

SUDBURY BOARD OF SELECTMEN
AGENDA
TUESDAY, SEPTEMBER 18, 2012
7:00 p.m., Town Hall, 322 Concord Road

1. 7:00 Open meeting in Town Clerk's Office and immediately vote to to into **Executive Session** to discuss collective bargaining with the Sudbury Police Union and Sudbury Supervisory Association wherein strategy discussion with respect to collective bargaining in an open meeting may have a detrimental effect on the bargaining position of the Board. If necessary, the Executive Session will be suspended to the close of the regular meeting which will begin in Lower Town Hall at 7:30
2. 7:30 Opening remarks by Chairman
3. 7:35 Reports from Town Manager
4. 7:40 Reports from Selectmen
5. 7:45 TOWN FORUM:
Ponds and Waterways Committee and interview candidate for appointment
(Anne Slugg, Chair of Ponds and Waterways Com., and Diane Muffitt, candidate for appointment, will attend.)
6. 8:00 Meeting with the petitioners of Special Town Meeting articles:
8:00 -- Michael Troiano (Article 4)
8:10 -- Steven Hakar (Articles 5 and 6)
7. 8:30 PUBLIC HEARING: Site Plan application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq. ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077.
(James J. Mawn, Northern Bank & Trust Co., and Atty. Steve Weitz will attend.)
8. 9:00 PUBLIC HEARING (continued): Consideration of signing the Site Plan Modification decision for the application of Rugged Bear Plaza, in accordance with Town of Sudbury Zoning Bylaw Section 6300, for property located at 410 Boston Post Road, Town Assessor's Map K08, Parcel 0080.
(Josh Fox, Atty. for Rugged Bear Plaza, will attend.)

Consent Calendar:

9. **Vote** Vote to approve the Regular and Executive Session minutes of August 29, 2012, and the Regular Session minutes of September 4, 2012.
10. **Vote/Sign** Vote to enter into the Town record and congratulate Remington Chin, 19 Village Road, and Robert Pringle, 34 Church Street, of Troop 63, who will be recognized at a Court of Honor on October 8, 2012 at Our Lady of Fatima Parish for having achieved the high honor of Eagle Scout.
11. **Vote** Vote, as co-trustees of Town Trust Funds, to approve an FY13 expenditure limit for the Raymond Mausoleum Trust Fund, as requested by the Town Treasurer Andrea Terkelsen on behalf of the DPW Director, in a memo dated September 11, 2012.

12. **Vote/Sign** Vote to appoint Steven S. Eppich, 841 Concord Road, to the Rt. 20 Sewer Citizens Advisory Committee; to re-appoint those who have chosen to continue serving on the Citizens Advisory Committee, for terms to expire June 30, 2014 (See attached list.) and to accept the resignations of Hal Garnick, Dave Duane and Richard Cohen who have chosen not to be reappointed due to increased work-related demands on their time.
13. **Vote/Sign** Vote to sign a proclamation for SPC Christopher D. Raymond, acknowledging his safe return from a year-long tour of duty with the Army in Afghanistan and proclaiming Friday, September 21, 2012 as SPC Christopher D. Raymond Day in Sudbury.
14. **Vote/Sign** Vote to accept the Finance Committee's recommendation of member Mark Minassian, 38 Hadley Road, to represent the Finance Committee on the Rt. 20 Sewer Citizens Advisory Committee for a term to expire June 30, 2014, as requested by Jim Rao, Chair of the Finance Committee in an email dated June 19, 2012.

Miscellaneous (untimed items):

15. **Vote** Question of approving a suggested Board of Selectmen Meeting Schedule for calendar year 2013, as drafted by staff.
16. **Vote/Sign** Special Town Meeting Actions:
 - Discussion of articles and possibly decide speakers for the remaining three articles - considering petitioners' presentations given earlier
17. Overview of Power Purchasing Agreement (PPA) by Bill Braun and Jim Kelly of the Energy and Sustainability Green Ribbon Committee

AGENDA REQUEST – Item #5

BOARD OF SELECTMEN

Requestor's Section

Date of request: *August 6, 2012*

Requestor: *Susan Slugg, Chair of Ponds & Waterways Committee(PWC)*

Action requested: *Town Forum with members and prospective new member Diane Moffitt who is to be interviewed*

Financial impact expected: *Not applicable*

Background information (if applicable, please attach if necessary):

See attached background material

Recommendations/Suggested Motion/Vote: *Vote as necessary regarding goals of the PWC and also appointment of Diane Moffitt, 31 Radnor Road, to the Ponds and Waterways Committee for a term to expire May 31, 2015, as requested by Anne Slugg, Chair of the Committee in an email dated August 28, 2012.*

Person(s) expected to represent Requestor at Selectmen's Meeting:

Anne Slugg and Diane Moffitt and possibly other PWC members

Selectmen's Office Section

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Distribution:

Town Counsel approval needed?

Yes ()

No (X)

cc: Anne
Stagg

**TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO**

(Board or Committee Name) Ponds & Waterways

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

FAX: (978) 443-0756
E-MAIL: selectmenoffice@sudbury.ma.us

Name: Diane Muffitt

Brief resume of background and experience:
Passionate Paddle; live on Stearns Millpond & care abt the environment

Address: 31 Raynor Rd Home phone: 978-261-5065
7 cell Work phone: 617-834-7539

Years lived in Sudbury: 6 E-Mail Address: muffitt@bandnotes.info

Municipal experience (if applicable):

Educational background:
Master's degree in Education

Employment and/or other pertinent experience:
Retired Middle School Band Director (dayland); current director of Sudbury Valley New Horizons Music for adults

Reason for your interest in serving:
Care about the town & its ponds & waterways

Times when you would be available (days, evenings, weekends):
Most days; most evenings but never Wed. Eve.

Do you or any member of your family have any business dealings with the Town? If yes, please explain:
no

[Signature] (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature [Signature] Date July 8, 2012

McCormack, Mary

Subject: FW: Ponds and Waterways Committee New Member Approval

From: Anne Slugg [<mailto:anne.slugg@gmail.com>]

Sent: Friday, September 07, 2012 1:55 PM

To: McCormack, Mary

Subject: Re: Ponds and Waterways Committee New Member Approval

Mary

At the meeting I will briefly be discussing:

- Outreach & Education: (1) Working with middle school science and math teachers to develop lesson plans related to their curriculum and Sudbury's ponds and waterways; (2) Collaboration with LSRHS Environmental Club - activities yet to be determined as first meeting is on Sept. 19
- PWC Master Plan: Updating the master plan by filling in the gaps and obtaining input from others including Conservation Commission, Historical Society, etc.

If you need additional information please let me know.

AGENDA REQUEST – Item #6

BOARD OF SELECTMEN

Requestor's Section

Date of request: *September 4, 2014*

Requestor: *Board of Selectmen at prior meeting*

Action requested: *Discussion and presentation of three petition articles for 2012 Special Town Meeting*

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):
See attached articles

Recommendations/Suggested Motion/Vote: *As needed based on discussion –and possibly take positions on the 3 petition articles*

Person(s) expected to represent Requestor at Selectmen's Meeting:
Michael Troiano – Article 4 (8:00 p.m.)
Steven Hakar – Articles 5 & 6 (8:10 p.m.)

Selectmen's Office Section

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No ()

AGENDA REQUEST – Item #7

BOARD OF SELECTMEN

Requestor's Section

Date of request: *August 16, 2012*

Requestor: *Shaun Briere, Attorney for
Northern Bank & Trust Company*

Action requested: *Approval of Site Plan application of Northern Bank & Trust*

Financial impact expected: *Increase to the tax base*

Background information (if applicable, please attach if necessary):
See attached material and department/board reports

Recommendations/Suggested Motion/Vote: *Vote to close or continue the public hearing Application of Northern Bank & Trust Company for Site Plan approval to construct a 2,500 sq. ft. retail bank building on property located at 430 Boston Post Road, Town Assessor's Map K08, Parcel 0077, zone Business District.*

Person(s) expected to represent Requestor at Selectmen's Meeting:
Shaun Briere, Attorney, for Northern Bank & Trust Company

Selectmen's Office Section

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Town Counsel approval needed? Yes () No (X)

APPLICATION FOR SITE PLAN APPROVAL

Date: August 16, 2012

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776

In accordance with Town of Sudbury Bylaws Article IX.6000, Section 6300, and the Board of Selectmen's Rules and Regulations, application for Site Plan approval is made as follows:

1. **Name of Plan/Business**
Northern Bank & Trust Company2. **Site location/address** 430 Boston Post RoadZoning District Business Assessors Plate/Parcel No. K08-077Registry of Deeds Book 11118 Page 46 Area of Property 0.522 acres _____
feet _____ acres/square3. **Proposed Use** Northern Bank & Trust Company branch banking facility4. **Applicant** Northern Bank & Trust Company Tel/FAX Nos. 781-937-5400Address 275 Mishawum Road, Woburn, MA 018015. **Owner of property** Colonial Auto of Sudbury, Inc. Tel/FAX Nos. 508-879-8385Address Box 386, 430 Boston Post Road, Sudbury, MA 017766. **Engineer** EBI Consulting Tel/FAX Nos. 781-273-3311Address 21 B Street, Burlington, MA 018037. **Architect** Strategic Designworks Tel/FAX
Nos. 781-439-6080Address 125 Main Street, 3d Floor, Reading, MA 018678. **Plans** (list each sheet of plan by title, date, and sheet number):

Title Sheet	C-1	Landscape Plan	L-1
Legend and General Notes	C-2	Landscape Details	L-2
Layout and Materials	C-3	Existing Plan	
Grading, Drainage and Erosion	C-4	Conceptual Floor Plan	A1.1
Utilities	C-5	Conceptual Elevation	A2.1
Site Details 1	C-6		
Site Details 2	C-7		

9. **Other documents and data (ATTACH):**

- a. Consent of owner, if applicable (yes/~~no~~).
 - b. Traffic impact study (yes/~~no~~). If yes, provide title reference. MDM Transportation Consultants
 - c. Mass. Highway Dept. street entrance permit (yes/~~no~~). If yes, provide date or progress. _____
 - d. Other studies or data (list). None.
-

10. **Prior Site Plans** (list any prior site plans submitted, indicating date filed and whether approved or denied):

None.

11. **Prior variances or permits granted by Board of Appeals** (list by Case Numbers and attach copies):

Variance Case 12-24 and 12-26; Notice of Decision attached.
Variance Case 12-23 and 12-25 pending; Next hearing 9/10/12.

12. **Present use of property:**

Automobile repair facility.

13. **ATTACH: Written Statement of proposed use of property** (fully describe all activities to be conducted and by whom).

14. **ATTACH: Written statement of changes to site.**

15. **ATTACH: Building coverage and open space - description and calculation.**

16. **ATTACH: Estimated traffic impact on adjacent public ways due to changes to site.**

17. **ATTACH: Drainage calculations.**

18. **ATTACH: Calculations of the volume of earth to be removed.**

19. **ATTACH: Parking space calculations.**

20. Applicant understands that application to any of the following may be required for a proposed use or change (this list is not all inclusive):

- Board of Appeals (zoning permit or variance)
- Conservation Commission (alterations affecting wetlands)
- Board of Health (septic/sewerage, food permits)
- Building Inspector (building/wiring/gas permits, occupancy permit, approval of signs).
- Earth Removal Board [Bylaws, Article V(A)]
- Planning Board (Water Resource Protection Special Permit)
- Historic Districts Commission (Certificate of Appropriateness)
- Board of Selectmen (licenses for alcoholic beverages, common victualler, and entertainment)
- Sudbury Dept. of Public Works (access to public storm drains, street permit for utilities, driveway permit)
- Sudbury Water District (water service)
- Massachusetts Highway Department (street entrance permit if State road)



Signature of Applicant

Shaun W. Briere, Esq., attorney in fact for Northern Bank
Name, title & Trust Company

Mawn and Mawn, P.C., 275 Mishawum Road, 4th Fl., Woburn,
Address MA 01801

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 13

Written Statement of Proposed Use of Property.

The proposed use of the property will involve the demolition of the existing Colonial Auto of Sudbury and the construction of a traditional and customary community banking facility with accessory detached drive-up facilities, ancillary parking, associated landscape improvements, utility and stormwater management to support the redevelopment of the site for use as a branch banking facility to be operated by the Applicant, Northern Bank & Trust Company, a community bank headquartered in Woburn, MA. The bank use will be the sole use of the property.

The branch will employ approximately five (5) individuals including tellers and management staff.

The bank branch will have the following customary hours of operation:

	Lobby	Drive-Up
Mon thru Wed	8:30 A.M. to 4:30 P.M.	7:30 A.M. to 4:30 P.M.
Thursday	8:30 A.M. to 7:00 P.M.	7:30 A.M. to 7:00 P.M.
Friday	8:30 A.M. to 6:00 P.M.	7:30 A.M. to 6:00 P.M.
Saturday	8:30 A.M. to 12:00 P.M.	8:30 A.M. to 12:00 P.M.

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 14

Written Statement of Changes to the Site.

The proposed development of the site involves the complete demolition of the existing auto care facility. In its place, the redevelopment of the property will consist of the construction of a 2,500 commercial structure at the southeast corner of the site to be utilized as a banking facility operated by the Applicant, Northern Bank & Trust Company, a community bank headquartered in Woburn, MA. In support of the facility, construction will include an on-site septic system, ancillary parking (discussed below), landscape improvements (site currently has no landscaping of any kind) and utility and stormwater management improvements.

A detached drive-up ATM facility is proposed on the northerly portion of the site. Please note, the Applicant was granted a variance by the Zoning Board of Appeals from Section 2230 (C-20) of the Zoning Bylaw to allow the detached ATM structure located more than ten (10) feet from the main building. (See Notice of Decision dated July 30, 2012, for Case 12-26 filed with this application; currently awaiting expiration of the 20 day appeal period).

Access to the site is proposed via two driveways both located on Union Avenue. The southerly driveway is a full access driveway. The northern driveway is egress only. No access to the site from Boston Post Road is proposed. Please note, the Applicant was granted a variance by the Zoning Board of Appeals from Section 3143 of the Zoning Bylaw to allow two access driveways within 200 feet of one another. (See Notice of Decision dated July 30, 2012, for Case 12-24 filed with this application; currently awaiting expiration of the 20 day appeal period).

As part of this filing, the Applicant is also seeking the following Special Permits from the Board of Selectmen:

1. Special Permit for Reduction in Depth of Buffer Strip (Section 3544 of the Zoning Bylaw)
 - a. Section 3543 of the Bylaw requires a minimum 12' buffer strip between a side or rear lot line and the parking lot. The proposed development would install a 6' buffer along the easterly lot line where none currently exists.
 - b. Applicant submits that installation of the 6' buffer is an improvement over existing conditions at the site and therefore enhances the objectives of Section 3500.
2. Special Permit for Reduction in Number of Parking Spaces (Section 3113 of the Zoning Bylaw)
 - a. Section 3120 requires 1 parking space for every 180 sq. ft. of GFA resulting in 14 required parking spaces for the proposed facility of which one (1) must be ADA accessible space.
 - b. Applicant proposes 12 spaces of which one (1) will be ADA accessible space.

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776

Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801

Date: August 16, 2012

SECTION 15

Building Coverage and Open Space

	Required	Existing	Proposed
Building Coverage	60% max	17%	14%
Open Space	30% min	3%	49%

See Zoning Summary Chart of Sheet C-3 of Plan Set

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 16

Traffic Impact

See Memorandum of MDM Transportation Consultants, Inc. dated August 13, 2012 and filed herewith.

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 17

Drainage Calculations

See Storm Drainage Computations from EBI Consulting dated August 14, 2012 submitted herewith.

Storm Drainage Computations

Name: Proposed Redevelopment
 430 Boston Post Road, Sudbury, M
 Client: Northern Bank & Trust

IDF Curve

DESCRIPTION	LOCATION		AREA (AC.)	SLOPE (ft/s)	PROFILE				
	FROM	TO			LENGTH (ft)	FALL (ft)	RIM	INV UPPER	INV LOWER
	SCB A-7	DMH A-5	0.084	.8	37	0.50	135.30	131.80	131.30
	SCB A-6	DMH A-5	0.077	.8	5	0.10	135.40	131.40	131.30
	DMH A-5	WQS A-3	---	.8	43	0.60	135.50	131.20	130.60
	SCB A-4	WQS A-3	0.123	.4	17	0.20	134.80	130.80	130.60
	WQS A-3	DMH A-2	---	.6	5	0.10	135.05	130.30	130.20
	BLDG	DMH A-2	0.060	.6	120	1.50	137.00	132.00	130.50
	DMH A-2	DMH A-1	---	.4	14	0.20	135.15	130.10	129.90

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 18

Volume of Earth to be Removed

Estimated total earth to be removed from the site: 1,064.7 cubic yards.

See also Earthwork Calculation from EBI Consulting dated August 14, 2012 submitted herewith for amount of structural fill estimated to be imported to the site for structural fill, septic sand and loam for grassed areas.

APPLICATION FOR SITE PLAN APPROVAL

To: The Board of Selectmen, Town of Sudbury, Massachusetts 01776
Applicant: Northern Bank & Trust Company, 275 Mishawum Road, Woburn, MA 01801
Date: August 16, 2012

SECTION 19

Parking Calculations

Description	Required	Provided
Standard	14	11
Accessible	1	1
TOTAL	14	12
Bank 2,500 SF x 1 space / 180 SF = 14 Spaces		
1 Accessible space for every 25 total spaces = 1 Space		

See Parking Summary Chart of Sheet C-3 of Plan Set

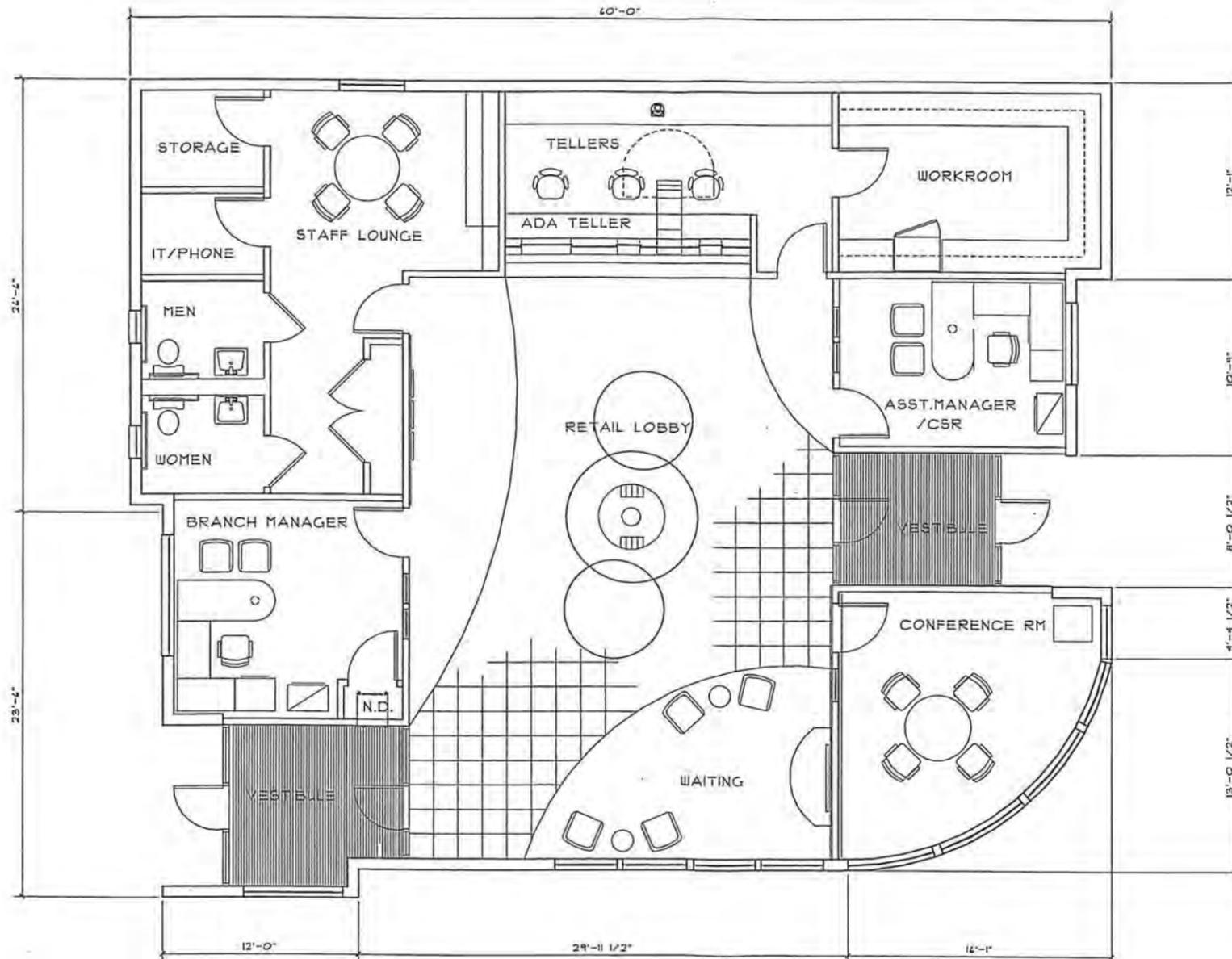
Storm Drainage Computations

Name: Proposed Redevelopment
 430 Boston Post Road, Sudbury, MA
 Client: Northern Bank & Trust

Proj. No.: 16110006
 Date: 8/15/12
 Computed by: BKF
 Checked by: JMH

Design Parameters:
25 Year Storm Boston **IDF Curve**
 k_s= **0.5**

DESCRIPTION	LOCATION		AREA (AC.)	C	C x A	SUM C x A	FLOW TIME (MIN)		i*	DESIGN					CAPACITY		PROFILE				
	FROM	TO					PIPE	CONC TIME		Q cfs	V fps	n	PIPE SIZE	SLOPE	Q full ft ³ /s	V full ft/s	LENGTH ft	FALL ft	RIM	INV UPPER	INV LOWER
	SCB A-7	DMH A-5	0.084	0.90	0.08	0.08	0.18	5.0	6.0	0.5	3.4	0.011	8	0.014	1.7	4.8	37	0.50	135.30	131.80	131.30
	SCB A-6	DMH A-5	0.077	0.90	0.07	0.07	0.02	5.0	6.0	0.4	3.8	0.011	8	0.020	2.0	5.8	5	0.10	135.40	131.40	131.30
	DMH A-5	WQS A-3	---	---	---	0.14	0.18	5.2	6.0	0.9	4.1	0.011	8	0.014	1.7	4.8	43	0.60	135.50	131.20	130.60
	SCB A-4	WQS A-3	0.123	0.90	0.11	0.11	0.08	5.0	6.0	0.7	3.6	0.011	8	0.012	1.5	4.4	17	0.20	134.80	130.80	130.60
	WQS A-3	DMH A-2	---	---	---	0.26	0.02	5.4	5.9	1.5	5.3	0.011	12	0.020	6.0	7.6	5	0.10	135.05	130.30	130.20
	BLDG	DMH A-2	0.060	0.90	0.05	0.05	0.67	5.0	6.0	0.3	3.0	0.011	8	0.013	1.6	4.6	120	1.50	137.00	132.00	130.50
	DMH A-2	DMH A-1	---	---	---	0.31	0.05	5.7	5.8	1.8	4.9	0.011	12	0.014	5.0	6.4	14	0.20	135.15	130.10	129.90



sdi architects pc
 125 Main Street, 2nd floor Reading, MA 01867
 strategic designworks
 125 Main Street, Reading, MA 01867, 781.439.6080

GENERAL NOTES

REV #	DESCRIPTION	DATE

TITLE:
CONCEPTUAL FLOOR PLAN

PROJECT
NORTHERN BANK AND TRUST
 NEW BRANCH COLONIAL STYLE
 100 NEW FORT ROAD
 BOSTON, MA

SCALE:
 1/4" = 1'-0"
 BID DATE:
 08-01-02
 DESIGNED BY:
 RNS
 CHECKED BY:
 JG
 FILE PATH:
 J:\NBP\PCD-3
 FILE NAME:
 0000PLN1.DCS

JOB NO.
2644

DRAWING NO.
A1.1

PRELIMINARY
 NOT FOR CONSTRUCTION

GENERAL NOTES



REV #	DESCRIPTION	DATE

TITLE:
 ROUTE 20 ELEVATION
 CONCEPTUAL ELEVATION

PROJECT
 NORTHERN BANK AND TRUST
 NEW BRANCH COLONIAL STYLE
 BOSTON PORT ROAD
 READING, MA

SCALE:
 1/4" = 1'-0"
 BID DATE:
 05-04-12
 DSG. BY:
 RMS
 CKD BY:
 AS
 FILE PATH:
 J:\WORK\CD-3
 FILE NAME:
 0000PLN1.DWG

PRELIMINARY
 NOT FOR CONSTRUCTION

JOB NO.
 2644

DRAWING NO.
 A2.1

AGENDA REQUEST – Item #8

BOARD OF SELECTMEN

Requestor's Section

Date of request: *August 6, 2012*

Requestor: *Josh Fox, Atty. and Board on 9/4/12*

Action requested: *Continued consideration regarding approval of Site Plan Application of the Katz Irrevocable Trust (Rugged Bear Plaza) and question of signing the Site Plan Decision*

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See attached draft decision

Recommendations/Suggested Motion/Vote: *Vote to close or continue the Public Hearing and approve and sign a Decision on the Site Plan Modification Application of Katz Irrevocable Trust (Rugged Bear Plaza), for property located at 410 Boston Post Road, Town Assessor's Map K08, Parcel 0080, zoned Business and Zone II of the Water Resource Protection Overlay District.*

Person(s) expected to represent Requestor at Selectmen's Meeting:

Josh Fox, Attorney, for Rugged Bear Plaza

Selectmen's Office Section

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No ()

DRAFT

September 18, 2012

SUDBURY
BOARD OF SELECTMEN
SITE PLAN MODIFICATION DECISION
Katz Irrevocable Trust, Marshall F. Newman, Trustee
Rugged Bear Plaza, 410 Boston Post Road

DECISION of the Board of Selectmen of the Town of Sudbury, Massachusetts (the "Board") on the petition of Katz Irrevocable Trust, Marshall F. Newman, Trustee, (the "Applicant") for property located at 410 Boston Post Road in Sudbury, Massachusetts, for approval to modify previous site plan decisions of the Board dated April 19, 1984 and July 6, 1994, to delete condition #11 of the 1984 decision and modify the 1994 decision to allow restaurant uses at the Property. Property is shown on Town Assessor Map K08, Parcel 0080 (the "Property"), zoned Business and Zone II of the Water Resource Protection Overlay District.

This decision is in response to an application by the Applicant for approval of a Site Plan Modification submitted to the Board on August 6, 2012 pursuant to the Zoning Bylaw of the Town of Sudbury (the "Zoning Bylaw"), Section 6300.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest, as required by law, the public hearing was called to order on September 4, 2012, and continued to September 18, 2012. The hearing was closed at the end of the September 18, 2012 proceedings. Board members and Lawrence W. O'Brien, Robert C. Haarde and John C. Drobinski were present throughout the proceedings. The record of the proceedings and submissions upon which this decision is based may be referred to in the office of the Town Clerk or the Board office.

The Board is in receipt of the following:

1. Application for Site Plan Modification dated August 6, 2012, including Site Plan prepared by P. Boghossian, Registered Land Surveyor, Ashland, MA dated January 18, 1984, last revised May 22, 1984, consisting of 1 sheet, and supporting documentation.
2. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated August 27, 2012.
3. Memo from Jody Kablack, Planning Director, to the Board of Selectmen dated August 29, 2012.
4. Memo from the Planning Board to the Board of Selectmen dated August 29, 2012.
5. Copy of an email from the Applicant to Debbie Dineen, Conservation Coordinator, dated August 29, 2012.

Based upon a determination that the foregoing evidence, together with the materials submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

DRAFT

VOTED: To approve Site Plan Modification application of Katz Irrevocable Trust, Marshall F. Newman, Trustee for approval of a site plan modification to eliminate condition #11 from the April 19, 1984 decision, and modify the July 6, 1994 decision, so as to permit restaurant uses at the Property located at 410 Boston Post Road (Town Assessor Map K08, Parcel 0080), subject to compliance with all governmental laws, regulations, licenses and permits including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and Board of Health laws and regulations, subject to all the conditions contained in the original Site Plan Decisions dated April 19, 1984 and July 6, 1994, and further subject to the following conditions insofar as they apply to the Property:

1. This Decision has been recorded in the Middlesex South District Registry of Deeds and a copy furnished to the Board.
2. Any restaurant use proposed on the Property shall be approved by the Sudbury Board of Health.
3. Any restaurant use proposing more than fifty (50) seats shall demonstrate to the Building Inspector that adequate parking to meet the requirements of the Zoning Bylaw has been provided.

Appeals of the grant of this permit, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 8.

DRAFT

Date: September 18, 2012

SUDBURY BOARD OF SELECTMEN

Lawrence W. O'Brien

Robert C. Haarde

John C. Drobinski

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

September 18, 2012

On this 18th day of September, 2012, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; personal knowledge, to be the person whose name is signed on the preceding document; or other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

My commission expires _____

- cc: Town Clerk
- Board of Health
- DPW Director
- Building Inspector
- Planning and Community Development Department
- Conservation Commission
- Town Counsel
- Fire Chief
- Applicant

AGENDA REQUEST - Item #12

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 13, 2012*

Requestor: *Craig Blake, Chair, Rt. 20 Citizens Advisory Committee*

Action requested: CONSENT CALENDAR

Appointment of Steven S. Eppich, 841 Concord Road, to the Rt. 20 Sewer Citizens Advisory Committee; the re-appointment of those who have chosen to continue serving, for terms to expire June 30, 2014, AND acceptance of resignations from Hal Garnick, Dave Duane and Richard Cohen

Financial impact expected: *None*

Background information:

Steven has a strong analytical background and will be a valuable asset to the CAC; the additional members have been previously appointed - see attached (see attached list of those candidates for reappointment)

Recommendations/Suggested Motion/Vote:

Vote to appoint Steven S. Eppich, 841 Concord Road, and re-appoint those on the attached list, to the Rt. 20 Sewer Citizens Advisory Committee for terms to expire June 30, 2014, as requested by Craig Blake, Chair of the Rt. 20 Sewer Citizens Advisory Committee.

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No (X)

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO

Route 20 Sewer Citizens Advisory Committee
(Board or Committee Name) _____

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

FAX: (978) 443-0756
E-MAIL: selectmensoffice@sudbury.ma.us

Name: Steven S Eppich

Brief resume of background and experience: *Executive and analyst retail industry advisory firm. 20 years experience in studying industry issues and forecasts and helping companies formulate retail strategy.*

Address: 841 Concord Road

Home phone:
Work phone:

Years lived in Sudbury: 13

E-Mail Address: steve.eppich@verizon.net

Municipal experience (If applicable):

Educational background:

B.A. Economics, University of Rhode Island; MBA, Northeastern University

Employment and/or other pertinent experience:

The Putnam Companies; Kantar Retail; SymphonyIRI; RetailNet Group LLC

Reason for your interest in serving: *I want to participate and get involved with the Town's initiatives, and I believe my background will be helpful for Rte 20 project.*

Times when you would be available (days, evenings, weekends): *evenings; some flexibility weekdays; weekends.*

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

No

SE (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature

Steven S Eppich

Date

5/13/12

Route 20 Sewer Citizens Advisory Committee

Peter Abair	14 Dawson Drive
John Baranowsky	103 Belcher Drive
Craig Blake	300 Old Lancaster Road
Peter Cramer	40 Singletary Lane
Jon Danielson	37 Landham Road
Ellen Winer Joachim	6 Craig Lane
Daniel Kenn	15 Union Avenue
Jonathan Lapat	14 Ledge Road
Kirsten Roopenian	45 Harness Lane
Andrew R. Sullivan	28 French Road

Appointed by the Sudbury Board of Selectmen on September 18, 2012.

AGENDA REQUEST - Item #13

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *June 19, 2012*

Requestor: *Jim Rao, Chair, Finance Committee*

Action requested: **CONSENT CALENDAR**

Appointment of Mark Minassian, to the Rt. 20 Sewer Citizens Advisory Committee for a term to expire June 20, 2014 as the FinCom representative

Financial impact expected: *None*

Background information:

Mark has a strong financial background and he is recommended as the FinCom appointee to the Citizens Advisory Committee by Jim Rao

Recommendations/Suggested Motion/Vote:

Vote to appoint Mark Minassian, 38 Hadley Road as the Finance Committee representative to the Rt. 20 Sewer Citizens Advisory Committee for a term to expire June 30, 2014, as recommended by Jim Rao, Chair of FinCom in an email dated June 19, 2012.

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No (X)

TOWN OF SUDBURY
APPLICATION FOR APPOINTMENT TO

(Board or Committee Name) Finance Committee

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

FAX: (978) 443-0756
E-MAIL: selectmensoffice@sudbury.ma.us

Name: Mark Minassian, CPA

Brief resume of background and experience: I am a CPA and President of Minassian Associates, a full-service CPA firm in Waltham. I have worked in public accounting for my entire professional career.

Address: 38 Hadley Rd

Home phone: (978) 443-3282 Cell: (617) 233-1289
Work phone: (978) 891-4114 Best #

Years lived in Sudbury: 5 E-Mail Address: Mark@minassiancpa.com

Municipal experience (If applicable): No direct municipal experience, but I do have experience in performing Yellow Book audits for various communities in the Commonwealth

Educational background: BBA, University of Miami, 1995; CPA in MA since 1999; MA Notary Public

Employment and/or other pertinent experience: Minassian Associates - President since 1999
Arthur Andersen - Boston
Erccolini's Company CPAs - Boston

Reason for your interest in serving: To help improve the town's financial position and help

Times when you would be available (days, evenings, weekends): All, but evenings are preferable
make sure the town's resources are being spent wisely

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

No

M.M. (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature Mark Minassian Date 2-14-11

AGENDA REQUEST - Item #14

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 11, 2012*

Requestor: *Maryanne Bilodeau*

Action requested: CONSENT CALENDAR:

Acknowledge the safe return of Army SPC Christopher D. Raymond from a tour of duty in Afghanistan and to proclaim Friday, September 21, 2012 as his day in Sudbury

Financial impact expected: *None*

Background information: *See attached*

Recommendations/Suggested Motion/Vote: *Vote to sign a proclamation for SPC Christopher D. Raymond, acknowledging his safe return from a year-long tour of duty with the Army in Afghanistan and proclaiming Friday, September 21, 2012 as SPC Christopher D. Raymond Day in Sudbury.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 21, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No (X)



Town of Sudbury

Office of Selectmen

Proclamation

WHEREAS: On behalf of the Town of Sudbury, the Board of Selectmen is pleased to acknowledge the safe return of SPC Christopher D. Raymond from a twelve-month deployment to Afghanistan; and

WHEREAS: Specialist Raymond is a 2003 graduate of Lincoln-Sudbury Regional High School, the son of Michele Raymond Dolitka and the late Fred J. Raymond, and stepson to the late David J. Dolitka. Christopher is married to Alicia Obermeier Raymond of Fayetteville, NC; and

WHEREAS: SPC Raymond served in Logar Province as a member of the Pathfinder Company, 2nd 82nd Aviation Regiment. His duties included downed aircraft and pilot recovery, quick reaction force and focused targeting force missions; and

WHEREAS: During his tour of duty, SPC Raymond was awarded the Army Commendation Medal, Good Conduct Medal, Combat Infantryman Badge and the Afghanistan Campaign Medal; and

WHEREAS: Christopher will serve the remainder of his enlistment at Fort Bragg, NC and attend the University of North Carolina to study Computer Information Systems.

NOW, THEREFORE, BE IT

PROCLAIMED: That we, the Sudbury Board of Selectmen, on behalf of the Sudbury community, go on record to proclaim Friday, September 21, 2012 as **SPC Christopher D. Raymond Day** in the Town of Sudbury.

Signed this eighteenth day of September, two thousand and twelve.

BOARD OF SELECTMEN

Lawrence W. O'Brien, Chairman

Robert C. Haarde

John C. Drobinski

AGENDA REQUEST - Item # 15

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 12, 2010*

Requestor: *Mary McCormack*

Action requested (Who, what, when, where and why):

Discuss and approve a 2013 Board of Selectmen meeting schedule

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See attached draft schedule

Recommendations/Suggested Motion/Vote: *Vote to approve a suggested Board of Selectmen Meeting Schedule for calendar year 2013, as drafted by staff.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 18, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Handwritten initials/signature

TOWN OF SUDBURY Board of Selectmen Meeting Schedule

Meetings Commence at 7:30 PM at Town Hall, 322 Concord Rd. (see Town website for updates)

DRAFT SCHEDULE - 2013

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Jan. 1 New Year's Day
- Jan. 21 MLK Day
- Feb. 18 President's Day
- Feb. 19-22 School Vacation
- March 25 Annual Town Election
- March 26 Passover
- March 27 Wed. mtg (due to Passover)
- March 31 Easter

- April 15 Patriots' Day
- April 16-19 School Vacation
- May 6-8 Annual Town Meeting
- May 27 Memorial Day

- July 4 Independence Day
- Sept. 2 Labor Day
- Sept. 5 Rosh Hashanah
- Sept. 14 Yom Kippur

- Oct. 14 Columbus Day
- Nov. 11 Veterans Day
- Nov. 28 Thanksgiving Day/Hanukkah
- Dec. 25 Christmas Day

Yellow=BOS Mtg

Blue=Holiday/other event

AGENDA REQUEST- ITEM #17

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *September 13, 2012*

Requestor: *Town Manager Valente*

Action requested (Who, what, when, where and why):

Discussion with Bill Braun, Energy Committee chair, and Facilities Director Jim Kelly regarding a Power Purchase Agreement (PPA)

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See attached memo from Town Manager

Recommendations/Suggested Motion/Vote:

Possible vote to approve signing of the PPA

Person(s) expected to represent Requestor at Selectmen's Meeting:

Bill Braun and Jim Kelly

Selectmen's Office Section:

Date of Selectmen's Meeting: *September 18, 2012*

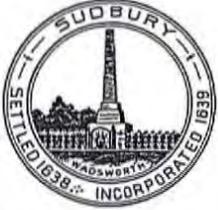
Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No ()



Maureen G. Valente
Town Manager

TOWN OF SUDBURY

Office of the Town Manager

www.sudbury.ma.us

278 Old Sudbury Road
Sudbury, MA 01776-1843

978-639-3381

Fax: 978-443-0756

Email: townmanager@sudbury.ma.us

Date: September 14, 2012

To: Board of Selectmen

Re: PPA Agreement Ready to be Executed by Town Manager

The Energy Committee has been working for some time to create a solar electricity generation facility on the landfill to achieve two goals: reduce the Town's electricity costs, and finalize the landfill closure permitting with DEP. At the 2010 Town Meeting, an article was passed that authorized the Town Manager and Selectmen to negotiate an agreement to provide a solar energy facility at the landfill site, and the state legislature was petitioned to pass a special act allowing a contract of greater than 20 years to be executed by the Town. This special act was approved by the state legislature on December 16, 2010. The Board of Selectmen authorized the Green Ribbon Energy Committee to pursue the process of developing an agreement with an appropriate vendor. In March of 2012 under a Chapter 25A procurement by MAPC, the Energy Committee began negotiations with the selected solar developer (Ameresco) to develop a Power Purchase Agreement (PPA) under which the developer would install, own, operate, maintain and ultimately decommission a photo-voltaic (PV) system to produce electricity at the landfill under a 20-year contract with the Town.

The PPA is now in final stages of development, and this memo is respectfully requesting your vote to further authorize me to sign the PPA with Ameresco, as recommended by the Energy Committee.

Under the proposed PPA, the developer supplies, and the Town purchases, electricity produced by the system at a rate specified for each year of the contract. The purchased electricity is delivered to the electric grid through a meter and the Town receives net metering credits for the electricity supplied. The difference between the price the Town pays for the electricity produced (e.g. \$0.097/kWh, Year 1) and the amount of the net metering credit (e.g. \$0.175/kWh, avg. Year 1) results in a savings to the Town of about \$140,000 in the first contract year, and between \$2 million and \$5 million over the life of the contract. The amount of savings realized over time will depend mainly on the actual rate of increase in the cost of electricity on which the net metering credit is based. As of this writing, we are investigating whether we will be required by DOR to levy property tax on the system. This will not affect the overall value of the deal to Sudbury, but may change whether we receive the benefit in the form of payments by the developer or in electricity rate savings.

At this stage, the PPA has been reviewed by the Cadmus Group, energy specialists engaged as Owner's Agent under a DOER grant, in comparison to a DOER template and to agreements developed by other communities, as well as by outside counsel (Anderson Kreiger) and Town Counsel. Benefits to the Town are the electricity cost savings and permitting of the closure of the landfill. The major theoretical risk to the Town is that net metering credits are somehow reduced or eliminated during the course of the contract, so that the Town is required to buy electricity which it can only resell at a price that might be lower than its purchase price. Because of the number of municipalities and private entities that would be

adversely affected by a reversal of the net metering provisions, I am advised by the energy committee that this risk is considered to be vanishingly small. Alternative approaches in which net metering benefits accrue to the developer are less financially favorable to the Town.

I hope to execute the PPA within the next week if you vote approval. We are aiming to have the system online by the end of June 2013, so as to earn SRECs for as much of our agreement term as possible, and to qualify for 10-year SREC auction eligibility - both of which affect our pricing. A significant amount of work has been done so far, including the documentation of existing conditions at the landfill required by DEP as a prerequisite to the Post-closure Use Permit application, development of 30% design documents and application for an interconnection permit with NStar, but at this point the effort cannot go further until the PPA is in place.

I respectfully request any feedback or further thoughts you might have for me and the Energy Committee now that we are very close to executing the final agreement.

Bill Braun, chairman of the Energy Committee, will be in attendance at your meeting to provide any further information you need at this time. If you have questions, I very strongly urge that you give Bill a call and ask before the meeting, so that he and/or I have a chance to look into your issue before the meeting.