

**SUDBURY BOARD OF SELECTMEN**  
**AGENDA**  
**TUESDAY, JANUARY 22, 2013**  
**7:30 p.m., Town Hall, 322 Concord Road**

1. 7:30 Opening remarks by Chairman
3. 7:35 Reports from Town Manager
4. 7:40 Reports from Selectmen
5. 7:45 Interview candidate (Nick Palmer) as an alternate member of Zoning Board of Appeals and  
**Vote/Sign** concurrent Earth Removal Board member
6. 7:55 Consideration of Consent Calendar and Miscellaneous items.
7. 8:05 Discussion of potential Annual Town Meeting articles:
  - a) Planning Board – presentation of several proposed articles
  - b) Town Manager – presentation of 7 Articles she is preparing for the Board of Selectmen
  - c) Finance Director – New local option veterans’ tax work-off program
  - d) Jim Kelly - Fairbank Roof and ESCO proposals
8. 8:45 **PUBLIC HEARING:** Site Plan application of Scott McIver, Trustee of the Macot Realty Trust, owner, for modification of an approved Site Plan for a change of use for Methods Machines, located at 65 and 71 Union Avenue, zoned Industrial District and Industrial Park District, Town Assessor Map K08, Parcels 0051 and 0087.  
*(Tom DiPersio and Dave Duane for Methods Machines and Jody Kablack, Dir. of Planning and Community Development will attend.)*
9. 9:10 **PUBLIC HEARING:** (Continued) Site Plan application for Northern Bank & Trust  
**Vote/Sign** 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.  
*(Atty. Shaun Briere and Brian Fairbanks will attend for Northern Bank.)*  
*(The applicant has granted an extension for a Board of Selectmen decision until January 31, 2013.)*
10. 9:25 **PUBLIC HEARING:** (Continued) Consideration of an all-alcohol package store license  
**Vote/Sign** application for Kassouf Management, Inc., d/b/a Stony Brook Market, Salim Kassouf, Manager, to be located at 29 Hudson Road.  
*(Salim Kassouf, Manager, will attend.)*

---

**Consent Calendar:**

11. **Vote** Vote to approve the Executive Session minutes of December 18, 2012, and the Regular and Executive Session minutes of January 8, 2013.
12. **Vote** Vote to accept the resignation of Lyn MacLean, 209 Water Row, as a member of the Sudbury Celebrates 375/Sudbury Day Committee, as requested in an email dated January 15, 2013, and to send a letter of appreciation for her continued service to the Town.
13. **Vote** Vote to accept \$250 from TJX Companies to support the first Park and Recreation Halloween 5K and Fun Run, said funds to be expended under the direction of the Park and Recreation Director.

14. **Vote** Vote to accept \$4,023 in grant funds from the Mass. Dept. of Public Health's Preparedness Funds, which has occurred annually since 2004, said funds to be expended under the direction of the Health Director.
15. **Vote/Sign** Vote to appoint Kirsten Roopenian, 45 Harness Lane, to the Sudbury Celebrates 375/ Sudbury Day Committee for a term to expire November 30, 2014.
16. **Vote** Vote to accept a memo from Jim Kelly, Combined Facilities Director, requesting an extension of the January 31st report deadline from the Fairbank Community Center Study Task Force to the Board's next meeting, February 12<sup>th</sup>.

---

**Miscellaneous (untimed items):**

17. Question of responding to staff on the next steps in Bruce Freeman Rail Trail evaluation.
18. **Vote/Sign** Determine a designee for voting at the Massachusetts Municipal Association (MMA) business meeting on Saturday, January 26, 2013
- 19 **Vote** Question of accepting the Walkway Easement, dated 1/14/13, granted by William F. Curley, III, Successor Trustee of the Green Meadow Realty Trust on property located at 460 Dutton Road, shown as "Proposed 15 Foot Wide Walkway Easement, Area +/- 2,392 S.F." on "Walkway Easement Plan Dutton Road, Sudbury, Massachusetts" dated November 8, 2012, and drawn by Lakeview Engineering Associations.
-

# AGENDA REQUEST - Item # 5

## BOARD OF SELECTMEN

### **Requestor's Section:**

**Date of request:** *December 7, 2012*

**Requestor:** *Beth Quirk, Chair, Board of Appeals*

**Action requested:** *Interview Nicholas B. Palmer, for possible appointment as an alternate member of the Zoning Board of Appeals and concurrent member of the Earth Removal Board*

**Financial impact expected:** *None*

**Background information:** *See attached material*

### **Recommendations/Suggested Motion/Vote:**

*Vote to approve the appointment of Nicholas B. Palmer, 132 Pratt's Mill Road, as an alternate member of the Zoning Board of Appeals and a concurrent member of the Earth Removal Board, for a term to expire May 31, 2014, filling a position which was not previously filled.*

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

*Nicholas (Nick) Palmer*

### **Selectmen's Office Section:**

**Date of Selectmen's Meeting:** *January 22, 2013*

**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 ( )



# Town of Sudbury

## Board of Appeals

appeals@sudbury.ma.us

<http://www.sudbury.ma.us/services/planning>

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3389  
Fax: 978-443-0756

*Agenda  
1/22/13*

December 7, 2012

Dear Selectmen,

On behalf of the Zoning Board of Appeals, I am writing in support of the application of Nick Palmer to be an alternate member of the ZBA and a member of the Earth Removal Board. He is a civil engineer with extensive experience in site development and will fill an existing gap on our board with his expertise. In recent discussions with the ZBA, he has demonstrated a genuine interest in serving the town and a depth of understanding of the issues facing it. I believe he will be an asset to the board.

If you have any questions, please feel free to contact me at 978-443-6776.

Sincerely,

Beth Quirk  
Chair

# AGENDA REQUEST- Item #7 (a)

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** January 15, 2013

**Requestor:** Michael Fee, Chair, Planning Board

**Action requested:** Accept submitting articles for the 2013 ATM regarding several different issues.

**Financial impact expected:** N/A

**Background information (if applicable, please attach if necessary):**  
Memo attached

**Recommendations/Suggested Motion/Vote:**  
Vote as necessary to accept articles for the 2013 ATM Warrant

**Person(s) expected to represent Requestor at Selectmen's Meeting:**  
Planning Board members

### Selectmen's Office Section

**Date of Selectmen's Meeting:** January 22, 2013

**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 ( )**



# Town of Sudbury

## Planning Board

planningboard@sudbury.ma.us

<http://www.sudbury.ma.us/services/planning>

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-443-0756

January 4, 2013

Lawrence W. O'Brien, Chairman  
Sudbury Board of Selectmen  
Sudbury, MA 01776

RE: 2013 Annual Town Meeting

Dear Board Members,

The Planning Board is considering several warrant articles for the 2013 Annual Town Meeting which they want to bring to your attention, and to discuss with you at your meeting on January 22, 2013.

The first article is to recommend a shift in the review authority for Site Plan from the Selectmen to the Planning Board. As you know, Site Plan review was originally the province of the Planning Board from its adoption into the Sudbury Zoning Bylaw in 1958, until 1961 when the Board of Selectmen graciously accepted responsibility due to the heavy permitting workload associated with residential growth in Town. As plan review and site design is generally more the expertise of the Planning Board, it makes sense to shift this responsibility, freeing up the Selectmen's time for more pressing matters of the Town. We also believe that this shift will be more cost effective and efficient for the business community, as the Planning Board agendas allow more time for plan review, and Site Plan applications can be combined with stormwater management permits, which nearly every development requires. As we have heard many times, time is money.

In the event that the Selectmen wish to retain Site Plan Review authority, at a minimum we recommend a small bylaw change altering Section 6330 - the voting requirement for Site Plan Review - from a unanimous vote to a majority vote of the Board. A unanimous vote is akin to requiring a special permit, which is detrimental to business, and which is not warranted by site plan review. We believe these changes will provide more efficient and predictable permitting for those wishing to do business in Sudbury.

The second topic is the regulation of medical marijuana dispensaries in Sudbury (medical treatment centers). With the ballot vote allowing the dispensing of medicinal marijuana in Massachusetts, the Planning Board thinks it is prudent to carefully examine the law and the anticipated regulations (due out in May 2013) in order to regulate the location of such dispensaries so as not to impact Sudbury's quality of life. Here are a few items to keep in mind as we review this issue:

- The law allows at least 1 dispensary per county, not more than 5 in any county, and not more than 35 in total. Middlesex County has 54 cities and towns. We have not





# Town of Sudbury

## Planning Board

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-443-0756

[planningboard@sudbury.ma.us](mailto:planningboard@sudbury.ma.us)

<http://www.sudbury.ma.us/services/planning>

heard of any other Middlesex County municipalities who are moving forward with a dispensary at this time, and several municipalities are considering zoning these facilities restrictively, including Hudson, Reading and Wakefield.

- The dispensary must be not-for-profit and will be regulated by MGL c. 94G.
- Dispensaries can also grow marijuana, which in this state means there may be instances of agricultural exemptions under MGL c. 40A, s. 3 (the Dover Amendment). A parcel of land in excess of 2 acres with gross sales of at least \$1,000 per acre qualifies as an exempt agricultural parcel.

We have 3 options in approaching this issue:

- (1) Ban these facilities outright.
- (2) Zone the facilities restrictively so as to authorize them in limited areas in Town. Our current thinking on the possible location of dispensaries is to permit them by special permit in the industrial districts located in the eastern portion of Sudbury, and require large setbacks from schools, playgrounds and other places of public assembly.
- (3) Wait for a future Town Meeting to regulate them. This option gives us time to review the state regulations and examine any court cases which challenge restrictive zoning, but also makes us vulnerable to any potential dispensaries being considered for Sudbury (none of which we know of).

The third item is to delete the Wastewater Facilities Bylaw, section 4500 of the Zoning Bylaw. This is an obsolete bylaw which has never been used, dating back to the late 1980s when residential development pressure was high and DEP regulation of these facilities was far less sophisticated. The local bylaw was adopted in response to an attempt by the developer of the Willis Hill subdivision to construct a package treatment plant for the wastewater needs of the subdivision, which was ultimately denied by DEP. The provisions of our local bylaw are now subsumed by DEP regulations, including long term maintenance bonding and fail safe provisions, and to duplicate the permitting process does not make sense.

The fourth item is the acceptance of Tall Pine Drive as a public way. The Planning Board is currently reviewing an application for a Senior Residential Community by the Green Company at 40 Tall Pine Drive, at the old Jones and Bartlett Publishing site. As part of the approval of this application, the developer has agreed to complete improvements to Tall Pine Drive and ready it for acceptance as a Town way. This right of way is an old county lay out which was never accepted as a public street, but which allows public use. It has been used by residents of the Tall Pines subdivision and the office use for over 20 years. We anticipate this being ready for a town vote in 2014, but wanted to make you aware of the issue.

We would like your feedback on all of these issues as we make final plans for submitting warrant articles for the 2013 Annual Town Meeting. There will likely be other



# Town of Sudbury

## Planning Board

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-443-0756

[planningboard@sudbury.ma.us](mailto:planningboard@sudbury.ma.us)

<http://www.sudbury.ma.us/services/planning>

minor articles as well, but the ones mentioned above warrant, in our opinion, more discussion.

On Behalf of the Planning Board,

*Michael C. Fee / gmc*

Michael C. Fee, Chairman

cc: Zoning Board of Appeals  
Mark Herweck, Zoning Enforcement Officer  
Paul Kenny, Town Counsel



# AGENDA REQUEST- Item #7 (b)

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** January 15, 2013

**Requestor:** Town Manager

**Action requested:** Possible articles for the 2013 ATM which could be submitted by the Board

**Financial impact expected:** N/A

**Background information (if applicable, please attach if necessary):**  
Memo attached

**Recommendations/Suggested Motion/Vote:**  
Vote as necessary to accept articles for the 2013 ATM Warrant

**Person(s) expected to represent Requestor at Selectmen's Meeting:**  
Town Manager/Board

### Selectmen's Office Section

**Date of Selectmen's Meeting:** January 22, 2013

**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 ( )**



7(b)

# Town of Sudbury


## Town Manager's Office

278 Old Sudbury Road  
Sudbury MA 01776  
978-639-3385

Maureen G. Valente, Town Manager

[Townmanager@town.sudbury.ma.us](mailto:Townmanager@town.sudbury.ma.us)

<http://www.town.sudbury.ma.us>

Date: January 18, 2013  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager   
Subject: Town Meeting articles that I am preparing  
CC:

I want to give you a preliminary listing of articles that I am working on that **could** be submitted by the Board of Selectmen. You may not want them, or may feel it is premature to go forward with them at this time. But I do want you to at least have the chance to consider them. I will be happy to discuss them Tuesday night, and if you choose to take any of them up for a vote to submit, the staff and I will do the follow up.

1. Town Center Construction. The traffic light continues to fail, and the project is still ready to go to bid once funding is approved. We will have more information for you next week.
2. Establishment of a payment in lieu of taxes (PILOT) program with Ameresco for a solar facility at the town landfill. Please see attached information from Paul Kenny.
3. Revised Capital Bylaw. I have been working with the Capital planning committee on discussing and making changes to the existing bylaw. Please see the attached materials for this article.
4. Accept Chapter 108 of the Acts of 2012 (the VALOR Act) allowing a veteran's tax work off program. See the attached memo from Andrea. She will discuss this separately with you.
5. Funding of the stabilization fund. Per earlier discussions, my recommendation is to put \$2,000,000 of the free cash into the stabilization fund. Final recommendations will be forthcoming from the strategic options working group (the staff group that is putting together options for you and the other policy groups) but I would like to at least start the conversation on this.
6. Special Act to dedicate meals tax to OPEB. This is one strategy for beginning to set aside funds for the unfunded OPEB issue. The strategic options working group has not studied this yet and have no opinion to offer at this time.
7. Withdrawal from Minuteman Vocation High School or any other action regarding the Minuteman High School. I am mentioning this because Dave Manjarrez and I have briefly discussed. It is likely premature to put this forth this year, yet I did not want to overlook bringing it to you for discussion. Please note we now have 16 students attending the regional vocational high school.

Please be reminded that you have already approved the submission by Jim Kelly of an article for the Police Station. And we will submit as place holders the two standard articles that are yours: Article One: hear reports and article two: Budget adjustments. No dollar amounts or other specific amounts will be listed.

There are two more articles you should be aware of but I have not been preparing them.

1. Discharge of weapons. A group of residents have expressed interest in creating a bylaw with restrictions that are greater than that contained in state law. I asked Paul to work with them to incorporate their ideas into an article. I believe they are reaching out to Bob to discuss whether the Board of Selectmen would be willing to sponsor this article.
2. Payment in lieu of taxes for the L-S solar facility. I don't believe the Board of Selectmen should submit this. If the L-S School Committee wants to protect against the possibility that the Sudbury Board of Assessors will determine they are directed by the Department of Revenue regulations to assess personal property taxes, they should submit the article. The Board of Assessors are not looking to take revenue away from L-S or otherwise create an issue related to this project, but they do have an obligation they cannot ignore. This issue is still being reviewed by the special counsel for L-S and the Assessors.



7(b) 2

**TOWN OF SUDBURY      WARRANT ARTICLE FORM      ARTICLE \_\_\_**

**Instructions:**

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

**ART.                      PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE**

To see if the Town will vote to authorize and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager and the Energy Committee with the selected solar project developer for the planned solar electric generating facilities to be located at the former Sanitary Landfill Site off Boston Post Road, or act on anything relative thereto.

Submitted by \_\_\_\_\_ (Majority vote required)

SUBMITTED BY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel



7(b) 3.

# Town of Sudbury

## Town Manager's Office

278 Old Sudbury Road  
Sudbury MA 01776  
978-639-3385

Maureen G. Valente, Town Manager

[Townmanager@town.sudbury.ma.us](mailto:Townmanager@town.sudbury.ma.us)

<http://www.town.sudbury.ma.us>

Date: January 18, 2013  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen*  
Subject: Capital Bylaw Revision Article  
CC: Maryanne Bilodeau, Capital Planning Committee

Attached is a draft revision of the capital planning article. I have been working with staff and members of the Capital Planning Committee to develop this, as the shortcomings and challenges of the current bylaw (last revised in 1998) have been discussed for some time. The proposed changes include:

1. Expanding the scope to include Lincoln-Sudbury Regional High School. The previous version excluded L-S.
2. To allow members of the capital committee to serve on Ad Hoc Committees created by the Board of Selectmen. The previous article did not allow this. This draft keeps the restriction that members of standing boards may not serve on the capital committee. Since those committees may be proponents of capital projects (such as the Recreation Commission or the Council on Aging), it would be a conflict for them to also be voting on projects.
3. To change the appointing authority to be the Board of Selectmen and Finance Committee. Currently the Town Manager appoints three members. The committee members feel they would like to focus more on larger projects, which are policy issues, rather than smaller items of equipment. We both feel if their focus is policy related, it is more appropriate that the Board of Selectmen be the appointing authority.
4. To increase the threshold for project review to a higher amount. Both staff and the committee members felt the committee could spend their time better focusing on the larger ticket projects. The suggested threshold is \$100,000 for an item in a single fiscal year or greater than \$500,000 over a multi-year period.
5. Continue to have the Town Manager develop the capital operating budget but now working with L-S as well as SPS and all town departments. The capital operating budget contains the smaller ticket equipment and repair type of projects.

Town Counsel's office is reviewing the draft and might change it to a different form or approach, but these are the basics that the Committee and staff are agreed on.

I respectfully request your comments and if acceptable to you, your support and willingness to submit this article.

As a side note, I have asked the capital committee to join with me in putting the budget amounts for leasing of DPW trucks back into the DPW budget. Those expenses had been in

DPW for many years, but as a trial several years ago we moved them into the operating capital budget, in the hopes that this budget would grow and more funds could be directed to acquiring more vehicles and “weaning” ourselves from the leases. But the list of projects other than DPW vehicles has only grown over time, so we feel it is better to put those costs back into the DPW budget. The capital committee agreed to this.



Instructions:

- 1) The **ORIGINAL, TYPED** article is to be submitted to the Selectmen's Office in final form.
- 2) Articles submitted by Boards and Committees must be signed by a majority accompanied by a copy of the vote signed by its Clerk.
- 3) **WARRANT REPORT**, briefly explaining intent and scope of article must be attached.
- 4) All monied articles must specify dollar amounts requested.
- 5) Article wording must be approved and article signed by Town Counsel before submission.

Art. \_\_\_\_\_ Amend Town of Sudbury Bylaws, Article XXV, Capital Planning

To see if the Town will vote to amend the Town of Sudbury Bylaws, Article XXV, Capital Planning by deleting Article XXV in its entirety and substituting therefor the following:

Section 1. There shall be a committee known as the Capital Improvement Advisory Committee, (CIAC) composed of seven members: six members appointed by the Selectmen and one member appointed by the Finance Committee. The CIAC shall choose its officers annually. The term of office shall be three years not more than three of which shall expire within the same year. Members of standing boards and committees, as well as Town or school employees, shall be precluded from membership on the CIAC. CIAC members may serve on ad hoc committees created by the Board of Selectmen.

Section 2. The CIAC shall study proposals from the Sudbury Town Manager, Sudbury Public Schools and the Lincoln Sudbury Regional High School or their representatives which involve major tangible items costing more than \$100,000 in a single year or more than \$500,000 over multiple years and which would likely require an article at Town Meeting for the project's authorization. The CIAC shall make a report with recommendations to the Finance Committee and the Board of Selectmen on these proposals.

Section 3. The Sudbury Town Manager shall develop an operating budget for proposed capital expenditures for the upcoming fiscal year containing those items whose costs do not meet this threshold and are to be included in the annual budget and financing plan submitted to Town Meeting. The Town Manager shall work with representatives of the Sudbury Public Schools and the Lincoln-Sudbury Regional High School in developing this budget. This capital expenditures budget shall be submitted to the Sudbury Finance Committee at the same time as the budgets of other Sudbury cost centers.;

or act on anything relative thereto.

Submitted by the

SUBMITTED BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved by: \_\_\_\_\_  
Town Counsel

ARTICLE XXV  
CAPITAL PLANNING

Section 1. The Town Manager shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of three members appointed by the Town Manager, three members appointed by the Selectmen, and one member appointed by the Finance Committee. The Finance Director shall be an ex officio member without the right to vote. The Committee shall choose its own officers annually. The term of office shall be three years not more than three of which shall expire within the same year. Members of Town boards and committees, as well as Town employees, shall be precluded from membership.

Section 2. The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which 1) have a useful life of at least five years; and 2) have a single year cost of \$10,000 or a multi-year cost of \$100,000 or more. All officers, boards and committees, including the Selectmen and Sudbury Public School Committee, shall by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action for the next six years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the Town. The Committee shall inventory the fixed assets of the Town with the assistance of Town staff, prioritize the capital requests submitted by Town boards and departments, and develop a financing strategy for implementation.

Section 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program for the following five years. The report shall be submitted to the Finance Committee for its consideration. The Committee shall submit the capital budget to the Annual Town Meeting for adoption by the Town.

Section 4. Such Capital Improvement Budget, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Section 5. The Committee's report shall be published and made available in a manner consistent with the distribution of the Town Meeting report. The Committee shall deposit its original report with the Town Clerk.

Section 6. The actions of the Town under Article 14 of the September 14, 1986 Town Meeting are rescinded.

# AGENDA REQUEST- Item #7 ©

## BOARD OF SELECTMEN

### **Requestor's Section**

**Date of request:** January 18, 2013

**Requestor:** Andrea Terkelsen

**Action requested:** Accept submitting an article for the 2013 ATM regarding a new local option veterans tax work-off program.

**Financial impact expected:** As yet undetermined amount as part of the tax abatement overlay account.

**Background information (if applicable, please attach if necessary):**  
Memo submitted to Board

**Recommendations/Suggested Motion/Vote:**  
Vote to accept an article for the 2013 ATM Warrant regarding a new local option for a veterans work-off program

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

### **Selectmen's Office Section**

**Date of Selectmen's Meeting:** January 22, 2013

**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 ( )**

## MEMORANDUM

---

TO: Board of Selectmen  
CC: Maureen Valente, Town Manager  
FROM: Andrea Terkelsen, Finance Director/Treasurer/Collector  
DATE: January 22, 2012  
RE: Local Acceptance Statute for Veteran's Work-off Abatement Program

---

### Request to Board:

That the Board of Selectmen considers the information provided herein regarding certain excerpts of Chapter 108 of the Acts of 2012 and if so moved, to submit an article for the 2013 Annual Town Meeting to accept the new local acceptance statute to establish a work-off abatement program for veterans in Sudbury.

### Background

Chapter 108 of the Acts of 2012, an Act relative to Veterans' Access, Livelihood, Opportunity and Resources (VALOR Act) was signed into law by Governor Deval Patrick on May 31, 2012. The VALOR Act adds a new section §5N to M.G.L. C59 (laws relative to the assessment of local taxes), which allows cities and towns to create a tax work-off abatement program for veterans. The complete text of M.G.L. C59 §5N has been attached for your review.

The statute is almost identical to M.G.L. C59 §5K to establish a "senior" tax work-off abatement program to allow persons over the age of 60 to volunteer to provide services to the community in exchange for a reduction annually in his/her tax bill. Local acceptance of a 'Veteran Work-off Abatement Program' requires a vote of the legislative body subject to charter.

Since the passage of the VALOR Act in May of this year, a handful other communities have already accepted this new local option tax abatement program with others expected to follow. As of this memo the following communities have accepted: Easton, Westborough, Leominster, Holyoke, Milford, and Newburyport. Medford and Brockton are currently considering adoption. All of the communities mentioned had previously accepted a senior work-off abatement program.

### Sudbury's Senior Work-Off Abatement Program

Since the passage of the Senior Work-Off program in Sudbury in 2002, the tax credit has been increased from \$500 to \$750, in keeping with updates to the statute as well as the State's minimum wage requirements. Another request to increase the maximum annual credit to \$800 is still pending which if adopted would take effect for tax fiscal year 2014.



Since 2007, the Town has annually earmarked up to \$37,500 in tax abatement overlay to allow up to 50 residents over the age of 60 to volunteer (up to 100 hours per calendar year) in exchange for the maximum \$750 credit against his or her real estate tax bill. The program is administered by the Council on Aging. A program current application has been attached for your review.

It may be interesting to note that Sudbury's senior population has grown in the last ten years. The latest Federal Census reports that Sudbury's senior population (age 60+) is now 3,132 or 17.7% of total population as compared to only 2,277 or 13.5% in 2000. With 50 slots available we are able to provide tax relief to approximately 1.6% of the senior population.

**Additional Considerations for Veterans Work-Off Abatement Local Option Acceptance**

The statute also provides that a city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000. However, it should be noted that Sudbury has not accepted either of these additional provisions for its senior work-off program.

**Financial Considerations for Veterans Work-Off Abatement Program Implementation**

According to the 2010 Federal Census, Sudbury's civilian veteran population is 1,125. We do not have any further housing or demographic information on this population therefore it is difficult to estimate how many would be interested in participating in a work-off program. However, the charges against the Town's tax abatement overlay account are easily calculated as: [Annual Maximum x Number of Participants].

Once the local option statute is accepted at Town Meeting the Board of Selectmen may easily adjust the program parameters in order to meet the changing financial needs of qualifying residents and available resources to fund local option abatements. It is assumed that the Board will choose to administer this program by limiting the number of work-off abatement slots available each year like it does for the current senior program. The table below illustrates the cost of each program using the same maximum annual abatement of \$800 per person.

No. of Program Participants	% of 3,132 Seniors	% of 1,125 Veterans	Cost of Seniors Program	Cost of Veterans Program
1	0.0%	0.1%	\$ 800	\$ 800
10	0.3%	0.9%	\$ 8,000	\$ 8,000
<b>18</b>	0.6%	<b>1.6%</b>	\$ 14,400	<b>\$ 14,400</b>
20	0.6%	1.8%	\$ 16,000	\$ 16,000
30	1.0%	2.7%	\$ 24,000	\$ 24,000
50	<b>1.6%</b>	4.4%	<b>\$ 40,000</b>	\$ 40,000
60	1.9%	5.3%	\$ 48,000	\$ 48,000
70	2.2%	6.2%	\$ 56,000	\$ 56,000
80	2.6%	7.1%	\$ 64,000	\$ 64,000
100	3.2%	8.9%	\$ 80,000	\$ 80,000

Note: OBRA regulations require additional \$60 deferred compensation per participant at \$800 level.

As mentioned earlier the cost of these special local option abatements, like any other abatements and exemptions granted to taxpayers each year is paid for (comes from) Sudbury's tax abatement overlay account. The principles of municipal finance dictate that we operate each year individually within the confines of a balanced budget. In simplest terms, this means we cannot "write-off" taxes in excess of what we have actually budgeted for in any given year.

To provide parity between the two local option programs, it is suggested that the Board consider offering anywhere between 10 to 18 slots for the new veterans program. Doing so will increase the Town's annual abatement overlay usage by \$8,000-\$14,400. Of course how much tax levy dollars the Town is willing to write-off in support of local option abatement programs each year is an important policy issue for you as Selectmen to decide.

### Considerations for the Future

Policy: What might be on the horizon for new local option abatement programs? Might we see similar legislation passed for citizens with disabilities in the not so distant future? If so, can we afford to add another 20-24 work-off program spots for Sudbury's citizens with disabilities? Might the Town decide at that point to combine programs or otherwise reapportion current spots differently amongst the individual population segments depending on certain criteria?

Financial: When might we reach a critical point in budgeting for tax abatement overlay? Our budget for total tax abatement overlay remains relatively low at less than 1% of the total property tax levy but really how much is the Town willing or able to write off in abatements each year considering that every dollar given up in tax receipts means a commensurate reduction in other programs and services, absent additions to or increases in non-tax receipts.

---

### **Additional Materials**

#### **CHAPTER 108 – VETERAN TAX REDUCTIONS** *Effective May 31, 2012*

**§ 8A Veteran work-off Abatement Program.** Adds a new local acceptance statute, G.L. c. 59, § 5N, to allow cities and towns to create work-off abatement program for veterans. The statute is almost identical to G.L. c. 59, § 5K under which communities may establish those programs for seniors (60 or older). Acceptance is by vote of the legislative body subject to charter. G.L. c. 4, § 4. Under the program, veterans may earn "abatements" of their property taxes by working for the community. Each community will set its own program and eligibility requirements, but the taxpayer's hourly earnings may not exceed the state minimum wage and the earned abatement may not exceed \$1,000, or if voted by legislative body, 125 hours of service. The earned abatement is not income for state tax and worker's compensation purposes.



---

PART I ADMINISTRATION OF THE  
GOVERNMENT (Chapters 1 through 182)

TITLE IX TAXATION

CHAPTER 59 ASSESSMENT OF LOCAL TAXES

Section 5N Reduction of property tax obligation of veteran in  
exchange for volunteer services

---

[Text of section added by 2012, 108, Sec. 8A effective May 31, 2012.]

**Section 5N.** In any city or town which accepts this section, the board of selectmen of a town, or in a municipality having a town council form of government, the town council or the mayor, with the approval of the city council in a city, may establish a program to allow veterans, as defined in clause Forty-third of section 7 of chapter 4, to volunteer to provide services to that city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,000 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of that record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns shall have the power to create local rules and procedures for implementing this section in a way that is consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

The amount by which a person's property tax liability is reduced in exchange for the volunteer services shall not be considered income, wages or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws. While providing such volunteer services, that person shall be considered a public employee for the purposes of chapter 258 and those services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (i) allowing an approved representative for persons physically unable to provide such services to the city or town; or (ii) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000.



SUDBURY SENIOR CENTER  
COUNCIL ON AGING  
Town of Sudbury, Massachusetts

40 Fairbank Road • Sudbury, Massachusetts • 01776-1681  
Phone: (978) 443-3055 • Fax: (978) 443-6009 • E-mail: [senior@sudbury.ma.us](mailto:senior@sudbury.ma.us)

---

SUDBURY SENIOR COMMUNITY WORK PROGRAM APPLICATION  
January 1 to December 31, 2013 (FY '14)

We welcome your interest in the Senior Work program. This is a program for Sudbury seniors, aged 60 and older, who own a home in Sudbury.

Placements are available in a wide variety of Town offices, departments, boards, commissions, and schools. Placements are for a maximum of 100 hours for the program year.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Are you age 60 or over? \_\_\_\_\_  
Are you the homeowner or spouse of homeowner? \_\_\_\_\_  
Do reside on the property? \_\_\_\_\_

PLEASE NOTE: *If you answered "NO" to any of the above questions, you are not eligible for the program.*

Please list any months you are not available to work: \_\_\_\_\_

Are you and your spouse both applying? \_\_\_\_\_

Do you have any physical or medical restrictions that would need to be considered when you are assigned? \_\_\_\_\_ Explain: \_\_\_\_\_

---

*While you do not have to answer the following two questions, you should know that preference is given to households with greater need.*

Is your adjusted gross income as listed on your most recent 1040 form:  
Under \$30,000 \_\_\_\_\_ \$30,000 to \$45,000 \_\_\_\_\_ \$45,000 or higher \_\_\_\_\_

Other than taxes, are there any costly expenses of an unusual nature (such as extreme medical expenses) to be considered? Please explain:

\_\_\_\_\_

\_\_\_\_\_

*Please see reverse side*

Please list briefly your significant work experience, your community volunteer work, and any relevant hobbies. Include company/community group, number of years, job title, and tasks performed. If you worked in the program last year, and there are no changes, just write: Same as Before.

---

---

---

---

---

---

---

---

Skills  
Mechanics \_\_\_\_\_ Carpentry \_\_\_\_\_ Maintenance \_\_\_\_\_ Other \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Office machines: \_\_\_\_\_ Kind: \_\_\_\_\_

Public contact? \_\_\_\_\_ Describe: \_\_\_\_\_  
\_\_\_\_\_

Computers? \_\_\_\_\_ Recent? \_\_\_\_\_ Type? \_\_\_\_\_

Software programs familiar with: \_\_\_\_\_

I understand that this application will be considered confidential information. Permission is hereby granted for the Sudbury Senior Work Program Committee and its Coordinator to review this applications.

Signature of Applicant: \_\_\_\_\_ Date \_\_\_\_\_

*Applications should be placed in a sealed envelope marked "Personal and Confidential" and sent before November 30, 2012 to:*

Sudbury Senior Center,  
Attn: Senior Work Program  
40 Fairbank Road  
Sudbury, Massachusetts 01776-1681

# AGENDA REQUEST- Item #7 (d)

## BOARD OF SELECTMEN

### **Requestor's Section**

**Date of request:** January 15, 2013

**Requestor:** Jim Kelly

**Action requested:** Possible articles for the 2013 ATM which could be submitted by the Board

**Financial impact expected:** N/A

**Background information (if applicable, please attach if necessary):**  
Memo will be sent on Tuesday

**Recommendations/Suggested Motion/Vote:**

Vote as necessary to accept articles for the 2013 ATM Warrant

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

Jim Kelly, Combined Facilities Director

### **Selectmen's Office Section**

**Date of Selectmen's Meeting:** January 22, 2013

**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 #9

## BOARD OF SELECTMEN

### **Requestor's Section**

**Date of request:** *January 14, 2013*

**Requestor:** *Jody Kablack, Dir. of Planning and Community Develop.*

**Action requested:** *Approval of Site Plan application of Northern Bank & Trust and sign a Decision*

**Financial impact expected:** *Increase to the tax base*

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

**Please bring your file of prior materials and see draft Site Plan Decision**

**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, zoned Business District and sign Site Plan Decision*

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

### **Selectmen's Office Section**

**Date of Selectmen's Meeting:** *January 22, 2013*

**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)



January 22, 2013

SITE PLAN DECISION  
SUDBURY BOARD OF SELECTMEN  
NORTHERN BANK & TRUST COMPANY  
430 Boston Post Road

DECISION of the Board of Selectmen of the Town of Sudbury, Massachusetts (the "Board") on the petition of Colonial Auto of Sudbury, Inc., Owner (the "Owner"), and Northern Bank & Trust Company, Applicant (the "Applicant"), for property located at 430 Boston Post Road, Sudbury, MA to construct a new 2,500 sq. ft. retail bank building and associated improvements including stormwater management facilities, utility improvements, parking area, 1 lane remote drive-through facility, landscaping and lighting. The Property is shown on Sudbury Town Assessors' Maps K08, Lot 0077, containing approximately 27,738 sq. ft., and lies within a Business District and is also within the Water Resource Protection District Zone II (the "Property").

This decision is in response to an application by the Applicant for approval of a Site Plan submitted to the Board on August 16, 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, Lawrence W. O'Brien, Chairman of the Board, called the public hearing to order on September 18, 2012. The hearing was continued to December 6, 2012, January 8, 2013 and January 22, 2013, and was closed at the end of the January 22, 2013 proceedings. Board members and Lawrence W. O'Brien and Robert C. Haarde were present throughout the proceedings. Board member John C. Drobinski was absent at January 8, 2013 session and, pursuant to G.L. c. 39, § 23D, has certified that he has examined all of the evidence received by the Board on this subject and is therefore eligible to vote on the subject application. 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 Approval dated August 16, 2012 (received August 16, 2012), including Site Plans prepared by EBI Consulting, Burlington, MA, dated August 15, 2012, consisting of 10 sheets, (including architectural plans); Traffic Impact Assessment memo prepared by MDM Transportation Consultants, Inc., dated August 13, 2012; Notice of



DRAFT

- Decision from the Zoning Board of Appeals dated July 30, 2012; and supporting documentation.
2. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated August 27, 2012.
  3. Memo from Bill Place, DPW Director, to Jody Kablack dated August 28, 2012.
  4. Memo from Jody Kablack, Planning Director, to the Board of Selectmen and Planning Board dated September 14, 2012.
  5. Letter from Zoning Board of Appeals Chair, Elizabeth Quirk, to the Board dated September 14, 2012.
  6. Email message from Mark Herweck, Building Inspector, to Jody Kablack dated September 17, 2012
  7. Email message from Bill Miles, Fire Chief, to Jody Kablack dated September 18, 2012.
  8. Letter from the Planning Board to the Board, dated October 1, 2012.
  9. Letter from the Design Review Board to the Board, dated October 9, 2012.
  10. Letter from Shaun W. Briere, attorney for applicant, dated October 12, 2012 requesting a continuation of the public hearing until November 7, 2012.
  11. Memo from Jody Kablack, Director of Planning and Community Development, to the Board dated October 15, 201, reviewing major site changes to the proposal.
  12. Letter from Shaun W. Briere, attorney for applicant, dated November 2, 2012 requesting a continuation of the public hearing until November 20, 2012.
  13. Letter from Shaun W. Briere, attorney for applicant, dated November 19, 2012 requesting a continuation of the public hearing until December 6, 2012, and granting an extension of time to issue a decision until January 31, 2013.
  14. Revised "Layout and Materials Plan" for the project dated November 28, 2012
  15. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated December 4, 2012.
  16. Revised Site Plans prepared by EBI Consulting, Burlington, MA, dated August 15, 2012, last revised December 31, 2012 consisting of 7 sheets: Sheet C-1, Title Sheet; Sheet C-2, Legend and General Notes (last revised 8/15/12); Sheet C-3, Layout and Materials Plan; Sheet C-4, Grading, Drainage & Erosion Control Plan; Sheet C-5, Utilities Plan; Sheet C-6 and 7, Site Details (last revised 8/15/12); Landscape Plans prepared by EBI Consulting and TerraInk dated August 15, 2012, last revised December 31, 2012 consisting of 2 sheets: Sheet L-1, Landscape Plan; Sheet L-2, Landscape Details. Existing Plan of Land prepared by Northeast Survey Consultants dated 6/7/12; and Architectural Plans prepared by SDI Architects, PC and Strategic Design Works, dated 9/25/12, last revised 12/31/12, consisting of 3 sheets: Sheet A1.1, Preliminary Floor Plan and Drive-Up Plan; and Sheets A2.1 and A2.2, Preliminary Exterior Elevations.
  17. Revised Traffic memorandum from MDM Transportation Consultants dated November 28, 2012; Revised drainage calculations prepared by EBI Consulting dated December 31, 2013; Public Way Access Permit Application dated January 2, 2013; Site Lighting Plan prepared by EBI Consulting, Burlington, MA, dated January 3, 2013; and Lighting Specifications.
  18. Memo from Jody Kablack, Director of Planning and Community Development, to the Board, dated January 4, 2013, reviewing changes to the proposal.
  19. Letter from Shaun W. Briere, attorney for applicant, dated January 8, 2013.

20. Revised elevation drawings dated January 4, 2013 prepared by SDI Architects, PC and Strategic Design Works consisting of 3 sheets.
21. Minutes from the Design Review Board meeting dated January 9, 2013.

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

VOTED: To approve the Site Plan Application of Colonial Auto of Sudbury, Inc., Owner (the "Owner"), and Northern Bank & Trust Company, Applicant (the "Applicant"), for approval of a site plan to construct a new 2,500sq. ft. retail bank building and associated improvements including stormwater management facilities, utility improvements, parking area, 1 lane remote drive-through facility, landscaping and lighting at 430 Boston Post Road, Sudbury Town Assessors' Maps K08, Lot 0077, as shown on plans entitled "Site Plans for Proposed Redevelopment, 430 Boston Post Road, Sudbury, Massachusetts", dated 8/15/12, last revised 12/31/12 prepared by EBI Consulting, Burlington, MA consisting of 7 sheets: Sheet C-1, Title Sheet; Sheet C-2, Legend and General Notes (last revised 8/15/12); Sheet C-3, Layout and Materials Plan; Sheet C-4, Grading, Drainage & Erosion Control Plan; Sheet C-5, Utilities Plan; Sheet C-6 and 7, Site Details (last revised 8/15/12); Landscape Plans prepared by EBI Consulting and TerraInk dated August 15, 2012, last revised December 31, 2012 consisting of 2 sheets: Sheet L-1, Landscape Plan; Sheet L-2, Landscape Details; and Architectural Plans prepared by SDI Architects, PC and Strategic Design Works, dated 9/25/12, last revised January 4, 2013, consisting of 3 sheets: Sheet A1.1, Preliminary Floor Plan and Drive-Up Plan; Sheets A2.1 and A2.2, Preliminary Exterior Elevations (the "Plan"), subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property:

1. Issuance of an Order of Conditions by the Conservation Commission.
2. Issuance of a Stormwater Management Permit by the Planning Board.
3. Issuance of a Water Resource Special Permit by the Planning Board.
4. Final approval of the wastewater disposal system by the Board of Health.
5. Issuance of an Earth Removal Permit from the Earth Removal Board.
6. The Applicant has received approval from the Design Review Board for three (3) wall mounted, non-illuminated signs as proposed in the Application for Sign Approval dated January 3, 2013. Any additional or revised signage proposed for the Property shall be subject to re-review by the Design Review Board, and shall comply with the Zoning Bylaw, section 3200.

DRAFT

7. This proposal is subject to variances granted by the Zoning Board of Appeals dated July 30, 2012. All conditions contained in the Variance approvals shall be incorporated herein.
8. Final architectural plans shall be submitted for review and approval of the Design Review Board.
9. Landscaping shall be provided as shown on the Landscape Plan. All trees labeled as to remain on the Plan shall be flagged prior to commencement of construction. Prior to occupancy of the site, the Board or their representative shall view the Property for compliance with the Landscape Plan. If, in the opinion of the Board, additional screening or landscaping is required, the Applicant shall forthwith rectify such concerns with the planting of additional vegetation to the reasonable satisfaction of the Board, the performance of which shall be secured in accordance with condition 24 below, provided, however, that in no event shall the additional landscaping interfere with visibility of the bank, signage and bank operations.
10. The Board hereby grants a Special Permit from section 3543 of the Zoning Bylaw to decrease the depth of the landscape buffer strip between the parking lot and the side lot line from ten (10) feet to six (6) feet. Such reduction shall not detract from the objectives of section 3300 of the Zoning Bylaw, as a significant portion of said side lot line abuts a commercial building less than twenty (20) feet to the east.
11. The Board hereby grants a Special Permit pursuant to section 3110 of the Zoning Bylaw authorizing a reduction in the number of required parking spaces from fourteen (14) to twelve (12). Said reserved parking spaces shall be shown on the Plan and labeled as such.
12. A final Lighting Plan shall be submitted for review prior to issuance of a Building Permit. All proposed lighting for the project shall be shown on the Lighting Plan. The Applicant shall comply with section 3427(f) of the Zoning Bylaw regarding lighting. Exterior lights shall have shields and be arranged to avoid glare and minimize light spilling over to neighboring properties. Lighting, except for security lighting, canopy lighting and lighting in the interior ATM vestibule, shall be turned off when the building is not in use. The Board or its representative shall inspect the Property prior to issuance of an Occupancy Permit to certify the intent of this provision. If, in the opinion of the Board, the lighting is not shielded from the adjoining properties, the Applicant shall forthwith rectify such complaint to the satisfaction of the Board.
13. Prior to issuance of a Building Permit, the Applicant has agreed to and shall deposit \$1,500.00 with the Town of Sudbury which it may use solely to engage the services of a lighting expert to review the final Lighting Plan for compliance with the Zoning Bylaw, and to assess and recommend remedies for the visibility of the drive-through canopy lighting as viewed from the property lines. Said funds, or the balance of said funds, if any, shall be returned to the Applicant once the Board or its representative has inspected the Property and advised that the lighting is acceptable.

14. The Plan must be revised, as follows:
  - a. The Plan must indicate the locations of all reserved parking spaces proposed.
  - b. Signature blocks for the Board, the DPW Director, Building Inspector and Planning and Community Development Director shall be added to the Plan.
  - c. Fencing details for all proposed fencing shall be added to the Plan.
  - d. Retaining wall details for all proposed rock and/or retaining walls shall be added to the Plan. Any retaining wall greater than four (4) feet high shall be designed by a structural engineer.
  - e. A notation that all new utilities shall be installed underground shall be added to the Plan.
  - f. The Plan shall be revised to incorporate the recommendations of the Design Review Board as noted in the meeting minutes of January 9, 2013, including use of brick on the side elevation, replacement of soffit lights, and change in the color of the PMJ Rhododendrons.
  - g. The turning radii in the alley shall be confirmed as adequate by the Director of Public Works.
  - h. All proposed lighting shall be shown on the Plan.
  - i. Final Architectural Plans shall be submitted.
  - j. The final egress configuration shall be shown on the Plan.
15. The existing chain link fence along the drainage swale to the north of the Property shall be removed and replaced with a wooden guard rail by the Applicant in order to improve the aesthetics of the alley, conditioned upon receiving the permission of the property owner.
16. The Board hereby grants a Public Way Access Permit for this project, subject to the following conditions and improvements to be made at the Applicant's expense which facilitate safe and efficient pedestrian and traffic operations within the access and on adjacent public ways:
  - a. A secondary egress from the Property shall be constructed within the alley located to the north of the Property as shown on the Plan, and funded by the Applicant. An access easement to utilize the alley as egress from the Property shall be required, and a copy of said easement shall be furnished to the Board. The turning radii at the intersections shall be confirmed as adequate by the Director of Public Works.
  - b. The Applicant has agreed to construct a walkway along the frontage of the Property on Union Avenue and Boston Post Road, as shown on the Plan. Accessible curb cuts shall be installed at all driveway entrances and at the Property corner, pursuant to the regulations of the Architectural Access Board.
  - c. The Applicant has agreed to fund the installation of a pedestrian activated signal at the Boston Post Road/Union Avenue intersection.
  - d. All vegetation within the sight lines of Union Avenue shall be maintained at a height of two (2) feet or less in order to provide unobstructed sight lines exiting the Property at both the main entrance and the alley.



DRAFT

17. A permit from the Massachusetts Dept. of Transportation is required for construction of the walkway along Route 20 and other site improvements along the state right of way, which permit shall be submitted to the Board prior to issuance of an Occupancy Permit.
18. Hours of operation shall be as stated in the application materials.
19. No wells for drinking water supply to be installed on the site.
20. No use of salt or sodium-based de-icers on site unless approved by the Conservation Commission.
21. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued there under.
22. The Applicant shall repair in a timely manner any damage to public roads adjacent to the project that results from the construction and/or maintenance of the project to the satisfaction of the Director of Public Works.
23. All fire lanes and parking areas shall be kept clear at all times, and all snow shall be removed from these areas to ensure access by fire trucks and other public safety vehicles. All signage shall be maintained in good order.
24. The Board of Selectmen hereby grant approval to install one (1) construction trailer pursuant to section 2324 of the Zoning Bylaw and in conformance with the procedural regulations adopted by the Board regarding same. The trailer shall not block or interfere with normal traffic operations on adjacent roadways, or create any other safety concern, and shall be removed prior to issuance of an Occupancy Permit.
25. Prior to the granting of an Occupancy Permit, a site review will be conducted by Town officials, and a performance bond shall be required from the Applicant to secure any conditions noted above which have not been completed.
26. Submission of an "as built" plan. Any material change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval by the Board of Selectmen.
27. No Building Permit shall be issued until the Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above [1, 2, 3, 4, 5, 8, 12, 13 and 14], as specified by the Board, are complied with.
28. No Occupancy Permit shall be issued until certain items noted above [6, 7, 9, 15, 16, 17, 18, 25 and 26], as specified by the Board, are complied with.

DRAFT

29. This approval shall lapse if construction and substantial use thereof have not commenced except for good cause within two (2) years from the effective date of said approval.

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



DRAFT

Date: January 22, 2013

**SUDBURY BOARD OF SELECTMEN**

\_\_\_\_\_  
Lawrence W. O'Brien, Chairman

\_\_\_\_\_  
John C. Drobinski

\_\_\_\_\_  
Robert C. Haarde

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, ss

January 22, 2013

On this 22<sup>nd</sup> day of January, 2013, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Jody Kablack, Notary Public

My commission expires: January 6, 2017

cc: Town Clerk  
Board of Health  
DPW Director  
Building Inspector  
Planning and Community Development Department  
Town Counsel  
Fire Chief  
Police Chief  
Conservation Commission  
Sudbury Water District  
Applicant  
Shaun W. Briere, Attorney

# AGENDA REQUEST – Item #10

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *December 3, 2012*  
**Requestor:** *Salim Kassouf, manager*  
**Action requested:** *Approval of an All Alcoholic Beverages Package Store License for Kassouf Management, Inc., d/b/a Stony Brook Market*

---

**Financial impact expected:** *\$2,250 increase to the General Fund*

---

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

*BRING PRIOR MATERIALS and see attached photos which were shown at earlier hearing.*

---

**Recommendations/Suggested Motion/Vote:** *As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. ch.138, sec. 15, vote to approve an All Alcoholic Beverages Package Store License for Kassouf Management, Inc., Salim Kassouf, Manager, d/b/a Stony Brook Market, located at 29 Hudson Road, as requested in an application dated December 3, 2012, subject to receipt of all paperwork requirements of the Building Department, plus Board of Health and Fire Department inspections, said license to expire on December 31, 2013.*

---

**Person(s) expected to represent Requestor at Selectmen's Meeting:**  
*Salim Kassouf, Manager/applicant*

### Selectmen's Office Section

---

**Date of Selectmen's Meeting:** *January 22, 2013*

---

**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 )**



# STONY BROOK MARKET

BEER • WINE • CONVENIENCE

OPEN

PLEASE USE OTHER DOOR

*Budweiser*  
**BUD LIGHT**  
12 PACK CANS  
OR BOTTLES  
**\$11.99**

BECK'S

THE LOTTERY  
www.lottery.com























# AGENDA REQUEST - Item # 13

## BOARD OF SELECTMEN

### **Requestor's Section:**

**Date of request:** January 7, 2013

**Requestor:** Nancy McShea

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

#### CONSENT CALENDAR

Accept a \$250 donation from TJX Companies into the Park and Recreation Halloween 5K and Fun Run

**Financial impact expected:** Expendable funds into the Park & Rec accounts

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

See vote

### **Recommendations/Suggested Motion/Vote:**

Vote to accept a \$250 donation from TJX Companies to support the first Park and Recreation Halloween 5K and Fun Run, said funds to be expended under the direction of the Park and Recreation Director.

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

### **Selectmen's Office Section:**

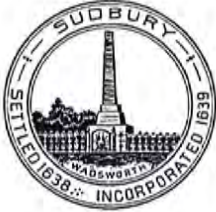
**Date of Selectmen's Meeting:** January 22, 2013

**Board's action taken:**

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

**Distribution:**

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



# Town of Sudbury

## Park & Recreation Department

Park and Recreation Department  
40 Fairbank Road  
Sudbury, MA 01776  
978-443-1092

*Argonshaw  
1/22/13*

McShean@sudbury.ma.us

### Memorandum

TO: Mary McCormick  
FROM: Nancy McShea  
RE: Halloween Fun Run  
DATE: January 7, 2013

To the Board of Selectmen:

Please accept the donation from TJX Companies for \$250. This donation was received to support the first Park and Recreation Halloween 5K and Fun Run.

This donation will be deposited into the Revolving 53 ½ Account. I have included a copy of the check.

Thank you,

Nancy McShea  
Parks & Recreation Director  
40 Fairbank Road  
Sudbury, MA 01776-1843  
978-639-3259

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2012 JAN 14 P 1:13

# AGENDA REQUEST - Item # 14

## BOARD OF SELECTMEN

### Requestor's Section:

Date of request: *January 8, 2013*

Requestor: *Robert C. Leupold, Health Director*

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

### CONSENT CALENDAR

*Approval to accept grant funds from Mass Dept. of Public Health, Region 4A, Emergency Preparedness Public Health Coalition*

Financial impact expected: *FY13 allotment is up to \$4,023.*

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

*Funds to be used for needed storage cabinets for emergency supplies, replacement of two outdated laptop computers and cell phone service for the department.*

Recommendations/Suggested Motion/Vote/Request:

*Vote to accept \$4,023 from the Mass. Dept. of Public Health's Preparedness Funds, which has occurred annually since 2004, said funds to be expended under the direction of the Health Director.*

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

### Selectmen's Office Section:

Date of Selectmen's Meeting: *January 22, 2013*

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)



INTERNATIONAL INSTITUTE OF GREATER LAWRENCE, INC.

125 Amesbury Street ♦ Lawrence, MA 01840-1317 ♦ Office - 978-687-0981 ♦ Fax - 978-975-4241

January 16, 2013

To: Bob Leupold

From: Luisa Santiago

Re: MDPH Region 4A, Public Health Emergency Preparedness Funds

This is to let you know that this year's Sudbury community allocation, out of PHEP funds, is \$4,023.00. This fiscal year will end on June 30, 2013. We have additional funds for mini-grants and for the inventory project.

Luisa Santiago  
Business Manager



# AGENDA REQUEST - Item # 15

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *January 16, 2013*

**Requestor:** *Mary McCormack*

**Action requested:** CONSENT CALENDAR

*Appointment of an applicant to the Sudbury Celebrates 375/Sudbury Day Committee*

**Financial impact expected:** *None*

**Background information:** *N/A -- consent calendar item*

**Recommendations/Suggested Motion/Vote:**

*Vote to appoint Kirsten Roopenian, 45 Harness Lane, to the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *January 22, 2013*

**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) Sudbury Celebrates 375/Sudbury Day Com.

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

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

Name: Kirsten Roopenian

Brief resume of background and experience:

Active in town for 20+ years.

Address: 45 Harness Lane

Home phone: 978 443 7630  
Work phone:

Years lived in Sudbury: 21

E-Mail Address: kdagne1@aol.com

Municipal experience (If applicable):

Selectman, SERF, HOPEsudbury, Strategic Plng, CPC, School Council, Sewer Committee

Educational background:

BA Political Science/History/Boston College

Employment and/or other pertinent experience:

Town of Sudbury - Plng. Office.

Reason for your interest in serving:

I have some great ideas I would like to share for this celebration, and would like to contribute towards making this a great celebration

Times when you would be available (days, evenings, weekends): flexible

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

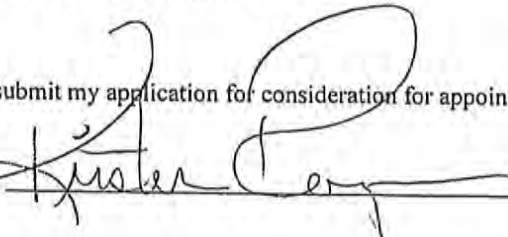
No. I am a part time employee of the Planning Office. (6 hrs)

kr (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



Date

1-16-13

# AGENDA REQUEST - #16

## BOARD OF SELECTMEN

### **Requestor's Section:**

**Date of request:** *January 15, 2013*

**Requestor:** *Jim Kelly*

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

*Approve extension for report deadline from January 31<sup>st</sup> to February 12<sup>th</sup> for the Fairbank Community Center Study Task Force*

**Financial impact expected:** N/A

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

*Attached memo from Jim Kelly*

### **Recommendations/Suggested Motion/Vote:**

*Vote to accept a memo from Jim Kelly, Combined Facilities Director, requesting an extension of the January 31st report deadline from the Fairbank Community Center Study Task Force to the Board's next meeting, February 12<sup>th</sup>.*

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

### **Selectmen's Office Section:**

**Date of Selectmen's Meeting:** *January 22, 2013*

**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 ( )**

**McCormack, Mary**

---

**Subject:** FW: Fairbank Roof Committee task force

---

**From:** Kelly, James  
**Sent:** Friday, January 18, 2013 4:53 PM  
**To:** McCormack, Mary  
**Subject:** Fairbank Roof Committee task force

The Fairbank roof committee met last night and will hold its final meeting on the 29<sup>th</sup>. Much progress has been made and we feel that there will be a report and recommendation prepared to submit to the BOS. However, it is important to hold that meeting before we commence with the report, as such we would like to request an extension of the January 31<sup>st</sup> deadline. The committee would like to present the report at the Selectmen's Feb. 12<sup>th</sup> meeting, so that they have the opportunity to meet on the 29<sup>th</sup> and have a week or so to prepare report.

We know our deadline was the 31<sup>st</sup>, and with respect we would like to request the extension.  
Thanks

Jim Kelly  
Facilities Director  
978-443-2209



# AGENDA REQUEST- ITEM #17

## BOARD OF SELECTMEN

### Requestor's Section:

Date of request: *January 15, 2013*

Requestor: *Town Manager Valente*

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

*Discussion concerning a staff memo on next steps for consideration of the Bruce Freeman Rail Trail*

Financial impact expected: *N/A*

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

*See the attached material*

### Recommendations/Suggested Motion/Vote:

*As needed based on the discussion and memo*

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

*Town Manager Valente*

### Selectmen's Office Section:

Date of Selectmen's Meeting: *January 22, 2013*

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

## Town Manager's Office

278 Old Sudbury Road  
Sudbury MA 01776  
978-639-3385

Maureen G. Valente, Town Manager

[Townmanager@town.sudbury.ma.us](mailto:Townmanager@town.sudbury.ma.us)

<http://www.town.sudbury.ma.us>

Date: January 18, 2013  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen*  
Subject: Bruce Freeman Rail Trail Concept Planning Next Steps  
CC: Jody Kablack, Bill Place, Debbie Dineen

In a memo dated October 24, the staff provided you with an update on the concept planning for the Rail Trail. This included a discussion of five options, with a recommendation that two of the options be dropped from further investigation and they meet with you to present the other three options to you.

I am respectfully asking if the Board would like me to schedule a meeting with the staff to present the options to you. We have copied again the memo that was sent to you.

Thank you.



# Town of Sudbury

## CONSERVATION

Wetlands • Conservation Land Management • Land Protection • Stormwater

275 Old Lancaster Rd.  
Sudbury, MA 01776  
978-443-2209 x1370  
Fax 978-443-6128

To: Sudbury Board of Selectmen  
Maureen Valente, Town Manager  
From: Jody Kablack  
Bill Place  
Debbie Dineen  
Date: October 24, 2012  
Re: Bruce Freeman Rail Trail Concept Planning Update

We are pleased to present to you an update on the concept planning for the proposed Bruce Freeman Rail Trail. Using the direction you provided at your August 15, 2012 meeting, we have looked at the following five options for the rail trail:

1. No build;
2. Build to AASHTO guidelines;
3. Segmenting the trail and developing bypasses;
4. Greenways; and,
5. Adding bike lanes to existing roads.

We have had two meetings with MassDOT to discuss, in general, the scope of deviation they would accept from the AASHTO guidelines in consideration of the above options. We will briefly discuss each option.

### Option #1 No Build

No build is always a possibility; however a recent Town Meeting Non-binding Resolution indicated that the voters wanted to see a rail trail constructed.

### Option #2 Building to AASHTO Guidelines

Building to AASHTO guidelines is incompatible with the current federal, state, and local bylaws (particularly stormwater and wetland permitting). The desire for the trail may not warrant the risk of environmental degradation (as indicated in the Town's studies would occur) if environmental regulations are waived.

We met on August 23, 2012 in Boston with the MassDOT planners, bike/pedestrian coordinator, and environmental and wetlands planning staff members. We discussed the specifics of the permitting challenges, especially in light of the Selectmen's criteria to have "the best trail for Sudbury" and apply all local bylaw requirements. The MassDOT participants all agreed that with Sudbury's site-specific natural resources, the local bylaws, the new EPA Phase II requirements, and the MA Stormwater Management Regulations, it does not appear that that a trail built to AASHTO guidelines is able to be accomplished and still meet these environmental protection permitting challenges. They suggested not holding the project to those standards.

Mr. Josh Lehman, MassDOT Planning Director, stated that Sudbury "raises compelling points" and that Sudbury might want to consider something other than a shared-use path. He further stated that MassDOT is primarily involved in developing transportation corridors that meet transportation needs, and that a greenway might be a better fit in the Sudbury environment. They suggested we meet with our local MassDOT District 3 Engineers in Worcester to discuss more details of the trail options.

### Option #3 Segmenting and Bypassing

On Sept. 27, 2012 we meet with four District 3 Engineers, led by Arthur Frost. Mr. Frost suggested Sudbury look at which sections of the rail trail we think might be able to be permitted to AASHTO standards and begin with those sections. Segmenting the trail development and moving sections out of the rail bed and onto walkways might be another option. All parties agreed that a trail which meanders off and on the rail bed might be difficult to facilitate, especially if it involves numerous roadway crossings. However; a walkway already exists on at least ½ the main route from Rt. 20 to Rt. 117. Walkways cost only 1/10<sup>th</sup> of the cost of a trail to AASHTO guidelines. This option could be further investigated.

We do not see the section of the BFRT from Rt. 117 to the Concord line as any less problematic, particularly environmentally, than any other section of the trail.

#### Option #4 Greenway

Greenways are trails with a recreation, rather than a transportation, main purpose. A greenway in Sudbury is very likely able to be permitted and will significantly reduce environmental impact and cost. Greenways can be multi-purpose and ADA-compliant.

MassDOT considers a greenway a recreational trail rather than a transportation trail. Although the Executive Office of Transportation (EOT) owns the corridor, a greenway is permitted, however the funding could not come through the state and federal funding sources typically used for rail trails. Funding might be available through the MA Dept. of Conservation and Recreation. CPA funding is the most likely source.

Mr. Frost and others concurred with the DOT Boston staff that a greenway might make the most sense in Sudbury. They explained that we would need a permit for construction of a greenway from the DOT Rail Unit. We would begin by removing the rails and ties and then grading the rail bed. There might be the ability to offset much of the cost by working with companies that might take the rails and ties and provide the re-grading in exchange.

#### Option #5 Bike Lanes on Existing Roads

In order to accommodate the bicycle enthusiasts, we talked briefly about constructing bike lanes on existing roads. It was determined that Sudbury's narrow roads cannot accommodate the 30' pavement width needed to design to MassDOT standards. This includes providing 11' travel lanes and 4' shoulders in each direction.

At this time we would like to present these options so we can move forward with further investigation of the Selectmen's preferences. We anticipate the next step to be developing the very specific pros and cons of each option that the Selectmen wish to have pursued. We see an opportunity for RTCAC input in the next phase of this concept plan development. We recommend that the No-Build option and the Road Widening for Bike Lanes options are not investigated further at this time.

We look forward to discussing this with you further in the near future.

attachments  
Cc: RTCAC



# AGENDA REQUEST - Item #18

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *January 16, 2013*

**Requestor:** *Maureen Valente*

**Action requested:**

*Appointment of a designee to the Massachusetts Municipal Association (MMA) business meeting on Saturday, January 26, 2013.*

**Financial impact expected:** *None*

**Background information:** *See attached*

**Recommendations/Suggested Motion/Vote:**

*Vote to appoint the Town Manager or her designee to vote at the Massachusetts Municipal Association (MMA) business meeting on Saturday, January 26, 2013.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *January 22, 2013*

**Board's action taken:**

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

**Distribution:**

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

**A****MEMORANDUM**

To: MMA Members  
From: The MMA's Policy Committee on Public Works, Transportation and Public Utilities  
Re: Resolution Calling for Solutions to the Transportation Finance Crisis  
Date: January 2013

---

Simply put, Massachusetts is facing a transportation crisis that threatens economic growth and the safety and quality of life of residents.

In a landmark 2007 paper, the Massachusetts Transportation Finance Commission reported that the roads, bridges and transit systems across the state were in broad decline and that transportation agencies were running deficits and using short-term solutions that hide "systemic financial problems." According to the commission, a conservative view is that there is a shortfall of almost \$20 billion over the next two decades between available resources and the expected cost of maintaining the current transportation infrastructure.

The picture is no brighter at the national level. The federal highway transportation program has been operating on intermittent and short-term extensions for a number of years, leaving states wondering about possible cuts in federal payments and how to prepare long-term plans in such uncertain conditions.

One of the most important agenda items expected in this year's legislative session is the debate and approval of a major bill to overhaul the state's system of transportation finance, including programs that impact local government. The MMA staff and Board of Directors have been preparing for this debate on finance and reform by educating public officials and the general public about the extent of the problem and the consequences of inaction. Adequate and timely funding for the Chapter 90 local road and bridge program is a top priority for local officials.

For decades, the Chapter 90 program has provided a share of state gas tax collections to each of the 351 cities and towns to help pay for the construction and maintenance of almost 30,000 miles of local roads. Unfortunately, Chapter 90 allocations have not kept pace with local needs, a trend that has been clear since the 2001 economic recession, when yearly allocations dropped to \$100 million after averaging more than \$150 million during the late 1990s. For the past two years, the annual Chapter 90 allocation has increased from \$150 million to \$200 million.

This fall and winter, the MMA conducted a survey that asked cities and towns what was needed locally to maintain roads in a "state of good repair," the working standard for long-term road programs. The survey found a massive gap between Chapter 90 allocations and the local "good repair" amount, a gap that could only partially be filled using scarce local property tax dollars, if at all. The survey found that maintaining a "state of good repair" would cost cities and towns more than half a billion dollars annually. Based on the survey results, and results from a similar MMA survey in 2010, the MMA's Policy Committee on Public Works, Transportation and Public Utilities is recommending in this resolution that MMA members support a long-term Chapter 90 authorization in the anticipated transportation finance bill of at least five years and annual distributions of at least \$300 million, a \$100 million-a-year increase over the current amount. The resolution also calls on state and federal officials to work cooperatively on solutions to the transportation finance crisis. Now is the time to tackle this issue.

Because it is unlikely that a major transportation bill could be enacted early in the new legislative session, the committee is also recommending in the resolution that members support a preliminary "stand-alone" Chapter 90 bill for fiscal 2014 that would be submitted by the Governor in January 2013 and enacted by the Legislature in sufficient time for the customary release of Chapter 90 allocation amounts by April 1.

Over the past year, MMA members have worked side-by-side with state officials and other stakeholders, participating in summits, forums, listening sessions, and focus groups throughout the state to educate business owners, residents, and legislators on the importance of investing in our infrastructure and how the lack of investment impacts us locally. Municipal officials highlighted the fact that cities and towns are responsible for the construction and maintenance of the great majority of roads and streets in Massachusetts and must have the adequate resources to provide for

[CONTINUED]



# MEMORANDUM [CONTINUED]

To: MMA Members  
From: The MMA's Policy Committee on Public Works, Transportation and Public Utilities  
Re: Resolution Calling for Solutions to the Transportation Finance Crisis  
Date: January 2013

---

these road systems. MMA members also worked with our congressional delegation and national organizations such as the National League of Cities to advocate for reauthorization of a long-term federal transportation-funding act.

The Commonwealth has led the nation in universal health care coverage, municipal health-care reform, and renewable energy legislation, and now it is time to lead the nation in setting the standard for investment in transportation infrastructure. The federal government and the Commonwealth of Massachusetts can no longer kick the can down the road. Massachusetts, once again, must show the nation how to solve problems cooperatively and productively.

The resolution before you reflects these key priorities and calls for action by state and federal leaders to provide the resources, support and partnership that is necessary to solve the transportation finance crisis in a way that will meet local needs, invest in our infrastructure, and build a stronger economy.

# **D** MASSACHUSETTS MUNICIPAL ASSOCIATION

## **Resolution Supporting a Local-State-Federal Partnership to Protect the Environment**

**Whereas**, the cities and towns of Massachusetts are national leaders as environmental stewards, embracing renewable energy technology, protecting and preserving land and natural resources, and providing safe, clean and affordable drinking water, wastewater and stormwater management systems; and

**Whereas**, thanks in great part to the leadership of cities and towns, Massachusetts is now ranked number one in the nation in energy efficiency and ranked second for solar energy generation; and

**Whereas**, more than 100 municipalities have become Green Communities and 340 municipalities host renewable facilities, producing more than 220 megawatts of power, a 50-fold increase in the past five years, with a greater increase in 2011 than ever in the history of Massachusetts; and

**Whereas**, the dramatic increase in locally based and locally supported renewable energy facilities has occurred under existing property tax laws that enable cities and towns to appropriately collect revenues from private developers and protect the interests of local taxpayers; and

**Whereas**, communities, working with the residents, nonprofit institutions, land trusts and state agencies, have protected more than 1 million acres of open space, surpassing developed land for the first time in Massachusetts history; and

**Whereas**, during this past legislative session, Massachusetts cities and towns led the fight to pass legislation to limit nutrients in fertilizers, to enhance the Community Preservation Act, and to update the Green Communities Act so that Massachusetts can continue to lead the nation in protecting our environment; and

**Whereas**, in spite of this demonstrated progress, the federal government has imposed additional costly environmental regulatory requirements, based on incomplete scientific analysis and review, on the cities and towns of Massachusetts without any additional appropriations; and

**Whereas**, the federal fiscal 2012 budget cut approximately \$100 million from Clean Water and Safe Drinking Water Act appropriations, and the fiscal 2013 House Interior Committee proposal would impose a further 40 percent cut of \$866 million, which would threaten our residents' access to clean water and add to the already significant backlog of safe drinking water infrastructure projects and imperil the proven job creation that these investments would bring; and

**Whereas**, the Massachusetts Water Infrastructure Finance Commission has estimated a \$20.4 billion gap needed for water and wastewater infrastructure over the next 20 years, in addition to an \$18 billion deficit to meet proposed federal stormwater regulations; and

**Whereas**, the cities and towns of Massachusetts cannot continue to absorb these and additional unfunded mandates and the corresponding workload imposed by the Commonwealth of Massachusetts and the federal government without reimbursement or relief, as these state and federal unfunded mandates undermine the ability of municipal officials to adequately safeguard the environment and maintain current services and programs;

[CONTINUED]



## **D** Resolution Supporting a Local-State-Federal Partnership to Protect the Environment [CONTINUED]

### **Therefore, it is hereby resolved by the members of the Massachusetts Municipal Association as follows:**

- The state Legislature, the Governor, the Commonwealth's administrative agencies, the U.S. Congress, the President, and federal agencies must commit to a cooperative partnership with municipalities and should reject all proposals and policies that would undermine this partnership, either by imposing unfunded mandates or preempting municipal taxing authority in any way; and
- The state Legislature should pass legislation requiring the Executive Branch and the Legislature to provide a fiscal note as part of any proposal in order to clearly explain the benefits and costs imposed on municipal government and local taxpayers as a result of such legislation or regulation, including staff necessary to administer or implement said legislation or regulation and the benefits to be derived through such expenditure; and
- In the event there is a cost identified in a fiscal note, the Legislature or executive agency should refrain from enacting any legislative proposal or regulation until such time as an appropriation matching that amount is provided both initially and annually thereafter, or the enacted or promulgated proposal shall cease to have authority; and
- The Governor and the Legislature should approve a multi-year environmental bond bill to fund water, wastewater and stormwater infrastructure improvements and grant authority to cities and towns to establish drinking water, stormwater and sewer infrastructure banks to build, repair, and maintain water-related infrastructure systems; and
- With more than 3,000 dams in Massachusetts, most in disrepair, causing untold environmental damage, the state must pass dam removal and repair legislation to restore our fish and aquatic habitat, assist communities as they seek to protect the health and safety of their residents, and reduce the costs of complying with the federal phosphorus reduction mandates; and
- The Administration should immediately allocate the \$25 million Drinking Water Quality Act Authorization as passed in the 2008 Massachusetts Environmental Bond Act; and
- The U.S. Congress and the President should, at a minimum, restore funding for the Drinking Water and Clean Water state revolving fund programs to the fiscal 2010 level of \$1.38 billion and \$2.1 billion, respectively, in the fiscal 2013 Interior Appropriations Bill; and

**Be it further resolved** that a copy of this resolution shall be presented to the Governor, the members of the Massachusetts Legislature, the members of the Massachusetts Congressional Delegation, and the President of the United States on behalf of the cities and towns of the Commonwealth.

# AGENDA REQUEST - Item # 19

## BOARD OF SELECTMEN

### **Requestor's Section:**

**Date of request:** 1/15/13

**Requestor:** DPW Director

**Action requested (Who, what, when, where and why):** See vote below to accept walkway easement reviewed by Town Counsel's Office.

**Financial impact expected:** None

**Background information:**

### **Recommendations/Suggested Motion/Vote:**

Vote: To accept the Walkway Easement, dated 1/14/13, granted by William F. Curley, III, Successor Trustee of the Green Meadow Realty Trust on property located at 460 Dutton Road, , shown as "Proposed 15 Foot Wide Walkway Easement, Area +/- 2,392 S.F." on "Walkway Easement Plan Dutton Road, Sudbury, Massachusetts" dated November 8, 2012, and drawn by Lakeview Engineering Associations.

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

### **Selectmen's Office Section:**

**Date of Selectmen's Meeting:** Jan. 22, 2013

**Board's action taken:**

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

Return signed documents to Town Counsel for recording in the Middlesex South District Registry of Deeds.

**Future Agenda date (if applicable):**

**Distribution:**

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

## WALKWAY EASEMENT

I, William F. Curley, III, Successor Trustee of the Green Meadow Realty Trust u/d/t dated June 11, 2001, recorded in Middlesex South District Registry of Deeds at Book 33045, Page 144 and Book 56906 Page 533, with the address of 154 Spring St., Marion, MA 02738, Massachusetts, for nominal consideration paid, the receipt of which is hereby acknowledged, grants to the TOWN OF SUDBURY, a municipal corporation located in Middlesex County, Massachusetts, with the address: Town Hall, 322 Concord Road, Sudbury, Massachusetts, with QUITCLAIM COVENANTS, the right and easement to construct, reconstruct, maintain and use a walkway and sidewalk, for all purposes for which walkways and sidewalks are customarily used in the Town of Sudbury, including recreational use, over, across and through the property owned by the Grantor as shown on Assessor's Map H05 Parcel 0020 and located on the eastern side of Dutton Road, with said easement being described as "Proposed 15 Foot Wide Walkway Easement, Area - +/-2,392 S.F.

Shown on a plan entitled "Walkway Easement Plan Dutton Road, Sudbury, Massachusetts", dated November 8, 2012, and drawn by Lakeview Engineering Associates, P.O. Box 787, Hudson, MA, the original of which is recorded herewith as Plan No. \_\_\_\_\_ of 2013, with the right and easement shown on said plan together with the exact measurements and boundaries of said easement.

For Grantors title see:

Executor's Deed dated September 7, 2012, and recorded with the Middlesex South Registry of Deeds in Book 60211, Page 489.

The consideration for this deed is less than \$100 and therefore no excise tax stamps are required by law.

Witness their hand(s) and seal this 14<sup>th</sup> day of January, 2013.

William F. Curley III