

IN BOARD OF SUDBURY SELECTMEN  
THURSDAY, OCTOBER 20, 2015

Present: Chairman Patricia A. Brown, Vice-Chairman Susan N. Iuliano, Selectman Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, and Interim Town Manager Maryanne Bilodeau

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 Brown opened the meeting. She announced there will be an informal session held from 6:30 p.m. to 7:00 p.m. on November 9, 2015 prior to the Town Forum at the Goodnow Library to meet and have the opportunity to speak with the new Town Manager. Chairman Brown also stated residents have the opportunity to attend either the public meeting by the Minuteman School Committee at 7:00 p.m. on October 27, 2015 at Town Hall or the Town Moderator's Forum at the same time in the Flynn Building Silva Conference Room. She reminded residents that real estate and personal property tax bills are due on November 2, 2015, and they can be paid in-person or online. Chairman Brown stated Selectmen's Office Hours will be held on October 28, 2015 from 9:00 a.m. to 10:00 a.m. with Selectmen Haarde and Woodard in attendance.

**Reports from the Interim Town Manager**

Interim Town Manager Bilodeau reminded residents Town Hall and Flynn Building Offices will begin a new work schedule in November 2015. Offices will be open until 7:00 p.m. on Tuesday, and they will close at 12:30 p.m. on Fridays. Monday, Wednesday and Thursday hours remain the same. She also mentioned there will be a Veterans' Appreciation Luncheon held at the Council on Aging on November 12, 2015. Please contact the Council on Aging in advance for reservations.

**Reports from the Board of Selectmen**

Vice-Chairman Iuliano stated she attended recent Planning Board, Finance Committee and Sudbury Housing Trust meetings to stay abreast of Town issues. She also encouraged residents to attend the session prior to the Town Forum to meet the new Town Manager.

Selectman Haarde stated he attended a Fairbank Community Center Study Group Meeting where needs and strategies are being discussed regarding the future of the building. He noted the Park and Recreation constituency was well represented at the meeting.

Selectman Simon also stated he attended Sudbury Public School (SPS) Executive Session meetings regarding collective bargaining, and he attended a Fairbank Community Center Study Group Meeting. He also presented an update on the Minuteman Regional Vocational High School's plans for a new facility to the Finance Committee. Selectman Simon stated he received a report from State Representative Carmine Gentile that 50% of the \$290,000 State grant for the restoration of the Loring Parsonage is forthcoming soon. He also stated the Board received a letter regarding Sudbury and Framingham's joint efforts to acquire the CSX rail corridor from Route 20 to Framingham. Selectman Simon stated Minuteman Regional Vocational High School representatives will be in Sudbury on October 27, 2015 to discuss plans for the future of the School. He also stated he plans to attend a meeting to be hosted by Weston for Selectmen from the 16 member towns of the Minuteman District on October 28, 2015. Selectman Simon stated he has met with former Sudbury representative to the Minuteman School and Building Committees David Manjarrez, who reports that, in the past two years, Minuteman has lost 10% of its student population from member towns and there has also been a decrease in out-of-district students.

Selectman Woodard attended the Capital Improvement Advisory Committee (CIAC) meeting on October 13, 2015, where FY17 capital requests were beginning to be reviewed. He also attended a Budget Strategy Task Force meeting and he will provide further details later tonight. Selectman Woodard also attended last night's Finance Committee meeting.

Selectman Simon thanked Interim Town Manager Bilodeau for the outstanding job she has done for the past several months covering the Town Manager duties. The Board and audience joined in applause to show their gratitude to Ms. Bilodeau.

### **Citizen's Comments**

At 7:45 p.m., Chairman Brown recognized Sudbury citizen Dan DePompei, 35 Haynes Road.

Mr. DePompei stated the Town currently has two large Chapter 40B development proposals to consider. He asked how many units are needed for the Town to reach its 10% affordable housing quota, based on the ten-year census data from 2010-2020. He also asked what the projected number of units needed is for 2020-2030 to reach safe harbor.

Vice-Chairman Iuliano stated the number of units needed is not a fixed number, given that houses are added and removed from the statistics on an ongoing basis. She stated current projections through 2020 indicate 235 more units are needed, and projections to 2030 indicate 272 more units are needed.

### **Public Hearing: Transfer of Ownership Application – Fong Tan LLC d/b/a Lavender – 519A Boston Post Road**

Present: Lavender Manager Tim Fong and his attorney Stephen Grande III

At 8:02 p.m., Chairman Brown opened the Public Hearing regarding the application of Fong Tan LLC d/b/a Lavender, 519A Boston Post Road, for a transfer of Ownership of 22% of the company from Kevin Chung to Yee F. Fong, and she read aloud the Public Hearing Notice. The Board was previously in receipt of copies of a the Retail Alcoholic Beverages License Application Monetary Transmittal Form and accompanying Application for Retail Alcoholic Beverage License and documents and the First Amendment to License Agreement, the Second Amendment to Lease and feedback received from Town Departments.

The applicant's attorney Stephen Grande III summarized the application, noting one partner is buying out another's interest in the business.

Selectman Woodard asked if Mr. Fong would own 100% of the business, if the request is approved. Lavender owner and manager Tim Fong stated that he would own 100% of the business.

It was asked why the other partner is selling their interests. Mr. Fong stated the other partner is going to Asia and they are leaving the restaurant business.

Selectman Simon asked if there are any other financial changes being made. Mr. Fong stated there are no other changes being made.

It was on motion unanimously

VOTED: As the licensing authority, to approve a Transfer of Ownership of 22% of the company from Kevin Chung to Yee F. Fong for Fong Tan LLC d/b/a Lavender at 519A Boston Post Road. No alterations to the premises are planned. The described premises are as follows: 4,615 square-foot, single-level restaurant

within a shopping plaza, including kitchen, walk-in cooler, dining area and office, with two entrance/exits on the north side and two exits on the south side.

**Wayside Inn – Proposal to Grant Conservation Restrictions through the Community Preservation Committee (CPC)**

Present: Wayside Inn Board of Trustees President Lily Gordon and Board of Trustees member Jim Hill

At 8:08 p.m., Chairman Brown welcomed Wayside Inn Board of Trustees President Lily Gordon and Board of Trustees member Jim Hill to the Meeting to present a proposal for the Inn to grant Conservation Restrictions to the Town with funding anticipated through the Community Preservation Committee (CPC). The Board was previously in receipt of copies of a letter from Wayside Inn President Lily Gordon dated October 14, 2015 and an email from Ms. Gordon dated October 13, 2015 regarding this topic.

Ms. Gordon stated the Inn is the oldest operating inn in the country, and it is a non-profit organization. Ms. Gordon stated the Inn is also an important landmark in Sudbury. She noted the Inn will be celebrating its 300<sup>th</sup> anniversary in 2016. Ms. Gordon stated the Inn's Board has decided to form a historic preservation fund to help preserve the property, which is comprised of approximately 110 acres and nine buildings so it can be enjoyed by future generations. She explained the Inn is exploring Conservation Restrictions as a way to create a preservation fund, and it will submit a funding request proposal to the CPC this fall.

Board of Trustees member Jim Hill stated they are here tonight to ask for the Board's support of the Inn's efforts to preserve the property from ever having residential development. Mr. Hill stated the Inn hopes to work in partnership with the Board and the Town.

Selectman Woodard noted the restaurant business is difficult on its own, without also having to generate enough revenue to also preserve the property. He believes the concept of preserving this land is a win-win situation for all parties.

Mr. Hill emphasized the Inn's property has been a priority on the Town's Open Space list for years, and the Inn's Trustees believe it is prudent to preserve the land into perpetuity.

Vice-Chairman Iuliano asked if the Conservation Restriction would be for all 110 acres. Mr. Hill stated they are still working with engineering consultants regarding what is feasible. However, he noted the initial intent is for all 110 acres to be included, so that no residential building can ever occur.

Vice-Chairman Iuliano asked if the intent is to ensure the property remains as a non-profit entity, and Mr. Hill responded affirmatively. Mr. Hill emphasized the Inn has no endowment.

Selectman Simon stated the Inn is a jewel for the Town and the region, and he would prefer to see it remain as it is today. However, he noted funding is required to maintain the property. Selectman Simon stated he would support a preservation proposal, and he asked who would oversee the Conservation Restriction funds and whether they would be used all at once or over time. Ms. Gordon stated funds would be monitored by the Inn's Board of Trustees. Mr. Hill stated the intent is for the money to be used as a basis for building an ongoing maintenance fund. Ms. Gordon emphasized the funds would not be used for operations.

Selectman Haarde stated the concept sounds good and he likes the idea of building up a fund for maintenance into perpetuity. He also prefers that the Inn does not restrict itself from development expansion of its own. Ms. Gordon and Mr. Hill agreed that the options would remain open for the Inn to expand its offerings, but residential development would not be allowed.

Chairman Brown stated she heard a presentation from the Inn's Board last spring to the CPC when it needed assistance for appraisal funds, and she is supportive of these efforts.

The Board expressed its unanimous support for this concept, and Chairman Brown stated she would share this sentiment appropriately with the CPC.

At 8:20 p.m., Chairman Brown thanked Ms. Gordon and Mr. Hill for the information, and she closed the discussion.

### **Remote Participation Policy – Discussion**

Present: Sudbury Technology Administrator Mark Thompson

At 8:20 p.m., Chairman Brown opened a discussion regarding the Town's Remote Participation policy, and she welcomed Sudbury Technology Administrator Mark Thompson to the Meeting. The Board was previously in receipt of copies of a memorandum from Interim Town Manager Maryanne Bilodeau dated October 14, 2015, the Attorney General's Office Code of Massachusetts relevant Regulations (CMR) 29.10, a memorandum from Sudbury's Technology Administrator Mark Thompson dated October 15, 2015, and a draft Remote Participation Policy Town of Sudbury, MA, which was redlined from a Westwood, MA version.

Interim Town Manager Bilodeau stated regulations were adopted by the Attorney General's Office to allow for remote participation on boards and committees. Ms. Bilodeau referenced the pros and cons noted in her memorandum. She stated the Board is able to adopt and rescind a policy by majority vote. Ms. Bilodeau highlighted the regulations require an in-person quorum,. She also noted it is recommended that, if there is a remote participant, votes be taken by roll call, and that remote participation be infrequently used. If a board/committee member wants to participate remotely, they should notify their Chair 48 hours in advance for planning purposes. Ms. Bilodeau stated she spoke with other towns regarding this option, and those which have implemented it believe it is working well.

Sudbury Technology Administrator Mark Thompson displayed an example of a VoIP conference phone, which he believes would be the easiest way to accommodate this option, if it is adopted. He described the telecom requirements which would be needed, noting all meeting areas in every Town building have the required capability. Mr. Thompson stated he likes these conference phones because they have a large speaker and effective microphones.

In response to a question from Selectman Woodard, Ms. Bilodeau stated some other towns recommended not allowing remote participation if someone is out of town on vacation. She stated feedback received indicated the option is not often used, and when it is, things go well. She also stated the cost of the conference phones is estimated at \$670 per phone.

Selectman Simon referred to the CMR guidelines which recommend the option be used for geographic distance purposes. He believes Sudbury should embrace this option to allow for its volunteers, who wish to remain involved, to participate even when they are out of town. Interim Town Manager Bilodeau stated it will be up to the Board to decide what it wants for its policy.

Sudbury resident and Council on Aging (COA) member Phyllis Bially, 30 Nobscot Road, stated the COA has used the free option of SKYPE, on a limited basis, to accommodate remote participation, and it has worked well. She thanked the Board for reviewing this option, noting she believes it would be good for the Board to adopt a policy on a Town-wide basis and then give committees and boards the option to utilize it or

not. Interim Town Manager Bilodeau clarified the option would be available to all Town boards and committees, if it is adopted by the Selectmen.

Selectman Woodard noted the draft policy specifies the option should be used infrequently, and it allows for chairmen to determine if it should be permitted and if it is being utilized effectively.

Selectman Haarde stated he supports the option, as long as it is used as the exception, and not the rule.

Vice-Chairman Iuliano stated she believes it would be good for the policy to be adopted. She questioned whether the draft policy language should be tweaked regarding whether the remote person needs to be clearly visible in section (ii) on Page 2 under the heading "Acceptable Methods of Remote Participation." It was later decided to leave this language as presented in the draft reviewed tonight. Vice-Chairman Iuliano also questioned if it should be limited to only allow for one remote participant per meeting. Mr. Thompson noted each conference phone can support up to nine participants. Vice-Chairman Iuliano also asked if the last sentence of section (vi) on Page 3 is necessary regarding having to state that there is no other person in proximity who could exert undue influence.... The Board requested that it be checked with Town Counsel as to whether the regulations require this.

Chairman Brown noted the Attorney General's regulations require a physical quorum be present, and thus it would be possible to allow for more than one remote participant.

A brief discussion ensued regarding other technical options other than the conference phone. Mr. Thompson stated his office would only be able to provide remote participation support with the VoIP conference phones. He also stated he has experienced inferior results using a laptop regarding audio and projection quality. Selectman Woodard stated he previously used the type of conference phones recommended by Mr. Thompson and they were very effective.

Chairman Brown stated that each committee/board chairman would determine what equipment it would use, being cognizant that, if support is expected from Town staff, it would be for the VoIP conference phones.

Sudbury resident Chris Morely, 320 Old Lancaster Road, asked why not require the conference phones as equipment, and he wondered why a choice would be given. The consensus of the Board was to leave the technology equipment to be used open and flexible, with the understanding of what Town staff can and cannot support.

Chairman Brown asked the Board to provide Ms. Bilodeau with input and/or suggested revisions to the draft policy.

It was on motion unanimously

VOTED: To authorize the Interim Town Manager to solicit input from other Town Boards and Committees as to whether a Remote Participation Policy would be a positive option, and to report the responses to the Board at a future time.

**Finance Committee and Budget Strategies Task Force Discussions Regarding the FY17 Budget Process – Update**

At 9:57 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding the Finance Committee and Budget Strategies Task Force discussions regarding the FY17 budget process.

Selectman Woodard stated there has been considerable debate at the Budget Strategies Task Force and two recent Finance Committee Meetings regarding alternatives to the current practice of allocating the same percentage budget increase to all three cost centers. There now seems to be consensus to try a different approach, and this will be reflected in the Finance Committee's annual budget guidelines letter. It has been suggested the starting point for budget discussions will be last year's budget, and not that budget plus an arbitrary increase. Selectman Woodward explained each cost center would present a single budget request showing last year's budget and the amount of their proposed increase, with details to include, but not limited to, compensation and benefits increases, the amount needed to cover two-thirds of the Normal Costs for the Other Post-Employment Benefits, the increase or decrease in the out-of-district special education costs including transportation (net of state reimbursements), mandated new staff additions and programs, critical needs for new staff and new programs, reductions in staff and/or programs, and miscellaneous items such as utilities and supplies.

Selectman Woodard explained that, if the proposed budget growth excess 2.6% (the expected Proposition 2 ½ limit), the cost center would need to explain how the growth would be reduced to 2.6%. He emphasized that funding for any proposed increase is not guaranteed, even with backup-detail provided. Selectman Woodard stated the next step would be to rank order the requested increases and determine a total recommended budget and the proposed allocation of the total increase for the three cost centers. He further stated the Finance Committee is thinking about starting the Budget Hearings earlier this year so there is time after the Hearings have concluded to meet with representatives from the three cost centers in a joint public meeting to finalize one budget for the entire Town.

Selectman Simon asked when this process would be adopted and whether the three cost centers have been made aware of the pending changes. Selectman Woodard stated it will be articulated in the Finance Committee's budget guidelines' letter packets, which will be distributed soon. He also stated representatives from the three cost centers have been members of the Task Force and they have been part of the evaluation and deliberation process of alternative approaches.

Selectman Haarde noted that, by law, the Finance Committee must recommend a no-override budget. Selectman Woodard stated it is likely the allocation of the no-override budget would evolve from discussions in the joint public meetings of the Finance Committee and the representatives from the three cost centers. He noted that, if the group determined there was a well-defined need for an override, they would likely also recommend the allocation for a second override budget. Selectman Haarde stated the new process sounds as if it is a more organic way to establish and finalize the budget.

**New Cingular Wireless, PCS to Varsity Wireless Investors LLC – Request for Consent to an Assignment of the Lease**

Present: Director of Planning and Community Development Jody Kablack and Varsity Wireless LLC attorney Francis Parisi

At 9:50 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion, which was continued from the Board's October 6, 2015 Meeting, regarding whether to authorize the Interim Town Manager to execute a consent to an assignment of the lease between the Town and New Cingular Wireless, PCS to Varsity Wireless Investors, LLC. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated October 1, 2015, a draft "Consent to Assignment," and background information regarding Varsity Wireless LLC.

Selectman Haarde recused himself from the discussion and vote due to a potential conflict of interest with his employer.

Selectman Woodard stated he had requested additional financial background information regarding Varsity Wireless Investors, LLC at the Board's last meeting. He further stated he is satisfied with the information which has since been provided.

Selectman Simon stated he views this as a simple legal contract assignment. He emphasized it is within the purview of the Zoning Board of Appeals to decide if the Special Permit Application is appropriate.

Chairman Brown stated the installation will also provide public safety communications upgrades and benefits for the Town.

It was on motion unanimously

VOTED: To approve the assignment of the lease between the Town of Sudbury and New Cingular Wireless, PCS to Varsity Wireless Investors, LLC, and to authorize the Interim Town Manager to execute a consent to the assignment.

Following the close of this agenda item, Selectman Haarde returned to the Meeting.

**Sudbury Station LLC – Application for a Proposed Chapter 40B Development – Off Peters Way – Assessor's Map G09-0100 – Discussion**

Present: Director of Planning and Community Development Jody Kablack

At 8:53 p.m., Chairman Brown took this agenda item out of order and she opened a discussion regarding a potential new Chapter 40B application received for a site located off Peters Way and Concord Road (Assessor's Map J06-0023), which was continued from October 6, 2015. She explained the Town received on September 21, 2015, a Site Eligibility application, which has been filed with MassHousing, and the Town has a designated time within to submit comments. The Board was previously in receipt of copies of an email from Director of Planning and Community Development Jody Kablack to MassHousing dated October 9, 2015 requesting an extension of the 30 day time period for the Town to submit comments, a letter from MassHousing dated October 14, 2015 approving the extension until November 6, 2015, a handout entitled, "Findings for Site Approval," an email from Sudbury resident Qi Jin, 2 Meachen Road, an email from Sudbury resident Jonathan Gossels dated October 9, 2015, an email from Sudbury resident James Marotta, 345 Boston Post Road, a letter from former Town Manager Maureen Valente to the Mass. Housing Finance Agency dated May 7, 2010 regarding the Landham Crossing 40B application, and a letter from former Board of Selectmen Chairman John Drobinski to MassHousing dated August 17, 2010 regarding the Johnson Farm 40B application. In addition copies of a letter to the Board from the Sudbury Housing Trust dated October 16, 2015, an email from Sudbury Housing Trust member Peter Abair dated October 19, 2015, and a memorandum from Ms. Kablack dated October 20, 2015 were distributed tonight. Chairman Brown stated MassHousing approved the Town's request for an extension to provide comments until November 6, 2015. She further explained the Board will review and collect comments and input tonight, and it will discuss what type of letter will be finalized at its November 3, 2015 meeting to send to MassHousing.

Ms. Kablack stated her office has been very busy with interest from citizens regarding this project and others, and she apologized for the lateness of delivering her memorandum. She reviewed the correspondence received to the file to date. She explained that, as part of its mission, the Sudbury Housing Trust supported the project with conditional comments, but the vote to support the application was not unanimous. Ms. Kablack reviewed highlights from her memo, noting information which was lacking from the preliminary plan, including stormwater management plans. She has estimated there could be approximately 43,000 gallons per day of wastewater from the proposed 397 bedrooms. Ms. Kablack further noted it is unclear if

soil testing has been performed, as no testing has been witnessed by the Sudbury Board of Health. She emphasized it appears that a more detailed grading plan is required by MassHousing for a preliminary application submission, but that plan is clearly missing. Thus, Ms. Kablack stated it is impossible for the Town to adequately review the proposed project. She suggested the Town requires receipt of the plans from MassHousing prior to its issuance of a Site Eligibility letter. Ms. Kablack emphasized the basic engineering feasibility of the development is in question without adequate information regarding whether the site can handle the wastewater capacity proposed and/or provide adequate stormwater protection. She suggests this information should be fully documented upon submittal of the Comprehensive Permit so the full 180-day review period can be maximized.

Ms. Kablack stated she is not confident there would be no visual impact on the Town's Historic District. The Board questioned if this a viable issue to include in the final letter. Ms. Kablack opined Sudbury's Center Historic District is a designated National Register Historic District, and the cross section of plans submitted with the application do not account for the significant amount of tree removal which will be necessary to build the development, nor do they address views from Hudson Road traveling east, views from higher areas in the vicinity, roof height, and views along the proposed rail trail. Ms. Kablack suggested requiring that the applicant provide better cross sections prior to approval by MassHousing of the Site Eligibility letter.

Ms. Kablack stated more design information is needed regarding how the Hudson Road access would function amidst the numerous other curb cuts that are in close proximity. Selectman Simon stated he has personal experience of being rear-ended twice in this area, and it is particularly dangerous, with a lot of traffic feeding into it. Ms. Kablack stated she is also concerned whether an additional curb cut would negate traffic safety work which has been recently completed for the Town Center Improvements project. She suggested MassHousing should be requested to require the access to the development be adequately designed prior to issuance of a Site Eligibility letter.

Ms. Kablack stated there are a number of small items in the application which may not be accurate and may be worth noting in the final letter. She highlighted the Town is considering two large affordable housing projects. Ms. Kablack emphasized the one proposed for the Raytheon site is an identified parcel on the Town's approved 2011 Housing Production Plan, and it is more appropriate for a large development. In contrast, this subject parcel is listed on the Town's 2009 Open Space and Recreation Plan, and its long-range plans were indicated specifically for recreation and open space uses, and did not include housing development. Ms. Kablack also noted half of the proposed project area is within a priority habitat area for endangered species, noting there is a certified vernal pool in close proximity. She explained it is possible State agencies may visit the area looking for endangered species and to determine if the habitat area boundaries need to be expanded or relaxed. Ms. Kablack suggests this information should be fully documented upon submittal of the Comprehensive Permit.

Ms. Kablack stated the potential fiscal impacts to the Town from school-aged children who would live at the proposed development needs to be described. She suggested the applicant be required to submit verified data from similar existing Massachusetts developments upon submittal of the Comprehensive Permit. She stated thirty waivers have been requested, which seems excessive, but they are only generally explained, and more information is needed to adequately assess their impacts. Ms. Kablack stated several submission requirements of the MassHousing Site Approval Application are missing, and it should be requested that they be submitted prior to issuance of a Site Eligibility letter.

Ms. Kablack noted the ability to access this parcel and provide frontage was granted via a land swap between the Town and the property owners at the 2011 Annual Town Meeting. The intent of the swap was to provide enough frontage for one, single-family house in exchange for two acres of land to be used by the

Town for cemetery purposes. Ms. Kablack asked Town Counsel to research the issue as a potential violation of the Town Meeting vote. However, it has been determined there was no restriction put on the deed at the time of the swap, but the intent was clear with voters.

Ms. Kablack recommended submitting a letter of comments to MassHousing which states more specific objections than has been done in the past.

Chairman Brown stated MassHousing can approve, approve with conditions or deny the application which has been submitted. Thus, she emphasized the sooner the Town can make its needs and position known, the more effective it will be in the process.

Selectman Haarde stated Ms. Kablack did a good job highlighting the issues.

Vice-Chairman Iuliano stated it should be noted the Selectmen could not support the project due to the lack of details provided to date.

Chairman Brown stated she has concerns regarding this project, but, she believes that, if the Town opposes it, it is still unlikely the application will be denied. She recommends clearly articulating as many specific objections and issues as possible.

In response to a few questions from the Board, Ms. Kablack explained how the application will be processed by MassHousing and the Zoning Board. She stated the maximum amount of time for approval is 180 days, but it could be sooner.

Selectman Haarde asked if it is correct that once the Comprehensive Permit application is submitted for one project, the other cannot be denied because we have not reached the 10% safe harbor. Ms. Kablack stated this is correct.

Selectman Woodard noted the lack of an engineering study included with the preliminary plan. He questioned how the Town can be required to comment by a specific date when it has not received adequate information upon which to comment.

Selectman Haarde stated the Town has been given the option to provide a letter of comments, and it can note that we do not have the information we need. Selectman Simon stated the letter could also state the Town reserves the right to supplement its position upon receipt and review of additional required documentation.

Vice-Chairman Iuliano stated she abstained from the Sudbury Housing Trust (SHT) vote. She asked if any of the SHT comments would be appropriate for inclusion in the Town's final letter. Vice-Chairman Iuliano referenced the letter's comments regarding extending the definition for "local preference." She also asked about its comments regarding Section 8 vouchers, and Selectman Haarde asked for further clarification on this issue. Ms. Kablack stated the proposed units would likely accept Section 8 vouchers, but the one-and two-bedroom units would not be available to them, due to the subsidy formula. She further stated it is possible some of the SHT comments could be incorporated into the Town's final comments.

Selectman Haarde asked if Sudbury's local preference could be defined as its teachers, police and firemen. Ms. Kablack stated the Town's local preference already includes these groups, but it is suggested to also include employees of Sudbury businesses (not just Town employees). Selectman Haarde noted it is possible their inclusion might lower the chances for a teacher, police or firemen's candidacy to be successful.

Ms. Kablack further highlighted that, for the first time, at the most recent affordable housing lottery for the Maynard Road development, there were no applications for local preference submitted.

Ms. Kablack stated it is rare for MassHousing to not grant a Site Eligibility letter. She also noted the Town will then have six months to review and process the Comprehensive Permit, if filed.

Chairman Brown asked for comments from the public.

Sudbury resident David Hornstein, 22 Candy Hill Road, thanked Jody for the thorough synopsis of the issues she has provided, and he thanked the Board for its time discussing the proposal. Mr. Hornstein is concerned about the land swap deal for Peter's Way and he questioned whether the Town has a unique situation to be expressed to MassHousing because it facilitated the parcel's availability and the Town is a direct abutter. He stated the deed references the plan, and the plan clearly states it is for one single-family lot. Thus, he believes the plan should be considered as part of the deed because it is referenced. Ms. Kablack stated Town Counsel is researching this issue. Mr. Hornstein stated that, when the Town Meeting voted the land swap, and when the Board of Selectmen supported the land swap article, it was giving access to a land-locked parcel. He stated the language of the Town meeting article should have been limited to a single house and he is confused as to why this was not recorded on the deed. Ms. Kablack suggested review of previous meeting minutes might better explain what happened in 2011. Mr. Hornstein also stated he is concerned about all the trees which will be destroyed. He further emphasized that for a site like this, with its grading issues, stormwater management is critical to whether the project is feasible. He stressed there is a lot of stormwater retention information which is not reflected on the preliminary plan, and absent this information, it is difficult to assess the project.

Selectman Woodard asked if there would be a peer reviewer, and Ms. Kablack responded affirmatively.

Sudbury resident Joseph Sicree, 16 Candy Hill Road, asked what is the best and most effective way for residents to submit comments, and when should they be submitted. Chairman Brown stated she believes it is easier for residents to draft one coherent set of arguments signed by several individuals. Selectman Woodard concurred. Chairman Brown stated input from residents would be needed by October 28, 2015 to be included in the Board's November 3, 2015 Meeting packet.

Sudbury resident Peter Ashe, 30 Candy Hill Road, stated there is a lack of information for this project. However, he thinks substantial time was spent at the last meeting hearing details about the proposed Raytheon project. Mr. Ashe asked if there is anything citizens can do to advocate for the Raytheon project versus this one. Ms. Kablack stated it is not up to the Town and the process will be determined by the timing of application submissions by the applicants. She stated the Raytheon developers are aware there is a competing project and they have stated they will be submitting their application soon. Vice-Chairman Iuliano noted components of the Raytheon project will require Town Meeting support. Mr. Ashe asked if the Town could delay the Sudbury Station project in order to more fully consider the Raytheon project. Ms. Kablack stated the Town will be asking for additional information to be submitted.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, asked for information regarding the appeal process, which Ms. Kablack summarized. However, Ms. Kablack noted, discussing appeal options is premature at this point.

Selectman Haarde questioned if it wise, legally, to be discussing and strategizing about how to delay one application in favor of another. Ms. Kablack stated she does not believe it is a good idea to discuss this possibility, but she does believe it is worth pursuing the factual information which has not been submitted.

Sudbury resident Mike O'Malley, 177 Plympton Road, stated he thought it could be a factor if the Town could provide evidence that it has increased its affordable housing inventory in the past year, and he asked if this is the case. Mr. O'Malley also stated it would be difficult to identify endangered species on the site at this time of the year. He also stated he believes Chapter 40B applications have been defeated for safety reasons in a few other towns. Mr. O'Malley stated the immediate vicinity to the proposed site has two schools and Town buildings, and he does not believe a project which would add approximately 450 more cars would be safe.

Chairman Brown urged the board and residents to submit comments to Ms. Kablack, who will try to draft a letter which incorporates the input. Ms. Kablack asked if a Board member would like to work with her to compose the draft letter. Selectman Simon and Vice-Chairman Iuliano offered their assistance.

At 9:50 p.m., Chairman Brown thanked everyone for their feedback, and she concluded the discussion.

### **Boston Region Metropolitan Planning Organization – Municipal Elections - Discussion & Vote Open Seats**

At 7:48 p.m., Chairman Brown took this agenda item out of order and she opened the discussion regarding the Municipal Elections to the Metropolitan Planning Organization (MPO). The Board was previously in receipt of copies of a memorandum from Metropolitan Area Planning Council Executive Director Marc Draisen dated October 7, 2015, and accompanying ballot and candidacy information.

Selectman Haarde stated there are four open seats and candidates are running unopposed.

Chairman Brown stated that, if the Board votes for her to sign a ballot on behalf of the Town, she will sign and vote prior to the deadline on October 28, 2015. It was noted the MPO Municipal Election is on October 29, 2015. Chairman Brown read aloud the four names and their regions on the ballot.

It was on motion unanimously

VOTED: To allow the Board's Chairman to vote for 2015 Metropolitan Planning Organization (MPO) seats open as indicated in the ballot received from the Metropolitan Area Planning Council, dated October 9, 2015.

### **Vocational Education Options Committee – Possible Dissolution Discussion**

At 7:50 p.m., Chairman Brown took this agenda item out of order and she opened a discussion regarding whether to dissolve the Vocational Education Options Committee (VEOC). She stated the Committee was formed last year with 13 members and two alternates. Chairman Brown stated the Committee only has eight members. She further stated she sent the current members an email asking if they wish to continue on the Committee, and she has received a mix of responses. Chairman Brown asked the Board if they wish to ask the VEOC to vote on whether the Town should withdraw from Minuteman or whether they wish to dissolve the Committee.

Selectman Haarde stated the VEOC could have been asked earlier in its process for a decision regarding Minuteman, but it was not asked to do so. He believes there is a reluctance from current members to commit to another year. However, Selectman Haarde suggested that, perhaps, asking the Committee to convene for one meeting, or a limited time, for a specific purpose might be helpful. It was noted the Lincoln Sudbury Regional High School Superintendent and some employees from the two school systems are conflicted about voting on Sudbury's future participation with Minuteman for professional and personal reasons. Selectman Woodard concurred that one more meeting could be beneficial.

Selectman Simon asked about a quorum. Chairman Brown clarified the quorum of five members needed for a meeting would need to be reconstituted based on the current eight-person membership.

Selectman Simon suggested, and the Board concurred, that the VEOC be asked to convene for two votes: 1) whether the Town should withdraw from Minuteman, and 2) whether the Committee wishes to continue or terminate its work and that they be made aware of the need to schedule a meeting soon based upon Minuteman's possible plans to call for a Town meeting in its 16 districts or to call a district-wide election in early December. Selectman Simon stated he would share a handout with the Board regarding Minuteman's possible timeframes.

### **Future Board of Selectmen Agenda Items - Discussion**

Chairman Brown asked if anyone had requests for future Board agenda items.

Selectman Woodard suggested adding an agenda item for a future meeting, to be scheduled after the new Town Manager is on board and after the Town Forum, to discuss how to improve communications with the community.

Selectman Simon asked to add an update to the November 3, 2015 agenda regarding Minuteman's plans. Chairman Brown stated she would see if this is possible, given the agenda is already looking busy.

Vice-Chairman Iuliano asked if there are revisions to come back to the Board for review regarding the Selectmen's Code of Conduct. Suggested revisions should be sent to the Board of Selectmen's Office and Interim Town Manager Bilodeau will check on the status of this request and coordinate any input received.

Chairman Brown would like to add to a future agenda a discussion regarding how to conduct a Town Manager evaluation. She stated she would like to include the new Town Manager in the discussions and she has asked how evaluations are conducted in a few other towns. Chairman Brown further stated some towns conduct the evaluation in an open meeting, since the content is/should only be about job performance and one's ability to achieve goals. Selectman Haarde asked if the Board is in agreement that this should be a future agenda item, and the Board responded unanimously that it should be.

### **Vocational Education Options Committee – Resignation**

Selectman Haarde noted Mr. Lynch is resigning his Committee duties because he has sold his home and he is moving. He suggested someone should be appointed in Mr. Lynch's place to the Minuteman School Building Committee as soon as possible. Chairman Brown asked that this be added as a future agenda item.

It was on motion unanimously

VOTED: To accept the resignation of Paul Lynch, 20 Dorothy Road, from the Vocational Education Options Committee, and as Sudbury's representative to the Minuteman Building Committee, effective immediately, and to send a letter of gratitude for his service to the Town.

### **Amended September 17, 2015 Board of Selectmen Meeting Minutes**

Interim Town Manager explained a heading error was corrected, and the previously approved minutes have been amended to reflect this revision.

It was on motion unanimously

VOTED: To approve the amended Regular Session Meeting Minutes of September 17, 2015.

**Minutes**

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of September 16, 2015.

**“Gobble Wobble” 5K & 10K Run – Smile Mass**

It was on motion unanimously

VOTED: To grant a Special Permit to SMILE Mass, to hold the “4<sup>th</sup> Annual Gobble Wobble 5K & 10K” on Saturday, November 21, 2015, from 10:00 a.m. through approximately 12:00 p.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

There being no further business, the meeting adjourned at 10:13 p.m.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Interim Town Manager-Clerk