

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 10, 1997

Present: Chairman Lawrence L. Blacker and Selectmen Maryann K. Clark and John C. Drobinski.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:34 p.m. at the Sudbury Town Hall.

Overhead Utility Waiver Request - Concord Road

Present: Chris Blanchette and Bob Howard, Vintage Restorations, applicant, and others.

The Board was in receipt of a communication, dated February 6, 1997, from Chris Blanchette, Vintage Restorations, requesting a waiver under Bylaw Art. XX.3.E to allow an overhead utility line. More specifically, such is requested to upgrade electrical service at a barn located at the corner of Concord Road and Thompson Drive, owned by Bob Stein, 7 Thompson Road.

Mr. Blanchette stated that he works for Vintage Restorations that restores old barns and post and beam buildings. He said that he is currently involved in a project repairing an old barn at the corner of Concord Road and Thompson Drive that had been damaged by snow loads last winter. He said that the owner is considering using the space for an office and requests a waiver to allow an overhead wire to cross Concord Road for electrical service. Mr. Blanchette stated that the barn had previously been served by an overhead utility crossing Concord Road and that such had also been knocked out by last winter's storms.

Chairman Blacker noted that the residence on the property is serviced by underground electrical and asked why the barn could not be serviced underground from that same utility box.

Mr. Blanchette responded that such would involve tearing up sidewalk and a sprinkler system. He also stated that the side of the barn warrants its own electrical service.

Selectman Drobinski asked if the utility pole noted in the plan presented was pre-existing.

Mr. Blanchette said that there is a pre-existing utility pole across Concord Road from the subject property. He also stated that the main house originally associated with the barn has overhead electrical service from Concord Road.

Selectman Drobinski inquired if the service could be provided by boring under Concord Road.

Mr. Blanchette responded that he had not looked into that possibility, but believed that an overhead would provide the least expensive service connection.

Chairman Blacker stated that generally these waiver requests are routinely granted, but in this case since the residence associated with the barn has underground the Town prefers that all service to the property be underground. However, he noted that this case provide a unique set of facts in that the barn had been previously serviced by an overhead and the owner was merely replacing such service. Given the

preference for underground and the aesthetics involved, Chairman Blacker asked Mr. Blanchette to still consider boring if such proved to be inexpensive despite the Board's determination to grant the waiver.

Mr. Blanchette agreed and stated that he would let the Board know the costs of boring.

It was on motion unanimously

VOTED: To approve the waiver request, dated February 6, 1997, of Christopher Blanchette, made under Bylaw Art. XX.3.E., and to permit an overhead utility line at Concord Road and Thompson Drive to a barn owned by Robert Stein, 7 Thompson Drive.

#### Conservation Commission - Confirmation of Appointments

Present: Richard Bell and others. Deborah Howell arrived later in the evening, after the confirmation decision.

The Board was in receipt of applications from Richard Bell and Deborah Howell for appointment to the Conservation Commission. Mr. Bell had previously served on the Commission from 1978-1986 and is presently a consulting physicist. Ms. Howell recently moved to Sudbury and has degrees in Chemical Engineering and Environmental Sciences. Her prior employment was with RETEC, ERM and ENSR and current employment is with Remediation Technologies, Inc.

Town Manager Ledoux stated that he had interviewed five candidates for the Conservation Commission and that he had determined to appoint Mr. Bell and Ms. Howell. He said that Ms. Howell would be arriving later because she was traveling from Vermont. Town Manager Ledoux requested the Board's confirmation of these appointments.

Chairman Blacker stated that he had no questions and that both applicants appeared to be well-qualified for the Commission.

Selectman Drobinski stated that he knew Ms. Howell from her work at ERM and that she would be an asset to the Commission.

It was on motion unanimously

VOTED: To confirm the appointments of Richard Bell, 24 Austin Road, and Deborah Howell, 123 Victoria Road, by the Town Manager to the Conservation Commission for the unexpired vacant terms.

#### Land Bank Petition Article for Annual Town Meeting

Present: Sigrid Pickering, 17 Peakham Circle; Daniel Loughlin, Director of Assessing; and others.

The Board was in receipt of a petition article entitled "A Land Bank Bill for Sudbury, Petition Legislature for Establishment of a Land-Transfer Fee" signed by 28 townspeople; a draft land-bank bill for Sudbury; and a summary of the proposed legislation. The bill would establish a one per cent fee paid on most real property sales in the Township with the 1% fee applied to that portion of the purchase price

exceeding \$100,000. Such fees would provide a steady source of revenue to purchase parcels to maintain the Town's natural resources, open space, and rural character.

Sigrid Pickering explained that during the course of her involvement in compiling an inventory of open space within the Town, she came to realize that a land bank would help to preserve existing open space. She stated that the Town is developing at an alarming rate. She stated that currently 40 other communities have similar legislation pending. She opined that property values are not affected. She said that the proposed bill was intended to be as simple as possible and that those offering the petition article are flexible; for example, the 1% fee could be increased or decreased. She requested comments and support from the Board. She also said that Daniel Loughlin, Director of Assessing, was present to answer questions.

Chairman Blacker stated that he was generally in favor of the concept. He said that he could foresee problems with Section Eight in that it requires payment of the fee to the Town Treasurer prior to closing and that in some cases, although perhaps rare, closings fall through. He suggested that payment be made 30 days after closing. Chairman Blacker also predicted resistance from the Middlesex County Registrar of Deeds in that additional documents are required to be filed and recorded.

Selectman Clark expressed her positive experience at the Martha's Vineyard Land Bank Office, with the deed, affidavit, and fee sent to them after the closing; they stamp the deed, which is then acceptable for recording at the Registry of Deeds. Sudbury's Town Treasurer acts as the Land Bank Office, receives the fee and the affidavit and stamps the deed, making it acceptable for recording at the Middlesex Registry of Deeds. No further documents need to be recorded.

Selectman Drobinski stated that he thought it was a great idea.

Mr. Loughlin said that a public meeting on the article is scheduled for March 19, 1997, and that an informational flyer is going to be mailed to the Town residents just before the Annual Town Meeting. He asked for the Board's endorsement of the article so that such might be included in the flyer.

Chairman Blacker responded that he first desired to review a final draft of the proposed legislation. He assured Mr. Loughlin that the Board would act expeditiously so that any endorsement by the Board might be included in the flyer.

Site Plan Special Permit Application SP97-333 - Theodore Pasquarello, Trustee, Paris Realty Trust - Boston Post Road

Present: Theodore Pasquarello, Trustee, Paris Realty Trust, applicant; Fred King, Schofield Brothers of New England, Inc., Professional Engineers and Land Surveyors; and others.

At 8:00 p.m., the Board convened a public hearing on Site Plan Special Permit Application SP97-333 to convert existing theatre to office and warehouse; reduce height of building from 35 feet to 22 feet; increase footprint to the west by approximately 15 feet; alter east and west building elevations; and revise parking layout, on property located at 490 Boston Post Road, owned by Paris Realty Trust, zoned Limited Industrial District 1.

Notice of the Public Hearing was duly posted, and advertised in the *Sudbury Town Crier* on January 23 and 30, 1997. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. Communication, dated February 7, 1997, from Jan Silva, Administrative Assistant to the Board, noting that the Design Review Board would be meeting the following week on the revised plan, which had not been received until February 5, 1997.
2. Communication, dated February 5, 1997, from Carmine L. Gentile, Chairman, Planning Board, noting that on February 4, 1997, the Planning Board had voted to recommend this site plan with the following conditions: (1) determination by Town Counsel if a Water Resource Protection District Special Permit is needed; (2) determination by Zoning Enforcement Officer that the plan complies with parking regulations; and (3) that the plan show calculations for total acreage, open space and impervious surface.
3. Communication, dated February 6, 1997, from R. C. Leupold, Health Director, noting that the proposed conversion from a theatre to an office warehouse would result in less sewage design flow and therefore, approval is recommended.
4. Communication, dated February 6, 1997, from Michael C. Dunne, Fire Chief, noting no objections to the proposed conversion.
5. Communication, dated February 6, 1997, from John B. Hepting, Inspector of Buildings, noting the following: (1) total acreage, impervious surface and zoning district should be added to the plan; (2) only 100 parking spaces are shown on the plan (2 lines shown as 15 spaces are actually 14) whereas the calculations indicate that 108 are required; and (3) signature blocks should be provided for the Town Engineer, Building Inspector, and Board of Selectmen.
6. Communication, dated February 10, 1997, from I. William Place, Town Engineer, noting the following: (1) the existing catch basin should be installed with gas and oil traps, Lebaron Type L219 and (2) the loading bay should be limited to vehicles having a 20 foot wheel base or less.
7. Revised site plan prepared by Schofield Brothers of New England, Inc., consisting of two pages, stamped by Richard H. McKeown, State registered Land Surveyor, dated February 3, 1997, and architectural drawing prepared by Margulies & Associates, dated December 16, 1996.

Theodore Pasquarello stated that the site plan proposes the conversion of the 12,000 square foot Chiswick Theatre into office and warehouse space. He stated that he had already obtained the approval of the Planning Board.

Selectman Clark asked about the percentage of impervious surface.

Mr. Pasquarello responded that it is 15% of the entire site, per the prior site plan issued in 1989, and that the proposed conversion does not add any additional impervious surface. He stated that the

proposal merely changes the use of existing space. He said that a paved parking area already exists that would be utilized for the expansion. He stated that, based on current and anticipated future use, he does not believe that the required additional 16 parking spaces will be needed. For that reason, he requests that an area for those spaces be reserved, but asks to be relieved of paving it at this time.

Chairman Blacker expressed agreement.

Mr. Pasquarello showed the Board on the proposed site plan where the 16 parking spaces had been set aside and assured the Board, if utilized in the future, their placement would not obstruct emergency vehicle access.

Selectman Clark inquired about the possibility of the using the railway spur for warehouse shipments.

Mr. Pasquarello stated that he had considered such, but was told that the railway plans to shut down in a couple of years and, in any event, the planned warehouse would have only been able to use the rail for shipments a couple of times a year.

Selectman Clark asked about the landscaping plan and Mr. Pasquarello showed her the planting design set forth on the site plan which incorporates four Bradford Pears and other plant material.

Selectman Drobinski stated that he had no questions and only wished to express his sadness that the theatre was unable to survive. Chairman Blacker and Selectman Clark concurred.

Chairman Blacker inquired of Mr. Pasquarello if he had any problem with adhering to the following terms: placement of all utilities underground; approval of signs under the pertinent zoning bylaw; exterior lighting to be directed away from residences and to have shields; no use of salt or chemical de-icers on site; installation of one or more monitor wells, and inclusion of gas and oil traps in catch basins.

Mr. Pasquarello stated that he had no problem meeting these terms.

Chairman Blacker moved to approve the site plan with the condition that an area for the additionally required 16 parking spaces be reserved, but not paved since it appears that such additional parking is not needed.

Selectman Drobinski seconded the motion and it was unanimously

VOTED: To approve Site Plan Special Permit Application SP97-333 of Theodore Pasquarello, Trustee, Paris Realty Trust, to convert existing theatre to office and warehouse; reduce height of building from 35 feet to 22 feet; increase footprint to the west by approximately 15 feet; alter east and west building elevations; and revise parking layout, including reserving an area for 16 additional parking spaces, but relieving the applicant from paving such at this time as it appears that the additional spaces will not be needed, on property located at 490 Boston Post Road, owned by Paris Realty Trust, zoned Limited Industrial District 1; and it was further

VOTED: To continue the hearing until the next scheduled Board meeting on February 24, 1997, at 7:00 p.m. in the library at the Lincoln-Sudbury Regional High School, at which time the Board would execute a written decision incorporating the conditions and terms discussed this evening.

Mr. Pasquarello was advised that his presence would not be required.

Chairman Blacker directed the Town Manager to prepare an appropriate written decision approving the site plan and eliminating the usual boilerplate provisions that do not apply in this instance.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of January 27, 1997, as amended.

#### Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$81.56 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

#### Donation - Ambulance Gift Account

It was on motion unanimously

VOTED: To accept a donation in the amount of \$50.00 from Jeanne Flink, 39 Willard Grant Road, to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief.

#### Approval of Increase in Ambulance Fees

The Board was in receipt of a communication, dated January 23, 1997, from Michael C. Dunne, Fire Chief, reporting that the 1997 rates for Medicare have been released and requesting that ambulance fees be increased accordingly.

It was on motion unanimously

VOTED: To increase ambulance fees to the Medicare Maximum Allowable Rates for 1997.

#### Edwin Barrett Hosmer Memorial Fund - Expenditure

Upon request, it was on motion unanimously

VOTED: To approve the expenditure of \$820 from the Edwin Barrett Hosmer Memorial Fund to pay for printing the "Old Homes Survey", copies of which will be sold to generate revenue to the Fund.

Conservation Commission - Acceptance of Resignation

It was on motion unanimously

VOTED: To accept with regret the resignation of Cheryl J. Baggen, dated January 26, 1997, from the Conservation Commission, and to request that a letter of appreciation be sent to Ms. Baggen for her valuable service to the Town.

Board of Appeals - Appointment

Upon request, it was unanimously

VOTED: To appoint associate member, Andrew J. Fay, 30 Philemon Whale Lane, to the full Board of Appeals for a term to expire April 30, 2000, replacing Lawrence Shluger.

Cable Television Committee - Appointment

Upon request, it was unanimously

VOTED: To appoint Daniel D. Rosen to the Cable Television Committee for a term to expire April 30, 1998.

Utility Petition 97-1 - Boston Post Road at Concord Road

Upon request of Boston Edison Company and New England Telephone and Telegraph Company for relocation of one pole on Concord Road at the intersection of Boston Post Road (Rte. 20) to accommodate intersection improvement, it was unanimously

VOTED: To approve Utility Petition 97-1 of Boston Edison Company and New England Telephone and Telegraph Company for permission to relocate one pole to accommodate intersection improvement; more specifically, to locate one pole at Concord Road, westerly side, approximately 35 feet north of Boston Post Road, and to remove the existing pole, as shown on Boston Edison Plan entitled "Plan of Concord Rd., Showing Pole Relocation", dated November 29, 1996.

1997 Annual Town Meeting

Articles and Ordering

It was on motion unanimously

VOTED: To accept the petition articles received since the last Board Meeting, that is, the following articles: Land Bank; Residency Requirement; Open Space; Sudbury School Budget Supplement; and Schools Quality Initiatives and to amend STM Article 8, Walkways.

It was on motion unanimously

VOTED: To withdraw the article concerning the withdrawal of Carlisle from the Minuteman School District.

It was on motion unanimously

VOTED: To order the articles as previously proposed with the Powder Mill Road Walkway Program repositioned as number 22, and the Sudbury School Budget Supplement and School Quality Initiatives, numbers 23 and 24, respectively, and with the Land Bank, Residency, and Open Space articles placed in that order at the end of the warrant, and to re-number the warrant as necessitated by the withdrawal of the Carlisle article, which had been number 31 and by the inclusion of above-noted new school articles numbers 23 and 24.

It was on motion unanimously

VOTED: To place the Kaplan Conservation Restriction, currently article number 52, on the consent calendar.

#### Enterprise Fund Budgets

The Board was in receipt of FY98 Budgets for the Pool Enterprise Fund and the Landfill Enterprise Fund prepared by the Town Manager. Town Manager Ledoux reported that the Pool Enterprise Budget has no problems and is in good order, however, he recommended that the Board continue its consideration of the Landfill Enterprise Budget. He said that the Finance Committee recommends that the Landfill Enterprise Budget be eliminated and that either the Town establish Town-wide curbside pickup or do nothing. Town Manager Ledoux stated that if the transfer station were operated by private haulers, the Town would save approximately \$100,000, but it is difficult to predict if a resulting reduction in sticker price will increase consumer demand. He stated that the RFP specifications are ready for the Town-wide curbside pickup and the Town's cost, due to the number of households, will be in excess of \$1,000,000. The cost per household, however, will be less than current individual contracts or transfer stickers. Due to the costs, Town Manager Ledoux said that it will be necessary to proceed with a Proposition 2 1/2 override. In order to consider these various matters further, Town Manager Ledoux requested that the Board postpone its consideration of the Landfill Enterprise Budget.

Chairman Blacker expressed his agreement and related that the Board would be available, if needed, to consider this issue prior to its next regularly schedule meeting on February 24, 1997.

It was on motion unanimously

VOTED: To recommend the FY98 Pool Enterprise Fund Budget to the Annual Town Meeting in accord with Chapter 306 of the Acts of 1986 at \$325,885, to be offset in total by projected receipts; and it was further



VOTED: To continue consideration of the FY98 Landfill Enterprise Fund Budget.

Designation of Speakers for Articles

Selectman Clark requested the speaker's role on the Land Bank article and the Board concurred. Regarding the other articles, Selectman Clark suggested that the Board consider a liaison list.

Chairman Blacker agreed and directed Board staff to prepare a liaison speaker list for the various articles and further suggested that the Board, after reviewing such, make its final determinations at its next regularly scheduled meeting on February 24, 1997. The Board concurred.

Article Positions to be Printed in the Warrant

Chairman Blacker asked if any Selectmen had problems with any of the articles proposed.

Selectman Clark noted that she had problems with the articles pertaining to the Rogers Theatre, Flynn Building, and Senior Residential Community.

Chairman Blacker expressed the need to have unanimous support of the Selectmen's capital items to ensure the best chance of passage. He asked Selectman Clark what concerns she had regarding the Flynn Building.

Selectman Clark stated that she had problems proceeding with the renovation if the Town Employees Credit Union will be permitted to continue to occupy rent-free space.

Chairman Blacker suggested that at the Special Town Meeting that the Board make the following statement: "The Town needs a capital plan. All of the various capital projects are presented. None of the items are frivolous. It is up to the townspeople to determine the capital plan for the Town."

The Board concurred and further concurred to continue discussion of the Board's position on the articles for the ATM at its next regularly scheduled meeting on February 24, 1997.

Special Permit - Annual Sudbury Spring Sprint Triathlon

Upon request, it was unanimously

VOTED: To grant permission for the Annual Sudbury Spring Triathlon, a swim/bike/foot race event on Sunday, May 4, 1997, utilizing the loop of Fairbank Road, Maynard Road, and Hudson Road for a bicycle race and the loop of Fairbank Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a foot race, beginning and ending at the Town Pool, as approved by the Police Department and subject to provision of a paid police detail as required by the Police Department.

Town Counsel

Town Manager Ledoux reported that under the Legal Affairs Bylaw the Selectmen are required every three years to request proposals from legal service providers for the position of Town Counsel and

suggested that such should be put out for bid. He noted that although a RFP issued nearly two years ago, such was not acted on due to the search for the Town Manager.

The Board agreed and asked the Town Manager to act as the preliminary screening committee.

#### Town Accountant Position

Town Manager Ledoux reported that the leading candidate for the Town Accountant position, Ruth Lewis, had been given a significant raise at her current position in Arlington and the Town is unable to offer her sufficient salary/benefit inducements to consider the position in Sudbury. For this reason, the Town Manager explained that he planned to proceed with resolving the Finance Director position first. He noted that the two strongest candidates were not willing to be solely the Accountant. He stated that once the Finance Director is chosen, then the Accountant issue can be resolved.

#### Budget

Town Manager Ledoux reported that the Finance Committee had met on February 8 to establish a budget. He said that the Committee was attempting to factor into the process some allowance for growth and it looked as if the Town service operating budget would be \$8.49 million. He said that the Committee had recommended the school department budget request for K-8, but had reduced the L-S request by \$100,000.

Selectman Drobinski expressed his disapproval. He stated that all Town departments should be treated equally and that one department should not be singled out for a cut.

#### Site Plan Special Permit Application SP97-332 - Sudbury Valley Trustees, Inc. - Dutton Road

Present: Executive Director Stephen Johnson, Associate Director Whitney Beals, Director Rich Davison, and Steward for Federation of Women's Clubs' land David Burke, Sudbury Valley Trustees, Inc., (hereinafter referred to as SVT); Bruce R. Thomas, Landscape Architect, Schofield Brothers of New England on behalf of SVT; Stephen Meyer, Conservation Commission Chairman and SVT Director; Deborah Dineen, Conservation Coordinator; Kevin Shea, 232 Dutton Road; Sudhir Murthy, P.E., Louis Berger & Associates, Inc., 75 Second Avenue, Suite 700, Needham, MA 02194, on behalf of Kevin Shea; and others.

At 8:45 p.m., the Board convened a public hearing on Site Plan Special Permit Application SP97-332, from Sudbury Valley Trustees, Inc., to construct an eight-car parking lot on property located at 245 Dutton Road, owned by General Federation of Women's Clubs of Mass., Inc., zoned Residential District C-1.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on January 23 and January 30, 1997. Parties of interest, being abutters within 300 feet according to the assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlborough, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. Communications, dated January 9 and January 17, 1997, from I. William Place, Town Engineer, noting that (1) the proximity of vegetated wetland requires the filing of a Request for Determination of Applicability with the Sudbury Conservation Commission; (2) eight parking spaces were being requested as such number had been negotiated between the SVT and the Women's Federation, when in Town Engineer's view the number is excessive compared with use at other Town parking lots accessing conservation land which have no more than 1-2 cars per day; (3) the stopping site distance is adequate for a design speed of 30 mph; (4) other locations have been explored and that the Women's Federation is adamant that no parking shall occur along its access driveway; (5) policing of the parking lot is to be the responsibility of the SVT who have hired a ranger; (6) if the Women's Federation decides to sell their land, the SVT has the right of first refusal and thus abandonment of the parking lot seems unlikely.
2. Communication, dated January 28, 1997, from Jody Kablack, Town Planner, stating that the Planning Board voted to recommend approval of the site plan and applauds the efforts of the conservation groups involved in providing for public access to this and other adjacent properties. The Planning Board requests the Selectmen to consider these concerns: (1) Overflow parking on Dutton Road may pose a safety problem and the Board should determine whether such should be permitted. If prohibited, no parking should be strictly enforced. (2) The Town Engineer should be requested to report whether additional clearing is needed to increase site distances at the access opening. (3) SVT has agreed to reduce the width of the access drive to an acceptable width established by the Town Engineer. (4) Neighbors have requested additional screening in front of the parking area and the Planning Board believes that transplanting white pines from the site will be most effective with the least maintenance. (5) To increase safety, the Board may wish to consider signage along Dutton Road to warn cars of the driveway entrance.
3. Communication, dated January 29, 1997, from Ronald B. Conrado, Safety Officer, reporting that the proposed parking lot will have minimal impact on traffic. He opines that the safety issues raised are without foundation as data collected by the Police Department does not reflect a problem in this area.
4. Communication, dated January 31, 1997, from John B. Hepting, Inspector of Buildings, noting that the site plan satisfies the requirements of the Town Zoning Bylaw with the exception that the proposed parking spaces are 9' x 18' when the bylaw requires 9' x 18.5'.
5. Data, from the Sudbury Police Department, dated February 5, 1997, and including all police contacts regarding automobile accidents, from January 1, 1991 - December 31, 1996, on Dutton Road between residence numbers 51 and 429.
6. Communications, dated November 12, 1996, December 2, 1996, January 10, 1997, January 15, 1997, January 28, 1997 and one undated, from Kevin Shea, 232 Dutton Road, including a petition signed by some 54 Town residents raising concerns and objections to the proposed parking area. Moreover, Mr. Shea notes various safety and environmental concerns. He states that the proposed location is the most accident prone stretch of Dutton Road and has engaged Louis Berger & Associates, Inc., an engineering and consulting firm to conduct a safety analysis of the proposed project and enclosed a draft analysis conducted by such firm.

7. Communication, dated January 29, 1997, from Stephen Johnson, Executive Director, SVT, clarifying that the Federation of Women's Clubs will not permit its existing access road and parking area for unsupervised use by the general public.

8. Communication, dated January 29, 1997, from Debbie Dineen, Conservation Coordinator, in response to a communication from Mr. Shea, noting that she had requested in this instance a "Request for Determination of Applicability" since a roadway exists between the proposed project and the wetland. She stated that such is her usual business practice and also the state's in such cases. She also noted that she had separately confirmed that the Federation of Women's Clubs will not permit public use of its parking lot. She stated that the fact that no blue spotted salamander road kill have been found on this stretch of Dutton Road suggests that any such salamander found on Mr. Shea's property use upland habitat at least partially located on his property and not on the subject property. Finally, Ms. Dineen corrected Mr. Shea in that the 200' buffer created by the Rivers Protection Act extends from the mean high water elevation of a river, not an additional 100' from the edge of a vegetated wetland. She added that the parking lot will be well beyond 200' from the mean high water elevation of Hop Brook.

In conclusion, she noted that the proposed eight-car parking lot is supported by the Conservation Commission with minor changes in the width of the driveway. She noted that the proposal of a small gravel parking lot created and maintained without Town funds or harm to the environment, to provide public access to the 277-acre Federation forest, furthers the goals of the Commission to encourage and promote the use of open space in the Town.

Rich Davison, SVT, stated that people come to live in Sudbury for the schools and the rural character of the Town. He said that open space protects wildlife habitat and preserves the "rural character" of the community. He said that some 500 families in Sudbury are members of the SVT which is committed to promoting and protecting open space.

He said that the Federation of Women's Clubs' land poses both a dream and a headache. For years it has been locally referred to as "The Desert". It has been the site of various illegal activities. Fires, firearms violations and abandoned vehicles have been a problem. He said that three years ago the SVT began a dialogue with the Federation that has resulted in SVT being granted supervision of the land. He said that great strides have already been made to remove debris and reforest certain areas. He said that part of its management plan is to make the land accessible to the public. He said that, in its agreement with the Federation, an eight-car parking area is to be built on Dutton Road to provide trail access. Other trail head parking is planned to access the land from other sites. He said the Dutton Road parking facility has been the subject of numerous public meetings both in Sudbury and in Marlborough. He said, as a result of these meetings, changes have been made to the original design. In conclusion, he said this is an incredibly important parcel of land, given its size and location, and its preservation should be given every priority.

Stephen Johnson, SVT, stated that the proposed plan is recommended for approval by both the Planning Board and the Conservation Commission.

Chairman Blacker asked about the site distance and Bruce Thomas, Landscape Architect for the project, stated it is 214' from Dutton Road and 200' from the middle of the proposed parking area.

Kevin Shea, 232 Dutton Road, introduced Sudhir Murthy, an engineer with Louis Berger & Associates, who has evaluated the location and accident statistics from the Police Department. Mr.

Murthy contends that the rate of accidents along this stretch of Dutton is significantly higher than other sections of Dutton. He opined that the reason for such is the number of curves along that section. He stated the road is currently posted for 25 mph traffic, but that most motorists travel at 35-40 mph. He said the average speed is 35 mph. He said the proposed 200' and 214' sight distances need to be increased to 250'-275' and to accomplish such, roadside vegetation must be cleared. He said the proposed sight distances are based on 30 mph when in fact the speeds generally used by motorists according to his survey are higher. He also stated that the parking lot needs to be much larger. Based on a survey of other large parcels in the area, he contends there should be 13 spaces per 100 acres. In this instance, he contends there should therefore be 40 parking spaces. He opined, if such additional space is not provided, overflow parking will occur along Dutton Road creating an extremely dangerous situation.

Mr. Shea suggested that, rather than the site along Dutton Road, other sites existed with little or no safety issues. He said parking at the cul-de-sacs on Pine Street (four spaces), Mill Pond Road (six spaces), Barton Drive (six spaces) and Surrey Lane (six spaces) could be used. He said parking at these four sites would provide quick access to the Federation land if an easement is obtained from MBTA to cross the railway right of way. He said such an easement is currently being contemplated. He urged the Board to vote no on the proposed site plan.

Louis H. Hough, Historic Districts Commission, stated that the proposed site falls within the Wayside Inn Historic District, but the Commission has no jurisdiction since no structures are involved. Speaking as private a citizen of the Town, Mr. Hough stated, he has lived in Sudbury for 49 years and witnessed many threats to the Town's rural character. He recalled the proposal by Ford Motor Company to build a parts plant and the plan by the United Nations to construct its headquarters. He said either of those proposals would have had a substantial impact on the Town. He said, in view of the conspicuous consumption evidenced by the many new residences in the community, he does not find the proposal to build an eight-car parking lot on Dutton Road to constitute a "threat" to the community. Comparatively speaking, he said this project is "peanuts". He opined the parking lot would get four cars once a month.

Robert Coombes, 208 Dutton Road, stated that the location of the proposed parking lot is on a tight curve and his concern is safety.

Stephen Meyer, Chairman of the Conservation Commission and SVT Director, stated the Police Department has repudiated the safety issue. He argued it is being raised as a desperate effort to move the project to someone else's backyard.

Chairman Blacker expressed agreement, noting that nine out of eleven accidents had occurred between December and March implying that snow or ice were factors. He also noted four out of eleven occurred between January 6 and January 20 of the same year suggesting that the events were an aberration. He stated that, if approved, he would prohibit parking along Dutton Road. He asked why SVT had opted for eight parking spaces.

Mr. Johnson stated the Federation land consisted of about 250 acres and that it provides access to another 300 acres. He said the SVT desired to provide limited access so as to protect the land and that other parking areas exist or are planned at other sites in order to disperse the parking. He said this site was selected since it was the farthest from the wetland, had the most forgiving topography and was close to the trail head.

Deborah Dineen, Conservation Coordinator, stated that the Commission does not view the project as a "threat". She said that the proposal opens some 270 acres to the public. She said that her review of parking at three open space parcels in the Town, that is, Barton, King Phillip, and Pantry Brook, suggests a ratio of 7.1 parking spaces per 100 acres. She noted Mr. Shea's higher ratio was derived from open space parcels in other towns. She also noted the use of cul-de-sacs for parking is generally prohibited since fire trucks need space to turn around. She said both the Police and Fire Departments desire off-street parking. She reported that she had confirmed that the Federation will not allow public use of its existing parking lot since it desires to preserve a zone of privacy around its club house. She reported that the Conservation Commission strongly supports the project and urged the Board to approve the site plan.

Mr. Shea explained that he had used open space parking data from other towns because he wanted to use larger parcels comparable in size to the Federation land. He also suggested that emergency vehicles could use the nearest side street to turn around.

Selectman Clark expressed concern about the size of the proposed parking lot. She opined that for guided SVT tour events it would not be unusual to expect 30 cars. She noted there was more land further east to site a parking area.

Mr. Johnson responded that the SVT had the ability by appointment to use the existing Federation parking lot for organized walks.

Chairman Blacker stated that the size of the parking lot will determine the amount of use. He opined if the lot is full people will go to another site.

Patty Shea, 232 Dutton Road, opined that people will park along Dutton Road even if it is posted "no parking".

Thomas Travers, 11 Mossman Road, stated that it wasn't logical to site the trail from the proposed parking lot in close proximity to the Federation club house if the Federation desired privacy. He noted that the other options suggested by Mr. Shea would route users nowhere near the club house.

Whitney Beals, Director SVT, responded that the trail would be some 100' from the headquarters building, and that the Federation has approved the trail location.

Dorothy Coombes, 208 Dutton Road, stated that there is both a curve and an incline along the stretch of Dutton Road where the parking lot is proposed. She noted that there are trees close to the road. She opined that people would park along the road just as people park on the road near the Hop Brook parking area even though it is posted "no parking".

Selectman Clark, noting from Police Department statistics that some 40 accidents occurred along Dutton Road, with 16 in the 200 block alone, expressed concern regarding the safety issue.

Chairman Blacker commented that the proposal presented an opportunity to preserve some 270 acres as open space, a concept that the Town generally supports. He cautioned that if this proposal fails there is nothing to prevent the Federation from developing the property and putting in a subdivision.

He said that this was simply another case of the "not in my backyard" attitude that has continued to hinder the Town. He stated that it was time the Board acted for the greater good of the Town.

Selectman Clark stated that the Board has the obligation to mitigate the possibility of an accident. She asked Mr. Hough if he were aware of any railway overpasses on the Federation or conservation land.

Mr. Hough responded that he was not aware of any.

Selectman Clark opined there may well exist an overpass or an already existing easement to allow access to the subject property from another site. She said it might make better sense to enlarge the parking lot at the Hop Brook Conservation area.

Both Mr. Johnson and Mr. Davison stated that under the SVT contract with the Federation, parking area access must be sited on Federation land. Both cautioned that if the Board were to reject the plan, the Federation might terminate its relationship with the SVT and thereby losing an opportunity for the Town to obtain the land. Mr. Johnson handed Mr. Shea a copy of the notice for the wetlands determination meeting with the Conservation Commission.

Selectman Clark opined the Federation might still be willing to negotiate. She said that she has always erred on the side of safety.

Selectman Drobinski asked Mr. Murthy if clearing the vegetation along Dutton Road near the site would improve the sight lines and comport with ASHTO standards.

Mr. Murthy indicated in the affirmative.

Selectman Drobinski suggested that the Board continue the hearing so the Town could determine what it will take to improve the sight lines and thereby remove any concern regarding safety. He also suggested that the SVT consult with the Federation to determine if more parking spaces could be added to the plan. He opined that it looked as though the site could accommodate a total of 12-14 spaces.

Mr. Davison contended that he was flexible and that he would consult with the Federation. He suggested that the Board consider encouraging the police to enforce the speed limit on Dutton Road.

Deborah Dineen, Conservation Coordinator, suggested that the plan could be approved for eight spaces, with additional spaces reserved for future use if needed.

It was on motion unanimously

VOTED: To continue the hearing until March 10, 1997, at 9:30 p.m., to allow SVT to determine if the Federation is amenable to providing 12 parking spaces at the site and to determine the clearing needs and costs to improve sight distances along the affected area of Dutton Road.

There being no further business to come before the Board, the meeting adjourned at 11:23 p.m.

IN THE BOARD OF SELECTMEN  
MONDAY, FEBRUARY 10, 1997  
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Attest: \_\_\_\_\_  
Steven Ledoux  
Town Manager-Clerk