

IN BOARD OF SELECTMEN
MONDAY, AUGUST 19, 1996

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

The statutory requirements of notice having been met, the meeting convened at 8:30 a.m. in the Sudbury Town Hall.

Permit for House Trailer at 57 Wagonwheel Road

Mr. and Mrs. Jonathan Miller request a permit to use a house trailer at 57 Wagonwheel Road for purposes of a dwelling for a period of six months commencing about September 15, 1996, while renovations are being made to their home. They also request permission for use of a storage trailer during said period. These requests are conditioned upon the acquisition of any required building permit for the renovations and conditioned upon the Board of Health approval involving the connection of the trailer to the septic system and water.

Town Manager Ledoux stated the abutters had been notified.

The Board was in receipt of the following:

1. Notice to Abutters, dated August 2, 1996, issued by Town Manager Ledoux.
2. Request, dated July 26, 1996, from the Millers, with enclosed site plan depicting placement of the house and storage trailers.
3. Communication, dated August 16, 1996, from Robert C. Leupold, Health Director, noting that a sewer line connection to the septic tank appears feasible and requesting the Millers to contact his office for an inspection of the tank connection if the permit is granted.
4. Communication, dated August 12, 1996, from John Hepting, Inspector of Buildings, noting that his office had inspected the site and recommends approval of the request. He also noted that a 12x24 utility trailer is allowed as a matter of right under the Zoning Bylaw.
5. Memoranda to File, (1) dated August 7, 1996, indicating that the cul-de-sac on the site plan is in reality further up the street; and (2) dated August 14, 1996, indicating that the Fire Chief had no opposition to the request.

Chairman Blacker called for public comment and hearing none, it was on motion unanimously

VOTED: To approve a permit for Mr. and Mrs. Jonathan Miller to use a house trailer for purposes of a dwelling at 57 Wagonwheel Road for a period of six months commencing about September 15, 1996, while renovations are being made to their home. This permit is conditioned upon the acquisition of a building permit for the renovations and conditioned upon Board of Health approval involving the connecting of the house trailer to the septic and water systems.

Execution of Orders of Taking - Codman Drive, Brownstone Lane and Ruddock Road

Town Manager Ledoux informed the Board that orders of taking in conjunction with the layouts of three of the five streets accepted by the 1996 Annual Town Meeting under Article 6 are ready for the Board to execute. He informed the Board that those takings relate to street layouts for Codman Drive, Brownstone Lane and Ruddock Road. He informed the Board that the orders of taking for Saunders Road and Bowker Drive have been delayed since drainage issues for those layouts need to be resolved.

The Planning Board voted on August 13, 1996, to recommend that the Selectmen not finalize acceptance of Bowker Drive and Saunders Road due to outstanding drainage items that need to be completed by the developer.

It was on motion unanimously

VOTED: To execute orders of taking relating to street layouts for Codman Drive, Brownstone Lane and Ruddock Road.

EXECUTION: The orders of taking were signed.

Establishing Voting Polls for State Primary and State Election

It was on motion unanimously

VOTED: To authorize the Town Clerk to establish the polls for both the State Primary on September 17, 1996 and the State Election on November 5, 1996, at 7:00 a.m. to 8:00 p.m., in the Fairbank Community Center gymnasium, 40 Fairbank Road, for Precincts 1 and 2, and in the Town Hall, 322 Concord Road, for Precincts 3 and 4, in accord with G.L.ch 53, s.42.

EXECUTION: The Board executed the Warrant for the September 17, 1996 State Primary Election.

Permit for Joyce Endee Productions to Hold an Outdoor Event

The Board was in receipt of a request dated July 27, 1996, from Joyce M. Endee, Joyce Endee Productions, for permission to hold a juried arts and crafts show in the West Field at Wayside Inn on Sunday, September 15, 1996. Ms. Endee states that she will be hiring two Sudbury police officers for traffic control and parking and will obtain the necessary health and building permits. She further states that the show will carry its own liability insurance.

Selectman Clark commented that she was favorably disposed to grant the permit given the assurance that insurance would be carried.

It was on motion unanimously

VOTED: To approve the permit for Joyce Endee Productions to hold an outdoor event in the West Field at Wayside Inn on Sunday, September 15, 1996, conditioned on (1) hiring two Sudbury police officers for traffic control and parking; (2) obtaining any necessary health and building permits; and (3) securing liability insurance.

1997-1999 Draft Transportation Improvement Program (TIP)

The Board was in receipt of the following communications regarding the 1997-1999 Draft TIP.

1. Communication, dated July 25, 1996, from David C. Soule, Executive Director of Metropolitan Area Planning Council, requesting comments on the draft FFY 1997-1999 TIP by August 23, 1996.
2. Communication, dated February 27, 1996, from Peter J. Donohue, District Highway Director, Massachusetts Highway Department, regarding the traffic signal installation and improvements at Boston Post Road and Nobscot Road. Mr. Donohue informed that the Project Review Committee has approved the subject project for Non-Federal Funding. The approval is based upon a cost estimate of \$180,000 and is contingent upon the availability of State funding. The Town is responsible for the design and for the preparation of any environmental documentation. The Department is responsible for the right-of-way takings and/or easements. He noted that the project does not appear on the FY 1996-1998 STIP for informational purposes. He requested that the Metropolitan Area Planning Council be advised to add this project to the Non-Federal Aid portion of their FY 1997 TIP for informational purposes. He noted that the project must meet federal standards for minimum design standards, the design waiver process and the procedure for developing the project. He noted that the minimum required paved surface width is 41 feet. He noted that a thorough justification of any design waivers would be the responsibility of the Town. He noted that roadway widths on approaches to signalized intersections are determined by the number of lanes, traffic composition and details of intersection traffic signalization. He also noted that the Town is obligated to assess public support for this project and such is accomplished by a informational public meeting. He advised that if the project involved the provision of sidewalks such must comply with the rules and regulations of the Massachusetts Architectural Access Board (AAB). He also noted that Department policy restricting highway surface openings prohibits such work for a period of five years after new surface is laid. He noted that justification of an open cut would require the approval of the District Highway Director.
3. Excerpts from the Draft Fiscal Year 1997-1999 Transportation Improvement Program (TIP) noting (1) the following Non-Federal Aid Project expected to be advertised in Fiscal Years 1998-1999: Upgrade the signalization at the intersection of Route 20 and Concord Road, \$175,000; and (2) Supplemental List of Projects not included in the TIP: (A) Boston Post Road, \$100,000; and (B) Old Sudbury Road, intersection safety improvements, \$275,300.
4. Communication dated August 15, 1996, from I. William Place, Town Engineer. The Town Engineer noted that under the non-federal aide projects only the upgrade and signalization of the intersection of Route 20 and Concord Road for \$175,000 is listed. He noted further in a letter from Mr. Peter Donohue, dated February 27, 1996, the Town was noticed that the Project Review Committee had approved the intersection of Route 20 and Nobscot Road for non-federal aid funding and to advise the Metropolitan Area Planning Council to add this project to the TIP. He noted that on January 19, 1996, the Executive Director of MAPC, David Soule, submitted a status report on various Town Projects and he included (1) Boston Post Road reconstruction from Horse Pond Road to Concord Road, \$3,870,000; 2) Boston Post Road/Peakham Road intersection, \$100,000 and (3) Old Sudbury Road/Concord Road intersection, \$275,300. The Town Engineer noted, that in a letter dated September 13, 1994, issued by the Board of Selectmen to the MAPC, the Board notified MAPC that it had voted to remove the Route 20 Bypass from the Sudbury Transportation Improvement Program and requested that \$1,200,000 for improvements to the Boston Post Road be added to the TIP. For these reasons, the Town Engineer recommended (with the exclusion of the Boston Post Road/Peakham Road intersection), that the following projects be added to the TIP: (1) the Nobscot Road/Route 20 intersection; (2) Old Sudbury Road/Concord Road intersection and (3) Route 20 reconstruction from Horse Pond Road to Concord Road.

Town Manager Ledoux reviewed the foregoing information with the Board.

Selectman Clark stated that inclusion of the Boston Post Road improvements at 3.87 million incorporates the bypass which the Board had previously requested to be deleted. She explained that the request for deletion had occurred on August 10, 1994. She said that subsequently the Board had asked for 1.2 million for three traffic lights. She said that at that time it was estimated that each traffic light would cost approximately \$400,000 including the cost of takings. She said that now it is estimated that the Nobscot improvement would cost the Town \$180,000 and the State would bear the cost of takings. She said that she remained firm in her conviction that the bypass would destroy the businesses existing along Route 20 that would be bypassed.

She suggested in lieu of the bypass that provisions for sidewalks should be included. She said that she had noted such types of projects listed as Surface Transportation Improvement Project Enhancements included in the TIP. She mentioned that Dakin Road and Powder Mill Road areas need sidewalks. She said that a priority list for sidewalk installation projects exists and that those projects should be included in the TIP.

Chairman Blacker agreed. He stated that the Board did not want the Route 20 bypass. Selectman Drobinski concurred, adding that the Board did want the 1.2 million for other Route 20 improvements.

It was on motion unanimously

VOTED: To request that the Metropolitan Area Planning Council include in the Draft Fiscal Year 1997-1999 Transportation Improvement Program (TIP) the following projects, in addition to the upgrade of the intersection and signalization at Concord Road and Route 20:

- 1) Nobscot Road/Route 20 intersection improvements and signalization;
- 2) Route 20 improvements at \$1,200,000;
- 3) Old Sudbury Road/Concord Road intersection improvements (\$275,300); and
- 4) sidewalk installations prioritized as follows:
 - (1) Dakin Road (Concord Town Line to Blacksmith Dr.) \$39,500
 - (2) Concord Road (Lincoln Rd. to Thompson Dr.) \$56,200
 - (3) Goodman's Hill Road (Kato Dr. to Rt. 20) \$68,500
 - (4) Peakham Road (Robert Best Rd. to #118 Peakham Rd.) \$64,000
 - (5) Dutton Road (Tanbark Rd. to Pratt's Mill Rd.) \$66,700
 - (6) Powder Mill Road (Virginia Ridge Rd. to Rt. 117) \$44,000
 - (7) Powers Road (Powder Mill Rd. to Concord Town Line) \$149,500

Selectman Clark clarified that the Route 20 improvements at \$1.2 Million includes more than just those projects from Horse Pond to Concord Road. She said that it includes all the improvements along Route 20 including the Landham, Nobscot and Horse Pond projects.

Selectman Clark expressed concern that she had not received the February 27, 1996, letter from Mr. Donohue until just recently.

Selectman Drobinski noted that he had seen it previously.

Selectman Clark stated that a waiver should be sought for the required 41-foot paved road width at the Nobscot intersection. She stated that Route 20 is currently paved 27 feet wide. She stated that to increase Nobscot to a 41-foot wide paved road would amount to increasing the existing road some 17 to 19 feet. She said that is a significant increase and would substantially increase runoff. She said to make Nobscot a thoroughfare would be an error.

Chairman Blacker suggested that that requirement might be for the throat of the road. Selectman Clark pointed out that according to the Anderson Nichols September 1985 intersection plan, the throat would be well in excess of 41 feet and appeared to be close to 100 feet.

Chairman Blacker said that it was the intersection that was being modified not Nobscot Road.

Selectman Clark said that the letter from Mr. Donohue wasn't clear in that regard and she believed that it should be clarified.

Selectman Drobinski noted that the Town would be in charge of the design.

Selectman Clark also noted that in August of 1995 the Town had received notice that the Mobil station was canceling its license for inflammables. She said that it had been a year now and that the needed easement from Mobil had not yet been obtained.

Chairman Blacker pointed out that they didn't have to give an easement.

Selectman Clark inquired on the status of the easement acquisition.

Town Manager Ledoux responded that they were having difficulty locating the proper person with Mobil who could address this issue. He also noted that there are underground storage tanks at the site and the condition of these tanks is unknown.

Selectman Clark responded that a decision had to be made and that if an easement could not be negotiated then a taking must be pursued. She said that it had been one and a half years since the Board had received flack about the Nobscot intersection and it was time to "fish or cut bait".

Selectman Clark also said that excess transportation funds are available for this project. She said that last year Bob Noyes informed the Board that he could get PWED funds. She said that those funds are now becoming available and he is in a good position to get that funding. She noted that just because the project is in the TIP does not mean that the Town will get the money. She said the TIP process is a long one and that the Central Artery project grabs all the money. She suggested that PWED funding be pursued.

Selectman Clark also noted that the Nobscot intersection design should include a raised island. She said that there had been a number of traffic accidents, there is a build up of ice in the winter, and an island would channel the traffic better. She suggested that the Town Engineer consider such and noted that the Board had voted to include a granite curbed traffic island for safety purposes on August 21, 1995.

Chairman Blacker questioned the benefits of a traffic island if there were a traffic signal.

Selectman Clark noted that the traffic signals go off at about 11 p.m.

Chairman Drobinski noted that Route 20 is a State road and questioned the possibility of constructing an island on a State road.

Selectman Clark noted there are traffic islands at other State road intersections in the Town, such as Peakham Road, Concord Road and Route 27. She suggested that the island be built on Nobscot Road, not Route 20, to avoid the State road issue.

Chairman Blacker said that if the island were set back too far on Nobscot Road it wouldn't channel traffic. He said with a traffic signal the need for a traffic island is minimized.

Selectman Drobinski suggested that the traffic safety officer, along with the Town Engineer, look at the possibility of including an island.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of July 22, 1996, as drafted.

Reconsideration of Department of Public Utilities Case 96-61 - Addition of New Area Codes

Present: Joseph Zukowski, Director Public Affairs, NYNEX and Thomas J. DeSisto, Managing Director - Regulatory Phoning, NYNEX.

Town Manager Ledoux informed the Board that NYNEX representatives have requested the Board reconsider its position, adopted on July 22, 1996, in favor of the geographic split of existing area codes.

The Board was in receipt of the following:

1. Communication, dated July 22, 1996, entitled NYNEX Fact Sheet: New Area Codes for Eastern Massachusetts; and two maps entitled: NYNEX Proposal, Geographic Overlay; Geographic Split Alternative, Opposed by NYNEX.
2. Communication, dated August 8, 1996, addressed to Hans Lopator, issued by Joe Zukowski, Regional Director - Public Affairs, NYNEX, detailing the differences between the geographic split and geographic overlay options.

Mr. DeSisto explained that recent growth in telecommunications, including voice lines, fax machines, pagers, computers, and cellars, has resulted in the need to establish new area codes for Eastern Massachusetts. He stated that when the 508 area code was established in 1988, NYNEX believed that it had sufficient capacity to carry the needs of its customers until 2010. No one at that time foresaw the explosion in the use of cellular phones, pagers, modems and the Internet.

Mr. DeSisto stated that NYNEX is opposed to the Geographic Split option recently supported by the Board. He stated that that option requires many residential and commercial customers to change their phone numbers. He said that businesses have invested in stationery and advertising that would need to be revised

when phone numbers change. He said such would result in a considerable expense and would be particularly onerous for the small business. He also noted that many memory dial data banks would have to be re-programmed.

Chairman Blacker asked if the Geographic Overlay option might result in having to use an area code to call your neighbor next door.

Mr. DeSisto responded in the affirmative and noted that such situations exist on, for example, the Weston (AC 617)/Wayland (AC 508) border.

Chairman Blacker inquired about the possibility of establishing a separate area code for cellular phones.

Mr. DeSisto stated that the Federal Communication Commission precluded such on grounds of unfair discrimination.

Chairman Blacker then inquired about the feasibility of establishing, for example, five new area codes now to handle future capacities.

Mr. DeSisto said that it was difficult to predict what future capacities needs might be.

Chairman Blacker questioned the inability to reasonably project future needs. He stated that it seemed to him that a reasonable 20-year projection could be extrapolated based upon the past four to five year growth in cellular use, computer use, and general business growth. He asked about the possibility of using social security numbers.

Mr. DeSisto stated that such was not practicable since many individuals have several lines into their home in addition to separate business numbers. He did say that the time may come when everyone has their own portable phone number.

Mr. DeSisto explained that the problem faced by Eastern Massachusetts was not an endemic one. He noted that California will be adding about 20 new area codes and that Maryland and Pennsylvania have gone to 10-digit dialing. He indicated that if Eastern Massachusetts adopted the geographic split, customers would have to change numbers probably every five years.

Chairman Blacker countered that such would not be the case if reasonable projections were made.

Selectman Clark stated that she was concerned about the burdens placed on businesses if the geographic split option were adopted. She noted that one would inevitably need to use ten digits to call a neighbor.

Chairman Blacker noted that there would be a period of overlay and that most businesses would go through its stationery in less than a year.

It was on motion

VOTED: To reconsider the Board's position adopted on July 22, 1996, and to support the geographic overlay of existing area codes and to authorize the Town Manager to relay its position to the Department of Public Utilities.

(Selectmen Clark and Drobinski in favor; Chairman Blacker opposed.)

Accept Land and Easements - Run Brook II and III

Town Manager Ledoux presented the Board with site plans designating the location of the land and easements at issue. Said real property interests involve conveyances by John C. Cutting, Frank J. Cutting and Louise C. Dorian, relative to the Run Brook II and III subdivisions.

Selectman Clark questioned the reasoning for granting title to the Town if the land is wetland and therefore cannot be developed.

Selectman Drobinski said that open space can be controlled if the Town owns the property.

It was on motion unanimously

VOTED: To accept the following described real property and easements associated with Run Brook II and III subdivisions granted by John C. Cutting, Frank J. Cutting and Louise C. Dorian:

Run Brook II

a. Quitclaim Deed dated July 3, 1996, to parcel of land on the southerly side of Fairbank Road containing 4.2 acres, shown as Parcel "A" on plan entitled "Definitive Subdivision of Run Brook II Sudbury, Mass.", dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

b. Quitclaim Deed dated July 3, 1996, to parcel of land on the southerly side of Fairbank Road, containing 8,210 sq. ft., shown as Parcel "D" on plan entitled "Definitive Subdivision Plan of Run Brook II Sudbury, Mass.", dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

c. Drainage Easement dated July 3, 1996, over two parcels shown on plan entitled "Definitive Subdivision Plan of Run Brook II Sudbury, Mass.", dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

Run Brook II and III

d. Walkway Easement dated July 3, 1996, over portions of Lots 6, 10 and 11 along Fairbank Road, shown on two plans: Definitive Subdivision Plan of Run Brook II Sudbury, Mass.", dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc., and "Definitive Subdivision of Run Brook III Sudbury, Mass." dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

Run Brook III

e. Quitclaim Deed dated July 3, 1996 to parcel of land on the southerly side of Camperdown Lane containing 41,794 sq. ft., shown as Parcel "B" on plan entitled "Definitive Subdivision of Run Brook III Sudbury, Mass." dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

f. Quitclaim Deed dated July 3, 1996, to parcel of land on the southerly side of Fairbank Road containing 20,195 sq. ft., shown as Parcel "E" on plan entitled "Definitive Subdivision of Run Brook III Sudbury, Mass." dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc.

g. Right of Way Easement dated July 3, 1996, over Lots 14A, 15A and 16A and "Remaining Land of Owner described as "Temporary Turnaround" on plan entitled "Definitive Subdivision of Run Brook III Sudbury, Mass." dated July 20, 1995, revised 8/30/95, 1/25/96 and 3/20/96, by Colburn Engineering, Inc. for purpose of constructing, maintaining, repairing, reconstructing, and removing the way entitled "Camperdown Lane" on said plan.

EXECUTION: The Board executed acceptance of the above described quitclaim deeds and easements.

Approval of FY97 Insurance Award

On recommendation of Town Manager Ledoux, it was on motion unanimously VOTED: To approve contracting with Great American Insurance Co., through D. Francis Murphy Insurance Agency Inc., Hudson, MA, for the FY97 insurance award as follows:

Boiler	\$	1,546
Public Officials		2,926
Umbrella		1,245
Automotive		29,995
Educators' Liability		1,212
Property Liability Package		22,578

ADJOURNMENT: There being no further business to come before the Board, the meeting was adjourned at 9:45 a.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk