

IN BOARD OF SELECTMEN
TUESDAY, JULY 11, 2006

Present: Chairman William J. Keller, Jr., Vice-Chairman John C. Drobinski, Selectman Lawrence O'Brien, and Maureen Valente, Town Manager

The statutory requirements as to notice having been complied with, the meeting was convened at 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Keller began the meeting at 7:40 p.m., and thanked everyone, especially the Chamber of Commerce, who helped make the July 4th Parade such a success in spite of the rain. Jan Silva, retired administrative assistant, Board of Selectmen, served as Parade Marshal and handled her duties admirably. Selectman O'Brien and Town Manager Valente marched in the parade, and both commented that the crowds were plentiful and enthusiastic given the weather conditions.

Chairman Keller reminded residents of Sudbury that paving of roads has commenced in the Concord Road area. The schedule for this work is subject to contractors' schedules and weather conditions but is posted once available on the Town website. Mr. Keller thanked residents for their patience as this important work is completed.

Chairman Keller announced that the Annual Truck Day will be held on Wednesday, July 19, 2006 at the Goodnow Library. This is an opportunity to see and have an interactive experience with Town trucks from the Fire and Police Departments as well as the DPW. He encouraged everyone to attend.

National Park Services - Grant

Present: Lee Steppacher, Wild and Scenic River Stewardship Council Member, John C. Drobinski, Wild and Scenic River Stewardship Council Vice-Chair

At 7:42 p.m., Chairman Keller welcomed Ms. Steppacher to present a grant to the Town of Sudbury in the amount of \$1,500 from the National Park Services. Ms. Steppacher explained that this year, the Wild and Scenic River Stewardship Council initiated a small grants program to help build relationships with local towns. The Council awarded five grants. The Town had submitted two grant applications, and Sudbury's Ponds and Waterways Committee was the fortunate recipient of one of the five grants to help support an inventory project of the Town's water resources.

Council Vice-Chair Drobinski had recused himself from the Council's grant award process due to his dual role as a Selectman. Mr. Drobinski gratefully accepted the check which he passed on to Town Manager Valente. He is extremely enthusiastic about the fine work being accomplished by the Council and noted the success of Riverfest. At Riverfest, Steve Meyer was honored for his accomplishments, as were the Riggerts, who have worked on Hop Brook.

Town Manager Valente added this project will be a wonderful opportunity for the Town and will include collaborative efforts from interns and Town staff, including Mark Thompson, who will offer IT support to the project.

It was on motion unanimously

VOTED: To accept the grant to the Town of Sudbury in the amount of \$1,500 from the National Park Services Wild and Scenic River Stewardship Council for use by the Ponds and Waterways Committee, to be expended under the direction of the Town Manager.

Sudbury Housing Authority (SHA) - Joint Meeting

Present: Stephen Shugrue, SHA Chair; Kaffee Kang and Steven Swanger, SHA members; and Sherrill Cline, SHA candidate

At 7:45 p.m., Chairman Keller welcomed the Sudbury Housing Authority (SHA) representatives to a joint meeting with the Board for the purpose of interviewing and electing a prospective new member to fill the SHA vacancy created by Kelly Cronin's resignation.

It was on motion unanimously

VOTED: To appoint the Town Manager as Clerk of the joint meeting proceedings for the purposes of appointing a new member.

The appointment candidate, Ms. Cline, addressed the Board to explain her interest in serving as a SHA member. Ms. Cline is an attorney with a private personal injury practice located in Marlborough. She has been a Sudbury resident for 15 years and believes this is the right time to begin to serve her community. Ms. Cline has a strong interest in affordable housing issues and is excited about the many related opportunities facing the Town at this time. She believes her skills will complement those of the other SHA members and looks forward to working with all the Town Boards and the Sudbury Housing Trust to help accomplish the goals of the SHA. Ms. Cline was recommended by former SHA member, Beth Rust.

Sudbury Housing Authority Chair, Steve Shugrue, spoke on behalf of the Authority and stated that Ms. Cline has attended a few meetings and has already contributed greatly to the SHA efforts. Mr. Shugrue said the Housing Authority is delighted with her interest and considers Ms. Cline to be an excellent candidate for the position.

Chairman Keller announced he has known Ms. Cline for many years and had worked with her previously. He believes Ms. Cline would be a fine addition to the SHA. Vice-Chairman Drobinski and Selectman O'Brien concurred that her talents will be very helpful in her new, civic role.

It was on motion by roll call

VOTED: By a unanimous vote of 6-0 to appoint Sherrill P. Cline, 84 Concord Road, to the Sudbury Housing Authority to serve until the effective date of the 2007 Annual Town Election to fill the vacancy occasioned by the resignation of Kelley Cronin. (Vice-Chairman Drobinski, Kaffee Kang, Chairman William Keller, Selectman O'Brien, Stephen Shugrue and Steven Swanger).

Public Hearing: Sudbury Grange Site Plan - #SP06-383

Present: Rich Davison, Chair of the Trustees of The Sudbury Foundation

At 8:00 p.m., Chairman Keller reconvened the public hearing which was continued from June 20, 2006, regarding review of the draft site plan decision for the Sudbury Grange Site Plan - #SP06-383 request dated May 10, 2006, from The Sudbury Foundation, to construct a 649 sq.ft. addition to the existing Sudbury Grange Hall #121, 326 Concord Road, Sudbury, for the continued use as a Grange Hall, office space for the

Foundation, and site of community meetings and events. Chairman Keller noted several sessions have been previously held on this topic and that the review period for this site plan expires August 30, 2006.

Town Manager Valente briefly explained that a discussion had occurred between the Foundation and Town staff to review the draft of the Site Plan Notice Decision, dated July 11, 2006 and that all conditions noted were agreeable to all parties.

Rich Davison, Chair of the Trustees of The Sudbury Foundation, stated that the only outstanding issue is obtaining a ground lease with which everyone can be comfortable. The goal of the Foundation is to have the lease ready to present at the August 15 Board of Selectmen's meeting and, if approved, then the permit process could begin.

Vice-Chairman Drobinski expressed his enthusiastic support for the project and wished Mr. Davison and the Foundation good luck in bringing it to fruition.

It was on motion unanimously

VOTED: To accept the draft of the Notice of Decision, dated July 11, 2006, for Site Plan Application SP06-383 of the Sudbury Foundation to construct a 649 sq.ft. addition to the rear of the existing Sudbury Grange Hall #121 located at 326 Concord Road, to be used as office and community meeting space, as shown on a Plan entitled "Site Plan at Grange Hall #121, 326 Concord Road, Sudbury, MA" comprised of three (3) sheets: Sheet 1 of 1, Site Plan dated March 13, 2006, last revised June 6, 2006; Sheet 1 of 1, Plan of Land, dated April 12, 2006, last revised June 7, 2006; and Sheet 1 of 1, Proposed Sewage Disposal System, dated February 16, 2006, drawn by Sullivan, Connors & Associates, Inc. of Sudbury, MA, and architectural plans entitled "Renovation and Addition to the Sudbury Foundation Grange Hall" comprised of five (5) sheets: Sheet A-3.1, Elevations, dated March 20, 2006; Sheets A-2.1 and A-2.2, 1st Floor Plan and 2nd Floor Plan, dated October 15, 2005, last revised March 20, 2006; Sheet L-1, Existing Landscape Plan, dated May 1, 2006; and Sheet L-2, Schematic Landscape Plan, dated May 1, 2006 drawn by Latady Design Associates of Bedford, MA, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property as follows:

1. Construction and landscaping shall be installed substantially as presented on the Plan. Changes to the landscaping plan may be allowed in compliance with any landscaping scheme developed for the Sudbury Center project. Such changes shall be approved by the Board of Selectmen. The landscaping shall incorporate at least one (1) mulberry tree to replace the mulberry tree removed from the front, if practicable.
2. A minimum of one (1) handicap parking space shall be provided in close proximity to the new curb cut created by this proposal. This work shall be coordinated with the Department of Public Works.
3. Construction shall be coordinated with a Licensed Site Professional to adequately address contamination issues. Excavation shall be subject to conditions in the Activity and Use Limitation (AUL).
4. The Sudbury Foundation has agreed to construct a walkway between Concord Road and the Town Hall parking lot. The location of the walkway shall be determined after design schemes for the Sudbury Center are developed. Construction of the walkway shall be completed within one year after occupancy of the building.
5. The plan shall be revised to show the following additional information prior to endorsement by the Board:

- a. Signature blocks for the Selectmen, Fire Chief, DPW Director and Director of Planning and Community development shall be added to all Plan sheets, including the architectural plans and landscape plans.
 - b. Building dimensions and setbacks must be shown on the Plan.
 - c. Surface materials of walkways to be noted on the Plan.
 - d. Curbing material to be noted on the Plan.
6. Compliance with all conditions of the Certificate of Appropriateness issued by the Historic Districts Commission.
7. Submission of an "as-built" plan indicating general compliance with the approved site plan. Any change in the physical conditions of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval by the Board of Selectmen.
8. No building permit shall be issued until the Selectmen have approved and signed a long-term ground lease, acceptable to the Town, for the Town-owned portion of the property.
9. No building permit shall be issued until an approved plan incorporating the information contained in condition 5 above has been signed by the Board of Selectmen, a copy of this decision has been recorded at the Middlesex South District Registry of Deeds and recording information has been submitted to the Town.
10. No occupancy permit shall be issued until certain items noted above (1, 2,3,6,and 7) as specified by the Board, are complied with.
11. Further developments of this parcel, with the exception of permitted accessory structures meeting all requirements of the Zoning Bylaw, shall require the approval of the Board of Selectmen.
12. This approval shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said approval.
13. Appeals of the grant of this permit, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17.

Public Hearing: Foreign Motors West/BMW Dealership

Present: Joshua Fox, Attorney, Foreign Motors West, Bruce Ey, Schofield Brother of New England,

At 8.35 p.m., Chairman Keller convened the public hearing which was continued from June 20, 2006, for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding development of a BMW dealership at property located at 130 Boston Post Road, and a request for an extension. Chairman Keller explained that tonight's review will be brief since the Board previously heard a thorough presentation of the site plan at the recent Zoning Board of Appeals Meeting. Vice-Chairman Drobinski added that at the ZBA meeting, the Board had an opportunity to methodically scrutinize plan details.

Mr. Ey explained that the plan has not been revised since the ZBA meeting. The plan has been submitted to the Massachusetts Highway Department and a few slight waivers from current regulations may need to be requested. Mr. Ey reported Mass. Highway has been cooperative throughout the communication process. A response from Mass. Highway is expected back next week. The applicant plans to first see what the reaction and response is from Mass. Highway, and then share that information with abutters and appropriate Town Boards.

Vice-Chairman Drobinski asked if sending Mass Highway a letter of support from the Board might help to expedite the process. Mr. Ey thanked the Board for this offer but does not believe it is necessary at this time. Mr. Ey will update Town staff immediately upon receipt of the response from Mass. Highway next week. Mr. Ey stated that Mass. Highway has been provided a tremendous amount of survey information which has saved them a lot of money.

Mr. Ey reported that the plan does require moving one telephone pole which is in the public way, for an estimated cost of \$20-25,000. Vice-Chairman Drobinski noted another telephone pole in front of the Wingate Nursing Home also appears to be a public safety hazard. He recommended that this pole also be attended to, if possible.

Selectman O'Brien asked whether it is possible to bury the telecommunications underground since most of the area will have already been disrupted for construction. Mr. Ey responded that discussions have not ensued yet with the public utility companies; and although underground connections can be very expensive, he will take the recommendation under advisement.

Mr. Ey reviewed the traffic lane patterns for turning left onto Old County Road, and he reported that the plan also meets Mass. Highway lane width requirements. He also reviewed plans for the proposed island, the turning lane which will be in close proximity to the front of Bosse Sports, and the low curbs which will allow large trucks to traverse them. He opined that the applicant's site plan can improve significantly the safety concerns related to the intersection.

In response to a question from Selectman O'Brien, Attorney Fox reinforced that the applicant's interests are very similar to those of the abutters, such as Sky Restaurant. Attorney Fox announced that plans are underway for a meeting with Sky Restaurant and its landlord representatives to establish open communication channels. Traffic and safety concerns are paramount to all parties who will be affected by this proposed development.

It was on motion unanimously

VOTED: To authorize Town staff to continue working with the applicant and to approve the request for extension from Foreign Motors West/BMW Dealership Site Plan #06-382 regarding development of a BMW dealership at property located at 130 Boston Post Road, for two additional months, until September 30, 2006; and to continue the public hearing to September 5, 2006 at 8:00 p.m.

Minutes

It was on motion

VOTED: To approve the regular and executive session minutes of June 20, 2006.

Cheri-Anne Cavanaugh Trust Fund - Donations

It was on motion unanimously

VOTED: To accept two \$50 donations: one from Roberta W. Grierson and family, and the second from Mary Pinto, both in memory of Anna R. Allen, to be deposited into the Cheri-Anne Cavanaugh Trust Fund, and to authorize expenditure at the discretion of the Town Social Worker through the Board of Health.

Eagle Scouts - Troop 60

The Board was in receipt of a letter from Catherine Strahan, dated June 26, 2006, announcing the achievement of the rank of Eagle Scout by Peter Wright and asking for a letter of commendation, which will be presented at the Eagle Court of Honor to be held on July 30, 2006.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Peter Wright, c/o Catherine Strahan, 26 Suffolk Road, Sudbury, on attaining the rank of Eagle Scout.

Wayland Town Center Mall Project

Town Manager Valente reported that Jody Kablack, Planning Director, will be meeting tomorrow with the Town Planner from Wayland to learn more about the Wayland Town Center Mall project. In anticipation of that meeting, Ms. Valente asked the Board for any comments, questions, and/or input they may want presented or asked by Ms. Kablack.

Vice-Chairman Drobinski stated the primary question to ask is what will the impact of this project be on Sudbury. Since traffic concerns are anticipated, it would be helpful to know what Wayland's traffic engineering requirements will be. He also noted there are two former Raytheon parcels which are part of the proposed development. One of these parcels is in the rear and is planned for an 80-unit, Section 40B development.

In response to a question regarding zoning for the project, Selectman O'Brien believes it is a mixed-use area for commercial, residential and municipal use. He recommended asking Wayland for timely notification of meetings before they occur, a listing of committees and boards significantly involved in the development process, along with accompanying meeting minutes related to the project. He would also like to know if Sudbury's Board of Selectmen could attend the Wayland public hearings for the project. Selectman O'Brien also questioned why no other traffic studies seem to have been conducted other than those for the Route 27 and Route 20 intersection. He would like to suggest to Wayland an expansion of the traffic studies conducted.

Vice-Chairman Drobinski also expressed his belief that this is a prime opportunity for a collaborative Route 20 traffic corridor study to be conducted. Sudbury should communicate its desire to work together with Wayland in a positive and supportive manner.

Chairman Keller referenced the situation of providing reciprocal mutual aid as a good example of how these two communities have communicated and worked well together for the public good.

Town Manager Valente thanked the Board for providing this input which will be very helpful as the Town Planning Director begins the communication process with Wayland.

Construction Variance for Cell Tower - 578 Boston Post Road

Town Manager Valente briefly explained the application received by the Zoning Board of Appeals, from Omnipoint, for a variance for constructing a cell tower in an area outside the overlay district, to be located at 578 Boston Post Road and asked the Board for its opinion. Ms. Valente distributed a locus map and read a few selected sections from the submitted application.

Vice-Chairman Drobinski commented that the locus map provided appeared different than other RF maps received in the past. He also stated that the Board has previously asked Omnipoint for RF maps, which have not been provided, and that the Board has discussed other site locations with the applicant.

Selectman O'Brien expressed concern that Omnipoint has tried to circumvent working with the Town, as all other cell carriers have done, by pursuing private property versus Town property for its installations. He also questioned whether the proposed pole location is less than the required 125 foot setback as noted in # 4352 of the zoning bylaws.

Chairman Keller emphasized that while he is sensitive to cell customers receiving excellent service, he would like to receive information confirming that present towers are being fully utilized, before agreeing to more coverage.

It was on motion unanimously

VOTED: To authorize the Town Manager to direct Town staff to provide the Zoning Board of Appeals with Board of Selectmen meeting minutes from past discussions with the applicant; to draft a letter to the Zoning Board of Appeals prior to its July 18, 2006 hearing regarding the Omnipoint application for a variance to construct a cell tower in an area that is outside the overlay district, to be located at 578 Boston Post Road, recommending that the ZBA hire a consultant to advise them on coverage gaps and how to proceed with its response to the application; that the ZBA request from the applicant a statement from the Board of Selectmen noting the application process has been completed; that analysis be completed of all tower slots which presently exist; that the applicant provide an explanation of hardship and a status report of the already-approved, but not utilized Sudbury site, and that if additional coverage is deemed necessary, commercial sites on Route 20 be solicited according to the bylaws; and that the ZBA update the Board of Selectmen of discussions and notes regarding this application.

Pelham Island Section of Wayland -Temporary Fire Department Response Coverage

At 9:05 p.m., Town Manager Valente explained a request received by Fire Chief Ken MacLean from the Wayland Fire Chief requesting response coverage for the Pelham Island section of Wayland. She clarified that Wayland and Sudbury already have an agreement to provide mutual aid to each other for fire and police services. However, because the nature of this request is for such an extended period of time (an anticipated 500 days) while bridge reconstruction occurs, it was suggested it be presented to the Board for its support. Ms. Valente reported that Sudbury will be providing initial response service to 58 Wayland homes during this time.

Vice-Chairman Drobinski asked whether there is a hold-harmless indemnification clause as part of the mutual aid agreement, to which Ms. Valente responded affirmatively.

It was on motion unanimously

VOTED: To authorize the Town Manager to direct Town staff to send a letter to the Wayland Town Administrator (with a copy to the Chairman of the Wayland Board of Selectmen) on behalf of the Board expressing its support of providing initial response coverage of the Pelham Island section of Wayland by the Sudbury Fire Department during the period of bridge construction on Pelham Island Road, beginning after July 2006 for approximately 500 days, to support the Town of Wayland and the general efforts of mutual aid as requested by Fire Chief MacLean in a memo dated June 30, 2006.

Reports From the Board of Selectmen

Chairman Keller reported that he just returned from a very nice vacation.

Selectman O'Brien reiterated how much he enjoyed being part of the July 4th Parade, and he complimented the Chamber of Commerce on their preparation for the event.

Selectman O'Brien also reported that he and Town Manager Valente attended a Blue Ribbon Committee meeting in Littleton to provide them with useful information regarding a Town Manager form of government. Littleton is contemplating changing its form of government and invited Sudbury's input in its decision-making process. The discussion was enlightening for all who attended. Town Manager Valente commented how helpful it was for Littleton to see how Selectmen's goals and mission statements can be tied to a budget, leading to fiscally sound results. Similarly, Selectman O'Brien and Town Manager Valente have also been invited to Groton and will travel there on July 24, 2006, to provide Groton with information regarding the Town Manager form of government.

In addition, Selectman O'Brien and Planning Director Kablack are scheduled to attend a Master Plan Committee meeting in Lincoln later this month.

Vice-Chairman Drobinski reported that he and Town Manger Valente attended a very productive meeting with the Co-chairs of the Rail Trail Conversion Advisory Committee.

Concord Road Parcel E12-0008 - Maillet Gift

Town Manager Valente distributed to the Board a map to help answer previously posed questions regarding extent of wetlands and locus regarding Concord Road Parcel E12-0008. Together with a description of the parcel from DPW Director/Town Engineer, William Place, dated July 11, 2006.

It was on motion unanimously

VOTED: To express the Board's intent to accept Parcel E12-0008, formerly owned by the Dwyer Estate and consisting of 2.44 acres off Concord Road from Maillet and Son, Inc., as a gift for conservation purposes in lieu of taxes and in accordance with M.G.L. c.60, s.77C, and to sign such acceptance upon presentation of the appropriate deed therefore.

Code of Conduct and Email Communications

It was on motion unanimously

VOTED: To accept both the "Email Communications Policy for Members of Committees of the Town of Sudbury" as presented and approved by Town Counsel, and to accept the "Code of Conduct for Committees Created or Whose Members are Appointed by the Sudbury Board of Selectmen" as presented and approved by Town Counsel subject to the following revisions: that the title be amended to read, "Code of Conduct for Committees Created or Whose Members are Appointed by the Sudbury Board of Selectmen or Town Manager, " and that #14 be amended so that the second word is "that" instead of "than, and to authorize Town staff to send a letter notifying all Boards and committees that these policies have been accepted and asking them to adopt these codes of ethics and to comply with the behavior described within the policies which will be reviewed by the Board of Selectmen each year as part of the Annual Goals Review.

Military Training Field

Town Manager Valente presented the Board with a copy of a request received by Planning Director Kablack from the Sudbury Historical Commission asking that a developer be allowed to store loam on the site with no need to bury any stumps or tree roots upon removal of the loam.

The Board did not entertain any motions on this item since after a brief discussion, it was determined that a more specific request and more backup information is required.

Frost Farm House

Town Manager Valente also presented to the Board the concern of the Sudbury Historical Commission that Frost Farm House is falling into severe disrepair without a tenant to maintain the premises. Suggestions have been made to sell the property with an historic preservation restriction. However, in the past, the Board has seen properties, such as these Town assets, which should not be divested.

The Board requested more information on the options available and would like more time to consider its position. Town Manager Valente was asked to include this item on the August 15 Board of Selectmen's meeting agenda for further discussion.

Grouse Hill Agreement

Town Manager Valente distributed the agreement drafted by Town Counsel which the Board had previously requested be prepared regarding the Grouse Hill land swap (the former Mahoney property) whereby Capital Group Properties will give to the Town of Sudbury a parcel abutting Old Framingham Road, also containing a 50' wide access corridor to the rear of the property. The Town of Sudbury in turn will give to Capital Properties a 54,748 sq. ft. parcel in order to provide sufficient area to complete the project.

It was on motion unanimously

VOTED: To approve the Grouse Hill agreement as drafted by Town Counsel and presented subject to the following revision: the first sentence in the second paragraph should cite the Book and Page numbers after the words "Registry of Deeds, " and subject to receipt of the deed and plan referenced in #4, of the last paragraph.

Police Station Design Sketch

Town Manager Valente reported a meeting will be held July 12, 2006, at 7:30 p.m. at the Flynn Building to exhibit sketches of the Police Station to the Historic Districts Commission and abutters from Hudson Road. Ms. Valente presented a preview of the building's architectural sketches for the Board. Ms. Valente gave a brief description of the exterior and interior floor plans. Everyone is enthusiastic about the inclusion on the first floor of a fixed-seating, theater-style conference/training room which can serve the Town for many purposes. The building design conforms well aesthetically to the historic neighborhood, fits the site and will allow for future expansion needs.

Vice Chairman Drobinski expressed his satisfaction with the architectural renderings and commented that the building will be a tremendous asset for the community. In response to a question from Vice-Chairman Drobinski, Ms. Valente stated the architect's estimate to build is just under \$8 million.

Executive Session

At 9:55 p.m., Chairman Keller announced the close of the regular meeting and it was on roll call unanimously.

VOTED: To go into Executive Session for the purpose of discussing land acquisitions and litigation.

Chairman Keller announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:55 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk