

IN BOARD OF SELECTMEN  
TUESDAY, SEPTEMBER 16, 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 Captain Jack Helms is retiring from the Fire Department after many years of service to the Town.

Chairman Roopenian expressed appreciation to all those who participated in the September 11 Memorial Garden, and stated that the dedication ceremony was very nice. She expressed her belief that the families of the victims appreciated the outpouring of care and concern.

Chairman Roopenian announced the Sudbury Day festival would be taking place on Saturday, September 20, at Town Center. She thanked the Sudbury Day Committee and Town staff for all their hard work in making this event happen.

With the possibility of Hurricane Isabel hitting Massachusetts, Chairman Roopenian shared the Fire Chief's comments as follows: unless the hurricane changes its present course, residents could experience winds up to 40 mph Thursday, Friday and Saturday with sporadic rain. He encouraged citizens to clean out their rain gutters, secure outdoor items, and prepare emergency items. The Fairbank Community Center is also the town's Emergency Shelter.

**Minutes**

It was on motion unanimously

VOTED: To approve the minute of September 2, 2003, as drafted.

**Property Tax Equity Review Committee – Resignation**

It was on motion unanimously

VOTED: To accept the resignation of Morton L. Brond, dated August 27, 2003, from the Property Tax Equity Review Committee, and to send a letter of appreciation for his assistance on this Committee.

**Property Tax Equity Review Committee -- Appointment**

It was on motion unanimously

VOTED: To appoint Esther M. Mann, as the designee of the Council on Aging, to the Property Tax Equity Review Committee, replacing Morton Broad for a term to expire April 30, 2004, in accordance with the recommendation dated September 4, 2003.

**One-Day Special License – Cynthia Gerry, October 2, 2003**

It was on motion unanimously

VOTED: To grant a one-day Special License for the sale of wine to be drunk on the premises, to Cynthia Gerry, to be exercised on October 2, 2003, from 5:00 – 8:00 p.m. at Hosmer House, 299 Old Sudbury Road, at a fundraiser.

**Letters Relative to the Marlborough Easterly Wastewater Treatment Plant Permit**

Town Manager Valente distributed copies of sample letters in which the closing paragraphs were different and asked the Board's input on which one it preferred in letters to elected officials relative to the Marlborough Easterly Wastewater Treatment Plant Permit. Discussion followed. The Board selected Option 2 in which the Board asks the officials to contact the Town Manager to coordinate a meeting either in Sudbury or in their offices. It allows flexibility in choosing a location while communicating the Board's desire to meet.

It was on motion unanimously

VOTED: To approve letters to elected officials relative to the Marlborough Easterly Wastewater Treatment Plant Permit using the closing paragraph labeled Option 2.

**Overhead Utility Service – 32 Birchwood Avenue**

Present: Jo-Ann Howe, Applicant.

The Board reviewed the following information: (1) letter, dated September 4, 2003, from Jo-Ann Howe, 32 Birchwood Avenue, requesting permission to connect to an existing overhead utility across the street from her new home at 38 Birchwood Avenue. In the letter, Ms. Howe stated all other homes on the street are connected with overhead wires and that forcing her to install underground service would be time-consuming and a financial hardship. A drawing of the property was included. (2) report, dated September 9, 2003, from the Building and Wiring Inspectors, recommending approval of the waiver of the Overhead Utility Bylaw, in spite of the fact that information concerning the requirement of underground utilities is included on the Building Permit which both Ms. Howe and her contractor signed. (3) report, dated September 15, 2003, from the Town Engineer/DPW Director, advising this is new construction, one of the last newly constructed houses in the Pine Lakes area, and noting that Birchwood Avenue was resurfaced in the last ten years and is in fair to good condition. Mr. Place recommended the Board allow the overhead installation of utilities to #38 Birchwood Avenue.

Town Manager Valente briefly reviewed reports received and stated abutters were notified.

Selectman Drobinski suggested sending a letter to the contractor with a copy of the building permit he signed, so that he is aware of all requirements the next time he does business in Sudbury. Town Manager Valente stated she would pass that comment on to the Building Department. Discussion followed.

It was on motion unanimously

VOTED: To grant special permission, as authorized by Town of Sudbury Bylaws Art. XX, Sec. 3.E. to

Jo-Ann Howe, for installation of overhead utility service from an existing utility pole located across the street to connect to her new home located at 38 Birchwood Avenue.

**Order of Taking – Lettery Circle**

Town Manager Valente stated that, because Lettery Circle is on registered land, the Board must sign a second Order of Taking. The Board did so.

**Kevin Moreau – Fire Education Award Nomination**

Town Manager Valente announced Firefighter Kevin Moreau has been nominated for the 2003 Fire and Life Education and Safety Award. The award will be presented on September 23. Ms. Valente stated he presents programs in the schools and has a great rapport with the students. She noted further there have been instances where children have performed well in emergency situations using what they learned.

It was on motion unanimously

VOTED: To send a letter of congratulations to Kevin Moreau on the occasion of his nomination for the 2003 Fire and Life Education and Safety Award.

**Blue Ribbon Housing Site Selection Committee**

Town Manager Valente announced this committee is organized and seeking public input. The committee is ready to begin identifying potential sites and will be meeting every other Wednesday beginning October 1. The meetings are open to the public, and meeting times and locations are posted on the Town website.

**Willis Pond – Land Management Agreement**

Town Manager Valente stated her office received background information from the Park and Recreation Department on Willis Pond and the land management agreement surrounding the installation of a new dock. She stated she will distribute this information to the Board for review and schedule the matter for a future agenda. Abutters to Willis Pond will be notified when the matter is scheduled.

**Site Plan #02-367M – Willow Hill School**

Present: Thomas Peterman, McManus/Peterman Architects; Judith Vaillancourt, Applicant.

At 8:00 p.m. Chairman Roopenian, pursuant to Town of Sudbury Zoning Bylaw Article IX.6000, Section 6300, convened a Public Hearing to consider an application dated August 15, 2003, for modification of Site Plan 02-367 of Willow Hill School approved on July 22, 2002, for the demolition of one of the School's three buildings and replacement with an addition connecting the remaining two buildings for classrooms, offices and a new gymnasium, construction of a three-bay garage and athletic field, and associated site improvements, on property located at 98 Haynes Road, owned by Willow Hill School, zoned Residential "A1". The proposed modification plans for redesign of the new building structure and includes making it freestanding instead of connecting, two stories instead of three, and reducing the gross building area to 20,600 sq. ft. from 30,500 sq. ft., with revised grading, walkways and landscaping around its perimeter.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on August 28 and September 4, 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 was in receipt of the following:

- 1) Request for modification of Site Plan 02-367 dated August 15, 2003 from Judith Vaillancourt, Head of Willow Hill School, with Revised Plans (Cover Sheet, C-102 Site Layout and Materials Plan, C-103 Site Grading & Utility Plan, C-105 Grading Enlargements and Details, A-101 Lower Level Floor Plan, A-102 Upper Level Floor Plan, A-300 Building Elevations, A-301 Building Elevations, A-350 Building Section) dated August 11, 2003, prepared by McManus/Peterman Architects, Inc.
- 2) Report from the Planning Board dated September 4, 2003, recommending approval of the modification and noting that revised plan sheets for all affected sheets should be submitted for signature by the Selectmen, and that all original conditions of the Site Plan approval remain in full force and effect. The report further explains that the size of the footprint of the addition has been reduced from 12,500 sq. ft. to 10,300 sq. ft, the height increased by 22" but within the zoning requirement, and proposed parking spaces remain at 40.
- 3) Report from the Town Engineer/DPW Director dated September 3, 2003, stating he has no objections to the proposed changes and noting the modification includes incidental grading, but no changes to parking layout, traffic circulation, drainage and septic systems; sight lines and walkway remain as proposed; and some diseased ash trees should be removed along Haynes Road, which likely will be necessary during walkway construction.
- 4) Report from the Design Review Board dated August 15, 2003, unanimously recommending approval of the modifications.
- 5) Report from the Health Director stating the proposed modifications do not affect the septic system approval; the new septic system has been installed.
- 6) Report from the Conservation Commission stating: "...the Commission voted unanimously to accept the changes as shown on the plan and described at the meeting. Prior to the restart of construction, the condition of the erosion control must be checked and it should be functioning as designed. A written report on the status of the erosion control measures must be received and accepted by the Commission prior to proceeding with additional site work. With the reduction in the scope of the project due to insufficient funds, the reconstruction of the athletic field is not planned at this time. The work associated with this field was never permitted by the Conservation Commission. Therefore, it is recommended that the Selectmen's approval of the amended plan not include the approval of the athletic field work. Approved plans should show only the work that is intended to be completed."
- 7) Report from the Fire Chief dated September 12, 2003 stating the Fire Department has no objections to the changes.
- 8) Report from the Building Inspector stating his department has reviewed the request for modification plans for the design of the new building and finds no issues or concerns to bring to the Board's attention.

Mr. Thomas Peterman, McManus/Peterman Architects, stated that, due to a reduction in funding, the applicant was instructed to reduce the construction costs by approximately one-third. He stated the gross building area has been reduced to 20,600 sq. ft. from 30,500 sq. ft. Using "before" and "after" plans, he pointed out the proposed changes the modification would feature. He stated the total classroom space is unchanged, but the gymnasium is now on the second floor, with the classroom space on the first level. He noted the revised plan for this building (the barn) shifts the bulk of the barn's space toward the back of the building, farther away from Haynes Road. There is now one central entrance to the building, instead of two. A walkway with landscaping connects the two buildings instead of a constructed connection. The driveway, drainage systems, roadside walkway, and septic system are unchanged. Mr. Peterman opined the revised plan to be better than the original from functional and aesthetic perspectives.

Chairman Roopenian briefly reviewed reports received from Town boards and commissions. Mr. Peterman stated he had received all reports and was familiar with their comments.

Mr. Richard Weatherup, 122 Haynes Road, stated he is putting his house on the market and would like some information on what the walkway would look like, where it would be, etc. so that he can share that information with prospective buyers. Mr. Peterman stated the walkway construction is part of the construction proposed by the applicant and will connect with an existing walkway on Haynes Road. Chairman Roopenian advised Mr. Weatherup to contact the DPW Director for information; Town Manager Valente supplied the phone numbers.

Selectman O'Brien asked about the trees left along Haynes Road. Mr. Peterman responded those trees are diseased or dead, and will be removed when the walkway construction begin.

Responding to a question from Selectman O'Brien, Ms. Judith Vaillancourt, Applicant, stated the athletic field is not planned at this time, although it has been approved as part of the site plan. When they plan to move forward with the athletic field, they will need to work with the Conservation Commission on various issues. Until that time, the athletic field cannot be constructed. Mr. Peterman stated preliminary research shows habitat for two endangered species and opined the size of the field may ultimately be reduced.

Town Manager Valente distributed copies of a Draft Decision, prepared by Town staff, and asked the Board and applicant if they wished to review it this evening or schedule it for a future agenda. The Board and applicant opted to review the document tonight and took a few minutes to read it through.

After review, Selectman Drobinski suggested adding the following wording, "except as noted in Condition 5" to the end of Condition 3, to provide clarification of Condition 5, which refers to the lapse of approval should construction not commence. The Board concurred.

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. 02-367M of Willow Hill School for modification of Site Plan 02-367 of Willow Hill School approved on July 22, 2002, said modification to be comprised of redesign of the new building structure making it freestanding instead of connecting, two stories instead of three, and reducing the gross building area to 20,600 sq. ft. from 30,500 sq. ft., with revised grading, walkways and landscaping around its perimeter, on property located at 98 Haynes Road, owned by Willow Hill School, as shown on Revised Plans (Cover Sheet, C-102 Site Layout and Materials Plan, C-103 Site Grading & Utility

Plan, C-105 Grading Enlargements and Details, A-101 Lower Level Floor Plan, A-102 Upper Level Floor Plan, A-300 Building Elevations, A-301 Building Elevations, A-350 Building Section) dated August 11, 2003, prepared by McManus/Peterman 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:

1. Submission of revised plan sheets for all affected sheets for signature by the Selectmen.
2. Condition 13(a) of the July 22, 2002 Decision is amended to read:  
  
"13. Walkway:  
(a) Grant of a 10-foot wide walkway easement by the applicant along the entire frontage of the property to the Town of Sudbury."
3. All other conditions of the original site plan approval dated July 22, 2002, shall remain in full force and effect, except as noted in Condition 5 of this Decision.
4. The Applicant shall file this Decision at the Middlesex South Registry of Deeds.
5. This approval shall lapse if construction and a substantial use thereof have not commenced except for good cause within two (2) years from the date revised plans are signed; this same expiration date supersedes and applies to the original Site Plan #02-367 Decision as well.

#### **Executive Session**

At 8:35 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing collective bargaining and land acquisition negotiations.

Chairman Roopenian announced regular session would reconvene following Executive Session. The Board exited Lower Town Hall to hold a brief discussion.

At 8:40 p.m. the Board returned to Lower Town Hall to continue with the regular agenda.

#### **Property Tax Equity Review Committee – Preliminary Report**

Present: Tara Nolan, David Levington, Claire Schlosser, Paul Pakos, and Steve Wishner, PTERC.

David Levington, Co-Chairman, stated the group has been working hard and is still working at sifting through individual opinions while sorting through a great deal of information. Tara Nolan, Co-Chairman, stated the group has been divided into subcommittees A through C, each charged with a different area of analysis, as well as examining the mission statement to determine a strategic plan.

Mr. Levington stated they plan to break into working groups next to further analyze the data gathered to see how to best combine the individual committee reports into a unified recommendation. He stated his belief that, unless the Board stated otherwise, he considered the committee reports to be fairly complete at this time. Ms. Nolan opined each committee attempted to present some recommendations, yet was careful not to draw conclusions.

Mr. Levington stated the group had to decide several things in the beginning, as follows: 1) that there was no guarantee the group could find a solution that would save residents taxes over time; 2) that some residents in town may have to carry more of the taxpaying burden than others; 3) to develop programs that address people in need (not only senior citizens); 4) to prepare a plan that can be put in place in a short period of time, as well as long term planning, and 5) to prepare a proposal the State Legislature will accept. Even though the group is not charged with setting future tax rates, the group will attempt to "predict" the tax rate for the next few years, using information from previous years as a base.

Responding to a question from Chairman Roopenian, Ms. Nolan responded it is difficult to assess why people do not already participate in tax-saving programs, noting that each committee member has a "story" or anecdotal information as to why this does not occur. She added that, due to the low participation, it is also difficult to accurately determine those in need. Mr. Levington stated that the group also cannot prove residents are moving out of town due to high taxes, but acknowledged that could be a reasonable explanation for some people leaving.

Mr. Steve Wishner stated the PTERC group is hard working and comprised of people who really care about the issue. He praised Mr. Levington and Ms. Nolan for excellent leadership and guidance. Mr. Wishner opined the group's task is a large one, needing significant data, much of which is incomplete or vague. Describing the data accurately is a challenge, as well as considering and interpreting all facets of the data collected. He opined the timeframe the group has been given may be inadequate to accurately assess factors from a more national or global perspective, and may consider both near-term relief as well as solutions that may require several years to be effective. Mr. Wishner stated the group must consider the laws of other states when viewing information from outside Massachusetts and pointed out solutions effective in the State of New York, for example, may be unconstitutional in the Commonwealth of Massachusetts.

Mr. Levington stated that "minority" reports present information for select groups such as young families, elderly, middle income, etc. and it will be difficult to address the needs of all groups. In the case of senior citizens, he added that local laws state that the *towns* must maintain the schools, not that the parents of current students shall do so. He noted that financial support of the schools is one of the main factors in high property taxes.

The Board thanked the group for their continuing hard work and accomplishment thus far and complimented them for finding a way for 23 people to work together toward a common goal. Ms. Nolan stated the committee is on track to present recommendations around December 1.

There being no further business, the meeting adjourned at 9:30 p.m.

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