

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, JUNE 24, 2008

Present: Chairman Lawrence W. O'Brien, Vice-Chairman William J. Keller, Jr., Selectman John C. Drobinski, Town Manager Maureen G. Valente (arrived 8:00 p.m.) and Finance Director Andrea Terkelsen

The statutory requirements as to notice having been complied with, the meeting was convened at 7:38 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:38 p.m., Chairman O'Brien opened the meeting. He announced that, in the interest of reducing costs/energy used by the Town and Town employees, the Board and the Town Manager have decided to institute a pilot program for a four-day compressed workweek this summer. The trial program will begin Monday, July 14. Offices in the Town Hall, Flynn Building and the Department of Public Works office building will be closed on six Fridays in July and August. Employees will work the same number of hours per week, but will work Monday through Thursday instead of Monday through Friday. Offices will be open to the public as follows - Monday, Wednesday and Thursday: 8 am to 5 pm; Tuesday 8 am to 6 pm; Friday closed. The only summer schedule exception will be the week of July 28th, when offices will maintain their usual schedules to accommodate tax payments. Chairman O'Brien stated that the following Town departments will participate in the pilot program: Tax Collector's office, Assessor's office, Town Accountant's office, Town Manager/Selectmen's office, Human Resources office, Town Clerk's office, Planning office, Building Department, Board of Health, Conservation office and the Engineering office.

Chairman O'Brien further stated that the trial program will be fully assessed at the conclusion of the summer to determine its cost effectiveness in preserving resources as well as its receptiveness by the public and by Town employees. It is hoped that there will be savings realized by implementing this trial temporary summer schedule, consistent with the published goal of the Board of Selectmen to enhance the Town's "green" business practices. Chairman O'Brien also noted that summer office hours and additional information is available on the Town website.

Chairman O'Brien also announced that openings are still available in some Parks and Recreation summer programs. He encouraged parents to view the Town website and to contact the Commission for further information.

Chairman O'Brien reported that Town Manager Valente will be arriving late to tonight's meeting due to a meeting conflict. In Ms. Valente's absence, Finance Director Andrea Terkelsen was welcomed to the meeting.

Finance Director Andrea Terkelsen announced that the Treasurer's Office will process passport applications beginning July 1, 2008. She encouraged the community to access more information on the Town website. Ms. Terkelsen further noted that residents needing passport services should contact the Treasurer's Office to schedule an appointment.

It was on motion unanimously

VOTED: To appoint the Finance Director, Andrea Terkelsen, as Secretary and Clerk Pro Tem, in the absence of Town Manager Maureen Valente, for the start of the June 24, 2008 Board of Selectmen's meeting.

**Tax Deferral Annual Interest Rate for FY09**

Present: Andrea Terkelsen, Sudbury Finance Director

At 7:42 p.m., Ms. Terkelsen addressed the Board to discuss recommendations for setting the tax deferral annual interest rate for FY09. The recommendation is to keep the rate of 2.5%, which shows the Town's fiscal tolerance and will offer seniors some predictability by keeping the rate consistent with recent years. The same criteria, which have been used since FY03, were part of the evaluation process as were a review of local and national economic factors and a review of interest rates. Ms. Terkelsen noted that pertinent rates have fallen dramatically in the last year.

Ms. Terkelsen noted that an increase has been seen in the number of deferral candidates participating in the program. She emphasized that in FY2000, Sudbury established a more flexible local program, which offers a significantly lower interest rate than the State program. This local rate is voted upon each year. Ms. Terkelsen stated that the program can be very beneficial to seniors, with no harmful consequences.

In response to a question from Vice-Chairman Keller, Ms. Terkelsen clarified that the participants defer all the interest payments, which are rolled over each year.

Selectman Drobinski thanked Ms. Terkelsen for her concise report, and he stated that the program is very helpful for seniors. Vice-Chairman Keller opined that he is pleased to see residents participate in the program, and that the community should be proud to help subsidize this program for senior citizens.

It was on motion unanimously

VOTED: To approve a 2.5% tax deferral interest rate for FY09 as recommended by the Finance Director/Treasurer Collector.

**Public Hearing: Save-A-Dog, Inc. - Site Plan Application**

Present: Director of Planning and Community Development Jody Kablack, Attorney for the applicant Michael Fee and applicant Shirley Moore

At 7:47 p.m., Chairman O'Brien opened the public hearing regarding Site Plan application SP#08-008 of Save A Dog, Inc. in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 604 Boston Post Road, Assessor's Map K06, Parcel 0014, owned by Lillian McCurrach, zoned Residential A-1.

Ms. Kablack reported that the hearing was advertised in the *Sudbury Town Crier* on June 5, and June 12, 2008, and that abutters were duly notified.

Ms. Kablack reviewed the following materials received to the file to date, including: the Site Plan Application dated May 14, 2008 and accompanying documents; a memo from Attorney Michael C. Fee to Town Counsel Paul Kenny dated January 30, 2008 requesting determination of non-profit educational status and Mr. Kenny's response dated February 29, 2008; a plot plan; photocopy of proposed signage; a memo from Conservation Coordinator Debbie Dineen noting minimal consequences, but also noting that a Request for Determination will be required if construction is planned within 100 feet of the wetlands; a letter of reference dated June 13, 2008, from Paula Adelson, Sudbury Animal Inspector; a memo from Building Inspector James Kelly dated June 18, 2008 noting comments regarding needed screening for the dumpster area, narrowness of the driveway and the need for an accessible entrance, and noting that a Building Permit will be required; a memo from the Planning Board dated June 18, 2008, recommending approval subject to additional screening on the southerly lot line, restriction on the number of dogs outside at any time, and full-

enclosure of the waste compost bin; and a memorandum dated June 3, 2008 from Ms. Kablack summarizing the application and offering comments and recommendations.

Ms. Kablack briefly described the request to change the use of this site from a single-family property on a 2.19-acre parcel to administrative offices, adoption counseling facilities and a temporary shelter for dogs in transition to adoptive families. She explained that Mr. Fee and Town Counsel Paul Kenny have determined that Save A Dog qualifies for non-profit educational status, and thereby is exempt from the application of local zoning ordinances, and special permits for the proposed uses. However, she further stated that minor site plan review is required, since the structure located on the site exceeds 500 square feet, but is less than 2,000 square feet.

The applicant's attorney, Michael Fee, addressed the Board to describe the mission of the company. Mr. Fee stated that Save A Dog is a licensed, exempt non-profit organization. The company was started in 1999 to find loving and appropriate homes for at-risk animals, many of which have been rescued from natural-disaster situations. He emphasized that the company does not operate as a kennel or boarding facility, and that it adheres to a strictly regulated short-term quarantine process to help evaluate the dogs. Mr. Fee noted that there will not be an intense use of the site, since the dogs spend a limited time on site prior to adoption. He also stated that no more than approximately 16 dogs are expected on site at any one time. Mr. Fee further stated that the proposal presents minimal changes to the premises.

Mr. Fee addressed concerns highlighted by Sudbury's Building Inspector Jim Kelly. He noted that extensive outdoor lighting, other than a few column tubes, is not necessary, nor is it planned out of respect to the neighborhood. Mr. Fee stated that the applicant concurs with Mr. Kelly's observation that the driveway is narrow, and that the applicant has agreed to widen and pave the driveway to a width of 20 feet. In addition, the applicant will install a small dumpster to the right of the existing barn. Mr. Fee also stated that the applicant will coordinate the proper placement of utilities with the utility companies. Mr. Fee further noted that actions will be taken to ensure that the entrance and facility are handicap-accessible.

In response to a few questions from the Board, Ms. Moore stated that the company presently operates out of her home in Wayland. Ms. Moore stated that puppies usually stay at the facility only three or four days before adoption. Ms. Moore emphasized that dogs are never unattended when they are outside, and that only small groups are taken outdoors at a time for short playgroups. Ms. Moore explained that her facility differs from Buddy Dog, in that it acclimates the dogs to a home environment, and it is not a kennel. Ms. Moore stated she is the only full-time employee, and that other staff members are volunteers. She also stated there are no plans to have the facility staffed overnight, but that calls will be redirected to her home for attention after closing.

Robert Abrams, 24 Goodman's Hill Road, represents J.P. Bartlett, Inc., which is an abutter. Mr. Abrams questioned whether an application has been filed for a kennel license and/or whether the applicant is requesting a waiver of the license. Mr. Fee responded that he does not believe a kennel license is required since the organization has been granted exempt status.

Mr. Abrams also asked if the barn where the dogs will be housed will be soundproofed, and what the planned specifications will be. He noted that he currently lives next to the Best Friends Kennel, which has an excellent soundproofing system, and that the dogs cannot be heard by neighbors. Mr. Fee and Ms. Moore responded affirmatively, stating that soundproofing will be part of the barn renovations. Chairman O'Brien suggested that the applicant consult with the Best Friends Kennel regarding its system's specifications to be used as a model.

In response to Mr. Abram's question on whether a kennel license will be required, Ms. Kablack stated that, in accordance with Massachusetts General Laws, the Board cannot restrict the use of the land for a non-profit educational facility, since it is exempt from zoning regulations. Mr. Fee stated that the applicant is willing to adhere to whatever regulations the Board deems necessary to impose, including restrictions of a typical kennel license.

Mr. Abrams stated that his understanding is that an exempt use must still comply with Building Permit conditions. He is concerned with the maximum number of dogs which will be at the facility at any one time.

Fred McCarthy, 598 Boston Post Road, asked for clarification about why the dogs need to be quarantined and whether they will be carrying diseases into the area. Ms. Moore explained that the dogs must receive a certificate of good health from the state from which they are being transported before entering Massachusetts. Once the dogs arrive at Save A Dog, they are quarantined for two days for observation, and then examined within 48 hours by a traveling veterinarian.

Mr. McCarthy also stated concern regarding ill-tempered dogs and whether medications and vaccines will be housed on site. Ms. Moore assured him that she started this organization so that proper temperament testing could be done with the dogs to ensure public safety. Ms. Moore stated she works closely with certain Humane Societies, and she has an excellent track record with the type of dogs she acquires. Ms. Moore further stated that no medications will be on site, but are brought as needed by the visiting veterinarian.

Mr. McCarthy asked what type of fencing is planned. Ms. Moore responded that the property has been measured by the Reliable Fence Company, but no final decisions have been made to date. She said possibly a stockade fence will be installed to the street on the western lot line. Mr. Fee stated that fencing, which will probably be approximately five to six-feet tall has been proposed close to the barn on the eastern side. Ms. Moore referenced a particular type of 16-gauge vinyl fence used by Pet Nanny which works very well, and she would like to consider using it to secure the dogs. Mr. Fee emphasized that the applicant will be amenable to installing whatever fencing systems the Board deems appropriate.

Martha Keighley, 610 Boston Post Road, stated her concerns for her children's and pet's safety. She noted that many children and families also visit a medical facility in the neighborhood. Ms. Keighley is concerned about noise from the site and whether it will be secure to prevent a dog from getting loose.

Vice-Chairman Keller recommended that a report of observations and opinions about Save A Dog be requested from the Wayland Dog Officer.

Chairman O'Brien noted that, since the organization receives fees for its adoption services, it is in the owner's as well as the community's best interest to have good dogs with good temperaments which are adoptable.

Ms. Keighley also asked about the number of composting bins proposed, and she questioned whether there will be waste flooding problems. Mr. Fee noted that the property does have a high water table. He also stated that processes are in place for daily on-site waste removal as well as a weekly service to remove the waste from the property. Ms. Moore stated she believes the runoff onto adjacent properties comes from Route 20. Ms. Keighley stated she does not believe the runoff comes from Route 20, and she feels further research is needed. Mr. McCarthy concurred with Ms. Keighley. The Board requested that Ms. Kablack ask the Building Inspector to assess the runoff situation and whether a perimeter sump pump might address some of these concerns.

Andrea Feinberg, 303 Boston Post Road, has been a volunteer at Save A Dog for seven years. She spoke glowingly of the effectiveness and commitment of Ms. Moore and her fellow volunteers in their work of fostering the dogs. Ms. Feinberg believes the organization will be an asset to Sudbury.

Chairman O'Brien suggested, and the Board concurred, that a site visit could be helpful. Ms. Kablack was asked to coordinate a date with the applicant and the Board for the site visit.

A brief discussion ensued as to whether the Board can further deliberate this issue at a meeting without all members present. It was suggested that Town Counsel Paul Kenny be asked for an opinion as to whether a unanimous vote by the Board can be waived given the application's exempt status.

It was on motion unanimously:

VOTED: To continue the Public Hearing for Site Plan Application SP#08-008 for Save A Dog, Inc., in accordance with Town of Sudbury Zoning Bylaw Article IX. Section 6300, for property located at 604 Boston Post Road, Assessors Map K06, Parcel 0014, owned by Lillian McCurrach, zoned Residential A-1 for use of existing structures for administrative offices, adoption facilities and a temporary shelter for dogs in transition to adoptive families to July 8, 2008 at 8:30 p.m., to request an opinion from Town Counsel Paul Kenny as to whether a unanimous vote by the Board can be waived given the application's exempt status, to request a report regarding Save A Dog from the Wayland Dog Officer, to request the opinion of Building Inspector Jim Kelly regarding water runoff, and to request the opinion of Department of Public Works Director Bill Place regarding the sight lines and suggested brush maintenance.

**Public Hearing: Omnipoint at Willis Hill**

Present: Director of Planning and Community Development Jody Kablack and Attorney Jennifer Lewis, Prince, Lobel, Glovsky & Tye LLP

At 8:53 p.m., it was on motion unanimously

VOTED: To relieve Finance Director, Andrea Terkelsen, as Secretary and Clerk Pro Tem for the June 24, 2008 meeting and to welcome, as a replacement in those duties, Town Manager Maureen Valente, who arrived at tonight's meeting at 8:00 p.m.

At 8:53 p.m., Chairman O'Brien opened the Public Hearing for Site Plan #SP08-007 application of Omnipoint Communications, Inc. for a site plan proposal to construct a 100-foot, free-standing monopole wireless communications tower with three interior antennas and equipment buildings, including the ability to add two additional carriers to the tower, on property located on Maynard Road, and owned by the Sudbury Water District, zoned Single Residential A-1, which was continued from June 10, 2008.

Director of Planning and Community Development Jody Kablack reviewed the following materials received to the file since the last meeting, including: a Draft Site Plan Decision; and email messages dated June 18, June 20, and June 24, 2008 from the applicant's attorney regarding Omnipoint's willingness to only pay for one-third of the cost to stabilize the access drive and install drainage structures as conditions of approval.

Town Manager Valente reported that Town Counsel Paul Kenny stated to her verbally that whether the Sudbury Water District is authorized to enter into such a lease, is beyond the scope of site plan approval deliberation by the Selectmen.

Attorneys Norma Jeanne Buoniconti and Francis Harver addressed the Board to state their disappointment at not receiving any responses to their letters or inquiries made at the last meeting. Ms. Kablack stated she did forward the law firm's letter to the Sudbury Water District's Superintendent. However, the concerns remain between the law firm and the Water District; the Town has nothing within its purview to which it can formally respond. Chairman O'Brien agreed that for site plan deliberations the Selectmen have no jurisdiction to regulate the business initiatives of the Sudbury Water District.

The applicant's attorney, Jennifer Lewis, has provided the applicant's comments to the Town regarding the Draft Decision. The applicant does not believe it should be required to pursue a lease amendment with the Sudbury Water District to accommodate the future needs of other carriers, and thereby is opposed to Condition 1. Chairman O'Brien responded that it is not the Board's intent to ask that the leased area be renegotiated, but rather that an enlarged area for future carriers merely be depicted on the plans. Ms. Lewis agreed to communicate with the Sudbury Water District to try to identify such a location for the plans. The Board requested that Ms. Kablack rewrite Condition 1 of the Draft Decision to reflect this action by Ms. Lewis on behalf of the applicant.

Ms. Lewis stated that the applicant believes it should not alone bear the burden of the drainage improvements and stabilization of the access driveway, since two other wireless carriers also operate on the property and utilize the access drive. However, the applicant is willing to pay \$1,500 towards these projects, based upon one-third of the approximate cost of the work as estimated by the Director of Public Works/Town Engineer. Ms. Lewis further stated that the Water District should stabilize the road using a portion of the rent proceeds it will receive from Omnipoint. Thus, the applicant is also opposed to Condition 2 of the Draft Decision as written.

Ms. Lewis also stated in her email message that Omnipoint's installation will not affect stormwater drainage. She emphasized there will be a minimal increase of impervious surface, which will have no material increase in surface water runoff, nor will it raise or lower the water table. Thus, the applicant does not agree that there is a need to provide a stormwater management plan as stated in Condition 3.

Chairman O'Brien emphasized that drainage improvements and stabilization of the access driveway are necessary, and the Board believes the full estimated cost of \$5,000 should be paid by Omnipoint to the Town to complete this work. Although Board members agreed that imposing the full cost on Omnipoint may not be entirely fair, it is necessary to eliminate public safety concerns. Chairman O'Brien suggested that the applicant recover this cost from future co-locators when negotiating future leases.

Selectman Drobinski asked if the Sudbury Water District is in violation of the Department of Environmental Protection's Stormwater Act by allowing the catch basins to be blocked. Ms. Kablack stated that Department of Public Works Director Bill Place has tried, to no avail, to discuss fixing public safety hazards with the Sudbury Water District.

Ms. Kablack recommended that Condition #2 not be eliminated from the Draft Decision. After a brief discussion, the Board decided to keep Condition #2 as a requirement. However, the Board requested that Ms. Kablack combine Conditions # 2 and #3 into one condition to be rewritten, and to note that if Omnipoint does not want to undertake the work themselves, they can contribute \$5,000 to be expended under the direction of the Department of Public Works Director.

It was on motion unanimously

VOTED: To approve the Draft Site Plan Decision for Site Plan #SP08-007 application of Omnipoint Communications, Inc. at Maynard Road, Assessor's Map E07, Parcel Lot 0003, owned by the Sudbury Water

District, zoned Single Residential A-1, to construct a 100-foot, free-standing monopole tower with three interior antennas and equipment buildings for wireless communications, including the ability to add two additional carriers to co-locate on the tower as discussed, subject to the requisite modifications in language being made as amended tonight, and to authorize signature by the Chairman upon review of the final revised Decision.

It was also on motion unanimously

VOTED: To close the Public Hearing for the Site Plan #SP08-007 application of Omnipoint Communications, Inc. at Maynard Road, Assessor's Map E07, Parcel Lot 0003, owned by the Sudbury Water District, zoned Single Residential A-1, to construct a 100-foot, free-standing monopole tower with three interior antennas and equipment buildings for wireless communications, including the ability to add two additional carriers to co-locate on the tower.

**Sudbury Housing Local Preference Definition - Revised Policy**

Present: Sudbury Housing Specialist Beth Rust and Sudbury Housing Trust Chairman Michael Fee

At 9:27 p.m., Sudbury Housing Specialist Beth Rust addressed the Board to explain plans to adopt a revised definition for Local Preference for homeownership housing opportunities in Sudbury. Ms. Rust further explained that new affirmative fair housing marketing requirements issued by the Department of Housing and Community Development in February 2008 prompted the revisions.

Ms. Rust noted the new definition to be adopted includes: current residents, a child or parent of a current Sudbury resident, families with children currently enrolled in, or employees of, the Sudbury Schools or Lincoln-Sudbury Regional High School systems, Town employees, employees of the Sudbury Water District or employees of the Sudbury Housing Authority.

Ms. Rust further noted that the inclusion of employees of Sudbury private businesses was rejected in 2006 by the Community Housing Committee and in May 2008 by the Sudbury Housing Trust.

It was on motion unanimously

VOTED: To adopt the revised policy for definition of Local Preference households to be used in housing programs as applicable, as requested by Community Housing Specialist Beth Rust.

**Sudbury Housing Trust - Property Purchase 278 Maynard Road**

Present: Sudbury Housing Specialist Beth Rust and Sudbury Housing Trust Chairman Michael Fee

Ms. Rust reported that the Sudbury Housing Trust (SHT) recommends approval of the purchase of 278 Maynard Road by the Trust for the purpose of developing a small number of community housing units. Any real estate transaction by the Trust requires Board approval. She noted that the Purchase and Sale Agreement is due to be signed later this week.

Ms. Rust explained that the Trust has made an offer to purchase the property for \$275,000, which was accepted, subject to a 30-day due diligence period. She further stated that funds are currently available for the purchase. Soil testing has been completed, a conceptual design has been presented, and a preliminary project budget has been developed.

In response to a question from Chairman O'Brien, Ms. Rust briefly described the site. She noted that the current house and barn are dilapidated. The Sudbury Historical Commission supports the purchase of the property, and the Commission recommends that the deteriorated structures be demolished.

Ms. Rust further stated that the site will accommodate two structures, each with three housing units. Access to the site will remain on Marlboro Road. Ms. Rust emphasized that some of the units will be one-bedroom, which are much needed within Sudbury's housing inventory. Each unit is anticipated to require an estimated \$150,000 subsidy from Sudbury along with other State funding. Ms. Rust further noted that the preliminary schedule depicts units closing in December 2010, as she referenced a design and development timeline previously provided to the Board for review.

In response to a question from Selectman Drobinski, Ms. Rust stated that the anticipated Sudbury subsidy would be approximately \$900,000 on an expected total project cost of \$2.4 million. Ms. Rust further stated that the Trust can pursue many financial strategies to bring the project to fruition.

It was on motion unanimously

VOTED: To approve the purchase of property located at 278 Maynard Road by the Sudbury Housing Trust, for the purpose of developing affordable housing, as requested by Community Housing Specialist Beth Rust.

**Sudbury Housing Trust - Home Preservation Program - Proposed Property Purchase**

Present: Sudbury Housing Specialist Beth Rust and Sudbury Housing Trust Chairman Michael Fee

Ms. Rust reported that the Sudbury Housing Trust (SHT) recommends approval of the purchase of the second home under the Home Preservation Program at 20 Maplewood Road. The Trust also requests that the Board approve up to \$200,000 from Article 42 of the 2005 Town Meeting funds towards this purchase and to execute the affordable housing deed rider at the closing.

Ms. Rust briefly reviewed the selection process. She noted that houses selling for less than \$425,000 were considered. She provided the Board with information highlighting that the approximately 1,200 square-foot slab house built in 1962 has been maintained well. It was also noted that minimal repairs have been identified through the inspection process. These repairs are anticipated to cost approximately \$19,000. She stated that the Purchase and Sale Agreement is due to be signed on July 3, 2008, with the closing expected to be on September 5, 2008.

Ms. Rust explained that the Trust has negotiated an offer to purchase the property for \$339,000, since at this time, it is the only suitable property for the program in Sudbury. Ms. Rust stated that the house will be offered to buyers from the general pool obtained from the December 2007 lottery. She also stated that one qualified buyer has expressed interest in the property.

Ms. Rust noted that a larger subsidy of approximately \$181,000 will be required from the Town for this home than for the first one purchased under this program. The Community Preservation Act (CPA) funds do have a sunset provision. Thus, the Trust recommends use of the funds prior to the April 2009 expiration date.

In response to a question from Selectman Drobinski, Ms. Rust reported that the carbon monoxide issues have been addressed.

Ms. Kablack clarified that these funds were already committed to fund buy-downs in the recently-approved 40B projects. However, due to the CPA sunset provision, the funds will be transferred from the



Chapter 40B buy-downs for this purpose, and the buy-downs will be funded at a later time by the Sudbury Housing Trust.

It was on motion unanimously

VOTED: To authorize the expenditure of up to \$200,000 of Community Preservation Act funds towards the purchase of 20 Maplewood Road from funds appropriated for this purpose from Article 42 of the 2005 Annual Town Meeting.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of June 10, 2008.

### **Omnipoint Communications Inc. - Endorse Site Plan - 104 Wayside Inn Road**

It was on motion unanimously

VOTED: To endorse Site Plan #07-005 of Omnipoint Communications, Inc. for installation of wireless services at 104 Wayside Inn Road, Assessors Map L02, owned by Wayside Inn. Corp., zoned Single residential; to accept a \$2,500 donation towards a Town-wide study of coverage gaps and bylaw changes and/or purchase of new municipal communications equipment from Omnipoint Communications, Inc. and to accept a Tower/Structure/Equipment Removal Bond in the amount of \$18,750 to be held by the Town Treasurer.

### **AAA Limousine and Sudbury Limousine & Taxi Service, Inc. Livery and Limousine License Renewals**

It was on motion unanimously

VOTED: To approve the renewal of the Livery and Limousine Licenses of AAA Limousine, Inc., 39 Union Avenue; and Sudbury Limousine & Taxi Service, Inc., 26 Shadow Oak Drive, in accordance with applications dated June 6 and June 18, 2008, respectively, and to approve the rate schedules set forth in both applications, subject to approval of individual drivers' licenses and satisfactory inspection of vehicles by the Police Department.

### **July 4th Road Race - Sign Request**

It was on motion unanimously

VOTED: To approve the placement of two signs, on Concord Road, from Friday, June 27 to Friday, July 4, 2008, announcing the July 4th Road Race, as requested by Graham R. Taylor on June 7, 2008.

### **Massachusetts Health Officers' Association - BT/Pandemic Flu Funding Donation**

It was on motion unanimously

VOTED: To accept in-kind product amounting to \$2,376 and a \$3,824 donation from the Massachusetts Health Officers' Association to the Sudbury Board of Health for BT/Pandemic Flu Funding for the community, and expended under the direction of the Director of Health, Bob Leupold.

**Sudbury Water District - GIS Upgrade Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a \$24,000 one-half payment from the Sudbury Water District toward the Town's GIS system upgrade, with another similar payment due next year, as requested by Technology Director Mark Thompson.

**September 11th Memorial Garden Trust - Spending Increase**

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve an increase to the previous FY08 request of allocations for expenditure from the September 11th Memorial Garden Trust Fund from \$500 to \$750, as requested by Town staff and verbally approved by Finance Director Andrea Terkelsen.

**Pre-Disaster Mitigation and Multi-Hazard Mitigation Plan - Discussion**

Town Manager Valente noted that the complete proposal for the Metro Boston North/West Regional Multi-Hazard Mitigation Plan for Sudbury was provided to the Board for review. The Board briefly reviewed the approval and adoption process for the plan.

It was on motion unanimously

VOTED: To approve the Draft Metro Boston North/West Regional Multi-Hazard Mitigation Plan for Sudbury for submission to the State Hazard Mitigation Officer for initial review and then to be forwarded to FEMA Region 1 for final review and approval, and to authorize the Town Manager to reword the approval of this step in the process, if needed.

**Rail Trail Conversion Advisory Committee - Priorities**

Present: Pat Brown, Rail Trail Conversion Advisory Committee Chair

Town Manager Valente reported that as liaison for the Board to the Rail Trail Conversion Advisory Committee (RTCAC), Selectman Drobinski will attend an upcoming Committee meeting on June 26, 2008.

Rail Trail Conversion Advisory Committee (RTCAC) Chair Pat Brown emailed to the Board questions which will be discussed at that meeting so as to provide Mr. Drobinski with feedback from the Board. The Committee's primary concern is the specific questions the Board would still like the RTCAC to address to conclude its Notebook.

The Committee wonders if it would be beneficial to the Board to have RTCAC coordinate a summer meeting with a State agency representative to discuss funding mechanisms for Massachusetts Highway projects. The Board concluded that it would appreciate this type of information. The Board asked Town Manager Valente to request that Department of Public Works Director Bill Place contact the appropriate officials and provide the Board with a report from those discussions.

The Committee has also questioned how the project will address permitting issues, since the Town will end up imposing conditions on itself for transgressions by contractors. Selectman Drobinski stated that many of these issues will ultimately be determined by the owner of the project who will work through usual contractor mechanisms.

The Committee also would like to know at what point in the process abutters' concerns will be addressed. Town Manager Valente opined, and the Board agreed, that the design will determine what concerns the abutters will have. Vice-Chairman Keller suggested that the Committee collect information about abutters' concerns from other State rail trail projects, how the concerns were handled, and provide alternative solutions. Chairman O'Brien concurred, and he stated, that of particular interest would be non-wetland mitigation issues from abutters. It was further noted that concerns from agricultural abutters will also be discussed in the Notebook.

Chairman O'Brien emphasized that as much information as possible should be collected regarding key issues such as width and types of rail trail surfaces which accommodate the broadest range of community activities.

Selectman Drobinski opined that the final decision about a rail trail will be made by the citizens at a Town Meeting. He will review the Draft RTCAC Notebook prior to Thursday's meeting. As suggested by Town Manager Valente, Selectman Drobinski will also research Concord's rail trail website information for additional issues to be addressed.

The Board will contemplate remaining preliminary rail trail issues and contact Selectman Drobinski prior to the RTCAC June 26, 2008 meeting at 8:30 p.m. with any further input.

**Waiver of Minor Site Plan Hearing - 52 A Horse Pond Road**

Present: Laura and Robert Abrams, applicants

Robert Abrams, 24 Goodman's Hill Road, addressed the Board to describe plans to build an additional house on a two and one-half acre parcel at 52A Horse Pond Road for he and his wife, owners of the farm, under the Chapter 40A exemption. He briefly reviewed the history of a site review which was done four years ago for three homes built at 40 Horse Pond Road.

Mr. Abrams noted that the two proposed homes will share a common driveway. In response to a question from Chairman O'Brien, Mr. Abrams stated that the couple decided to exercise its exemption option rather than to present the plan for consideration as a subdivision to the Planning Board and have to show that frontage issues on Horse Pond Road could be addressed without waivers. Mr. Abrams stated that he has provided the Board with more information than is necessary in hopes that the Board will consider waiving all site plan regulations.

Ms. Kablack noted that tonight's discussion was intended to determine whether there would be a waiver of a Public Hearing on this matter, and not to engage in a site plan discussion which has not been duly advertised, nor reviewed.

Although both Selectman Drobinski and Vice-Chairman Keller stated that they had no initial concerns with the proposed plan, they do believe a Public Hearing should be held. Ms. Kablack concurred, and she further stated that although the review will be most likely for a minor site plan, comments from Town staff and the public should be solicited.

It was on motion unanimously

VOTED: To schedule a Minor Site Plan Hearing (SP #08-009) for agricultural housing at 52A Horse Pond Road, as requested by applicant Laura B. Abrams in a letter dated June 19, 2008, on July 22, 2008 at 9:00 p.m.

**Three Easement Acceptances - 126 Marlboro Road and 115 Marlboro Road**

It was on motion unanimously

VOTED: To accept three easements: Drain Easement: grant of Charles Michael Miller and Anthony M. Kincl, 126 Marlboro Road; Walkway and Utility Easement: grant of Charles Michael Miller and Anthony M. Kincl, 126 Marlboro Road; and a Walkway Easement: grant of Brook Meachen Meggs, 115 Marlboro Road, as requested by the Director of Planning and Community Development Jody Kablack.

**Reports From the Board of Selectmen**

Selectman Drobinski reported that the Board had a productive discussion last night with the Wayland Board of Selectmen. He further stated that meetings should be scheduled more often to develop a working relationship.

Chairman O'Brien agreed that the meeting was productive and that the momentum of dialogue should be continued. He recommended, and the Board agreed, that Town Manager Valente contact Wayland's Town Administrator to schedule another joint meeting in August.

Chairman O'Brien attended a meeting today with Town Manager Valente to testify before the Committee on Municipalities regarding awarding Public Safety Department insurance proceeds back to the appropriate budget line. It is hoped that this proposal will be approved by the State legislature.

Chairman O'Brien also reported having received a telephone call from Maynard Selectman Sally Bubier. Ms. Bubier inquired as to whether drinking water from the Hudson Road pipe in Sudbury was being sold to the Stow Fire Academy. Town Manager Valente researched the matter and has been told the water from that pipe is used for drinking water and not fire suppression. Chairman O'Brien opined that he would have preferred to have been aware of this issue in advance of the inquiry. He emphasized that there are many issues which need to be discussed between the Town and the Sudbury Water District. He recommended, and the Board agreed, that the Board develop a list of agenda items for Town Manager Valente to coordinate a joint meeting with the Water District at a later date.

**Reports From the Town Manager**  
**Middlesex Savings Bank - Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a gift of \$20,000 from the Middlesex Savings Bank toward upgrades to the Route 20 area in the vicinity of the facility, including, but not limited to, vehicular and pedestrian safety improvements, to be expended under the direction of the Director of Public Works.

**Omnipoint Communications Inc. - Endorse Site Plan - 16 Great Road**

It was on motion unanimously

VOTED: To endorse Site Plan #07-004 of Omnipoint Communications, Inc. for installation of wireless services at 16 Great Road; to accept a \$2,500 donation towards a Town-wide study of coverage gaps and bylaw changes and/or purchase of new municipal communications equipment from Omnipoint Communications, Inc. and to accept a Tower/Structure/Equipment Removal Bond in the amount of \$25,000 to be held by the Town Treasurer.

**State Regionalization Meeting**

Town Manager Valente briefly updated the Board on the major issues discussed at the State regionalization meeting she attended today. It was noted that, in many instances, local officials and "turf" issues are the greatest impediments to achieving regional results.

**Executive Session**

At 10:55 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 potential litigation.

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

There being no further business, the meeting adjourned at 10:55 p.m.

Attest: \_\_\_\_\_

Maureen G. Valente  
Town Manager-Clerk