

SUDBURY BOARD OF SELECTMEN  
TUESDAY MARCH 21, 2017  
6:45 PM, FLYNN BUILDING - SILVA ROOM

Item #	Time	Action	Item
	6:45 PM		CALL TO ORDER
<b>EXECUTIVE SESSION</b>			
1.		<i>VOTE</i>	Vote to enter Executive Session, <b>in Flynn Building Silva Room</b> , to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Bruce Freeman Rail Trail), pursuant to General Laws chapter 30A, §21(a)(3).
2.		<i>VOTE</i>	Vote to close executive session and return to open session <b>at Lower Town Hall, 322 Concord Road.</b>
	7:30 PM		Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>TIMED ITEMS</b>			
3.	7:35 PM		Joint meeting with Board of Health to discuss Town Meeting petition articles: Plastic Bottle Water Regulations Bylaw, and Plastic Check-out Bag Ban Bylaw. LS Environmental group and staff advisor Eleanor Burke to attend.
4.			Continue joint meeting with Board of Health to discuss Town Meeting Article on Proposed Amendment to In-ground Irrigation Bylaw. Board of Health Director, Bill Murphy, to attend.
<b>MISCELLANEOUS</b>			
5.		<i>VOTE</i>	Presentation concerning Bruce Freeman Rail Trail Task Force recommendations; discussion and potential vote concerning recommendations. In attendance will be John Drobinski, Chair of BFRT Design Task Force and Beth Suedmeyer, Environmental Planner, Planning and Community Development.
6.		<i>VOTE</i>	Discussion and potential vote concerning FY18 budget including use of Free Cash.
7.		<i>VOTE</i>	Discussion and possible vote to reschedule future Board of Selectmen meetings.

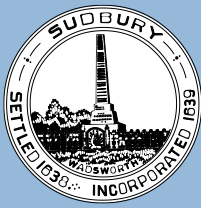
*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

<b>Item #</b>	<b>Time</b>	<b>Action</b>	<b>Item</b>
8.		<i>VOTE</i>	Review Town Meeting articles, take positions on articles, and assign presentations.
9.		<i>VOTE</i>	Discussion and selection of persons to write the arguments supporting and opposing the May 9 ballot question.
10.			Citizen's Comments (cont)
11.			Discuss future agenda items
<b>CONSENT CALENDAR</b>			
12.		<i>VOTE</i>	Vote to approve the regular session minutes of 2/28/17.
13.		<i>VOTE</i>	Vote to appoint Martha Romanoff, 21 Pokonoket Avenue, and Claudia Brandon, 60 Balcom Road, to the Sudbury Cultural Council, for terms ending 10/30/20.
14.		<i>VOTE</i>	Vote to Grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Wednesday, April 19, 2017, from 5:30 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.
15.		<i>VOTE</i>	Vote to accept, on behalf of the Town, a \$144 donation from the DCL League Meet, to the Atkinson Pool Scoreboard Trust Account, 7168-000/598000, as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics.
16.		<i>VOTE/ SIGN</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.
17.		<i>VOTE/ SIGN</i>	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR SUDBURY DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 2 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

*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
18.		VOTE / SIGN	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM” granted by SUDBURY SENIOR HOUSING LLC, for stormwater system maintenance purposes upon the property shown as Lot 5 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts”, prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

*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, March 21, 2017

**EXECUTIVE SESSION**

**1: Discuss strategy regarding BFRT**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to enter Executive Session, in Flynn Building Silva Room, to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Bruce Freeman Rail Trail), pursuant to General Laws chapter 30A, §21(a)(3).

Recommendations/Suggested Motion/Vote: Vote to enter Executive Session, **in Flynn Building Silva Room**, to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Bruce Freeman Rail Trail), pursuant to General Laws chapter 30A, §21(a)(3).

Background Information:

Financial impact expected:

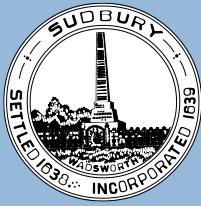
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**EXECUTIVE SESSION**

**2: Close E.S.**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close executive session and return to open session at Lower Town Hall, 322 Concord Road.

Recommendations/Suggested Motion/Vote: Vote to close executive session and **return to open session at Lower Town Hall, 322 Concord Road.**

Background Information:

Financial impact expected:

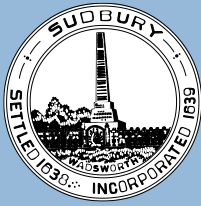
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**TIMED ITEM**

**3: Joint meeting with BOH to discuss petition articles**

REQUESTOR SECTION

Date of request:

Requestor: Bill Murphy, BOH director

Formal Title: Joint meeting with Board of Health to discuss Town Meeting petition articles: Plastic Bottle Water Regulations Bylaw, and Plastic Check-out Bag Ban Bylaw. LS Environmental group and staff advisor Eleanor Burke to attend.

Recommendations/Suggested Motion/Vote: Joint meeting with Board of Health to discuss Town Meeting petition articles: Plastic Bottle Water Regulations Bylaw, and Plastic Check-out Bag Ban Bylaw. LS Environmental group and staff advisor Eleanor Burke to attend.

Background Information:  
attached documents

Financial impact expected:n/a

Approximate agenda time requested: 20 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

03/21/2017 6:45 PM

## Proposed "Regulation of Sale and Use of Bottled Water" Bylaw (Sudbury)

**ARTICLE** : to propose for Town Meeting: to limit sales of plastic single-use water bottles in the Town of Sudbury.

2017 FEB -3 AM 10: 00

To see if the Town will vote to amend the General Bylaws by adopting a bylaw entitled "The Regulation of Sale and Use of Bottled Water" as follows or take any other action relative thereto:

### Section I. Findings and Purpose

Plastic "disposable" water bottles made of polyethylene terephthalate (PET) contribute hazards to human health, societal economies, wildlife, and the environment. Examples of these problems include:

- 1) Americans discard more than 30 million tons of plastic a year. Only 8 percent of that gets recycled. The rest ends up in landfills, is incinerated, or becomes the invasive species known as 'litter.' The amount of solid waste created by one-use plastic water bottles is staggering.
- 2) Chemicals leached by plastics are in the blood and tissue of nearly all of us. Exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments.
- 3) There are thousands of landfills in the United States. Buried beneath each one of them, plastic leachate full of toxic chemicals is seeping into groundwater and flowing downstream into lakes and rivers.
- 4) Manufacturers' additives in plastics, like flame retardants, BPAs and PVCs, can leach their own toxicants. These oily poisons repel water and stick to petroleum-based objects like plastic debris.
- 5) Entanglement, ingestion and habitat disruption all result from plastic ending up in the spaces where animals live. In our oceans alone, plastic debris outweighs zooplankton by a ratio of 36-to-1. Plastic cannot biodegrade; it breaks down into smaller and smaller pieces over time, but is still plastic.
- 6) In the face of a growing global water crisis, water bottling corporations are turning water into a profit-driven commodity when it needs to be regarded as a human right.

The town of Sudbury has high quality tap water, and provides regular governmental reports on its quality. The recommended eight glasses of water a day, at U.S. tap rates equals about \$.49 per year; that same amount of bottled water is about \$1,400.

The purpose of this Bylaw is to protect the town's beauty, reduce litter, protect the health of present and future generations, and save the citizens of the Town money that is needlessly spent on packaged water from distant sources in one-use bottles.

### SECTION II. Regulated Conduct

It shall be unlawful to sell non-reusable polyethylene terephthalate (PET) bottles of 1 litre (34 ounces) or less containing uncarbonated, unflavored drinking water in the Town of Sudbury on or after the effective date of this bylaw. Water may be provided for free in any form. Proposed effective date of this bylaw: June 1, 2017

In the event of a declaration (by Emergency Management Director, other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water to Sudbury residents, citizens and officials shall be exempt from this bylaw until seven days after such declaration has ended.

### SECTION III. Enforcement

Police officers and Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. Violations of this bylaw are punishable by a fine of up to \$300 per violation.

If non-criminal disposition is elected, then any person that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$25 penalty

Third and subsequent offense: \$50 penalty

### SECTION IV.

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as the Board may determine.

### SECTION V.

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.



TOWN OF SUDBURY  
FORM OF PETITION - ANNUAL TOWN MEETING ARTICLE

Proposed "Plastic Check-out Bag Ban" Bylaw

SIGNATURE REQUIREMENTS: Annual Town Meeting: 10 valid signatures

TOWN CLERK  
SUDBURY, MASS.  
2017 FEB - 3 AM 10:00

**TO: Board of Selectmen, Sudbury, MA 01776** We, the undersigned, being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the      May 1, 2017     , Annual Town Meeting

**Proposed "Plastic Check-out Bag Ban" Bylaw**

**ARTICLE :** To see if the Town will vote to amend the General Bylaws by adopting a bylaw entitled "Plastic Bag Ban" as follows, or take any other action relative thereto:

Section I Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic checkout bags that are distributed in the Town of Sudbury and to promote the use of reusable bags.

Section II Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"Check-out bag" shall mean a bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

"Health Agent" shall mean the Health Agent for the Sudbury Board of Health or his/her designee.

"Recyclable paper bag" shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of postconsumer recycled content in the bag.

Page 1 of 4—cont'd next pg.

“Reusable Check-out bag” shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

### Section III Regulated Conduct

- a. No Retail Establishment in the Town of Sudbury shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers after January 1, 2018, for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two locations under the same name within the Town of Sudbury that total 3,500 square feet or more, or after July 1, 2017 for Retail Establishments less than 3,500 square feet.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:
  1. Recyclable paper bag; or
  2. Reusable Check-Out bag. For reusable bags, public information advising customers to sanitize reusable bags to prevent food-borne illness must be displayed at point of checkout.

### Section IV Exemption

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

### Section V Enforcement

Police officers and Health Agents shall have the authority to enforce this bylaw. This bylaw may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the General Bylaws. Violations of this bylaw are punishable by a fine of up to \$300 per violation.

Pg. 2 of 4—cont'd next pg.

If non-criminal disposition is elected, then any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:

First Offense: written warning

Second Offense: \$50 penalty

Third and subsequent offense: \$200 penalty

#### Section VI Exemptions

The Board of Health may exempt a Retail Establishment from the requirements of this bylaw for a period of up to six months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

#### Section VII Regulations

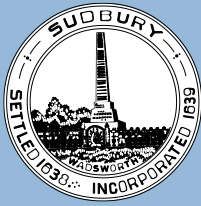
The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

#### Section VIII Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

**or act on anything relative thereto.**

**BY PETITION: 571704**



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**TIMED ITEM**

**4: Joint meeting with BOH to discuss irrigation article**

REQUESTOR SECTION

Date of request:

Requestor: Bill Murphy, BOH director

Formal Title: Continue joint meeting with Board of Health to discuss Town Meeting Article on Proposed Amendment to In-ground Irrigation Bylaw. Board of Health Director, Bill Murphy, to attend.

Recommendations/Suggested Motion/Vote: Continue joint meeting with Board of Health to discuss Town Meeting Article on Proposed Amendment to In-ground Irrigation Bylaw. Board of Health Director, Bill Murphy, to attend.

Background Information:  
Attached memo and article

Financial impact expected:n/a

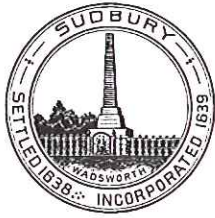
Approximate agenda time requested: 20 minutes

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

03/21/2017 6:45 PM



# Town of Sudbury

## Board of Health

DPW Office Building  
275 Old Lancaster Road  
Sudbury, MA 01776  
978 440-5479

3/15/17

### MEMO

To: Board of Selectmen

From: Bill Murphy, Health Director *BM*

Re: Proposed Amendment to the In-Ground Irrigation By-law

In 2016, the Energy and Environmental Affairs, Drought Management Task Force declared a drought “warning” level (normal, advisory, watch, warning, emergency) throughout Massachusetts. As a result, the Sudbury Water District (SWD) implemented a voluntary water ban. The ban required district water users to observe strict irrigation restrictions.

Concerned citizens inquired whether restrictions were being placed on private well users, similar to those of the SWD. In accordance with Sudbury’s In-Ground Irrigation System by-law, well users are not subject to water use restrictions or limitations. The purpose of the In-Ground Irrigation System by-law was to protect the quality and “quantity” of the water supplied by the SWD. Since the inception of the by-law in 2000, approximately 360 private irrigation wells have been permitted for in-ground irrigation systems. These wells draw from water sources shared by the SWD.

In 2016, the drought compromised safe quantities of water and caused the Sudbury Water Commissioners, Board of Health, Planning Board, and concerns citizens, to examine regulatory measures that would protect the water supply. Stakeholders met and reviewed existing by-laws and model regulations addressing water use restrictions. After many meetings, proposed by-law drafts, and consultation with Town Counsel, the following by-law amendment is being proposed:

4. Irrigation systems sourced by private water supplies and operated as described herein shall not be ~~limited to specific hours of operation nor odd/even days of use if the Town declares a water emergency~~ subject to water restrictions except in a state of water supply conservation declared by the Board of Selectmen. The Board of Selectmen shall implement restrictions when the State declares a Drought Warning or higher;

The Board of Health supports the amendment to protect the water supply in drought conditions.

TOWN OF SUDBURY      WARRANT ARTICLE FORM      ARTICLE \_\_

Instructions:

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

SEE ATTACHED.

SUBMITTED BY: William Murphy, Health Director

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



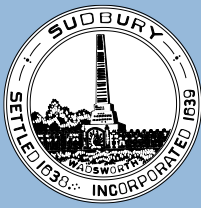
#  
18ART. \_\_\_\_\_ AMEND TOWN BYLAWS, ART. XXVII.4 – IN-GROUND IRRIGATION SYSTEMS

To see if the Town will vote to amend Article XXVII of the Town of Sudbury Bylaws, In-Ground Irrigation Systems, Section 4. as follows (new wording is shown underlined, and wording to be deleted is bracketed):

4. Irrigation systems sourced by private water supplies and operated as described herein shall not be [limited to specific hours of operation nor odd/even days of use if the Town declares a water emergency] subject to water restrictions except in a state of water supply conservation declared by the Board of Selectmen. The Board of Selectmen shall implement restrictions when the State declares a Drought Warning or higher;

or act on anything relative thereto.

BOARD OF HEALTH REPORT: The In-ground Irrigation System bylaw was established in 2000 for the "protection of the quality and quantity of water supplied by the Sudbury Water District." The bylaw provided that owners of irrigation wells would not be limited to operating hours if the Town declared a water emergency. With the recent severe drought and concerns regarding water availability in our aquifers, the Board of Health and Sudbury Water District support restrictions as set forth above on private irrigation wells when the State declares a drought warning or higher. The Board of Selectmen would be the authority for implementing such restrictions.



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**5: BFRT task force presentation**

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer

Formal Title: Presentation concerning Bruce Freeman Rail Trail Task Force recommendations; discussion and potential vote concerning recommendations. In attendance will be John Drobinski, Chair of BFRT Design Task Force and Beth Suedmeyer, Environmental Planner, Planning and Community Development.

Recommendations/Suggested Motion/Vote: Presentation concerning Bruce Freeman Rail Trail Task Force recommendations; discussion and potential vote concerning recommendations. In attendance will be John Drobinski, Chair of BFRT Design Task Force and Beth Suedmeyer, Environmental Planner, Planning and Community Development.

Background Information:

Copy of presentation to be provided before 3/21 meeting. Not ready in time for 3/17 packet.

Financial impact expected:

Approximate agenda time requested: 20 minutes

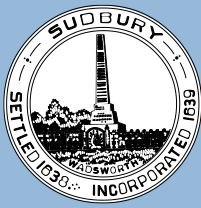
Representative(s) expected to attend meeting:

Review:

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

03/21/2017 6:45 PM





SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**6: Free Cash discussion**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and potential vote concerning FY18 budget including use of Free Cash.

Recommendations/Suggested Motion/Vote: Discussion and potential vote concerning FY18 budget including use of Free Cash.

Background Information:  
see attached updated free cash list

Financial impact expected:

Approximate agenda time requested: 20 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

03/21/2017 6:45 PM

## Free Cash - Override Budget

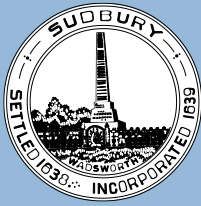
<u>Project</u>	<u>Requested</u>	<u>Balance</u>	<u>Notes</u>
Starting Balance	N/A	\$3,074,985	Certified as of 7/1/16
DPW rolling stock	\$210,000	\$2,864,985	October TM
Security	\$95,000	\$2,769,985	October TM
Security LS	\$128,235	\$2,641,750	October TM
unemployment	\$282,359	\$2,359,391	May TM - Operating Budget
BFRT	\$330,000	\$2,029,391	May TM
Fire	\$670,000	\$1,359,391	May TM
Parking lots	\$250,000	\$1,109,391	May TM
Playgrounds	\$150,000	\$959,391	May TM
DPW truck	\$182,000	\$777,391	May TM
wireless infrastructure schools	\$175,000	\$602,391	May TM
HVAC SPS	\$55,000	\$547,391	May TM
stabilization	\$128,032	\$419,359	May TM - Estimated
.5 % of budget	\$471,989	(\$52,630)	Finance Committee Guidance
<b>Total</b>	<b>\$ 3,127,615</b>	<b>(\$52,630)</b>	

Unappropriated free cash as a % of FY18 budget 0.44%

FincCom desired % of unappropriated free cash 0.50%

## Free Cash - Non Override Budget

<u>Project</u>	<u>Requested</u>	<u>Balance</u>	<u>Notes</u>
Starting Balance	N/A	\$3,074,985	Certified as of 7/1/16
DPW rolling stock	\$210,000	\$2,864,985	October TM
Security	\$95,000	\$2,769,985	October TM
Security LS	\$128,235	\$2,641,750	October TM
unemployment	\$375,000	\$2,266,750	May TM - Operating Budget
BFRT	\$330,000	\$1,936,750	May TM
Fire	\$670,000	\$1,266,750	May TM
Parking lots	\$250,000	\$1,016,750	May TM
Playgrounds	\$150,000	\$866,750	May TM
DPW truck	\$182,000	\$684,750	May TM
wireless infrastructure schools	\$175,000	\$509,750	May TM
HVAC SPS	\$55,000	\$454,750	May TM
stabilization	\$128,032	\$326,718	May TM - Estimated
.5 % of budget	\$471,989	(\$145,271)	Finance Committee Guidance
<b>Total</b>	<b>\$ 3,220,256</b>	<b>(\$145,271)</b>	
Unappropriated free cash as a % of FY18 budget		0.35%	
FincCom desired % of unappropriated free cash		0.50%	



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**7: Discussion on rescheduling future meetings**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote to reschedule future Board of Selectmen meetings.

Recommendations/Suggested Motion/Vote: Discussion and possible vote to reschedule future Board of Selectmen meetings.

Background Information:  
Attached meeting schedule

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

03/21/2017 6:45 PM

**TOWN OF SUDBURY**  
**Board of Selectmen Meeting Schedule**

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

**2017**

Red=LSRHS School Comm Meetings

Yellow=BOS Mtg

Blue=Holiday/other event

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

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

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

- Jan. 1 New Year's Day
- Jan. 2 New Year's Day Observed
- Jan. 16 MLK Day
- Feb. 20 President's Day
- Feb. 21-24 School Vacation
- March 27 Annual Town Election

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

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

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

- April 10 (evening) Passover
- April 14 Good Friday
- April 16 Easter
- April 17 Patriot's Day
- April 18-21 School Vacation
- May 1-3 Annual Town Meeting @LSRHS
- May 29 Memorial Day

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

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

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

- July 4 Independence Day
- Sept. 4 Labor Day
- Sept. 20 (evening) Rosh Hashanah
- Sept. 29 (evening) Yom Kippur

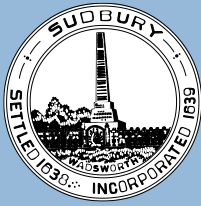
OCTOBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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

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

- Oct. 9 Columbus Day
- Nov. 10 Veterans Day Observed
- Nov. 11 Veterans Day
- Nov. 23 Thanksgiving Day
- Dec. 12 (evening) Hannukah
- Dec. 23-Jan. 1 School Vacation
- Dec. 25 Christmas Day

Attachment7.a: 2017 Selectmen meeting schedule\_final (2259) : Discussion on rescheduling future



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**8: ATM Articles**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Review Town Meeting articles, take positions on articles, and assign presentations.

Recommendations/Suggested Motion/Vote: Review Town Meeting articles, take positions on articles, and assign presentations.

Background Information:  
attached revised article summary list

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

03/21/2017 6:45 PM

#	Article Title	Status	Sponsor	Article Presenter	BOS Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
	<b>IN MEMORIAM RESOLUTION</b>									
	<b>FINANCE/BUDGET</b>									
1	Hear Reports	Report submitted	BOS	M. Melnick	S				Majority	
2	FY17 Budget Adjustments	Report submitted	BOS		RTM				Majority	
3	FY18 Budget	submitted	FinCom		S				Majority	
4	FY18 Capital Budget	submitted	Town Manager							
5	FY18 Transfer Station Enterprise Fund Budget	submitted	FinCom		S				Majority	
6	FY18 Pool Enterprise Fund Budget	submitted	FinCom		S				Majority	
7	FY18 Recreation Field Maintenance Enterprise Fund Budget	submitted	FinCom		S				Majority	
8	Unpaid Bills	Report submitted	Town Accountant		RTM				Four-fifths	
9	Chapter 90 Highway Funding	Report submitted	DPW Director		S				Majority	
10	Town/School Revolving Funds (consolidated)	Report submitted	Finance Director		S				Majority	
11	Amend Bylaws by Adding New Article XXXIII Establishing Revolving Funds	Report submitted	Finance Director		S					
12	Fund Litigation Costs - Eversource	Report submitted	Town Manager		S		Stabilization fund	\$200,000		
13	Fund Litigation Costs - Sudbury Station Project	Report submitted	Town Manager		S		Stabilization fund	\$150,000		
14	Bruce Freeman Rail Trail Design Funding	Report submitted	Town Manager		S			\$330,000		
15	Post Employment Health Insurance Trust Funding (WITHDRAWN)	Report submitted	Town Manager							

Attachment 8.a: Copy of Draft articles list ATM 2017 3-15-17\_EJ (2260 : ATM Articles)

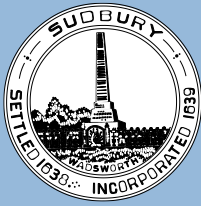
#	Article Title	Status	Sponsor	Article Presenter	BOS Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
16	Goodnow Library Charter Amendment	Report submitted	Goodnow Library Trustees			Do not support				
17	Amend Zoning Bylaw, Art. IX, add new section 4800, Temporary Moratorium on Marijuana Establishments	Report submitted	Town Manager			S				
18	Amend Article XVIII of the Town of Sudbury Bylaws - Licenses and Permits Subject to Unpaid Taxes and Fees	Report submitted	Town Manager			S				
19	Amend Town Bylaws, Art. XXVII.4 - In-Ground Irrigation Systems	Report submitted	Board of Health Director							
20	Amend Zoning Bylaw, Section 1230, Conformance	Report submitted	Planning Board			S				
<b>Capital Articles</b>										
21	DPW Rolling Stock Replacement	Report submitted	DPW Director			S	Free cash	\$175,000		
22	Purchase of Fire Department Ladder Truck	Report submitted	Fire Chief			S	Free cash	\$670,000		
23	Town & School Rooftop HVAC Unit Repairs	Report submitted	Facilities Director			S	Free cash	\$55,000		
24	Town and Schools Parking Lots, and Sidewalks Improvements	Report submitted	DPW Dir./ Facilities Dir.			S	Free cash	\$275,000		
25	Wireless Technology Infrastructure Improvements - Sudbury Public Schools	Report submitted	Facilities Director				Free cash	\$175,000		
26	Sudbury Public Schools Playground Improvements	Report submitted	Facilities Director				Free cash	\$150,000		
27	Stabilization Fund	submitted	BOS			RTM			two-thirds	

Attachment 8.a: Copy of Draft articles list ATM 2017 3-15-17\_EJ (2260 : ATM Articles)



#	Article Title	Status	Sponsor	Article Presenter	BOS Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
<b>CPC Articles</b>										
28	Lyons Pride/S.M.I.L.E. Haskell Field Playground Surfacing	Report submitted	CPC					\$70,975		
29	Featherland Multisport Court Reconstruction	Report submitted	CPC		S			\$220,000		
30	Bruce Freeman Rail Trail (WITHDRAWN)	submitted	CPC							
31	Town Hall Restoration/Rehabilitation	Report submitted	CPC		S			\$600,000		
32	Regional Housing Services Office Allocation	Report submitted	CPC		S			\$30,000		
33	Sudbury Housing Authority Allocation	Report submitted	CPC		S			\$212,600		
34	FY18 Community Preservation Fund General Budget and Appropriations	Report submitted	CPC							
<b>Petition Articles</b>										
35	Proposed Bylaw: Plastic Check-out Bag Ban	submitted	LS Environmental Club							
36	Proposed Bylaw: Plastic Bottled Water Regulations	submitted	LS Environmental Club							

Attachment 8.a: Copy of Draft articles list ATM 2017 3-15-17\_EJ (2260 : ATM Articles)



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**9: Selection of persons to write pro/con arguments for May 9 ballot**

REQUESTOR SECTION

Date of request:

Requestor: Chairman Iuliano

Formal Title: Discussion and selection of persons to write the arguments supporting and opposing the May 9 ballot question.

Recommendations/Suggested Motion/Vote: Discussion and selection of persons to write the arguments supporting and opposing the May 9 ballot question.

Background Information:

Financial impact expected:none

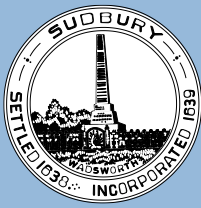
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**10: Citizen's Comments (cont)**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

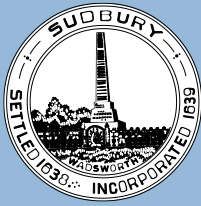
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**MISCELLANEOUS (UNTIMED)**

**11: Discuss future agenda items**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss future agenda items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

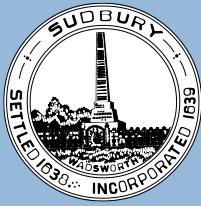
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**12: Minutes approval**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 2/28/17.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 2/28/17.

Background Information:  
attached draft

Financial impact expected:N/A

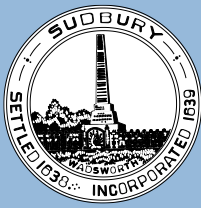
Approximate agenda time requested:

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

03/21/2017 6:45 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**  
**13: Cultural Council Appointments**

REQUESTOR SECTION

Date of request:

Requestor: Jeanne Maloney Cultural Council

Formal Title: Vote to appoint Martha Romanoff, 21 Pokonoket Avenue, and Claudia Brandon, 60 Balcom Road, to the Sudbury Cultural Council, for terms ending 10/30/20.

Recommendations/Suggested Motion/Vote: Vote to appoint Martha Romanoff, 21 Pokonoket Avenue, and Claudia Brandon, 60 Balcom Road, to the Sudbury Cultural Council, for terms ending 10/30/20.

Background Information:  
Attached applications

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

03/21/2017 6:45 PM

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

TOWN OF SUDBURY  
APPLICATION FOR APPOINTMENT TO Sudbury Cultural Council  
~~COUNCIL ON AGING~~ 2017 MAR -1 P 5:17

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

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

Name: MARTHA Romanoff  
Brief resume of background and experience:

Address: 21 Pokonoket Ave, Sudbury Home phone: (978) 443-8311  
Work phone: (617) 797-0323

Years lived in Sudbury: 37 E-Mail Address: martha.romanoff@gmail.com  
Municipal experience (If applicable):

NONE  
Educational background:

BA Tufts University

Employment and/or other pertinent experience: Although I have no formal training in the arts, I am a season ticket holder to theaters, visit open studios and museums and am interested in all forms of the arts.

Reason for your interest in serving: I feel it is time to give back to Sudbury, this is one way

Times when you would be available (days, evenings, weekends): I can do this. Flexible

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

MPR (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 as adopted by the Board of Selectmen 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 Martha P. Romanoff Date 2/28/17



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: Sudbury Cultural Council

Name: Claudia Brandon
Address: 60 Balcom Road Sudbury, MA
Home phone: 978-443-7804
Email Address: claudia.brandon@culturalbook.com
Work or Cell phone:

Years lived in Sudbury: 28

Brief resume of background and pertinent experience:

In my role as head of Programs for the Friends of the Goodnow Library, I've been responsible for the Sunday Afternoons at the Goodnow Cultural Series since 2009. I've enjoyed bringing artists, authors, musicians, and many other types of presentations and experiences to the Goodnow Library.

Municipal experience (if applicable):

Educational background:

I have a BS degree in Mathematics with a minor in Music, as well as a concentration in courses applicable to business.

Reason for your interest in serving:

I want to be supportive of individuals and organizations in town who are putting together cultural programs, activities, and events for our residents.

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

evenings

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

No

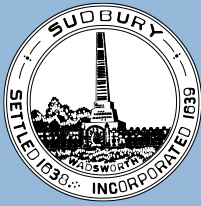
CLB (Initial here that you have read, understand and agree to the following statement)

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 Claudia L Brandon Date March 10, 2017





SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**14: Patriot's Day Parade 2017**

REQUESTOR SECTION

Date of request:

Requestor: Dana Rock, Sudbury Companies of Militia and Minute

Formal Title: Vote to Grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Wednesday, April 19, 2017, from 5:30 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

Recommendations/Suggested Motion/Vote: Vote to Grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Wednesday, April 19, 2017, from 5:30 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

Background Information:  
CONSENT CALENDAR

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

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

03/21/2017 6:45 PM



*Sudbury Companies of Militia and Minute  
Sudbury Massachusetts 01776*

March 6, 2017

Board of Selectmen  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

Members of the Board of Selectmen:

On behalf of the Sudbury Companies of Militia and Minute, I am writing you to request permission for us to host our annual parade to commemorate Patriot's Day. As has been the tradition, the Sudbury Companies of Militia and Minute will observe Patriot's Day on Wednesday, April 19, 2017 with our annual March from Sudbury Center to the Old North Bridge in Concord. Our campaign will be approximately 40-50 strong.

Our route will follow the same path as last year, starting from the Sudbury Town and following Concord, Pantry and Dakin Roads. We will stop at the Old Town Cemetery and North Cemetery. We have contacted the Sudbury Police Department and have requested a patrol car to escort us to the Concord town line.

You will find a copy of our itinerary including an approximate timetable. I will be in discreet possession of a mobile phone during the march should it become necessary to communicate with you. If you should have any questions or require additional information from me prior to April 19, you can reach me at (978) 758-9350(mobile) or [route@sudburyminutemen.org](mailto:route@sudburyminutemen.org) by mail at the address below.

Respectfully submitted,

Dana Rock  
Route Committee Member  
Sudbury Companies of Militia and Minute  
P.O. Box 187  
Sudbury, MA 01776

Attachment: Sudbury Companies Route of March for April 19, 2017



*Sudbury Companies of Minute and Militia  
Sudbury Massachusetts 01776*

**Route of March for Wednesday, April 19, 2017**

**East Sudbury Center (Wayland Center)**

3:45 am Assembly of Troops at the First Parish Church, Wayland  
 4:15 am Depart First Parish Church  
 4:20 am Grout-Heard House - Flag Raising & Salute  
 4:25 am Continue March North on Old Sudbury Road  
 5:05 am Olde East Company Training Field - Fire Salute  
 5:40 am Depart by carriage and coach to Sudbury Center

**Sudbury Center**

5:30 am Assembly of all participants for the March to Concord  
 6:15 am Begin March to Concord  
 6:20 am Olde Town Cemetery - Fire Salute  
 6:25 am Proceed along Concord Road to Pantry Road  
 7:00 am North Cemetery - Fire Salute  
 7:05 am Continue on Pantry Road towards Dakin Road  
 7:30 am Becomes Old Picard Road at Concord Line - Fire last Salute  
 8:00 am Concord Middle School - Refreshment stop  
 8:30 am Proceed on Old Marlboro Road, left onto Old Bridge Rd  
 9:00 am Left onto Main St, bare right onto Commonwealth Ave.  
 9:30 am Cross Route 2 at Rotary, continue onto Barrett's Mill Rd.  
 10:00 am Proceed to Honorable Col. Barrett's Home  
 10:30 am Depart Barrett's Home and continue on Barrett's Mill Rd.  
 11:00 am Arrive at North Bridge Visitor Center  
 11:30 am Ceremonies on North Bridge Honoring the Brave Souls of our Ancestors  
 12:00 noon Return to Wayside Inn for Flag Ceremony  
 12:30 pm Flag Changing Ceremony over Front Door of the Wayside Inn



# CERTIFICATE OF LIABILITY INSURANCE

DATE (Month/Day/Year) **14.a**  
 3/6/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MVGA Ins, Inc. DBA McWalter-Volunteer Insurance 81 Main Street  Maynard MA 01754	<b>CONTACT NAME:</b> Martha Soar <b>PHONE (A/C, No. Ext):</b> (978) 897-6200 <b>E-MAIL ADDRESS:</b> msoar@mcwaltervolunteer.com	<b>FAX (A/C, No):</b> (978) 897-6349
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Sudbury Companies of Militia & Minute, Inc. P.O. Box 187  Sudbury MA 01776	<b>INSURER A:</b> United States Liability Ins. Co	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** CL173627490 **REVISION NUMBER:**

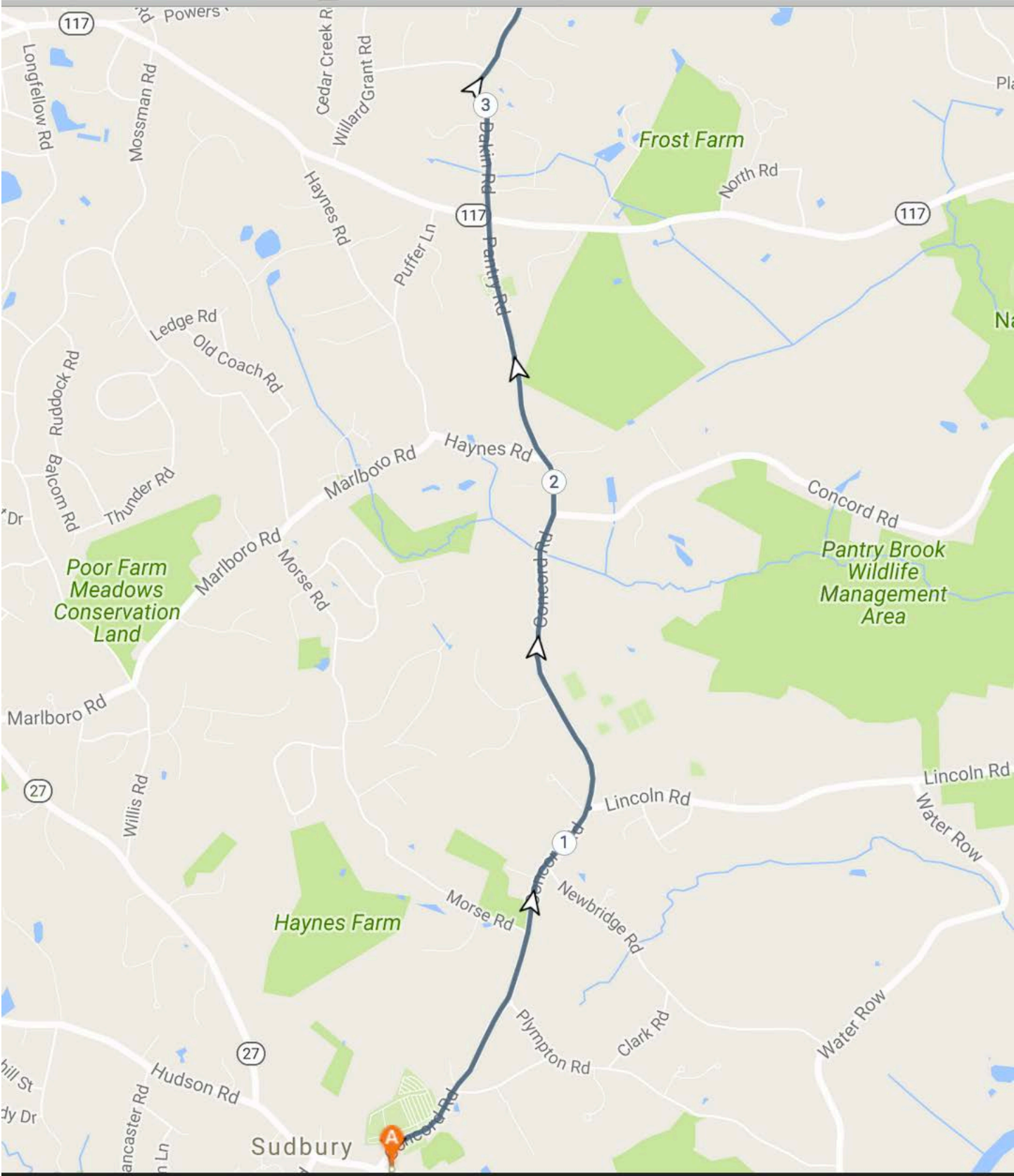
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		NPP1565194B	3/1/2017	3/1/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Each Occurrence \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
**Re: April 19th Parade**  
 Certificate Holder is listed as additional insured on the general liability to the extent required by written contract or written agreement, with respect to insured's involvement in the parade.

<b>CERTIFICATE HOLDER</b>  Town of Sudbury 278 Old Sudbury Road Sudbury, MA 01776	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Martha Soar/MJS <i>Martha J. Soar</i>
---	---

Attachment 14.a: 2017 Patriots Day Sudbury Board of Selectmen (2252 : Patriot's Day Parade 2017)



Attachment 14.a: 2017 Patriots Day Sudbury Board of Selectmen (2252 : Patriot's Day Parade 2017)

**Golden, Patricia**

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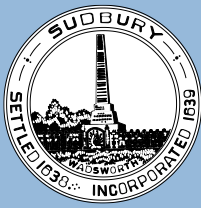
**From:** Nix, Scott  
**Sent:** Friday, March 10, 2017 10:25 AM  
**To:** Golden, Patricia  
**Subject:** Accepted: Patriots Day Parade

The police department does not have an issue with this event. They have abided by past requests to be respectful of resident.

**Respectfully,**

**Scott Nix**  
**Chief of Police**  
Sudbury Police Department  
75 Hudson Road  
Sudbury, MA 01776  
(978) 443-1042  
[nixs@sudbury.ma.us](mailto:nixs@sudbury.ma.us)

Attachment14.b: Patriots\_Day\_Police (2252 : Patriot's Day Parade 2017)



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**15: Park & Rec Donation to Scoreboard Trust Acct**

REQUESTOR SECTION

Date of request:

Requestor: Kayla McNamara, Director of Parks, Recreation & Aquatics

Formal Title: Vote to accept, on behalf of the Town, a \$144 donation from the DCL League Meet, to the Atkinson Pool Scoreboard Trust Account, 7168-000/598000, as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics.

Recommendations/Suggested Motion/Vote: Vote to accept, on behalf of the Town, a \$144 donation from the DCL League Meet, to the Atkinson Pool Scoreboard Trust Account, 7168-000/598000, as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics.

Background Information:  
Attached memo

Financial impact expected:

Approximate agenda time requested:

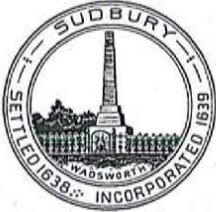
Representative(s) expected to attend meeting:

Review:

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

03/21/2017 6:45 PM





# Town of Sudbury

## Park & Recreation Department

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

McNamarak@sudbury.ma.us

### Memorandum

TO: Patty Golden  
FROM: Kayla McNamara  
RE: Donations  
DATE: February 15, 2017

To the Board of Selectmen:

Please accept the following donations from the DCL League Meet. This donation will be deposited in the Atkinson Pool Scoreboard Trust Account 7168-000/598000.

\$144 in cash was collected during the DCL meet in February.

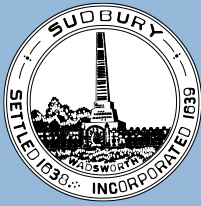
Please let me know when this donation is accepted.

Thank you,

Kayla McNamara  
Director of Parks, Recreation & Aquatics  
40 Fairbank Road  
Sudbury, MA 01776-1843  
978-639-3259

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2017 MAR -9 A 11:35





SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**16: Grant of Easement Meadow Walk - Village Retail Lot 1**

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Background Information:

See memorandum attached, dated March 17, 2017, relative to the storm water management system and Permit at the above referenced property.

Financial impact expected:

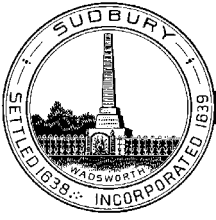
Approximate agenda time requested:

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

03/21/2017 6:45 PM



# Town of Sudbury

Planning and Community Development Department

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

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

TO: Board of Selectmen  
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development  
RE: Request for Acceptance of Easements for Meadow Walk Stormwater Management for March 21, 2017 BOS Meeting  
DATE: March 16, 2017

On December 14, 2016, the Planning Board issued Decisions to grant:

- BPR SUDBURY DEVELOPMENT LLC (Owner) a Stormwater Management Permit. The Permit included a condition stating the Owner is responsible for the perpetual maintenance of the storm water management system located on the property for "Village Retail at Meadow Walk Sudbury" upon that certain parcel of land with the improvements thereon on the northerly side of Boston Post Road, Town of Sudbury, Middlesex County, Massachusetts, being shown as Lot 2 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016 (the "Land").
- BPR DEVELOPMENT LLC (Owner) a Stormwater Management Permit. The Permit included a condition stating the Owner is responsible for the perpetual maintenance of the storm water management system located on the property for "Village Retail at Meadow Walk Sudbury" upon that certain parcel of land with the improvements thereon on the northerly side of Boston Post Road, Town of Sudbury, Middlesex County, Massachusetts, being shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016 (the "Land").
- SUDBURY SENIOR HOUSING LLC (Owner) a Stormwater Management Permit. The Permit included a condition stating the Owner is responsible for the perpetual maintenance of the storm water management system located on the property for "Bridges by Epoch at Sudbury" upon that certain parcel of land with the improvements thereon on the northerly side of Boston Post Road, Town of Sudbury, Middlesex County, Massachusetts, being shown as Lot 5 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016 (the "Land").

Furthermore, the Stormwater Management Permit Decisions stipulate:

A restrictive covenant requiring construction of the stormwater system in accordance with the Plan, and maintenance of the stormwater management system in accordance with the Operation and Maintenance Plan shall be recorded on the Premises. This covenant shall allow for the placement of municipal liens on the Premises if the owner fails to fully construct the system or fails to maintain the system and the Town needs to do so. The

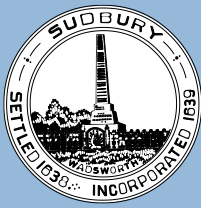
Applicant shall submit the covenant for review and approval of the Board or its representative prior to recording at the Middlesex South District Registry of Deeds.

As such, through the attached covenant, the Owners identified above agree to provide such perpetual maintenance of the stormwater system by imposing restrictive and protective covenants on the respective properties. In the event that the Owner fails to do so, an easement over the property is created to allow the Town, through its Department of Public Works, to perform such maintenance and charge and assess the Owner for the cost.

Town Counsel recommended revisions to the previous form used for stormwater management covenants when the Covenant was prepared for National Developments Grocery Store Project in October and November of 2016. They also suggested the Owner grant an easement to the Town to better protect the Town in the event it elects to remedy a failed stormwater system. The grant of easement provides the explicit right of the Town to enter upon private property to conduct inspections and to perform any required work. This document mimics the original one developed for the National Development Grocery Store project. Town Counsel is conducting a final review of the Covenant and Easement documents to be considered at the meeting on Tuesday.

I respectfully ask for the Board's acceptance of the easement.

Cc: Dan Nason, DPW Director



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**17: Grant of Easement Meadow Walk - Village Retail Lot 2**

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM” granted by BPR SUDBURY DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 2 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts”, prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM” granted by BPR SUDBURY DEVELOPMENT LLC, for stormwater system maintenance purposes upon the property shown as Lot 2 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts”, prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Background Information:

See memorandum attached, dated March 17, 2017, relative to the storm water management system and Permit at the above referenced property.

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

03/21/2017 6:45 PM

DECLARATION OF RESTRICTIVE  
COVENANTS AND GRANT OF EASEMENT  
REGARDING  
STORM WATER MANAGEMENT SYSTEM

This Declaration of Restrictive Covenants and Grant of Easement (this "Restriction") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2017 by BPR SUDBURY DEVELOPMENT LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, (the "Owner"), in favor of the Town of Sudbury (the "Town"), a Massachusetts municipal corporation, by and through its Board of Selectmen, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, Owner applied to the Sudbury Planning Board for approval of the development "Village Retail at Meadow Walk Sudbury" and related improvements (the "Project") upon that certain parcel of land with the improvements thereon on the northerly side of Boston Post Road, Town of Sudbury, Middlesex County, Massachusetts, being shown as Lot 2 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016 (the "Land"); and

Whereas, the storm water management system required to drain storm water relating to the Project is to be located on the Land; and

Whereas, the Sudbury Planning Board's decision to grant Owner that certain Stormwater Management Permit dated December 14, 2016 (the "Decision") is contingent upon the Owner being responsible for the perpetual maintenance of the storm water management system located on the Land, including, without limitation, catch basins, detention basins, pipes, drainage swales, recharge basins, basin outlets, sedimentation basins, spillways and other structures, facilities, and/or appurtenances related thereto (as the same may be altered from time to time, the "Storm Water System"); and

Whereas, the Owner agrees to provide such perpetual maintenance of the Storm Water System by imposing restrictive and protective covenants on the Land and by granting an easement over the Land and to allow the Town, by and through its Department of Public Works ("DPW"), having an address of 275 Old Lancaster Road, Sudbury, MA 01776, if Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants the following easement:

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Storm Water System located on the Land for the purpose of allowing for the proper and efficient flow of storm water as described in the Stormwater Operations and Maintenance Manual, Village Retail & Bridges by Epoch at Meadow Walk, Sudbury Massachusetts, prepared by VHB revised through November 2016, on file with the Town, as the same may be amended or renewed from

time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

2. The Owner hereby grants to the Town the non-exclusive, perpetual right and easement to enter the Land and any and all portions thereof for the purpose of inspecting the Storm Water System to determine compliance with the terms hereof, and to take any and all actions necessary or convenient to abate or remedy any violation hereof upon the terms and conditions set forth herein. Notwithstanding the above, the Town shall have no obligation to take any such actions.

3. In the event of a failure by the Owner to comply with the requirements of this Restriction resulting in the failure of the Storm Water System to function properly, the DPW shall have the right to deliver to the then Owner of the Land a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Storm Water System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the DPW shall impose such other, additional timeframe upon the Owner as is reasonable under the circumstances. In the event the remedy is not completed in a manner reasonably satisfactory to the DPW within said thirty (30) day period (or such other additional timeframe imposed by the DPW), or the Owner shall fail to commence such remedy within the applicable period, or thereafter fail to prosecute the completion of same with diligence and continuity, then the DPW may, but shall have no obligation to, enter upon the Land and remedy the failure described in its notice as set forth in Paragraph 4 below.

4. In connection with any such entry, the DPW shall use reasonable efforts (a) to give prior notice to Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the conduct of the business on the Land, or with access to the Land, except to the extent as may be reasonably required in order to prosecute such remedy. DPW shall promptly restore or replace any portion of the areas outside the Storm Water System disturbed in the exercise of its rights hereunder.

Prior to exercising any right to enter the Land under this Restriction, or, in the case of emergency, as soon as is practicable, DPW agrees to carry and keep in effect, at DPW's sole cost and expense, comprehensive general liability insurance covering the Land in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. DPW shall also cause any party performing work on the DPW's behalf on the Land and/or the Storm Water System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Land. Any insurance provided for above shall name Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

5. The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair,

maintenance or replacement of the Storm Water System (it being agreed that the Town has no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations, but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to Owner by the Town accompanied by reasonable evidence of such expenses, and, if not paid within the time allowed, the Town may recover its costs by means of a municipal lien and/or betterment assessments on the Property in accordance with G.L. Chapter 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, DPW shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the DPW's knowledge as of the date of the certificate whether any default has occurred under this Restriction by the Owner, and if there are known defaults, specifying the nature thereof. Notwithstanding anything contained herein to the contrary, the issuance of an estoppel certificate shall in no event subject the Town to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of the DPW to disclose correct and/or relevant information included in any such estoppel certificate, but the DPW shall be estopped from claiming or enforcing hereunder any then-existing default not set forth in such certificate, the same, if any, being waived upon the issuance of any such certificate.

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town.

8. This Restriction shall run with the land and shall bind and inure to the benefit of the owners of the Property and their respective successors and assigns.

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town in perpetuity. The Owner acknowledges that said covenants, as they are held by the Town, constitute perpetual restrictions held by a governmental body, as those terms are defined in G.L. c. 184, §26, and are thus not subject to G.L. c. 184, §§27-30, and, in any event, shall be enforceable for a term of at least 99 years.

10. The Owner, its successors and assigns, solely during the period of its and their respective ownership of the Land, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Storm Water System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

11. The Owner agrees to record this Restriction with the Middlesex South District Registry of Deeds within twenty (20) business days after the date hereof, but the failure to do so shall not affect the validity hereof. The Owner further agrees to provide the Town with a copy of the recorded Restriction within seven (7) business days after its recording.



12. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

13. The Owner agrees to obtain from any mortgagee having a mortgage on the Land as of the date hereof a subordination to this Restriction, stating that such mortgages shall be subject to this Restriction. Such subordinations shall be obtained and recorded promptly.

14. The recitals stated in the preamble of this Restriction are incorporated herein in their entirety.

[End of text. Signatures on next page.]



Executed under seal as of the day first above written.

BPR SUDBURY DEVELOPMENT LLC,  
a Delaware limited liability company

By: ND BPR Sudbury LLC, its Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Authorized Real Estate Signatory

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, 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 preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

ACCEPTANCE OF EASEMENT

On this \_\_\_ day of \_\_\_\_\_, 2017, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, hereby accepts the foregoing Grant of Easement.

TOWN OF SUDBURY,

By Its Board of Selectmen

\_\_\_\_\_  
Susan N. Iuliano, Chairman

\_\_\_\_\_  
Charles C. Woodard, Vice Chairman

\_\_\_\_\_  
Patricia Brown, Member

\_\_\_\_\_  
Robert C. Haarde, Member

\_\_\_\_\_  
Leonard A. Simon, Member

Attachment 17.a: Storm Water Management Declaration of Restrictive Covenants and Grant of Easement (Village Retail Lot 2) (2262 : Grant of

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, member(s) of the Sudbury Board of Selectmen, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose on behalf of the Town of Sudbury.

CONSENT TO DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM

The undersigned, being the holder of (a) that certain Mortgage and Security Agreement dated as of December 13, 2016, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 68592, Page 65 (the "Mortgage"), and (b) that certain Collateral Assignment of Leases and Rents dated as of December 13, 2016, and recorded with the Registry in Book 68592, Page 82 (the "Assignment"), hereby consents to the execution and recording of this Declaration of Restrictive Covenants and Grant of Easement Regarding Storm Water Management System (the "Declaration") and to the terms and conditions hereof and subordinates the above-referenced Mortgage and Assignment to the Declaration as if the Declaration were recorded prior to said Mortgage and Assignment.

CAMBRIDGE SAVINGS BANK

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

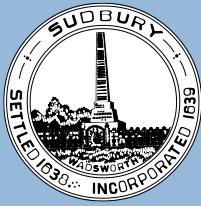
COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017, 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 purpose, as the \_\_\_\_\_ of said Cambridge Savings Bank.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Attachment 17.a: Storm Water Management Declaration of Restrictive Covenants and Grant of Easement (Village Retail Lot 2) (2262 : Grant of



SUDBURY BOARD OF SELECTMEN  
Tuesday, March 21, 2017

**CONSENT CALENDAR ITEM**

**18: Grant of Easement - Meadow Walk - Sudbury Senior Housing**

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by SUDBURY SENIOR HOUSING LLC, for stormwater system maintenance purposes upon the property shown as Lot 5 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by SUDBURY SENIOR HOUSING LLC, for stormwater system maintenance purposes upon the property shown as Lot 5 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 1005 of 2016.

Background Information:

See memorandum attached, dated March 17, 2017, relative to the storm water management system and Permit at the above referenced property.

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

03/21/2017 6:45 PM

DECLARATION OF RESTRICTIVE  
COVENANTS AND GRANT OF EASEMENT  
REGARDING  
STORM WATER MANAGEMENT SYSTEM

This Declaration of Restrictive Covenants and Grant of Easement (this "Restriction") is made as of this \_\_\_ day of \_\_\_\_\_, 2017 by SUDBURY SENIOR HOUSING LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, (the "Owner"), in favor of the Town of Sudbury (the "Town"), a Massachusetts municipal corporation, by and through its Board of Selectmen, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, Owner applied to the Sudbury Planning Board for approval of the development of an assisted living facility known as "Bridges by Epoch at Sudbury" and related improvements (the "Project") upon that certain parcel of land with the improvements thereon on the northerly side of Boston Post Road, Town of Sudbury, Middlesex County, Massachusetts, being shown as Lot 5 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016 and recorded with the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016 (the "Land"); and

Whereas, the storm water management system required to drain storm water relating to the Project is to be located on the Land; and

Whereas, the Sudbury Planning Board's decision to grant Owner that certain Stormwater Management Permit dated December 14, 2016 (the "Decision") is contingent upon the Owner being responsible for the perpetual maintenance of the storm water management system located on the Land, including, without limitation, catch basins, detention basins, pipes, drainage swales, recharge basins, basin outlets, sedimentation basins, spillways and other structures, facilities, and/or appurtenances related thereto (as the same may be altered from time to time, the "Storm Water System"); and

Whereas, the Owner agrees to provide such perpetual maintenance of the Storm Water System by imposing restrictive and protective covenants on the Land and by granting an easement over the Land and to allow the Town, by and through its Department of Public Works ("DPW"), having an address of 275 Old Lancaster Road, Sudbury, MA 01776, if Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants the following easement:

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Storm Water System located on the Land for the purpose of allowing for the proper and efficient flow of storm water as described in the Stormwater Operations and Maintenance Manual, Village Retail & Bridges by Epoch at Meadow Walk, Sudbury Massachusetts, prepared by VHB revised through November 2016. , on file with the Town, as the same may be amended or renewed from

time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

2. The Owner hereby grants to the Town the non-exclusive, perpetual right and easement to enter the Land and any and all portions thereof for the purpose of inspecting the Storm Water System to determine compliance with the terms hereof, and to take any and all actions necessary or convenient to abate or remedy any violation hereof upon the terms and conditions set forth herein. Notwithstanding the above, the Town shall have no obligation to take any such actions.

3. In the event of a failure by the Owner to comply with the requirements of this Restriction resulting in the failure of the Storm Water System to function properly, the DPW shall have the right to deliver to the then Owner of the Land a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Storm Water System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the DPW shall impose such other, additional timeframe upon the Owner as is reasonable under the circumstances. In the event the remedy is not completed in a manner reasonably satisfactory to the DPW within said thirty (30) day period (or such other additional timeframe imposed by the DPW), or the Owner shall fail to commence such remedy within the applicable period, or thereafter fail to prosecute the completion of same with diligence and continuity, then the DPW may, but shall have no obligation to, enter upon the Land and remedy the failure described in its notice as set forth in Paragraph 4 below.

4. In connection with any such entry, the DPW shall use reasonable efforts (a) to give prior notice to Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the conduct of the business on the Land, or with access to the Land, except to the extent as may be reasonably required in order to prosecute such remedy. DPW shall promptly restore or replace any portion of the areas outside the Storm Water System disturbed in the exercise of its rights hereunder.

Prior to exercising any right to enter the Land under this Restriction, or, in the case of emergency, as soon as is practicable, DPW agrees to carry and keep in effect, at DPW's sole cost and expense, comprehensive general liability insurance covering the Land in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. DPW shall also cause any party performing work on the DPW's behalf on the Land and/or the Storm Water System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Land. Any insurance provided for above shall name Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

5. The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair,

maintenance or replacement of the Storm Water System (it being agreed that the Town has no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations, but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to Owner by the Town accompanied by reasonable evidence of such expenses, and, if not paid within the time allowed, the Town may recover its costs by means of a municipal lien and/or betterment assessments on the Property in accordance with G.L. Chapter 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, DPW shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the DPW's knowledge as of the date of the certificate whether any default has occurred under this Restriction by the Owner, and if there are known defaults, specifying the nature thereof. Notwithstanding anything contained herein to the contrary, the issuance of an estoppel certificate shall in no event subject the Town to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of the DPW to disclose correct and/or relevant information included in any such estoppel certificate, but the DPW shall be estopped from claiming or enforcing hereunder any then-existing default not set forth in such certificate, the same, if any, being waived upon the issuance of any such certificate.

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town.

8. This Restriction shall run with the land and shall bind and inure to the benefit of the owners of the Property and their respective successors and assigns.

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town in perpetuity. The Owner acknowledges that said covenants, as they are held by the Town, constitute perpetual restrictions held by a governmental body, as those terms are defined in G.L. c. 184, §26, and are thus not subject to G.L. c. 184, §§27-30, and, in any event, shall be enforceable for a term of at least 99 years.

10. The Owner, its successors and assigns, solely during the period of its and their respective ownership of the Land, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Storm Water System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

11. The Owner agrees to record this Restriction with the Middlesex South District Registry of Deeds within twenty (20) business days after the date hereof, but the failure to do so shall not affect the validity hereof. The Owner further agrees to provide the Town with a copy of the recorded Restriction within seven (7) business days after its recording.



12. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

13. The Owner agrees to obtain from any mortgagee having a mortgage on the Land as of the date hereof a subordination to this Restriction, stating that such mortgages shall be subject to this Restriction. Such subordinations shall be obtained and recorded promptly.

14. The recitals stated in the preamble of this Restriction are incorporated herein in their entirety.

[End of text. Signatures on next page.]

Executed under seal as of the day first above written.

SUDBURY SENIOR HOUSING LLC,  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Authorized Real Estate Signatory

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, 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 preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

ACCEPTANCE OF EASEMENT

On this \_\_\_ day of \_\_\_\_\_, 2017, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, hereby accepts the foregoing Grant of Easement.

TOWN OF SUDBURY,

By Its Board of Selectmen

\_\_\_\_\_  
Susan N. Iuliano, Chairman

Charles C. Woodard, Vice Chairman

\_\_\_\_\_  
Patricia Brown, Member

\_\_\_\_\_  
Robert C. Haarde, Member

\_\_\_\_\_  
Leonard A. Simon, Member

Attachment18.a: Storm Water Management Declaration of Restrictive Covenants and Grant of... (2267 : Grant of Easement - Meadow Walk -

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, member(s) of the Sudbury Board of Selectmen, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose on behalf of the Town of Sudbury.

CONSENT TO DECLARATION OF COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM

The undersigned, being the holder of (a) that certain Mortgage and Security Agreement dated as of December 13, 2016, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 68592, Page 65 (the "Mortgage"), and (b) that certain Collateral Assignment of Leases and Rents dated as of December 13, 2016, and recorded with the Registry in Book 68592, Page 82 (the "Assignment"), hereby consents to the execution and recording of this Declaration of Covenants and Grant of Easement Regarding Storm Water Management System (the "Declaration") and to the terms and conditions hereof and subordinates the above-referenced Mortgage and Assignment to the Declaration as if the Declaration were recorded prior to said Mortgage and Assignment.

CAMBRIDGE SAVINGS BANK

By: \_\_\_\_\_
Name: \_\_\_\_\_
Title: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2017, 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 purpose, as the \_\_\_\_\_ of said Cambridge Savings Bank.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Attachment 18.a: Storm Water Management Declaration of Restrictive Covenants and Grant of... (2267 : Grant of Easement - Meadow Walk -