

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JUNE 1, 2010

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:31 p.m., Chairman Drobinski opened the meeting. He thanked all who participated in the Town's Memorial Day events commemorating the sacrifices made by our military. He also reported that the Hosmer House holiday activities were well attended, with over 400 people visiting the exhibits of artifacts and models from WWII. The exhibit was coordinated by Peter Harvell, a member of the Memorial Day Committee.

Chairman Drobinski congratulated all of Sudbury's school teams participating in year-end tournaments and wished them success. He also noted that the Lincoln-Sudbury Regional High School graduation is June 6, 2010, and he offered congratulations to all the seniors and their families for reaching this milestone.

Reports from the Board of Selectmen

Selectman Haarde stated that he participated in the Memorial Day events and thought they were well-planned and fitting remembrances.

Vice-Chairman O'Brien thought the Memorial Day Parade had a nice turnout and that the Parade Committee did an excellent job. He noted that the Committee may have vacancies, and he encouraged anyone interested in helping or joining the Committee to access information on the Town website.

Vice-Chairman O'Brien also attended the Loring School annual reading event, as did Chairman Drobinski.

Chairman Drobinski also reported that both School Committees have reported that they are actively looking at costs and processes for consolidation, and will continue with these efforts and with the CORE process to address budget concerns.

Reports from Town Manager

Historic Tomb Doors – Award of Contract

Town Manager Valente explained that a vote is needed to approve the contract for restoration of the historic tomb doors, which were vandalized.

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for restoration of historic tomb doors to the lowest responsible and eligible bidder as determined by Town Counsel pursuant to bids received on May 28, 2010.

Sudbury Historical Commission Chair Lyn MacLean stated that the low bidder was a contractor who has previously worked successfully with the Town. Thus, no project obstacles are anticipated, and the project should be completed by the fall.

Minuteman Regional School District – Alternative Vote

Town Manager Valente reported that Sudbury's Minuteman School Committee member, David Manjarrez, has informed her that two towns did not approve the requested vote at their Town Meetings regarding authorization for funds to conduct a feasibility study. Thus, an alternative vote for the project to proceed has been submitted, and copies were circulated to the Board for review. Town Manager Valente noted that the Minuteman School Committee will vote on this revised proposal on June 15, 2010. She highlighted a few changes in the new proposal, which appear to be less equality-based for participating communities. Town Manager Valente will discuss the proposal further with the Superintendent and will also advise the Finance Committee of the changes.

Chairman Drobinski suggested, and the Board concurred, that Board members share any relevant feedback with Mr. Manjarrez and/or the Town Manager as soon as possible.

Vice-Chairman O'Brien asked Town Manager Valente to inquire as to what the process would be if Sudbury were to decide to no longer be part of the Minuteman School District and what programs students from Sudbury pursue at the School.

Regional Dispatch Center – Feasibility Study Grant

Town Manager Valente announced that a \$150,000 grant application has been submitted by the towns committed to establishing a regional dispatch center. She thanked Fire Chief Ken MacLean for his efforts spearheading this project. News of the grant awards should be available in the summer.

Disaster Relief Assistance – Deadline Update

Town Manager Valente reported that the deadline for anyone interested in applying for FEMA Disaster Relief Assistance, due to the recent flooding conditions, has been extended to June 28, 2010, and additional information is available on the Town website.

Green Community Qualification Status - Acceptance

Town Manager Valente reported that Sudbury was one of the first 35 Massachusetts cities and towns, which qualified as a "Green Community." She briefly reviewed some of the process and steps Sudbury took to achieve this ranking. Town Manager Valente recognized the work of the Energy and Sustainability Green Ribbon Committee members, including Selectman Haarde, its Chairman William Braun and Building Inspector James Kelly for achieving this goal. She noted that relevant grant applications are due by June 4, 2010, and the Town is working on completing the submissions for potential awards of \$137,000.

On behalf of the Board, Chairman Drobinski also thanked the Committee and Jim Kelly.

Public Hearing: Wayside Carriage House Inn, LLC – All Alcohol Beverages License, Common Victualer and Entertainment Licenses

Present: The Wayside Inn Innkeeper John Cowden and Manager John O'Brien

At 8:00 p.m., Chairman Drobinski opened the Public Hearing regarding the application for an All Alcoholic Beverages License, Common Victualer and Entertainment Licenses for The Wayside Carriage House Inn, LLC, 738 Boston Post Road.

The Wayside Inn Innkeeper John Cowden announced that longtime Wayside Inn employee John O'Brien will be the Acting General Manager of the Carriage House Inn. He summarized the extensive renovations which have been made to the facility, increasing the number of rooms available to 46. Mr. Cowden believes this will help to increase food and lodging business at both locations. In addition, he also explained that an application has been filed for an alcohol license to enhance the service available to guests.

Selectman Haarde asked if the Carriage House will remain on the Town's tax rolls. Mr. Cowden responded affirmatively. Vice-Chairman O'Brien noted that the recently passed local meals and lodging taxes may help raise revenue for the Town.

Mr. Cowden fielded a few questions regarding recent special events at the Wayside Inn. He also highlighted the menu changes, which have been made in the past year to reach a broader audience. In addition, he noted the wine offerings have been increased. The Inn has also begun to offer breakfast to the public, starting at 7:00 a.m., seven days a week.

Town Manager Valente noted that there have been no objections expressed regarding the application from Town Department Heads.

Vice-Chairman O'Brien cautioned the applicants to be mindful of not serving alcohol to under-age customers. Mr. Cowden stated that staff will all be trained in alcohol awareness and be TIPS-certified. Chairman Drobinski also warned the applicants of random sting operations performed by the Police Dept.

Mr. Cowden stated that, if all goes as planned, the new rooms should be available next week and a shuttle van will be used to transport guests between the two Inns.

Selectman Haarde asked if there has been a liquor license historically at the Carriage House. Recollections were expressed that there was a liquor license issued for the facility in the past.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application for an All Alcoholic Beverages License, Common Victualer and Entertainment Licenses for The Wayside Carriage House Inn, LLC, 738 Boston Post Road.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. ch. 138 sec. 12, to approve an All Alcoholic Beverages Innholder License, Common Victualer and Entertainment licenses for The Wayside Carriage House Inn, LLC, d/b/a The Wayside Carriage House Inn, 738 Boston Post Road, John M. O'Brien, Manager, as requested in applications dated April 15, 2010, said licenses to expire December 31, 2010, subject to receipt of TIPS-certification documentation.

Public Hearing: Right of First Refusal Discussion - 192 Boston Post Road

Present: Director of Planning and Community Development Jody Kablack, Applicant's Attorney Robert Dionisi and Trask Development Representative Ben Stevens

At 8:25 p.m., Chairman Drobinski opened the Public Hearing regarding whether the Town should exercise its Right of First Refusal under Chapter 61B for the 192 Boston Post Road Esser property for a purchase price of \$600,000.

Director of Planning and Community Development Jody Kablack summarized materials received to the file to date and briefly described the 7.538-acre property. She noted that the Town has 120 days to decide if it wishes to exercise its Right of First Refusal. Ms. Kablack further stated that the Town has considered this parcel in the past, but there was not much interest in using it for a specific purpose. In addition, several Town boards, committees, departments and the Sudbury Valley Trustees have indicated no interest in the property at this time. However, information made available by the proposed developer indicates that the land is highly developable.

Ms. Kablack also reported that the Planning Board suggested that the Sudbury Housing Trust (SHT) consider this issue, and SHT will likely do so at its June 11, 2010 meeting. She also has spoken with Superintendent John Brackett, who indicated that, although financial constraints would make it difficult to purchase the property at this time, the Sudbury Public School Committee would appreciate time to discuss the issue. Ms. Kablack recommended that the Board continue this Hearing until its June 15, 2010 meeting, when more feedback will be available. She further stated that the option deadline expires on June 26, 2010.

Chairman Drobinski asked the applicant's attorney, Robert Dionisi, to respond to the opinions expressed by Town Counsel Paul Kenny in a letter dated March 26, 2010. Town Counsel Kenny offered an opinion, that the Purchase and Sale Agreement provided did not constitute a *bona fide* offer as set forth, and was insufficient as a matter of law, because a comprehensive permit from the Board of Appeals, which essentially constitutes a change to current zoning, would be required. Mr. Dionisi disagrees with this opinion, and stated that the applicant is not seeking to subdivide the property or to make any zoning changes. Thus, Mr. Dionisi and the applicant believe the Purchase and Sale Agreement are satisfactory and in compliance.

Chairman Drobinski reviewed the options available to the Board.

Vice-Chairman O'Brien referenced #31 of the Purchase and Sale Addendum, which states that no less than 28 residential units will be built. Ms. Kablack stated 28 units would not be allowable under Sudbury's subdivision guidelines. Chairman Drobinski noted that these points are moot, if the Town chooses not to exercise its Right of First Refusal.

Mr. Dionisi addressed a concern noted by the Planning Board, stating that the Town was notified in the proper timeframe, within ten days of the execution of the relevant document, which occurred on February 14, 2010.

Chairman Drobinski stated that it is important for the Board to receive as much feedback regarding potential public use of this parcel before it makes its decision.

Lawrence Hoagland, 33 Goodman's Hill Road, has lived in Town ten years. He chose Sudbury because of its character, but he believes concentrated Chapter 40B developments are changing the aesthetics of the Town. Mr. Hoagland supports the Town retaining parcels so as to maintain control of what eventually happens with them.

Chairman Drobinski stated that, although the Town does have limited control over such developments, the Zoning Board of Appeals (ZBA) does process these applications carefully.

Susan Curnan, 174 Boston Post Road, asked what the development would look like, and whether it would be similar to the Old County Road development. She was informed it would be similar to the Old County Road project. She also asked if the tax implications of this type of development have been studied. Ms. Curnan stated that she questions whether much of this land is developable.

Vice-Chairman O'Brien noted that the Board did meet recently with the developer, Trask Development, in a process to provide comments to MassHousing, and it appeared as if informal tests were positive. He reiterated that the ZBA would be the granting authority as the project proceeds, and he clarified the only issue before the Board tonight is whether to exercise the Town's option to purchase the property. Trask Development Representative Ben Stevens confirmed that no official PERC tests have been performed to date, and studies performed in February were informal.

Selectman Haarde asked if the site has had hydrological tests performed to determine if it is suitable for a wastewater facility. Ms. Kablack responded that the Town has not done soil testing for that purpose. However, two years ago the Town and Board of Health did review and reject the parcel, due to inadequate soils and space to sustain the Route 20 wastewater, estimated at 150,000 gallon per day.

Selectman Haarde suggested that if a site has good soils, it is possible to achieve adequate PERC results on a smaller parcel. Ms. Kablack responded that the soils would need to be excellent and that the Town has not really considered segregating the output of a wastewater facility into multiple leaching fields.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the Town of Sudbury's interest in exercising its Right of First Refusal regarding 192 Boston Post Road Esser property for a purchase price of \$600,000 to June 15, 2010 at 9:30 p.m. and to instruct Town staff to request feedback from the Sudbury Housing Trust and the Sudbury Public Schools prior to June 15th for the Board's consideration.

Town Center Project - Discussion

Present: Director of Planning and Community Development Jody Kablack, Department of Public Works Director Bill Place and Traffic Solutions Representative Jim Fitzgerald.

Chairman Drobinski welcomed Director of Planning and Community Development Jody Kablack to update the Board regarding the Town Center intersection project. The Board was in previous receipt of the Sudbury Center Improvement Plan Final Report dated March 2008, prepared by The Cecil Group, two maps of a Four-Legged and Offset Tee Intersection plan alternatives prepared by Traffic Solutions dated March 22, 2010, and copies of the March 22, 2010 Meeting Minutes of the Sudbury Center Improvement Advisory Committee (SCIAC). Copies of a letter dated June 1, 2010, from Sudbury resident Kirsten VanDijk, was also distributed to the Board for review. Ms. Kablack noted that SCIAC has worked on this project for four years, and is comprised of ten members, some of whom were in attendance tonight. She explained that, in the preliminary phase, done in conjunction with landscape consultants, SCIAC gathered input from many sources regarding the pros and cons of Sudbury's current center and what the goals for re-development should be. For the second phase, SCIAC requested \$100,000 at the Annual 2007 Town Meeting to study the project further and prepare design plans. In 2009, Traffic Solutions was hired, and representative Jim Fitzgerald will present two possible plans tonight. Ms. Kablack noted that many design solutions were rejected from an engineering standpoint.

Ms. Kablack reviewed the five primary goals for the project: to preserve and protect the historic resources of the Center, to improve safety and accessibility, to improve traffic flow, to protect the existing scale and visual character of the Center and to establish a sense of the Center as a civic location.

Ms. Kablack highlighted that First Parish has been involved throughout the process, and it is recognized as a major stakeholder in the project. Information and ideas expressed by First Parish are available on its website, and it will hold a congregational meeting next week. Ms. Kablack noted that both the Sudbury

Historic Districts Commission and First Parish have expressed dislike for both plans presented tonight and oppose the roadways being widened.

Ms. Kablack summarized the issue for the Town is to decide whether it would like to improve the Town Center conditions or only repair the current infrastructure for now.

Department of Public Works Director Bill Place highlighted the current conditions, including poor alignment of roadways and antiquated mechanical lighting systems. He stated he would appreciate direction from the Board as to how repairs/upgrades should proceed.

Chairman Drobinski noted that improving the traffic light system has been estimated to cost \$360,000.

Traffic Solutions representative Jim Fitzgerald presented exhibits and briefly described two plans (Four-Legged Intersection and the Offset Tee Intersection) to improve the safety and operations of the Town Center and to maintain its character and attract pedestrians. He described the Offset Tee plan as more dramatic, creating two smaller intersections, allowing for more green space. Mr. Fitzgerald briefly described the number of lanes contained in each proposal and the current level-service rating of "F" regarding traffic operations. He also stated that 53 traffic accidents have been reported at this location from 2005 to 2007, which is double the State average.

Vice-Chairman O'Brien stated that SCIAM specifically stated opposition to overhead traffic lights similar to those at the intersection of Routes 20 and 126 in Wayland. It was noted that both plans presented tonight utilize traffic islands for post-mounted signals so that overhead mast arms are not necessary.

Ms. Kablack noted that both plans would provide increased pedestrian and crosswalk opportunities.

Sudbury resident Kirsten VanDijk, 29 Barnet Road, opined that it appears as if some of the plans have three lanes of traffic converging into one lane within a short distance, which she does not believe is effective. Ms. VanDijk suggested that all the traffic lights be eliminated and a traffic circle instituted, with three crosswalk areas. She believes a traffic circle will allow for the creation of a Town green and a circular route, which highlights the historic buildings for residents, as is the case in Concord and Lexington.

Mr. Fitzgerald stated that a traffic roundabout would likely necessitate a partial land transfer from First Parish. Chairman Drobinski clarified that the Town Common is owned by First Parish.

Henry Noer, Goodman's Hill Road, opined that the beauty of the Town Center for him is in its current informality. He asked if this change, with the addition of curbing and/or other traffic signal design elements, will be in keeping with the existing character?

Gerald Janowitz, 262 Old Sudbury Road, stated he travels through this intersection twice each day. He moved to Sudbury in the 1990s and has always thought the appearance of the Town Center is unique and beautiful. He does not believe that the Offset Tee plan maintains the Center's character. He emphasized that safety should be addressed, and he believes it can be accomplished with new traffic lights and crosswalks. Mr. Janowitz does not support increasing traffic flow or the institution of four traffic lanes, since these objectives could compromise the integrity of the Center. He also believes that the Town has a fiscal responsibility to determine and consider the costs of each proposed plan before a decision is made to pursue one or the other. Mr. Janowitz also suggested that the traffic lights be painted black to compliment the Town's character. He also emphasized that traffic problems are only experienced during rush hour, which constitutes only 10% of the week. Mr. Janowitz also suggested that the current cut-through lane in front of Town Hall be blocked off from use.

Design Review Board member Dan Martin, 86 Brookdale Road, referenced a problematic area of Route 20 which has two traffic signals within very close proximity to each other. Thus, he questioned why the Offset Tee plan would consider creating another problematic two-intersection area. He too expressed interest in seeing a roundabout plan presented.

Sherrill Cline, 84 Concord Road, asked for additional information regarding operational levels of service. Mr. Fitzgerald explained that an "A" equates to no experienced delays, and an "F" equates to a gridlock situation. Mr. Fitzgerald explained that in both plans presented, level of service will only be increased marginally.

Jan Hardenbergh, 7 Tippling Rock Road, opined that many residents currently avoid this intersection, but with improvements made, the area may attract more traffic. Thus, Mr. Hardenbergh questions whether traffic wait/delay times will actually be reduced.

John McMahon, 19 Pelham Island Road, has prior work experience as a traffic engineer and as a Department of Public Works Director and he offered his assistance to the project. He highlighted that no one plan is right or wrong, or will please all constituencies. He encouraged the Board to set the direction for the project, i.e., to either maintain the historic character of the Center, or to improve the traffic flow at all costs, etc., to help the process move forward and guide the engineers and consultants. He believes a traffic circle should be considered and that now may be a good time to take advantage of outside funding and/or Federal Stimulus dollars.

Milton Jones, 29 Moran Circle, noted that often, the traffic congestion is hindered by poor coordination of the timing of the traffic signals. He suggested that the green signal remain green for a longer period of time to allow more traffic to flow through the intersection. Mr. Jones also recommended that costs of plan improvements be considered and that the character of the Town Center be maintained.

Maurice Fitzgerald, 108 Old Lancaster Road, asked if Route 27 is a State Road, thereby requiring State design involvement and approval. Mr. Place responded that Route 27 is not under the State's jurisdiction. Ms. Kablack stated that this project has been created as a local project, which would not be designed according to State specifications.

Carole Wolfe, 637 Concord Road, asked if the operational level of service has been determined for a plan which fixes the road alignment. Jim Fitzgerald responded that it would still be an "F," and that adding two more lanes would raise the rating to a "D." He also stated that the rating would remain an "F," if only the traffic signal lights were upgraded.

SCIAC member Deborah Kruskal reminded the Board of comments provided by First Parish in a 2007 letter, which she referenced. She also emphasized that First Parish does not support a plan which adds significantly more pavement. Ms. Kruskal highlighted that First Parish uses the Town Hall parking area, and would prefer to retain convenient access to it. She also expressed that she believes the Town Center is lost within the Offset Tee Intersection plan, which she perceives as providing a drive-through situation.

Reed Shilts, 293 Concord Road, asked what the relative costs of each plan are. Depending on the final engineering decisions, Mr. Fitzgerald provided \$950,000 to \$1,300,000 as an approximate range for the Four-Legged Intersection, and a range of \$1,200,000 to \$1,500,000 for the Offset Tee Intersection.

Selectman Haarde stated he prefers the Four-Legged Intersection plan. He believes the final design should maintain the character of the Town Center. Selectman Haarde suggested that the cut-through lane in front of Town Hall be eliminated and replaced with more green space leading up to the steps of the building. He also thanked the public for the opinions expressed tonight.

Vice-Chairman O'Brien stated that, perhaps a traffic roundabout should be considered again. He also supports the idea of continuous green space in the Center for community use. He posed the question of how best to pay for this project and whether Chapter 90 funds are available and could be used in combination with eligible Community Preservation Act (CPA) funds. Mr. Place responded that he believes Chapter 90 funds could be available and used if the costs are under \$560,000. A few ideas were broached to be completed for approximately \$500,000, with approximately \$300,000 or so to be spent on the failing traffic signal lights. Mr. Fitzgerald stated that if the choice is to only improve the safety of the intersection and realign the roads, the project could probably be completed for approximately \$600,000.

Chairman Drobinski summarized tonight's feedback as reinforcing that the character of the Town Center is a priority and that a minimalist approach is preferred. He also stated that the feedback indicates that the Offset Tee Intersection proposal should be dismissed. Chairman Drobinski thanked the citizens for their interest and suggestions, and he concluded the discussion.

MassHousing - Pine Grove Development – Discussion

Present: Director of Planning and Community Development Jody Kablack and Applicant Peter Karassik, President of The Eligius Homes Company and his Land Surveyor Thomas Dipersio, Sr.

At 10:09 p.m., Chairman Drobinski welcomed applicant Peter Karassik, President of The Eligius Homes Company, to the meeting to describe his application for a comprehensive permit pursuant to M.G.L. c 40B to construct twelve units (three of which will be affordable housing) of detached housing on approximately 7.1 acres of land located at 293/301 Old Lancaster Road. Mr. Karassik emphasized that the land is generally flat and has great soils. He highlighted his long history of building approximately 80 homes in Sudbury, which have been received well. However, Mr. Karassik further noted that large homes are not selling in the current economy, and thus he is proposing his first Chapter 40B project. He stated that the project is in the preliminary stages, with concept plans having been submitted to the State.

Mr. Karassik presented exhibits of the various home designs, stating that each house will have a \$30,000 landscape budget. He further stated that his proposal has been driven by the current real estate market where 2,600-3,200 square-foot homes are selling. Mr. Karassik also stated a site visit with MassHousing was held today.

Land Surveyor Thomas Dipersio, Sr. provided additional information regarding the property. He stated that the road layout will remain the same, and that each home will have separate septic systems.

Chairman Drobinski noted that the Board received several email messages from residents regarding the proposal, and announced there will be time allotted tonight for public comments.

Director of Planning and Community Development Jody Kablack reported that the Planning Board will review the proposal at its June 9, 2010 meeting. Comments can be provided to MassHousing within 30-days, which expires on June 6, 2010. Chairman Drobinski suggested that an extension for comments be immediately requested from MassHousing. The Board concurred and instructed Ms. Kablack to initiate the extension request as soon as possible.

Ray West, 490 Peakham Road, asked where the exits from the property will be located. Mr. Dipersio responded that only one exit road is planned off of Old Lancaster Road, and that driveways will be serviced by a subdivision road.

Anne Fischer, 24 Wildwood Lane, asked if the issues which arose a few years ago regarding proposed streets being too close together and non-compliant still exists. She also stated that she is concerned about the

safety of children having so many homes, built so closely together in a residential area. Ms. Kablack responded that the proposed road does not meet subdivision standards with relation to Wildwood Lane. However, Ms. Kablack further clarified that, as a Chapter 40B development, the project would not be subject to these standards, but that the Planning Board would still review the application in regard to public safety.

Vice-Chairman O'Brien noted that there are other cluster subdivisions in Town, such as the one on Skyview Lane. However, he further noted that the other cluster subdivisions were not Chapter 40B projects, nor are the homes built on 10,000 to 14,000 square-foot lots as is proposed tonight.

Ms. Fischer also expressed concern regarding the potential displacement of the area's wildlife, since the location abuts Hop Brook.

Chairman Drobinski noted that as the application proceeds through the permitting process, the Zoning Board of Appeals will be monitoring compliance regarding a variety of regulations through its Public Hearing process, and he encouraged the public to stay involved with the project and provide feedback.

Dan Martin, 86 Brookdale Road, supports the idea of varied housing; however, he questions whether a lot of exemptions will be requested.

Chip Ach, 317 Old Lancaster Road, stated he has a number of concerns regarding the proposal. He noted that he walks his dog daily near this location, and is concerned about the noise, traffic and lights that 12 new homes will bring to the area. Mr. Ach also thinks that, although the 12 homes are designed a bit differently, primarily they are very similar. He does not think these homes will fit in with the aesthetics of the neighborhood. Mr. Ach also expressed concern for the number of people with children that such four-bedroom homes will attract to Sudbury and the burdens that will place on the schools and Town infrastructure. When he moved here last fall, Mr. Ach specifically had chosen to live in Sudbury because it had few subdivisions, and he thinks it should stay that way. He also believes that Community Preservation Act funds could be used to build fewer units.

John Baranowsky, 103 Belcher Drive, asked Mr. Karassik to correct his reference to Mr. Dipersio as his engineer, when Mr. Dipersio is actually a land surveyor. He believes the difference and distinction between the two titles will be important as the process moves forward. Chairman Drobinski clarified that Mr. Dipersio submitted drawings reflecting the appropriate two stamps.

Doug Barth, 286 Old Lancaster Road, stated he supports Chapter 40B projects, but not in this neighborhood. He emphasized that this area has experienced significant change and noise disturbance in recent years with the construction of the Department of Public Works building and the loss of many trees. Mr. Barth believes the proposed project is far too dense for this neighborhood.

Mara Huston, 578 Peakham Road, stated she enthusiastically supports affordable housing. However, Ms. Huston believes the number of homes proposed is too dense and the proposed lot sizes are too small.

Liz Radoski, 358 Old Lancaster Road, questioned whether the land will be able to properly PERC.

Brian Ackley, 176 Pratt's Mill Road, noted that the application proposes acceptance of a public road and systems, which would need to be maintained by the Town in the future.

Linda Roberts, 456 Peakham Road, does not believe the proposed development looks like the Sudbury she prefers. She believes the development is lacking charm and is too densely developed.

Chairman Drobinski reiterated that Chapter 40B development guidelines pre-empt local bylaws, with only two exceptions – the Wetlands Protection Act and Title V, the State Sanitary Code.

Craig Blake, 300 Old Lancaster Road, asked what local rules the engineer will need to follow. Chairman Drobinski responded that the project would need to conform to the Town's building code and the newly adopted stretch energy code, guidelines for laying out a public way, drainage, Board of Health and Wetlands Protection Act (WPA) regulations. He emphasized that the final result is usually a negotiation between the ZBA and applicant to address the needs and concerns of the community.

Mr. Blake asked where the affordable units would be located. Chairman Drobinski responded that those units would be marked on the plans and would need to comply with applicable regulations. A brief discussion ensued regarding 10% disturbance into the riverfront area as allowed by the WPA.

Mr. Blake asked what process exists to evaluate the development being pushed back from Old Lancaster Road. Chairman Drobinski responded that the Board had concerns during the site visit regarding the proposed streetscape and retention of the existing mature trees. Mr. Dipersio stated that it is not the applicant's preference to push back more from the street because then the project would likely encounter more conservation-related issues.

Mr. Blake suggested that the development be situated so as to make it as unobtrusive as possible from Old Lancaster Road, with substantial screening.

Tricia Caltabiano, 216 Old Lancaster Road, noted that this area has a high traffic accident rate, and thus she is concerned about adding 12-24 more vehicles. She further stated that it is already difficult for her children to cross the street at times.

Tammie Dufault, 84 Silver Hill Road, believes the proposal is too cramped and does not fit in with the neighborhood. Ms. Dufault is also concerned that this type of project adds to the Town's costs by adding children to the schools and building a road which will need to be maintained. She asked if the Town is obligated to supply a road or could that cost be absorbed by the developer. Ms. Dufault also asked if a traffic study has been completed for Old Lancaster Road and, if that cost could also be absorbed by the developer. Mr. Dipersio explained the petition process for acceptance of a road. Chairman Drobinski further clarified that the usual practice is for a developer to build the road and for the voters at an Annual Town Meeting to decide to accept the road or not. Town Manager Valente clarified that, if voters decide not to accept a road, it remains private and is maintained by the homeowners.

Selectman Haarde acknowledged Mr. Karassik's enthusiasm for the project. However, Selectman Haarde stated that he does not believe Sudbury needs another development of this nature. He emphasized that this type of development adds financial burden to the Town, by adding three times as many homes to the Town's housing stock than it receives credit for towards Sudbury's affordable housing 10% State quota. Thus, this strategy does not help the Town achieve its affordable housing goals, and will never do so before the Town becomes built to capacity. Selectman Haarde stated that other types of affordable-housing initiatives and age-restricted projects can be beneficial for the Town, if they replace a current home with another type of home. He reiterated his belief that Sudbury does not need additional homes added to its real estate inventory. Selectman Haarde commended Mr. Karassik on his commitment to the project, noting that the home designs are attractive. However, Selectman Haarde further stated that the density of the development is an issue for him, and he does not believe the project is a good fit for Sudbury. Vice-Chairman O'Brien concurred.

Ms. Kablack noted that the total frontage available on the road cannot sustain the proposed subdivision.

Vice-Chairman O'Brien acknowledged that the land is desirable. He asked if access off of Wildwood Lane has been explored. Mr. Karassik responded that they are open to further investigating all suggestions and comments. He noted that Mr. Place made a suggestion of common driveways, which they would likely incorporate into the plan. Mr. Karassik emphasized that he wants to build a development that is right for the community.

It was on motion unanimously

VOTED: To instruct Town staff to request an extension to July 8, 2010 to provide comments to MassHousing regarding the application for a comprehensive permit pursuant to M.G.L. c 40B to construct 12 units of detached housing on approximately 7.1 acres of land located at 293/301 Old Lancaster Road, and to prepare a summary of the pros and cons presented tonight regarding the project for the Board's review at either its June 15 or July 6, 2010 meeting.

Sudbury Housing Trust – Home Preservation Buy Down Home – Selection Update

Present: Director of Planning and Community Development Jody Kablack and Community Housing Specialist Beth Rust

Community Housing Specialist Beth Rust briefly described the process used, by the Sudbury Housing Trust (SHT), to select the fourth home to be purchased under the Home Preservation Program. Ms. Rust explained the role the Trust plays in selecting the property and negotiating the sale price. Fifteen homes offered at, or under, \$425,000 were reviewed. The typical target homes are \$325,000 to \$375,000 for a three-bedroom, 1.5 to 2-bath home. The SHT was approached by two local homeowners offering their properties for sale, one of which was selected. This home also requires no repairs, and will be sold in as-is condition. The buyer was selected through a lottery process in January 2010. Ms. Rust further stated that the home would be purchased with deed restrictions in perpetuity, which survives foreclosure.

Selectman Haarde opined that he likes this program, and he believes it accomplishes the Town's affordable housing objectives well. He also thinks the SHT can be a good resource for homeowners to contact when considering selling their property.

Vice-Chairman O'Brien noted that the annual Town Meeting appropriation from Community Preservation Act funds is what allows the SHT the flexibility to respond to these opportunities quickly.

Chairman Drobinski agreed that the program is a great way to help make Sudbury more affordable for new homeowners.

Proposed Creation of a Housing Production Plan – Discussion

Present: Director of Planning and Community Development Jody Kablack and Community Housing Specialist Beth Rust

At 11:11 p.m., Community Housing Specialist Beth Rust briefly explained the proposal to create a Sudbury Housing Production Plan (HPP). She stated that, due to the increased Chapter 40B activity, the HPP is being proposed as a tool to enable the Town to have more control over 40B development projects and to send a message to MassHousing that Sudbury is continuing its efforts to significantly increase its percentage of affordable-housing stock.

Vice-Chairman O'Brien opined that he sees no reason not to begin the process of developing the HPP. He believes this is a good defensive measure for the Town to pursue.

Director of Planning and Community Development Jody Kablack noted that the Town has never had the opportunity previously to be in the position to pursue the required certification. However, with the current projected private 40B applications expected by the Town and activities of the SHT and the Sudbury Housing Authority, it is anticipated that Sudbury could produce the required number of units in the next one to two years.

Selectman Haarde asked to what the Town attributes the recent surge in Chapter 40B development interest in Sudbury. Ms. Kablack responded that it appears to be as a result of the economy, given that the typical Sudbury real estate market of homes offered at over \$1 million are not selling.

Selectman Haarde stated that he supports the creation of an HPP that has the net production of zero. He believes the plan should convert existing housing stock to affordable housing as opposed to building new homes to meet that need. Selectman Haarde believes that by building new affordable housing developments to reach short-term goals, the Town could be financially hindering itself in the long-term. He acknowledged that affordable-housing rental developments have a positive factor of counting 100% of the units towards the Town's affordable housing stock quota. However, Selectman Haarde questions if that inventory is in the best interests for Sudbury. He suggested that the Town consider a broader view when it considers affordable housing options, which includes consideration of the unaffordable housing such options may also create. By adding housing units to Sudbury's inventory and adding pressure to its existing tax base and/or possibly creating a situation where another school would need to be built, the Town will continue to also increase the percentage of housing stock which becomes unaffordable for a segment of the population. He believes all of these ramifications need to be evaluated.

Ms. Kablack stated that, unfortunately, when a property owner wants to develop a parcel, the Town can do little to stop it other than to purchase the property, or attempt to redirect the project in a positive manner.

Selectman Haarde stated that he would like to see the Town establish more guidelines to maintain the total number of housing units to be added to Sudbury's inventory. He opined that the Chapter 40B developments are not always helping the Town become more diverse, but rather they are creating more single-family homes, resulting in a more family-intense community. He does not believe this achieves the affordable housing objectives.

Ms. Rust reviewed the creation of an HHP process, explaining that Sudbury's 2005 Housing Plan will be used as a basis. The process will also include opportunities for public discussion.

Selectman Haarde questioned whether the Plan would change the Chapter 40B process. Ms. Kablack responded that a completed and adopted plan would provide the Town with more control, and upon certification, would allow for the Town to deny an application. Once the HHP is drafted, it would be presented to both the Planning Board and the Selectmen for approval and adoption. Ms. Kablack recommended commencing the certification process.

It was on motion unanimously

VOTED: To endorse the creation of a Housing Production Plan as specified and requested by Beth Rust, Community Housing Specialist.

All Alcoholic Beverages License Violation – Acapulco’s Restaurant – Discussion

Present: Acapulco’s Manager Carlos Jimenez and Police Chief Richard Glavin

At 9:56 p.m., Chairman Drobinski welcomed Police Chief Richard Glavin to the meeting to describe a license violation incident which occurred on Saturday, May 15, 2010, at Acapulco’s Restaurant.

Police Chief Glavin read the Police Report of the incident regarding the serving of alcohol to a minor.

Chairman Drobinski asked Acapulco’s Manager Carlos Jimenez if he wished to respond to, or comment on, the incident. Mr. Jimenez declined the offer. Chairman Drobinski stated that the Board takes seriously such violations and believes it is important to let the community know its position.

Selectman Haarde asked how the Board has handled similar situations in the past. Chairman Drobinski stated that, fortunately, such violations do not occur often, and the last time, a warning was given because the establishment had no prior violations on record.

Selectman Haarde asked how long Acapulco’s has been a business in Sudbury. He was informed it has operated for approximately ten years without a prior infraction. He also asked how long the current management has been in place and how the violation was handled internally at the restaurant. Mr. Jimenez stated he has been the manager for about nine months. Police Chief Glavin asked if any remedial training was given to the employees. Mr. Jimenez stated that he spoke to all his employees, whom he said were all TIPS-certified, after the incident. Police Chief Glavin recommended, at a minimum, that all employees be required to be re-Tips-certified and that the establishment be issued a warning.

Vice-Chairman O’Brien noted that the Restaurant has an Identification Scanner, but that the machine apparently is not being appropriately utilized. He also opined that the Police Report implies that it is possible other violations have occurred previously, but were not reported and/or witnessed by the Police. Thus, Vice-Chairman O’Brien stated that he is inclined to consider a stronger penalty than a warning, such as a one-day suspension. He emphasized that the Town is pleased to have Acapulco’s as a corporate citizen. However, Vice-Chairman O’Brien reiterated the responsibility that comes with the issuance of an All Alcoholic Beverages License and that it must be carefully controlled.

Chairman Drobinski asked Police Chief Glavin for his recommendation. Police Chief Glavin responded that he was initially conflicted because the Department had informally broached this subject with the Restaurant three days prior to the violation. However, Chief Glavin stated that the Police Department’s historical philosophy has been that the best way to elicit compliance is with progressive sanctions, which encourage a willing conformity to the rules and regulations and responsibility to the community. Thus, Chief Glavin recommended an official warning be issued.

Chairman Drobinski agreed with Chief Glavin, but cautioned Mr. Jimenez not to underestimate the seriousness of the warning. He also recommended that Restaurant staff be re-Tips-certified within 30 days and that the Identification Scanner machine be placed in a more prominent position in the Restaurant and used appropriately.

It was on motion

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a warning to Acapulco's Restaurant regarding the appropriate implementation of its All Alcoholic Beverages License, requiring that all Restaurant employees be re-Tips-certified within thirty (30) days, and that the Restaurant's Identification Scanner machine be placed in a more prominent position in the Restaurant and used appropriately.

Vice-Chairman O'Brien opposed the vote.

Minutes

Selectman Haarde requested that the May 18, 2010 Board Meeting Minutes be revised in the first sentence of the last paragraph on Page 8, to delete the words "tried and true."

Chairman Drobinski requested that the May 18, 2010 Board Minutes be revised in the last sentence of the third full paragraph on Page 4 to include the words "and Federal" after the word "State."

It was on motion unanimously

VOTED: To approve the regular session minutes of May 18, 2010.

Sudbury Crossing Associates Realty Trust - Coffee Hut- Site Plan Modification Decision

It was on motion unanimously

VOTED: To approve a Site Plan Modification Decision on the application of Rob and Sandra DeMille, to Site Plan SP#93-317 of Sudbury Crossing Associates Realty Trust, to remove a restriction which prohibits transfer of ownership and operation of the Coffee Hut, located at 435-437 Boston post Road, by anyone other than the present owners.

"Bike MS: Minuteman Ride" - Special Permit

It was on motion unanimously

VOTED: To grant a special permit to Liz Strawn, Sr. Development Mgr., National Multiple Sclerosis Society, Greater New England Chapter, for Bike MS: Minuteman Ride on Saturday, July 17, 2010, from approximately 9:30 a.m. to noon, following a route outlined and submitted, subject to Police Department safety requirements, proof of insurance coverage, and the assurance that all litter will be removed at the race's conclusion.

"2010 CF Cycle for Life Tour" - Special Permit

It was on motion unanimously

VOTED: To grant a special permit to Terry Waite, Dir. Of Special Events, Cystic Fibrosis Foundation, "2010 CF Cycle for Life Tour" on Saturday, October 2, 2010, from approximately 10:00 a.m. to noon, following a route outlined and submitted, subject to Police Department safety requirements, proof of insurance coverage, and the assurance that all litter will be removed at the race's conclusion.

Sunday Entertainment License – Bellino’s Restaurant Group, d/b/a/ “bistro 20”

It was on motion unanimously

VOTED: To approve a change of Sunday Entertainment License hours for Bellino’s Restaurant Group, d/b/a “bistro 20,” 120 Boston Post Road from Noon to 4:00 p.m. to 10:100 a.m. to 4:00 p.m., as requested and approved at the Public Hearing on May 18, 2010.

Boundless Playground Maintenance Account - Donations

Vice-Chairman O’Brien asked if all bills for the Boundless Playground have been paid. Town Manager Valente responded that she did not have a full accounting at this time. However, she also stated that she believes the account has approximately the targeted 10% set aside for future maintenance.

Vice-Chairman O’Brien questioned whether the proposed vote to accept two donations from the S.M.I.L.E Playground Committee and Friends of Sudbury Park and Recreation and from Peter Domino, is too narrowly worded to only cover expenses for future rubber surfacing of the handicapped-accessible Haskell Field Playground, and not other maintenance costs. Selectman Haarde suggested, and the Board concurred, that the intentions for the donations should be clarified, and thereby direct for what purposes the Town accepts the funds.

It was on motion unanimously

VOTED: To hold on a vote to accept two donations into the Boundless Playground Maintenance account: one in the amount of \$8,351.50 from the S.M.I.L.E Playground Committee and Friends of Sudbury Park and Recreation, designated for future rubber surfacing of the handicapped-accessible Haskell Field Playground; and a \$50 donation from Peter Domino, as requested by Nancy McShea, Park & Recreation Director, in memos dated May 10, 2010, until further clarification is provided regarding the intent and future use of the funds.

Eagle Scout - Recognition

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Joseph Raymond McGee, 143 Victoria Road, on attaining the rank of Eagle Scout, at a ceremony to be held at noon on Sunday, June 13, 2010, St. Anselm’s Church.

George J. Raymond Scholarship Fund – Recipient Disbursement

It was on motion unanimously

VOTED: To approve the disbursement of \$1,300 from the George J. Raymond Scholarship fund to the 2009-2010 recipient Jennifer Gossels, as requested by Lincoln-Sudbury Regional High School Supt. Scott Carpenter and Co-Trustee, Andrea Terkelsen, Town Treasurer.

There being no further business, the meeting adjourned at 11:28 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk