

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 6, 2011

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde (arrived at 7:56 p.m.),
Selectman John C. Drobinski and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:36 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:36 p.m., Chairman O'Brien opened the meeting. He announced a Zoning Board of Appeals Public Hearing regarding the Residences at Johnson Farm project is being held tonight at the Sudbury Grange.

Chairman O'Brien thanked Town Manager Valente, Assistant Town Manager Bilodeau, the Town Department Heads and their staffs for their work during the recent hurricane. He reported over a third of the Town's households (approximately 2,250) were without electricity for several days and over 30 roads were closed. Chairman O'Brien noted some of the measures taken to assist citizens, including keeping the Library open later and providing shelter at the Senior Center. He also reported the Town utilized its reverse 911 technology, and he encouraged citizens to sign up for this service on the Town website. Chairman O'Brien stated Town staff will review how communication with residents could be improved in emergency circumstances. He asked citizens to forward suggestions to the Selectmen's email address. Chairman O'Brien noted the work of Fire Chief Miles, who communicated with NStar Electric Company and personally visited homes to keep citizens abreast of efforts to restore power. Chairman O'Brien stated communication and status updates from NStar to Sudbury officials were insufficient. He further stated NStar will be notified of the Town's displeasure with its lack of service.

Chairman O'Brien welcomed the community to attend Sudbury's commemoration of the 10th anniversary of the lives lost on 9/11/01. The local ceremony will be held at Heritage Park on September 11, 2011 at 8:15 a.m.

Reports from the Town Manager
Town Response to Hurricane Irene

Town Manager Valente also thanked Town staff for their work during the recent storm and its aftermath. She also thanked the members of Sudbury's Community Emergency Response Team (CERT) who helped staff the Senior Center shelter. Ms. Valente highlighted the most important priorities for Town staff during emergency situations are to check on elderly and disabled citizens, to keep roads open and safe and to work with utility companies to restore power. She thanked the citizens of Sudbury, many of whom pitched in to clean-up debris and check on neighbors. As of today, Ms. Valente reported all of Sudbury has regained power, but she noted any outages should be reported to NStar.

Town Manager Valente stated information is available on the Town website and local cable scroll boards regarding drop-off of storm-related brush at the Transfer Station. Fire Chief Bill Miles is working with the Massachusetts Emergency Management Agency (MEMA) to estimate damage in Sudbury. Ms. Valente stated multiple phone listings and emails can be added to the reverse 911 service. She also encouraged anyone interested in being added to the Town's Emergency Call List to contact Anne Manning at the Senior Center. Town Manager Valente expressed her dissatisfaction with the lack of service and local response from NStar. She also encouraged residents to contact the Selectmen with suggestions as to how the Town could better communicate with citizens during emergency situations.

Massachusetts Housing Partnership – Technical Assistance

Town Manager Valente distributed copies to the Board of a letter from the Director of Community Housing Initiatives Susan Connelly to the Chairman of Sudbury's Zoning Board of Appeals, dated August 31, 2011 and an accompanying Award Letter Supplement for the Residences at Johnson Farm. The letter states Sudbury has been awarded \$10,000 from the Massachusetts Housing Partnership (MHP) Technical Assistance Program to be used within the next 18 months. Town Manager Valente stated the funds would be used to pay for consulting services to assist with the review of the Residences at Johnson Farm project. She asked the Board to vote its acceptance of the assistance and for the Chairman to sign the original copy of the supplement.

It was on motion unanimously

VOTED: To accept the award of \$10,000 from the Massachusetts Housing Partnership (MHP) Technical Assistance Program to be used to pay for consulting services of Ed Marchant, who will assist with the review of the Residences at Johnson Farm project and for the Board of Selectmen Chairman to sign the original supplement provided, which will be returned as directed.

Minuteman Regional School District – Draft Letter

Town Manager Valente distributed copies to the Board of a Draft Version 2 Letter dated September 5, 2011, to be sent to the Superintendent and Chairman of the School Committee of Minuteman Regional Vocational Technical High School from Sudbury, Belmont, Carlisle, Concord, Wayland and Weston Boards of Selectmen. The letter expresses the concerns of these towns regarding the capital allocation funding formulas proposed regarding the School's building renovation project. Without revisions to the current proposal, the letter states it is highly unlikely there could be unanimous support for the recommended changes to the Regional Agreement or the general building renovation program from the District's member towns. Ms. Valente stated Vice-Chairman Haarde attended the meeting and will offer his perspective when he arrives later tonight. She suggested the Board express its support to send the letter as it appeared consistent with the position the Board had previously taken.

Chairman O'Brien concurred that a more equitable funding option is being sought.

Reports from the Board of Selectmen

Selectman Drobinski believes NStar should be informed of the hardships Sudbury citizens experienced due to its dismal and unsatisfactory response to the hurricane.

Chairman O'Brien and Town Manager Valente attended a Massachusetts Municipal Association seminar regarding the new State healthcare legislation. He also attended a forum last week with the Lieutenant Governor regarding regionalization and Sudbury's recently established Regional Housing Office. Chairman O'Brien has attended two Executive Session meetings regarding Lincoln-Sudbury Regional High School collective bargaining negotiations. He also met with Senior Tax Advisor David Levington and the Chairman of the Legislature's Revenue Committee to review the status of pending Sudbury Special Act senior tax relief legislation.

Vice-Chairman Haarde attended a meeting in Carlisle regarding the proposed Minuteman Regional Vocational Technical High School building renovation project and proposed revisions to the Regional Agreement. He reported several towns expressed concerns regarding the disparity of proposed contributions from member towns. Additionally, concern was expressed regarding the number of students from

non-member towns which do not pay anything toward the capital project. Vice-Chairman Haarde recommended the Board support that the draft letter mentioned earlier by the Town Manager. He also suggested the Superintendent and Vice-Chairman of the Minuteman School Committee be invited to a future Board to hear Sudbury's feedback. Chairman O'Brien asked Town Manager Valente to coordinate a future agenda time.

It was on motion unanimously

VOTED: To support a letter be sent to the Superintendent and Chairman of the School Committee of Minuteman Regional Vocational Technical High School from Sudbury, Belmont, Carlisle, Concord, Wayland and Weston as reviewed tonight in the Draft Version 2 dated September 5, 2011.

Vice-Chairman Haarde participated in a successful golf outing today for the Wounded Warrior Project. He thanked all who participated to help raise \$10,000 today for this worthy program.

FY11 Pooled Trust Fund – 4th Quarter Reports and FY12 Pooled Trust Fund Expenditure Limits

Present: Town Finance Director/Treasurer Andrea Terkelsen and Trust Investment Advisory members Fred Pryor and David Petit

The Board was previously in receipt of copies of a memorandum from Town Finance Director/Treasurer Andrea Terkelsen dated August 24, 2011, describing the Town Trust FY12 Spending Requests, copies of the "Town Trust Investment Report as of June 30, 2011," the "Town Trust Disbursements as of June 30, 2011" and the "Town Trust Fund Balances as of June 30, 2011."

Ms. Terkelsen reviewed this information with the Board, noting the Pooled Trust investments are placed with the Charles Schwab company. She reported the combined market value of the Trust as \$1.6 million.

Town Trust Advisory member Fred Pryor stated it has been the practice to maintain an equities position of less than 50% so as to preserve principal. He noted the two largest beneficiaries are the Perpetual Care and Library funds. Mr. Pryor noted the rate of interest and dividends earned has been low for some time and is expected to remain low. He questioned whether Town Counsel has opined as to whether the 2005 legislation allowing for trustees to pay out a small portion of principal to beneficiaries when returns are so low is an option. Town Manager Valente stated Town Counsel Kenny needed to research the matter further.

Town Trust Advisory member David Petit stated the primary goals of the Advisors have been to preserve principal while maintaining a low-risk portfolio. Given market conditions in the past year, the Advisors have recommended increasing the equity exposure going forward, since investment times are difficult. Thus, he reported the Trust is currently held in 40% bonds, 6% in one bond which will mature shortly, 41% in equity mutual funds and the balance in cash.

Mr. Pryor stated the average of 7% returns is unlikely for the next few years. He further stated the Town must be realistic regarding future returns. Mr. Pryor opined the only way to provide a bigger yield for the beneficiaries is to dip into principal.

Selectman Drobinski commended the group on achieving a 7% return in very challenging financial times. Vice-Chairman Haarde concurred, stating the return is great, and the investments seem to be a good mix for this asset class.

Ms. Terkelsen noted that each beneficiary has an expendable and non-expendable fund portion for consideration. She also stated allocation of funds is challenging, especially as it relates to the larger trusts, because there is not a lot of new capital expected.

Town Manager Valente stated Town Counsel had previously opined that only interest earned may be spent, and thus spending limits may need to be reduced in the future.

Mr. Petit noted the Town used to pay fees to manage these funds, but he and the other Advisors now perform these duties as volunteers. He believes Sudbury should continue this practice of utilizing the talents of its residents. Mr. Pryor concurred, noting the investment of other Town Trust funds, which are still managed for fees, could possibly also be overseen by the Advisors. However, he further stated a few more volunteers might need to be solicited. Ms. Terkelsen stated this is being considered by the Town in its future planning. It was noted advisor Dan Flanagan was unable to attend tonight's meeting.

It was on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to accept the unaudited FY11 fourth quarter Financial Reports for the Pooled Town Trust Funds for the period ended June 30, 2011, as requested by the Finance Director, Andrea Terkelsen.

Ms. Terkelsen stated the amount of Town Trust FY12 Beneficiary Requests for Expenditures requested by the Trustees totals \$69,670. However, she highlighted she recommends approval of \$60,270, since interest and dividends earned are expected to remain low. Ms. Terkelsen further stated she has discussed her recommendations with the beneficiaries.

Selectman Drobinski asked if the recommended amount will be sufficient for the Perpetual Care needs. Town Manager Valente noted the Town recently established a Perpetual Care Revolving Fund. She has discussed the recommendation with the Department of Public Works Director Bill Place, who believes it is sufficient at this time. Ms. Valente further noted that, if additional funding is deemed appropriate, a future request can be presented to the Board.

Vice-Chairman Haarde asked if the recommended funds for the Library are sufficient. Ms. Terkelsen stated she has discussed it with the Library Trustees, and it is believed to provide enough funding at this time.

Mr. Pryor noted the recommended amount of \$60,270 reflects only 3-4% of the \$1.6 million value.

It was also on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to accept the Pooled Trust Fund expenditure limits as recommended by Sudbury's Finance Director for FY12 as submitted by the beneficiaries and as requested by Andrea Terkelsen, Finance Director on August 18, 2011.

Public Hearing: New Cingular Wireless, PCS LLC d/b/a AT&T Site Plan – 16 North Road

Present: Applicant's attorney Edward Pare from Brown Rudnick, AT&T RF Engineer Michael Doiron and AT&T Consultant Timothy Greene

At 8:23 p.m., Chairman O'Brien opened the Public Hearing regarding the application of New Cingular Wireless, PCS LLC, d/b/a AT&T, for a modification to an approved Site Plan for property located at

16 North Road, owned by the Sudbury Water District; zoned Research District, requesting a change from the original Site Plan decision of the Board of Selectmen dated April 10, 1995, to add three (3) antennae to the existing six (6) antennae array at the top position on the pole at approximately 150 feet, which was continued from July 19, 2011. Due to a potential conflict with his employer, Vice-Chairman Haarde previously recused himself from these discussions.

The Board was previously in receipt of copies of the of the application and supplemental information, a memorandum from Director of Planning and Community Development Jody Kablack dated July 14, 2011, an email message from AT&T Managing Director Tim Greene dated June 9, 2011, indicating additional carriers on the tower and an aerial map exhibit, a letter from Department of Public Works (DPW) Director William Place dated June 27, 2011, noting comments and recommendations, an email message from Building Inspector James Kelly dated July 13, 2011 and a letter from Sudbury resident Ralph Tyler, One Deacon Lane, dated July 8, 2011, expressing his opposition to the application proposal to add three additional antennae to this cell tower.

The applicant's attorney Edward Pare referenced the recent hurricane events, noting how important and integrated cell phone and Internet services have become in people's lives during emergency conditions. He stated tonight's presentation should clarify that the company would be sacrificing coverage if it were asked to lower its pole. Mr. Pare stated the applicant believes the request for three additional antennae constitutes a minimal installation, resulting in minimal impact to the surrounding area. He distributed copies to the Board of radio frequency plot maps.

Chairman O'Brien explained the current pre-existing tower design was built prior to the implementation of the Town bylaw. AT&T RF Engineer Michael Doiron stated this is correct, and now the applicant wishes to only add antenna panels to what already exists.

Chairman O'Brien summarized the discussion from the July 19th meeting. He asked if the panels could be flush-mounted. Mr. Doiron described the existing panels and tower-mounted amplifiers, concluding that flush-mounting is not possible at the 147-foot level. He distributed copies to the Board of Stand Alone Coverage Maps comparing the 147 and 100-foot heights. He stated the exhibits show the coverage problems if the antennae are installed at a lower height. Mr. Doiron stated the line of sight is drastically degraded at a lower pole height. He emphasized AT&T is planning installations for current and future coverage needs.

Chairman O'Brien asked for clarification regarding the handouts, noting the maps do not reflect the coverage provided by all antennae depicted. He also noted there is no scale of miles noted on the maps as reference. Mr. Doiron stated he has prepared another map which addresses these points.

Selectman Drobinski noted the T-Mobile and Sprint installations on the pole are flush-mounted. Mr. Doiron confirmed this to be true. Selectman Drobinski further stated that seeing the full coverage map for all antennae would be beneficial.

Mr. Doiron reviewed his exhibit maps, describing the significant degradation in residential, vehicular, and street-level coverage at the 100-foot level versus the 147-foot level.

Town Manager Valente asked that the exhibits be submitted as part of the permanent meeting record. Chairman O'Brien asked Mr. Doiron to provide the Board with a narrative to accompany the map exhibits to be reviewed by Town staff.

Bettina Westerberg, 239 Raymond Road, asked if it is typical to have poles this tall in residential neighborhoods. Chairman O'Brien clarified the location under discussion as 16 North Road.

Ralph Tyler, One Deacon Lane, addressed the Board to strongly oppose the application. He does not believe a convincing argument has been presented by the applicant tonight as to why the panels cannot be flush-mounted. Mr. Tyler believes the applicant needs to answer the question of whether flush-mounting could be done if it had to be done. He further believes the applicant should be willing to make concessions if they wish to continue to operate at a level above what is allowed in the Town's current bylaws.

Mr. Tyler described this application as a change in use from what was initially approved before the Town implemented its bylaw in 1995. He believes the intentions are now for a more intensive use than was originally anticipated, and thus it becomes a new use, which should not be grandfathered in any regard. Mr. Tyler believes the current configuration should never have been approved, and is a blight on Sudbury's landscape. He further believes additional antennae will negatively impact precious Town views. Mr. Tyler noted Lincoln has mandated all utilities be installed underground along stretches of Route 117 to preserve the pastoral views. He stated the applicant should be more responsive to the Board and citizens of Sudbury, and to not responsibly address these concerns is offensive. Mr. Tyler suggested the applicant pursue other more desirable locations for coverage which would not as negatively impact Sudbury's aesthetics. He encouraged the Board to not perpetuate the existing-non-confirming use at this site. Mr. Tyler submitted a copy of an excerpt from the "Annotated Laws of Massachusetts Chapter 40A Zoning, which he referenced. He stated such extensions should conform to zoning bylaw, and the additions should be done correctly so as to be compatible with the monopole design.

Chairman O'Brien stated the material presented by Mr. Tyler will be reviewed by Town Counsel. He also asked the applicant to provide the Board with a better explanation as to why flush-mounting is not an option at the next meeting. Selectman Drobinski requested the applicant bring to the next meeting drawings which reflect the engineering obstacles it believes would be encountered.

Mr. Pare stated the applicant was originally approved for 12 antennae and willingly reduced the initial installation to six antennae. Referencing photographs provided, Mr. Pare reiterated the modification request is insignificant and merely an upgrade. He also noted Federal law for these matters trumps State and local laws. Mr. Pare stated the proposed installation is well concealed and the applicant has agreed to paint the panels to blend in better with the surroundings.

Chairman O'Brien stated Sudbury's bylaw has been successful implementing the monopole design. He requested the applicant provide Director of Planning and Community Development Jody Kablack with electronic versions of the maps and other relevant additional information for Town staff to review.

Mr. Pare stated Verizon has 12 antennae at this site. He does not believe the applicant should now be penalized for negotiating originally in good faith for a reduced installation, which it now seeks to increase.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the application for modification to an approved Site Plan for property located at 16 North Road, owned by the Sudbury Water District, requesting a change from the original Site Plan decision of the Board of Selectmen dated April 10, 1995, to add three (3) antennae to the existing six (6) antennae array at the top position on the pole at approximately 150 feet to September 21, 2011 at 8:45 p.m.

Mr. Tyler asked if an independent verification of the coverage maps provided by AT&T was performed or did the Town accept accuracy as presented. Chairman O'Brien stated their accuracy was accepted upon presentation. Mr. Tyler suggested they be verified by a report from a professional engineer.

Mr. Doiron stated no such certification or seal exists for radio frequency, but he will draft and sign a narrative as requested.

Public Hearing: TD Bank – 407 Boston Post Road

Present: Director of Planning and Community Development Jody Kablack, Applicant's Attorney Robert Dionisi, Joshua Swerling from Bohler Engineering and Brian Perlow from Bergmeyer Associates, Inc.

At 9:14 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.

Town Manager Valente read aloud the materials received as of September 6, 2011 by the Board as follows: copies of the Site Plan Approval dated July 13, 2011 and accompanying plans and Stormwater Drainage report dated June 30, 2011, Sudbury Planning Board Public Hearing Notice for the Water Resource Protection Overlay District Special Permit and Stormwater Management Permit for September 14, 2011, a memorandum from Director of Planning and Community Development Jody Kablack to the Selectmen and Planning Board dated August 23, 2011, noting comments and recommendations regarding the proposal, emails from Town staff noting comments and recommendations for the proposal, a letter from Sudbury Historical Commission Chair Lyn MacLean dated March 18, 2011 stating the existing building on the lot is not historic and recommending the structure be removed intact to another site rather than be demolished, copies of the minutes from a pre-application Town staff meeting on December 22, 2010, a memorandum from Conservation Coordinator Debbie Dineen dated July 20, 2011, memoranda from Department of Public Works Director Bill Place dated August 8, 2011 and September 1, 2011, Design Review Board meeting minutes dated March 23, 2011 and April 13, 2011, a letter from Joshua G. Swerling, P.E., from Bohler Engineering dated August 22, 2011, addressing the comments and suggestions made by Town staff and an email message from Building Inspector James Kelly dated September 1, 2011.

Attorney Robert Dionisi provided a brief review of the past and current use of the site and variances approved, noting a variance was approved in March 2011 for use as a commercial bank. He also described the physical properties of the site and stated plans are to construct a LEED-certified building.

Joshua Swerling, from Bohler Engineering, reviewed exhibits of the site plan and landscape plan. He stated his firm spent several months working with neighbors and the Zoning Board of Appeals (ZBA) to refine the plans. Mr. Swerling described the entrance and exit driveways and re-circulation routes for parking convenience, noting 40% of customers use drive-through services. He stated extensive landscaping has been proposed, including 38 trees and 230 shrubs, which are drought resistant. Plans also include a temporary one-year irrigation system. Mr. Swerling stated 24 parking spaces are proposed. He further stated lighting plans have been revised to comply with Town bylaws.

Mr. Swerling distributed copies to the Board of a revised letter dated September 6, 2011, which addresses questions and concerns posed by Town staff. He noted other improvements to the site related to stormwater management, including using low impact designs. Mr. Swerling stated these plans would be presented to the Planning Board and the Conservation Commission later this month. He emphasized the plans all meet or exceed the Town Stormwater Bylaw standards and that the septic system would be Title V compliant. Mr. Swerling further stated no detrimental traffic impacts are anticipated.

Brian Perlow, Bergmeyer Associates, Inc. Project Manager, presented architectural renderings which were also presented to the Design Review Board. He stated a Hardi-Plank product would be used for the building siding to provide for low maintenance in the future. Mr. Perlow described the building façade and the open floor plan within, which is American Disabilities Act compliant. He also referenced several LEEDS certification elements proposed for the building, which are anticipated to result in 50% energy reduction, 40% water reduction, and a reduction in light pollution. Mr. Perlow also presented exhibits of the proposed elevations.

Selectman Drobinski asked if plug-ins have been proposed for electric vehicles. Mr. Swerling stated not as of yet, but it can be further researched. Selectman Drobinski noted the architectural design is a nice, modern look, which would be suitable in other parts of the country, but he questioned whether it is the best design for Sudbury in this location. Mr. Perlow stated the design was vetted through the Design Review Board process and with neighbors who are satisfied with the proposal. Selectman Drobinski suggested the style of nearby structures be studied again for compatibility.

Selectman Drobinski asked what is proposed for the several mature trees currently on the site. Mr. Swerling stated current opinion is that the construction will damage the root systems of the referenced two mature trees too much to remain. Selectman Drobinski asked that the plan be looked at again to determine if one of the trees could possibly be retained.

Selectman Drobinski asked if the utilities are planned for underground installation. Mr. Swerling stated there is no gas proposed, but it was determined the cost would be prohibitive to trench through Route 20. Thus, an overhead pole is proposed close to the building, connecting to wires and drainage which would be installed underground. Given the power outages experienced during the recent hurricane, Chairman O'Brien encouraged the applicant to reconsider whether all utilities could be installed underground.

Selectman Drobinski stated the proposal is a great plan.

Vice-Chairman Haarde asked for clarification regarding the material planned for the exterior siding, which was provided by Mr. Perlow. He also asked if the proposed stone foundation extends across the entire front of the building. Mr. Perlow stated it does. Vice-Chairman Haarde asked if further evaluation could be given to whether the stone foundation could be raised a bit.

Selectman Drobinski asked what the status was regarding re-locating the existing structure on the site.

Louis Stephan, 26 Minewood Road, stated the Conservation Commission has approved the structure being moved across the street to 400 Boston Post Road, as was suggested by the Sudbury Historical Commission.

Chairman O'Brien referenced the anticipated number of increased traffic trips and the proposed number of employees. He concluded that possibly 16-20 parking spaces might be adequate, noting zoning specifies 17 spaces, yet the proposal calls for 24 parking spaces. Chairman O'Brien asked the applicant to further assess whether a few parking spaces could be eliminated. Mr. Swerling stated the traffic assessment carefully reviewed peak-hour usage and a need for 23 parking spaces was determined. He will further consult with bank representatives to determine if a few spaces could be reduced.

Michael Caso, 250 Raymond Road, is an abutter to the project. He stated bank representatives and their attorney met his wife and him and several of the neighbors. Mr. Caso stated he is pleased with the design proposal and with the cooperation shown by the applicant to neighbors by sharing information and addressing concerns.

Briana Thuijs, 225 Raymond Road, echoed the comments of Mr. Caso, stating TD Bank has worked extensively with neighbors throughout this process.

Bettina Westerberg, 239 Raymond Road, stated she appreciates the cooperation of TD Bank with neighbors to date. However, she stated tonight is the first time she has heard about mature trees being removed. She urged the applicant to replant mature trees and to plant evergreens as a buffer for neighbors. Selectman Drobinski and Chairman O'Brien stated a site visit would likely be held in the future and, if needed, the Board could recommend more plantings be incorporated into the site.

Chairman O'Brien noted Conservation Coordinator Debbie Dineen requested native plants be used. Mr. Swerling reported he met with Ms. Dineen and he has revised the plant listing, which includes all non-invasive species. He distributed copies to the Board of an interim plan, "Project Narrative for TD Bank dated August 24, 2011."

Vice-Chairman Haarde asked if this building is closer to Route 20 than the existing bank, and whether planning for future on-street parking should be included. The response was that the new building is slightly closer to Route 20. Mr. Swerling opined that, since Route 20 is a State Highway, he does not think on-street parking would be allowed. He further stated the applicant has proposed constructing a portion of a walkway in front of the new building. In response to a later question from Chairman O'Brien, Mr. Swerling stated extending the walkway 400-feet, as was suggested by the Town, is cost-prohibitive to build. He also stated the applicant is considering making a contribution to the traffic light fund for the Route 20 Fire Station and providing a crosswalk across Route 20. Vice-Chairman Haarde reiterated that on-street parking should be considered as future planning.

Director of Planning and Community Development Jody Kablack stated she does not believe the State would approve on-street parking on Route 20. She further stated that, if Route 20 were reconfigured for on-street parking in the future, it would be done within the right-of way, which does not fall into the applicant's property.

Vice-Chairman Haarde asked if the curb cuts would be impacted in the future. Ms. Kablack stated no, since they are located also within the right-of-way.

Vice Chairman Haarde asked if the walkway could be widened beyond five feet. He opined the design should comply with the village-district style, and thus he would favor less landscaping and more sidewalk. Mr. Swerling stated the landscaping was designed to complement and soften the impact of the building.

Chairman O'Brien asked if the Board is inclined to request a Draft Site Plan Decision be prepared by Town staff for review at the next meeting.

Ms. Kablack highlighted the application is subject to Water Resource Protection and Stormwater Management Special Permits for which Public Hearings will be held on September 14, 2011. She also noted the proposal includes a significant amount of impervious surface. Ms. Kablack emphasized the applicant has proposed a new utility pole on the property, which could require a permit from the Board, since it is ordinarily prohibited by Town bylaws. Chairman O'Brien reminded the applicant to further investigate prior to the Board's next meeting the costs for locating all utilities underground. Mr. Swerling confirmed he would pursue this information, but he is unsure whether a timely answer will be forthcoming from NStar.

Ms. Kablack also urged the applicant to consult with the Building Inspector and the Board of Health regarding moving the existing structure on the property across the street to ensure the process is completed

properly. She also noted the applicant has requested a low-level freestanding sign, which could be appropriate for the site. Ms. Kablack suggested the Board might want to recommend approval of this sign to the ZBA. In addition, Ms. Kablack noted the Police Station has requested permission for additional parking of its vehicles on site and she asked the applicant's engineers to review this option. Attorney Dionisi stated the developer is inclined to leave the area near the Police station open.

Vice-Chairman Haarde asked if the two street lights proposed could be of the gas-lamp style. Mr. Swerling directed Vice-Chairman Haarde to an illustration of the proposed lighting in the materials presented tonight, and he described why it was chosen.

Selectman Drobinski commended the applicant for how well it has worked with the neighborhood, noting it seems as if minor details remain to be resolved. Vice-Chairman Haarde also thanked the applicant for how the process has been conducted.

Attorney Dionisi stated Alfonso Canella, 245 Raymond Road, a direct abutter, was unable to attend tonight's meeting, but he submitted a letter of support for the project, which was submitted to the Board for the record of tonight's meeting.

Selectman Drobinski stated his preference to receive and review the information requested tonight prior to asking for a Draft Site Plan Decision to be prepared. Vice-Chairman Haarde concurred, stating he believes the project warrants more discussion.

Mr. Swerling summarized the issues broached tonight needing follow-up prior to the Board's next meeting.

It was on motion unanimously

VOTED: To continue the 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 to September 21, 2011 at 8:00 p.m.

NStar and Comcast Utility Petition UP #11-01

Present: David Flewelling, Comcast Representative

At 10:34 p.m., Chairman O'Brien opened the Public Hearing regarding Utility Petition #11-01 from Boston Edison Company, d/b/a NStar Electric and Comcast of Massachusetts III, Inc., for grant of location to install approximately 53 feet of conduit at Utility Pole #66/23, in order to provide service to a five-lot subdivision at 293 Old Lancaster Road. The Board was previously in receipt of a letter and petition from NStar, dated July 27, 2011, a map of the proposed conduit location provided by NStar, and a letter and petition from Comcast dated August 16, 2011, requesting permission to complete this work, and an email message from the Sudbury Water District Superintendent dated August 24, 2011 stating no objections to the request.

Comcast Representative David Flewelling provided a brief overview of the work planned by Comcast for the installation.

Selectman Drobinski asked if there will be an open cut. Mr. Flewelling responded affirmatively.

Selectman Drobinski asked how Verizon should be handled. He suggested a vote include all conduits. Mr. Flewelling stated he had no knowledge of Verizon's plans.

Town Manager Valente stated past votes have included an extra empty conduit for future use.

It was on motion unanimously

VOTED: To close the Public Hearing regarding Utility Petition #11-01 from Boston Edison Company, d/b/a NStar Electric and Comcast of Massachusetts III, Inc., for grant of location to install approximately 53 feet of conduit at Utility Pole #66/23, in order to provide service to a five-lot subdivision at 293 Old Lancaster Road.

It was on motion unanimously

VOTED: To approve a grant of location for Utility Petition #11-01 from Boston Edison Company, d/b/a NStar Electric and Comcast of Massachusetts III, Inc., for grant of location to install four conduits of approximately 53 feet of conduit at Utility Pole #66/23, in order to provide service to a five-lot subdivision at 293 Old Lancaster Road.

Town Manager stated Verizon could be notified of this action and it could be scheduled for a future agenda, if necessary.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 16, 2011.

Eagle Scouts -Boy Scout Troup 60

It was on motion unanimously

VOTED: To enter into the Town record and sign a letter of congratulations to Christopher Donald Bowler, 220 Morse Road, of Boy Scout Troop 60, on achieving the high honor of Eagle Scout at a ceremony to be held on Saturday, September 17, 2011 at Sudbury United Methodist Church.

"Bike Sudbury" – Special Permit

It was on motion unanimously

VOTED: To grant a special permit to Catherine "Cate" Dill, 7 Birchwood Avenue, for a "Bike Sudbury Family Fitness Event" from approximately 8:00 a.m. to 1:00 p.m., on Sunday, September 18, 2011, following a route submitted and subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that all litter will be removed at the end of the race.

Colonial Fair and Muster of Fifes and Drums – Special Permit

It was on motion unanimously

VOTED: To approve a Special Permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 24, 2011, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

Bullfinch's Restaurant - Sunday Entertainment License Renewal

It was on motion unanimously

VOTED: To renew the current Sunday Entertainment License for Bullfinch's Inc., d/b/a Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m., for the period of September 11, 2011 to September 2, 2012.

Atlantic Mechanical – Vault HVAC System – Award of Contract

It was on motion unanimously

VOTED: To approve the award of contract by the Town Manager for the Vault HVAC System to service the two Town Hall vaults to Atlantic Mechanical, the lowest eligible bidder, in the amount of \$38,500.

Board of Registrars of Voters – Appointment

It was on motion unanimously

VOTED: To fill the vacancy created by the resignation of Kirsten Roopenian, 45 Harness Lane, by appointing Gregory Bochicchio, 36 Stearns Lane, registered in the same political party, as a member of the Board of Registrars of Voters for a term to expire April 30, 2014, as recommended by Rosemary Harvell, Town Clerk, and Kathleen C. Precourt of 63 Harness Lane, representing a quorum of the remaining members of the Board of Registrars of Voters.

Boston Freightliner, Inc. – Award of Contract

It was on motion unanimously

VOTED: Pursuant to ATM11/Art.5, FY12 Capital Budget, to approve the award **of contract** by the Town Manager to Boston Freightliner, Inc. for purchase of one 2011 Freightliner Model 1145D ten-wheel diesel truck with accessories at a net purchase price of \$134,770 after trade-in of a 1985 Mack 10-wheel dump truck; said purchases to be financed over a five-year period at an interest rate acceptable to the Town, the Town Manager to execute all documents related thereto inclusive of the Lease-Purchase Agreements as negotiated by Town Counsel's Office.

Executive Office of Housing and Economic Development Mass Works Infrastructure Program – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a grant from the Executive Office of Housing and Economic Development Mass Works Infrastructure Program to fund construction of the Town Center intersection, said funds to be expended under the direction of the Director of Public Works, if said grant is awarded to the Town of Sudbury.

Route 20 Wastewater System Steering Committee –Appointment

At 9:43 p.m., Chairman O'Brien opened the discussion regarding appointment to the Route 20 Wastewater System Steering Committee of Michael C. Fee. The Board was previously in receipt of a letter from Planning Board Vice-Chairman Eric Poch dated August 4 2011, stating the Planning Board's request for Mr. Fee to be appointed as a member of the Route 20 Wastewater System Steering Committee, serving as one of its representatives. As a resident of the proposed project area, Chairman O'Brien recused himself from the discussion, and he asked Vice-Chairman Haarde to preside over the discussion.

Selectman Drobinski stated he could support the appointment, since Mr. Fee is familiar with zoning issues, is an attorney, and is a brilliant, strategic thinker. He further stated he has no objections to two representatives from the Planning Board being on the Route 20 Wastewater System Steering Committee.

Vice-Chairman Haarde opined that he believes it goes against the Committee's mission to have two representatives from one Board. He does not believe a change is needed from the initial mission.

Selectman Drobinski concluded the discussion could not move forward to a vote, since one seems in favor and the other is opposed. Thus, no action was taken on this agenda item.

Boston Metropolitan Planning Organization – At-Large Town Seat Nomination

At 10:49 p.m., Town Manager Valente explained Sudbury has been asked to support the nomination of Maurice P. Handel, Chairman of the Needham Board of Selectmen, and the Town of Needham to fill an At-Large Town Seat on the Boston Metropolitan Planning Organization (MPO). The Board was previously in receipt of copies of a letter from Kate Fitzpatrick, Needham Town Manager, dated August 18, 2011 requesting Sudbury's support, an MPO Statement of Candidacy and the MPO Election Nomination Papers. Sudbury's decision is requested prior to September 23, 2011.

Selectman Drobinski stated he does not know Mr. Handel, and thus is hesitant to support his nomination. The Board concurred, and it passed over this agenda item.

Rail Trail Conversion Advisory Committee – Request

Vice-Chairman Haarde stated he received a request from the Chair of the Rail Trail Conversion Advisory Committee to discuss the resignation of Elizabeth Foley so that its current membership can be determined.

Town Manager Valente noted this topic is scheduled for the Board's September 21, 2011 meeting agenda. She further stated that, since it was not publicized on tonight's agenda, and there appeared to be no emergency situation, Open meeting Laws preclude discussion this evening.

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

Attest: _____

Maureen G. Valente
Town Manager-Clerk