

IN BOARD OF SELECTMEN
TUESDAY, DECEMBER 21, 2004

Present: Chairman John C. Drobinski, Selectmen Lawrence W. O'Brien and William J. Keller, Jr.

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

Opening Remarks

On behalf of the Town, Chairman Drobinski expressed condolences to Selectman Keller and his family on the recent passing of his father, William J. Keller, Sr.

Chairman Drobinski announced that Ruth Griesel has retired from her position of Director of the Council on Aging, and expressed appreciation for her years of service to the Town.

Chairman Drobinski asked residents to continue to check on their elderly and disabled neighbors in times of severe winter weather.

Historic Districts Commission -- Appointment

Present: Ellen Given, 60 Green Hill Road; Sally Purrington Hild, 19 Old Forge Lane.

Town Manager Valente stated the Board will interview two candidates for appointment to the Historic Districts Commission, to replace Marvin Parramore, who recently resigned. She stated further this appointment is pursuant to nominations from the Conservation Commission.

Ellen Given, 60 Green Hill Road, briefly reviewed her experience and interest in design and architecture. Responding to a question from Chairman Drobinski, she stated she had no interest in serving on other Town committees at this time.

Sally Purrington Hild, 19 Old Forge Lane, reviewed her education and experience in historic preservation (administrative). She stated that, as the former Executive Director of the Cambridge Historical Society, she has dealt with many facets of historic matters.

Following nominations of Ellen Given and Sally Hild, Chairman Drobinski and Selectman Keller voted to appoint Sally Hild and Selectman O'Brien voted to appoint Ellen Given.

It was therefore

VOTED: To appoint Sally Purrington Hild, 19 Old Forge Lane, to the Historic Districts Commission, to replace Marvin Parramore, for a term to expire January 1, 2008.

495/MetroWest Corridor Partnership

Present: Lynn Sand, Chief Executive Officer, 495/MetroWest Corridor Partnership.

Ms. Lynn Sand, Chief Executive Officer, 495/MetroWest Corridor Partnership, updated the Board on the Partnership's activities and related matters such as economic development, sustainable resources, employment in the private sector, traffic and transportation, and the upcoming Summit.

Selectman O'Brien asked how small, suburban communities such as Sudbury can get as much attention and support as larger communities, or towns closer to metropolitan Boston. Ms. Sand stated it is important to make certain one's voice is heard, and reiterated the importance of the Partnership. Becoming more involved in these activities will help communities learn how other towns are handling issues common to many.

The Board thanked Ms. Sand for her report and wished her continued success in her position.

Sudbury Agricultural Commission

Present: Laura McCarthy; Karen Hodder; numerous members of agricultural community.

On behalf of members of Sudbury's agricultural community, Ms. Laura McCarthy, Bartlett Greenhouses, presented a proposal to establish a Sudbury Agricultural Commission. She submitted a draft of the mission of such a commission, designed to serve as facilitators to encourage the pursuit of agriculture in the Town of Sudbury, promote agricultural-based economic opportunities and have the voice of farmers in various matters. She likened it to former activities of The Grange.

Ms. McCarthy opined the commission would be comprised of a minimum of three members who are primarily engaged in farming in Sudbury, along with two alternates. She stated it would serve as an advisory group, and not be involved in any kind of permitting. She stated it could serve as a buffer between various groups and mediate potential areas of conflict, as well as serve as a networking force between various agricultural groups, i.e., farmers and horse owners.

Responding to a question from Selectman Keller, Ms. McCarthy stated there are over 25 farms still in Sudbury, occupying 961 acres. The membership would be limited to those who make their living as farmers, but not necessarily requiring residency in Sudbury.

Selectman O'Brien asked if a citizen-at-large member was considered, who would not be a farmer. He opined that kind of individual might offer a unique perspective. Ms. McCarthy stated it had not been considered, but offered to check if surrounding communities were doing so.

Ms. McCarthy stated an article is being prepared for Annual Town Meeting, but the group wanted to meet with the Selectmen first. The Board informed Ms. McCarthy of the deadlines for article submission, other Town boards and commissions to meet with, and generally supported the concept as presented this evening, although they made it clear that this was to be interpreted as their position on any Town Meeting article, as they take such positions only after all articles have been submitted.

The Villages at Old County Road

Present: Benjamin Stevens, President, Trask, Inc.; Myron Fox, Rollins, Rollins & Fox.

At 8:22 p.m. Chairman Drobinski welcomed Myron Fox, Rollins, Rollins & Fox, and Benjamin Stevens, President, Trask, Inc. for a presentation of a proposed Chapter 40B development on Old County Road.

Mr. Fox stated the applicant has met with several Town boards to give them a preliminary review of the project. He briefly reviewed the proposed project, forty (40) townhouse style units on a site at 6 Old

County Road. Ten (10) units will be designated affordable with sale prices of \$184,800 (3 bedroom) and \$175,000 (2 bedroom). Market value units will be priced at \$563,200 and \$510,000, respectively.

Mr. Stevens stated he is primarily a residential developer and is the sole owner of the company. He stated he has built approximately 100 homes in the last few years in the Sudbury/Southborough/Wayland communities. He stated the parcel is approximately 6 acres with a half-acre of wetlands. Utilizing architectural renderings, he pointed out various aspects of the project. Units will be 2,000-2,200 sq. ft and most will have two-car garages. Attention will be paid to street appeal and mitigation (buffers) between neighboring single-family residences, as well as drainage and road improvements.

Mr. Stevens stated the property owner approached them about a project such as this. He reported she had expressed concern that she had raised her children here, and they could not afford to live in Town. Responding to a question from Selectman O'Brien, he stated local preference for affordable units is their intent. He stated typical residents in projects such as this are single women, perhaps with a child, young couple with newborn, or a married couple not of retirement age. With respect to creating a price level for senior citizen units, Mr. Stevens stated he would consider it.

The Board expressed appreciation that the applicant is willing to work with the Town on this project, and that he is proposing a project less dense than what could be placed on the parcel.

Town Manager Valente stated feedback must be presented by December 24 to the Mass Housing Commission.

It was on motion unanimously

VOTED: To direct the Town Manager to draft a letter to Mass Housing indicating the Board's support of this project with comments expressed this evening.

It was also on motion unanimously

VOTED: that Chairman Drobinski will approve said letter on behalf of the Board of Selectmen in order to meet the December 24 deadline.

Sudbury Wines, LLC – Package Store License

Present: Howard Wayne, Attorney for the applicant, Wayne, Richard & Hurwitz, LLP; Robert Shire, Manager/Owner, Martin Bloom, Owner, Sudbury Wine Warehouse at MacKinnon's; Myron Fox, Attorney for the seller, Rollins, Rollins & Fox.

At 8:45 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering application for transfer of a Package Store License for the Sale of All Alcoholic Beverages, under G.L. Chapter 138, Section 15, from Sudbury Super Market, Inc., d/b/a MacKinnon's Liquors, 5 Concord Road, Sudbury, to Sudbury Wines, LLC, d/b/a Sudbury Wine Warehouse at MacKinnon's. The application does not involve any changes to the description of the licenses premises.

The Board reviewed the following information:

1. Letter, dated November 29, 2004, from Karen B. Roach, Wayne, Richard & Hurwitz, LLP, submitting application and appropriate documents for filing and transfer of alcoholic beverages license from Sudbury

Super Market, d/b/a MacKinnon's Liquors, to Sudbury Wines, d/b/a Sudbury Wine Warehouse at MacKinnon's.

2. Letter, dated December 6, 2004, from MacKinnon Family Realty Trust, authorizing attorney Myron Fox to pay all sums owed the Town of Sudbury from the sale proceeds of the closing for the transfer of the liquor license and sale of real estate.
3. Report, dated December 16, 2004, from the Building Inspector, stating he recommends the transfer of the liquor license and that he has no issues or concerns regarding the business.
4. Report, dated December 16, 2004, from the Health Director, stating he has no problems with the transfer of the liquor license.
5. Report, dated December 16, 2004, from the Fire Chief, stating the Fire Department has no objection to the transfer of the liquor license, and there are no inspection problems.
6. Report, dated December 16, 2004, from the Police Department, stating there are no issues regarding the transfer of the liquor license.

Town Manager Valente stated her office has received favorable CORI checks for both the manager of the package store and manager of the LLC. She stated further Town Counsel has reviewed the application and worked out a letter of commitment from MacKinnon's to ensure payment of taxes and other monies owned the Town. She stated Town Counsel advises it is not necessary to condition the approval.

Mr. Howard Wayne, Wayne, Richard and Hurwitz, introduced the new owners of the store. He stated Mr. Robert Shire has been involved in the package store business for over 25 years, and Mr. Bloom is the former manager of the Vinny Testa Restaurants.

Responding to a question from Selectman Keller, Mr. Wayne stated the first step would be to refurbish and freshen the store. There will be a strong emphasis on wine, but there will be all kinds of liquor available to patrons.

Selectman O'Brien stated the MacKinnon family has been very involved in community activities over the years. Mr. Wayne responded the MacKinnon name will be maintained in the name of the new store, to help retain tradition, familiarity and name recognition for the store. Chairman Drobinski advised the new owners of the occasional "sting" operation conducted by the Police Department, and noted that MacKinnon's was never involved in selling alcohol to underage patrons.

Town Manager Valente stated the legal notice of tonight's hearing was published in the MetroWest Daily News on December 9, 2004 and abutters were notified in accordance with Mass. General Laws.

It was on motion unanimously

VOTED: To approve the application for transfer of a Package Store License for the Sale of All Alcoholic Beverages, under G.L. Chapter 138, Section 15, from Sudbury Super Market, Inc., d/b/a MacKinnon's Liquors, 5 Concord Road, Sudbury, to Sudbury Wines, LLC, d/b/a Sudbury Wine Warehouse at MacKinnon's, Robert Shire, Manager.

Board of Assessors – Special Municipal Employees

Present: Myron Fox, Rollins, Rollins and Fox.

The Board reviewed a letter, dated December 16, 2004, from Joshua M. Fox, Rollins, Rollins & Fox, and also recent appointee to Board of Assessors, requesting the Board vote to designate the Board of Assessors as Special Municipal Employees, in order to satisfy the Conflict of Interest statute regarding his appointment. Mr. Fox stated his father serves as Moderator, and his wife is a teacher at the Curtis Middle School, both of whom may be considered to be under municipal contract. A waiver from the Board is required relative to his being considered to have an interest in multiple contracts. Discussion followed.

It was on motion unanimously

VOTED: To designate the Board of Assessors as Special Municipal Employees in accordance with Chapter 268A of the Mass. General Laws, and further

VOTED: To approve an exemption under the Conflict of Interest statute to allow Joshua M. Fox to serve as a member of the Board of Assessors, effective January 1, 2005, under the provisions of M.G.L. c.268A, section 20.

Declaration of Restrictive Covenants – 3 Russet Lane

Present: Myron Fox, Rollins, Rollins and Fox, Notary Public.

The Board reviewed a letter, dated December 15, 2004, from Nelson J. Costa, Law Office of Meilman & Costa, P.C., requesting the Board's approval of a Declaration of Restrictive Covenants with regard to the property at 3 Russet Lane, owned by Paula Jo Carbone and Daniel Edward Silvia. This document restricts the size of the building (and septic) that can occupy that site.

Town Manager Valente opined the homeowners completed some renovations on their home, opting not to upgrade/increase the size of the current septic system as defined by current building code. She stated this document had been prepared by legal counsel, and that the Health Director and Town Counsel have both approved the document. She stated the document needs to be signed by all members of the Board in front of a Notary Public, and as Mr. Myron Fox is a Notary, he would witness the signing this evening.

After discussion, it was on motion unanimously

VOTED: To approve the Declaration of Restrictive Covenants between Daniel E. Silvia and Paula Jo Carbone, 3 Russet Lane, Sudbury, and the Town of Sudbury, restricting the construction and use of the single family residence to a maximum of four (4) bedrooms for 8 occupants; the building to be constructed in accordance with the Building Permit and Special Permit issued by the Board of Appeals in consideration of not having to upgrade the currently existing septic system.

Class 2 License -- Sudbury Sundries, 100 Boston Post Road

Present: Ayman Youssef, President, Sudbury Sundries, Inc.

The Board met with new owner of property at 100 Boston Post Road, Mr. Ayman Youssef, President, Sudbury Sundries, Inc., concerning his application for a Class 2 License to Buy, Sell, Exchange or

Assemble Second Hand Motor Vehicles or Parts Thereof. He briefly explained the proposed changes, noting that Mr. William King was granted permission to operate automobile repair on the site as the previous owner. He stated that he will keep the relationship with Mr. King to allow him to continue his repair business. He stated he is adding a Honey Dew Donut Shoppe, which delivers product early in the morning; no food is prepared on site and is simply sold at a counter. There will be no drive-up window.

Town Manager Valente reported the changes being made to the premises do not require site plan review.

Town Manager Valente informed the Board and Mr. Youssef that monies are owed to the Town by the owner of Auto Diagnostics, previous owner of this property, relative to a settlement with regard to the sign bylaw.

Ms. Valente stated that the new owner wishes to be the sole licensee for the property and therefore the license for the previous owner of record renewed at the last Selectmen's meeting should be rescinded.

It was on motion unanimously

VOTED: To grant a Class 2 License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof to Sudbury Sundries, Inc., Ayman Youssef, President, to be exercised at 100 Boston Post Road, effective when all monies owed to the Town by Mr. King are paid, and to rescind renewal of the Class 2 license for George M. Gordon at the same address approved December 6, 2004.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the special meeting of November 30, 2004, as drafted.

Discretionary Fund Donation – Sudbury United Methodist Church

It was on motion unanimously

VOTED: To accept a donation of \$300 from the Rebecca Circle of the Sudbury United Methodist Church to be deposited into the Discretionary Fund and expended on recommendation of the Community Social Worker to help those in need.

MMA Annual Business Meeting

It was on motion unanimously

VOTED: to designate Town Manager Maureen G. Valente as official voter for the Town of Sudbury at the Massachusetts Municipal Association (MMA) Annual business meeting to be held on January 8, 2005.

Amend Traffic Rules and Orders – Old Lancaster Road at Hudson Road

The Board reviewed a report, dated December 6, 2004, from Safety Officer Ronald Conrado, expressing concern there is no stop sign at the intersection of Old Lancaster Road and Hudson Road. He stated the sight distance is not good, and traffic is heavy at this intersection.

After discussion, it was on motion unanimously

VOTED: To approve a request of the Safety Officer and Director of Public Works dated December 6, 2004, for stop sign location on Old Lancaster Road at Hudson Road, and further

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location: North bound drivers on Old Lancaster Road at Hudson Road.

2004 Annual Town Report – Board of Selectmen

Town Manager Valente asked for the Board's comments on the draft of activities of the Board of Selectmen and Town Manager to be submitted for the 2004 Annual Town Report.

After brief discussion, it was on motion unanimously

VOTED: To approve and submit the report of the activities of the Board of Selectmen and Town Manager for the 2004 Annual Town Report, as drafted, plus one addition proposed by Ms. Valente.

Annual Renewal of Licenses

Town Manager Valente stated four establishments, whose licenses were not renewed by vote of the Board of Selectmen on December 6, 2004, have now paid all monies due the Town at this time.

It was on motion unanimously

VOTED: To approve annual renewal of licenses for calendar year 2005 for the following establishments:

- 1) Wong Mook Run, Inc., d/b/a Siam Garden, 103 Boston Post Road
- 2) Sweet Pepper, Inc., d/b/a Sweet Pepper, 385 Boston Post Road, and
- 3) SUD, Inc., d/b/a Dunkin' Donuts, 378 Boston Post Road

2005 Annual Town Meeting – Board of Selectmen Articles

After discussion, it was on motion unanimously

VOTED: To approve the following articles for submission to the 2005 Annual Town Meeting:

- 1) Amend Bylaws, Art. XXV – Capital Planning
- 2) Special Act: Post Employment Health Insurance Liability Fund
- 3) Lease Authorization – Carding Mill Property

Sprint Spectrum L.P. – Omnipoint Facility at Feeley Park

The Board reviewed a proposal, dated December 1, 2004, from Sprint Spectrum L.P., d/b/a Sprint PCS for collocation in the Omnipoint wireless communications facility at Feeley Park on Raymond Road. Discussion followed.

It was on motion unanimously

VOTED: To authorize the Town Manager to accept the proposal of Sprint Spectrum L.P., d/b/a Sprint PCS, dated December 1, 2004, for collocation in the Omnipoint wireless communications facility at Feeley Park on Raymond Road, subject to agreement of the Board of Selectmen and other Town officials with regard to the final location of the equipment pad; and to authorize the Town Manager to sign a Notice of Proposal Acceptance of Collocator to be drawn up by Town Counsel, which shall include the requirement of a mutually agreeable lease approved by Town Counsel and the requirement that all necessary permits and approvals shall be applied for and obtained prior to execution of the final lease agreement.

Metropolitan Area Planning Council – Community Preservation Trust Fund

The Board reviewed a communication, dated December 13, 2004, from the Acton Board of Selectmen to the Metropolitan Area Planning Council (MAPC), alleging MAPC to be assisting cities and towns who have not passed the Community Preservation Act to access the CPA Trust Fund. The letter states that, in view of this activity, the town of Acton will withdraw from MAPC and MAGIC.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager, if evidence is found to verify the above, to communicate with the Metropolitan Area Planning Council to express strongest disagreement with MAPC offering assistance to non-Community Preservation Act communities accessing CPA funds, but without any threat of withdrawal.

Capital Improvement Planning Committee

Town Manager Valente reported the Capital Improvement Planning Committee is reviewing various items including upgrade of phone systems, Town vehicles, boiler at the Fairbank Community Center, fire engines, and traffic signboards, to name a few. She stated the Committee would be forwarding their official report in the very near future.

Additional Lights at Featherland Park

Town Manager Valente asked the Board to review a report, dated December 16, 2004, from Dennis Mannone, Director, Park and Recreation Department, regarding a request from Sudbury Little League to install additional lighting at Featherland Park. She asked the Board to forward any comments to her as soon as possible.

Transportation Improvement Projects (TIP)

After discussion, it was on motion unanimously

VOTED: To approve the list of pertinent transportation-related projects in Sudbury as presented by the Town Manager, and to forward said list to the State.

Route 20 Speed Limit – Goodman’s Hill Road to Nobscot Road

Town Manager Valente stated MassHighway is planning to conduct a traffic study on Route 20 from Goodman’s Hill Road to Nobscot Road in connection with its proposal to increase the speed limit from 30 to 40 mph in this area. The Board expressed concern that the proposed 40B project on Old County Road could significantly impact the use of Route 20, which would not be reflected in the study, among several other concerns.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager to draft a letter to MassHighway recommending the speed limit along this stretch of road not be raised, noting the proposed new housing, the desire to maintain a pedestrian-friendly zone with walkways, and intensive public input on present intersection dangers on this section of Route 20.

Executive Session

At 10:05 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing real estate negotiations, potential litigation and disbursements from the Discretionary Fund.

Chairman Drobinski announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 10:15 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk