

IN BOARD OF SELECTMEN
TUESDAY, JULY 22, 2003

Present: Chairman Kirsten D. Roopenian, Selectmen John C. Drobinski and Lawrence W. O'Brien.

The statutory requirement for notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Roopenian announced Requests for Proposals (RFP) are now available for projects to be considered by the Community Preservation Committee in connection with the Community Preservation Act. RFP forms are available on the Town website, at the Goodnow Library and from the Planning Board.

Chairman Roopenian expressed concern once again for the safety of Sudbury residents as another fatality had occurred in town. She urged motorists to drive safely and conscientiously, obeying all traffic regulations and speed limits, and to be watchful for pedestrians and cyclists. Conversely, Ms. Roopenian advised cyclists to also be watchful for motorists who may not be able to see them.

Interviews – Blue Ribbon Housing Site Selection Committee

Present: Richard H. Davison, James Gardner, Myles Halsband, Lydia Pastuszek, Applicants.

Chairman Roopenian briefly explained that the applicants would be interviewed as a group, each applicant answering the same question. Town Manager Valente stated this committee is not one of policy-making, but rather of evaluation and analysis, performing a "due diligence" review of eligible parcels. In addition to residents-at-large, representatives of the Council on Aging, Land Use Priorities Committee, Sudbury Housing Authority, Conservation Commission, and the Planning Board will also serve.

Each applicant offered a brief introductory statement: (a) Ms. Lydia Pastuszek stated she has lived in Sudbury for 5 years, is employed as a Human Resources Manager for National Grid, and is trained as an environmental planner; (b) Rich Davison briefly reviewed his previous experience on the Planning Board and other community service, having continued service since his retirement. He is interested in the Town's long-term health and strength as a community; (c) James Gardner stated he works as an atmospheric chemist, managing large amounts of data into workable units. He feels this skill will help narrow potential housing sites into the most viable; and (d) Myles Halsband stated his background is computer software sales. As an abutter to a previously proposed site, he feels he can bring a unique perspective to this endeavor.

Questions from the Board included why applicants became involved, any personal agendas, how to handle differing opinions within the group, commitment of adequate time, how to develop effective and fair housing, dealing with emotional residents, their reaction if a site is in their own neighborhood, and whether they support a scattered vs. central site selection.

The Board thanked all the applicants for their interest in this committee. At 8:12 p.m. the Board suspended this matter in order to proceed to the next agenda item.

At 10:05 p.m. the Board reconvened this matter to deliberate its appointments. Chairman Roopenian asked if the Board could increase the number of at-large members to three, in order to provide varied perspectives. The rest of the Board concurred, and presented their choices.

After discussion, it was on motion unanimously

VOTED: To increase the number of "residents-at-large" members on the Blue Ribbon Housing Site Selection Committee to three (3) members.

It was also on motion unanimously

VOTED: To appoint the following individuals to the Blue Ribbon Housing Site Selection Committee, each for a term to expire on April 30, 2004:

Richard H. Davison, 50 Dutton Road
James A. Gardner, 4 Longfellow Road
Lydia M. Pastuszek, 15 Griffin Lane

It was further on motion unanimously

VOTED: To affirm the document prepared by the Town Manager, dated July 22, 2003, entitled "Blue Ribbon Housing Site Selection Committee – Outline of Work and Issues to be Addressed" as a mission statement for said Committee.

Town Manager Valente stated there are other members from the aforementioned boards as yet unidentified, but she would like to schedule site visits of the suggested sites where there were concerns. She will inform the Board of potential dates for the site visits.

Traffic Rules and Orders – No Parking on Concord Road

Present: Ronald Conrado, Safety Officer; Jody Kablack, Town Planner.

The Board reviewed the following information: (1) letter, dated May 15, 2003, from Ronald Conrado, Safety Officer, stating vehicles parked on both sides of Concord Road during events at Featherland Park to be a safety concern. At times the entrance driveway has been completely blocked, preventing any emergency vehicles from entering or exiting. In his letter, Officer Conrado stated he has discussed the matter with Park and Recreation Director Dennis Mannone, and requested he forward concerns to the Youth Baseball Director and ask him to send a letter to parents, advising them of the parking situation, as well as suggesting alternate places to park. Lastly, he requested the Board approve the installation of "No Parking" signs on both sides of Concord Road from Morse Road to Pantry Road. (2) letter, dated July 7, 2003, from Officer Conrado, offering suggestions on where "No Parking" signs should be placed, referring to house numbers along Concord Road. (3) report, dated July 17, 2003, from the Town Engineer/DPW Director, stating his support of the Police Department's request and suggesting "No Parking" signs be placed from Morse Road northerly to approximately 1,500 ft. beyond Thompson Drive. (4) report, dated July 17, 2003, from the Park and Recreation Director, stating the Park and Recreation Commission is in favor of "No Parking" signs to insure safety of residents. (5) letter, dated July 10, 2003, from Joseph Tratnyek, 476 Concord Road, opining Concord Road is not unsafe due to parking, but speeding, and recommending long-term consistent crack-down on speeding, and banning or limiting heavy commercial truck travel, particularly oversized vehicles.

Ronald Conrado, Safety Officer, briefly recounted his concerns over the excessive parking along Concord Road during events at Featherland Park. He stated he has observed children going out to their family vehicles, unsupervised, to get items out of the vehicles. He expressed concern that these children will

not be observing traffic, and the traffic will be unable to stop in time if children step too far into the road. Officer Conrado expressed further concern that emergency vehicles are prevented from getting into the park due to all the cars on both sides of the road, leaving too little room for emergency vehicles to pass.

Officer Conrado stated he has discussed the situation with the Park and Recreation Director and the DPW Director. Mr. Mannone will endeavor to stagger event times to alleviate congestion, as well as contact the baseball league parents to make them aware of alternate places to park. The DPW Director will assist in placement of the signs, if the Board votes to approve them.

Responding to a question from Selectman O'Brien, Officer Conrado stated the parking lot at the Nixon elementary school would be sufficient to accommodate the bulk of the cars parking along Concord Road. This would require people to walk only a short distance further to Featherland Park.

Posting signs and amending the Traffic Rules would make violation of the parking ban enforceable by the Police Department. Officer Conrado stated the current fine is \$15, but noted new tickets have been printed and he did not know what fine amount was listed there. He opined four or five signs both northbound and southbound would be sufficient.

It was noted that offenders could be participants or spectators belonging to visiting teams. Selectman O'Brien suggested having some portable "saw-horse" signs featuring large arrows directing people to parking areas. Officer Conrado agreed to discuss it with the Recreation Director.

Ms. Suzanne Flynn, 482 Concord Road, stated she has no problem with the parking along Concord Road, but objects to the increased signage and visual clutter. She stated she also has problems with DPW not removing the sand during the winter, drainage problems, and the behavior of the parents from the Nixon school daily and at special events. She recounted one Halloween event where children were running all over the neighborhood unsupervised.

Ms. Marion Tratnyek, 476 Concord Road, stated signs near Morse Road and Newbridge Road are unnecessary, with the possible exception of commencement and other very large events. She objected to additional signs. She asked if the signs have already been purchased, as a *fait accompli*. Officer Conrado stated there is a supply of generic signs available. Chairman Roopenian stated that the Board must approve any signs before installation along roadways.

Ms. Carole Wolfe, 637 Concord Road, opined signs past the high school would be unnecessary as the excessive parking in question never goes that far north. She also asked where signs would be placed. Officer Conrado stated he would work with homeowners before placement of signs. Ms. Wolfe expressed concern for scenic vistas along Concord Road. Officer Conrado stated it is within the Police Department's jurisdiction to ticket drivers who park their cars directly on the roadway, creating a safety hazard, even without the placement of signs.

Responding to a question from Chairman Roopenian, Officer Conrado stated the situation has been better more recently, possibly due to letters being sent to parents of athletes. But cars are still being parked along Concord Road. Selectman O'Brien opined it is a matter of parents taking responsibility for their children, disposing of trash, and parking safely and appropriately.

It was on motion unanimously

VOTED: To amend the Town of Sudbury Traffic Rules and Orders by adding the following location to Article V. PARKING, Section 2. PARKING PROHIBITED ON CERTAIN STREETS.

Concord Road – both sides, from Morse Road northerly to Lincoln Road.

It was further on motion unanimously

VOTED: To direct Officer Conrado to work with Concord Road residents, the DPW Director and any other necessary Town officials to determine the number and placement of the "No Parking" signs.

Site Plan #03-370 – Sudbury Valley Trustees, Wolbach Road

Present: Ron McAdow, Director, Ellen Sturgis, Director of Operations, Sudbury Valley Trustees; William Sterling, Architect, Sterling Associates, Inc.; David Schofield, Engineer, Schofield Engineering Group, Wayland; Jody Kablack, Town Planner.

At 8:40 p.m. Chairman Roopenian convened a Public Hearing to consider Site Plan Application #03-370 of Sudbury Valley Trustees, a non-profit organization, for approval of a site plan in accordance with Town of Sudbury Bylaw Article IX.6000, Section 6300, Site Plan Review, and Section 2130, Exempt Uses (educational), for a change in use from residential to business for location of the Sudbury Valley Trustees headquarters involving minimal exterior renovations to the existing structures, construction of a parking lot and other site improvements on property at 18 Wolbach Road, owned by the Sudbury Valley Trustees, and zoned Residential C-2.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on July 3 and 10, 2003. 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 June 19, 2003, received June 19, 2003, enclosing site plan drawings comprised of Sheets: S1 Existing Conditions Plan, S2 Site Modifications Plan, S3 Site Details, S4 Septic System Upgrade Plan, SE1 Site Electrical Plan, FF101 First & Second Floor Furniture Layout, and A200 Exterior Elevations, all dated January 29, 2003 and drawn by Sterling Associates Incorporated, Architects. Example of signage also included. Also submitted are copies of a letter to the Building Department dated January 29, 2003, from Attorney Mark Bobrowski representing SVT, providing his opinion that SVT use of the Wolbach property qualifies as an educational use pursuant to G.L.c.40A, s.3, and a letter dated February 10, 2003, from the Building Inspector to Mr. Bobrowski confirming said opinion. (See amended plan sheets noted in the following discussion.)
2. Report from the Building Inspector James F. Kelly, dated July 8, 2003, commenting:
 - a) The proposed use is permitted in C Residential Districts under Section 2230, Appendix A B.2.
 - b) The proposed use for SVT headquarters and activities qualifies as an exempt use under Section 2130 of the Bylaw specifically as it is a non-profit educational use pursuant to MGL Ch. 40A. s.3. (Documents should be submitted providing evidence that the proposed use so qualifies.)
 - c) Proposed parking conforms to Section 3100 of the Bylaw. Parking stalls should be dimensioned on the site plan.

- d) The proposal meets the Zoning Bylaw with respect to bulk and height of the structures, yard size, lot area, setbacks, open space, parking and building coverage (section 2600).
- e) The site is in the Old Sudbury Historic District and will require review by the Historic Districts Commission.
- f) Location of signs needs to be shown on site plan.
- g) Signature block for Selectmen, Building Inspector, and Director of Public Works must be added to plans.
- h) There are no outstanding violations at the site.

3. Report from the Town Engineer/Director of Public Works, dated July 1, 2003, providing the following information and comments:

- a) Wolbach Road is a public way as voted by the 1916 Annual Town Meeting. The layout is 24.75 feet in width, the pavement width averages 12 feet and the pavement is in good condition. In accordance with 527 CMR Board of Fire Prevention Regulations, the width of Wolbach Road should be a minimum of 18 feet for emergency vehicles.
- b) Stopping sight distance at the intersection of Wolbach Road and Old Sudbury Road (Rt. 27) should be noted. It would appear with minimal stone wall removal and the removal of one tree, the stopping sight distance for the posted speed limit could be accommodated.
- c) There is no public water supply on Wolbach Road or Old Sudbury Road from Rice Road to the Town Line. The nearest hydrant is in excess of 500 ft. away.
- d) No drainage calculations from the former dwelling were submitted for review.
- e) The applicant has proposed 14 parking spaces and 1 handicapped parking space located to the north of Headquarters and 13 spaces in front of the barn, which appear to be adequate for staff and directors. However, he is concerned about large gatherings as the conference room can hold 40 people, and he recommends SVT reconsider holding large events or their annual meeting at this location.
- f) There is minimal drainage along Wolbach Road. The applicant shows existing catch basins having 12" drain pipes without inverts. The catch basin located at the intersection of Wolbach Road and Rt. 27 has been a constant problem in the winter, overflowing and causing icing conditions on Route 27. The Dept. of Public Works has been unable to locate the outfall to this basin.
- g) In many locations, Wolbach Road is outside the layout, and he suggests the Board require roadway easements encompassing the existing roadway.

4. Report from the Town Planner to the Planning Board, dated July 8, 2003, describing the proposal and noting the following:

- a) Exceptions to compliance with Zoning Bylaw:
 - *Section 3142 requiring parking areas for business uses to be maintained with paved surfaces and adequate drainage.
 - *Section 3148 requires installation of a bicycle rack for uses creating greater than 10 parking spaces.
 - *Section 3200, Signage. The applicant is requested to provide the size, location and height of the two proposed signs. All signage requires a Sign Permit and review by the Design Review Board.
- b) A Lighting Plan must be submitted indicating type/style and location of all lighting proposed. All lighting shall be arranged to avoid glare or light spilling over to neighboring properties. Plans must indicate whether the utilities will be underground.
- c) Details of the evergreen screen must be submitted, including type of vegetation, size and number of plantings.
- d) If applicable, solid waste refuse disposal area should be labeled on the site plan and placed out of view of a public way or screened. Any receptacle with a capacity of 100 cubic feet or more shall not be located within 10 feet of any structure or property line.
- e) A Public Way Access Permit from the Selectmen will be required.
- f) The Zoning District designation must be added to the site plan.

g) Any alteration to the exterior of the building must be reviewed by the Historic Districts Commission.

5. Report from the Planning Board, dated July 14, 2003, recommending approval subject to the following conditions:

a) Submittal of additional information on the type, height and number of lighting fixtures to be installed around the site. All fixtures should avoid light spilling onto adjacent properties and should reflect appropriate styling for the district. The final lighting plan should be reviewed and approved by the Selectmen prior to installation.

b) The size and height of the reservation sign on Route 27 and its exact location must be noted on the plan. Compliance with Section 3280, Signs in Residential Districts, should be adhered to. The Planning Board has no problem with an additional sign near the parking lot, nor any directional signs that prevent traffic from continuing up Wolbach Road onto private property.

c) Details on the evergreen hedge to be installed next to the parking area should be submitted, such as species, size and number of plantings.

d) A Public Way Access Permit is required for this proposal. The Planning Board encourages a more moderate approach than the roadway improvements recommended by the Director of Public Works due to the historic district and general nature of the property. Non-structural improvements such as vegetation trimming and widening of grass shoulders are favored over road widening. In addition, although Wolbach Road is not a designated scenic road, removal of stone walls and large trees should be discouraged.

e) The Planning Board favors a stone dust or gravel parking lot provided it meets ADA standards for accessibility, as it minimizes the need for structural drainage improvements and preparation of drainage calculations and plans. If the parking lot is paved, the Board would prefer a system of vegetated swales at the edges of the parking lot instead of the proposed basins shown on the plan, subject to the approval of the Director of Public Works.

f) Zoning District designation must be noted on the Plan, as well as signature blocks.

g) Exterior alterations require approval by the Historic Districts Commission.

6. Report from the Conservation Coordinator, dated July 16, 2003, stating:

a) Most of the work is outside the 100' buffer zone of the wetland, however a wetlands Notice of Intent will be required for the redesign and upgrade of the drainage for the parking area in front of the barn. In addition, a wetlands filing may be required for use of the field east of the barn for event parking. The wetland line has not been established in this area.

b) At a pre-application meeting with Department Heads, SVT indicated that the only area suitable for employee parking was in the northwesterly field, visible from Old Sudbury Road. We would like to encourage SVT to utilize existing disturbed areas, such as the swimming pool area (after filling in) or landscaped areas to the rear of the house for employee parking, to maintain the view shed at the entrance to the Town's Historic District along Old Sudbury Road, as well as maintain more open field area.

c) The Commission would like SVT to place a perpetuity Conservation Restriction on most - if not all - of the balance of the parcel not being considered for development, and hopes that eventually the entire site can be permanently restricted from further development.

7. Report from the Design Review Board dated July 10, 2003, reporting that, after a meeting with SVT Director of Operations on July 9, 2003, the Board opines the proposal for parking and paths, as well as signage, will have a very low visual impact. The only concern the Board has is the style of post light. The Board requested a lighting plan with a fixture style that is both low-glare and appropriate for a historic property. The Board recommends approval of the site plan application.

8. Report from the Historic Districts Commission dated July 11, 2003, reporting that their questions concerning the site plan center around windows, lighting, the new parking lot and signage, noting that

windows should be true divided, they would like to see the parking lot shielded by landscaping, and they would like the opportunity to approve a design for the sign and the post light if used. The Commission has a meeting scheduled on August 7, 2003, to address their concerns and to issue a Certificate of Appropriateness.

9. Report from the Health Director, dated July 17, 2003, advising a new septic system will have to be installed. The septic design has not yet been submitted for approval.

10. Report from the Fire Chief, dated July 17, 2003 , commenting:

- a) Wolbach Road as shown on the plan is only 14 feet wide. This width is minimally acceptable to the Fire Department as Fire trucks are 10 feet wide and snowbanks would narrow the road further.
- b) The Fire Chief under the authority of Town Bylaw Article V, Section 22, will designate both sides of the driveway (meaning Wolbach Road) as Fire Lanes. Parking will be prohibited and violators will be subject to ticketing and towing. The applicant will be responsible for posting.

11. Report dated July 17, 2003, concerning issuance of a **Public Way Access Permit** from the Director of Public Works, commenting as follows:

- a) Wolbach Road is a public way. The pavement averages 12 feet in width and is in good condition. The width of pavement does not meet the minimum width for a residential common driveway (18 feet).
- b) The stopping sight distance at the intersection of Wolbach Road and Old Sudbury Road is poor for the posted speed limit.
- c) Selective trimming and/or tree removal will increase the stopping sight distance to an acceptable level.
- d) Once this is completed, certification that the stopping sight distance has been achieved should be required.
- e) To accommodate emergency vehicles, Wolbach Road should be widened 3 to 4 feet along the westerly side from Route 27 to the southerly entrance to the existing barn. A minimum of 12" of gravel covered by 3" of loam should be placed in this area.
- f) A guard rail should be installed along the easterly side between utility poles UP 4-22 and UP 5-22.

12. Letters from Stephen M. Richmond, Tom Roose and Joanne Thompson, and Susan J. Crane supporting the application.

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

Mr. Ron McAdow, Director, Sudbury Valley Trustees (SVT), briefly explained SVT's function, and their desire to have a permanent home in Sudbury.

Ms. Ellen Sturgis, Director of Operations, SVT, briefly described the gift of the property as a bequest from John Wolbach. The property is comprised of 54 acres, house, barn and several outbuildings. She stated the will gives permanent ownership to Sudbury Valley Trustees, in addition to the requirement of a Conservation Restriction for much of the land, to prevent development. The CR is being processed, and will be held by the Trustees of Reservations, a conservation group. The will also stipulated that two house lots may be carved out of the Conservation Restriction area, which may be sold if funds are necessary to complete renovations. Ms. Sturgis stated SVT has no plan to sell those lots at this time.

Ms. Sturgis stated the house, 5,000 sq. ft. of space, is in the Historic District, and therefore, SVT plans little change to the exterior of the house. Utilizing photographs, she pointed out the front door, and a planned handicapped accessible entrance through French doors via a landscaped ramp in front of the house.

Minor changes to the back of the house will be new windows in the areas currently serving as three-season porches, except those areas which will be converted into office space.

Ms. Sturgis stated the parking lot will be installed where the lawn is now, on a very level space. She stated there is a swimming pool in back that will be filled in, which could have been used for the parking area, but a lot of habitat area and foliage would be disturbed in order to construct the parking area in that location. The selected lawn area is much more level, quite accessible, and the drainage is better.

Ms. Sturgis submitted a Lighting Plan, Sheet ASK-1, dated July 22, 2003, drawn by Sterling Associates, Inc., showing exterior lighting consisting of a wooden stockade fence post, with a "Beverly Post Light" [carriage lantern] on top. The post is sunk into the ground approximately 1.5 feet, and stands 8.5 feet to the top of the lantern. She also submitted a revised Sheet SE1, Site Electrical Plan, last revised July 22, 2003, and revised Sheet S2, Site Modifications Plan, last revised July 18, 2003.

With regard to landscaping on the north side of the parking lot facing Route 27, Ms. Sturgis stated SVT's preference for a row of varied plantings, which would provide a better screening than plain arborvitae, as well as provide nesting area for birds. She submitted a planting plan prepared for this area.

Ms. Sturgis stated signage will be minimal, with a main sign at the corner of Old Sudbury Road and Wolbach Road, displaying "Wolbach Farm", along with the SVT logo, and a sign indicating "SVT Parking →" at the driveway entrance.

Responding to concerns over large gatherings and parking overflow, she stated the proposed 28 parking spaces should be sufficient, as it covers all staff, visitors and board meetings. Board meetings involve 18 people. She stated board meetings and other events may not always be held at this location, as they rotate to other locations within their watershed.

Ms. Sturgis opined fire equipment and other emergency vehicles are able to negotiate the driveway without problem, as an accident occurred at the site last year and six emergency vehicles responded.

Responding to a question from Selectman O'Brien, Ms. Sturgis stated SVT prefers not to install a packed loam 4' shoulder on the westerly side of Walbach Road from Route 27 to the southerly entrance to the existing barn as she estimates the cost at \$500,000, requiring removal of a retaining wall. They prefer instead to cut back the vegetation to increase the sight distance. Ms. Kablack opined that the DPW Director envisioned shoulder stabilization work to be far less extensive or expensive and urged the applicant to work with the DPW Director to resolve this issue.

The Board expressed its appreciation for a very complete Site Plan application, and also for the vision of Mr. John Wolbach and Sudbury Valley Trustees in making this possible and avoiding the potential development of many single-family homes in a Historic District, and the loss of beautiful conservation land.

Jody Kablack, Town Planner, stated SVT has been very easy to work with, accommodating many of the Planning Board's requests and those of other boards and commissions. She opined any remaining concerns could be easily resolved, after reviewing the lighting and landscaping plans, as well as any DPW concerns for widening Wolbach Road through use of a shoulder area.

The Board considered an application, dated July 11, 2003, for a Public Way Access Permit, which will be discussed when reviewing the Draft Decision.

Town Manager Valente expressed concern about being able to prepare a Draft Decision quickly due to staff vacations in the next two weeks. Mr. William Sterling, Sterling Associates, Inc., asked if it would be possible to get a partial approval, in order to start some of the exterior work on the building. Jody Kablack, Town Planner, reminded the Board the applicant still needed to meet with the Historic Districts Commission and Design Review Board, but acknowledged those were Site Plan issues, not directly related to the issuance of a Building Permit [structural issues].

After discussion, it was on motion unanimously

VOTED: To instruct the Town Manager to have Town staff prepare a Draft Decision and to continue this matter to August 12, 2003, at 8:30 p.m.

Cingular Wireless LLC – Fourth Carrier at Landfill Wireless Facility

Present: Dan Bilezikian, Cingular Wireless; Louis Levine, D'Agostino & Levine; Paul Kenny, Town Counsel; Jody Kablack, Town Planner.

The Board met with representatives of Cingular Wireless LLC to consider a proposal from Eric H. Campbell on behalf of Southwestern Bell Mobile Systems LLD, d/b/a Cingular Wireless, for the addition of Cingular Wireless antennae and coax to the existing AT&T Wireless cell tower and a 10' extension of the equipment building, located at the Sanitary Landfill site, 20 Boston Post Road.

The Board reviewed the following information: (1) proposal for amendment to the AT&T Wireless Facility, from Eric H. Campbell, Southwestern Bell Mobile Systems LLC (Cingular), price proposal and plans comprised of: Title Sheet, Property plan, Site Plan, Site Detail Plan, Elevation Sheet, and Site Details for proposed Cingular facility, drawn by Greenman-Pedersen, Inc., and dated May 28, 2003; (2) letter, dated July 18, 2003, from Town Counsel, stating the addition of Cingular Wireless to the landfill facility would require a lease with the Town and permission of the Board of Appeals, that no formal hearing is required, the Board of Selectmen could act at a regular meeting and such a lease would generate revenue for the Town; (3) report, dated July 11, 2003, from the Town Planner, stating the proposed antenna will be color-matched to the existing monopole, the equipment cabinet will be added to the existing one, and noting the addition will generate revenue. She further suggests other Town boards and commissions review the proposal for comments; (4) report, dated July 15, 2003, from the Town Engineer/DPW Director, stating the proposed addition to the equipment shelter will not interfere with existing and proposed operations of the transfer/recycling center; (5) report, dated July 17, 2003, from the Fire Chief, expressing concern that requiring structures that do not look like antenna [monopole] and then allowing external antennas at a later date may be setting a precedent, but expressing no safety concern; (6) report, dated July 17, 2003, from the Building Inspector, stating no special permit will be required from the Zoning Board of Appeals. However, the former special permit required approval of additional add-on antennas. Therefore, a request to the Board of Appeals should be made for approval of a fourth carrier. The Building Inspector will require that PiRod complete a thorough physical assessment of the structural capacity of the tower, including all the checklist items noted on page 1 of their reanalysis report; and (7) report, dated July 18, 2003, from the Conservation Coordinator, stating that all proposed work shown is outside the 100' buffer zone of the wetland, and therefore, no permits are necessary from the Conservation Commission.

Mr. Louis Levine, Attorney for Cingular Wireless, D'Agostino & Levine, briefly reviewed the Cingular Wireless proposal to collocate on the AT&T wireless facility at the Sudbury Landfill. He also reviewed prior events in which AT&T inappropriately granted Cingular a lease to collocate on the monopole,

but this lease was not binding as all leases must be issued with the Town. He stated the applicant's willingness to abide by the Town's rules in allowing them to be the fourth carrier on this facility.

Paul Kenny, Town Counsel, concurred with Mr. Levine's remarks, and stated he had encouraged the applicant to provide as much information as possible for the Board's review. He opined the proposed antenna to be unobtrusive, income-generating, and a better option than yet another pole in Town.

Referring to drawings, Selectman O'Brien asked whether cylinders on the outside of the pole would be visible from the road. Mr. Bilezikian responded the coaxial cable would be placed on the back of the pole and therefore out of view from the road. He stated further all equipment mounted on the outside of the pole would be painted to match the existing pole color. A fourth section will be added to the existing equipment cabinet.

Selectman Drobinski asked if the antenna panels could be any smaller than proposed. Mr. Bilezikian responded the size was as small as possible with current technology. Mr. Drobinski expressed concern for adding exterior equipment to a pole that was designed to be flagpole-like. He opined that the pole [with all its accoutrements] is at the entrance to Town and is also visible from the river. Reminding the applicant that the Board of Appeals approved only three carriers at this facility, Mr. Drobinski opined the meeting with the Board of Appeals to review a proposal to add a fourth [Cingular] could be difficult.

Mr. Levine opined if the Board of Selectmen did not approve this request, the applicant would not schedule a meeting with the Board of Appeals, as without a lease for the ground space, any discussion with the Board of Appeals would be moot.

After discussion, it was on motion

VOTED: To approve the proposal reviewed this evening for collocation of Southwestern Bell Mobile Systems LLC, d/b/a Cingular Wireless, as a fourth carrier on the existing AT&T Wireless facility at the Town of Sudbury Landfill Site, 20 Boston Post Road, and to authorize the Town Manager to execute a lease therefor, subject to approval by Town Counsel. (Chairman Roopenian and Selectman O'Brien, aye, Selectman Drobinski, abstain).

Site Plan #03-369 – Union Avenue Realty Trust, 80 Union Avenue

Present: Jody Kablack, Town Planner.

At 9:55 p.m. Chairman Roopenian reconvened a Public Hearing for the purpose of reviewing a Draft Decision for Site Plan Application #SP03-369 of Union Avenue Realty Trust, 80 Union Avenue. This matter was previously heard on June 10 and July 8, 2003.

Jody Kablack, Town Planner, stated the applicant had no issues with the Draft Decision, but she noted a problem with Condition #15 requiring two shade trees. She stated the only location for two shade trees would be in an area where a future walkway could be placed. The trees would then have to be moved. There is not enough space for both the trees and a walkway.

Selectman Drobinski asked if the trees could be planted elsewhere in Town. Ms. Kablack responded by stating recent discussions regarding establishing a Tree Fund could be applicable here. Town Manager Valente suggested changing the condition to a contribution toward a Board of Selectmen Gift Fund for Tree Planting. The DPW bonds tree replacement cost at \$150 per tree. The Board agreed to the change

in Condition #15 to require a \$300 donation to the Tree Fund in lieu of planting two trees, also leaving it as a requirement in Condition 22 before the Occupancy Permit can be issued.

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 the two phases of Site Plan Application No. 03-369 of Union Avenue Realty Trust, to construct a one-story 8,000 sq. ft. storage building, repave the parking lot, construct a stormwater management system and resource area improvements on property located at 80 Union Avenue, owned by Union Avenue Realty Trust, as shown on plans entitled, "STORAGE BUILDING ADDITION & SITE IMPROVEMENTS, A SITE PLAN IN SUDBURY MASSACHUSETTS (MIDDLESEX COUNTY), UNION AVENUE REALTY TRUST, 80 UNION AVENUE, SUDBURY, MA 01776", comprised of the following Sheets: Site Composite Plan dated April 15, 2003, revised May 15, 2003, C-1 Cover Sheet, C-2 Existing Conditions Plan dated January 14, 2003, C-3a Layout and Materials Plan Phase 1 dated January 14, 2003, C-3b Layout and Materials Plan Phase 2 dated January 14, 2003, C-4 Grading, Drainage and Utilities Plan dated January 14, 2003, C-5 Planting Plan dated January 14, 2003, C-6 Site Details #1 dated January 14, 2003, and C-7 Site Details #2 dated January 14, 2003, all drawn by Paul Finger Associates and/or Meridian Engineering, Inc.; and Sheets A-1 Floor/Foundation Plan and A-2 Elevations/Framing Details, dated November 4, 2002, drawn by Paul Apkarian Architects, Inc., subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by Town Engineer.
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. Exterior lighting to be directed away from adjacent properties and have shields and shall be in conformance with Section 3427f of the Zoning Bylaw. When site is not in use, only minimal security lighting on the building shall be used.
9. No salt or chemical de-icers shall be used on the site, other than those permitted in accordance with the Order of Conditions.

10. 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.
11. 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.
12. As agreed, the applicant shall grant the following three easements to the Town, as prepared by the Town with the exception that the applicant shall prepare the plan for the Detention Basin #2 easement:
 - a) a 20' wide easement to maintain a 12' drain pipe the Town installed parallel to the southerly property line;
 - b) an easement for Detention Basin #2;
 - c) a 10' wide easement along the frontage of the property for walkway purposes.
13. The new garage storage building shall not be used for office space.
14. The existing stockade fence located on the southwestern corner of the property shall be repaired and maintained for buffering purposes.
15. In lieu of planting two (2) shade trees along the frontage of the property, as recommended by the Design Review Board, the applicant shall contribute \$300 towards a tree replacement fund, to be administered by the Director of Public Works and/or the Tree Warden. Planting of the trees along this frontage would interfere with the placement of a future walkway.
16. The Board of Selectmen waives the requirement that plans be stamped by a registered professional engineer or registered land surveyor provided this requirement is complied with when preparing the as-built plans.
17. Amendments to the site plan drawings as follows:
 - a) Industrial District No. 2 notation.
 - b) Removal of the Board of Appeals signature block.
 - c) Addition of stopping sight distance at both curb cuts.
18. All conditions of the Water Resource Protection District Special Permit granted by the Planning Board and variances granted by the Board of Appeals shall be complied with prior to issuance of a Certificate of Occupancy.
19. Prior to the issuance of a Certificate of Occupancy, sitework shall be completed as approved. If any work remains to be done, the Petitioner shall post a bond, in an amount to be determined by the Director of Public Works, to ensure completion of the conditions of this approval.
20. 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.

21. 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 and 17], as specified by the Board, are complied with.
22. No Occupancy Permit shall be issued for renovated areas until certain items noted above [2, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 18, 19 and 20], as specified by the Board, are complied with.
23. 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.

Minutes

It was on motion unanimously

VOTED: To approve minutes of July 8, 2003, as drafted.

Donations from Friends of the Sudbury Senior Citizens

It was on motion unanimously

VOTED: To accept donations received from the Friends of the Sudbury Senior Citizens to be used for the designated purposes, as follows:

\$1,700 for the Sudbury Senior Community Work Program Coordinator position;
\$2,000 for expenses involved in running the Bridges Intergenerational Program;
\$3,800 for additional hours for the Information & Referral Coordinator position (over and above what is paid by the Executive Office of Elder Affairs)

Waterfowl Hunting – Tax Possession Parcel #172

It was on motion unanimously

VOTED: To grant permission to Michael Higginbotham, 478 Sudbury Road, Concord, MA to hunt waterfowl on property owned by the Town of Sudbury, Tax Possession Parcel #172 (Parcel 013 on Property Map G12) during the Massachusetts 2003-04 waterfowl season.

Appointment of Election Officers

It was on motion

VOTED: To appoint Election Officers for a one-year period commencing August 15, 2003, as recommended in communications, dated June 9, 2003 and June 30, 2003, from the Democratic and Republican Town Committee Chairmen, respectively, and the Town Clerk. Selectman O'Brien abstained from the vote on Lauren O'Brien.

Special Liquor License – Korean War Commemorative Committee

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 September 6, 2003, from 6:00 to 10:00 p.m., at the Fairbank Community Center Gymnasium during a dinner dance commemorating the 50th anniversary of the date that the last known Korean War P.O.W. was returned home.

Conflict of Interest – School Secretary/Selectmen Recording Secretary

It was on motion unanimously

VOTED: To approve the paid employment of Jeanette Galliardt in two positions within the Town, as part-time Recording Secretary for the Board of Selectmen and as a School Secretary for the Sudbury School Department, in connection with a Conflict of Interest Opinion, dated July 14, 2003, from Town Counsel.

Executive Session

At 10:12 p.m. it was by roll call

VOTED: To go into Executive Session for the purpose of discussing litigation matters.

Chairman Roopenian announced that regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:08 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk