

IN BOARD OF SUDBURY SELECTMEN

TUESDAY DECEMBER 10, 2019

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller (via conference call) and Interim Town Manager Maryanne Bilodeau.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. at the Town Hall – Lower Level.

Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chair Carty made several announcements:

- The Hosmer House continues its annual Holiday Open House on December 14 and 15 from 11:00 a.m. to 4:00 p.m.
- Town offices holiday schedule – closing at noon on December 24th, closed on Christmas, closing at noon on December 31st and closed on New Year's Day, January 1, 2020.
- Temporary traffic lights on Wayside Inn Road in connection with recent repair work is expected to be completed by December 31.
- Chair Carty thanked staff for arranging the Winter Festival at the Fairbank Community Center.

Reports from Town Manager

Interim Town Manager Bilodeau thanked Leila Frank for her efforts regarding the Winter Festival.

Reports from Selectmen

Vice-Chair Brown commented the Finance Committee meeting took place last evening with preliminary budget presented. She added that the School Committee will be presenting their budget this evening.

Selectman Roberts thanked staff for all their help with the Winter Festival.

Selectman Dretler thanked Leila Frank for all her help provided at the Fairbank Community Center during the Winter Festival. Selectman Dretler mentioned the Loring Parsonage Festival of Wreaths, which recently took place.

Selectman Schineller thanked staff, Chamber of Commerce, Park & Recreation and Leila Frank for making the Winter Festival a success. He commented the Ponds and Waterways Committee would be presenting a Hop Brook Article for May Town Meeting.

Citizen's Comments

Resident Ralph Tyler, One Deacon Lane, commented he was confused about the position of the Board regarding Article 4.

Discussion and vote whether to approve request from Sudbury Rug and Home to grant permission for up to three temporary storage trailers at 15 Union Avenue

Present: Joey Slavin, Sudbury Rug and Home and Junk Removal, Inc.; Ken Slavin, Owner – Sudbury Rug and Home and Junk Removal, Inc.; Daniel Kenn, owner – 15 Union Ave. Corp.; Building Inspector Andrew Lewis, and Assistant Fire Chief Tim Choate

Mr. Joey Slavin stated that he and his family owned Sudbury Rug and Home for some 30 years and maintained the storage units for eight years. He was surprised to hear that a special permit was necessary for the special equipment. Mr. Ken Slavin, the owner of Sudbury Rug and Home also stated that the special permit requirement surprised him.

Selectman Dretler asked Mr. Slavin if a special permit was issued at his previous business address. Mr. Slavin responded not and asserted that one of the storage units could be eliminated. Selectman Dretler asked if the address for Junk Removal, Inc. was also in Sudbury. Mr. Slavin stated that the official address for Junk Removal, Inc. was Framingham.

Building Inspector Lewis noted that a complaint against the business was made in 2015 and a letter was issued to Mr. Slavin at that time. In 2016 another letter from former Building Inspector Mark Herwick was issued regarding the need for a special permit in consideration of equipment. Inspector Lewis affirmed that the Slavins would clean-up the business site and “re-junk” it again.

Inspector Lewis stressed that the Fire Department had serious concerns about the accessibility of fire trucks and because Mr. Slavin’s equipment was not moved, a Cease and Desist order was issued on October 29, 2019.

Mr. Slavin commented that other businesses have such equipment. Inspector Lewis explained that the business was not located in an industrial zone, therefore, such equipment was not allowed.

Chair Carty inquired about the types of trucks stored at the site. Mr. Joey Slavin stated the truck inventory included a cargo van and two 16-foot cube trucks. Mr. Ken Slavin mentioned that he was actively seeking a location where the cube trucks could be relocated.

Chair Carty inquired about the industrial district boundary. Inspector Lewis stated that the industrial zone ended just before 15 Union Ave.

Selectman Dretler asked if there were wetlands within the subject location. Inspector Lewis affirmed that there were wetlands and a stream in the back of the property.

Chair Carty inquired about the ownership of 15 Union Ave. It was noted that Mr. Daniel Kenn owned the property.

Mr. Ken Slavin stated that anything associated with the junk business was moved.

Selectman Dretler questioned if Mr. Slavins’ businesses had been filed with the Town Clerk’s Office. Interim Town Manager Bilodeau stated that she would check.

Mr. Ken Slavin suggested that much hazardous material had been dropped off by other people. Assistant Fire Chief Tim Choate questioned combustible materials on the site, and noted that on occasion there was in excess of 40 pounds of propane which requires permitting. He reaffirmed that the Fire equipment was not able to effectively access the property due to the applicant’s trucks. Mr. Ken Slavin asserted that the obstruction no longer existed and acknowledged that he did have debris on the site, which has since been cleared.

Selectman Dretler reiterated that the site would require periodic checking to insure that the site remained clean at all times and wanted assurance that the businesses were filed in Sudbury.

Selectman Roberts asked the Slavins if they had any intention of storing junk in the future. Mr. Ken Slavin responded not. Selectman Roberts asked Inspector Lewis and Assistant Fire Chief Choate if they were satisfied at this time. Inspector Lewis was concerned that Mr. Slavin would repeat the cycle of noncompliance. Assistant Fire Chief Choate affirmed that under no circumstances could chemicals be stored in trucks. Mr. Ken Slavin stressed that was no longer being done. Assistant Fire Chief Choate added that the obstruction in the driveway remained.

Chair Carty confirmed that the Special Permit had to be renewed every six months.

Selectman Schineller asked what might happen if the Special Permit were issued and then Mr. Slavin violates the regulations. Inspector Lewis suggested that the Board could provide a stipulation that if trucks are still an issue action would be taken by the Town. Selectman Schineller asked if the issues had been rectified. Assistant Fire Chief Tim Choate affirmed that the truck and trailers were still on the site and could not be used as storage.

Vice-Chair Brown emphasized that such trucks could not be used as storage. Mr. Ken Slavin responded that the trucks are primarily used to deliver rugs. He stated that two rug delivery trucks would remain onsite and all other vehicles would be removed.

Mr. Kenn acknowledged the applicant had a history of complaints and affirmed that he would assist in eliminating the current situation and would install fencing or bushes to the satisfaction of the neighbor. He stated that some other businesses have similar situations and had not been issued Cease and Desist orders or Special Permits. He suggested that he might apply for an industrial permit. Inspector Lewis responded that Mr. Kenn could apply for a variance from the Zoning Board of Appeals (ZBA). Mr. Kenn noted that the Slavins had kept the site clean for the last year.

Selectman Schineller asked the Slavins if they were actively looking for a new building to house the junk business, and Mr. Ken Slavin confirmed he was actively looking for a new building. Selectman Schineller asked if three months would be a sufficient time to find a new location. Mr. Ken Slavin agreed that three months would be enough time. Mr. Ken Slavin confirmed that the containers would be gone in a week or two.

Selectman Dretler requested that the Conservation department review the issue because of the building's proximity to wetlands.

Vice-Chair Brown stated that she would want monitoring and feedback regarding the site and noted that if safety continued to be a problem, the Town would not want to wait for three months. She emphasized that ZBA should schedule the hearing as soon as possible.

Assistant Fire Chief Choate stated that his greatest fear would be hazardous waste on the property and agreed that he would check the site periodically.

Selectman Dretler requested a list of hazardous materials. Assistant Fire Chief Choate agreed to providing such a list.

Vice-Chair Brown moved and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To grant a temporary permit for two storage units for Sudbury Rug and Home, doing business at 15 Union Avenue, until March 20, 2020, subject to monitoring by public safety.

The permit was granted with the understanding that the following conditions would be met:

- Any hazardous materials must be removed
- Junk Removal, Inc will cease operations at this location
- If the two storage units are to remain on site beyond the term of a temporary permit, a Use Variance must be granted by the Zoning Board of Appeals

Sign Special Town Meeting Warrant to be held Thursday, January 2, 2020, and take positions on articles

Article 1 – Create New Stone Farm Tavern Farm Historic District – 554 Boston Post Road

Selectman Schineller stated that he was ready to vote on Article 1 at this time. Selectman Dretler indicated that she was not ready to vote on Article 1 at this time and had further questions for Town Counsel. Selectman Roberts also was not ready to vote at this time and wanted to see the results of the upcoming Planning Board and Historic

Districts Commission meetings before she voted. Vice-Chair Brown indicated that she was concerned about the timeline and commented that the Board could report at Town Meeting. Selectman Schineller stated he would vote against Article 1. Chair Carty was also against Article 1. The Board agreed to formally vote on Article 1 at the next Board meeting.

Vice-Chair Brown confirmed that she could relay to the Planning Board that three members of the Board were opposed to Article 1 and two members are still evaluating the evidence.

Article 2 – Authorize Selectmen to petition for Special Legislation – Change Name of Board of Selectmen to Select Board

Vice-Chair Brown moved and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To support Article 2 for Special Town Meeting to be held on January 2, 2020.

Selectman Schineller motioned to support Article 1, as written in the Warrant. Vice-Chair Brown seconded the motion. Chair Carty confirmed that a couple of Board members were not ready to vote on such language at this time and the vote would be taken at the next Board of Selectmen meeting.

Article 3 – New Sudbury Community Center - \$27.7 Million for Design, Construction and Furnishing

Selectman Dretler stated that she was in full support of the Fairbank project for the May 2020 Annual Town Meeting but she was not in support of voting on the Article at Special Town Meeting on January 2, 2020 without proper vetting and education. Selectman Roberts echoed the sentiment of Selectman Dretler.

Vice-Chair Brown agreed that a vote at Special Town Meeting in January did not provide enough time and the Finance Committee recommended that Article 3 be included on the annual May Town Meeting. Selectman Dretler clarified that the Fairbank Working Group was also not in favor of the Special Town Meeting citizen's petition.

Selectman Schineller affirmed that he was against Article 3, as written, and wanted to include another option on the Warrant.

Selectman Roberts stated she appreciated the petitioner's efforts; was in full support of the proposed project but was opposed to including the Article at the Special Town Meeting. Selectman Roberts requested that the Board make a clarifying statement that the Board wasn't voting against the project but were voting against the Citizen's Petition.

Chair Carty motioned to approve Article 3 and Vice-Chair Brown seconded the motion.

It was on motion unanimously

Brown-no, Schineller-no, Roberts-no, Dretler-no, Carty-no.

VOTED: Not to approve Article 3

Petitioner Ralph Tyler indicated that he was concerned that the Warrant would display "no" votes by the Board of Selectmen. Selectman Roberts suggested adding a statement for clarity, reading: "The Board would like to make clear that this vote does not reflect their opinion on the project; rather it was felt that it was premature to bring the project forward without proper vetting and public education." Selectman Dretler moved to approve the Article 1 statement. Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To approve Article 3 statement

Vice-Chair Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To approve Warrant as presented

Citizen's Comments

Resident Charles Mills, 47 Rolling Lane, stated that he understood the Board's wish to add clarifying language to Article 3 and questioned why related language could not be included for Article 1. Chair Carty commented that the point was taken.

Mike O'Riley, attorney for Anne Stone, stressed the importance of the Board review of Article 1 and detailed that such historical spot zoning is problematic.

Quentin Nowland, developer of Stone Farm, stated that the Warrant was closed and Town Counsel comment is pending. He mentioned the letter from Planning and Community Development Director Adam Duchesneau, affirming that the Planning Board voted to withdraw from Stone Tavern litigation and requested that the Warrant be reopened. He also mentioned the letter endorsing the Stone project was submitted by Fred Taylor of the Historic Districts Commission.

Selectman Dretler noted that petition is about creating a historic district not about the proposed storage facility. Selectman Roberts queried about the possibility of additional time. Chair Carty affirmed that point was taken.

Budget Strategies Task Force member appointments

Chair Carty stated that he would be happy to remain a member of the Budget Strategies Task Force.

Vice-Chair Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To update the Budget Strategies Task Force member appointments, and reappoint current members' terms to expire 6/30/2020. Include two new members as LSRHS appointments: Ellen Joachim and Kevin Matthews who replace Radha Gargeya and Carol Kasper. Also, send a letter of thanks to Mr. Gargeya and Ms. Kasper for their service on this committee. Selectman Dretler seconded the motion.

Fairbank Community Center Update

Interim Town Manager Bilodeau presented updates to the Fairbank Community Center budget worksheet - \$596,902 reflecting the escalator cost and \$750,000 allocated to the project manager. She noted that these two updates reflected a total cost estimate of the project to be \$28,832,098.

Interim Town Manager Bilodeau reminded the Board that any additional working group questions they might have would have to be submitted by tomorrow in consideration of the Fairbank Working Group meeting next week.

Interim Town Manager Bilodeau informed the Board that a recent problem with roof heating element at the Fairbank Center has caused interior leaking and the Park & Recreation Commission had to cover furniture. She also noted that one of the two pool heaters is offline again and awaiting necessary parts for repair.

Selectman Schineller asked about the expected life of the pool. Interim Town Manager Bilodeau responded that she did not know, but would be happy to find out.

Citizen's Comments (cont.)

Resident Ralph Tyler expressed confusion regarding the Board's recent discussion regarding the Fairbank Community Center budget worksheet. He recommended that the cost of construction not be included with financial analysis and other program expenses, which should be reserved for a future Town Meeting. Mr. Tyler stated the town has a failing building with a leaking roof and other problems.

Discuss Upcoming Agenda Items

The Board mentioned several topics for the December 17th meeting:

- Intermunicipal Agreement to be presented by Adam Duchesneau
- Annual Town Meeting Warrant to open
- CSX Update
- Bruce Freeman Rail Trail Update
- Dissolve Blue Ribbon Town hall Committee
- Camp Sewataro

Topics to be covered at the January 7th meeting include:

- Interviewing process for Town Manager to begin
- CPA Legislation
- Special Town Meeting – January 2, 2020

Consent Calendar

Approve regular session minutes of 10/22/19 and 10/29/19

Selectman Dretler motioned and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To approve the regular session minutes of 10/22/19 and 10/29/19.

Proclamation to recognize December 14, 2019 as Yoshitaka Ando Day in the Town of Sudbury

Selectman Roberts motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To sign a proclamation to recognize December 14, 2019 as Yoshitaka Ando Day in the Town of Sudbury.

Chair Carty recognized contributing proclamation efforts made by resident and former Board of Selectmen Chairman Robert Haarde.

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

Attest: _____

Maryanne Bilodeau
Interim Town Manager-Clerk