

IN BOARD OF SELECTMEN
TUESDAY, MARCH 18, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:30 p.m. in the library at the Sudbury Town Hall.

Opening Statement

The Board urged all townspeople to vote at the upcoming Town Election on March 31, 1997.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of February 10, 1997, as amended, and March 10, 1997, as amended.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$48.36 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.

Permission for Preschool Fun Run

The Board was in receipt of a communication, dated March 12, 1997, from Dianne Baxter, Sudbury Cooperative Preschool, requesting permission for a Cooperative Fun Run, on Saturday, May 10, 1997. Ms. Baxter states that the route has been approved by Sergeant Fadgen of the Police Department and that the event is being coordinated and promoted by the *Spring Thing* Committee.

It was on motion unanimously

VOTED: To permit, subject to reasonable conditions imposed by the Police Department, the Sudbury Cooperative Preschool to conduct a Fun Run on May 10, 1997, from 9:00 a.m. to approximately 10:30 a.m., along the above-described route.

Annual Town Meeting

Town Manager Ledoux reported that he had recently met with Wayland officials and informed the Board that Article 37 would authorize the Operational Review Committee to hire a director to run the septage disposal system. He stated that the supporters of Article 38 contend that such is an unnecessary expense and that the Director of the Board of Health should assume these additional responsibilities. Town Manager Ledoux noted that under either article the operation of the facility is transferred from the Wayland Road Commission. He also informed the Board that he had spoken with the Wayland Chairman

of the Board of Health and that the Health Director is willing to assume the additional responsibilities. Language has been drafted to amend Article 37 to make it compatible with Article 38.

Chairman Blacker expressed his support of Article 38 and the Board concurred. He suggested that the Board consider the proposed amendment to Article 37 at the Board's next meeting.

Regarding Article 49 concerning the make-up and duties of the LRPC, the Town Manager informed the Board that the Strategic Planning Committee is working on suggesting certain structural changes. Furthermore, he said under the newly adopted Town charter, long range capital planning falls within the authority of the Town Manager, and he is drafting a proposal he believes should be incorporated into the bylaw.

Chairman Blacker stated that, since the matter falls within the purview of the Town Manager, the Town Manager should have the ability to draft the proposal; to permit others to present the proposal, in effect, usurps the authority of the Town Manager.

Town Manager Ledoux stated that Mr. Graham, the petitioner for Article 49, may withdraw his article after he has had an opportunity to review the Town Manager's draft.

Selectman Clark stated that she believed the issue related to the Investment Priorities Committee eroding the authority of the Long Range Planning Committee.

Chairman Blacker stated that any one can form a committee.

Selectman Clark stated that she questioned such a position. In this instance, she said that all of the individuals were already in office and that it was perceived as a "closed club".

Ed Sooper, 47 Churchill Street, stated that he had attended some of the meetings of the committee and that the various members resorted to "deal making" to achieve his/her particular project. He stated that the problem was that there were no checks and balances.

Town Manager Ledoux reported that the Permanent Building Committee had reviewed the architect's proposal for the Flynn Building. He informed the Board that, in order for the project to come in at the original \$1.5 million, the basement meeting space would have to be abandoned. He stated that the Finance Committee sought the Board's position on the options for this project.

Chairman Blacker expressed that it made no sense to give up the meeting space component of the project and that he favored going for the full project at \$2.078 million.

Selectman Clark stated that she did not have an inventory of meeting space currently available.

Town Manager Ledoux responded that meeting space existed at the Town Hall, the Fairbank Senior Center, the fire station, and the library. During the library renovation, meeting space there and at Town Hall will be unavailable.

Chairman Blacker asked for the amount of meeting space to be provided under the full Flynn renovation.

Town Manger Ledoux responded that it would provide one area for a 100 people, two areas for 20 people and one area for 15 people. (A subsequent review of the plans indicates one area for 100 people, two areas for 40 people and one area for 20 people.)

Town Manager Ledoux informed the Board that other alternatives had been considered, such as, an addition to Town Hall or constructing an entirely new building, and either option would cost more than renovating Flynn. He noted that most of the construction costs are for the ADA required access elevator and needed structural improvements.

Chairman Blacker stated that he favored going for the full project.

Selectman Clark stated that she was not yet ready to make a decision on the matter.

Chairman Blacker suggested that the Board consider the matter again at its next meeting or report at town meeting.

SP97-334 - Michael J. Coutu - 740 Boston Post Road

At 7:45 p.m., the Board reconvened a public hearing on Site Plan Special Permit Application SP97-334 of Michael J. Couto for property at 740 Boston Post Road.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Michael J. Coutu, President, Ron Boucher Associates, Inc., and Landscape Creations, Inc., to construct a 2,000 +/- sq. ft. carriage house to store vehicles and equipment and revise/reduce parking area, to be used with existing building for a landscape architectural and construction business, in accordance with Application No. 97-334, for property located at 740 Boston Post Road, owned by Nancy C. Grellier, as shown a plan entitled, "Site Plan 740 Boston Post Road Sudbury, Massachusetts", dated January 25, 1997, drawn by John R. Snelling Associates, Lincoln, MA, with accompanying Cover sheet showing architectural rendering, Landscape Plan dated January 1997 drawn by Ron Boucher Associates, Sudbury, Carriage House Elevations dated December 1997, and two undated sheets of drawings of Proposed Landscape Alterations, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
2. Placement of all utilities underground;

3. No wells for water supply to be installed on the site;
4. The grant of an earth removal permit by the Earth Removal Board, if applicable;
5. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
6. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
7. Exterior lighting to be directed away from adjacent residences and have shields;
8. No use of salt or chemical de-icers on site;
9. If applicable, the grant by the owner of the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site;
 - (b) the use of salt or chemical de-icers on the site;
 - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
10. The grant of a Water Resources Protection Special Permit by the Planning Board;
11. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
12. In addition to the above and pursuant to the recommendations of the Town Engineer in his communication of February 12, 1997, a "Do Not Enter" sign shall be installed to direct traffic, which is exiting onto the Boston Post Road, to the right of the traffic island, and a double yellow centerline shall be painted on Old Boston Post Road to facilitate said traffic flow;
13. No building permit shall be issued until certain items noted above (1 and 10) as specified by the Board, are complied with;
14. No occupancy permit shall be issued until certain items noted above (2, 4, 5, 6, 7, 9, 11 and 12) as specified by the Board, are complied with;

15. This Special Permit shall lapse if construction and a substantial use therefor, have not commenced except for good cause within one (1) year from the effective date of said Permit.

EXECUTION: The Board signed the written Decision on this site plan.

SP97-335 - Craig Wambolt - 736 Boston Post Road

At 7:50 p.m., the Board reconvened a public hearing on Site Plan Special Permit Application SP97-335 of Craig Wambolt, owner of the Frugal Flower, Inc., for a site plan Special Permit for property at 736 Boston Post Road.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Craig Wambolt, owner, The Frugal Flower, Inc., in accordance with Application No. SP97-334, for the purpose of removing existing buildings and constructing a 6,624 +/- sq. ft. garden center comprised of florist shop and greenhouses with parking facilities on property located at 736 Boston Post Road, owned by Nancy C. Grellier, as shown on plans entitled, "Site Plan of Land in Sudbury, Massachusetts Owned By: Nancy C. Grellier Developed by: Craig Wambolt", dated January 21, 1997, drawn by Central Mass. Engineering & Survey, Inc., Marlborough, MA, and "Rendering", "Floor Plan", and "Elevations" all dated January 20, 1997, drawn by Rack & Ruin-Design, Princeton, MA, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

1. An Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable, and compliance with Town of Sudbury Wetlands Administration Bylaw;
2. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
3. Placement of all utilities underground;
4. Extension of Sudbury Water District lines to the site by the owner; no wells for water supply to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the

Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;

8. Final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access;
9. Submission and approval of the final landscaping plan by the Board of Selectmen;
10. Exterior lighting to be directed away from adjacent residences and have shields;
11. No use of salt or chemical de-icers on site;
12. If applicable, the grant by the owner of the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site;
 - (b) the use of salt or chemical de-icers on the site;
 - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
13. The grant of a Water Resources Protection Special Permit by the Planning Board;
14. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
15. In addition to the above and pursuant to the recommendations of Town Departments, the following items are to be implemented:
 - a. The following should be included on the site plan or submitted separately as appropriate:
 - 1) Parking analysis and breakdown should appear on the site plan drawing as well as the floor plan sheet;
 - 2) The Water Resource Protection District Zones, surface water bodies and wetlands within one-half mile of the site shall be shown on the locus plan;
 - 3) Drainage calculations shall be submitted - Runoff calculations for the 2, 5, 10, 25, 50 and 100 year storm frequencies shall be submitted for review. Mitigating measures for controlling the rate of runoff shall be added to the site plan;

- 4) Catch basin detail shall be added to the site plan detail sheet. The basin shall have a 4 ft. sump and be equipped with a gas and oil trap Lebanon type L219 or equivalent, and manholes shall be precast;
 - 5) Landscape Plan shall be submitted for approval.
- b. Receipt of a variance from the Board of Appeals for any freestanding sign within three feet of the property line.
 - c. The easternmost access drive shall be relocated to achieve a 200 ft. separation between the two proposed accesses.
 - d. Receipt of a curb cut permit from the Massachusetts Highway Department for any altered cut.
 - e. The applicant shall upgrade the walkway along the property frontage, as necessary.
 - f. Any withdrawal/use of the pond for water supply shall require permission by the Conservation Commission.
16. No building permit shall be issued until certain items noted above (1, 2, 8, 9, 13, 15a) as specified by the Board, are complied with;
 17. No occupancy permit shall be issued until certain items noted above (3, 4, 5, 6, 7, 10, 12, 14, 15b, 15c, 15d, 15e, 15f) as specified by the Board, are complied with.
 18. This Special Permit shall lapse if construction and a substantial use therefor, have not commenced except for good cause within one (1) year from the effective date of said Permit.

EXECUTION: The Board signed the written Decision on this site plan.

Chapter 61A/61B Purchase Option - Cutting, et.al.

Present: John C. Cutting, 381 Maynard Road, owner; Beth A. C. Cosgrove, President, Greenspire, Inc., purchaser; and others.

The Board was in receipt of the following:

1. A communication, postmarked February 12, 1997, notifying the Town of its first refusal option to purchase approximately 24.1 acres of land, consisting of Lots 1-19 and the ways of Abbotswood and Camperdown Lane, as shown on plan entitled "Run Brook IV Definitive Subdivision of land in SUDBURY, MASS.", Plan No. L-3926 by David E. Ross Associates, Inc., also being a portion of Parcel 400 on Town Property Map F-06, owned by John C. Cutting, Frank J. Cutting and Louise C. Dorian, currently assessed under M.G.L.c. 61A & 61B and being sold and converted to residential use. The

owners state that they have received an offer to sell their land off Fairbank Road, a portion of which is currently assessed for "horticultural" use under MGL Chapter 61A and a portion of which is currently assessed for "recreational" use under MGL Chapter 61B. The amount of the offer is \$3,325,000 from Greenspire, Inc., a Massachusetts real estate development corporation, and it has been accepted with a closing date of June 1, 1997. Under MGL ch.61A, sec. 14 and MGL ch. 61B, sec. 9, the Town has 120 days to exercise its option to purchase this land. If the Town has no interest in exercising its option, the owners ask for a response to that effect prior to the expiration of the 120-day period. The owners enclosed copies of the "Key Sheet" of the plan and the offer.

2. A communication, dated February 26, 1997, from Director of Assessing Daniel A. Loughlin, stating the Board of Assessors recommends that the Board *not* exercise its option to purchase this property. They also suggest a joint meeting of the Selectmen and Assessors in the near future to discuss strategies in dealing with these purchase options.

3. A communication, from Jody A. Kablack, Town Planner, dated February 21, 1997, stating the Planning Board recommends the Board *not* exercise its option to purchase this property.

4. A communication, dated, February 21, 1997, from Deborah Dineen, Conservation Coordinator, stating that the property owned by the Cutting family, located off Fairbank Road and proposed as a 19-lot subdivision, is not listed as a primary or secondary priority parcel for acquisition in the final draft of the 1997 Open Space and Recreation Plan. She states that the subdivision plan shows permanent conservation restrictions encompassing the sensitive wetlands on site, including a vernal pool and stream. Based on these findings and the lack of funding, the Conservation Commission recommends that the Board *not* exercise its option to purchase this property.

Selectman Clark asked what was on the land.

John C. Cutting responded that it was about 1/4 fields and 3/4 woods. He said there is a small amount of nursery stock and the brook is not located within this particular parcel.

Selectman Clark asked what "SCS Soil" meant as set out on the "Key Map"?

John C. Cutting responded that the Soil Conservation Service had done the map noting soil types.

On motion, it was unanimously

VOTED: *Not* to exercise the Town's first refusal option to purchase approximately 24.1 acres of land, consisting of Lots 1-19 and the ways of Abbotswood and Camperdown Lane, as shown on plan entitled "Run Brook IV Definitive Subdivision of land in SUDBURY, MASS.", Plan No. L-3926 by David E. Ross Associates, Inc., also being a portion of Parcel 400 on Town Property Map F-06, owned by John C. Cutting, Frank J. Cutting and Louise C. Dorian, currently assessed under M.G.L.c. 61A & 61B and being sold and converted to residential use.

Town Manager Ledoux presented the Board with a position paper from the Park and Recreation Commission delineating the improvements to the Town's recreational facilities as set out in Annual Town Meeting Article 19. He also reminded the Board that this article is also being presented as a separate ballot issue at the March 31, 1997, Annual Town Election.

Selectman Drobinski suggested that since this article had not been considered at the Special Town Meeting something should be published in the newspaper explaining what it proposes and why such is needed. He commented that if the townspeople do not know anything about a ballot question they will reject it out-of-hand without considering the merits.

Selectman Clark suggested that possibly the Board's staff put something together for the newspaper.

Selectman Blacker suggested that the Park and Recreation Commission write a letter to the editor explaining the proposed project.

Meeting Schedule

Town Manager Ledoux stated that the Finance Committee desired to meet jointly with the Board after the March 31, 1997, Annual Town Election, and the Board agreed to meet with that Committee on April 3, 1997, at 7:30 p.m. Also noted was the Warrant Review for the Annual Town Meeting on April 2, 1997.

SP97-332 - Sudbury Valley Trustees, Inc. - Dutton Road

At 8:15 p.m., the Board reconvened a public hearing on Site Plan Special Permit Application SP97-332, from Sudbury Valley Trustees, Inc., for property located at 245 Dutton Road, owned by General Federation of Women's Clubs of Mass., Inc.

Selectman Clark requested that the written Decision be amended to require under condition 9a. that the SVT ranger remove trash from the parking lot and that under condition 9c. two "no parking" signs be installed, at Town expense, on the west side of Dutton Road, corresponding to the entrance to the parking lot. The Board concurred in the amendments.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Sudbury Valley Trustees, Inc., in accordance with Application No. 97-332, to construct a parking lot on property located at 245 Dutton Road, owned by General Federation of Women's Clubs of Mass., Inc., as shown on a plan entitled, "Plan of Land in Sudbury, Mass. Prepared for: Sudbury Valley Trustees", dated December 19, 1996, revised February 24, 1997, by Schofield Brothers of New England, Inc., 1071 Worcester Road, Framingham, MA 01701, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act, zoning, building and health laws and regulations, and further subject to the following conditions, insofar as they apply to the subject property:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
2. Placement of all utilities underground;
3. The grant of an earth removal permit by the Earth Removal Board, if applicable;
4. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
5. Approval of the final landscaping plan by the Board of Selectmen;
6. Exterior lighting to be directed away from adjacent residences and have shields;
7. No use of salt or chemical de-icers on site;
8. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
9. In addition to the above and pursuant to the recommendations of the Town Engineer and Planning Board, the following items are to be implemented:
 - a. Policing of the parking lot will be the responsibility of the ranger hired by the Sudbury Valley Trustees, including removal of trash;
 - b. White pines shall be transplanted from the site to act as additional screening in front of the parking area along Dutton Road;
 - c. In order to increase safety along Dutton Road, signage shall be erected on the road to warn cars of the driveway entrance, and "No Parking" signs shall be placed on the west side of Dutton Road;
 - d. The driveway to the parking area (currently shown on the plan at 20 feet wide) shall be decreased to a width Town Engineer deems acceptable for two cars to pass;
 - e. Clearing of trees and understory vegetation shall be done along Dutton Road under the direction of the Town Engineer to his satisfaction to accommodate a stopping sight distance along the southbound lane for a 35 m.p.h. speed. The applicant shall perform periodic maintenance of the clearance.
 - f. The plan shall include installation of a sign to direct visitors to an overflow parking site.

10. Pursuant to zoning Bylaw Art. IX (V.A.8), Reserve Parking Spaces, the Board of Selectmen has waived construction of 4 parking spaces, which shall be designated as Reserve Parking on the site plan.
11. This Special Permit shall lapse if construction and a substantial use therefor, have not commenced except for good cause within one (1) year from the effective date of said Permit.

EXECUTION: The Board signed the written Decision on this site plan.

Berlin to Waltham Bike Trail/ATM Article 50

Present: Dr. Daniel Buttner, 54 Old Garrison Road, and others.

Dr. Daniel Buttner presented the Board with a copy of "Building a Rail Trail" which provides information on the proposed Berlin to Waltham Bike Trail. The trail would utilize the old MBTA line. Dr. Buttner stated that he had hoped that the feasibility study on the trail would have been completed well in advance of the Annual Town Meeting. Although the draft study has been released, and it concludes that the trail is feasible, the study will not be finalized until April 3, 1997.

As the Town's appointed advisor on this project, Dr. Buttner informed the Board that it is hoped the trail will be completed in 2002, to provide safe recreational biking and other non-motorized use, such as cross country skiing, jogging, and equestrian. He said that public meetings on the project have been conducted in all the impacted towns - Sudbury, Waltham, Hudson, Wayland, and Weston - and support for the project is overwhelming. Based on studies of the existing Minuteman Trail, Dr. Buttner informed the Board that bike trails have not resulted in increased crime or negatively affected property values. He stated eventually, this trail may be connected with the Minuteman Trail, Assabet River Trail and the Bike to the Sea.

Dr. Buttner noted that the trail is the subject of Annual Town Meeting Article 50. Although passage of an article is not required, he said he had decided to present an article since the feasibility study was projected to be released prior to the time of the Town's Annual Meeting. He said that Town support is needed through a vote of approval by this Board, and once the Town approves the project, it is able to continue to work with the Commonwealth on the design. He stated that federal or state funding will cover the costs of the project and only minimal Town funding will be needed to police and maintain the trail within the Town's boundaries. He estimates those annual costs at \$9180.

Chairman Blacker thanked Dr. Buttner for his presentation and stated that it was a wonderful idea and that he wholeheartedly supported it. Selectman Drobinski concurred.

Selectman Clark asked about the Town's increased liability and if there were an umbrella policy for the towns impacted.

Eileen Murray, 34 Mill Pond Road, stated that in the five years since the establishment of the Minuteman Trail only one claim of \$500 had been filed.

Dr. Buttner stated that the Town would only be liable for that stretch of trail within the Town and that it would be similar to that incurred by the Town in relation to its roads.

Selectman Clark asked how the trail is screened from adjacent residences and private property.

Dr. Buttner explained this is considered during the design phase and that property owners are invited to make suggestions. He said routinely shrubbery and/or fencing are used. He noted about 2/3 of the Sudbury portion of the trail falls within non-populated areas. He also said that along the stretch off Dutton Road there exists a levee that would screen the trail.

The Board expressed its support of the proposal and indicated that upon receipt of the feasibility study it would formally vote on the matter and send notice to the Commonwealth of its decision.

Common Victualler License - The Back Bay Bagel Co., 447 Boston Post Road

Present: Jay Howland, President, J - BA, Inc., d/b/a The Back Bay Bagel Company, and others.

The Board was in receipt of an application, dated February 17, 1997, from Jay Howland, President, J-BA, Inc., d/b/a The Back Bay Bagel Company, for a common victualler license, and reports, recommending approval, from the Building Inspector and Health Director, dated March 13 and February 27, respectively.

Upon request, it was on motion unanimously

VOTED: To grant, a common victualler license to J-BA Inc., d/b/a The Back Bay Bagel company, 447 Boston Post Road, subject to final inspections and approval by the Health Director, Building Inspector, and Fire Chief.

Planning Board ATM Articles

Present: Chairman Carmine Gentile, William Cossart, Lawrence W. O'Brien, and John Rhome, members of the Planning Board; and others.

A. Article 25, "Senior Residential Community"

Carmine Gentile requested the Board's support of Article 25 which provides for senior residential communities and will be offered by the Planning Board at the Annual Town Meeting. Mr. Gentile stated that 50% of any parcel so developed would remain "open space", exclusive of the required buffers. He also said 100% of the ownership would be age 55 or older. He said, if ownership devolves to a person under age 55, he/she would have two years to sell the property. He stated the appearance of the developments would be more rural in character than the subdivisions now being developed throughout the Town.

Selectman Drobinski asked if there was a lot of interest in these types of developments.

Mr. Gentile responded in the affirmative. He said a condominium in the \$350,000 to \$400,000 range, although expensive, is not as expensive as homes which are selling in the \$600,000 to \$800,000 bracket.

Chairman Blacker asked if the economics favored building these types of developments over subdivisions?

Mr. Gentile responded in the affirmative, noting that the builder would be relieved of additional roadway construction and would benefit from constructing a greater number of units, utilizing party walls, etc. He contended that, if the demand is there, it is definitely more profitable.

Chairman Blacker opined that there would be a demand.

Mr. Gentile stated there are about 25 parcels in the Town which are 35 acres or more that this article would affect. He said there is a great deal of pressure on large landowners to sell. He opined that this pressure will increase if the Town's capital budget passes, resulting in higher property taxes. He asserted that the article would generate needed revenue for the Town without the school costs associated with subdivision development.

Selectman Clark stated that she was not in favor of the proposition. She said that she views it as "urbanization". She said that there are other ways to preserve open space than to give in to "attached dwellings".

William Cossart stated that it is one way and that the Town needed many ways to solve the problem.

Selectman Drobinski stated that the Town needs to preserve open space and to reduce the flood of children. He said that the Town needs some mechanism to control growth. He said that the elders in the community need to be spared additional school expenses. He said that the tax rate is going to go up and the pressure is going to increase on large landowners.

Selectman Clark stated that the large landowners should not have to shoulder the bulk of the tax burden. She opined that the large landowners are paying for the Town services of the other property owners and that an open-space classification should be considered.

The Board was unable to reach a unanimous consensus on Article 25, "Senior Residential Community".

B. Article 26, "Wireless Communications"

Carmine Gentile requested Board support of Article 26 which provides for permitting wireless communication towers on Town owned or Water District land in accord with the Federal Communications Act of 1996. Mr. Gentile stated that "towers are coming" and that under the newly enacted federal law,

local communities have little authority to control and regulate this development. He said that the article would allow the Town to restrict the number of towers to be built and would ensure that the Town or Water District obtains appropriate revenues for this activity. He stated under the article towers would have to be at least two miles apart and thus the maximum number of towers permitted in the Town would be nine.

Selectman Drobinski asked if such a provision might be arbitrary and capricious.

Selectman Clark did not believe so, saying that that is the range of the towers.

Selectman Clark asked if there were sufficient Town-owned or Water District land to allow for nine towers, two miles apart?

William Cossart responded that there would be less than nine when that additional requirement is factored in.

Mr. Gentile noted that towers would not necessarily have to be built, citing a recent account where a church steeple was used.

Selectman Clark agreed, stating that the next technology is to place cells on telephone poles and opined that the use of towers would be short lived.

On motion it was unanimously

VOTED: To support Article 26, "Wireless Communications".

C. Articles 47 and 48, Easements

Mr. Gentile stated that these easements are no longer necessary.

D. Article 21, "Walkway Program"

The Board was in receipt of a communication from Mr. Gentile, dated March 14, 1997, which stated that the Planning Board would move at the Annual Town Meeting to indefinitely postpone Article 21, the walkway program. He stated that a comprehensive plan with considerable public input needs to be made, and suggested that such a comprehensive undertaking should occur under the supervision of the Director of Public Works, once that person is hired. He related that existing efforts have been too fragmented and complicated.

Mr. Gentile commented that the Town does not maintain its existing sidewalks and such should be done before new ones are established.

He informed the Board that the Planning Board will take "no position" on Article 22, Powder Mill Road Walkway.

E. Article 46, "Assisted Care Facility Definition, Nursing Home Restrictions"

Mr. Gentile stated that this article proposes a definition that is slightly different from that proposed at last year's Annual Town Meeting.

Selectman Clark inquired if the article also changed the density currently permitted and Mr. Gentile agreed.

William Cossart stated the article would affect the former Unisys property and that currently the only way an assisted living facility could be built there is by comprehensive permit. He said that he believed the article would also allow assisted living facilities in the same zone as nursing homes.

Selectman Clark stated that she was not yet ready to vote on this issue.

The Board did not reach a unanimous consensus on Article 46, "Assisted Care Facility Definition, Nursing Home Restrictions".

E. Article 57, "Delete Portion of BD#1"

Mr. Gentile noted that this article pertains to the Linde property which is zoned limited business and industrial and he suggested the zoning remain unchanged to allow for flexibility.

Chairman Blacker thanked Mr. Gentile and the members of the Planning Board for their presentation.

There being no further business to come before the Board, the meeting adjourned at 9:20 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk