

IN BOARD OF SELECTMEN
TUESDAY, SEPTEMBER 20, 2005

Present: Chairman Lawrence W. O'Brien (arrived at 7:55 p.m.), Vice Chairman William J. Keller, Jr., and Selectman John C. Drobinski.

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

Opening Remarks

Vice Chairman Keller announced that John Godsey, father of Town Manager Maureen Valente, had recently passed away. He gave a brief review of Mr. Godsey's life and accomplishments, and stated that anyone wishing to make a memorial contribution should do so through the American Red Cross for victims of Hurricane Katrina.

Clerk Pro Tem

Due to Town Manager Valente's absence for her father's funeral, it was on motion

VOTED: To appoint Assistant Town Manager Wayne Walker as Clerk for the duration of these proceedings.

Assabet River National Wildlife Refuge

Present: Michael Dixon, Great Meadows Wildlife Refuge.

Ranger Michael Dixon, Great Meadows Wildlife Refuge, briefly described the upcoming Grand Opening of the Assabet River National Wildlife Refuge on Hudson Road. The event will take place on Sunday, October 23, from noon to 4:00 p.m. Mr. Dixon stated activities would include animals, live music, guest speakers, and noted that elected officials such as Pam Resor and Martin Meehan had indicated they would attend. He respectfully invited the Board of Selectmen to attend as well.

Responding to a question from Selectman Drobinski, Mr. Dixon stated the plans for the new Visitor Center are proceeding, and the Grand Opening on October 23 will serve to tie all elements together.

The Board thanked Ranger Dixon for his presentation and promised at least one Selectman would be in attendance at the Grand Opening.

Cummings Properties – Extension of Site Plan Approval

Present: Michael Aveni, Project Architect.

The Board met to discuss a request, dated September 7, 2005, from Cummings Properties, asking for a two-year extension of the site plan approval granted November 5, 2001 and previously extended to November 6, 2005, relative to Application SP01-361 for property at 142 North Road.

Selectman Drobinski recused himself from any vote pertaining to this site plan, as he has done in the past.

Mr. Michael Aveni, Project Architect, representing Cummings Properties, stated that, due to the property being the subject of a Land Court case still pending, construction relative to this site plan approval has not yet commenced. The court case was filed by abutters to the property relative to the granting of a Water Resource Protection District Special Permit. He asked for the proposed two-year extension.

Vice Chairman Keller commented that the State Crime Lab annex has moved into the location and asked if there were parking issues. Mr. Aveni responded that, to his knowledge, the other tenants have not made any complaints regarding parking.

Due to Chairman O'Brien's absence, no action could be taken on this matter, as Town bylaws require all matters connected with Site Plan Review must have a unanimous vote from all Selectmen.

Vice Chairman Keller asked Mr. Aveni to look into remaining Frost Farm issues such as snow removal, and suggested he coordinate that effort with the Town Planner.

It was agreed to hold this matter until the Selectmen's meeting on October 11, 2005 at 7:45 p.m. when all members of the Board of Selectmen would be present.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of September 6, 2005.

Board of Selectmen 2006 Meeting Schedule

It was on motion unanimously

VOTED: To confirm approval of the Board of Selectmen 2006 meeting schedule with the revised date of Thursday, September 21, 2006, as a substitute for September 20.

Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: to appoint Ulrike A. Novick, 38 Cranberry Circle to the Sudbury Day Committee for an indefinite term, as requested by said Committee in a letter dated September 8, 2005.

Board of Selectmen Policies and Procedures

The Board reviewed a revised Budget Policies document, specifically sections adding in Minuteman Regional Vocational Technical High School, explanatory statements, and a protection of credit rating.

After brief discussion, it was on motion unanimously

VOTED: To amend the Board of Selectmen's Policies and Procedures by adding a new policy entitled, "Board of Selectmen's Budget Policies", as prepared by the Town Manager.

Freedom's Way Heritage Area and Commission

The Board reviewed information relative to Freedom's Way Heritage Association, which asked for a letter of support for pending legislation designating Freedom's Way as a Massachusetts heritage area. The Town of Sudbury is included in the coverage area. The Board also reviewed a draft letter of support prepared by Town Manager Valente.

After brief discussion, it was on motion unanimously

VOTED: To send the prepared letter supporting legislation establishing a Freedom's Way Heritage area and commission in Massachusetts.

Sudbury Village – Boston Post Road

Present: David Wallace, Attorney, Russell Tanner, Project Manager, Mark Boudry, Project Engineer, Holly Darzen, Architect, representing developer; William Sclarsic, Davis Companies

At 8:00 p.m. Chairman O'Brien welcomed a contingent representing TD Sudbury Village LLC, the developers of a proposed Chapter 40B townhouse development to be known as Sudbury Village on property located at addresses #275, #289 and #303 Boston Post Road. Comments must be provided to Massachusetts Housing Finance Agency by September 22, 2005.

The Board reviewed minutes from a pre-application meeting held on September 15, 2005.

Mr. David Wallace, Attorney for TD Sudbury Village LLC, stated several entities have come together as partners, TD Sudbury Village LLC, Tanner Development and the Davis Companies, in the development of this 40B community. He stated the community would be a 66-unit townhouse community just east of East Sudbury Village, immediately before the King Philip Historic District. Mr. Wallace opined this development would be something of a "gateway" to the historic district. He clarified that, of the 66 units, 17 would be designated as affordable.

Mr. Wallace stated the project group met recently with the department heads with generally favorable review and good input.

Mr. Russ Tanner, TD Sudbury Village LLC and Tanner Development, stated he has been working with mixed income housing projects for over 20 years. Of the 66 proposed units, 17 would be designated as affordable for first-time buyers. He stated they would like to establish a local preference, meaning Sudbury residents and people working for the Town would be given first consideration.

Utilizing drawings and aerial photographs, Ms. Holly Darzen, Architect, reviewed the plans for the proposed development. She pointed out riverfront areas, wetlands and buffer areas as well. She stated the existing Feinberg house on the property is presently not included in area to be developed. The detached garages have already been demolished.

Ms. Darzen stated discussion continues as to whether there should be one entrance or two, one way or not, etc. All units will now have attached garages, which was not the original concept. Building exteriors will blend in with the historic appearance of surrounding areas, but remain somewhat contemporary. Streetscape renderings were also reviewed. Ms. Darzen stated original plans featured buildings closer to

Boston Post Road, but more recent plans have moved buildings away from the road, featuring more greenery along the roadway.

Mr. Mark Boudry, Project Engineer, pointed out proposed driveway entrances. He stated using the existing drive to #275 does not provide enough sight distance and is not being considered. Entrance via #289 is more palatable but final decision has not been made. He reviewed parking areas for both residents and visitors, in addition to parking at individual units.

Mr. Boudry stated that, from a wastewater standpoint, they would be required to perform on-site treatment and disposal. They are currently considering the area behind the Feinberg property for this function. There are no large amenities such as swimming pools planned for this development, other than the individual units. Mr. Boudry stated there would be one small community center for the whole project. As the project evolves, smaller elements may be moved around somewhat.

Selectman Drobinski asked how the wastewater flow would be handled. Mr. Boudry responded that flow would be drawn by gravity to the treatment area, then lifted from the treatment area by pump into the disposal area.

Selectman Drobinski stated his preference for what Mr. Boudry called "the green plan" with increased greenery on the streetscape. Mr. Tanner stated that is their preference as well, and asked the Board to reference that streetscape in its comments to MassHousing.

Referring to the Town Planner's comments in the minutes of the September 15 meeting, Selectman Drobinski asked about buy-down units to be purchased by the Town. Mr. Tanner stated they were willing to consider that aspect, but details are yet to be worked out.

Selectman Drobinski commented that, as the project is so near the historic district, the developer pay close attention to exterior details, and stated he was pleased to hear they intend to do so.

Selectman Keller asked about density within the project. Mr. Tenner stated there are approximately six units per acre of land, which is a fairly common percentage in these kinds of developments. Tighter density would be more of a rowhouse kind of arrangement.

Selectman Keller asked about the potential for schoolchildren living within the project, and the impact on schools. Mr. Tanner responded a mixture of two- and three-bedroom units is being proposed. He stated that, based on established reports, people are having fewer children or prefer a single-family home with more of a neighborhood and yard. He stated age-restricted projects meet a need within certain communities, but that this one is not going to be age-restricted. Mr. Tanner opined that the affordable units could likely have children residing in them.

Mr. Wallace stated that, in the Carriage Lane development on Route 20, only one child is living in an affordable unit, and none elsewhere within that community. He stated these developments tend to attract empty nesters or single people who do not have children. Responding to a question from Selectman Keller, Mr. Wallace stated Carriage Lane is comprised of mostly professional people, and a few had lived in Sudbury previously.

Responding to a question from Selectman Drobinski, Mr. Wallace stated the market prices for the units will range from mid-\$500,000s to low \$600,000s. Mr. Drobinski remarked that the sale of these units will increase the Town's tax base significantly.

Mr. Hans Helgeson, 4 King Philip Road, expressed concern about increased traffic on King Philip Road once this development is complete. He stated that, when the day care opened, motorists would turn right onto King Philip, then continue in a loop in order to enter the day care driveway, as a left hand turn off Route 20 was prohibited.

Board members indicated that they would request input from appropriate departmental staff concerning traffic flow options in the vicinity for optimal traffic safety.

After discussion, the Board agreed on the following recommendations to be included in comments for MassHousing:

- 1) The developer agree to a "local" preference to Sudbury residents and/or Town Employees, by lottery, for the affordable units.
- 2) Ten (10) market rate units be designated as age-restricted over-55 units, as well as the three (3) buy-down units the Town will purchase.
- 3) The developer research potential traffic situations caused by additional traffic on Boston Post Road and address these in the form of mitigation and/or traffic slowing measures. Particular attention should be paid to increased traffic volume, and impact on King Philip Road and the intersection of Boston Post Road/Landham Road. (Motorists traveling westbound on Boston Post Road may wish to turn left into the condominium community, thereby causing traffic backup on that road.)
- 4) The developer to construct a walkway on the southerly side of Boston Post Road from the condominium community along Boston Post Road over to the Mill Village Shopping Plaza. In addition, the developer should make certain the development has access to the former MBTA rail bed, should that become a rail trail or other such avenue in the future.
- 5) The Selectmen have a decided preference for the "green" plan in which the condominium community was set farther back from Boston Post Road, and the roadside area was landscaped more extensively than the original plan. The Board prefers a green streetscape that would reflect the Town's vision of a rural community and seamlessly blend into it.
- 6) The developer to make certain the exterior design of the units is visually compatible with surrounding homes and structures, given its close proximity to the King Philip Historic District. Toward this end, it is suggested the developer meet with the Historic Districts Commission and the Design Review Board.

Town Forum

At 9:00 p.m. Chairman O'Brien convened Town Forum, during which time the Goodnow Library Trustees met with the Board.

Mr. William Talentino, Director, Goodnow Library, updated the Board on recent activities. He stated circulation is over 320,000 items for this year, this being the first year the library circulated over 300,000 items. He opined 60% of total circulation is for adult materials, while the remaining percentage is for children's items. Mr. Talentino stated book discussion groups for young adults are becoming popular, with siblings often joining. Evening hours have been extended by one half-hour, which is appreciated by

many people. With regard to archived historical information, he stated the library receives email requests from all over the country from people looking for information about the area. Other topics of discussion included volunteerism, surveys, website development, expanded services, strategic planning, staff update, and budget forecasting.

The report concluded at 9:25 p.m. Refreshments were served.

Dog Hearing – Gijbertus Brandse, Owner

Present: Gijbertus Brandse, Owner; Paul Kenny, Town Counsel; Betsy DeWallace, Sudbury Dog Officer; Paula Adelson, Assistant Dog Officer, numerous residents.

At 9:34 p.m. Chairman O'Brien reconvened a Public Hearing to further consider a complaint dated August 24, 2005, by Betsy DeWallace, Dog Officer for the Town of Sudbury, against two Boxer dogs, Rocky and Ozzie, harbored by Gijbertus Brandse at 82 Old Garrison Road.

Mr. Paul Kenny, Town Counsel, swore in all individuals who planned to speak at tonight's hearing.

For the benefit of viewers and attendees, Chairman O'Brien outlined the procedure for tonight's hearing, beginning with a recap of the complaint and previous hearing. He stated a letter containing the Board's vote was delivered to the Brandse family by a uniformed Sudbury police officer. The dogs had been declared as vicious and were to be restricted at all times to the inside of the owner's dwelling and restrained on a leash when taken outdoors.

Mr. Gijbertus Brandse, 82 Old Garrison Road, apologized for his absence at the previous hearing and stated he had marked the wrong date on his calendar. He also apologized to the victims of the August 24 attack, having spoken with each of them personally.

Regarding an alleged attack on a delivery person in January of 2005, Mr. Brandse stated that although one of the dogs did in fact approach the delivery man while on his property, the minor contact which occurred resulted only in a minor scratch on the man's leg, and stated witnesses were present to testify to that point.

Mr. Brandse stated further he was not provided with any information regarding an incident on May 18, 2004, with the exception of a letter responding to his communication. He stated he did not receive a notice of the court hearing in Framingham Court. Later, he did appear in criminal court as required, but as no one appeared for the Town of Sudbury, the case was dismissed.

Mr. Brandse expressed disappointment that the case has, in his view, been blown out of proportion, heightened by emotion, complete with articles in the newspapers. He opined that destroying the dogs based on two minor incidents was simply ridiculous, and that the dogs are not vicious. He stated Ms. Adelson met the dogs and he did not believe they were vicious to her.

Selectman Drobinski stated the "vicious" designation was based on the ferocity of attack, that the skin was broken, and victims sought medical assistance. He stated further that destroying animals is not something the Board seeks to do, and has done only on one occasion. Mr. Drobinski stated the Board's main concern is that of public safety.

Mr. Edward Kurswick, 12 Second Street, Natick, stated he is a contractor and has been working at the Brandse home for several months. He stated the dogs have never been a problem while he or his crew have been there. On the January date in question, the delivery person came to the door and the son answered the door, and the dogs were with him. Mr. Kurswick stated the dogs were behaving fine, until the delivery person started sort of kicking at them, and backing away. Mr. Kurswick stated he asked the delivery man what happened, and he responded that the dogs were barking at him. The man pulled up his pants leg and showed him what appeared to be a scratch. Mr. Kurswick stated he was not allowed to give a statement to the police, who were called by the delivery man's supervisor.

Mr. Kurswick stated he has seen the dogs stop at the line where the invisible fence is laid out, looking at people and toys on the other side. He stated he has seen people walk by without incident. He opined the some people are not "dog people" and dogs can sense that. He stated the dogs have been nice to him, even licking his face when working on the stairway inside the house. He stated that, on the other hand, he has seen people walking by pick up a rock and throw it at the dogs in the yard.

Responding to a question from Chairman O'Brien, Mr. Kurswick stated the scratch on the man's leg looked like something a person would get playing football or something, and that there was no blood.

Responding to a question from Selectman Drobinski, Mr. Kurswick stated he has never seen the dogs go after anyone.

Chairman O'Brien asked about the invisible fence and how far back from the street the fence is located. Mr. Brandse stated there are two invisible fences, one being 50 feet from the street, and the other is fairly close to the house. Mr. O'Brien asked how the dogs could get past those fences to attack joggers in the street. Mr. Brandse opined a power outage could have affected the electronic collars, but stated he checks the collars on a regular basis.

Selectman Keller asked how long the Brandse family has owned the dogs. Mr. Brandse stated he has owned one dog for six years, the other for three. He stated the first electric fence was installed approximately two years ago, and the second one was installed in May of 2004, to serve as a double precaution. He stated his wife was concerned about the dogs possibly getting into the garden area. He stated the same frequency is used on both collars.

Responding to a question from Selectman Drobinski, Mr. Brandse stated he has never witnessed the dogs breaking through the electric fence. When he has to take the dogs off the property, he does do with the dogs inside the car. The dogs are not shocked as somehow the metal in the car disrupts the electric current. He stated there is no other way for the dogs to exit the property.

Selectman Drobinski stated he once had a dog that occasionally went through the electric fence. He asked the attendees if anyone had seen it happen.

David Brandse, 82 Old Garrison Road, stated the only escape incident he has seen is the most recent one where he heard the dogs barking and noticed the dogs out.

Kyle Brandse, 82 Old Garrison Road, stated the dogs were out, and he heard the dogs barking. He called the dogs back, put them in the house, and went out to ask if the joggers were all right. He stated his belief that the joggers seemed aggravated but not distressed. He stated he apologized, which was the exchange of words. Selectman Drobinski asked if the jogger showed him his injury. Mr. Brandse stated he did not, but instead kept on running.

Ms. Geraldine Berkowitz Martin, 81 Old Garrison Road, stated she has lived on that street for three years. She stated she never sees the dogs anymore as they are confined to the area in the back. She stated she always found them to be nice dogs. Ms. Martin stated one evening last summer she was working in her yard, when she heard Rocky barking at her. She stated Mr. Brandse opined he was barking at the rake in her hand. Later the dog came over and licked her hand. Ms. Martin stated she sees many dogs barking at passersby around town, and opined that many of them are confined behind electric fences. Ms. Martin acknowledged the dogs are large dogs, and when at play, could knock a person down.

Selectman Drobinski asked Ms. Martin for a possible explanation as to how dogs that are allegedly so nice could attack a jogger in the manner described. She replied that dogs can be very high strung, or perhaps react with fear. She stated a dog may become frightened and bark at an approaching figure like a jogger. She opined the electric fences appear to adequately contain the dogs, although when she has seen them lately they have been accompanied and controlled by responsible family members.

Selectman Keller asked if the training flags had been used when training the dogs to the electric fence. Mr. Brandse stated they had used the flags and left them up for quite a while. Selectman Drobinski recalled the jogger may not have been able to tell which of the dogs actually bit him, as the dogs were biting him around the ankles and legs, and attempting to jump onto his chest. Mr. Brandse opined that perhaps the attacks have been misinterpreted as the dogs wanting to play, and that he himself has received scratches.

Regarding the August incident, Ms. Martin opined the front door must have been open, as the dogs otherwise would not have been out. Chairman O'Brien opined that, at 7:30 a.m., joggers would expect little activity on residential streets, and wondered why a door would be left open when the dogs were supposed to be restrained inside the house.

Nathan Cantrell, Arlington Mass, stated he has been friends with the Brandse family and the dogs for several years. He stated he loves these dogs, they are good dogs, and all the people at tonight's meeting love the dogs. He stated that even though the dogs are large, they behave very well. He stated he has never seen them outside the invisible fence perimeter, and they always stay close to the house if outdoors. He opined they do not deserve to be destroyed. Mr. Cantrell opined further they would never be able to harm an old woman or child.

Chairman O'Brien stated the Board has written testimony from three people who were attacked by the dogs, two of those needing to seek medical attention. He referred to an earlier dog attack in which an elderly man was severely injured by two other dogs. He stated those owners also said the dogs were nice. Mr. O'Brien stated the Board cannot ignore the fact that blood was drawn, and police reports filed. He reiterated the Board's responsibility to ensure public safety.

Mr. Cantrell stated he lived in Sudbury for several years before moving to Arlington. He stated he understands how things can be blown out of proportion, and opined that the dogs could never be vicious, despite what reports say.

Mr. Nathaniel Smith, 35 July Road, stated his mother hates dogs, and she met the dogs at a barbecue at the Brandse home. He stated these were the only dogs she ever would approach, and she wrote a letter to that effect for the hearing. He acknowledged the dogs are excitable, but going beyond reasonable measures to restrain the animals would be ridiculous.

Dr. Linda Jordan Kraus, Newton, Mass., stated she has never lived in Sudbury and is a high school teacher who previously had the Brandse boys in classes. She stated she has known the family and dogs for a number of years, and the dogs have been on her property and even played with her children. She stated she is a former Newton alderman, and knows how difficult the Board's decision can be. Ms. Kraus opined she also knows how heartbreaking it would be to destroy a child's pet. She asked if there could not be a reasonable solution, such as the construction of a chain link enclosure with kennel. She expressed concern for forcing two large dogs to be confined to the home.

Mr. Grant Cantrell, Arlington, Mass, stated he has known the dogs for several years and is a former employee at the Best Friends pet center in Sudbury. Given his knowledge of dogs, he opined there to be no chance they could attack someone.

Dan Kamen, 60 Woodmere Drive, stated he has lived in Sudbury all his life and has known these dogs for several years. He stated he agreed with the other statements in that he has never seen any vicious behavior from either dog. He opined these incidents to be isolated incidents, and that he has never seen them outside the premises. Mr. Kamen urged the Board to seek out a reasonable solution such as an enclosed kennel. He stated his belief that this hearing was important enough to arrange transportation from Boston as he does not own a car.

Eliot Erwin, 10 Wilshire Street, stated he has lived in Sudbury for about six years. He stated these dogs are wonderful, and dogs usually scare him.

Chairman O'Brien asked persons who testified about their belief these dogs could not hurt anyone unless provoked. With the electric fence set so far back from the road, Mr. O'Brien questioned how the dogs could have been successfully provoked from the street. He stated the joggers were attacked from the side or back, with injuries on the legs and ribcage.

Mr. Erwin opined the joggers were not lying, but suggested that perhaps the magnitude of the incidents was perhaps exaggerated.

Mr. Brandse stated only one incident elicited injury requiring medical attention. He questioned how an attack could happen if there were no skin lesions or blood drawn. He wondered just what constitutes an attack. Selectman Keller corrected Mr. Brandse and informed him that the Colorado woman did indeed require medical attention. Mr. Brandse countered by stating it was a scratch, and the medical attention basically constituted a tetanus shot. Selectman Drobinski replied that it was a reportable incident, and there is a difference between washing a scratch or seeking medical treatment.

Ari Solomon, Newton, stated he has known the Brandse family for about ten years. He stated he is a dog owner, and has had dogs all his life. He stated he had been bitten by a dog a couple years ago, and could identify with the victims. He opined these dogs are nothing like the one that bit him. He opined the dogs could be adequately quarantined/kenned on the Brandse property as there is plenty of space.

Mr. Kamen opined that four incidents are not enough of a "record" to constitute destroying them. He urged the Board to pursue a chain link fence structure instead, as this would ensure no future incidents.

Ms. Sarah Sclarsic, 345 Peakham Road, stated she also suffered from a previous dog attack when she was nine years old, requiring surgery. She stated her opinion that, in comparison, these dogs are not vicious and she has known them since they were puppies. She opined these dogs are not capable of that kind of injury. She advocated the kennel and enclosed area for the dogs.

John Walion, Newton, Mass., stated he went to school in the Midwest, and has known these dogs for only about a year. He acknowledged they are big dogs and are clumsy at times when jumping on people. He stated he is a dog owner, and has never had a problem with these dogs, nor seen them in areas outside the electric fence.

Mr. Kurswick stated he never saw an incident among the contractors at the house. He suggested basing a serious decision like this on the word of four individuals might be a little excessive. He opined people may overreact in these types of situations. He opined further the dogs are watchdogs by nature. Mr. Kurswick stated he has seen joggers throw rocks at the dogs, and suggested that behavior may frighten the dogs, causing some adverse reaction.

Betsy DeWallace, Dog Officer, asked if the collars were working correctly with active batteries. She wondered why with all the joggers are coming down the road only some have been attacked. Selectman Drobinski suggested there could be more attacks, as these are the only ones who came forward. Chairman O'Brien remarked that this complaint was filed by the dog officers, not the victims.

Kyle Brandse opined occasional power outages of ten minutes or so is enough to "goof up" the collars. He stated their home is in a fairly rural area of Town with regular power outages.

Ms. Paula Adelson, Assistant Dog Officer, stated she is not in the habit of recommending dogs put down. She expressed concern that a physical fence may not be enough. She asked if the owner is planning to restrain the dogs any time strangers come on the property, i.e., delivery people, contractors, etc. Ms. Adelson said all the people testifying on behalf of the dogs have always been with the dogs and their owners. She wondered what would happen if the owners were not around. Referring to the incident with the Colorado doctor, she stated the skin was broken, otherwise the dogs would not have been quarantined. Lastly, she opined she would like to work something out, but did not want to get another call about a bite.

Selectman Drobinski suggested the Brandses be required to construct a fenced facility with the approval of the dog officer, with periodic inspection, and the Board revisit the matter in six months. He stated any further incidents could elicit a response from attending police officers to destroy the dogs at that time. Directing his comments to Mr. Brandse, Mr. Drobinski stated it would be difficult to save the dogs if there are further incidents. He suggested a kennel 40' x 60', no less than six feet in height, constructed of chain link.

Selectman Keller agreed appropriate fencing is a good solution. He noted the incidents take place when no one seems to be supervising the dogs. He suggested restricting the dogs to the kennel or with owners, and not rely on the electric fence as sole deterrent.

Chairman O'Brien stated he would follow the lead established by the rest of the Board, but expressed the opinion that any future incidents, reported to the police department and requiring medical attention, would not elicit any sympathy for the dogs. He expressed appreciation for those who traveled distances to attend tonight's hearing on behalf of the dogs. Mr. O'Brien agreed that a 40' x 60' fence with a six month trial period is a good place to start.

Selectmen Keller stated that in view of the seriousness of this situation, any further incidents, regardless of whether they are reported to the Police Department or require medical attention, would constitute a threat to public safety and could not be tolerated.

Selectman Drobinski asked if Mr. Brandse has paid the medical bills for those injured. He responded that he has offered, but has not heard anything since making the offer. Mr. Paul Kenny, Town Counsel, stated that, while Mr. Brandse can make the offer of restitution, the Board cannot require him to do so.

Mr. Brandse stated he does not want his dogs to be a nuisance and he will do whatever it takes to restrain and contain them. Selectman Drobinski stated he should consult with Betsy DeWallace, Dog Officer for the Town, as to requirements for the construction of the enclosure.

Following testimony by Dr. Gijsbertus Brandse and others, it was on motion unanimously

VOTED: To order the immediate construction of a suitable secure enclosure within which the dogs are ordered to be confined at all times, the perimeter of said enclosure to be bound by a chain link fence approximately forty (40) feet by sixty (60) feet in size and six (6) feet in height, or any minor deviation from these specifications approved by the Dog Officer. The Dog Officer or her designee shall inspect the enclosure after a three month and a six month period following its construction, or more often if deemed necessary, and shall furnish a report or reports to the Board during this six month period concerning compliance with this Order; and it was further

VOTED: To declare the Boxer dogs, Rocky and Ozzie, as vicious and order that the dogs be restricted at all times to the inside of the owner's dwelling except when they are required to be walked for hygienic purposes, at which time they are to be restrained on a suitable leash, until construction of the enclosure has been completed to the satisfaction of the Dog Officer, following which they may be confined within the enclosure or inside the owner's dwelling except when being walked, at which time they are to be restrained on a suitable leash; and it was further

VOTED: In the event that the dogs are not confined in accordance with this Order, any officer or enforcement authority is directed to pick up and confine them at a suitable place or to destroy them in accordance with the provisions of M.G.L. c. 140, s. 164; and it was further

VOTED: To continue this hearing until 8:00 p.m. on March 14, 2006, at which time the Board will deliberate further on the final disposition of this matter.

The Board of Selectmen advised Mr. Brandse that it would consider any further incident in which these dogs are involved as sufficient grounds to order that they be destroyed.

The hearing concluded at 11:00 p.m.

Highway Easement – 165 Concord Road

It was on motion unanimously

VOTED: To accept and sign a Highway Easement granted by Peter P. Organsky, Jr., and Susan A. Mauro-Organsky of 165 Concord Road, as shown on a plan entitled, "Plan Showing Highway Easement Over Land of Peter P. Organsky, Jr., & Susan A. Mauro-Organsky 165 Concord Road Sudbury, MA", drawn by Town of Sudbury Engineering Department, dated September 21, 2004.

Gift of Town: Parcel C09-361, Gallerani Property, Cedar Creek Road

It was on motion unanimously

VOTED: To accept and sign a Deed dated September 2, 2005, to Parcel C09-361 (Lot 61-A), Cedar Creek Road, containing 64,905 sq. ft., granted as a gift to the Town by Peter A. Gallerani, III and Shirley A. Gallerani, subject to drainage easements, as shown as "Plan of Land in Sudbury, Mass. Owned by Ferigno & Walker Builders, Inc." dated January 8, 1965, by Everett M. Brooks Co.

SERF Wine and Beer Tasting – One-Day Liquor License

It was on motion unanimously

VOTED: To grant a one-day liquor license for the sale of wine and malt beverages only, to be drunk on the premises, to SERF (Sudbury Education Resource Fund) and Home Entertainment Expo, c/o Kathleen McVicar, 31 Powers Road, Sudbury, to be exercised on October 15, 2005, from 7:30 – 10:00 p.m. at the Home Entertainment Expo store at 348 Boston Post Road, for a fundraising event to include wine and beer tasting and sale of wines and malt beverages by the glass, subject to liquor liability insurance coverage.

Buffet Way Catering – One-Day Liquor License

It was on motion unanimously

VOTED: To grant a one-day All alcoholic Beverages License to Daniel P. Mauro, President, Buffet Way Catering, 31 Curtis Avenue, Marlboro, MA 01752, to be exercised October 15, 2005, from 3:30 to 9:30 p.m. at the Clarion Coach House Inn, for a wedding event, subject to the use of appropriately trained staff and liquor liability insurance coverage.

Pine Lakes Area – Stop Signs

The Board reviewed the following information:

(1) report, dated August 15, 2005, from the Town Engineer/DPW Director, stating streets of a new subdivision would be no less than 24 feet in width (Pine Lakes streets average 20 feet in width) with a 5-foot sidewalk on one side of the roadway (Pine Lakes has no sidewalks), and intersections designed for minimum sight distance of 200 ft. for thickly settled areas. He further stated that stop signs should be used only when an intersection of a less important road intersects with a main road, or when high speed, obstructed view or accidents indicate a need, and stressed stop signs should not be used for speed control. He recommended increased police presence, improved sight lines where necessary, and removal of physical obstructions near road edge.

(2) report, dated August 25, 2005, from the Police Chief, stating that a new subdivision of the size of Pine Lakes would have many more zoning restrictions, sidewalks, wider roads, and increased sight distance at intersections; further stating there is no need for more stop signs, and recommending removal of physical obstructions such as overgrown trees and bushes, moving fences, etc., and strategic placement of signs such as "Slow – Children", "Thickly Settled", and "Intersection Ahead Signs".

(3) report, dated September 2, 2005, from the Fire Chief, stating the Pine Lakes area is a firefighting challenge due to the narrowness of streets and houses built close together. Road widths limit passage of vehicles if lines are laid or if cars are in the street.

(4) report, dated August 26, 2005, from the Town Planner, stating the Pine Lakes neighborhood would be denied if proposed today. Ms. Kablack stated if the issue is motorists speeding in the area, she recommended a website featuring traffic calming improvements.

After brief discussion, it was agreed to leave obstruction removal to the discretion of the DPW Director, and the placement of signs other than stop signs to the Police Chief. Obstructions would be fences, overgrown trees and shrubs, etc. in order to improve sight lines. The Board would like to see a list of locations where other signs might be placed. After a reasonable period of time, the Board would review accident and traffic violation information, and meet with the neighborhood, if necessary.

Deed – Willis Hill Trust, Briant Drive

The Board reviewed a request from the Planning Board regarding a grant of deed on Briant Drive, which would increase the width of the roadway, and may include contemplation of a future walkway.

It was on motion unanimously

VOTED: To accept and sign a grant of deed for highway purposes from the Willis Hill Trust, Robert D. Quirk, Trustee, for Parcels A, B, C, and D, located along Willis Road in the vicinity of Briant Drive as shown on a plan entitled “ ‘Definitive Plan’ Willis Hill Subdivision Plan of Land in Sudbury, Massachusetts’ “, latest revision April 21, 1987, which plan is recorded as Plan No. 644 of 1987, subject to Town Counsel’s review of the final document.

Drainage Easements – Summerfields Subdivision

At the request of the Planning Board and with the approval of Town Counsel,

It was on motion unanimously

VOTED: To accept the following easements in connection with the Summerfields Subdivision off Marlboro Road shown on “Definitive Subdivision Plan of Summerfields at Sudbury, Mass.” Dated April 29, 1996, last revised November 20, 1996, by Thomas Land Surveyors & Engineering Consultants, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 1269 of 1996:

Drainage Easement granted by Lloyd F. Mencinger and Susan N. Mencinger, 18 Hunters Run, on the area of Lot 10A shown as “20’ Wide Dr. Ease.” on a plan entitled: “Plan of Land in Sudbury, Mass.” dated August 19, 1997, and recorded with the Middlesex South Registry of Deeds as Plan No. 354 of 1998, and further shown as “Drain Ease.” On Lot 10 on Plan No. 1269 of 1996.

Drainage Easement granted by Peter E. Delle Donne and M. Roberta Delle Donne, 34 Meachen Road, on the area of Lot 17 shown as “Drain Easement” on Plan No. 1269 of 1996.

Executive Session

At 11:32 p.m. it was on roll call

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

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting adjourned at 11:42 p.m.

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