

SUDBURY BOARD OF SELECTMEN

EXECUTIVE SESSION

TUESDAY, AUGUST 6, 2019

POLICE STATION CONFERENCE ROOM, 75 HUDSON ROAD

Present: Chairman Daniel E. Carty, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Town Manager Melissa Rodrigues, Assistant Town Manager Maryanne Bilodeau, Town Counsel Lee Smith, Town Counsel Jonathan Silverstein, Planning and Community Development Director Adam Duchesneau, and Planning Board Chairman Steve Garvin (via telephone).

The statutory requirement as to notice having been complied with, the meeting was convened at 5:30 p.m. at Police Station Conference Room.

Vote to immediately enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (Camp Sewataro and Stone Farm) pursuant to General Laws chapter 30A, 21(a)(6).

It was on motion unanimously

Carty-aye, Dretler-aye, Schineller-aye, and Roberts-aye.

VOTED: To immediately enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (Camp Sewataro and Stone Farm) pursuant to General Laws chapter 30A, 21(a)(6).

Camp Sewataro

Attorney Smith referred to Map 2170W as recorded in Land Court. He stated that Greystone Lane is a right of way, a paper street to Liberty Ledge.

Mr. Garvin stated that owner Mark Taylor thought that he did not have a right of way and Mr. Taylor does have access to his home. He added that the Taylors are seeking relief rather than requesting a 20 foot easement.

Attorney Smith explained that things have changed since the last meeting and consultation with Steve Garvin and the Town by right permits seller to apply for construction of driveway and purchase price goes back to original dollar amount.

Selectman Schineller reiterated that an easement is not required and there is legal frontage and the owner must construct drive before land conveys the property to the Town.

Town Manager Rodrigues added that the Taylors are seeking approval from the Planning Board for three building lots for three-single family homes. She congratulated Attorney Smith and Mr. Garvin in resolving the situation.

Selectman Roberts asked Mr. Garvin if he has concerns. Mr. Garvin responded that a fully engineered plan, Fire Department approval, and official sign-off are required.

Selectman Dretler asked about the installation of a fire hydrant. Town Manager Rodrigues responded that the hydrant is proposed. Mr. Garvin added that extension of waterline is Mr. Taylor's expense.

Selectman Roberts asked about additional easements. Attorney Smith replied that the Planning Board is requesting a safety easement for lot #227. Selectman Schineller commented "the music house" is located within lot #227.

Selectman Roberts inquired about the maintenance aspect. Town Manager Rodrigues detailed the Sewataro RFP specifies that the "operator" is responsible for maintenance of the Camp property. Attorney Smith mentioned that Mr. Taylor has agreed to plow most of the other areas and address pot-holes, etc.

Selectman Dretler inquired regarding campers' pick-up/drop-off area. Selectman Schineller requested that language for maintenance and safety be included in the contract in perpetuity. Attorney Smith stated that he has completed the draft Sewataro P&S for review. Town Manager Rodrigues recognized the importance of Board approval of the P&S in order to meet the October closing date. She stated that Finance Director Dennis Keohane needs a signed P&S in order to complete the essential bond work.

Selectman Schineller asked if the seller is being cooperative. Attorney Smith stated that he is and was happy that a resolution was achieved.

Selectman Dretler asked if any other part of the Sewataro deal has changed. Town Manager Rodrigues responded not.

Selectman Roberts asked about a timeline for the camp operator. Town Manager Rodrigues responded that the operator selection and signing of contract should take place in two weeks.

Selectman Dretler asked if the Taylors have notified their tenants (including tenants on Haynes Road). Town Manager Rodrigues responded that she did not know. Selectman Dretler confirmed that the tenants would be gone before closing date. Attorney Smith confirmed that the tenants would be out before closing date and the shed would also be removed before closing.

Stone Farm

Attorney Silverstein detailed a settlement proposal which demonstrated that the owner would abide by all conditions per Zoning Board of Appeals if the Board of Selectmen agree to drop the constructive approval litigation. He noted that there was a very good chance that the Town would not win the constructive approval case. He outlined the two possible results if litigation continues: One being that the Town wins the constructive approval litigation case which translates to no historic building/s preservation, and the likelihood of single-family construction. The second result being that the owner maintains constructive approval and can build what they initially applied for and do not have to reduce size, or maintain the historic tavern.

Selectman Dretler inquired about impact on APR land and the possibility that the land could be lost. She added that the Town would not have access to that land, nor be able to see it from Route 20.

Mr. Duchesneau stated that the best and highest use of the 57-acre back parcel of farmland would be a greenhouse, such as those at Cavicchio Greenhouse.

Attorney Silverstein noted that there is substantial court support that constructive approval could be overturned. He mentioned the demolition delay process of six months.

Chairman Carty provided detail regarding the historic preservation aspect at the property.

Selectman Schineller queried regarding the timbers in the barn. Town Manager Rodrigues replied that the timbers are going to Orchard Hill.

Selectman Dretler asked about Town purchase of the APR portion of the Stone property. Attorney Silverstein replied that the Town might decide to buy all or some of it.

Selectman Roberts commented that the owner does not meet hardship requirements because it was never attempted to be put on the market as a single-family development. Attorney Silverstein noted that the real estate agent asserted that the property was more desirable as a commercial piece.

Selectman Roberts stated that she was struggling with the decision because she did want some preservation but did not want a commercial storage facility.

Chairman Carty stated that he wanted a stop to big development, but was unsure about this situation.

Selectman Schineller asked about tax implications and revenue. Town Manager Rodrigues responded with a figure of \$30,000 per year and a six-figure amount.

Attorney Silverstein commented that the storage site would not require significant Town services.

Selectman Schineller queried about the view of a storage building from the street and its potential height implications. Attorney Silverstein mentioned that the Planning Board could help control that aspect.

Selectman Schineller inquired about the amount of Town struggle with the Meadow Walk development. Town Manager Rodrigues responded that there was much struggle. Selectman Schineller commented that this project would probably create less of a struggle. Selectman Roberts added that the commercial use for the property could be more substantial than a storage facility.

Selectman Dretler commented that she is concerned about what could be stored on the building with 600 units.

Attorney Silverstein commented that this project is better than Sudbury Station and the Board has good arguments but the project has already been granted approval.

A discussion took place regarding affordable housing status in the Town.

Town Manager Rodrigues stated that the Board could wait to vote until there was a full Board with Vice-Chairman Brown in two weeks. Selectman Roberts commented that this would allow time to get a recommendation from the Planning Board.

Town Manager Rodrigues stated that she would schedule an Executive Session joint meeting with the Planning Board.

Attorney Silverstein suggested that the Board consider concessions, counter offer idea and relate those counter offers to himself, Town Manager Rodrigues and Adam Duchesneau.

At 7:00 p.m., Selectman Schineller moved to close Executive Session and resume Open Session. Selectman Roberts seconded the motion.

It was on motion unanimously, Carty-aye, Dretler-aye, Roberts-aye and Schineller-aye.

VOTED: To close Executive Session and resume Open Session.