

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 5, 2004

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

The statutory requirements 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 the Community Preservation Committee is accepting applications for Community Preservation Act funds until October 15, 2004. More information is available on the Town website: www.town.sudbury.ma.us

Referring to a recent home invasion incident, Chairman Drobinski urged all residents to keep their doors locked even when they are at home.

SERF/Home Entertainment Expo

Present: Kathleen McVicar, Applicant.

The Board reviewed a letter, dated September 29, 2004, from Kathleen McVicar, SERF, requesting a one-day liquor license for a Wine Tasting to be held on Saturday, October 16, 2004, as a fundraising event.

Ms. Kathleen McVicar, applicant, briefly described the event, which will be held at Home Entertainment Expo at 348 Boston Post Road. She asked that the license include both SERF and Home Entertainment Expo as a condition of the insurance company issuing liability insurance.

Ms. McVicar stated the group was hoping to also sell bottles of wine at the event. Town Manager Valente opined a one-day license does not include the ability to sell bottles of alcoholic beverages and that comes under the purview of the state law and Alcohol and Beverages Control Commission. Ms. McVicar said it would be a convenience for attendees to be able to purchase a bottle of wine they liked. She stated the vendor who will be supplying the wine has a store in Framingham, and she expressed doubt patrons would drive over there to purchase the wine if they ordered it the night of the event. Discussion followed. The Town Manager will check to see if any additional license may be available for this purpose.

It was on motion unanimously

VOTED: To grant a one-day license for the sale of wine beverages only, to be drunk on the premises, to SERF (Sudbury Education Resource Fund) and Home Entertainment Expo, c/o Kathleen McVicar, 31 Powers Road, Sudbury, to be exercised on October 16, 2004, from 7:30 – 9:30 p.m. at the Home Entertainment Expo store at 348 Boston Post Road, for a fundraising event to include wine tasting and sale of wines by the glass.

Hunting of Waterfowl – Michael Higginbotham

The Board reviewed a letter, dated September 2, 2004, from Michael P. Higginbotham, 478 Sudbury Road, Concord MA, requesting permission to hunt waterfowl on property owned by the Town of Sudbury, Tax Possession Parcel #172 (Parcel 013 on Property Map G12) during the Massachusetts 2004-05 waterfowl season.

Town Manager Valente stated the Board receives this request from Mr. Higginbotham every year. The applicant is without incident or inappropriate conduct, and he provided information regarding GPS equipment that enabled him to differentiate the Town-owned property from private property.

It was on motion unanimously

VOTED: To grant permission to Michael Higginbotham, 478 Sudbury Road, Concord, MA, to hunt waterfowl on property owned by the Town of Sudbury, Tax Possession Parcel #172 (Parcel 013 on Property Map G12) during the Massachusetts 2004-05 waterfowl season.

Letter of Understanding – Comcast

Present: Jeff Winston, Chairman, Sudbury Cable Committee.

The Board reviewed a draft Letter of Understanding with Comcast, a side letter of agreement, effective October 5, 2004 through the Renewal License term, providing 1) that the Board of Selectmen agrees to extend the 15-day period specified for ordering funded equipment, as described in Section 6.05(c) of the License, to 45 days and to refrain from making such requests during September, October and November of each year; and 2) that Comcast agrees to refrain from charging any indirect costs to Sudbury's Access Operating Expense Budget, as described in Section 6.02(b) of the License.

Mr. Jeff Winston, Chairman, Sudbury Cable Committee, stated there is a minor change in the letter, specifically, the word "portion" should be changed to "proportionate percentages". The Board accepted the change and expressed appreciation for the Committee's diligence in serving the best interests of the Town.

It was on motion unanimously

VOTED: To approve and sign a side letter (Letter of Understanding) with Comcast, effective October 5, 2004 through the Renewal License term, providing 1) that the Board of Selectmen agrees to extend the 15-day period specified for ordering funded equipment, as described in Section 6.05(c) of the License, to 45 days and to refrain from making such requests during September, October and November of each year; and 2) that Comcast agrees to refrain from charging any indirect costs to Sudbury's Access Operating Expense Budget, as described in Section 6.02(b) of the License, as amended.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 21, 2004, as drafted.

Constable Bond – William Pickett, Jr.

It was on motion unanimously

VOTED: To accept Bond #BON1742797 for Constable William E. Pickett, Jr., in the amount of \$5,000, and place same on file with the Town Clerk.

Buffet Way Catering: One-Day Liquor Licenses

It was on motion unanimously

VOTED: To grant a one-day License for the Sale of Wines and Malt Beverages to Buffet Way Catering, 31 Curtis Avenue, Marlborough, MA 01752, to be exercised on October 9, 2004, from 5:30 – 11:00 p.m. at Clarion Coach House Inn for a private party, with Dennis Mauro as bartender, and also

VOTED: To grant a one-day License for the Sale of Wines and Malt Beverages to Buffet Way Catering, 31 Curtis Avenue, Marlborough, MA 01752, to be exercised on October 23, 2004, from 1:00 – 7:00 p.m. at the Clarion Coach House Inn for a private party, with Dennis Mauro as bartender.

St. Anselm Housing Task Force – Mission Statement

Town Manager Valente stated the final version of the mission statement previously reviewed by the Board had not been voted. She stated further the name of the group was different on various documents. Ms. Valente asked the Board to formally vote the mission statement and the official name of the group.

It was on motion unanimously

VOTED: To approve a mission statement for the St. Anselm Housing Task Force, as presented this evening, including change of name to the aforementioned.

Site Plan #SP04-377 – T C Sudbury Development, LLC

Present: Joshua Fox, Rollins, Rollins and Fox, Attorney for the Applicant; Charles Giacchetto, T C Sudbury Development, LLC, Applicant; Theodore Pasquarello, Paris Trust and T & E Realty, LLC, Property Owner; Fred King, Project Engineer, Schofield Brothers of New England; Jody Kablack, Town Planner.

At 8:00 p.m. Chairman Drobinski convened a Public Hearing to consider site plan application #SP04-377 of T C Sudbury Development, LLC, in accordance with Sudbury Zoning Bylaw Article IX.6000, Section 6300, Site Plan Review, to construct a two-story medical office building (footprint of 8,500 sq. ft.) with associated parking areas, driveways, drainage, site utilities and landscaping on property located at 460 and 490 Boston Post Road, Chiswick Park, owned by Paris Trust and T & E Realty, LLC, zoned Limited Industrial District 1 and Business District 5, and within Water Resource Protection II.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on September 2 and 9, 2004. Primary 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 July 30, 2004 and received July 30, 2004, enclosing site plan entitled "Proposed Office/Professional Building at 'CHISWICK PARK' 490 Boston Post Road Sudbury Massachusetts", comprised of Sheets SP-1 through SP-10 dated July 28, 2004, and Sheet L-1, Landscape Plan, dated July 15, 2004, drawn by Schofield Brothers of New England, Inc., Framingham, MA; and architectural drawings entitled "Sudbury Doctor's Office", dated June 30, 2004, drawn by Mangel Architects

Inc., Harvard, MA, comprised of a rendering, Sheets A.101 and A.102 floor plans, and Sheet A.201 elevations.

2. Report from the Town Engineer/Director of Public Works dated August 10, 2004, commenting:

- 1) There is an area of 100-year flood plain as shown on the Flood Insurance Rate Map that extends approximately 300 feet north of Route 20 into the proposed site. The average depth is less than one foot, and there appears to be no encroachment into the flood plain as a result of the proposed development.
- 2) The sight distance should be noted at the entrance to the proposed development and the Chiswick Park access driveway.
- 3) There appears to be no lighting proposed for the parking area. If lighting is contemplated, a plan should be submitted for review.
- 4) There appears to be no area set aside for snow removal. A condition of the site plan decision should be to remove the snow off-site.

3. Report dated September 16, 2004, from the Town Planner to the Planning Board describing the proposed expansion and making the following comments and recommendations:

- 1) There are many benefits to this creative development scheme. An under-utilized portion of Chiswick Park can be developed, while preserving an environmentally sensitive parcel. In addition, enhancement of an overgrown vacant site and recreational opportunities will be created within the Business District. A "transfer of density" is basically the concept, however it is much easier to accomplish since Paris Realty Trust owns both parcels.
- 2) The properties must be combined into 1 lot in order to comply with the zoning requirements. Proof of title must be submitted.
- 3) Impervious surface calculations submitted with the application indicate that the existing Chiswick Park contains 40.5% impervious surface. Since the site is non-conforming, additional acreage is needed to allow the new development without a variance. Adding the 5 acre Reider parcel allows additional impervious surface across both parcels (with a special permit). The overall impervious surface including the new development is 497,584 sq. ft., or 36.71% of the entire 31.11 acres. While this is still above the current limit of 25%, the new use does not make the site more non-conforming and therefore a special permit from the Zoning Board is not required.
- 4) The proposal does need a Water Resource Special Permit from the Planning Board to increase impervious surface above 15%.
- 5) The proposed plan shows grading for the septic system onto the abutting property. It is questioned whether an easement has been granted for this work?
- 6) The office building will be located in an area containing fill soil. The application states that approximately 5900 cu. yds. of this material will be removed from the site. An Earth Removal Permit will be required.

7) It is questioned the amount of fill that will be required? Please indicate in terms of number of trucks per day for what duration of time.

8) The proposal requires 85 parking spaces. 86 are shown on the Plan.

9) The buffer requirements of section 3500 of the Bylaw do not technically apply to this proposal since it is not fronting on a public way. However, it is recommended that a 20 foot buffer be created along the front entrance of the property to facilitate safe vehicular circulation. This is particularly important at the entrance to the parking lot, where back-ups could occur if there is no stacking area. I would recommend eliminating the first parking space at the entrance and replacing it with landscaping to increase the stacking area in this location.

10) The requirement for 150 sq. ft. of landscaping per 1000 sq. ft. of parking lot (section 3541) does apply. It appears that the proposal meets this requirement, however a calculation demonstrating this is required. My calculations indicate 3300 sq. ft. is required, and 5000 sq. ft. is provided.

11) Section 3144 requiring parking to the rear or side of a commercial building should not apply to this proposal as well, since its access is on a private drive. None of the parking will be visible from a public way. If the building and the parking were to be reversed, the parking may be more visible from Route 20.

12) To supplement the shrubbery proposed along the frontage of the access driveway, I would recommend street trees be planted every 40 feet per section 3550 of the Bylaw.

13) The signature block needs to be revised to remove the words (Special Permit) and to add a signature line for the Town Planner.

14) A freestanding sign is proposed at the entrance to the parking lot. The sign must comply with the new sign bylaw. Signage details should be submitted.

4. Report from the Planning Board dated September 30, 2004 recommending approval of the site plan with the conditions:

- Additional details submitted to the Selectmen for the entrance to the parcel next to Clappers, where the proposed pedestrian path will terminate at Route 20. This area should be made more inviting to residents. The Board also recommends that the stone dust surface of the pedestrian path be continued for its entire length and down the dirt driveway to Route 20 to properly identify the path.
- The amount and location of parking should reflect the nature of the use of the building as a medical office building, and as such should allow for easy access for visitors. Adequate parking is shown on the plan, and should not be reduced.
- The properties at 490 and 460 Boston Post Road must be combined under single ownership in order to comply with the zoning requirements, specifically impervious surface.
- Submittal to and approval by the Planning Board of a Water Resource Special Permit.
- Receipt of a grading easement from the owner of the Clapper's building for installation of the septic system.

- Receipt of an Earth Removal Permit.
 - Submittal of calculations demonstrating compliance with section 3541 of the Zoning Bylaw, landscaping in parking lots.
 - Revision to the signature block to remove the words “Special Permit” and to add a line for the Town Planner.
 - All signs must comply with the new bylaw. Details must be reviewed and approved by the Design Review Board.
5. Report from the Building Inspector dated August 23, 2004, commenting:
- 1) Correct street addresses must be obtained and inserted on Site Plans in the Title Block.
 - 2) Per Section 1.4 of the Selectmen's Policies and Procedures, the Board may require a bond to ensure completion of all conditions of the site plan decision, and he recommended this provision be included as a condition of site plan approval.
 - 3) No signs may be erected prior to review by the Design Review Board.
 - 4) The proposed building complies with the Zoning Bylaw.
 - 5) Construction must comply with Massachusetts State Building Code, Sixth edition.
 - 6) Signature block needs a space for Town Planner signature.
 - 7) Sheet SP-2, existing conditions, should be revised to include current tenants at 31 Union Avenue.
 - 8) There are no current zoning violations at the site.
6. Report dated September 29, 2004, from the Conservation Coordinator stating the Conservation Commission has approved the plan with some major upgrades to the existing drainage in the northern section of Chiswick Park and issued an Order of Conditions.
7. Report dated August 12, 2004 from the Design Review Board stating the Board reviewed the design drawings, color renderings and material samples with representatives of the developer, and it was represented that this is a full build-out of this quadrant of Chiswick Park. It is the Board's opinion that the proposal is a creditable effort and it recommends approval.
8. Report dated September 29, 2004, from the Health Director stating that Schofield Brothers has submitted a septic plan with an approved design capacity for seven doctor's offices and up to 3,800 square feet of office space and that no variances are required for the proposed septic system.
9. Report from the Sudbury Fire Department dated September 29, 2004, commenting as follows:
- 1) No access is provided for fire apparatus or fire/rescue operations other than on the north side of the building. Fire lanes should be provided.

2) A complete sprinkler system will be required with a 4-inch Storz fire department connection on the northeast side of the building. Unimpeded access between the hydrant and the Storz connection must be maintained.

3) A complete fire alarm system will be required with interconnection to the Sudbury Fire Department via a master box.

10. Report from the Sudbury Police Department stating that, after careful review, the Department can find nothing of concern relating to public safety issues.

Ms. Jody Kablack, Town Planner, reviewed all reports and correspondence received thus far.

Ms. Joshua Fox, Rollins, Rollins and Fox, Attorney for the Applicant, introduced the applicant and support staff. Utilizing plans, Mr. Fred King, Project Engineer, Schofield Brothers of New England, reviewed the project and how it would fit into the Chiswick Park area. He pointed out areas where open space will be added, allowing more impervious surface to be incorporated into the design of the project and surrounding area. A very compact development is proposed, in order to utilize the upland portion of the site with a minimal amount of wetlands fill. Mr. King stated they have been working with the Conservation Commission on impact to wetlands areas.

Addressing a question raised in the Fire Chief's report, Mr. King opined vehicular access around the building will be impossible, but that space could be allowed in the landscaping to allow pedestrian access which would accommodate ladder and hose usage around the building. He said wetlands areas cannot be disturbed to allow area for vehicular access.

Chairman Drobinski suggested the applicant work with the Fire Chief to satisfy his concerns for access in the event of an emergency. He stated it should not fall to the Selectmen to determine public safety. Town Manager Valente expressed concern that access is presently not available on two sides of the building.

Mr. King stated further the wetlands areas will be marked with minimal signage as a mini-educational area to identify various spots. There will be a small outdoor seating area with gazebo that building employees and patrons may utilize. Mr. Theodore Pasquarello, Property Owner, stated there are already many residents who walk their dogs and enjoy the trails on the weekends, but anticipated little use during the week. For those individuals who might stop by during the week, there is adequate parking that would not take spaces away from patrons to the building.

Mr. Fox reviewed three areas of concern expressed by the Town Engineer and provided the following responses: 1) the sight distance at the entrance to the development and the Chiswick Park access driveway will be increased with attention paid to modifying landscaping; 2) a lighting plan will be submitted for review; and 3) arrangements will be made for snow removal off-site.

Selectman O'Brien asked about hazardous waste disposal. Mr. Charles Giacchetto, applicant, stated there are individual receptacles for disposal of hazardous waste which is then removed from the site by an independent contractor. Such waste would not be placed into the regular dumpsters.

Responding to a question from Selectman O'Brien, Mr. Giacchetto stated the building would be occupied by both new practitioners affiliated with Emerson Hospital and doctors presently practicing in Sudbury who will move to larger quarters. He stated a couple of doctors will be moving from a building on

Horse Pond Road. The proposed building will also include an X-ray and MRI unit, which would be unique to the area.

Selectman O'Brien commented that pedestrians tend to cross Route 20 in a southerly direction, then walk along the road either east or west, ignoring the walkway on the north side of the road. He asked if the project could include any type of walkway on the south side. He opined it is particularly precarious in the winter when there are snow banks.

Ms. Kablack stated there are some engineering and wetlands concerns that have prevented the walkway construction from Shaw's Market to Sullivan Tire up to now. She encouraged the applicant to work with the Town Engineer toward resolution as completion of that area of the walkway has been a goal for some time. Mr. King responded they would prefer to work with the Town Engineer to determine an estimated cost, and then contribute the funds to the town-wide walkway account instead.

When asked about signage, Mr. Pasquarello responded a single sign at the Route 20 entrance will indicate Chiswick Park, as he is opposed to sign proliferation. Tenant literature features "Chiswick Park" as the office location. He noted some individual tenant signs may be modified in the future on the Union Avenue access.

Chairman Drobinski suggested adding a few park benches to the trail area near the gazebo where medical patients could wait for their appointments.

Ms. Kablack asked about hours of operation since a 24-hour medical clinic is a prohibited use. Mr. Giacchetto responded all patients will have appointments; it will not be a walk-in facility. He opined hours to be something like 8 a.m. – 6 p.m. during the week, Saturday until noon. He opined further that the MRI unit may be open until 9 p.m., but all other offices would be closed at night, except for an occasional emergency appointment. Discussion followed as to the hours of other tenants who offer classes in various disciplines.

After discussion, it was on motion unanimously

VOTED: To continue the hearing until October 19, 2004 at 8:15 p.m., and further

VOTED: To direct the Town Manager to instruct Town staff to develop an affirmative Draft Decision for review.

Community Housing Committee – Draft Housing Plan

Present: Jody Kablack, Town Planner; Amy Lepak, Community Housing Committee.

Ms. Amy Lepak, Co-Chairman, Community Housing Committee, described the Draft Community Housing Plan and how it was researched and developed. She stated the plan was modeled after plans from other towns such as Bedford, Stow, and Scituate. She indicated 25% of school employees working in Sudbury were unable to live in Sudbury due to the limited affordable housing. Ms. Lepak stated comments on the draft housing plan will be accepted through December 15, 2004, and can be emailed or mailed via the USPS. Additional copies of the plan are available on the Town's web site. Discussion followed.

Ms. Lepak stated a Housing Forum will be held on October 21, 2004, co-sponsored by the League of Women Voters, the Board of Selectmen, and First Parish.

Responding to a question from Chairman Drobinski, Ms. Kablack stated this document must be approved to be in compliance with 40B regulations. After public comments have been received and reviewed, the document can be finalized and sent to the State for approval.

The Board noted the impressive quantity of relevant housing information as well as data about Sudbury in general contained in the document, and expressed appreciation for the hard work put into this project.

Town Forum – Planning Board

At 9:05 p.m., Chairman Drobinski convened Town Forum, during which time the Planning Board updated the Selectmen on its activities.

Ms. Jody Kablack, Town Planner, and Christopher Morely presented the report for the Planning Board. Development is on the rise, with the emphasis on Senior Residential Community units at The Meadows, the Cutting cluster plan (the Arboretum), Mahoney Farms, Letteri property and the Newell property, the latter two being concept plans. Ms. Kablack informed the Board there have been numerous complaints against the developer in the Willis Hills development. She will be gathering information on things started by the developer but not yet completed.

Ms. Kablack stated the Planning Board will be working on articles for Annual Town Meeting on the following topics: Water Resource Protection District, Signage, Zoning, and Scenic Roads.

Other discussion topics included environmental summit, walkway completion, committees on which members serve and change in board make-up.

Rail Trail Conversion Advisory Committee – Interviews

Present: Maryann K. Clark, Elizabeth M. Foley, Robert D. Hall, James R. Scholten, Bryan S. Semple, Allan L. Wallack, Carole R. Wolfe, Nancy Powers.

Chairman Drobinski stated it has not been determined how many people will be appointed to this committee this evening because there are some applicants who could not be here tonight, but all interested parties will be interviewed. Summaries of each interview are as follows:

- 1) Maryann Clark, 118 Nobscot Road – She stated the rail line is one of the last valuable resources the Town has, and it must be balanced with other interests in Town. Deeds must be researched for conditions that might prevent conversion from railroad use. Noise and privacy are two main concerns. She stated she would be opposed to motorized vehicles (ATVs, motorbikes, etc.) using the trail. Regarding privacy, she advised some sort of vegetative buffer be placed in areas where the trail passes close to residences. She opined that, if space permits, both paved and unpaved surfaces could exist side-by-side, the unpaved section for equestrian use. Responding to a question from Selectman O'Brien, she said liability is a very important issue
- 2) Elizabeth Foley, 807 Boston Post Road – She stated she is a cyclist and walker and has used many trails in surrounding areas. She said there are very few places where people can bike safely. Ms. Foley stated she belongs to a walking club. Responding to a question from Selectman O'Brien, she

stated criminal activity does not increase due to the development of rail trails. She opined state funding would be the best way to fund the project.

- 3) Robert Hall, 30 Possum Lane – Mr. Hall stated he has lived in Town for 38 years, is a strong proponent of a rail trail, and is a runner and cyclist. He stated further he has served as co-director for the Annual July Fourth Road Race and is acquainted with many runners in Town. He opined many other recreational areas would be connected with the development of this trail. Mr. Hall acknowledged abutters to the trail area may be justified in objecting to the plan, if noise, trespassing, litter and privacy are not seriously considered. Once the trails are established, they are heavily used, and people enjoy them. He opined the first choice would be a paved surface, with unpaved sections allowed only if there is space to accommodate them. Mr. Hall opined funding may be available via federal transportation funds, in addition to fundraising efforts.
- 4) James Scholten, 54 Jarman Road – Mr. Scholten stated his interest stems from being an abutter to the proposed Wayside Rail Trail and having walked various rail trails extensively. He expressed opposition to motorized vehicles using the trail. He acknowledged the costs involved in paving extensive lengths of trail may be prohibitive, but expressed the opinion that pavement should be the first choice. Responding to a question from Chairman Drobinski, he stated people using a trail generally are not interested in residences abutting the trail and did not foresee a problem in that respect. He opined a trail would not create noise, provides healthy activity, and is, in general, a community asset.
- 5) Bryan Semple, 15 Revere Road – Mr. Semple stated he is an avid mountain and road cyclist. He opined a rail trail would offer safe passage for residents, pedestrians and cyclists alike, to approach downtown to patronize businesses. He stated he often parks his car behind Bertucci's in Lexington, and bikes to Bedford and back. Ideally, a trail should provide signage to local businesses, bike racks, and possible rest room facilities to accommodate trail users. His special skills include sales and marketing, an engineering degree, with additional experience in fundraising.
- 6) Allan Wallack, 67 Thompson Drive – Mr. Wallack stated he has been a resident for over 30 years, is a cyclist and an abutter to the proposed trail. He stated currently the area is almost like a park and a definite asset to the Town, and to preserve this, he preferred the trail unpaved. He suggested the Board walk the trail to see the topography and potential challenges of trail development. Mr. Wallack stated the trail should not be open for motorized use, and noted that there is not ten feet width in some areas, due to wetlands areas. He opined he has an open mind and would be willing to serve on this committee, even if he did not agree with the outcome.
- 7) Carole Wolfe, 637 Concord Road – Ms. Wolfe stated this area is part of a wildlife corridor and some of the most rural land left in Sudbury. She described it as being similar to conservation land, with extensive wetlands and wildflower growth. She opined the design of a trail is very important on how it will impact the fragile ecosystems. Ms. Wolfe expressed concern about contamination occurring when the rail ties are removed. Responding to a question from Selectman O'Brien, she stated only 12,000 miles of rail trail exist in the United States, and approximately one-third of those miles are paved. The ties are removed, and stone dust put in. She noted there are federal guidelines on trail construction.
- 8) Nancy Powers, 201 Union Avenue – Ms. Powers stated she is an avid cyclist, having used trails in nearby states. She expressed dismay there are no walkways on Union Avenue leading to the shopping district. She noted she has worked with many civic groups, but has no municipal

experience. Ms. Powers feels she has an open mind and can listen to all points of view, as well as do research to learn more about the topic. Responding to a question from Chairman Drobinski, she opined abutters may want a green buffer, fencing or nothing at all. She stated her belief that going through neighborhoods via trails is an interesting experience.

Chairman Drobinski stated there are a few more people to be interviewed and thanked all participants for volunteering to serve. He added that the appointments would take place when everyone has been interviewed. Town Manager Valente stated she plans to submit a proposal for funding a feasibility study to the Community Preservation Committee before the October 15th deadline.

Sky Restaurant – Extension of Hours

The Board reviewed a letter, dated October 1, 2004, from Brian Ravella, Let's Eat, d/b/a Sky Restaurant, requesting a one-hour extension to their liquor license on Monday evenings, effective October 11, 2004 through December 20, 2004. A 1:00 a.m. closing time would accommodate those evenings when Monday night football airs past midnight. He also requested consideration for Major League Baseball playoff games that could convene on the West Coast at 10 p.m. Eastern Time. Discussion followed.

It was on motion

VOTED: To grant a one-hour extension to the All Alcoholic Beverages License held by Let's Eat, d/b/a Sky Restaurant, 120 Boston Post Road, Sudbury, MA to establish its closing hour as 1:00 a.m. on Monday evenings, effective October 11, 2004 through December 20, 2004, and, further, to grant the same extension for Tuesday, Wednesday, or Thursday evenings on which Major League Baseball playoff games are broadcast from the West Coast, with the condition the manager notify the Police Department of those evenings (Chairman Drobinski, abstain; Selectmen O'Brien and Keller, aye).

St. Anselm Church – Tax Exempt Status

Referring to Chairman Drobinski's question from the last meeting, Town Manager Valente reported to the Board Town Counsel's opinion that the Archdiocese would retain tax exempt status on St. Anselm church until it actually changes in ownership. If it is sold and a for-profit entity takes ownership, the tax exempt status disappears.

Annual Town Report

Town Manager Valente suggested two defunct Committees not be required to submit a report covering their activities this past year, specifically the Property Tax Equity Review Committee (PTERC) and Blue Ribbon Housing Committee. Selectman O'Brien suggested the Selectmen report include a brief summation of those activities, mainly what transpired at Annual Town Meeting. The Board concurred.

Holiday Lights on Town Common

Town Manager Valente asked for the Board's input on holiday lights on the Common. She stated there is no budgeted amount to cover purchase of lights and also to hire someone to put them up. It would require a bucket truck to reach the appropriate heights. The Board expressed the opinion that even nondescript white lights add a certain amount of cheer and, being averse to a use of Town funds for this purpose, suggested soliciting donations from businesses and interested residents. Interested parties should contact the Town Manager for further information.

Route 20 Banner – HOPEsudbury

Town Manager Valente stated the HOPEsudbury Committee would like to hang a banner across Route 20 advertising its annual Telethon on November 13, 2004. The Board expressed no objection to the banner, but added that it should have air holes to prevent the wind whipping it and possibly tearing it from the pole, dropping it on the road. Chairman Drobinski suggested the applicant check with Mass. Highway to learn if there is a required height.

Executive Session

At 10:25 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing litigation, land negotiation and collective bargaining matters. (Chairman Drobinski, aye, Selectman O'Brien, aye, Selectman Keller, aye).

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

There being no further business to come before the Board, the meeting adjourned at 11:30 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk