

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, AUGUST 20, 2013

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:31 p.m., Chairman Drobinski opened the meeting. He announced the Town is seeking applicants to consult for the Town regarding stormwater management-related issues. The Town is also seeking applicants to fill open positions on the Capital Improvement Planning Committee. Additional information is available on the Town website.

**Reports from the Town Manager**

Town Manager Valente announced the Town received approval from the State's Attorney General's Office in a letter dated July 10, 2013, for the bylaws passed at the 2013 Annual Town Meeting. She distributed copies of the announcement letter dated August 19, 2013, and accompanying correspondence received from Town Clerk Rosemary Harvell.

Town Manager Valente attended the groundbreaking ceremony held on Monday, August 19, 2013 for the Lincoln-Sudbury Regional High School (L-SRHS) Community Softball Field project. She mentioned the Selectmen's Office has made the transition following Mary McCormack's retirement, and Patty Golden and Leila Frank have assumed their new responsibilities.

Town Manager Valente introduced Department of Public Works Director Bill Place to provide the Board with an update on a Landham Road project. Mr. Place stated that three culverts under Landham Road have been recently discovered to be severely deteriorated and requiring repair. The work has begun, and he displayed photographs of the process to date, and he explained how the culverts are being replaced. Mr. Place thanked the Police and Fire Departments for their assistance with the project. In response to questions from the Board, he stated the average life expectancy of the replacements is approximately 70-100 years, and the estimated cost of the project is approximately \$200,000. Mr. Place also stated the source of funding would be Chapter 90 funds and that, depending on good weather and no unforeseen problems, the project could be completed by September 3, 2013.

**Reports from the Board of Selectmen**

Selectman Simon suggested other boards and committees not schedule meetings on nights when the Board meets to allow Selectmen the opportunity to attend other meetings. Chairman Drobinski stated sometimes scheduling conflicts arise with the many groups that meet to conduct Town business.

Selectman O'Brien stated he was contacted by the Council on Aging (COA) Chair noting the COA would like to be part of the rail trail discussion process. He asked Town Manager Valente to circulate this correspondence to the Board.

Selectman Haarde stated the Fairbank Community Center Committee and the Route 20 Sewer Steering Committee have not met in recent weeks, but the Route 20 Sewer Zoning subcommittee will meet tomorrow night with the Planning Board.

**Public Hearing: Site Plan Application – Cavicchio Greenhouses, Inc. - 110 Codjer Lane**

Present: Applicant Paul Cavicchio, and Director of Planning and Community Development Jody Kablack

At 7:45 p.m., Chairman Drobinski opened the Public Hearing regarding the application submitted by Paul Cavicchio for Site Plan approval for construction of an approximately 18,000 square foot new agricultural structure, on a parcel of land consisting of approximately 130 acres, located at 110 Codjer Lane. Town Manager Valente read aloud the Public Hearing Notice. She also reviewed the materials received by the Board to date, including copies of the Public Hearing Notice and the Site Plan Application and accompanying exhibits, a memorandum from Director of Planning and Community Development Jody Kablack dated August 13, 2013, an email from Building Inspector Mark Herweck dated August 14, 2013, a letter from Assistant Fire Chief John Whalen dated August 8, 2013, and a memorandum from Conservation Commission Coordinator Debbie Dineen dated August 6, 2013 and accompanying maps, and a Draft "Site Plan Decision Sudbury Board of Selectmen Cavicchio Greenhouses, Inc. 110 Codjer Lane," dated August 20, 2013. In addition, copies of a memorandum from Conservation Commission Coordinator Debbie Dineen and DPW Director Bill Place dated August 20, 2013 were distributed tonight. Ms. Kablack highlighted this memo corrects previous flood plain-related information obtained from an inaccurate GIS map-layer. She stated only a Request for Determination will need to be submitted to the Conservation Commission. Thus, Ms. Kablack has accordingly revised the first condition listed in the draft Site Plan Decision.

Ms. Kablack stated the purpose of the new building is for planting and storage for the greenhouse operation. Ms. Kablack stated the parcel is over 130 acres and over 450,000 square feet of structures exist on the property. An existing 6,600 square-foot structure will be removed, and the new 18,000 square-foot structure will be built. The use of the property is agricultural, and thus it is exempt for the purposes of zoning, and the Board's jurisdiction is thereby limited. Ms. Kablack stated the request is minor within the scope of the property. She also recommended granting the requested waiver for the type of plan submitted.

In response to questions from Selectman Simon, Mr. Cavicchio stated the new structure would have a foundation, be permanent, made of metal and is expected to last 50-100 years, and it would replace the existing 6,000 square-foot structure which will be demolished.

Vice-Chairman Woodard asked if the bylaw should be changed to accommodate a minor request such as this. Ms. Kablack stated a Public Hearing is not required, but the Town has chosen to always conduct one, which seems to work well for all parties.

Selectman O'Brien asked what the elevation would be for the new building, and he suggested the new FEMA flood plain maps be reviewed. Mr. Cavicchio stated the elevation is proposed to be approximately 141-142 feet. Ms. Kablack stated Ms. Dineen and Mr. Place typically review the updated FEMA maps as they become available.

Selectman Simon asked for clarification regarding the wetlands filing which will be needed and whether any stormwater-related problems are anticipated. Ms. Kablack reviewed the filing information, and she noted no additional stormwater issues are anticipated. Additionally, a condition related to erosion control during construction is included in the draft Decision. Chairman Drobinski stated the plan presents no new net stormwater runoff. Ms. Kablack further stated the proposal does not meet the threshold for a stormwater management permit review.

Selectman Haarde reviewed the location of the new structure, noting approximately 80% of the proposal will be constructed over the existing structure.

Sudbury resident and abutter Sam Mushnick, 9 Wash Brook Road, asked how many stories the new building would be, what activities would be conducted there, and whether noise levels would increase. Mr. Cavicchio stated it will be a one-story building used for transplanting and storage of materials previously kept outdoors. He further stated some activities and noise from outside would now be moved indoors.

Sudbury resident and abutter Greg George, 39 Meadow Drive, stated the proposed plan is to construct a building three times the size of the current one, and thus, the plan does not seem minor to neighbors. He stated he appreciates being notified of the project and being able to participate in a Public Hearing process. Mr. George asked for clarification of the new building location and what the difference in height would be from the current building. Mr. Cavicchio stated the new building would be about four feet taller. Chairman Drobinski provided Mr. George with a copy of the proposed plan. Mr. George also asked if air conditioning units will run in the new building. Mr. Cavicchio stated no air conditioning is proposed.

Sudbury resident and abutter Richard Testa, 95 Bridle Path Road, also asked for clarification regarding the proposed new building location, and Ms. Kablack showed him where it would be on a map.

Mr. Cavicchio thanked Ms. Kablack for her assistance and thorough explanation of the project.

It was on motion unanimously

VOTED: To approve the Site Plan Decision Sudbury Board of Selectmen Cavicchio Greenhouses, Inc. 110 Codjer Lane, dated August 20, 2013, as amended to revise condition #1 as noted tonight, for the Site Plan Application to construct an approximately 18,000 square-foot agricultural building on property located at 110 Codjer Lane, zoned Residential-A District, Town Assessor Map J08, Parcel 0004, and to grant the waiver request for the requirement for a fully-engineered plan to be submitted.

### **FY13 Year-End Statement for Pooled Town Trusts and Authorize FY14 Spending Requests**

Present: Finance Director Andrea Terkelsen

At 8:07 p.m., Chairman Drobinski welcomed Finance Director Andrea Terkelsen to the meeting. The Board was previously in receipt of copies of a memorandum from Ms. Terkelsen dated August 15, 2013 and accompanying spreadsheets.

Ms. Terkelsen stated the trusts to be voted on tonight are part of special resources held in the Sudbury Trust program, and that additional information on the program is available on the Town website. She summarized her memo, noting investment results and year-end balances have been provided for holdings held at Charles Schwab & Company. Ms. Terkelsen stated she monitors the accounts with the help of three financial advisors.

Selectman Simon asked why there are no disbursements listed for some of the Trust accounts. Ms. Terkelsen and Town Manager Valente explained the funds are sometimes only used when major repairs are needed and/or the Trusts have not authorized the use of funds recently. It was also noted the Trusts are not required to spend funds as is the case in other entities.

Selectman O'Brien asked if the investment strategy has changed. Ms. Terkelsen stated it has remained consistent. She also noted the total pooled trust disbursements in FY13 were very similar to the interest and dividends generated. Ms. Terkelsen stated the goal for FY14 is to maintain spending limits at or below expected interest and dividends earned.

Vice-Chairman Woodard asked for clarification of the asset allocation, which Ms. Terkelsen provided.

Selectman Haarde suggested developing a one-page description of the Trust fund accounts to incorporate into the report each year.

It was on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to accept the unaudited FY13 fourth quarter statements for the Pooled Town Trust Funds for the period ended June 30, 2013, and to accept the Pooled Trust Fund expenditure limits for FY14 as submitted by the beneficiaries and requested by Andrea Terkelsen, Finance Director, Treasurer/Collector.

**Friends of the Bruce Freeman Rail Trail – Donation Proposal**

Present: President of the Friends of the Bruce Freeman Rail Trail Tom Michelman

At 8:26 p.m., Chairman Drobinski opened the discussion regarding a proposal presented to the Board of Selectmen from the Friends of the Bruce Freeman Rail Trail to raise funds for design of a portion of a rail trail in Sudbury. The Board was previously in receipt of copies of a memorandum from President of the Friends of the Bruce Freeman Rail Trail, Tom Michelman, dated August 8, 2013 and accompanying updated offer, scope of work and cost estimate in the amount of \$58,700, a memorandum from Town Manager Valente dated August 13, 2013, providing Town staff responses to questions previously posed, and relevant sections of the Boston Metropolitan Planning Organization (MPO)'s TIP Project Information Forms. In addition, copies of a memorandum to the Board from Selectman Simon dated August 20, 2013 and accompanying handouts, and a letter to the Board from Sudbury residents Robert and Marilyn Ellsworth, 5 Hop Brook Lane, dated August 15, 2013, were distributed tonight.

Chairman Drobinski thanked the Friends for its offer and interest in a subject long discussed in Town. He stated tonight's discussion is intended to help the discussion move forward and help set a direction for the Town to pursue.

Sudbury resident Rick Johnson, 38 Bent Road, asked Selectman Simon to acknowledge and disclose to the public his potential conflict of interest in this agenda item.

Selectman Simon stated he had been a member of the Board of the Friends of the Bruce Freeman Rail Trail, however he resigned this position and he also resigned his membership in the organization prior to being sworn in as a Selectman.

Mr. Michelman stated consultants from Greenman-Pedersen, Inc. (GPI) are in attendance tonight. He stated the Friends made an offer to the Board in June 2011 to raise \$50,000 to pay for the 25% design adhering to State Department of Transportation (DOT) guidelines for a half-mile stretch of the rail trail from the Concord Town Line to Route 117 in Sudbury. Mr. Michelman stated the offer did not obligate the Town to build the trail. He explained that, in the past two years, the Town passed two non-binding relevant resolutions overwhelmingly. Mr. Michelman stated the Friends recently asked GPI to update its cost estimate for an updated scope of work. On July 29, 2013, the Friends voted to make a revised offer to the Board to raise \$58,700 to complete the 25% design according to Mass. DOT guidelines, with up to \$5,000 of these funds to be made available immediately upon Town approval. He further stated the Friends hopes the Board could approve the offer and begin the Request for Proposal (RFP) process, and the Friends would then begin its fundraising efforts for the remainder of the funds.

Chairman Drobinski asked how long the Friends will need to raise the funds. Mr. Michelman stated it is hoped the funds could be raised by the end of this year.

Town Manager Valente asked if the Friends could provide copies of other similar agreements to assist Town Counsel with his review process. Mr. Michelman stated the Friends have not done this before, so no other similar agreements exist.

Based on information previously provided, Selectman O'Brien stated the half-mile trail could cost approximately \$1.25 million to construct according to Mass. DOT standards, of which the state would pay 90%. If the Friends' offer is accepted, he stated the Town would possibly be responsible for approximately \$67,000 for this half-mile segment before state funds would be approved.

Chairman Drobinski explained a 25% design is a very preliminary stage of the process. He stated the goal at this stage is to determine if the plan is buildable, and/or if there are permitting issues.

Selectman O'Brien asked what questions would be answered with a 25% design.

GPI consultant Becky Williamson listed communities her firm has worked with for this type of project. She stated the goal of the 25% design would be to establish the Town has a legitimate project which can be built, that obstacles could be overcome, and the project has public support. Ms. Williamson briefly reviewed the typical process, which would include two public hearings.

Selectman O'Brien asked if the consultants coordinate their work with local Conservation Commission bylaws. Ms. Williamson stated they would.

Selectman Simon stated this project has been discussed in Town for ten years. He stated the Friends' offer would give the Town the opportunity to "test the waters." Selectman Simon believes it is time for the Board to decide whether it wants to proceed with this first step. He asked Mr. Michelman what would happen if the RFP came in for less than the \$58,700 which would be raised. Mr. Michelman stated he assumes there would be terms and conditions dictating this scenario within the agreement which would be created.

Selectman Simon asked Ms. Williamson whether her firm has completed other 25% designs for the Bruce Freeman Rail Trail (BFRT). Ms. Williamson stated the firm was not involved in Phase 1 of the BFRT. However, she stated the firm has had significant rail trail experience, which she summarized. Selectman Simon also asked her if all the trail work was designed to Mass. DOT standards and if the firm was always able to overcome obstacles to produce a 25% design. Ms. Williamson answered affirmatively to both questions.

Vice-Chairman Woodard asked if the wetlands would be delineated and who would pay for this activity. Ms. Williamson stated this was not assumed to be needed, but the firm has recently learned this would now also be required. She estimated the cost for this service to be approximately \$2,500 to \$4,000.

Chairman Drobinski explained there is a three-year shelf life to the flagging of wetlands, and he opened the discussion to comments from the public.

Sudbury resident Robert Abrams, 48 Horse Pond Road, asked what would happen if the Friends could not pay its promised \$58,700. He stated the Friends of the Bruce Freeman Rail Trail has a complaint pending with the Internal Revenue Service (IRS) regarding potential violations of the use of exempt funds for political purposes. Mr. Abrams urged the Board to consider this factor in its deliberations regarding whether to accept this offer.

Chairman Drobinski stated the Town would not enter into an agreement if the funds were not assured. He also stated Town Counsel would review draft documents to ensure the Town's interests are protected.

Westford resident Emily Teller is on the Board of the Friends. She stated legislation for rail trails has changed over the years, and now towns are asked by the State to pay 10% as a good faith gesture towards the project. Ms. Teller urged the Board to accept the offer, which if eventually constructed, would connect Sudbury to 10 miles of adjacent trails.

Sudbury resident Dan DePompei, 35 Haynes Road, urged the Board to carefully and legally review the offer to ensure there would be no potential in any agreement made for exempt and non-exempt funds to be co-mingled. He also encouraged the Board to be sure the offer would be an appropriate use of Friends' funds. Mr. DePompei also asked for further clarification regarding the distribution of the consulting firm's eventual 25% design report.

Ms. Williamson stated the 25% design would ensure for the Town it has a plan which can be constructed.

Selectman O'Brien asked if the consultants would provide the Town with its report, and then the Town could decide if it wanted to submit it to the Mass. DOT. Ms. Williamson stated that, when a Town commits to a DOT plan, the engineers typically submit the plan to the DOT, and at the same time, they provide the Town with a copy. Selectman O'Brien asked if the 25% design is submitted to Mass. DOT, has the Town then started down the path to building the trail according to DOT standards. Ms. Williamson stated the submission of the design to DOT does not obligate the Town regarding construction.

Mr. DePompei also encouraged the Board to determine what the applicable laws would be for the project regarding stormwater management regulations and the environment. Chairman Drobinski stated the Town could address these issues in its RFP.

Sudbury resident Jeff Harper has followed this topic for three years. He believes it is a good offer for the Town to allow the first step to be taken with no financial consequences to the Town. Mr. Harper stated the offer would allow the Town to determine if the project is viable, and he urged the Board to accept the offer.

Sudbury resident Pat Brown, 34 Whispering Pine Road, asked for more information regarding the extent of the project and what would be proposed to Mass. DOT. She referenced the Concord section leading up to the Sudbury line on Route 117, and she asked if this would be included and whose project would it be, i.e., Concord's, Sudbury's, or would it be a regional project. Mr. Michelman stated these issues are yet to be determined.

Concord resident and Friends' Board member Barbara Pike stated Concord's Phase 2B project was designed to the Sudbury Town line, but Concord's Town Meeting voted that a more natural terminus at this time would be at Powder Mill Road.

Selectman O'Brien asked when the Powder Mill connection is scheduled to be built. Ms. Williamson stated it would be on the State's 2016 TIP, to likely be constructed in the spring of 2017. Again, this is contingent on Sudbury progressing on its trail.

Ms. Brown asked if the entire plan would be built according to Sudbury's bylaws. Ms. Williamson stated town bylaws are not ignored in a 25% design, and they would comply with local bylaws.

Selectman Simon stated Concord has an environmental bylaw and he asked if it was waived.

Ms. Williamson stated her experience is only with West Concord, but she believes compliance with Concord bylaws was handled in a manner which would conform to what Concord's residents wanted.

Ms. Brown encouraged the Board to have Conservation Commission Coordinator Debbie Dineen review all pertinent material, since she is an expert on Sudbury's environmental bylaws.

Vice-Chairman Woodard asked who would pay for the wetlands delineation. Chairman Drobinski stated the Town could address this also in the RFP.

Mr. Abrams strongly urged the Board to discuss with Town Counsel that compliance with Town bylaws and the requirement that the 25% design is submitted to the Town and not to Mass. DOT be clearly defined in any and all agreement documents.

Sudbury resident Carol Wolfe, 637 Concord Road, stated she attended several rail trail meetings in Concord. Ms. Wolfe stated Concord based its wetlands bylaw on Sudbury's, but it grandfathered the rail trail, believing it could not be built according to the guidelines of the new bylaw.

Selectman Haarde asked Ms. Williamson if she foresees any problem achieving a 25% design in Town, which is in compliance with Sudbury's bylaws. Ms. Williamson stated she has not read all of Sudbury's bylaws in detail, but she does not anticipate any problems as long as the trail does not directly impact wetlands, which she believes is not the case.

An unnamed male Concord resident, 501 Powder Mill Road, stated there was a lot of concern in Concord about not being locked into a 25% design for environmentally-sensitive areas, and a change of surface was proposed for limited areas. However, the gentleman stated Concord's Town Meeting voted to proceed with an all-paved trail.

Vice-Chairman Woodard asked if the Town wants to occasionally deviate from a straight path, can it do so according to Mass. DOT standards. Ms. Williamson stated the Mass. DOT tends to work with each project on a case-by-case basis, and that it will consider a community-sensitive trail, and it will want the trail to comply with American with Disabilities Act (ADA) standards.

Selectman Haarde asked if the Friends would consider making the offer without the Mass. DOT stipulation. Mr. Michelman stated this is not an option because the Friends' goal is to complete the 25% design process in order to give the Town the opportunity in the future to receive construction funds from the State.

Selectman Simon referred to the materials he distributed tonight, and he summarized prior votes conducted in Town on this issue. He believes the residents understood what type of rail trail they were voting to support, and that it is a trail designed to Mass. DOT standards.

Mr. DePompei stated votes on this issue have gone both ways. He believes residents have expressed a need to understand the rail trail concept which will be pursued. Mr. DePompei believes the Friends is a political advocacy group, and he urged for careful consideration of its offer. He does not want Sudbury to lose flexibility in its rail trail pursuits.

Sudbury resident Cate Dill, 7 Birchwood Avenue, believes the Board needs to make a decision as to how to proceed with this project, and she encouraged the Board to move forward.

Chairman Drobinski stated Town Counsel will need to review votes by the Board and an RFP document.

Selectman Simon summarized the current offer being made by the Friends.

Selectman O'Brien asked if Town Counsel Paul Kenny has reviewed the updated offer. Town Manager Valente stated he has not. Selectman O'Brien suggested Town Counsel reviews the current offer and information and that he prepares a draft Memorandum of Understanding for the Board's review.

Mr. Michelman stated this approach is acceptable, and he encouraged Town Counsel to contact the Friends, if needed.

Selectman Haarde stated it is important for Town Counsel to review the offer before the Board votes. Vice-Chairman Woodard stated the vote by the Board is important because it will be the first symbolic step for this project.

Sudbury resident Nancy Powers, 201 Union Avenue, asked if Town Counsel could report directly to the Board to expedite the process.

Selectman O'Brien recommended, and the Board concurred, that the process not be rushed, and that the Board continues its discussion regarding this offer at its September 17, 2013 meeting.

It was on motion unanimously

VOTED: To request Town Counsel review the offer made by the Friends of the Bruce Freeman Rail Trail to raise \$58,700 to pay for the 25% design adhering to State Department of Transportation (DOT) guidelines for a half-mile stretch of the rail trail on Route 117, and to prepare, if appropriate, an affirmative Memorandum of Understanding and/or agreement for the Board's review at its September 17, 2013 meeting.

### **Minutes**

It was on motion

VOTED: To approve the regular session minutes of July 30, 2013, and the special session minutes for Bond Signing of August 6, 2013.

Vice-Chairman Woodard recused himself from the vote on the July 30, 2013 meeting minutes, and Selectman Haarde recused himself from the vote on the August 6, 2013 meeting minutes.

### **Council on Aging – Resignation**

It was on motion unanimously

VOTED: To accept the resignation of Mary-Lee Mahoney Emerson, 11 Poplar Street, from the Council on Aging, as noted in a letter dated July 28, 2013, and to send a letter of thanks for her service to the Town.

### **Executive Office of Energy and Environmental Affairs – Land and National Diversity (LAND) Grant – Pantry Brook Farm**

Selectman O'Brien recognized the work of Town staff who helped to obtain this \$400,000 grant which had initially been budgeted only for a \$250,000 potential award.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$400,000 from the Executive Office of Energy and Environmental Affairs Land and National Diversity (LAND) Grant Program for the Pantry Brook Farm preservation project.

**Special State Primary Election Warrant**

It was on motion unanimously

VOTED: To sign a Special State Primary Election Warrant for posting at Town Hall and in at least three places within each of the five precincts no later than October 8, 2013, at least seven days before the time appointed for said meeting of October 15, 2013, as requested by the Town Clerk.

**Newbridge Farm Trust – Removal of Land from M.G.L. c. 61B – Newbridge Road –**

**Discussion**

Present: Director of Planning and Community Development Jody Kablack

At 9:43 p.m., Chairman Drobinski opened a discussion regarding the Town's opportunity to exercise its Right of First Refusal option regarding Newbridge Farm Trust. The Board was previously in receipt of copies a memorandum from the Board of Assessors dated July 26, 2013, a letter from Sudbury's Planning Board dated August 1, 2013, a memorandum from Conservation Commission Coordinator Debbie Dineen dated August 1, 2013, a memorandum from the Land Acquisition Review Committee dated August 1, 2013, an email from The Sudbury Valley Trustees Land Protection Specialist Susan Crane dated August 14, 2013, all recommending that the Town not exercise its option to purchase the parcel, and a draft "Discharge of Right of First Refusal."

Ms. Kablack summarized the applicable Chapter 61B guidelines, which grants a property preferential tax status requiring the owners to offer the opportunity for purchase to the Town at the time of sale or conversion of the property to a different use. She explained the owners plan to remove a one-acre lot for sale, which is part of a much larger property, which in its entirety, is listed on the Town's Open Space Plan.

Chairman Drobinski stated the Town has long been interested in acquiring the whole parcel. Ms. Kablack stated the owners have expressed an interest in preserving the larger property, but they have an immediate financial need to resolve at this time. She stated the family has sold off approximately five lots over a long period of time. Ms. Kablack stated that, in the past, and currently, several Boards and committees have reviewed the one-acre lot offer and have recommended that the Town does not exercise its Right of First Refusal, because this particular lot does not sacrifice the ecological value of the larger property.

Chairman Drobinski stated this is the type of property in its entirety which would be a prime candidate for Community Preservation Act funds to be used to protect it from potential Chapter 40B development.

Sudbury resident and abutter Fern Firth, 41 New Bridge Road, is also the broker for the property, and she commented on the remaining frontage of the property, which according to the map locus is 882.95 feet.

Selectman Haarde opined that, if the rear of the property can be preserved, it seems reasonable to allow the owners their options with the frontage.

Chairman Drobinski stated the Town wants to work with the Dickey family, property owners.

Selectman O'Brien suggested sending the property owners a letter stating the Town would like to creatively work with them regarding their property. Ms. Kablack stated the Trust has many beneficiaries and several stakeholders involved.

It was on motion unanimously

VOTED: To not exercise the Town of Sudbury's right of first refusal pursuant to M.G.L. c.61B on a 40,043 +/- sq.ft. lot shown as Lot 3 on Newbridge Road, owned by Newbridge Farm Trust, which is proposed to be converted to a residential use for the construction of a single-family dwelling and is under an executed Purchase and Sale Agreement dated June 20, 2013 for the price of \$305,000, and to sign the "Discharge of Right of First Refusal."

**Draft Board of Selectmen's Citizen's Comment Procedure – Discussion**

At 9:56 p.m., Chairman Drobinski stated the Board would like to review its policy for receiving citizen's comments. The Board was in receipt of copies of a memorandum from Town Manager Valente dated August 13, 2013, the current Meeting Policy and a draft insertion for the Board of Selectmen's Policies and Procedures.

Town Manager Valente stated she researched how other towns handle this issue to remain in compliance with the State's Open Meeting Law. Most towns do not have any written procedures. However she prepared a draft for review based primarily on input from Wellesley, which has been reviewed by Sudbury's Town Counsel. Town Manager Valente also stated Selectman Simon suggested a sign-up sheet be placed at the rear of Town Hall for citizens, and she distributed copies of a sample sign-up sheet to the Board.

Selectman Simon recommended, and the Board concurred, that the draft procedures and sign-up sheet be posted on the Town website, offering a two-week comment period, and that the topic be added to the Board's September 17, 2013 meeting to allow for feedback from the public.

Sudbury resident Pat Brown, 34 Whispering Pine Road, requested the Board of Selectmen's policies be posted on the Town website. Town Manager Valente stated staff members have been working to complete this project.

There being no further business, the meeting adjourned at 10:05 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente