2002 later received) and C-1.2 Detail Sheet dated July 9, 2002, drawn by The Jillson Company, Inc.; and Architectural Sheets A-1.1, A-1.2, & A-1.3, existing floor plan and elevations, Sheet D-1.1 demolition plan, and Sheets A-2.1, A-3.1, A-3.2, & A-4.1

proposed floor plan, elevations and details, dated July 2, 2002, by Darlow Christ Architects Inc. Landscape Plan Sheet L-1, dated August 5, 2002, drawn by Landscapes by Design of Weston, MA, was received by the Selectmen's Office on August 28, 2002.

2. Report from the Building Inspector dated July 17, 2002, stating, in part, that the existing parking lot accommodates 80 automobiles and will continue to comply with the Zoning Bylaw, Parking Standards (Section 3100), even with the additional 20 proposed seats; and extension and enlargement of a non-conforming building requires a Special Permit by the Board of Appeals (Section 2420).
3. Reports from the Town Engineer/Director of Public Works dated July 15 and July 19, 2002, commenting: 1) all sheets should have signature blocks for the Board of Selectmen, Building Inspector and Public Works Director/Town Engineer; 2) drainage calculations have not been submitted for review; 3) he recommends the curb cut located directly in front of Lotus Blossom Restaurant be removed and replaced with bituminous concrete berm; 4) the easterly curb cut should be narrowed to 40 feet in width in accordance with Zoning Bylaw Section 3143; 5) the outfall from the drainage system located on Route 20 across from Raymond Road has not been shown; and 6) any work within the state layout will require a permit from the Mass. Highway Department.
4. Report from the Town Planner to the Planning Board dated July 23, 2002, recommending: 1) as the main aisle width of the interior driveway will be slightly reduced from the minimum standard of 20 feet by the construction of the addition in the northeast corner, she recommends a "No Parking" sign be placed along the exterior wall to maintain adequate space for two-way traffic flow; 2) she concurs with the Director of Public Work's recommendation to narrow the main entrance to the site to 40 feet; 3) a Water Resource Protection District Special Permit is required and the amount of pervious surface disturbed should be calculated and a compensatory area must be located; and 4) the proposal requires a Special Permit from the Board of Appeals, an Order of Conditions from the Conservation Commission, and review by the Design Review Board.
5. Report from the Planning Board dated August 5, 2002, recommending approval with the following conditions: 1) the easternmost curb cut should be narrowed, as recommended by the Town Engineer; 2) landscaping should be installed around the curb cut narrowing, to compensate for the additional impervious surface created by the addition; and 3) issuance of a Water Resource Protection District Special Permit.
6. Report from the Conservation Coordinator dated August 7, 2002, advising that an Order of Conditions will be issued upon receipt of the DEP file number, noting that the project qualifies as a reconstruction project under the state and local wetlands regulations and the plan represents significant improvements to existing conditions.
7. Report dated August 28, 2002 from the Health Director informing that the proposed addition will require installation of a new grease trap which has been approved by the Board of Health and that the septic system is adequate for the proposed increase of 20 seats in the restaurant.
8. Report dated August 27, 2002, from the Fire Chief advising the Fire Department has no objections to the proposed plan, nor any outstanding issues with Lotus Blossom Restaurant.
9. Report dated September 3, 2002, from Frank Riepe, Design Review Board, with the following comments: a) original window scheme for right wing needed refinement, revised layout of the windows on the porch and front barn elevation are satisfactory, and b) original color scheme was too great a departure from existing conditions; revised color scheme much improved – golden wheat, two greens and a red for the door. The Design Review Board felt the design was much improved and unanimously recommends approval, with the

color scheme as a condition, to the Board of Selectmen. The DRB further recommends approval of the proposed addition by the Board of Appeals.

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

Mr. Peter Darlow, Darlow Christ Architects, Inc., briefly explained the applicant's desire to diversify the restaurant's menu to add some Japanese cuisine, which requires some renovation of the kitchen area. In addition, he stated the owner Mr. Chen would like to "freshen" the appearance of the restaurant to enhance its new menu. The proposed changes include an addition to the rear, which would include new handicapped accessible toilet facilities, a sushi bar in the area previously occupied by the current restrooms, and enclosing the front porch to increase seating. Mr. Darlow utilized a variety of sketches to point out changes to the restaurant.

Mr. Darlow stated the "freshening" will include new window treatments, wall covering, floor coverings, as well as new exterior colors. He stated they have met with the Design Review Board and have approval on an exterior color scheme of golden wheat, two greens, and a red color for the door. He displayed samples of carpet, draperies, paint swatches of interior and exterior colors.

Mr. Darlow stated much of the existing vegetation will be removed from the front of the site as construction work would destroy it. These plantings will be relocated around the parking area. Once the front area is complete, new landscaping will be put into place. He noted that a mature tree right by the entrance will not be duplicated as it was blocking the entrance somewhat, and the owner would like the new front door to be more visible. A Landscape Plan was submitted on August 28, 2002.

Mr. Darlow stated the existing kitchen had been constructed of concrete walls, and stated the new construction will be of clapboards and appropriate trim. He noted there have been several small additions to the building over the years, and each one looks a little different. The new exterior will bring it all together. The entire roof will be redone, so that the whole building appears homogenous and connected.

Mr. Kevin O'Leary, Engineer, The Jillson Company, Inc., briefly described engineering changes to the parcel, noting wetlands areas, relocation of grease trap and proposed drainage. He stated clean runoff will be separated from parking area runoff which will contain oils and other contaminants. He pointed out all proposed changes on the drawings, and described a catch basin structure.

Chairman O'Brien asked why two separate catch basins are necessary, as it goes through the same filter. Deborah Dineen, Conservation Coordinator, explained that the "dirty" runoff contains petroleum hydrocarbons and must be treated, while the clean roof runoff can be discharged directly to the water table. A catch basin holds a certain amount, and if the clean runoff goes to a different one, a greater volume of dirty runoff can be treated.

Chairman O'Brien listed the outstanding issues to be a written decision from Board of Appeals on its approval, and obtaining the Water Resource Protection Permit.

Selectman Drobinski asked about putting a walkway over the sandy area near the rail bed. Jody Kablack, Town Planner, stated that land belongs to the MBTA, and there is a drainage problem. As long as the water goes right across this particular area, without appropriate drainage, a walkway would be a waste of money and effort. The State would have to install the catch basins in order to correct this. The Board asked that the Town Manager and Director of Public Works pursue the matter with Mass. Highway Department.

It was on motion unanimously

VOTED: To close the public hearing on this matter.

At this time, the applicant and the Board reviewed the Draft Decision, prepared by Town staff. Conditions were reviewed and amended as follows:

Condition 13: Mr. Darlow stated they have spoken with the Town Engineer and have reached agreement on 38 feet instead of 40 feet for the width of the curb cut. While the records of reports received cannot be changed, it was agreed the **change to 38 feet** will be reflected in the condition, following appropriate confirmation from the Town Engineer.

Condition 1: It was suggested to split this condition into two, as the State may not act in a timely manner so that the changes can proceed. It was agreed to **label the first provision, "Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by Town Engineer.", as 1(A), and the second provision, "Any work within the state layout will require a permit from the Mass. Highway Dept.", as 1(B),** with (A) required for a Building Permit and (B) required for an Occupancy Permit.

Condition 6: Mr. Darlow said colors on the exterior sign may change. He was informed that a color change will have to be approved by the Design Review Board.

Condition 10: With regard to chemical de-icers, the Conservation Coordinator stated calcium and magnesium are allowed. It was agreed to change the wording to state, **"No salt or chemical de-icers shall be used on the site, other than those permitted in accordance with the Order of Conditions."**

Condition 15:

Part a): Mr. O'Leary stated the outfall from the Route 20 drainage system has always been on the plan, but in reality is barely visible due to overgrown shrubbery. There are no documents describing its location. Mr. O'Leary stated he could see a pipe extruding when he removed the manhole cover. He opined the drainage goes to the rear of the property. The DPW Director will confirm.

Part b): He noted signature blocks for Selectmen and Building Inspector/Town Engineer will be added on final plans.

Part c): [new] Jody Kablack also reported that the Design Review Board would like to have sample colors for buildings included with future site plans so that the colors are considered as part of the approval. **It was agreed to incorporate the Design Review Board request to include the mutually agreed upon color scheme as Condition 15c, which shall read: "The exterior color scheme shall be as approved and described by the Design Review Board in its letter of September 3, 2002, and a colored rendering shall be included as part of the final approved site plan documents."**

Condition 17: Building Permit -- Condition 1 was changed to **Condition 1A.**

Condition 18: Mr. Darlow questioned whether an Occupancy Permit was required, as the restaurant was not closing. An Occupancy Permit is required for the areas under renovation, certifying that all changes meet established building codes. Suggested wording: **No Occupancy Permit shall be issued for renovated areas until certain items noted above [include 1B, in addition to those already listed], as specified by the Board, are complied with.** Town Manager Valente will ask Town Counsel to review.

The Town Manager was requested to finalize the Decision based upon the above discussion, to be signed by the Board without necessity of a further vote.

Based upon 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. 02-368 of Ho-Tai Sudbury, Inc., d/b/a Lotus Blossom Restaurant, to enclose the existing front porch and add a 413 sq. ft. addition to the rear, northeast corner, on property located at 394 Boston Post Road, owned by Ho-Tai Sudbury, Inc., as shown on plans entitled, "Lotus Blossom, 394 Boston Post Road, Sudbury, Massachusetts 01776", issue date July 11, 2002, by Darlow Christ Architects Inc., containing 11 sheets including cover sheet, comprised of Site Sheets C-1.1 Site Grading Plan, dated July 9, 2002, revised July 19, 2002, and C-1.2 Detail Sheet, dated July 9, 2002, drawn by The Jillson Company, Inc.; and Architectural Sheets A-1.1, A-1.2, & A-1.3, existing floor plan and elevations, Sheet D-1.1 demolition plan, and Sheets A-2.1, A-3.1, A-3.2, & A-4.1 proposed floor plan, elevations and details, dated July 2, 2002, by Darlow Christ Architects Inc.; and Landscape Plan Sheet L-1, dated August 5, 2002, drawn by Landscapes by Design of Weston, MA, 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. (A) Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by Town Engineer.
(B) Any work within the state layout will require a permit from the Mass. Highway Dept.
2. Placement of all new utilities underground.
3. 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. The grant of a Water Resource Protection District Special Permit by the Planning Board.
6. Approval of signs or advertising devices as required under the applicable provisions of the Zoning Bylaw.
7. 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.
8. Approval of the final landscaping plan by the Board of Selectmen.
9. Exterior lighting to be directed away from adjacent properties and have shields and shall be in conformance with Section 3427f of the Zoning Bylaw.
10. No salt or chemical de-icers shall be used on the site, other than those permitted in accordance with the Order of Conditions.

11. Any disposal or removal of effluent and wastes generated on the site shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission, as appropriate.
12. If required by the Board of Health, Conservation Commission and/or Board of Selectmen, the applicant shall install one or more monitoring wells, or other protective device, on the site, including the Town's right of access for periodic testing and monitoring thereof.
13. The easterly curb cut shall be narrowed to 38 feet in width and replaced with landscaping to compensate for the additional impervious surface created by the addition, and the curb cut located directly in front of Lotus Blossom Restaurant shall be removed and replaced with a bituminous concrete berm and landscaping in accordance with the revised plan dated July 19, 2002, subject to receipt of curb cut permits as necessary from the Mass. Highway Dept.
14. In order to maintain adequate space for two-way traffic flow, a "No Parking" sign shall be installed along the exterior wall where the main aisle width of the interior driveway will be reduced from the minimum standard of 20 feet.
15. Addition of the following to the site plan:
 - a) location of the outfall from the drainage system located on Route 20 across from Raymond Road;
 - b) signature blocks for Selectmen and Building Inspector/Town Engineer.
 - c) The exterior color scheme shall be as approved and described by the Design Review Board in its letter of September 3, 2002, and a colored rendering shall be included as part of the final approved site plan documents.
16. 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.
17. No Building Permit shall be issued until this Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above [1(A), 8 and 15], as specified by the Board, are complied with.
18. No Occupancy Permit shall be issued for renovated areas until certain items noted above [1(B), 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, and 16], as specified by the Board, are complied with.
19. This approval shall lapse if construction and a substantial use thereof have not commenced except for good cause within two (2) years from the effective date of said approval.

[NOTE: The above vote duplicates the wording of the finalized Decision as signed.]

Interview of Candidates – Board of Appeals Associates/Earth Removal Board

Present: John Brown, Elizabeth Taylor, Carol Zais, Candidates.

The Board briefly reviewed a memo, dated August 28, 2002, stating the request of the Board of Appeals that the Board of Selectmen appoint three members to the Board of Appeals Associates/Earth Removal Board to fill existing vacancies, and one member to the Board of Appeals Associates only. Chairman O'Brien suggested the Board interview available candidates in alphabetical order and reserve time at the end of tonight's meeting for deliberation.

Mr. **John Brown**, Longfellow Glen, stated he has been involved with the Framingham Planning Board, filming their involvement on a variety of projects. A four-year Sudbury resident, he stated he and his wife are members of The Grange, and work with youth at the Grange. They also work with the Sudbury Pines nursing home in a volunteer capacity. Mr. Brown stated he has no previous experience with Town government.

Responding to a question from Selectman Drobinski, Mr. Brown stated he had no problem being involved in contentious or stressful issues, and stated he is able to listen to the facts in order to make a decision. He stated he has no preconceived ideas about specific issues, and stated further he would like to see Sudbury maintain its rural character. He stated he has not yet read the Zoning Bylaw. There was brief discussion regarding the importance of attending all meetings, especially all hearings on a particular issue.

Chairman O'Brien stated Ms. **Elizabeth A. Taylor**, 20 Scotts Wood Drive, had previously expressed interest in serving on a Town board and thanked her for applying again. She stated she feels comfortable listening to facts pertaining to issues, and weighing all information for a decision. She stated she has read the Zoning Bylaw on the Town website and found it fairly easy to follow. Ms. Taylor stated she is familiar with general zoning issues as researched while an associate at a Boston law firm.

Responding to a question from Selectman Roopenian, Ms. Taylor stated it is crucial to maintain the rural character, yet realize growth is necessary and desirable to keep the community balanced. If an issue is very technical, she stated she will ask questions until it is clear.

With regard to contentious issues, Ms. **Carol Zais**, 36 Old Coach Road, stated her experience with school political groups should work well here, in addition to listening to facts and weighing information. She stated technical issues will no doubt come up, and stated her belief that every project will have specific information that will need to be explained. She looks forward to more technical issues than the school group work provided.

Regarding a "vision" for Sudbury, she stated it was difficult to have any pre-set ideas, but to maintain a flexible approach as the future is unknown. Chairman O'Brien asked Ms. Zais if she were perhaps spreading herself too thin, taking on this commitment in addition to work with the schools. She responded that an Associate appointment is the right way to start, not jumping right in with both feet. She opined that she would be able to keep it well balanced.

Chairman O'Brien stated the Board will deliberate later this evening, but added that two more candidates need to be interviewed. He stated the Board would contact them with their decision, and thanked them for their interest.

Goodnow Farms – Walkway Requirement

Present: Jody Kablack, Town Planner; Deborah Dineen, Conservation Coordinator; Catherine Quinlan, 192 Hudson Road; Neil Bramberg, 182 Hudson Road.

The Board reviewed the following: (1) a memo, dated August 27, 2002, from the Town Planner, which outlined the approximate placement of a shortened walkway along Goodnow Road, redesigned by the Planning Board, Conservation Commission, and Sudbury Valley Trustees because of existing engineering difficulties with respect to topography and location of a vernal pool, and stated Northland Residential will contribute \$5,400 to the townwide walkway account in lieu of constructing the full walkway; (2) memo, from Michele Grzenda, SVT, dated Sept. 3, 2002, stating SVT is in agreement with the Town Planner's

memo of August 27, and stating the walkway is approved as illustrated in the field with stakes, and that any deviation would require new approval. Ms. Grzenda stated SVT will not be responsible for maintenance or upkeep of this walkway and would like this clarified in the easement; (3) letter, dated September 3, 2002, from Catherine Quinlan, 192 Hudson Road, expressing concern for pedestrians looking into her home due to the proximity of the proposed walkway to her property. Ms. Quinlan requested the walkway be moved further from her property, approximately 35 feet in from the road.

The Board also reviewed a sketch, submitted by the Town Planner, which depicted original walkway placement, and revised placement.

Town Manager Valente reported SVT Board of Trustees has not yet voted on the walkway placement as it will be on their property. Referring to the revised path depicted, Ms. Valente opined people will not be inclined to follow a path that meanders and will instead opt to walk along the road.

The Board briefly tracked the route of the walkway and discussed pros and cons of its construction (stone dust) as well as placement. Chairman O'Brien and Selectman Drobinski opined if the walkway does not go all the way through, there may as well not be one.

Ms. Catherine Quinlan, 192 Hudson Road, expressed concern for people being able to look into her home, but that she will not be able to see them, due to the trees. She stated the best solution, at least for her, would be to eliminate the walkway. Chairman O'Brien explained the difficulties with constructing the walkway, due to the presence of the vernal pool and salamander habitat. Town Manager Valente stated the land does not belong to the Town, and that SVT will decide the location of the easement permitted on their property.

Selectman Roopenian opined vehicular traffic would increase more so than pedestrian, and stated people walk on similar streets all over town. She stated her preference for using the monetary contribution elsewhere. She concurred with Chairman O'Brien and Selectman Drobinski that a "half-way" walkway is useless, and a waste of money and effort.

Ms. Quinlan opined the walkway does not help anyone very much as it dumps pedestrians out at a very busy corner. She stated schoolchildren presently are driven to the bus stop.

The Board expressed preference for enhancing the trail easement with wood chips or stone dust, and possibly eliminating the regular walkway. Selectman Drobinski suggested the developer could engineer the trail easement so that stone dust remains on the trail. Funds currently allocated for the walkway could be used for the easement, and unused monies donated to the townwide walkway fund.

Town Manager Valente stated she could discuss such a proposal with all parties and report back to the Board available options. The Board asked her to thank everyone who worked on this project, the Planning Board, Conservation Commission, Sudbury Valley Trustees, and the Town Engineer.

After discussion, it was on motion unanimously

VOTED: To eliminate the requirement for a walkway along Goodnow Road as proposed by the Planning Board, Conservation Commission and Sudbury Valley Trustees, with respect to the development by Northland Residential Corporation [Prichett property].

It was also on motion unanimously

VOTED: To instruct the Town Manager to discuss with the Planning Board and Conservation Commission the current status of the trail easement and its composition, noting the Board's preference for a stone dust type of construction material, and to report back her findings.

Northland Residential Corporation -- Goodnow Farm Easements

Present: Deborah Dineen, Conservation Coordinator.

It was on motion unanimously

VOTED: To accept the following easements granted by Goodnow Farm LLC, c/o Northland Residential Corporation relative to the Pritchett land: (1) Utility Easement, dated September 3, 2002, shown on Lot 9 on "Definitive Subdivision Plan in Sudbury, Mass. (Middlesex County)", dated February 27, 2002, last revised August 8, 2002, prepared by Metrowest Engineering, Inc.; (2) Access Easement, dated September 3, 2002, shown on Lot 9 on the aforementioned plan; and (3) Trail Easement, dated September 3, 2002, shown on Lots 9, 10, and 11 on the aforementioned plan. [All documents reviewed by Town Counsel.]

Site Plan 02-365 – Foreign Motors West

It was on motion unanimously

VOTED: To accept the revised plans, dated July 19, 2002, for Site Plan Application 02-365 of Foreign Motors West, in accordance with the Board's decision dated June 10, 2002, and to sign said plans.

Minuteman School of Applied Arts & Sciences – Chapter 70 Aid

The Board reviewed a communication, dated August 13, 2002, from Minuteman Superintendent Ron Fitzgerald requesting approval of access to \$8,650 in additional State aid, in accordance with State regulations. Mr. Fitzgerald stated the monies would be used as non-assessment revenue to support the school's budget. The Board also reviewed a memo, dated August 26, 2002, from Kerry A. Speidel, Finance Director/Treasurer-Collector, recommending said approval as their initial budget request was a modest 2.5% increase, significantly well below that of other area schools.

It was on motion unanimously

VOTED: To approve access to \$8,650 in Chapter 70 State aid, as appropriated by the Commonwealth of Massachusetts, by the Minuteman School of Applied Arts and Sciences (Minuteman Regional High School).

2003 Selectmen's Meeting Schedule

It was on motion unanimously

VOTED: To approve the 2003 Selectmen's meeting schedule, as prepared by Town staff.

Sunday Entertainment License – Bullfinch’s

The Board reviewed an application for renewal of a License for Public Entertainment on Sunday, dated August 19, 2002, from Bullfinch’s, Inc., 730 Boston Post Road. Town Manager Valente stated there have been no complaints about this establishment or this type of entertainment [jazz trio].

It was on motion unanimously

VOTED: To grant a License for Public Entertainment on Sunday to Bullfinch’s, Inc., d/b/a Bullfinch’s, 730 Boston Post Road, for a Jazz Trio on Sundays, from 11:00 a.m. to 2:30 p.m., beginning September 15, 2002 through September 7, 2003.

Draft Program for September 11 Memorial Ceremony

Town Manager Valente distributed a draft program of events, and asked for the Board’s input on remaining issues. She asked the Board to review a sample invitation as well. The Board briefly discussed the proposed timetable and other aspects of the event. Further comments or suggestions should be forwarded to the Town Manager as soon as possible.

Appointment – Board of Appeals Associates/Earth Removal Board

The Board briefly discussed the qualifications of candidates interviewed earlier this evening. Town Manager Valente stated she received a resignation from Mark Kablack, full Appeals Board member, another individual that afternoon. It was decided to appoint one individual to the Board of Appeals as an Associate to ease the burden of that group, and delay further appointments until all interviews have been completed.

After discussion, it was on motion unanimously

VOTED: To appoint Elizabeth A. Taylor to the Board of Appeals Associates and to the Earth Removal Board for a term to expire April 30, 2003.

Early Retirement Presentation

The Board briefly discussed a presentation on Early Retirement Benefits scheduled for September 24. Chairman O’Brien expressed concern that this will be an informational session, with little time for Q & A and still maintain the full meeting agenda. It was suggested that the Personnel Director could respond to written questions or comments submitted to his office. A second hearing could be scheduled, if deemed necessary. Town Manager Valente stated she would discuss it with Assistant Town Manager Walker to ensure the initial session is appropriately publicized.

There being no further discussion, the meeting adjourned at 11:15 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk