

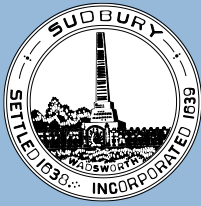
SUDBURY BOARD OF SELECTMEN
TUESDAY DECEMBER 6, 2016
6:30 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	6:30 PM		CALL TO ORDER
			Opening remarks by Chairman
			Reports from Town Manager
			Selectmen Announcements
			Citizen's comments on items not on agenda
TIMED ITEMS			
1.	6:40 PM		Discussion of Fire Station #2. Chief Bill Miles and Jim Kelly, Combined Facilities Director, to attend.
2.	7:00 PM		Town Hall Blue Ribbon Committee to present recommendations.
3.	7:30 PM	<i>VOTE</i>	Joint meeting with Fairbank Community Center Task Force to discuss location of the SPS administration and overall project scope.
4.	8:00 PM	<i>VOTE</i>	Discussion and vote on potential revision to the membership composition of the Bruce Freeman Rail Trail Design Task Force. Also interview candidate(s) for appointment to the Bruce Freeman Rail Trail Design Task Force.
5.	8:30 PM	<i>VOTE</i>	Vote to approve the Conservation Restriction to be granted by Frederick D. Ballou and Janet D. Ballou to the Sudbury Valley Trustees, Inc., a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. c.180, pursuant to M.G.L. c.184, s.32, said Conservation Restriction consisting of a 3.68 +/- a. of land being a portion of the property located at 306 Lincoln Road, and shown on a plan of land entitled "Plan of Land in Sudbury, MA, 306 Lincoln Road, Conservation Restriction", dated February 2, 2016, last revised February 16, 2016, prepared by Everett M. Brooks Co., Inc. Possible attendees are Christa Collins, SVT, and Fred Ballou, CR Donor.
6.	8:45 PM	<i>VOTE</i>	Vote to release the June 2015 opinion of Town Counsel regarding responsibility for management of the Goodnow Library. Discussion with the Town Manager regarding the delineation of management responsibility over the Library between the Town Manager and the Library Board of Trustees, and possible vote on next steps.
7.	9:00 PM	<i>VOTE</i>	Possible vote to approve installation of overhead utility wires from Sudbury United Methodist Church to Old Sudbury Road. Richard Morris of SUMC will attend.

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Item #	Time	Action	Item
MISCELLANEOUS			
8.		<i>VOTE</i>	Discussion of presentations to CPC for Town Meeting articles requested by Selectmen
9.		<i>VOTE</i>	Discussion and possible vote on policy and procedure for providing pro and con arguments for Election Warrants.
10.		<i>VOTE</i>	Vote to approve an increase in the annual senior tax workoff amount from \$1000 to \$1100 per year, as requested by Debra Galloway, COA Director.
11.		<i>VOTE / SIGN</i>	Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, Entertainment and Sunday Entertainment licenses to expire December 31, 2017; and Motor Vehicle Classes 1, 2, and 3 licenses to expire January 1, 2018, as shown on the attached lists.
12.			Discussion of January 2017 Town Forum
13.			Discussion of Board of Selectmen Quarterly Newsletter
14.			Citizen's Comments (Cont)
15.			Discuss future agenda items
CONSENT CALENDAR			
16.		<i>VOTE</i>	Vote to accept the resignation of Barbara Clifton from the Sept. 11 Memorial Garden committee, and to send her a letter of thanks for her service to the Town. Also vote to appoint Connie Marotta, 231 Goodman's Hill Road, to the Sept. 11 Memorial Garden committee, for a term ending 5/31/19, as recommended by Beth Farrell, committee chair.
17.		<i>VOTE</i>	Vote to appoint Meagen Donoghue, Director of Planning and Community Development (replacing retired Jody Kablack), and Dan Nason, Director of Public Works (replacing retired Bill Place), to the Traffic Safety Coordinating Committee for a term ending 5/31/18.
18.		<i>VOTE</i>	Vote to declare approximately 1,000 c.y. of sand to be surplus material and authorize the removal and disposal of the material by sale through auction or bidding in accordance with Massachusetts procurement laws; and further to authorize the execution of any documentation required therefor.
19.		<i>VOTE</i>	Vote to approve and signify such approval of a Conservation Restriction granted under M.G.L. c.40 §8C by Michael J. Soja and Marsha R. Soja on a 2.6 a. portion of a 4.38 +/- a. parcel located at 34 Musket Lane, and shown as "Proposed Conservation Restriction Area = 113740 +/- S.F. (2.6 +/- Acres)" on a plan entitled "Plan of Land of Musket Lane in Sudbury", prepared by Sullivan Connors and Associates, dated June 20, 2014.
20.		<i>VOTE / SIGN</i>	Vote, pursuant to M.G.L. c.268A, to approve exemptions under s.20(b) from Firefighters Kevin Cutler and Dana J. Foster, in order to provide personal services (snowplowing) for the Department of Public Works as submitted in disclosures dated November 14, 2016.
21.		<i>VOTE</i>	Vote to approve the regular session minutes of 11/15/16.

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

1

TIMED ITEM

1: Fire Station #2

REQUESTOR SECTION

Date of request:

Requestor: Bill Miles/Jim Kelly

Formal Title: Discussion of Fire Station #2. Chief Bill Miles and Jim Kelly, Combined Facilities Director, to attend.

Recommendations/Suggested Motion/Vote: Discussion of Fire Station #2. Chief Bill Miles and Jim Kelly, Combined Facilities Director, to attend.

Background Information:
attached powerpoint slides

Financial impact expected:see attached

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

New Sudbury Fire Station 2



As Sudbury grows, the fire department needs..

- More personnel to handle additional calls
- Additional vehicles to handle additional calls
- Additional physical space to house additional personnel and apparatus



More People + More Development = More Calls !

Even today, we are depending more & more on surrounding towns for our ambulance transports during simultaneous calls.

We are becoming bad neighbors !

Year	We needed help	We gave help	Difference	
FY 14	76 times	19 times	- 57 times	
FY 15	106	35	- 71	
FY 16	95	37	- 58	
3 Year Average			- 62 transports	Approx once per week

Incidents at Assisted Living/40 B/Condos/Grocery Stores/Restaurants

Total Incidents from 11/1/2014 to 10/31/2015						2268
Total Incidents from 11/1/2015 to 10/31/2016						2245
Facility	55 + to 65 +	Assisted Living	Total Beds/Units	Facility Incidents	% of Total Incidents	Incidents per Unit/Bed
Orchard Hill		45	45	103	4.55%	2.29
Coolidge 40 B	64		64	52.5	2.32%	0.82
Springhouse Pond	39		39	7	0.31%	0.18
Mahoney Farm	33		33	5	0.22%	0.15
Grouse Hill	52		52	17	0.75%	0.33
Total for above 3 locations	124		124	29	1.28%	0.22
Proposed by National Development						Average
			Units	Incidents per Unit/Bed		Additional Expected Incidents
54 Units of Assisted Living/ Alzheimer						
Compare to Orchard Hill			54	2.29		123.60
250 Units 40 B Housing						
Compare to Coolidge			250	0.82		205.08
60 Units of Age Restricted Condos						
Compare to Springhouse Pond, Mahoney Farm, Grouse Hill			60	0.22 Average		13.20
Proposed Grocery & Restaurant						
Sudbury Farms Grocery						7
29 Hudson Restaurant						9
348 additional annual incidents represents a 15 per cent increase in Sudbury Fire Dept annual call volume						357.88
						Total Add'l Expected Incidents

Now, add all of our coming developments, and our call deficit, together.

	Total expected calls	Total Medicals Times 56 %	Expected Hospital Transports – Times 74 %	Total New Transports
Sudbury Station	??			
National Development	358	200	148	
Coolidge	52	29	22	
Neighboring Town Deficits - Transports			62	232

We are looking at an estimated 232 additional transports annually. Depending on when the calls come in, we can handle some of them.. But without additional staff and apparatus, we are asking our neighbors to increase their commitment to Sudbury.. Wayland, Framingham, and Maynard may start asking questions.

How do we handle additional ambulance transports ?

- We presently own two ambulances
- We staff one of them 24/7
- We staff the second one on a limited basis, snow storms, other special circumstances, or when personnel are called back when our first ambulance is tied up
- In 2015, our first ambulance was tied up on a long transport, ie, Boston Hospital, Lahey Clinic, Newton Wellesley, Worcester, on 90 occasions out of 897 transports, or roughly 10 per cent of the time.

We need to add, staff,
and house an
additional ambulance



- Due to the need for maintenance, both routine and unexpected, we presently own two ambulances to continuously run one.
- In order to run and staff two ambulances, we need to own and house three ambulances.
- If we do nothing, what will be the effect on the average Sudbury Resident ?
- Without proper planning, residents may call 911, then wait awhile.

Sudbury Station 2 was built as a two person station in the early 1960's



One small bunkroom, one small bathroom.
No accommodations for female firefighters.



Station 2 was sized for 1960's apparatus.
Modern trucks are longer, wider, and taller.

1962 Farrar 750 gpm Pumper



2015 KME 1500 gpm Rescue Pumper



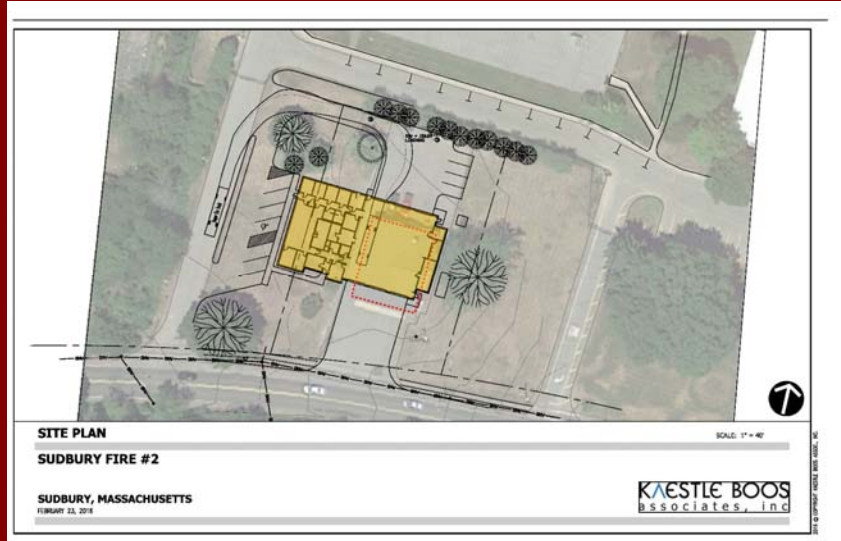
Narrow Bays and Low Ceilings equal tight quarters for apparatus and fire personnel.



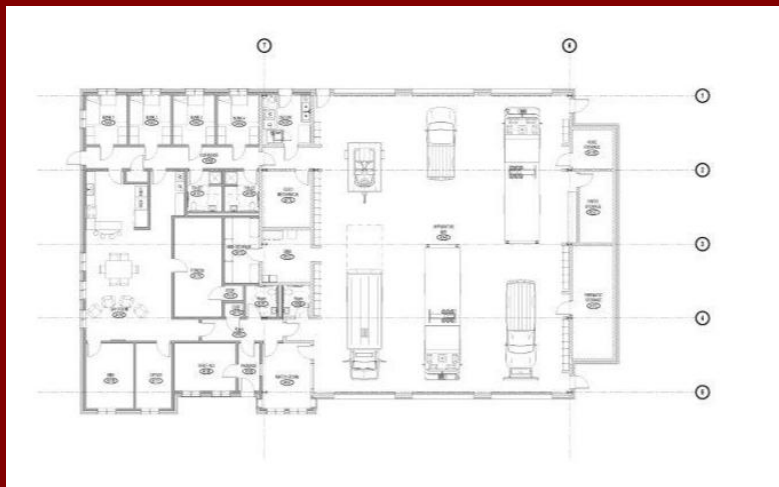
Can no longer tilt the cabs for maintenance inside Station 2



National Development has developed our site plan



We Need More Apparatus Storage, More Bunkrooms, and Bathrooms



Conceptual Opinion of Probable Cost

Sudbury Fire Station 2 Study			
April 1, 2016			
Conceptual Opinion of Probable Costs			
Concept	Subtotal	Total	Comments
Construction Costs			
Building Demolition	\$12,000		
Harvest Abatement	N/A		
Sidewalk	\$406,000		
New Building Construction	\$2,390,925		
	Subtotal:	\$3,447,800	
Concept Level Estimating Contingency @ 10.0%		\$344,800	
	Subtotal/Direct Construction Costs:	\$3,792,600	
General Conditions & Overhead @ 8.00%	\$303,400		
Insurance @ 1.00%	\$41,000		
Bonds @ 1.00%	\$41,400		
GC Fee (Profit) @ 3.00%	\$125,300		
Permit Fee @ 1.50%	Waived		
Escalation (bid 2nd Quarter of 2017) @ 4.20%	\$180,700		
	Subtotal Construction Cost:	\$4,484,200	
Owner's Indirect Costs			
Land Survey	\$5,000		(already additional cost)
Geotechnical Investigation	\$7,500		
Arch & Eng Fees (10%)	\$448,400		
Project Management (4.25%)	\$190,600		
Firefighting Equipment	\$25,000		allowance
Furniture & Furnishings	\$70,000		allowance
Communications Equipment	\$50,000		allowance
Network & Computers	\$20,000		allowance
Utility Backcharge	\$25,000		allowance
Moving	\$10,000		allowance
Bid Doc Reproduction / Miscellaneous	\$5,000		allowance
Legal/Advertising	\$5,000		allowance
Material Testing	\$25,000		allowance
Owner's Contingency (indirect costs)	\$137,100		
	Subtotal/Indirect Costs:	\$1,423,600	
	Total Project Cost:	\$5,907,800	

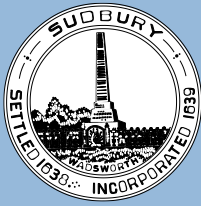
Additional Revenue vs Expenses

<u>Additional Estimated Ambulance Revenues</u>			
Annual Transport Deficit	62	820 Average/Transport	50,840
National Development	148	820	121,360
Coolidge	22	820	18,040
Sudbury Station	??		
Totals			190,240
<u>Additional Personnel Expenses</u>			
Hire 4 New Firefighter/Paramedics	4	85,000	340,000
Additional Overtime			150,000
Totals			490,000

Questions ?

Comments ?





SUDBURY BOARD OF SELECTMEN
Tuesday, December 6, 2016

2

TIMED ITEM

2: Town Hall Committee

REQUESTOR SECTION

Date of request:

Requestor: James Kelly, Combined Facilities Director

Formal Title: Town Hall Blue Ribbon Committee to present recommendations.

Recommendations/Suggested Motion/Vote: [Town Hall Blue Ribbon Committee to present recommendations.](#)

Background Information:
attached report?

Financial impact expected:n/a

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Committee members James Kelly, Chris Morely, possibly others

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Sudbury Town Hall Project: Bringing Together Community Spaces in Historic Town Center

Report of the Town Hall Blue Ribbon Committee

December 6, 2016



" We foresee a project that would bring to the building, and to its surroundings, new community activities and an improved physical connectivity, thereby engendering a more complete sense of the entire historic town center as one whole, a specific place where the community goes to share in the life of the town."

Photographer Sally Purrington Hild (11-6-16)

Sudbury Town Hall Project: Bringing Together Community Spaces in Historic Town Center

Report of the Town Hall Blue Ribbon Committee

December 6, 2016

Following a lengthy process of careful investigation and deliberation, the Town Hall Blue Ribbon Committee recommends to the Board of Selectmen that the Sudbury Town Hall undergo a true historic restoration *and* a modern rehabilitation, with some elements of new construction. We feel our plan will lead to a rejuvenation of its use by and for the citizens of Sudbury, and a reclaiming of its historic role as the anchor of Town Center.

The **1932** Town Hall building is to a great degree, and very purposefully, a *replica built large* of its **1846** predecessor, its size and spaces befitting a larger, more prosperous population. Sudbury resident and architect of Back Bay brownstones, Charles H. Way, was lead designer. Input came from two other Sudbury architects: Joseph Everett Chandler, restorer of the likes of the House of Seven Gables, the Paul Revere House, and the Old State House; and Ralph Adams Cram, architect of West Point, Princeton University, New York's Cathedral of St. John the Divine and much more. Impressively, the citizens of Sudbury made this significant investment in their community in the early, worst years of the Great Depression.

The new Town Hall opened almost two years to the day after its predecessor burned to the ground. Initially it was home not only to the Town Clerk's offices, but also to the town's sole Police and Fire stations, as well as a branch library. The building's main feature was a public assembly room on the 2nd floor (inc. Town Meetings), complete with a theater stage and a cinema projection room for good measure. On the first floor the "supper room" with kitchen was used for community functions, and in the early years also served lunch to the school children of the Center School (now Flynn Building). For decades more the kitchen served on-duty firemen as well (showers and facilities included). The Town Clerk's office has remained throughout; the Fire Headquarters and *two* community theater programs were active users through the **1980's**. The Committee was in fact surprised to discover how intensively the first floor continues to be officially scheduled for use by the Town as well as community groups. But *two* of the building's *three* floors have been closed to the general public for more than two decades, due to accessibility issues. There is, therefore, much to be gained by updating and restoring access to spaces which are not only historic but, once rehabilitated, appealingly useful to the Town and community today.

The Town Hall, its parking lots and driveways, form the physical nexus of community activity in our Town Center, an area which for many years has been the beneficiary of substantial investment in its public and private spaces, infrastructure and access ways. Yet the Town Hall, at the center of the Center, remains the **only** property whose condition has been left largely untouched, its usefulness significantly curtailed—and not for a while, but for decades. As the rest of the Center comes together through completion of the most recent of these efforts (road work, parks creation/enhancement, History Museum), the Committee feels that the Town should invest in planning for and executing a Town Hall Project. We foresee a project that would bring to the building, and to its surroundings, new community activities and an improved physical connectivity, thereby engendering a more complete sense of the entire historic town center as one whole, a specific place where the community goes to share in the life of the town.

Our proposed plan would preserve the bulk of the space and main original purpose of the building: the first and second floor public gathering spaces. The building would also continue as the historically New England hub of town government: the Town Clerk's existing space would be completely redesigned to enable that essential government interface to best serve our citizens under the increasing requirements of 21st century democracy and record keeping. Public access both into and within the building would be vastly improved through a modest addition fronting on the parking lot and an elevator within the original structure. In this way not just one but all three floors of the building would be fully utilized, and every member of the public would have uncomplicated access. New public restrooms at the front and rear entrances would serve the entire town center during public events, as well as office workers and visitors who are not currently well accommodated. The work would include new mechanical, fire protection and electrical systems as well as restoration and weatherization of the building envelope.

Newly available and appealing, and endowed with modern utility, we believe that the Town Hall's varied spaces will grow significantly in their use by both government and community entities. These updated spaces could, for example, provide immediate benefit by negating the need for the large, costly addition *already designed* for the adjacent Sudbury History Museum. Many program activities planned for that addition could be held in Town Hall instead, and the building itself could be decorated, in part, with museum wall hangings and display cases. A major portion of that proposed large addition (not the smaller one that is currently underway) is for housing the Museum's archival storage, which could be accommodated in the former fire headquarters space in the walk-out basement. Similarly there is room in this location for improved public records storage, adding to the CPA-funded vault that the Town Clerk now operates there. The walk-out basement is also most appropriate for housing a caterer's kitchen, bringing back to the building a significant former use that could service Town, community and private rental functions on both of the upper floors. Several other potential uses, *just for the walk-out basement alone*, have been put forward by Committee members, reinforcing our belief that creating modern utility will generate user activity.

Further, we believe that this restoration and rehabilitation of Town Hall should be seen from its earliest planning stages as a catalyst for reimagining the layout of the entire 27 acres of Town property on which it lies, and the vehicular and pedestrian access to and within it. At the very least, the access roads and parking lots around the Town Hall itself should be redesigned both to better serve anticipated usage, and to improve the way in which they interface with the properties that front upon them (i.e. Loring Parsonage, The Grange, Presbyterian Church, Revolutionary Cemetery, the Noyes School playspace and entrance, and the Flynn Building).

We have included concept drawings of our plan for the Town Hall building itself, executed by Committee member and architect Frank W. Riepe, AIA, to aid in the understanding of what it is that we propose.

Now as to what the Committee is *not* recommending. As detailed in the attached Addendum, the Committee carefully considered the use options contained in the Selectmen's charge to us, and more as well. We especially reviewed the rationale behind the fifteen-year long concept of moving the Sudbury Public Schools administration into the Flynn Building and other Town employees into some version of Town Hall, and iterations of the same. In these deliberations we were particularly informed by previous reports to the Town, their space and cost estimates, and by the professional experience of staff and Committee members in design, construction, financing, etc. We were also kept up to date by staff and Committee members about the ongoing, related investigations of potential future uses for the Loring Parsonage and the Fairbanks Community Center, and the timing issues thereof. In all of this, key ideas that we believe to be true emerged:

- There is no significant benefit to having the administrative offices of the Town and the Sudbury Public Schools in close proximity, at least not one that is important enough to force such proximity at high cost.
- It is inherently much more expensive than new construction to create modern office space inside those portions of an 84-year-old building specifically designed as public meeting/eating halls.
- The appropriately buildable area of this site is quite tight, and populated entirely with historic buildings fronting on the historic center. To insert any large new building construction into this space, by replacement, addition, or combination thereof, would egregiously upset the dynamic of this historic place.
- The addition of substantial office space in this area would strain the existing infrastructure (i.e. access, parking, septic) to a degree that, again, would make the cost more dear than new construction elsewhere.

As requested, the question of timing and priorities facing the Town were fully examined. We determined that the *full* Town Hall Project as we envision it could perhaps wait until a home for the Sudbury Public Schools administration is found, and the exact nature of the Fairbanks Community Center proposal is determined. **However we feel strongly that given the benefits of our proposed Project, including the modernization of the functional area required by a key government service, the Town Clerk's office, it would behoove the Town in 2017 to begin the planning process to complete this last section of Sudbury's newly revived Historic Town Center.** With architectural plans in hand, the Town may then determine if it would indeed be prudent to move the Project forward in phases, or to take on the effort all at once.

Our Town Hall houses a key government office; most older Town Halls do not. Yet still, historic Town Hall restorations are one of the most popular uses of Community Preservation Funds in the Commonwealth. We have visited varied, superb examples of restored/renovated Town Halls in nearby towns, and have imagined Sudbury Town Hall among their number.

Respectfully submitted this day, the 6th of December, 2016.

Town Hall Blue Ribbon Committee

Howard S. Gold, Chair, At Large

Susan Asbedian-Ciaffi, Capital Improvement Advisory Committee

Sally Purrington Hild, Sudbury Historical Society

Christine A. Hogan, Sudbury School Committee

William M. Johnson, Historical Commission

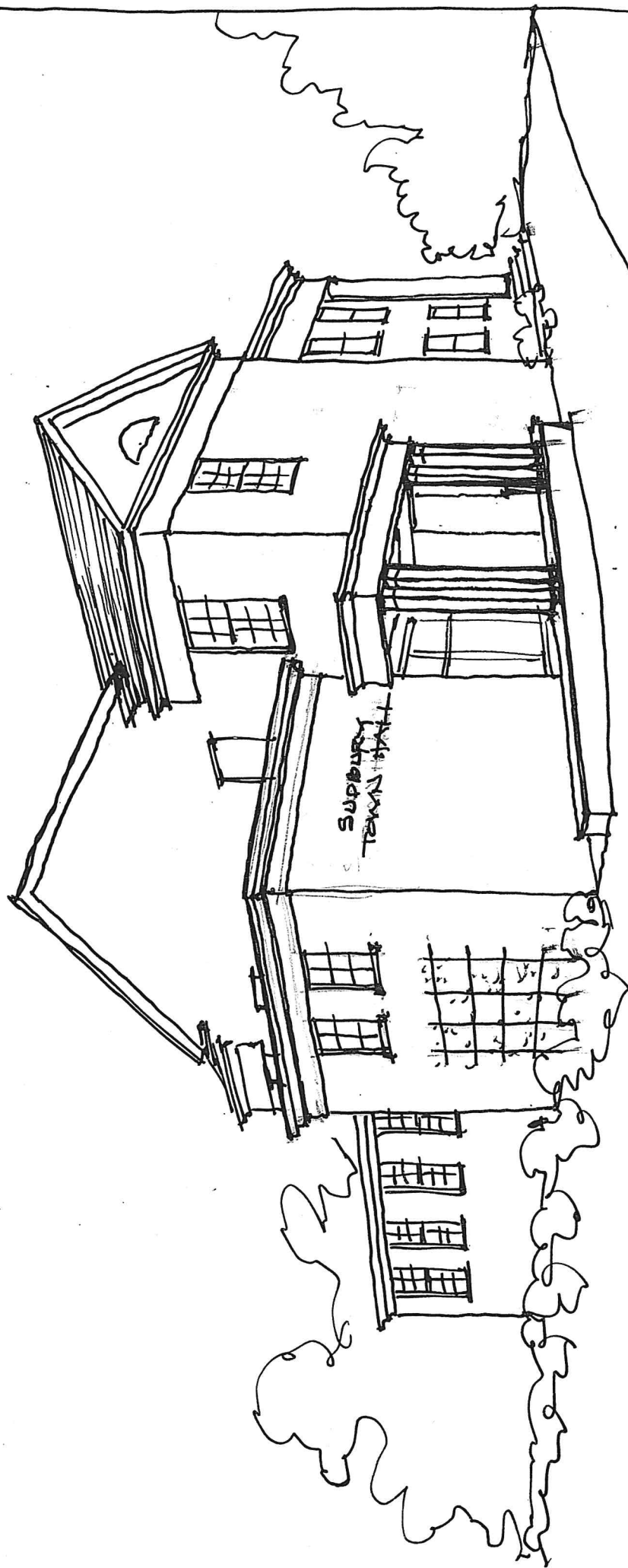
Christopher Morely, At Large

Frank W. Riepe, AIA, Historic Districts Commission

Joseph J. Sziabowski, AIA, Permanent Building Committee

James Kelly, Ex-Officio, Combined Facilities Director

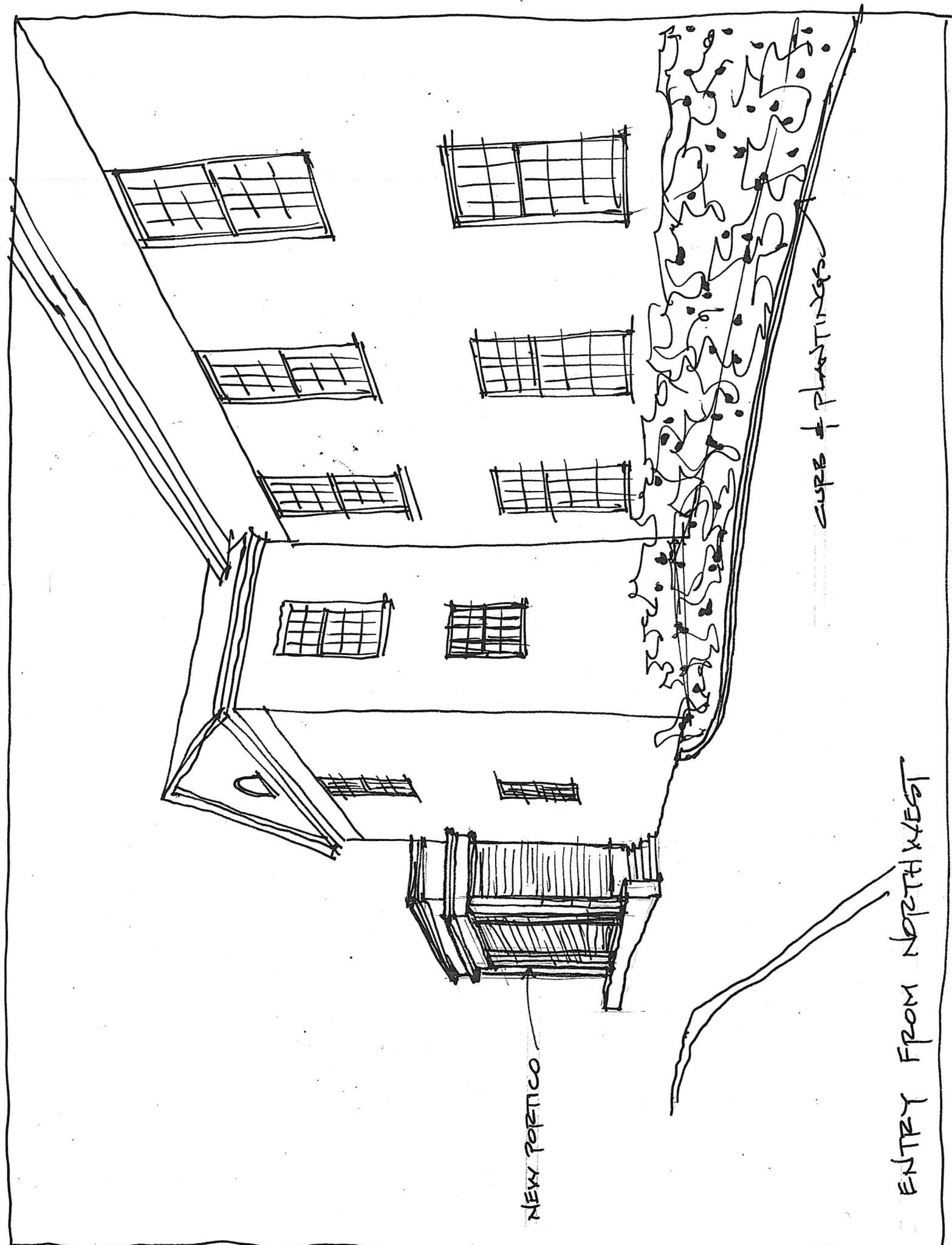
Jody A. Kablack, Ex-Officio, Director of Planning & Community Development



NORTHEAST CORNER

10-17-2015

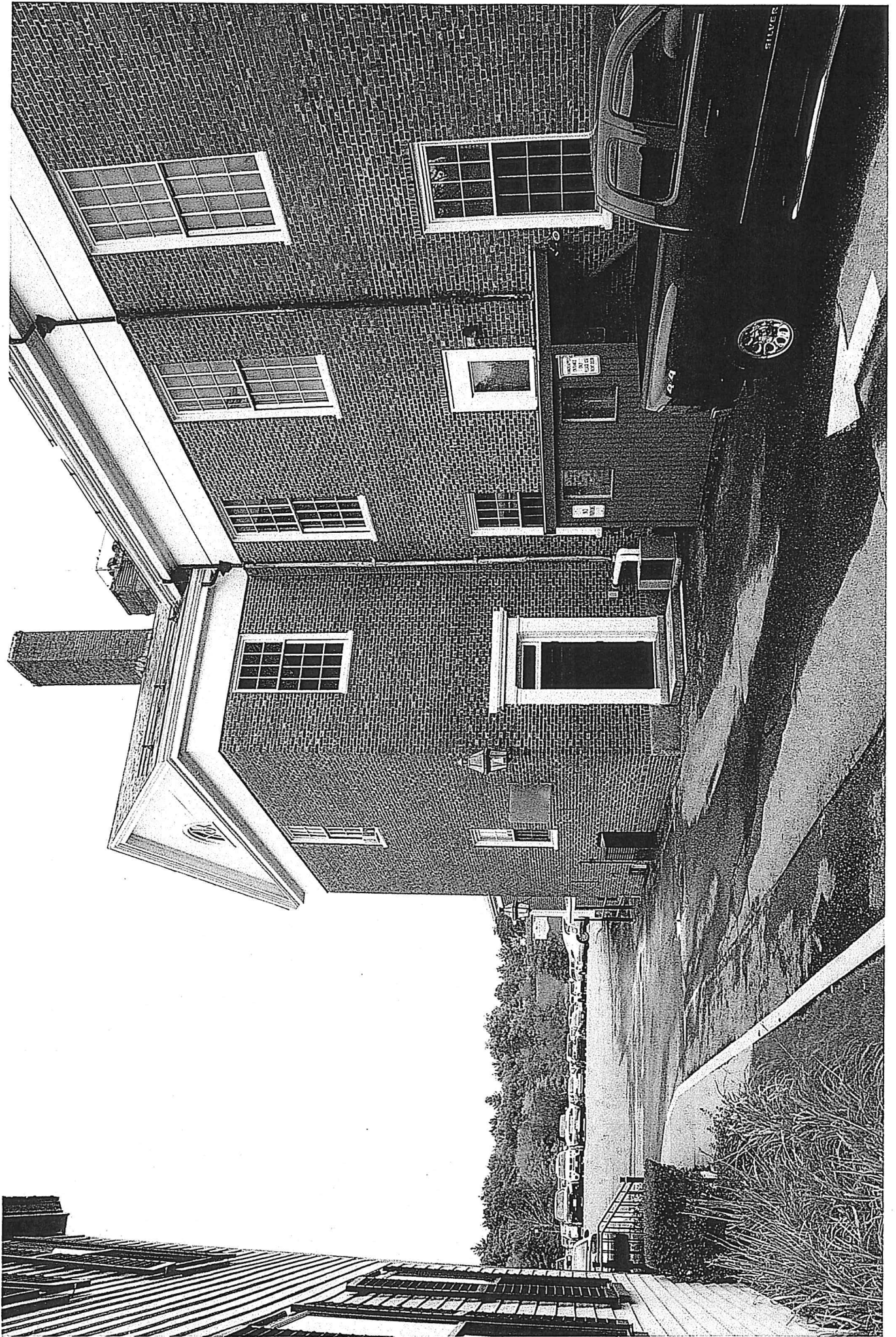


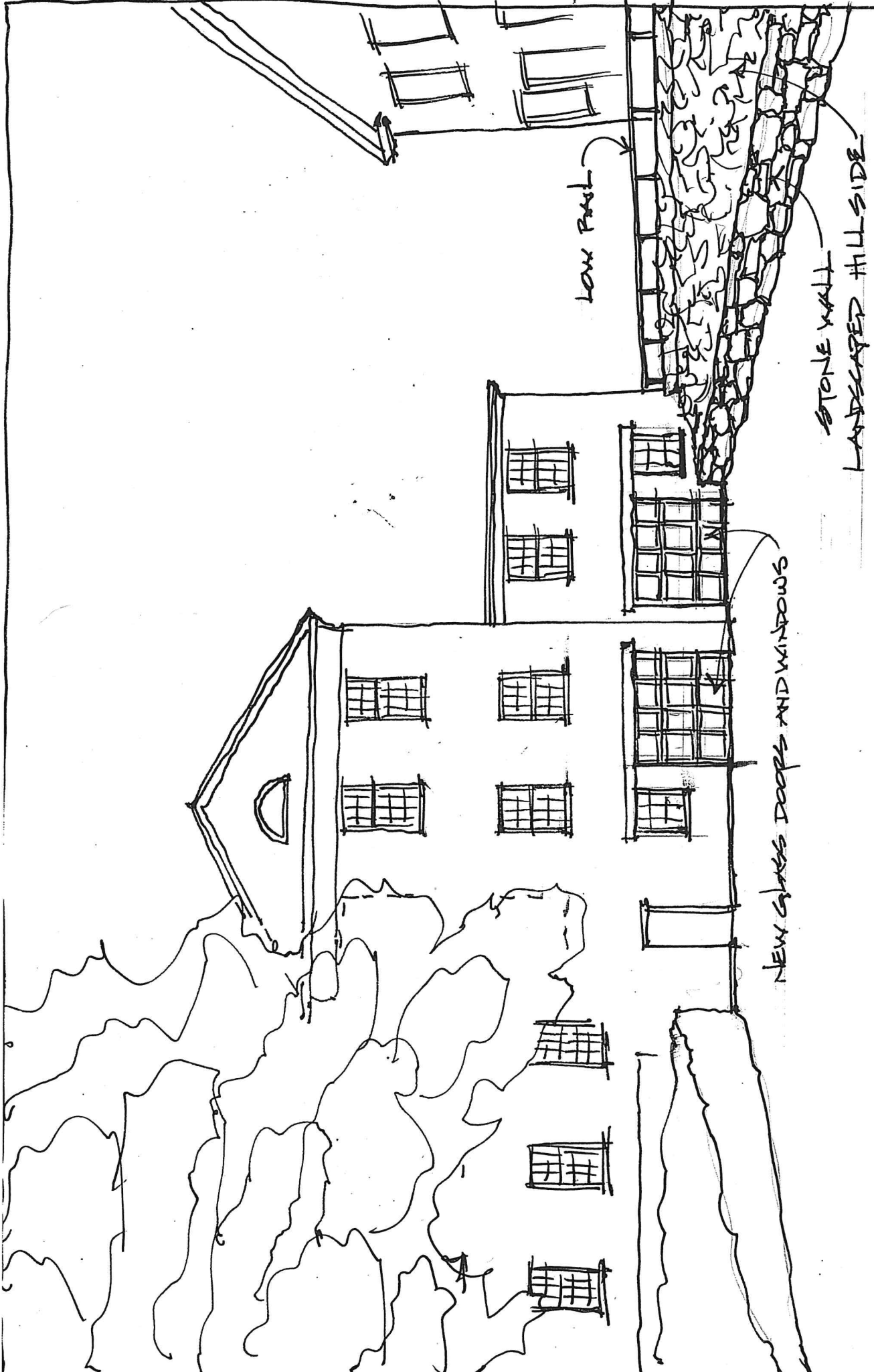


CURB & PLANTINGS

NEW PORTICO

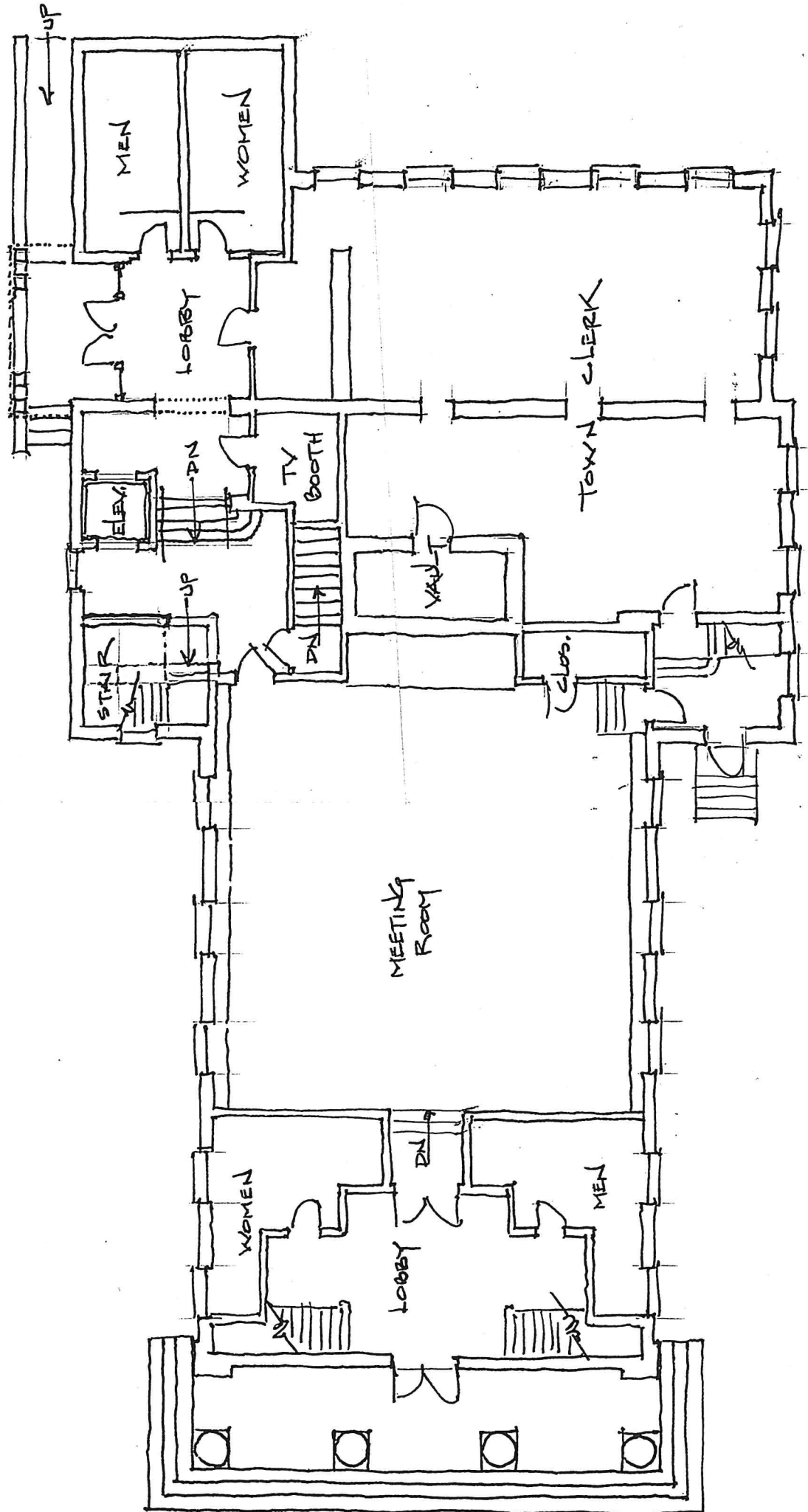
ENTRY FROM NORTHWEST





VIEW FROM THE SOUTH



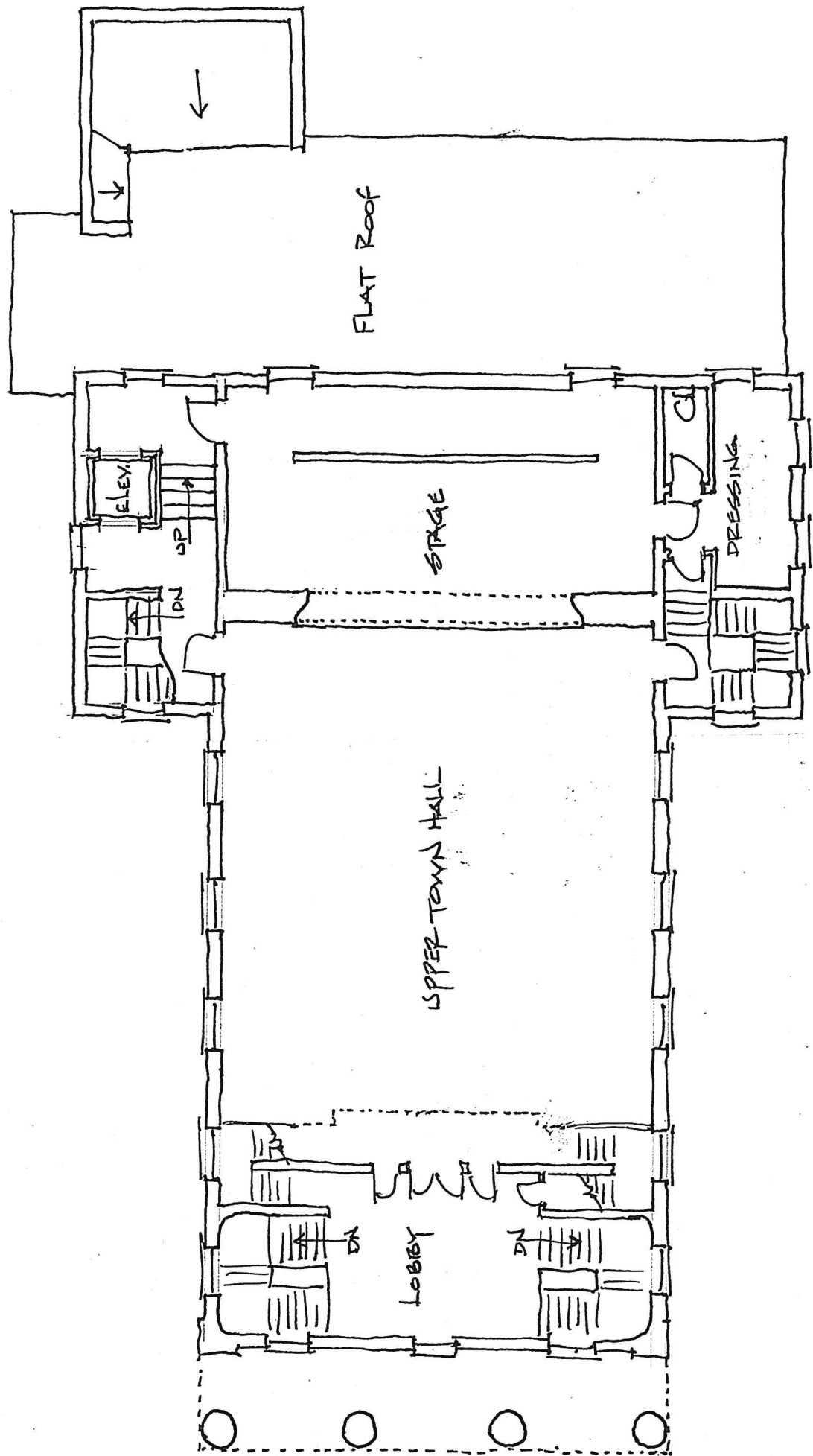


PROPOSED FIRST FLOOR

SUDBURY TOWN HALL

(No scale)

10.18.2015

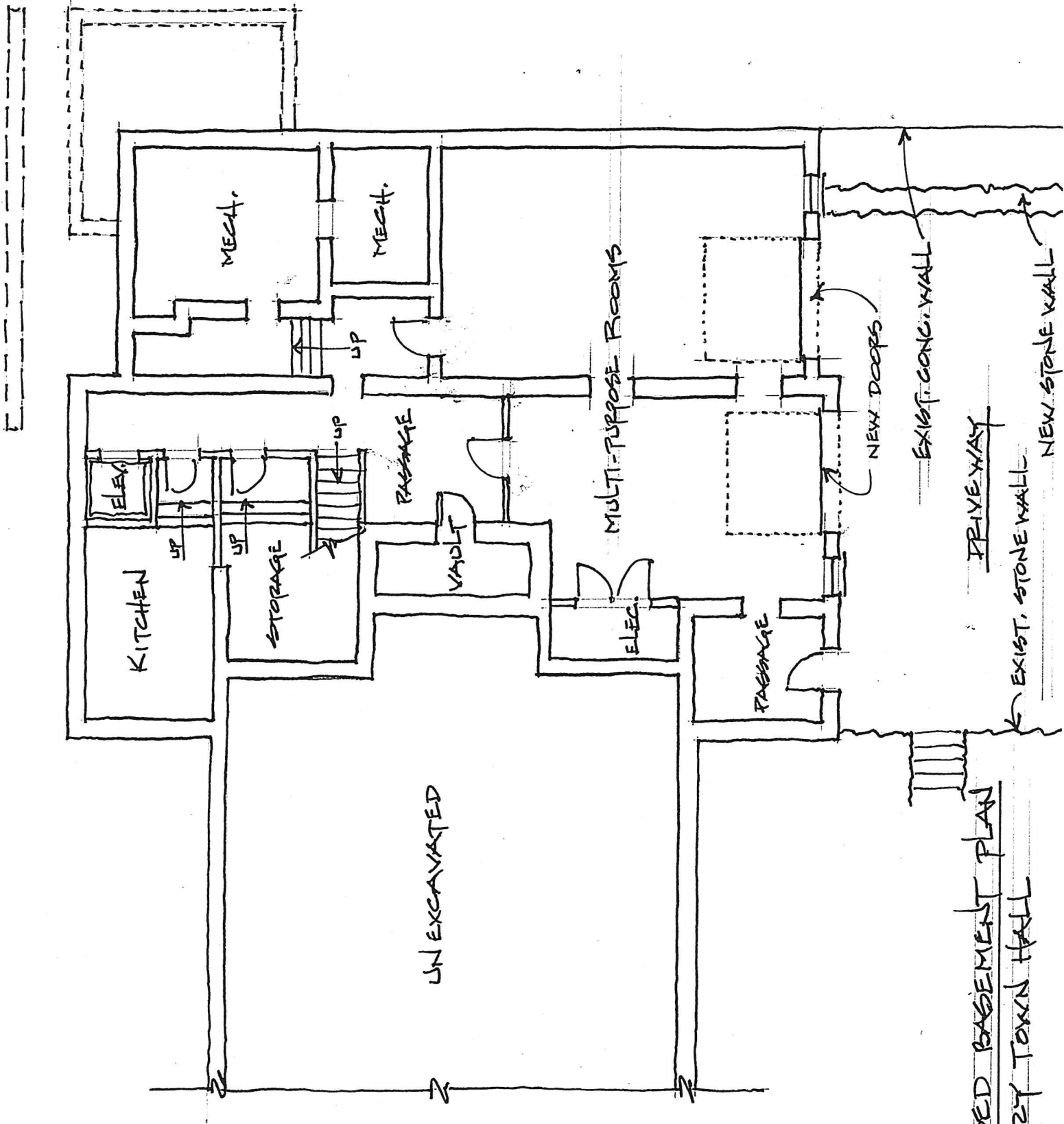


PROPOSED SECOND FLOOR

SUDBURY TOWN HALL

(NO SCALE)

10.18.2015



PROPOSED BASEMENT PLAN
SUDBURY TOWN HALL

REMOVE CHIMNEY

ELEVATOR

STAGE #5

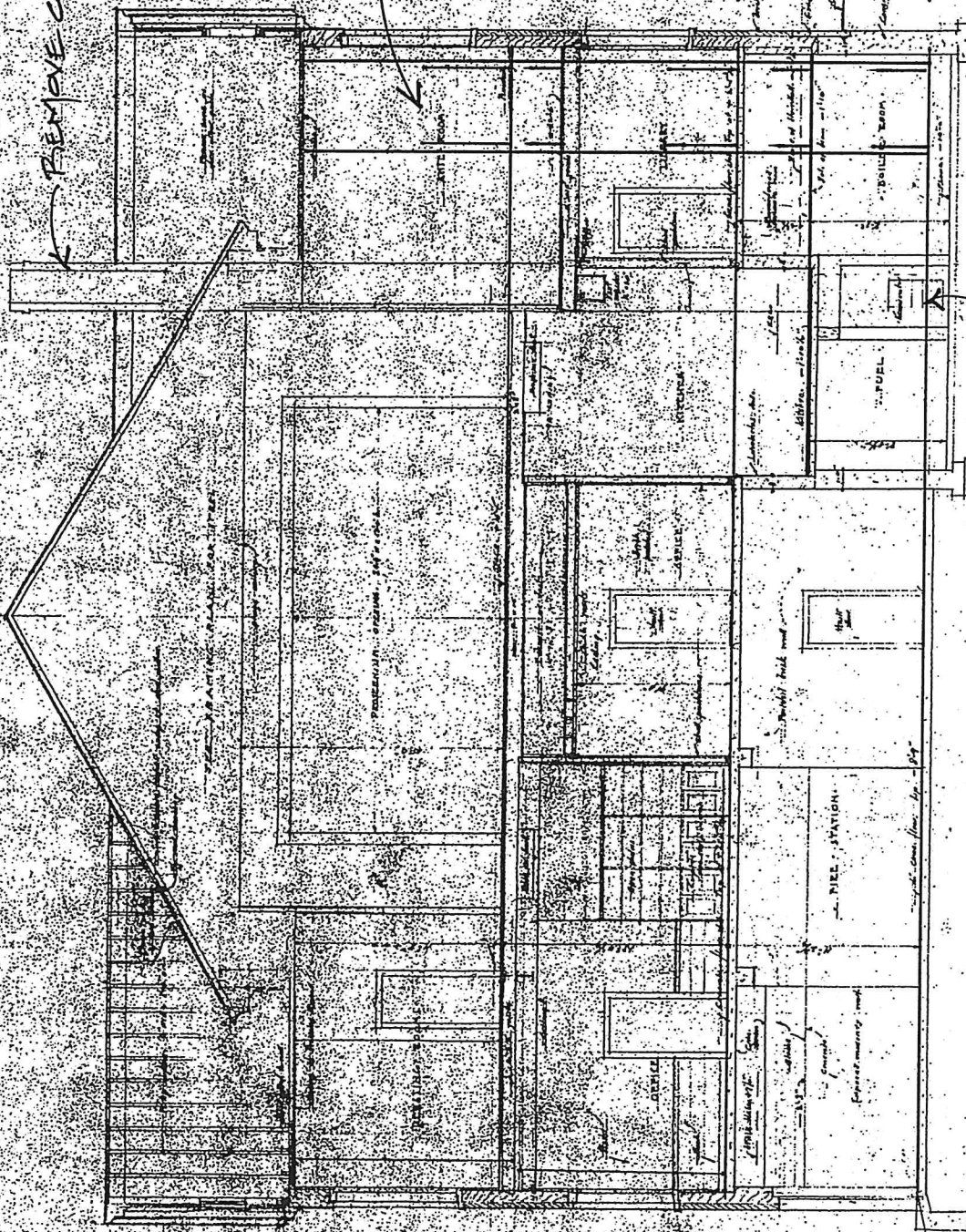
MAIN HALL #4

LOBBY & CLERK #3

MEETING HALL #2

BASEMENT #1

BASE FLOOR



Annual dinner honors those who worked hard to save land

By TERRY DATE

tdate@andovertownsman.com

AVIS trustee Libby Poland surveyed the chandelier-hung auditorium upstairs in Old Town Hall.

At a dozen round tables clothed in white linen, she saw 125 people devoted to preserving Andover's open spaces.

"It's always very warm," she said, commenting on the annual dinner's mood.

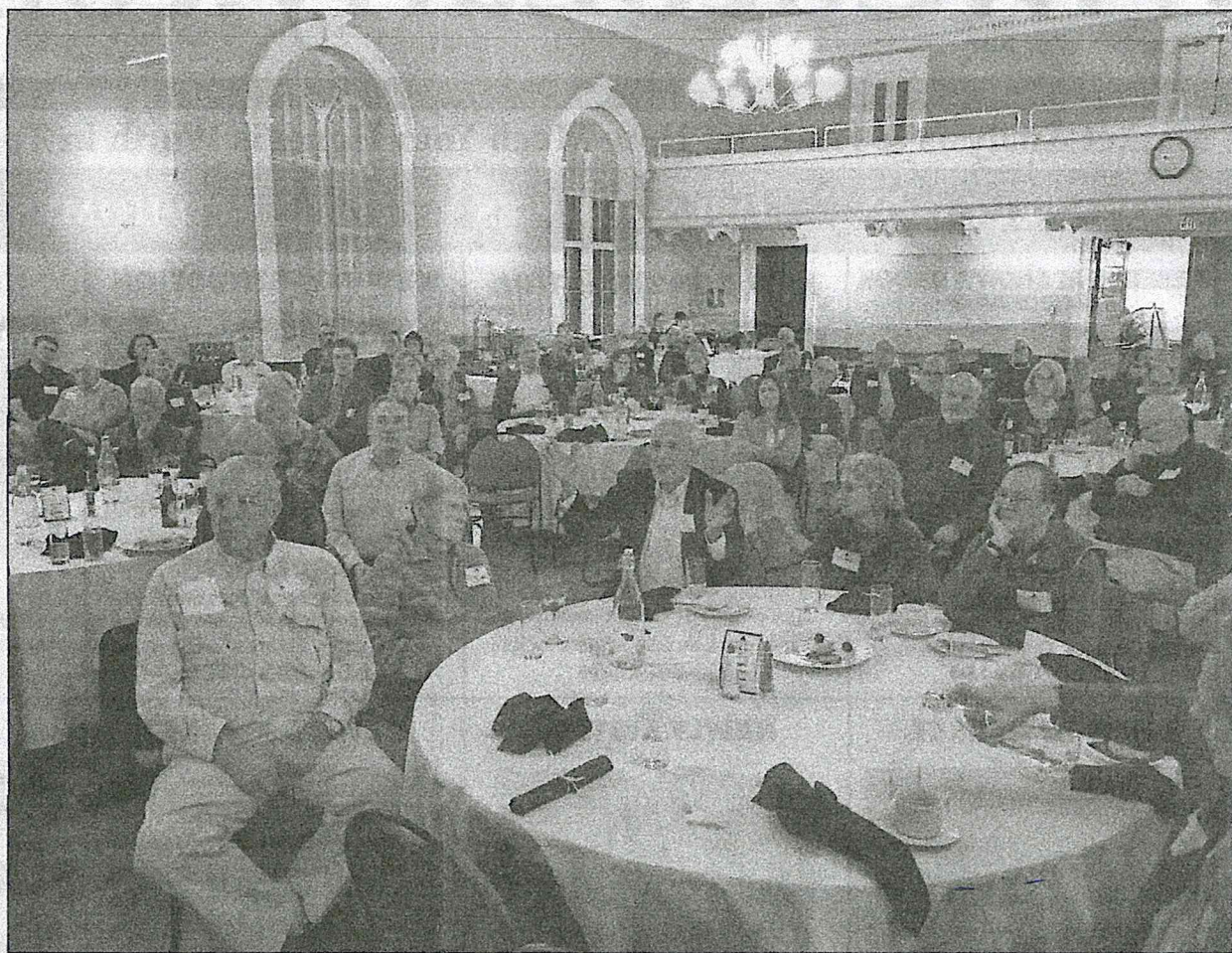
Glasses clinked, conversation flowed, and laughter spilled under the yellow light. The high ceilinged room's voices merged like peepers in spring, the laughs, a bull frog's occasional call.

Over three to four hours Andover Village Improvement Society members reviewed the past year, its wins and losses and plans for the future.

After a dinner prepared by Cast Iron Catering of Nashua, N.H., that included Texas brisket, herb ricotta stuffed shells and asparagus, the crowd turned its attention toward the stage — and the podium just below it.

Susan Stott spoke about the 11 acres AVIS bought last summer along the Shawsheen River. Together, AVIS and the Andover Conservation Commission, acquired two parcels at the end of South Street, for the Sa

The enway 23, inc trails of Meg honor a long "I w day a velou Stor poise at the River AVI Dallet the or when them land. "Ou the ba groun AVI the St and n bank. Mer slightl



TERRY DATE/Staff ph

AVIS held its annual dinner at Old Town Hall March 8. Here is a look at part of the crowd, listening to the featured speaker, Nick Wildman, a restoration specialist with the state of Massachusetts. He talked about dams, and the plans to remove two in Andover this year.



Retired Air Force Col. Calvin Perry at the annual veterans appreciation luncheon in Andover.



listens to the featured speaker, Nick Wildman, a n specialist with the state of Massachusetts.

g blueberries to nur- into deep muck for boardv
ebirds, from being construction.

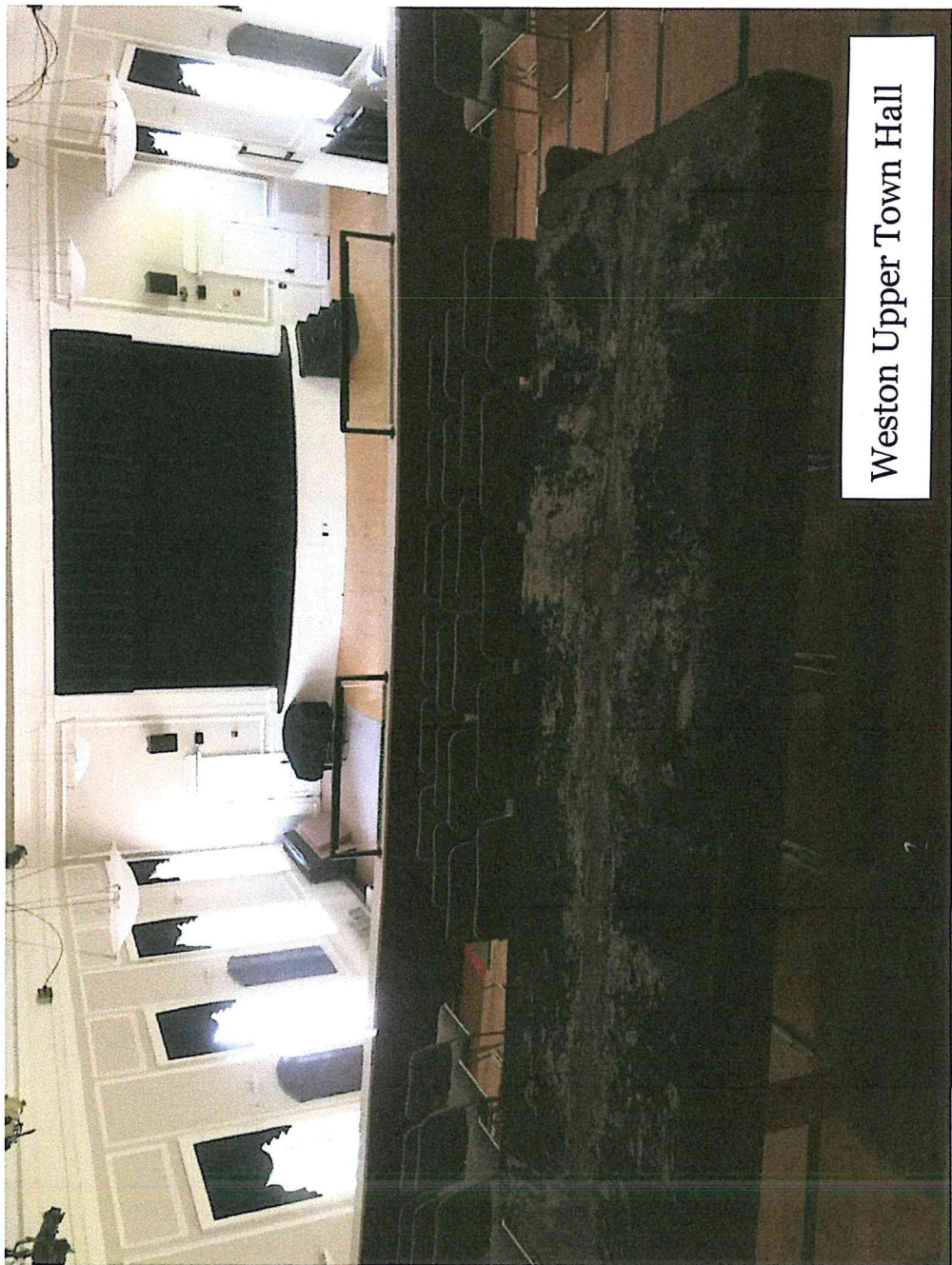
or the Skug River Keck, who had lived on I
on to grilling hot old Parker Road since 1:
e middle of Lupine played a pivotal role in acq
ing land for AVIS.

as an AVIS trustee "Under Peggy's leaders
ers and a critical liai- AVIS was able to protect
en AVIS and the Boy West Parish Meadow, es

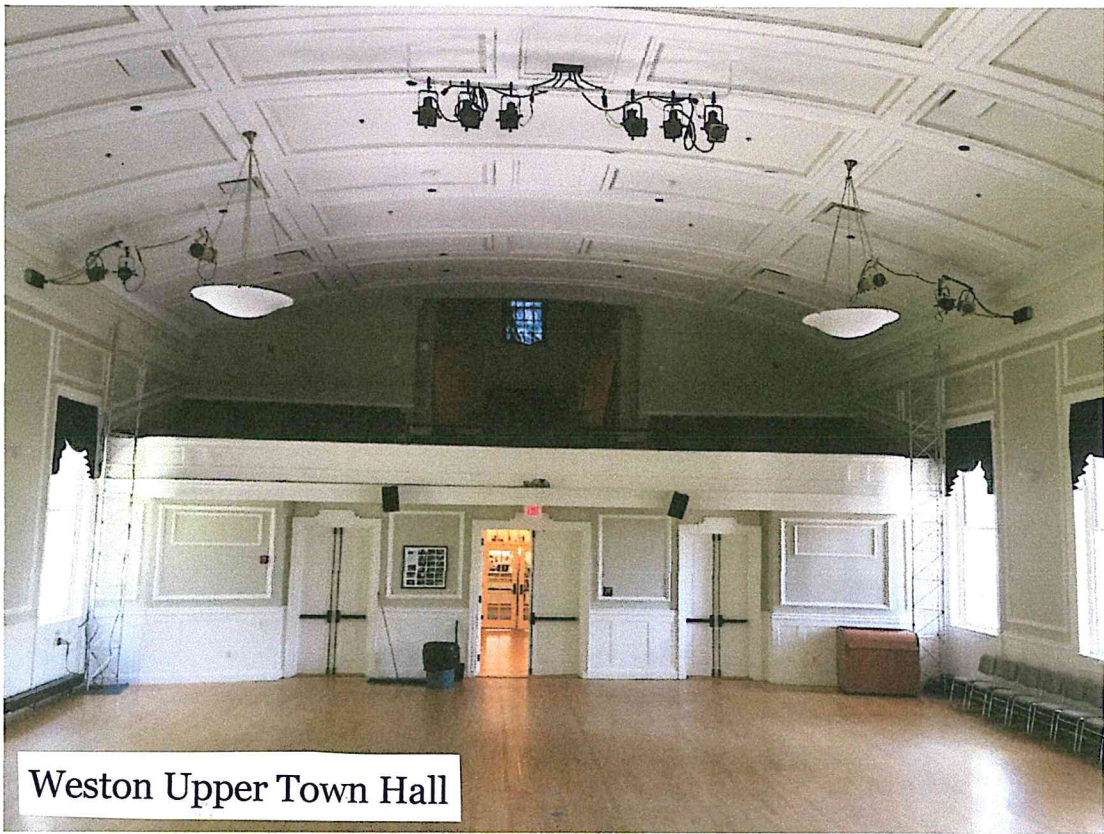
his guidance, Eagle "Under Peggy's leaders
uilt most of the AVIS was able to protect
d benches that you West Parish Meadow, es
n reservations" he add to the Deer Jump, H
mond, Burdon, Smith and



Acton Upper Town Hall



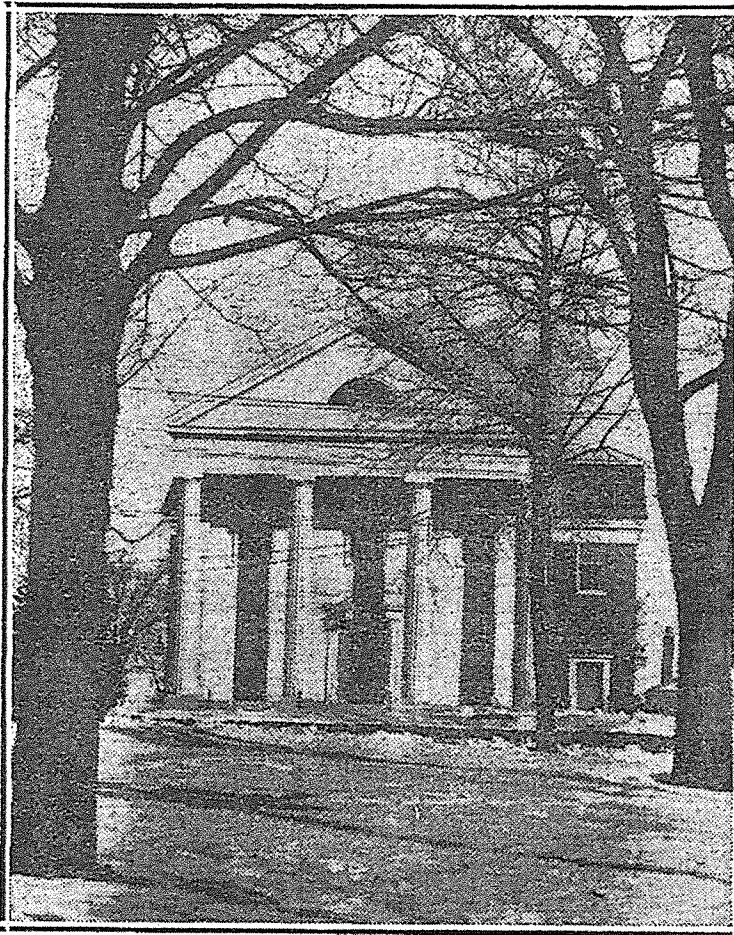
Weston Upper Town Hall



Weston Upper Town Hall

SUDBURY'S NEW TOWN HALL REPRODUCTION OF OLD ONE

Dedication Tomorrow of Structure Replacing Building Burned Down Will Be Participated In by Entire Community



SUDBURY'S NEW TOWN HALL

SUDBURY, Feb 20—Residents of Sudbury will gather at the Center tomorrow afternoon and evening for the extensive community program arranged to dedicate the new Town Hall.

The address of welcome will be given by Henry E. Rice, who will be master of ceremonies. Miss Sarah Pratt will give the history of the old Town Hall, Rev George A. Clarke the history of the new Town Hall site,

and Harvey N. Fairbank, chairman of the Board of Selectmen and of the Building Committee, will tell of steps in securing the new Town Hall.

Ball in Evening

There will be a concert by the Masonic Glee Club of Concord and by the High School orchestra. In the evening there will be an orchestral concert from 8 to 9, when the grand march will be formed and general dancing will follow until 1 o'clock.

The new building is an exact repro-



MISS SARAH E. PRATT
One of dedication speakers

duction architecturally of the 84-year-old Town Hall which was burned Feb 11, 1930, and which stood not more than 200 yards from the site of the present building. The new building is built of red brick, with a wood front structure of colonial design, with four large pillars extending from a row of stone steps the whole length of the building and reaching to a roof superstructure.

There are two commodious halls, one on the first floor, called the banquet, or lower hall, and an assembly hall upstairs that will seat 494. There are 10 other rooms, including offices for the town department heads, boiler room, fire engine room to accommodate two pieces of fire apparatus and a branch library room. There are two cloak rooms.

There is a large gallery in the upper hall and over the front superstructure upstairs provision is made for a moving picture booth, the steel frame of which is already provided.

The building, erected at a cost of \$85,000 (of which the building itself cost \$65,000 and the balance for the site), was erected according to plans drawn by Charles H. Way, Sudbury and Boston architect. Perkins & Wells of Concord were the contractors.


Henry E. Rice, a descendant of one of the oldest families in the town, is chairman of the dedication committee. His grandfather, Charles Gerry of Concord, was master builder for the firm which erected the old Town House.

A feature will be the assembling of 24 citizens of the town, all of whom are 80 years old and over, and have received special invitations.

Special invitations have also been extended to the young people through the schools, and it is hoped by the committee that all the residents will visit the building during the day.

Assisting Mr Rice on the committee are Frank F. Gerry, secretary; Mrs Temperance Gupill, Mrs Lida Raymond, Harland Rogers, Mark Beckwith, Col Thomas S. Bradley and Ralph Barton.

From the Boston Globe.



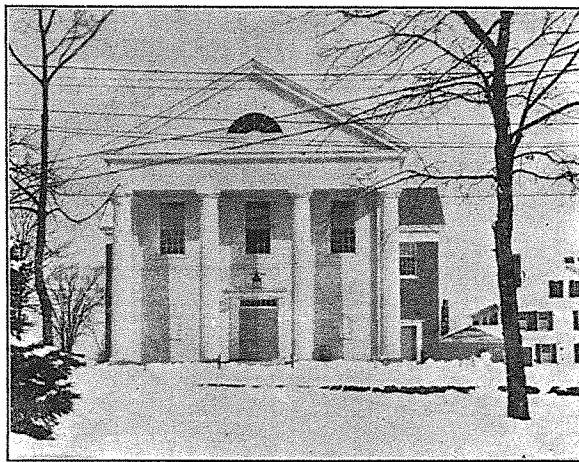
Sudbury Town Hall 1846 - 1930
Sudbury Historical Society Collection

DEDICATION

Of The

TOWN HALL

Sudbury, Mass.



Monday, February, 22, 1932

Afternoon and Evening



EVENING PROGRAM

Arthur Wallace's Orchestra

8. P. M. Musical Program

Songs by Ned Humphries

9 P. M. GRAND MARCH AND WALTZ

Dancing until 1 A. M.



COMMITTEES

BUILDING COMMITTEE

Harvey N. Fairbank, Chairman X

Harland H. Rogers

A. M. Beckwith

Henry E. Rice X

Col. Thomas S. Bradlee

X Mrs. Lydia G. Raymond

X Frank F. Gerry, Clerk

Ralph Barton

X Mrs. Melvin Guptill

DEDICATION COMMITTEE

X Henry E. Rice, Chairman

X Mrs. Lydia G. Raymond, Secretary

The Building Committee Ex officio

PROGRAM

Harvey N. Fairbank

X Rev. George H. Clarke

F. D. Bradshaw

PUBLICITY

L. L. Winship

E. N. Bowry

Roger Poole

ENTERTAINMENT

X Mrs. Melvin Guptill

X Mrs. Henry Eaton

X Mrs. John C. Hall

Roland Eaton

MEMORIAL BOX

Roger Poole

X F. F. Gerry

Mrs. Anna E. Whitney

FINANCE

F. D. Bradshaw

F. L. Clark

Henry N. Page

DECORATING

L. Roy Hawes

HOSPITALITY

The Entire Dedication Committee

REFRESHMENT

F. D. Bradshaw

Sherold Garfield

Mrs. Stephen Gray

L. E. Hawes

Hermon Austin

E. W. Bowker

Mrs. Anna A. Wohlrab

Mrs. Walter Stone

PROGRAM

2.30 p. m.



Music High School Orchestra
Singing, "America" Audience
X Prayer Rev. Albert B. Reynolds
Singing Anchor and Ark Glee Club
Address of Welcome Henry E. Rice, Chairman
X Address, "The Old Town Hall," Miss Sarah E. Pratt
X Address, "The New Town Hall," Rev. George H. Clarke
Singing Glee Club
Report of Building Committee X Harvey N. Fairbank, Chairman of Committee
Singing Glee Club
Ceremony of Dedication
Singing, "America, The Beautiful" Audience
Placing The Memorial Box Harvey N. Fairbank, Chairman of Selectmen
Inspection of The Building



The velvet draperies in the Main Auditorium, stage portieres, and back side draperies, together with the draperies in the Supper Room, are a gift from the women of the town.

*We wish to extend our thanks to
the following firms for
their donations*

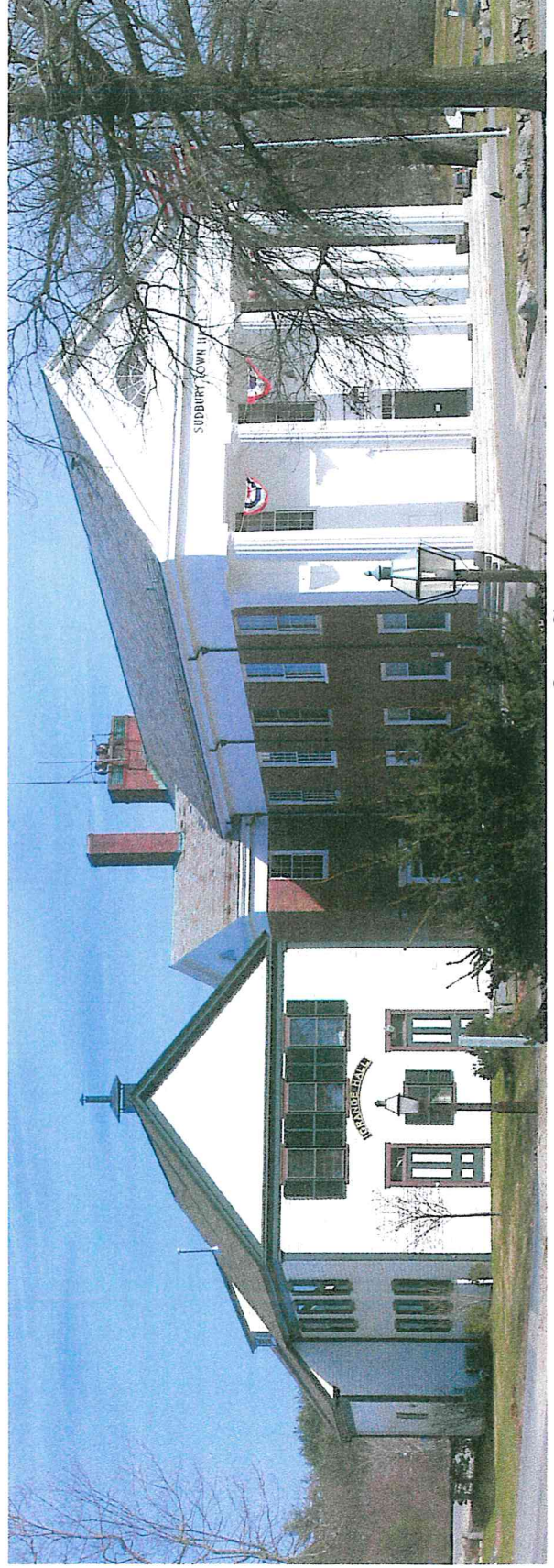


Chase and Sanborn Co., Boston	Tea and Coffee
Simpson Spring Co., South Easton	Crushed Fruit and Grape Juice
Beech Nut Packing Co., Boston	Cream Crackers
Pabst Corp., Milwaukee, Wis.	Loaf Cheese
Best Foods, Inc., Cambridge,	Relish Spread
A. A. Walters Potato Chip Co., Albany, N. Y.	Potato Chips
Hathaway Baking Co., Cambridge	Doughnuts and Bread
G. B. Houghton Co., Boston	Fresh Fruits
Porter Cheese Co., Boston	Mayonnaise
Rival Foods, Inc., Cambridge	Cocoa
Holland Butter Co., Boston	Butter
H. P. Hood & Sons Co., Cambridge	Ice Cream
Marlboro Dairy Co., Marlboro	Cream
Svenska Kaffestuga, South Sudbury	Sugar
John P. Squire Co., Cambridge	Hams
L. Roy Hawes, Sudbury	Flowers

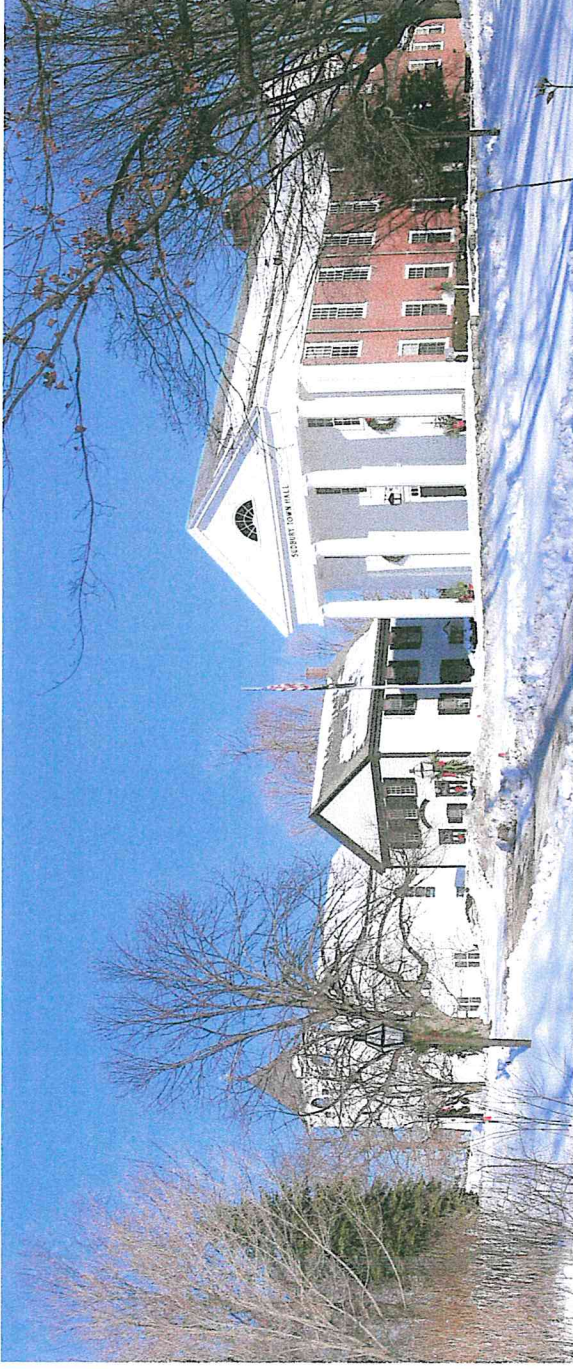




Muster at The Olde Centre



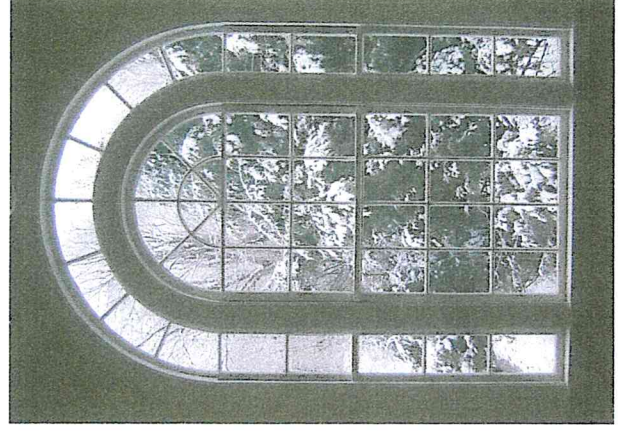
Western Light on The Old Centre



Early Snowfall



Town Hall from Heritage Park



Window on Winter



Town Hall Blue Ribbon Committee

Voted by the Sudbury Selectmen on March 10, 2015

Mission

It is the intention of the Selectmen, in creating the Town Hall Blue Ribbon Committee to provide a mechanism for thoughtful and public review of the best alternative for the future use of Sudbury Town Hall in conjunction with municipal needs and operational efficiencies. The Blue Ribbon Committee is expected to develop a draft report by October 1, 2015 that could be the basis of an article to be submitted by the Board of Selectmen for consideration by the 2016 Town Meeting.

The Blue Ribbon Committee will evaluate and report on options for the future of Sudbury's Town Hall. This building is centrally located within the Sudbury Center Historic District, a National Register District and a local Historic District. Town Hall is surrounded by several historic, municipal, religious and institutional buildings. It is at the crossroad of a highly used intersection, and shares parking with several other buildings. The building is approximately 14,700 gross square feet, 2 stories, and was built in 1932. The building exterior is in poor condition, including the 83 year old slate roof, single pane double hung windows that do not seal, and flashings and envelope deterioration. The interior of the building is also in poor condition and is not up to building code or accessibility requirements, rendering the second floor closed to the public, and all major systems need replacement (HVAC, plumbing, electrical).

The Board of Selectmen will be looking for an analysis of the pros and cons of the following options: (1) rehabilitating the building for its current or amended use; (2) expanding the building to accommodate additional or new uses; (3) demolishing and reconstructing the building to accommodate additional or new uses; or (4) any new options brought forward by the Committee. As part of the mission, the Committee will also prepare a suggested schedule that coordinates with other town building projects such as the Flynn Building, Loring Parsonage, and Fairbank Community Center; prepare a suggested time line and construction cost estimate for each of the various options for Town Hall; and evaluate the impact of each option on the Capital Funding Plan. The Committee will recommend one final solution on how the Town of Sudbury can maximize the value and future use of Town Hall.

Once the appropriate course of action is determined by the Committee, the resulting project will be presented to the Board of Selectmen for review, then be handed over to the Permanent Buildings Committee to manage.

Responsibilities

The Committee will examine the prior planning that went into the facility condition assessment and feasibility study prepared by Bargmann Hendrie and Archetype, Inc. (BH+A) in 2013 as well as current available facility studies for the Sudbury Public Schools, Fairbank Community Center and Loring Parsonage. Specifically, the tasks of the Committee shall be:

- Review options from the 2013 Town Hall Study prepared by Bargmann Hendrie and Archetype, Inc.
- Review other reports, including:
 - Town of Sudbury Space Needs Study (2002)
 - Loring Parsonage Conditions Assessment and Feasibility Study (2014)
 - Fairbank Community Center Feasibility Study (2015)
- Visit the subject facilities as appropriate
- Prioritize options, developing a pros and cons list, and a narrative for prioritizing
- Provide a timeline for each option
- Provide an estimated budget for each option
- *Engage the public in discussions of options*

In completing these tasks, the Board has determined that the following elements are essential to any recommended option:

- All options must demonstrate wastewater and parking capacity for the multiple users.
- All design options must include consideration of minimum standards and codes for Public Buildings (e.g. seismic, energy codes, life safety, ADA requirements, etc.).
- All design options shall include cost estimates (derived from existing studies, plus an escalation factor).
- The building shall be as energy efficient and sustainable as possible.
- All options must maintain the historic character of the Town Center.

Draft Timetable (tasks to be done by this date)

March, 2015	Interviews, appointments by Board of Selectmen
April - June, 2015	Meeting(s) held, studies/plans reviewed
July, 2015	Draft report prepared
Sept, 2015	Draft report and recommendations made to Selectmen with consideration for whether there should be a submission of an article to the May 2016 Annual Town Meeting
Oct, 2015	Final report submitted

Membership Requirements and Expectations

The Town Hall Blue Ribbon Committee shall have up to nine (9) voting members who shall be appointed by the Selectmen. The Committee shall include two (2) members from the Permanent Building Committee, one (1) member from the Capital Improvement Planning Committee, one (1) member from the Sudbury Historic Districts Commission, one (1) member from the Sudbury Historical Commission, one (1) member from the Sudbury Public Schools, one (1) member from the Sudbury Historical Society and two (2) at large members. All Committee members shall be expected to educate themselves as necessary to address issues associated with the current condition of Town Hall as well as the current municipal space needs and current reports documenting those needs that are integral pieces of the long term solution. Most importantly, the Board is looking for people with an open mind and willingness to work diligently to develop the best possible study of this important issue. All appointments are until June 2016.

The Committee shall elect a Chair from among its members, who shall conduct meetings and act as point of contact to staff for the scheduling of meetings. The Committee shall elect a Clerk from among its members, who shall insure that all open meeting laws are complied with.

Minimum requirements for all applicants: Applicants must be available and willing to attend the majority of scheduled meetings.

Staffing Assistance

The following staff of the Town of Sudbury will be available on an occasional basis as time permits and the Town Manager approves: The Facility Director and/or Director of Planning and Community Development or her designee. The Town Manager shall also approve the involvement of ex-officio members as needed, including other Town employees, to assist the committee in its mission. Minimal Town financial resources are currently available to support the work of the Committee.

Compliance with State and Local Laws and Town Policies

The Town Hall Blue Ribbon Committee is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

- **The Code of Conduct for Selectmen Appointed Committee.** A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.
- **The Town's Email Communication for Committee Members Policy.** Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the Committee by the Selectmen.
- **General guidelines for Sudbury committees, boards and commissions.** Appointed committee members are expected to follow general guidelines on meeting requirements, communication, committee interaction, etc. which are consistent with state and local laws.
- **The Town's Policy on Access to Town Counsel.** Appointed committee members have limited and specific access to Town Counsel, which is necessitated by the need to control the costs of legal services.
- **Use of the Town's Web site.** The Town Hall Blue Ribbon Committee will keep minutes of all meetings and post them on the Town's web site. The Committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

Full versions of these and other policies can be found on the Town's website, and should be read by all appointed committee members.

Town Hall Blue Ribbon Committee – Draft Options Report

INTRO

The Sudbury Town Hall is centrally located within the Sudbury Center Historic District, a National Register Historic District as well as a locally designated Historic District. Town Hall is surrounded by several historic municipal, religious and institutional buildings. It is at the crossroads of a highly travelled intersection, and shares parking and a wastewater disposal system with several other civic buildings. The building was built in 1932 and contains approximately 11,530 gross square feet on 2 floors (including the balcony), with an additional 3,270 sq. ft. in the basement.

The building exterior is in need of repairs, but is in structurally sound condition, including the original 84 year old slate roof, single pane double hung windows, brick façade, foundation and chimneys. The interior building finishes are in generally fair to poor condition and usable, but the major building systems (HVAC, electrical, plumbing and fire detection) are in poor condition and are not up to building code, and the building is not ADA accessible, rendering the second floor closed to the public.

The Town Hall Blue Ribbon Committee (THBRC) was formed by the Board of Selectmen to provide a review of the best alternative for the future use of the Sudbury Town Hall in conjunction with municipal needs and operational efficiencies. Fulfilling this mission required a variety of issues to be investigated, including the space needs of the Sudbury Public School Administration, Town Clerk, Town administrative offices currently housed in the Flynn Building, Town voting space, and meeting space for the Board of Selectmen and other Town Boards and Committees. The current arrangements for several of these groups is inadequate, and must attempt to be resolved concurrent with any plan for restoration of Town Hall. The Sudbury Historical Society's use of the upper level of Town Hall is assumed to be eliminated with their move to the Loring Parsonage.

The Committee began its work by touring the Town Hall with the Town's Facilities Director, and studied the 2013 Bargmann Hendrie and Archetype, Inc. (BH+A) facility condition assessment and feasibility study. They also familiarized themselves with other current available facility studies for the Sudbury Public Schools, Fairbank Community Center and Loring Parsonage. The committee also looked at Town Halls in several other Massachusetts' towns to understand those projects, the uses of the structure, and the costs.

SPACE NEEDS

The first issue was the consideration of the office space needs of the Town and SPS administration. This information is contained in the 2013 BH+A Sudbury Town Hall Renovation Project report. It is assumed that the SPS administrative offices will move out of the Fairbank Center, and need approximately 8,000 to 10,000 sq. ft. of office space. The SPS use of the Fairbank Center space was planned to be a temporary solution when they originally located there over 25 years ago. As Park & Rec and Council on Aging programs have expanded at the Fairbank Center, the need to utilize more space in the building has become critical. SPS offices could be converted to recreation/COA uses and alleviate that space need. It is apparent from this study that the Town Hall and Flynn Building combined are not large enough to accommodate both of

these uses. Some additional space will need to be created. This new space may or may not be in the Town Hall. The Flynn Building seems to be functionally operational for the Town administrative offices currently housed there. The Town Clerk office space in Town Hall is adequate, but could use renovation, particularly accessibility and office layout. The Board of Selectmen meeting room and voting area in Town Hall are adequate, but could use renovation. Therefore, the issue of additional space can be narrowed down to a need only for the SPS administrative offices.

BEST USE

The idea of what is the “best alternative for the future use of Sudbury Town Hall” was paramount in the Committee’s discussions. The THBRC has studied the historical use of the building since its construction in 1932, as well as the historical context of the original Town Hall located across the street. There is much written about past residents’ vision for Town Hall.

There are also preliminary BH+A design plans illustrating Town and/or SPS offices occupying the Town Hall. It is important to note that the Sudbury Town Hall was never designed to accommodate modern day office space. The Town offices currently in the Flynn Building would not fit into the current Town Hall, and would require an addition. SPS offices would fit into the current Town Hall, but only with the displacement of the large meeting room/voting area. Moving one group into Town Hall which displaces other uses, causing the need for multiple office moves, does not appear to be the most cost effective solution.

The THBRC discussed whether they thought there would be support to enlarge Town Hall, or if there was a better, cheaper alternative location to construct additional space to accommodate all the necessary uses. With the SPS administrative offices being the only use which requires new space, the question of whether Town Hall is the appropriate place for them was discussed. Some will say no, as Town Hall should be the center of Town government, not school administration. Other possible locations for the SPS administration were considered, including a future addition at the Nixon School; or the possibility of leasing private office space, which would eliminate the need to fund major building capital project. **APPENDIX 3**

Finally, if no addition is recommended at Town Hall, what level of restoration is necessary or desired. Should the structure be renovated to its original purpose and intent, or should repairs be made to modernize the building and keep it usable for meetings, voting and other community occasions. *Community Preservation Act funds may be available for some renovations, but would not be eligible for any building addition.*

In processing all these variables, and after much discussion and creative thinking, the THBRC developed a matrix of 8 alternatives for how to proceed to recommend the best alternative use for the future use of Town Hall. Pro and con arguments were developed for each alternative, and after discussion, several ideas were dismissed for various reasons. In the end, four scenarios were advanced, three of which were requested to be investigated by the Board of Selectmen in the THBRC mission statement, and one new idea promulgated by the Committee.

Based on the mission of the Committee, the following are the options currently under review. Each scenario includes approximate costs (taken from the BH+A report + 20%) and time frame. From these options the Committee will recommend one final solution for the future use of Town Hall, prepare a suggested schedule that coordinates with other town building projects, and evaluate the impact of each option on the Capital Funding Plan.

1) Rehabilitating the building for its current or amended use. The THBRC's recommendation for this option is to rehabilitate the building and restore it to its original use of a downstairs meeting room, upstairs community space, renovating and expanding the Town Clerk/Veteran's Agent offices, with an elevator, a small addition and a new primary entry.

The rehabilitation of Town Hall to its current and original use as a two-floor meeting hall is highly favorable to many members of the THBRC. This would include the restoration of the exterior envelope, a full remodel of the interior allowing for ADA compliance, a large meeting room/voting room, a second floor meeting and performance space, a caterer's kitchen, the replacement of all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. Much of the improvements would be CPA eligible.

This option could solve the Sudbury Historical Society's space need for exhibition and programming space, as space could be available on the second floor, and could eliminate the need for an addition to the Loring Parsonage by the Society. Accomodation of board and committee meetings, as well as voting, would be enhanced.

This does not solve the space needs of the Sudbury Public School administration, however. With this option, SPS would be located elsewhere. A discussion of utilizing several Town owned spaces have been brought forward. The Facilities Director will continue discussions with SPS in order to find the best fit for their administrative needs, and potential cost.

Bring back original uses (2 large meeting rooms plus Town Clerk)	
\$5.7 million	
make entire building accessible, improve infrastructure	
Pros	Cons (cf. new building)
ADA compliant	Not solving all space issues
CPA eligible (portions)	Slightly higher maintenance costs
Improves building systems	Not increasing program space
Improves energy efficiency	Slightly lower energy efficiencies
Preserves the original, historic character and function of building	
Less expensive than other building options	
Possible revenue from rental space	
Historical Society could exhibit in Town Hall	
Additional parking likely not needed	
Assumptions: Solve SPS space needs elsewhere	

Why the committee is in favor/opposed to this option: There are several good examples of Town Halls that were renovated to bring back their original use as a community meeting space. It is important to note that the Sudbury Town Hall was never designed to accommodate modern office space. The renovation of the building, allowing for meeting and performance space, would also be compatible with the surrounding functions in Town Center.

Although this option by itself does not solve the space needs of SPS, it could be combined with another low cost option for SPS which may have the potential to solve the issue at a lower cost than other solutions. The

majority of uses in a restored Town Hall would likely be for evening and weekends and have minimal impact on the parking lot, which is already at capacity during many school days.

(2) Expanding the building to accommodate additional or new uses. The THBRC's recommendation for this option is to construct an addition and move Flynn employees to Town Hall and SPS to the Flynn Building.

The most compatible use of an expanded Town Hall would be to move the Flynn Building offices into Town Hall, and move the SPS offices to the Flynn Building. As mentioned above, an addition would be necessary. This would drive the cost of construction and make much of the project cost ineligible for CPA funding.

Renovation with expansion for office use would include retaining and renovating the exterior envelope, construct a 4,000 – 6,000 sq. ft. addition, a full remodel of the interior allowing for ADA compliance and a useable second floor, replace all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. The addition would solve Town office space needs, including retaining a large meeting/voting room. SPS would move to the Flynn Building. These costs do not include the cost of moving offices between buildings.

Move Flynn to Town Hall and SPS to Flynn	
\$10 million	
addition and renovations needed	
Pros	Cons
Solves all space needs	Higher cost
Improve building systems	Addition not CPA eligible
Improve energy efficiencies	Sudbury Historical Society must create exhibit space
ADA compliant	Lose 1 large meeting room
CPA eligible (portions)	Higher operational costs (larger building)
Lower maintenance cost	Additional parking likely needed
Compatible use: Town Admin at Town Hall/SPS Admin at Flynn	
Preserves exterior historic character of building	
Assumptions: Septic system sized adequately for expansion	
AUL issues resolved	
BOS Meeting Room and voting areas included	
Merge Town/SPS IT offices in Flynn	

Why the committee is in favor/opposed to this option: A full renovation with a small addition would allow for the Town Hall to remain as it appears from the front facade which would reserve its historic integrity in Town Center. It would solve the space needs of all groups and bring Town Administration to a traditional place of government in Town Hall.

However, since Town Hall was originally designed to function as a meeting hall, renovations will require a full gut of the interior of the structure. With many unknowns in an old structure such as this, hesitation to fully renovate due to potential rising costs is warranted. Also, if offices are to be placed in Town Hall and

the Flynn Building occupied by the School Administration, the Town would be further limiting available parking throughout the school year and potentially creating a capacity issue for wastewater.

(3) Demolishing and reconstructing the building to accommodate additional or new uses. The THBRC does not recommend this alternative due to the building's historical prominence, but has presented the pros and cons in the matrix.

The concept would be to construct a new 15,000 – 17,000 sq. ft. building, including modern major building systems (HVAC, electrical, plumbing, fire detection), low maintenance exterior envelope, ADA compliance and efficient office and meeting space. This project would not be CPA eligible.

The idea of tearing down the current structure and rebuilding to suit the current needs of the Town has some merit. However, the current structure is historically significant to the history of Sudbury and an iconic symbol of current Sudbury, and the Committee voted this option down. Representatives from the Historic Districts Committee, Historical Commission and Historical Society all agreed.

Tear Down/Build New	
\$8.4 - \$9.1 million	
Pros	Cons
Modern life safety systems	Higher cost
Modern energy equipment	Entire project not CPA eligible
ADA compliant	Lose historic integrity
Less costly per square foot	
more functional floor plan	
Compatible use: Town Admin at Town Hall/SPS Admin at Flynn	
Assumptions: AUL issues resolved	
BOS Meeting Room and voting areas included	
Requires HDC approval for demolition	

Why the committee is opposed or in favor of this option: The Committee agreed strongly that the historic preservation community in Sudbury has made a clear and valid argument to preserve the historic integrity of Town Hall. In doing so, the Committee could not recommend tearing down the structure.

(4) Any new options brought forward by the Committee. The THBRC has proposed an option to rehabilitate the building for its original use, and construct of an office addition for either Town departments or SPS.

An addition option brought forth by the Committee was a combination of options one and two - preserving the historical interior and exterior features of the building, as well as an addition to solve the space needs issue.

This would involve the rehabilitation of Town Hall to its current and original use as a two-floor meeting hall as well as a sizeable, approximately 14,000 sq. ft., addition to the rear of the building. This would include the renovation of the exterior envelope, a full remodel of the interior allowing for ADA compliance and a useable second floor to be a meeting/performance space, the replacement of all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. Much of the interior renovation would be CPA eligible, but the addition would not be eligible.

Bring Back Original Use and construct addition	
Potentially \$15 million	
Addition + 2 large meeting rooms	
Pros	Cons
ADA compliant	Highest cost
CPA eligible (limited)	Addition not CPA eligible
Improve building systems	Increases operational costs
Improve energy efficiency	Displaces parking
Possible additional revenue from rental space	
Preserves the historic character and original intent	
Assumptions: Septic system sized adequately	
AUL issues resolved	
BOS Meeting Room and voting areas included	

Why the committee is opposed or in favor of this option: A full renovation with a sizeable addition would solve space issues while preserving the historic integrity. However, at an approximated cost of \$15 million or above, and lower cost alternatives available, the financial burden may be too high to justify. Also, adding several new functions in an already crowded town center would cause concerns for parking and wastewater capacity.

Sudbury Town Hall Project: Bringing Together Community Spaces in Historic Town Center

Report of the Town Hall Blue Ribbon Committee

December 6, 2016

Following a lengthy process of careful investigation and deliberation, the Town Hall Blue Ribbon Committee recommends to the Board of Selectmen that the Sudbury Town Hall undergo a true historic restoration *and* a modern rehabilitation, with some elements of new construction. We feel our plan will lead to a rejuvenation of its use by and for the citizens of Sudbury, and a reclaiming of its historic role as the anchor of Town Center.

The **1932** Town Hall building is to a great degree, and very purposefully, a *replica built large* of its **1846** predecessor, its size and spaces befitting a larger, more prosperous population. Sudbury resident and architect of Back Bay brownstones, Charles H. Way, was lead designer. Input came from two other Sudbury architects: Joseph Everett Chandler, restorer of the likes of the House of Seven Gables, the Paul Revere House, and the Old State House; and Ralph Adams Cram, architect of West Point, Princeton University, New York's Cathedral of St. John the Divine and much more. Impressively, the citizens of Sudbury made this significant investment in their community in the early, worst years of the Great Depression.

The new Town Hall opened almost two years to the day after its predecessor burned to the ground. Initially it was home not only to the Town Clerk's offices, but also to the town's sole Police and Fire stations, as well as a branch library. The building's main feature was a public assembly room on the 2nd floor (inc. Town Meetings), complete with a theater stage and a cinema projection room for good measure. On the first floor the "supper room" with kitchen was used for community functions, and in the early years also served lunch to the school children of the Center School (now Flynn Building). For decades more the kitchen served on-duty firemen as well (showers and facilities included). The Town Clerk's office has remained throughout; the Fire Headquarters and *two* community theater programs were active users through the **1980's**. The Committee was in fact surprised to discover how intensively the first floor continues to be officially scheduled for use by the Town as well as community groups. But two of the building's three floors have been closed to the general public for more than two decades, due to accessibility issues. There is, therefore, much to be gained by updating and restoring access to spaces which are not only historic but, once rehabilitated, appealingly useful to the Town and community today.

The Town Hall, its parking lots and driveways, form the physical nexus of community activity in our Town Center, an area which for many years has been the beneficiary of substantial investment in its public and private spaces, infrastructure and access ways. Yet the Town Hall, at the center of the Center, remains the **only** property whose condition has been left largely untouched, its usefulness significantly curtailed—and not for a while, but for decades. As the rest of the Center comes together through completion of the most recent of these efforts (road work, parks creation/enhancement, History Museum), the Committee feels that the Town should invest in planning for and executing a Town Hall Project. We foresee a project that would bring to the building, and to its surroundings, new community activities and an improved physical connectivity, thereby engendering a more complete sense of the entire historic town center as one whole, a specific place where the community goes to share in the life of the town.

Our proposed plan would preserve the bulk of the space and main original purpose of the building: the first and second floor public gathering spaces. The building would also continue as the historically New England hub of town government: the Town Clerk's existing space would be completely redesigned to enable that essential government interface to best serve our citizens under the increasing requirements of 21st century democracy and record keeping. Public access both into and within the building would be vastly improved through a modest addition fronting on the parking lot and an elevator within the original structure. In this way not just one but all three floors of the building would be fully utilized, and every member of the public would have uncomplicated access. New public restrooms at the front and rear entrances would serve the entire town center during public events, as well as office workers and visitors who are not currently well accommodated. The work would include new mechanical, fire protection and electrical systems as well as restoration and weatherization of the building envelope.

Newly available and appealing, and endowed with modern utility, we believe that the Town Hall's varied spaces will grow significantly in their use by both government and community entities. These updated spaces could, for example, provide immediate benefit by negating the need for the large, costly addition *already designed* for the adjacent Sudbury History Museum. Many program activities planned for that addition could be held in Town Hall instead, and the building itself could be decorated, in part, with museum wall hangings and display cases. A major portion of that proposed large addition (not the smaller one that is currently underway) is for housing the Museum's archival storage, which could be accommodated in the former fire headquarters space in the walk-out basement. Similarly there is room in this location for improved public records storage, adding to the CPA-funded vault that the Town Clerk now operates there. The walk-out basement is also most appropriate for housing a caterer's kitchen, bringing back to the building a significant former use that could service Town, community and private rental functions on both of the upper floors. Several other potential uses, *just for the walk-out basement alone*, have been put forward by Committee members, reinforcing our belief that creating modern utility will generate user activity.

Further, we believe that this restoration and rehabilitation of Town Hall should be seen from its earliest planning stages as a catalyst for reimagining the layout of the entire 27 acres of Town property on which it lies, and the vehicular and pedestrian access to and within it. At the very least, the access roads and parking lots around the Town Hall itself should be redesigned both to better serve anticipated usage, and to improve the way in which they interface with the properties that front upon them (i.e. Loring Parsonage, The Grange, Presbyterian Church, Revolutionary Cemetery, the Noyes School playspace and entrance, and the Flynn Building).

We have included concept drawings of our plan for the Town Hall building itself, executed by Committee member and architect Frank W. Riepe, AIA, to aid in the understanding of what it is that we propose.

Now as to what the Committee is *not* recommending. As detailed in the attached Addendum, the Committee carefully considered the use options contained in the Selectmen's charge to us, and more as well. We especially reviewed the rationale behind the fifteen-year long concept of moving the Sudbury Public Schools administration into the Flynn Building and other Town employees into some version of Town Hall, and iterations of the same. In these deliberations we were particularly informed by previous reports to the Town, their space and cost estimates, and by the professional experience of staff and Committee members in design, construction, financing, etc. We were also kept up to date by staff and Committee members about the ongoing, related investigations of potential future uses for the Loring Parsonage and the Fairbanks Community Center, and the timing issues thereof. In all of this, key ideas that we believe to be true emerged:

- There is no significant benefit to having the administrative offices of the Town and the Sudbury Public Schools in close proximity, at least not one that is important enough to force such proximity at high cost.
- It is inherently much more expensive than new construction to create modern office space inside those portions of an 84-year-old building specifically designed as public meeting/eating halls.
- The appropriately buildable area of this site is quite tight, and populated entirely with historic buildings fronting on the historic center. To insert any large new building construction into this space, by replacement, addition, or combination thereof, would egregiously upset the dynamic of this historic place.
- The addition of substantial office space in this area would strain the existing infrastructure (i.e. access, parking, septic) to a degree that, again, would make the cost more dear than new construction elsewhere.

As requested, the question of timing and priorities facing the Town were fully examined. We determined that the full Town Hall Project as we envision it could perhaps wait until a home for the Sudbury Public Schools administration is found, and the exact nature of the Fairbanks Community Center proposal is determined. **However we feel strongly that given the benefits of our proposed Project, including the modernization of the functional area required by a key government service, the Town Clerk's office, it would behoove the Town in 2017 to begin the planning process to complete this last section of Sudbury's newly revived Historic Town Center.** With architectural plans in hand, the Town may then determine if it would indeed be prudent to move the Project forward in phases, or to take on the effort all at once.

Our Town Hall houses a key government office; most older Town Halls do not. Yet still, historic Town Hall restorations are one of the most popular uses of Community Preservation Funds in the Commonwealth. We have visited varied, superb examples of restored/renovated Town Halls in nearby towns, and have imagined Sudbury Town Hall among their number.

Respectfully submitted this day, the 6th of December, 2016.

Town Hall Blue Ribbon Committee

Howard S. Gold, Chair, At Large

Susan Asbedian-Ciaffi, Capital Improvement Advisory Committee

Sally Purrington Hild, Sudbury Historical Society

Christine A. Hogan, Sudbury School Committee

William M. Johnson, Historical Commission

Christopher Morely, At Large

Frank W. Riepe, AIA, Historic Districts Commission

Joseph J. Sziabowski, AIA, Permanent Building Committee

James Kelly, Ex-Officio, Combined Facilities Director

Jody A. Kablack, Ex-Officio, Director of Planning & Community Development

Town Hall Blue Ribbon Committee – Draft Options Report

INTRO

The Sudbury Town Hall is centrally located within the Sudbury Center Historic District, a National Register Historic District as well as a locally designated Historic District. Town Hall is surrounded by several historic municipal, religious and institutional buildings. It is at the crossroads of a highly travelled intersection, and shares parking and a wastewater disposal system with several other civic buildings. The building was built in 1932 and contains approximately 11,530 gross square feet on 2 floors (including the balcony), with an additional 3,270 sq. ft. in the basement.

The building exterior is in need of repairs, but is in structurally sound condition, including the original 84 year old slate roof, single pane double hung windows, brick façade, foundation and chimneys. The interior building finishes are in generally fair to poor condition and usable, but the major building systems (HVAC, electrical, plumbing and fire detection) are in poor condition and are not up to building code, and the building is not ADA accessible, rendering the second floor closed to the public.

The Town Hall Blue Ribbon Committee (THBRC) was formed by the Board of Selectmen to provide a review of the best alternative for the future use of the Sudbury Town Hall in conjunction with municipal needs and operational efficiencies. Fulfilling this mission required a variety of issues to be investigated, including the space needs of the Sudbury Public School Administration, Town Clerk, Town administrative offices currently housed in the Flynn Building, Town voting space, and meeting space for the Board of Selectmen and other Town Boards and Committees. The current arrangements for several of these groups is inadequate, and must attempt to be resolved concurrent with any plan for restoration of Town Hall. The Sudbury Historical Society's use of the upper level of Town Hall is assumed to be eliminated with their move to the Loring Parsonage.

The Committee began its work by touring the Town Hall with the Town's Facilities Director, and studied the 2013 Bargmann Hendrie and Archetype, Inc. (BH+A) facility condition assessment and feasibility study. They also familiarized themselves with other current available facility studies for the Sudbury Public Schools, Fairbank Community Center and Loring Parsonage. The committee also looked at Town Halls in several other Massachusetts' towns to understand those projects, the uses of the structure, and the costs.

SPACE NEEDS

The first issue was the consideration of the office space needs of the Town and SPS administration. This information is contained in the 2013 BH+A Sudbury Town Hall Renovation Project report. It is assumed that the SPS administrative offices will move out of the Fairbank Center, and need approximately 8,000 to 10,000 sq. ft. of office space. The SPS use of the Fairbank Center space was planned to be a temporary solution when they originally located there over 25 years ago. As Park & Rec and Council on Aging programs have expanded at the Fairbank Center, the need to utilize more space in the building has become critical. SPS offices could be converted to recreation/COA uses and alleviate that space need. It is apparent from this study that the Town Hall and Flynn Building combined are not large enough to accommodate both of

these uses. Some additional space will need to be created. This new space may or may not be in the Town Hall. The Flynn Building seems to be functionally operational for the Town administrative offices currently housed there. The Town Clerk office space in Town Hall is adequate, but could use renovation, particularly accessibility and office layout. The Board of Selectmen meeting room and voting area in Town Hall are adequate, but could use renovation. Therefore, the issue of additional space can be narrowed down to a need only for the SPS administrative offices.

BEST USE

The idea of what is the “best alternative for the future use of Sudbury Town Hall” was paramount in the Committee’s discussions. The THBRC has studied the historical use of the building since its construction in 1932, as well as the historical context of the original Town Hall located across the street. There is much written about past residents’ vision for Town Hall.

There are also preliminary BH+A design plans illustrating Town and/or SPS offices occupying the Town Hall. It is important to note that the Sudbury Town Hall was never designed to accommodate modern day office space. The Town offices currently in the Flynn Building would not fit into the current Town Hall, and would require an addition. SPS offices would fit into the current Town Hall, but only with the displacement of the large meeting room/voting area. Moving one group into Town Hall which displaces other uses, causing the need for multiple office moves, does not appear to be the most cost effective solution.

The THBRC discussed whether they thought there would be support to enlarge Town Hall, or if there was a better, cheaper alternative location to construct additional space to accommodate all the necessary uses. With the SPS administrative offices being the only use which requires new space, the question of whether Town Hall is the appropriate place for them was discussed. Some will say no, as Town Hall should be the center of Town government, not school administration. Other possible locations for the SPS administration were considered, including a future addition at the Nixon School; or the possibility of leasing private office space, which would eliminate the need to fund major building capital project. **APPENDIX 3**

Finally, if no addition is recommended at Town Hall, what level of restoration is necessary or desired. Should the structure be renovated to its original purpose and intent, or should repairs be made to modernize the building and keep it usable for meetings, voting and other community occasions. Community Preservation Act funds may be available for some renovations, but would not be eligible for any building addition.

In processing all these variables, and after much discussion and creative thinking, the THBRC developed a matrix of 8 alternatives for how to proceed to recommend the best alternative use for the future use of Town Hall. Pro and con arguments were developed for each alternative, and after discussion, several ideas were dismissed for various reasons. In the end, four scenarios were advanced, three of which were requested to be investigated by the Board of Selectmen in the THBRC mission statement, and one new idea promulgated by the Committee.

Based on the mission of the Committee, the following are the options currently under review. Each scenario includes approximate costs (taken from the BH+A report + 20%) and **time frame**. From these options the Committee will recommend one final solution for the future use of Town Hall, prepare a suggested schedule that coordinates with other town building projects, and evaluate the impact of each option on the Capital Funding Plan.

1) Rehabilitating the building for its current or amended use. The THBRC's recommendation for this option is to rehabilitate the building and restore it to its original use of a downstairs meeting room, upstairs community space, renovating and expanding the Town Clerk/Veteran's Agent offices, with an elevator, a small addition and a new primary entry.

The rehabilitation of Town Hall to its current and original use as a two-floor meeting hall is highly favorable to many members of the THBRC. This would include the restoration of the exterior envelope, a full remodel of the interior allowing for ADA compliance, a large meeting room/voting room, a second floor meeting and performance space, a caterer's kitchen, the replacement of all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. Much of the improvements would be CPA eligible.

This option could solve the Sudbury Historical Society's space need for exhibition and programming space, as space could be available on the second floor, and could eliminate the need for an addition to the Loring Parsonage by the Society. Accommodation of board and committee meetings, as well as voting, would be enhanced.

This does not solve the space needs of the Sudbury Public School administration, however. With this option, SPS would be located elsewhere. A discussion of utilizing several Town owned spaces have been brought forward. The Facilities Director will continue discussions with SPS in order to find the best fit for their administrative needs, and potential cost.

Bring back original uses (2 large meeting rooms plus Town Clerk)	
\$5.7 million	
make entire building accessible, improve infrastructure	
Pros	Cons (cf. new building)
ADA compliant	Not solving all space issues
CPA eligible (portions)	Slightly higher maintenance costs
Improves building systems	Not increasing program space
Improves energy efficiency	Slightly lower energy efficiencies
Preserves the original, historic character and function of building	
Less expensive than other building options	
Possible revenue from rental space	
Historical Society could exhibit in Town Hall	
Additional parking likely not needed	
Assumptions: Solve SPS space needs elsewhere	

Why the committee is in favor/opposed to this option: There are several good examples of Town Halls that were renovated to bring back their original use as a community meeting space. It is important to note that the Sudbury Town Hall was never designed to accommodate modern office space. The renovation of the building, allowing for meeting and performance space, would also be compatible with the surrounding functions in Town Center.

Although this option by itself does not solve the space needs of SPS, it could be combined with another low cost option for SPS which may have the potential to solve the issue at a lower cost than other solutions. The

majority of uses in a restored Town Hall would likely be for evening and weekends and have minimal impact on the parking lot, which is already at capacity during many school days.

(2) Expanding the building to accommodate additional or new uses. The THBRC's recommendation for this option is to construct an addition and move Flynn employees to Town Hall and SPS to the Flynn Building.

The most compatible use of an expanded Town Hall would be to move the Flynn Building offices into Town Hall, and move the SPS offices to the Flynn Building. As mentioned above, an addition would be necessary. This would drive the cost of construction and make much of the project cost ineligible for CPA funding.

Renovation with expansion for office use would include retaining and renovating the exterior envelope, construct a 4,000 – 6,000 sq. ft. addition, a full remodel of the interior allowing for ADA compliance and a useable second floor, replace all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. The addition would solve Town office space needs, including retaining a large meeting/voting room. SPS would move to the Flynn Building. These costs do not include the cost of moving offices between buildings.

Move Flynn to Town Hall and SPS to Flynn	
\$10 million	
addition and renovations needed	
Pros	Cons
Solves all space needs	Higher cost
Improve building systems	Addition not CPA eligible
Improve energy efficiencies	Sudbury Historical Society must create exhibit space
ADA compliant	Lose 1 large meeting room
CPA eligible (portions)	Higher operational costs (larger building)
Lower maintenance cost	Additional parking likely needed
Compatible use: Town Admin at Town Hall/SPS Admin at Flynn	
Preserves exterior historic character of building	
Assumptions: Septic system sized adequately for expansion	
AUL issues resolved	
BOS Meeting Room and voting areas included	
Merge Town/SPS IT offices in Flynn	

Why the committee is in favor/opposed to this option: A full renovation with a small addition would allow for the Town Hall to remain as it appears from the front facade which would reserve its historic integrity in Town Center. It would solve the space needs of all groups and bring Town Administration to a traditional place of government in Town Hall.

However, since Town Hall was originally designed to function as a meeting hall, renovations will require a full gut of the interior of the structure. With many unknowns in an old structure such as this, hesitation to fully renovate due to potential rising costs is warranted. Also, if offices are to be placed in Town Hall and

the Flynn Building occupied by the School Administration, the Town would be further limiting available parking throughout the school year and potentially creating a capacity issue for wastewater.

(3) Demolishing and reconstructing the building to accommodate additional or new uses. The THBRC does not recommend this alternative due to the building's historical prominence, but has presented the pros and cons in the matrix.

The concept would be to construct a new 15,000 – 17,000 sq. ft. building, including modern major building systems (HVAC, electrical, plumbing, fire detection), low maintenance exterior envelope, ADA compliance and efficient office and meeting space. This project would not be CPA eligible.

The idea of tearing down the current structure and rebuilding to suit the current needs of the Town has some merit. However, the current structure is historically significant to the history of Sudbury and an iconic symbol of current Sudbury, and the Committee voted this option down. Representatives from the Historic Districts Committee, Historical Commission and Historical Society all agreed.

Tear Down/Build New	
\$8.4 - \$9.1 million	
Pros	Cons
Modern life safety systems	Higher cost
Modern energy equipment	Entire project not CPA eligible
ADA compliant	Lose historic integrity
Less costly per square foot	
more functional floor plan	
Compatible use: Town Admin at Town Hall/SPS Admin at Flynn	
Assumptions: AUL issues resolved	
BOS Meeting Room and voting areas included	
Requires HDC approval for demolition	

Why the committee is opposed or in favor of this option: The Committee agreed strongly that the historic preservation community in Sudbury has made a clear and valid argument to preserve the historic integrity of Town Hall. In doing so, the Committee could not recommend tearing down the structure.

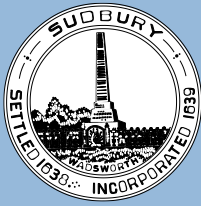
(4) Any new options brought forward by the Committee. The THBRC has proposed an option to rehabilitate the building for its original use, and construct of an office addition for either Town departments or SPS.

An addition option brought forth by the Committee was a combination of options one and two - preserving the historical interior and exterior features of the building, as well as an addition to solve the space needs issue.

This would involve the rehabilitation of Town Hall to its current and original use as a two-floor meeting hall as well as a sizeable, approximately 14,000 sq. ft., addition to the rear of the building. This would include the renovation of the exterior envelope, a full remodel of the interior allowing for ADA compliance and a useable second floor to be a meeting/performance space, the replacement of all major building systems (HVAC, electrical, plumbing, fire detection), improve energy efficiency and insulate to lower maintenance costs. Much of the interior renovation would be CPA eligible, but the addition would not be eligible.

Bring Back Original Use and construct addition	
Potentially \$15 million	
Addition + 2 large meeting rooms	
Pros	Cons
ADA compliant	Highest cost
CPA eligible (limited)	Addition not CPA eligible
Improve building systems	Increases operational costs
Improve energy efficiency	Displaces parking
Possible additional revenue from rental space	
Preserves the historic character and original intent	
Assumptions: Septic system sized adequately	
AUL issues resolved	
BOS Meeting Room and voting areas included	

Why the committee is opposed or in favor of this option: A full renovation with a sizeable addition would solve space issues while preserving the historic integrity. However, at an approximated cost of \$15 million or above, and lower cost alternatives available, the financial burden may be too high to justify. Also, adding several new functions in an already crowded town center would cause concerns for parking and wastewater capacity.



SUDBURY BOARD OF SELECTMEN
Tuesday, December 6, 2016

TIMED ITEM

3: Joint meeting with Fairbank Comm Center Task Force

REQUESTOR SECTION

Date of request:

Requestor: Selectman Brown

Formal Title: Joint meeting with Fairbank Community Center Task Force to discuss location of the SPS administration and overall project scope.

Recommendations/Suggested Motion/Vote: Joint meeting with Fairbank Community Center Task Force to discuss location of the SPS administration and overall project scope.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Fairbank Task Force Update

December 6, 2016

From the FSTF Mission Statement

“All suggestions and recommendations for space needs and potential financing plans shall be considered within the context of operational and capital budget parameters determined by the Board of Selectmen in consultation with the Study Task Force.”

The Task Force needs guidance on the total project cost—the “capital plus operating cost” per average household--that the Selectmen would support for this project.

More from the Mission Statement

Board of Selectmen Amendments:

“Board of Selectmen amended and extended the mission of the Task Force ... and to include the Sudbury Public Schools administration in the Master Plan in 2016.”

Must the Task Force include SPS administration in the final Fairbank Community Center?

Fairbank Task Force 12/6/2016

3

Yet more from the Mission Statement

“The task force will also be charged with the task of private fund raising to support the funding for a master plan and a portion of the construction costs.”

The Task Force is significantly constrained under MGL Chapter 268A (conflict of interest law). Fundraising is commonly done by an independent citizen organization outside of government.

Fairbank Task Force 12/6/2016

4

Other comments

- To date Sudbury has designed to needs. The Task Force now needs budget guidance.
- Are there project milestones at which the Selectmen request updates?
- Do the Selectmen want data? Or a decision?

Fairbank Community Center Study Task Force

Town of Sudbury

Voted to establish November 7, 2012 by the Sudbury Board of Selectmen

Amended March 12, 2013

Amended July 9, 2013

Amended May 20, 2014

Amended July 14, 2015

Amended July 28, 2015

Amended June 28, 2016

Amended July 26, 2016

Amended August 16, 2016

Mission:

The Study Task Force is an *ad hoc* entity established by and reporting to the Board of Selectmen in order to provide an assessment of the capacity of the existing building to meet the current and future program and office needs and goals of the Park and Recreation Department, including the Teen Center and the Atkinson Pool, the Council on Aging, and the Sudbury Public Schools Administration. The Task Force shall advise the Board of Selectmen as to the best options for dealing with the failing roof on the non-Pool section of the Fairbank Community Center in conjunction with a facilities master plan. All suggestions and recommendations for space needs and potential financing plans shall be considered within the context of operational and capital budget parameters determined by the Board of Selectmen in consultation with the Study Task Force.

Board of Selectmen Amendments:

Board of Selectmen amended and extended the mission of the Task Force to include bringing forth the proposal for a Master Plan at Town Meeting in May 2013, and to include the Sudbury Public Schools administration in the Master Plan in 2016, and extends the term of the committee to May 31, 2017. The Mission of the Task Force will continue as research committee for programs and use groups and dissemination of information on behalf of user groups. The task force will also be charged with the task of private fund raising to support the funding for a master plan and a portion of the construction costs. The Task Force will continue working with the Permanent Building Committee with respect to designer selection and development of the Master Plan and Feasibility Study.

Membership:

The Task Force shall be appointed by the Board of Selectmen and shall be comprised of:

1. Up to two members of the Board of Selectmen
2. Up to two members of the Finance Committee
3. Two members of the Park and Recreation Commission
4. Two members of the Council on Aging
5. Two members of the Sudbury Public School Committee
6. Up to two members of the Permanent Building Committee
7. The Combined Facilities Director as Ex-Officio
8. Up to three non-committee citizen members
9. Director of the Park and Recreation Department as Ex-Officio
10. Director of the Council on Aging as Ex-Officio

The Task Force will provide a mechanism for thoughtful and public review of the best alternatives for dealing with the current and future use and space needs at the Fairbank Community Center and will bring forth the proposal for a master plan at Town Meeting and continue development of master plan for Community Center.

Responsibilities:

In an attempt to develop a recommendation to the Board of Selectmen on roof replacement and future master plan for a Community Center, the Task Force will concentrate on the following issues:

1. What future space needs might the Recreation and Council on Aging programs and offices need in the future, and how could those needs be accommodated vis-à-vis the current building footprint? What additions to the building might be required and if so, what are options for those additions? What major sections might need to be changed or redeveloped? How would all these potential building changes be related to the proposed roof replacement? Can a reasonable total square footage number be preliminarily generated for cost estimation purposes?
2. What kind of community center facility have other towns constructed? What is the square footage? Do they include an indoor pool (natatorium)? How much did those facilities cost? How were they financed? How long did the project take from initial design to opening?

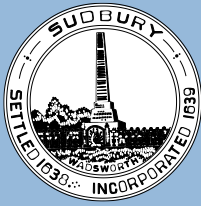
These questions are starting points in the overall goal of developing a report for the Board of Selectmen and the community on the future plans and needs desired at the Community Center. The committee will be act in an advisory role to the Permanent Building Committee during the procurement process for designer selection, if approved.

Staffing: The Town's Facilities Director will provide some staffing assistance, but Task Force members are expected to conduct the research and gather data as part of their committee service.

Compliance with State and Local Laws:

The Task Force is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law. Task Force members must limit their activities and scope to that described in this Mission Statement.

All meetings of the Task Force will be held in public sessions. One member of the Task Force should be designated as Clerk, and shall keep minutes of all meetings.



TIMED ITEM

4: BFRT Task Force candidates and mission statement

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and vote on potential revision to the membership composition of the Bruce Freeman Rail Trail Design Task Force. Also interview candidate(s) for appointment to the Bruce Freeman Rail Trail Design Task Force.

Recommendations/Suggested Motion/Vote: Discussion and vote on potential revision to the membership composition of the Bruce Freeman Rail Trail Design Task Force. Also interview candidate(s) for appointment to the Bruce Freeman Rail Trail Task Force.

Background Information:
Current mission statement and applications for membership

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



TOWN OF SUDBURY BRUCE FREEMAN RAIL TRAIL DESIGN TASK FORCE

Approved by the Board of Selectmen
September 9, 2016

Mission Statement

The Bruce Freeman Rail Trail (BFRT) Design Task Force (the Task Force) is intended to advise the Board of Selectmen and the Town Manager to assist in advancing the design of the project. The Selectmen are committed to developing an overall project and vision for this rail trail conversion that has the support of the community. The Board of Selectmen is looking to this Task Force to gather information and thereby help guide the Board and Town staff in making thoughtful design decisions that: (1) are respectful and responsive to residents' concerns, including those of abutters, businesses, trail advocates, and future users; (2) support Sudbury's longstanding commitment to protect the natural environment; and (3) result from an open and transparent design process. The Town acknowledges and plans for the Trail to be built with State and Federal funding under the oversight of the Massachusetts Department of Transportation (MassDOT).

Background

MassDOT owned rail line: The portion of rail line in Sudbury that is to be addressed by this Task Force is part of a larger, 25-mile unused railroad right-of-way that was purchased in 1982 by the State, which will continue to own the underlying land even after the rail line has been converted to a rail trail. The focus of the Task Force is the 4.6 mile section that runs through Sudbury, from the Concord town line to just North of Route 20. See the map attached as Attachment A.

Funding: The May 2014 Annual Town Meeting appropriated \$150,000 of Community Preservation Funds to advance the design to the 25% Design stage. The Selectmen also accepted a private donation of \$58,700 to assist in the 25% Design. The May 2016 Annual Town Meeting appropriated another \$150,000 of Community Preservation Funds to advance toward and begin the 75% Design stage.

Current Status

The Town of Sudbury has contracted with its Design Engineer, VHB, to advance the design of its portion of the trail to the 25% MassDOT Design approval stage. VHB's contract calls for a very inclusive design process to ensure that the project benefits from the input and feedback from interested citizens, local and regional groups, and elected officials. VHB will seek input

regarding the design of the path, the route of the path, roadway crossings, parking facilities, trail heads and other amenities. The contract calls for eight (8) evening public update meetings, and the 25% Design Public Hearing held with MassDOT. VHB is also contracted for up to ten (10) abutter meetings, to determine privacy and screening needs.

Staffing Assistance

The Town Planner or her designee will support this Task Force.

Responsibilities and Functions

The Task Force will help the Board advance the design of the trail from conceptual design to the 25% MassDOT Design approved stage and beyond to the next phases of design. The Task Force will not take on any of the Design Engineer's contractual obligations, but will assist the Design Engineer and Town staff by facilitating open and public communications with Town committees, with specific stakeholders including abutters, and with community members generally and by providing a public record of its data gathering and deliberations. The work of the Task Force shall not unduly delay the work of the Design Engineer or the timeline of the project.

The Task Force will act as an advisory committee and will report to the Board of Selectmen periodically and as requested by the Board. The Task Force will make design recommendations to the Board of Selectmen. The Board of Selectmen and Town staff will direct the Design Engineer concerning implementation of the Board's design decisions and will communicate as needed with MassDOT, other towns, and state organizations. These functions are outside the scope of the Task Force.

The responsibilities of the Task Force will include the following:

- Gathering input from Town Boards and Committees including the Conservation Commission, the Community Preservation Committee, and the Park and Recreation Committee;
- Gathering input from the Town's public safety and engineering staff concerning traffic and safety issues with the BFRT, especially where the rail trail intersects with roadways;
- Soliciting community input through open and noticed meetings;
- Facilitating meetings of the Task Force with trail abutters to discuss design elements of the project that specifically affect them, which will be in addition to the meetings contractually required of VHB;
- Documenting concerns and requests of abutters, businesses, and other residents;
- Recommending to the Board of Selectmen potential design elements that would advance the goals of the Sudbury Wetlands Administration Bylaw, and developing alternatives along with cost estimates as feasible;
- Recommending to the Board of Selectmen any specific design elements, mitigations, or realignments to address resident concerns (including those of abutters), safety concerns, or environmental concerns, along with cost estimates for such design decisions as feasible;
- Submission of a report of its findings to the Board of Selectmen;

Membership and Officers

The Task Force shall have up to seven (7) members. All appointments shall be indefinite, until the Board of Selectmen feels the mission of the Task Force has been accomplished, or that membership needs to be changed in order to keep the work progressing. The Town Manager or her designee shall chair the Task Force until the Task force elects a Chair. The Task Force will elect a Clerk to ensure that all meetings are properly posted and that minutes of each meeting are kept. Minutes of the Task Force's work shall be prepared and promptly posted on the Town website and sent to the Board of Selectmen on a regular basis. The Chair of the Board of Selectmen will act as liaison between the Task Force and the Selectmen.

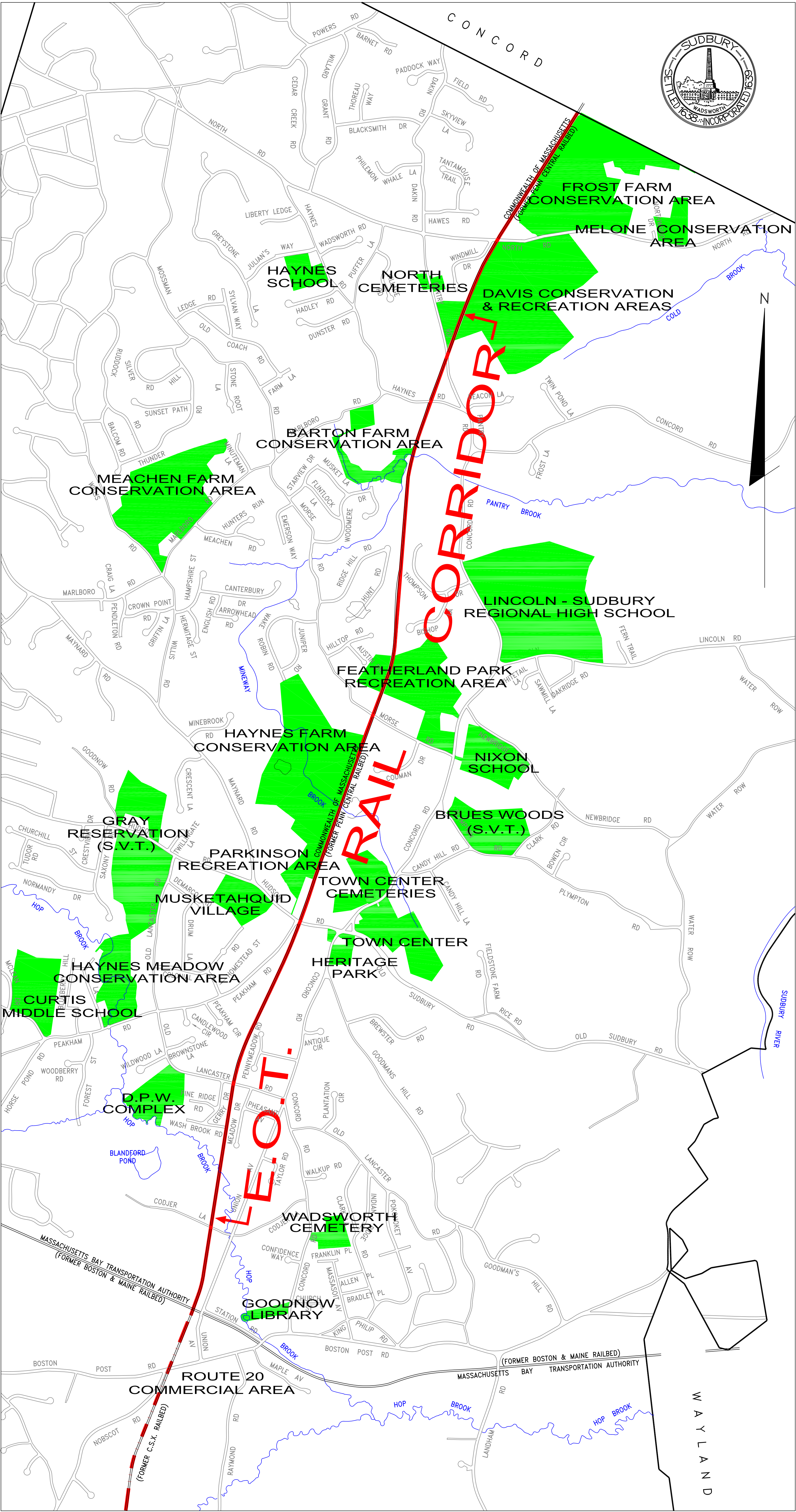
The Task Force membership should include representatives from the following, subject to approval by the Selectmen:

1. One member from the Park and Recreation Commission
2. One member from the Conservation Commission
3. One member from the Community Preservation Committee
4. One Sudbury resident member selected by the Board of Selectmen from three recommendations to be provided by the Friends of the Bruce Freeman Rail Trail
5. One member from the Planning Board
6. Up to two non-committee, at-large citizen members

Compliance with State and Local Laws and Town Policies

The Bruce Freeman Design Task Force is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

- The Code of Conduct for Selectmen Appointed Committee - A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.
- The Town's Email Communication for Committee Members Policy - Anyone appointed to serve on a Town Board, Committee or Task Force by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.
- Use of the Town's Website - The Task Force will keep minutes of all meetings and post them on the Town's website. The Task Force will post notice of meetings on the Town's website as well as at the Town Clerk's Office.



Membership and Officers

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The Task Force membership should include representatives from the following, subject to approval by the Selectmen:

1. One member from the Park and Recreation Commission
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4. One Sudbury resident member selected by the Board of Selectmen from three recommendations to be provided by the Friends of the Bruce Freeman Rail Trail
5. One member from the Planning Board
6. Up to two non-committee, at-large citizen members*

*In the event that committee representative positions are not filled, additional non-committee citizen members may be appointed to provide up to seven members in total.

Compliance with State and Local Laws and Town Policies

The Bruce Freeman Design Task Force is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

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- Use of the Town's Website - The Task Force will keep minutes of all meetings and post them on the Town's website. The Task Force will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

TOWN OF SUDBURY **APPLICATION FOR APPOINTMENT**

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Board or Committee Name: Bruce Freeman Rail Trail Task Force

Name: LeRoy Sievers

Address: 27 Revolutionary Road

Home phone: 978-443-6173

Email Address: _____

Work or Cell phone: _____

Years lived in Sudbury: 46 years

Brief resume of background and pertinent experience:

I have been with MIT at Lincoln Laboratory for 47 years with 18 of those years on foreign assignments. Our only method of transportation on the foreign assignments was by bicycle. We have been anxious for safe biking paths to continue our interest in riding.

Municipal experience (if applicable):
none

Educational background:
PhD in Physics, Caltech undergrad, BYU graduate school

Reason for your interest in serving:

A hope to have the BFRRT continued through Sudbury while I can still use it

Times when you would be available (days, evenings, weekends):
evenings and weekends with some flexibility for daytime meetings.

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

____ (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 29 November 2016

TOWN OF SUDBURY APPLICATION FOR APPOINTMENT

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

Board or Committee Name: BFRT Design Committee

Name: John C. Drobinski

Address: 94 woodside Rd

Email Address: _____

Home phone: 978.443.3526

Work or Cell phone: _____

Years lived in Sudbury: 38

Brief resume of background and pertinent experience:

Environmental consultant.

Partner at ERM a global environmental consulting company. Experience in permitting critical facilities, hazardous waste site remediation, familiar with federal, state and local environmental regulations.

Extensive experience working on environmental issues for Northeast railroad companies

Municipal experience (if applicable):

30 years municipal experience in Sudbury (27 years selectman 3 years Planning Board).

Involved in permitting and land acquisition on every town project from 1984 to 2013. Past member numerous town committees, member MMA energy and environment committee.

Educational background:

BA Chemistry.

Msc Geology

Reason for your interest in serving:

Interest in town service

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

Evenings and some weekends

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

No

JCD (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 John Drobinski

Digitally signed by John Drobinski
Date: 2016.11.29 16:52:03 -0500

Date 11/29/16

TOWN OF SUDBURY **APPLICATION FOR APPOINTMENT**

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

BOARD OF SELECTMEN
278 OLD SUDBURY ROAD
SUDBURY, MA 01776

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

NOV 14 P 5:42

Board or Committee Name: Bruce Freeman Rail Trail Design Task Force

Name: John M. McQueen, Jr.

Address: 265 Hudson Road

Email Address:

Home phone: 617-216-3840

Work or Cell phone:

Years lived in Sudbury: 9 years (since May 2007)

Brief resume of background and pertinent experience:

Currently, I am a member of: the Massachusetts Bicycle and Pedestrian Advisory Board (governor-appointed, MABPAB), and the Regional Transportation Advisory Council (RTAC/The Advisory Council of Boston MPO). Also, I am a member of LivableStreets Alliance and WalkBoston. As such, I have a unique position to evaluate, pursue, and steer the concepts, designs, right of way priorities, and funding of MA's projects dedicated to creating or expanding off-road, ADA-compliant, non-motorized multi-use-paths (MUP) to serve pedestrians and bicyclists. A sampling of my MUP project involvements are: Longfellow Bridge redesigned cross-section; Whittier Bridge and its newly-developed off-road MUP facilities as part of the Coastal Trails Network (Haverhill/Ambury/Sudbury); Honomans Road redesign for all-mode safety and creation of a bike/ped MUP (Newtown/Waterdown). Closer to home, I made considerable contributions to achieving expansion of Assabet River Rail Trail to S. Acton MBTA station, as well as expansion of the BFR Trail (Lowell to Chelmsford/Westford and from Westford to Concord). More recently in May 2015 participated in the movement that thwarted the advance of the proposed poorly-conceived and wasteful Sudbury Greenway project. (see attached resume, more detailed inputs and relevant correspondence)

Municipal experience (if applicable):

I have not been employed as a salaried staff member by any municipal entity. My experience and interface with municipalities (e.g., DPW, Transportation Dept., Planning Departments, Police, Health Dept., mayor's offices, etc.) has been part of my involvement with promoting transportation policy and/or designing/executing infrastructure projects inherent to my advocacy roles or board/committee appointments. (see resume and more detailed inputs)

Educational background:

Northwestern University, M.S.; Kenyon College, A.B.; Elgin (IL) High School, Gen'l Studies

Reason for your interest in serving:

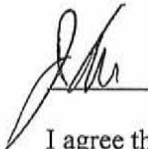
As an advocate and as a participant, I am passionate and knowledgeable about development of safe, well-designed multi-modal transportation facilities (particularly non-motorized, off-road, multi-use paths such as Bruce Freeman Rail Trail) that provide connectivity to populations and which contribute to a sustainable, more equitable, healthier, and higher quality of life for all MA citizens and visitors. Additionally, I have been a resident homeowner of Sudbury since mid-2007 and care deeply about the Commonwealth and the enrichment of the Sudbury community's outdoor assets.

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

Mondays and Fridays (mornings and/or evenings for both with some variation/limitations); plus, some Wednesdays (pm), Thursdays (>7pm) and Saturdays (am).

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

I have had NO business dealings with any aspect or any employees of Sudbury. Also, as part of my MABPAB appointment, I have passed the Commonwealths background checks, have taken the oath of office and have passed the Conflict of interest exam.

 (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

11/14/16

JOHN M. McQUEEN

Phone (617) 216-3840 Fax (978) 443-2179 Email

SUMMARY

Versatile marketing professional accomplished in problem-solving, developing outreach, creating demand, generating revenue, and building strong brands. Results-oriented combination of analytical plus creative skills applied in the boardroom and among end users. Proven customer-oriented ability to listen to audiences, to understand issues, to identify opportunities and to implement collaborative campaigns within a variety of environments, such as: technical products, business-to-business, service companies, consumer food products/packaged goods, travel & hospitality, and manufacturing corporations. Hands-on point-person for coordinating innovative integrated marketing, communication and partnership programs that propel growth and preference...in single-location, community, regional, national and global marketplaces.

- Marketing Campaigns for Consumer & Business-to-Business
- Quantitative and Qualitative Market Research
- Strategic Partnership Creation and Management
- New Product Development

PROFESSIONAL EXPERIENCE**McQueen & Associates****PRINCIPAL**

March 2001 to Present

March 2005 to Present

Advocate committed to advancing exemplary "quality of life" and economic competitiveness features in The Commonwealth of Massachusetts to achieve thriving, livable communities. Serve as an active, appointed proponent of: improved all-mode transportation linkages; balanced public realm and land use/open spaces; proliferating sustainable "smart growth/smart energy" resource practices. Transferred and applied private sector experience with strategic integrated marketing, outreach, and program management to navigate among stakeholders and to develop "mutual win" programs of solutions for Public/Institutional initiatives...e.g., Accelerated Bridge Repair Program, GreenDOT/Complete Streets, Transportation Reform & Financing, Central Artery Enhancements/Parcel Development/Rose Kennedy Greenway, Harvard/Allston Campus Expansion, etc.

PRINCIPAL

March 2001 to January 2006

Provided relationship-building, marketing and promotional services to independent, boutique, luxury hotels, resorts, safaris and cruises. Targeted activities toward upscale Travel Agencies to secure leisure and business bookings.

Quebecor World Acme/Universal Printing

August 1999 – February 2001

VICE PRESIDENT - MARKETING DIRECTOR

August 1999 merger created global entity, Quebecor World (IQW). Headed unified selling propositions for internal and external communications and marketing programs that presented the \$610mm group (11 facilities) and the \$133mm subgroup (3 facilities) to the U.S. Commercial Printing Market.

- Led in-market promotion of sales and managed key relationships. Ran company's presence in Detroit (Automotive); developed and retained Smithsonian and NYC Lincoln Center for Performing Arts accounts. Main point of contact with key customers, strategic partners and vendors: Sappi Fine Papers, WGBH, New England Home for Little Wanderers, Detroit Ad Production Club, Boston Ad Club.
- Authored strategic positioning for Quebecor World Commercial Group unit. Conceived and coordinated selling materials, ads, trade shows, news announcements, and publicity events to clarify the group's core capabilities and unique strengths. In charge of company's responses to customer or press inquiries.

Acme Printing Company, Wilmington, MA

October 1991 – August 1999

VICE PRESIDENT - MARKETING DIRECTOR

Formulated, directed and implemented campaigns of integrated marketing programs to present the international award-winning commercial printing service company to U.S. corporations and design/ad agencies. Mentored and co-managed 20-person direct sales force. Direct report to President/CEO. Products: premier-quality printing (e.g., annual reports, automotive brochures, luxury catalogs, art museum publications) and websites.

- Established brand identity with preemptive positioning (*Masters of Technology-Assisted Craftsmanship*) and integrated campaigns. Produced industry-best programs: Internet site creation (May '95), promotions, press releases, brochures, display ads, ad inserts, newsletters, direct mail, PBS on-air.
- Catalyst that maximized current customers and new business. Led the 4-year sales turnaround of Detroit; built General Motors account. Adviser on all "lifestyle product" accounts (e.g., Coca-Cola Company, Bermuda Tourism brochures and website, Sheraton *Luxury Collection*, Smithsonian Institution, etc.).
- Grew sales with data-driven strategic programs in variety of Industry cycles.

Page Two of Two

Beacon Strategic Marketing, Inc., Cohasset, MA
CONSULTANT

Marketing consulting firm with industry emphasis on Hospitality/Service businesses. Services: strategic problem-solving as well as creating and fielding business-building partner programs/promotions.

- **Coca-Cola Fountain** (New England). Captured Pepsi foodservice accounts. Supported current CCF customers to grow sales. Created account-specific business-building plans for unit-level and chain-wide marketing, including "win-win" partnership tie-ins (e.g., Ski 93 lift ticket promotion, Wendy's/NH, and Ground Round), advertising, promotions, and POS.
- **Topnotch Resort & Spa** (Stowe, VT). Solved low summer occupancies and increased group bookings. Launched the "destination spa". Devised Marketing/ Operations strategies that increased repeat stays and found sources of group business.

The Sheraton Corporation, Boston, MA
MANAGER OF ADVERTISING & MARKETING PROGRAMS

Provided the strategic market research analysis and innovative problem-solving of "consumer product" marketing. Coordinated the Corporation's advertising and retail promotion programs. Other responsibilities: strategic planning, public relations and new "products". Analyzed and identified guest expectations, property segmentation and luxury concepts for the brand. Co-authored Sheraton's first "Travel Trade Master Plan" (1988/89) to build business among agents using market research and a 2-year strategic campaign. Initiated Sheraton's first formal customer "complaint resolution" system.

J. Walter Thompson USA, Chicago, IL
SENIOR ACCOUNT SUPERVISOR

Directed diverse team of 40; supervised 5. Accounts: Uncle Ben's (Mars, Inc.); Kraft, Inc.; Gerber Products; S.C. Johnson & Son; Rowntree Macintosh/DeMet's. Led development and implementation of integrated campaign plans and programs for established brands and new products. For Gerber, built better-targeted integrated support plan including, Effie-winning ad campaign. Recipient of *Ad Age* "Ten Best Promotions" award for "Gerber/March of Dimes National Baby Week" promotion. Member of agency team that handled the "glass shard" public relations crisis.

EDUCATION

Northwestern University, Medill School of Journalism, Evanston, IL
 M. S. - Integrated Marketing and Advertising. Elected to Kappa Tau Alpha scholastic honorary society.

Kenyon College, Gambier, OH
 A. B. - History

ORGANIZATIONAL MEMBERSHIPS

Massachusetts Bicycle & Pedestrian Advisory Board/MABPAB, Governor-appointed 1/12

MassDOT Transportation Advisory Committee/TAC, Appointed Member, since 8/10

Regional Transportation Advisory Council/RTAC, Appointed Representative, since 5/07

WalkBoston, Member, Advocacy Committee, Legislative Committee, since 11/05

Livable Streets Alliance, Member, Advocacy Committee, since 6/11

Harvard Allston Initiative, Invited Participant, Harvard-Allston Monthly Advisory Group to Work Team, since July 2010, Member, Construction Mitigation Subcommittee, since 5/08; Ad Hoc Member/"Citizen Participant" on Citizen Advisory Committee/CAC for MEPA Review of EIR for IMP, since 9/08; Non-Task Force Member/"Citizen Participant", since 1/06

The Rose Fitzgerald Kennedy Greenway Conservancy, Non-Board Member/"Citizen" Invitee, since 8/05

Mayor's Central Artery Completion Task Force, Member (non-appointed), 5/05 - 1/09

Medical Academic and Scientific Community Organization (MASCO), Ad Hoc Strategy and Communications Consultant to Senior Staff

New Balance Hubway, Bike Share Program, Inaugural Subscriber, 7/11

Inputs for BFRT Board Application: John M. McQueen, 265 Hudson Road, 01776 (11/10/16)

Brief resume of background and pertinent experience: (see enclosed resume)

My accumulated work history, education and participations as a professional problem-solver, supervisor, team-player and independent contributor have enabled me to successfully achieve corporate, organizational and community objectives in both private and public sectors. I have been fortunate to design and coordinate multi-faceted programs and to apply the competencies needed for transportation infrastructure to be strategically planned, and effectively implemented.

The array of my experiences as a frontline manager and “doer” with private sector businesses has prepared me with valuable results-oriented skills and competencies needed for public sector transportation infrastructure to be strategically planned and effectively implemented, as would be relevant for the Bruce Freeman Rail Trail Design Task Force:

- Trained and experienced as an innovative context-sensitive problem-solver and an insightful facilitator of multi-tiered programs, partnerships, and events at leadership level and at “street level”
- Mindful leader and coordinator of diverse audiences...sensitive to both program goals and to local implementation impacts, such as user needs, user & Community benefits, procedures, timeframe of events, Community/Municipal interface, and mitigation components.
- Leader of project development and market rollout of new product concepts.
- Creator of new products and of custom-crafted messaging that fit a variety of situations

In all my engagements, I have succeeded in developing appropriate planned solutions and messages to steer the various users and audiences toward the program’s desired direction.

Currently, I am a seated, appointed member of: the Massachusetts Bicycle and Pedestrian Advisory Board (MABPAB), the Regional Transportation Advisory Council (RTAC/The Advisory Council...an organization of the Boston MPO), and the Transportation Advisory Committee (TAC... established by MassDOT to advise its secretaries on MassDOT/MBTA reform initiatives); also, I am a member of LivableStreets Alliance and WalkBoston.

As such, I continue to have the unique contributory position to specifically evaluate, pursue, advocate and steer the concepts, designs, right of way priorities, and funding of the Commonwealth’s all-mode projects, especially those facilities dedicated to creating, rehabilitating and/or expanding multi-use-paths (MUP), off-road, ADA-compliant pathways in parklands and in urban core areas to serve pedestrians and bicyclists (and, occasionally, equestrians).

I am able to navigate among the agencies and organizations that impact BFRT phases because the majority of the MUP facilities are publicly funded and/or managed by MassDOT (thru MPOs and TIP programming) and by DCR, and many facility initiatives receive valuable input expertise and legislator support from MAPC, LivableStreets Alliance, and WalkBoston. A few MUPs benefit significantly from well-organized “friends” groups that provide enhanced maintenance and community interface, such as The Friends of the Bruce Freeman Rail Trail.

A few of the MUP projects with which I have been involved are: Longfellow Bridge, BU Bridge, Western Ave./River Street Bridges, and Anderson Bridge rehabilitations and redesigned cross-sections; Whittier Bridge and its newly-developed off-road MUP facilities as part of the Coastal Trails Network (Newburyport/Amesbury/Salisbury); Minuteman Commuter Bikeway and its Mass Ave/Arlington improvements; Community Path (Somerville), Nonantum Road redesign for all-

mode safety and creation of a bike/ped MUP (Newton/Watertown); redesign of Greenough Blvd (Watertown/Cambridge); Nashua River Rail Trail (Ayer/Groton/Pepperell/ Dunstable/S. Nashua).

Closer to our Sudbury "home", I have made considerable MUP advocacy contributions to achieving the re-design of the Burns Bridge/Rte. 9 (Shrewsbury/Worcester), the expansion of the Assabet River Rail Trail to the South Acton MBTA station, and the expansion of the BFRRT from Lowell to Chelmsford/Westford and the expansion of BFRRT from Westford to Concord. More recently in May 2015, my accumulated access to resources, knowledge of design facts, and experience relating to the development of Rail Trails, enabled me to participate in the movement that thwarted the advance of the proposed poorly-conceived and wasteful Sudbury Greenway project.

Municipal experience (if applicable):

I have not been employed as a salaried staff member by any municipal entity.

My experience and interface with municipalities (e.g., DPW, Transportation Dept., Planning Departments, Police, Health Dept., mayor's offices, etc.) has been part of my involvement with promoting transportation policy and/or designing/executing infrastructure projects inherent to my advocacy roles or board/committee appointments.

Educational background:

Northwestern University, M.S.; Kenyon College, A.B.; Elgin (IL) High School, Gen'l Studies

Reason for your interest in serving:

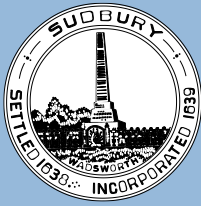
As an advocate and as a participant, I am passionate and knowledgeable about the development of safe, well-designed multi-modal transportation facilities (particularly non-motorized, off-road, multi-use paths such as Bruce Freeman Rail Trail) that provide connectivity to populations and which contribute to a sustainable, more equitable, healthier, and higher quality of life for all MA citizens and visitors. Additionally, I have been a resident homeowner of Sudbury since mid-2007...I care deeply about The Commonwealth and about the enrichment of the Sudbury community's outdoor assets.

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

Mondays and Fridays (mornings and/or evenings for both with some variation/limitations); plus, some Wednesdays (pm), Thursdays (>7pm) and Saturdays (am).

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

I have had NO business dealings with any aspect or any employees of Sudbury.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

TIMED ITEM**5: Conservation Restriction - Lincoln Road**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the Conservation Restriction to be granted by Frederick D. Ballou and Janet D. Ballou to the Sudbury Valley Trustees, Inc., a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. c.180, pursuant to M.G.L. c.184, s.32, said Conservation Restriction consisting of a 3.68 +/- a. of land being a portion of the property located at 306 Lincoln Road, and shown on a plan of land entitled "Plan of Land in Sudbury, MA, 306 Lincoln Road, Conservation Restriction", dated February 2, 2016, last revised February 16, 2016, prepared by Everett M. Brooks Co., Inc. Possible attendees are Christa Collins, SVT, and Fred Ballou, CR Donor.

Recommendations/Suggested Motion/Vote: Vote to approve the Conservation Restriction to be granted by Frederick D. Ballou and Janet D. Ballou to the Sudbury Valley Trustees, Inc., a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. c.180, pursuant to M.G.L. c.184, s.32, said Conservation Restriction consisting of a 3.68 +/- a. of land being a portion of the property located at 306 Lincoln Road, and shown on a plan of land entitled "Plan of Land in Sudbury, MA, 306 Lincoln Road, Conservation Restriction", dated February 2, 2016, last revised February 16, 2016, prepared by Everett M. Brooks Co., Inc. *Possible attendees are Christa Collins, SVT, and Fred Ballou, CR Donor.*

Background Information:

See attached

Financial impact expected:none

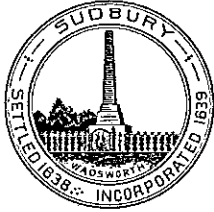
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



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: Melissa Rodrigues, Town Manager
From: Debbie Dineen, Conservation Coordinator *DDineen*
Date: Nov. 30, 2016
Re: Ballou Conservation Restriction, 306 Lincoln Rd.; Sudbury Valley Trustees Grantee

Per your request, I offer the following background information on the Conservation Commission's assessment of the public values and benefits associated with the proposed conservation restriction (CR) on 5.1 acres at 306 Lincoln Rd.; Frederick D. Ballou and Janet D. Ballou, Grantors.

This is a private CR where the Town is neither the Grantee nor Grantor. The Selectmen's involvement is only to approve the CR pursuant to Massachusetts General Laws Chapter 184, Section 32. The Conservation Commission's involvement was only to certify that the CR provides public benefits. Attached is the draft Municipal Certification, drafted by SVT, that the Commission was asked to sign. At a meeting of the Commission held Nov. 7, 2016 the motion was defeated (3:3 vote) and the Commission did not sign the Municipal Certification (Minutes attached).

The Municipal Certification is intended to confirm that public conservation values are present and will be protected by the Purposes of and Reserved Rights in the CR. In their decision, the Commission considered the following facts:

- The CR states it is over 5.1 acres of land of which approximately 2.5 acres is wetland; 1.4 acres (Building Envelope) is improved with an existing house, lawn, tennis court; and .84 acre of an area that is mowed regularly (Managed Landscape).
- The Building Envelope permits the expansion of the existing house with no limits provided the historical section of the house remains unchanged.
- The Building Envelope permits the construction of a 7200 sq. ft. recreational play pad. It is unclear how much of this area incorporates the existing tennis court and the extent of expansion of this use. A single regulation size tennis court is 27' x 78' for a total footprint of 2,106 sq. ft. Even a doubles court with added perimeter and baseline areas is a maximum of 3,861 sq. ft. From the aerial photos it appears that there is one court with the perimeter and baseline buffers. If regulation size, this court is roughly 3,861 sq. ft. This leaves another 3,339 sq. ft. that can be developed as a recreational play pad area within the Building Envelope.
- The Building Envelope permits the installation of a swimming pool of any size.
- The Building Envelope permits the construction of a shed cabana of any size not to exceed 200 sq. ft.
- Paving of the existing gravel driveway is permitted.
- Gardening and landscaping is permitted with no limits in the Building Envelope. This would include expansion of a managed lawn.

- The installation of in-ground irrigation wells is permitted.
- The Reserved Rights in the Building Envelope area includes relocation or installation of new utilities serving residential and non-residential uses (assume servicing a future pool, lighted recreational play areas, etc. are all possibilities that are permitted in this CR), and including septic, may be done throughout the Building Envelope without limit.
- The Managed Landscape Area permits the installation of wells and septic components.

What this CR WILL do is prevent the construction of another single-family residence. *However, with the Reserved Rights, alteration of the land and destruction of the natural features from the permitted significant expansion of the existing residential use can have equal negative impacts on the public conservation values of this site.* It doesn't matter to the environmental values if it is a new separate house or expansion of an existing dwelling with a pool, sports courts, utilities, etc.

Almost 50%+- of the Premises will allow extensive expanded residential use with the ability to:

1. Unlimited add onto the house as long the historic section remains unchanged;
2. allow a swimming pool of unlimited size;
3. Install a recreational play pad area up to 7,200 sq. ft. which includes the existing tennis court of approximately 3,861 sq. ft. for a total increase of 3,339 sq. ft. of play pad area;
4. Construct a 200 sq. ft. shed/cabana;
5. Install in-ground irrigation wells;
6. Relocate and/or expand utilities, including septic, within 50% of the CR area (total area of CR minus the wetlands)

The question the Commission asked is "How are the public values of this area protected with the reserved rights as stated?" What distinguishes unique public benefits of this property from any other property in town?" To answer this question, the Commission reviewed the material submitted by SVT as justification of the public values. SVT states these are: (Conservation response in *italics*.):

- "development of the Premises would lead to or contribute to the degradation of the scenic, natural, and open character of the area, particularly in light of the fact that the region is under development pressure";
The Reserved Rights in the CR permit further development of the Premises.
- "by limiting development and use of the Premises there is created the potential to help prevent habitat fragmentation and the potential for restoring or increasing biological diversity and native plant communities";
A new swimming pool and extensive sports play areas will fragment the environment as much as any other alteration on the land
- "the Premises, including its residential dwelling that embodies iconic New England farm vernacular style, is an integral part of the scenic character of the local rural landscape in which it lies; The dwelling is a 1700's historic house".
It is not in the Historic District. It is not on the Historic Register of places. The permitted uses of expanded sports courts, utilities, and swimming pools will detract from the historic character of the house and surrounding land. A large part of the scenic charm of the area is the 1.118-acre scenic parcel across the street under the same ownership. This parcel is not included in the CR.
- the protection of the Premises helps to protect the watershed of the Sudbury River and an aquifer underlying the Premises and surrounding areas, thereby contributing to the

provision of clean water for the benefit of the public; The aquifer is a state-wide designation of a medium yield aquifer.

This designation is NOT shown on the MA GIS Oliver mapping tool. Nor is it shown as a sole source aquifer as stated by SVT. Local testing has shown that this area is not even in a Zone II of our wells.

- by limiting development and use of the Premises, the resulting protection of the Premises will protect nearby water well sites, wildlife habitat, and open space pursuant to clearly delineated Federal, State and local government policies;

Following a thorough search of state and local initiatives, the Commission could find no justification or reference to state and local government policies for this area.

- the Conservation Restriction is consistent with public programs for conservation in the region. *See above.*

In addition to a detailed review of the CR and state and local government policies, the Commission held a site visit on the property on Nov. 7, 2016. (Photos attached.) The Commission observed that at least 50% of the area to be placed under the CR consisted of existing lawn, landscaped areas, a tennis court, and planted, non-native (and in some cases, invasive) trees. Commissioners were in agreement that the wetland area, which comprises roughly 2.5 of the 5.1 acres is important to protect. The balance of the premises to be placed in the CR is currently in a state of residential development and does not provide any public benefit in its current state and certainly will not provide a public benefit if the Reserved Rights in the CR are exercised.

MUNICIPAL CERTIFICATION

(We) the undersigned Conservation Commission of [Town Name] (the certifier/holder) hereby certify that the proposed conservation restriction is in the public interest in that (describe public benefit):

The Premises contain unusual, unique or outstanding qualities the protection of which in their predominately natural, vegetated or open condition will be of benefit to the public. These qualities include:

- A. **Protection of Significant Relatively Natural Wildlife Habitat.** This Conservation Restriction preserves significant relatively natural habitats of wildlife and plants and related habitats in accordance with Section 170(h)(4)(A)(ii) of the Code for the following reasons:

The Premises include approximately 3.32 acres of woodland and wooded wetland, including a vernal pool, providing quality wildlife habitat, river and watershed protection, flood prevention and pollution mitigation. In addition, a portion of the Premises falls within an area designated as “climate resilient” by The Nature Conservancy, signifying a “unique combination of underlying geology and elevation,” and are also located within an area identified as “Habitat of Potential Regional and Statewide Importance” in the Conservation Assessment Prioritization System (CAPS). Protection of the Premises will protect this important habitat.

The Premises connect, through adjacent conserved land, to over 4,700 acres of land designated by the Massachusetts Natural Heritage and Endangered Species Program as BioMap2 Core Habitat and Critical Natural Landscape.

The Premises overlay an aquifer that is used as the source of public water, thereby contributing to the provision of clean, potable water for the public benefit.

- B. **Protection of Open Space for Scenic Enjoyment.** The protection of the Premises’ Conservation Values, including forest land, will preserve scenic views and will yield a significant public benefit in accordance with Section 170(h)(4)(A)(iii)(I) of the Code, as such public benefit is described below, for the following reasons:

This Conservation Restriction will protect scenic views of and across the Premises, including its scenic forest lands, from the adjacent publicly accessible Lincoln Road and Grantee’s Fay Fields Reservation.

The Premises contributes to the protection of the scenic and natural character of Sudbury, and enhances the open space value of over 3,000 acres of existing conservation land nearby, including Sudbury Valley Trustees’ Fay Fields Reservation opposite the Premises, a conservation restriction to the Town of Sudbury directly to the west, and an agricultural preservation restriction directly to the east and north. These in turn connect to the State Pantry Brook Wildlife Management Area, the Great Meadows National Wildlife Refuge, and a conservation restriction held by the Town of Sudbury on Pantry Brook Farm.

- C. **Furtherance of Governmental Conservation Policy.** The protection of the Property’s Conservation Values will preserve open space in accordance with clearly delineated federal, state and local governmental conservation policy and will yield a significant public benefit in accordance with Section 170(h)(4)(A)(iii)(II) of the Code, as such public benefit is described below, for the following reasons:

The Premises are identified in the Massachusetts Department of Conservation and Recreation’s 1982 Landscape Inventory Report, identifying landscapes that should be protected to conserve and protect natural, cultural, and recreational resources across the Commonwealth.

Protection of the Premises is consistent with the Town of Sudbury's current Open Space and Recreation Plan, which has the goals of preservation of the Town's rural and scenic character and protection of natural resources and wildlife.

D. Significant Public Benefit.

The protection of the Premises through this Conservation Restriction will accomplish a number of the factors determining "significant public benefit" under Treas. Reg. Section 1.170A-14(d)(4)(iv), such as but not limited to the following: (i) development of the Premises would lead to or contribute to the degradation of the scenic, natural, and open character of the area, particularly in light of the fact that the region is under development pressure, (ii) by limiting development and use of the Premises there is created the potential to help prevent habitat fragmentation and the potential for restoring or increasing biological diversity and native plant communities, (iii) the Premises, including its residential dwelling that embodies iconic New England farm vernacular style, is an integral part of the scenic character of the local rural landscape in which it lies, (iv) the protection of the Premises helps to protect the watershed of the Sudbury River and an aquifer underlying the Premises and surrounding areas, thereby contributing to the provision of clean water for the benefit of the public; (v) by limiting development and use of the Premises, the resulting protection of the Premises will protect nearby water well sites, wildlife habitat, and open space pursuant to clearly delineated Federal, State and local government policies; and (vi) the Conservation Restriction is consistent with public programs for conservation in the region, some of which are enumerated above.

Date: _____

Signed: _____

NOTES:

This certification by the conservation commission may be submitted separately from the application and filed with the submission of the executed conservation restriction, it being recognized that the applicant may want to submit the application with a draft copy of the conservation restriction for review prior to actual submission of the executed document.

Conservation restriction lands which overlap municipal boundaries must be approved and certified by the appropriate officials of both municipalities.

The commissioners' certification should state why the property is significant and why the conservation restriction is important.

SUDBURY CONSERVATION COMMISSION
Minutes of the meeting Held Monday, Nov. 7, 2016

Present: Tom Friedlander, Chairman; Beth Armstrong; Vice-Chairman; Dave Henkels; Bruce Porter; Mark Sevier; Charlie Russo (arrival 6:44pm); Debbie Dineen, Coordinator

Excerpt from Approved Minutes:

Conservation Restriction: 306 Lincoln Rd., Ballou

Present: Christa Collins, SVT

The Commission reviewed the Municipal Certification section of the CR for signature & possible comments to Selectmen on CR. C. Collins stated that she felt the CR as written has merit. The property owner is planning to take advantage of the \$75,000 is state tax credit. She stated that SVT would not typically consider a property this small but due to the connectivity and abutting protected parcels SVT moved ahead with this one.

T. Friedlander noted that a site inspection was held today to look at whether or not there are public benefits associated with this CR. D. Henkels, B. Porter, T. Friedlander, M. Rodrigues, and D. Dineen attended.

D. Dineen summarized the situation and made her recommendations as follows:

The CR states it is over 5.1 acres of land of which approximately 2.5 acres is wetland; 1.4 acres (Building Envelope) is improved with an existing house, lawn, lawn, tennis court; and .84 acre of an area that is mowed regularly (Managed Landscape). It is not currently in a natural state.

What this CR WILL do is prevent the construction of another single-family residence. However, with the Reserved Rights, alteration of the land and destruction of the natural features from the permitted significant expansion of the existing residential use can have equal negative impacts on the public conservation values of this site. It doesn't matter to the environmental values if it is a new separate house or expansion of an existing dwelling with a pool, sports courts, utilities, etc.

Almost 50%+- of the Premises will allow extensive expanded residential use with the ability to:

1. Unlimited add onto the house as long the historic section remains unchanged;
2. Allow a swimming pool of unlimited size;
3. Install a recreational play pad area up to 7,200 sq. ft. which includes the existing tennis court and permits expansion;
4. Construct a 200 sq. ft. shed/cabana;
5. Install in-ground irrigation wells;
6. Expand lawn;
7. Relocate and/or expand utilities, including septic, within 50% of the CR area (total area of CR minus the wetlands)

She stated that the question Commissioners need to ask is "How are the public values of this area protected with the reserved rights as stated?" What distinguishes unique public benefits of this property from any other property in town?". She did not recommend signing the Municipal Certification for these reasons.

C. Russo believed that it is crazy to say no to any plan that protects any land. M. Sevier concurred. D. Henkels stated that the parcel was only 5 acres and 2.5 acres are wetland and the balance is not in a natural state and is not protected in any way by the CR. He stated that he did not feel there

was a protectable public benefit. T. Friedlander concurred and noted that permitting house expansion, swimming pool, tennis court expansion, utility construction, etc. was not furthering any conservation purpose.

D. Henkels noted that there is an undeveloped one-acre parcel under the same ownership across the street and adjacent to the SVT Fay Fields. He felt this area had great public benefit but was not included in the CR. C. Collins stated that this additional developable one acre is not part of the area under consideration.

B. Porter felt that the CR should not be considered simply as a "why not?" situation. He doesn't see much difference in environmental value or public benefit with or without the CR. C. Russo stated he will definitely sign the CR because he sees it as a small win at no cost.

B. Armstrong stated she has an opposing view. She said the CR was very broadly written and she doesn't want to encourage giving protection to land where the reserved rights detract to such a large degree from the public and environmental values.

C. Collins stated she thought SVT was being held to a double standard. She noted several small parcels where the SCC approved CRs. The Commission noted that these parcels were in a natural state and any reserved rights did not detract from the natural state. C. Russo added that maybe if we give away too much maybe it does take away from the public benefit. B. Armstrong questioned how the neighbors would feel if they were under the impression that the land was under a CR only to find a swimming pool and expanded sports court, and house addition be constructed within the CR. D. Dineen added that too many reserved rights that do not further the CR purposes undermines the integrity of CRs.

C. Russo motioned to approve and sign the Municipal Certification; M. Sevier 2nd. M. Sevier, B. Porter, C. Russo in favor; B. Armstrong; T. Friedlander; D. Henkels opposed. Motion fails.

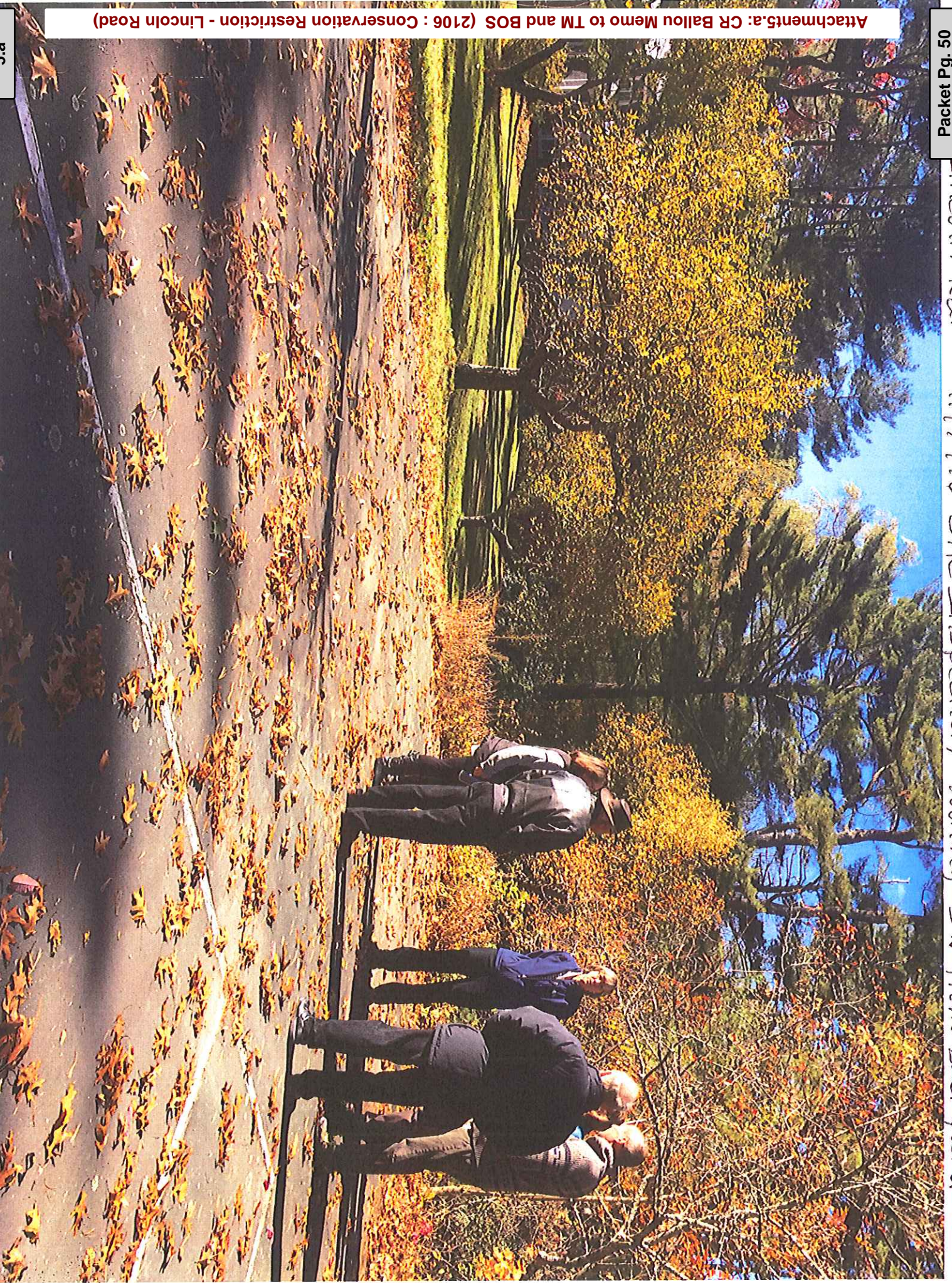
C. Collins stated that the Sudbury Conservation Commission has "reached the low of the low" with this vote. C. Russo felt that recent dealings with SVT have been leading down the wrong path. C. Collins stated she will be going to the Selectmen on Dec. 5 for their approval of the CR. B. Armstrong explained that SVT and SCC have similar mandates. The SCC has to treat everyone the same and hold them all to the same standards. The SCC does this. T. Friedlander stated he did not believe SVT's request met the standard of public benefit in this case.

2nd Lincoln Rd. looking south toward Lincoln Rd.

11/17/16



11/7/16 Site Inspection looking SW from backyard

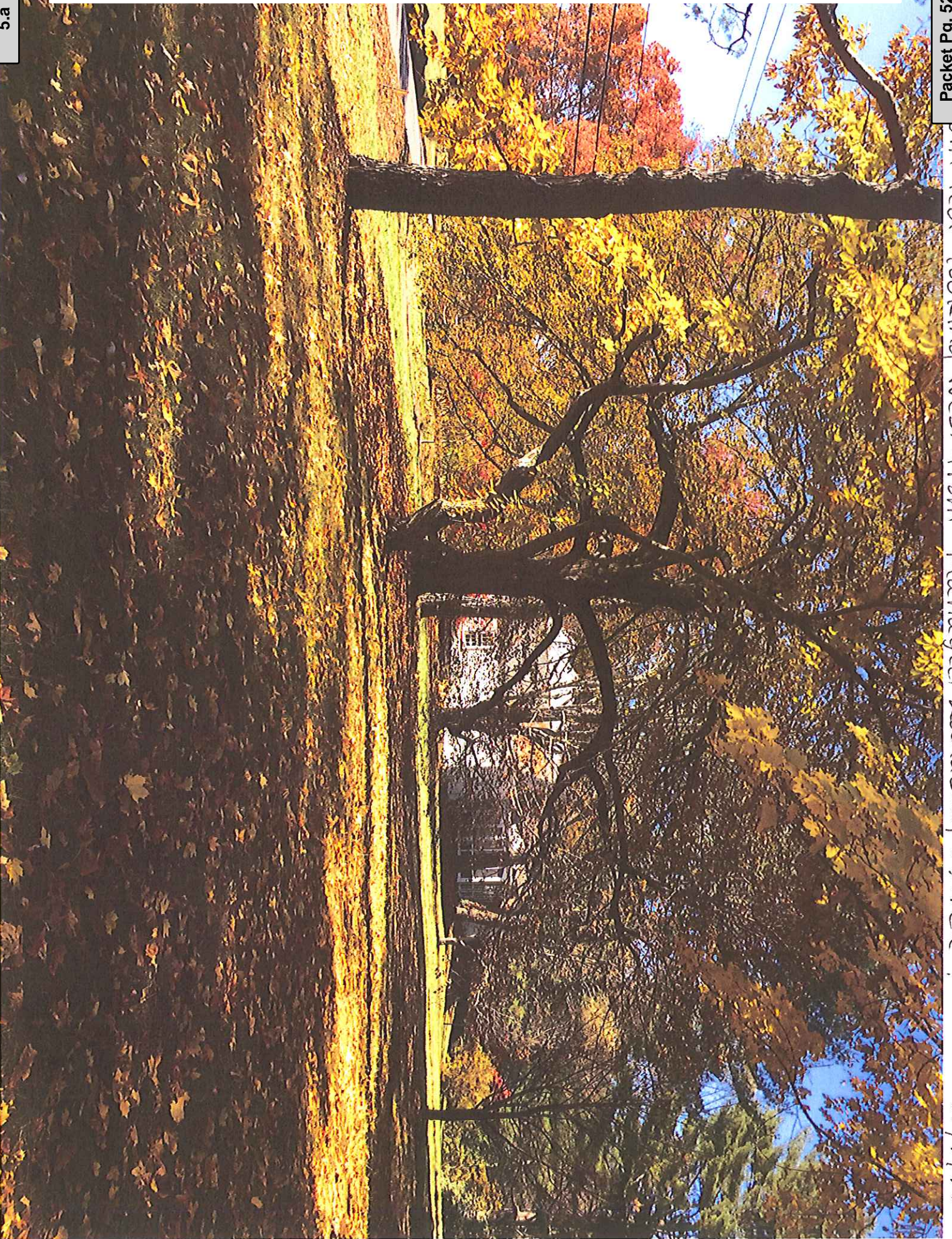


Lincoln Rd. looking NW into Cavacchio nursery

11/7/16



Lin Rd. looking West from "Managed Landscape Area". 11/7/16



MEMORANDUM

TO: MELISSA MURPHY-RODRIGUES, TOWN MANAGER
FROM: CHRISTA COLLINS, DIRECTOR OF LAND PROTECTION, SUDBURY VALLEY TRUSTEES
SUBJECT: BALLOU CR, LINCOLN ROAD, SUDBURY
DATE: 29 NOVEMBER 2016

With this memo and attachments, SVT and Fred and Janet Ballou respectfully request the Sudbury Selectboard's approval of a Conservation Restriction to be donated by the Ballous on their property at 306 Lincoln Road.

The Ballou property consists of 5.132 acres and includes the historic Edward Parmenter house, which was constructed between 1742 and 1759, and which Historic New England has described as "historically significant and worthy of preservation". The Ballous propose to donate a conservation restriction (CR) on their property that would maintain 3.68 acres of the property in their current, undeveloped state, and prohibit demolition of the original saltbox portion of the Parmenter house. All structures and active uses are limited to a 1.44 acre building envelope. The CR extinguishes the potential for one additional residence on the easternmost portion of the property.

We feel that this CR has merit for the following reasons:

- It adds to an existing, large complex of conservation lands. The property is across Lincoln Road from SVT's Fay Fields reservation, and directly abuts both the Cavicchio Nurseries Agricultural Preservation Restriction and a Conservation Restriction held by the Town of Sudbury on land off Fern Trail. These properties, in turn, abut and connect to thousands of acres of conservation land, including Pantry Brook Wildlife Management Area and the Great Meadows National Wildlife Refuge;
- It protects a historic structure;
- It preserves scenic views and community character;
- It advances goals set out in the Town's Open Space and Recreation Plan;
- It buffers and protects wildlife habitat; and,
- It provides protection for a medium-yield aquifer

The Division of Conservation Services, as the agency within the Executive Office of Energy and Environmental Affairs that has been given the responsibility of determining whether or not CRs submitted for approval are in the "public interest", has thoroughly reviewed the conservation restriction and determined that the Ballou CR is, indeed, in the public interest. This determination was made at two levels: both in the determination that the Ballou CR qualifies for the Massachusetts Conservation Land Tax Credit, and that it qualifies for the protections made possible under MGL Ch. 184 Sec. 32-33.

We thank the Selectboard for its consideration.

Enclosures: Conservation Restriction
 Locus Map
 Open Space Context Map
 Memorandum to Conservation Commission
 IRC Section 170(h)
 BioMap 2 and Resilient Landscapes Map
 UMass CAPS Map
 EEA Medium Yield Aquifer Map
 Tax Credit Approval Letter

Grantors: Frederick D. Ballou and Janet D. Ballou

Grantee: Sudbury Valley Trustees, Inc.

Property Address: 306 Lincoln Road, Sudbury, MA

For Grantors' title see: Middlesex South Registry of Deeds Book 14931, Page 408

**CONSERVATION RESTRICTION
TO
SUDBURY VALLEY TRUSTEES**

I. GRANTOR CLAUSE:

We, **FREDERICK D. BALLOU AND JANET D. BALLOU**, husband and wife, for ourselves and our successors and assigns, ("Grantors"), residing at 306 Lincoln Road, Sudbury, Massachusetts, being the sole owners as tenants by the entirety of the parcel of land described below, acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant, with quitclaim covenants, to **SUDBURY VALLEY TRUSTEES, INC.**, a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. Chapter 180, with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts, 01776 ("Grantee", which expression includes its permitted successors and legal assigns), in perpetuity and exclusively for conservation purposes, for consideration of One Dollar (\$1.00) paid, but as a donation nonetheless, the following described Conservation Restriction on a parcel of land located at 306 Lincoln Road in the Town of Sudbury, Massachusetts, containing 5.132 acres more or less, said parcel being described in a deed recorded with the Middlesex South Registry of Deeds (the "Registry") in Book 14931, Page 408, and more particularly described at Exhibit A attached hereto, and as shown on a plan of land entitled "Plan of Land in Sudbury, MA 306 Lincoln Road Conservation Restriction", dated February 2, 2016, last revised 2/16/16, prepared by Everett M. Brooks Co., Inc., (the "Plan"), such Plan to be recorded herewith and a reduced copy of which is attached hereto as Exhibit B (the above-described property being hereinafter referred to as the "Premises").

W I T N E S S E T H:

WHEREAS, the Premises possess significant natural, scenic, open space, and watershed protection values (hereinafter more specifically described in Section II hereof and referred to collectively as "Conservation Values") of great importance to Grantor, Grantee, the people of the Town of Sudbury, Middlesex County, and the Commonwealth of Massachusetts; and

WHEREAS, Grantor and Grantee recognize the natural, scenic, open space and special character of the region in which the Premises are located and the special spatial and natural connection between the Premises and adjacent and nearby protected properties, and Grantor proposes to protect the Premises' Conservation Values by the conveyance to Grantee of this Conservation Restriction to prevent the use or development of the Premises in any manner not consistent with the Purposes of this Conservation Restriction as hereinafter defined in Section II; and

WHEREAS, development of the Premises would lead to or contribute to the degradation of the Premises' Conservation Values, and the natural, scenic, open space and watershed protective character of the region in which the Premises are located; and

WHEREAS, pursuant to Section 1.170A-14(g)(5) of the federal Treasury Regulations and in order to document the condition of the Premises as of the effective date of this Conservation Restriction, the specific Conservation Values of the Premises are documented in an inventory of relevant features of the Premises acknowledged by the signatures of Grantor and Grantee, and to be filed at the offices of Grantee, said inventory consisting of reports, maps, photographs, and other documentation (hereinafter referred to as "Baseline Documentation"). The parties agree that the Baseline Documentation provides an accurate representation of the Premises at the time of this conveyance and is intended to serve as an objective information baseline for monitoring compliance with the terms of this Conservation Restriction; and

WHEREAS, Grantors intend that the Conservation Values of the Premises be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to its natural vegetation and those limited residential uses existing at the time of this grant that do not significantly impair or substantially interfere with those Conservation Values; and

WHEREAS, Grantors further intend, as owners of the Premises, to convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity, intending the grant of this Conservation Restriction to qualify as a "qualified conservation contribution" as that term is defined under Section 170(h)(2)(C) of the Internal Revenue Code of 1986, as amended, and the regulations thereto (hereinafter, the "Code"); and

WHEREAS, Grantee represents as follows: (i) Grantee is a non-profit charitable corporation whose primary purpose is the preservation, protection and enhancement of land located in the watershed of the Sudbury River, including the area of the Premises located in the Town of Sudbury, Massachusetts, in its natural, scenic or open space condition, and is authorized by the laws of the Commonwealth of Massachusetts, including in particular Sections 31, 32 and

33 of Chapter 184, to accept, hold and administer interests in land including conservation restrictions; (ii) Grantee has the commitment to administer and enforce the terms of this Conservation Restriction; (iii) Grantee has the authority and is willing to accept this Conservation Restriction under the terms and conditions hereinafter described; and (iv) Grantee warrants that it is a publicly supported charitable organization in accordance with Sections 509(a)(1) and 170(h)(3)(B)(ii) of the Code. Grantee is therefore a “qualified organization” within the meaning of Section 170(h)(3) of the Code and a qualified “holder” within the meaning of Section 32 of Chapter 184 of the Massachusetts General Laws; and

WHEREAS, Grantee agrees by accepting this conveyance to use its best reasonable efforts to preserve and protect in perpetuity the Conservation Values of the Premises for the benefit of this generation and generations to come.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of the Commonwealth of Massachusetts and Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, for \$1.00 and other valuable consideration, but as an absolute and unconditional gift nonetheless, Grantors hereby voluntarily grant and convey to Grantee this Conservation Restriction in perpetuity over the Property for conservation and public purposes of the nature and character and to the extent hereinafter set forth, and Grantee hereby accepts said grant.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The Grantors intend that this Conservation Restriction will assure that, while permitting uses described in this Conservation Restriction, particularly Section III below, the Premises will be maintained in perpetuity for conservation purposes predominantly in their natural, scenic, forested and open space condition; and further that this Conservation Restriction will preserve and protect in perpetuity the wildlife, aesthetic, ecological and environmental values of the Premises (hereinafter, the “Purposes” or “Conservation Purposes”).

The Premises, defined above, contain unusual, unique or outstanding qualities the protection of which in their predominately natural, vegetated or open condition will be of benefit to the public. These qualities include the following:

- A. **Protection of Significant Relatively Natural Wildlife Habitat.** This Conservation Restriction preserves significant relatively natural habitats of wildlife and plants and related habitats in accordance with Section 170(h)(4)(A)(ii) of the Code for the following reasons:

The Premises include approximately 3.32 acres of woodland and wooded wetland, including a vernal pool, providing quality wildlife habitat, river and watershed protection, flood prevention and pollution mitigation. In addition, a portion of the Premises falls within an area designated as “climate resilient” by The Nature Conservancy, signifying a “unique combination of underlying geology and elevation,” and are also located within

an area identified as “Habitat of Potential Regional and Statewide Importance” in the Conservation Assessment Prioritization System (CAPS). Protection of the Premises will protect this important habitat.

The Premises connect, through adjacent conserved land, to over 4,700 acres of land designated by the Massachusetts Natural Heritage and Endangered Species Program as BioMap2 Core Habitat and Critical Natural Landscape.

The Premises overlay an aquifer that is used as the source of public water, thereby contributing to the provision of clean, potable water for the public benefit.

- B. **Protection of Open Space for Scenic Enjoyment.** The protection of the Premises’ Conservation Values, including forest land, will preserve scenic views and will yield a significant public benefit in accordance with Section 170(h)(4)(A)(iii)(I) of the Code, as such public benefit is described below, for the following reasons:

This Conservation Restriction will protect scenic views of and across the Premises, including its scenic forest lands, from the adjacent publicly accessible Lincoln Road and Grantee’s Fay Fields Reservation.

The Premises contributes to the protection of the scenic and natural character of Sudbury, and enhances the open space value of over 3,000 acres of existing conservation land nearby, including Sudbury Valley Trustees’ Fay Fields Reservation opposite the Premises, a conservation restriction to the Town of Sudbury directly to the west, and an agricultural preservation restriction directly to the east and north. These in turn connect to the State Pantry Brook Wildlife Management Area, the Great Meadows National Wildlife Refuge, and a conservation restriction held by the Town of Sudbury on Pantry Brook Farm.

- C. **Furtherance of Governmental Conservation Policy.** The protection of the Property’s Conservation Values will preserve open space in accordance with clearly delineated federal, state and local governmental conservation policy and will yield a significant public benefit in accordance with Section 170(h)(4)(A)(iii)(II) of the Code, as such public benefit is described below, for the following reasons:

The Premises are identified in the Massachusetts Department of Conservation and Recreation’s 1982 Landscape Inventory Report, identifying landscapes that should be protected to conserve and protect natural, cultural, and recreational resources across the Commonwealth.

Protection of the Premises is consistent with the Town of Sudbury’s current Open Space and Recreation Plan, which has the goals of preservation of the Town’s rural and scenic character and protection of natural resources and wildlife.

D. Significant Public Benefit.

The protection of the Premises through this Conservation Restriction will accomplish a number of the factors determining “significant public benefit” under Treas. Reg. Section 1.170A-14(d)(4)(iv), such as but not limited to the following: (i) development of the Premises would lead to or contribute to the degradation of the scenic, natural, and open character of the area, particularly in light of the fact that the region is under development pressure, (ii) by limiting development and use of the Premises there is created the potential to help prevent habitat fragmentation and the potential for restoring or increasing biological diversity and native plant communities, (iii) the Premises, including its residential dwelling that embodies iconic New England farm vernacular style, is an integral part of the scenic character of the local rural landscape in which it lies, (iv) the protection of the Premises helps to protect the watershed of the Sudbury River and an aquifer underlying the Premises and surrounding areas, thereby contributing to the provision of clean water for the benefit of the public; (v) by limiting development and use of the Premises, the resulting protection of the Premises will protect nearby water well sites, wildlife habitat, and open space pursuant to clearly delineated Federal, State and local government policies; and (vi) the Conservation Restriction is consistent with public programs for conservation in the region, some of which are enumerated above.

III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES:

- A. Prohibited Acts and Uses. Subject to the exceptions set forth in this Conservation Restriction, Grantors will neither perform nor allow others to perform the following acts and uses which are prohibited on, above and below the Premises:
1. The constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure, utility, or facility on, under, or above the Premises;
 2. The mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or make topographical changes to the Premises;
 3. The placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
 4. The cutting, removing or otherwise destroying trees, shrubs, grasses or other vegetation;
 5. The use, parking, or storage of automobiles, trucks, motorcycles, motorized trail bikes, all-terrain vehicles and snowmobiles, or any other motorized or power-

driven vehicles, except to the minimum extent necessary to (i) exercise the reserved rights in Paragraph B of this Section III, and (ii) as necessary for emergency purposes, handicapped accessibility or purposes of public safety.

6. The conveyance of a part or portion of the Premises alone (as compared to the conveyance of the Premises in its entirety which shall be permitted) or the division or subdivision of the Premises except for boundary adjustment purposes in accordance with Paragraph B(12) of this Section III.
 7. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, erosion control or soil;
 8. The use of the Premises for more than *de minimis* commercial recreation activities as defined under – or as may following the effective date of this grant be defined under – Section 2031(c) of the Code, or for business, commercial, residential or industrial use except as provided at Paragraph B(1)(a) of this Section III;
 9. Any other activity on or use of the Premises that is inconsistent with the Purposes of this Conservation Restriction or that would materially impair the Premises' Conservation Values.
- B. Reserved Rights: Notwithstanding any provisions of Paragraph A of this Section III, Grantors reserve to themselves and their successors the right to conduct or permit the following activities on and uses of the Premises, but only if such uses and activities are consistent with the Purposes of this Conservation Restriction and do not materially impair the Premises' Conservation Values.
1. Exclusively within the "Building Envelope Area" as described at Exhibit A and shown in Exhibit B:
 - (a) The use, maintenance, repair, expansion, or replacement of the current residential dwelling, including its breezeway and garage, in accordance with the following subparagraphs (i) – (iii):
 - (i) Except in the case of casualty loss or destruction, such as fire, flood, windstorm, earth movement or other sudden, unexpected event, which as determined by Grantors in consultation with Grantee renders reconstruction unreasonable, the original saltbox structure of ca. 1750 shall not be demolished, removed, or razed.
 - (ii) With the prior written approval of Grantee as described in Section IV hereof, Grantors may demolish, reconstruct, or renovate (including increasing or decreasing the height of), and may construct additions to those portions of the residential dwelling, breezeway and attached garage existing on the effective date of this Conservation Restriction that do not include any portion of the original saltbox structure of ca. 1750 *in situ*.

(iii) Permitted uses of the residential dwelling and of permitted associated improvements are those uses that may be conducted within residential dwellings and associated residential improvements located on single family residential lots in accordance with and under the laws of the Town of Sudbury and the Commonwealth.

- (b) The construction, use, maintenance, repair, renovation, expansion and replacement from time to time of one (1) shed or cabana, provided that the total footprint for said shed or cabana, including any porches and lean-tos, shall not exceed 200 (two hundred) square feet and provided that the construction or replacement of an entire building is conducted only after prior notice to Grantee as provided in Section IV. Grantors will provide notice to Grantee as provided in Section IV at or before the time of application for a building permit for any new or reconstructed structure permitted by this paragraph.
- (c) The construction, use, maintenance, repair, renovation, and replacement of one (1) recreational play pad such as a tennis court or basketball court, more or less on the footprint of the existing tennis court, and provided that the impervious footprint of said recreational play pad, does not exceed 7,200 square feet, and provided that the construction or replacement of said recreational play pad shall be conducted only after prior notice to Grantee as provided in Section IV.
- (d) The construction, use, maintenance, repair, renovation, and replacement of one (1) open air swimming pool, provided that the construction or replacement of said open air swimming pool shall be conducted only after prior notice to Grantee as provided in Section IV.
- (e) The use, maintenance, repair, and paving of one (1) driveway to serve said residential dwelling, garage and permitted associated residential improvements.
- (f) Gardening and landscaping incidental to those residential uses permitted hereunder.
- (g) The installation, maintenance, repair, replacement, removal and relocation of utility facilities and services for the purpose of providing utility services to the Premises consistent with the Purposes of this Conservation Restriction, in accordance with the provisions of Massachusetts General Laws, Chapter 184, Section 32. As used herein, the term “utility facilities and services” shall include but not be limited to electricity, telecommunications, and sanitary disposal serving any residential or nonresidential use of the Premises consistent with the Purposes of this Conservation Restriction and the digging

or drilling of water wells and associated dedicated utilities, provided that such wells are for use of the extracted water solely on the Premises.

2. Exclusively within the “Managed Landscape Area” as described at Exhibit A and shown on Exhibit B, incidental to those residential uses permitted under this Conservation Restrictions Grantors reserve the right to conduct gardening and landscaping, and to maintain certain utilities as follows:
 - (a) There shall be no application or use of chemical-based (not certified as “organic” under applicable federal, state and local law) fertilizers, pesticides, fungicides and soil amendments. Applications of non-chemical based fertilizers, pesticides, fungicides and soil amendments shall be conducted in a manner that avoids or minimizes harm to the quality of surface and subsurface water and soil, and to vegetation that is not targeted by such applications;
 - (b) Trees and brush may only selectively be removed, pruned or cut to prevent, control or remove hazards, disease, insect or fire damage, and to substantially preserve the condition of the Managed Landscape Area existing on the effective date of this Conservation Restriction as shown in the Baseline Documentation, including but not limited to vistas, fence lines, trails, lawns, and meadows;
 - (c) Electrical, telecommunications and similar utilities existing within the Managed Landscape Area on the effective date of this Conservation Restriction as shown in the Baseline Documentation may be maintained, repaired, removed and replaced, but the installation of new electrical, telecommunications and similar utilities is prohibited;
 - (d) Sanitary disposal utilities, water wells and associated dedicated utilities may be installed, maintained, repaired, replaced, removed and relocated provided that such sanitary disposal facilities and wells are solely for use on the Premises and are consistent with the Purposes of this Conservation Restriction.
3. The excavation of soil, gravel or other mineral resource or natural deposit as may be incidental to the conduct of activities permitted hereunder but not as a stand-alone extraction activity, provided that (a) such extraction activities follow generally accepted soil conservation practices, and (b) disturbed areas are re-vegetated with native plant materials.
4. In accordance with generally accepted forest management practices, selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in the Baseline Survey, woods roads, fence lines and trails and meadows.

5. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not have a deleterious impact on the Purposes (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream.
6. The placing of sight-pervious fences that do not interfere with the passage of wildlife to, from, and through the Premises or with the Conservation Purposes of this Conservation Restriction, except that the placing of privacy fencing shall be permitted along the east and north boundaries shown on Exhibit B, extending approximately 350' (three hundred fifty feet) beginning at the northern edge of the Lincoln Road right of way and extending northwesterly, and only with prior notice to the Grantee as provided in Section IV.
7. The conduct of hiking, cross-country skiing and other non-motorized passive outdoor recreational and educational activities that do not materially alter the landscape, do not degrade environmental quality, and do not involve more than de *minimis* use for commercial recreational activities as defined under – or as may following the effective date of this grant be defined under – Section 2013(c) of the Code.
8. The erection of signs by Grantors or – with the prior approval of Grantors as to number, size and design of signs - by Grantee identifying Grantee as holder of the Conservation Restriction and to educate the public about the Conservation Values protected and uses allowed hereunder. In addition, Grantors may erect signs identifying Grantors as owners of the Premises, for the control of hunting and trespass, to identify the Premises' address and occupants, or to advertise the sale of the Premises or any activity permitted hereunder.
9. The right to lease or grant other less-than-fee interests in all or any portion of the Premises for any use or activity that is permitted by this Conservation Restriction, which lease or grant does not relieve or release Grantors from any burdens or liabilities under this Conservation Restriction.
10. With the prior written approval of Grantee in accordance with Section IV hereof, Grantors reserve the right to conduct measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including the selective planting of native trees, shrubs and plant species.
11. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan to, and its approval in writing in accordance with Section IV

hereof by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).

12. Subject to prior notice to Grantee in accordance with Section IV hereof, Grantors reserve the right to convey portions of the Premises that do not include any portion of the Building Envelope Area for boundary adjustment purposes. For purposes of this Conservation Restriction, a boundary adjustment shall mean the exchange of abutting land between two, or among more than two owners of property to resolve a bona fide boundary dispute which does not increase the number of owners of such parcels or the number of parcels. **Any successor in title to any portion of the Premises conveyed under the terms of this Paragraph shall be subject to this Conservation Restriction in all respects.** In no event shall any portion of the Premises be used to satisfy or comply with building or development requirements on any other property.
13. The exercise of any rights reserved by Grantors under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, all other applicable federal, state and local laws, rules, regulations and permits, and all other covenants, servitudes and the like encumbering the Premises. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

C. Otherwise Permitted Acts and Uses:

All acts and uses not explicitly permitted by Section III, paragraph B are prohibited unless otherwise approved by Grantee as described in Section IV below.

IV. NOTICE AND APPROVAL:

A. Notice of Intention to Undertake Certain Permitted Actions

Grantors agree to notify Grantee before exercising any right described as a permitted use under Section III that expressly requires notice to Grantee. The purpose of said notification is to afford Grantee an adequate opportunity to monitor the activities in question and to ensure that they are designed and carried out in a manner that is consistent with the Purposes of this Conservation Restriction. Notices shall be in writing and delivered by hand, or mailed postage prepaid by registered or certified mail return receipt requested, or delivered by a recognized overnight delivery service, or sent by facsimile or email transmission, not less than forty-five (45) days prior to the date Grantors intend to undertake the activity in question. Notices shall be effective upon such personal delivery, or if mailed or sent by delivery service upon the date shown on the return receipt, or if sent by facsimile or email on the date so sent. Notices shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the Purposes of this Conservation Restriction.

B. Grantee's Approval

Where Grantee's approval is required as set forth under Section III, Grantee shall grant or deny its approval within forty-five (45) days from the effective date of Grantors' notice described in Section IV Paragraph A above. Approval or denial by Grantee shall be in writing and delivered by hand, or mailed postage prepaid by registered or certified mail return receipt requested, or delivered by a recognized overnight delivery service, or sent by facsimile transmission. Failure of Grantee to respond within said period shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this paragraph relating to deemed approval after the passage of time. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the Purposes described in Section II of this Conservation Restriction.

V. LEGAL REMEDIES OF GRANTEE:

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

B. Reimbursement of Costs of Enforcement

Grantors, and thereafter their successors and assigns, covenant and agree to reimburse Grantee to the extent permitted by operation of law for all reasonable costs and expenses (including without limitation counsel and survey fees) incurred in enforcing this Conservation Restriction or in remedying or abating any violation thereof provided that a violation of this Conservation Restriction is acknowledged by Grantors or has been determined by a court of competent jurisdiction to have occurred.

C. Disclaimer of Liability

To the extent permitted by operation of law, Grantors hereby release and agree to hold harmless, and indemnify Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties" and individually an "Indemnified Party") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages,

expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with the presence or release in, on, from, or about the Premises, at any time, of any substance now or hereafter defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement (including without limitation M.G.L. c.21E), as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, except to the extent caused solely by an Indemnified Party, in which case this indemnity obligation shall not apply to the Indemnified Party (or Parties) causing such condition. By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations, not caused by Grantee or its agents.

D. Severability Clause

If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

E. Non-Waiver

Any election by Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

F. Survey Disputes

In the event of a dispute over the location of the boundaries, Grantors shall be responsible for a survey and the placement of permanent boundary markers delineating the boundaries of the Conservation Restriction.

G. Acts Beyond the Grantors' Control

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any actions against the Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond Grantors' control, that if it is desirable and feasible to restore the Premises, the parties will cooperate in attempting to do so.

VI. ACCESS:

Grantors hereby grant to Grantee, and its duly authorized agents or representatives, the right to enter the Premises except the interiors of buildings upon reasonable notice and at

reasonably times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. Grantors also grant to Grantee, after notice of a violation and failure of Grantors to cure said violation, the right to enter the Premises (but not the interiors of buildings) for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

VII. EXTINGUISHMENT:

A. Causes

If unexpected circumstances arise in the future such as render the Purposes of this Conservation Restriction impossible to accomplish, then this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction and in accordance with state law, including but not limited to the review and approval of the Secretary of the Executive Office of Energy and Environmental Affairs in accordance with MGL chap. 184, sec. 32. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction in accordance with the preceding sentence, then Grantee, on the first subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. Grantee shall use its share of the proceeds in a manner consistent with the Conservation Purposes of this grant.

B. Values

Grantors and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the unrestricted Premises at that time (the "proportionate value"). Such values shall be established through a "qualified appraisal" arranged by the Grantors in accordance with Treas. Reg. Sec. 1.170A-13 and guidance of the Internal Revenue Service. Such proportionate value of the Grantee's property right shall remain constant except that the value of any improvements made by Grantors after the effective date of this Conservation Restriction is reserved to Grantor to the extent permitted by Treas. Reg. Sec. 1.170A-14(g)(6). The proportionate value as determined above shall be filed as part of the Baseline Documentation.

C. Proceeds

In the event of extinguishment pursuant to Paragraph A, above, prior to the payment of any costs or expenses associated with a sale, exchange or involuntary conversion described in Paragraph A, above, Grantee shall be entitled to receive Grantee's proportionate value in the gross proceeds of such sale, exchange or involuntary conversion of the Premises in priority to the owner of the Premises in whom the Premises

is titled at the time of such post-extinguishment sale, exchange, or involuntary conversion, and in priority to any other lien or claim encumbering the Premises, as such proportionate value interest is determined under the provisions of the preceding paragraph A. The owner of the Premises in whom the Premises is titled at the time of such post-extinguishment sale, exchange, or involuntary conversion shall bear the responsibility for the payment and satisfaction of any claims or liens against the Premises. If Grantee does not receive its proportionate value from the proceeds of such sale, exchange, or involuntary conversion, then Grantee may recover the resulting deficiency from the post-extinguishment owner of the Premises in whom the Premises is titled at the time of such post-extinguishment sale, exchange, or involuntary conversion. Grantee may record a lien to secure its recovery of such deficiency. All such proceeds received by Grantee shall be used by Grantee in a manner consistent with the Purposes of this grant. Any extinguishment of this Conservation Restriction in accordance with the provisions of this Section VII shall be recorded in the Registry of Deeds of Middlesex County South District, Massachusetts, and Grantee shall, upon request, promptly and without charge, execute in recordable form and deliver to the owner of the Premises in whom the Premises is titled at the time of such post-extinguishment sale, exchange, or involuntary conversion such instrument as Grantors may reasonably request for this purpose. In the event of extinguishment, the provisions of this Section VII shall survive extinguishment.

D. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then Grantors and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Grantors and Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between Grantors and Grantee in accordance with Paragraph B of this Section VII. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the Conservation Purposes of this grant.

VIII. ASSIGNABILITY:

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against Grantors and their successors and assigns holding any interest in the Premises.

B. Execution of Instruments

Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; Grantors on behalf of

themselves and their successors and assigns appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, Grantors and their successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The agreements and conditions in this Conservation Restriction contained on the part of a party to be performed and observed shall be binding upon that party and its heirs, legal representatives, successors and assigns. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by Grantee, except in the following instances and from time to time:

1. As a condition of any assignment, Grantee requires that the purposes of this Conservation Restriction continue to be carried out; and
2. The assignee, at the time of assignment, qualifies under Section 170(h) of the Code and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly; and
3. Grantee complies with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

IX. SUBSEQUENT TRANSFERS:

Grantors agree to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest within at least twenty (20) days of such transfer. Failure of the Grantor to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

Grantors shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer of the Premises if in violation of this Conservation Restriction shall survive the transfer except following the timely issuance of a valid and binding estoppel certificate in accordance with Section XI hereof, subject to such exceptions which may be included in such estoppel certificate. Liability for any transfer of the Premises if in violation of this Conservation Restriction shall survive the transfer except following the issuance of a valid and binding estoppel certificate related to such transfer in accordance with Section XI hereof, subject to such exceptions which may be included in such estoppel certificate. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

X. NON MERGER:

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. Grantors agree that they will not grant, and Grantee agrees that it will not take, title to any part of the Premises without having first assigned this Conservation Restriction in accordance with Paragraph VIII(C), if necessary, to ensure that merger does not occur. If it is determined that a transfer or assignment of any interest will result in a merger, no deed shall be effective until this Conservation Restriction has been so assigned or other action taken to avoid a merger and preserve the terms and enforceability of this Conservation Restriction. It is the intent of the parties that the Premises will be subject to the terms of this Conservation Restriction in perpetuity, notwithstanding any merger.

XI. ESTOPPEL CERTIFICATES:

Upon request by Grantors, Grantee shall within thirty (30) days execute and deliver to Grantors any document, including an estoppel certificate, which certifies the Grantors' compliance with any obligation of the Grantors contained in this Conservation Restriction, or shall otherwise certify as to the conditions of any non-compliance.

XII. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantors and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered (herein, the "effective date").

XIII. RECORDATION:

The Grantors shall record this instrument in timely fashion in the Middlesex South District Registry of Deeds.

XIV. MISCELLANEOUS:**A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purposes of this Conservation Restriction and the policy and purpose of M.G.L. Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation

consistent with the Purposes of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

D. Joint Obligation

The obligations imposed by this Conservation Restriction upon the parties that together comprise "Grantors" shall be joint and several.

E. Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

F. Pre-existing Rights of the Public

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

G. Notices

Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors: Frederick and Janet Ballou
306 Lincoln Road
Sudbury, MA 01776

With a copy to: Stefan Nagel, Esq.
One Gateway Center, Suite 801
Newton, MA 02458
Boston, MA 02110

To Grantee: Sudbury Valley Trustees, Inc.
18 Wolbach Road

Sudbury, MA 01776

With a copy to: Deborah Eliason, Esq.
Eliason Law Office
63 Middle Street
Gloucester, MA 01930

or to such other address as any of the above parties shall designate from time to time by written notice to the other parties.

H. Homestead

By Grantors' signatures hereto, the Grantors hereto waive and subordinate to this Conservation Restriction all M.G.L. c. 188 rights of Homestead. All of Grantors' Homestead rights and benefits in the fee remain except to the extent they are hereby waived and subordinated to this Conservation Restriction. The Grantors further attest by Grantors' signatures hereto that there is no spouse, former spouse, or child of either Grantor who has or intends to have any right of Homestead in the Premises.

There are attached hereto or recorded simultaneously herewith and incorporated herein by reference the following Exhibits and Approvals:

Approvals:

Grantors: Frederick D. Ballou and Janet D. Ballou
Grantee: Sudbury Valley Trustees, Inc.
Board of Selectmen Approval
Secretary of the Executive Office of Energy and Environmental Affairs Approval

Exhibits:

- A. Legal Descriptions of the Premises, Building Envelope Area and Managed Landscape Area
- B. Conservation Restriction Plan

(Signatures, Approvals and Exhibits Begin on Next Page)

Executed under seal this ____ day of _____, 201_.

Grantors:

By; _____
Frederick D. Ballou

By; _____
Janet D. Ballou

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 201_ before me, the undersigned Notary Public, personally appeared the above-named _____, proved to me by satisfactory evidence of identification, being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purposes.

 Notary Public:
 My Commission Expires:

ACCEPTANCE OF GRANT

Sudbury Valley Trustees, Inc. accepts the above Conservation Restriction from Frederick D and Janet D. Ballou this ____ day of _____, 201_, by:

Executive Director

COMMONWEALTH OF MASSACHUSETTS

Middlesex,ss

On this ____ day of _____, 201_ before me, the undersigned Notary Public, personally appeared the above-named _____, Executive Director of Sudbury Valley Trustees, Inc., proved to me by satisfactory evidence of identification, being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purposes.

 Notary Public:
 My Commission Expires:

APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Sudbury, hereby certify that at a public meeting duly held on _____, 201_, the Board of Selectmen voted to approve the foregoing grant of Conservation Restriction from Frederick D. Ballou and Janet D. Ballou to the Sudbury Valley Trustees, pursuant to Massachusetts General Laws Chapter 184, Section 32.

Board of Selectmen of the Town of Sudbury

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 201_, before me, the undersigned Notary Public, personally appeared the above-named

_____, Members of the Town of Sudbury Board of Selectmen, proved to me by satisfactory evidence of identification, being (check whichever applies): ☐ driver's license(s) or other state or federal governmental document(s) bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatories, or ☐ my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purposes, as members of the Town of Sudbury Board of Selectmen.

 Notary Public
 My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS,
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to SUDBURY VALLEY TRUSTEES, INC. has been approved in the public interest pursuant to M.G.L. Chapter 184, Sections 31-33.

*Secretary of Energy and Environmental
Affairs*

*MATTHEW A. BEATON
Date*

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

On this ____ day of _____, 201_ before me, the undersigned Notary Public, personally appeared the above-named MATTHEW A. BEATON, Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, proved to me by satisfactory evidence of identification, being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☐ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purposes.

Notary Public:
My Commission Expires:

Exhibit A

Legal Descriptions of the Premises, Building Envelope Area and Managed Landscape Area

Legal Description of the Premises

A certain parcel of land situated in the Town of Sudbury, Middlesex County, Commonwealth of Massachusetts, commonly known as 306 Lincoln Road, being shown as "Conservation Restriction" on a Plan entitled "Plan of Land in Sudbury, MA 306 Lincoln Road Conservation Restriction" dated February 2, 2016, last revised 2/16/16, prepared by Everett M. Brooks Co., Inc., such Plan to be recorded herewith and a reduced copy of which is attached as Exhibit B hereto, and being more particularly described as follows:

Beginning at a set rebar at a point on the northerly sideline of Lincoln Road, a public way; **THENCE** along the northerly sideline of Lincoln Road for the following 3 courses:

S86°41'00"W a distance of forty-three and seventy-five hundredths feet (43.75) to a point; **THENCE**

S88°19'00"W a distance of fifty-eight and twenty-five hundredths feet (58.25) to a point; **THENCE**

S86°43'00"W a distance of one hundred twelve and seventy-five hundredths feet (112.75) to a set rebar; **THENCE**

S83°15'29"W a distance of eighty-eight and eighteen hundredths feet (88.18) to a point; **THENCE**

S81°53'49"W a distance of one hundred forty-one and forty-three hundredths (141.43) to a set rebar; **THENCE**

S81°53'49"W a distance of eighty and sixteen hundredths feet (80.16) to a point; **THENCE**

S86°54'31"W a distance of one hundred thirty four and thirty-one hundredths feet (134.31) to a set rebar; **THENCE**

N12°19'00"E a distance of five hundred thirty-four and eighty-three hundredths feet (534.83) to a set rebar; **THENCE**

S66°31'00"E a distance of three hundred sixty-five and ninety-eight hundredths feet (365.98) to a set rebar; **THENCE**

Attachment5.b: SVTBallouCR_SelectboardPacket (2106 : Conservation Restriction - Lincoln Road)

S66°31'00"E a distance of one hundred seventeen and seventy-one hundredths feet (117.71) to a set rebar; **THENCE**

S48°28'00"E a distance of seventy-five and thirty-three hundredth feet (75.33) to a set rebar; **THENCE**

S17°57'00"E a distance of one hundred two and no hundredths feet (102.00) to a set rebar; **THENCE**

S04°38'00"E a distance of one hundred twenty-three and sixty-seven hundredths feet (123.67) to the **point of beginning** and containing 5.132 acres more or less according to said plan.

Being Parcels "First", "Second" and "Third" in the deed of Joan P. Fay, a/k/a Joan Peters Fay, to Frederick D. Ballou and Janet D. Ballou, husband and wife, dated March 15, 1983, recorded in the Middlesex South Registry of Deeds, Book 14931, Page 408.

LEGAL DESCRIPTION

A certain parcel of land situated in the Town of Sudbury, Middlesex County, Commonwealth of Massachusetts, commonly known as 306 Lincoln road, being shown as "**Building Envelope Area**" on a plan entitled "Plan of Land in Sudbury, MA 306 Lincoln Road Conservation Restriction" dated February 2, 2016 prepared by Everett M Brooks Co, Inc., and being more particularly described as follows:

Beginning at a set rebar at a point on the northerly sideline of Lincoln Road, a public way;
THENCE along the northerly sideline of Lincoln road for the following 2 courses

S83°15'29"W a distance of eighty-eight and eighteen hundredths feet (88.18) to a point;
THENCE

S81°53'49"W a distance of one hundred forty-one and forty-three hundredths (141.43) to a set rebar; **THENCE**

N19°42'29"E a distance of one hundred fifty-seven and fifty-five hundredths feet (157.55) to a set rebar; **THENCE**

N41°06'58"E a distance of two hundred seventy-eight and fifty-three hundredths feet (278.53) to a set rebar; **THENCE**

S66°31'00"E a distance of one hundred seventeen and seventy-one hundredths feet (117.71) to a set rebar; **THENCE**

S22°32'56"W a distance of three hundred four and twenty-one hundredths feet (304.21) to the point of beginning and containing 62,937 square feet more or less according to said plan.

LEGAL DESCRIPTION

A certain parcel of land situated in the Town of Sudbury, Middlesex County, Commonwealth of Massachusetts, commonly known as 306 Lincoln road, being shown as "**Managed Landscape Area**" on a plan entitled "Plan of Land in Sudbury, MA 306 Lincoln Road Conservation Restriction" dated February 2, 2016 prepared by Everett M Brooks Co, Inc., and being more particularly described as follows:

Beginning at a set rebar at a point on the northerly sideline of Lincoln Road, a public way;
THENCE along the northerly sideline of Lincoln road for the following 3 courses

S86°41'00"W a distance of forty-three and seventy-five hundredths feet (43.75) to a point;
THENCE

S88°19'00"W a distance of fifty-eight and twenty-five hundredths feet (58.25) to a point;
THENCE

S86°43'00"W a distance of one hundred twelve and seventy-five hundredths feet (112.75) to a set rebar; **THENCE**

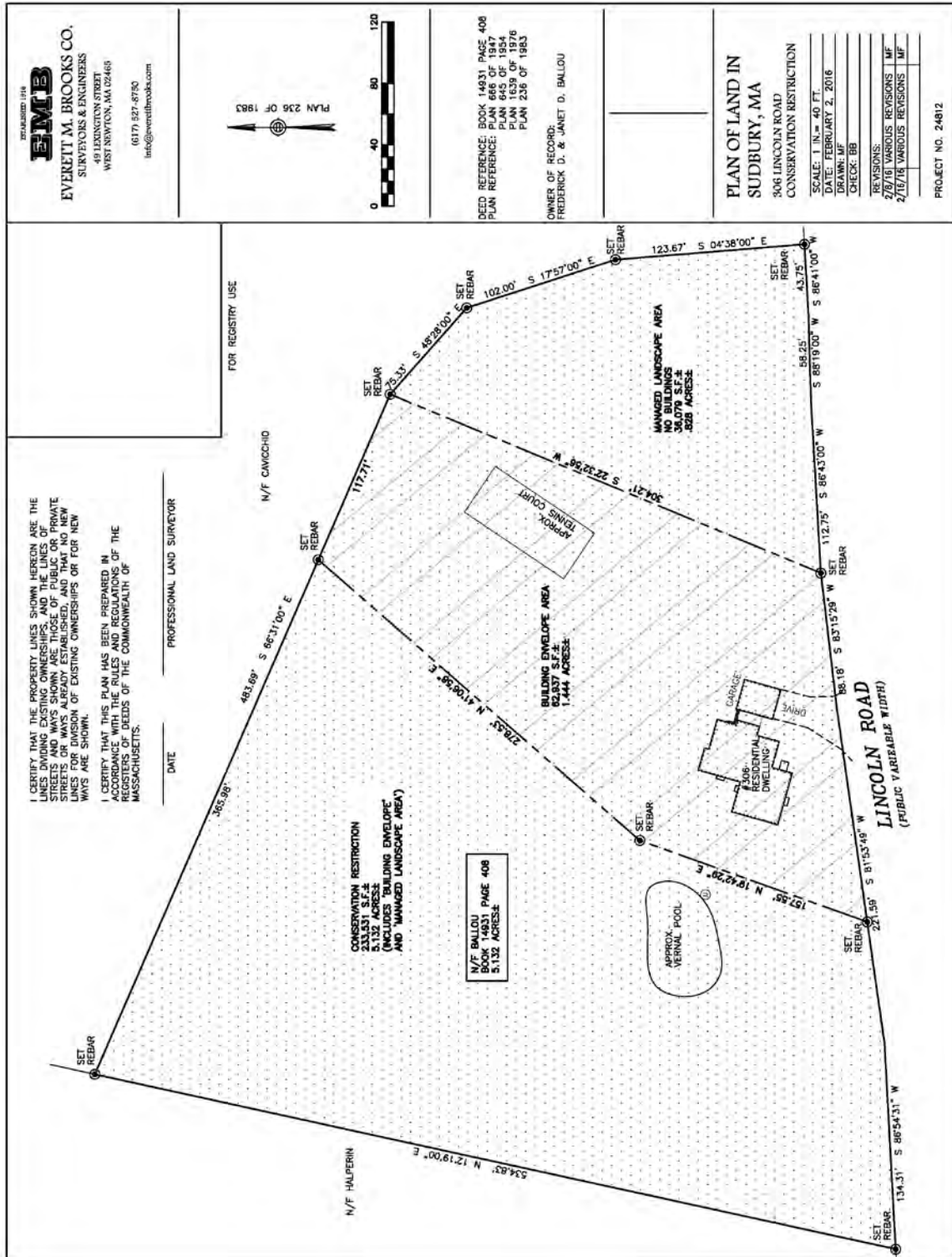
N22°32'56"E a distance of three hundred four and twenty-one hundredths feet (304.21) to a set rebar; **THENCE**

S48°28'00"E a distance of seventy-five and thirty-three hundredths feet (75.33) to a set rebar;
THENCE

S17°57'00"E a distance of one hundred two and no hundredths feet (102.00) to a set rebar;
THENCE

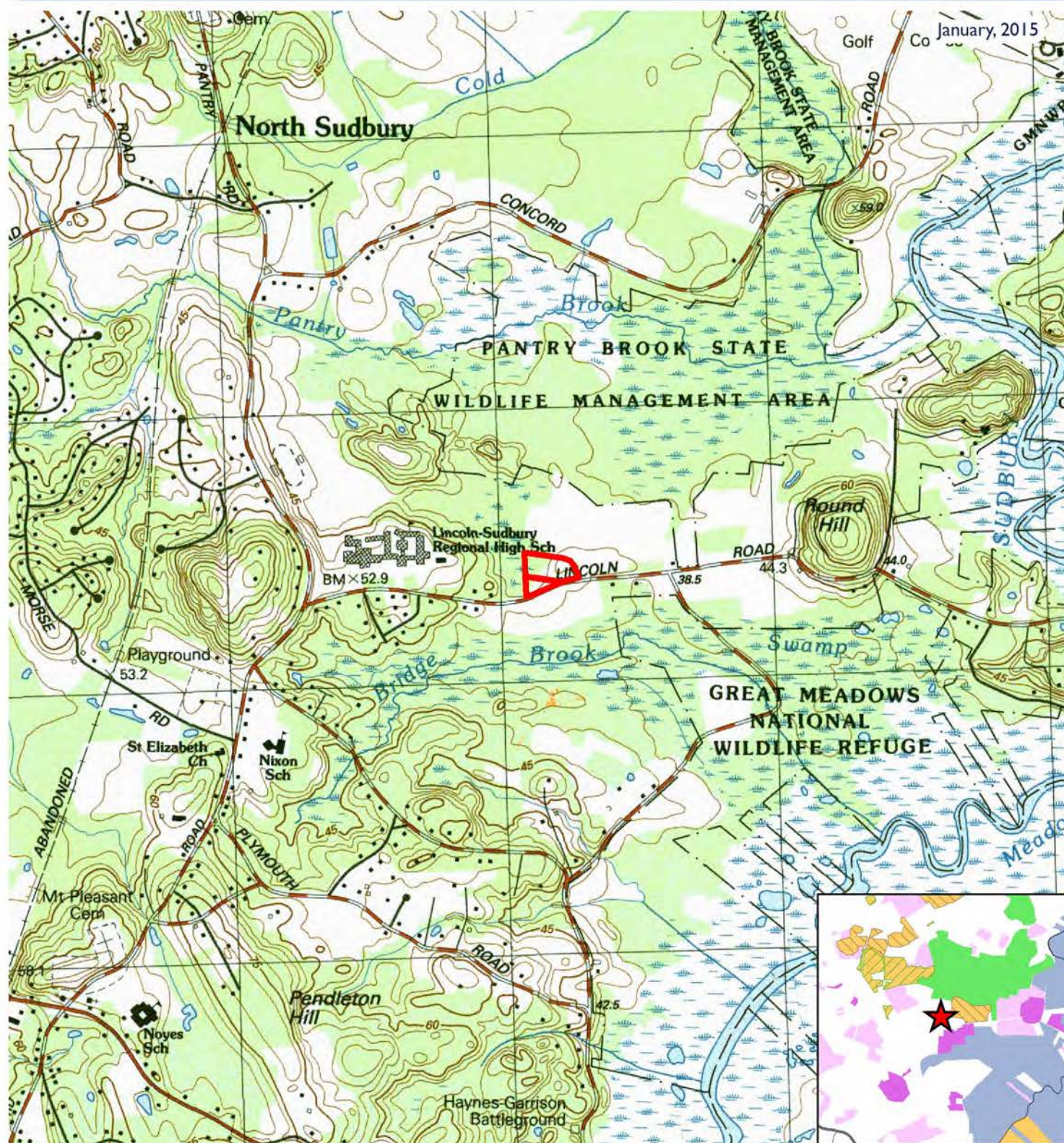
S04°38'00"E a distance of one hundred twenty-three and sixty-seven hundredths feet (123.67) to the **point of beginning** and containing 36,079 square feet more or less according to said plan.

Exhibit B **Conservation Restriction Plan**





**SUDBURY
VALLEY
TRUSTEES**



Attachment5.b: SVTBallouCR_SelectboardPacket (2106 : Conservation Restriction - Lincoln Road)

Map produced by Sudbury Valley Trustees. Data Provided by Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

This Map should be used for reference only. Boundary lines are approximate.

Ballou

Lincoln Road, Sudbury



SUDBURY
VALLEY
TRUSTEES

January, 2016

Legend

Ballou

Tax parcels

Protected Open Space

Conservation Restriction

Agricultural Preservation Restriction

CR/APR Combination

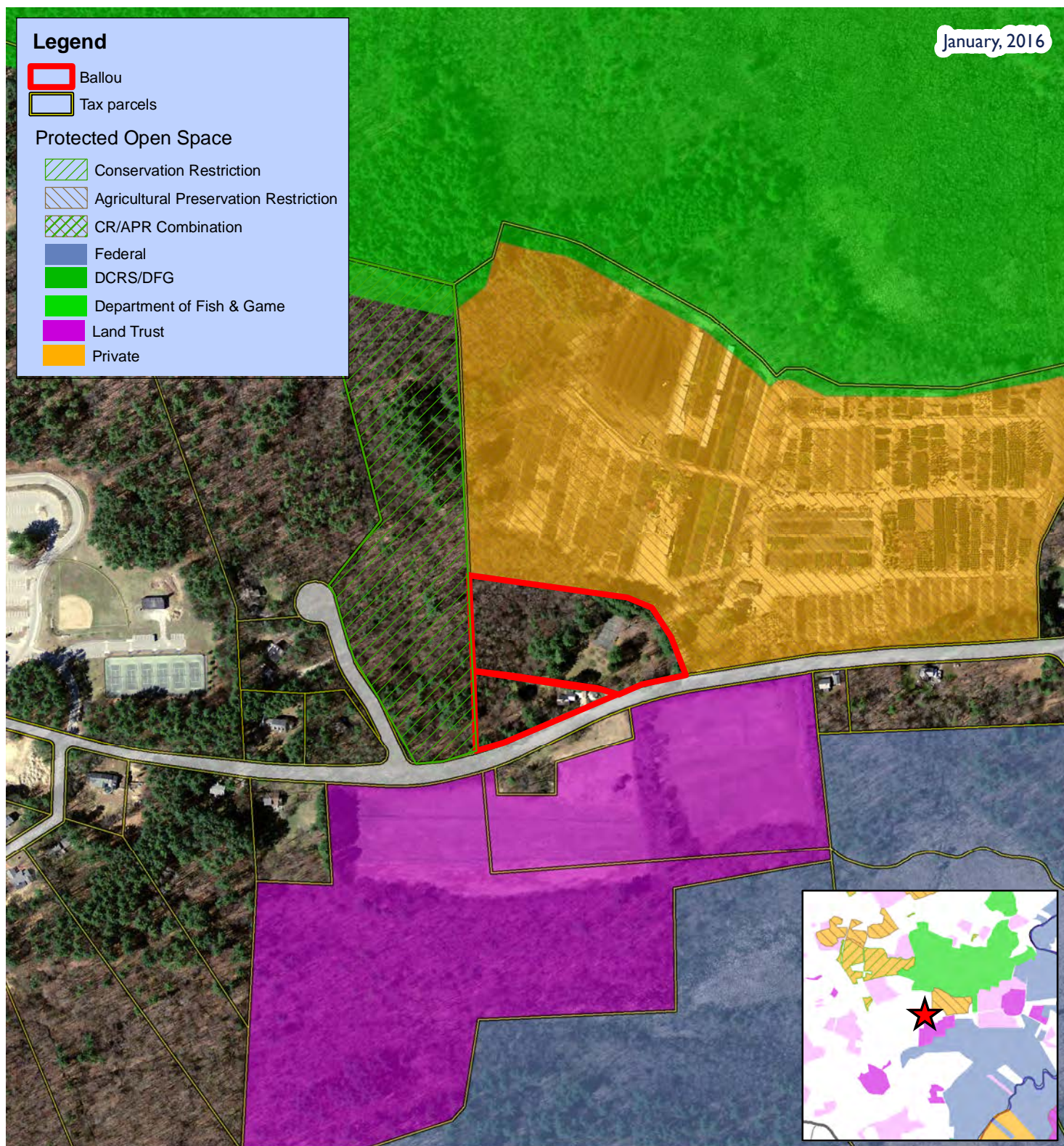
Federal

DCRS/DFG

Department of Fish & Game

Land Trust

Private



Attachment5.b: SVTBallouCR_SelectboardPacket (2106 : Conservation Restriction - Lincoln Road)

Sudbury Valley Trustees - 18 Wolbach Road - Sudbury, MA - 978-443-5588 - web@svtweb.org - www.svtweb.org

Map produced by Sudbury Valley Trustees. Data Provided by Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

This Map should be used for reference only. Boundary lines are approximate.

SVT went before the Conservation Commission on 11/7/16 to request that the Commission sign the Municipal Certification Form, thus recommending approval of the CR to the Selectboard. This form is part of the CR application process to the state but is **not** required for either Selectboard approval nor for approval by the Secretary of Energy and Environmental Affairs. The Commission split, three to three, on whether to sign the Municipal Certification Form. Concern was expressed by the Conservation Agent Debbie Dineen and some Commissioners about the extent of reserved rights within the building envelope; however, the very purpose of the building envelope is to sequester activities that might impact conservation values, and obviously the CR cannot grant more rights than are allowed under zoning and planning regulations. We believe that this concern was misplaced and were disappointed that some Commissioners seemed to reach beyond the requirement that they judge the CR based only on whether it meets the public benefit test.

The following is a memorandum provided prior to the 11/7 meeting in response to other concerns raised by Ms. Dineen.

MEMORANDUM

TO: DEBBIE DINEEN, CONSERVATION COORDINATOR, TOM FRIEDLANDER, CONSERVATION COMMISSION CHAIRMAN, MELISSA MURPHY-RODRIGUE, TOWN MANAGER

FROM: CHRISTA COLLINS, DIRECTOR OF LAND PROTECTION, SUDBURY VALLEY TRUSTEES

SUBJECT: BALLOU CR, LINCOLN ROAD, SUDBURY

DATE: 26 OCTOBER 2016

This memo is in response to an email from Debbie Dineen on October 11, 2016, that questioned whether the Ballou CR meets the public benefit test and adequately protects the property's ecological resources. We feel strongly that this push-back is in error.

The Division of Conservation Services, as the agency within the Executive Office of Energy and Environmental Affairs that has been given the responsibility of determining whether or not CRs submitted for approval are in the "public interest", has already determined that the Ballou CR is in the public interest. This determination was made at two levels: both in the determination that the Ballou CR qualifies for the Massachusetts Conservation Land Tax Credit, and that it qualifies for the protections made possible under MGL Chap. 184 Sec. 32-33.

We address other, specific concerns here:

1. Concerns over the extent of reserved rights.

The landowner's primary goals in donating a conservation restriction were to preserve their historic home, and to eliminate the potential for an additional house on the property – the CR achieves both these goals. An envelope was created around the existing house and tennis court to accommodate typical residential uses. Typically, we would exclude such an area altogether from a CR; the only reason it is included here is to protect the historic portion of the residence. The landowners are giving up significant value in their property by extinguishing an additional

house lot and did not want to risk restricting the existing residence to the extent that they would not be able to sell it once they retire and move on from Sudbury. The adjacent “Managed Landscape” envelope was created in response to the existence of some interesting specimen trees on the property. The CR allows for these trees to be maintained.

We’re puzzled by the assertion that this CR does nothing to protect conservation values other than the wetland resources, which are “already protected.” As the Town has proven in its own decisions, wetland resources can very much be impacted by upland use and development. Extinguishing at least one house lot that lies adjacent to wetlands will undoubtedly assure protection of those wetlands. Further, the town has recognized the added value of a CR over a wetland by recently accepting two smaller CR’s that do exactly that: the owners of a 1.67 acre parcel on Concord Road were required to put a 1.04 acre CR on the wooded wetlands that made up their back yard (2015), and another landowner was required to grant a 2.7 acre CR, most of which was pond. The latter parcel was completely surrounded by residential development and had no apparent connection to other conservation land. Additionally, the Town-held Conservation Restriction directly to the west of the Ballou property is comprised primarily of wetlands.

2. “The CR uses misleading language to generate conservation value. For example, the CR language states that the CR “preserves significant *relatively* natural habitats of wildlife and plants and related habitat.”

According to guidance issued by the Division of Conservation Services, the determination of “public interest” is met “if the applicant can show that the restriction meets any of the tests for deductibility under Internal Revenue Code Section 170(h) and the regulations promulgated thereunder”. *The Massachusetts Conservation Restriction Handbook*, 1st and subsequent editions. The “tests for deductibility” under Code Section 170(h) include the following:

- (i) “the protection of relatively natural habitat” (emphasis added), which includes areas that “[have] been altered to some extent by human activity” (Treas. Reg. Sec. 1.170A-14(d)(3)(i)); and
- (ii) the “preservation of open space . . . for the scenic enjoyment of the general public”. The factors used in the determination of “scenic enjoyment” recognize that the property over which the scenic view is preserved need not be located solely in rural or undeveloped areas, but can also be found in an “urban” or “densely populated setting”. Treas. Reg. Sec. 1.170A-14(d)(4)(ii)(A); ...

3. The CR discusses that a “portion of the Premises falls within an area designated as “climate resilient” by The Nature Conservancy, signifying a “unique combination of underlying geology and elevation,” Please inform me at what is the unique combination of underlying geology and elevation”.

Please see the attached map showing the Resilient Landscape overlay. More about this GIS dataset can be found at:

<https://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/edc/reportsdata/terrestrial/resilience/Pages/default.aspx>.

Note, however, that our colleagues at TNC worked with us to scale the data appropriately for our service area. What you’ll find on the website is at a coarser scale than the data we used for Ballou, but you’ll be able to learn more about this conservation planning tool

4. The Premises are not included the CAPS Map indicating *potential high ecological integrity* nor is it shown on the CAPS Map of “Habitat of Potential Regional and Statewide Importance, contrary to the statement in the CR document.

We used the UMass CAPS GIS data set to make this assertion. It is perhaps more detailed than the map that Debbie consulted. See attached.

5. It is stated that “the Premises connect, through adjacent conserved land, to over 4,700 acres of land designated by the Massachusetts Natural Heritage and Endangered Species Program as BioMap2 Core Habitat and Critical Natural Landscape”.

This is an accurate statement. Buffering critical habitat is important and is a key concept in landscape ecology.

6. It is also stated that “The Premises overlay an aquifer that is used as the source of public water, thereby contributing to the provision of clean, potable water for the public benefit”. Sudbury’s local and site-specific Water Resource Protection District mapping indicates that the Premises are not even within a Zone III of any municipal well.

This language was required by EEA because the property lies over a medium yield aquifer. See attached map provided by EEA. Tom Anderson, who coordinates the tax credit program, noted that this designation on the Managed Landscape area “provided the resource value for the application to qualify”.

7. “While this is a privately negotiated CR between SVT and the property owners, I am not questioning the language in the CR. What I am questioning is the public benefit that will be derived from this CR based on the extensive reserved rights on at least ½ the Premises. The Conservation Commission is being asked to certify that the public benefits exist.”

We refer back to the Treasury Regulations to address this concern, as well as the fact that EEA has approved the CR, and again assert that this CR clearly meets the public benefit test.

Finally, we include the following statement from the Ballou’s attorney, Stefan Nagel of the office of Steve Small, who is one of the foremost experts on conservation tax law in the country: “We feel that the conservation agent has applied a very high – perhaps even arbitrary - standard of review that is not authorized under the Massachusetts statute, and contradicted by the federal rules which serve as a guide for the state standards. Experience would indicate that the proposed Ballou CR falls squarely within the approval standards applied by towns and the state to any number of other CR applications.”

We look forward to resolving these issues at our upcoming meeting.

Internal Revenue Code, Section 170(h)

QUALIFIED CONSERVATION CONTRIBUTIONS, AS AMENDED

This Act became law on December 17, 1980 (Public Law 96-541, 26 U.S.C. 170(h) and has been amended three times.

Qualified conservation contribution

26 U.S.C. 170(h)(1),
In general

Section 170(h)

(1) For purposes of subsection (f)(3)(B)(iii), the term **“qualified conservation contribution”** means a contribution—

- (A) of a qualified real property interest,
- (B) to a qualified organization,
- (C) exclusively for conservation purposes.

26 U.S.C. 170(h)(2),
Qualified real property interest

(2) For purposes of this subsection, the term **“qualified real property interest”** means any of the following interest in real property:

- (A) the entire interest of the donor other than a qualified mineral interest,
- (B) a remainder interest, and
- (C) a restriction (granted in perpetuity) on the use which may be made of the real property.

26 U.S.C. 170(h)(3),
Qualified organization

(3) For the purposes of paragraph (1), the term **“qualified organization”** means an organization which—

- (A) is described in clause (v) or (vi) of subsection (b)(1)(A), or
- (B) is described in section 501(c)(3) and—
 - (i) meets the requirements of section 509(a)(2), or
 - (ii) meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.

26 U.S.C. 170(h)(4),
Conservation purpose defined, in general

(4)(A) For purposes of this subsection, the term **“conservation purposes”** means—

- (i) the preservation of land areas for outdoor recreation by, or the education of, the general public,
- (ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,
- (iii) the preservation of open space (including farm land and forest land) where such preservation is—
 - (I) for the scenic enjoyment of the general public, or

Internal Revenue Code, Section 170(h)

(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or

(iv) the preservation of a historically important land area or a certified historic structure.

Certified historic structure

(B) For purposes of subparagraph (A)(iv), the term “**certified historic structure**” means any building, structure, or land area which—

(i) is listed in the National Register, or

(ii) is located in a registered historic district (as defined in Section 47(c)(3)(B)) and is certified by the Secretary of the Interior to the Secretary [of the Treasury] as being of historic significance to the district.

A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on due date (including extensions) for filing the transferor’s return under this chapter for the taxable year in which the transfer is made.

26 U.S.C. 170(h)(5), Exclusively for conservation purposes

(5) For purposes of this subsection—

Conservation purpose must be protected

(A) A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.

No surface mining permitted

(B)(i) Except as provided in clause (ii), in the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.

Special rule

(ii) With respect to any contribution of property in which the ownership of the surface estate and mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible.

26 U.S.C. 170(h)(6), Qualified mineral interest

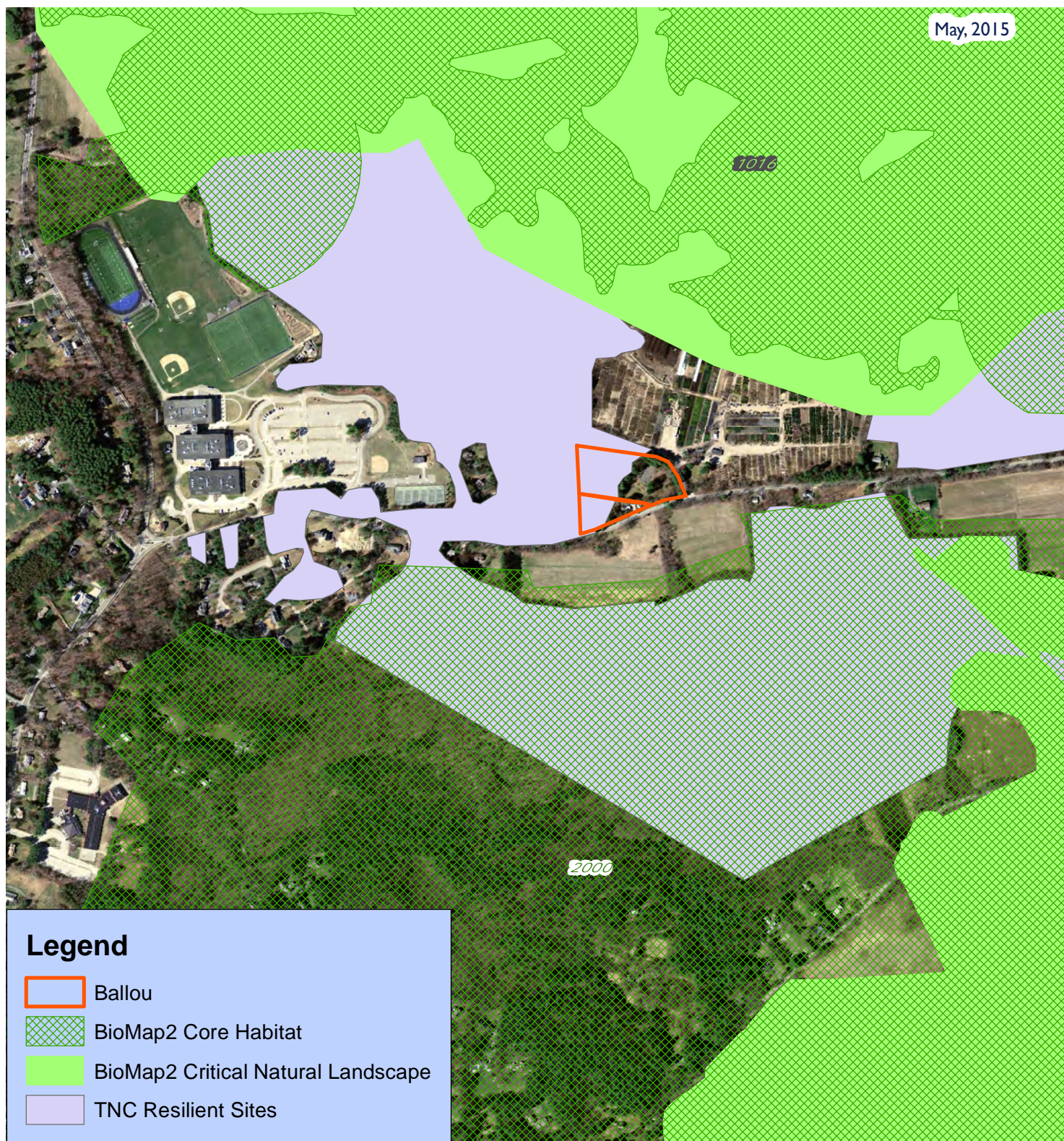
(6) For purposes of this subsection, the term “**qualified mineral interest**” means—

(A) subsurface oil, gas, or other minerals, and

(B) the right to access to such minerals.

Ballou: BioMap and TNC Resilienc

Lincoln Road, Sudbury

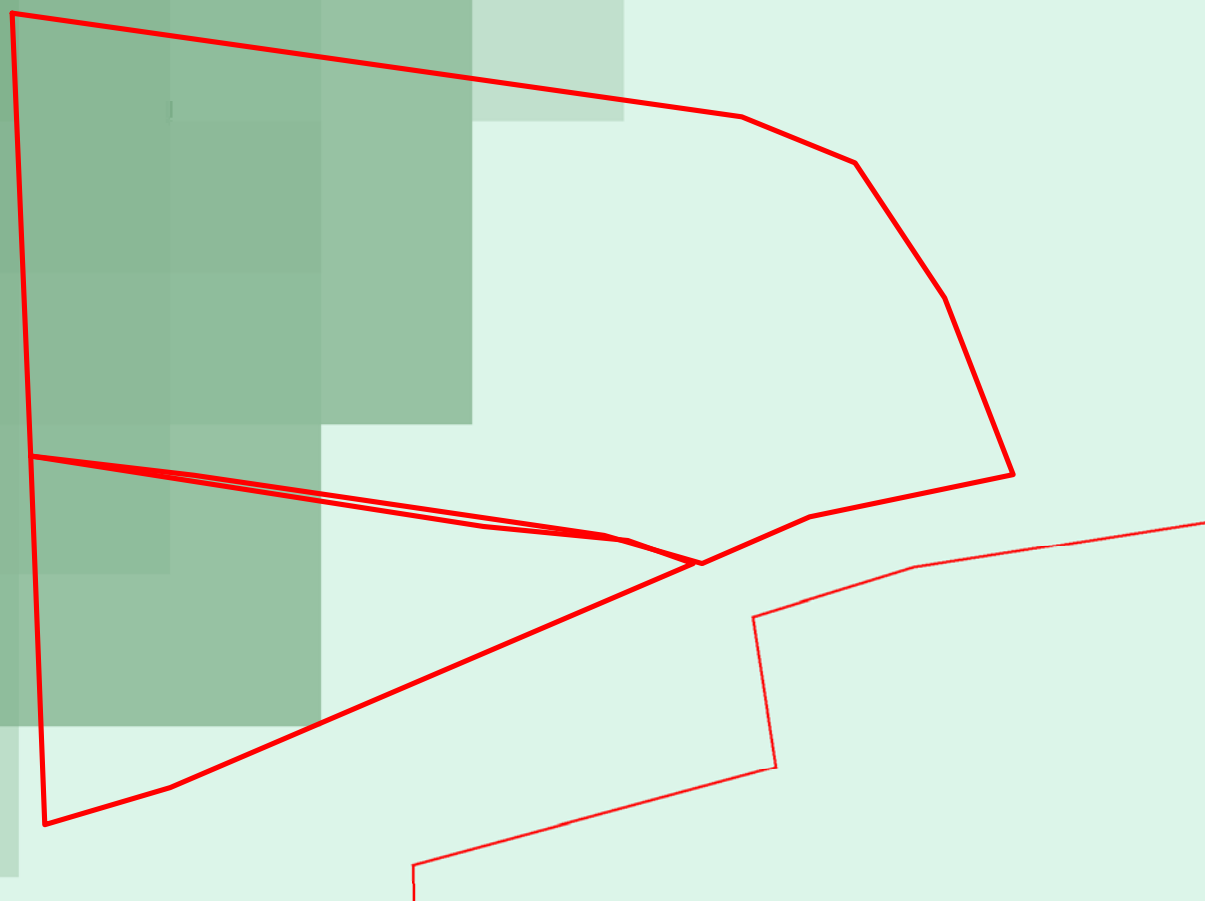
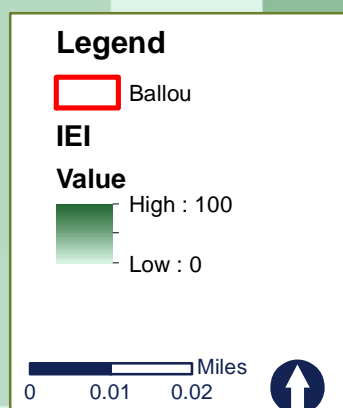
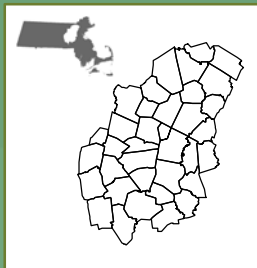


Attachment5.b: SVTBallouCR_SelectboardPacket (2106 : Conservation Restriction - Lincoln Road)



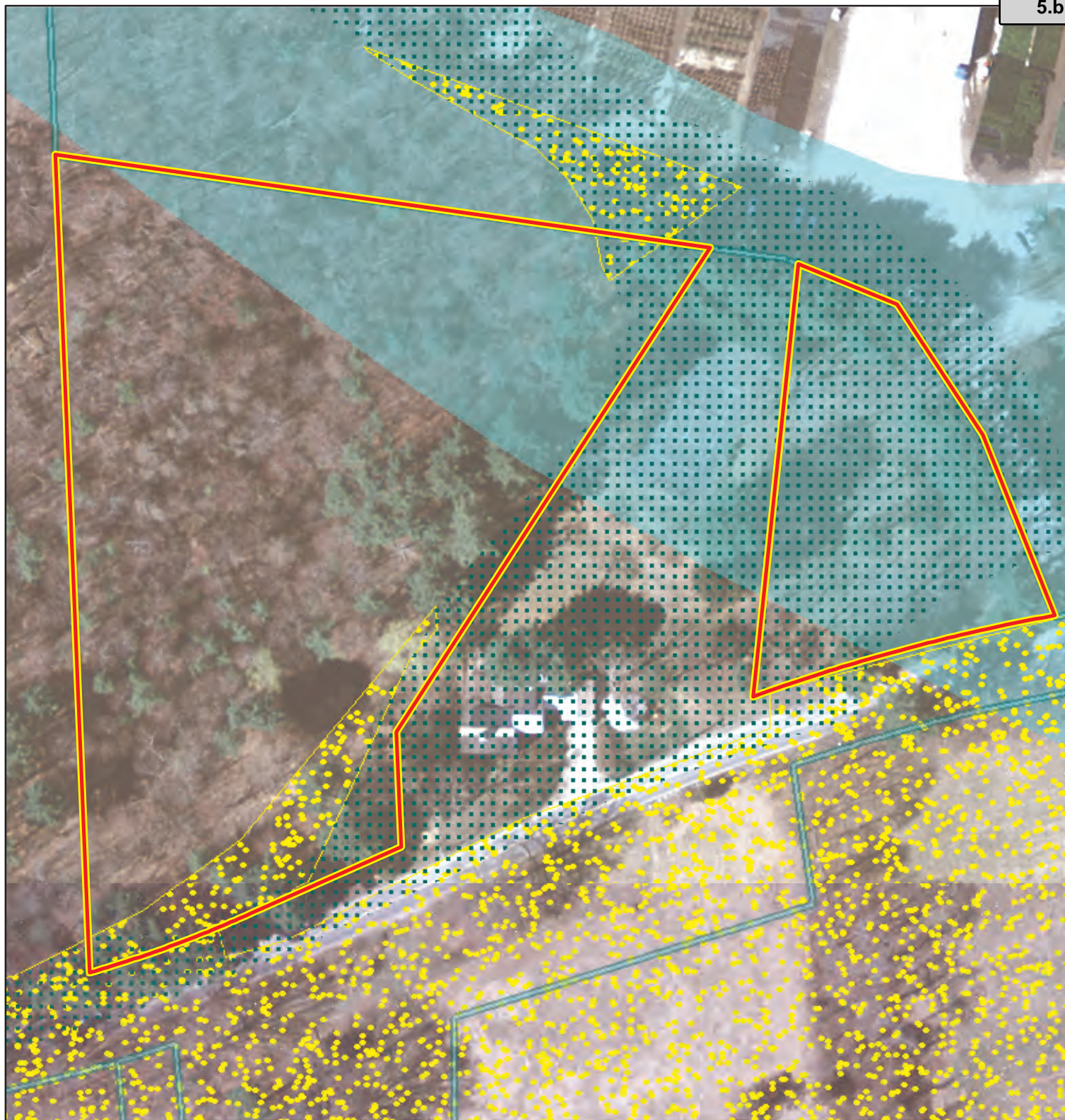
Ballou: CAPS Index of Ecological Integrity

Lincoln Rd., Sudbury



Map produced by Sudbury Valley Trustees. Data provided by Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. This map should be used for reference only. Boundary lines are approximate.

Sudbury Valley Trustees - 18 Wolbach Road - Sudbury, MA 01776 - 978-443-5588 - web@svtweb.org - www.svtweb.org









Ballou
Sudbury, 0321
3.9 acres

0 50 100 150 feet



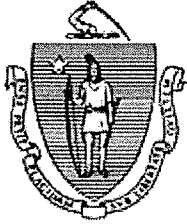
Environmental Overlays

-  Prime Farmland Soils
-  Prime Forest Land - only 1 through 3W
-  Medium Aquifers

-  Tax Credit Conservation
-  Municipal boundary
-  Protected OpenSpace

Additional environmental datasets
covering the site:

DCR Scenic Designation 100%



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

Ms. Christa Collins
Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA 01776-

October 17, 2016

Re: Conservation Land Tax Credit (CLTC)
Part 2 approval for a calendar 2017 closing on the gift
Application # 0321
306 Lincoln Road, Sudbury, 4.9 Acres
Calendar Year 2017 Gift/Bargain Sale

Dear Christa:

As you know, we previously sent you a letter confirming that this project was funded for a 2017 gift/bargain sale CLTC, and that it was also on our waiting list for 2016 funding. Unfortunately, funding has not become available this year so we want to confirm with you that this project is funded for closing in calendar 2017, and give you the Part 2 approval letter so you can proceed with planning for that closing.

At this time we are confirming our review of the documents and the appraisal you provided to us and that we've determined that they meet EEA's requirements for Pre-CLTC approval. (301 CMR 14.03: (2), Part II, 5) Please accept this letter as your **Notice to Proceed** with Part III of the application process which includes closing on and recording the property transaction in January. Note that we have reserved **\$75,000**, which represents the maximum tax credit that will be available for this application. Let us know if that number is not accurate.

Please contact me at your earliest convenience and confirm that this project is still on and what the timeline is for the closing.

2016 OCT 17 PM 4:00
CLTC 0321
CLTC 0321

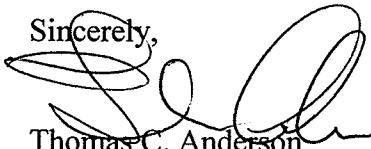
Very important - this approval is for a calendar year 2017 gift/bargain sale only. The closing and recording, along with submittal of all final documentation (including items in attachment A), must occur after January 1, 2017 and be complete by March 7, 2017. If for any reason you cannot meet this deadline you must contact us and receive an extension.

Since any “exception” to “good record and marketable title” within the title exam could be critical in terms of receiving the tax credit, we recommend you have a title exam done now and submit it to us for review and approval prior to the closing. The Certification of Title and the title exam will have to be updated to the point of recording later on, but that extra step would be more than offset by the benefit of being sure there are no issues that could deny the tax credit. We also need to approve the draft deed if one is applicable.

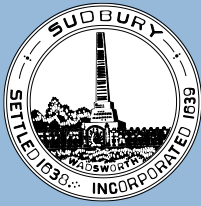
Please note that EEA will issue a *Conservation Land Tax Credit – Certificate Number* to be used to claim the tax credit with the DOR only after the property transaction has been recorded or registered with the appropriate Registry of Deeds. The applicant must provide proof of satisfactory recording to EEA. Please see *Attachment A* for a list of the final documentation needed.

We look forward to working with you in the new year on this and to receiving the completed package of information.

Sincerely,



Thomas C. Anderson
Program Coordinator



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

6

TIMED ITEM

6: Release Town Counsel Opinion re: Library

REQUESTOR SECTION

Date of request:

Requestor: Selectman Woodard

Formal Title: Vote to release the June 2015 opinion of Town Counsel regarding responsibility for management of the Goodnow Library. Discussion with the Town Manager regarding the delineation of management responsibility over the Library between the Town Manager and the Library Board of Trustees, and possible vote on next steps.

Recommendations/Suggested Motion/Vote: Vote to release the June 2015 opinion of Town Counsel regarding responsibility for management of the Goodnow Library. Discussion with the Town Manager regarding the delineation of management responsibility over the Library between the Town Manager and the Library Board of Trustees, and possible vote on next steps.

Background Information:
See attached documents

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Agreement between the Town Manager and the Library Board of Trustees

Purpose: In order to continue to operate the Goodnow Library in an efficient and excelling manner, the Town Manager and the Library Board of Trustees agree to the following terms.

Hiring:

Recruitment to fill the position of the Library Director will be done collaboratively. One member of the Library Board of Trustees will serve on an advisory panel that will perform the finalist interviews and make recommendations to the Town Manager.

Termination:

The Town Manager will notify the Chair of the Board of Library Trustees in the event of termination of the Library Director.

Evaluations:

The Town Manager and the Library Board of Trustees shall each compile their own evaluation of the Library Director. Both evaluations shall be placed in the Library Director's personnel file.

The Town Manager shall remain in control of all administrative and budgetary functions of the Town Library, including funding from the tax levy and revolving accounts, personnel issues not documented within this memo, and organizational functions.

Draft

June 8, 2016

Agreement between the Town Manager and the Goodnow Library Board of Trustees

Purpose: The Town and the Goodnow Library Trustees have different understandings about their respective authority over aspects of the Library's operations. In the spirit of the long-standing goodwill and constructive working relationship between the Trustees and the Town, and to ensure that the Goodnow Library will continue to operate effectively and be responsive to the needs of the community, the Town Manager and the Library Board of Trustees enter into this agreement.

The understandings articulated below are informed by the terms of the Town Charter, as well as the following expectations articulated by the Massachusetts Board of Library Commissioners:

An effective public library board of trustees consists of informed and dedicated citizens representing a cross-section of the population who govern the library for the benefit of the community. The board fulfills ethical, legal and fiduciary responsibilities by:

- Employing a qualified library director and understanding the director's roles and responsibilities
- Setting service-oriented library policies which uphold the principles of equal access to information and the free exchange of ideas
- Guiding the management and maintenance of library facilities and assets and expending financial resources judiciously
- Working to secure an appropriate funding level for facilities, technology, hours of operation, collections and staff
- Knowing and observing applicable municipal, state and federal laws and regulations
- Working with the community to identify information needs and to develop and implement a written plan for the maintenance and improvement of library services
- Seeking and applying resources and training which expand trustee skills.

Hiring of the Library Director:

Recruitment to fill the position of the Library Director will be done collaboratively. The Trustees will establish a search committee as to which the Town Manager may designate a representative. The search committee will present a recommendation jointly to the Trustees and the Town Manager. If both the Trustees and Town Manager agree with the recommendation, the candidate will be offered the position, subject to outcome of any further vetting to be done jointly by a Trustee and the Town Manager or her designee. If either the Trustees or the Town Manager disagree with the recommendation, the search committee will be responsible for continuing the search and forwarding a

further recommendation to the Trustees and Town Manager. This process will continue until the Trustees and Town Manager jointly agree on a candidate.

Removal of the Library Director:

There are two means by which the Library Director may be removed from his or her position and employment. First, after consultation with the Town Manager, the Trustees may act by a majority vote of its members. Second, the Town Manager may present a recommendation to the Trustees. That recommendation will be deemed ratified by the Trustees unless five Trustees vote to reject the recommendation.

Resignation or Retirement of the Library Director:

The Library Director is expected to give notice to both the Town Manager and the Board of Trustees of a decision to retire or resign from the position.

Evaluations of the Library Director:

The Town Manager and the Library Board of Trustees shall each compile their own evaluation of the Library Director and share them with the other. Both evaluations shall be placed in the Library Director's personnel file.

Setting of Library Policy:

The Trustees alone are responsible for establishing the policies and direction of the Library, including its collection criteria and practices, patron privacy, use of interior and exterior space, hours of operation, organizational structure, strategic plan and expenditure of budgeted funds.

Other:

The Town Manager shall remain in control of funding from the tax levy. In the case of other issues not anticipated in this agreement, the Town Manager and Chair of the Trustees will meet and in good faith determine whether they fall under purview of the Town Manager, the Trustees, or should be resolved through some joint process.

CHAPTER 3 LEGAL RESPONSIBILITIES

TRUSTEES AND THE LAW

All public library trustees must recognize and accept their legal position as governing agents of the library. A trustee of a public library is a public officer who occupies the role of a fiduciary with regard to the citizens and taxpayers of the government entity which is served. A fiduciary is a person who holds something in trust for another. The public library is a municipal asset which board members hold in trust for the public. If library trustees violate their trust or fiduciary duty, they may be subject to legal consequences. The duties and responsibilities of trusteeship attach automatically by the affirmative act of the trustee in acceptance of the public office.

Throughout this handbook, specific laws and regulations are cited under many sections. Each area of trustee responsibility requires a wide range of knowledge and experience. Trustees need to be aware of the relevant legal requirements, strive to act within the laws, and seek expert assistance as appropriate.

Chapter 1 of this *Handbook* under the section WHO DOES WHAT? delineates the differing roles of trustees and directors regarding the legal responsibilities for care of the library. Trustees should rely heavily on their director's expertise and knowledge of local, state, and federal laws which affect the library. However, trustees hold a higher responsibility to the public to assure that all policies and practices conform with all legal requirements, whether local, state, or federal.

GENERAL DUTIES OF PUBLIC OFFICERS:

- Obeying federal, state, county and local laws
- Accepting office, including all its powers and obligations
- Diligence in the job
- Choice of subordinates
- Management of property for constituency

MASSACHUSETTS GENERAL LAWS CHAPTER 78

Chapter 78 of the Massachusetts General Laws is the statutory authority for public libraries in Massachusetts. Every public library should possess a copy of this law. Trustees should read through Chapter 78 and become familiar with its provisions and scope of authority. Certain provisions of the law, sections 7 through 13, apply directly to trustees' and librarians' powers and responsibilities.

Section 7 describes the requirements for *public record keeping*. It states: "That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record..." It is important for trustees to know what constitutes a public record, to develop a policy for the library which conforms with the law, and to understand and enforce such policy. For more information on public records, contact the Massachusetts Library System or the Massachusetts Board of Library Commissioners.

CHAPTER 3 LEGAL RESPONSIBILITIES

Section 10 describes the *process by which trustees are selected*, when no overriding governance structure such as a town or city charter or other special legislation is in place.

Section 11 states "The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto." This section is the only provision in the law which explicitly states the *trustees' powers and duties*.

Section 33 establishes the statutory requirement for each library to have a *written policy for the selection of library materials* and the use of materials and facilities which is in accordance with standards adopted by the American Library Association (ALA).

OPEN MEETING LAW

See Chapter 2 of this *Handbook* for a discussion of the Open Meeting Law.

TOWN AND CITY CHARTERS and HOME RULE PETITIONS

Some Massachusetts municipalities are governed by special legislation or a charter, components of which may or may not relate directly to the library. It is critical for trustees to know if their municipality has such a charter or has plans to implement one, and if so, how its provisions affect their library. While trustees have traditionally looked to Massachusetts General Laws Chapter 78 to delineate the rights and responsibilities of trustees to exert "custody and management" over public libraries, a local charter may take precedence over Massachusetts General Laws.

If your community is planning a charter change, make sure that at least one trustee becomes familiar with the charter change process, and is informed every step of the way about the proposed changes. A proactive board is a well informed board which serves as a partner in the change process. It is much easier to keep unfortunate changes out of the charter than to try to fix problems after the fact. The following are issues which may not constitute the main thrust of the changes to the charter, but may somehow "sneak" in if trustees don't pay careful attention:

- Who will the director report to? In some towns, the town administrator has the authority to appoint department heads. Make sure that the power of the board of trustees is not eroded; in other words, make sure it is spelled out in the charter that the board of trustees controls the library and appoints the director.
- Will the library be grouped with other town departments for purposes of efficiency? The library could lose its status as a separate department, becoming combined with other departments which do not share common missions.
- Will all human resource functions be centralized? Under whose control? Trustees should help develop a municipal plan for the transfer of employees between departments. Make sure the director has responsibility for hiring, dismissal, and supervision of library personnel.

CHAPTER 3 LEGAL RESPONSIBILITIES

- Any charter proposal should contain provisions specifying the duties and powers of the board of trustees. Make sure the board has control of the library's budget, personnel issues, and policy making authority.
- Another issue that might be introduced is the number and kind of trustees. Monitor for proposals for a change in the way trustees are elected or appointed. Who has the authority to appoint trustees? Will there be ex-officio trustees (those appointed by virtue of their office, i.e. selectmen and clergy) who may change the constitution of the library board?

If your municipality is considering a charter or home rule change, it is imperative for your board to be involved and aware of the seriousness of the issues at stake. If charter reform, home rule petition or other effort is underway to revamp municipal power and decision-making, the library should get involved right at the start to advocate for wording which exempts the library from being under the control of another municipal department or officer.

Trustee Tip: Successful boards of trustees know what's happening in their communities and are active players in the local political process. Remember that it is your responsibility as a trustee to advocate for the best possible library services and practices.

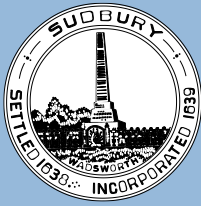
INCREASE YOUR CREDIBILITY

Be active and encourage all other trustees to be active by attending meetings, studying, questioning, voting on all issues, monitoring progress and maintaining active committees. Don't condone conflicts of interest on the board. A generally accepted rule of thumb is that a trustee or his/her family may not receive any gain (tangible or intangible) in dealing with the library. Write a letter of protest for the record if you believe conflicts are occurring. It protects you.

The conflict of interest law has particular relevance for trustees. It is explained in the Massachusetts State Ethics Commission's publication *A Practical Guide to the Conflict of Interest Law for Municipal Employees* which is available by calling their office (617) 371-9500 or visiting their web site at mass.gov/ethics. See Chapter 1 of this *Handbook* for a discussion on the code of ethics for trustees and librarians.

Vote against proposed actions if you feel you have insufficient information on which to base an opinion. If you abstain until more information is provided, follow up on the issue and let the record show your position. Be sure that minutes of each meeting are maintained and that your vote is properly recorded.

Publish minutes, reports and financial statements in the local newspapers, etc. Adopt new policies, rules, regulations, and budgets formally, following *Robert's Rules of Order, revised edition* or another agreed upon model. Keep policy and procedure manuals up to date for ready reference. Have rules and regulations available and posted for the public.

**SUDBURY BOARD OF SELECTMEN**

Tuesday, December 6, 2016

TIMED ITEM**7: SUMC and Eversource****REQUESTOR SECTION**

Date of request:

Requestor: Sudbury United Methodist Church

Formal Title: Possible vote to approve installation of overhead utility wires from Sudbury United Methodist Church to Old Sudbury Road. Richard Morris of SUMC will attend.

Recommendations/Suggested Motion/Vote: Possible vote to approve installation of overhead utility wires from Sudbury United Methodist Church to Old Sudbury Road. Richard Morris of SUMC will attend.

Background Information:
attached documents

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Richard Morris of the Methodist Church

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

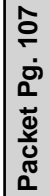
Information in Support of the Approval of a New Electric Power Line Crossing Old Sudbury Road to Sudbury United Methodist Church

- An upgrade of the church's electrical power supply from single-phase to three-phase is necessary to accommodate the three-phase motors in the new heating system and enable a more effective and efficient electrical system in general.
- Eversource and our electrical contractors have determined that the best option for providing three-phase power involves running a new electrical line across Old Sudbury Road.
- The proposed new line will cross Old Sudbury Road from an existing utility pole and transformer at 276 Old Sudbury Road to a new pole to be installed in the northwestern corner of the church's 251 Old Sudbury Road property.
- Several existing utility wires already cross Old Sudbury Road at the same location from the existing utility pole to other poles on the adjacent property at 277 Old Sudbury Road.
- From the new pole on SUMC property, the new three-phase line will run through an underground conduit about 500 feet to a transformer outside its point of entry into the church building.
- The installation of the new power line is critical to the provision of heat and electricity throughout the building and the completion of the construction project, which has required the replacement of a major portion of the church's old electrical distribution system. (Heat has been provided to the Sunny Hill Preschool classrooms.)
- The electric utility responsible for installing the new line and providing the electric power, Eversource, has asked SUMC to obtain the approval of the Board of Selectmen for the line to cross Old Sudbury Road, as required in Article XX of the Town's Bylaws.

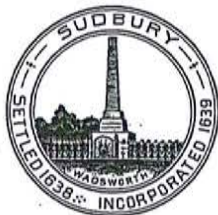












Town of Sudbury

Public Works Department

275 Old Lancaster Road
Sudbury, MA 01776
(978) 440-5421; (978) 440-5451 fax
Daniel F. Nason, Director

ENGINEERING • HIGHWAY • PARKS & GROUNDS • TRANSFER STATION • TREES & CEMETERY

November 29, 2016

Ms. Susan N. Iuliano, Chairman
Board of Selectmen
278 Old Sudbury Road
Sudbury, MA 01776

**RE: Overhead 3-Phase Service Request
United Methodist Church, 251 Old Sudbury Road**

Dear Madam Chair:

The Sudbury United Methodist Church has requested that Eversource be allowed to install an additional overhead electrical wire across Old Sudbury Road from Pole #23/8 across the street to New Pole #23/8-OX (as shown on attached sketch dated 10/25/2016 provided by Eversource) for a new 3-Phase service to their property located at 251 Old Sudbury Road. Currently there are overhead wires crossing in the same location as the proposed new 3-Phase overhead service. Given the fact that overhead wires currently exist at this location (see attached photo), I see no reason why and additional overhead wire cannot be allowed in this same location. Therefore, I have no opposition to this request.

Feel free to contact me directly should you have any questions or require additional information.

Regards,

Daniel F. Nason, Director

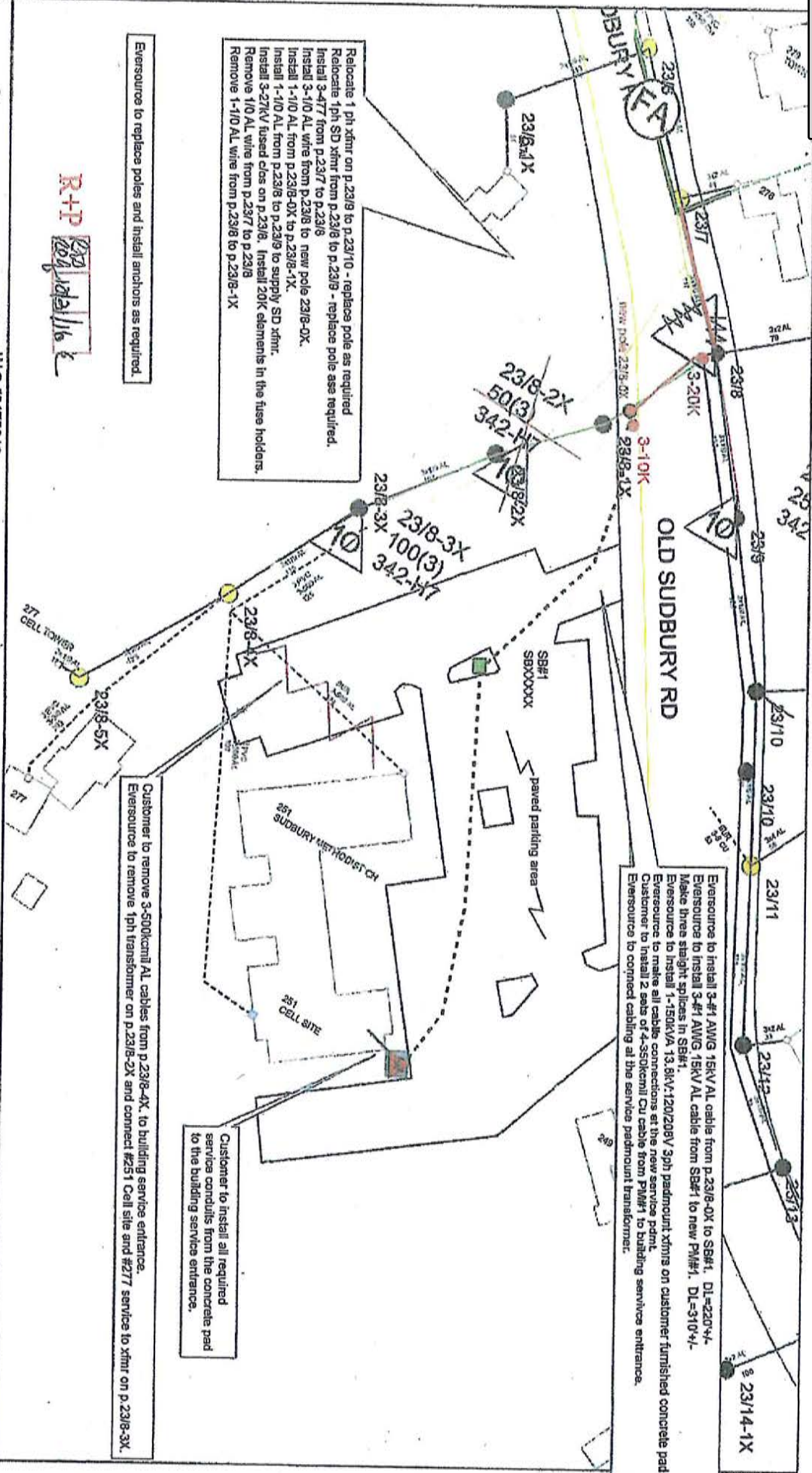
Enclosures (3)

Copy: Mr. Richard Morris, Sudbury United Methodist Church,

DN/ab

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2016 NOV 30 P 2:54





Relocate 1 ph xfmr on p.23/8 to p.23/10 - replace pole as required.
Relocate 1ph SD xfmr from p.23/8 to p.23/9 - replace pole as required.
Install 3-477 from p.23/7 to p.23/8
Install 3-1/0 AL wire from p.23/8 to new pole 23/8-0X.
Install 1-1/0 AL from p.23/8-0X to p.23/8-1X.
Install 3-27kV fused cles on p.23/8. Install 20K elements in the fuse holders.
Remove 1-1/0 AL wire from p.23/7 to p.23/8
Remove 1-1/0 AL wire from p.23/8 to p.23/8-1X

Eversource to replace poles and install anchors as required.

R+P
23/8-1X
23/8-2X
23/8-3X
23/8-4X
23/8-5X
23/10
23/11
23/12
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23/14-1X
23/15
23/16
23/17
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23/100

0 160
Scale is approximate.

W.O.#2175019
251 Old Sudbury Rd
Sudbury
Circuit:342-H7
Cable Details
Pg 2 of 2

EVERSOURCE

System Engineering
Philip Bartlett
10/25/16

Customer to remove 3-500kcmil AL cables from p.23/8-4X, to building service entrance.
Eversource to remove 1ph transformer on p.23/8-2X and connect #251 Cell site and #277 service to xfmr on p.23/8-3X.

Customer to install all required service conduits from the concrete pad to the building service entrance.

Eversource to install 3-#1 AWG 15KV AL cable from p.23/8-0X to SB#1, DL=220' +/-.
Eversource to install 3-#1 AWG 15KV AL cable from SB#1 to new PM#1, DL=310' +/-.
Make three straight splices in SB#1.
Eversource to install 1-150kVA 13.8KV 120/208V 3ph padmount xfmr on customer furnished concrete pad.
Customer to make all cable connections at the new service point.
Customer to install 2 sets of 4-550kcmil Cu cable from PM#1 to building service entrance.
Eversource to connect cabling at the service padmount transformer.



ARTICLE XX**PROHIBITION AND REGULATION OF OVERHEAD UTILITIES****SECTION 1. DEFINITIONS & APPLICABILITY.**

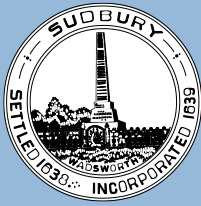
This Bylaw is enacted pursuant to General Laws, Chapter 166, Sections 21, 22, 22C and 24 and shall be construed in a manner consistent with the provisions therein and the definitions in Section 22A of Chapter 166. This Bylaw does not apply to transmission lines carrying electric power in excess of twenty thousand volts, phase-to-phase.

SECTION 2. RULES & REGULATIONS.

- A. The Board of Selectmen shall adopt, and may from time to time amend, Rules and Regulations to effectuate the purposes of the Bylaw, which shall be consistent with this Bylaw and applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe, at a minimum, safety, environmental and aesthetic standards for the placement and numbers of poles, wires and associated overhead structures.
- B. The Selectmen may grant a waiver from their Rules and Regulations, on a case-by-case basis, only if such waiver would enhance the public safety, health, convenience or welfare.

SECTION 3. REGULATION OF EXISTING AND NEW CONSTRUCTION.

- A. No Utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the Town.
- B. Any Utility replacing or upgrading existing poles, overhead wires and associated overhead structures upon, along or across any public way within the Town shall comply with the Selectmen's Rules and Regulations.
- C. Any Utility or person who installs or constructs any poles, overhead wires, or associated overhead structures in violation of this Bylaw shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars.
- D. This Bylaw shall not prohibit the installation of new street light poles or traffic signal poles supplied by underground electricity.
- E. The Board of Selectmen may grant special permission, in cases of emergency or unusual circumstances, to a Utility or person to erect, construct, install, maintain, use or operate, poles and overhead wires and associated structures, notwithstanding the provisions of this Bylaw.



SUDBURY BOARD OF SELECTMEN
Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)

8: CPC presentations

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion of presentations to CPC for Town Meeting articles requested by Selectmen

Recommendations/Suggested Motion/Vote: Discussion of presentations to CPC for Town Meeting articles requested by Selectmen

Background Information:

Financial impact expected:

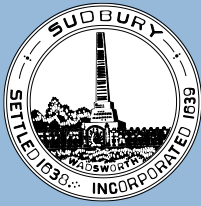
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 6, 2016

9

MISCELLANEOUS (UNTIMED)

9: Ballot questions for Election Warrants

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote on policy and procedure for providing pro and con arguments for Election Warrants.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on policy and procedure for providing pro and con arguments for Election Warrants.

Background Information:
attached memo and copy of special act

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

To: Board of Selectmen
 Cc: Melissa Murphy-Rodrigues
 From: Susan Iuliano
 Date: December 6, 2016
 Re: Ballot Question Pro and Con Arguments

Chapter 180 of the Acts of 1996 requires that for most local ballot questions the Town of Sudbury Board of Selectmen provides voters with a “fair and concise summary” of each question, including a one-sentence description of the effect of a yes or no vote, as well as arguments for and against each question, subject to various restrictions (see attached).

To address this requirement, the Selectmen adopted this policy on September 17, 2015:

VOTED: As a matter of policy, that the Board of Selectman shall post the anticipated ballot questions on the Town website at least one week prior to the opening of the Warrant and request that citizens interested in writing pro or con opinions contact the Board of Selectmen’s Office.

More recently, the Selectmen discussed implementation of this policy in the context of a potential Special Election for an override vote, if needed, proposed for May 9, 2017. Several question arose and were submitted to Town Clerk Rosemary Harvell, who answered as follows:

1. When would we need to open the warrant?

Although the term warrant is used for both town meetings and elections, warrants for town meetings are opened and closed after a period of time to allow petitioners to submit articles to be included on the warrant.

Election warrants are not opened. Selectmen vote to call an election. They can vote to call an election in advance to set the date before they have the questions determined if they wish, or they can call the election and sign the warrant at the same meeting. The election warrant is the notice of the election, and lists the titles of the officials that will be chosen by ballot, if any and the ballot questions, if any that will be included on the ballot. So, when the Board of Selectmen sign the warrant, they are signing the notice of the election. The exact wording of the ballot questions and the arguments for and against will be printed on the warrant that they sign. This warrant is the exact document that must be posted 7 days prior to the election.

2. Does it have to be open for 10 days as is the case for a Special Town Meeting?

No, election warrants are official notices of the election. The Board of Selectmen determine the questions for the warrant prior to signing it.

If a petitioner was to force a question to be included by collecting the required number of signatures, it would be a non-binding question and the requirements and time line are very specific. See CHAPTER 53 Section 18A Nonbinding public opinion advisory questions on local ballots <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter53/Section18a>

3. You need to receive the vote 35 days prior, correct? (around April 3?)

You are correct. The written notice of the vote taken on the wording of the ballot questions to be placed on the warrant (this is not the warrant) must be filed with the Town Clerk not less than 35 days prior. In this case, 35 days is April 4th.

4. Does the warrant close 25 days prior to the Election?

See above.

If the Board of Selectmen are seeking input to the arguments for and against the questions, they would need to post the information on the Town Website in time to include them in the final questions before they sign the warrant for the election and send it to the printer.

For elections, special or annual, the deadline for posting is 7 days prior, so the warrants would have to be printed and delivered to the residents no later than May 2nd.

Thus, the Selectmen should revise the policy to reflect an appropriate timeframe for submission of pro and con ballot arguments. The ballot questions must be voted 35 days before the Special Election. The Election Warrant must be posted/received 7 days prior to the Election. The full wording of the warrant with the summary and arguments must be submitted to the printer at least 14 days prior to receipt of the Warrant, which is 21 days prior to the Election.

Proposed revision:

As a matter of policy, the Board of Selectman shall post any anticipated ballot questions on the Town website at least 35 days prior to an Annual or Special Town Election and request that citizens interested in writing pro or con opinions contact the Board of Selectmen's Office.

~~THE COMMONWEALTH OF MASSACHUSETTS~~

In the Year One Thousand Nine Hundred and Ninety-six

AN ACT AUTHORIZING THE TOWN OF SUDBURY TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE TOWN OF SUDBURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of section twenty-two A of chapter fifty-five of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Sudbury shall, at least seven days before any election at which a question, other than a question on the ballot pursuant to section eighteen A of chapter fifty-three of the General Laws, shall be submitted solely to the voters of said town, cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said town and make available at each polling place [(1) the full text of such question, (2) a fair and concise summary of such question, including a one sentence statement describing the effect of a yes or no vote, prepared by the town counsel of said town, and (3) arguments for and against such question] as provided in subsections (b) and (c).

(b) No argument shall contain more than two hundred and fifty words. Said board of selectmen or, at its request, said town counsel shall seek such written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least fourteen days before the date by which the written arguments must be received.

(c) For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town or district officer or committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determin-

ing the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section one of chapter fifty-five of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, said town counsel shall prepare such argument.

(d) All arguments filed with said board of selectmen pursuant to this act, and the summary prepared pursuant to subsection (a), shall be open to public inspection at the office of the town clerk of said town, and if the vote affects a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district.

SECTION 2. This act shall apply where the question presented involves the regional district of which the town of Sudbury is a member or involves a joint undertaking by said town of Sudbury and any one or more cities or towns.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 10, 1996.

Passed to be enacted,

Speaker.

In Senate, July 15, 1996.

Passed to be enacted,

President.

24 July 1996

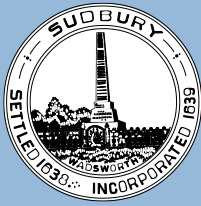
Approved,

at eleven o'clock and 15 minutes, A. M.

W. W. F. Weld

Governor.

Aug 2 12 26 PM '96
RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)**10: Senior Tax Work-off Program**REQUESTOR SECTION

Date of request:

Requestor: Deb Galloway, COA director

Formal Title: Vote to approve an increase in the annual senior tax workoff amount from \$1000 to \$1100 per year, as requested by Debra Galloway, COA Director.

Recommendations/Suggested Motion/Vote: Vote to approve an increase in the annual senior tax workoff amount from \$1000 to \$1100 per year, as requested by Debra Galloway, COA Director.

Background Information:

Attached memo from Council on Aging

Financial impact expected:N/A

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

Melissa Murphy-Rodrigues Pending

Barbara Saint Andre Pending

Susan N. Iuliano Pending

Board of Selectmen Pending

12/06/2016 6:30 PM



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

MEMORANDUM

TO: Town of Sudbury Selectmen
 Sudbury Board of Assessors

FROM: Sudbury Council on Aging

DATE: November 21, 2016

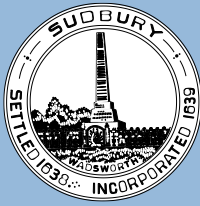
RE: Sudbury Property Tax Work-off Program

At the Sudbury Council on Aging meeting on October 13, 2016 at the Sudbury Senior Center, the Council on Aging Board voted unanimously to approve a change to the maximum amount of the tax abatement available to participants in the Property Tax Work-off Program from \$1,000 per year to \$1,100 per year; and to authorize Debra Galloway, Director of the Sudbury Senior Center, to submit this memo to the Town of Sudbury Selectmen's Office.

The Sudbury Property Tax Work-off Program offers residents 60 years of age and older, as well as veterans of any age, an opportunity to apply to work for Sudbury Town Departments during the calendar year and to receive a credit on their property taxes for that work in the following year. The Council on Aging asks that the Board of Selectmen increase the annual maximum abatement allowance to \$1,100 which will accommodate 100 work hours at new State minimum wage rate of \$11.00 per hour (as of January 1, 2017). This request is made subject to the Board of Assessors estimation that there is sufficient funding in the overlay account for your consideration of our request.

The funding for the property tax credit generated by this local option abatement program is budgeted and paid for through the Town's Abatement/Exemption Overlay Account¹. The current program allocation is \$54,000 for 60 slots for seniors and \$7,200 for 8 slots for veterans (2016) and would, with approval of the requested increase be raised to \$60,000 for seniors and \$8,000 for veterans in 2017.

¹ The Town also pays for mandated OBRA and FICA amounts for each participant; these costs are recorded elsewhere as operating expenditures rather than reductions (write-offs) to tax revenues.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)**11: 2017 Annual License Renewals**REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler and Entertainment licenses to expire December 31, 2017; and Motor Vehicle Classes 1, 2, and 3 licenses to expire January 1, 2018, as shown on the attached lists.

Recommendations/Suggested Motion/Vote: Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses to expire December 31, 2017; and Motor Vehicle - Classes 1, 2, and 3 licenses to expire January 1, 2018, as shown on the "2017 License Renewal Applications," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.

Background Information:

Please see attached

Financial impact expected: Application Fees

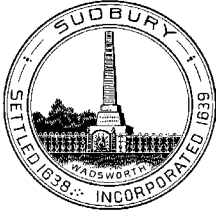
Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756

Email: selectmensoffice@sudbury.ma.us

December 1, 2016

TO: Board of Selectmen

From: Leila S. Frank

RE: **2017 Alcohol, Common Victualler and Motor Vehicle License Renewals**

Please see attached the list of all licenses that have been submitted for renewal. The columns list materials required to complete an application (i.e. Tax Attestation Form, proof of Workers Compensation and Liquor Liability insurance, roster of trained personnel and the Food Service Requirement form) and the date of submission is reflected underneath each category.

Renwal materials have been received for all current licensees who wish to renew.

Building and Fire Department inspections have been completed and there are no issues, concerns or deficiencies to be brought before the Selectmen. The Common Victualler License for T-wisted Frozen Yogurt will not be renewed as they have closed. The All Alcohol Restaurant License for Da Vinci Bistro, which the Board approved earlier this year, has not yet been granted by the ABCC and thus not eligible for renewal.

There were no infractions reported by the Police Department in 2016 and there are no concerns about renewal of the Keno license at Lavender.

Please note, as there are applications for Chili Basil and the American Legion pending with the ABCC their licenses must be renewed with current information.

Please also find attached a report from the Treasurer's Office regarding tax balances. There are new owners at several of the businesses with outstanding personal property taxes and a reminder will be given to current owners with outstanding balances.

Sincerely,

Leila S. Frank
Office Supervisor/Information Officer

Attachment 11.a: Memo to Board re Alcohol licensees 2017 (2087 : 2017 Annual License Renewals)

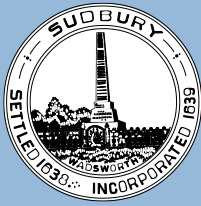
2017 License Renewal Applications

Business Name	Address	License Type(s)	Fee Paid	Tax Attest	Food Serv Re	Wrks Comp	Liquor Liab.	TIPS	Inspection Cert
Danny's Wine & Spirits	474 Boston Post Road	AA Package	\$2,275	11/21/2016		11/16/2016	11/16/2016	11/16/2016	
Duck Soup	365 Boston Post Road, Suite 106 & 107	AA Package	\$2,275	11/16/2016		11/16/2016	11/16/2016	11/16/2016	
Sperry's Fine Wine & Brew	435 Boston Post Rd, Unit 6	W&M Package	\$1,525	11/29/2016		11/29/2016	11/29/2016	11/29/2016	
Stony Brook Market	29 Hudson Road	AA Package		11/21/2016		11/21/2016	11/21/2016	11/21/2016	
Sudbury Craft Beer	365 Boston Post Road, Suite 103	W&M Package	\$1,525	11/21/2016		11/21/2016	11/21/2016	11/21/2016	
Sudbury Farms	439 Boston Post Road	W&M Package	\$1,525	11/21/2016		11/21/2016	11/21/2016	11/21/2016	
Sudbury Wine, Spirits and Provisions	410 Boston Post Road	AA Package	\$2,275	11/21/2016		11/21/2016	11/21/2016	11/21/2016	
Acapulcos	694 Boston Post Road	AA Restrnt; CV	\$3,575	11/3/2016	11/3/2016	11/16/2016	11/16/2016	11/16/2016	11/14/2016
American Legion Post #191	676 Boston Post Road	AA Club; CV	\$575	11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/14/2016
Bosse Sports & Health Club	141 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/8/2016	11/21/2016	11/21/2016	11/11/2016	11/8/2016	11/14/2016
Bullfinch's	730 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/18/2016	11/18/2016	11/18/2016	11/1/2017	11/18/2016	11/14/2016
Chili Basil	385 Boston Post Road	Wine & Malt w/Cordials; CV	\$1,875	11/14/2016	11/14/2016	11/14/2016	1/30/2018	11/14/2016	11/14/2016
Conrad's Restaurant	120 Boston Post Road	AA Restrnt; CV	\$3,575	11/23/2016	11/23/2016	11/23/2016	11/23/2016	11/28/2016	11/14/2016
El Basha Grill & Bar	423 Boston Post Road, Suite 3	AA Restrnt; CV; Ent		11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/14/2016
Franco's Trattoria	365 Boston Post Road	Wine & Malt w/Cordials; CV	\$1,875	11/15/2016	11/15/2016	11/15/2016	11/15/2016	11/15/2016	11/14/2016
Fugakyu Café	621 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/16/2016	11/16/2016	11/16/2016	11/16/2016	11/16/2016	11/14/2016
Lavender Asian Cuisine	519A Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/17/2016	11/17/2016	11/17/2016	11/17/2016	11/17/2016	11/14/2016
Longfellow's Wayside Inn	72 Wayside Inn Road	AA Restrnt; CV/Innkeeper; Ent	\$3,625	11/10/2016	11/10/2016	11/10/2016	11/10/2017	11/10/2017	11/14/2016
Lotus Blossom	394 Boston Post Road	AA Restrnt; CV	\$3,575	11/15/2016	11/15/2016	11/16/2016	11/15/2016	11/15/2016	11/14/2016
No. 29 Sudbury	29 Hudson Rd, Suite 150	AA Restrnt; CV; Ent	\$3,625	11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/21/2016	11/14/2016
Oishii Too Sushi Bar	365 Boston Post Road	W&M Restrnt; CV	\$1,575	11/21/2016	11/21/2016				11/14/2016
Paani-Pure Indian Cuisine	621A Boston Post Road	Wine & Malt w/Cordials; CV	\$1,875	11/21/2016	11/21/2016	11/23/2016	11/23/2016	11/29/2016	11/14/2016
Rossini's	418 Boston Post Road	W&M Restrnt; CV	\$1,575	11/14/2016	11/14/2016	11/14/2016	11/14/2016	11/14/2016	11/14/2016
Soul of India	103 Boston Post Road	AA Restrnt; CV	\$3,575	11/9/2016	11/9/2016	11/10/2016	11/10/2016	11/10/2016	11/14/2016
Victory Cigar Bar	615 Boston Post Road, Store A, 102	AA Restrnt; CV	\$3,575	11/21/2016	11/21/2016			11/21/2016	11/14/2016
CJ's Gourmet Pizza & Grill	29 Hudson Road, Suite 100	CV	\$50	11/29/2016		11/29/2016			
Dunkin' Donuts	378 Boston Post Road	CV	\$50	11/14/2016		11/14/2016			
Fairfield Inn by Marriott	738 Boston Post Road	CV/ Innkeeper	\$50	11/17/2016		11/17/2016			
Impact Functional & Sports Training	505 Boston Post Road	CV	\$50	11/30/2016					
Karma Coffee	100C Boston Post Road	CV	\$50	11/28/2016					
Papa Gino's	104 Boston Post Road	CV; Ent	\$100	11/21/2016		11/21/2016			
Petros' Pizzeria and Grill	730 Boston Post Road	CV	\$50	11/23/2016		11/23/2016			
Shaw's	509 Boston Post Rd	CV	\$50	11/14/2016		11/14/2016			
Starbucks	513 Boston Post Road	CV	\$50	11/14/2016		11/14/2016			
Subway of Sudbury	423 Boston Post Rd	CV	\$50	11/3/2016		11/3/2016			
Sudbury Coffee Works	15 Union Ave	CV; Ent	\$100	11/14/2016		11/14/2016			
Sudbury Pizza	426 Boston Post Road	CV	\$50	11/21/2016					
Land Rover Sudbury	83 Boston Post Road	New/Used Car Class 1	\$50	11/16/2016		11/16/2016			
Jaguar Sudbury	83 Boston Post Road	New/Used Car Class 1	\$50	11/16/2016		11/16/2016			
BMW of Sudbury	68 Old County Road	New/Used Car Class 1	\$50	11/18/2016		11/18/2016			
Sales Approach, Inc.	49 Brimstone Lane	Used Car Class 2	\$50	11/7/2016		N/A			
Station Road Auto Body	40 Station Road	Used Car Class 2	\$50	11/2/2016		11/2/2016			
Sudbury Sundries, Inc.	100 Boston Post Road	Used Car Class 2	\$50	11/28/2016		11/2/2016			
Mosher Auto Body	34 Station Road	Junk Car Class 3	\$50	11/10/2016		11/14/2016			

Outstanding Tax Amounts as of 11/17/2016

Personal Property Tax:

Address	D/B/A	Tax Years	Amount Due
418 Boston Post Road	Rossini's	2009-2011	\$ 700.28
738 Boston Post Road	Clarion Inn	2009	\$ 355.96
100 Boston Post Road	Auto Diagnostics	2008-2009	\$ 3,535.77



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)**12: Town Forum**REQUESTOR SECTION

Date of request:

Requestor: Vice Chair Woodard

Formal Title: Discussion of January 2017 Town Forum

Recommendations/Suggested Motion/Vote: Discussion of January 2017 Town Forum

Background Information:
see attached outline

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Town Forum

Date:

Saturday January 21 @ 10:00AM

Topics:

- Town Budget & Finances
- Open Discussion re Town government & issues facing the Town
- Feedback on BOS meetings & performance

Town Budget & Finances

Decision Process

- Town Manager & Board of Selectmen re Town operations budgets
- SPS Superintendent & School Committee re K-8 budget
- LS Superintendent & School Committee re LS budget
- VoTech Superintendent & School Committee re VoTech budget
- Capital Budget
 - Department submissions
 - CIAC
- FinCom hearings & responsibility
- Town Meeting
- Ballot iff override
- BOS control of entire budget limited only to decisions on what goes on the ballot (whether an override goes on the ballot)

Revenues

- Residential Property Taxes ____%
- Commercial Property Taxes ____%
- State Aid ____%
- Local Receipts (fees, excise taxes, etc) ____%

Cost Structure

- Schools Total ____%
 - K-8 system ____%
 - LS ____%
 - VoTech ____%
- Town operations ____%
- Capital ____%
- Comparable Unit Costs in peer towns
 - K-8
 - 9-12
 - K-12
 - Town Operations

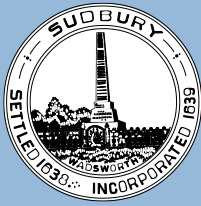
- Major Cost Components
 - Salaries ____%
 - Benefits (active employees) ____%
 - Benefits (retired employees) ____%
 - OOD special education (net of State reimbursements) ____%
 - All other ____%

Overrides

- Operating Budget override
- Capital Exclusion
- Debt Exclusion

Where Does the Money Go?

- ClearGov: **(Melissa)**
- FC Pages of the Warrant
 - Copies of relevant pages from May 2016 Warrant
 - Highlight for each major cost center:
 - Spending categories
 - Metrics
 - Trends



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)**13: BOS Quarterly Newsletter**REQUESTOR SECTION

Date of request:

Requestor: Vice Chair Woodard

Formal Title: Discussion of Board of Selectmen Quarterly Newsletter

Recommendations/Suggested Motion/Vote: Discussion of Board of Selectmen Quarterly Newsletter

Background Information:
attached document

Financial impact expected:n/a

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Quarterly BOS Newsletter

Distribution via the town website in the same way the Town Manager Newsletter is handled.

First issue via the Town Manager Newsletter mailing list and ask people to select whether they want to subscribe and receive notification of future issues?

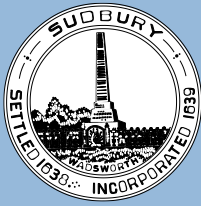
4-7 articles per newsletter

Up to 500 words each (roughly one typewritten page)

Each Board member is expected to compose at least one article

Possible topics (not necessarily in the first issue, or limited to one issue):

Eversource
Sudbury Station
Wayside Inn
Capital Planning
Bruce Freeman Rail Trail
New Appointments
Selectmen's Goals for 2017
Fairbank Community Center
Town Hall



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

MISCELLANEOUS (UNTIMED)**14: Citizen's Comments (Cont)**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (Cont)

Recommendations/Suggested Motion/Vote: Citizen's Comments (Cont)

Background Information:

Financial impact expected:

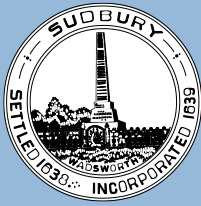
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



MISCELLANEOUS (UNTIMED)

15: Future agenda items

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss future agenda items

Recommendations/Suggested Motion/Vote: Discuss future agenda items.

Background Information:

Financial impact expected:

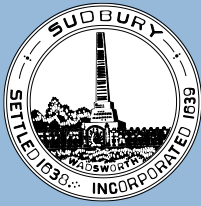
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**16: Appointment and Resignation - 911 memorial garden committee**REQUESTOR SECTION

Date of request:

Requestor: Chair Beth Farrell

Formal Title: Vote to accept the resignation of Barbara Clifton from the Sept. 11 Memorial Garden committee, and to send her a letter of thanks for her service to the Town. Also vote to appoint Connie Marotta, 231 Goodman's Hill Road, to the Sept. 11 Memorial Garden committee, for a term ending 5/31/19, as recommended by Beth Farrell, committee chair.

Recommendations/Suggested Motion/Vote: Vote to accept the resignation of Barbara Clifton from the Sept. 11 Memorial Garden committee, and to send her a letter of thanks for her service to the Town. Also vote to appoint Connie Marotta, 231 Goodman's Hill Road, to the Sept. 11 Memorial Garden committee, for a term ending 5/31/19, as recommended by Beth Farrell, committee chair.

Background Information:

Mission statement, resignation letter, and memo from committee chair

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



BARBARA CLIFTON
45 Millpond Road
Sudbury, Massachusetts 01776-2560
(978) 443-7898

24 October 2016

To: Sudbury Board of Selectmen,

Since its inception I have been honored and privileged to serve on the 9/11 Memorial garden Committee. I now find that it is time to move on and therefore formally submit my resignation from this Committee . I shall continue to help in any way I can, but informally.

Yours sincerely,

A handwritten signature in cursive script that reads "Barbara Clifton".

Barbara Clifton

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2016 OCT 25 P 12:00

To: Sudbury Board of Selectmen
From: Beth Farrell
Chairperson, Sudbury Sept. 11th Memorial Garden Oversight Committee
Date: November 14, 2016
Re: Recommendation for appointment of Connie Marotta

At our meeting on November 15, 2016, the 9/11 Garden Oversight Committee accepted the resignation of founding member Barbara Clifton. Mrs. Clifton served as the Garden Club representative to the Committee since its inception in 2001. She is a valued member of the committee, working hard every year to help maintain the Garden.

Also at this meeting, the Committee unanimously approved the appointment of Sudbury resident Connie Marotta to the Committee. Connie has been a part of the Annual Commemoration for the last 8 years, placing the wreath at the entrance to the Memorial Garden. She was asked to do this as she is a former American Airlines flight attendant who worked regularly with Capt. John Oganowski. She was on maternity leave on September 11, 2001.

We request Ms. Marotta's approval ASAP.

Thank you,
Beth Farrell



**SEPTEMBER 11 MEMORIAL GARDEN
OVERSIGHT COMMITTEE
Town of Sudbury, Massachusetts**

Voted to establish by the Sudbury Board of Selectmen on March 30, 2004

Amended July 26, 2016

Background

The events of September 11, 2001 impacted not only our country, but also our community. On that day, the Town of Sudbury lost three beloved residents – Cora Holland, Peter Goodrich, and Geoffrey Cloud. Our community vowed never to forget the lives of these residents or the tragic events of September 11th.

On September 11, 2003, the Town of Sudbury proudly dedicated the September 11 Memorial Garden. The Memorial Garden features flowering plants and trees, three bluestone benches, and a commemorative center stone of Sudbury granite, where engraved bronze plaques recount the events of September 11, 2001 and memorialize the three Sudbury residents who were lost.

This stunning landmark is designed to be a peaceful and beautiful place where town residents can reflect on the impact that solemn September day had on our nation and our community of Sudbury.

Mission Statement

It is the intention of the Selectmen, in creating the September 11 Memorial Garden Oversight Committee, to provide a mechanism for protecting, maintaining, and enhancing the Memorial Garden and the adjacent flagpole now and into the future, using funds in the newly created September 11 Memorial Garden Trust Fund. All monies from the initial fund-raising shall be used to create this new Trust Fund, and the entire trust shall be considered “expendable” for the purposes of accomplishing the mission of this Oversight Committee.

Responsibilities

The September 11 Memorial Garden Oversight Committee will meet at least quarterly to accomplish the following tasks:

1. Assure the upkeep of the Memorial Garden and all its components, and decide on appropriate modifications as needed. Responsibilities include, but are not limited to:

- a. Arranging for watering, pruning, and weeding of horticulture within Garden and immediately around flagpole;
 - b. Deciding on and arranging for installation of new plantings within Garden and immediately around flagpole;
 - c. Checking on a regular basis for damage, wear, or maintenance needs of horticulture, stone, benches, plaques, and flagpole, and arranging for needed repairs;
 - d. Arranging for seasonal maintenance, including leaf removal and shoveling;
 - e. Planning for and recruiting volunteers as needed for work that can be accomplished by volunteers, such as planting of annuals;
 - f. Deciding on and implementing creative modifications (e.g., flagpole improvements, lighting).
 - g. Insuring that all applicable permits are received before beginning any work that requires such permitting.
2. Collaborate with other town organizations, such as the Historical Commission, the Permanent Landscape Committee, the Department of Public Works, the Parks & Recreation Department, the Conservation Commission, and local garden clubs, in the upkeep and maintenance of Heritage Park.
3. Accept financial responsibilities related to the September 11 Memorial Garden, including:
 - a. Making an annual budget request to the Trustees for Town Trust Funds for a fiscal year allocation of funds, following the process established by the Town's Finance Director/Treasurer-Collector;
 - b. Making annual reports to the Trustees for Town Trust Funds;
 - c. Developing and maintaining a budget, including the planning of expenses and request for payment of bills to the Town Manager;
 - d. Working with Town departments on yearly and seasonal expenditures as they relate to the September 11 Memorial Garden;
 - e. Reviewing all financial reports generated by the Finance Department of the Town of Sudbury for accuracy and budgetary position;
 - f. Raising any future monies required for the Memorial Garden.
4. Inform the community about matters related to the September 11 Memorial Garden, including:
 - a. Filing an Annual Report to the Town and Trustees for Town Trust Funds;
 - b. Maintaining and updating Town Archives as related to the Garden;
 - c. Planning, promoting, and implementing annual commemorations every September 11th, if desired;
 - d. Other publicity as needed.

Appointment and Composition of the Committee

The Oversight Committee shall be appointed by the Town Manager with the approval of the Selectmen and shall have at least five (5) but no more than eight (8) voting members. In making these appointments, the Town Manager shall endeavor to have a majority of Committee members be Sudbury residents. All appointments are for three-year terms. The Committee's composition shall be as follows:

1. A landscape expert, preferably a resident of Sudbury. If no such expert is available or willing to serve on the Committee, then this position may be left vacant or filled by a

Sudbury resident with no horticultural expertise. In such case, the Committee shall consult with a landscape expert on an as needed basis, compensating said expert with funds from the Memorial Garden Trust Fund, if required.

2. A family member, or a representative of each of the three victims' families, named at each family's discretion. These members need not be residents of Sudbury. If members of the three victims' families choose not to serve on the Committee or choose not to name a representative, then this position may be appointed by the Town Manager, with consideration given to both Sudbury and non-Sudbury residents recommended by the Committee.
3. At least three committee positions shall be filled by Sudbury residents.
4. To the extent possible, a member of the original September 11 Memorial Garden Executive Committee shall be the final member of this Oversight Committee. If no member of the original group is available or willing, this position shall be left vacant.

In addition, the Town Manager, Public Works Director (or his designee) and one member of the Board of Selectmen shall be ex-officio, non-voting members of the Oversight Committee. However, should any vote of the Committee result in a tie vote, the Selectman ex-officio member shall be able to vote to break the tie.

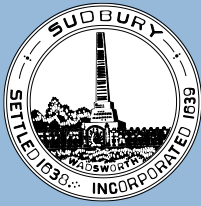
The following staff of the Town of Sudbury can be available on an occasional basis as time permits and the Town Manager approves: Conservation Coordinator, Recreation Director, and Finance Director/Treasurer-Collector. No financial resources are currently available for committee work, except the annually provided for distribution from the Expendable Trust Fund.

Operation of the Committee

The Committee shall elect the following officers: A Chair, a Clerk, a Publicist, and a Treasurer from among its members. The Clerk shall insure that full minutes and a list of members in attendance are kept of each meeting and promptly submitted for approval, and shall post notice of all meetings. The Treasurer shall maintain the budget and oversee the payment of bills, as well as prepare numbers for the Annual Town Report. The Publicist shall be responsible for keeping the community informed of decisions and plans regarding the Memorial Garden, as well as writing the summary for the Annual Town Report.

Compliance with State and Local Law

The Oversight Committee is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, especially in reference to the use of email among committee members.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**17: Appointments to Traffic Safety Committee**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to appoint Meagen Donoghue, Director of Planning and Community Development (replacing retired Jody Kablack), and Dan Nason, Director of Public Works (replacing retired Bill Place), to the Traffic Safety Coordinating Committee for a term ending 5/31/18.

Recommendations/Suggested Motion/Vote: Vote to appoint Meagen Donoghue, Director of Planning and Community Development (replacing retired Jody Kablack), and Dan Nason, Director of Public Works (replacing retired Bill Place), to the Traffic Safety Coordinating Committee for a term ending 5/31/18.

Background Information:

Attached mission statement

Financial impact expected:

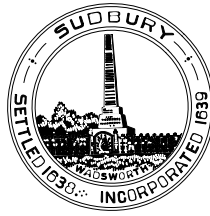
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



Traffic Safety Coordinating Committee

Voted to establish by the Sudbury Board of Selectmen on December 19, 2006.

Mission

It is the intention of the Selectmen, in creating the Traffic Safety Coordinating Committee, to establish an advisory group that can receive all requests and suggestions for traffic safety improvement in the Town of Sudbury, and evaluate and recommend to the Town Manager and Board of Selectmen various approaches that could be used to create safer and more livable neighborhoods through efforts to reduce speeding and unnecessary traffic on neighborhood roads. Local traffic problems arouse emotion, as do their solutions. It will be the mission of this committee to provide a multi departmental approach to systematically and logically studying conditions and developing possible responses to propose to the Town Manager and subsequently the Board of Selectmen. This Committee is advisory only, and will not have responsibility for any operational activities.

Responsibilities and Functions

The Traffic Safety Coordinating Committee will be responsible for promoting enhanced traffic safety in the Town of Sudbury by creating a forum where residents of the Town can voice traffic concerns, suggestions and requests, work with Town staff to examine alternatives to existing traffic situations, and identify long and short term solutions to traffic issues in Sudbury. The committee will have two primary phases to their responsibilities. While the Committee does not have the ultimate power to commit Town resources or approve projects, it is the Selectmen's intention to support reasonable actions and recommendations of the Committee that are supported by the Town Manager and department heads of the Town, and to the extent that Town Bylaws, Town Meeting action and budgetary limits permit.

Suggested Work Plan

Phase One: The committee will have an initial need in their first year to develop materials and a process for handling traffic complaints and requests from residents. This would include:

- Develop standardized information for neighborhood/citizens. The committee will work to develop a set of materials to give to residents and post on the Town's web site regarding the process to follow for evaluating such requests and complaints. They could document, for example, what traffic safety improvements have already been implemented in the Town and which have been examined and rejected.
- Develop a process for registering and receiving complaints and requests. The committee shall develop forms for gathering information and data and determine how they will solicit such requests.

- Develop criteria and process for evaluating the complaints and requests. The committee will need to determine what kinds of information they will require so that they fully understand the nature of the problem they are studying as well as the effectiveness, cost, and implications of any remedy they might recommend to the staff and Town Manager.

Each of these draft work products, and others that the TSCC might develop, will be submitted to the Town Manager and Board of Selectmen for approval and adoption before they are used by the committee in phase two.

Phase Two: The committee will evaluate all complaints, requests and suggestions from residents regarding traffic safety improvements and using the process they developed in Phase one:

- Receive the initial complaint, suggestion or request from residents of Sudbury, Town Boards or Committees, or Town departments and staff.
- Fully investigate and evaluate the complaint, suggestion or request.
- Evaluate all potential actions to address the complaint or request.
- Hold meetings with neighbors/abutters to traffic areas to discuss potential changes or solutions to traffic problems.
- Develop and present recommendations to the Town Manager and/or Board of Selectmen.
- Develop methods to conduct follow up analysis to evaluate effectiveness of any changes implemented.

Phase Three and Ongoing: The committee will as time permits pro-actively look for and evaluate ideas to improve traffic safety, including:

- Approaches and actions taken by other communities that may be useful for Sudbury.
- Grant programs that may be available from the state or federal government or private entities to support traffic improvements.
- Review of development-related traffic reports and provide comments to relevant boards and committees.
- Report its activities to the Board of Selectmen on an annual basis.

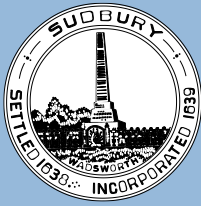
Membership Requirements and Expectations

The Traffic Safety Advisory Committee shall be comprised primarily of the following department heads: Chief of Police or his designee, Public Works Director/Town Engineer or his designee, Fire Chief or his designee, Planning and Development Director or her designee. No Town financial resources or secretarial resources are currently available to support the work of the committee. Further, up to three interested citizens may be appointed by the Selectmen. These appointments are for two year terms, staggered so that not all appointments expire at the same time. The Board of Selectmen is looking for people with an open mind and willingness to work diligently to develop the best possible evaluation of traffic complaints. They are also seeking members who will commit to consideration of traffic as a town wide issue, not just those problems that affect only a small area of the town. All Committee members shall be expected to educate themselves as necessary to address the issues the Committee will be focusing on.

Compliance with State and Local Law

The TSAC is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law and Conflict of Interest Law, especially in reference to the use of email among committee members.

- **The Code of Conduct for Selectmen Appointed Committee.** A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.
- **The Town's Email Communication for Committee Members Policy.** Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.
- **Use of the Town's Website.** The Traffic Safety Coordinating Committee will keep minutes of all meetings and post them on the Town's website. The committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**18: Surplus sand**REQUESTOR SECTION

Date of request:

Requestor: Dan Nason, Public Works Director

Formal Title: Vote to declare approximately 1,000 c.y. of sand to be surplus material and authorize the removal and disposal of the material by sale through auction or bidding in accordance with Massachusetts procurement laws; and further to authorize the execution of any documentation required therefor.

Recommendations/Suggested Motion/Vote: Vote to declare approximately 1,000 c.y. of sand to be surplus material and authorize the removal and disposal of the material by sale through auction or bidding in accordance with Massachusetts procurement laws; and further to authorize the execution of any documentation required therefor.

Background Information:

Snow and ice removal operations will be greatly improved by deleting the use of sand application to the roadways. Eliminating the use of sand (treated with salt) during snow/ice operations diminishes the volume of sand picked up during street sweeping operations and the volume of debris deposited in the catch basins throughout Town. The material collected from street sweeping and catch basin cleaning needs to be properly handled and disposed costing substantial amounts of money. The sand serves no beneficial use as treatment for snow and ice removal on the roadways.

Financial impact expected: The surplus of sand (sand/salt blend) has an estimated value of \$15,000 (\$15.00/cy X approx. 1,000 cy). The money received from this surplus is eligible to go directly back into the general fund.

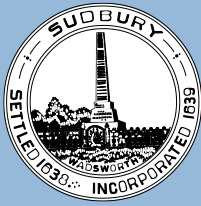
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**19: Conservation Restriction - Soja**REQUESTOR SECTION

Date of request:

Requestor: Conservation Commission

Formal Title: Vote to approve and signify such approval of a Conservation Restriction granted under M.G.L. c.40 §8C by Michael J. Soja and Marsha R. Soja on a 2.6 a. portion of a 4.38 +/- a. parcel located at 34 Musket Lane, and shown as "Proposed Conservation Restriction Area = 113740 +/- S.F. (2.6 +/- Acres)" on a plan entitled "Plan of Land of Musket Lane in Sudbury", prepared by Sullivan Connors and Associates, dated June 20, 2014.

Recommendations/Suggested Motion/Vote: Vote to approve and signify such approval of a Conservation Restriction granted under M.G.L. c.40 §8C by Michael J. Soja and Marsha R. Soja on a 2.6 a. portion of a 4.38 +/- a. parcel located at 34 Musket Lane, and shown as "Proposed Conservation Restriction Area = 113740 +/- S.F. (2.6 +/- Acres)" on a plan entitled "Plan of Land of Musket Lane in Sudbury", prepared by Sullivan Connors and Associates, dated June 20, 2014.

Background Information:

The CR was required as part of wetland permitting on 2.6 acres at 34 Musket Lane. The Soja's offered the restriction as mitigation for work close to wetlands that involved building a garage/outbuilding. The area of the CR is all wetland that abuts the CR on much of the Summerfields subdivision to protect the state-listed species identified in the area. This Summerfields CR abuts the town's Barton Farms conservation land. The CR format has been approved by EEA and Town Counsel and the Commission voted unanimously in favor of signing the CR.

Financial impact expected:none

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

Grantors: Michael J. Soja and Marsha R. Soja
 Grantee: Town of Sudbury, by and through its Conservation Commission
 Address of Premises: 34 Musket Lane, Sudbury, MA
 For title see: Book 18619, Page 079

CONSERVATION RESTRICTION
 TOWN OF SUDBURY, MASSACHUSETTS
 (Assessors Map E09 Parcel 802)
 GRANTORS CLAUSE:

We, Michael J. Soja and Marsha R. Soja, Husband and Wife, of 34 Musket Lane, Sudbury, Massachusetts, 01773, for ourselves and our successors and assigns ("Grantors"), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant to the Town of Sudbury, a Massachusetts municipal corporation, acting by and through its Conservation Commission, its successors and permitted assigns ("Grantee") with Quitclaim covenants for nominal consideration, in accordance with Massachusetts General Laws, Chapter 40, Section 8C, in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on the 2.6 acre portion of a parcel of land containing approximately 4.38 acres located at 34 Musket Lane in the Town of Sudbury and shown on the Sudbury Assessors Map E09, Parcel 802, said 2.6 acre portion (herein referred to as the "Premises") being more particularly described in Exhibit A attached hereto and made a part hereof, and shown as the "Proposed Conservation Restriction Area = 113,740 +-S.F. (2.6+- Acres) " on a plan entitled "Plan of Land of Musket Lane in Sudbury" dated June 20, 2014 prepared by Sullivan Connors and Associates, which plan is incorporated herein by reference and made a part hereof and a reduced copy attached hereto as Exhibit B.

Said Conservation Restriction shall apply exclusively to that 2.6 acre portion which is identified in the aforementioned plan as "Proposed Conservation Restriction," and not to the remaining 1.78 acre portion of said 4.38 acre parcel as described in Exhibit A.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Premises will be retained in perpetuity predominantly in their natural or current, scenic and open and undeveloped condition and to prevent any use of the Premises that will materially impair

or interfere with the conservation values of the Premises. The Grantors and the Grantee acknowledge and agree that the Premises will provide the following conservation values:

Scenic Protection and Protection of Wildlife Habitat and Water Quality. The protection of the Premises contributes to the protection of the significant scenic, aesthetic, and ecological values and the scenic and natural character of the Town of Sudbury, and the protection of the Premises will enhance the open-space value of these lands. The Premises will protect a riverfront area, adjacent upland resource area, bordering vegetated wetlands, and bordering land subject to flooding and water quality.

Furtherance of Government Policy. This Conservation Restriction is also required by the Conservation Commission of Sudbury in its Order of Conditions No. 301-705 dated September 2, 2008, pursuant to M.G.L. Ch. 131, Sec. 40, which Order is recorded with Middlesex South Registry of Deeds on September 25, 2008 at Book 51717, Page 273

II A. PROHIBITED ACTS AND USES:

Subject to the exceptions set forth hereinafter, neither the Grantors nor the successors or assigns of the Grantors will perform nor allow others to perform the following acts or uses which are prohibited on, over or under the Premises:

1. Constructing or placing of any temporary or permanent buildings, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, signs, bill boards or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility, including a gazebo, on, above or below the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
3. Placing, filling, storing or dumping on the Premises of soil refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other disturbance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation, except with prior written permission of the Conservation Commission and to further the purposes of this Conservation Restriction.
5. Activities detrimental to wild life habitat, drainage, flood control, water conservation, erosion control or soil conservation;

6. Use, parking, or storage of motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, all-terrain vehicles and snowmobiles, except as may be necessary for emergency use for public safety vehicles carrying out their official duties.
7. The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises.
8. The subdivision of the Premises. No portion of the Premises may be used towards further building or development.
9. Any other use of the Premises or activity, which is inconsistent with the purpose of this Conservation Restriction, or which would materially impair significant conservation interests unless necessary in an emergency for the protection of the conservation interests that are the subject of this Conservation Restriction with prior written permission of the Town of Sudbury Conservation Commission.
10. Only calcium-based de-icing chemicals shall be used on surfaces where runoff/ drainage will discharge into the wetlands or the 100' wetland buffer zone (adjacent upland resource area under the local bylaw)

II. B. RESERVED RIGHTS

Passive activities that do not materially alter the vegetation or the topography and that do not materially impair the conservation values of the Premises

III. LEGAL REMEDIES OF THE GRANTEE(S):

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive relief and other equitable relief against any violation, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of, it being agreed that the Grantee will have no adequate remedy at law, and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.

The Grantee shall have the right to pursue third party violations, and the Grantors agree to cooperate.

Grantors covenant and agree to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or taking reasonable measures to remedy, abate or correct any violation thereof provided Grantors admit the violation or is found by a Court to have violated this Conservation Restriction.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Grantee(s) Disclaimer of Liability

By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises not caused by the Grantee or its agents.

D. Severability Clause

If any provision of the Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

IV. ACCESS:

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the general public, or to any other person any right to enter upon the Premises, except there is granted to the Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance herewith.

The Grantors hereby grant to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The right of access includes the right to use any roads, easements, or rights of way the Grantors have, to access the Premises. The Grantors also grant to the Grantee, after notice of a violation and failure of the Grantors to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. Termination.

If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds.

Grantors and Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee. In the event of an extinguishment, Grantee shall receive 50% of the assessed value of the premises subject to the Conservation Restriction.

C. Grantors/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantors and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantors and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantors and Grantee in shares equal to such proportionate value. If a less than fee interest is taken, the proceeds shall be distributed between the Grantors and the Grantee in accordance with paragraph V.B above. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. ASSIGNABILITY:

A. Running of the Burden

The burdens of the Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantors and their successors and/or assigns holding any interest in the Premises.

B. Execution of instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantors on behalf of themselves and their successors and assigns appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantors and their successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except to prevent merger as set forth in Paragraph X below, and in the following instances and from time to time:

1. as a condition of any assignment, the Grantee requires that the purposes of this Conservation Restriction continue to be carried out, and
11. the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations there under, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly;
- m. the grantee complies with the provisions required by Article 97 of the Amendments to the State Constitution.

VII. SUBSEQUENT TRANSFERS:

The Grantors agree to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including a leasehold interest. Failure to do so shall not impair this Conservation Restriction or its enforceability in any way. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantors shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES:

Upon request by the Grantors, the Grantee shall within thirty days execute and deliver to the Granter any document, including an estoppel certificate, which certifies the Grantors compliance with any obligation of the Grantors contained in this Conservation Restriction.

IX. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantors and Grantee have executed it, the administrative approvals required by section 32 of General Laws chapter 184 have been obtained, and it has been recorded, or if registered land, it has been registered in a timely fashion in the Middlesex South Registry of Deeds.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantors agree that they will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur and that the Conservation Restriction will continue to be enforceable by a non-fee owner. No grant will be effective until this Conservation Restriction is assigned to avoid merger and preserve enforcement of the terms of this Conservation Restriction by a non-fee owner.

XI. AMENDMENT:

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantors and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts, and any amendment shall be consistent with the purposes of this Conservation Restriction, and shall not affect its perpetual duration. Any such amendment shall be approved by the parties herein as well as the Secretary of Energy and Environmental Affairs and recorded in the Middlesex South Registry of Deeds.

XII. GENERAL PROVISIONS:

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this

Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

D. Homestead

The Grantors and any benefitted parties, by their signatures hereto, subordinate and waive any Homestead Act rights and benefits they may have to this Conservation Restriction. The Grantors certify and attest under penalties of perjury that:

The Grantors have no ex-spouses or children who are benefitted by the Homestead Act

____ There are parties benefitted by the Homestead Act who reside or intend to reside on or near the Premises, and they have affixed their signatures below, subordinating and waiving their Homestead rights and benefits as to this Conservation Restriction.

XIII. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Included herewith and incorporated herein are the following:

1. Signatures of the Grantors Michael J. Soja and Marsha R. Soja, Grantee, Conservation Commission of the Town of Sudbury, Approval and Acceptance of Selectmen of the Town of Sudbury Approval of the Massachusetts Secretary of Energy and Environmental Affairs
2. Exhibit A Legal description
3. Exhibit B Plan

WITNESS our hands and seals this 7TH day of Nov, 2016

GRANTOR:

GRANTOR:

Michael J. Soja
Michael J. Soja

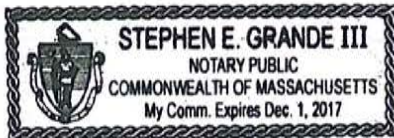
Marsha R. Soja
Marsha R. Soja

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

, 2016

Then personally appeared the above named Michael J. Soja and Marsha R. Soja, proved to me through satisfactory evidence of identification, which was Massachusetts drivers' licenses, to be the persons whose names are signed on the attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



[Signature]
Notary Public: Stephen E. Grande III
My Commission expires: 12/1/17

ACCEPTANCE OF GRANT

At a public meeting duly held on 11-7, 2016 the Conservation Commission of the Town of Sudbury voted to accept the above Conservation Restriction from Michael J. Soja and Marsha R. Soja.

By: 

Its: Chairman, duly authorized

COMMONWEALTH OF MASSACHUSETTS

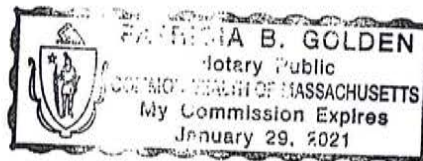
County of Middlesex, ss.

11-7, 2016

Then personally appeared the above named Thomas Friedlander proved to me through satisfactory evidence of identification, which was known to me, to be the person whose name is signed on the attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Conservation Commission of the Town of Sudbury.

Patricia B. Golden

Notary Public:
My commission expires:



ACCEPTANCE AND APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Board of Selectmen of the Town of Sudbury, hereby certify that at a public meeting duly held on _____, 2016 the Board of Selectmen voted to approve the foregoing Conservation Restriction to the Town of Sudbury pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts and vote to accept the Conservation Restriction from Michael J. Soja and Marsha R. Soja pursuant to M.G.L. c. 40 sec. 8C.

Town of Sudbury Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

, 2016

Then personally appeared the above named _____ proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Board of Selectmen of the Town of Sudbury.

 Notary Public:
 My commission expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Town of Sudbury has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, and Section 32.

Dated: _____ 20

Matthew A. Beaton, Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk, ss.

, 2016

Then personally appeared the above named _____ proved to me
through satisfactory evidence of identification, which was _____, to be the
person whose name is signed on the attached document, and acknowledged to me that he signed
it voluntarily for its stated purpose.

Notary Public:
My commission expires:

Exhibit A

LEGAL DESCRIPTION - Conservation Restriction, 34 Musket Lane, Sudbury

A proposed conservation restriction located in Sudbury, Massachusetts, shown on a plan entitled " plan of Land of 34 Musket Lane in Sudbury, Mass" prepared by Sullivan Connors and Associates, dated June 20, 2014, and being more particularly bounded and described as follows;

BEGINNING at a point on the southerly sideline of Marlboro Road at land now or formerly of Per and Collette Nygren; THENCE

RUNNING S50°32'49"W, a distance of 77.96 feet to a point; THENCE

RUNNING S12°57'09"E, a distance of 75.00 feet to a point; THENCE

RUNNING S88°20'52"E, a distance of 274.28 feet to a drill hole found at land now or formerly of the Town of Sudbury; THENCE

RUNNING S04°09' 24"W, a distance of 380.29 feet to a point at land now or formerly of Christopher and Jodi Boyd; THENCE

RUNNING S86°28'50"W, a distance of 161.45 feet to a point; THENCE

RUNNING IN04°09'24"E, a distance of: 274.74 feet to a point; THENCE

RUNNING N88°20'52"W, a distance of 191.28 feet to a point at land now or formerly of Jeffrey

RUNNING; THENCE

RUNNING N12°57'09"W, a distance of 341.92 feet to a point on a stonewall on the southerly sideline of Marlboro Road; THENCE

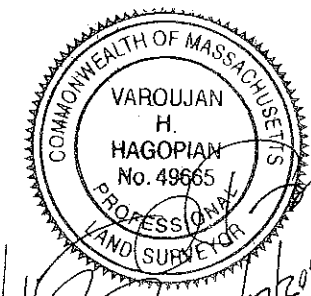
RUNNING N79°26'35"E, along said stonewall a distance of 74.97 feet to a point; THENCE

RUNNING N84°16'00"E, a distance of 13.99 feet to a point; THENCE

RUNNING N76°55'31 "E, along said stonewall a distance of 53.21 feet to a drill hole found; THENCE

RUNNING N80°04'32"E, a distance of 37.83 feet to the POINT OF BEGINNING.

Containing 113,740 square feet or 2.6 acres, more or less, as shown on said plan.



THIS PLOT PLAN IS PREPARED FROM LINES OF OCCUPATION. THE TIES TO THE LOT LINES ARE NOT TO BE USED IN THE SETTING OF FENCES, HEDGES, ETC.

THE EXISTING GARAGE SHOWN HEREON CONFORMS TO THE CURRENT TOWN OF SUDBURY HORIZONTAL YARD SETBACK REQUIREMENTS.

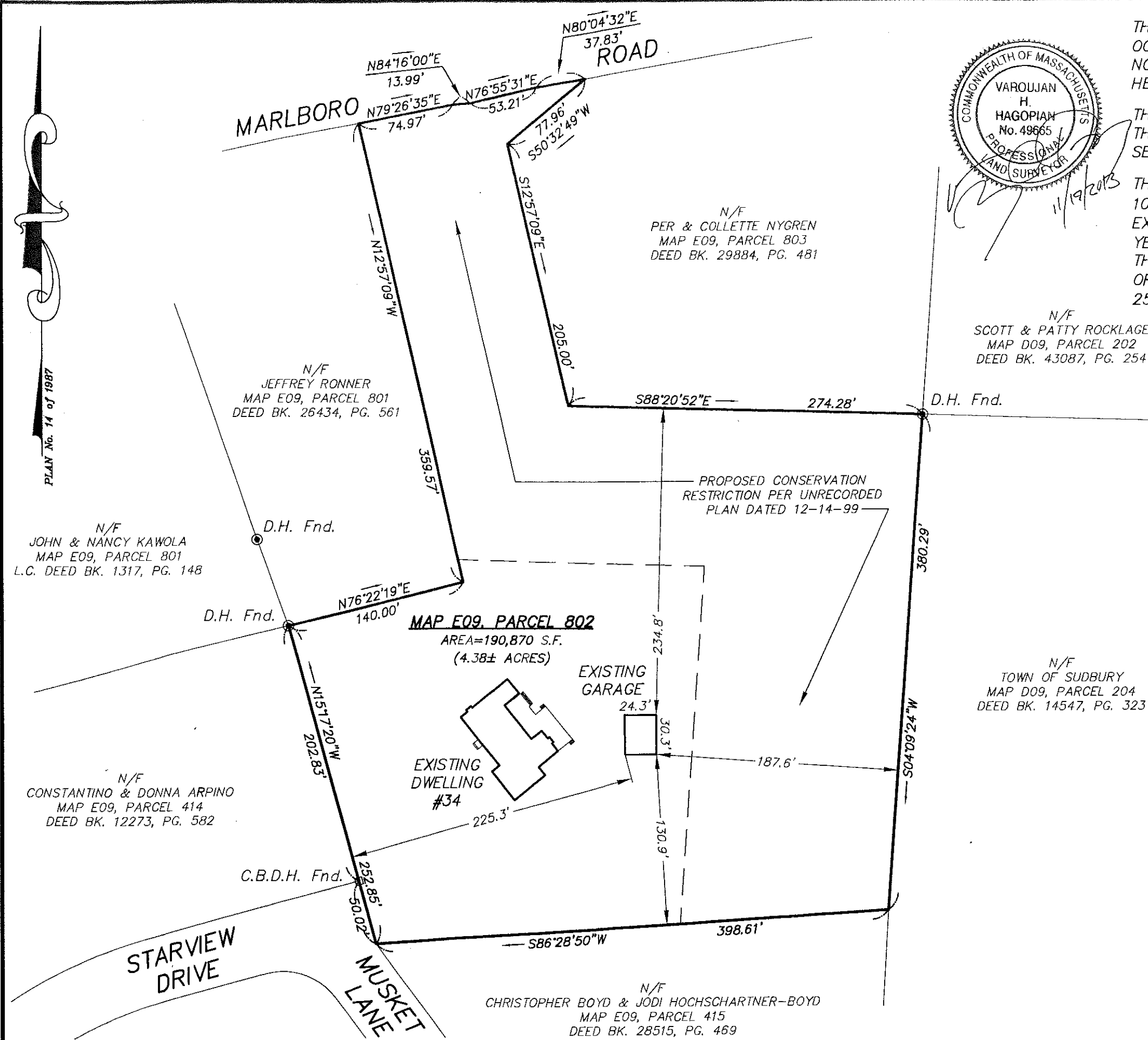
THE LOT SHOWN IS PARTIALLY LOCATED WITHIN THE 100 YEAR FEDERAL FLOOD HAZARD AREA AND THE EXISTING GARAGE IS NOT LOCATED WITHIN THE 100 YEAR FEDERAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR THE TOWN OF SUDBURY, PANEL 366 OF 656, MAP NUMBER 25017C0366E DATED JUNE 4, 2010.

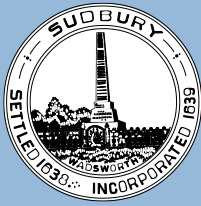
ZONED: RESIDENCE A-1
AREA = 40,000 sf
FRONTAGE = 180 feet
SETBACKS: FRONT = 40 feet
SIDE = 20 feet
REAR = 30 feet

PREPARED FOR:
MICHAEL & MARSHA SOJA
34 MUSKET LANE
SUDBURY, MA 01776

DATE: NOV. 19, 2013 SCALE: 1"=80'

PLOT PLAN
34 MUSKET LANE
SUDBURY, MASS.
SULLIVAN, CONNORS & ASSOCIATES
LAND SURVEYING AND CIVIL ENGINEERING 121 BOSTON POST RD. SUDBURY, MA. 01776





SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**20: Disclosure - firefighter plowing**REQUESTOR SECTION

Date of request:

Requestor: Dan Nason, DPW Director

Formal Title: Vote, pursuant to M.G.L. c.268A, to approve exemptions under s.20(b) from Firefighters Kevin Cutler and Dana J. Foster, in order to provide personal services (snowplowing) for the Department of Public Works as submitted in disclosures dated November 14, 2016.

Recommendations/Suggested Motion/Vote: Vote, pursuant to M.G.L. c.268A, to approve exemptions under s.20(b) from Firefighters Kevin Cutler and Dana J. Foster, in order to provide personal services (snowplowing) for the Department of Public Works as submitted in disclosures dated November 14, 2016.

Background Information:

An approval of disclosure of financial interest in a contract for personal services (snowplowing) is required under M.G.L. 268A, s.20(b) for firefighters contracting with the DPW outside their normal working hours. These services will not be compensated for more than 500 hours in a calendar year. The Firefighters are exempted from snowplowing availability requirements for emergency Fire Department responsibilities as they may arise as determined by the Fire Chief.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	MUNICIPAL EMPLOYEE INFORMATION
Name of municipal employee:	KEVIN CUTLER
Title/ Position	LT. / EMT FIREFIGHTER
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	SUDBURY FIRE DEPT.
Agency Address	77 HUDSON RD SUDBURY MA 01776
Office phone:	978-443-2239
Office e-mail:	CUTLER@SUDBURY.MA.US
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	7/1/99
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee. <input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR <input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.
Write an X beside your financial interest.	My financial interest in a municipal contract is: <input type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee. <input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

Write an X beside your financial interest.	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> <u>STATEMENT # 2:</u> I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input checked="" type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
	FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
Name and address of municipal agency that made the contract	DEPARTMENT OF PUBLIC WORKS 275 OLD LANCASTER RD. SUDBURY, MA 01776
Please put in an X to confirm these facts.	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
FILL IN THIS BOX OR THE BOX BELOW	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p style="text-align: center;">SNOW PLOWING</p>
FILL IN THIS BOX OR THE BOX ABOVE	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it.
Date when you acquired a financial interest	
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input checked="" type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input checked="" type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input checked="" type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	<i>Kerri Cutts</i>
Date:	11/14/16

Attach additional pages if necessary.


NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

FOR CONTRACTS FOR PERSONAL SERVICES ONLY:

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	Daniel F. Nason
Title/ Position	Director of Public Works
Municipal Agency:	Town of Sudbury, Department of Public Works
Agency Address:	275 Old Lancaster Road, Sudbury, MA 01776
Office Phone:	978-440-5490
	CERTIFICATION
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	11/28/2016

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

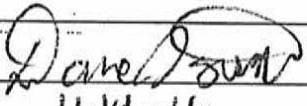
	INFORMATION ABOUT APPROVING BODY
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.

**DISCLOSURE BY MUNICIPAL EMPLOYEE
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	MUNICIPAL EMPLOYEE INFORMATION
Name of municipal employee:	Dana J Foster
Title/ Position	lieutenant / EMT
Fill in this box if it applies to you.	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Fire Dept
Agency Address	77 Hudson Rd
Office phone:	978-440-5310
Office e-mail:	Foster.D@Sudbury.MA.US
	Check one: <input type="checkbox"/> Elected or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	11-9-1987
BOX # 1	ELECTED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am an elected municipal employee.
Write an X beside your financial interest.	<p><input type="checkbox"/> STATEMENT #1: I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. OR</p> <p><input type="checkbox"/> STATEMENT #2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
BOX # 2	NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE
Select either STATEMENT #1 or STATEMENT #2.	I am a non-elected municipal employee.
	<p><input type="checkbox"/> STATEMENT # 1: I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.</p>

Write an X beside your financial interest.	<p>My financial interest in a municipal contract is:</p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input type="checkbox"/> STATEMENT # 2: I will have a new financial interest in a contract made by a municipal agency.</p> <p>My financial interest in a municipal contract is:</p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input checked="" type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
	FINANCIAL INTEREST IN A MUNICIPAL CONTRACT
Name and address of municipal agency that made the contract	Town of Sudbury DPW
Please put in an X to confirm these facts.	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
FILL IN THIS BOX OR THE BOX BELOW	<p>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</p> <p>- Please explain what the contract is for.</p> <p>Snow plowing</p>
FILL IN THIS BOX OR THE BOX ABOVE	<p>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>

What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it.
Date when you acquired a financial interest	
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p>FOR A CONTRACT FOR PERSONAL SERVICES –</p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	
Date:	11-14-16

Attach additional pages if necessary.


NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

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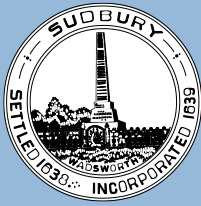
CERTIFICATION BY HEAD OF CONTRACTING AGENCY

	INFORMATION ABOUT HEAD OF CONTRACTING AGENCY
Name:	Daniel F. Nason
Title/ Position	Director of Public Works
Municipal Agency:	Town of Sudbury, Department of Public Works
Agency Address:	275 Old Lancaster Road, Sudbury, MA 01776
Office Phone:	978-440-5490
	CERTIFICATION
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Signature:	
Date:	11/28/2016

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,
BOARD OF SELECTMEN OR TOWN COUNCIL**

	INFORMATION ABOUT APPROVING BODY
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	APPROVAL
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.
File disclosure, Certification and Approval with the city or town clerk.



SUDBURY BOARD OF SELECTMEN

Tuesday, December 6, 2016

CONSENT CALENDAR ITEM**21: Minutes approval**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 11/15/16.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 11/15/16.

Background Information:
attached draft minutes

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Susan N. Iuliano	Pending
Board of Selectmen	Pending

12/06/2016 6:30 PM