

IN BOARD OF SELECTMEN
MONDAY, MARCH 14, 1994

Present: Chairman Judith A. Cope, Lawrence L. Blacker, and John C. Drobinski.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. by Chairman Cope at the Fairbank Senior Center.

Public Hearing - Transfer of Restaurant License for the Sale of All Alcoholic Beverages from Philip Magiannis to Philip's Pizza & Restaurant, Inc.

Chairman Cope convened a public hearing, in accordance with General Laws Ch. 138, sec. 12, to consider the application dated December 20, 1993, for transfer of the Restaurant License for the Sale of All Alcoholic Beverages, from Philip Magiannis, Owner, d/b/a Philip's Pizza, to Philip's Pizza & restaurant, Inc., Philip Magiannis, Manager, d/b/a Philip's Pizza & Restaurant, Inc., for property located at 447 Boston Post Road.

The Board acknowledged receipt of Form 983 (Transfer Application), dated December 20, 1993, and accompanying documents necessary for a change in the licensee. Selectman Blacker pointed out an error made by the licensee in filling out Form 983.

It was on motion unanimously

VOTED: To approve the transfer of the Restaurant License for the Sale of All Alcoholic Beverages, under General Laws Ch. 138, sec. 12, from Philip Magiannis, Owner, d/b/a Philip's Pizza, to Philip's Pizza & Restaurant, Inc., Philip Magiannis, Manager, d/b/a Philip's Pizza & Restaurant, Inc., for property located at 447 Boston Post Road, subject to corrections being made on the first page of Form 983; as noted by Selectman Blacker.

Public Hearing - Package Store License to Sell Wine and Malt Beverages - Country Variety & Deli, Inc.

Present: Gary J. Volante, Manager, and Janice L. Volante, Treasurer/Clerk, Country Variety & Deli, Inc.

Chairman Cope convened a public hearing, in accordance with General Laws Ch. 138, sec. 15, to consider the application, dated February 2, 1994, of Country Variety & Deli, Inc., Gary J. Volante, Manager, for a Package Store License to sell wines and malt beverages, under General Laws Chapter 138, sec. 15, at property located at 621C Boston Post Road.

The Board is in receipt of the following required documents and instruments: 1) ABCC 5 page application, 2) Floor Plan of Country Variety & Deli, Inc., 3) Form A, Change of Manager (required for a change in manager of a corporation or a new application), 4) Form C, 5) Articles of Organization of Country Variety & Deli, Inc., 6) Citizenship verification, 7) Corporate votes, and other miscellaneous documents.

Mr. Volante stated that he believes obtaining this license to sell wines and malt beverages will help to increase the store's revenues.

The Board acknowledged receipt of a communication dated February 18, 1994 from Health Director Robert C. Leupold, stating support, but noting that further approval is needed from the Health Department should the license be granted and any revisions to the floor/facilities plans made.

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In addition, verbal support has been received from the Police Chief, Fire Chief and Building Inspector.

Selectman Drobinski asked about the hours of business. Mr. Volante responded that at the present time the hours will be from 10:00 a.m. - 9:00 p.m. with a change to extend the hours to 10:00 p.m. likely in a few months.

On motion by Selectman Drobinski, it was unanimously

VOTED: To approve the application of Country Variety & Deli, Inc., Gary J. Volante, Manager, for a Package Store License to Sell Wines and Malt Beverages, under General Laws Chapter 138, sec. 15, at property located at 621C Boston Post Road, during the hours of 10:00 a.m. to 10:00 p.m.

1994 Annual Town Meeting - Street Layouts

Present: Three Raymond Road residents.

At 8:00 p.m., Chairman Cope convened a Public Hearing for the purpose of receiving public comment and to vote on the question of layout of certain Town ways, which are proposed for acceptance as public ways at the 1994 Annual Town Meeting under Article 37.

Executive Secretary Thompson noted that all appropriate abutters had been properly notified, and the Board acknowledged receipt of the following:

1. A communication dated February 23, 1994, from Town Planner Jody A. Kablack, listing the Planning Board's recommendations regarding street acceptances for the 1994 Annual Town Meeting.

2. A communication dated March 10, 1994, from Town Engineer I. William Place offering comments and recommendations as follows on the following ways:

A. McLean Drive, Spiller Circle, Raymond Road and Powder Mill Road - No issues.

B. Firecut Lane - An as-built plan has been received and approved by the Engineering Department and a copy forwarded to the Planning Board and Conservation Commission.

C. Stagecoach Drive - This subdivision was completed by the Town of Sudbury. An as-built plan has been completed with the exception of the inclusion of pipe sizes and inverts, which when received by the Engineering Department, will be provided to the various boards and committees.

D. Atkinson Lane, Babe Ruth Drive, Perry Circle, Petersen Circle - Completed by the Town of Sudbury. There are separate Orders of Conditions for Babe Ruth Drive and Perry Circle. Mr. Roger Kane plans on correcting these problems when the weather permits.

On the recommendation of Secretary Thompson, and in accordance with the Town Engineer's recommendations outlined in his letter of March 10, 1994, it was on motion unanimously

VOTED: To lay out the following Town ways, which are proposed for acceptance as public ways at the 1994 Annual Town Meeting under Article 37:

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McLean Drive;

Spiller Circle;

Raymond Road;

Powder Mill Road;

Firecut Lane - subject to final review and approval of the Planning Board and Conservation Commission;

Stagecoach Drive - Stagecoach Estates Subdivision, subject to receipt of information to complete the as-built plan and conformance with Planning Board and Conservation Commission approvals prior to Town Meeting;

Atkinson Lane, Babe Ruth Drive, Perry Circle, Petersen Circle - Atkinson Farms Subdivision, subject to resolving concerns regarding wetland replication on Babe Ruth Drive and side slope grading of common driveway on Perry Circle.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of February 28, 1994, and the special meeting minutes of March 2, 1994.

Council on Aging

It was on motion unanimously

VOTED: To accept \$100.58 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Annual Town Election - Sale of Alcoholic Beverages

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Town Election of March 28, 1994, in accordance with M.G.L. c. 138, s.33, as amended.

Sudbury Earth Week and Spring Cleanup Day - Proclamation

It was on motion unanimously

VOTED: To proclaim the week of April 24-30, 1994, as Sudbury Earth Week and to designate April 30, 1994, as Spring Cleanup Day.

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Northeast Recreation Co., Limited Partnership, Renewal of Licenses

It was on motion unanimously

VOTED: To renew the following licenses for the Northeast Recreation Co., Limited partnership, d/b/a Sudbury Bowl, 136 Boston Post Road:

(a) License to operate twenty-four bowling alleys on weekdays from 8:00 a.m. to 12 Midnight and on Sunday from 9:00 a.m. to 11:00 p.m., and six pocket billiard tables on weekdays from 8:00 a.m. to 12 midnight, for the period of May 1, 1994 through April 30, 1995; and

(b) Sunday Entertainment Licenses for Billiard Tables (six) and Automatic Amusement Devices (six) for the period of March 27, 1994 through March 19, 1995.

Reserve Fund Transfer No. 94-14

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 94-14, dated March 7, 1994, in the amount of \$1200, for the Selectmen's Equipment Account to purchase new computer equipment as requested in the FY 95 budget.

Early Retirement Incentive

The Board acknowledged receipt of a communication dated March 4, 1994, from Daniel W. Sherman, ASA, Coopers & Lybrand, which is a summary of the analyses and discussions concerning an Early Retirement Incentive (ERI) program for Sudbury Teachers and for all other employees of the Town.

Mr. Thompson reported that under the new Education Reform Bill it is his understanding that early retirement for teachers will be limited by state funding (50%). Local funding will be in the school budget. The recommendation is to limit the number of yearly retirees to four. The same program at Lincoln-Sudbury Regional High School will also have a similar limit in number.

Secretary Thompson explained that even though the letter addresses an Early Retirement Incentive program for Town employees as well, he recommends the Board address only the teachers at this time as it relates to the Education Reform Bill. Evaluation of a program for early retirement for Town and non-teaching school employees will be made after receiving feedback and comments from the Negotiating Advisory Committee. If the early retirement program for teachers passes at Town Meeting, Mr. Thompson recommends the Board then evaluate and vote on an early retirement program for other employees.

On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To approve implementing an Early Retirement Incentive (ERI) program for Sudbury teachers, in accordance with the new State Education Reform Act, and to direct Town Counsel Paul Kenny to draft a vote for implementation.

Sudbury Pines Extended Care Facility - Expansion Issues

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In response to letters received from abutters to Sudbury Pines Extended Care Facility regarding their proposed expansion and over-due back taxes, the Board acknowledged receipt of a response by Secretary Thompson, dated March 3, 1994, addressing the abutters' concerns and stating that the issues have been given to the Town Engineer for review.

The Board acknowledged the Town Engineer's response, dated March 8, 1994, which outlines his findings following his inspection and proposes the following actions:

1. Change Article V of the Traffic Rules and Orders to prohibit parking on Robbins Road from Howell Road to Wilshire Street and Howell Road from Stone Road to Robbins Road.
2. Enforce Section 22, 23, & 24 of Article V of the Town Bylaws.
3. Request the owners of Henderson House of Sudbury Trust to construct the private portion of Robbins Road from Howell Road to Horse Pond Road.

On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To concur with the Town Engineer's findings and recommendations as outlined in his communication dated March 8, 1994, responding to the issues and concerns raised by abutters to the Sudbury Pines Extended Care Facility regarding its expansion plans and payment of back taxes.

1994 Annual Town Meeting - Article 2 - Town Manager Plan

The Board acknowledged receipt of a communication dated March 7, 1994, from Executive Secretary Thompson concerning Article 2, 1994 Annual Town Meeting - MMA Town Manager Plan for Sudbury, addressing the MMA proposal and the need to amend or tailor the proposal to fit Sudbury.

Mr. Thompson reviewed his comments with the Board and asked that the letter be forwarded to the Blue Ribbon Committee that is currently discussing and publicizing the pros and cons of Article 2.

Chairman Cope, who has been attending the Blue Ribbon Committee meetings, reported that the Board would be very pleased and she is impressed with the comments and considerations being made by the Committee members.

Selectman Blacker commented that he received a call from a Town resident who said he first learned about Article 2 when he received his Warrant in the mail. Mr. Blacker expressed concern that perhaps this issue has not been publicized enough and will not have reached everyone before Town Meeting in order to have reached some consensus before Town Meeting.

Mr. Blacker asked if the Blue Ribbon Committee will be in a position in the next few weeks to come to a conclusion. He believes if this has not happened, it should not go to Town Meeting for a vote. Because Mr. Blacker believes that everyone in Town should have the opportunity to give their input, he would like to see a draft report from the Committee followed by public hearings. He added that if the Committee concludes with either a majority or a minority report, the vote should be postponed.

The Board acknowledged a communication dated March 7, 1994, from Sudbury resident

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Ralph S. Tyler to Long Range Planning Committee Chairman Mr. L. William Katz, outlining some legal questions to assist the Blue Ribbon Committee to better understand its options and restrictions in achieving a more effective Sudbury Town Government.

1994 Annual Town Meeting - Article 70 - Prohibition and Regulation of Overhead Utilities

Present: Robert Beckett, and Joseph D. Prendergast.

Mr. Beckett and Mr. Prendergast were present tonight to obtain support from the Board of Selectmen for Article 70 - Amend Section 3.E of Article XX, Prohibition and Regulation of Overhead Utilities.

Mr. Prendergast explained that he owns land on Powers Road, and has divided it into two buildable lots, but he is not able to obtain underground electrical service because there is no additional room on the existing poles for another underground electrical standpipe. This was noted in a communication from Boston Edison, dated March 11, 1994, to Robert Beckett. Mr. Beckett explained that it is not possible to adhere to the current bylaw because of the information from Boston Edison and also because the underground trench that would be used to carry the lines to the property is occupied with other cables, which restricts the use of the property.

Selectman Drobinski noted that the intent of the original bylaw was threefold: 1) public safety, 2) reliability of service to customers, and 3) aesthetics.

Following discussion, on the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To support Petition Article 70, to amend Section 3.E of Article XX, Prohibition and Regulation of Overhead Utilities, of the Town of Sudbury bylaws, by deleting therefrom the words, "for a period not to exceed 90 days", thereby allowing a permanent waiver from the Bylaw at the discretion of the Selectmen in unusual circumstances.

Goodnow Library Foundation - Investments

Present: Treasurer/Collector Mary Ellen Normen Dunn, Library Director William R. Talentino, Goodnow Library Trustees Ivan H. Lubash, Hans J. Lopater, and Kenneth L. Ritchie.

The Board acknowledged receipt of the following communications:

1. Communication dated February 3, 1994, from State Representative Hasty Evans, in response to Mr. Hans Lopater's inquiry concerning the transfer of authority over the Goodnow Library fund from the Trustees of Town Donations to the Goodnow Library Foundation, Inc.

2. Communication dated February 7, 1994, from Town Counsel Paul L. Kenny stating that in order to accomplish placing the control of the funds in the hands of the Goodnow Library Foundation, Inc., an article would have to be submitted to Town Meeting requesting a special act of the legislature to allow the desired purpose, notwithstanding Chapter 180 of the Acts of 1911.

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3. Communication dated March 11, 1994, from Town Treasurer and Collector Mary Ellen Normen Dunn responding to the request by Mr. Talentino in his communication dated March 2, 1994, and the Library Trustees for information regarding the income from the Trust Fund.

On the subject of the Town Treasurer/Collector's letter of March 11, 1994, discussion ensued and explanation was made to the satisfaction of all those present that the confusion concerning availability of the use of earned income for library purposes was traced to a previous transfer to principle amounting to \$6,243.37. It was agreed by those present that this amount would be available for expenditure by the Trustees if so requested.

Upon comment by Library Director Mr. Talentino, and under agreement that we should wait until June for a further report from the Investment Advisory Committee, Ms. Dunn commented that her department is working toward releasing all available earned income at the end of each fiscal year, eliminating the two-year lag policy.

It was noted that Town Counsel's opinion that an article needs to be submitted at Town Meeting to have the Trust funds transferred to the Goodnow Library Foundation, Inc., is contrary to Hasty Evans' opinion that simply the Board of Selectmen may cast a majority vote to petition the Court for permission to transfer public funds, (done by sending the petition to Attorney General Harshbarger for his assent, who then forwards it to the Court).

Because of the conflict in opinions, Mr. Thompson informed that a meeting is currently being scheduled for the end of March at the State House between Town Counsel and State Assistant Attorney General Holly Meyer to come to a resolution.

With regard to the goal of the Library Trustees to have authority over the funds placed with the Goodnow Library Foundation, Inc., the Board is in agreement providing that it is legal to do so. Mr. Blacker suggested consulting with the Investment Advisory Committee to obtain their opinion; and also, to determine if investment of the total Town funds would be at risk if the library funds were removed.

Mr. Lopater stated that it is the intent of the Library Trustees to have the library funds managed by the Boston Foundation, and he continued to explain the advantages for doing so.

Selectman Drobinski stated his only concern would be diluting the funds, but conceptually agrees with the Trustees. Mr. Drobinski said the Board is in favor of what is best for the Town first and then the Library Trustees.

Mrs. Dunn commented that the only outstanding issue, should the funds be transferred, would be the actual transfer of the assets and the timing of the transfer. Mrs. Dunn continued to explain that accounting procedures and investments policies need to be drafted to eliminate the delay in realizing funds as they relate to the budget process. She added that the Investment Advisory Committee will be meeting in June to review the draft of procedures and investment policies.

Mullen/Fafard Site Plan 84-274 - Rugged Bear Plaza

Present: G. Burton Mullen and James Moore.

The Board reviewed the following communications:

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1. Communication dated March 1, 1994, from G. Burton Mullen requesting a change of use at the Rugged Bear Plaza to allow a small coffee shop.
2. Communication dated February 15, 1994, from Health Director Robert C. Leupold, stating the Board of Health's approval for the proposed specialty coffee shop with a limited sandwich and baked goods menu and limited seating.
3. Copy of the Board of Selectmen minutes for Site Plan 84-274, dated April 19, 1984.
4. Communication dated March 7, 1994, from Executive Secretary Thompson to various Town boards and officials requesting their comments regarding this request.
5. Communication dated March 8, 1994, from Town Planner Jody A. Kablack stating that the Planning Board wishes to submit comments regarding this site plan, but will not be able to discuss it until their March 21 meeting. Concern was also expressed concerning the fact that this site is within Zone II of the Water Resource Protection District.
6. Communication dated March 9, 1994, from Town Engineer I. William Place stating concerns regarding 1) An as-built plan for the completion of Site Plan 84-274 that has not yet been received, and 2) The need for recalculation of parking spaces.
7. Communication dated March 9, 1994, from the Conservation Commission stating no objections, due to the fact that the Board of Health has approved the change in use and reviewed the septic requirements.

Per the March 8, 1994, communication from Town Planner Jody A. Kablack, Mr. Thompson stated the Planning Board would like to have an extension of time to the Board of Selectmen's meeting on March 30, 1994, in order to discuss and review the site plan.

Selectman Blacker asked, since this request is a change of use, if a new site plan filing is required. He also asked if nothing changes on site, would it necessitate a Water Resource Protection Hearing.

After the Board conferred with one another, it was their consensus that technically a new site plan filing will be required and asked Mr. Thompson to expedite the same if possible. Also, the Board directed Town Counsel to review and determine whether, in his opinion, a Water Resource Protection hearing will be necessary by the Planning Board. It is the Board of Selectmen's opinion that it will not because the increased flow from the new use will be within the design capacity of the existing septic system as approved by the Board of Health.

Earlier in the evening, Planning Board member Ursula Lyons discussed with the Board her concerns with the proposed amended Mullen Site Plan, questioning issues such as: 1) increased flow and capacity of the system, 2) accuracy of engineering data by the Board of Health, 3) parking requirements, and 4) wetlands intrusions. Chairman Cope informed Ms. Lyons that these matters would be reviewed again by the Board, but it appears the issues have been addressed and the proposed new use will be within the required rules and regulations.

Hop Brook System - Near-Term Options for Improving Pond Conditions

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In response to a communication dated March 9, 1994, from Stephen M. Meyer, Chairman, Hop Brook Ponds Study Committee, in which he outlines near-term options for improving pond conditions, it was on motion unanimously

VOTED: To support the near-term options for improving the Hop Brook Ponds conditions, as outlined in a communication dated March 9, 1994 from Hop Brook Ponds Study Committee Chairman Stephen M. Meyer.

Self-Insured Health Plan - Letter to Arthur Bomengen

The Board acknowledged receipt of and supported the request made by Budget and Personnel Officer Terri Ackerman for information regarding the Town's new self-insured health plan, in a communication dated March 9, 1994, to Arthur Bomengen, Sterling Insurance.

Donacesca Ristorante Italiano - Extension of Payment

The Board acknowledged receipt of a communication dated March 4, 1994 from Town Counsel Paul Kenny to Ms. Joanne Frate, Donacesca Ristorante Italiano, relative to unhonored checks in payment of personal property taxes and alcoholic, common victualler, and entertainment licenses.

In response to an undated communication from Mr. Louis Frate, Donacesca Ristorante Italiano, received March 9, 1994, it was on motion unanimously

VOTED: To grant an extension as requested by Donacesca Ristorante Italiano to April 11, 1994, for payment of his 1994 alcoholic, common victualler, and entertainment licenses.

Mr. Thompson informed that the Town Treasurer/Collector has agreed to establish a payment plan for payment of the outstanding personal property taxes due from Donacesca's.

Cutler Farm Subdivision

Drainage Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement granted by Joseph S. Cutler and Kenneth R. Cutler dated January 31, 1994, 20 feet wide, running from Cutler Farm Road to the water retention area located on the Northerly end of Lots 9 and 10, and running from Lot 9 to the Tennessee Gas Transmission Line through Lot 10, as shown on Plan entitled "Definitive Subdivision Plan, Cutler Farm, Land in Sudbury Massachusetts, owned by Cutler Trust of Sudbury", Eligius Land Company Land Planners and Engineers 329A Boston Post Road, Sudbury, MA, dated July 18, 1967.

Drainage Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement granted by Kenneth R. Cutler and Joanne L. Cutler, Roger E. Cutler and Janet H. Cutler, and Harold R. Cutler, dated January 31, 1994, as shown on a

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Definitive "Subdivision Plan Cutler Farm Land in Sudbury, Ma. owned by Cutler Trust of Sudbury", Eliguis Land Company Land Planners and Engineers 329A Boston Post Road, Sudbury Ma., starting at proposed Cutler Farm Road and extending over lots numbered 5, 6, and 7.

Right of Access and Easement for Future Road Construction

It was on motion unanimously

VOTED: To accept on behalf of the Town a permanent right of access granted by Joseph S. Cutler and Kenneth R. Cutler, dated January 31, 1994, as shown on Lot 14 on a plan "Definitive Subdivision Plan, Cutler Farm, Land in Sudbury Massachusetts, owned by Cutler Trust of Sudbury", Eliguis Land Company Land Planners and Engineers, 329A Boston Post Road, Sudbury, MA, access from the Town of Sudbury Loring School property to Cutler Farm Road.

Access Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town a Grant of Easement, granted by Harold R. Cutler and Betsey de L. Cutler, and Roger E. Cutler and Janet H. Cutler, dated January 31, 1994, twenty (20) feet wide running from Landham road through the property of Roger E. Cutler and Janet H. Cutler and through the property of Harold R. Cutler and Betsy de L. Cutler to the Drainage Easement located at the rear of both properties, as shown on a Plan of Land entitled: "Plan of Land in Sudbury, Mass. owned by see notes above, plan by Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., dated January 21, 1994.

Whitehall Estates Subdivision

Drainage Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement granted by Kenneth Moore, Trustee of the Meyer Realty Trust u/d/t dated March 7, 1994, shown as a "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT 05737, Applicant: M.C. Moore & Son, Inc., 351-1 Boston Post Road, Sudbury, Mass., Plan By: Colburn Engineering Inc., 433 Main Street, Hudson Mass., Scale: 1"=60', March 31, 1993, Revised: 1/31/94", over portions of Lots 2, 7, 8, 10 and 11 as shown on said plan.

Agricultural Preservation Restriction

It was on motion unanimously

VOTED: To accept on behalf of the Town and through the Conservation Commission, an Agricultural Preservation Restriction granted by Kenneth Moore, Trustee of Meyer Realty Trust u/d/t dated March 7, 1994, shown as a "Definitive Subdivision of 'Whitehall Estates' Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT 05737, Applicant: M.C. Moore & Son, Inc., 325-1 Boston Post Road, Sudbury, Mass., Plan by Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993 Revised: 1/31/94", with the inclusion of stated terms.

Perimeter Buffer Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town and through the Conservation Commission, a Perimeter Buffer Easement granted by Kenneth Moore, Trustee of Meyer Realty Trust u/d/t March 7, 1994, shown as a "Definitive Subdivision of 'Whitehall Estates', Sudbury, Mass., Owner: Janet R. Howe Revocable Trust c/o Peter Bowry, P.O. Box 57, Chittendon, VT. 05737, Applicant: M.C. Moore & Son, Inc., 325-1 Boston Post Rd., Sudbury, Mass., Plan by: Colburn Engineering, Inc., 433 Main Street, Hudson, Mass., Scale: 1"=60', March 31, 1993 Revised 1/31/94", with the inclusion of stated terms.

Howe Revocable Trust Land Transfers

Deed of Land From the Town

Upon verification by Town Counsel Paul L. Kenny, it was on motion unanimously

VOTED: To sign a deed dated March 14, 1994, from the Town of Sudbury to Peter H. Bowry, and A. Grant Bowry, Jr., conveying the following described land located in said Sudbury:

Parcel "A" as shown on a plan entitled "PLAN OF LAND IN SUDBURY, MASS. Owned by Janet R. Howe Revocable Trust (Pcl. B) & the Town of Sudbury (Pcl. A)" dated August 27, 1993, prepared by Highland Land Surveyors, Inc., 69 Maple Street, Marlboro, Massachusetts, containing 12,825 square feet according to said plan. Said property to be used as a roadway and needed lot frontage along Concord Road, and shall not be construed as a building lot.

Deed of Land To The Town

Upon verification by Town counsel Paul L. Kenny, it was on motion unanimously

VOTED: To sign an acceptance on behalf of the Town, of a deed from Darcy E. Howe, William A. Howe, A. Grant Bowry, Jr., and Peter H. Bowry, Trustees of the Janet R. Howe Revocable Trust, dated June 20, 1949, to the Town of Sudbury of the following real property:

Parcel B on a plan entitled "Plan of Land in Sudbury, Mass.", owned by Janet R. Howe Revocable Trust (Pcl. "B") and the Town of Sudbury (Pcl. "A") dated August 27, 1993, by Highland Land Surveyors, Inc., 69 Maple Street, Marlboro, Mass., containing 223,264 square feet or 5.125 acres. Said land is to be used for the expansion of the New Town Cemetery.

Order of Taking

It was on motion unanimously

VOTED: To take by eminent domain on behalf of the Town of Sudbury, in fee simple absolute, a parcel of land in Sudbury being Parcel 2-1 as shown on a plan entitled "PLAN OF LAND IN SUDBURY 12 OWNED BY JANET R. HOWE REVOCABLE TRUST" prepared by the Town of Sudbury Engineering Department and dated December 19, 1991, and containing 24.7 +/- acres.

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Confirmatory Deed

It was on motion unanimously

VOTED: To sign an acceptance on behalf of the Town, of a deed from Peter H. Bowry, A. Grant Bowry, Jr., William A. Howe and Darcy E. Howe, being all of the Trustees of the Janet R. Howe Revocable Trust, for the following property:

Parcel 2-1 as shown on a plan entitled "PLAN OF LAND IN SUDBURY OWNED BY JANET R. HOWE REVOCABLE TRUST" prepared by the Town of Sudbury Engineering Department and dated December 19, 1991, containing 24.7 +/- acres according to said plan.

Agricultural Preservation Restriction

It was on motion unanimously

VOTED: To accept on behalf of the Town, and through the Conservation Commission, an Agricultural Preservation Restriction granted by Darcy E. Howe, William A. Howe, A. Grant Bowry, Jr., and Peter H. Bowry, Trustees of the Janet R. Howe Revocable Trust dated June 20, 1949, on a parcel of land located in said town being shown as Parcel C and Parcel No. 2 on a plan entitled "Definitive Plan of "Howe Estates"", by Highland Land Surveyors, Inc., 69 Maple Road, Marlboro, Mass., and dated August 30, 1993.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary- Clerk