

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 22, 2013

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:34 p.m., Chairman O'Brien opened the meeting. He reminded residents to check on neighbors, especially the elderly and those who might need assistance, during the current cold snap. He also stated there are 15 Town positions open for the coming Town Election, and that nomination papers are available at the Town Clerk's Office. Chairman O'Brien stated Warrant articles are due by January 31, 2013. He announced the annual rabies clinic for dogs and cats will be held January 26, 2013 from 10:00 a.m. to 12 noon at Especially for Pets. The fee is \$12. He also announced the open burning season is from January 15, 2013 to May 1, 2013, and permits are available at the Fire Station.

Reports from the Town Manager

Town Manager Valente announced the retirement this summer of her Executive Assistant Mary McCormack. She thanked Mary for the outstanding work she has done for the Town for many years, noting it will be especially hard to replace her talents.

Ms. Valente thanked The Sudbury Foundation for a \$3,000 grant which will be used for training Department Heads.

Ms. Valente reported receiving some complaints regarding snow removal efforts last week. She has discussed resident feedback with both School Superintendents. However, Town Manager Valente explained it is very difficult when storm activity occurs in the early morning hours prior to the start of the school day. She further noted that every inch of snow costs the Town approximately \$8,000, and thus cost is considered in the decision-making process, but never at the expense of public safety.

Town Manager Valente stated she has completed a first draft of the FY14 Budget. She noted the Finance Committee provided a 2.7% guideline for revenue and budget growth. Ms. Valente reported it appears the Town and Sudbury Public Schools (SPS) will be able to cover salaries and support departments at a similar level to FY13. She noted the budget is subject to revisions regarding vendor pricing and other factors. Ms. Valente further stated a 7.5% increase in the Group Insurance Commission costs has been estimated. She emphasized the changes made by the Town last year for health insurance coverage has noticeably helped the FY14 budget.

Reports from the Board of Selectmen

Selectman Drobinski stated he is recovering from being ill two weeks ago. He noted he viewed the tape of the Board's last meeting and has submitted the appropriate Mullin law paperwork for the record. Selectman Drobinski attended the gun violence in America forum at the High School last week. He stated the event was well-attended, and he believes it is important for Sudbury to begin this discussion.

Vice-Chairman Haarde stated he also attended the gun violence forum, and he thought it was handled well. He also stated the Fairbank Center Study Task Force has been meeting weekly to discuss various issues.

Since the Board's last meeting, Chairman O'Brien stated he visited a store in Marlborough whose owners are proposing a new location in Sudbury to be discussed later tonight. He also toured the Sudbury Town Square development at 29 Hudson Road with one of the property owners.

Zoning Board of Appeal – Appointment Interview

Present: Applicant Nicholas Palmer

At 7:44 p.m., Chairman O'Brien welcomed Sudbury resident Nick Palmer to the meeting to discuss his interest in serving as an alternate member of the Zoning Board of Appeals (ZBA) and concurrent Earth Removal Board member. The Board was previously in receipt of copies of Mr. Palmer's application and resume, and a letter from Sudbury ZBA Chair Beth Quirk dated December 7, 2012, endorsing Mr. Palmer.

Mr. Palmer stated he has been a civil engineer for over 25 years, and he moved to Town a few years ago. He believes his experience would be helpful, and he would like to become more involved in Town decision-making.

Selectman Drobinski stated he thinks the ZBA could greatly benefit from having a civil engineer as a member. He asked if Mr. Palmer foresees a problem listening to the public, while being responsible for enforcing regulations. Mr. Palmer stated that he believes his perspective from having been "on the other side of the table" for years will help him weigh the information fairly.

Vice-Chairman Haarde thanked Mr. Palmer for his interest in volunteering his talent and time. He asked Mr. Palmer if he would be able to stand his ground for what he believes is best for the Town regardless of outside pressures. Mr. Palmer stated he believes he would be able to do so, since his job would be to represent the best interests for the Town.

In response to a question from Chairman O'Brien, Mr. Palmer stated he has attended a few ZBA meetings.

It was on motion unanimously

VOTED: To approve the appointment of Nicholas B. Palmer, 132 Pratt's Mill Road, as an alternate member of the Zoning Board of Appeals and a concurrent member of the Earth Removal Board, for a term to expire May 31, 2014, filling a position which was not previously filled.

2013 Annual Town Meeting – Potential Articles – Discussion with Sudbury's Planning Board, Town Manager, Finance Director and Combined Facilities Director

Present: Town Manager Maureen Valente, Planning Board Chair Michael Fee and Planning Board members Chris Morely and Pat Brown, Finance Director Andrea Terkelsen and Combined Facilities Director Jim Kelly

The Board was previously in receipt of copies of a letter from the Planning Board dated January 4, 2013, describing the warrant articles it has considered for the 2013 Annual Town Meeting and accompanying draft article information regarding a temporary zoning moratorium on medical marijuana dispensaries provided by Kopelman and Paige, P.C., the relevant article for Annual Town Meeting drafted by the Town of Wayland, and the proposed warrant article for the Town of Needham, two memoranda from Town Manager Valente both dated January 18, 2013, regarding potential articles to be submitted by the Selectmen and accompanying draft articles for a PILOT agreement – solar project at landfill site, and a draft revision of the capital planning article, a memorandum from Finance Director Andrea Terkelsen dated January 22, 2013, regarding a new local option for a veterans' tax work off program and a memorandum from Combined Facilities Director Jim

Kelly dated January 22, 2013 . In addition, copies of an email from Sergeant Todd Eadie dated January 5, 2013 and an email from Sudbury resident Jan Hardenbergh dated January 12, 2013, a draft article regarding amending the bylaws regarding public safety and discharge of firearms, and a Regional ESCO handout prepared by the Metropolitan Area Planning Council were distributed tonight.

Planning Board

Chairman Michael Fee stated the Planning Board has discussed the possibility of proposing articles for Town Meeting, but it wishes to obtain feedback from the Selectmen before deciding whether to submit them. Mr. Fee stated the Planning Board has considered recommending a shift in the review authority for Site Plan from the Selectmen to the Planning Board, noting it is traditionally within the purview of Planning Boards. He emphasized that this is not intended to usurp the Selectmen's authority, but rather to alleviate the Selectmen's workload to focus on other Town matters, and to provide the Selectmen with a convenient alternative.

Selectman Drobinski stated that, as a former Planning Board member, he appreciates the proposal. However, as a Selectman, he also noted he enjoys having the opportunity to meet the developers and business people coming to Town, and if a change were made, he would hope this tradition would continue. Selectman Drobinski stated he does not have a conceptual problem with the proposal, because Site Plans are usually far along in the process by the time the Board reviews them. He asked how many Boards of Selectman in the State have Site Plan authority, and he noted he is not sure what the opinion would be of future Selectmen.

Town Manager Valente stated only one other town besides Sudbury has the Selectmen as the granting authority for Site Plans.

Vice-Chairman Haarde stated he is willing to think about the proposal. However, he is pleased with how the current system operates, and he is not sure a revision is needed. Vice-Chairman Haarde stated he believes the Selectmen help to nurture Town businesses, and he believes the exposure projects receive at televised Selectmen's meetings is beneficial. He also stated he has concerns regarding losing the opportunity to provide useful input, as was done on the TD Bank Site Plan. Vice-Chairman Haarde believes the involvement of several boards and committees helps the Town take the appropriate time to perform its due diligence.

Chairman O'Brien stated 95% of the work is already done by the time plans come before the Selectmen, and he noted the Board has no jurisdiction over stormwater and zoning-related issues. However, he believes it is good for the Board to have the chance to review Site Plans, and he personally does not mind the process.

Mr. Fee stated the Planning Board offered the suggestion as a way to achieve better efficiencies, and not to infer that it could do a better job than is currently being done. He stated the Planning Board also suggests the Selectman consider a small bylaw change altering a unanimous vote to a majority vote for Site Plan review, noting a unanimous vote is not warranted at this level.

Selectman Drobinski stated he thinks this proposal makes sense if the Board becomes larger, and a majority vote would provide the applicant more flexibility.

Vice-Chairman Haarde stated that, since there is a referendum pending to increase the Board membership, perhaps this issue could be considered following the upcoming vote. He noted applicants have other options available to them.

Chairman O'Brien suggested the Planning Board consider presenting this article next year, or if it decides to proceed this year, to include language noting that the vote is subject to an affirmative vote to expand the

Board of Selectmen to five members. He stated he believes a majority vote would make sense, if the Board of Selectmen had more members.

Planning Board member Chris Morely stated that, from the Planning Board's perspective, whether the Board of Selectmen has three or five members was not its primary concern. Mr. Morely stated the Planning Board's emphasis was that a Site Plan does not rise to the level of a Special Permit review.

Vice-Chairman Haarde stated he believes the number of Selectmen matters because other options other than a unanimous or majority vote may want to be considered, including a possible super majority option.

Mr. Morely asked if the Board would consider a compromise proposal, where members from both Boards could participate in the review process, but the Planning Board would have the final word.

Chairman O'Brien suggested an article be bookmarked for the Warrant, and that the issue be discussed again.

Mr. Fee stated another topic for consideration is the regulation of medical marijuana dispensaries. The Planning Board thinks it is prudent to examine the law and anticipated regulations due to be released in May 2013 in order to regulate locations which do not impact Sudbury's quality of life. Mr. Fee referenced information from Kopelman and Paige, P.C., which recommends towns declare a moratorium for a certain period of time to determine how they wish to proceed.

In response to a question from Chairman O'Brien, Mr. Fee stated that it is suggested the moratorium be established for one year from when the State regulations are issued. He recommended the Town ask for as much time as possible to determine its course. Mr. Fee highlighted the amount of agricultural land available in Sudbury, noting the Town is potentially at high risk, and it should aggressively pursue preventative measures.

Chairman O'Brien suggested the issue be bookmarked for a Warrant article. Selectman Drobinski, concurred, and he emphasized the Town needs to cautiously proceed regarding this issue.

Vice-Chairman Haarde asked if any dispensary licenses have been issued yet by the State. Mr. Fee stated none have. Vice-Chairman Haarde suggested that, in future discussions, it would be helpful to elaborate on how these facilities could impact Sudbury's quality of life, as noted in the Planning Board's January 4, 2013 letter.

Town Manager Valente stated it seems prudent for the Town to wait until the State regulations are issued. She noted some towns have contacted the State's Attorney General's Office for guidance. It is believed that as long as the moratorium includes a date certain for its duration, it should be acceptable.

Vice-Chairman Haarde referenced the Planning Board's January 4, 2013 letter. He stated he favors the third option presented, which would allow the Town time to review and establish its position. Mr. Fee stated this opinion is consistent with the recommended moratorium approach.

A proposal to delete the Wastewater Facilities Bylaw was briefly mentioned. Chairman O'Brien stated the recommendation makes sense. Selectman Drobinski provided a brief background for the Willis Hill decision, which was the impetus for the bylaw.

Mr. Fee noted the Planning Board would not be ready to submit an article for acceptance of Tall Pine Drive until 2014.

Town Manager

At 8:36 p.m., Town Manager Valente reviewed possible articles, including Town Center construction, establishing a payment-in-lieu of taxes (PILOT) program with Ameresco for a solar facility at the Town landfill, capital planning, to accept Chapter 108 of the Acts of 2012 (the VALOR ACT) allowing a veterans' tax work off program, funding of the stabilization fund, a Special Act to dedicate meals tax to the Town's Other Post Employment Benefit (OPEB) obligations, discharge of firearms and withdrawal from Minuteman Vocational High School.

Ms. Valente stated Town staff would like to submit an article for the Town Center project. She read aloud a Police Department email, documenting the recent malfunctioning of the antiquated Town Center traffic lights. Ms. Valente also referenced Mr. Hardenburgh's email regarding how costs for the project are portrayed, and she noted he is present tonight. She stated Director of Planning and Community Development Jody Kablack and Department of Public Works (DPW) Director Bill Place have researched whether two-years' worth of Chapter 90 funds could be dedicated to this project. It is estimated that after utilizing these Chapter 90 funds, project costs could be reduced to approximately \$600,000. Ms. Valente emphasized Town staff does not want to invest some monies for immediate repairs to the area to only undue that work in the future for other reasons. She stated the Town Center problems are getting worse with time, not better.

Selectman Drobinski stated the Community Preservation Committee has been discussing this project and some members have concerns. He believes the Town could utilize two years' worth of Chapter 90 funds without jeopardizing the condition of Sudbury's roads, which he believes are in better shape than in most towns. Selectman Drobinski suggested bookmarking an article, while continuing to work on project costs. Chairman O'Brien later concurred. Selectman Drobinski also noted the Town's debt capacity is in a favorable position to possibly take on the project.

Vice-Chairman Haarde asked how much would need to be bonded and for how long. Town Manager Valente estimated the amount to bond would be approximately \$600,000, over a five-year period. Vice-Chairman Haarde stated this is an important project, which is also a public safety issue. He agrees that an article should be bookmarked, noting it is possible the Town will pay less to do the project than it would to deal with the problems in a crisis situation later on.

Town Manager Valente briefly described the proposed article to establish a payment-in-lieu of taxes (PILOT) program with Ameresco for a solar facility at the Town landfill, which is needed as part of the Town's agreement with its Energy Services Company (ESCO), Ameresco. The intent is for the Town to reduce the cost of its utility bills. Ms. Valente emphasized the facility would be assessed a personal property tax and not real estate taxes.

The consensus of the Board was that this article makes sense, and that it would benefit the Town with additional personal property tax revenue, while helping to cut costs.

Ms. Valente stated Town Counsel is reviewing the draft capital planning article. She summarized the recommended revisions that she, Assistant Town Manager Bilodeau and the Capital Planning Committee have proposed. She explained L-SRHS has requested to now be involved in the capital planning process. Ms. Valente also noted that it is proposed the Capital Planning Committee focus on larger policy issues, the threshold project costs be increased and that members be appointed by the Board of Selectmen.

Selectman Drobinski stated the suggestions are reasonable.

Vice-Chairman Haarde stated he thinks a lot of the recommendations are good. He asked if L-SRHS can be included in the process, if it is a separate legal entity, and whether this would open up the Town's capital budget to use by the High School. Town Manager Valente stated the outcome of projects will be determined by the Committee and Town Meeting. She believes it is beneficial to have the High School involved in the review process, and she noted the Town of Lincoln would need to be apprised of any project discussions. Vice-Chairman Haarde suggested language be included in the article to reflect the expectation for Lincoln to also contribute proportionately to project costs.

Vice-Chairman Haarde supports the idea of the Selectmen appointing Committee members. However, he questioned whether the recommended revised threshold for project costs of \$100,000 is too high, and he suggested \$50,000 be considered. Vice-Chairman Haarde believes capital review is important, and he would also recommend that language be included to prevent projects from being submitted in smaller increments to avoid review. Selectman Drobinski concurred, and he suggested the words "total project cost" be used.

Chairman O'Brien stated the article should definitely be bookmarked. Town Manager Valente will share the Board's feedback with the Committee.

Town Manager Valente suggested an article be submitted to fund the Stabilization Fund, and that the amount be left blank at this time. The Board expressed no objections.

Town Manager Valente mentioned a possible Special Act article to dedicate meals tax to the Town's Other Post Employment Benefit (OPEB) obligations. In response to a question from the Board, Town Manager Valente and Finance Director Andrea Terkelsen stated meals tax revenue this year was double the projection. Town Manager Valente stated Town staff has not vetted this article suggestion yet, but will do so, if the Board would like to bookmark an article.

Chairman O'Brien believes allocating some funds to OPEB shows the Town is trying to address this issue.

Selectman Drobinski asked if the Finance Committee had concerns that this action would limit the Town's ability to balance its budget. Town Manager Valente stated this is a concern of Ms. Terkelsen, but she is not sure about the Finance Committee's opinion. Ms. Valente stated it is important for the Town to establish how it wishes to impose discipline to address the OPEB obligation. Chairman O'Brien suggested an article could be drafted not necessarily allocating 100% of the meals tax revenue to OPEB. Ms. Valente stated further information could be collected. The consensus of the Board was that an article should be bookmarked.

Ms. Valente noted the Minuteman article may be premature this year, but she stated there are serious problems to deliberate at a later time. She also stated she assumes the Board does not wish to proceed at this time with a payment-in-lieu-of taxes program for L-SRHS. The Board agreed on both items.

Town Manager Valente referenced a draft discharge of weapons article initiated by a group of residents, who have worked with Town Counsel Paul Kenny. Ms. Valente suggested it might be best presented as a petition article, and the Board could decide at a later time its position. The Board seemed to agree.

Finance Director

Finance Director Andrea Terkelsen briefly described the new local option for a veterans' tax work-off program. Ms. Terkelsen stated the statute is nearly identical to the one which established the "senior" tax work-off abatement program. The veterans' program would allow for working off up to \$1,000 of their tax

bill with community service. She recommended between 10 to 18 slots be offered for the new program, based on a similar formula used for the senior program, which would increase the Town's annual abatement overlay account by \$8,000 to \$14,000.

Chairman O'Brien noted there is no age or income limit for program participation. He stated the Board would be able to set the number of participants and the discount amount as it deemed appropriate. Chairman O'Brien asked if future changes would need to be approved by Town Meeting. Town Manager Valente and Ms. Terkelsen stated they would not after the program is initially accepted by Town Meeting. The consensus of the Board was to bookmark an article, and to reference the maximum abatement for the annual overlay account in the budget.

Combined Facilities Director

At 9:14 p.m., Combined Facilities Director Jim Kelly stated he is considering submitting a Warrant article for the Fairbank Roof Project and the ESCO proposal previously mentioned for the Ameresco contract. He distributed copies to the Board of another handout regarding the ESCO proposal. Mr. Kelly briefly described how the ESCO program will allow the Town to complete equipment upgrades at no cost to the Town, while reducing utility costs.

In response to questions from the Board, Town Manager Valente explained the Town would issue a bond within the Proposition 2 ½ guidelines, and then redirect a part of the operating budget which would have paid for utilities to pay for the debt service. She also explained a ballot vote would not be needed because it is within the Prop. 2 ½ parameters. Ms. Valente further stated more work needs to be done to prepare the article for Town Meeting.

Mr. Kelly stated the investment audit is currently underway, and an article is proposed to be bookmarked.

Chairman O'Brien stated, if the estimated energy savings are not achieved, Ameresco still pays the Town. Mr. Kelly confirmed this to be accurate. He also stated the Energy and Sustainability Green Ribbon Committee supports the proposed article.

Town Manager Valente stated the proposal also needs to be discussed with the Schools.

Vice-Chairman Haarde asked if the Town has engaged the same lawyer for negotiations who also represents Ameresco, which he advises against. Mr. Kelly stated no lawyer has been engaged yet, and the Town would not likely employ the same lawyer. He also stated there may be a grant opportunity to pursue for this project. The consensus of the Board was that a Warrant article should be prepared.

Mr. Kelly stated the Fairbank Center Task Force will meet again next week. Mr. Kelly stated he would like to bookmark an article for a feasibility study to be completed to explore how the building should be preserved for the future. In response to a question from Chairman O'Brien, he stated the project would study the entire building regarding renovation or new construction options and the needs of all current tenants.

Selectman Drobinski asked if there is a comfort level regarding the condition of the current roof. Mr. Kelly stated he would recommend re-submitting the Special Town Meeting's article from last fall with no dollar amount listed.

Vice-Chairman Haarde stated the Study group needs to consider all the feasible options before it can offer recommendations. He also requested Mr. Kelly contact Russo-Barr to visit the building again. Vice-

Chairman Haarde stated he has observed significant pooling of water on the roof which eventually causes leaks, but he believes the rubber roof itself is in satisfactory shape.

Mr. Kelly stated there is a lot of work to be done by the Study group in the next week or so to determine some certainties regarding the project and to draft its report. A brief discussion ensued regarding how long a temporary fix could last, and whether this is a prudent approach in the long-run.

Vice-Chairman Haarde suggested both articles regarding the Fairbank Center be bookmarked.

Public Hearing: Site Plan Application – Scott McIver, Trustee of the Macot Realty Trust – 65 and 71 Union Avenue

Present: Methods Machines Attorney Joshua Fox, and applicant representatives Operations and Property Manager Dave Duane, Project Architect Rob Taylor, Facilities Manager Russ Rainer, Project Engineer Tom DiPersio, Sr. and Director of Planning and Community Development Jody Kablack

At 9:32p.m., Chairman O'Brien opened the Public Hearing regarding the application of Scott McIver, Trustee of the Macot Realty Trust, owner, for modification of an approved Site Plan for a change of use for Methods Machines, located at 65 and 71 Union Avenue, zoned Industrial District and Industrial Park District, Town Assessor Map K08, Parcel 0051 and 0087. The Board was previously in receipt of copies of a letter from the applicant's lawyer Joshua Fox dated December 20, 2012 and the accompanying Request for Modification application, plans and exhibits. In addition, copies of minutes of the Design Review Board January 9, 2013 meeting, a memorandum from Conservation Coordinator Debbie Dineen dated December 31, 2012, noting questions and a memorandum from Director of Planning and Community Development Jody Kablack dated January 16, 2013, noting comments and recommendations, and meeting minutes from a Town staff Pre-Application Meeting on January 8, 2013 were distributed tonight.

The applicant's attorney Joshua Fox summarized the minor modification request for a change of use to convert the current facilities from industrial warehouse to office space. He noted it is a fully developed site, and the expanded parking area is already entirely paved. Mr. Fox stated the project has been discussed with the Design Review Board (DRB), which unanimously approved the architectural plans, subject to review of a landscape and sign plan. He also stated a zoning parking analysis was completed, which indicated 199 spaces are needed. Mr. Fox explained the application requests striping for 140 parking spaces (utilizing the 30% relief percentage) and to allow 59 parking spaces to be marked as reserved for the future.

Chairman O'Brien asked if the company anticipates future personnel growth. Company representatives stated the company is growing, and the submitted plan accounts for future expansion.

Mr. Fox stated the change of use to office space necessitates a new septic system, which will be installed. Wetlands are in the process of being flagged on the property. In addition, the applicant has agreed to incorporate stormwater and drainage upgrades into the plans.

Project Engineer Tom DiPersio, Sr. displayed exhibits to the Board to review plans for vegetation and drainage. He stated a meeting was held with Town staff and the Conservation Coordinator, and suggestions were incorporated into the plan. Mr. DiPersio stated green space improvements would be made. He also would like to meet with Ms. Kablack and DPW Director Bill Place on site to review options to modify the entrance area.

Selectman Drobinski stated he has no objections to the requests for parking and a change of use. He views the proposal as helping a local business improve its operations, while also improving the Town's environment. Selectman Drobinski stated he is pleased the company is in Sudbury and has plans to expand. Vice-Chairman Haarde concurred.

Chairman O'Brien asked the applicant to consider making a contribution to the Town's walkway account. He stated he had no objection to the requests. Chairman O'Brien referenced a concern from the Fire Chief regarding adequate rear access for emergency vehicles. Mr. Fox stated this issue is being addressed by the applicant.

It was also on motion unanimously

VOTED: To close the Public Hearing regarding the Site Plan application of Scott McIver, Trustee of the Macot Realty Trust, owner, for Modification of an approved change of use for Methods Machines, located at 65 and 71 Union Avenue, zoned Industrial District and Industrial Park District, Town Assessor Map K08, Parcel 0051 and 0087.

It was on motion unanimously

VOTED: To request Director of Planning and Community Development Jody Kablack prepare a draft affirmative Decision regarding the Site Plan application of Scott McIver, Trustee of the Macot Realty Trust, owner, for Modification of an approved change of use for Methods Machines, located at 65 and 71 Union Avenue, zoned Industrial District and Industrial Park District, Town Assessor Map K08, Parcel 0051 and 0087, for the Board's review at its February 12, 2013 meeting at 9:00 p.m.

Public Hearing: Site Plan Application – Northern Bank and Trust Co. – 430 Boston Post Road

Present: Northern Bank & Trust Co. Attorney Shaun Briere and project engineer Brian Fairbanks

At 9:50 p.m., Chairman O'Brien opened the Public Hearing regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq. ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077, which was continued from January 8, 2013. The Board was in previous receipt of copies of a draft "Site Plan Decision Sudbury Board of Selectmen Northern Bank & Trust Company, 430 Boston Post Road," dated January 22, 2013. Selectman Drobinski announced for the record, he viewed the videotape of the Board's last meeting, and he has signed compliant paperwork regarding the Mullin rule.

Northern Bank & Trust Co. Attorney Shaun Briere stated he reviewed the draft Decision and discussed it with Ms. Kablack. Mr. Briere stated the only question is in regard to condition #12 on page 4 to clarify the signage illumination. It was noted signage illumination is not part of a Site Plan. Ms. Kablack suggested language to be added to the fifth sentence, adding the words "and exterior signage, if approved," before the words "ATM vestibule..." Mr. Briere stated this would be an acceptable revision. It was noted the signage conditions should be similar to what was recently required for TD Bank. Selectman Drobinski highlighted it is important to not treat applicants differently.

Vice-Chairman Haarde asked if #14F on page 5, could be clarified to reflect the Board's preference for an authentic, colonial-style brick to be used. He also asked if the Board would be able to review material samples in advance. Ms. Kablack and Mr. Briere explained their understanding of how the process will evolve.

Vice-Chairman Haarde asked if any benches are proposed in the landscape plan. Ms. Kablack stated there is a bike rack and a bench proposed by the front entrance.

Selectman Drobinski encouraged the applicant to consider incorporating a charging station for hybrid vehicles in future plans. Ms. Kablack reviewed several mitigation items agreed to by the applicant, noting she believes the applicant has cooperated sufficiently.

Chairman O'Brien encouraged the applicant to include additional conduit, if possible, where another line could be run in the future.

It was on motion unanimously

VOTED: To close the Public Hearing, and to approve the "Site Plan Decision Sudbury Board of Selectmen Northern Bank & Trust Company, 430 Boston Post Road," dated January 22, 2013, as amended tonight for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077.

Public Hearing: Kassouf Management, Inc., d/b/a Stony Brook Market, Salim Kassouf, Manager, All Alcoholic Package Store License

Present: Manager Salim Kassouf and property co-owner Mike Carney

At 10:02 p.m., Chairman O'Brien opened the Public Hearing regarding the application by Kassouf Management, Inc., d/b/a Stony Brook Market, Salim Kassouf, Manager, for approval of an All Alcoholic Beverages Package Store License located at 29 Hudson Road, which was continued from January 8, 2013. The Board was previously in receipt of copies of several photographs from the applicant's other store locations. In addition, Mr. Kassouf distributed additional photographs to the Board tonight for review.

Chairman O'Brien stated he toured a store owned by the applicant in Marlboro, which he described as similar to a mini-mart.

Selectman Drobinski stated for the record that he viewed the videotape of the Board's last meeting discussion regarding this application request. He asked how many convenience stores in the State have a full-alcohol license. Selectman Drobinski believes this is not typically the norm, and he asked if the requested license is critical to the business model. He also emphasized the Board wants to help businesses be successful, but that he needs to feel comfortable doing so.

Manager Salim Kassouf stated he does not believe it is an unusual request, but the licenses are not plentiful because the number of liquor licenses are limited in general. Mr. Kassouf stated his stores present more as a market than as a convenience store.

Selectman Drobinski referenced the photographs, stating it appears as if the stores are more of a beer and wine shop. Mr. Kassouf stated it is actually the opposite, with the majority of his inventory being groceries. Chairman O'Brien stated he initially had a similar concern as Selectman Drobinski's, and he further described his observations regarding inventory from his store visit.

Selectman Drobinski asked if the Sudbury location is planned to be family friendly, which he believes is very important. Property co-owner Mike Carney stated he sought out Mr. Kassouf as a prospective tenant because of his work model. Mr. Carney stated approximately 70% of the inventory is groceries, and that

many more items are offered for sale than at a typical liquor store. He emphasized that he has worked hard to find the type of tenants for the property which he believes will be good businesses for Sudbury.

Selectman Drobinski stated he is not opposed to a liquor store business, but he needs to be more comfortable that this is the right location for it. Mr. Kassouf stated that, as a family man, he understand the concerns expressed. However, Mr. Kassouf emphasized that he and his associates want to be part of the community, and that they want to provide convenience and value for the Town's citizens.

It was noted the Board has the opportunity to review licenses yearly at the time for renewal.

Chairman O'Brien asked Mr. Carney to share with the Board some of the prospective tenants for the property. Mr. Carney stated there are two restaurants interested, a dry cleaner, a pizzeria, a dentist office and possibly a butcher and bakery.

Selectman Drobinski asked where the convenience store would be located. Mr. Carney and Chairman O'Brien described the space in the front brown building in which Mr. Kassouf is interested.

Selectman Drobinski asked Mr. Kassouf if he believes his business can be successful with two other full package stores in Town. Mr. Kassouf stated he believes his inventory is diversified enough to be successful.

Selectman Drobinski advised the applicant that, if the store were to alter its practices and begin to operate more fully as a liquor store, he would be opposed to such a business model. Mr. Kassouf stated he intends to invest significant time and financial resources into his business, and he asked for further clarification regarding what would constitute a basis for non-renewal of a license. Selectman Drobinski stated it would likely be a significant violation of liquor laws or a significant change in the intent of the business as proposed to the Board at this time. Mr. Kassouf assured the Board that he operates his stores in full compliance with ABCC regulations, noting he would not change his business model for this location from what has been presented.

Mr. Carney highlighted how Mr. Kassouf has contributed positively to other communities. He believes the Board will be pleased with Mr. Kassouf as a business citizen of the Town.

Selectman Drobinski stated the Board needs to be comfortable with the concept because it is unusual to request a full alcohol license for this type of business.

Vice-Chairman Haarde recommended to the applicant that fixed cameras be installed in the store, that security films be kept on file and that he works cooperatively with the Police Department to maintain a safe environment. Mr. Kassouf stated his business will not open until all security cameras are operable, and that he will install surveillance signage in the store.

Chairman O'Brien stated Town staff have prepared a Wine and Malt License and an All Alcohol License for the Board's review.

Selectman Drobinski stated he is amenable to an All-Alcohol license, but he reiterated that the family concept must be incorporated into business practices.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application by Kassouf Management, Inc., d/b/a Stony Brook Market, Salim Kassouf, Manager, for approval of an all-alcohol package store license located at 29 Hudson Road.

It was also on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. c.138, s.15, to approve an All Alcoholic Beverages Package Store License for Kassouf Management, Inc., Salim Kassouf, Manager, d/b/a Stony Brook Market, license located at 29 Hudson Road, as requested in an application dated December 3, 2012, subject to receipt of all paperwork requirements of the Building Department, plus Board of health and Fire Department inspections, said license to expire on December 31, 2013.

Minutes

It was on motion unanimously

VOTED: To approve the Executive Session minutes of December 18, 2012.

It was also on motion

VOTED: To approve the Regular and Executive Session minutes of January 8, 2013.

Selectman Drobinski abstained from this vote due to his absence from the meeting.

Sudbury Celebrates 375/Sudbury Day Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Lyn MacLean, 209 Water Row, as a member of the Sudbury Celebrates 375/Sudbury Day Committee, as requested in an email dated January 15, 2013, and to send a letter of appreciation for her continued service to the Town.

Park and Recreation Halloween 5K and Fun Run – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation of \$250 from TJX Companies to support the first Park and Recreation Halloween 5K and Fun Run, said funds to be expended under the direction of the Park and Recreation Director.

Mass. Dept. of Public Health's Preparedness Funds - Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, \$4,023 in grant funds from the Mass. Dept. of Public Health's Preparedness Funds, which has occurred annually since 2004, said funds to be expended under the direction of the Health Director.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To appoint Kirsten Roopenian, 45 Harness Lane, to the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.

Fairbank Community Center Study Task Force – Request for Extension

It was on motion unanimously

VOTED: To accept a memo from Jim Kelly, Combined Facilities Director, requesting an extension of the January 31st report deadline from the Fairbank Community Center Study Task Force to the Board's next meeting, February 12, 2013.

Bruce Freeman Rail Trail Evaluation – Next Steps

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated January 18, 2013, a copy of a memorandum from Director of Planning and Community Development Jody Kablack, Conservation Coordinator Debbie Dineen and Department of Public Works (DPW) Director Bill Place dated October 24, 2012, meeting notes from the Massachusetts Department of Transportation August 23, 2012 and September 27, 2012 meetings with Town staff, and the Rail Trail Conversion Advisory Committee (RTCAC) meeting minutes of October 25, 2012.

Town Manager Valente asked if the Board would like to schedule a meeting with Town staff to discuss their recommendations regarding concept planning for the Rail Trail.

Selectman Drobinski stated he believes it would be beneficial to discuss the recommended options. Vice-Chairman Haarde concurred, stating it makes sense to have a discussion with Town staff and members of the RTCAC, if they wish to attend.

Chairman O'Brien referenced Town staff's October memo and he summarized the five recommended options. He noted that, since October, Town staff determined two options are not likely to be pursued (i.e., not building the trail, since residents have expressed their support for it, and the construction of bike lanes, since Sudbury's roads are too narrow to accommodate them). He suggested, and the Board concurred, that Town Manager Valente coordinate a future Board meeting time to meet with Town staff to discuss options 2, 3 and 4 referenced in the October 24, 2012 memo.

Massachusetts Municipal Association – Business Meeting Voting

Selectman Drobinski stated he is a presenter at this year's Massachusetts Municipal Association meeting for its Environmental Energy Committee. Thus, he offered to represent Sudbury as the Town's voting designee.

Town Manager Valente stated Assistant Town Manager Maryanne Bilodeau will also attend the Meeting. She also summarized the four resolutions proposed for the Meeting, and the usual process followed for voting. Selectman Drobinski stated the resolutions have typically been thoroughly vetted prior to the Meeting within the Association to ensure passage.

It was on motion unanimously

VOTED: To authorize Selectman John Drobinski to vote, on behalf of the Town of Sudbury, for the Massachusetts Municipal Association (MMA) proposals and issues, at the MMA Annual Business Meeting on Saturday, January 26, 2013.

Walkway Easement – William F. Curley, III, Successor Trustee of the Green Meadow Realty Trust

It was on motion unanimously

VOTED: To accept the Walkway Easement, dated 1/14/13, granted by William F. Curley, III, Successor Trustee of the Green Meadow Realty Trust, on property located at 460 Dutton Road, shown as “Proposed 15 Foot Wide Walkway Easement, Area +/- 2,392 S.F.” on “Walkway Easement Plan Dutton Road, Sudbury, Massachusetts” dated November 8, 2012, and drawn by Lakeview Engineering Associates.

There being no further business, the meeting adjourned at 10:33 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk