

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JULY 22, 2008

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

Absent: Chairman Lawrence W. O'Brien

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:32 p.m., Vice-Chairman Keller opened the meeting. He announced that Chairman O'Brien is on vacation and will be absent from tonight's meeting.

Vice-Chairman Keller reminded the community that Town offices began the consolidated summer schedule last week as an effort to conserve energy costs. The offices will be closed on the next five Fridays, with the exception of Friday August 1st, when offices will remain open until 7:00 p.m. to accommodate property tax payments. Summer schedule details for Town offices can also be accessed on the Town website.

Vice-Chairman Keller also reminded the community to be aware of the effects that excessive summer heat and thunderstorms can have on neighbors, especially the elderly. He asked that citizens check on the health of each other. Vice-Chairman Keller also noted that the Council on Aging has a call check-in program for the elderly for those who ask for that service. Please notify the Council of anyone who could benefit from this service.

Capital Improvement Planning Committee - Appointment Interview

Present: Applicant Douglas Kohen

Vice-Chairman Keller briefly reviewed the mission of the Capital Improvement Planning Committee (CIPC). He asked applicant Douglas Kohen to explain to the Board why he is interested in joining the CIPC.

Mr. Kohen stated that he and his wife recently moved to Sudbury from Chicago, after graduating from the University of Chicago Graduate School of Business. Mr. Kohen is presently employed as a Director of Corporate Development for a company in Newton. He believes that his experience and ability to collect information from a variety of sources and to present that data in a coherent and concise manner could benefit the CIPC.

Vice-Chairman Keller concurred that the presentation of financial information on Town projects is important, especially in these difficult economic times. In particular, he noted that volunteers can play a critical role in helping to educate citizens on how and why certain projects have been determined to be most needed within the community.

Selectman Drobinski thanked Mr. Kohen for offering to volunteer his skills for the betterment of the community.

Town Manager Valente reviewed the membership constitution and appointment protocol for the CIPC. She noted that the Board appoints four members to the CIPC (including the ex-officio position), and that an appointment tonight would complete the Board's roster. Ms. Valente opined that Committee members who

are willing to help gather information, make recommendations, and who are comfortable presenting the conclusions reached are much needed. Ms. Valente noted that the CIPC evaluates Town capital improvements as well as those for the two school systems. She also stated that the CIPC could also help to review and prioritize ways that the Town could be more energy efficient.

Mr. Kohen asked if the Committee members prioritize only the projects brought before them or if they are also able to seek new projects for consideration. Ms. Valente responded that, ideally, both activities are encouraged. She briefly explained how projects are currently identified by Town staff for review by the CIPC.

It was on motion unanimously

VOTED: To approve the appointment of Douglas Kohen, 19 Robert Frost Road, as a member of the Capital Improvement Planning Committee for a term to expire April 30, 2011.

Town Manager Valente informed Mr. Kohen that he will soon receive an appointment letter from her office and that he will need to be sworn into office. She noted that CIPC meetings will likely resume in late August or early September.

Chapter 61B - Right of First Refusal - 192 Boston Post Road

Vice-Chairman Keller announced that the applicant's attorney has requested that this agenda item be indefinitely postponed.

It was on motion unanimously

VOTED: To indefinitely postpone the public hearing for property located at 192 Boston Post Road as requested by Attorney Robert F. Dionisi, Jr. in a letter to Jody Kablack, Director of Planning and Community Development, dated July 16, 2008.

Sudbury Day Committee - Discussion

Present: Sudbury Day Committee Co-Chair Abby Ward

At 7:55 p.m., Vice-Chairman Keller welcomed Sudbury Day Committee Co-Chair Abby Ward to the meeting. He asked Ms. Ward to briefly review the Sudbury Day Committee's plans for its next event.

Ms. Ward explained that, as the Committee reviewed how much time is spent each year coordinating the event, it became apparent that Committee members would not have adequate time this summer to prepare for its seventh annual event usually held in September. Ms. Ward highlighted that it is very difficult to coordinate activities, volunteers and sponsors during the summer months. Thus, the Committee had previously recommended to the Board of Selectman that the Sudbury Day festivities be moved to the springtime each year at Lincoln-Sudbury Regional High School (L-SRHS). The Board approved this suggestion, subject to the School's approval.

Ms. Ward reported that the Committee met with L-SRHS Superintendent Dr. John Ritchie, and it requested that the event be held in May. Unfortunately, the School is entirely booked for the month of May. Discussions led to two date options for the Committee to consider: April 4, 2009 or June 6, 2009. The Sudbury Day Committee has assessed the date possibilities and determined that April 4, 2009 is preferred. Ms. Ward noted that the entire L-SRHS campus has been tentatively reserved pending the Board's approval of the date. She also noted that the theme of the event will focus much more on Sudbury than in prior years.

Town Manager Valente noted that the Annual Town Meeting will begin on April 6, 2009. She and Ms. Ward further stated that perhaps the proximity of the events will allow citizens the opportunity to discuss and learn about upcoming Town Meeting matters in a casual environment.

It was on motion unanimously

VOTED: To approve the recommendations of the Sudbury Day Committee to hold the Sudbury Day event on Saturday, April 4, 2009, at the Lincoln-Sudbury Regional High School.

Public Hearing: Site Plan Application - 52 A Horse Pond Road

Present: Applicants Laura and Robert Abrams

At 8:58 p.m., Vice-Chairman Keller resumed tonight's meeting, following a half-hour recess, and he opened the public hearing for Site Plan application SP #08-009 of Laura B. Abrams, Trustee of the RWS Trust in accordance with Town of Sudbury Zoning Bylaw Article IX, Section 6300 for property located at 52A Horse Pond Road, Assessor's Map K06, Parcel 0007, owned by RWS Trust, zoned Residential A-1, for construction of one additional 2,800 +/-square foot house on the property for housing for J.P. Bartlett Co., Inc., a wholesale greenhouse operation. He stated that the hearing was advertised in the *Sudbury Town Crier* on July 10 and July 17, 2008, and in the *Metrowest Daily News* on July 7 and July 14, 2008. Abutters were also duly notified.

Vice-Chairman Keller reviewed the following materials received to the file to date: the Application for Site Plan Approval dated June 18, 2008, accompanying plot plan and attachments; a Request for Waiver from Site Plan Rules and Regulations dated June 17, 2008 and a letter dated June 24, 2008 from Trustee Laura Abrams of the RWS Trust, explaining that the waiver request is based upon an agricultural housing exemption; a memo from Board of Health Director Robert Leupold dated July 16, 2008, stating that the septic system for the proposed four-bedroom dwelling has been approved; a memo from Building Inspector James Kelly dated July 17, 2008, stating that the proposed construction conforms to applicable requirements; Ms. Kablack's memorandum to the Board dated July 16, 2008, noting her comments and recommendations regarding the application; a memorandum noting comments and recommendations from Department of Public Works Director Bill Place dated July 8, 2008; and an email message from Sudbury Fire Chief Kenneth MacLean, dated July 18, 2008, stating no objections to the proposed construction since it is a matter of right as an agricultural use.

Robert Abrams, 24 Goodman's Hill Road, addressed the Board to briefly describe the plans to build an additional house on a two and one-half acre parcel at 52 Horse Pond Road for he and his wife, owners of the farm, under the Chapter 40A exemption. He noted that there is 100 feet of frontage on Horse Pond Road. Mr. Abrams stated that he and his wife had engaged in discussions with the Sudbury Planning Board regarding waivers from the standard subdivision regulations. However, Mr. Abrams further stated that the Planning Board was not amenable to the proposed waivers. Thus, the decision was made to pursue this application and to exercise the agricultural-use exemption.

Vice-Chairman Keller referenced Ms. Kablack's memo, wherein she asked if either the proposed location of the house or septic system could be moved to reduce the amount of tree clearing required. Mr. Abrams responded that the owner's desire is also to preserve as much of the tree line and mature trees as possible. However, Mr. Abrams further explained that the proposed home and septic system need to remain located as proposed in order to reserve the future opportunity to create a subdivision plan requiring the fewest waivers for submission to the Planning Board.

Vice-Chairman Keller also referenced Building Inspector James Kelly's comment that if at any time in the future the agricultural use of the lot ends, then one house would need to be demolished. Mr. Abrams agreed with Mr. Kelly's statement, and he confirmed that, in such a circumstance, the older dwelling at 52 Horse Pond Road would be removed.

Vice-Chairman Keller again referenced Ms. Kablack's memo, wherein she noted that the proposed driveway is not compliant with the five-foot distance required from the property line. Mr. Abrams responded that this is no longer an issue, since the plans have been revised to accommodate the five-foot requirement.

Selectman Drobinski asked for clarification regarding the comment on drainage calculations noted by Department of Public Works Director William Place. Mr. Abrams reported that he discussed this issue with Mr. Place. Both gentlemen have agreed that if the plan were for a conforming lot then drainage calculations would not be required, and particularly not under the agricultural-use exemption.

Vice-Chairman Keller asked Mr. Abrams to address the remaining items mentioned in Ms. Kablack's July 16th memorandum as referenced by Town Manager Valente.

Mr. Abrams stated that, if the proposal were for a subdivision plan, he would understand Ms. Kablack including her third and fourth conditions as part of her obligation to advise the Sudbury Planning Board within the context of a subdivision approval process. However, in the context proposed this evening, Mr. Abrams does not believe it is appropriate to restrict other development on the lot (#3), since the septic system has been approved to support up to ten bedrooms. After the construction of the proposed dwelling, the applicants technically would still be entitled to three additional bedrooms by right.

Additionally, Mr. Abrams noted that it is unnecessary to specify requirements regarding the amount of impervious surface (#4) on the lot because, as stated previously, although he would agree with its appropriateness within a subdivision context, he does not believe it is necessary for this application.

Mr. Abrams requested that Mr. Kelly's language be substituted for Ms. Kablack's item #5 regarding the removal of a structure if the agricultural use is ever terminated. He stated that Mr. Kelly's language more clearly and succinctly expresses the requirement.

Mr. Abrams addressed condition #6 of Ms. Kablack's memorandum by noting that occupancy should not be restricted to only employees or owners of J.P. Bartlett Greenhouses. He stated that the agricultural-use definition allows for the occupancy by an employee of another farm, such as Cavicchio. Mr. Abrams stated that, although it is highly unlikely that occupancy would be offered to an employee of another farm, he would prefer that the permissible option remain available. He emphasized that it is the use of the building that defines the exemption. Selectman Drobinski asked that the opinion of Town Counsel Paul Kenny be requested on this matter as well.

It was on motion unanimously

VOTED: To instruct Town staff to prepare a favorable Draft Decision approval for Site Plan application SP #08-009 of Laura B. Abrams, Trustee of the RWS Trust in accordance with Town of Sudbury Zoning Bylaw Article IX, Section 6300 for property located at 52A Horse Pond Road, Assessor's Map K06, Parcel 0007, owned by RWS Trust, zoned Residential A-1, for construction of one additional 2,800 +/-square foot house on the property for housing for J.P. Bartlett Co., Inc., a wholesale greenhouse operation, as requested in a letter dated June 24, 2008, subject to the opinion by Town Counsel regarding requirements for occupancy, and to continue this public hearing to July 29, 2008 at 9:15 a.m. at the Thompson Conference Room in the Flynn Building.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of July 8, 2008.

National Society of Daughters and Founders and Patriots of America - Grant Application

Town Manager Valente noted that this grant will be used towards the Town's efforts to preserve historic records. Ms. Valente noted that Town Staff are continuously looking for new revenue resources, and she commended Town Clerk Rosemary Harvell for pursuing this grant opportunity.

It was on motion unanimously

VOTED: To approve submission of a grant application for \$2,000 to the National Society of Daughters and Founders and Patriots of America, and to approve the signing of a letter from Sudbury's Town Manager agreeing to expend the funds solely for preserving the original Town Meeting or Town vital records, as requested by Sudbury's Town Clerk in an email dated July 17, 2008.

Boundless Playgrounds - Grant

Town Manager Valente thanked Parks and Recreation Director Dennis Mannone for initiating this grant proposal. The grant funds will be used to expand handicap accessibility and facilities at Town parks and fields, which will expand their use for people of all ages and physical abilities. In response to a question from Selectman Drobinski, Ms. Valente noted she believes approximately \$20,000 to \$30,000 more is needed from fundraising to complete the project in the next year.

Vice-Chairman Keller opined that Sudbury can be proud of these efforts to increase recreational opportunities for all its citizens.

It was on motion unanimously

VOTED: To accept and acknowledge the grant award in the amount of \$150,000 (\$125,000 cash award plus \$25,000 for Boundless Playgrounds technical services) from Boundless Playgrounds for materials and services for a barrier-free playground project to be located at Haskell Field in accordance with the Service Agreement; and further, to authorize Sudbury's Town Manager to execute the Service Agreement.

Sudbury Access Corporation Board of Directors - Appointment

Town Manager Valente noted that the Selectmen appoint members to the Sudbury Access Corporation's Board versus merely approving their appointments.

It was on motion unanimously

VOTED: To appoint Theodore H. Fedynyshyn, 32 Atkinson Lane, to the Sudbury Access Corporation (SAC) Board of Directors for a term to expire April 30, 2011, as requested in an email communication dated July 16, 2008, from SAC Board Member Jeff Winston.

Town Dog Bylaw - Abuses at Cemetery and Playing Fields

Town Manager Valente explained that Department of Public Works Director William Place and Director of Parks and Recreation Dennis Mannone have requested a review of the Town's policy regarding dogs on public fields and cemeteries. Both gentlemen have recommended that Sudbury adopt a local ordinance/bylaw banning dogs from these locations due to health and safety reasons. She noted that many towns in the region and nation have been faced with instituting such restrictions. Ms. Valente further stated that, although the majority of dog owners in Sudbury handle their pets well, Town employees constantly encounter situations in public locations where dogs are unleashed, roaming free, and pet waste has not been responsibly removed by pet owners. In particular, she noted that Haskell Field has had many incidences of unleashed dogs. Ms. Valente further stated that, although signs were posted in public cemeteries and fields last year, and more trash receptacles were added to these locations, the problem remains, and it has not significantly diminished.

Selectman Drobinski noted that in a cemetery he visits, where signs were posted last year, he has observed no dog feces. He asked how disrespectful dog owners, who do not remove their dog's messes would be punished, and how new laws would be enforced. Selectman Drobinski also asked if all Town playing fields have signs regarding leash laws and pet waste removal. Town Manager Valente responded that not all fields have signs regarding these problematic issues.

Vice-Chairman Keller opined that he is sensitive to the difficult situations which have been described this evening. However, as a dog owner, Mr. Keller stated he is reluctant to ban dogs from all public locations. He suggested that the Town initiate a widespread public education program with the assistance of the Friends of the Park and Recreation Commission. Mr. Keller also stated he would be inclined to favor a penalty for irresponsible dog-owner violations. He requested that Town Manager Valente ask Town Counsel what strong consequences the Town could institute to send a clear message that those who do not uphold the Town's leash and pet waste disposal laws will be punished.

Selectman Drobinski opined that the Town has a leash law which should be obeyed, and thus all dogs at Haskell Field should be on a leash. Vice-Chairman Keller could not fully concur. He stated that playing fields can provide an appropriate space for owners to take their pets for exercise and play in off-hours, when no scheduled sports or activities are underway. Thus, Vice-Chairman Keller stated that he is reluctant to institute a 24 hours a day, seven-days-a-week enforcement of the leash law.

Vice-Chairman Keller opined that responsible dog owners can help by encouraging adherence to rules which will benefit the entire community. He stated it is important that citizens with dogs help educate each other on proper dog etiquette to ensure that a ban is not implemented. Mr. Keller suggested carrying extra waste disposal bags and offering them to those who need them.

The Board requested that the Town Manager instruct staff to develop a comprehensive public education program, including signs, which will be implemented in the fall and assessed at a later date. Vice-Chairman Keller also suggested asking area veterinarians to advertise in their waiting rooms the need for diligence and responsibility on these matters. The Board is not inclined at this time to authorize a ban of dogs from public locations until other measures are first explored to reduce the problem. Ms. Valente stated that she will relay the Board's position to Town Staff, whom she believes will be disappointed that a ban was not authorized this evening.

Selectman Drobinski opined that it is difficult to institute a ban and punish the dog owners who are acting responsibly. He asked what other towns are doing about the situation. Town Manager Valente responded that more and more cities have been forced to institute bans in the interest of public safety.

**MetroWest Regional Transit Authority (MWRTA)-
Establishment of a 53E 1/2 Revolving Account**

It was also on motion unanimously

VOTED: To establish a 53E 1/2 Revolving Account, as of July 1, 2008, for the purpose of receiving payments from the Metro West Regional Transit Authority (MWRTA) to be used for the Senior Center handicap accessible van service.

Town Manager Valente offered kudos to Kris Kiesel, Jody Kablack and Andrea Terkelsen for their ongoing efforts to implement and administer this program.

Reports From the Board of Selectmen

Selectman Drobinski stated he is enjoying the summer slowdown and brief respite from the many Town meetings, which usually keep everyone so busy.

Vice-Chairman Keller has returned from a terrific vacation in St. Maarten, and he wished the community a great remainder to the summer. He reported that he attended a collective bargaining meeting of the Lincoln-Sudbury Regional High School Committee, which has begun its contractual discussions. Town Manager Valente reported that Chairman O'Brien has also attended a few of these meetings this summer.

**Reports From the Town Manager
Budget Review Task Force**

Town Manager Valente reported that the Budget Review Task Force (BRTF) is energetically exploring many Town cost and expense issues. Town staff have been busy responding to the various requests from the BRTF for information and data.

Town Manager Valente has just returned as well from a great vacation visiting with her family in California. She thanked Wayne Walker for fulfilling the duties of Acting Town Manager for the eight-day duration of her vacation. She reported all went well in her absence. However, there was one report of a vehicular accident involving a Police department cruiser.

Selectman Drobinski asked Ms. Valente if any community feedback has been received regarding the consolidated summer work schedule for Town offices. Ms. Valente responded that last Friday was the first day that the offices were officially closed. Assistant Town Manager Walker, who provided on-call coverage, reported a very quiet day. Ms. Valente further reported that Town Department Heads will be available on-call, on a rotating basis, on Fridays to ensure any critical emergency is addressed. In addition, Ms. Valente shared the results of a recent survey which revealed that most surrounding cities and towns also close offices by mid-day or completely on Fridays.

There being no further business, the meeting adjourned at 9:16 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

