

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 22, 1994

Present: Chairman Lawrence L. Blacker, John C. Drobinski, and Maryann K. Clark.

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

Utility Petitions #94-14 and 94-15 - Powers Road

Present: Edmund Kelly, Boston Edison Company; Patrick Lovett, New England Telephone and Telegraph; abutters Marilyn Dow, Doris Norman, and Celia Anne Hinrichs, and Robert L. Beckett, Beckett Associates.

The Board convened a public hearing to consider Utility Petitions #94-14 and #94-15 of Boston Edison Company and New England Telephone and Telegraph Company for permission to locate two poles, each with hip guy and anchor, and for location of approximately 27 feet of conduit on Powers Road.

Chairman Blacker explained that Petition 94-14 requires the grant of special permission for this installation in accordance with Sudbury Bylaws Art. XX, Section 3.E, as amended by Article 70 of the 1994 Annual Town Meeting. He stated that it was determined by Boston Edison and New England Telephone that placing utilities above ground would be the most cost effective and least expensive solution as opposed to underground because of the fact that the property is adjacent to the Town of Concord which is serviced by a different Utility Company.

Ms. Marilyn Dow, 10 Barnet Road, stated her objections to not only the fact that there will be additional poles overhead, but she disliked the location of one of the poles in front of her property. She stated she would like to see the pole placed in a position different than adjacent to her driveway.

Some concern was expressed as to what equipment the poles might include. Mr. Lovett assured that there would be no transformer, that they are strictly utility poles.

Ms. Doris Norman, Powers Road, objected to the placement of additional poles saying that more poles would make the area more unsafe, as the poles are placed too close to the road.

Chairman Blacker expressed that he is sympathetic to the abutters' situation regarding installation of additional poles and their location, but he stated the situation exists throughout the Town, and in this case, the main source of power is not reasonably available. Mr. Blacker suggested a continuance of this hearing in order that the utility companies meet with the abutters and the developer to come to a compromise where the poles are less obtrusive to the properties, but still function as they should.

Mr. Kelly remarked that Boston Edison did not wish to install three poles, which may have to happen if the poles are moved farther away from the new homes. They do not want to move the poles farther away.

Secretary Thompson added that the Selectmen's office will set up a meeting with the parties involved.

It was on motion unanimously

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VOTED: To continue the public hearing for consideration of Utility Petitions #94-14 and #94-15 to the Board of Selectmen meeting to be held on September 12, 1994.

Sudbury House Bills H-5229 and H-5186

Present: State Representative Hasty Evans; Chairman William Katz, Blue Ribbon Committee, and approximately 15 Town residents.

Representative Evans stated she is in attendance at tonight's meeting to discuss the status of the pending legislation regarding the above House Bills. She began with a chronology of events beginning with the request by the Town last June to place before the legislature a change in town government to a town manager form of government. This petition had been approved by Town Meeting. She explained that she forwarded the petition to the Local Affairs Committee to get it through the legislature. In July, continued Rep. Evans, the Town, due to a technicality, asked her to facilitate asking the Governor to file special legislation to correct what was considered a technical language change on the vote for Town Manager form of government. In explanation, the Town wanted the special legislation to change the Town Meeting vote by amending the Special Act provision to allow the ratification question to appear on the November ballot. At that point in time, Rep. Evans said she agreed to ask the Governor to file this piece of legislation.

Representative Evans explained that when a change in a Town becomes a controversial process, the prudent course is to go by the book, which means going by the legal vote of Town Meeting since that is the document for which she is legally bound. She further informed that she has had discussions with both sides of the issue since the second week in August and since the hearing on the Governor's Special Legislation. She has learned that the perception is that she has taken sides on the substance of this issue, and insists that she has not taken a side on the substance on the issue, and remains only a facilitator. In light of the current controversy, Rep. Evans has been reconsidering the issue to place the vote on the November ballot. She asked that the Board reaffirm the decision to seek Special Legislation to place the question on the November ballot, by voting to do so. She believes the will of the Town has been obscured by events and wants the decision to be reaffirmed and she be directed by a newly reported vote of the Board, thus making it clear to the community, herself and the State.

Chairman Blacker opined that voter turnout will be greater at a November election. He wants to see the greatest cross-section of people vote on the change in government issue, and the intent of the Board is to place it on the November ballot as against having to call a special town meeting. It would be unfair to wait until a March election because one position is up for re-election.

Selectman Clark commented that she sees two issues--substantive and procedural. The substantive issue is the change in the form of government. The procedural issue reflects a procedural change. She opined that there is always a chance that the procedure may not be followed exactly in a local change; however, it does not modify the intent of the legislation, the substantive area. Ms. Clark concurs with Chairman Blacker regarding the voter turnout and the cross-section of voters at the November 8 ballot.

Selectman Drobinski remarked that he respects Representative Evans' opinion and believes she works very hard for the Town. He added that the Town is experiencing another procedural slip-up similar to one in the past and did not think through the procedural aspects. The Town needs to be more efficient in this regard. He concluded that changing the form of government is a way to make Town government more streamlined, and he would like to see it pass.

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Mr. William Katz, commented that the Blue Ribbon Committee studied the legislation and was always under the impression it would be voted on the November 8 ballot.

Susan Bistany, 21 Old Meadow Road, stated that she agrees that more people will be voting on the November ballot; however, she is not sure that, under the circumstances, a lot of people that will be voting will know the details of the issue because they will be concerned about other issues on the ballot.

John Paderson, 15 Lynne Road, remarked that he disagrees with Selectman Clark on procedural and substantive issues. He explained that the Board asked Town Meeting to vote to take the appropriate steps to implement a Town Manager form of government, and he believes that another Town Meeting needs to be organized to pass what should have been passed in the first place. He also stated he believes the issue can become contentious, and may have the appearance that it required the Governor's intervention. The issue involves a fundamental change in the way the Town operates and should not give the appearance that it is being rushed through, concluded Mr. Paderson.

Chairman Blacker informed that the language for general or special town meeting means the same as a general or special election. The issue or question is, does the Town hold the election on November 8 or a specially called election. He added that the Board is trying to present a situation where the greatest number of people participate.

Mr. Paderson responded that he agrees with Mr. Blacker if the people have been informed, but he believes there should be a special election for it rather than having it get lost in a general election.

Mr. James A. Spiegel, 31 Sunset Path, pointed out that Town Meeting stated the question could be put on any special election ballot, but not on the State ballot. (Mr. Blacker stated that the language at Town Meeting did not specify what election and that it could go on the November 8 ballot.) Mr. Spiegel expressed his concerns that this would be a big change in the government in Sudbury. It involves taking away the people's right to elect a Town official and changing the checks and balances, added Mr. Spiegel, who believes it would be in the best interests of the voters to hold a special election regardless of the cost.

At the conclusion of discussion, on motion by Chairman Blacker, it was unanimously

VOTED: To request State Representative Hasty Evans to exercise all powers available in her office to ensure that Sudbury's Home Rule Petition H-5186 and the Governor's Bill H-5229 are enacted, to enable the related ballot question to be placed on the November 8, 1994 state ballot.

Chairman Blacker informed that the Governor's Bill H-5229 has to be passed by a two-thirds vote of both the House and the Senate and does not require a roll call vote. Secretary Thompson stated he would fax Representative Evans a copy of Article II, §8 of the Constitution of Massachusetts on Tuesday, August 23, 1994.

MetroWest and MAGIC - Allocation of Dues

Present: Kathleen Bartolini, Director of MetroWest.

Selectman Clark brought to the attention of the Board the fact that the Board voted on July 25, 1994, to divide their MetroWest assessment to include payment to MAGIC. She has since learned that the calendar year for MetroWest runs from July 1 to June 30, and they had already budgeted the full amount of the assessment for FY 95.

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MetroWest Director Kathleen Bartolini explained how MetroWest first became organized, saying that there are 9 communities included and represented by a member of their Board of Selectmen and a Planning Board member. She informed that the organization started because communities wanted to look at growth management issues on a smaller scale, i.e., regional vs. Statewide or MetroBoston. MetroWest employs a director and an assistant director, each for a total of 25 hours per week. Ninety-six percent of the proceeds from the annual solicitation for funds pays for salaries of the director and the assistant director. The assessments are determined as a percent of the population of each community. She continued that MetroWest has changed its budget process, sending out solicitations before the end of the year for budget purposes for the towns, and added that there is no room to cut back.

Chairman Blacker noted that Sudbury has budgeted only a certain amount for two assessments. Mr. Thompson concurred that the Town should make an adjustment. He added there is quite a bit of competition between these two groups, and he expressed the importance of working with the MAGIC organization as well, which he would recommend, resulting in a cutback of funds to MetroWest possibly next year.

Selectman Clark noted that MAGIC has no staff, but do have MAPC people to consult with. She believes it is an asset to have a director at MetroWest who has been most helpful in relaying information.

It was noted that there are benefits to belonging to both organizations and that the Board will have to revisit this issue in FY96 budget discussions in November. In the meantime, it was on motion unanimously

VOTED: To adjust the payment of dues to MAPC so that the total budgeted funds of \$4,684 will be allocated to the MetroWest Growth Management Committee for FY95.

Site Plan Special Permit #94-319 - Wingate at Sudbury, 136 Boston Post Road

Present: Willy Sclarsic, Wingate Health Care; Nelson R. Hammer, Landscape Architect; Jay Crowther, Colburn Engineering, Inc.; Michael R. Abend, Abend Associates; Stephen F. Keeley, Architect; Columbia Construction representatives, and William H. Shaevel, Attorney representing Wingate Health Care.

The Board convened a public hearing to consider the application received July 1, 1994, of Continental Healthcare VI Limited Partnership, for a Site Plan Special Permit for construction of *Wingate at Sudbury*, a brick two-story 142-bed nursing home at 136 Boston Post Road, owned by Northeast/Sudbury Trust and zoned Business District #1 and Residential Districts A-1 and C-2.

This public hearing was advertised in the Sudbury Town Crier on July 28, 1994 and August 4, 1994.

The Board acknowledged receipt of the following communications:

1. Communication dated August 22, 1994, from Fire Chief Michael C. Dunne offering his recommendations on three concerns: a) fire lane gate be changed to an unlocked gate/swing bar; b) fire lane be paved and cleared of snow in winter; and c) approval of the fire hydrant location is contingent on the distance from the fire sprinkler location, which is not shown on the site plan.
2. Communication dated August 19, 1994, from the Board of Health indicating approval of the proposed septic system design.

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3. Communication dated August 19, 1994, from Design Review Board Chairman, Frank W. Riepe, listing the ways that the design is not yet in a form which the Design Review Board finds agreeable, namely: 1) the roof design being different from the front of the building vs. the back; 2) materials used for the walls not the same in the rear half as in the front half; and 3) design of the front facade. The Board also suggested that a line of trees be placed along Route 20 in front of the facility to add to the design.

4. Verbal communication dated August 17, 1994, from Police Chief Peter B. Lembo stating no objections to the application.

5. Communication dated August 17, 1994, from Building Inspector John B. Hepting, finding no problems or issues outstanding, but recommending approval of front elevation Alternative A with columns as opposed to other alternatives.

6. Communication dated August 16, 1994, from the Conservation Commission, including an attached copy of the Order of Conditions issued for work within 100' of wetlands. The Commission approved the plan with conditions that, among others, prohibit the use of sodium based deicing chemicals on surfaces that discharge within 100' of the wetlands, and require regular maintenance of the parking areas and associated drainage system.

7. Communication dated August 10, 1994, from Town Planner Jody A. Kablack, on behalf of the Planning Board, recommending approval of the site plan based on certain observations and conditions as follows: 1) extension of proposed walkway along Route 20 to Goodman's Hill Road; 2) receipt of an Earth Removal Permit from Earth Removal Board to remove the proposed 4000 cubic yards of earth from the site; 3) receipt of easement from owners of Sit and Stay kennels for construction of common driveway; 4) receipt of curb cut permit from Mass. Highway Department; 5) installation of an additional 160 feet of 6 foot wood board fencing (or vegetative screening, as approved by the abutter) to screen the property of Ellen Jane Siegars; 6) restriction of staff parking to specific locations (in the rear parking lot) to allow use of the somewhat limited parking close to the front entrance; 7) preference for the architectural plans for the building facade with the columns; and 8) approval from Conservation Commission for construction of the detention basin within 100 feet of a wetland.

8. Communication dated August 8, 1994 from Town Engineer, I. William Place, stating he has received information which adequately addresses concerns listed as items #5, 6 & 7 in his communication of July 18, 1994.

9. Communication dated July 18, 1994, from Town Engineer, I. William Place recommending the following:

1. Continue the bituminous concrete sidewalk along Route 20 to the easterly curb cut and make it handicapped accessible.
2. Slope granite curbing be constructed along the rounding to each entrance.
3. Condition approval on receipt of a curb permit from Mass. Highway Department and receipt of a signed driveway easement over land n/f Roberta C. Brennan.  
[No #4 in Town Engineer's letter.]
5. Information be provided on the soil profile, permeability and depth to water table in the location of the leaching pits located along the northerly property line.
6. A copy of the document titled, "Design Infiltration Drainage System", by William Domey be made available to the Engineering Department.

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7. Documentation for development of the coefficient of permeability (K) be provided by applicant's engineer.

10. Traffic impact analysis report dated August 16, 1994, from Michael R. Abend, Abend Associates.

Mr. Willy Sclarsic explained that Continental Healthcare VI Limited Partnership is a national company located in Boston involved in real estate financing. Continental Healthcare owns and manages several apartments nationwide, mostly for the elderly, and has learned a great deal about the residential needs of the elderly. Mr. Sclarsic continued that Wingate Health Care is subsidiary of Continental Healthcare, and develops, finances and operates nursing homes nationally.

A slide show was presented by Mr. Sclarsic showing pictures of other nursing home facilities, and pointing out that their nursing home facilities possess residential and hotel characteristics. He said they spend a great deal of time on architecture, trying to achieve a more modern appearance, while at the same time incorporating existing architecture that prevails in the town. These facilities include the latest technology in bathing and therapy equipment and electronic systems. Mr. Sclarsic stated that Wingate Health Care wishes to bring to Sudbury a similar product. He added that most residents come directly from the hospital, and are exposed to a high range of services, not limited to rehabilitation services.

With regard to the location, Mr. Sclarsic informed that a facility such as this would not be well-suited to a residential area; thus the choice for Route 20, for which there are very few sites available because of the water protection areas. He stated this location was the most feasible site as you enter the Town from the east, and is an important site for the Town because it is the "Gateway" to the Town. Mr. Sclarsic believes that a facility such as this will enhance and improve the character of the area, and be an attraction for investment by others.

Mr. Sclarsic stated that, in determining the appropriate architecture for this site, he asked others to identify some of the architectural characteristics of the various buildings in Town. They identified the presence of gables and columns in the churches and the Town Hall, so this is what they have tried to model.

A slide of the overall site was shown, and Mr. Sclarsic pointed out the parking areas, driveways, septic location, courtyard, the different wings, patio, etc. An issue still outstanding is that of the front view of the facility and which plan to agree upon--including the columns or not. He said this is strictly a Town planning decision.

Mr. Sclarsic believes that the quality of this facility will help turn around the real estate market in Sudbury and provide a service that does not exist.

With regard to the number of parking spaces, Wingate Health Care is requesting a waiver of the maximum number of spaces required to be shown which is 160. They are requesting to pave 112 spaces, stating that this is more than adequate because of the nature of the facility and the fact that the residents do not drive, so they do not need spaces to park. In addition the staff and visitors are not all present at the same time. Mr. Sclarsic explained that the common driveway shared with the kennel will only be used for deliveries and ambulance which would be infrequent.

Mr. Sclarsic reported that Wingate is in the middle of discussions with Mass. Highway Department concerning the permits for curb cuts. The curb cut at Old County Road has been approved. The State has requested Wingate to widen Rt. 20 at the entrance to the facility.

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Since there is still a disagreement between the applicant and the Design Review Board, Mr. Thompson asked that the Board review these issues. Mr. Sclarsic mentioned that they are willing to remove the Mansard Roof and will agree to a plan that includes the columns. Mr. William Shaevel, Attorney, indicated that the setback will be 70ft. vs 75ft. if the colonnades are chosen. The Board indicated a preference for a building facade with columns and Mansard roof.

Chairman Blacker reviewed the recommendations outlined by the Planning Board, and asked about the easement regarding the shared driveway. Mr. Sclarsic stated they were working on an agreement that will benefit both parties because half the driveway belongs to the Kennel while the other half belongs to Wingate. Mr. Blacker said he does not expect Wingate to pay for a 200 ft. extension of the walkway to Goodman's Hill Road. With regard to the installation of a wooden fence to screen the property of Ellen Jane Siegars, Mr. Sclarsic noted that a buffer is not required when a residential zone meets another residential zone which is the case in this instance.

Selectman Drobinski stated he does not agree with their traffic analysis, and believes that traffic will be a concern in the area of the entrance to the nursing home and Old County Road particularly between 7 and 9 a.m. on Route 20. He added that the nursing home will generate more traffic at this time than the bowling alley. Mr. Sclarsic pointed out that the facility will be run in four separate operations with not everyone starting work at the same time. There will be no more than 70 to 75 employees in the building at any one point in time. The largest number of employees will be there during the 7 a.m. to 3 p.m. shift, with the least amount in the evening. With regard to the curb permit from the State, Attorney Shaevel asked that Site Plan Special Permit approval not be conditioned upon receipt of the curb permit, but be a condition of approval of a building permit in order to give the State time to move forward with their approval.

Mr. Sclarsic informed that Wingate has met with Mass. Highway Department and the Town Engineer to work out changing the intersection at Old County Road and Route 20. He said the State suggested having a minor widening on the south side to allow traffic to go by when someone is turning into the nursing home. Selectman Drobinski stated he recommends proceeding with the suggestion by the State.

Selectman Drobinski asked about the retaining wall, and what the setback requirements are in a business district. With regard to the buffer between the abutter and the nursing home on the westerly side, Mr. Drobinski agreed that the nursing home is residential, but it is really a business and he has sympathy for abutters to the west. He believes something should be done to protect the residential area whether it be a fence or landscaping. Mr. Sclarsic responded that he is concerned about removal of mature trees if a fence were to be required. Mr. Drobinski said this is an issue that needs to be resolved.

With regard to drainage, Selectman Drobinski said the topography in the region is directed toward the west of the site, and asked how the system will be set up. Mr. Jay Crowther from Colburn Engineering explained that the drainage is divided in the middle of the building and will be infiltrated into the ground. He continued that there will be catch basins on the westerly side collecting through infiltration. He added that what is not infiltrated will go to a retention pond. The Board reviewed a map with Mr. Crowther.

Selectman Clark asked about the septic and its location and size. Mr. Crowther stated the septic is located under the pavement and is divided in two sections, one for the kitchen and one for waste. Mr. Crowther confirmed that the Town Engineer received the soil profile reports in August.

With regard to a traffic analysis at Goodman's Hill and Route 20, it was noted that the State had no concerns with this intersection. Mr. Drobinski said he likes the idea of the ability to extend the walkway to

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Goodman's Hill Road. Mr. Sclarsic stated that the property belongs to the State and they should be requested to extend it, not Wingate.

Mr. Hans Lopater, 43 Winsor Road, stated that the traffic should be considered at the intersection of Route 20 and Goodman's Hill Road. He believes it is getting worse all the time. He said he reviewed the traffic analysis presented and is not comfortable with it because it really does not address the increasing traffic on Goodman's Hill Road. Mr. Lopater thinks the State should do a traffic study which may lead to the installation of a traffic light. He stated that, because the State historically moves very slowly on these matters, it might make sense to ask Wingate to make a statement to underwrite the installation of a traffic light at Goodman's Hill and Route 20.

Chairman Blacker remarked that you cannot ask Wingate to pay for a light at Goodman's Hill Road and Route 20, or ask them to wait for the State to install one, because a light is not needed because of this facility, any more than it was needed because of the bowling alley.

Mr. Lopater responded that he is very concerned about additional traffic between 7 and 9 a.m. Selectman Drobinski informed that a 1988 traffic study done by the State did not warrant a light at that time, but encouraged the placing of a traffic control sign and a redesign of the existing traffic island to reduce left turn conflicts, which has been done.

Lucien Teig, 42 Robbins Road, pointed out the problems of parking that SPEC has experienced since it changed its business, and asked if the Town was making a mistake by allowing the waiver of parking spaces in case of a change in business. Mr. Thompson assured that the parking spaces will be made available if needed in the future and that this is a different situation and will not be grandfathered like SPEC.

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

VOTED: To continue the public hearing to consider the application of Continental Healthcare VI Limited Partnership, for a Site Plan Special Permit #92-316 at 136 Boston Post Road to the Board of Selectmen's meeting on Monday, September 12, 1994, at 8:00 p.m. at the Fairbank Senior Center, and to request Town Counsel to review documentation and prepare a draft vote/decision for the Board's consideration.

Loring School Leases

Present: Eric Deutsch, Laury Hammel, and Audrey Newton.

Executive Secretary Thompson informed that in meeting with Mr. Deutsch, he has determined that the changes Mr. Deutsch has requested in the Loring School Lease are too extensive to arbitrate at tonight's meeting. He recommended that the small group meetings which have been taking place involving Selectman Clark, Town Counsel Paul Kenny, and the Loring School Lease applicants continue in an effort to reach agreement.

It was agreed that, since the abutters are very much involved in this decision, a copy of the final agreement will be made available to them as well. Chairman Blacker remarked that the signing of the final lease does not have to be postponed until the next Selectmen's meeting on September 12, 1994, but that a special meeting can be called.



Nixon School - Construction Issues

Present: Madeleine Gelsinon, 520 Concord Road, and Abram D. Claude, 490 Concord Road.

Chairman Blacker informed that he has received several calls from abutters to the Nixon School regarding their concerns about traffic around the school. He continued that he met with several of the abutters and did a site visit, and would like to help allay concerns of the abutters by 1) bringing about communication with the Permanent Building Committee (PBC), and 2) considering some of their suggestions. Their concerns center around the parking plan of the school and safety issues involved.

Mr. Blacker had a plan of the Nixon School which he showed the Selectmen and pointed out the areas of concern and the suggestions and plan offered by the abutters in an effort to improve the situation.

Mr. Thompson stated the suggestions could be introduced to the Permanent Building Committee at their meeting tomorrow evening, Tuesday, August 22, 1994, at the Fire Station. Mr. Thompson suggested Chairman Blacker have a conversation with Elaine Jones of the PBC tomorrow which could result in Ms. Jones taking notes to the meeting. Selectman Drobinski reminded that the School Committee will ultimately make the final decisions.

Chairman Blacker suggested that Ms. Jones present this new information to the School Committee. He added that, if possible, the neighbors' concerns should be addressed within the School Committee's schedule for completion of the projects at Nixon School.

The abutters present remarked that they are not entirely clear who is responsible or in charge and have been trying to talk with everyone including the Board of Selectmen.

1995-97 Draft Transportation Improvement Program (TIP)

The Board reviewed the following communications regarding the 1995-1997 Draft TIP and the Sudbury Village Project, Boston Post Road:

1. Communication dated August 10, 1994, to David Soule, Executive Director of MAPC, from Selectmen Lawrence L. Blacker and Maryann Clark requesting the removal of the Route 20 Bypass from the Circulation Draft of the TIP Program 1995-1997 and outlining their reasons for the request.
2. Communication dated August 11, 1994, from Selectman John C. Drobinski to MAPC Executive Director David Soule, expressing his disagreement with the majority opinion of the Board of Selectmen expressed in their letter dated August 10, 1994, and requesting that the Sudbury project, Boston Post Road (I), be retained on the TIP list.
3. Communication dated August 11, 1994, from the Town Planner to MAPC urging the Route 20 project remain in the TIP.
4. Communication dated August 18, 1994, to the Board of Selectmen from Executive Secretary Richard Thompson stating his concern over the majority/minority opinions of the Board regarding the TIP 1995-1997, Boston Post Road (I), Sudbury Project.

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5. Communication dated August 20, 1994, from Frank W. Riepe, Chairman, Design Review Board, expressing disappointment in the letter to Metropolitan Area Planning Council (MAPC) Director David Soule from Selectmen Blacker and Clark, requesting the removal of the Route 20 Bypass from the TIP.
6. Communication dated May 16, 1994, to Town Planner, Jody Kablack, from Executive Secretary Thompson offering support of the Sudbury Village Project, but recommending further review of the Route 20 Bypass and the hydrology of the area.
7. Letter dated August 9, 1994, from William Durfee.
8. Letter dated August 8, 1994, from Marjorie Wallace.
9. Letter dated August 9, 1994, from Mark Papas.

Selectman Clark explained that there was a deadline of August 11, 1994, to submit remarks regarding the State's TIP Program. She stated that, upon review of the Mass. Statewide Transportation Plan: Draft Policies and Initiatives, Town Bylaws concerning drainage and runoffs, and requirements for site plans, she concluded that this area is an inappropriate site for a Bypass. She further pointed out that because of the high water table and the fact that we should consider where the Town's main wells are, the Town should avoid projects that affect its water resources. She added that this is a highly sensitive area--preventative rather than mitigating measures need to be taken. She also pointed out that Town Meeting took steps to further protect its water resources by adopting improved bylaws, and she does not think this project would pass Town Meeting.

Selectman Drobinski stated his concern with the process undertaken in submitting the Board's majority position, and also pointed out that the TIP program is not specific to the Bypass, but for the Route 20 corridor, which could include improvements in several areas. Mr. Drobinski remarked that he does not at this point, personally endorse the Bypass, but he is concerned about issues related to mitigating traffic in the area and at the same time protecting water resources. He mentioned that Zoning does not turn out to be a problem because the area is now designated as Water Resource Protection District Zone II which was found to contain mostly clay. He thinks the Town should at least keep its options open to see what can be done even if there is no consensus on the Route 20 Bypass.

Chairman Blacker's concerns relate to issues on the technical side because of a meeting Selectman Clark attended regarding TIP projects, where it was noted that, in order for projects to be approved and funded, the projects need to be very specific rather than letting the Town determine what it wants to do at any point in time.

Selectman Drobinski explained that the design process for the TIP Program is based on a percentage plan, which only shows a completed percentage and just a sketch of the whole project.

Mr. Drobinski explained what had transpired several years ago when Sudbury was on the 25% plan to widen Route 20, and it was turned down at Town Meeting because no one wanted it. He added that later an appropriation of funds to upgrade Route 20 was received from Raytheon when they expanded under a site plan revision process. The question, continued Selectman Drobinski, is how can the Town accomplish what it thinks is right for the Route 20 area without the Bypass and the Concentrated Development Center (CDC).

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Selectman Clark informed that she learned that the MAPC has never been happy with the plans for the Route 20 Bypass. Mr. Blacker asked how the Town can keep its name on the list for improvements along Route 20, without being specific about the plans until sometime in the near future. Ms. Clark questioned if the Town would even know within one year's time. Mr. Blacker affirmed the Town was committed to arranging meetings with the various businesses along Route 20, to arrive at some consensus to proceed or not to proceed.

Selectman Clark noted that the TIP Program is a three-year program and can be revisited every year. Mr. Thompson explained how he and Selectman Cope had made presentations for inclusion of projects in the TIP Program, but they had great difficulty in getting favorable action for Sudbury, and he feared it might not be possible to get a project reinstated, once removed. Mr. Blacker asked how the Town can get back on the list without a plan. Selectman Drobinski suggested sending a letter that states the Town's opposition to the Route 20 Bypass, and resubmitting a revised plan in one year's time. Selectman Drobinski stated he does not want the Board to be divided on this issue.

Chairman Blacker asked Mr. Thompson if the \$3,870,000 was the Bypass, and Mr. Thompson said yes, it's in the Vote.

After further discussion, Chairman Blacker requested the Executive Secretary to prepare a proposed letter on behalf of the Selectmen to MAPC to remove the \$3,870,000 for the Bypass, but to request another amount for other improvements to Boston Post Road, and see if the Board can agree with it.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of August 8, 1994.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$92.00 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.

Sunday Entertainment License - Chiswick Park Theatre

It was on motion unanimously

VOTED: To renew the Sunday Entertainment License of Chiswick Theatre for operating a live professional theatre on Sundays between the hours of 2:00 p.m. and 11:00 p.m. from September 11, 1994 through September 3, 1995.

Tanheath Hunt Club - Horse Show - Wayside Inn Grounds

At the request of the Dennis M. Coll, President, Tanheath Hunt Club, in a communication dated August 11, 1994, it was on motion unanimously

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VOTED: To grant permission to the Tanheath Hunt Club to conduct a horse show on the grounds of the Wayside Inn on September 4, 1994, subject to approval of the Police Chief, Fire Chief, Health Director and Building Inspector.

New Town Cemetery - Sale of Lots Back to Town

At the request of Diane and Milton Lapkin, in a communication dated August 4, 1994, it was on motion unanimously

VOTED: To grant a request from Diane and Milton Lapkin, 194 Greenwood Avenue, Beverly, MA, to sell back to the Town two graves in New Town Cemetery, Section 12, Lot #11A, Deed #564; (Sale of Lots \$75; Perpetual Care \$225).

Minutes Corrections - July 25, 1994

It was on motion unanimously

VOTED: To approve corrections to the July 25, 1994 minutes on pages 9, 11 and 12, as requested by Selectman Clark.

Sudbury Employees Group Insurance Advisory Committee

On the recommendation of Budget & Personnel Officer Terri Ackerman, in a communication dated August 15, 1994, it was on motion unanimously

VOTED: To appoint the following persons to the Sudbury Employees Group Insurance Advisory Committee, for a three-year term expiring April 30, 1997, replacing all previous appointments:

David Flaherty, Engineering Department representative.  
Michael Callahan, Fire Department representative.  
Charles B. Melanson, Highway Department representative.  
Wayne M. Shurling, Police Department representative.  
Leah J. Capuano, 24 Colonial Road, Retiree representative.  
Daniel A. Loughlin, Assessor/Appraiser, Sudbury Supervisory Association representative.  
Carol Reynolds, Sudbury School Central Office, Support Staff Union representative.  
Rosalind T. Hill, Peter Noyes School, Teachers Association representative.  
Martha E. Lynn, Community Social Worker, Town Non-Union representative.

Special Town Meeting

Acting on the Selectmen's recommendation that a Fall Special Town Meeting be held for the purpose of funding collective bargaining agreements, it was on motion unanimously

VOTED: To call a Special Town Meeting to be held on October 17, 1994, at 7:30 p.m. in the Lincoln-Sudbury Regional High School auditorium, and to close the Warrant for the same at 5:00 p.m. on Friday, September 2, 1994.

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 22, 1994

Dunkin Donuts - Site Plan #92-316 Special Permit

The Board was in receipt of a communication dated August 17, 1994 from Design Review Board Chairman Frank W. Riepe, stating the Design Review Board's approval of the revised Landscape Plan for Dunkin Donuts. Upon review, the Board of Selectmen determined that they had already signed the Landscape Plan, and that it was the final architectural renderings that needed to be reviewed and signed.

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

VOTED: To approve the final architectural renderings for Dunkin Donuts Site Plan Special Permit #92-316, subject to input from the Design Review Board and the Board's review and signing of the mylar at the Selectmen's office.

Police Union Contract - Ratification

The Board acknowledged receipt of a communication dated August 10, 1994 from Peter F. Fadgen, President, I.B.P.O. Local 315, advising that on July 27, 1994, I.B.P.O. Local 315 ratified the negotiated changes outlined in the memo of understanding dated May 6, 1994, with one exception (Item 9).

Administrative Services Agreement - Blue Cross and Blue Shield

Upon review, it was on motion unanimously

VOTED: To sign the Administrative Services Agreement with Blue Cross and Blue Shield of Massachusetts, Inc., for Calendar Year 1994, to administer health care benefits (Health Flex Blue Plan 1, HMO Blue Program and Dental Blue Program 1) for covered employees and their covered dependents according to Chapter 32B of the General Laws and the health care benefits detailed in the plan document attached to and incorporated in the Agreement as Attachment A.

Raytheon - Practice Spill Incident

The Board acknowledged receipt of a communication dated August 17, 1994 from Mary F. Fisher, Sr. Environmental Engineering Specialist from Raytheon, inviting Secretary Thompson to observe a practice spill incident that the Sudbury Raytheon facility will be conducting on Thursday, August 25, 1994.

Cheri Cavanaugh Memorial Fund

In response to a communication dated August 16, 1994, from Community Social Worker, Martha E. Lynn, it was on motion unanimously

VOTED: To approve a \$500 contribution from the discretionary fund to the Cheri Cavanaugh Memorial Fund for completion of treatment for five adolescents currently being served.

Republican Election Officers - Resignations

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 22, 1994

In response to a communication dated September 15, 1994, from Richard L. Warren, it was on motion unanimously

VOTED: To accept the resignations of Linda Peterson Warren and Richard L. Warren, as Republican Election Officers due to a move from Sudbury, and to send a letter of thanks for their service to the Town.

Dudley Road - No Left Turn Sign

The Board acknowledged receipt of a communication dated August 18, 1994, from Dudley Road resident Valerie Papas expressing concern that the No Left Turn sign recently installed at Nobscot and Dudley Road is not being enforced. After a brief discussion, Secretary Thompson stated he would follow up with Police Chief Peter B. Lembo regarding this concern.

There being no further business, the meeting was adjourned at 10:45 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk