

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MAY 17, 2011

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

Absent: Selectman John C. Drobinski

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman O'Brien opened the meeting. He noted the Board reorganized following Town Meeting, and he will serve as Chairman for the next year, Mr. Haarde will serve as Vice-Chairman and Mr. Drobinski as Selectman. He announced Selectman Drobinski would be absent tonight.

Chairman O'Brien reminded the community of the Special Town Election to be held June 7, 2011. Three questions will be on the ballot, including an override for Lincoln-Sudbury Regional High School, an operating override for capital equipment, and the last question is for the Route 20 Sewer System Design and Permitting project. The last day to register to vote is May 18, 2011, and the Town Clerk's Office will be open from 9:00 a.m. to 8:00 p.m.

Chairman O'Brien also reviewed the schedule for the Memorial Day Parade, which will be held May 30, 2011, beginning at 9:00 a.m. at the Rugged Bear Plaza. He encouraged the community to participate and help honor those who have served our country.

Reports from the Town Manager
Minuteman Regional High School Task Force

Town Manager Valente stated Sudbury's representative to Minuteman Regional High School, David Manjarrez, has informed her that the Task Force has developed another cost allocation method which would shift more expense to Sudbury. An analysis will be distributed, which Ms. Valente will circulate to the Board for review and comments.

Noyes School Repairs Project - Update

Town Manager Valente reported the financial agreement for the Noyes School repairs which will be partially reimbursed by the State, will require approval by the Board to indicate its knowledge of the project. She stated documents may need to be signed in a timeframe outside of the Board's usual meeting schedule. Upon receipt, Ms. Valente will circulate the documents to the Board for review.

It was on motion unanimously

VOTED: On behalf of the Board, to authorize the Chairman of the Board of Selectmen to sign documents, as appropriate, for the Noyes School Repairs Project, if timing so requires.

Reports from the Board of Selectmen

Vice-Chairman Haarde stated he enjoyed his first experience at Town Meeting as a Selectman.

Chairman O'Brien attended the Military Appreciation Month kickoff at the Goodnow Library on May 1, 2011. He stated Selectman Drobinski, Assistant Town Manager Maryanne Bilodeau and Sudbury's Veterans' Agent represented the Town well at the proceedings.

Chairman O'Brien also attended a site walk of the Fairbank property, coordinated by Director of Planning and Community Development Jody Kablack. He stated the property and views are impressive.

Chairman O'Brien stated the Relay for Life Race was a success, raising over \$135,000. He thanked Town staff for their help with the event.

Sudbury Housing Production Plan – Review and Submission to DHCD

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

At 7:47 p.m., Community Housing Specialist Beth Rust was welcomed to the meeting to present the revised "Town of Sudbury Housing Production Plan May 2011." Copies of the revised HPP were previously distributed to the Board for review. She explained adoption of the Housing Production Plan (HPP) by Sudbury is required by the regulation. Upon adoption by the Town, Ms. Rust stated submission can proceed to the Department of Housing and Community Development (DHCD). DHCD approval could take up to 120 days, and feedback and revisions would likely be recommended by DHCD in this timeframe. She further noted the Planning Board voted unanimously to support adoption of the plan at its May 11, 2011 meeting. Ms. Rust stated the draft HPP would be posted on the Town website tomorrow. She highlighted the hope to have the plan certified with the Comprehensive Permit of the Coolidge project, for which Zoning Board of Appeals (ZBA) hearings began last night. Ms. Rust attended the ZBA hearing, and she reported support is strong for the project, which is proposed for 64 units of senior affordable rental housing. Thus, it was noted submission of the HPP is time-sensitive.

Ms. Rust stated a public forum was held and attended by a cross-section of Town officials, board members and residents. Goals and strategies were formulated during this facilitated session. She reviewed the plan with the Board, highlighting information and data presented within. Ms. Rust stated the Town chose to prepare the HPP for the following three reasons: to set future strategic goals and objectives, to update the view of the needs of the community based on the emerging 2010 census data, and to create enough units to certify a plan, with the new Chapter 40B projects proposed. The plan is a mechanism for municipalities to plan and show the State progress made towards reaching the 10% affordable housing inventory goal and its local control status.

Ms. Rust highlighted some demographic information. According to the most recent census data, Sudbury's population has gotten a little older in the past decade. The average household size has increased during the last decade, and it is above the State average. Sudbury has higher per capita incomes than the State average, and it has a lower percentage of rental properties. Ms. Rust noted data indicates that Sudbury's population growth seems to be leveling off and school enrollments are decreasing.

Ms. Rust stated the rental housing percentage for Sudbury has not changed much in the past ten years. However, there has been growth in the Town's age-restricted housing, with 181 units created since 2000. This represents almost half of all the units constructed in the past ten years.

Ms. Rust noted the plan addresses local need and the requirement for local preference for those who work in Sudbury or have a connection to the Town. She noted studies of municipal fiscal impact data indicate that Chapter 40B developments are financially less detrimental than conventional zoning. Ms. Rust stated the

Chapter 40B developments, due to their smaller size and density, tend to generate more tax revenue and have fewer school-aged children. She briefly reviewed some of the implementation strategies proposed on Page 43 of the HPP, which include projected housing figures for the next six fiscal years.

Vice-Chairman Haarde highlighted a few typographical errors on page 18 and page 37. He asked for clarification of the DMR Group Home figures, or lack thereof, noted on Page 25. Ms. Kablack and Ms. Rust explained this category is tracked elsewhere, and thus needs to be reflected in this manner so as not to be double-counted. Vice-Chairman Haarde thanked Ms. Rust and Ms. Kablack for their work to produce this helpful document of research and statistics. He asked what the process is for offering feedback and suggested revisions.

Chairman O'Brien stated feedback could be offered tonight. However, given the Coolidge project hearings have commenced, he also stated the sooner the Town adopts the HPP the better, so as to proceed with submission to the State. Ms. Kablack concurred, stating it is the intention to receive an approved plan from the State before the Comprehensive Permit is approved for the Coolidge Project, which could happen no later than November 12, 2011, but could happen sooner.

Vice-Chairman Haarde stated he believes Sudbury's high ranking in the State (possibly #1) for school-aged children should be emphasized in the first paragraph of the Executive Summary because it highlights the Town's budget and housing issues. He also thinks it should be mentioned that 20% of Sudbury's population fall within the 80% Area Median Income (AMI) level and that Sudbury is working to help this 20% population who is struggling to remain in Town.

Vice-Chairman Haarde commended Ms. Kablack and Ms. Rust on the statistics and data included in the HPP. However, he would prefer the report to more strongly reflect the Town's need for senior rental housing, and housing for smaller households. Vice-Chairman Haarde stated the HPP should emphasize the great job Sudbury has done with family housing and that it does not need more, since he believes the Town loses money on family housing. He stated a residential property tax bill needs to be approximately \$18,000 to just break even on the cost of educating a child from this type of household.

Director of Planning and Community Development Jody Kablack stated the Town has traditionally assessed these costs on an average cost per student basis because it is an easier methodology. However, Sudbury is experiencing decreasing enrollments. She suggested a more complicated marginal cost calculation may be a better way to assess these costs, but it is difficult to complete this type of analysis.

Ms. Kablack stated a thorough and conservative zoning analysis was done comparing three Town Chapter 40B developments to those same sites if they were developed by right, through conventional subdivision zoning. She referenced Table 25 on Page 30 of the HPP, noting the statistics are interesting because they indicate the denser developments generate more property tax revenue, and possibly are not losing money for the Town. Ms. Kablack further stated that, it appears it does not cost as much or more to educate children living in these types of developments than it does those living in conventional zoning.

Vice-Chairman Haarde stated that the statistics were interesting when comparing Chapter 40B developments to subdivision calculations. However, he would prefer if the Chapter 40B statistics were compared to those of no development at all. Vice-Chairman Haarde believes the only way for the Town to address its housing issues is to apply the discipline required to avoid family housing because it loses money for the Town. He believes Sudbury has enough family housing and its need for diverse housing options should focus on housing for singles, couples, seniors, empty nesters and age-restricted oriented developments.

Chairman O'Brien suggested language be added to the second paragraph on Page 4 and on page 27 regarding the percentage of Sudbury's population which is comprised of school-aged children.

Vice-Chairman Haarde stated, unlike other communities, Sudbury is trending above the averages, and this should be reflected in the HPP. Ms. Kablack highlighted Table 24 on Page 28 of the HPP, which indicates Sudbury's school population is decreasing as it is in other towns.

Vice-Chairman Haarde noted the reference to the Raytheon property in the HPP. He stated the company is the Town's highest taxpayer, and he is concerned what would happen to the fiscal future of Sudbury, if that property were ever to be developed into homes. He believes there should be a backup plan for that property.

Chairman O'Brien assured the community Raytheon is not going away and plans to be a part of Sudbury for a long time to come. Vice-Chairman Haarde concurred it is important to let citizens know any talk of Raytheon leaving is rumor. Chairman O'Brien emphasized the Raytheon property would always be seen as a priority for the Town as a commercial site. If it were to be considered for lifestyle housing, the Town would work closely with the developer who brought that option forward. Ms. Kablack stated the Raytheon property would likely be a candidate for a mixed-use development, which is the trend for parcels of this size.

Vice-Chairman Haarde asked if the importance of the commercial properties, such as Raytheon and Cavicchio, could be further emphasized in the HPP. Ms. Kablack stated these properties have been mentioned in the report, along with the Melone property.

Vice-Chairman Haarde asked if the Melone property should be included in the HPP, since the Town has not yet determined a use for the property. He is concerned that, by its inclusion in the HPP, the property might not be considered for purposes other than housing in the future. Ms. Kablack stated the HPP receives a temporary certification, and she does not believe the Town is tied to any strategies presented. She further stated the State is aware goals may change over time. Chairman O'Brien stated the Melone property is the largest Town-owned property, and through the years, there has been interest expressed for recreation and field development, housing and for commercial development projects. He stated the eventual use would probably be some time of mixed use concept. Vice-Chairman Haarde stated it is important for the Town's message to be consistent regarding this property. Ms. Kablack stated the Melone property has been referenced in previous housing plans, and its sustainability for mixed-use is referenced in the plan.

Vice-Chairman Haarde stated he was pleased to see 40R and 40S projects noted in the HPP, because he believes 40Rs are a win/win, since the State reimburses some school costs. He asked if there is an exception for Chapter 40B developments for business and commercial districts. Chairman O'Brien explained Chapter 40B permitting usurps all local zoning except for wetland and septic regulations. Ms. Kablack stated commercial properties are typically perceived as more valuable for commercial use than as housing developments. Vice-Chairman Haarde stated Sudbury has to do all that is in its power to preserve the Route 20 business district. He further stated it would be great if Chapter 40B legislation could be reformed to respect commercial districts.

Vice-Chairman Haarde referenced Section 2.3 on Page 43 of the HPP. He noted the 320 projected units to be added by FY17, and he stated this information needs to be built into data for school enrollments. Ms. Kablack stated the projected units would be of a smaller size, and approximately 226 of the 320 projected units would be from private Chapter 40B developments. Ms. Rust stated these developments typically have only two bedrooms and fewer school-aged children. She also stated she could better emphasize these suggestions in the goals' section of the HPP. Vice-Chairman Haarde requested the Home Preservation Program section on Page 54 be revised to note both two and three-bedroom homes.

Vice-Chairman Haarde also expressed his preference for the statistics in Section 2.3 on Page 43 of the HPP to be revised to adjust the buydowns, inclusionary zoning and infill developments up, and to adjust down the figures proposed for municipal properties. Ms. Kablack stated these were just target figures proposed, and the suggested adjustments could be easily made. Ms. Rust concurred that Vice-Chairman Haarde's suggested adjustments could be incorporated into the HPP.

Vice-Chairman Haarde asked if there were additional smaller municipal properties which could also be included in the HPP. Ms. Kablack stated some have already been included, and she referred him to Pages 50, 51 and 52 of the HPP.

Chairman O'Brien asked if the Board wished to review another revision at its next meeting on May 31, 2011. Vice-Chairman Haarde stated he is concerned about the looming Coolidge project deadline, and he believes it is important for the Town to pursue the certification process in a timely manner. He further stated he trusts Ms. Rust and Ms. Kablack to incorporate the suggestions recommended tonight, prior to submission to the DHCD.

It was on motion unanimously

VOTED: To adopt the Sudbury Housing Production Plan as required by statute and sign a memo to be sent to the Department of Housing and Community Development, subject to incorporation of the revisions recommended tonight.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of April 26, 2011 and the regular session minutes of May 2, 3 and 4, 2011.

George J. Raymond Scholarship Fund – Award

It was on motion unanimously

VOTED: To approve, as Co-Trustees of Town Funds, the disbursement of \$885 from the George J. Raymond Scholarship Fund to the 2010-2011 academic school year recipient, Ashley Danielle Brykman, as requested by Lincoln-Sudbury Regional High School Superintendent Scott Carpenter and Co-Trustee Andrea Terkelsen, Treasurer/Collector.

Annual Positive Spin for ALS Ride

It was on motion unanimously

VOTED: To grant a special permit to Myke Farricker, Coordinator, to hold a "Positive Spin for ALS" bike ride through Sudbury on Sunday, June 12, 2011, from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that all litter will be removed at the race's conclusion.

Unibank Fiscal Advisory – Renewal Award

Chairman O'Brien announced this agenda item has been rescheduled to June 21, 2011.

Traffic Island Planting Coordinator – Appointment

Town Manager Valente explained the Town is establishing a Traffic Island Planting Coordinator to oversee the plantings of the Town's traffic islands. As a result of the Town Meeting decision to dissolve the Permanent Landscape Committee, it was determined this particular activity should continue. Ms. Valente recommended June Allen be appointed for one year to the position. She highlighted Ms. Allen's many years as a volunteer, coordinating these activities with the assistance of Paul Cavicchio, who donates the plants. Ms. Valente also stated Ms. Allen is willing to accept the position, and she will continue to work with volunteers and the local Garden Club. She encouraged anyone interested in becoming involved to contact the Town Manager's Office.

It was on motion unanimously

VOTED: To appoint June E. Allen, 515 Concord Road, as the first Traffic Island Planting Coordinator for a term to expire April 30, 2012, as requested by Town Manager Maureen Valente.

Board Annual Appointments and Accepting Resignations

The Board initially reviewed a listing of individuals seeking reappointments to, and resignations from, Town boards and committees, and a listing of appointments made by the Town Manager.

Vice-Chairman Haarde asked if there are any vacancies at this time. Town Manager Valente stated there are some vacancies, which are being advertised, but a listing of those has not been provided tonight.

Town Manager Valente noted she has not yet made a recommendation for appointment as Labor Relations Counsel. Thus, she asked the Board to hold its approval of her recommendation for that appointment at this time.

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

Aging, Council on: To reappoint John Beeler for a term of three years to end on April 30, 2014.

Agricultural Commission: To reappoint Laura B. Abrams and John J. Donovan, each for a term of three years to end on April 30, 2014.

Board of Appeals: To reappoint Jonas DL. McCray, Benjamin Stevenson, and Jonathan W. Patch as Associate members, each for a one-year term to end on April 30, 2012.

Capital Improvement Planning Committee: To reappoint Pascal Cleve and Douglas Kohen each for terms of three years ending on April 30, 2014.

Civil Defense, Assistant Director of: To reappoint I. William Place for a term of one year to end on April 30, 2012.

Civil Defense, Director of: To appoint William L. Miles for a term of one year to end on April 30, 2012.

Civil Defense, Radio Operator: To reappoint James S. Idelson for a term of one year to end on April 30, 2012.

Community Preservation Committee: To reappoint John C. Drobinski and Christopher Morely, each for terms of three years to end on April 30, 2014.

Constable: To appoint James D. Conboy and Nelson H. Goldin each for terms of three years to end on April 30, 2014.

Earth Removal Board -- Bd. of: To reappoint Jonas DL. McCray, Benjamin D. Stevenson and Jonathan W. Patch, each for a term of one year to end on April 30, 2012.

Energy & Sustainability Green Ribbon Committee: To reappoint Edward Lewis and William G. Braun, each for three-year terms to end on April 30, 2014.

Historic Districts Commission: To reappoint Frank W. Reape for a term of five years to end on January 1, 2016 and to reappoint William S. Andreas, for a term of five years to end on January 1, 2017.

Land Acquisition Review Committee: To appoint Matthew P. Barack and Jan Hardenbergh, each for a term of two years to end on April 30, 2013.

Mass. Bay Transportation Authority: To reappoint Maureen G. Valente for a term of one year ending on April 30, 2012.

Memorial Day Committee: To reappoint Spencer R. Goldstein for a term of three years to end on April 30, 2014.

Metropolitan Area Planning Council: To appoint Maureen G. Valente for a term of three years ending on April 30, 2014.

Permanent Building Committee: To reappoint Michael E. Melnick for a term of three years ending on April 30, 2014.

Registrars, Board of: To reappoint Kirsten Roopenian for a three-year term to end on April 30, 2014.

Sealer of Weights and Measures: To reappoint Courtney W. Atkinson for a term of one year ending on April 30, 2012.

Special Constables: To reappoint James F. Kelly, Earl D. Midgley, Joseph D. Bausk and Arthur Richard, and to appoint William L. Miles, each for a one-year term to end on April 30, 2012.

Sudbury Center Improvement Advisory Committee: To reappoint Richard H. Davison, Deborah B. Kruskal, Joseph J. Sziabowski, W. James Hodder, Frank W. Riepe, June E. Allen, Lawrence W. O'Brien, Eva H. MacNeill and Scott Carpenter, each for a term of two years ending April 30, 2013.

Sudbury Cultural Council: To reappoint Michele H. Latimer for a term of three years ending on April 30, 2014.

Sudbury Housing Trust: To reappoint Lawrence W. O'Brien, Andrew Kaye, Lydia Pastuszek and Michael D. Buoniconti, each for a term of two years ending on April 30, 2013.

Sudbury Water District Water Resource Protection Committee: To reappoint James F. Occhialini for a term of one year ending on April 30, 2012.

Surveyor of Lumber & Measurer of Wood: To reappoint Russell DiMauro for a term of one year ending on April 30, 2012.

Town Historian: To reappoint Curtis F. Garfield for a term of one year ending on April 30, 2012.

Town Report Committee: To reappoint Beth V. Farrell for a term of one year to end on April 30, 2012.

Traffic Safety Coordinating Committee: To reappoint I. William Place, Jody A. Kablack and Richard Glavin, and to appoint William L. Miles, each for a term of two years to end on April 30, 2013.

U.N. Day Chairman: To reappoint Elaine K. McGrath for a term of one year ending on April 30, 2012.

It was also on motion unanimously

VOTED: To accept the resignations of the following individuals at the close of term: Debra Galloway (Commission on Disability); Jeffrey S. Beeler (Energy & Sustainability Green Ribbon Committee); Michael R. Dufault (Ponds and Waterways Committee); and Michael C. Fee (Sudbury Housing Trust).

The Board later reviewed a listing of appointments to be made by the Town Manager.

It was on motion unanimously

VOTED: To approve the recommended appointments of the following individuals to be made by the Town Manager as presented and reviewed this evening, with the exception of Labor Relations Counsel, which has been held at the request of the Town Manager: John S. Sklenak, Samuel L. Webb, II, Victor A. Sulkowski (Conservation Commission); Lotte Diomede (Commission on Disability); Maurice J. Fitzgerald, DMD (Historical Commission); Deborah Griffin (Police Matron); Carol Greenwood (Police Matron); Pamela Conrado (Police Matron); John A. Longo (Special Police Officer); William B. Carroll (Special Police Officers); Wayne M. Shurling (Special Police Officer); Anthony M. Deldon (Special Police Officer); Bruce C. Noah (Special Police Officer); Jeffrey F. Gogan (Special Police Officer); Charles R. Quinn (Special Police Officer); Peter Walsh (Special Police Officer); Bruce Cook (Special Police Officer); Noel Evers (Special Police Officer); Christopher Kelly (Special Police Officer); Brian Willard (Special Police Officer); Thomas Miller (Special Police Officer); Francis J. Hines, Jr. (Special Police Officer); Melvyn W. Kramer (Town Physician); David Levington (Senior Tax Advisor).

Conservation Commission – Conservation Land Gift

The Board was previously in receipt of copies of a letter from Town Counsel Paul Kenny dated May 2, 2011, explaining the offered gift of land valued at \$12,200 in lieu of taxes, and noting the Treasurer's Office opinion that to accept the gift would be less costly than to proceed with a land taking, a letter from Ariana Inc., dated December 19, 2010, offering the land as a gift to the Town and accompanying Quitclaim Deed and Exhibits, a letter from the Conservation Commission Coordinator Debbie Dineen dated April 29, 2011,

noting its unanimous vote that the land be accepted by the Town and designated as Conservation land and accompanying maps, and an email from Department of Public Works Director Bill Place dated May 9, 2011, recommending the parcel be accepted by the Town as a gift, since it is not buildable.

Town Manager Valente stated she has been assured by Mr. Place and Ms. Dineen that the land will not present a maintenance burden to the Town, and both of them have recommended acceptance of the gift.

It was on motion unanimously

VOTED: To accept .68 a.+/- of land shown as Parcel F05-0518 located off Intervale Road, Sudbury, offered by Bereshkai S. Aslami, V.P./Treas. Of Ariana, Inc. as a gift in lieu of taxes, and to designate such parcel as conservation land under M.G.L. c.40 s.8C., as requested by the Conservation Commission in a memo dated April 29, 2011.

Special Town Election Warrant

Vice-Chairman Haarde and Chairman O'Brien stated the arguments for and against the questions prepared for the Warrant are strong and should help residents determine their positions on the ballot questions.

Town Manager Valente stated the Warrant language is the same as was circulated to the Board for review, except for clarification which was added for the second article regarding the age of some Department of Public Works' equipment.

It was on motion unanimously

VOTED: To sign the Special Town Election Warrant for June 7, 2011, which will be delivered to residents no later than May 31, 2011, as requested by Town Clerk Rosemary Harvell.

Executive Session

At 8:55 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 collective bargaining negotiations with the firefighters, whereby an open meeting may have a detrimental effect on the bargaining position of the public body and land negotiations to consider the purchase of a property whereby an open meeting may have a detrimental effect on the negotiating position of the public body, Lawrence W. O'Brien, aye, and Robert C. Haarde, aye.

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

There being no further business, the meeting adjourned at 8:55 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk