

IN BOARD OF SELECTMEN
MONDAY, JUNE 10, 1996

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

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Minutes

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To approve the minutes of the May 20 and May 23, 1996 regular sessions, as drafted.
(Selectman Clark affirmed the vote later in the evening.)

Council on Aging - Van Donations

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To accept \$136.55 in miscellaneous donations for deposit in 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.
(Selectman Clark affirmed the vote later in the evening.)

License Cancellation - Storage of Inflammables, Great Meadows Wildlife Refuge

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To record the cancellation of License for the Storage of Inflammables in accordance with notification received April 3, 1996, from landowner U. S. Fish & Wildlife Service, described as follows: License of Great Meadows Wildlife Refuge, U. S. Fish & Wildlife Service, Department of the Interior, for property located at Weir Hill Road, under Town Clerk's Document #85120, issued August 5, 1985, for the storage of 1,000 gallons of gasoline.
(Selectman Clark affirmed the vote later in the evening.)

Walkway Easement - 67 Fairbank Road

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To accept on behalf of the Town the following interest in land: Walkway Easement granted by Allen F. LeBlanc and Debra A. McEnaney, dated April 8, 1996, shown on "Plan Showing Walkway Easement over land of Allen F. LeBlanc & Debra A. McEnaney, 67 Fairbank Road, Sudbury, MA," dated April 18, 1995, drawn by the Town of Sudbury Engineering Department.
(Selectman Clark affirmed the vote later in the evening.)

Donations - D.A.R.E. Program

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To accept with thanks donations of \$20 from Flaherty Media and \$1,030 from Berlin Auto Parts, to be deposited in the D.A.R.E. Program Account, and to authorize the Police Chief to expend the funds for the D.A.R.E. program.

(Selectman Clark affirmed the vote later in the evening.)

Pledge of Alcoholic Beverages Restaurant License - MoonShadow, Inc.

It was on motion, subject to Selectman Clark's affirmation, unanimously

VOTED: To approve the pledge of the Alcoholic Beverages Restaurant License as collateral for the loan from Fleet Bank by MoonShadow, Inc., d/b/a MoonShadow Cafe & Catering, Mill Village, 385 Boston Post Road, as requested by Deborah R. Taylor, President, by letter dated May 31, 1996.

(Selectman Clark affirmed the vote later in the evening.)

Dudley Road Traffic Pattern

Present: John Demos, 4 Adams Road.

Mr. John Demos requested that the Board consider allowing an exclusion from the left-hand turn prohibition for those traveling north on Nobscot Road who wish to reach their residences in the Dudley Road housing area. He suggested that this be accomplished without changing the existing signage. Mr. Demos cited the problems inherent in making a left-hand turn from Nobscot Road onto Route 20 and in making a left-hand turn from Route 20 onto Dudley Road which area residents are now required to do.

Selectman Clark noted other streets off Route 20 which would also require a left-hand turn and stated that the neighborhood had requested help to mitigate the traffic on Dudley Road and the Board had responded.

The Selectmen noted that a residential exclusion had been tried before, although not by sticker, and the Police Chief had informed the Board that such an exclusion would be impossible to enforce and, therefore, by inference, such an exclusion is not legal.

Mr. Demos informed the Board that he personally has observed violations of the existing rule by persons making the left-hand turn off Nobscot Road and by persons traveling through on Dudley Road, commenting that the existing rule is not enforceable either. Mr. Demos requested the Board to take his request under consideration for future reply.

As to the installation of a traffic light at the intersection of Route 20 and Nobscot Road, the Board noted that it would continue to work on further negotiation with Mobil Oil to obtain an easement which would permit the installation.

Change of Polling Location - Precincts 3 and 4

Present: Acting Town Clerk Kathleen Middleton.

Acting Town Clerk Kathleen Middleton, amplifying the June 6 memo of Town Manager Steven Ledoux to the Board, informed the Board that Sudbury has approximately 10,000 registered voters of which 90% were expected to vote in the November national election with approximately 4,000-4,500 voters at each

location. Ms. Middleton informed the Board that there was inadequate parking at the Loring School and, noting that she had explored use of St. Anselm's Parish property on Landham Road, stated that use of the lower Town Hall would be the best alternative, particularly since it was handicapped accessible. She indicated that residents would have to be notified of the change in August.

Mr. Ledoux stated that he had a preliminary conversation with the Superintendent of Schools who would have no problem with teacher parking at the Methodist Church on Election Day; however, concerns were expressed by Mr. Hurley relative to traffic generated by parents who transport their children to and from the Noyes School. Mr. Ledoux has since spoken with the Police Chief who expressed willingness to assist with that particular situation. Both the Police and Fire Chiefs have indicated that they would have no problem with the use of Town Hall as a polling place.

Mr. Ledoux also noted that should the Goodnow Library receive state funding in September for renovation and addition to the Library building, the Trustees would be requesting that the Library operations be temporarily moved to the Town Hall prior to construction which might temporarily preclude some future use as a polling location.

At the close of discussion, it was on motion unanimously

VOTED: Under the authority of M.G.L. c.54 s.24, to change the polling location for Precincts 3 and 4, from the former Loring School on Woodside Road to the lower Town Hall for all future elections.

Town Manager Ledoux advised the Board that he would work with the Schools and with the Police Chief on establishing parking and traffic circulation patterns for Election Day to lessen the impact on school operation.

1996 Annual Town Meeting Action Items

The Board reviewed action items required of the Office of the Selectmen and the Town Manager relative to the 1996 Annual Town Meeting. In response to the Board's queries, Town Manager Steven Ledoux informed the Board that he was discussing the issue of the codification of the Bylaws (Budget, Article 9) with Town Counsel, and is meeting with Personnel Board members on revisions prior to his adoption of the Personnel Bylaw (Article 19) and submittal of changes to the Bylaw to be approved by the 1997 Annual Town Meeting.

Chairman Blacker informed the Board that both he and the Town Manager had this day testified before the House Committee on Elections relative to the Town's Voter Information Special Act (Article 23) and had been assured that positive Committee action would be no problem. Chairman Blacker noted his concern with the timing of the passage and its potential impact on Sudbury's future debt exemption ballots.

With regard to the various paving projects under Article 29, Mr. Ledoux informed the Board that some of these were included within the School debt exemption voted by the Town.

Annual Appointments

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

- Thomas W. H. Phelps to the Board of Appeals for a five-year term to expire April 30, 2001.
- As recommended by the Sudbury Housing Authority and the Town Planner, Virginia M. Allan to the Fair Housing Committee for a three-year term to expire April 30, 1999.
- Town Manager Steven L. Ledoux to the Fair Housing Committee.
- As recommended by the Historical Society, Louis H. Hough for a five-year term to the Historic Districts Commission for a term to expire January 1, 2001.
- As recommended by the Planning Board, Richard A. Brooks as MAPC representative, to fill the position created by the resignation of Ursula Lyons, for a term to expire April 30, 1998.
- Edward S. Campbell, Roy T. Sanford, Marjorie R. Wallace, and Richard W. Murphy, Esq. (ex-officio) to the Negotiating Advisory Committee, each for a one-year term to expire April 30, 1997.
- As recommended by the League of Women Voters, Elaine K. McGrath as U.N. Day Chairman for a term to expire April 30, 1997.

The Board requested that the Housing Authority Director provide information to enable the Board to decide whether or not to dissolve the Sudbury Housing Partnership Committee which, at present, has no members.

It was suggested that a general advertisement be placed in the newspapers seeking prospective appointees to fill the various vacancies, and that any previous candidates be queried as to their interest in serving.

The Board requested the names of the present Board of Appeals Associates for consideration for full appointment to the Board of Appeals to fill the vacancies on that Board.

Mr. Ledoux stated he was particularly concerned that the Cable Television Committee appointments be made so that the Committee might provide assistance in sorting out the complexities of the Telecommunications Act of 1996 which might affect the license negotiating process. Selectman Clark reiterated her desire to have a company which would also serve the legislative district, and suggested that joint negotiations involving other neighboring communities might be possible.

Town Service - Resignations and Acknowledgments

The Board accepted the resignation, dated May 29, 1996, of Eben B. Stevens from the Board of Appeals, effective June 15, 1996, and the resignation, dated May 26, 1996, of Ursula Lyons as MAPC representative.

The Board requested that letters of thanks for past service be sent to Mr. Stevens and Ms. Lyons, and to Jacqueline Fergione who declined to be reappointed to the Cable Television Committee.

Loring Lease - Temple B'Nai Torah

Chairman Blacker advised that, as a member of Congregation B'Nai Torah, he will abstain from all discussion relative to the Temple's lease with the Town.

The Board noted Town Manager Steven Ledoux's report, dated June 5, 1996, on his meeting with Temple B'Nai Torah representatives to discuss a request from the Temple for consideration of a one-year rental waiver to allow the Temple to build up its cash reserves to undertake repair of the HVAC system at the end of the period estimated to cost \$20,000-\$40,000.

Selectman Clark requested that this item be placed on the agenda for discussion at the next meeting so that she might review and update her files to include the receipted bills for the roof repairs which were performed in lieu of rent during the October 1994 - September 1995 period.

Comprehensive Permit, Case No. 96-15, Drumlin Development, 761 Boston Post Road

Noting that the report and recommendation of the Board of Selectmen is due to the Board of Appeals on or before June 21 on the application of Drumlin Development, LLC, Clifford T. Hughes for a Comprehensive Permit under M.G.L. c.40B, s.20-23, to build an assisted living residence, Orchard Hill at Sudbury, at 761 Boston Post Road owned by the James J. O'Keefe Trust, Chairman Blacker opined that he was generally satisfied with the application and plans and would only suggest that "reasonable buffers" be established as setbacks for the building, especially as related to Route 20.

Noting the scale of the plan, Town Manager Steven Ledoux stated his belief that the frontage setback would be at least 100 feet. The building would be further shielded by a working apple orchard.

Although it was noted that the Comprehensive Permit would supersede the requirements of the Zoning Bylaw, parking is sited at the rear of the building as required.

Individual Board members will provide any further input to the Town Manager who will draft a response to the Board of Appeals.

Procurement Policy - Recycled Products

Town Manager Steven Ledoux informed the Board that the Recycled Products Procurement Policy was drafted for Selectmen's consideration by Janet Silva, Administrative Assistant to the Board of Selectmen, with input from the Earth Day Committee and MassPirg. While generally in agreement with the policy, as Chief Procurement Officer, Mr. Ledoux suggested that he modify Section 4.d. to allow for future procurement contract listings promulgated by other agencies.

Having established that there is or will be flexibility in the wording to allow for cost effective purchasing and future procurement contract listings promulgated by other agencies, it was on motion unanimously

VOTED: To adopt the "Sudbury Recycled Product Procurement Policy" dated June 10, 1996, with amendment by the Town Manager, for inclusion into the Selectmen's Policies and Procedures.

Policy and Procedures - Contracts

Relative to the May 16 opinion of Town Counsel relative to a proposed policy which would require the Selectmen to seek approval of the Finance Committee for certain contracts for which the payment would involve funds not appropriated by Town Meeting, previously discussed by Selectmen Blacker and Clark, Selectman Drobinski stated his satisfaction with Town Counsel's opinion and expressed his belief that no policy is required.

Town Manager's Report

Town Manager Steven Ledoux highlighted and updated items in his report of major activities during the May 20 to June 7 period. In response to certain action items, the Board agreed to schedule at its meeting of June 24 discussion of the Haynes/Pantry intersection reconstruction situation and the dog prohibition policy at the Town cemeteries, as brought to the Board's attention by Jayne Rapp Aerni, 54 Indian Ridge Road, with the appropriate parties in attendance.

Chapter 70 Funding

Town Manager Steven Ledoux advised the Board that the Senate budget, which recently passed, allocates the same amount of Chapter 70, Additional Assistance, and Lottery funds for the Town as the House version.

Echouafni Dog Order

Town Manager Steven Ledoux advised the Board that on May 24, J. R. Echouafni filed a motion with the District Court to waive the ten-day appeal period of the dog order issued by the Board of Selectmen. Town Counsel has been directed to contest the action and the hearing will be held on June 18. Mr. Ledoux stated his belief that the dogs were confined at the Sudbury residence.

Minuteman Budget

Town Manager Steven Ledoux informed the Board that the Town's portion of the revised Minuteman budget is \$352,839, which is approximately \$13,000 less than the budget presented at the 1996 Annual Town Meeting.

School Space Planning

The Board was advised that the School's Space Planning Committee would be presenting its report to the School Committee at 7:45 p.m. on June 19. Mr. Ledoux is planning to attend.

Cemetery Expansion

Town Manager Steven Ledoux advised the Board that Dr. Irwin Leav has informed him that the Jewish Cemetery section has no additional space available and is in need of expansion. The Town Manager is also aware of that general cemetery expansion is needed and would like to discuss the establishment of a study committee to look into this issue at a future meeting with the Board and the Superintendent of Cemeteries. The status of land adjacent to the cemeteries will be ascertained.

Selectmen's Policies and Procedures - Transfer Station Fee Waiver

Noting the past unwritten policy on the granting of Landfill fee waivers and at the request of the Town Manager, it was on motion unanimously

VOTED: To grant a waiver, upon request and the completion of a form for such purpose, of 50 percent of the Transfer Station fee for those individuals 65 years of age or older who demonstrate hardship, for those persons living in subsidized housing, and for those other persons with demonstrated hardship situations; and further to set forth this policy in the Transfer Station Rules & Regulations.

Star Market Expansion

The Board expressed its concern that Star Market Company did not intend to pursue its expansion project as approved in the recent grant of a Site Plan Special Permit.

Star Market attorney, Steven Grande, III, advised the Board that Star appears to have put the project on hold and has moved on to other priorities. Atty. Grande expressed his opinion that Star was having some problems with the Planning Board Water Resource Protection Special Permit process and noted that the Planning Board had set up meetings with Star and the Board's consultant, Woodward & Curran. It was his belief that Star also generally perceived some redundancy in work with various Boards. Atty. Grande reported that there did not appear to be a problem with State approval of the proposed traffic signalization. Atty. Grande has personally urged Star to pursue the project and the Town Planner has written to Star also to that effect. At this point, there has been no response from Star.

Site Plan Special Permit No. SP96-327 - WKOX (Fairbanks Communications) - Tower Construction on Town Owned Land off Rt. 117

Present: Attorney Stephen E. Grande, III, representing the applicant, Fairbanks Communication; Thomas C. Houston, CID Associates, Inc.; Robert Christy, WKLB 105.7; Chief Engineer Kevin Bowland; Broadcast Consultant Robert M. Lund; and approximately 60 Town residents.

The Board of Selectmen, sitting as the Special Permit Granting Authority pursuant to Article IX.V.A. of the Town of Sudbury Bylaws, reopened a public hearing (continued from May 20) to consider the application, SP96-327, dated March 29, 1996, of WKOX (Fairbanks Communication) for the installation of three 199' radio towers and a control building, with grading and landscaping, on Town-owned property located off Route 117.

Communications on file relative to the application are as follows:

1. May 13, 1996 communication from John B. Hepting, Inspector of Buildings, advising of the need for an access easement over land the Town does not own; one tower would intrude on the Frost House which is occupied; extensive grading and tree removal would be required; the application is deficient in that there is no locus map included and site lighting is not indicated on the plan; and, while towers are permitted on any land provided a special Permit is granted by the Zoning Board of Appeals, the towers would consume eight acres of Town-owned land which would no longer be available for other use which appears to be an extravagant use of town land with no apparent benefit to the townspeople.

2. May 15, 1996 communication from Health Director Robert C. Leupold, R.S., advising that the Board of Health requests that the applicant address potential electromagnetic fields or radiation associated with the proposed Control Building near an existing dwelling; a determination must be made whether a septic system is needed for the facility; also, there are visual nuisance impacts to Sudbury and Concord; potential use of the property is impacted by the tower locations; there may be impacts on telephones or other electronic equipment; and, there are safety issues with regard to towers without lights. The Health report opined the proposal was "inappropriate use of open space acquired by the Town".
3. April 16, 1996 communication from Town Engineer I. William Place, P.E., advising that the applicant should locate the Frost House septic system and determine if the system requires relocation because of the gravel access road proposed in the area; the plan will require razing of the Frost House garage which is in good condition and is used by the lessee of the Frost House; site preparation will require removal of all trees in the area, extensive regrading, and will eliminate any future use of the existing field; the balance of the walkway easement should be shown on Sheet C-1; the applicant must secure a new Right of Way and Utility Easement across land owned by others; and, should tower leasing be desired, less-intensive land use for other towers may be negotiated in the future.
4. Communication received May 17, 1996 from Fire Chief Michael C. Dunne stating that he is not in favor of granting the Special Permit; the height of the structures exceeds the reach of the fire equipment which might be required for rescue purposes should assistance be required; if approved, the applicant should be required to provide rescue training and equipment to the Fire Department and allow the Town the use of space in the building and on the tower for future town communications needs.
5. May 15, 1996 communication from Planning Board Chairman Carmine L. Gentile advising the Planning Board had unanimously voted to strongly recommend denial of the application because the use will limit the future options of the remainder of the property without real public benefit; as proposed, the generation of revenue is not sufficient for the use of eight acres; because the proposal is insensitive to the natural features of the site and the present character of the property would be permanently altered, it does not appear to comply with section V.A1.6 of the Zoning Bylaw; an access easement over the property of others may not be obtainable by the applicant; the general consensus of the Planning Board is that any towers in Town that are visible across the landscape are a detriment to Sudbury and should be avoided.
6. May 13, 1996 communication from Town Planner Jody A. Kablack providing recommendations to the Planning Board and advising that the application is deficient in that existing conditions, including trees and wooded areas, and landscape features to be preserved, must be shown on the plan; additionally, exterior lighting is not shown on the plan and drainage/stormwater control is not addressed; all utilities should be placed underground; the site grading area is intensive and a determination must be made as to compliance with section V.A1.6 of the Zoning Bylaw; the site plan should not be approved until final drawings have been reviewed by Town officials; a Water Resource Special Permit is required from the Planning Board in addition to a Special Permit from the Zoning Board of Appeals; any lease agreements under negotiation should be disclosed so that all boards and departments are informed and understand fully the public benefit that will arise from granting a lease of Town property.
7. May 15, 1996 communication from Design Review Board Chairman Frank W. Riepe advising that the Design Review Board unanimously voted to recommend denial of the application, stating that no plan has been developed for the parcel since its purchase in 1990 to provide a context for evaluating piecemeal proposals, and extensive tree removal and grading would degrade one of the most scenic parcels in Sudbury.

8. May 20, 1996 communication from Arthur S. Fulman, Chairman, Concord Board of Selectmen, requesting continuation of the hearing in order that a detailed analysis and evaluation of the existing site may be undertaken to enable better assessment of the design, environmental, visual and fiscal impact this proposal could have on the area.

9. Forwarded by the Chairman of the Concord Board of Selectmen, under letter dated May 20, 1996, a May 17, 1996 communication to the Concord Board of Selectmen from the Concord Town Planner, advising that there has been no analysis to determine how visible the towers may be from the White Pond area and the plans do not address any of the environmental impacts, particularly to existing wildlife from loss of habitat. The Concord Board of Selectmen requested that a detailed evaluation of the existing site be undertaken to better assess the design, environmental, visual and fiscal impacts the proposal could have on the area.

10. Copy of letter to the Town Crier Editor, dated May 30, 1996, forwarded by Hillary Rathjens, and signed by members of every household on Hawes Road and Tantamouse Trail, stated their position that the towers would substantially mar and impose severe costs on the nearby neighborhood and disrupt the rural environment; and, that to impose that which would not be acceptable in a more populous area would be the epitome of unneighborly behavior.

Atty. Stephen Grande made a brief presentation, providing photographs and a computer simulation illustrating views of the 10" wide 199' high towers from various distances, and stating that they are less visible than cellular towers. While painting and lighting is not a requirement for this tower height, the towers can be appropriately painted to allow them to blend in with the background and to make them, therefore, less visible. Atty. Grande compared the visual impact of the proposed towers with other tower installations of various heights and types in other communities in Massachusetts, which, he added, are receiving revenue from these towers.

After a brief synopsis of the various suggested uses for the Town land and the privately-owned adjoining site, Atty. Grande informed the Board that WKOX required a site in Sudbury to upgrade the range of the station, advising that the towers do not have to be at this specific site. A tower location east of the area on the Town-owned land adjacent was explored, but was not suitable due to the fact that, if the gravel on the land was excavated and removed, the towers could not operate technically in a depression. Atty. Grande also suggested that perhaps the visually obtrusive cellular tower on the Water District land off Rt. 117 could be supplanted by use of a whip antenna at this site.

Atty. Grande stated that the bottom line for the Town is the revenue opportunity with the growing demand for tower space without the expense of required services such as Police, Fire, and schools. This installation would provide net revenue to the Town; it would benefit the Police and Fire Departments, which would be provided emergency generation capability, and the LS radio station; revenue for the Town would increase with each additional approved cellular whip antenna added at the 125' height. Atty. Grande advised that future communications technology will primarily be in the digital area and it would be desirable for the Town to provide controlled siting to take advantage monetarily of what will be happening.

In response to Chairman Blacker as to whether Fairbanks Communication had done any computer simulations showing views from various residential locations, Atty. Grande stated that he had not been contacted specifically to provide this information and it was indicated that the company was still open to doing so on a limited basis since the simulations were extremely costly (\$3,000 each).

In answer to Selectman Drobinski's technical questions, it was ascertained that the dry well would be in conformance with the DEP requirements and, since no chemicals are to be used in the control building itself, only uncontaminated water would go into that well. The grade resulting from the approximate 15' cut does not need to be dead level. Copper wire is buried underground so the land does not have to be left scarified. Trees and shrubs can be replanted in areas between the underground copper wire near the perimeter, and the natural surface is intended to be meadow. Stormwater management is not required since there will be minimal impervious surface.

It was acknowledged that if the Board were to grant a Site Plan Special Permit, there are two or three other permits required from other Boards and a negotiating process to go before the installation could take place.

As to the question of the tradeoff of revenue for visual impact, Selectman Clark stated her opinion that \$100,000 per year for a \$1M initial investment would be a good starting place for discussion. Atty. Grande noted that the applicant has talked about \$35,000-\$40,000/yr. for the rental of the site itself and they are meeting with various companies, with the exception of NYNEX which is interested in securing its own site, with regard to add-on antennas which would provide additional revenue. Various scenarios for structuring a lease were briefly noted involving distribution of revenue from add-on antennas and the possibility of tying into the revenue derived from the WKOX business expansion resulting from the expanded signal.

Deacon Lane resident Ralph Tyler suggested that the Town would have much greater leverage in negotiating renewal of the lease if the project were to be approved and opined that the project might be more acceptable if the residents knew that the revenue would be earmarked for particular municipal purposes, e.g., walkway construction, or as Selectman Clark had suggested, for the purchase of open space. It was noted, however, that the disposition of revenue is not within the purview of the Selectmen but is controlled by the Town Meeting.

Mr. Tyler suggested that with regard to the interests of Concord residents, use of White's Pond could be negotiated, although it was pointed out that swimming would be prohibited because of coliform bacteria.

Discussion ensued as to the value of the land for various alternative purposes, such as recreational fields, noting that the installation would require eight acres of the most prime portion of the site leaving a very small area of the site for functional use because of wetland. Several townspeople stated that, although purchase of the land settled a lawsuit brought by Unisys, the land was primarily purchased for its open space and recreational value.

Ms. Jane D. Prentiss, a Concord resident, presented and read a letter expressing concerns about how the proposed use fits into any short- or long-term local and regional land planning; the effect of the "viewshed" of any other community, the relationship to a contiguous wildlife corridor and habitat; and, the effect on property value of those properties within the viewshed. To the concern that the towers would be located on land which is at the Concord Town Line and which is near Concord wells, affecting two watersheds, it was noted that this use would be far less intensive in regard to water resources than other types of development. It was also noted that mutual access to White's Pond would still be assured.

To the concern that there would be an effect on the communications systems used by others, representatives of Fairbanks Communication cited the experience of Leahy Clinic's adjacency to WRKO and

suggested that all interference problems are easily solved. A resident suggested that this might be so, but her experience on the Cape is not supportive of that premise.

Many residents expressed their sentiments with respect to the damaging effect on the quality of life with the visual impact of the towers. Other points raised were the devaluation of property resulting in loss of tax revenue for the Town; the need for an overall plan; the monetary value the Town would receive, given the fact that it would incur a visual impact, in proportion to the monetary value the applicant would receive; possible medical problems resulting from exposure to the electromagnetic field; the fact that there are also three guy wire supports for each of the three towers which would also contribute to the visual pollution. As to air traffic concerns, Selectman Clark advised that planes have to fly at 500' feet above the ground and, therefore, the unlighted towers would not present an air safety problem. It was established that the Town had in place bond requirements which would provide for removal of the towers should they be abandoned.

Alfred Lima, Planning Director, Town of Concord, reiterated the comments expressed by the Concord Board of Selectmen and recommendations of the Town Planner relative to the necessity for detailed analysis and evaluation of the site and urged that the Board take into consideration the huge impact on the Town of Concord.

Conservation Commission Chairman Stephen Meyer reminded the Board that in 1966 the Town was involved in legal action to prohibit high tension power lines because of visual impact, and suggested that this application presents the same problems and decisions to weigh. While recognizing that tradeoffs must be considered, he opined that visual pollution is both real and serious and requires responsibility on the part of the Town so as not to impact its citizens and those of neighboring towns. Mr. Meyer suggested that the property, purchased by Town Meeting for open space, at the initial cost of \$1M was a good buy and one of lasting value. Mr. Meyer advised that any money realized by leasing this land for towers would be offset by the payment for termination of the Frost Farm lease, the loss of future lease revenue and repair of the house, and devaluation of Town property. Mr. Meyer also suggested that the project would have a negative impact on the Cummings Properties plan for elderly care facilities. In closing, Mr. Meyer urged the Selectmen to take the open space issue into serious consideration.

At the close of the hearing, Selectman Blacker moved to approve the WKOX (Fairbanks Communication) Site Plan Special Permit application No. 96-327, dated and received on March 29, 1996, for the installation of three 199' radio towers and a control building, with grading and landscaping, on Town-owned property located off Route 117 (the former Sperry site), Town Property Map C11, Parcel 302, in Research District #1, subject to the standard terms and conditions for such site plan special permit decisions as drafted by the Office of Town Counsel, and further subject to negotiation of favorable lease terms. The motion received a second.

Selectman Drobinski, in casting a negative vote, stated that he believed the project to be an inappropriate use of the Town land which is better suited for other purposes such as open space, and expressed his opinion that the revenue to be received from such a venture would not balance the other issues involved with the tower installation.

With the failure to receive unanimous support, Site Plan Special Permit Application 96-327 was deemed denied.

There being no further business, the meeting was adjourned at 10:15 p.m.

IN BOARD OF SELECTMEN
MONDAY, JUNE 10, 1996
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Attest: _____
Steven L. Ledoux, Town Manager-Clerk