

IN BOARD OF SUDBURY SELECTMEN
THURSDAY, FEBRUARY 28, 2019
2:00 PM, FLYNN BUILDING, SILVA CONFERENCE ROOM

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Patricia A. Brown, Selectman Leonard A. Simon, Selectman Janie Dretler, Town Manager Melissa Murphy-Rodrigues, Town Counsel Jonathan Silverstein, Attorney William Henchy of Quarry North, LLC, Attorney Lee Smith of KP Law, Police Chief Scott Nix, Building Inspector Mark Herweck, Health Director William Murphy, and Facilities Director Bill Barletta.

At approximately 2:12 p.m., Vice-Chairman Carty opened the meeting.

Opening Remarks by Chairman

None

Reports from the Town Manager and Board of Selectmen

None

Citizen's Comments on items not on Agenda

None

Land disposition agreement with Quarry North LLC

Town Manager Rodrigues stated that the land disposition agreement reflects everything that was voted upon at the December Town Meeting and includes language that would be part of a Purchase and Sale Agreement for the Melone property and the Town Center property. She added that all easements, mitigation funding and the termination of related litigation are clearly described. The agreement details that the Town agrees to dismiss the case, as moved in land court/appeals court and agrees to stay the Housing Appeals Commission piece until the official closing of the property.

Attorney Silverstein stated that no material terms had changed as set forth on the Terms Sheet at December Town Meeting.

Attorney Henchy reiterated that he and the developers were very pleased to be here today and hoped that the Board would execute the disposition agreement. Selectman Simon stated that he agreed with that sentiment and gave particular thanks to Town Manager Rodrigues for her help in the process.

Vice-Chairman Carty emphasized the importance of the transportation management plan, as described in the agreement, adding that the shuttle plan would be implemented by the developer. He stated that the Town's Transportation Committee wants to be involved with the transportation aspect and detailed that he would confer with the Planning Board in this regard.

Vice-Chairman Carty referred to the purchase price and the easement over Peter's Way to the Town of Sudbury and inquired if all was covered by this language, as presented. Town Manager Rodrigues stated that she was comfortable with the wording as documented in the Agreement.

Vice-Chairman Carty inquired about the Sudbury Water District and asked if there was anything in the Agreement that could delay proceedings, or if there was anything regarding the Sudbury Water District that would prevent the Board from signing the document today. Attorney Silverstein replied not, confirming that the language in the Agreement was favorable.

Vice-Chairman Carty commented that the property closing date was not provided in the Agreement. Attorney Silverstein explained that it is customary not to include a date, and that the place and time of the closing might change.

Selectman Dretler referred to language on page 5 of the Agreement, and wanted to know how the word “prosecute” was used in this context. Attorney Silverstein responded that “prosecute” was synonymous with “undertake” in this context. She appreciated having the drawings of the easements for the Town Center land.

Vice-Chairman Carty commented that the document would be made public.

Selectman Simon asked if the Water District is party to this agreement as well. Attorney Silverstein responded that the Water District would have their own separate agreement.

Selectman Simon commented that there will be a transfer of land to the Water District from Quarry North, which is not Town-owned land, which will be the subject of the separate conveyance and agreement, not to be presented today.

Selectman Dretler inquired about the property in front of the subject property, and asked if there was additional information available regarding that property. Attorney Henchy responded that the developer has that property under agreement.

Selectman Simon inquired about the disposition of the cell tower on that property. Attorney Henchy responded that the Water District is retaining that part of the property as a revenue source.

Chairman Haarde asked when the payment from Quarry North to the Town will be received. Attorney Silverstein responded that the million-dollar payment, which is part of the purchase price, will be received at the closing, which will take place subsequent to permitting, which is necessary for the developers’ procurement of financing. The additional million dollars reflective of mitigation, will be received within 30 days. Town Manager Rodrigues stated that the Town wanted to be assured that they would be receiving the amount before construction. Some related discussion took place.

Chairman Haarde inquired about Agreement Item B. #1, commenting that the purchase price of the Sudbury Station property did not include the acreage of the property. Attorney Silverstein replied that the term is defined on pg. 1, Item 1. A. Town Manager Rodrigues stated that further property detail is included on page 2, Item II. C of the Agreement.

Chairman Haarde asked if there were further comments from the public. No further comments were made.

Selectman Simon motioned to sign the agreement provided. Vice-Chairman Carty seconded the motion.

It was on motion unanimously

VOTED: To sign the agreement provided and the appendices thereto, and to include a separate page consisting of the signatures of the full Board to be part of the Land Disposition Agreement dated February 28, 2019.

Selectman Simon thanked all who were involved in this process.

Town Manager Rodrigues added that the state did approve Sudbury’s 40R development, which will be included at Town Meeting, and if passed, Sudbury will be eligible for additional monetary incentives from the state.

Attorney Henchy thanked Attorney Lee Smith, Attorney Jonathan Silverstein, Town Manager Rodrigues, Chairman Haarde, Mr. Riordan of the Zoning Board of Appeals, and Mr. Garvin of the Planning Board for all their work.

Selectman Dretler asserted that the work is not completed, and much is yet to be done in regard to this project. She emphasized that the Board and the other involved committees/boards will continue with their participation with all aspects of the development.

Attorney Henchy stated that he will be contacting the Transportation Committee shortly regarding the shuttle bus service.

Discussion and Future use of Frost Farm House

Town Manager Rodrigues summarized that the rental agreement for Frost Farm expired on January 31, 2019. She said that on February 4th Deputy Fire Chief Choate and staff inspected the property with the former tenant. Town Manager Rodrigues presented the condition of the property with pictures and reports from department heads, who expressed many concerns. All reports recommend demolition of the property, and focused on the issue of public safety.

Town Manager Rodrigues stated the electricity, gas and water were shut off, and doors and windows were secured. The Town entered into a short-term agreement with the tenant as provided for the Board to inspect. The tenant's belongings have been removed from the interior with some belongings in the garage and the storage bin, as noted in the agreement. She stressed that the most important aspect at this time was the security of the property for the short term. In the future, the Board might consider proposals for sale or lease of the land after demolition.

Chief Nix stated that vandalism is a concern as well as possible bodily injury. There are No Trespassing signs posted and the Police Department checks the site frequently.

Inspector Herweck stated that much unpermitted work has been done which was likely not completed to building code, inclusive of plumbing and electrical work. He recommended demolition of the building.

Director Murphy of the Health Department stated that the property most likely does not meet any of the health standards, and determined that existing conditions would put a prospective tenant in danger, as well as anyone walking around the property. He affirmed that he would condemn the property.

Facilities Manager Bill Barletta stated that the building has been considerably compromised with electrical and plumbing as being questionable at best.

Town Manager Rodrigues read Deputy Fire Chief Choate's recommendation which emphasized that the building was dangerous from a fire perspective, including faulty wiring, open chases without fire stops and an unsafe structural state of the building. The Fire Department would be marking the building with a red "x."

Police Chief Nix stated that with a red "x" status fire and safety personnel would not want to enter such a building. Related discussion among the departments took place.

Attorney Silverstein stated that from a liability and safety standpoint, it is best to demolish the building.

Selectman Dretler questioned if the 67 new windows in the building could be salvaged. Town Manager Rodrigues shared that the contracting company performing the demolition might take something off the total price for the windows. A related discussion took place.

Selectman Brown asked if the parcel that the building sits on is in fact a separate legal building lot. Inspector Herweck said that the site map does indicate a separate lot. Chairman Haarde indicated that two structures can share frontage from a road.

Town Manager Rodrigues explained that this property is reflective of a pre-existing, non-conforming lot. Chairman Haarde stated that some zoning work might have to take place if the Town decided to sell the property. Attorney Silverstein said that building could be completed as an LIP 40B project.

Selectman Simon asked about the significance of the non-frontage term. Attorney Silverstein stated that it represents setbacks regarding buildability.

Town Manager Rodrigues stated that she would gather demolition quotes and bring a contract back to the Board.

Selectman Brown asked if a vote from the Board was necessary. Town Manger Rodrigues replied that she did not think such a vote was necessary and asked if the Board was supportive of the suggested plan.

Mr. Barletta mentioned that any salvageable items such as windows could be removed before demolition for conveyance or repurposing. He recommended bringing the lot to grade and then seeding over. Also, the septic system would also have to be decommissioned.

Selectman Dretler asked about the manufacturer of the windows. Mr. Barletta responded that Anderson windows were in the building, and could be of some use. Selectman Dretler asked about the square footage of the house and the lot size. Town Manager Rodrigues responded that the house is about 4,900 sq. ft.

Chairman Haarde mentioned that the demolition company might assign a value to the windows, or any other re-usable features and subtract that dollar amount from the estimate given.

Mr. Herweck stated that he would not allow a demolition permit without a hazardous materials inspection, which is a standard regulation.

Selectman Dretler asked if the neighbors would be alerted to the scheduling of such work. Mr. Herweck said dust control measures would be taken and recommended that the demolition be performed on a rainy day.

Mr. Barletta recommended that water be on-site for the demolition which is standard. Selectman Brown inquired about the timeframe.

Town Manager Rodrigues responded that this should take place ASAP since it is a safety hazard. She said that timing would be reviewed, as the suggested item would need to go before the Historical Commission, as to not delay the process.

Discussion took place regarding the historical aspect of the property. Department heads agreed that there was not much historical significance regarding materials in place.

Selectman Simon asked if there were any Housing Authority concerns.

Resident and Housing Authority member Steven Swanger, 14 Bent Brook Road, said that the discussion tonight only reflected the demolition aspect and not the future of the property. He recommended that after demolition, another meeting should be held to determine the future of the property. Chairman Haarde stated that such a discussion could take place at this meeting.

Resident and Frost Farm condo owner Jeanne Genova, 150 North Road - Unit #24, stated that neighbors at Frost Farm would like to see two buildings created on the site of Frost Farm House. Chairman Haarde added that two such structures would reflect a total of four new condo units.

Mr. Swanger stated that the Housing Authority had an interest in that building since the Frost Farm was developed and was involved in the initial project. Before hearing the recommendations of Town officials, the Housing Authority thought that there might be a possibility of renovating the Frost Farm House for use as senior housing or group home. He now understands because of safety issues, that consideration is not possible. Mr. Swanger asked that before any decision is made, the Housing Authority be given the chance to participate in the discussion of the future of the property, and the Authority would work with the Frost Farm residents. The Housing Authority has hundreds of people on their waiting list seeking affordable housing and he will advocate on their behalf.

Chairman Haarde reiterated that the Town does own all of the Frost Farm land, and right to build the existing condos had been sold to the Frost Farm Association. The Town would consider selling the development rights to a party willing to develop consistent with what the neighbors want in coordination with Town needs. He suggested that the Housing Authority connect with the Frost Farm Association for further discussion/consideration.

Selectman Simon stated that the Board supports demolition of the Frost Farm House in order to restore the land and prepare it for suitable development.

Selectman Dretler said that the sight of the building as it is today has been an issue for residents at Frost Farm.

Ms. Genova asked further about the property including the common area of the association. Town Manager Rodrigues answered that any part of the property that falls under the lease can be used including the common area.

Town Manager Rodrigues will be presenting the Board with a contract for the demolition work.

Town Manager Rodrigues introduced the new Director of Planning and Community Development, Adam Duchesneau, and the Board gave a warm welcome to Mr. Duchesneau.

Discuss Upcoming Agenda Items

Selectman Simon said that he would send an e-mail of suggested agenda items to the Board.

It was on motion unanimously

VOTED: To adjourn the meeting.

There being no further business, the meeting adjourned at approximately 3:00 p.m.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk