

IN BOARD OF SELECTMEN
TUESDAY, JUNE 15, 2004

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

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

Chairman Drobinski announced that tonight's Town Forum was postponed until the Selectmen's meeting on July 6 at 8:30 p.m.

Chairman Drobinski cautioned motorists to be especially aware of more pedestrians and cyclists as the weather is warm and school will soon be out for the summer.

Site Plan Special Permit #00-356 – Bosse Sports and Health Club, Inc.

Present: Joshua Fox, Rollins, Rollins & Fox; Bruce Ey, Schofield Brothers of New England; D.J. Bosse, Applicant; Brian Finnegan, Operations and Facilities Director.

The Board reviewed the following new information: (1) letter, dated June 3, 2004, from Bruce Ey, Schofield Bros. of New England, requesting two amendments or field changes to the Special Permit issued on December 18, 2000, involving revised landscaping and a temporary air structure covering outdoor tennis courts, with Plan entitled "Proposed Air Structure", Prepared for Bosse Sports and Health Club, dated June 3, 2004, drawn by Schofield Brothers of New England, Inc., Project: 20437; (2) report, dated June 10, 2004, from the Building Inspector with the following comments: a) the proposed air structure will require a building permit, b) a final landscaping as-built plan has not been submitted, and c) existing temporary signs at the front of the site are not permitted, advising applicant to apply for a permanent sign; (3) minutes of the Conservation Commission meeting of May 10, 2004 containing approval by the Commission of the two revisions; and (4) report, dated June 14, 2004, from the Acting Fire Chief, with the following comments: a) temporary structure is defined as being erected for 180 days or less per year, b) the air structure membrane must be rated per NFPA 701 and labeled per 527 CMR 19.03(3), c) while structure is erected, it must have fire alarm protection including duct detectors, d) fire extinguishers, emergency lighting and lighted exit signs must be provided, e) vegetation within 10 feet of the structure must be removed prior to raising structure and kept down while structure is erected, and f) walkway access from southwest corner of the parking lot to the path between the tennis courts and the "Existing Air Structure" is desirable.

Mr. Joshua Fox, Rollins, Rollins & Fox, representing the applicant, explained the two amendments before the Board. He stated that, due to the extreme cold, many of the landscaping plants planted last fall did not make it through the winter, and stated further Mr. Bosse is having the dead vegetation removed and would like to plant non-native plants that would better withstand the cold weather than the native species did. The Conservation Commission approved this request on May 10, 2004.

With regard to the second change, Mr. Fox stated that, due to the deep frost, significant damage was done to the three outdoor tennis courts, specifically, to most of the fence posts and some of the court surface. He opined a temporary air structure covering the outdoor courts during the winter would prevent such damage in the future. Minor construction of a concrete pad 20' x 40' and 6" thick would be required. The Conservation Commission approved this request also on May 10, 2004.

Mr. Fox stated further the applicant has been granted an Occupancy Permit and is in full operation, and is currently working on establishing joint access with Buddy Dog.

Mr. Bruce Ey, Registered Professional Engineer, Schofield Brothers of New England, Inc., explained that in order to create some kind of landscaping, with the approval of the Conservation Commission plants were installed to replace dead vegetation, and the applicant is now asking for the Board's approval of the landscaping which has already been installed. If approval is not received, the applicant will remove the landscaping and put in whatever the Board approves, but hopes the existing landscaping meets with the Board's approval.

Mr. Fox stated Item 7 on the Acting Fire Chief's report may require them to go before the Conservation Commission again, but stated the applicant will comply with all items as requested.

Selectman O'Brien asked about a section of ground that people are parking on. Mr. Bosse stated that particular piece of land is owned by Buddy Dog and those motorists are Buddy Dog patrons. He stated he spoke with Buddy Dog staff about people backing out onto Route 20, and the Police Department is aware of it as well. He stated further the permanent joint access will soon be clearly marked, and the sodded area separated by a hedge or some other buffer to prevent inappropriate parking.

After discussion, it was on motion unanimously

VOTED: To approve two amendments to Site Plan Special Permit #00-356 with regard to (1) revised plantings at the main entrance as approved by the Conservation Commission; and (2) temporary air structure covering for three outdoor tennis courts, for no longer than six months during the fall and winter months, subject to completion of all items included in the comments, dated June 14, 2004, of the Acting Fire Chief, and any requirements of the Conservation Commission and Building Inspector.

NOTE: These changes shall be included on the as-built plans.

Minor Site Plan Application #SP04-374 – London Taxis North America, Inc.

Present: Jody Kablack, Town Planner; Larry Smith, President, London Taxis North America, Inc.; Paul Finger, Paul Finger Associates.

At 7:55 p.m. Chairman Drobinski convened a Public Hearing to consider Application #SP04-374 of London Taxis North America, Inc. for approval of a minor Site Plan, in accordance with Town of Sudbury Zoning Bylaw Article IX.6000, Section 6300, Site Plan Review, for expansion of current uses to include motor vehicle sales and rental and motor vehicle general and body repair, on property located at 80 Union Avenue, owned by Union Avenue Realty Trust, zoned Industrial District #2 and Water Resource Protection District Zone II.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on May 27 and June 3, 2004. Abutters according to the Assessors were provided written notice by first class mail. The Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The Board is in receipt of the following:

1. Site Plan application received April 5, 2004, enclosing plan entitled, "Applicant: LONDON TAXIS NORTH AMERICA, INC., 80 Union Avenue, Sudbury, Massachusetts (Middlesex County), UNION AVENUE REALTY TRUST, 266 Derby Street, Newton, MA. 02456" dated April 2, 2004, drawn by Paul Finger Associates, (Sheet L-1, SITE PLAN).

2. Report from the Building Inspector James F. Kelly, dated June 3, 2004, commenting:
 - a) The recent site plan approval granted to the Santangelos (Union Avenue Realty Trust) covered the major portions of the site, including drainage, parking and site improvements. This change of use has minor impact on the site as a whole.
 - b) LTNA with Union Avenue Realty Trust as co-applicant must obtain a special permit from the Board of Appeals per Section 2230, Appendix A, use C12 and C13. Use C12 represents motor vehicle sales and rental and use C13 represents motor vehicle general and body repair.
 - c) LTNA has applied for a special permit from the Planning Board for a Water Resource Special Permit under Section 4243(a) to enlarge a pre-existing use.
 - d) The applicant has been an asset to the community and due to the minor changes proposed, he would recommend approval.
 - e) William Kearney is currently applying to the Board of Appeals for the renewal of his existing Special Permit originally granted in 1978. There are no zoning violations at the property.
3. The Town Engineer/Director of Public Works has no comment on the proposed change of use.
4. Report from the Town Planner to the Planning Board, dated June 8, 2004, describing the proposal and noting the following:
 - a) The proposed use will not have any construction associated with it. LTNA proposes to utilize its existing lease area, which includes 2,270 sq. ft. of office space, 4 garage bays (4000 sq. ft.) and exterior pavement area to expand its current use of office to include sale and rental of vehicles, and minor service repair of vehicles that it sells in the Boston Area. Approximately 34 vehicles will be stored on site at any time. All vehicles will be retro-fitted to American standards at this site. A list of hazardous materials to be stored on site was submitted with the application and includes 200 gallons of motor oil, gasoline that is in the tanks of the vehicles, and household cleaning supplies.
 - b) The proposal requires approval from the Planning Board for a Water Resource Special Permit, a Special Permit from the Board of Appeals for the use, Site Plan Review by the Selectmen and a Notice of Intent filing review by the Conservation Commission. Current permits held by LTNA include a Class 1 license for the sale of second hand motor vehicles. This license allows for 3 employees and storage of no more than 5 vehicles. The license also prohibits the maintenance of motor vehicles on the premises. This license will need to be amended. In addition, a license for fuel storage will be needed.
 - c) Information submitted with the applications includes a new site plan showing the area for outdoor storage of vehicles by LTNA, additional parking as required by bylaw, and the remaining lease areas and structures that are currently operating on the site. In addition, parking calculations have been submitted detailing each separate use and the area devoted to each. The following businesses currently operate on this site - Santangelo Landscaping, London Taxis, Punch Tree Service and Kearney's Automotive.
 - d) The former site plan has not been fully completed. All outstanding conditions should be required to be completed prior to issuance of a building permit for this application (or endorsement of the site plan). These include construction of the detention basin at the northern edge of the site, installation of the recharge chambers in the rear pavement area, curbing at both entrances off Union Avenue, designation of proper parking areas, repair of fencing, receipt of copies of all recorded decisions and easements, submission of an as-built plan, submission of \$300 to the tree replacement fund, among others. If these items are not completed, a bond should be required to secure completion.
 - e) Outdoor storage of vehicles should be limited to 34, as proposed. Allowing additional vehicles will be difficult, depending on the other active uses on the site.
 - f) No on-street vehicle loading and unloading should be allowed.
 - g) The parking spaces on the southern and northern sides of the building should be striped.
 - h) The proposal is considered a Minor Site Plan pursuant to Section 6370 of the Zoning Bylaw.
 - i) Pursuant to the Zoning Bylaw, section 6352, the Site Composite Plan must be stamped by a Registered Professional Engineer or Registered Land Surveyor. During the last application for this property, this

requirement was waived. The plan is stamped by a Registered Landscape Architect. Since no construction is contemplated, it is recommended to waive this requirement.

j) Santangelo Landscaping must sign the application as co-applicant.

5. Report from the Planning Board, dated June 10, 2003, recommending approval subject to the following conditions:

- a) All site improvements from the previous Site Plan application for Union Avenue Realty Trust, including pavement and drainage, are complete prior to this new site plan being effective.
- b) No on-street loading or unloading of vehicles.
- c) Limit to 34 new vehicles and 5 used vehicles (storage).
- d) All repair work and maintenance work shall be done inside.
- e) Adequate hazardous material spill control materials are kept on site and personnel trained in their use.
- f) Receipt of a Water Resource Protection District Special Permit.

6. Report from the Conservation Coordinator, dated May 25, 2004, stating:

- a) The Conservation Commission reviewed the plans for expansion of London Taxi to include motor vehicle sales and repair and motor vehicle general and auto (body) repair.
- b) Although the Commission understands that no site work is being proposed, the change in scope and type of activity will require the filing of a new Notice of Intent under state and local wetland laws. The delivery of 15 vehicles per week with off-loading by a hydraulic ramp raises some concerns, including the need for a Pollution Prevention Plan in accordance with EPA standards.
- c) As most of the property is located in the riverfront area of Hop Brook, the Commission must review details of the service bay design for containment of fluids and disposal of hazardous waste. What precautions are to be taken if cars are painted on site? Site maintenance and management plans will be necessary to address the upkeep of the vehicle storage area and the detention basin.

7. Report from the Design Review Board dated May 27, 2004, reporting that the Board has reviewed the proposal with the applicant and is of the opinion the proposal is not within its purview and therefore has no comment.

8. Report from the Fire Chief, dated June 9, 2004, commenting:

- a) Clear access for fire vehicles must be maintained. An 18' fire lane width is the minimum in these areas:
 - * through the entry gate off of Union Avenue.
 - * along the building rear.

Proposed dumpster sites must not interfere with fire lane width.

- b) London Taxis parking area has parking for 30 cars. A row containing only 2 cars nearest the building would best be relocated to the third row to facilitate access to all rows by fire apparatus.
- c) Permits have been previously issued for inside storage of motor oils and fuel in vehicle tanks. No permits are required for outside storage of flammables in vehicle fuel tanks.
- d) Weeds, grass and dry vegetation shall be kept down and a periodic cleanup of parking area conducted (527 CMR 10.05(3)).

9. Report from the Board of Health, dated June 11, 2004, as follows: The applicant requests an expansion of current uses at 80 Union Avenue with an existing septic system that was installed in 1998 for an estimated total septic flow of 425 gallons per day. The Board of Health will need documentation on all current and proposed uses for the entire business complex including square footage for each use and number of employees to determine if the septic system is adequate for the proposed expansion. The existing septic pump chamber may need to be monitored to determine the actual current gallon per day discharge to the septic system.

10. Board of Appeals Notice of Public Hearing: LTNA/Union Avenue Realty Trust application for Special Permit will be held June 8, 2004.

Ms. Jody Kablack, Town Planner, reviewed all reports and correspondence received to date.

Utilizing a drawing of the property, Mr. Paul Finger, Paul Finger Associates, described the applicant's proposal for a change in use. He stated no construction is proposed. The applicant would like to be able to perform general repair of vehicles on site, as well as new car storage.

Mr. Larry Smith, President, London Taxis North America, Inc., stated his company is the exclusive importer of London Taxis in the United States and Canada. Now that appropriate government certifications from the EPA have been obtained, they are transferring the company from an engineering development company into an engineering sales company, and would like Sudbury to be their distribution base.

Mr. Finger stated many conditions and requirements for the Certificate of Occupancy for the storage area are being handled by the property owner. He opined this new use is a better use environmentally than the previous auto repair and contractor storage businesses.

Ms. Kablack stated that, as there was an auto repair business at the site previously, the applicant is allowed to resume some of that activity. If he were interested in establishing auto repair at a different site, it would not be allowed in a Zone II.

Mr. Finger stated all floor drains have been plugged, and minor leakage from repair work would be released to exterior catch basins. All concrete slabs where repairs would be performed have been sealed so no seepage will occur.

Chairman Drobinski asked the applicant to document whether appropriate permits from DEP and the Town's Plumbing Inspector were obtained when the floor drains were capped.

Responding to a question from Selectman Keller, Mr. Finger stated there will be no changes in tenancy, just equipment being stored by an existing tenant will be replaced by new vehicle storage in the rear of the site. Santangelo Landscaping also has storage facilities in Newton and Waltham, which can accommodate their vehicles and materials from this site.

Responding to a question from Selectman O'Brien, Mr. Smith stated all vehicles are transported inside storage containers and will be unloaded via a portable ramp at the rear of the property. There will be no unloading on Union Avenue.

Mr. Smith stated most repairs are done at owners' facilities as most vehicles are shipped out of state. The few vehicles that remain here will need occasional oil changes as well as the installation of additional equipment such as safety air bags.

Ms. Kablack stated the Planning Board felt a bond of some sort was necessary to ensure completion of stormwater drainage modifications currently being proposed under the original site plan. There are some elements of the original site plan that have not yet been completed. Discussion followed. Chairman Drobinski asked if the Conservation Commission required a SPCC (Spill Prevention Countermeasure & Control) plan. Mr. Finger responded that an Operations and Maintenance Plan was required by the Conservation Commission which will be recorded with the property deed. It was suggested that the property owner sign onto this application as a co-applicant to ensure that all the conditions of the previous approval are complied with.

It was on motion unanimously

VOTED: To instruct the Town Manager to direct Town staff to prepare a Draft Decision granting approval of Application #SP04-374 of London Taxis North America, Inc., 80 Union Avenue, in accordance with Town of Sudbury Bylaw Article IX.6000, Section 6300, Site Plan Review, pursuant to all recommendations made by Town Planner in her memo of June 8, 2004, to require the landowner sign on as co-applicant and the appropriate bond to cover stormwater management and drainage improvements be received by the Town prior to issuance of Occupancy Permit, and further, to continue this hearing until July 13, 2004, at 7:45 p.m.

The Board was also in receipt of application to amend the Class I Motor Vehicle License held by London Taxis North America in conjunction with this site plan application for change of use.

It was on motion unanimously

VOTED: To approve amendment of the Class I Motor Vehicle License held by London Taxis North America, Inc. to allow outdoor storage of a maximum of 34 vehicles at any one time, to sell or rent the vehicles to taxi and livery professionals, and to provide limited repair work for customers; the issuance of said amended license to be held subject to site plan approval and conditions contained therein.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of June 1, 2004, as drafted.

July 4th Sudbury Road Race

It was on motion unanimously

VOTED: To grant permission to Graham R. Taylor to place two signs on Concord Road at Featherland Park publicizing the July 4th Sudbury Road Race for the period of June 27 – July 24, 2004, in accordance with request dated May 28, 2004.

Sudbury United Methodist Church – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation of \$576.91 from the women's group of the Sudbury United Methodist Church to be deposited into the Discretionary Fund and expended on recommendation of the Community Social Worker to assist Sudbury families in need.

The Meadows – Maple Avenue/Construction Access/Water Lines

Present: Attorney for the Maple Avenue residents, Robert Dionisi, 111 Plympton Road; Attorney for the developer, Myron Fox, Rollins, Rollins & Fox; numerous Maple Avenue and Raymond Road residents; Jody Kablack, Town Planner.

At 8:30 p.m. discussion resumed relative to *The Meadows* proposed development on Maple Avenue and the question of a permanent access location, temporary construction access, and an easement for water lines.

Town Manager Valente distributed copies of most recent correspondence from residents on this matter. She stated also the Park and Recreation Director reported to her the cost for construction of six new tennis courts would be \$150,000 - \$180,000.

The Board also reviewed the following new information: (1) report to the Planning Board, dated June 9, 2004, from the Town Planner, submitting a list of potential conditions for the Meadows SRC development under consideration by the Planning Board; (2) report, dated June 8, 2004, from the Historic Districts Commission, expressing concern for the protection of many qualities of Maple Avenue, citing narrowness of the street, ancient trees, and a thickly settled area; and informing that the Commission may be proposing to expand the King Philip Historic District to lower Concord Road and Maple Avenue deserves protective status as well; and (3) drawing, dated June 11, 2004, from Robert Dionisi, Jr., Attorney for the Maple Avenue residents, showing a proposed permanent access and relocation of tennis courts and parking, drawn by James MacDonald, 31 Maple Avenue.

Mr. Robert Dionisi, attorney for the Maple Avenue residents, presented a revised plan showing a proposed permanent access, stating this access utilizes areas that have been underutilized in recent years, and relocates the tennis courts farther from the softball fields. He suggested the access as shown on the plan would be in the Town's favor. He opined the Town could relocate the right-of-way should municipal needs change over time.

Mr. Dionisi stated that, as the deed to the land in question assigns the rights to the residents of Sudbury, the only thing that can change the assignment of those rights is a majority vote at Town Meeting. He cited an example of what he described as a similar situation in the town of Mattapoisett, changing use of land formerly designated for recreation. Mr. Dionisi opined that traffic from the SRC will not impact Raymond Road significantly as some will head toward Framingham. He opined further the proposed right-of-way would enhance the value of the SRC units.

Selectman Keller asked if the Maple Avenue residents would bear the cost of relocating/rebuilding the tennis courts, estimated at \$150,000 - \$180,000. Mr. Dionisi responded he had not discussed that option with the neighborhood group, but opined it could also be discussed with the developer. Mr. Keller opined that cost could be considered an "enhancement" to the property values of Maple Avenue homes.

Chairman Drobinski reminded the residents the Board will try to make a decision that benefits all the residents of Sudbury. He stated he had photographs showing virtually no trees on Maple Avenue at the turn of the century, and opined this is not what the residents would want to see, if historic preservation is being argued as a reason not to use Maple Avenue for access.

Ms. Arlene Epstein, 66 Raymond Road, expressed concern that neighborhood is pitted against neighborhood. She opined traffic is already a problem on Raymond Road between Route 20 and Feeley Field. She asked if permits have been issued. Chairman Drobinski responded the Planning Board is the entity that issues permits and none have been issued yet. Ms. Epstein asked if taxpayers would foot the bill for relocating the tennis courts and/or repair. Mr. Drobinski responded the Selectmen's goal would be to work with the developer on absorbing or mitigating those costs.

Ms. Kirsten VanDijk, 37 Landham Road, asked if the Board has considered how Phase 2 (land owned by Fred McCarthy) would affect its decision, and whether those development costs have been

included. She expressed dismay that a historic water tower was demolished by a developer because the Planning Board did not notify the Historical Commission, thereby eliminating any possibility the water tower could be relocated in order to preserve it. She also expressed concern that tonight's meeting was moved from July 2, after the Selectmen learned a state official from the Mass. Historical Commission was coming to Sudbury to discuss Maple Avenue. She opined all planning and development options have not been fully explored.

Ms. VanDijk opined traffic is already difficult on Raymond Road, as it is a byway connecting Sudbury to Framingham, and is used by people from many communities. She suggested a one-way loop for traffic, entering from Maple Avenue and exiting onto Raymond Road.

Leslie Frodema, 32 Moran Circle, opined the nature of Sudbury residents is not to pit one neighborhood against another, but rather to arrive at an equitable solution for all. Living on a cul-de-sac, she stated she understands the desire to maintain Maple Avenue. With regard to the tennis courts, she stated she is a former tennis instructor and there is no benefit to separating tennis courts from the playing fields as families will have members in both sports and would then have to cross the road between games. She opined there to be no benefit in revisiting this issue to reassign right-of-way as Mr. Dionisi suggested and stated the best decision must be made now. She expressed concern no plans for the reconfiguration of Maple Avenue have been seen, should access be assigned there. Lastly, she opined that putting a road through a park does not meet the needs of all residents.

Mr. Aaron Kellogg, 265 Concord Road, stated sometimes the minority opinion/group must be protected and not always the majority.

Mr. Jim MacDonald, 31 Maple Avenue, outlined some of the positive points of his plan, including room for a playground for children and connection to shopping areas. Chairman Drobinski asked if he consulted the zoning bylaw for setback requirements. Mr. MacDonald responded he did not, that this was a basic conceptual design.

Mr. David Epstein, 66 Raymond Road, stated the playing fields and tennis courts were attractively nestled into trees when his family bought their house 25 years ago. He stated trees have been taken down in recent years to put in another playing field and much development/change has taken place. Mr. Epstein opined that no one should have to worry about traffic inside the park.

Ms. Bettina Westerberg, 239 Raymond Road, stated she counted 91 cars in the park earlier this evening, and the large field was not even in use. She expressed concern for a road through a parking lot, noting that motorists may not notice pedestrians while searching for parking spaces or exiting the park.

Mr. Carl Lowenberg, 19 Maple Avenue, stated the park is currently very dusty, due perhaps to the lack of trees. He opined trees and picnic tables would be nicer. He stated that having tennis courts next to playing fields is a big distraction to tennis players, as well as a danger from possible foul balls landing in the courts.

Mr. Gary Houle, 117 Warren Road, opined historical aspects to be something of a red herring. He opined developable land is always a concern for people, weighing progress against keeping things the way they are.

Ms. Ursula Lyons, 157 Wayside Inn Road, opined Maple Avenue still has the character of Sudbury, and reminded the Board that "the character of Sudbury" is listed as part of the Master Plan. She stated it is

the responsibility of the Planning Board, Town officials, and the Board of Selectmen to maintain the spirit of the Master Plan.

Chairman Drobinski displayed some photographs of old Maple Avenue in 1905 where not a tree was in sight, as well as a painting of Mill Village in 1899, where again there were no trees. He opined that wishing to preserve the “historic character” should not refer to the Sudbury of the 1940s, 50s or 60s. History is in the 1700s and 1800s. Mr. Drobinski stated his opinion that keeping Maple Avenue as an access for a select few residents is not in the best interests of all of Sudbury.

Selectman Keller opined that, based on the information presented, Maple Avenue will not be destroyed if it is used as an access to the SRC. While some trees may have to be removed and the road widened in some places, he stated he did not see it as destruction, and that overall the impact will not be as significant as residents would have the Board believe. The fact that Feeley Park is recreational land still presents the greatest obstacle, and he did not believe that public land should be used for private purposes.

Selectman O’Brien echoed Mr. Keller’s comments regarding public land, and expressed concern for the safety of the many people who use the park, if access were permitted through the park. He reminded everyone he lives on Route 20 and enters that traffic every day, noting that it is very safe, even though he has to wait several minutes for an opening. He did not consider traffic at Route 20 to be a major concern for Maple Avenue residents.

It was on motion unanimously

VOTED: To instruct the Planning Board that the Board of Selectmen is not in favor of, nor will it entertain, access to *The Meadows* SRC across Feeley Field, and the Planning Board should write a Decision declaring permanent primary access via Maple Avenue, protecting as many of the trees and character of Maple Avenue as possible during minimal road widening and other improvements.

With regard to the **construction access**, Selectman O’Brien distributed a list of potential points to consider. Discussion followed. Chairman Drobinski asked Mr. Dionisi to discuss these points with the Maple Avenue residents and forward any comments to the Town Manager. Mr. Drobinski stated he would advocate for prohibiting construction vehicles from using Maple Avenue.

Elizabeth Canella, 245 Raymond Road, asked if the hours of operation could be changed to 8 a.m. to 3 p.m. to avoid the school bus schedule at Loring Elementary. Selectman O’Brien suggested the hours could vary according to when school is in session. The Sudbury Public Schools Transportation Director will be consulted for scheduling issues.

David Epstein, 66 Raymond Road, asked if the 20 months were for Phase I, or if another 20 months would be necessary for Phase II. Mr. Myron Fox stated all 23 units will be completed during the proposed 20 – 24 months of construction.

Another resident asked what kind of parking would be available while the construction access is in use. It was agreed to forward all questions regarding parking to the DPW Director.

Mr. Fox asked if the developer could make “in-kind” contributions to the Town in lieu of cash. He stated, for example, the developer would have the resources to provide parking lot repair, landscaping or other such improvements at a lower cost than the Town would have to pay.

It was on motion unanimously

VOTED: To approve, subject to final approval of the terms and conditions, a temporary construction easement across the parking lot adjacent to the existing tennis courts, the exact location to be determined by the Public Works Director.

With regard to the **water line easement**, Mr. Fox reiterated the Water District's desire to "loop" the water from Raymond Road connecting to Maple Avenue. He stated he would work with Town Counsel to develop the appropriate language. Chairman Drobinski suggested Mr. Fox consult with the Acting Fire Chief to determine the need for a fire hydrant in this area.

It was on motion unanimously

VOTED: To support the concept of granting an easement for water lines through Feeley Park, subject to the following conditions: 1) that the developer's attorney research the legality and process for approving such an easement; 2) that the location of the easement be approved by the Town Manager, to be worked out with the Director of Public Works, Park and Recreation Department, and Town Counsel; and 3) installation of a fire hydrant to be determined in accordance with the wishes of the Acting Fire Chief.

Foreign Motors/Land Rover

The Board reviewed the following information: (1) memo, dated May 18, 2004, from the Town Planner, referencing correspondence from the Zoning Board of Appeals, and offering comments on the lack of a revised landscape plan and additional plantings as requested by the Selectmen following a site visit, and recommending the applicant indicate on a revised landscape plan the change in plant species from the original plan, the additional plantings and new section of fence, install the additional vegetation and invite the Selectmen to another site visit to determine compliance.

It was agreed to walk the Land Rover site on Thursday, June 17, at 9 a.m., as suggested by the Town Planner's memo of May 18, 2004.

Site Plan #SP04-375 – St. Elizabeth's Episcopal Church

Present: Jody Kablack, Town Planner; Dan Barton, Mangel Architects; Mark Donohue, Acton Survey and Engineering.

At 10:00 p.m. Chairman Drobinski convened a Public Hearing to consider Application #SP04-375 of St. Elizabeth's Episcopal Church for approval of a Site Plan, in accordance with Town of Sudbury Zoning Bylaw Article IX.6000, section 6300, Site Plan Review, for partial demolition and construction of a new administrative addition, regrading and revised driveway and parking lots, on property located at One Morse Road, owned by said Church, partially within the Old Sudbury Historic District and zoned Residential C-2.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on May 27 and June 3, 2004. Abutters according to the Assessors were provided written notice by first class mail. The Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The Board is in receipt of the following:

1. Site Plan application dated and received May 13, 2004, enclosing site plans entitled "Site Plan, St. Elizabeth's Episcopal Church, One Morse Road, Sudbury, MA 01776", dated May 12, 2004, comprised of

six sheets drawn by Acton Survey & Engineering, Inc.; architectural plans entitled, "St. Elizabeth's Episcopal Church, Sudbury, MA", dated May 13, 2004, comprised of Sheets A.100 and A.101, floor plans, and Sheet 201, elevations, with additional architectural renderings.

On June 11, 2004, site plan revision dated June 9, 2004, were submitted to include traffic signage, increased depth of parking spaces to 18'6", and signature block.

2. Report dated May 25, 2004, from the Town Planner to the Planning Board describing the proposed expansion, noting that it is an exempt use under MGL Ch. 40A, section 3 (religious use), still requiring site plan review and compliance with the Zoning Bylaw dimensional requirements of section 2600, parking requirements of section 3100, performance standards of section 3400 and screening and landscaping standards of section 3500. She provides, in part, the following notes and recommendations:

- a) The proposal, after partial demolition of the administrative wing, is to construct a building addition of approximately 5,000 sq. ft., increasing a current building footprint of approximately 6,400 sq. ft. to 9,000 sq. ft. In addition, expanded parking and an at-grade drop-off area in front of the church will be constructed. Impervious surfaces will be increased by approximately 7,000 sq. ft. from just over 20,000 sq. ft. to 27,000 sq. ft. Gravel parking surfaces will also be increased by approximately 5,500 sq. ft. from 15,500 sq. ft. to almost 21,000 sq. ft. Stormwater management is proposed with the installation of 2 oil and sand separators located in each driveway entrance, and a roof drain emptying into a recharge pit.
- b) The total parcel size appears to be 5.58 acres, not including two adjacent lots containing the rector's residence and chapel. The overflow parking area on Concord Road is apparently on the 5.58 acre parcel. A vernal pool is located on the property boundary on the Morse Road portion of the property, but no disturbance is proposed within a 100 foot buffer of the vernal pool.
- c) There is confusion in the total acreage of the parcel. The Assessor's maps indicate the parcel is 5.58 acres. The drainage calculations use 4.10 acres. The correct acreage needs to be determined and the application amended accordingly.
- d) The Town Planner expresses her opinion that the most significant issues are the expansion of parking for the church and the new access driveways and circulation pattern. She does not see any difficulty with the relocated driveway entrance and exit.
- e) Relative to parking, she states: Parking expansion is proposed to add 12 new spaces in the front of the church, plus a small number of additional spaces in the 2 existing gravel lots located on either side of the church. An additional 18 overflow spaces are located in another lot down Concord Road. In all, 84 spaces are proposed. Existing parking calculations have not been supplied. Based on the parking requirements of the Zoning Bylaw, one space for every three seats, plus 1 space per employee must be provided. Exempt uses are required to comply with this requirement. No parking calculations were submitted, nor are the parking lot dimensions shown on the site plan. This information must be submitted for review. The Town Planner concludes by recommending elimination of the 12-space front parking lot to reduce the removal of trees which act as a buffer to the view from the street, suggesting use of the Featherland Park lot or expansion of the church's existing gravel lots.
- f) As Morse Road is a "Scenic Road", any tree removal or stone wall interruption must be posted for a public hearing and approved by the Planning Board. Any trees having a trunk diameter of 4 inches or greater measured 1 foot from the ground that are located within the right-of-way which are proposed to be disturbed for the construction of the proposed improvements should be shown on the site plan.
- g) The proposal may also be subject to a Public Way Access Permit. The applicant is requested to submit the total square foot construction for the proposed addition in order to determine if it meets the thresholds in the bylaw.
- h) Exterior changes are subject to a Certificate of Appropriateness from the Historic Districts Commission.
- i) The following information must be added to the Site Plan:
 - * Zoning District/Historic District designation.
 - * Existing and proposed signage

3. Letter dated June 2, 2004 to the Town Planner from Karl D. Loos, Co-Warden, St. Elizabeth's Church, responding to issues raised by the Town Planner in her memo of May 25, 2004. In part, his letter states,

"1. Although you reference *expanded* parking, the fact is that the proposed plan requires reducing parking around the church from about 90 cars presently to about 68 cars (plus 18 spaces in the Chapel parking area located just south of the rectory on Concord Road).

2. In particular, we propose reducing the number of cars parking in front of the church from about 28 to the 12 shown in the proposed plan.

3. We propose expanding the west parking lot modestly (which will require regrading) to make up for some of the lost spaces in front of the church."

4. Report from the Planning Board dated June 10, 2004 recommending approval of the site plan with the following recommendations and comment:

a) Verification be obtained from the Director of Public Works that the stormwater management design and drainage calculations are of adequate design to collect and treat runoff on-site.

b) Morse Road is a scenic road and changes to its roadside should be minimized. It is recommended that greater detail of both accesses be submitted by the project engineer, indicating existing and proposed grades, and reviewed by the Town Engineer and Fire Chief. If possible, the existing accesses should remain in their present locations.

c) A landscape plan must be provided.

d) Upon completion of construction, verify that the dimensions of the gravel parking lots are built in compliance with the plan to create efficient spaces.

e) A 10' wide Walkway Easement is needed along Concord Road.

f) The plan requires a Public Way Access Permit from the Board of Selectmen.

f) Zoning District/Historic District designation be added to the plan.

g) The new circulation pattern was reviewed at length, including the creation of a new parking lot in the front of the building, and it seems logical for the use of the site, with the incorporation of the above recommendations. The Board feels that the proposed improvements are an enhancement to the site, in addition to providing accessibility. The proposal provides better safety with no circulation onto Morse Road.

5. Report from the Town Engineer/Director of Public Works dated May 27, 2004, commenting as follows:

a) Section 3120. Required parking for religious use is one space for every three seats plus one space for each employee on the shift. Parking calculations should be submitted.

b) Section 3130. Required parking stalls to be 9 ft. x 18.5 ft. The applicant has proposed 9 ft. x 18 ft.

c) Section 3144, Non-residential uses. All parking shall be located to the side or rear of buildings. The applicant should investigate placing additional parking to the southwest, using overflow parking east of the old chapel.

d) Signature blocks should be added to the plans.

e) Calculations should be submitted to demonstrate how the first flush (1" of runoff from total impervious surface) is to be treated.

f) Calculations should be submitted to demonstrate how 80% of the total suspended solids are to be removed.

g) Calculations should be submitted demonstrating total volume of stormwater runoff to be recharged to groundwater.

h) Recommend the use of water quality inlets in lieu of oil and sand separators. The water quality inlet should be retrofitted with catch basin frame and concrete.

6. Report from the Building Inspector dated June 1, 2004, commenting as follows:

a) Parking calculations, dimensions and signage (handicap) should be included on site plan.

- b) The church is located in the Old Sudbury Historic District and will be subject to the Historic Districts Commission for demolition and construction approval.
- c) The proposed use of the site for religious purposes is permitted under the Zoning Bylaw, Sec. 2230.
- d) The zoning analysis on Sheet 6 states that two handicap parking spaces will be provided. The state code requires a total of three spaces, one of which must be van accessible.

7. Report from the Design Review Board dated May 27, 2004, providing the following comments and recommendations:

- a) The center parking lot located in the front of the building should be eliminated. The improved east and west lots combined with parking across the street will more than accommodate the needs of the church. Parking in front of the building is not permitted under the bylaw.
- b) The Design Review Board would like to see the final landscape plan for approval prior to execution of that phase of the project.
- c) It is assumed the Historic Districts Commission will handle the review of the building architecture.

8. Reports from the Conservation Department dated May 18 and June 11, 2004, advising:

- a) The applicant will need to file a "Notice of resource Area Delineation" with the Commission to confirm the 100' line as shown as they will be disturbing right up to the 100'. This was filed on June 10; hearing to be held July 12, 2004. If the Commission agrees with the delineation of the vernal pool and vegetated wetland line, the applicant will not need to file anything further with the Commission. If proposed work is within 100' as determined by the Commission, a Notice of Intent will be required. Comment: It is likely that the Commission will not permit any work within 100' of the vernal pool.
- b) The applicant needs to provide confirmation of soil types and depth to groundwater for the proposed areas of recharge of drainage.
- c) The applicant should look at upgrading/infiltrating the drainage on all of their Concord and Morse Road properties to the extent feasible. This is required with all other redevelopment/expansion site plans. Drainage calculations require further review by the DPW Director and Conservation Coordinator.

9. Report from the Historic Districts Commission dated June 7, 2004, stating the Commission met informally to consider the site plan application and relaying several concerns:

- a) Members are opposed to a parking lot in front of the Church on Morse Road.
- b) The Commission is of the opinion that the gable peaks on the proposed building are not appropriate.
- c) A third addition should be more in harmony with the other two additions.
- d) Members are concerned that there are mixed elements in the new structure and would like it to be more consistent.

A hearing has been scheduled on June 17, 2004 to consider an application for a Certificate of Appropriateness.

10. Report dated June 11, 2004, from the Health Director stating the site plan changes will require replacement of the existing septic tank and that a sleeve pipe will be installed under the pavement to allow a sewer pipe to be installed for a future septic system leaching area when needed.

11. Report dated June 11, 2004, from the Acting Fire Chief commenting as follows:

- a) A new 6" water service is shown but no yard hydrant.
- b) Travel is counterclockwise around north drive. Sufficient ingress and egress radii both from Morse Road and within the circle must be provided to accommodate largest Fire Dept. apparatus.
- c) The north drive rise is steep. Tailboard clearance for apparatus transitioning to different grades will be the applicant's responsibility.
- d) Minimum unobstructed fire land is 18 feet. Two handicapped spaces are noted by the "New Accessible Entrance". The width of these spaces must be added to the 18' minimum.

Mr. Dan Barton, Mangel Architects, stated his firm was hired two years ago to help the church in determining what changes needed to be made to improve accessibility and functionality. The project is designed to accomplish improved access to and from the building, make the church interior more accessible by installing an elevator, upgrade program space within the church, and improve overall visibility and image of the church from the street. The proposal also intends to add 5,000 sq. ft. to two floors, and raise the elevation of the driveway to avoid having several steps up to the church. Existing vegetation and stone wall along Morse Road will not be impacted by this design. The front parking area will be reduced from 28 spaces to 12 in order to improve the flow of the driveway/parking loop.

Mr. Joseph Tratnyek, 475 Concord Road, expressed concern for exterior nighttime lighting. He asked that all lighting be directed downward and be on timers. Existing lighting shines directly into his bedroom at night. Mr. Barton responded the proposal plans for six fixtures, directed downward, with cut-off features. He added that, when evening events are concluded, the lights can be turned off with a manual switch.

Mr. James Cavanaugh, 9 Codman Drive, asked if the westerly parking lot would be graveled. Mr. Mark Donohue, Acton Survey and Engineering, responded that the parking lots presently are more dirt and weeds, but will ultimately be gravel again after widening and grading. Mr. Cavanaugh asked about the lighting planned for the back of the church, as it shines directly into his house. Mr. Donohue stated the lighting will be redone, but none will be shining into homes. The final lighting plan is being prepared.

Mr. Cavanaugh expressed concern for the proximity of the parking lot to his house. He asked if additional landscaping could be put in to create a buffer. Presently there are some very small shrubs that will take years to reach buffer height.

Selectman Keller stated he was glad to see that the entrance was not changing, as it seems to fit well with the surrounding area.

Selectman O'Brien concurred with Mr. Keller's comments, noting the architects were successful in changing the plans to address the Acting Fire Chief's concerns about large apparatus being able to negotiate the drive.

Ms. Jody Kablack, Town Planner, cautioned the Board that revised plans have not yet been received or evaluated by the Planning Board. She stated neither a Lighting Plan nor Landscaping Plan have been submitted, and the Planning Board needs time to review them after receipt.

Chairman Drobinski expressed concern for having parking in the front. Karl Loos, 30 Thoreau Way, Board Member, St. Elizabeth's Church, stated there will be approximately 90 parking spaces in the combined parking areas, including some spaces along the driveway loop. They estimate approximately 70 are necessary for regular attendance during the school year. Increased parking needs are minimal, mostly on the big holidays of Easter and Christmas. He stated expansion of the easterly parking lot was prohibited due to the leaching field for the septic system.

Selectman Keller opined the issue of parking in front of the church versus in the back is more of an aesthetic concern than functionality. He stated a minimal number of spaces in front of the church is fairly typical of other religious houses in the area. He did not find them objectionable. Chairman Drobinski opined those to have been built prior to current laws regulating parking.

Mr. Barton stated they were unable to increase parking in the westerly lot due to a setback requirement for a vernal pool.

Mr. Barton stated a final landscaping plan will be submitted toward the end of the project, when the financial aspects of the church renovation budget are clearer. There presently is little budget for extensive landscaping.

Mr. Barton asked the Board for conditional approval so that demolition could begin as the church has vacated the premises already. Chairman Drobinski advised the applicant to check with the Building Inspector, as he did not believe that a demolition permit would be tied to the site plan decision. Discussion followed.

It was on motion unanimously

VOTED: To continue this matter until July 13, 2004 at 8:00 p.m.

Hawker and Pedlar License – VeeBop's Ice Cream & More

The Board reviewed the following information: (1) Request, dated, May 28, 2004, from Valerie Bazarian Maher, VeeBop's Ice Cream & More, for renewal of Hawkers & Pedlers License, to sell ice cream, soda, candy and other prepackaged foods throughout Town and at playgrounds and athletic fields in the Town of Sudbury; (2) copy of State Hawker or Pedler License, No. 104184A, for Valerie Bazarian Maher, expiration date April 14, 2005; and copy of State Hawker or Pedler License, No. 104185A for Ryan Daley, 29 Meadowbrook Road, Hudson, MA 01749, dated April 14, 2004.

It was on motion unanimously

VOTED: To approve renewal of a Hawker and Pedlar License for VeeBop's Ice Cream & More, owned by Valerie B. Maher, 33 Gates Avenue, Hudson, MA, with Valerie B. Maher and Ryan Daley, 29 Meadowbrook Road, Hudson, MA, as operators for a twelve-month period expiring June 30, 2005, subject to all requirements of the Police Department.

AAA Limousine, Inc.

It was on motion unanimously

VOTED: To renew Livery and Limousine License of AAA Limousine, Inc., 37 Union Avenue, in accordance with application dated June 10, 2004, and to approve the rate schedule set forth therein, subject to approval of individual driver licenses and satisfactory inspection of vehicles by the Police Department.

FY 05 Town Gasoline, Solid Waste and Fuel Oil Contracts

It was on motion unanimously

VOTED: To authorize the Town Manager to contract for the purchase of gasoline for the Town for FY05, in accordance with a bid received June 2, 2004, from Dennis K. Burke, Inc., the low bidder.

It was also on motion unanimously

VOTED: To authorize the Town Manager to contract with the lowest bidder for the removal of rubbish from the Transfer Station for FY05, such bids as yet unopened.

It was further on motion unanimously

VOTED: To authorize the Town Manager to contract with the lowest bidder for fuel oil for FY05 for the Hosmer House, the Frost Farm farmhouse and the Loring Parsonage, in conjunction with bids received by The Education Cooperative.

Sale of Bonds

It was on motion unanimously

VOTED: To confirm and certify that the Board of Selectmen has signed each of the \$5,640,000 Municipal Purpose Loan of 2004 Bonds (the "Bonds") of the Town dated June 15, 2004, payable June 15 of the years and in the principal amounts, and bearing interest at the respective rates as follows:

2005	\$380,000	3.5%	2015	\$235,000	4.00%
2006	380,000	3.5	2016	235,000	4.15
2007	380,000	3.5	2017	235,000	4.25
2008	380,000	3.5	2018	235,000	4.375
2009	295,000	3.75	2019	235,000	4.50
2010	295,000	3.75	2020	235,000	4.50
2011	295,000	3.75	2021	235,000	4.60
2012	295,000	4.00	2022	235,000	4.65
2013	295,000	4.00	2023	235,000	4.70
2014	295,000	4.00	2024	235,000	4.75

All of the Bonds are similar in form and similarly executed, and each Bond bears (either by impression or in facsimile) the Town seal, which is also affixed to this certificate.

And it was further on motion unanimously

VOTED: To certify as follows:

1. Authority. The Bonds are issued pursuant to the following statutes and votes of the Town:

- (a) \$5,300,000 – under G.L. c.44 §7 and G.L. c.44B, §11 and a vote of the Town passed April 13, 2004 (Article 25); and
- (b) \$340,000 – under G.L. c.44, §7 and G.L. c.44B, §11 and a vote of the Town passed April 8, 2003, (Article 32B).

2. Other Debt. No other debt has been incurred under those votes except for the following anticipation notes:

- (a) none; and
- (b) \$430,000 notes dated June 30, 2003 and payable May 21, 2004, of which \$90,000 was paid with available funds; and \$340,000 notes dated May 21, 2004 and payable to July 21, 2004.

3. Approval of Sale. We approve the sale of the Bonds to Duncan-Williams, Inc. at par and accrued interest plus a premium of \$1,953.95.

FY04 Third Quarter Trust Fund Financial Statements

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to accept the FY04 Third Quarter Trust Fund Financial Statement prepared by the Town Treasurer/Co-Trustee of Town Donations.

September 11th Memorial Garden Oversight Committee

It was on motion unanimously

VOTED: To approve appointment by the Town Manager of Stephen Holland to the September 11th Memorial Garden Oversight Committee for a term of one year to expire April 30, 2005.

Fire Chief Selection Process Update

Town Manager Valente stated the finalists in the interview process for Fire Chief will be then evaluated in an assessment program, and she has hired a firm that specializes in such assessments. Ms. Valente informed the Board she has a prior professional relationship with one of the individuals, John Bergeron, who served as Fire Chief in the Town of Lexington 1977-95 while Ms. Valente served as Treasurer from 1992-95. While Mr. Bergeron was not her supervisor nor was there any financial gain for either party, Ms. Valente wanted the Board to know this association.

Executive Session

At 10:58 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing negotiations in real estate acquisition, collective bargaining and non-union employment matters.

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

There being no further business, the meeting adjourned at 11:45 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk