

IN BOARD OF SELECTMEN  
TUESDAY, JULY 27, 2004

Present: Chairman John C. Drobinski, Selectmen Lawrence W. O'Brien and William J. Keller, Jr.

The statutory requirement as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Drobinski announced that the Selectmen's Meeting scheduled for August 17 has been changed to Tuesday, August 10, 2004.

**Sudbury Historical Commission – Appointment**

Present: James Hodder, 136 Hudson Road.

Town Manager Valente reported she had interviewed Mr. James Hodder for the vacancy on the Sudbury Historical Commission, and found him to be very qualified due to prior experience on the Conservation Commission, long residency in Town, and a strong willingness to serve. She added that the Sudbury Historical Commission recommended his appointment.

Mr. Hodder stated he has lived in town for 62 years and decided it was time to give back to the community. He stated he has enjoyed prior experience in Town government and looks forward to it again. Among other favorable comments, the Board felt Mr. Hodder has a unique perspective on Sudbury, due to his long residency and witnessing many changes over time. The Selectmen thanked Mr. Hodder for his interest in serving and enthusiastically welcomed him to the Historical Commission.

It was on motion unanimously

VOTED: To approve the appointment by the Town Manager of W. James Hodder, 136 Hudson Road, to the Sudbury Historical Commission for a term to expire on April 30, 2007, filling the vacancy occasioned by the relocation of Michael Rubin.

**Lyons-Cutler Reservation Access and Wright Road Cul-de-sac**

Present: Laura Mattei, Sudbury Valley Trustees; Dennis Mannone, Park and Recreation Director; various Wright Road residents.

The Board reviewed the following information:

- (1) Staff report, dated July 1, 2004, from the Conservation Coordinator, DPW Director, Park and Recreation Director, Police Chief, and Administrative Assistant to the Selectmen, attached hereto and made a part of this record.
- 2) Letter, dated July 27, 2004, from Annie Morris, 101 Raymond Road, expressing concern that the proposed parking area would be adjacent to her driveway and front yard. She objected to the parking lot because a) there is a viable parking option at Feeley Field, so the new parking area would be an unnecessary taxpayer expense; b) the lot would create unnecessary wetland disruption; and c) she plans to use the front yard as play area for her child and future family, as the back yard is very wet, and expressed concerns about

traffic, unknown persons, and unleashed dogs. She asked for the opportunity to perform an independent survey of the land to determine exact boundaries and to consult a lawyer.

3) Letter, dated July 24, 2004, from Thomas D. Roose and Joanne Thompson, 45 Rambling Road, objecting to the petition to prohibit parking on Wright Road for the following reasons: a) As volunteer stewards for the Sudbury Valley Trustees for the Lyons-Cutler property, they sometimes must bring tools onto the trail to trim overgrowth and cut fallen logs. Prohibiting parking would force them to carry tools several blocks. b) As residents of the neighborhood, a parking ban would severely limit their ability to use and enjoy the property, especially if they have to carry cross country ski equipment several blocks. c) They object to the establishment of no-parking zones in town based on the desire to keep people from using a public area, because all citizens should have the right to park anywhere in town [legally] unless there are safety issues, which there are not in this instance.

In updating the Board on events thus far, Town Manager Valente stated Sudbury Valley Trustees has petitioned for alternate access to the Lyons-Cutler Reservation after Wright Road residents petitioned against the use of that road for access. She stated she asked staff for input which can be found in their report of July 1, 2004, summarizing their views on this matter. Ms. Valente stated Wright Road residents were invited to tonight's meeting.

Ms. SantaJean DeSantis, 25 Wright Road, and Jon Ehrmann, 37 Wright Road, stepped forward to represent the neighborhood group. Ms. DeSantis stated she had read the reports from Town staff, including the one describing drainage issues on the Wright Road cul-de-sac. She stated they are in support of the Sudbury Valley Trustees in its search for alternate access and also of not using Wright Road. She clarified the main concern is not the vehicles of trail users, but, rather, that of commercial vehicles who take their lunch breaks there, and "lovers lane" visitors who use the street at all hours of the night. Ms. DeSantis suggested a temporary "no parking" ban while the drainage and wetlands issues are being resolved, and then revisit the matter at a future time.

Responding to a question from Selectman Keller, Ms. DeSantis opined the trails were created over time by the residents of the neighborhood. Selectman Keller stated he lives off Saxony Drive, where a secondary access to SVT land is located, and noted that there has never been a problem with trail users parking there. Ms. DeSantis stated a couple of events on the Lyons-Cutler property in the past year attracted many cars.

Chairman Drobinski stated there are a number of areas in town where illegal drinking and other nighttime activities take place. While there is an ongoing effort to eliminate such uses, the police simply cannot be everywhere every night. Ms. DeSantis acknowledged increased police presence in recent months.

Mr. Ehrmann expressed concern for unknown vehicles parking in close proximity to his property. He suggested trail users or SVT event attendees perhaps put a note on their cars to eliminate question and ease residents' concerns.

Selectman O'Brien stated other cul-de-sacs in town provide access points for various conservation or SVT land in town, and parking is allowed on those streets without major incident. He stressed that neither the Police Department nor Fire Department noted any safety issues with Wright Road that would necessitate a No Parking designation. He stated further the driver or the occasional utility or delivery truck could be asked to move the vehicle into a driveway if parking on the street presents a problem.

Ms. Laura Mattei, Sudbury Valley Trustees Director of Stewardship, stated the Gray Reservation is one of the most popular parcels in town, and few vehicles can be found in its parking lot on Hudson Road at any given time. She stated the events referred to on Wright Road included a Scout project and another outing within the past year that attracted increased attendance. Responding to a question from Selectman O'Brien, she stated people can also park at the Loring School and walk from there to the Lyons-Cutler property. She acknowledged that access is extremely wet at various times of year, but it is accessible to pedestrians. Ideally, SVT would like good sized signage but the residents complained, and now small signs are in use to mark the trail head.

Chairman Drobinski stated the Board's position is to treat all streets in town the same and not single any one street out where no safety issues occur.

Ms. DeSantis stated the Gray Reservation has its own parking lot and is close to a main road, so it is not the same situation. She stated further a tragedy occurred on the Lyons-Cutler property a few years ago.

Selectman O'Brien opined there to be nothing unusual about this cul-de-sac, noting he had driven there to see it several times. He noted some of the curbed area is not even in front of homes.

Mr. Ehrmann responded that generally a parked vehicle in front of a home has business in that home, either a visitor or a repair person, and it is the unknown cars that pose a concern.

Mr. Anthony Thompson, 34 Alta Road, stated there are two very large public parking areas within easy walking distance from the Lyons-Cutler Reservation.

Selectman O'Brien asked how a person learns about the Lyons-Cutler Reservation and its attributes. Ms. Mattei responded it is presently not featured on the SVT website until things are resolved, but ultimately it would be featured there. Maps are also available at the SVT office on Wolbach Road. There are three points of access, though one is very wet most of the time. She noted the trail easement on Cutler Road states they cannot advertise access through the easement other than pedestrian. Mr. O'Brien asked, for example, if the secondary access on Saxony Drive for the Gray Reservation is publicized, or if only primary access is advertised. She responded all points of access are shown on maps.

Ms. Mattei stated the Raymond Road access efforts came out of discussions with residents who expressed concern about Wright Road. She stated the Town already owns the land, but noted the Conservation Coordinator was concerned about major alterations as vernal pools exist nearby.

Dennis Mannone, Director, Park and Recreation, stated the site is very wet, making long-term trail maintenance difficult and costly, and pedestrians would have to cross Town land before reaching the trail. He noted parking at Feeley Field is nearby though it is a short walk down Raymond Road.

Ms. Mattei confirmed that all available parking for various sites would be mentioned on the website, once this issue is resolved.

Ms. DeSantis reiterated the neighborhood has no issues with people accessing the trail from Wright Road, just parking there. Selectman Keller reiterated that parking near his Saxony Drive home has never been a problem. Ms. Mattei clarified that parking on Saxony Drive is not publicized as such. Mr. Keller opined it is a matter of residents knowing they may legally park on any public road during the daytime hours.

Town Manager Valente stated the drainage situation on the Wright Road cul-de-sac must be brought up to current standards, and that it is a DPW goal to continue with this work. She opined SVT might be asked to donate funds toward the work if access to its land was developed on that site.

Selectman O'Brien suggested using existing parking at Feeley Field, and then using the Raymond Road access point without developing a parking area there. He expressed the opinion that a parking ban on Wright Road was unnecessary. He also suggested SVT involvement in paying for some of the work on the creation of access through recreation property could be worked into a long-term agreement to spread out the financial impact. He asked for input on the feasibility of his suggestions.

Mr. Mannone stated the area for creation of a trail from Raymond Road is pretty wet, requiring bridges over vernal pools, and during certain times of the year, the trail would be inaccessible. The Conservation Commission would need to grant approvals for any work done in the area regarding a trail through wetlands.

Ms. Deborah Ehrmann, 37 Wright Road, stated the Conservation Commission was the entity who worked with SVT to develop the plan on the Raymond Road access. Ms. Mattei stated there is an existing trail that would require substantial work. She stated SVT volunteers could help to maintain the trail.

It was on motion unanimously

VOTED: To not consider a parking ban for the Wright Road cul-de-sac at this time.

After discussion, it was agreed that Town Conservation and Recreation Departments and SVT shall get together to determine feasibility of the Raymond Road access, with no new parking areas created, parking at Feeley Field utilized, and construction of a trail from the Feeley Field parking lot to the Lyons-Cutler Reservation researched and reported back to the Board.

#### **Site Plan SP04-375 – St. Elizabeth's Church**

Present: Representatives from the Church Building Committee; Jody Kablack, Town Planner.

At 8:20 p.m. Chairman Drobinski reconvened a Public Hearing to further consider Site Plan Application SP04-375 of St. Elizabeth's Church and approval of a draft Decision, for partial demolition and construction of a new administrative addition, regrading and revised driveway and parking lots, on property located at One Morse Road, owned by said Church, partially within the Old Sudbury Historic District and zoned Residential C-2.

Ms. Jody Kablack, Town Planner, stated she spoke with the applicant's engineer and architect regarding the Draft Decision. She reviewed the following recommended changes with the Board: The first change is on **page 4**, next to last paragraph regarding exterior lighting – Mr. Barton would like to add the following sentence: **When evening events are concluded, lights can be turned off with a manual switch or the lights can be operated via a timer.**

Regarding Condition 7 on page 8, Ms. Kablack stated she would like the third sentence to read, "Additional screening **along** Morse Road may be necessary [removing 'and the new parking lot']. She stated further that drainage and landscaping work along the road will involve more area than just the parking lot; thus she wanted to delete that reference. Further into Condition 7, she offered the following substitute

sentence: **“The Board of Selectmen or its representative shall inspect the premises to certify the intent of this provision has been met six months after occupancy.”**

Representatives from the Church Building Committee opined occupancy to occur sometime in February or March, and noted that including Condition 7 as a requirement for the Occupancy Permit will be difficult to install landscaping during the winter. After discussion, it was agreed to delete Condition 7 from Occupancy Permit requirements (Condition 19) and to amend the fifth sentence to read: **“The Board of Selectmen or its representative shall inspect the premises to certify the intent of this provision has been met six months after occupancy.”**

Referring to the last sentence of Condition 7, the Church Building Committee clarified that, if an evening event is cancelled, the lights will be still be on a timer and not turned off earlier. The Board expressed no objection to this.

Discussion followed regarding the use of chemical de-icers (Condition 9). Ms. Kablack stated this is standard Decision language and opined the concern is for sodium chloride leaching into drainage systems and water supply. She stated the Town uses a mixture of salt/sand on roads during the winter, with a heavy amount of sand and little salt. It was amended to read **“no use of salt or sodium-based chemical de-icers on paved parking areas** unless approved by the Conservation Commission.”

Concern was expressed for Condition 12, whether it was necessary and expensive. Chairman Drobinski explained it was standard in Decisions, inexpensive, paid by the applicant, and allows appropriate agencies to monitor wells. Selectman O’Brien cited an example of the disposal of photofinishing liquids and that levels of such liquids could be monitored.

The Committee questioned why Condition 13 (walkway easement for Concord Road) should be a requirement for the Occupancy Permit. They suggested completion of the legal paperwork within a timeframe not connected to occupancy. Ms. Kablack stated the easement document is fairly easy to prepare, the survey for this easement has been done, and the walkway already exists. Instead of one year, Selectmen O’Brien suggested six months from occupancy so that all outstanding issues can be checked at the same time. Condition 13 was deleted from Condition 19 and **“within six months”** added to Condition 13.

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 approve Site Plan Application No. 04-375 of St. Elizabeth's Episcopal Church to demolish a portion of the existing building and construct a new administrative addition, and to perform site regrading, revision of driveway and parking lots, and associated landscaping on property located at One Morse Road, owned by St. Elizabeth's Episcopal Church, as shown on plans entitled, "Site Plan, St. Elizabeth's Episcopal Church, One Morse Road, Sudbury, MA 01776", dated May 12, 2004, comprised of six sheets drawn by Acton Survey & Engineering, Inc.: Sheet 1 Property Plan dated May 12, 2004, revised June 9 and July 8, 2004; Sheet 2 Existing Condition Plan dated May 12, 2004, revised June 9 and July 8, 2004; Sheet 3 Site Plan dated May 12, 2004, revised June 30 and July 13, 2004; Sheet 4 Conceptual Landscape Plan dated May 12, 2004, revised May 11, 2004; Sheets 5 & 6 Site Details dated May 12, 2004, Sheet 6 revised June 30, 2004; and architectural plans entitled, "St. Elizabeth's Episcopal Church, Sudbury, MA", dated May 13, 2004, comprised of Sheets A.100 and A.101, floor plans, and Sheet 201, elevations, with additional architectural renderings, 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. Final approval of the stormwater management and drainage systems, including traps, catch basins, and periodic maintenance as required by the Town Engineer.
2. Approval of the plan by the Conservation Commission.
3. Placement of all new utilities underground.
4. No wells for drinking water supply to be installed on the site.
5. The grant of an earth removal permit by the Earth Removal Board, if applicable.
6. Approval of signs or advertising devices as required under the applicable provisions of the Zoning Bylaw. All new signage must be approved by the Design Review Board, including the directional signs.
7. Prior to issuance of Occupancy Permit, submission of a final landscaping plan, including lighting details, to be approved by the Board of Selectmen following recommendation by the Design Review Board. The size and type of existing trees shall be included as well. Additional screening along Morse Road may be necessary. Exterior lighting shall have shields and be arranged to avoid glare and minimize light spilling over to neighboring properties. The Board of Selectmen or its representative shall inspect the premises to certify the intent of these provisions has been met six months after occupancy. If, in the opinion of the Board, additional landscaping is needed or the lighting is not shielded from the adjoining properties, the applicant shall forthwith rectify such complaint to the satisfaction of the Board. Lighting, except for security lighting, shall be turned off when the building is not in use.
8. Submission of final architectural plans for approval. Plans shall conform to the Certificate of Appropriateness issued by the Historic Districts Commission.
9. No use of salt or sodium-based chemical de-icers on paved parking areas unless approved by the Conservation Commission.
10. 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.
11. Any disposal or removal of effluent and wastes generated on the site shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission, as appropriate.
12. If required by the Board of Health, Conservation Commission and/or Board of Selectmen, the applicant shall install one or more monitoring wells, or other protective device, on the site, including the Town's right of access for periodic testing and monitoring thereof.

13. The applicant shall grant to the Town an easement for the Concord Road walkway within six months of occupancy.
14. Per notation on the plan, prior to placement of binder course, the Sudbury Fire Department shall approve the adequacy of grades and alignments of the driveway for Fire Department purposes.
15. Upon completion of construction, the Director of Public Works shall verify dimensions of the parking lots for conformance with the plan.
16. Zoning Districts shall be labeled and delineated on the Plan.
17. Submission of an "as built" 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 by the Board of Selectmen.
18. No Building Permit shall be issued until the Decision has been recorded in the Middlesex South Registry of Deeds, the plans are approved and signed, and certain items noted above [1, 2, 8 and 16], as specified by the Board, are complied with.
19. No Occupancy Permit shall be issued until certain items noted above [3, 5, 6, 10, 11, 12, 14, 15, and 17], as specified by the Board, are complied with.

The plans were not ready for signature at this time.

#### **Overhead Utility Waiver – 104 Pokonoket Avenue**

The Board reviewed the following information: (1) letter, received July 26, 2004, from Martha McGuire, 104 Pokonoket Avenue, requesting permission for a new telephone pole to be installed on her property instead of a ten foot mast necessary to meet code regulations. (2) report, dated July 27, 2004, from the Building Inspector and Wiring Inspector, stating the situation is unique and they agree a new pole is preferable to the ten foot mast connection. They recommend approval of a waiver of the overhead utility bylaw in this instance.

Town Manager Valente stated Town Counsel advises waiving the overhead utility bylaw, as the wiring will be underground to a certain point on the property and then be attached to the pole. The connection is theoretically not a new connection but existing service, and since the pole would be on private property, it is therefore exempt from the bylaw.

There was general discussion regarding contractors ignoring bylaws clearly stated on building permit applications.

It was on motion unanimously

VOTED: To approve a waiver of the overhead utility bylaw with regard to the electrical connection for the new addition at 104 Pokonoket Avenue and the placement of a new pole on private property.

### **Town Forum**

At 8:50 p.m. Chairman Drobinski convened Town Forum, during which time reports were presented by the Goodnow Library Trustees, Sudbury Historical Commission, Historic Districts Commission, Memorial Day Committee, and former Veterans Agent.

William Talentino, Director, Goodnow Library, and Lily Gordon, Chairman, Goodnow Library Trustees, presented the report for the **Goodnow Library Trustees**. Circulation has significantly increased as has the number of interlibrary loan items. The library is now on a “wireless” internet system which allows users to bring their own laptops to work. Ms. Gordon expressed appreciation for all the volunteers and their hours of service to the library. Budget issues were discussed as well as continued work on the library website.

The **Historical Commission** report was presented by Lyn MacLean and Carole Wolfe. In addition to other ongoing projects, Ms. Wolfe stated they are in the process of assessing fence repairs at the Haynes Garrison site, and are responsible for the Revolutionary War Cemetery in Town Centre. At Hosmer House, an architect has prepared an “existing conditions” report for their review. They are overseeing some restoration work at the Hosmer House, replacing clapboards, correcting drainage and leaks, and replacing missing flashing, to name a few items. Ms. MacLean expressed appreciation to all the docents and other volunteers for their dedicated service. Lastly, they expressed thanks for the approval of the revised Demolition of Historic Structures bylaw that was recently voted at Town Meeting.

William Schirmer and Sandra Heiler updated the Board on the activities of the **Historic Districts Commission**. Mr. Schirmer stated they are having a difficult time obtaining a quorum at meetings. They are allowed to have five members but invariably usually only have four who actively participate. He opined a six-person Commission would be better or perhaps an Associate (Alternate) Member, and they would need to petition the State to change their membership. Ms. Heiler outlined the qualifications of the persons who would be ideal. Regarding historic districts, Mr. Schirmer stated they would like funds to mail letters to new homeowners in historic districts to inform them of what it means to live in a historical district, and bring to their attention what they can and cannot do with their property.

Mary Jane Hillery presented the **Memorial Day Committee** report. She stated Winifred Grinnell works tirelessly every year to put American flags on the gravestones in the cemeteries. She thanked the DPW for making the cemeteries look very nice for Memorial Day. She also noted that she had just retired from the Town, and had brief Assistant Town Manager Wayne Walker on current veteran’s-related issues. The Board thanked her for her years of service to the Town.

Reports concluded at 9:45 p.m. The Board thanked participants for their presentations. Refreshments were served.

### **Notice of Intent – Newell Property**

Present: William Pezzoni, Attorney for the applicant, Hargraves, Karb, Wilcox & Galvani, LLP; James Hanrahan, Bowditch & Dewey, LLP; Judith W. Newell, property owner; Jody Kablack, Town Planner; Steve Shugrue, Sudbury Housing Authority.

The Board reviewed the following information: (1) letter, dated April 15, 2004, from James Hanrahan, Bowditch & Dewey, LLP, presenting a Purchase and Sale Agreement between the property owners and Capital Group Properties, and a bona fide offer for the sale of the property, and therefore



constituting a Notice of Intent to the Town of Sudbury. (2) Concept Plan and Site Analysis for Grouse Hill at Sudbury, Massachusetts, dated, July 14, 2004, for Capital Group Properties, drawn by William Fleming Associates, Inc. (3) report, dated May 28, 2004, from the Sudbury School Committee, stating it does not have sufficient information or clarity about future space needs to urge the Town to acquire property for school use. Mr. Braun advised the Board to be cognizant that new housing on this property will impact the Loring School district. He suggested possible opportunities for shared parking or play field space. (4) report, dated July 22, 2004, from the Sudbury Housing Authority, stating the applicant and buyer are amenable to affordable housing but septic is the key element. Further communication with the potential buyer revealed they have an area where affordable housing is envisioned. (5) report, dated July 22, 2004, from Dennis Mannone, Director, Park & Recreation Commission, stating it has looked at the area previously and deemed it unsuitable for recreation playing fields. (6) minutes of Selectmen meeting on May 25, 2004, with various Town staff and the developer, during which time informal discussions took place exploring options and the developer agreeing to bring additional information back to the Board within the 120-day period.

Town Manager Valente outlined the right of first refusal timeline for the Board.

Mr. William Pezzoni, attorney for the applicant, stated they [developer and applicant] spent a good deal of time on putting together a proposal for a Senior Residential Community consisting of 40 units with a mid-range price of \$450,000. He clarified that affordable housing units may not be possible due to the constraints of available construction space and topographical irregularities. All buildings will have two units, with the exception of two, which will have three units. Mr. Pezzoni stated the downward slope of the property will make it appear as though buildings are disappearing when viewed from the street.

Chairman Drobinski and Selectman O'Brien opined there may be a way to create additional units on an abutting parcel of land to the north, but opted to allow Town staff to investigate that option before saying anything further.

The Board expressed appreciation for the proposed senior community, which seemed well thought out and a good use of the space. Ms. Kablack concurred with those sentiments.

Mr. Pezzoni stated a similar housing development is located in Hopkinton, and those units are priced in the mid-\$600,000 range. The units are senior housing, though not incentive-based. He stated they are also pursuing a similar housing community in Dover.

After discussion, it was agreed to consider this matter further on August 10, 2004, at 9 p.m. The Board thanked Mrs. Newell and associated parties for bringing forth this proposal.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of July 13, 2004, as amended during review of St. Elizabeth's site plan decision, as well as amendments on the same subject to the June 15, 2004 minutes.

### **Raytheon Co. Security Guards**

It was on motion unanimously

VOTED: To appoint Robert Spallino and Michael Nava as Raytheon Company Security Guards for traffic direction at the Sudbury facility, each for a term to expire April 30, 2005, as recommended by the Police Chief.

**Notice of Intent – Cutting Property (19.12 acres)**

The Board reviewed the following information: (1) letter, dated June 23, 2004, from John Cutting, on behalf of Webster Cutting, Jr., Lucius P. Cutting, Glenn H. Cutting, Beth Anne Cutting Cosgrove and himself, John C. Cutting, notifying the Town of an offer to purchase land presently under Chapter 61A for horticultural use. The offer is for \$4,200,000 for 19.12 acres with a closing date of October 1, 2004. Mr. Cutting specified this is the same parcel upon which the Board has previously agreed not to exercise any rights of first refusal. (2) report, dated July 8, 2004, from the Board of Assessors, making no recommendation, given that the Board of Selectmen will not be exercising the right of first refusal. (3) report, dated July 14, 2004, from the Conservation Commission, recommending the Town not exercise the option to purchase the 19.12 acres being sold for development, and noting there are two drainage easement areas on land subject to the town-held Agricultural Restriction. (4) report, dated July 15, 2004, from the Planning Board, recommending the Town not exercise the option to purchase this property.

Town Manager Valente reminded the Board that, as part of a Purchase and Sale Agreement on other Cutting property being purchased by the Town, the Town agreed not to exercise its right of first refusal on this property.

It was on motion unanimously

VOTED: To not exercise the Town's right of first refusal for 19.12 acres owned by the Cutting family, relative to the Notice of Intent to Sell Land Under M.G.L. Chapter 61A dated June 23, 2004.

**SP#02-365 Foreign Motor/Land Rover – Landscape Plan**

The Board reviewed the following information: (1) report, dated June 30, 2004, from the Town Planner, submitting two sketches of additional landscaping beds; one bed at the eastern end of the vehicle storage area along Route 20, under existing shade tree, which will remain; the second at the western property edge, next to Siam Garden, replacing the requirement for four additional honey locust trees. She stated individuals on a recent site visit felt the projected canopy from the existing deciduous trees would be adequate and that additional trees would crowd the area. (2) minutes of June 17, 2004 Selectmen's meeting stating that two Selectmen, Town Planner, and attorney, engineer and landscaper for the applicant attended a recent site visit and determined that present screening was sufficient, that additional plantings will be installed as well as replacement of plants and shrubs that have died, and a vote stating the Selectmen send a letter to the Board of Appeals stating same and that the as-built conditions of the site match the design plan as approved during site plan review. (3) report, dated July 17, 2004, from the Design Review Board, recommending the Selectmen accept the revised landscape enhancements along Route 20 on the basis the design is thoughtfully and responsibly being carried out by the applicant, noting the selection of materials evolved from discussion with the Selectmen, Conservation and the landscape architect. (4) report, dated July 23, 2004, from the Conservation Coordinator, stating the planting plan does not meet the requirements of the Order of Conditions, noting plants must be of native species, or, if permitted by the Commission, salt-tolerant substitutes may be allowed. She stated further several of the plants shown on the plan are not suitable for dry, sunny, upland areas and that she has advised Attorney Joshua Fox of this fact.

The Board expressed surprise that, at this late date and after a site visit on June 17, 2003, there are still issues with the revised landscaping plan. After discussion, it was agreed to hold this matter until the Conservation Commission and the applicant can resolve the discrepancies.

### **2004 Street Acceptances – Orders of Taking**

The Board reviewed the following information: (1) report, dated July 15, 2004, from the Town Planner, stating she and the DPW Director have inspected Twillingate Lane, Camperdown Lane Extension and Spruce Lane and noted several very minor items that need to be addressed by developers, but otherwise the streets have been constructed in conformance with Planning Board rules and regulations and are in excellent shape for public acceptance. The Planning Board holds performance bonds for all three streets which will be held until all conditions have been complied with. Ms. Kablack recommended these streets be accepted as public streets in the Town of Sudbury. (2) report, dated July 14, 2004, from the DPW Director, with the following comments: Twillingate Lane – bounds have been set and as-built has been completed; Spruce Lane – bounds have been set, as-built has been completed; Camperdown Lane Extension – as-built has been completed, bounds have not been set though sufficient funds have been held in the bond to cover any outstanding issues. Mr. Place recommended acceptance of all three streets. (3) report, dated July 8, 2004, from the Conservation Coordinator, stating the Conservation Commission has no issues with the acceptance of these streets. She notes that Twillingate Lane is pending a Certificate of Compliance but that it looks fine.

It was on motion unanimously

VOTED: To approve and sign the Order of Taking for Twillingate Lane, Camperdown Lane Extension and Spruce Lane to be accepted as public ways in the Town of Sudbury.

### **Election Officers**

It was on motion unanimously

VOTED: To appoint Election Officers for a one-year period commencing August 15, 2004, as recommended by the Democratic and Republican Town Committee Chairmen and the Town Clerk in communications dated June 30, 2004.

(Selectman O'Brien abstained from voting with respect to the appointment of Lauren O'Brien as Teller, Democratic party.)

### **State Legislature**

Town Manager Valente reported the State Legislature is nearing the end of its session and asked the Board to consider any issues it wished elected representatives to pursue at this time.

It was on motion unanimously

VOTED: To authorize the Town Manager to communicate the need for discussing pertinent issues of the Town of Sudbury to the State Legislature and State Representative Susan Pope, as outlined in the Action Bulletin of the Mass. Municipal Association.

There being no further business, the meeting adjourned at 10:30 p.m.

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

DATE: July 1, 2004  
TO: Board of Selectmen and Town Manager  
FROM: Debbie Dineen, Bill Place, Dennis Mannone, Pete Fadgen, and Jan Silva  
SUBJECT: Staff Report: ACCESS FOR SVT LYONS-CUTLER RESERVATION

On July 1, 2004, the above staff met to review the question of establishing permanent access for Sudbury Valley Trustees' Lyons-Cutler Reservation, and report as follows:

**Background:** The Board of Selectmen is in receipt of two petitions:

1. A petition dated April 19, 2004 from the residents of Wright Road, requesting that the Selectmen approve a regulation prohibiting parking on the Wright Road cul-de-sac.
2. A request dated May 12, 2004, from the Sudbury Valley Trustees proposing the following for access to the Lyons-Cutler Reservation:
  - A. That the primary parking and access be established off Raymond Road on Town land. Their first choice would be on the westerly side of Raymond Road on the flat lawn area adjacent to the former Mullen property. The second choice would be to establish a few parking spaces on the east side of Raymond Road by the trail head.
  - B. For other points of entry, establish Loring School as a designated parking area when school is not in session and parking lot free. From there visitors would walk to trail heads at the end of Wright Road or Cutler Farm Road.

Following advertisement of an event and literature designating the Wright Road cul-de-sac as the main parking and access point for the Reservation, Wright Road residents protested to SVT, the Water District (over whose property access was attained from Wright Road), and the Town. Their concerns were primarily about safety in having strangers park in their neighborhood, safety in the possibility of blocking of access for public safety vehicles, as well as the inconvenience, and not wishing to have a kiosk and sign being planned at the cul-de-sac.

As a result, SVT searched for another access, which culminated in their above proposal. The Conservation Coordinator and Director of Public Works have provided information and assistance to them; however, neither Conservation Commission nor Park and Recreation Commissions have met to consider it.

**Wright Road cul-de-sac:** Relative to the request to prohibit parking, the Board is in receipt of reports from the Police Chief, Acting Fire Chief, and Planning Board advising they see no reasons to require that parking be prohibited. The Conservation Coordinator and Director of Public Works advised that if the cul-de-sac were to be used for parking, the drainage should be upgraded in accordance with our EPA Phase II permit and debris disposed of in the wetland cleaned up before parking is allowed.

**Raymond Road access:**

- \* The trail head is located near #116 Raymond Road on the easterly side on land under the jurisdiction of the Selectmen designated for management by the Park and Recreation Commission. The trail drawn by SVT, extends over Park & Rec managed land and extends through land Selectmen have designated for management by the Conservation Commission before entering the SVT Lyons-Cutler Reservation.
- \* The access preferred by SVT is across the street from the trail head on land under the jurisdiction of the Selectmen and under the management of the Conservation Commission.
- \* The Police Department has no safety concerns with parking on either side of Raymond Road at this location, as sight distance is good.
- \* Issues:
  1. Parking: a) On the east side, there is a vernal pool which makes space inadequate for parking there. b) On the west side the land is suitable, but would require Conservation Commission approval. The neighbors may not like the parking as close to their property as the Commission might, but this may not be a problem. c) It has been suggested to SVT that visitors might simply utilize the existing parking at Feeley Field and walk from there to the trail head, but SVT has not come back with that idea.
  2. The Trail: a) The Conservation Commission would need to rule on the trail development and maintenance. There are many wetland/vernal pool issues; improvements would need to be made to the trail and two bridges. Approval is an unknown. b) Because of the nature of the land, there would be significant start-up and ongoing maintenance and associated costs. Agreement with SVT would need to be reached on how and by whom this would be accomplished and funded. The possibility of an SVT donation to a Trail Maintenance Fund was one suggestion.
  3. The Land: Most of the land on this easterly section is wet and can be accessed only at certain times of the year. Where the trail is proposed is the driest area. a) Does the Town want a trail developed on this land? Are other uses envisioned? b) It is suggested that this portion presently under the management of Park and Recreation might be better placed under the management of the Conservation Commission, particularly if a trail is developed. The Conservation Coordinator and former Recreation Director Pat Savage walked the parcel, and at the time Pat did not see the land as having any Park & Recreation use due to the extensive wetlands and limited access and had no ideas for utilization by Park and Rec Dept.

\* Summary of approvals required:

1. Selectmen's approval:
  - a) For use of the land for the parking and trail.
  - b) Review with Town Counsel if any formal approval/easement would be required if SVT maintains trail/parking area.
  - c) Possible transfer of management to Conservation of this portion of the Raymond Land.
2. Conservation approval:
  - a) For the parking area and for the trail development and maintenance, entailing wetlands filings. This would include an alternatives analysis. Where parking is a possibility at Feeley, that alternative will be considered.
3. Park and Rec approval:
  - a) For use of any portion under the Commission's management - either the trail area or Feeley parking area.

\* Thought: Given the above requirements, creating a new parking area and trail development off of Raymond Road is a large undertaking for SVT, if the result is just to create a parking area that will be utilized for the most part by 3-4 cars. As was mentioned at the staff meeting, if users of the trail are there to walk, parking at Feeley should not be an issue. A paved walkway with a guardrail is in place along Raymond Rd. from Feeley to the proposed trail head.

\* Coolidge Lane access was explored but owners of the private way objected.