

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 18, 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 7:34 p.m. in the Sudbury Grange Hall.

Opening Remarks

At 7:34 p.m., Chairman O'Brien opened the meeting. He noted the Board's agenda is light this evening so that members can also attend a Zoning Board of Appeals Hearing being held at Town Hall. He reminded residents they can enroll for reverse 911 services to contact their cell phone numbers and as many family phone numbers as they wish on the Town website. Chairman O'Brien also encouraged residents to contact HopeSudbury if they are interested in volunteering to assist with the annual telethon on November 5, 2011 from 12 noon to 10:00 p.m.

Reports from the Town Manager

Minuteman Regional Technical High School - Update on Proposed Regional Agreement Amendments and Funding of Capital Project

Town Manager Valente reported the Town Managers from the member communities met recently. She further reported the shortcomings and inequities of the proposed model were discussed and an alternative model was presented. A majority in attendance (10 out of 12) endorsed Model E as a compromise funding formula. Ms. Valente stated a few towns were not pleased with the new option, such as Arlington, which sends 140 students to the School, and Bolton was unsure of its position. Each member town will now share this information with their Finance Committees and Boards of Selectmen. She noted primary objectives are to determine a method for out-of-district students to pay more and to advocate for a higher reimbursement percentage from the State. Ms. Valente has been contacted by the Minuteman Superintendent to ascertain the position on Model E taken by member communities. However, she stated member towns were not asked to report back their outcomes. Ms. Valente also stated Sudbury representative to the Minuteman School Committee David Manjarrez has requested a meeting with her, Vice-Chairman Haarde and Sudbury Finance Committee member Bill Kneeland.

Military Education Celebration –Veterans' Day

Town Manager Valente announced the Sudbury Military Support Network will sponsor an Education Celebration at the Noyes School by having an assembly in honor of Veterans' Day, and she encouraged the community to support the event.

Transfer Station – Outreach Update

Town Manager Valente thanked Sudbury resident Lenny Simon, 40 Meadowbrook Circle, for soliciting the assistance of volunteers to help educate the community on the benefits of the Transfer Station. Mr. Simon has worked collaboratively with the Department of Public Works and Town staff. He has also enlisted the assistance of Lincoln-Sudbury Regional High School students, who can earn community service credit for their work.

Executive Session - Cancellation

Town Manager Valente reported an Executive Session meeting scheduled for tonight will not be necessary, since updated information is not available at this time, and it may not be available for the Board's October 20, 2011 meeting.

Reports from the Board of Selectmen

Vice-Chairman Haarde attended a recent Route 20 Sewer Steering Committee meeting. He stated each member has been assigned a task to collect data from another community which has instituted a similar program. He also reported an upcoming meeting will be scheduled between the Steering Committee and the Citizens' Advisory Committee (CAC). In response to a question from Chairman O'Brien, Vice-Chairman Haarde stated CAC plans to add a member from the Board of Assessors to the Committee.

Vice-Chairman Haarde noted Minuteman Regional Technical High School is limited by State law regarding how much can be charged for an out-of-district student. He suggested a legislative change is needed to result in a more equitable system.

Town Manager Valente reported a group of Town Managers from the member communities, headed by Wayland's Town Administrator Fred Turkington, has discussed options for pursuing legislative relief, and it has begun to contact the appropriate people at the State level.

Chairman O'Brien stated he continues to be involved with the ongoing Lincoln Sudbury Regional High School Committee Executive Session negotiation discussions.

Public Hearing: TD Bank – 407 Boston Post Road

Present: Joshua Swerling from Bohler Engineering, Architect Matt Hyatt and Developer Rick Curtin

At 8:05 p.m., Chairman O'Brien opened a Public Hearing regarding an application submitted by TD Bank to construct a new 2,980 square foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping and lighting on property located at 407 Boston Post Road, zoned Residential-A, Town Assessor Map K08-0007, which was continued from October 4, 2011. The Board was previously in receipt of revised sketches dated October 18, 2011 presenting height and elevation comparisons to plans dated October 4, 2011, an email message from Director of Planning and Community Development Jody Kablack dated October 18, 2011, including comments from Sudbury Planning Board member Joseph Sziabowski, which was read aloud by Town Manager Valente. In addition, copies of a letter from Bohler Engineering dated October 18, 2011, and accompanying Demo, Site, Landscape and Lighting Plans (dated May 19, 2011 and revised through October 17, 2011) were distributed tonight for review. Since the last meeting, Vice-Chairman Haarde reported he attended a site visit to the Wayland TD Bank location.

Architect Matt Hyatt presented the revised renderings, and he highlighted the changes between the October 4 and October 18, 2011 versions regarding height pitches of the roof and the tower height. He explained the height of the center mass of the building has been reduced in the October 18, 2011 version by six inches, and the tower height has been reduced by two feet. Mr. Hyatt also displayed renderings of the elevations from all sides of the proposed building. He noted the renderings do not show the building "pushed back," but it has been moved back four and a half feet, which is reflected on the revised Bohler plans presented tonight. Mr. Hyatt acknowledged Mr. Sziabowski's comments and preference for the October 18, 2011 version, and he stated he concurs it is more proportionate.

In response to a question from Chairman O'Brien, Vice-Chairman Haarde stated he does not have a strong preference for one version over the other based on the renderings, but might feel differently in the field. In general, he prefers a steeper roof pitch. However, Vice-Chairman Haarde reiterated, in the field he might conclude the October 18, 2011 versions fit the neighborhood better. He stated the differences between the two versions for him are not significant enough to delay the Site Plan review process.

Chairman O'Brien asked if a mock-up of materials and of the color palette, as suggested by Mr. Sziabowski, could be produced for review. Mr. Hyatt stated it could likely be accommodated, but he asked if it would be required prior to a Site Plan Decision. He stated the current proposal is for a medium gray color to be used for the center element and a lighter gray for the rest of the building. He believes these colors complement the stone tower nicely.

Chairman O'Brien asked if the material and color samples could be viewed in the field. Mr. Hyatt stated an "in-place mock-up" would be the preferred setting, and a site visit could be required at that time. Joshua Swerling from Bohler Engineering asked if draft language regarding this item could be reviewed by the applicant in advance. Chairman O'Brien explained the Town's process for drafting decisions and sharing them for review with applicants prior to a vote so that final content is acceptable to all relevant parties. He further stated the Town welcomes input to ensure a thorough and well-crafted final decision.

Mr. Hyatt provided a brief explanation of TD Bank's position regarding the proposed cap on the cornice. The consensus of the board was the exhibit presented tonight of the cap on the cornice is acceptable.

Mr. Swerling summarized the revisions made to the plans presented tonight, including the landscape plan has been pushed back to achieve the 25-foot setback from the curb to the building, light fixtures have been added, the bench location has been identified, one parking space has been removed and the third row of shrubs has been removed. He emphasized lighting wattage for each fixture has been decreased from 400 watts to 250 watts.

Vice-Chairman Haarde asked if Sudbury could have two benches designated on the plans similar to those at the Wayland location. He recommended the Town require the first bench location remain on the corner, and that the second location be flexibly designated by the Bank.

Chairman O'Brien asked if any revisions were made to the Raymond Road driveway as a result of previous discussions. Mr. Swerling stated no other revisions were made except for the inherent movements necessitated by the four and a half-foot shift made for the entire building. It was noted the Catalpa tree would remain on site.

Chairman O'Brien noted the Board typically conducts another site visit after landscaping is installed, and another site visit at night to review the installation of the lighting plan.

Mr. Swerling noted requested revisions from Ms. Kablack regarding compliance items have also been incorporated into the plans presented tonight.

Chairman O'Brien noted the applicant has also reached out to NStar regarding installation of underground utilities. He suggested Town staff contact its NStar representative Chris Cosby regarding the applicant's request.

Sudbury resident Michael Caso, 250 Raymond Road, stated he appreciates the reduction in the light fixture wattage proposed by the applicant.

Mr. Swerling noted the Board had previously stated a letter of support would be drafted to be sent to the Zoning Board of Appeals regarding the applicant's future Special Permit request. Chairman O'Brien asked Town Manager Valente to remind Town staff to prepare this letter on behalf of the Board.

It was on motion unanimously

VOTED: To instruct Town staff to prepare an affirmative Draft Decision for the Site Plan Application of TD Bank, D. Demetri, Trustee of Old South Realty Trust, applicant, and Edward and Linda Davis, Trustees, D&D Realty Trust II, owners, to construct a new 2,980 square foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping and lighting on property located at 407 Boston Post Road, zoned Residential-A, Town Assessor Map K08-0007, referencing the October 18, 2011 version of renderings reviewed tonight, and incorporating all revisions agreed to regarding location of the building, location of benches and noting a site visit to be coordinated for an "in-place mock-up" review of the color palette and materials.

It was on motion unanimously

VOTED: To continue the Public Hearing on the Site Plan Application of TD Bank, D. Demetri, Trustee of Old South Realty Trust, applicant, and Edward and Linda Davis, Trustees, D&D Realty Trust II, owners, to construct a new 2,980 square foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping and lighting on property located at 407 Boston Post Road, zoned Residential-A, Town Assessor Map K08-0007 to November 1, 2011 at 8:45 p.m.

First Parish Church – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Reed Shilts, 293 Concord Road, representing First Parish Church in Sudbury, 327 Concord Road, to accommodate a Costume Dance Party fundraiser on Saturday, October 22, 2011, from 7:00 p.m. to 11:00 p.m., subject to receipt of a Certificate of Liability.

“Sudbury Relay for Life”

It was on motion unanimously

VOTED: To approve use of the Peter Noyes parking lot area for the May 19-20, 2012 “Sudbury Relay for Life” event as requested by Marisa Lutz, Relay for Life of Lincoln-Sudbury, Chair, in an email dated October 4, 2011, subject to compliance with conditions specifically outlined by the Peter Noyes School, the Police and Fire Departments, as well as Park and Recreation and the Presbyterian Church.

Proclamation – Rear Adm. Victor M. Beck

Vice-Chairman Haarde read aloud a proclamation prepared for Sudbury resident Rear Adm. Victor M. Beck.

It was on motion unanimously

VOTED: To sign a proclamation for Rear Adm. Victor M. Beck, a long-time Navy career officer, who recently returned to his Sudbury family, and to proclaim Friday, October 21, 2011, as Rear Adm. Victor M. "Vic" Beck Day in Sudbury.

Sudbury Senior Center – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, the donation from Robert Diefenbacher, 32 Old Framingham Road, of a Dell Precision M65 Intel Core Dual Processor T2400 Laptop computer (with a current market value of \$495) for use at the Sudbury Senior Center, as recommended by Sudbury's Technology Manager.

Route 20 Sewer Citizens' Advisory Committee - Appointment

It was on motion unanimously

VOTED: To postpone the discussion and vote regarding the appointments of Dave Duane of Methods Machine Tools/Macot Realty Trust, 64 Union Avenue, and Neil B. Minkoff, 175 Fairbank Road, to the Route 20 Sewer Citizens' Advisory Committee until the Board's October 20, 2011 meeting at the Flynn Building.

Town Manager Valente stated that the Board is beyond the 48-hour notice required to add an agenda item for Thursday's meeting, since the agenda was posted at 5:00 p.m. today at the Town Clerk's Office. Vice-Chairman Haarde asked if the deadline is designated as 5:00 p.m., or whether a handwritten revision could be made to the posting tonight. The Board requested Town Manager Valente add the agenda item tonight to the Town Clerk's posting and that she consult with Town Counsel tomorrow regarding the validity of this agenda modification.

Metropolitan Planning Organization - Municipal Elections to the Boston Region

Chairman O'Brien explained the Boston Region of the Metropolitan Planning Organization (Boston MPO) will hold its annual election at the Metropolitan Area Planning Council (MAPC) fall meeting on October 26, 2011 in Cambridge. The Board was previously in receipt of copies of a memorandum from the Executive Directors of the MBTA Advisory Board and the Metropolitan Area Planning Council dated October 7, 2011, including the Metropolitan Planning Organization 2011 Ballot, the candidates' statements of candidacy, the election procedures, a listing of the MAPC Sub-regions and an email dated October 6, 2011, asking for Sudbury's support of Lexington Planning Board member Richard Canale for one of two at-large seats also sought by Arlington, Natick and Needham. The Board has been asked to vote for six categories of representation, with contested races for the two At-Large Town seats and the South West Area Planning Committee seat. Vice-Chairman Haarde noted in the other categories, candidates are running unopposed.

Following a brief discussion, the consensus of the Board was that the interests of Lexington and Natick are more closely aligned with Sudbury's than the other communities nominated.

It was on motion unanimously

VOTED: To vote Sudbury's support on the 2011 MPO Absentee Ballot for the nominations of Hank Manz, Selectman from Lexington, and Charles M. Hughes, Selectman from Natick for the two At-Large town seats

available in the upcoming annual election at the Metropolitan Area Planning Council (MAPC) fall meeting on October 26, 2011.

It was also on motion unanimously

VOTED: To vote Sudbury's support on the 2011 MPO Absentee Ballot for the nomination of Todd A. Cestari, Selectman from Hopkinton for the one South West Area Planning Committee seat available in the upcoming annual election at the Metropolitan Area Planning Council (MAPC) fall meeting on October 26, 2011.

It was further on motion unanimously

VOTED: To vote Sudbury's support on the 2011 MPO Absentee Ballot for the unopposed nominees listed for the remaining elections of the Metropolitan Area Planning Council (MAPC) fall meeting on October 26, 2011.

Executive Session

At 8:35 p.m., Chairman O'Brien announced there would be no executive session required this evening.

There being no further business, the meeting adjourned at 8:35 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk