

IN BOARD OF SELECTMEN  
TUESDAY, MARCH 28, 2006

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:34 p.m., Chairman O'Brien began the meeting by expressing his gratitude to the Town Clerk's Office and all other Town employees who helped on the scene, and behind the scene, to make Election Day a success on March 27. The Chairman also thanked the over 1500 residents who represented a 14% voter turnout. Town Manager Valente also thanked the many Town Departments who helped Election Day run smoothly. Official election results are posted on the Town website. Chairman O'Brien reminded everyone the Annual Town Meeting will be on April 3, 2006.

Chairman O'Brien reported the response to the March 27 bomb scare at the Curtis Middle School was handled well, with students and personnel being evacuated to the High School. Fortunately, the incident was a hoax. Chairman O'Brien commended the Middle School and High School staffs and Fire and Police Departments for working well together. Town Manager Valente stated that, although the incident was handled well, the situation also provided an opportunity to learn what could be improved.

Chairman O'Brien announced that longtime resident and former Selectman, John Powers, passed away this week. He expressed condolences to John's family and friends.

Selectmen Drobinski and Keller offered congratulations (and condolences!) to Chairman O'Brien on his re-election.

**Public Hearing: Foreign Motors West/BMW Dealership**

Present: Jody Kablack, Town Planner; Joshua Fox, Attorney, Foreign Motors West; Bruce Ey, Schofield Brothers of New England; Richard Glasheen and Fred Tierney, Foreign Motors West; Jennifer Conley, Conley Associates; Greg Weich, Channel Building Company

At 7:45 p.m., Chairman O'Brien convened the public hearing which was continued from the March 14, 2006 Board of Selectmen Meeting, for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding 1) Site Plan approval, in accordance with Town of Sudbury Zoning Bylaw Section 6300, and 2) a Special Permit to reduce the 25-foot landscape buffer requirement in accordance with Zoning Bylaw Section 3543, and 3) a Special Permit to reduce the 30-foot landscape buffer requirement in accordance with Zoning Bylaw Section 3531, in conjunction with a proposal to construct a BMW dealership on property located at 130 Boston Post Road, Parcel K11-0004, owned by Stanley W. Snider, zoned industrial. The existing buildings will be demolished and replaced with a 79,745 sq. ft. building and 429 parking spaces. New and used cars will be serviced and sold on site. Mechanical repairs and regular maintenance will be provided in the 50 service bays within the rear of the building.

Town Planner Kablack presented a status review pertaining to Foreign Motors West/BMW Dealership Site Plan #06-382 to be located at 130 Boston Post Road (address subject to change). Notice of the Public Hearing was duly advertised in the *Sudbury Town Crier* on February 23 and March 2, 2006 and abutters were appropriately notified. At the March 14th Board of Selectmen's Meeting, the public hearing was opened and immediately continued without hearing testimony, due to the absence of one Board member which precluded the unanimous, required votes to be taken for this application.

Ms. Kablack reviewed several comments, recommendations and requests for additional information provided from various Town staff and committees. The Planning Board also generated a report dated March 9, 2006, which requested more information and flagged items to be considered by the Board of Selectmen. The Planning Board commented that the project would redevelop a depressed area, which would generate future tax revenue. Ms. Kablack presented reports dated March 3, 2006 from the Director of Public Works/Town Engineer; a report dated February 15, 2006 from the Fire Chief and the Design Review Board dated March 13, 2006. The Board of Health report dated March 24, 2006, outlined a proposed septic design plan and stated the groundwater mounding is not expected to be a problem from the proposed septic system and drainage infiltration. A report from the Police Department will be forthcoming. The Historical Commission and Sudbury Historical Society were consulted and asked to research potential conflicts. The conclusions from both organizations are that there is no likely threat to any known historic sites and that there are no likely archaeological artifacts on the proposed site. The Conservation Commission held a public hearing and has proceeded with its review. A site visit was held on March 25, 2006. A resident letter of support and another resident letter of opposition for the site plan were also presented. The reports mentioned above highlighted many items to be addressed to complete the file as well as many issues of concern, some of which follow below:

- ZBA special permits are needed for motor vehicle sales and rental; motor vehicle general and body repair; motor vehicle light service; Major Commercial Project (any commercial or industrial building larger than 20,000 sq. ft.); construction in a flood plain.
- Application to the Fire Chief for Flammable Liquid Storage must be submitted.
- Special Permits from the Board of Selectmen are required for the landscape buffers around the site.
- Pursuant to the Zoning Bylaw, the following information must be revised on the plan and/or submitted for review:
  - 3142 No parking shall be within 10 feet of a lot line. 9 spaces in the rear are shown at 4.8'
  - 3148 A bicycle rack must be installed on the site
  - 3424 Solid waste disposal area
  - 3427(f) Outdoor lighting plan
  - 6351 Detailed narrative on use of building, including but not limited to details on the car wash, hazardous materials storage, floor drains, loading areas
  - 6352 Flood plan and wetland buffer should be shown on all plans
  - 6353 Lighting plan
  - 6354 Floor area plans should show square footage of different areas
  - 6381-6388 Applicant should submit narrative responses to these sections to demonstrate how the plan meets these objectives.
- One main concern with this proposal is the potential overcrowding of the site (i.e. amount of impervious surface; large number of parking spaces; need for waivers from the buffer requirements; intrusion into the wetland buffer and flood plain).
- Another concern is the access to the site from Route 20.
- The applicant should be required to construct a walkway along the frontage of this property.
- This proposal also requires a Public Way Access Permit.
- A Spill Prevention Pollution Control Permit should be required for this proposal.
- Sight distance should be noted at each curb cut.
- The sight distance should be noted at the intersection of Old county Road and Boston Post Road.
- Refuse disposal area should be shown on the Site Plan.
- Loading area should be shown on the Site Plan.
- Must show a fire alarm plan.
- Must show a sprinkler plan.

- Aisle widths of the perimeter drive should be not less than 24 feet.
- Licensing/permitting for storage of inflammables will be required.
- A Knox Box will be required on the building.
- The Fire Department requests that the fire alarm cable be extended.
- Design Review Board recommends that the rear half of the building, which houses service, be clad in dark grey panels rather than the white which is proposed.

Chairman O'Brien stated he had participated in a recent BMW site visit with the Town Engineer and Town Planner, Attorney for Foreign Motors West, Joshua Fox, and Project Engineer from Schofield Brother of New England, Inc., Bruce Ey. Noting safety concerns, he had asked the Town Engineer to provide a cost estimate for signals to be installed at the Landham Road/ Route 20 intersection. Town Manager Valente distributed a memo with these estimates of \$541,200 for two, complete traffic signal packages to be installed with associated engineering.

Attorney Joshua Fox gave the Board a general overview of the proposed development, noting the site presently houses 47,000 - 48,000 square feet in four buildings originally zoned for mixed commercial use and permitted to house another 20,000 square foot building which was never built. The site is located in one of the few industrial zones within the Town, which allows car sales, and is approximately six acres of already disturbed land. Attorney Fox noted that if the proposal is approved, there would be a significant environmental gain compared to the present condition of the land given the proposed state-of-the art wastewater and storm run-off treatment systems which will be implemented. Mr. Fox reported the applicant has been sensitive to concerns expressed by neighbors and the community and would continue to work cooperatively to develop a mutually acceptable plan for all vested parties. Attorney Fox introduced the project team members in attendance and turned the presentation over to Bruce Ey, Project Engineer, to review submitted site plans.

Bruce Ey reviewed several illustrations of site engineering plans. He stated the total site is 7.325 acres, which includes a 1.25 acre parcel to the east which has also been purchased in order to satisfy the open space zoning bylaw requirements for the proposed 79,745 square foot structure. The facility will be located in the center of the site, with the majority of customer activity accessing on the east side. The plan provides for 429 parking spaces, of which 291 are designated as active and 138 for new vehicle storage. Mr. Ey explained it is their intention to use and save as much of the present landscaping as possible to provide screening on the west side for Wingate and in the rear for abutting residential neighbors. Mr. Ey also stated the plans have been filed with National Heritage, and the Massachusetts Fish and Wildlife authorities have been consulted regarding the northeast corner of the site, which may house a vernal pool and a blue-spotted salamander habitat. If it is proven that a vernal pool or salamander habitat exists, then the plan will be revised to remove ten parking spaces from the northeast corner. If these conditions are proven not to exist, the Massachusetts Fish and Wildlife Association will no longer need to be consulted. A study is presently underway, and results should be available in two to three weeks. Mr. Ey also highlighted the drainage system, which has been over designed, exceeding the existing detention and leeching storm water management guidelines. All water will be pulled back onto the site, and no water will go out onto Old County Road. The dealership will house car-washing facilities in the rear, only for private, customer use.

Mr. Ey spent considerable time addressing aspects of the landscape design referencing the intention to improve buffers on the perimeter. Vincent Rico Associates of Shrewsbury has been engaged as the landscape engineer and will work with arborists to properly prune and in-fill the area growth.

Selectman Drobinski stated his support for the general concept of a BMW dealership for the Town but has initial concerns that there is a lot planned for the given space. Selectman Drobinski questioned how the size of the building and site has been determined and whether the project could be scaled down. Fred Tierney,

President of Foreign Motors West, responded that BMW has provided the research and planned volume and sales penetration details which then determines the size of the building. Mr. Ey added he has worked closely with BMW's East Coast architects regarding the specifications and can bring the concern back to them but is unsure as to how flexible BMW can be with its requirements.

Selectman Keller shared similar concerns expressed by Selectman Drobinski. Selectman Keller also would like the applicant to reconsider the need to change the address from Boston Post Road to Old County Road and the potential traffic and safety ramifications. Mr. Ey responded the dealership would be a destination location, which is knowingly sought out by the customer, which should decrease any confusion related to the address. Attorney Fox added that a Boston Post Road address was preferred by the applicant. However, the change of address was suggested by DPW Director, Bill Place, to alleviate potential safety concerns regarding 911 calls. The applicant will cooperate on the address issue in whatever regard the Town deems appropriate.

Selectman Keller asked Town Manager Valente to procure tax history for the past ten years from the site and a projection as to what could be expected for future tax revenue from the Assessor's Office.

In response to a question from Chairman O'Brien, Mr. Tierney described the typical dealership day as servicing an average of 60-70 vehicles, Monday through Friday, and 20-24 vehicles on a Saturday. There would also average approximately 40-50 sales prospects visiting the dealership each Saturday. Plans include a maximum of 100-125 dealership employees. Car-carrier deliveries usually occur once a week, and will approach the facility from Route 495 to the west, and upon arrival will access the property on the westerly side.

Substantial discussion ensued regarding traffic and safety concerns. Jennifer Conley provided the Board with a brief synopsis of a Traffic Impact Study performed by Conley Associates in January 2006. Research revealed a total of six accidents at the Route 20 and Old County Road intersection over a three-year period, which was lower than anticipated, given the volume of traffic through the area. In response to a question from Chairman O'Brien, Ms. Conley clarified that the study did include data related to the proposed housing development which will be to the east of the proposed BMW dealership. Ms. Conley stated the study concluded the intersection of Old County Road did not necessitate the installation of a traffic signal. However, the intersection at Landham Road was possibly a better candidate for a traffic signal or a turning lane. In response to a question from Selectman Keller, Ms. Conley said industry standards exist for calculating the percentage of traffic volume, which would warrant the investment for signals, or turning lanes. She also said there are no easy solutions to the long delays and heavy backups experienced on Route 20 due to vehicles trying to make left turns at the intersections of Old County Road and Landham Road. Chairman O'Brien noted future meetings would need to pursue how best to break the traffic jams for the area. Those discussions should include many of the neighbors such as Bosse Sports, Sky Restaurant, Buddy Dog, Wingate Nursing Home, and Best Friends as vehicle and pedestrian options are decided. Selectman Drobinski suggested the Town Engineer provide crosswalk and turning lane options for review.

Selectman Drobinski strongly recommends working diligently with the Massachusetts Highway Department to encourage them to take on some of the burden of financing the roadway improvements, which are necessary.

Attorney Fox distributed an updated traffic analysis, which incorporated actual counts from the Land Rover dealership.

Chairman O'Brien welcomed additional questions from Sudbury residents in attendance.

Lyn MacLean, representing the Historical Commission, expressed concern at the request to reduce the front buffer on a scenic road. Mr. Ey responded the project is providing a greater setback than what the bylaws require and the front will be heavily landscaped. Since no trees or stone walls will be compromised, Mr. Ey believes the project complies with scenic road guidelines.

Russ Kirby, 244 Boston Post Road, voiced concerns for the project based on his experience as a former Planning Board member. Many of his questions related to parking, zoning and setback requirements. Mr. Kirby extended sincere gratitude for the abundance of useful information available on the Town website which allowed him to accumulate research quickly for his questions. Project representatives addressed each of Mr. Kirby's questions.

Mr. Kirby also noted that one abutter is the Wingate Nursing Home, and he questioned whether the noise level generated from this type of business would be intrusive. Mr. Ey responded there would be minimal external noise, which would be comparable to what is experienced from Wingate's own parking lot.

Mr. Kirby lastly commented that he has lived on Route 20 for over 30 years and finds the low traffic volumes reported at this meeting for the two intersections studied suspect. He questions how the dealership will be profitable only servicing 50 cars a day and fears the figures will reflect much higher traffic patterns than have been projected. Mr. Kirby also recommended the Board petition the Massachusetts Highway Department to change the speed limit in the site area to 30 mph and to post reverse curve signs as well to diminish potentially unsafe situations. The Board shared Mr. Kirby's sentiment regarding reported projected traffic volumes appearing lower than anticipated. Selectman Keller requested the applicant submit financial statements to substantiate revenue and traffic projections.

Brian Ravella, General Manager for Sky Restaurant, also stated the plan design for 50-service bays had led him to conclude that many more than an average of 60-70 cars would be traversing the area daily. The traffic ramifications were of interest to him.

Attorney Fox is working on a comprehensive memorandum, which will address the status of many of the outstanding questions and materials regarding the proposed site. Selectmen Drobinski and Keller will plan a site visit in the upcoming weeks.

It was on motion unanimously

VOTED: To continue the public hearing to May 2, 2006 at 8:30 p.m., which will not be further advertised.

#### **Memorial Day Committee - Appointments**

It was on motion unanimously

VOTED: To appoint Peter R. Harvell, 301 Hudson Road, and Laura Bartlett Abrams, 24 Goodman's Hill Road, to the Memorial Day Committee for terms to expire on April 30, 2007.

#### **Transfer Station - Revised "Rules and Regulations"**

It was on motion unanimously

VOTED: To approve the revised "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station," which will become effective April 1, 2006, as submitted by DPW Director William Place.

**T-Mobile (16 North Rd.) Site Plan**

Present: Jody Kablack, Town Planner

Town Planner, Jody Kablack, stated this issue is on hold and T-Mobile has asked for this item to be removed from tonight's agenda.

**Minutes**

Due to his absence from the March 14, 2006 meeting, Selectman Drobinski recused himself from this vote and thus,

It was on motion

VOTED: To approve the regular and executive session minutes of March 14, 2006.

**Summerfields Subdivision - Drainage Easement**

It was on motion unanimously

VOTED: To accept the Drainage Easement granted by Jeffrey N. Weisberg and Jennifer D. Weisberg of 50 Meachen Rd., on Lot 15A shown as "Record Drain Easement" on a plan entitled "Plan of Land in Sudbury, Mass." dated October 4, 1997, by Thomas Land Surveyors & Engineering Consultants recorded as Plan No. 1302 of 1997, and referencing "Drain Easement" and "Drain Ease" on Lot 15 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.

**Child Safety Seat Program - Donation**

It was on motion unanimously

VOTED: To accept a donation of \$25 into the Child Safety Seat Program and to authorize expenditure under the direction of the Fire Chief.

**Town Meeting Matters**

Chairman O'Brien is developing a draft of his State of the Town Address and will forward an outline of it to his fellow Selectmen and the Town Manager as soon as possible. It will focus on what has been accomplished and the vision and goals for the future.

At 9:50 p.m., Town Manager Valente and the Board reviewed a few speaking assignments for the Annual Town Meeting. Chairman O'Brien will be the speaker on the Housing Trust. Selectman Drobinski will be the speaker for the CPC Feasibility Study and for the Pay As You Throw (PAYT) article.

The Earth Decade Committee has requested the Town invite Mr. Joseph Lambert, representing DEP to Town Meeting, as an expert on Pay As You Throw.

It was on motion unanimously

VOTED: To not endorse an invitation be extended to Mr. Lambert regarding the PAYT program.

In response to a question from Chairman O'Brien regarding revisions to Annual Town Meeting materials, Ms. Valente stated notebooks with motions and backup materials for the meeting will be provided to the Board on Friday.

### **Reports From the Board of Selectmen**

Both Selectmen Drobinski and Keller reported having enjoyed recent vacations.

Selectman Keller announced Peter Buxton has decided to retire to Cape Cod after many years of coaching in Sudbury. Mr. Buxton coached many successful male and female soccer teams, leading one to a state championship. Mr. Buxton also served the community as a Park and Recreation Commissioner. His dedication to, and influence on, Sudbury's youth will be truly missed.

Chairman O'Brien attended the Troop 60 Eagle Scout award celebration on Sunday, March 26, 2006. Chairman O'Brien distributed the program from the event where he helped honor Jonathan Edward Kreutz and Justin Ford Hall by presenting them with a letter commemorating their achievement to the rank of Eagle Scout.

### **Sudbury Earth Week and Spring Cleanup Day - Electronic Sign**

Town Manager Valente presented a request to the Board, dated March 14, 2006, from Dev Glaser to approve use of the mobile, electronic sign to advertise the Town Cleanup on April 29.

It was on motion unanimously

VOTED: To approve the use of the mobile, electronic sign on April 26-April 28 to advertise the Town Cleanup on April 29.

### **Revised Town Budget**

Town Manager Valente highlighted many updates and enhancements, which have been added to the Town Budget to better illustrate exactly where and how the Town money is spent. Ms. Valente commended the many hours of hard work and time spent by Town staff to produce such a high-quality package. Ms. Valente's goal is to produce an encompassing document, which can serve as an informative reference to address all budget-related topics. New charts and graphs have been added this year. Some of the newly presented information includes, mission and goals, progress achieved, Town economic and demographic data, phases of the budget process, Town spending on a per resident basis, Town spending by department, financial trend analyses, organizational charts, performance and work load indicators, and appendices which include excerpts from the Auditor's Report.

Selectman Drobinski stated the new inclusions of information will be very useful and effective in helping residents better understand how well the Town is run and what a great job the Town staff is doing.

### **Senior Tax Relief and Exemptions**

In response to a request from Chairman O'Brien, Ms. Valente distributed a handout, which summarized Sudbury's efforts and programs for Senior Tax Relief and Exemptions since 1998. The listing and impact achieved over the years were impressive. Ms. Valente and Chairman O'Brien emphasized how Sudbury has

long been a leader within the Commonwealth, bringing senior issues to the forefront for legislative attention. Selectman Drobinski suggested including this listing with the tax bill mailings to better inform the community as to the programs available.

**Executive Session**

At 10:11 p.m., Chairman O'Brien 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 litigation.

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

There being no further business, the meeting adjourned at 10:11 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk