

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 2005

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

The statutory requirement for notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman O'Brien reminded residents of the HOPEsudbury Telethon to be held on October 29 at the Lincoln-Sudbury Regional High School. He encouraged everyone to bid on auction items to raise funds for various HOPEsudbury community outreach programs.

On behalf of the Board, Vice Chairman Keller acknowledged that persons of the Jewish faith were in the middle of their High Holidays and wished everyone meaningful celebration of this time.

Clerk Pro Tem

Chairman O'Brien announced that, due to flight problems, Town Manager Valente was unable to return to Massachusetts, and that Assistant Town Manager Wayne Walker would take her place at tonight's meeting.

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Wayne Walker as Clerk Pro Tem for the duration of tonight's proceedings.

Brookside Farm Subdivision – Easements and Deeds

Present: David Wallace, Attorney; Robert Granich.

Mr. David Wallace, Attorney, stated he and Robert Granich were available to the Board if it had any questions about any documents considered this evening with regard to the Brookside Farm Subdivision.

Assistant Town Manager Wayne Walker stated all documents have been reviewed and approved by Town Counsel.

After brief discussion, it was on motion unanimously

VOTED: To accept and sign the following documents relative to the Brookside Farm Subdivision, required by the Sudbury Planning Board, subject to approval of the finalized documents by Town Counsel:

- 1) Drainage Easement granted by Terra Holdings, LLC, on the way named Brookside Farm Lane and those areas marked 'DRAINAGE, IRRIGATION AND UTILITY EASEMENT' on "Definitive Plan 'Brookside Farm' in Sudbury, Massachusetts", prepared by Sullivan, Connors and Associates, dated January 21, 2005, last revised August 3, 2005.
- 2) Access Easement granted by Theresa Letteri, Joseph Lettery, Frank Letteri, George Lettery, Mary Finelli, and Elizabeth Lettery Ferrante, on land described as "20' WIDE ACCESS, EGRESS, UTILITY

& MAINTENANCE EASEMENT" on "Definitive Plan 'Brookside Farm' in Sudbury, Massachusetts", prepared by Sullivan, Connors and Associates, dated January 21, 2005, last revised August 3, 2005.

3) Sight Distance Easement granted by Terra Holdings, LLC, on a strip of land running parallel to the lot lines of Lot 1 and Lot 9 as said lot line abuts Landham Road and shown as "10' WIDE SIGHT DISTANCE EASEMENT" on "Definitive Plan 'Brookside Farm' in Sudbury, Massachusetts", prepared by Sullivan, Connors and Associates, dated January 21, 2005, last revised August 3, 2005.

4) Quitclaim Deed granted for conservation purposes by Frank Letteri, Jr., George Lettery, Theresa Letteri, Joseph Lettery, Mary Finelli, and Elizabeth Lettery Ferrante to a parcel of land on the easterly side of Landham Road, containing 419,359 square feet, shown as "OPEN SPACE" on "Definitive Plan 'Brookside Farm' in Sudbury, Massachusetts", prepared by Sullivan, Connors and Associates, dated January 21, 2005, last revised August 3, 2005.

5) Quitclaim Deed granted for conservation purposes by Theresa Letteri, Joseph Lettery, Frank Letteri, George Lettery, Mary Lettery Finelli, and Elizabeth Lettery Ferrante to a parcel of land on the easterly side of Landham Road, containing 239,922 square feet, shown as Lot 10 on "Definitive Plan 'Brookside Farm' in Sudbury, Massachusetts", prepared by Sullivan, Connors and Associates, dated January 21, 2005, last revised August 3, 2005.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular of September 20, 2005, as drafted.

Cemetery Lot and Fee Waivers

It was on motion unanimously

VOTED: To confirm the approval of fee waivers for purchase of a cemetery lot and grave opening charge for the interment for Joseph A. Wilson, 8 Oakwood Drive, as requested by the family.

Tree Replacement Fund – Donation

It was on motion unanimously

VOTED: To accept a donation of \$2,400 to the Tree Replacement Fund from Mr. Edmund Sears as a deduction from the Fieldstone Farm Cash Bond, as approved by the Planning Board at its meeting of September 14, 2005.

Discretionary Fund – Donation

It was on motion unanimously

VOTED: To accept a donation of \$100 from Chris M. Lee, 143 Moore Road, Sudbury, to be deposited into the Discretionary Fund and used for purposes of said Fund, as communicated by Martha Lynn, Community Social Worker.

Constable Bond – Nelson H. Goldin

It was on motion unanimously

VOTED: To accept Bond #BON-1719128, for Constable Nelson H. Goldin, in the amount of \$5,000, and place same on file with the Town Clerk.

Sudbury Cultural Council

It was on motion unanimously

VOTED: To appoint Sarah B. Cunningham, 75 Indian Ridge Road, and Susan G. Johnson, 51 Normandy Drive, to the Sudbury Cultural Council, each for a three-year term expiring October 11, 2008, replacing Ellen Hoffman and Patricia Bodenstab, who have served as members for the maximum of six years, as recommended by said Council, and to send a letter of thanks to Ellen Hoffman and Patricia Bodenstab for their years of service.

Double Pole Legislation

The Board reviewed information on proposed legislation regarding double poles and the time period in which to remove a double [second/unnecessary] pole after utilities have been removed. Utility companies have not complied with the 90-day time period for such removal, and the legislation would establish uniform enforcement of MGL, c. 164, s. 34B which states the 90-day period.

All members of the Board are in support of Bill 1675. Chairman O'Brien noted that residents James and Jennifer Gardner have been closely monitoring the double pole situation and offered the Board's appreciation for their efforts. He indicated that he felt the Board should leave to the discretion of the Town Manager the matter of how and to which involved parties the update spreadsheet prepared by the Gardners should be distributed to, so as to insure the most expeditious removal of the remaining double poles.

It was also mentioned that some fire alarm equipment remains on poles with no other utilities. The Board asked that the Fire Chief be contacted about removal of those boxes.

It was on motion unanimously

VOTED: To send a letter of support for Bill 1675, and to contact the Fire Chief about removal of fire boxes.

Cummings Properties – Extension

At 8:00 p.m. Vice Chairman Keller welcomed Susan Brand, General Counsel for Cummings Properties, LLC, to consider a two-year extension of the site plan approval granted November 5, 2001, and extended to November 6, 2005, concerning SP01-361 for property at 142 North Road. As Chairman O'Brien was not present when this matter was heard on September 20, 2005, he stepped aside as chair. Selectman Drobinski again recused himself from any vote in this matter.

The Board reviewed the following new information: (1) memo, dated October 6, 2005, from Michael Pascavage, Cummings Properties, to the Town Planner, stating Cummings does not have the capacity to take on the task of plowing snow on the main entry road to Frost Farm Condominiums. He stated

they have little equipment or staff in the area, expressed concern for the liability of maintaining the road, and stated those reasons were the impetus in putting that responsibility on the Frost Farm community, as noted in the original agreement. (2) report, dated October 7, 2005, from the Conservation Coordinator, stating the Conservation Commission strongly opposed granting another extension. Concern was expressed for the potential "grandfathering" that would alleviate compliance from certain regulations, as well as not addressing wetlands alterations occurring over time, and how those changes impact the original site plan approval.

Ms. Susan Brand, General Counsel for Cummings Properties, LLC, stated the construction has not yet begun on the new building due to continuing litigation involving Cummings and abutters to the property. She stated one case has been dismissed, while another has filed a motion for summary judgment. She opined this action prevents moving forward on the construction, and therefore, was good and sufficient cause for granting the extension. She stated a timetable for construction cannot be determined until the Land Court makes its decision. She opined such a decision would have to be soon, in order for construction to begin before the ground freezes.

With regard to parking concerns, Ms. Brand stated that in compliance with their request State Police Crime Lab personnel are not parking in the Frost Farm Drive. It was noted that the DPW Director gave Frost Farm two "No Parking" signs to be installed at the corner, which should further help to eliminate inappropriate parking.

There was brief discussion regarding snow plowing of the Frost Farm driveway. Ms. Brand stated the original agreement with Frost Farm was that Cummings would not take on that responsibility due to limited staff and equipment at the site. She opined that, even with the new Crime Lab at the complex, it is open only weekdays with limited personnel.

Selectman Drobinski noted the Conservation Coordinator's concerns about changes in regulations taking place and not being considered when extensions are granted. He stated that, for this particular site plan, one of the main concerns is drainage, and that stormwater regulations have been in place for a number of years without any changes.

It was on motion

VOTED: To grant a two-year extension until November 6, 2007, of the site plan approval granted November 5, 2001, and extended to November 6, 2005, concerning SP01-361 for property at 142 North Road. (Chairman O'Brien, aye, Vice Chairman Keller, aye, Selectman Drobinski, abstain).

At this time, Vice Chairman Keller returned the gavel to Chairman O'Brien.

Package Goods Store Licenses – Proposed Increase in Fees

The Board reviewed a memo, dated October 6, 2005, from Jan Silva, Administrative Assistant to the Board of Selectmen, stating review of the Town's fee schedule showed Sudbury indicated an area where an increase in fees may be warranted. Ms. Silva suggested consideration of increasing Package Store Alcoholic Beverages Licenses from \$2,000 to \$2,500 per year, and Package Store Wine and Malt Beverages Only from \$1,200 to \$1,500 per year, and asked if the Board wished to schedule this matter on a future agenda.

After discussion, it was agreed to invite store owners to a public hearing to be held on October 25, 2005, to gain input on impact of increasing fees, and to include the club license fee in the list for potential increase.

Pine Lakes – Stop Sign Issue

The Board reviewed the following new information with regard to removal of stop signs in the Pine Lakes area or placement of additional signs: (1) letter, dated September 23, 2005, from Jo-Ann Howe, reiterating her concerns over stop signs and the inequity of where those signs are placed, and providing photographs of sight obstructions and child playing in street unsupervised by an adult. (2) report, dated October 11, 2005, from the Police Chief, recommending the use of Caution Children signs at various locations if the Board feels that additional signs are warranted, and stating that bushes and small trees are obstructing line of sight [view] at six locations; specifically, Basswood at Willis Lake, Beechwood at Willis Lake, Pinewood at Willis Lake, Oakwood at Crystal Lake, Maplewood at Crystal Lake and Basswood at Crystal Lake. Chief Fadgen stated that, after the DPW Director looks at these obstructions to see if they can be eliminated, the Police Department will be in a better position to assess what other safety issues might need to be addressed.

Selectman Keller suggested placement of a stop sign approximately half way into the neighborhood, just to stop the flow of traffic after turning off Hudson Road. He opined that might successfully slow motorists while proceeding through the area.

After discussion, it was decided to request a further assessment from the Police Chief on the advisability of installing an additional stop sign or signs in the area as suggested by Selectman Keller, to reiterate the Board's previous authorization for sight obstructions and traffic impediments to be eliminated at the discretion of the D.P.W. Director, and to schedule a public hearing to allow input on these issues.

It was on motion unanimously

VOTED: To instruct the Town Manager to ask the Police Chief to examine the suggestion of placing a stop sign halfway into the area to help curb the flow of traffic, to forward the Police Chief's October 11th report to the DPW Director for action, and to schedule a Public Hearing after obstructions have been eliminated.

2006 Annual Town Meeting Articles

The Board reviewed a draft list of potential articles for 2006 Annual Town Meeting. Assistant Town Manager Walker stated this was a very preliminary list and asked for the Board's input on other topics it wished to consider. After discussion, it was agreed to place this matter on the agenda again for Town Manager Valente's input.

Electronic Sign Boards

Assistant Town Manager Walker asked for the Board's input on recently-acquired electronic sign boards being used by various organizations around Town, in addition to announcing traffic/roadway changes.

Selectman Keller opined overhead banners are more pleasing to the eye and suggested expanding the use of those for selected occasions and that use of the electronic sign boards should be restricted to use for public safety issues.

After discussion, it was on motion unanimously

VOTED: To instruct the Town Manager to restrict usage of the electronic sign boards for public safety purposes.

Skate Park

Assistant Town Manager Walker asked for the Board's input on the continued use of the skate park and referred them to Ms. Valente's memo noting problems. After discussion, it was agreed to schedule a discussion of skate park issues subsequent to information/recommendations being submitted by staff.

Willis Hills – Easements

At the request of the Planning Board, and upon the recommendation of Town Counsel, it was on motion unanimously

VOTED: To accept the following easements in connection with the Willis Hill II subdivision development as shown on a plan of the subdivision entitled "Willis Hill II" drawn by Thomas Land Surveyors & Engineering Consultants, Inc., dated February 1, 2000, last revised August 1, 2005:

Drainage Easement from Mattie C Realty Trust, Deborah J. Guillet, Trustee, dated October 7, 2005, on Lots WR-8 and WR-9, including access from Kendra Lane across the 50' wide right of way serving Lots WR-8, WR-9, and WR-10;

Sight Easement & Restrictions granted by Eamon M. O'Malley and Johanna M. O'Malley, 46 Cudworth Lane, on a portion of Lot 36A (corner of Cudworth and Kendra Lanes), dated September 29, 2005; and

Sight Easement & Restriction granted by Eric Brock and Susan Brock, 56 Cudworth Lane, on a portion of Lot 37A (corner of Cudworth and Kendra Lanes), dated September 29, 2005.

Employee Health Plans/Medicare

Assistant Town Manager Walker reported he would be bring new information on proposed health plan premiums as well as details on the new Medicare prescription drug mandate to the next Selectmen's meeting.

Senior Tax Exemptions

The Board was in receipt of a report dated September 2005 from the State Auditor entitled, "The State Auditor's Report on the Local Financial Impact of Property Tax Exemptions for Senior Citizens". The Board asked that the Town Manager refer the report to the Board of Assessors and Council on Aging and schedule discussion at a later date.

There being no further business, the meeting adjourned at 9:05 p.m.

Attest: _____
Wayne R. Walker
Asst. Town Mgr/Clerk Pro Tem

