

BOARD OF SUDBURY SELECTMEN
THURSDAY, December 6, 2012
EXECUTIVE SESSION (7:05 p.m. to 7:30 p.m.)

Present: Chairman Lawrence W. O'Brien; Vice Chairman Robert C. Haarde; Selectman John C. Drobinski; Town Manager Maureen Valente; Jody Kablack, Director of Planning and Community Development

The statutory requirements as to notice having been complied with, the meeting was convened at 7:05 p.m. in the Town Clerk's Office, 322 Concord Road, Sudbury.

Chairman O'Brien opened the meeting at 7:05 p.m. and announced that the regular meeting would reconvene following an Executive Session.

Chairman O'Brien made the motion to go into Executive Session. Vice Chairman Haarde seconded the motion.

It was on roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining matters related to successor contracts strategy for the Laborers Union and Land Negotiations, wherein strategy discussions with respect to collective bargaining and land negotiation in open session may have a detrimental effect on the bargaining position of the public body.

Chairman Lawrence W. O'Brien, aye; Vice Chairman Robert C. Haarde, aye; and Selectman John C. Drobinski, aye.

Chairman O'Brien convened the Executive Session and opened discussion regarding Land Negotiation with Jody Kablack, Director of Planning and Community Development.

Land Negotiation – Pantry Brook Farm

Ms. Kablack reviewed Draft Conservation Restrictions (CR) for the Pantry Brook Farm dated 12/3/12, which had been previously distributed to the Board under cover letter from Town Counsel. Ms. Kablack reviewed the changes to the documents since last reviewed by the Selectmen in October:

- The landowners have requested a change in the size of the building envelope on the east side of the property, which would allow a house to be built somewhat down the driveway in the vicinity of Rusty's Tree Service. This change was recommended after the wetlands and Priority Habitat were mapped by SVT, and soil testing was conducted to determine the location of a new septic system. It has become apparent that reconstruction of a new home in the footprint of the existing home would be very difficult. Location of a home site in the new proposed area would have fewer environmental and aesthetic impacts.
- Additional protection of historic and archaeological resources has been recommended by EOEEA which requires Mass. Historical Commission approval for digging and disturbance of the ground related to construction activities and renewable energy. The parties are still working on this language in order to strike a balance between protection of resources and the ability of the landowner to conduct agricultural activities on the property.
- The construction of temporary buildings outside the building envelopes has been limited to 10,000 sq. ft. In the previous version there was no limit.

- The provision for agri-tourism has been deleted, as it was felt to be too broad. MGL. C. 40A, s. 3 and MGL c. 128 (definition of agriculture) covers most activities that could be contemplated for agri-tourism.
- A Dispute Resolution section has been added to define how decisions will be made between SVT and the Town if there is a difference of opinion on enforcement.
- The amendment provision for the façade restrictions on the old farmhouse structures has been reworded to clarify that if amended, the Secretary of EOEEA can approve the changes without the termination of the entire CR.
- The subdivision provision has been amended to allow division of the property only if there is a property line dispute, or to sell off the building envelope on the east side.
- Additional protection of environmental resources has been added which requires consultation with Natural Heritage Endangered Species Program for any new activity in any Priority Habitat areas on the east side of the property, which will be mapped and added as an exhibit to the CR.
- Fencing provisions were amended to allow some solid fencing on the property, but only if it has no impact on views.
- The provision obligating the owners to keep the fields open has been strengthened.

Town Counsel has advised that the Selectmen sign the CRs tonight in anticipation of no major changes to the documents, of which he will apprise the Selectmen of prior to recording the documents, and closing in mid-December.

Ms. Kablack further stated that the provisions in these documents closely follow the discussions at Town Meeting, and particularly the provision about the building envelope on the east side. It was not represented that a house would remain in its present location, and the new location has benefits. The Selectmen indicated support for allowing a reconfiguration of the building envelope as presented. Ms. Kablack noted that the Conservation Commission has not yet signed the CRs, as they had a few additional comments which were being worked out with the property owners. She expressed optimism that the issues would be easily resolved. Ms. Kablack further noted that the LAND grant has been awarded to Sudbury for the maximum amount of \$400,000, which will be reimbursed for a portion of the purchase of the CR. The Town will receive these funds in FY14.

The Selectmen indicated no further issues with the documents.

At 7:30 p.m., Chairman O'Brien moved to adjourn to open session and delay until December 18th discussion of the other Executive Session agenda items. Selectman Drobinski seconded the motion. All voted in favor: Chairman Lawrence W. O'Brien, aye, Vice Chairman Robert C. Haarde, aye and Selectman John C. Drobinski, aye.

Attest: _____
Maureen G. Valente
Town Manager - Clerk