

IN BOARD OF SELECTMEN  
TUESDAY, MARCH 29, 2005

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 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Drobinski thanked the Town Clerk and election staff for a well-run election, and congratulated all winning candidates. He stated approximately 30% of registered voters exercised their right to vote. He briefly reviewed the override questions.

Town Manager Valente announced all election results could be found on the Town's website. She stated the Town Clerk posted results as soon as the count was complete.

Chairman Drobinski reminded citizens of the 2005 Annual Town Meeting, beginning Monday, April 4, at 7:30 p.m. at Lincoln-Sudbury Regional High School. Town Manager Valente encouraged everyone to arrive early as parking at the school was limited, and announced satellite parking with shuttle service was available at Featherland Park.

**Capital Improvement Planning Committee - Appointment**

Present: Pascal Cleve, 3 Camperdown Lane.

The Board reviewed the application of Mr. Pascal Cleve, 3 Camperdown Lane, for appointment to the Capital Improvement Planning Committee.

Mr. Cleve described his background and experience in computer sciences and mathematics, as well as management and engineering experience. He stated he now works from home and is able to adapt his schedule as a meeting schedule would demand, and voiced his desire to give something back to the community. Responding to a question from Selectman Keller, he stated he was also interested in the Finance Committee, but found no openings there.

It was on motion unanimously

VOTED: To appoint Pascal Cleve, 3 Camperdown Lane, to the Capital Improvement Planning Committee for a term to expire on April 30, 2008.

**Frugal Flower – Temporary Greenhouse Structure**

Present: Craig Wambolt, Frugal Flower; Mark Ensign, Chairman, Conservation Commission.

At 7:45 p.m. Chairman Drobinski reconvened a meeting to consider a request of Craig Wambolt of Frugal Flower for approval of the placement and use of a temporary greenhouse structure at the front of the property at 736 Boston Post Road until April 30, 2005.

The Board reviewed the following new information: (1) report, dated March 29, 2005, from the Conservation Coordinator, Debbie Dineen, outlining outstanding issues as discussed at the Conservation

Commission's meeting on March 28<sup>th</sup>. She separated issues into old and new, noting the old must be resolved before new work can be considered.

Mr. Craig Wambolt, Frugal Flower, stated he met with the Conservation Commission the previous evening and many issues were resolved or will be completely resolved prior to the next ConCom hearing on May 23. With Mother's Day one of his biggest holidays in the floral business, it was the first available date he could meet following that date. He had agreed with the Conservation Commission that the temporary greenhouse would be dismantled on May 20 and the site walk on May 23 could confirm this. He stated all other requirements would be resolved by that date as well.

Mr. Mark Ensign, Conservation Commission, reviewed the existing Order of Conditions from 1997 which had been folded into the new Notice of Intent. He stated the Commission will walk the property on May 23 to determine the boundaries for a Conservation Restriction, and to ascertain whether all conditions and agreed items have been resolved, as well as noting the dismantling of the temporary greenhouse.

Discussion followed. The Board expressed its belief that it did not want to negatively impact anyone's business by forcing conditions to be followed to the letter. It did, however, impress upon Mr. Wambolt that the Board was allowing great flexibility in allowing him to continue though he had violated various regulations. He stated he is presently working with realtors to locate new property which would allow him to expand his business, something that is not possible at his present location. He opined he would be in a new location next winter and would not be coming before the board for another temporary greenhouse.

It was on motion unanimously

VOTED: To extend the time period the temporary structure may remain in place at Frugal Flower, 736 Boston Post Road, until May 20, 2005, in accordance with Section 2324 of the Sudbury Zoning Bylaw, at which time it must be dismantled and all outstanding issues with Conservation Commission have been resolved.

### **Minutes**

It was on motion

VOTED: To approve the regular and executive session minutes of March 15, 2005, as drafted. (Selectman O'Brien and Selectman Keller, aye; Chairman Drobinski, abstain, as he was absent that day).

### **Drainage Easement – 7 Revere Street**

It was on motion unanimously

VOTED: To accept a Drain & Access Easement granted by Michael Brodsky and Julie Klemm, on Lot 13, 7 Revere Street, Sudbury, as located by the Town Engineer; and to release the existing drainage easement on Lot 13 in exchange therefor, pursuant to Article 27 of the 2003 Annual Town Meeting.

**Fourth of July Parade – 2005**

Responding to a communication from the Sudbury Parade Committee regarding whether the Board of Selectmen would march in the 2005 Annual Fourth of July Parade, it was agreed Board members would individually contact Jacqui and Joe Bausk, co-chairs, of intent to march.

**Commonwealth Capital Application**

Present: Jody Kablack, Town Planner.

Town Manager Valente stated this information was prepared by Jody Kablack, Town Planner, in conjunction with Governor Romney's Smart Growth program. Ms. Valente stated having this information on file would help Sudbury obtain grants in various programs. Ms. Kablack stated she included information on the Town's efforts in economic development, recycling housing and other aspects in completion of this application.

**Community Housing Committee – Community Housing Plan**

Present: Co-chair Amy Lepak, Co-chair Joellen Samolja, Kelley Cronin, and Michael Fee, Community Housing Committee; Jody Kablack, Town Planner; Jo-Ann Howe, Director, Sudbury Housing Authority.

Mr. Michael Fee, Chairman, Planning Board and member of Community Housing Committee, and Amy Lepak, Co-Chair, Community Housing Committee, briefly reviewed the Community Housing Plan, how information was gathered and the report prepared.

The Board thanked the Community Housing Committee for its hard work in gathering pertinent information as much has happened in the past few years which has changed housing trends in town.

It was on motion unanimously

VOTED: To adopt the Town of Sudbury Community Housing Plan, February 2005, as prepared by the Community Housing Committee.

**Community Housing Committee – Increase in Membership**

Present: Co-chair Amy Lepak, Co-chair Joellen Samolja, Kelley Cronin, and Michael Fee, Community Housing Committee; Jody Kablack, Town Planner; Jo-Ann Howe, Director, Sudbury Housing Authority.

Ms. Amy Lepak, Co-Chair, Community Housing Committee, requested the number of voting members of the Community Housing Committee be increased from seven to nine. She stated the Committee typically alternates its meeting times from afternoon to evening, and not all members are available at all times. A quorum is often unavailable, limiting the Committee's activities and reaction to housing possibilities.

It was on motion unanimously

VOTED: To increase the membership of the Community Housing Committee from seven members to nine members, adding two citizen-at-large positions.

The Board asked if the Committee would be interviewing potential candidates and then coming before the Board for interviews. Ms. Lepak responded they are interested in appointing Mr. Robert Kaldenbach, as he has been attending CHC meetings, and has completed an application for the position.

Selectman O'Brien recalled that Mr. Kaldenbach had previously interviewed for the Board of Assessors position, and at that time, Mr. Kaldenbach had indicated he had already been attending CHC meetings. Mr. O'Brien suggested appointing Mr. Kaldenbach tonight.

It was on motion unanimously

VOTED: To appoint Mr. Robert Kaldenbach, 55 Hudson Road, to the Community Housing Committee, for a term to expire on April 30, 2008, to fill the vacancy occasioned by the resignation of Roger Van Duinen.

### **Ponds and Waterways Committee**

Present: Michael Fee, Chairman, Planning Board; Mark Ensign, Chairman, Conservation Commission.

Town Manager Valente stated she had previously submitted her comments and recommendations to the Board, focusing primarily on implementation, potential conflict areas, use of staff and resources, ownership of ponds within Sudbury, mission statement and membership makeup. She noted that both draft and edited mission statements were included in the packet.

Mr. Michael Fee, Chairman, Planning Board, stated he agreed with the Town Manager's comments, though he had not read the documentation. He expressed concern that committee members have the same agenda and not be looking to forward pet projects or concerns.

Mr. Mark Ensign, Chairman, Conservation Commission, opined how important it would be to get the Planning Board, Conservation Commission and Park and Recreation all together to address issues that are inherently common to these groups, but have seldom been discussed together.

Selectman O'Brien suggested that temporary chairmen could be appointed when the committee is established, in order to provide some direction from the beginning. He suggested further that Mr. Ensign and Mr. Fee serve in this capacity. Mr. Ensign opined temporary chairmen is an excellent idea and would provide a smooth transition as committee members begin to work together.

Mr. Fee opined that the committee is ideally intended to serve in a leadership and education role. Responding to a question from Town Manager Valente, he stated the committee would review a situation, present information and make recommendations, but Town staff would implement any action. In the case of Town Meeting articles, the committee would present information.

Discussion followed. To allow adequate time to review all information, it was agreed to continue this matter until the Selectmen's meeting on May 3.

### **2005 Annual Town Meeting**

a) State of the Town address – Chairman Drobinski stated the report would say the Town is in great shape, and that a draft Address would be available soon for the Board to review prior to Annual Town Meeting.

b) Positions on articles – After discussion, it was on motion unanimously

VOTED: To SUPPORT Community Preservation Fund Articles 49 and 50, Libby Open Space Acquisition and General Budget and Appropriations (Libby Property), and support indefinite postponement of Article 7 – Unpaid Bills, and Articles 13, 14, and 15 concerning Hop Brook Ponds.

**FY05 Budget Adjustment Article**

Town Manager Valente reported a deficiency of approximately \$60,000 in Chapter 90 grants accounts from the early 1990s has not been resolved to date, and she recommends addressing this at this Town Meeting. After lengthy research by the Finance Director, it is suggested that perhaps the reimbursement was received but may have been deposited into the general fund, or perhaps the request for the grant was not properly filed at the time. Nevertheless, the Department of Revenue is requiring the deficit be addressed. Therefore, Ms. Valente asked the Board to request an appropriation at Town Meeting, funded by free cash to resolve this matter so that future grant reimbursement is not jeopardized.

It was on motion unanimously

VOTED: To support Article 6, Budget Adjustment of \$55,000 in order to appropriate funds to cover a deficiency in Chapter 90 reimbursement account as described by the Town Manager.

**Walkway Easement – St. Elizabeth’s Chapel**

It was on motion unanimously

VOTED: To accept a walkway easement granted on February 13, 2005, by St. Elizabeth’s Church, Sudbury, One Morse Road, Sudbury, said easement described as ten feet in width running along the grantor’s Concord Road boundary, as prepared in conjunction with the DPW Director and recorded at the Registry of Deeds.

**Executive Session**

At 9:07 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing negotiations in real property.

Chairman Drobinski announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:20 p.m.

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