

IN BOARD OF SELECTMEN  
WEDNESDAY, MARCH 28, 2001

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien and John C. Drobinski, Selectmen.

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

**Proclamation**

Present: Stephenie K. Cook.

On behalf of the board, Chairman Roopenian presented Stephenie K. Cook with a Proclamation for outstanding service, acknowledging her work on the Sudbury School Committee in addition to serving on the Strategic Planning Committee and the Land Use Priorities Committee.

**Announcements**

Chairman Roopenian reported recent votes at the 2001 Annual Town Election. She stated the Dept. of Public Works garage was approved, while the Community Preservation Act (CPA) was defeated. She expressed disappointment in the latter, but attributed the loss to inadequate information for the citizens to assess. She expressed the Board's belief that the CPA is good for the Town, and that they will continue to educate and inform the public on its merits.

Chairman Roopenian reminded residents the 2001 Annual Town Meeting begins Monday, April 2, at the Lincoln-Sudbury Regional High School Auditorium.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of March 12, 2001, as drafted.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$85.90 in miscellaneous donations, to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

**Class 2 Second Hand Motor Vehicle License – George Gordon**

The Board reviewed the following information:

(1) Application to Buy, Sell, Exchange, or Assemble Second Hand Motor Vehicles or Parts Thereof, for George M. Gordon, 120 Concord Road, Wayland, MA 01778;

(2) Letter, dated March 17, 2001, from George M. Gordon stating he has never been in violation of the restriction of no more than two cars for sale, and stating further he uses the license to take cars to auction.

(3) Verbal report, dated March 20, 2001, from the Fire Chief stating the Fire Department has no problem with the Used Car License for George Gordon at 100 Boston Post Road;

(4) Verbal report, dated March 20, 2001, from the Police Chief, stating he sees no problems;

(5) Verbal report, dated March 20, 2001, from the Building Inspector stating he has no issues with this licensing and noting that the suit regarding pump signs relates only to William King and does not affect this license being issued to Mr. Gordon; and

(6) Notice of Decision from Board of Appeals, dated November 3, 1998, granting William King (applicant) and George Gordon (property owner) renewal of Special Permit 96-17 with the following provisions: no more than two (2) cars for resale be stored overnight, no more than twenty (20) cars being repaired can be stored overnight, the permit is non-transferable and will expire in three (3) years on October 27, 2001, and the Board [of Appeals] will consider renewal upon receipt of proper application on or before that date.

Selectman O'Brien expressed concern that the Notice of Decision, dated 1998, lists different individuals as property owner and applicant and now Mr. Gordon is the applicant, not the owner. He asked if permission is required by the Board of Appeals. He suggested conditioning the license renewal on input with that Board. He indicated he had been unable to reach them prior to tonight's meeting.

Selectman Drobinski noted the previously approved license is non-transferable and expires in three (3) years on October 27, 2001. He suggested the matter be held while Town Counsel determines if it is a legal transfer/renewal.

It was on motion unanimously

VOTED: To table this matter until the Board of Appeals and Town Counsel provide clarification.

#### **Sales Trailer Permit – The Green Company**

Present: Jon Flood, The Green Company.

The Board had previously granted a Sales Trailer Permit on August 28, 2000, which expired on March 1, 2001, and now reviewed a request from Mr. Jon Flood, The Green Company, to extend the permit for an additional six months. In a communication, dated March 14, 2001, Mr. Flood states the extension is necessary as the septic system in the model home now being used as the sales office is incomplete. Early cold weather in the fall delayed completion of the septic system. The existing trailer is being used only for its sanitary facilities. It was noted that the Town Engineer had no objection to the permit extension.

Mr. Flood stated they could not start construction of the septic system without final approval of DEP, which was not issued until late December, when it was too cold to begin excavation. He stated all materials are on hand, and they are now just waiting for the ground to thaw sufficiently to begin the work. He stated

further the sanitary facilities in the sales trailer are the only facilities on the site. All office and sales work is being conducted in the model home.

After discussion, it was on motion unanimously

VOTED: To extend the Temporary Sales Trailer Permit to August 1, 2001, for the property known as Springhouse Pond.

### **MetroPlan – MAPC**

The Board received a copy of the draft summary of MetroPlan from the Metropolitan Area Planning Council. A letter, dated March 15, 2001, from MAPC, asked for comments and suggestions regarding revisions and updates to MetroPlan.

The Board felt this document was more a report than presenting any sort of plan, and agreed to forward any specific comments to the Town Manager.

### **Oscos Drug – Site Plan Special Permit #SP01-358**

Present: Michael Radner, Geller Associates; Tom Phelps, Board of Appeals.

At 8 p.m. Chairman Roopenian reconvened a Public Hearing for continued consideration of Application SP01-0358 of Albertson's Inc., d/b/a Oscos Drug, for a Site Plan Special Permit in accordance with Town of Sudbury Bylaws Art. IX.V.A, to construct a two-lane drive-through pharmacy window with 20' x 19'8" canopy and loading space for delivery trucks on the west side of the building, as well as interior renovations, modification to the existing façade, new signage, the addition of handicapped ramp, crosswalk striping and landscaping on property located on 437 Boston Post Road, owned by Sudbury Crossing Associates Realty Trust, zoned Business District #6. This matter was heard on February 12 and 26, 2001 and March 12, 2001.

Mr. Michael Radner, Geller Associates, stated the final outstanding issue is Condition #22 of the Decision, specifically the walkway between Sudbury Farms and Oscos Drug. He indicated they have been unsuccessful in negotiating an agreement with the owners of Sudbury Farms in order to do the work.

Selectman Drobinski stated the as-built plans for the 1776 Plaza (Sudbury Farms) have not been submitted. He suggested removing the condition from the required conditions for Occupancy Permit.

After discussion, it was on motion unanimously

VOTED: To delete Condition #22 from the list of conditions contained in Condition #30 for Occupancy Permit. [The page of the Decision containing the above correction and signature spaces will be corrected and reprinted; the Board will sign it later.]

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

VOTED: To grant a Site Plan Special Permit to Albertson's, Inc., d/b/a Oscos Drug, in accordance with Application No. SP01-358, for property located at 437 Boston Post Road, Sudbury Crossing Plaza, owned by

Sudbury Crossing Associates Realty Trust, as shown on a plan entitled, "Osco Drug Store No. 53-AT, 423 Boston Post Road, Sudbury Crossing Shopping Center, Sudbury, Massachusetts", including cover sheet and eight plans: SP-1 (Existing Conditions Plan), SP-2 (Site Plan), SP-3 (Layout and Materials Plan), SP-4 (Grading and Drainage Plan), SP-5 (Planting Plan), SP-6 (Site Details), dated December 15, 2000, revised February 12, 2001, drawn by Geller Associates, Inc.; and A-1 (Floor Plan), and A-2 (Exterior Elevations), dated December 15, 2000, revised January 10, 2001, February 12, 2001 and February 26, 2001, drawn by Cubellis Associates, subject to compliance with all governmental laws and regulations including, but not limited to, Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Owner must comply with improvements to drainage system, including traps, catch basins, and periodic maintenance as required by the Director of Public Works/Town Engineer and Conservation Commission;
2. Placement of utilities underground;
3. No wells for drinking water to be installed on the site;
4. The grant of an Earth Removal Permit by the Earth Removal Board, if applicable;
5. Approval of signs or advertising devices as required under the applicable provisions of the Zoning Bylaw;
6. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
7. Final approval by the Selectmen of an accurate architectural rendering of the proposed changes;
8. Approval of the final landscaping plan by the Board of Selectmen; use of native plantings as recommended by the Conservation Commission is suggested;
9. Approval of a lighting plan by the Board of Selectmen; exterior lighting to have shields;
10. No use of salt or chemical de-icers on site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer, and/or Conservation Commission as appropriate:
  - (a) the disposal or removal of effluent and wastes generated on the site;
  - (b) the use of salt or chemical de-icers on the site;
  - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;

12. A Water Resource Protection District Special Permit;
13. Height of canopy to be approved by the Fire Chief;
14. Use of the drive-through window shall be confined to drop-off and pick-up of prescription drugs only. The hours of operation of the drive-through window shall be restricted to the hours the store is open;
15. Plans shall be amended to show the correct address of 437 Boston Post Road, and stamp of registered professional land surveyor and engineer;
16. The owner/applicant shall work with the Mass. Highway Department to install a pedestrian actuated phase for the traffic signal at Route 20 and Union Avenue, at the owner's expense;
17. The owner/applicant shall fund and construct a sidewalk, per consultation with the Town Engineer, the length of the entrance isle;
18. The arrows in the exit lanes for Sudbury Crossing shall be repainted (the westerly lane with left-turn arrows only, and the easterly lane with through and right-turn arrows);
19. The pavement lane to Sudbury Crossing shall be repaired and resurfaced by the owner;
20. Aisles shall have defined lanes and newly painted centerlines, stop lines and crosswalks repainted, and stop signs added;
21. In the pharmacy drive-through, a stop sign shall be placed on the northbound lane in the planted traffic island and a 12" wide stop line and the word "STOP" painted before the pedestrian crosswalk between Sudbury Farms and Osco Drug Store;
22. A walkway shall be constructed between Sudbury Farms and Osco Drug to clearly define this pedestrian area; subject to approval of the Town Engineer relative to drainage concerns, it shall be slightly raised to act as a mini-speed hump, and it shall be of contrasting material, but smooth enough for safe foot travel;
23. Trash containers blocking driveway isle east of Sudbury Crossing building shall be relocated closer to the building or removed by the owner;
24. The gas meters in the area of the drive-through window shall be protected by bollards from vehicular traffic, or removed or relocated to accommodate flow of vehicles; other location to be approved by the Inspector of Gas Fittings and the Fire Chief;
25. The applicant and owner shall work with the owners of the 1776 Plaza to require employees to park in the rear of that building;
26. The owner shall complete construction of the walkway between the Sudbury Crossing Plaza and Raymond Road, as agreed to previously;

27. The applicant and owner shall work with the Town Manager's task force and the owners of 1776 Plaza to design an improved traffic flow plan, and the applicant/owner shall implement the mutually agreed upon plan;
28. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
29. No building permit shall be issued until this Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above (7, 8, 9, 13, 15) as specified by the Board, are complied with;
30. No occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 6, 11, 12, 18, 20, 21, 24, 28) as specified by the Board, are complied with;
31. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

Appeals of the grant of the Special Permit, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of notice of this Special Permit in the office of the Town Clerk.

### **2001 Annual Town Meeting Matters**

The Board discussed Town Meeting matters including Town Meeting procedures, specific articles, strategies on presentations, questions for the Moderator, and reports received or anticipated.

### **Sudbury Cable Television Committee -- High-Speed Internet**

Present: Jeff Winston, Chairman, Sudbury Cable Television Committee.

The Board reviewed a communication, dated March 16, 2001, from the Cable Television Committee concerning notification by AT&T Broadband/Cablevision of a delay in provision of digital cable and high-speed internet access in Sudbury.

Mr. Jeff Winston, Chairman, Cable Television Committee, expressed his belief AT&T Broadband, new owners and operators of the Cablevision network, were not involved in many of the licensing negotiations that transpired earlier this year, and were therefore not aware of the high interest in digital cable and high-speed internet access by this community. He speculated business decisions were made without giving enough attention to priorities in place before the buyout.

Mr. Winston asked the Board to write a letter to Mr. David Grain, Vice-President for Northeast Region, AT&T Broadband, who had been present at the Maynard meetings last July. Mr. Winston reported Mr. Grain had indicated at that time these services would be delivered as soon as possible.

Town Manager Valente stated that the provisions were not in the contract itself but were part of the discussions that led to the approvals, so a "strongly worded" letter would be in order. Mr. Winston stated he had helpful input from Peter Epstein, special counsel to the Cable Television Committee, and suggested the Board contact him [Mr. Epstein] if necessary. Mr. Winston agreed these services were not specifically

included, but “promised”, and the Committee took the word of Cablevision on good faith. He suggested further the Board emphasize that the license is in effect for ten years and that it would be in AT&T Broadband’s best interests to develop a good relationship with the Town. Selectman Drobinski suggested a copy of the letter be sent to the Mass. Dept. of Telecommunications and Energy.

Ms. Valente distributed copies of a handout Mr. Winston has prepared for pickup at Town Meeting.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to draft a letter, as discussed, for the Board's review and subsequent signatures.

On another issue, Mr. Winston stated the Committee has been working to improve the quality of broadcast from Lower Town Hall, and stated further the list of necessary materials and equipment has been determined. The equipment will be funded by AT&T Broadband, as set forth in the contract; however, they cannot fund permanent building changes. These changes have been estimated at \$2,300. Mr. Winston stated the Cable Television Committee will contribute \$1,000 from their budget. If the remaining funds are obtained, the work can be completed before August 1, 2001. The Board asked for time to consider the request as their attention is currently turned toward Town Meeting issues.

Chairman Roopenian thanked Mr. Winston and the Cable Television Committee for all their hard work on the many issues facing them. Mr. Winston stated that AT&T Broadband has delivered many of the other promised services and stated he did not want the Board to believe all promises had been ignored.

#### **Resignation – Historic Districts Commission**

It was on motion unanimously

VOTED: To accept the resignation, dated March 19, 2001, of Mr. Louis Hough, from the Historic Districts Commission, and to send a letter of appreciation to Mr. Hough for his years of service to the Town.

#### **Earth Day Proclamation**

It was on motion unanimously

VOTED: To sign a Proclamation declaring April 29 to May 5, 2001 as Sudbury Earth Week and to designate Saturday, May 5, 2001 as Spring Cleanup Day in the Town of Sudbury.

#### **Letters from Middle School Students**

Town Manager Valente stated letters from middle school students have arrived at her office and asked the Board if they were interested in answering some of them. The Board asked Ms. Valente to answer them but forward copies of the letters and responses to them.

#### **Traffic Light at Nobscot Road**

Town Manager Valente stated the contractor for the traffic light has been selected and the project/contract awarded. She distributed copies of the news article from the *Town Crier*.

**Vidbel's Olde Tyme Circus**

Town Manager Valente stated she has been contacted by the school group in charge of the annual event, and reported there would be no large animals compacting the soil. She indicated there should be no budget concerns regarding unexpected costs and will keep the Board informed.

**Adopt-a-Hydrant**

Town Manager Valente stated many of the hydrants have been literally buried by snow, especially on cul-de-sacs where the hydrants are in locations where the snowplows tend to pile the snow. Residents have a difficult time getting through these large mountains of snow. She asked the Board for their input in contacting the Water District regarding relocating some of the hydrants. She opined many hydrants may be in need of repairs, which could be accomplished at the same time as they were relocated. Discussion followed.

It was agreed that the Town Manager would contact the Water District to discuss the matter.

**Flynn Building Elevator**

Town Manager Valente distributed copies of the proposed floor plan featuring the elevator to be installed in the Flynn Building.

**LSRHS**

Town Manager Valente reported she and Selectmen Roopenian and O'Brien met with the architect for the LSRHS School Project. She reported that progress was made identifying the information the architect needs for SBAB application as well as obtaining agreement that the architects would be prepared for Site Plan Review in June or July.

**Town Web Site**

Town Manager Valente stated the Town Web Site now features the proposed DPW facility, election results, Town Meeting Warrant, New Valuations, and other things.

**Marrone Comprehensive Permit**

Selectman O'Brien asked how the new Chapter 40B regulations might relate to the Marrone Comprehensive Permit. He also asked the Town Manager to check on forwarding a copy to Attorney David Wallace and Applicant Alan Marrone.

There being no further business, the meeting was adjourned at 9:45 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk