

IN BOARD OF SELECTMEN  
TUESDAY, JANUARY 20, 2004

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

**Opening Remarks**

Chairman Roopenian reminded residents of a reception for retiring Police Chief Peter Lembo, to be held on Thursday, February 22, in the Lower Town Hall. During this time the new Police Chief Peter Fadgen would also be officially sworn in.

**Conservation Restriction – Wayside Inn**

Present: David Wallace, Esq.; Richard Davison, Wayside Inn Trustee, and Christa Collins, Sudbury Valley Trustees.

David Wallace, Attorney, representing the Wayside Inn, briefly described the Conservation Restriction being granted by the Wayside Inn to Sudbury Valley Trustees on approximately 4.83 acres on Peakham Road. He stated a Trail Easement has already been granted. He opined the Conservation Commission is in approval of the documents and stated his belief that the final version of the Restriction reflects the wishes of all parties. Town Manager Valente reported Town Counsel had approved the documents as well.

Mr. Richard Davison, Wayside Inn Trustee, stated the parcel is a critical addition to the Wayside Inn property, and the Conservation Restriction would prevent development and protect the scenic vista.

After discussion, it was on motion unanimously

VOTED: To sign approval of a Conservation Restriction dated January 9, 2004, granted by The Wayside Inn to Sudbury Valley Trustees, Inc., comprised of approximately 4.83 acres at Peakham Road, shown as Lot 1A on a plan entitled, "Southwest Estates A Subdivision of Land in Sudbury, Mass. Modification of Lots 1, 2, 3, and 4 Peakham Road", dated July 12, 1995, prepared by Modern Continental Construction Co., Inc. of Cambridge, MA.

**Minutes**

It was on motion unanimously

VOTED: To approve the minutes of the special meeting of December 8, 2003, the regular and executive sessions of January 6 and January 14, 2004.

**Sudbury Foundation Grant – PTERC**

It was on motion unanimously

VOTED: To accept and authorize expenditure of a grant from the Sudbury Foundation in the amount of \$1,000, to be separately accounted for and expended by the Town Manager to pay expenses of the Property Tax Equity Review Committee in conducting a senior citizen survey.

**Federal Emergency Management Agency Grant – Fire Dept.**

It was on motion unanimously

VOTED: To accept and authorize expenditure of a grant from the Federal Emergency Management Agency in the amount of \$31,122 under the FY03 Assistance to Firefighters grant program, to be separately accounted for and expended by the Fire Chief for the purchase of 52 replacement air bottles.

**2004 Annual Town Meeting Action**

A) Withdrawal of Articles: Town Manager Valente stated two articles were submitted for the Cutting Property, and one should be withdrawn.

It was on motion unanimously

VOTED: To accept withdrawal of the School Committee Circuit Breaker Revolving Fund article and the Frost Farm Conservation Commission article, and, further, to withdraw the Selectmen's article for the Cutting Property.

B) Order the Warrant: It was on motion unanimously

VOTED: To order the Warrant as drafted.

C) Speaker Assignments:

After discussion, it was on motion unanimously

VOTED: To retain speaker assignments as designated on the Draft Warrant Order, dated January 20, 2004, with one exception: Chairman Roopenian will become speaker for article on the Police Station..

D) Positions on Submitted Articles.

After discussion, it was on motion unanimously

VOTED: To SUPPORT the following articles: 1, 6, 7, 29 – 44, 50, 51, and 52.

Selectman O'Brien made a motion to support Article 56 and to print such support in the Warrant. Discussion followed, during which the motion was defeated.

It was later on motion

VOTED: To TAKE NO POSITION on Article 56. (Chairman Roopenian, aye, Selectman Drobinski, aye, Selectman O'Brien, oppose)

It was finally on motion unanimously

VOTED: To POSTPONE declaring a position on all other articles.

E) Other

Town Manager Valente stated several articles have very complex wording and may require additional time to get them finalized. She suggested extending the deadline for final wording from article sponsors to January 30.

It was on motion unanimously

VOTED: To extend the deadline for sponsors to finalize wording of articles for 2004 Annual Town Meeting until January 30, 2004.

Regarding Article 1 Honoree, the Board agreed to the individual named in Jan Silva's memo of January 16, 2004.

**Maple Avenue ATM Article Presentation**

Present: Steven R. Bradford, 25 Maple Avenue; and Cheryl Salatino, 14 Maple Avenue.

Petitioners from the Maple Avenue neighborhood presented a PowerPoint program expressing concerns over a Senior Residential Community housing development being proposed for Maple Avenue, citing traffic, access and impact to the neighborhood. Mr. Steven Bradford, 25 Maple Avenue, briefly explained they would like to propose some changes that would allow the SRC to be built in while minimizing the impact to their area. Two articles submitted for Annual Town Meeting include one for a Grant of Easement for Public Right-of-Way between Maple Avenue and Raymond Road (for access), and another to designate Maple Avenue as a Scenic Road. Financial savings realized from working with the developer can be used to improve the current parking lots and areas in Feeley Park. It was clarified that the Scenic Road article was initiated before the SRC was proposed.

Mr. Bradford described the neighborhood as an older one with the newest home over 50 years old, very narrow streets, and narrow setbacks from the street. He opined, if a development comes in, the traffic will increase significantly, along with the potential for accidents on such narrow streets. He noted, additionally, the entrance to the SRC would be approximately 11 feet in width, causing some mature trees to be removed.

Mr. Bradford presented revised drawings for two alternative access roads, different from what is currently being proposed, one winding around Feeley Field to Raymond Road and a second connecting with the parking lot at the Feeley Field tennis courts. He said the latter parking lot needs a great deal of work since its installation several years ago, and the neighborhood is willing to work with the Town in getting it improved to provide access. They will be meeting with the Conservation Commission to determine if there are wetlands issues regarding access in either of these locations.

Chairman Roopenian clarified this was not a time to discuss the merits of the SRC. There was brief discussion regarding traffic, athletic field use, walkways, engineering aspects of proposed access, and any legal issues surrounding the use of recreation/conservation land and developer's role if Town Meeting votes in favor of the proposal.

Town Manager Valente asked the Board to forward questions to her for distribution to appropriate Town staff.

### **Council on Aging – Full Accreditation**

Present: Ruth Griesel, Director; Chairman Esther Mann, Council on Aging, numerous supporters.

Esther Mann, Chairman, Council on Aging, briefly described the process which was undertaken to gain the recently awarded full accreditation from the National Council on Aging/National Institute of Senior Centers. She stated some of the criteria included cohesiveness and diversity of staff, programs offered, outstanding procedures, outreach services and other points.

Ms. Ruth Griesel, Director, Council on Aging, stated over 50 people worked on gaining this accreditation, making it a true community effort. She introduced many of these people in attendance this evening. She also announced that volunteers are always needed, and people interested in volunteering should contact the Senior Center. Ms. Griesel displayed the accreditation plaque received from the National Institute of Senior Centers, valid through December 2008.

The Board thanked all individuals for their hard work and congratulated them on their success.

### **Town Forum**

At 8:45 p.m. Chairman Roopenian convened Town Forum, during which time reports from the Fire Chief, DPW Director, Town Clerk, Assistant Town Manager, Building Inspector, and Finance Director were heard.

Mr. I. William Place, **DPW Director**/Town Engineer, briefly reviewed work being done in the Department of Public Works including road maintenance, walkway construction, bridge work, dealing with beavers, and noting punchlist problems with the new DPW building.

Ms. Kerry Speidel, **Finance Director**, briefly reviewed information from the Treasurer/Collector's Office, Director of Assessing, Town Accountant and Technology Administrator. She cited budget work, preparing for real estate tax assessment/rate classification, reduction in bank fees, serving as test site for Fleet Bank check validation process, researching credit card payment of taxes, personnel changes, wireless internet capability at Goodnow Library, email subscription service, and website upgrades.

**Fire Chief** Michael Dunne updated the Board on Civil Defense and Fire Department matters. He stated the Town could receive a 75% reimbursement of snow removal costs associated with the December snowstorm, and announced such reimbursement will be available to some non-profit organizations. His department has submitted 150 pages of information to indicate civil defense preparedness, though no funds for equipment is available at this time. He mentioned water pipe breaks due to cold weather, availability of open burning permits, and concerns regarding continued availability of advance life support service from Emerson Hospital.

Ms. Barbara Siira, **Town Clerk**, updated the Board on the work of her office including documenting items from various Town decisions and permitting processes, posting 2003 Bylaws on the Town website, compiling census information, dog licensing, local and national election preparations and voter registration, and Annual Town meeting preparations.

Mr. Jim Kelly, **Building Inspector**, reviewed residential building trends in Town, commercial construction, permitting processes, changes to website documentation, new offices in the DPW building, new roof and new heating unit at the Fairbank Community Center, and work on the Frost Farm farmhouse.

Mr. Wayne Walker, Assistant Town Manager, updated the Board on personnel changes, cost savings on a new employee assistance program, training sessions for department heads, revitalized employee safety committee, and establishing new employee relationships to familiarize them with Town policies.

Reports concluded at 9:50. Refreshments were served.

### **Sudbury Historical Commission – Demolition of Historic Buildings Article**

Present: Carole Wolfe, Lyn MacLean; Sudbury Historical Commission; Jim Kelly, Building Inspector.

Chairman Roopenian stated the Board is meeting with various proponents of articles for Annual Town Meeting in order to gain insight on proposals. Ms. Carole Wolfe briefly outlined the Sudbury Historical Commission's article to amend the Town Bylaw for Demolition Delay of Historically Significant Buildings, Structures or Sites. She described the changes and stated the intent of the Bylaw is for preservation of historic structures through grants and other assistance programs.

Ms. Lyn MacLean stated the Commission surveyed over 30 communities on their preservation processes, definition of "historically significant", and legal issues regarding violations before submitting these amendments. Discussion followed.

### **Marlborough Easterly Wastewater Treatment Plant – Draft Permit Comments**

Present: Frank Lyons, Ursula Lyons, Hop Brook Protection Association (HBPA).

The Board reviewed the following documents: 1) draft permit from the Department of Environmental Protection and Environmental Protection Agency; 2) the HBPA's presentation at the EPA/DEP January 14 public hearing; 3) letters dated January 17 and 20, 2004, from Stephen Meyer, Chair, Hop Brook Ponds Study Committee, with proposed comments for the Board's consideration; and 4) draft letter, dated January 7, 2004, from the Wayside Inn Trustees.

Selectman Drobinski suggested a process for developing the letter that the Board had earlier determined should be sent to the Department of Environmental Protection and Environmental Protection Agency. He suggested the following items should be addressed in this letter: He recommended making it clear the Board supports the HBPA in their endeavor, stressing the need for a year-round phosphorus level of 0.1 mg/l, instead of relaxing the phosphorus limit during the winter months. He emphasized that this whole process is not to attack the City of Marlborough on this issue, but rather to push Marlborough into doing what is right with respect to the Clean Water Act. He related a comment made at the public meeting by a Sudbury resident questioning how Marlborough would be reacting if the water ran in the other direction, and Marlborough had the impact of high phosphorous levels.

Mr. Frank Lyons stated a public hearing was held in 1996, reiterating that the permit is now ten years overdue. He noted that, instead of doing something positive, Marlborough allocated monies for legal fees to appeal any decision forcing them to comply.

Selectman Drobinski suggested the letter be proactive, stating things the Town of Sudbury would like to see included in the permit, utilizing comments from the letter from the Wayside Inn Trustees, specifically, that this process has taken so long and much damage has occurred in the interim. Mr. Drobinski recommended that Marlborough should investigate their equipment and processes to gather information that

can be shared with the EPA, DEP and other interested parties and provide test results of their own. Chairman Roopenian stated the letter from Stephen Meyer contained some excellent comments, including solutions that can be included in the Board's letter. Selectman O'Brien agreed Mr. Meyer's letter was a good example, even down to the format.

It was agreed that the following points should be included in the letter: Marlborough should contract with someone to investigate the process for dredging and or chemical binding, a process for sediment treatment should be defined, the Board should indicate acceptance of the implementation schedule, and the Board should request a ban on new hookups until a final permit is issued.

The Town Manager reminded the Board that Mr. Meyer had suggested Marlborough turn Hager Pond into a treatment wetland. Mr. Lyons opined the Hager Pond idea might be illegal and potentially destroy the pond for any purpose.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to draft a letter to the EPA and DEP containing comments regarding the draft permit for the Marlborough Easterly Wastewater Treatment Plant as discussed this evening, with Selectman Drobinski assisting the Town Manager on behalf of the Board.

**Letter from Boy Scout**

Town Manager Valente asked the Board for its response to Justin Brodie-Kommit, Troop 63, and his letter of January 11, 2004. Mr. Brodie-Kommit suggested the Town of Sudbury should have an old-fashioned style main street as a possible gathering place for the Town's youth, and to maintain the integrity of the Town and values.

The Board suggested directing him to the Town website to review the Master Plan and other studies that apply to development of Route 20. The Board also commended him for his interesting idea and enthusiasm in preserving the character of Sudbury.

There being no further business, the meeting adjourned at 11:10 p.m.

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