

IN BOARD OF SELECTMEN
TUESDAY, JUNE 10, 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 congratulated the 2003 graduates of Lincoln-Sudbury Regional High School on their recent graduation.

Chairman Roopenian cautioned motorists to be cognizant of more children out playing, bicycling, etc., as school will soon be ending.

Citizen Petition – Article 54

Present: Ralph Tyler, One Deacon Lane.

Mr. Ralph Tyler submitted some information previously submitted at the 1998 Annual Town Meeting on senior tax equity issues. He opined this information may be helpful to the Property Tax Equity Review Committee.

Utility Petition #03-03 – Pole Relocation on Old Lancaster Road

Present: Christine Cosby, Boston Edison Company; Elisa Gilmartin, 8 Old Lancaster Road.

The Board reviewed the following information: (1) Petition, dated May 20, 2003, and Work Order #01277431, from Boston Edison Company d/b/a NStar Electric and Verizon New England, Inc., requesting a Grant of Location to relocate one pole (153/26) on Old Lancaster Road to support an existing pole line to new circuit and improvements; (2) report, dated June 4, 2003, from the Town Engineer, stating he has no objections to this petition; and (3) report, received June 4, 2003, from the Wiring Inspector, stating no problem with this petition; and (4) report, received June 4, 2003, from the Building Inspector, stating no problem with this petition.

Christine Cosby, Boston Edison Company, briefly described why this pole relocation was necessary. She stated the new circuit will be ready in approximately two to three weeks and when complete, will be connected to the pole. The pole should be in its new location prior to connection. Ms. Cosby stated there are three poles in that location; wires can be transferred after the new circuit is energized. Other utilities will be notified to remove their installations before the old pole can be removed. She opined Verizon will come out to remove all connections along the new circuit at the same time. She offered to find out if the utility companies themselves or outside contractors will be removing those utility connections.

Ms. Elisa Gilmartin, 8 Old Lancaster Road, expressed concern about the process of placing poles and wondered why she was not notified before the new pole was placed, stating it is already at the edge of her lawn. She opined this is not just a new pole but a rerouting of the circuit as presently only telephone wires are on the existing pole. She also asked why the pole has to be on that corner at all. She stated she has small children and expressed concern for exposed wires at the base of the pole. The area across the street is a more likely location as it is a wooded area. She also expressed concern for maintenance of the poles as the

poles are already leaning. Ms. Gilmartin submitted photos of the poles and exposed wires. On one photo she pointed out a rope holding up wires. The proposed pole will be only fifteen feet from where it is now. She also submitted a sketch with a proposed change to the pole layout.

Ms. Cosby could not identify whose wire [which utility] was exposed at the base of the pole. The other wire was a telephone connection. She opined Verizon secured the cables with a rope to pull up a sag on the wire, and opined further this should be corrected when all the utilities are transferred after the new circuit is activated. Ms. Cosby stated she inquired about the leaning of the poles on a site visit, and was told they would be fine given the short length of time until the new circuit is energized.

Selectman O'Brien asked what would happen if the Board opted to continue this matter until some clarification is obtained. Ms. Cosby responded there are other utility petitions coming up related to this project, and she suggested continued discussion could take place when the new petitions are scheduled. She noted a public hearing would be required for those petitions (new installations), allowing other residents to offer input. With regard to activating the circuit itself, Ms. Cosby did not know how no decision this evening might impact it. Ms. Cosby stated that because the new cable is a heavier cable, the proposed pole relocation will be better able to support it. Taking a copy of Ms. Gilmartin's sketch, Ms. Cosby offered to make the appropriate inquiries and contact the Selectmen's office when she had some answers.

It was on motion unanimously

VOTED: To continue Utility Petition #03-3 of Boston Edison Company, d/b/a NStar Electric, and Verizon New England, Inc., until more information on the proposed relocation of pole 153/26 is received.

SP03-369 - Union Avenue Realty Trust, 80 Union Avenue

Present: Daniel Santangelo, Union Avenue Realty Trust; Paul J. Finger, Paul Finger Associates; Jody Kablack, Town Planner.

At 7:52 p.m. Chairman Roopenian convened a Public Hearing for the purpose of considering the application of Union Avenue Realty Trust for approval of a site plan, in accordance with Town of Sudbury Zoning Bylaw Art. IX.6000, Section 6300, 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, and zoned Industrial District 2 and Water Resource Protection District Zone II.

Notice of the Public Hearing was posted and advertised in the *Sudbury Town Crier* on May 22 and 29, 2003. 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 18, 2003, received April 18, 2003, for site plan approval with accompanying narrative, Stormwater Management Report dated December 6, 2002, prepared by Meridian Engineering, Inc., and 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. A further 2-page project description by Paul Finger Associates accompanied the May 15, 2003 site plan revision.

2. Report from the Building Inspector dated June 3, 2003, commenting as follows: 1) the proposed storage building is accessory to the principal building and is permitted under Section 2300 of the Zoning Bylaw; 2) Phase 2 will require a variance by the Board of Appeals to increase the amount of impervious surface; 3) the site is in the Flood Plain District and the proposed work will require a Special Permit from the Board of Appeals; 4) parking requirements have been met; 5) the proposed storage building meets all of the dimensional requirements of the Zoning Bylaw (Section 2600); and 6) to ensure complete compliance with the Selectmen's decision, he would suggest using a surety or bonding mechanism in addition to the Certificate of Occupancy.
3. Report from the Town Engineer/Director of Public Works dated May 15, 2003, providing the following recommendations: 1) Condition site plan approval upon the owner granting a 20' wide easement to the Town to main a 12' drain pipe the Town installed parallel to the southerly property line, plus an easement for detention basin #2; 2) refuse disposal area should be noted on plan (two dumpsters have been located on May 15th revised plan); 3) consideration should be given to construct a walkway along Union Avenue for the full length of the frontage; 4) stopping sight distance should be noted at both curb cuts; and 5) site plan should be stamped by a registered professional engineer.
4. Report from the Town Planner to the Planning Board dated May 21, 2003, and report from the Planning Board dated June 3, 2003, recommending approval with the following conditions: 1) the garage storage building shall not be used for office space; 2) grant of a 20-foot wide walkway easement across the frontage of the property; 3) receipt of a Water Resource Special Permit from the Planning Board; 4) waiver of the requirement that plans be stamped by a registered professional engineer or registered land surveyor is recommended with the requirement complied with when preparing the as-built plans; 5) Industrial District No. 2 must be noted on the Plan and the signature block for the Board of Appeals removed. Additionally, the Planning Board recommends request be made for a donation of \$5,220 to the townwide walkway account which figure is commensurate with the cost of a \$12 per foot calculation for a walkway the length of frontage of this property.
5. Order of Conditions issued March 10, 2003 by the Conservation Commission.
6. Report dated June 4, 2003, from the Fire Chief advising the Fire Department has no objections to the proposed plan.
7. Report from the Design Review Board dated May 29, 2003, advising that Board is concerned about the appearance of the stark concrete block building and recommending: 1) an 8' stockade fence on the Union Avenue property line and turning 16' into the driveway; 2) planting two shade trees outside the fence; and 3) for building design, detailing with a horizontal roof edge facing the street, rather than the slope shown on the plan.
8. Report from the Board of Health provided verbally on June 6, 2003, advising the Board had met with the applicant and had no problems with the plans.

9. Verbal verification from the Board of Appeals that a hearing was opened and closed, approving both the variance on increased impervious surface and for the work to be done within the floodplain.

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

Mr. Paul Finger, Paul Finger Associates, briefly described the site as it is presently used. He stated the proposed storage building will be used simply to house equipment and materials currently stored outdoors by the existing tenants. He stated further every attempt has been made to adhere to all environmental regulations and concerns as drainage currently flows into Hop Brook. Mr. Finger stated substantial improvements are proposed to treat runoff before it reaches the wetlands, including installation of roof drains, retention basins, and upgrades to Town drain pipes in Union Avenue.

Mr. Finger stated improvements to the Town's drainage system will also be made. Catch basins currently located in Union Avenue will be upgraded, and a water quality inlet will be installed in order to pre-treat the water from the roadway before it goes into Hop Brook. On the south side of the site, a "diffuser" will be installed near the headwall to aerate the water before it is discharged into Hop Brook. Mr. Finger stated the improvements he described meet all the stormwater management requirements the Planning Board and Conservation Commission are seeking.

Mr. Finger stated the Santangelo family owns and operates a landscaping business, and will be doing the bulk of the construction work themselves, which makes this project affordable for them at this time. The building is for storage only, with no septic system, no bathrooms, and no office space. The building will consist of a metal frame roof, with concrete block split face walls. All existing debris and "junk" will be removed from the site. Curbing and a guardrail will be installed along the edge to keep equipment from "creeping" toward the brook.

Selectman Drobinski asked about floor drains in the building. Mr. Finger responded that the floor drains do not tie into any drainage system which would eventually flow into the brook. Instead, a "tight tank" will be used to collect waste and will be periodically pumped. Selectman Drobinski complimented the applicant on the extensive environmental upgrades.

Responding to a question regarding appearance, Mr. Finger stated the Santangelos have been making improvements such as a brick walk in front of the building, and will landscape the area as time and supplies allow. There are no planned changes to the building's façade, outside of regular maintenance and upkeep.

Selectman Drobinski asked what controls the Town maintains, should the Santangelos sell the property, prompting a change in use. Jody Kablack, Town Planner, stated a condition can be included in the Site Plan approval that the storage building never be used as office space. She stated further the septic system is not currently proposed to be upgraded to allow for bathrooms, so office usage would be extremely unlikely. Ms. Kablack stated a covenant can be included in the Planning Board's decision to maintain the stormwater management system, requiring annual reports and updates, and if problems occur, the Town will have the authority to place a lien on the property to effect repair. The Planning Board will be meeting tomorrow evening on this matter.

Selectman Drobinski asked if materials stored on the west side of the building would be visible to motorists on Union Avenue. Mr. Finger responded that an 8' stockade fence currently exists which will be maintained by the applicant.

Selectman O'Brien asked where the increase in impervious surface was on the site. Mr. Finger responded that the current surface, while not paved, is not pervious. Water sheets off of it. Using a drawing, Mr. Finger pointed out the specific areas where changes will occur. The compacted areas of the "paving" have been pulled back in areas close to the brook, extended in others, with a small net gain. He noted the square footage of the roof is also included in the calculation.

Selectman O'Brien asked if a lighting plan will be submitted. Mr. Finger stated there are no site lights at this time, and none are proposed. Lighting, for security purposes only, is provided by light fixtures on the building, and those bulbs are pointed toward the ground.

Selectman O'Brien asked about a flat roof instead of a sloped roof. Mr. Finger stated a flat roof would require internal roof drains, while a sloped roof can utilize gutters to route the rainwater off the roof. Mr. Finger stated further the top of the roof line is 21 feet above the ground, and noted the lower portion of the building will be behind the stockade fence.

With regard to the Planning Board's suggested donation toward the Walkway fund, Mr. Finger stated the Santangelos will grant easements to the Town for a walkway, drainage and over the detention pond. He expressed the opinion that they are already giving the Town a lot, and would prefer not to have to make an additional monetary donation toward a walkway. He expressed concern that this project was first discussed with Town boards two years ago and has met every requirement, with few changes requested at this time. Mr. Finger reminded the Board the applicants will do much of the work themselves, and stated his work developing the plans has been on a *pro bono* basis, in order to keep the costs down. He reminded the Board that the detention pond was not required by the Town, but the applicants felt it should be done to improve drainage, and opted to do it as they would be working near that area anyway.

Chairman Roopenian asked about the bond, suggested by the Planning Board. Mr. Finger stated he did not see a need for a bond, as the Certificate of Occupancy and Certificate of Compliance cannot be granted until all improvements are in place. Jody Kablack, Town Planner, stated requiring a bond from an applicant ensures timely completion of all requirements agreed to in the Site Plan. She expressed concern that Town staff puts a tremendous amount of time into these plans, and often are asked to issue a Certificate of Occupancy before all requirements have been met. A bond motivates an applicant to complete the project and make sure all systems are functioning properly. She opined the bond to be small, possibly less than \$20,000.

Mr. Finger suggested the bond be required only if the Santangelos ask to move into the building before all improvements are complete. This would keep the project affordable, with no additional cash outlay, and motivate the applicant toward timely completion of necessary changes. Town Planner Kablack stated the bond is typically required up front, but suggested the applicant discuss it with the Planning Board and Building Inspector, as the Building Inspector would be the enforcing agent.

There was brief discussion regarding engineering stamps. Mr. Finger stated that he is a registered landscape architect, the original survey was done by a registered land surveyor, and the drainage survey was done by a registered engineer. He stated as-built plans will be submitted as required by other boards. A composite plan will be submitted and stamped as registered professionals in their area of expertise.

Selectman Drobinski suggested keeping the hearing open, pending the outcome of the Planning Board hearing, and asking for a Draft Decision to be prepared, incorporating the comments this evening and recommendations from staff. The rest of the Board concurred. This matter was continued to the July 8 Selectmen's meeting at 8:30 p.m.

It was on motion unanimously

VOTED: To direct the Town Manager to have Town staff prepare a Draft Decision for approval of Site Plan #03-369, Union Avenue Realty Trust, incorporating comments made by Town staff in reports and from discussion this evening; this matter to be considered further on July 8, 2003, at 8:30 p.m.

Interview – Property Tax Equity Review Committee

Present: Marilyn Goodrich, 76 Robert Best Road.

Town Manager Valente reminded the Board that due to a sudden health concern, Ms. Marilyn Goodrich was unavailable to be interviewed for the Property Tax Equity Review Committee but could be here this evening. Chairman Roopenian briefly explained the interview process.

Ms. Marilyn Goodrich, 76 Robert Best Road, opined property tax equity should be aimed at senior citizens in lower income brackets, at least for the present. She acknowledged there may be senior citizens in Town who live in expensive homes and do not need a tax break, but that there are many who do. She stated her house was purchased in 1974 for \$78,000; her neighbor's house sold recently for \$700,000. She stated she worked many years as a single parent, is now on a very limited income, and her investments have dwindled by 60% in recent years due to market shifts. Ms. Goodrich stated she will soon no longer be able to afford to live in a house that she loves, as the taxes are over \$8,000. She opined many people may not disclose their need for help due to pride.

Responding to a question from Chairman Roopenian on developing a fair process to determine tax equity, Ms. Goodrich asked why the questionnaire questions had not been answered publicly before Article 54 was even voted at Town Meeting. She was appalled at the lack of documentation and accurate statistics, and surprised to see it at Town Meeting. Selectman Drobinski clarified the citizen petition process, and expressed hope the new Committee will review data and continue research. Ms. Goodrich opined accurate data from surrounding communities, income analysis, and tax evaluation all to be important considerations. She stated her belief that her attention to detail, need for accurate data, and years of business management experience make her a good candidate for this Committee.

The Board thanked Ms. Goodrich for her interest in this Committee and stated all Committee applicants would be notified of the Board's decisions on appointments within the next day or two.

Minutes

It was on motion unanimously

VOTED: To approve minutes of the meetings of May 12, May 21, and May 30, 2003, as drafted.

Youth Commission – Appointment

It was on motion unanimously

VOTED: To appoint Alan Jefts, 12 Stubtoe Lane, to the Youth Commission for a term to expire April 30, 2004, as requested by said Commission in a letter dated May 14, 2003.

Town Auditors Engagement Letter

It was on motion unanimously

VOTED: To approve engagement of Sullivan Rogers Company, Certified Public Accountants, to provide Town Audits for Fiscal Years 2003, 2004 and 2005 at a cost of \$30,000 for each fiscal year, in accordance with said firm's Audit Engagement Letter dated April 24, 2003.

Latady Design Associates – Contract with Sudbury Historical Commission

It was on motion unanimously

VOTED: To approve a contract with Latady Design Associates to provide the Sudbury Historical Commission with an *Existing Architectural Building Condition Survey & Report* including related work at a fee of \$18,850 plus reimbursable expenses, and to provide Additional Scope Items of a *Hazardous Material Survey and Report* and a *Comprehensive Door and Window Survey* at costs of \$640 and \$3,500 respectively, only if determined necessary by the Sudbury Historical Commission.

Conservation Restrictions – 45 Meadowbrook Circle, 57 and 59 Highland Avenue

Town Manager Valente reported the information required to process these matters was not complete and will be handled at a later date.

Special Act Legislation – Article 54

It was on motion unanimously

VOTED: To sign a legislative petition relative to the enactment of a Special Act: *An Act Authorizing the Town of Sudbury to Use Senior Citizen Real Estate Exemption*, pursuant to Article 54 voted by the 2003 Annual Town Meeting.

No Place For Hate Certification

It was on motion unanimously

VOTED: To authorize Chairman Roopenian to sign acceptance of No Place for Hate Certification on behalf of the Town.

Selectmen's Rules and Regulations for Training for Dispensers and Sellers of Alcoholic Beverages

Town Manager Valente reported that, during the renewal process of alcohol licenses for 2003, Doug Bugley of the Wayside Inn, a certified instructor with the BAR CODE Association, recommended the Board change its recertification requirement from every 3 years to every 5 years. He opined that all individuals who take these courses are adults and it is therefore unnecessary to retrain them. The Association does not put a time limit on their certificates; hence, the recertification requirement is a local requirement only.

The Board reviewed a report, dated June 4, 2003, from the Police Chief, stating he had no objections to requiring certification every five years.

Selectman O'Brien opined that recertification is a good refresher of the skills learned in courses and that the cost and time commitment are minimal. He stated that five years is a long time during which both people and situations change. Chairman Roopenian and Selectman Drobinski expressed no objection to extending the recertification requirement to five years.

After discussion, it was on motion

VOTED: To amend the Selectmen's Rules and Regulations for Training for Dispensers and Sellers of Alcoholic Beverages adopted July 13, 1998, to require certification once every five years instead of once every three years. (Chairman Roopenian and Selectman Drobinski, aye, Selectman O'Brien, nay).

Parking Situation – Featherland

The Board reviewed the following information: (1) letter, dated May 15, 2003, from Safety Officer Ronald Conrado, expressing concern about vehicles parked on Concord Road in the area of Featherland Park and northbound beyond the high school. Said vehicles blocked entrance to the area, including that of emergency vehicles, if necessary. Officer Conrado asked the Board to consider No Parking signs in a number of areas. (2) report, dated May 13, 2003, from the Town Manager to Dennis Mannone, Park and Recreation Director, asking him to contact Little League personnel to request participants and spectators park in parking lots and not on Concord Road.

Town Manager Valente briefly reviewed the situation, stating the line of sight blocked by cars makes Concord Road very dangerous. She stated there is adequate parking at upper Featherland, and noted people just want to be closer to the ball park their children are using. She asked the Board to consider having a public hearing on this matter, which allows residents to offer input.

Chairman Roopenian opined some cars may belong to high school students who are involved in after school activities, and opined further those cars would disappear when school is out. Selectman O'Brien suggested holding the hearing so that whatever decision is made, the situation can be handled before school convenes in the fall.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to schedule a Public Hearing for the purpose of discussing the need for No Parking signs on both sides of Concord Road from Morse Road northbound to Pantry Road, as recommended by Safety Officer Ronald Conrado in his letter of May 15, 2003.

Sudbury Historical Commission – Appointment

It was on motion unanimously

VOTED: To approve appointment by the Town Manager of James A. Hill, 199 Concord Road, to the Sudbury Historical Commission for a term to expire April 30, 2006, replacing Muriel Plonko who has resigned.

Sudbury Day Committee Meeting

Present: Wayne Walker, Assistant Town Manager; Aruna Pundit, Sudbury Day Committee; Lisa Vitale Barth, Abby S. Ward.

The Board reviewed a variety of documents with regard to the Sudbury Day Committee, including minutes of a March 11, 2003 planning meeting, Sudbury Foundation grant application, dated April 11, 2003; estimated 2003 budget; and applications for two persons to be appointed to the Committee.

Wayne Walker, Assistant Town Manager, stated how successful the first Annual Sudbury Day celebration was in autumn of 2002, and briefly described the advance planning for the 2003 event, tentatively scheduled for Saturday, September 20, 2003.

It was on motion unanimously

VOTED: To appoint Lisa Vitale Barth, 286 Old Lancaster Road, and Abby S. Ward, 92 Old Lancaster Road, to the Sudbury Day Committee for an indefinite term.

Aruna Pundit reported that Lisa Vitale Barth has volunteered to handle the bookkeeping tasks for the Sudbury Day event this year, to better keep track of expenses and revenues. Ms. Barth briefly described the mission statement for the event, as well as proposed activities, including children's entertainment and workshops, hands-on craft booths, international music and food, and exotic animals, as well as traditional Sudbury booths. Ms. Ward stated there is no rain date, as arrangements have been made to move many activities into the Peter Noyes school, if necessary.

Ms. Barth stated all Town permit applications have been completed. She stated it was very helpful to meet with Town boards to learn what was necessary and get required items underway now.

It was on motion unanimously

VOTED: To accept donations in the amount of \$850 to support Sudbury Day activities, and to authorize the Town Manager to accept future donations, for later acknowledgment by the Board.

Site Plan #00-356 – ESS/Bosse Sports Club, 141 Boston Post Road

The Board reviewed the following information:

1. Letter, dated May 29, 2003, from Bruce Ey, Schofield Brothers of New England, outlining changes to site plan as construction progresses, specifically, relocating the building sewer, septic tank and pump chamber; roof leaders and foundation drains; gravel drive and grading; and drainage in the air structure. Mr. Ey also informs the Board of updates in adherence to its decision to place all utilities underground and remove all overhead utilities, involving a request to bring overhead NSTAR service to a new pole on Buddy Dog property and service ESS underground from this pole. The following revised plans were attached:
 - a. "Area, Foundation and Roof Drain", Sketch Plan for Proposed Athletic Academy, 141 Boston Post Road, Sudbury, Mass. Prepared for: ESS Sudbury Athletic Academy LLC. 40 Orchard Lane, Weston, MA 02493 Date: February 7, 2003 Revised February 11, 2003 Schofield Brothers of New England, Inc.
 - b. "Revised Sewage Disposal System Component Locations", Sketch Plan for Proposed Athletic Academy, 141 Boston Post Road, Sudbury, Mass. Prepared for: ESS Sudbury Athletic Academy LLC. 40 Orchard Lane, Weston, MA 02493 Date: February 11, 2003 Schofield Brothers of New England, Inc.
 - c. "Grading, Drainage and Utility Plan", Sketch Plan for Proposed Athletic Academy, 141 Boston Post Road, Sudbury, Mass. Prepared for: ESS Sudbury Athletic Academy LLC. 40 Orchard Lane,

Weston, MA 02493 Date: July 13, 2000 Revised April 3, 2003 Schofield Brothers of New England, Inc.

d. "Gravel Drive and Grading", Sketch Plan for Proposed Athletic Academy, 141 Boston Post Road, Sudbury, Mass. Prepared for: ESS Sudbury Athletic Academy LLC. 40 Orchard Lane, Weston, MA 02493 Date: April 17, 2003 Revised May 1, 2003 Schofield Brothers of New England, Inc.

2. Letter, dated April 3, 2003, from Bruce Ey, Schofield Brothers of New England, to the Conservation Commission, submitting minor modifications to the location of compensating flood storage, lowering an area designated on an accompanying plan by no more than one foot, and requesting ConCom approval of this change.
3. Letter, dated April 30, 2003, from Bruce Ey, Schofield Brothers of New England, to the Fire Chief, notifying him that the width of the gravel drive was reduced to avoid filling closer to the vernal pool. There will be sufficient room for an ambulance to navigate the drive, even with this reduction.
4. Letter, dated May 7, 2003, from NSTAR Electric, stating underground utilities across Boston Post Road to the existing pole line cannot be accomplished under present conditions, specifically, there are no suitable poles in the area that can accommodate additional risers, thus preventing additional underground primary electrical service connections.
5. Report, dated June 4, 2003, from the Town Planner, briefly describing the electrical connections for the ESS facility, concurring with the NSTAR decision, and asking the Board's approval of the proposed change to run service from a new pole on Buddy Dog property.
6. Report, dated June 4, 2003, from the Conservation Coordinator, approving the changes outlined in Mr. Bruce Ey's May 29th letter to the Selectmen, and noting that all construction efforts are adhering strictly to the Order of Conditions.
7. Report, dated June 6, 2003, from the Town Engineer, stating Mr. Ey has kept his office apprised of changes necessitated by construction process, and stating no objection to the NSTAR proposal of a new pole to service both Buddy Dog and ESS.
8. Verbal report, received June 6, 2003, from the Health Director, stating no concerns with proposed changes.
9. Verbal report, received June 6, 2003, from the Fire Chief, stating the developer has kept him apprised of all changes and stating further that he has no problems with these minor amendments.
10. Report, dated June 10, 2003, from the Building Inspector, stating he has no concerns with the changes at ESS, as there appear to be no zoning or building code issues with said changes.

Selectman Drobinski expressed concern that if there were additional overhead connections (utility usage) within the neighborhood, a possible bylaw violation could exist. He suggested getting further clarification from NSTAR. Selectman Drobinski also expressed concern whether the change from indoor tennis to indoor golf impacts parking usage, noting that many more people can use automated golf machines than a tennis court.

After discussion, it was agreed that someone from ESS and/or NSTAR meet with the Board to provide additional clarification on these issues. Town Manager Valente will contact appropriate parties in this regard.

Park and Recreation – New Dock, Lake Shore Drive

Present: Peter Glass, Park and Recreation Commission; William Dolan, Revere, MA; Jane Haley, 24 Birchwood Avenue; Floyd Newkirk, 71 Willis Lake Drive; James O'Loughlin, 78 Willis Lake Drive; James Titus, 39 Lake Shore Drive.

The Board reviewed the following information:

1. Letter, dated May 14, 2003, from Peter Glass, Park and Recreation Commission, requesting permission to install a new dock and small storage area on Lake Shore Drive at Park & Recreation Parcel F04-011 with aid and funding from the Department of Fisheries, Wildlife and Environment Law Enforcement Public Access Board and the Lincoln-Sudbury Regional High School Sailing Team, and further requesting the Selectmen enter into an agreement with the Department of Fisheries, Wildlife and Environmental Law Enforcement for preparation of the plans necessary to present to the Conservation Commission for approval. A vote to grant a permit under Chapter 91, Sec. 10A, Waterways Permit, for placement of the dock is required by the Selectmen before implementation.
2. Excerpt from Park and Recreation minutes of May 13, 2003, received June 5, 2003 via email, stating the Lincoln-Sudbury sailing team volunteered to buy materials and build the dock, discussion, and unanimous approval of a letter requesting permission to install the dock.
3. Report, dated May 29, 2003, from the Town Engineer/DPW Director, stating the Parks and Grounds maintenance budget has no additional funds for maintenance of the dock, aside from installation every spring and removal in the fall. Mr. Place expressed concern for winter storage of the dock, citing leaving it on the beach all winter could promote vandalism and increased repairs.
4. Report, dated May 2, 2003, from Town Counsel to the Park and Recreation Commission, stating that, as Lake Shore Drive is a private way, the abutters on opposite sides of the way would have constructive ownership of one-half of the way itself. In this case, because the opposite side of the way is Willis Lake, a great pond controlled by the state Department of Environmental Management, the Town could be considered owner of the entire private way. Mr. Kenny added further that the only Waterways Permit required would be that issued by the Board of Selectmen.
5. Verbal report from the Fire Chief, stating two motorized boats are available and that personnel are trained in water rescue, and advising he sees no problems with the installation.
6. Verbal report from Safety Officer Ronald Conrado stating he had no concerns about the proposal and a new dock should make it easier to launch a boat if it were necessary for rescue purposes.

Mr. Peter Glass, Park and Recreation Commission, briefly described the proposed dock and modifications to the area, as presented in his letter of May 14, including parking space designations, a dock for fishing and launching watercraft, and a small storage area for the sailboats used by the Lincoln-Sudbury sailing team. He stated further all funds for the project will be provided by the Fish and Wildlife Access Board and volunteers connected with the sailing team. He opined marking the parking spaces will keep people from parking too close to the water. He stated the Conservation Commission will become involved

once the project plans have been designed. The first step is for the Board of Selectmen to sign the Land Management Agreement with the Department of Fisheries. Until that approval is granted by the Board of Selectmen, no plans will be designed.

Selectman O'Brien stated he had not yet seen the site, and asked several questions regarding basic use of the area. Mr. Glass responded that people are using jetskis, sailboats, canoes, kayaks, etc. on the water, as well as water skiing. Selectman Drobinski opined launching larger boats may be difficult.

James Titus, 39 Lake Shore Drive, stated he and his wife contributed to the paving and drainage for Lake Shore Drive. He stated further that parking is a huge problem, as people park their vehicles across his driveway and must be asked to move. He stated fishing derbies on weekends are a particular problem, as well as teenagers partying there in the evenings. He stated there are many occasions where people use his lawn as a bathroom, ask to use his telephone, or seek minor first aid or assistance getting out of the mud after they're stuck.

James O'Loughlin, 78 Willis Lake Drive, stated there are many parties there on the weekends, including illegal fires, with little or no policing. He stated parking is a problem, as once the boats are launched, the cars and trailers are in the way.

William Dolan, Revere, MA, stated he owns property on Lake Shore Drive and has considered building a home there. He stated a new dock could end his plans to do so, due to the traffic and parking problems. He stated it is impossible to restrict usage as three parking spaces is woefully inadequate. He stated he is one hundred percent against the new dock.

Floyd Newkirk, 71 Willis Lake Drive, stated he originally thought the new dock would be a good idea, but has changed his mind since listening to other residents' concerns. He stated he occasionally goes down to clean up the trash as the barrels are seldom emptied. He stated it is a very small area with a great amount of usage, including 27-foot boats. Mr. Newkirk stated he and his 4-year-old daughter walk down there several times a week, and find all kinds of personal trash.

Selectman O'Brien summarized that, regardless of whether a new dock is installed, there are existing problems with the area. Selectman Drobinski thanked the residents for bringing these issues to the Board's attention.

Responding to a question from Selectman O'Brien, Mr. Glass stated the sailing team will transport their sailboats to the area once and moor them when not in use. The moored boats would be accessed by a small, motorized boat, which is necessary in case of medical emergency.

Mr. Glass opined that increased patrols at the beginning of the summer might deter parties from this area. He opined further that a new dock would not increase traffic to the area, and the increased awareness of existing resident concerns may actually decrease activity.

Selectman Drobinski suggested seeking an opinion from Town Counsel on restricting activity on a "great pond". Mr. Glass stated one restriction can be to only allow boats of less than 30 horsepower or similar size. Selectman O'Brien expressed concern for policing adherence to such a restriction. Mr. Glass offered to serve as the Town's Harbormaster.

Selectman Drobinski suggested a site walk to give the Board and interested parties a better idea of what is involved. Town Manager Valente suggested the Board sign the Land Management Agreement,

which starts the plan design, but does not commit the Town to anything. A signed agreement allows the Access Board to investigate the area to begin conceptualization. Mr. Glass clarified that all the Park and Recreation Commission wants is to install a new dock where one no longer exists and a storage area.

Mr. Newkirk asked what monies exist in the Town's budget to increase maintenance of the area. Chairman Roopenian responded that funds for additional assistance are not available for this fiscal year, but could be budgeted in future years. Town Manager Valente stated some duties may be accomplished due to increased awareness of need, but that staff is limited.

Ms. Jane Haley, 24 Birchwood Avenue, stated the Park and Recreation Commission was notified of the littering and overflowing trash barrels when this project was initially started last fall. She suggested increased police patrols might discourage would-be partiers.

Town Manager Valente suggested that the groups who typically use the area, i.e., fishing derby organizers, sailing teams, etc., might arrange for a volunteer group to periodically do trash duty.

Mr. Glass advised the Board not to sign the agreement, unless it was prepared to move forward. He stated the original request is only for the boat dock, which increases accessibility. The improvements to the parking area are extra and not within the jurisdiction of the Access Board.

It was agreed to set up a site walk and notify all abutters of the date and time.

Property Tax Equity Review Committee – Appointments

For the benefit of attendees and the viewing audience, Chairman Roopenian briefly described the interview process on June 9, 2003 when most of the candidates were interviewed, stating the Board intends to select 2 to 6 individuals from a pool of over 20 applicants.

Chairman Roopenian asked each Board member to identify their 6 choices, identified only by a letter, to protect anonymity. After comparing their lists, the Board decided it could not decide upon only 6 individuals and opted to increase the size of the committee by two members.

It was on motion unanimously

VOTED: To increase the size of the Property Tax Equity Review Committee to 23 members, by increasing the Board of Selectmen appointments to a maximum number of 8 persons.

After discussion, it was on motion unanimously

VOTED: To appoint the following individuals as Board of Selectmen appointees, to the Property Tax Equity Review Committee, for a term of one year to expire on April 30, 2004:

Michael Ducros, 30 Mark Lane
Marilyn Goodrich, 76 Robert Best Road
William Maloney, 119 Willis Road
Paul Pakos, 231 Nobscot Road
Basil Pallone, 112 Thunder Road
Tara Reed, 11 Carding Mill Road
Claire Schlosser, 509 Concord Road

Ralph Tyler, One Deacon Lane

It was also on motion unanimously

VOTED: To appoint the following individuals, as recommended by the Board of Assessors, Council on Aging, Lincoln-Sudbury Regional High School, Sudbury Public Schools, and Finance Committee, to the Property Tax Equity Review Committee, for a term of one year to expire on April 30, 2004:

Dave Berry, 50 Blacksmith Drive	Board of Assessors
Morton Brond, 31 Marked Tree Lane	Council on Aging
Arletta Cioffari, 95 Willow Road	Council on Aging
Mark Collins, 341 Hudson Road	Lincoln-Sudbury Regional High School
David Costello, 39 Balcom Road	Sudbury Public Schools
Karenina Darmer, 57 Wagonwheel Road	Sudbury Public Schools
Beth Farrell, 67 Rambling Road	Board of Assessors
Susan Iuliano, 36 Winsor Road	Sudbury Public Schools
David Levington, 155 Nobscot Road	Council on Aging
Ivan Lubash, 25 Barbara Road	Finance Committee
Joseph Meeks, 136 Dakin Road	Lincoln-Sudbury Regional High School
John Nikula, 25 Marlboro Road	Finance Committee
Andrew Schwarz, 12 Metacomet Way	Lincoln-Sudbury Regional High School
William Sheehan, 14 Ironworks Road	Finance Committee
Steven Wishner, 92 Fox Run Road	Board of Assessors

The Board thanked all candidates for their interest and further, thanked Town staff for their time in receiving applications and questionnaires, fielding phone calls, and other tasks for just this initiative. Town Manager Valente announced the first meeting of the Committee is scheduled for Wednesday, June 18, 2003 at 7:30 p.m. in Lower Town Hall and that all appointed Committee members would be so notified.

Deed on Dickson Property, Water Row

It was on motion unanimously

VOTED: To sign the quitclaim deed for purchase of the Dickson property, a certain parcel of land situated in Sudbury, Middlesex County, Massachusetts, shown as Parcel C on a plan entitled "Compiled Plan of Land in Sudbury, Mass. Owned by: Brenton H. Dickson, et al", dated August 16, 1987, by Thomas Land Surveyors, Inc., recorded at Middlesex South Registry of Deeds as Plan No. 1678 of 1987, at BK18737, PG210, containing 2.39 acres, according to said plan. The Board signed the deed at the close of the meeting.

Annual July 4th Road Race

It was on motion unanimously

VOTED: To approve placement of two signs on Concord Road one week before the race, publicizing the Annual July 4th Road Race, as requested by Graham Taylor in a communication dated June 9, 2003, signage to be removed immediately following the race.

Executive Session

At 11:25 p.m. it was by roll call

VOTED: To go into Executive Session to discuss litigation, employment contracts and collective bargaining.

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

There being no further business, the meeting adjourned at 11:46 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk