

IN BOARD OF SELECTMEN
TUESDAY, MAY 3, 2005

Present: Chairman Lawrence W. O'Brien, Selectmen William J. Keller, Jr. and John C. Drobinski (arrived at 8:20 p.m.).

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 O'Brien extended thanks to Jan Silva, Dev Glaser and the DPW crew for their efforts in organizing a successful roadside cleanup on April 30th, and expressed thanks to all residents who volunteered their Saturday morning toward beautifying the roadways in Sudbury.

Chairman O'Brien announced the Sudbury Water District Election and Annual Meeting to be held on May 17, 2005, at the Sudbury Water District, 199 Raymond Road.

It was announced that the offices of the Town Manager and Selectmen will be moving from the Loring Parsonage to the Flynn Building beginning Friday, May 13. Town Manager Valente asked that, between May 12 and 18, residents contact the offices only in case of emergency. She stated phones and computers will be moved from one building to the other, and it will be difficult to get information.

Chairman O'Brien announced a planning meeting for Sudbury Day 2005 will be held May 5. All interested parties may attend this or any future meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the executive session of March 29, 2005, and regular sessions of April 4, 5, and 12, 2005, as drafted.

Perambulation of the Town

It was on motion unanimously

VOTED: To designate the Office of the Town Engineer/Director of Public Works (Town Engineer/Director of Public Works I. William Place and Assistant Town Engineer Bruce Kankanpaa) to perambulate the Town of Sudbury bounds in the year 2005, in accordance with Massachusetts General Laws Chapter 42, Section 2, and to locate and mark all bounds, preparing a report on their findings.

Spin for ALS Bike Ride – June 12, 2005

It was on motion unanimously

VOTED: To grant permission to Myke Farricker and the Spin for ALS Bike Ride to hold their "Positive Spin for ALS" Bike Ride through Sudbury on Sunday, June 12, 2005 from 9:00 a.m. through 4:00 p.m., following the same route as in previous years, subject to Police Department safety requirements and proof of insurance.

Sewer Assessment Citizens Advisory Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Peter S. Glass, dated April 26, 2005, from the Sewer Assessment Citizens Advisory Committee, to acknowledge his resignation from the Park and Recreation Commission and Community Preservation Committee as well, and to send him a letter of appreciation for his service to the community.

Board of Selectmen Liaison Assignments

Town Manager Valente asked the Board to review a list of proposed Selectmen liaison assignments to various Town boards and committees. Chairman O'Brien asked Selectman Keller for the I-495 Development Committee, and Selectman Keller opted for the Park & Recreation Commission.

It was on motion unanimously

VOTED: To approve the Board of Selectmen Liaison Assignments for 2005-2006 as amended tonight.

NStar – Replanting of Stock Farm Road and Pelham Island Road

Present: Stan Kaplan, 98 Victoria Road.

At 7:50 p.m. Chairman O'Brien convened a discussion for the purpose of considering planting plans for NStar to replant trees and vegetation where removed along Stock Farm Road and Pelham Island Road. Town Manager Valente stated the Board could address this matter earlier than its timed slot of 9:15 p.m., as NStar was not sending a representative to tonight's meeting, and Mr. Stan Kaplan, representing the neighborhood, was already present.

The Board reviewed the following new information:

1. Report, dated April 20, 2005, from I. William Place, Town Engineer/DPW Director, with the following recommendations: (a) Stock Farm Road – on the north side of the road, seven white pine 10-14 ft. in height and six white fir 6-7 ft. in height planted in front of the white pine; all trees planted 10 feet on center in a staggered configuration. On the south side of the road, eight white pine and eight white fir should be planted. (b) Pelham Island Road – on the north side of the road, seven white pine and six white fir and on the south side of the road, seven white pine and seven white fir should be planted; all trees should be planted in the same configuration: 10 feet on center in a staggered configuration. (c) NStar should be responsible for watering. On Stock Farm Road, there is a hydrant 200 feet westerly on the northerly side of where the trees are to be planted. On Pelham Island Road, the fire hydrant is located approximately 500 feet westerly on the southerly side of the road. The Water Department will install a meter and charge \$3.00 per 1,000 gallons of water used and billed accordingly. (d) In conclusion, Mr. Place stated he would prepare a surety amount once the final plan has been accepted and approved.
2. Letter, dated May 3, 2005, from Annemarie Walsh, Community Relations Representative, NStar, with the following comments: (a) NStar does not agree to the planting of White Pines or White Fir Trees along Stock Farm Road. A listing of trees and shrubs NStar is willing to plan was submitted. (b) Once the type of trees has been agreed upon, NStar will provide a detailed plan listing the quantity and type of plants. (c) Once the contractor is selected, NStar will provide the Town with a detailed watering plan. (d) NStar will provide a

one-year guarantee for the replacement of trees that do not survive, not the three years suggested by the Town. NStar will not provide a bond. (e) NStar will continue its current practice on notifying the Conservation Commission prior to scheduled vegetation maintenance, though with the appropriate species being planted, there should not be an emergency or safety situation. (f) NStar does not believe additional plantings on Pelham Island Road are necessary since the existing trees continue to provide a roadway screen, and no additional plantings will be discussed.

3. Email, dated May 3, 2005, from Deborah Dineen, Conservation Coordinator, with the following comments after reviewing NStar's suggested list of plantings: (a) the arborvitae and yews will be eaten by the deer. (b) the shrubs are the wrong plant for the area (shady/sunny, etc.) (c) none of the plants will provide the screening of the wires to the degree the illegally cut trees provided, even at maturity. (d) NStar rarely contacts the Conservation Commission prior to vegetation maintenance, and only in areas with substantial wetland or conservation land. (e) Ms. Dineen stated NStar had a prior agreement with the Town and it should be held to that agreement, planting what the Town determines to be the best species that will provide the closest function to the originally agreed upon plants.

4. Email, dated May 3, 2005, from Deborah Bulkley Kruskal, opining that NStar's evergreen species are unacceptable as they will not withstand deer damage, deer's favorite food is Taxus, Thuja and Kalmia. While Ilex is hardy to Zone 6, Sudbury is only marginally Zone 6 as it is colder than the towns around due to it being lowland.

Town Manager Valente reviewed new correspondence in this matter. She stated her office had been in touch with Annemarie Walsh, Community Relations Representative for NStar, and that Ms. Walsh was not attending tonight's meeting due to another commitment.

Mr. Stan Kaplan, representing the neighborhood, expressed disappointment that NStar had again reneged on promises and suggested the Board direct Town Counsel get involved to enforce the original agreement NStar had with the Town to maintain the screening. He stated the neighbors had backed off some of their requests in the interest of resolution, and opined this latest development to be a plot to postpone planting until the fall, if at all.

Discussion followed. Chairman O'Brien suggested Town Counsel draft a strong letter stating the schedule and suggested plants are unacceptable, and the reasons why. He added that the letter should emphasize that the Town's original list of suggested plantings was adequate, suitable to the purpose and site specific.

It was suggested that it was a lack of respect on the part of NStar not to attend tonight's meeting.

After discussion, it was on motion unanimously

VOTED: To direct Town Counsel to draft a letter insisting the Town's original list of plantings is suitable and the NStar list will not result in adequate screening, reminding NStar of its original agreement with the Town, and requesting attendance at the Selectmen's meeting on Tuesday, May 17, 2005 at 9:15 p.m., bringing a new planting proposal.

Sudbury Day Committee

Present: Lisa Vitale Barth, Mary Beth Sherrin, Sudbury Day Committee.

The Board reviewed a letter, dated March 15, 2005, from Lisa Vitale Barth, Sudbury Day Committee, requesting, first, use of the Town Common, Town Hall/Peter Noyes School parking lot, Bandstand area, and Heritage Park for the Sudbury Day event to be held on Saturday, September 17, 2005, and, second, to hang a banner over Route 20 at Union Avenue the first week of September until the event and to place a sandwich board sign during the week prior to the event on the Town Common.

Ms. Lisa Vitale Barth distributed copies of the proposed schedule and committee/subcommittee assignments for the event scheduled for September 17, 2005, and briefly reviewed them to update the Board.

Regarding parking areas, Chairman O'Brien suggested closing all Town parking lots to the public, reminding Ms. Barth of the rear Flynn Building parking and the small parking lot between the Loring Parsonage and Town Hall. She concurred, noting the Flynn Building lot he mentioned is usually earmarked for vendor parking. She stated the public is encouraged to park at the church on the other side of Old Sudbury Road and walk over at the crosswalks.

Town Manager Valente stated the Volunteer Recognition worked out well last year and thought it would be good to do it again this year.

There was brief discussion regarding the banner over Route 20. Ms. Barth acknowledged it did not perform well last year due to the hurricane that day, and the committee is making sure it is made of the strongest possible material and secured as much as possible. She stated Fire Chief MacLean has agreed to have the Fire Department hang the banner. Town Manager Valente suggested the Board draft some basic guidelines for use in hanging banners, i.e., construction, materials, number of grommets.

With regard to the sandwich board sign, Town Manager Valente stated no signage is allowed on the Town Common, according to existing Selectmen policy. She stated signs are occasionally placed there, and her office contacts those groups to remove the signs. Ms. Barth stated signs are placed at the Route 20 Fire Station and several other areas around town. The Board advised Ms. Barth to investigate other possible locations in order to keep the Common sign-free; the matter can be discussed at a future meeting as it is several months until the event.

It was on motion unanimously

VOTED: To approve the request of the Sudbury Day Committee to hang a banner across Route 20 at Union Avenue from September 1, 2005 until the week following the event, subject to the approval of the Police and Fire Departments.

Site Plan SP05-379: Sprint Spectrum LLP, 16 North Road

Present: Peter Giard, Atlantic Western Consulting, Inc.; Greg Nawrotzki, Dewberry-Goodkind, Inc.

At 8:42 p.m. Chairman O'Brien convened a Public Hearing to consider the application of Sprint Spectrum LLP, d/b/a Sprint PCS, for approval of a minor Site Plan 05-379, in accordance with Town of Sudbury Zoning Bylaw Article IX, Section 6300 Site Plan Review, to expand the existing SpectraSite facility for wireless communications on property located in the Research District, 16 North Road, Parcel C12-004, owned by the Sudbury Water District, by adding three flush-mounted antennae at a height of 120 feet to the existing tower, with interior cables, and base transceiver station (BTS) units mounted on a 10' x 8' concrete pad comprised of four equipment cabinets in collocation with CellularOne, Cellco Partnership (Bell Atlantic Mobile), and Omnipoint Holdings (T-Mobile).

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on April 14 and 21, 2005. 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 March 7, received March 10, 2005, and revised April 1, 2005, enclosing site plans entitled "Sprint PCS SPECTRA SITE - SUDBURY BS13XC620A", dated August 12, 2004, revised September 2, 2004, September 24, 2004, January 18, 2005, March 1, 2005 and April 1, 2005, comprised of seven sheets drawn by Dewberry-Goodkind, Inc. of Boston, MA.
2. Joint staff report following a January 27, 2005 pre-application meeting, which noted that Sprint has abandoned its plans to jointly construct a new tower on town-owned land in the rear of the gravel pit on North Road because of difficulty in getting utilities to the site and will use this site instead, a Special Permit from the Zoning Board of Appeals is not required, a Water Resource Special Protection District Permit is required from the Planning Board, and an Order of Conditions has been approved by the Conservation Commission, and made the following recommendations:
 - 1) Flush mounted antennas to minimize visual impact
 - 2) A post-construction structural analysis (bond for its cost)
 - 3) Receipt of recommendations from Police and Fire Departments as to their present needs to locate equipment on this tower
 - 4) Installation of jersey barrier if it is not done so prior to the commencement of construction for Sprint
2. Report from the Town Planner to the Planning Board dated April 12, 2005.
3. Report from the Planning Board dated April 28, 2005, recommending that:
 - 1) Comments received by the Selectmen from the pre-application meeting on January 27, 2005 be implemented.
 - 2) Post construction structural analysis be done.
 - 3) The project should be bonded for cost of post-construction structural analysis.
 - 4) Opinion from the Building Inspector should be obtained regarding the need for a Water Resource Special Permit, due to the recent adoption of the revised Water Resource Protection District Bylaw at the 2005 Annual Town Meeting.
 - 5) Installation of jersey barrier required under the previous site plan for this site prior to issuance of a building permit.
 - 6) Recommendations from the Police and Fire Departments be received as to their present needs to locate equipment on this tower.
4. Report dated March 28, 2005, from the Town Engineer/DPW Director stating that 1 1/2" of stone should be placed around the perimeter of the ground-mounted equipment cabinet for a width of 2 ft. to insure infiltration of stormwater runoff into the ground, parking by technicians should not interfere with the day-to-day operation of earth removal from the adjacent borrow pit, and accumulated silt should be removed from the siltation basins and rip-rap and spillway be replaced accordingly. Other comments regarding signature blocks and riverfront reference have been corrected on the plans.
5. Addendum from the Town Engineer/DPW Director dated May 2, 2005, advising the applicant plans to place telephone and electric lines underground to utility poles located along North Road and a Street Opening Permit will be required from the Dept. of Public Works.

6. Report dated April 27, 2005, from the Building Inspector recommending:
 - 1) The existing propane tanks be relocated for safety reasons.
 - 2) Although the application states that all the radio cabinets and equipment will be located within the compound, it appears on the plans that there will be a new fenced area to accommodate this equipment. There should be verification noted on the plans that this expansion will not encroach into the truck right-of-way.
 - 3) Prior to issuance of the Occupancy Permit the structural engineer should review the installation of the antennas and provide the Building Department with a final Construction Control Affidavit.
7. Report dated February 3, 2005, from the Fire Chief stating that the Fire Department desires to reserve no-cost space on the pole and in the cabinets for electronic equipment appropriate to the Department's communication needs, with the equipment provided by the Fire Department and installation at the expense of the applicant.
8. Report from the Health Director dated April 28, 2005, stating there are no Board of Health issues in connection with this application.
9. Report from the Police Chief dated May 3, 2005, stating the police department did not require additional space for its equipment on the Route 117 cell tower. The present equipment is more than adequate for present and foreseeable needs in that area.

Town Manager Valente reviewed correspondence and staff reports received to date.

Utilizing architectural drawings, Mr. Peter Giard, Atlantic Western Consulting, Inc., described the proposed installation. He stated there are currently two providers on the site, Cingular and Verizon, and that T-Mobile received approval last fall. Sprint PCS has leased with the owner of the facility. Mr. Giard stated the telephone and electrical power comes from existing manholes via underground utilities. Sprint PCS equipment will sit on a 10' x 8' concrete pad.

Regarding the antennae, Mr. Giard stated there are presently two platform antennae (Cingular and Verizon) on the monopole at a height of 130 feet; the Sprint PCS antenna will be at a height of 120 feet as stated in the application. He stated this pole and the one at the landfill are very similar in design. Mr. Giard referred to structural drawings depicting the construction of the pole which showed that the top 40 feet of the pole allows internal construction of the antennae (with covering shroud), while the first 60 feet is solid steel with conduit inside. He opined that such a "shroud" application is possible from an engineering perspective, but as the antennae will actually be on the outside of the pole, the available shroud would have to be fairly large to be around the antennae and brackets. He opined further this particular type of pole is not designed for such an application and that something would have to be engineered for it, with no guarantee that it would stand up to high winds. Mr. Giard stated Sprint proposes instead to attach the antennae to the poles as a flush mount attachment, and submitted photos of a pole on Bascom Road in Shrewsbury. He directed the Board's attention to the attached equipment, noting that a shroud on top of that would be very noticeable. He then directed the Board's attention to information provided by Valmont Industries, a manufacturer of the type of brackets he suggests be used in this type of application.

Responding to a question from Chairman O'Brien, Mr. Giard stated the equipment can be painted to match the color of the pole with no impact on performance.

Selectman Drobinski acknowledged the Police Chief's assertion that no space is required at this time for police communications equipment, but asked how Sprint PCS would handle it if such a need occurred in the future. Mr. Giard responded that Sprint does not own the pole, but if Sprint was making such a space

and equipment allocation, the cost would be \$7,000 to \$10,000. Selectman Drobinski suggested that, given the communications problems in North Sudbury, Sprint could donate funds to the Police Department for enhanced communications in lieu of equipment on the pole.

Chairman O'Brien stated this particular facility (150' in height) is grandfathered before the present height restriction of 100' went into effect, and special consideration must be given to the addition of a fourth carrier. He asked if changes in old vs. new technology had any significant impact on performance. Mr. Giard responded it is not a problem, but adapting to pressure from communities wanting to minimize visual blight has posed challenges.

Chairman O'Brien complimented the applicant on a well researched application and site plan package. Mr. Giard responded the previous T-Mobile application served as a good model. Mr. O'Brien asked about a map indicating other Sprint PCS facilities and coverage areas for each. Mr. Giard stated he could bring an RF engineer to the next meeting, if the Board had questions regarding coverage. Selectman Drobinski stated significant information was presented at the T-Mobile hearing regarding flush mount versus other applications. Mr. Giard stated coverage area is only part of the question; the capacity of the signal is important when considering number of calls that can be accommodated or voice vs. data transmission. He opined data transmission will increase as more people use cell phones for email and photos.

Chairman O'Brien briefly described police radio inoperability within the new high school buildings. He asked if Sprint PCS might be interested in providing funding toward a remedy costing \$12,000 to \$70,000, depending on which option is necessary to fix the problem. Mr. Giard responded he would take the request back to Sprint for evaluation. Mr. O'Brien suggested he communicate with the Town Manager who would contact the Police Chief as necessary.

Regarding the propane tank, Mr. Giard stated it belongs to Verizon, and that the Fire Department should be the entity to effect the movement of the tank. Town Manager Valente suggested action can be initiated when T-Mobile applies for the building permit. Mr. Giard will forward the name of a Verizon contact to Ms. Valente.

Regarding a street opening permit, Mr. Giard stated it will not be necessary as power will be accessed via existing manholes and underground utilities.

It was agreed that the applicant will provide coverage maps for review at the next meeting.

It was on motion unanimously

VOTED: To continue this matter until May 17, 2005, at 8 p.m.

Rail Trail Conversion Committee -- Membership

Present: Lisa Nigrelli, 51 Penny Meadow Road; Allan Wallack, 67 Thompson Drive.

Chairman O'Brien stated two members of the Rail Trail Conversion Committee have resigned, leaving seven at large members and two vacancies. He reminded the Board an original at large membership of seven members was suggested, and the Board increased it to nine when establishing the committee.

Town Manager Valente stated her office has received additional responses from interested parties. She stated her office provided information packets containing original applicant/interview information,

mission statement, and new applications for the Board's review. Discussion followed regarding meeting attendance and initial discussions.

Ms. Lisa Nigrelli, 51 Penny Meadow Road, stated that, as her property abuts the trail, she would like to be involved to help make sure the trail is a nice one for all residents, not just one special interest group. Selectman Drobinski responded that the Board has not yet given the committee any direction as yet and that the first steps are to research and evaluate what options are available.

Chairman O'Brien stated there has been concern that a number of committee members are cycling enthusiasts, and there is a difference of opinion regarding trail construction and usability.

Selectman Drobinski suggested interviewing only the new applicants. Selectman Keller asked if it is a little late for new people to be joining in, and suggested leaving the membership at the seven remaining individuals. Town Manager Valente suggested asking the Rail Trail Conversion Committee for their input on that issue.

It was agreed that the Town Manager would contact the new candidates and schedule them for interview with the Board at an upcoming meeting. Chairman O'Brien stated the Rail Trail Conversion Committee meetings are open to the public and encouraged Ms. Nigrelli to attend any prior to the interview meeting.

Gift of Land: Lot 61-A, Cedar Creek Road

The Board reviewed the following information:

1. Letter, dated October 26, 2004, from Peter A. Gallerani III, offering a gift of land to the Town of Sudbury, specifically an unbuildable lot 61-A on Cedar Creek Road. Mr. Gallerani asks the gifted land be used for conservation purposes only. The latest tax bill was included for reference.
2. Letter, dated November 1, 2004, from the Town Manager to Peter A. Gallerani III, acknowledging his offer of land (Lot 61-A/Cedar Creek Road) to the Town, stating the Town would evaluate its interest in the land, and noting this evaluation could last several months.
3. Report, dated November 8, 2004, from the Town Engineer/DPW Director, stating the upland area is within the 100 ft. resource area, the grade of the land is in excess of 12%, the rear portion of the lot is within a drainage easement, and the lot is constrained by the proximity to wetlands, grade and soils. Mr. Place opined the land did not appear to have any value other than conservation purposes, and recommended the Board accept the gift of land.
4. Report, dated November 12, 2004, from the Conservation Commission, stating the lot is almost entirely wetlands with no obvious area to construct a septic system that would meet Title V requirements [residential use]. The Commission opined Town ownership of this land would further the protection of wetlands for flood storage and storm damage prevention, and also permit the installation of storm water "best management" structures, meeting a goal of the 5-year compliance plan. The Commission further encouraged the Selectmen to accept this gift for conservation and storm water mitigation reasons.
5. Letter, dated November 11, 2004, from Christa Collins, Land Protection Specialist, Sudbury Valley Trustees, stating the property is primarily wet, drains into a white cedar swamp, is a relatively unusual habitat type, and merits protection as conservation land. Ms. Collins states further the SVT owns two

nearby parcels and would be willing to consider accepting the gift if the Town is unwilling or unable to do so.

6. Letter, dated April 19, 2005, from Peter A. Gallerani III, restating his gift to the land (referencing the October 2004 letter) and inquiring as to the status of the evaluation of the proposed gift.

7. Report, dated April 27, 2005, from the Director of Assessing, stating the property is listed as unbuildable per the Board of Health, and that a drainage easement runs up the side and across the center of the lot approximately 200' back from the street. Ms. Hafner states further the annual taxes for FY05 are \$84.80, no past taxes are due and its assessed value is \$6,300.

Correspondence was briefly reviewed. Chairman O'Brien opined this land would have little use as it is unsuitable for any function other than recreation or conservation. Discussion followed with regard to the property being primarily wetlands and unsuitability for septic system installation (residential use).

Selectman Drobinski expressed no objection to accepting the gift, noting it would then be under Town control. Selectman Keller suggested accepting the gift unencumbered, and not earmarked only for conservation. Town Manager Valente opined accepting the gift is advantageous, as some land owners simply stop paying the taxes on lots such as this, creating difficult situations. Ms. Valente stated the optimal plan is to acquire the land without expending too much money in the process.

Chairman O'Brien suggested responding to Mr. Gallerani that the Town is interested, but without condition of conservation use only (unencumbered). Ms. Valente opined the Conservation Commission would not be interested in expending ConCom funds to transfer the title. Selectman Keller stated he would prepare the transfer papers at no cost to the Town.

It was on motion unanimously

VOTED: To direct the Town Manager to communicate with Peter A. Gallerani III that the Town wishes to accept the offer of land known as Lot 61-A on Cedar Creek Road, Parcel No. C09 0361, unencumbered, and report to the Board any further communications from the property owner.

Annual Appointments

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

Council on Aging: To appoint Patrick Mullen and Benjamin Stahl, each for a term of three years ending on April 30, 2008, and to reappoint Morton L. Brond for a term of three years ending on April 30, 2008.

Board of Appeals (Associate): To reappoint Stephen A. Garanin for a term of one year to end on April 30, 2006.

Board of Appeals: To reappoint Elizabeth A. Taylor for a term of five years ending on April 30, 2010.

Cable Television Committee: To reappoint Frederick G. Walker (ex-officio), Robert Kavanagh (ex-officio), Margaret R. Fredrickson, Martin Greenstein, Peter Boers, Jeff Winston, and Linda M. Wade, each for a term of one year ending on April 30, 2006.

Capital Improvement Planning: To reappoint Kirsten D. Roopenian for a term of three years ending on April 30, 2008.

Civil Defense, Assistant Director of: To reappoint I. William Place for a term of one year to end on April 30, 2006.

Civil Defense, Director of: To reappoint Kenneth J. MacLean for a term of one year to end on April 30, 2006.

Radio Operator, Civil Defense: To reappoint James S. Idelson for a term of one year to end on April 30, 2006.

Community Preservation Committee: To reappoint John C. Drobinski for a term of three years to end on April 30, 2008.

Constable: To reappoint James D. Conboy and Nelson H. Goldin, each for a term of three years to end on April 30, 2008.

Commission on Disability: To appoint Kirstin B. Kiesel for a term of three years to end on April 30, 2008.

Economic Development Committee: To reappoint John P. Barry, David R. Kerrigan, Thomas W. H. Phelps, Eric D. Poch, Charles D. Katz, John Williams, Michael J. Burkin, Ronald A. Stephan, Abner S. Salant, and Lynn D. Sand, each for a term of three years ending on April 30, 2008.

Fence Viewers: To reappoint John C. Drobinski, William J. Keller, Jr., and Lawrence W. O'Brien, each for a term of one year to end on April 30, 2006.

Historic Districts Commission: To reappoint Linda G. Hawes for a term to end on January 1, 2009, and to reappoint Frank W. Riepe for a term of five years ending on January 1, 2011.

Mass. Bay Transportation Authority Designee: To reappoint Maureen G. Valente for a term of one year ending on April 30, 2006.

Memorial Day Committee: To reappoint Spencer R. Goldstein for a term of three years ending on April 30, 2008.

Metropolitan Area Planning Council: To reappoint Maureen G. Valente for a term of three years to end on April 30, 2008.

MetroWest Growth Management: To reappoint William J. Keller, Jr. for a term of one year to end on April 30, 2006.

Permanent Building Committee: To reappoint Bruce Ey and Michael E. Melnick, each for a term of three years ending on April 30, 2008.

Sealer of Weights and Measures: To reappoint Courtney W. Atkinson for a term of one year ending on April 30, 2006.

Septage Committee: To reappoint Robert A. Gottberg for a term of one year ending on April 30, 2006.

Sudbury Cultural Council: To reappoint William J. Nicholson, Jr. for a term of three years ending on April 30, 2008.

Sudbury Water District Water Resource: To reappoint James F. Occhialini for a term of one year ending on April 30, 2006.

Surveyor of Lumber & Measurer of Wood: To reappoint Russell DiMauro for a term of one year ending on April 30, 2006.

Town Historian: To reappoint Curtis F. Garfield for a term of one year ending on April 30, 2006.

Town Report Committee: To reappoint Beth Farrell, Margaret M. Castoldi, Mary-Ann Gavin, and Anne Hollows, each for a term of one year to end on April 30, 2006.

U.N. Day Chairman: To reappoint Elaine K. McGrath for a term of one year ending on April 30, 2006.

Veterans' Advisory Committee: To reappoint Winifred C. Grinnell, William R. Duckett, Fred H. Hitchcock, Jr., and Spencer R. Goldstein, each for a term of one year ending on April 30, 2006, and to appoint Beverly D. Bentley for a term of one year ending on April 30, 2006.

Youth Commission: To reappoint Catherine A. Dill and Michael W. Precourt, each for a term of one year ending on April 30, 2006.

Chairman O'Brien announced various resignations and thanked those committee members for their service to the Town of Sudbury.

It was on motion unanimously

VOTED: To accept the resignations of the following individuals at the close of term: Irina Petsch (Commission on Disability); Cheryl A. Salatino (Economic Development Committee), Esther Mann and Ron Riggert (Council on Aging) and Mary Jane Hillery (who is resigning from the Memorial Day Committee but will serve through July 4th).

Dissolution of Appointed Committee

It was on motion unanimously

VOTED: To dissolve the Hop Brook Ponds Study Committee and direct that thank you letters be sent to each member.

Town Manager Appointments

It was on motion unanimously

VOTED: To approve the following appointments by the Town Manager:

Conservation Commission: To reappoint Mark C. Ensign and Edward W. Pickering, each for a term of three years ending on April 30, 2008.

Historical Commission: To reappoint Clayton F. Allen and Winfred C. Fitzgerald, each for a term of three years ending on April 30, 2008.

Labor Relations Counsel: To reappoint Sean P. Sweeney for a term of one year to end on April 30, 2006.

Conservation Restrictions

The Board reviewed a report, dated May 3, 2005, from the Conservation Coordinator with the following comments:

- a) Summerfields Subdivision, Meachen and Hunter's Run -- This Conservation Restriction was required as part of the Order of Conditions and in the state's Massachusetts Endangered Species Act permit by state Fish & Wildlife. Ms. Dineen opined the Selectmen had agreed to it several years ago but had not formally voted it due to incomplete documentation at the time.
- b) Provencher, Lot 31, Flintlock Lane -- This Conservation Restriction is required as part of the wetlands Order of Conditions under both the state and local wetlands permit; the lot is 50% wetlands with a pond (not vernal pool), drainage, bordering vegetated wetland, and an intermittent stream. The pond is located partially on this lot and partially on a lot owned by the Town for conservation purposes (gifted to the Town in the 1980s by Fay Hamilton). A complete Conservation Restriction allows the Town to maintain and upgrade drainage as well as enhance the area around the pond for better wildlife habitat. Mitigation for work within 100' of the pond includes removal of invasive plant species and replanting with native plants.

Town Manager Valente reported the documents for a Conservation Restriction to be granted by Vincent Quirk on Lot 4, Newbridge Road were not yet ready, and asked the Board to postpone discussion until a later date. The Board concurred.

After discussion it was on motion unanimously

VOTED: To accept the following Conservation Restrictions:

1. From Briarwood Development Corporation and Oakwood Construction, Inc., 910 Boston Post Road, Marlborough, on portions of the Summerfields Subdivision off Marlboro Road and shown as lots 1, 6, 7, 8, 9A, 11, 12A, 13A, 14A, 15A, 16A, 17, 18, 19, 20 and 22 on a plan of land recorded at Middlesex South District Registry of Deeds in Plan No. 354 of 1998.
2. From Tanya Provencher and Martin Provencher of 1078 Main Street, Waltham, Massachusetts, on the 24,238 Sq.Ft.± portion of an area containing approximately 40,048 Sq.Ft.± known as Lot 31-A Flintlock Lane in the Town of Sudbury, entitled "Proposed Conservation Restriction Area" as shown on a plan entitled "Conservation Restriction Plan Lot 31A Flintlock Lane, Sudbury, MA" dated September 23, 2004, Engineer: Foresite Engineering Associates, Inc., Surveyor: Inland Survey, Inc., d/b/a Zanca Land Surveying, recorded at Middlesex South Registry of Deed at Book 44292, Page 095.

FY06 Trash Disposal Fees

Present: Sharon Tentarelli, 5 Curry Lane.

The Board reviewed the following information: (1) email, dated April 17, 2005, from Sharon Tentarelli, 5 Curry Lane, expressing concern that (a) the price of the small bag increased by 67%, disproportionate to the large size bag (b) some residents do not generate enough trash to fill a small bag even

in two weeks, (c) older residents may not be able to lift the larger bags so small bags should be reasonably priced, and (d) suggesting the Board consider increasing the price of the small bag to \$1.00 (half the price of the large bag) instead of the previously voted \$1.25. (2) Report, dated April 21, 2005, from the DPW Director, in response to Ms. Tentarelli's email, reiterating his earlier comments in suggesting the price increases to offset anticipated shortfall for FY06. He acknowledged a 25-cent increase on the small bag (to \$1.00), combined with other price increases voted by the Board of Selectmen on April 12, 2005, would cover anticipated costs and would be fair and equitable to the users of the Transfer Station. Thus, he recommended the Board reconsider the 15-gallon bag price of \$1.25.

Sharon Tentarelli, 5 Curry Lane, expressed concern that small households and older residents would actually be economically penalized for using the small bags, which are half the size of the large bags. She suggested the bags be priced at \$1.00 for the 15-gallon bag and \$2.00 for the 30-gallon bag. She admitted that 25 cents here and there does not amount to a lot of money, but suggested the change simply to be fair to everyone.

The Board thanked Ms. Tentarelli for her observations and apologized for not considering the need to keep the price of the bags at the same proportion of the costs as before.

After discussion, it was on motion unanimously

VOTED: To amend the vote of April 12, 2005 with regard to FY06 fees for disposal of trash at the Transfer Station, and change the price per 15-gallon trash disposal bag to \$1.00 from \$0.75, reflecting an increase of 25 cents per bag.

Ponds and Waterways Committee – Establish Committee

The Board reviewed an informational packet relative to the establishment of a Ponds and Waterway Committee which contained the following: Report from the Town Manager, original and revised mission statements, staff comments, memos from Stephen Meyer and Frank Lyons, memo suggesting formation of this committee [Fee, Ensign, Griffin] and applications for membership. This matter had been held over from the Selectmen's meeting on March 29, 2005.

There was brief discussion regarding membership and scheduling a time for interviewing candidates. It was agreed to schedule candidate interviews for the Selectmen's meeting on June 7, 2005 at 8:30 p.m. Town Manager Valente will notify all candidates of the date and time.

It was on motion unanimously

VOTED: To establish a Ponds and Waterways Committee as described in the revised mission statement as discussed this evening, and having seven voting members, including representatives of the Planning Board, Conservation Commission, Park and Recreation Commission and four resident-at-large members.

Sudbury Meadows, 534 North Road

The Board reviewed a memo, dated April 28, 2005, from the Town Planner, asking the Board to reconsider its original recommendation to designate the units at the proposed 40B project known as "Sudbury Meadows" at 534 North Road as over-55 housing. Town Planner Kablack offered the following comments: (1) Sudbury already has over 100 age-restricted condo units and only 16 non-age restricted. (2) There is significant potential to create age-restricted units on other properties; non-age restricted are needed greatly. (3) MassHousing has indicated senior ownership affordable units are difficult to sell due to asset restrictions.

(4) Density will likely be reduced if units are non-age restricted, making the site more palatable to neighbors and Conservation Commission.

The Board briefly discussed the points raised in the Town Planner's memo. It was agreed to delete the over-55 age restriction recommendation and send letter with same to Board of Appeals.

It was on motion unanimously

VOTED: To direct the Town Manager to write a letter on behalf of the Board of Selectmen, revising its recommendation to designate the Sudbury Meadows project as over-55 housing, while supporting the other points raised in its letter of April 19, 2005 to the Board of Appeals.

Currier & Chives – One-day Liquor License

The Board reviewed the following information: (1) Request for a one-day liquor license from Currier & Chives Catering for an event at Wolbach Farms on Saturday, May 14, 2005, from 7 p.m. to midnight. There is a fee to attend the event. Beverages (beer, wine, soft drinks) will be served but will be not sold independently. (2) Report, dated May 3, 2005, from the Police Department, stating no cars should be parked on Route 27; a police detail has been requested by the sponsor of the party to direct parking (40 cars) and send overflow to the Methodist Church. Persons parking at the church will be shuttled back to the event. (3) Report, dated May 2, 2005, from the Fire Chief, stating that parking must not hinder fire or rescue access to the building and grounds, maintaining a fire lane at least 18 feet wide; use of smoking materials in the barn should be prohibited, and temporary heating, if used, requires a permit and inspection from the building inspector.

It was on motion unanimously

VOTED: To grant a one-day liquor license to Jody Boyajian, Currier & Chives Catering, 24 Main Street, Maynard, MA 01754, for a fundraising event sponsored by the Wayland Public Schools Foundation to be exercised at Wolbach Farms on Saturday, May 14, 2005, from 7 p.m. to 12 midnight, with TIPS-trained bartenders serving alcoholic beverages, and subject to comments from the Police and Fire Departments.

Police Station – Emergency Generator Installation

It was on motion unanimously

VOTED: To approve a contract with David A. Cochran, Electrical Contractor, for the installation of an emergency generator at the Police Station in the amount of \$21,420, in accordance with the quotation and options submitted in response to the Town's posted request.

Highway Department – Backhoe Loader

It was on motion unanimously

VOTED: Pursuant to 2004 Annual Town Meeting, Article 8, FY05 Capital Budget, to approve the purchase of a Highway Department Backhoe Loader at a cost of \$85,760 under State contract, said sum to be financed over a five-year period at an interest rate of 5.2%.

Fire Department – FEMA Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant of \$14,321 from the Federal Emergency Management Administration (FEMA) for the Fire Department's Assistance to Firefighters 2004 grant program, offsetting the cost of purchasing 34 Scott AV3000 Face Masks with voice amplifier, which were purchased earlier this year.

League of Women Voters – Water District Election

The Board reviewed (1) email, dated November 15, 2004, from Town Counsel, stating the Water District is established by a Special Act of the Legislature and the Town has no control over its actions. As it is a separate entity from the Town, there is no reason for the two elections to be held on the same day nor impact Town Meeting. Mr. Kenny declined further comment; and (2) a letter, dated April 29, 2005, from the League of Women Voters of Sudbury stating it has submitted a warrant article to the Sudbury Water District annual warrant to change Water District bylaws so that its election of officers will be held at the same date, time and place as the annual Sudbury Town Election. The League has asked for time to meet with the Board to discuss the matter, and whether any action must be entirely within the venue of the Water District.

Town Manager Valente stated she had also received a letter from State Senator Susan Pope, asking for the Board's input on this matter.

It was agreed the Town Manager would consult with the League of Women Voters to schedule a time at a future Selectmen's meeting.

Municipal Relief Act

Town Manager Valente reported that the Municipal Relief Act will expire on June 30, 2005, and asked for the Board's input.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to draft a letter to State Senator Susan Pope requesting that the Municipal Relief Act be extended for several years past its expiration date of June 30, 2005.

Executive Session

At 11:00 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussion collective bargaining and litigation matters as well as negotiations on real property.

Chairman O'Brien 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