

IN BOARD OF SUDBURY SELECTMEN
JULY 29, 2008

PRESENT: Chairman Lawrence W. O'Brien, Vice Chairman William J. Keller, Jr., Selectman John C. Drobinski, Town Manager Maureen Valente and Jody Kablack, Director of Planning and Community Development

The statutory requirements as to notice having been complied with, the meeting was convened at 9:35 a.m. in the Flynn Building Thompson Conference Room.

Public Hearing: Site Plan Application SP #08-009 - 52 A Horse Pond Road

Present: Applicants Laura and Robert Abrams

Vice-Chairman Keller resumed the public hearing on this application, which was continued from July 22, 2008. Mr. O'Brien submitted a signed Mullin Rule certification stating that he examined all of the evidence received by the Board at the July 22, 2008 session that he missed, as well as reviewing the draft minutes of that meeting and a DVD of the public hearing videotaped for him by the Comcast cable studio.

Ms. Kablack noted her conversation with Paul Kenny, Town Counsel regarding a question that arose at the July 22, 2008 hearing regarding use of the exempt structures by others than Bartlett employees or affiliates, but by another agricultural use. Mr. Kenny verbally opined that he did not think this was within the scope of the law, but he would review any documentation to that effect provided by the Applicant. Ms. Kablack sent an email message to Mrs. Abrams with this response on July 24, 2008.

Mr. Abrams noted that he did not receive the email until yesterday and does not have any documentation to provide the Board. He believes that adjacency to the exempt agricultural use is not required, as a farmer can open a farm stand anywhere and it does not have to be on the exempt property. It is the use that is exempt.

Ms. Kablack stated that, without documentation and review by Town Counsel, she is not inclined to encourage the Board to change the condition.

After discussion, Mr. Keller suggested adding the words, "unless otherwise permissible as an exempt agricultural use under M.G.L. c.40A, s.3" to conditions 7 and 8. The Board agreed that these changes refer back to the statute and do not require interpretation.

It was on motion unanimously

VOTED: To close the public hearing for this application, and to approve Site Plan Application No. 08-009 of RWS Trust, Laura B. Abrams, Trustee to construct one additional 2,800 +/- sq. ft., four bedroom house on the property for agricultural housing for JP Bartlett Co., Inc, a wholesale greenhouse operation on property located at 52 Horse Pond Road, owned by RWS Trust, as shown on a plan entitled, "PROPOSED SEWAGE DISPOSAL SYSTEM", Sheet 1 of 1, dated 10/13/06, revised 3/8/06 and 11/10/06, prepared by Sullivan, Connors & Associates, Land Surveying and Civil Engineering, 121 Boston Post Road, Sudbury, MA 01776, 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 conditions as amended in the decision dated July 29, 2008.

Appointment of the Sudbury Housing Trust Trustees

The Board had never formally executed a document changing the trustees from the interim trust to the permanent trust, and this needs to be completed now due to the recent purchase of land by the Trust. The list of the Trustees will be recorded at the Registry of Deeds.

It was on motion unanimously

VOTED: To appoint the following Trustees as permanent Trustees of the Sudbury Housing Trust:
Lawrence W. O'Brien, Michael C. Fee, Amy Lepak, Andrew Kaye, Peter Crowe, Lydia Pastuszek.

There being no further business, the meeting was adjourned at 10:10 am.