

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 19, 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.

Clerk Pro Tem – Appointment

It was on motion unanimously

VOTED: To appoint Wayne R. Walker, Assistant Town Manager, as Clerk Pro Tem, in the absence of the Town Manager.

Opening Remarks

Chairman Drobinski announced the appointment of Kenneth J. MacLean as Fire Chief for the Town of Sudbury. He expressed appreciation for having such qualified personnel working in Sudbury that the Town could promote from within.

Chairman Drobinski encouraged residents to vote in the upcoming election on November 4, and stated absentee ballots are available from the Town Clerk.

Chairman Drobinski encouraged citizens to attend the Housing Forum on October 21, 2004.

Rail Trail Conversion Advisory Committee

Present: Patricia A. Brown; Madeleine R. Gelsinon; Jennifer K. Pincus; Richard C. Williamson.

Chairman Drobinski stated the Board would interview all applicants interested in serving on the Rail Trail Conversion Advisory Committee before making appointments. At present, the plan is that seven individuals will be selected from a group of twelve applicants. Summaries of interviews this evening are as follows:

- 1) Patricia A. Brown, 34 Whispering Pine Road – Ms. Brown stated she is a software engineer and has enjoyed walking trails for many years. She stated she is interested in working on this committee though she has no previous committee experience. She noted a rail trail could be a good thing or turn into something unfavorable, if not handled properly from the beginning. Ms. Brown stated abutters should be approached with facts in order to adequately inform them of potential impact. She opined potential uses of the trail should be determined in order to adequately decide whether or not to pave the trail, i.e., baby carriages and roller blading vs. walking and horseback riding. Ms. Brown opined her computer skills would aid in performing pertinent research.
- 2) Madeleine R. Gelsinon, 520 Concord Road – Ms. Gelsinon stated she currently serves as fitness director for two area retirement communities, and would like to share that expertise with this committee in promoting fitness. She suggested information to abutters should point out that exercise on a trail such as this would get children away from television sets. Responding to a question from Selectman O'Brien, she opined the trail would be a great asset for senior citizens to get daily exercise safely. Ms. Gelsinon said her experience in the fitness industry can be an asset to this group, and noted further she served on the Governor's Council on Physical Fitness in Sports.

- 3) Jennifer K. Pincus, 25 Blueberry Hill Lane – Ms. Pincus stated she previously lived in Washington, D.C. and New Jersey, and enjoyed biking trails in both locations. She stated she is fearful of riding on roadways here due to the narrowness of streets, lack of shoulders, and the absence of walkways in some areas, and she is therefore very interested in working to get a bike trail established. She stated she is a former member of the now defunct Bike Trail Committee. Ms. Pincus stated she has met with many abutters on previous occasions and advised each abutter must be approached individually as their situations [locations] are unique. She stated it is important to present abutters with facts and examples of how other trails have worked out. She added that trail development should not be limited to cycling, but all possible uses should be explored. She stated that ultimately a rail trail should connect other areas such as conservation trails and recreation areas. With respect to special skills, she stated her experience as an architect would be helpful in trail design.
- 4) Richard C. Williamson, 21 Pendleton Road – Mr. Williamson stated he is a former member of the now defunct Bike Trail Committee, along with Ms. Pincus. He worked on getting the Framingham Lowell Trail established in the 80s, and also on the East-West Wayside Trail, plus other efforts. He stated he commutes approximately 4,000 miles per year on his bicycle. Mr. Williamson stated he is concerned about the environmental impact of trail development in particular areas. He concurred with Ms. Pincus' remarks in that abutter concerns must be heard in order to promote harmonious trail usage. Responding to a question from Selectman O'Brien, he stated that the biggest user group [50%] in the daytime is parents with strollers and baby carriages, along with senior citizens walking. Mr. Williamson stated he has a great deal of experience with professional groups, municipal agencies, and cycling groups.

The Board thanked the applicants for their interest and invited them to stay for their deliberations later in the evening.

At 10:20 p.m. there was brief discussion on increasing the number of citizen members on the committee. Selectman O'Brien suggested postponing the appointments until the next meeting as he had not brought his notes of the previous interviews. It was agreed that Board members would review their notes and come to the next meeting prepared to discuss both the committee's composition and appointments.

It was on motion unanimously

VOTED: To continue this matter until November 4, 2004.

Site Plan #04-376 – Omnipoint Holdings, Inc., subsidiary of T-Mobile USA, Inc., 16 North Road

Present: Michael Almada, Project Manager, T-Mobile; David Ouellette, RF Engineer, T-Mobile; Jody Kablack, Town Planner; Ralph Tyler, One Deacon Lane.

At 8:00 p.m. Chairman Drobinski reconvened a Public Hearing to further consider site plan application #SP04-376 of Omnipoint Holdings, Inc., a wholly-owned subsidiary of T-Mobile USA, Inc., in accordance with Sudbury Zoning Bylaw Article IX.6000, Section 6300, Site Plan Review, to expand the existing SpectraSite facility for wireless communications on property located in the Research District, 16 North Road, on Parcel C12-004, owned by the Sudbury Water District, by adding a nine-panel antennae attached to a platform at a height of 130 feet plus an E911 antenna at an approximate height of 100 feet to the existing tower, with co-axial cables and base transceiver station (BTS) units mounted on a 6' x 8' concrete

pad comprised of three equipment cabinets and power/telephone pedestal, in collocation with CellularOne and Cellco Partnership (Bell Atlantic Mobile). This matter was previously heard on September 7, 2004.

The Board was in receipt of the following new information:

1. Letter, dated October 18, 2004, from Michael Almada, Project Manager, T-Mobile, responding to questions the Board raised at the September 7th meeting, and submitting via attachment the following:
 - a) photographs of the existing monopole at the above site, along with photographs of a facility with the mixture of flush mounted and platform mounted antenna;
 - b) an affidavit and plots by the project radio frequency engineer attesting to the effect of reducing antenna configuration from a full array to a flush mount solution; and
 - c) response to the concern about handling diesel fuel on the property, stating the applicant will agree, as a stipulation of site plan approval, that any back-up generator will rely upon a propane fuel supply, eliminating the need to bring diesel or other liquid fuel onto the property.

2. Letter, dated October 15, 2004, from Paul Kenny, Town Counsel, in response to a communication, dated September 9, 2004, from Ralph Tyler, One Deacon Lane, advising the Board the monopole is a validly existing monopole subject to review by the Selectmen pursuant to the existing site plan, and further stating that the arguments set forth in Mr. Tyler's letter do not apply to this project.

Ms. Jody Kablack, Town Planner, reviewed the new information received by the Board.

Chairman Drobinski asked the applicant to review the radio frequency information. Mr. Michael Almada, Project Manager, T-Mobile, stated the information submitted to the Board contained representative photographs showing both flush mounted and platform mounted antenna on poles in nearby areas and how each blends into the scenery. He introduced David Ouellette, RF Engineer, who had prepared the information for the Board.

Utilizing plans and coverage maps, Mr. Ouellette pointed out existing coverage, potential coverage with a flush mounted antenna, and expanded coverage with platform mounted antenna. He clarified this discussion centers around what is considered "useful coverage" within each footprint, the signal strength providing the ability to connect to either an outgoing or incoming call in the area. He stated further the purpose of expanded coverage is not to provide service to residences in the area, but rather motorists being able to continue to receive signal as they travel through the coverage area, as well as "on street" coverage. Responding to a question from Selectman O'Brien, he pointed out the differences in these types of coverage and the ability of flush- vs. platform-mount antenna.

Chairman Drobinski asked if signal would remain the same if the six 6' antenna in a platform mount were instead three 12' antenna in a flush mount. Mr. Ouellette replied there would be loss of signal due to change in design and construction materials. He stated further that the limited number of available sites for pole installation compels T-Mobile to propose the most powerful antenna configuration possible, thereby allowing the greatest coverage.

Responding to a question from Chairman Drobinski, Mr. Almada stated the photographs submitted are of an installation similar to the one proposed. He stated the detail shown becomes indistinguishable at a distance of one-half mile and blends into one piece at distances further away.

Chairman Drobinski and Selectman O'Brien expressed concern for the visual impact of a platform mounted antenna, citing the desire of residents to minimize visual blight when the Wireless Bylaw was

passed at Town Meeting five years earlier. Mr. Almada reiterated the perspective that a flush mounted antenna does not carry as strong a signal as platform mount. He opined the minimal visual benefit will result in larger coverage gaps.

Selectman Keller stated he has not received any calls from residents about visual impact of cell towers, but rather that their calls are continually dropped or that coverage is not available.

Mr. Ralph Tyler, One Deacon Lane, disagreed with Town Counsel's opinion regarding interpretation of the Wireless Bylaw with respect to non-conforming structures. He opined this tower is a blight on the landscape and should be reviewed under complete site plan approval and not just the addition under proposal at this time. He expressed his belief that a legal basis exists in that the original site plan applicant stated there will be no additions or changes to that facility.

Mr. Tyler opined further that the applicant's coverage references are not including people with car phones, but only those with cell phones. Mr. Ouellette responded that most people do not have external antennas on their phones which would affect his coverage extrapolations.

Mr. Tyler asked if the Town Manager has secured a copy of the original lease with the Sudbury Water District to determine if any conditions would apply to new installations on the site. He suggests that, if the lease expires, the pole should come down and be replaced with one completely conforming to the bylaw. Chairman Drobinski stated he had not yet seen the lease and expected the Town Manager to provide it for the next meeting. Selectman O'Brien asked that the Board have access to the entire file from the original site plan.

Mr. Almada stated T-Mobile had included copies of prior Decisions affecting the site in its application.

It was on motion unanimously

VOTED: To continue this matter until Thursday, November 4, 2004, at 8:15 p.m.

Site Plan #04-377 – T C Sudbury Development, LLC, 460 and 490 Boston Post Road

Present: Joshua Fox, Rollins, Rollins and Fox, Attorney for the Applicant; Charles Giacchetto, T C Sudbury Development, LLC; Fred King, Engineer, Schofield Brothers of New England; Jody Kablack, Town Planner.

At 8:47 p.m. Chairman Drobinski reconvened a Public Hearing to further 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 460 and 490 Boston Post Road, Chiswick Park, owned by Paris Trust and T & E Realty, LLC, zone Limited Industrial District 1 and Business District 5, and within Water Resource Protection II. This matter was previously heard on October 5, 2004.

The Board reviewed the following:

1. Report, dated October 7, 2004, from the Fire Chief, based on discussions with the applicants and project engineer and that drawings reflect agreements, recommending the following conditions:

- a) an 18' navigable drive along the entire west side of the building
- b) sprinkler connection on the northwest corner of the building
- c) landscape alterations to allow unobstructed access to the east side of the building
- d) applicant will remove sprinkler connection on 490B from present location to front corner by hydrant, correcting a public safety deficiency and increasing emergency response capability within the complex.

2) Draft Decision prepared by Town staff.

Jody Kablack, Town Planner, reviewed the new information, a report from the Fire Chief outlining recommended conditions of site plan approval.

Mr. Joshua Fox, attorney for the applicant, noted the following amendments agreed to by the applicant: 1) that Condition 16 [plan for pedestrian park] be moved from Condition 24 to Condition 25, making it a requirement of the Occupancy Permit rather than the Building Permit; and 2) that Condition 4 [earth removal permit] now be a requirement for the Building Permit. It was confirmed these changes have been made to the draft Decision.

Chairman Drobinski reiterated his suggestion of park benches in the area of the gazebo. Selectman O'Brien asked if a second bike rack could be provided near the pedestrian park for the convenience of park users. Mr. King agreed that a second one could easily be included.

Chairman Drobinski complimented the applicant on the project, stating it will be a tremendous asset to that part of Sudbury. The Board concurred.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To approve Site Plan Application No. 04-377 of T C Sudbury Development, LLC, for approval of a site plan to construct a two-story business and professional 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, as shown on 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, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Final approval of the stormwater management and drainage systems, including traps, catch basins, and periodic maintenance as required by the Town Engineer.
2. Placement of all new utilities underground.
3. No wells for drinking water supply to be installed on the site.
4. The grant of an earth removal permit by the Earth Removal Board, as applicable.

5. The grant of a Water Resource Protection District Special Permit by the Planning Board.
6. Compliance with the Order of Conditions issued by the Conservation Commission.
7. Approval of signs or advertising devices as required under the applicable provisions of the Zoning Bylaw. All new signage must be approved by the Design Review Board.
8. Submission of a final landscaping plan to be approved by the Board of Selectmen following recommendation by the Design Review Board. Calculations shall be submitted to verify that the requirement for 150 sq. ft. of landscaping per 1000 sq. ft. of parking lot under Section 3541 of the Zoning Bylaw has been complied with. Supplementing the proposed shrubbery, street trees shall be planted every 40 feet along the frontage of the access driveway where necessary, in accordance with Section 3550 of the Zoning Bylaw. The addition of park benches is suggested in the area of the gazebo.
9. Submission of a lighting plan to be approved by the Board of Selectmen. Exterior lights shall have shields and be arranged to avoid glare and minimize light spilling over to neighboring properties. The Board of Selectmen or its representative shall inspect the premises prior to occupancy to certify the intent of this provision has been met. If, in the opinion of the Board, the lighting is not shielded from the adjoining properties, the applicant shall forthwith rectify such complaint to the satisfaction of the Board. Lighting, except for security lighting, shall be turned off when the building is not in use.
10. Submission of final architectural plans for approval, if changes are made from those submitted with this application.
11. No use of salt or sodium-based de-icers on site unless approved by the Conservation Commission.
12. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder.
13. Any disposal or removal of effluent and wastes generated on the site shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission, as appropriate.
14. If required by the Board of Health, Conservation Commission and/or Board of Selectmen, the applicant shall install one or more monitoring wells, or other protective device, on the site, including the Town's right of access for periodic testing and monitoring thereof.
15. Requirements of the Fire Department shall be complied with and incorporated into the Plans:
 - a. There shall be an 18-foot navigable drive along the entire west side of the building.
 - b. Landscape alterations shall be made to allow unobstructed access to the east side of the building.
 - c. A complete sprinkler system with a 4-inch Storz fire department connection on the northwest side of the building shall be installed according to Code. Unimpeded access between the hydrant and the Storz connection must be maintained.

- d. Applicant has agreed to move the sprinkler connection at 490B address from its present location to the front corner by the hydrant to correct a deficiency and increase emergency response capability within the complex.
 - c. A complete fire alarm system with interconnection to the Sudbury Fire Department via a master box shall be installed according to Code.
 - d. A Knox Box shall be installed for building access after hours by the Fire Department, in accordance with Sudbury Bylaws Article V.2.C.
16. A Site Plan of the proposed pedestrian park showing additional details on the location of the path, its surface treatment and its entrance at Route 20 shall be submitted. It is recommended that the stone dust surface of the pedestrian path be continued for its entire length and down the dirt driveway to Route 20 to better identify the path.
 17. Plowed snow shall be removed from the site to the satisfaction of the Town Engineer.
 18. The owner has advised that the properties at 490 and 460 Boston Post Road will be combined under a single ownership in order to comply with the zoning requirements, specifically regarding impervious surface. Proof of such must be provided to the Board of Selectmen in the form of a copy of the recorded instruments and plans, if any.
 19. A grading easement from the owner of the Clapper's building must be obtained for installation of the septic system.
 20. Prior to the granting of an Occupancy Permit, a site review will be conducted by Town officials, and a bond required by the applicant to secure any conditions not completed.
 21. Other Site Plan revisions/data:
 - a. Correct street addresses to be obtained and inserted on Site Plans in the Title Block.
 - b. Sheet SP-2, Existing Conditions, to be revised to include current tenants at 31 Union Avenue.
 - c. The signature block to be revised to remove the words "Special Permit" and space provided for signature of Town Planner, and added to all plans.
 - d. The sight distance to be noted at the entrance to the proposed development and the Chiswick Park access driveway.
 - e. The amount of fill required, including the number of trucks per day and number of days for transport, to be provided.
 22. As offered by the applicant, T C Sudbury Development, LLC, shall contribute \$5,000 to the town-wide Walkway Donation Account.
 23. Submission of an "as built" plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval by the Board of Selectmen.
 24. No Building Permit shall be issued until the Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above [1, 4, 5, 8, 9, 10, 15, 18, 19, and 21], as specified by the Board, are complied with.

25. No Occupancy Permit shall be issued until certain items noted above [2, 3, 7, 12, 13, 14, 16, 20, 22, and 23], as specified by the Board, are complied with.

The Decision was signed. The Site Plan will be submitted for signing at a future date.

Town Forum

At 8:55 p.m. Chairman Drobinski convened Town Forum, during which time reports were presented by the Board of Assessors and the Finance Committee.

Ms. Maureen Hafner, Director of Assessing, Liam Vesely and Trevor Haydon presented the report for the **Board of Assessors**. Topics included relevant facts of revaluation, residential condominiums, outside consultants to assist in valuation of properties, data conversion of residential properties, an increase in property values of 23%, tax deferrals and abatements. In closing, it was noted that the Department of Revenue has determined all cities and towns will be required to revalue properties annually instead of every three years.

Robert Jacobson and Martha Ragonas, Co-Chairmen, updated the Board on the activities of the **Finance Committee**. Mr. Jacobson stated the most important thing they did was to recommend a non-override budget to 2004 Annual Town Meeting. He noted the FY06 budget will be a challenge due to increase in students in Town, decrease in state monies, and other financial impacts. He stated the Finance Committee has been meeting with its counterpart in Lincoln, to have a better understanding of both communities who share a high school. The committee hopes to have more Finance Committee information available on the Town website, with the ability to respond to citizen concerns.

Reports concluded at 9:20 p.m. Refreshments were served.

Conservation Restriction – 30 Station Road

Present: Deborah Dineen, Conservation Coordinator.

Utilizing a drawing, Ms. Deborah Dineen, Conservation Coordinator, reviewed the land included in the Conservation Restriction. She stated the Commission has been working with Michael Precourt and owners of other parcels in proximity to this area adjacent to Hop Brook attempting to secure conservation restrictions for the protection of Hob Brook watershed. This particular restriction is designed to provide protective separation of the commercial area of Mr. Precourt's business from the wetlands areas and Hop Brook itself, and also provides for use of separate storage containers for the different types of rock and construction material. Discussion followed. Responding to a question from Selectman Keller, Ms. Dineen stated the restriction prevents any future development or changes to the protected areas, as well as establishing work areas and non-work areas.

It was on motion unanimously

VOTED: To approve a Conservation Restriction granted by Michael Precourt, Trustee of The Precourt Realty Trust, No. 1, in perpetuity and exclusively for conservation purposes, on a 2.75+/- acre parcel of land known as 30 Station Road, Sudbury, and shown on plan entitled "Conservation Restriction Plan of Land in Sudbury, Massachusetts (Middlesex County), Prepared For: Michael Precourt", dated December 30, 2003, drawn by Schofield Brothers of New England, Inc.

Conservation Restriction – Lot 55, Bigelow Drive

Present: Deborah Dineen, Conservation Coordinator.

Utilizing a drawing, Ms. Deborah Dineen, Conservation Coordinator, reviewed the land included in the Conservation Restriction. She stated this restriction is a condition of subdivision approval and the land in question will be added to a Conservation Restriction granted in 1983. She stated that, due to drainage and wetness issues, it was preferred to place the land under restriction to avoid future attempts to develop land that is virtually undevelopable. Discussion followed.

It was on motion unanimously

VOTED: To approve a Conservation Restriction granted by William Senecal, as Trustee of Lot 5556 Realty Trust, in perpetuity and exclusively for conservation purposes, on 1.481 acres of land shown on a plan entitled, "Conservation Restriction Sketch Plan of Land, Lot 55, Bigelow Dr. Sudbury, MA", dated February 2, 2004 and prepared by Inland Survey, Inc., d/b/a Zanca Land Surveyors, Inc.

Frugal Flower – Temporary Structure

Present: Craig Wambolt, Frugal Flower.

The Board reviewed the following information:

1. Letter, dated September 29, 2004, from Craig A. Wambolt, Frugal Flower, 736 Boston Post Road, requesting permission to construct a temporary greenhouse to house plant and container inventory needed during the Christmas, Valentine's Day and early spring season (October – April 30, 2005).
2. Report, dated October 12, 2004, from the Building Inspector, with the following comments:
 - a) proposed placement must not obstruct the building entrance/exit. A clear path must be maintained.
 - b) the proposed structure will not require a building permit per section 110.3 of the Mass. State Building Code with regard to greenhouses.
 - c) the proposed structure should meet the approval of surrounding neighbors.
 - d) the greenhouse is for the use of employees only. There shall no public/retail use associated with the greenhouse.
 - e) the structure shall be removed from the premises prior to the expiration of the permitted time period. There shall be no extension of time.
 - f) [October 15, 2004] currently no parking is allowed in front of the building, therefore the greenhouse will not affect parking.
3. Report, dated October 13, 2004, from the Town Engineer/DPW Director, with the following comments:
 - a) current parking appears to be inadequate. Employee and customer parking is taking place in the front of the building. The rear of the building is used for employee parking, parking for 5 Frugal Flower trucks, and storage.
 - b) the proposed greenhouse will remove most of the parking in front, eliminating all customer and/or employee parking.
 - c) relative to the impervious structure, the stone surface should be enough to control any increase in runoff from the structure.

4. Report, dated October 14, 2004, from the Town Planner, noting that her comments are not necessarily all inclusive of the various permits the applicant has received over the years, said comments are as follows:
 - a) in 2002, Mr. Wambolt requested a change to allow additional parking in front of the building; this request is to add back 3,000 sq. ft. of the 4,200 sq. ft. of greenhouse/storage/assembly space he reduced at that time. [Note: this comment should not be applicable, as all approvals to implement this request – notably, site plan approval were not applied for or obtained.]
 - b) additional parking requirements are minimal (1 space/2,000 sq. ft.) if this space is limited to inventory of plants and not retail space.
 - c) it must be confirmed there is no floor in the greenhouse as the site is at maximum impervious surface percentage.
 - d) Design Review Board should review this proposal.
 - e) the sketch plan does not accurately show the front yard setback. If the greenhouse is 30 feet wide, the maximum setback to the front will be 21 feet. Present zoning allows 20 feet minimum; the greenhouse complies.
 - f) the greenhouse should be confined to a specific number of months it can be up. The applicant should be questioned whether this is intended to become an annual installation, or if it is just for this year.

5. Report, dated October 14, 2004, from the Conservation Coordinator, stating the comments are hers and not of the Commission as they do not meet until October 18th. Her comments:
 - a) the temporary greenhouse construction will require a Notice of Intent to be filed with the Conservation Commission as the site falls within both the 100' upland resource area and within the 200' riverfront area. Prior to a new Order of Conditions being issued for the new greenhouse, conditions in the previous Order must be met and a Certificate of Compliance be issued.
 - b) outstanding issues include a Conservation Restriction; drainage maintenance schedules; revised calculations for the 2-100 year storm events; and a valid as-built plan. These items have been requested repeatedly, in writing, since 1998. In March of 2003, a sample Conservation Restriction was supplied to Mr. Wambolt and his attorney; nothing has been received nor has the applicant attempted to follow up with the Conservation Commission to resolve outstanding issues.
 - c) Ms. Dineen requests that the Selectmen deny or postpone action until such time as the applicant has complied with the requirements of previous permits.

6. Report, dated October 14, 2004, from the Police Department, stating it has no concerns other than sight lines necessary for vehicles ingressing/egressing the property. The 31.5' setback related in the schematic appears to be sufficient to allow safe vehicular traffic flow both to and from Boston Post Road.

7. Report, dated October 14, 2004, from the Fire Chief, with the following comments:
 - a) a temporary structure may not be erected for more than 180 days per year
 - b) 527 CMR Section 19:03 1-3 shall apply. This section states the fire resistance and labeling requirements of tentage.
 - c) no dimensions are shown on the drawing
 - d) no heating plant details are shown

Mr. Craig Wambolt, Frugal Flower, stated he would like to construct a temporary structure, 30' x 100' in size, to house inventory items used to prepare items for sale, basically October through April. The same activity takes place now, except outdoors in the open. This would allow employees to work under cover.

Mr. Wambolt stated he has received Board of Appeals approval to add parking in front, and will come back for site plan review in the spring when the actual plans can be completed. He opined they hope to be able to have some off-site storage in the future to augment storage needs.

Responding to a question from Selectman O'Brien, he stated that both he and his attorney believe the Conservation Restriction has been filed, though the report from the Conservation Coordinator states otherwise. He stated he has contacted Ms. Dineen via email to inquire if all documents have been completed, with no response. Mr. Wambolt stated he will be meeting with his attorney the next morning to investigate further. Selectman Keller advised him to find out the legal document reference numbers to aid in researching whether the restriction was filed or not. Mr. Wambolt stated all other conservation issues are addressed in the new site plan which will be presented in the spring.

Mr. Wambolt stated he will purchase the aluminum structure from the Lettery family who no longer needs it. He anticipated the structure to be dismantled by May 1, at the latest. The area is presently covered with stone and will continue to be so [no paving].

Responding to a question from Selectman O'Brien, Mr. Wambolt stated they will not be selling Christmas trees this year as the profit margin is too small due to area competition. They have instead expanded their business into other types of sales.

Chairman Drobinski stated outstanding issues raised in staff reports must be resolved before the Board can vote. Mr. Wambolt opined that due to business considerations a delay could be problematic. He asked if a 90-day time period could be approved while the outstanding questions are sorted out, and then the time period extended with a vote of the Board. The Board responded that a 90-day period does not require Board approval in view of the fact that the Building Inspector has determined that no building permit for this temporary greenhouse is required, but that a longer period does, and suggested Mr. Wambolt consult the Building Inspector for more information. Chairman Drobinski gave Mr. Wambolt copies of staff reports so he could address questions raised.

After discussion, it was on motion unanimously

VOTED: To continue this matter until November 16, 2004, at 8:00 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of October 5, 2004, as drafted.

Eagle Scouts – Kevin Harvell and Alexander Gill

It was on motion unanimously

VOTED: To sign letters of congratulations to Kevin B. Harvell, 37 Allan Avenue, and Alexander Gill, 32 Wayside Inn Road, Framingham, on the attainment of the rank of Eagle Scout.

Department of Public Works Contracts

It was on motion unanimously

VOTED: To approve a contract for lease purchase of a 2004 model, 4-wheel drive, heavy duty diesel powered front end loader from the lowest qualified bidder, Woodco Machinery, Inc., at a bid of \$123,651, and approving the trade-in of a 1989 International Loader at \$4,000, making a net purchase price of \$119,651; and

it was also on motion unanimously

VOTED: To approve a contract for purchase of Sodium Chloride during the period November 1, 2004 through October 31, 2005, from Granite State Minerals, Inc., at a price of \$42.48 delivered, including the option of extending the contract annually at the discretion of the Town Manager and in accordance with M.G.L. C.30B.

2005 Selectmen's Meeting Schedule

It was on motion unanimously

VOTED: To approve the 2005 schedule for Board of Selectmen meetings, as drafted.

FY06 Budget and Town Meeting Warrant Schedule

It was on motion unanimously

VOTED: To approve the FY06 Budget and Town Meeting Warrant Schedule as prepared by staff and dated October 12, 2004, and to set the Warrant Closing Date for the 2005 Annual Town Meeting at 5 p.m. on December 30, 2004.

The Sudbury Foundation – Council on Aging Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant of \$12,000 from The Sudbury Foundation, to be separately accounted for and used to continue funding the Senior Volunteer Coordinator position at the Fairbank Senior Center, and to be expended under the direction of the Council on Aging Director.

FY05 Disbursements – Town Trust Funds

The Board reviewed a report, dated October 15, 2004, from Wayne R. Walker, Acting Treasurer-Collector/Co-Trustee of Town Donations, requesting specific disbursements from Town Trust Funds for FY05. Discussion followed.

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve distributions for FY05 expenditures from Town Trust Funds, in accordance with requests from beneficiaries of said Funds and recommendation by the Acting Treasurer, as follows:

<u>Fund</u>	<u>Disbursement</u>
Forrest Bradshaw Memorial	\$ 90.00
Goodnow Library	17,500.00
Lydia Raymond	300.00
Rhodes Memorial	900.00
Cheri-Anne Cavanaugh	2,000.00
Discretionary/Charity	6,500.00
Raymond Mausoleum	1,000.00
Perpetual Care/Cemetery	80,000.00
Sept. 11 th Memorial Garden	200.00

Health and Dental Insurance Contracts

The Board reviewed a report, dated October 12, 2004, from Assistant Town Manager/Personnel Director Wayne Walker, submitting proposed Group Health Insurance Rates for Policy Year 2005.

It was on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts, Boston, MA to serve as third party administrator for Blue Choice and Network Blue (HMO Blue) and Medex self-funded health plans, and, further, to establish health insurance monthly working rates as shown below, and to establish that the Town contribute 75% of Blue Choice and 90% of HMO Blue for active employees, and 50% of both plans for retirees, with the employee/retiree to pay the remainder, effective January 1, 2005:

	<u>Family</u>	<u>Individual</u>
Blue Choice – self-funded	\$1,300.00	\$509.00
HMO Blue -- self-funded	\$1,071.00	\$422.00
Medex – self-funded	NA	\$382.72

It was also on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts, Boston, MA to provide dental insurance at monthly rates as shown below, and further to establish that the Town contribute 75% of employee dental, and 0% of retiree dental, effective January 1, 2005:

	<u>Family</u>	<u>Individual</u>
BCBS Dental Blue – premium	\$67.27	\$ 26.70

It was further on motion unanimously

VOTED: To approve a contract with Harvard Pilgrim Health Care, Dedham, MA to serve as third party administrator for its self-funded health care plan, and, further, to provide coverage for retirees, and to establish monthly health insurance working rates for the self funded health care plan and establish a monthly rate for retiree coverage as shown below and to establish that the Town contribute 80% for active employees and 50% for retirees, with the employee/retiree to pay the remainder, effective January 1, 2005:

	<u>Family</u>	<u>Individual</u>
HPHC HMO – self-funded	\$1,453.00	\$562.00
HPHC First Seniority – premium	N/A	\$210.00

State Election Warrant – November 2, 2004

It was on motion unanimously

VOTED: To approve and sign the Warrant for the State Election on November 2, 2004, and to post it as required by law.

Executive Session

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

VOTED: To go into Executive Session for the purpose of discussing litigation matters, collective bargaining and employment negotiations with non-union personnel.

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

There being no further business, the meeting adjourned at 10:40 p.m.

Attest: _____
Wayne R. Walker
Assistant Town Manager-Clerk Pro Tem