

IN BOARD OF SELECTMEN
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 19, 2001

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

The statutory requirement for notice having been met, the meeting was convened at 8:30 p.m. at the Goodnow Public Library.

Opening Remarks

With respect to the tragic events of September 11, 2001, Chairman Drobinski emphasized the Board will not tolerate for hate crimes or violation of people's civil, religious or ethnic rights in Town of Sudbury, and stated the full support of Town government and the Police Department in keeping Sudbury safe for all.

Notice of Intent to Sell – Gordon and Jill Prichett – 80 Goodnow Road

Present: Gordon D. and Jill P. Prichett, Jack Dawley, Northland Residential Corporation

At 8:35 p.m. Chairman Drobinski reconvened a Public Hearing for the purpose of continued consideration of a Notice of Intent, dated and postmarked May 31, 2001, received June 4, 2001, from Gordon Prichett and Jill Prichett. This matter was previously heard on July 23, September 4 and 10, 2001. The 120-day decision period expires on September 28, 2001.

The Board was in receipt of the following new information:

1. Commitment Letter, dated September 17, 2001, from Northland Residential Corporation, drafted as a result of meetings held with the Conservation Commission, and Town Planner.
2. Memo, dated September 18, 2001, from the Town Planner on behalf of the Planning Board with the following comments: (1) final commitment letter includes all the Planning Board recommendations, including a limit on the number of new homes to utilize Goodnow Road as their access (7 new and 3 existing for total of 10); creation of a pedestrian trail linking Camperdown Lane and Goodnow Road; Planning Board review of all proposed road improvements to Goodnow Road; and the bond for road improvements to be administered through the Planning Board; (2) missing from the commitment letter is a requirement to submit a plan showing the proposed improvements to Goodnow Road, and a requirement that the Goodnow Road turnabout be constructed with a radius of approximately 40 feet in width at its terminus; and (3) the Planning Board has not had the opportunity to review the Conservation Restriction and Restrictive Covenant and would like to do so as they progress to final form.
3. Report, dated September 19, 2001, from Deborah Dineen, Conservation Coordinator, recommending the Town not exercise its option to purchase this property and advising the placement of a Conservation Restriction, Agricultural Restriction or Deed Restriction. Related issues, such as drainage design and roadway improvements will be addressed during the formal permitting process.
4. Draft Notice of Conditions to Purchase, dated September 19, 2001, between the Prichetts, the Town of Sudbury, and Northland Residential Corporation.

Town Manager Valente briefly updated everyone on the latest developments and documents received. She stated a signed copy of the commitment letter has been submitted. She distributed copies of

the Notice of Conditions for all parties to review. She opined the commitment letter would not be considered part of the vote, but that the Notice of Conditions to Purchase would be as it contains signatures of all parties.

Jack Dawley, Northland Residential Corporation, stated he had not been involved in discussions of what type of instrument would be used as a recordable document. Both he and the Prichetts indicated they need some time to review the Notice of Conditions and sign it in the next few days. He considered it something of a "housekeeping" task.

Gordon Prichett expressed concern for the bureaucracy of registering documents and the possible impacts to timing and the deadline.

Ms. Valente stated she and Town Counsel felt it important that a recordable document noting agreements involving the agreement with the Town be developed.

Deborah Dineen, Conservation Coordinator, stated the Conservation Restriction will need to be amended to determine specific restrictions. She pointed out various areas on the map, noting those to be placed under Deed Restriction and Agricultural Restriction. She stated the Agricultural Restriction must be accepted by the State and is in perpetuity. The Deed Restriction is for 30 years and has to be re-recorded every 20 years. The area under Conservation Restriction allows the flexibility to allow agricultural uses, such as hay meadow and grazing.

It was agreed that the signed Commitment Letter demonstrates "good faith" on the part of the Prichetts and Northland Residential Corporation, and the conditions within the Notice of Conditions can be further revised to the mutual satisfaction of the Town and NRC.

Selectmen O'Brien and Roopenian suggested "wordsmithing" in the Notice of Conditions with regard to road access and total number of sites, noting it reads awkwardly.

Selectman Roopenian complimented the Prichetts for being such good stewards of the land and noted that, while it would have been nice for the Town to buy it, this development is a good solution.

After discussion, it was on motion unanimously

VOTED: To execute a document specifying that the Town does not wish to exercise its right of first refusal relative to the Notice of Intent, dated and postmarked May 31, 2001, received June 4, 2001, from Gordon D. Prichett and Jill P. Prichett, to sell to Northland Residential Corporation or its nominee the land with buildings and other improvements thereon, located at 80 Goodnow Road, Sudbury, containing approximately 68.55 acres, shown on undated plan entitled, "BASE MAP Goodnow Farm, Goodnow Road, Sudbury, Massachusetts", prepared by Matlock Associates, Lincoln, MA and on Town Property Maps as Parcels MF07-500, G07-500, F07-600, and G07-100 currently assessed under Chapter 61 and 61A, in consideration of the agreements made with the seller and buyer to be recorded at the Middlesex South Registry of Deeds as a condition of the Town's waiver of its right of first refusal; and referencing the commitment letter, dated September 17, 2001, from Northland Residential Corporation.

Mr. Dawley stated there may be a need to approach this project with two different real estate closings and approval times, noting possible delays in the permitting process. He expressed concern that another 120-day approval period might be triggered. Chairman Drobinski stated that, as long as the Town is treated the way the commitment letter intends, there should be no problem.

Ballot Question – Special Town Election

Town Manager Valente stated there needs to be another vote regarding the ballot question on the proposed high school funding question. She felt it prudent to specify this funding was in addition to the already approved funding, and not a new school for 3.9 million dollars.

As a result of further advice from the Regional District’s High School Bond Counsel and Town Counsel, it was on motion unanimously

VOTED: To approve amended wording of the ballot question for the November 5, 2001 Special Town Election voted by the Board on September 10, 2001, to read as follows or as further approved by Town Counsel if changes are necessary:

Shall the town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for its apportioned share of the bond issued by the Lincoln-Sudbury Regional School District in order to finance additional costs of construction and equipping a new District High School, which may incorporate a portion of the existing District High School, including the financing of all other costs incidental and related thereto?

YES _____ NO _____

Community Preservation Act

Town Manager Valente suggested all discussions on the Community Preservation Act be postponed until after the Special Town Meeting so that the high school matter would not be jeopardized.

Star Market

Selectman Roopenian stated a resident notified her of difficulty negotiating an entrance area in front of Star Market due to flower pots being too close to the walkway. This individual noted a person in a wheelchair has trouble getting up and down the ramp due to the proximity of these pots. Ms. Roopenian stated she said the Board has little jurisdiction in this matter, but noted she [Roopenian] spoke to the Building Inspector and Town Planner.

Selectman O’Brien stated he also had a message from this individual, and noted he spoke with a Star Market representative who indicated the ramps would be cleared to allow easier passage.

There being no further business, the meeting adjourned at 9:25 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk