

IN BOARD OF SELECTMEN
FRIDAY, JUNE 25, 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 8:45 a.m. at the Lower Town Hall, 322 Concord Road.

Lettery Property – Notice of Intent

Present: Jody Kablack, Town Planner; Deborah Dineen, Conservation Coordinator; Kelly Cronin, Community Housing Committee; Jo-Ann Howe, Director; Steven Swanger, Sudbury Housing Authority.

In continuation of discussion from its meeting of May 4, 2004, of the Board's consideration of a Notice of Intent dated March 4, 2004, from Attorney David A. Wallace on behalf of landowners Theresa Letteri, Joseph Lettery, Frank Letteri, George F. Lettery, Mary Lettery Finelli, and Elizabeth Lettery Ferrante, relative to the sale for residential use of property on Landham Road assessed under G.L.c. 61A, the Board reviewed the following information:

1. Letter, dated June 23, 2004, from Town Counsel, providing procedural information and developer's feasibility sketch from the Town Planner.
2. Report, date April 12, 2004, from the Sudbury Housing Authority, supporting the Town's purchase of the Lettery land under Ch. 61A with the expectation that a portion of the land would be used for affordable housing for families. Ms. Howe noted that, as there are almost no affordable homeownership opportunities for families in Sudbury, this site would be ideal for both rental housing and first time homebuyers.
3. Report from the Board of Assessors stating a unanimous vote at its March 11, 2004 meeting to support a purchase by the Town utilizing Community Preservation Funds or any other source of funding the Town deems appropriate.
4. Report, dated April 22, 2004, from the Conservation Coordinator, stating the Commission has been working with the parties to identify wetland areas and determine the potential for development. Ms. Dineen expressed concern that areas of the site have been taken over by invasive plant species, and a subdivision concept would remove those species, set limits on lawn area, and replant remaining invaded area with native species. She expressed further concern that the presence of nine developable lots is unknown. Lastly, she recommended the Town not purchase the property unless it is protected, at a minimum, as proposed with the development concept, noting it does not appear this site would be suited for municipal uses requiring a large building footprint and parking areas.
5. Report, dated March 26, 2004, from the Planning Board, posing the following questions: (1) can the Town require the applicant to produce a plan showing the ability to produce nine developable lots, as presented in the Purchase and Sale Agreement? Such a plan would eliminate any doubt. (2) If such a plan is not produced and the Town purchases the property, is there any legal recourse to renege on the deal if nine lots are not possible? The Planning Board opined that, given the cost per lot, the Town must be sure of what it is purchasing.
6. Report, dated May 28, 2004, from the Sudbury School Committee, stating it does not have sufficient information or clarity about future space needs that would propel it to urge the Town to acquire property for school use, that the Loring Elementary School is near capacity so future housing may impact its ability to

adequately accommodate new students, and because of the proximity of the Lettery property to the Loring School, there may be opportunities for shared use of parking or field space, if it were part of a development.

7. Report, dated March 17, 2004, from the Sudbury Water District, stating the Commissioners have no objection to the proposed sale of the Lettery property and reserve the right to review and comment on the final utility plans and installations to ensure that they are in the best interests of the District.

Town Manager Valente stated this meeting was called in order to meet with all three Selectmen within the 120-day notice period. She stated all Town boards with potential interest were contacted, and stated further only one possible municipal use suggested for the Lettery property remains, all others having been eliminated for one reason or another. Correspondence from the Planning Board, Housing Authority and Community Housing Committee urge the Selectmen to consider affordable housing for this land. In addition, she presented information on the cost of purchasing the property via municipal bonds.

Selectman O'Brien asked about funding options and whether a special Town Meeting would be necessary. Discussion followed.

Jody Kablack, Town Planner, submitted a feasibility study she solicited from Community Builders, a development company. This preliminary plan showed twenty 3-bedroom units located in six buildings. As the land would be purchased with Community Preservation Act funds, all units would be deemed affordable. The Town would purchase the land and give it to the builder, selected through an RFP process, who would then incur all costs of developing and selling the units, under a 40B Comprehensive Permit. There would be no further Town involvement, and the Town's subsidy would be approximately \$150,000 per unit.

Ms. Kablack expressed concern that neither a significant vernal pool nor drainage area are depicted on the plan. Ms. Deborah Dineen, Conservation Coordinator, stated no further information has been received from the landowners or developer. There is no quantifiable plan that would show how those areas would impact development. She opined the Conservation Commission may not permit an alteration of the vernal pool or drainage ditch. Ms. Dineen stated she walked the land and located at least 15 vernal pools. She opined it is not likely all the proposed buildings would be possible. It was noted that the current buyer will not absorb any additional pre-development costs until the Town decides whether it will exercise its rights. There was discussion regarding 40B laws affecting wetlands and other Conservation issues.

Kelly Cronin, Sudbury Housing Authority and Community Housing Committee, stated that, five years ago, the average cost to produce an affordable housing unit in Boston was approximately \$130,000. She opined competition with market price will always be a factor when proposing affordable housing.

Ms. Kablack stated that, given the unknowns of pre-development costs, conservation issues, buy-back of units, and number of developable units, she could not recommend this parcel for affordable housing at this time. Discussion followed.

The Board discussed various options, including exercising their rights in order to determine how many units would be possible, then advising Town Meeting to vote in the negative if not enough, or urging the Community Preservation Committee not to support the request for CPA funding. Town Manager Valente cautioned that, if the Town exercises its rights to purchase the property, every attempt to see it through to a positive result must be made, in order to honor the spirit of the first refusal concept. She also expressed concern for the amount of staff time necessary to process any project. Ms. Kablack opined only one project can be done at one time to avoid confusion.

It was noted that there are virtually no abutters to the Lettery property who could object to affordable housing, there are state sources for pre-development funds, the Town should get a second chance to be offered a right of refusal if additional pre-development work is done and the project has changed, and that the two-family house being excluded from the deal might be suitable for Town purchase and conversion to affordable housing. Mr. Steven Swanger opined the Sudbury Housing Authority will have to begin looking for affordable housing sites in Town if the Town chooses not to exercise its first refusal right.

It was on motion by Selectman Keller and seconded by Selectman O'Brien,

MOVED: To exercise the Town's first refusal option to purchase certain property described below, classified under Massachusetts General Laws Chapter 61A, for \$3,000,000.00; this purchase option being subject to appropriation by a Town Meeting to be held at a future date, subject to the offer being a bona fide offer, and to direct Town Counsel to draft the notice to be sent to the landowner and recorded at the Registry of Deeds so that the exercise of the option is contingent upon the bona fide offer transferring sufficient land to comply with the legal requirements set forth in the Town Bylaws for the use proposed in the purchase and sale agreement submitted with the Notice.

Being the land in Sudbury, Middlesex County, Massachusetts, the property located at 216 Landham Road according to said Notice containing 27.98 acres and recorded with the Middlesex South Registry of Deeds in Book 9022, Page 436 according to said Notice. Excluded from the sale is a two family dwelling and sufficient land to constitute a lot containing the minimum square feet under the Sudbury Zoning Bylaw and the wetlands located on said lot remaining after the acreage necessary to comply with the Sudbury Bylaws and state statutes required to create a subdivision as set forth in the purchase and sale agreement, which includes all infrastructure, compensatory storage and open space.

Said sum to be paid in accordance with the laws of the Commonwealth of Massachusetts.

Discussion followed. Selectman Keller expressed concern that the unknowns prevent seeing this project through to a favorable result for the Town. Chairman Drobinski stated he felt a responsibility toward the taxpayers, noting downsides to the proposal, potential litigation if things go awry, and the possibility the developer will pull out if Town Meeting votes down the proposal. Selectman O'Brien opined single-family housing will most likely be the result, but stated his desire for the Town to keep working to bring the affordable housing concept to reality.

Chairman Drobinski called for the vote: Chairman Drobinski, nay; Selectman O'Brien, aye; Selectman Keller, nay. Motion defeated. The Town will not exercise its right of first refusal.

Town Manager Valente will direct Town Counsel to forward the Board's vote to appropriate parties.

July 6 Selectmen's Meeting Cancelled

Town Manager Valente asked for confirmation of the Board's desire to cancel its meeting scheduled for July 6 as only one Board member would be available. It was agreed to cancel the July 6 meeting, and move agenda items as necessary to future meeting agendas.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of June 17, 2004, as drafted.

Board of Appeals – Foreign Motors West

Selectmen Keller and O'Brien stated they had no objection to the landscaping at Foreign Motors West at 83 and 103 Boston Post Road, after viewing the area on a recent site walk. Town Manager Valente stated she would respond to the Board of Appeals request for the Board's comments.

Executive Session

At 9:55 a.m. it was on roll call

VOTED: To go into Executive Session to discuss expenditure from the Discretionary Fund.

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

There being no further business, the meeting adjourned at 10:00 a.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk