

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 10, 1997

Present: Chairman Lawrence L. Blacker and Selectman Maryann K. Clark. Selectman John C. Drobinski joined the Board at 6:40 p.m.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 6:27 p.m. at the Fairbank Senior Center.

Meachen-Meggs Property, Marlboro Road

Present: Richard Bell, Parker L. Coddington, Bridget Hanson, Deborah Howell, Stephen Meyer, Michael S. Stiller, Charles L. Zucker, Conservation Commission; Deborah Dineen, Conservation Coordinator; Steve Johnson and Richard Davison, Sudbury Valley Trustees; Lawrence W. O'Brien, Planning Board; Jody Kablack, Town Planner; Robert Dionisi, Esq., for the land owners/developers; and Thomas DiPersio, Engineer, Thomas Land Surveyors & Engineering Consultants, Inc., for the developers; and others.

Chairman Blacker explained that this meeting had been called to consider the Town's options pertaining to the Meachen-Meggs property on Marlboro Road. He said that the Selectmen had elected to exercise the Town's option to purchase the property. To that end, a Special Town Meeting and Election have been scheduled. He said the purchase price of \$3.7 million for the 19.1 acres is based on the price established by the developer planning to purchase the property for a subdivision. Recently, however, the developer has met with the Selectmen and some members of the Conservation Commission and other Town officials and suggests, if the Town is willing to forgo pursuing its option, it would construct on the property a "Senior Residential Center" development - townhouses for seniors, thereby preserving a large part of the parcel as open field and further agreeing to mitigate the environmental impact by improving the stream flow and constructing a vernal pool. Chairman Blacker stated in order for this development to work, there would need to be some construction within the 100' wetland buffer and a waiver would be required from the Conservation Commission. Chairman Blacker said that the Board had met last Thursday to consider the proposal and the possibility of moving to indefinitely postpone the article seeking the townspeople's approval of the acquisition of the property. Chairman Blacker noted the proposal would provide the Town with essentially 1/2 or 1/3 of what the Town desires without having to pay the \$3.7 million. Essentially one-half or so of the 19.1 acres would be preserved as green space and there would be no increased school costs generated by the initially proposed single-family subdivision.

Robert Dionisi, Esq., for the land owners/developers, stated that the owners and developers were looking this evening for the Board to consider either withdrawing Article 1 or voting to decline to exercise the Town's right to exercise its option on the property.

Chairman Blacker said that the Board did not have the authority to withdraw the article and could only move to pass over the article or move to indefinitely postpone consideration of the article.

Selectman Clark agreed, saying that an indefinite postponement meant that the article could not be reconsidered for a period of two years.

Chairman Blacker proposed, if the motion for indefinite postponement passed, the Board would then vote to decline to exercise its option to afford some finality to the situation, and the Board concurred.

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Selectman Drobinski stated that he would want some "iron clad" assurance, something in writing, that the project would be as it is held out to be.

Selectman Clark cautioned that the Board of Selectmen is only one of the Boards that would need to approve the project.

Thomas DiPersio, representing the developers, stated that he had met with the Conservation Commission this past Thursday. Mr. DiPersio said that they had brought on the services of a land planner and were able to meet some of Commission's concerns by shifting the project away from the vernal pool and more valuable wetland on the easterly side of the parcel. By doing so, the required 100' buffer off the vernal pool could be maintained along with a 75' buffer on the easterly wetland, and a 50' buffer along the less valuable wetland on the westerly side of the parcel. In mitigation, the developer would construct a vernal pool on the north side of the wetland. He said that they would bring an expert, such as Brian Windmueller, to design the pool and possibly relocate some of the blue spotted salamander in the existing vernal pool. Additionally, the developers would enhance the stream flow into the wetland area. He said, due to there being no formal drainage along Willis Road, there had been a build up of silt over the years. He said that they planned to improve the water carrying capacity. Furthermore, he stated that there would be no use of any herbicides or pesticides on the lawn areas near the wetlands and such would be incorporated in the residential agreements with the condominium owners. He said that a sprinkler system would be used to keep the lawn green, rather than chemicals. The remnants of the old causeway across the wetland would be either removed or maybe developed into a walking trail. He said that 8.7 acres of the 19.1 acres at issue would be utilized for the construction site of this project and that the remaining some 10 acres would be green space.

Parker L. Coddington, Conservation Commission, asked if there was to be a berm protecting the wetland and Mr. DiPersio responded that a berm would be constructed along those areas where there would only be a 50' or 75' wetland buffer, but not along the vernal pool since the buffer there would be 100'.

Stephen Meyer, Conservation Commission Chairman, stated that there still is the "big question" of preserving the field. Such involves many factors beyond the simple "wetland" issues, including maintaining "Town character", preservation of endangered species, weighed against the need for senior residential facilities and resulting tax benefits. Since these matters are not normally the province of the Conservation Commission, he said that he was not sure what the Board wanted of the Commission.

Chairman Blacker responded that the proposal would necessitate a waiver since there would be some work within the 100' buffer and he was interested in determining what issues would be involved in obtaining such a waiver.

Bridget Hanson, Conservation Commission, stated that the Commission would work with any developer, but that it needed a definitive development plan to consider specific issues. She contended, from the perspective of ecology and Town character, the proposal was no different from a conventional subdivision.

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Deborah Dineen, Conservation Coordinator, said that from a wetland perspective the proposal offered many benefits, including stream enhancement and construction of another vernal pool. She said that she understood the proposal to encompass the construction of 45 units, clustered in Cape Cod style town houses, each containing 2-3 units. She said that the building envelope might be twisted and turned to perhaps increase the preservation of the wetland. She noted that the owners/developers would not have to do any of these things if the required buffer was not affected.

Richard Bell, Conservation Commission, stated that the Commission would need a lot of detail on the drainage. He asked if the stream were perennial and Mr. DiPersio said that it was not.

Michael Stiller, Conservation Commission, asked why the building envelope was placed so close to the wetland.

Chairman Blacker responded that he had suggested such in order to preserve as much of the field as possible. He said that he had gone and looked at the site and had made the suggestion that the development be pushed back to preserve the view of the field from the road. He agreed that there were many competing interests involved and that this would preserve the view at the cost of encroaching on the buffer for what he understood to be the less valuable wetland.

Conservation Coordinator Dineen asked how many units the developer would have to give up in order to maintain the 100' buffer.

Chairman Blacker responded that he understood, if the waiver could not be obtained, the developers would go ahead with the subdivision plan for 18 single-family residences.

Charles L. Zucker, Conservation Commission, opined that by moving to indefinitely postponing the article the Board would be going against the spirit of its values asserted in its initial decision.

Conservation Coordinator Dineen opined, assuming that there is no crossing, the proposed mitigation and enhancement (increased stream flow, creation of another vernal pool, providing for proper drainage and berms to protect the wetland where the required buffer is invaded) outweigh the encroachment into the buffer. She opined that it was a "better plan" from a purely a "wetland" viewpoint.

Richard Davison, Sudbury Valley Trustees, questioned the Board's very consideration of the proposal. He said that the land character would be changed forever by virtue of any development. He said the Board had voted to exercise the Town's option and the Townspeople should be permitted to vote on the matter.

Lawrence W. O'Brien, Planning Board, asked, assuming the motion to indefinitely postpone the article passed and the Board voted to decline its option, if the Town would lose its option to purchase the property forever.

Chairman Blacker responded in the affirmative.

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Mr. O'Brien asked if the Town would be left with the single-family subdivision if the other boards were to reject the senior residential housing proposal and Chairman Blacker responded that he believed the honest answer was yes.

Mr. O'Brien stated he understood Mr. Meachen was not in very good health and he wondered if anyone had spoken to his heirs to determine if they might be willing to make a charitable donation of the property to the Town to save on inheritance taxes.

Chairman Blacker responded that he would never be so presumptuous to make such a suggestion.

Conservation Coordinator Dineen asked, if the Town were to acquire the 19.1 acres, which are on the front portion of the Meachen property, if such ownership would thereby make the back portion available for development.

Chairman Blacker said that was a good question and he was not certain of the answer.

Steve Johnson, Executive Director, Sudbury Valley Trustees, inquired about the possibility of the Town taking by eminent domain the entire 60 acres.

Chairman Blacker responded that he would never allow the Town to purchase 60 acres of land to be valued by a jury. He said to do so would be far too risky and unpredictable.

Mr. Johnson asked Chairman Blacker if he had ever seen a price for the entire property and Chairman Blacker responded that he had not.

Jody Kablack, Town Planner, said that she had seen a similar proposal this past July. She said the Planning Board is certainly willing to consider the proposal. However, she said she believed many townspeople wanted to preserve the parcel and it would be wrong to go the other way at this juncture.

Deirdre C. Menoyo, 388 Willis Road, said that she had recently supported the passage of the Land Bank Article at the Town's 1996 Annual Meeting and it is unfortunate that matter was not enacted into law. However, its passage at the recent Annual Town Meeting reflects that there are many in the community desiring the preservation of open space. She encouraged the Board to stick to its earlier decision and allow the townspeople to vote on the matter.

Richard Davison, Sudbury Valley Trustees, agreed, saying that the preservation of open space has been identified as an important Town goal by the diverse members of the Strategic Planning Committee.

Stephen Meyer, Conservation Commission Chairman, said that it was a very tough issue. He stated the "truth of the matter" is that the Conservation Commission always ends up issuing the permits. He said the Commission has never flatly precluded any project. However, he opined that this matter presents a much bigger issue; it is a matter of preserving the Town's character. He said the townspeople should decide whether the land should be preserved forever or allowed to be developed.

The Board thanked the Conservation Commission and others for their participation and views on this matter.

Approval of Distributions by Trustees of Town Donations in FY98

The Board was in receipt of a communication, dated November 6, 1997, from Maureen G. Valente, Finance Director/Treasurer-Collector, addressed to the Trustees of Town Donations, requesting approval of distribution allocations to beneficiaries of various trust funds, totaling \$43,110.00, in FY98.

It was on motion unanimously

VOTED: To approve the FY98 Distributions from Town Trust Funds as set forth in the communication, dated November 6, 1997, from Maureen G. Valente, Finance Director/Treasurer-Collector, totaling \$43,110.00, as follows:

Forest Bradshaw Mem	\$90.00
Goodnow Library	\$14,200.00
Lydia Raymond	\$120.00
Rhodes Memorial	\$200.00
Discretionary/Charity	\$6,000.00
Raymond Mausoleum	\$500.00
Town Cemeteries	\$22,000.00

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of October 27, and the special meeting of October 29, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$122.68 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.

Donations - D.A.R.E.

It was on motion unanimously

VOTED: To accept a \$500 donation from the L.P.M. Holding Company of Maynard and a \$500 donation from Kappy's Distributors, both to be deposited into the D.A.R.E. account and to be expended by the Chief of Police in accord with said program, and to send letters of appreciation to each of the donors.

Approval of Contract - LeBaron Foundry

It was on motion unanimously

VOTED: To approve Contract 98-M-5, with LeBaron Foundry, Inc., the sole bidder, for cast iron catch basins, frames and grates; cast iron man hole covers; and steel risers for catch basins and man hole frames, as set forth in the bid proposal and contract.

Mattie C. Realty Trust, Willis Road, Purchase Option

Selectman Clark suggested that the Board continue consideration of this matter.
Chairman Blacker agreed, requesting staff to draft a time line of the events surrounding this issue.

Thus, it was on motion unanimously

VOTED: To continue the Board's consideration of the confirmation of its vote of October 29, 1997, not to pursue the Town's right of first refusal with regard to the purchase of 25 acres off Willis Road, owned by the Mattie C. Realty Trust.

Site Plan Application 97-337 of The Conant-Welch Group, 142 North Road

Present: Peter Conant, The Conant-Welch Group; William Jeffrey, Attorney for The Conant-Welch Group; and others.

At 7:45 p.m., Chairman Blacker re-convened a public hearing on Site Plan Application No. SP97-337 of The Conant-Welch Group for approval of a site plan to construct a 66-unit residential care facility (Northwood at Sudbury), on property located in the Research District at 142 North Road, owned by Sudbury Research Center, Inc., Cummings Properties.

The Board was in receipt of a communication, dated November 8, 1997, from Ursula Lyons, 157 Wayside Inn Road, opining the proposed development was contrary to the intent of the Town Bylaw since it did not provide for "congregate living".

Selectman Drobinski suggested that the written decision be amended to require Northwood to provide an in-house coordinator of care services and to require that any amendments to or revocation of the language to be inserted in the master deed may be authorized by a *majority* of the Board of Selectmen in lieu of merely the *Chairman* of the Board of Selectmen as is proposed in the written decision at page 19. The Board concurred in these amendments to the written decision.

Selectman Clark contended that any revisions to the plan should come back before the Board for its approval and Chairman Blacker responded that such review is required in the written decision.

Selectman Clark suggested that the developers post a performance bond to ensure compliance with the terms and to provide for the completion of the project.

Chairman Blacker disagreed with the need for a performance bond. He said if the project were done in phases and only one-third of the units were ever completed, a lot of townspeople would be happy.

Peter Conant, The Conant-Welch Group, stated this raised a totally new issue. He informed that an escrow fund will be established to cover any delayed accumulation of funds from residents moving into the development. He said such fund is to provide sufficient assurance at the outset that any failure of the septic system might be repaired.

Selectman Drobinski asked if the access road ever would become a public way, noting a performance bond would only be needed if such were the case.

Mr. Conant responded that the access way would always be private.

Ursula Lyons, 157 Wayside Inn Road, stated she had been a member of the Planning Board when Article 57 was proposed by that Board at the 1994 Annual Town Meeting. She noted this project is coming under the bylaw which arose from that article and contended the development fails to meet the intent of that bylaw since there is no "congregate living" component. She said the Planning Board and other proponents of the article never intended it to allow for "condominiums".

Chairman Blacker stated this was the fourth hearing on this site plan. He explained the Board initially had similar concerns and had asked the applicants to come back to the Board with more information on the care services to be provided to residents. He said that a majority of the Board had been convinced the proposal met the terms of the bylaw. He explained, although the Board did not have this exact information, it had considered very similar arguments. He also noted the Board had heard from John O. Rhome, Planning Board member and proponent of Article 57, who stated that he had no specific meaning of his use of the phrase "congregate living" when he urged townspeople to pass the article.

Selectman Clark stated she agreed with Ms. Lyons' reasoning. Selectman Clark contended that the applicants' project does not comply with the applicable zoning bylaw, that is, Article IX, III, D, i. Selectman Clark filed a written dissent to the majority view of the Board. There, in summary, she stated the following:

At the outset, she noted that as a Selectman she is required, pursuant to Article IX, V, A1, to apply the facts to the Town bylaws to determine if there is compliance. When making such determinations, she cannot use politics to amend the Town's zoning bylaws. She differs with the opinion of the Zoning Enforcement Agent who found the applicants' proposed services to fulfill the intent of the zoning bylaw at issue. Selectman Clark noted the Zoning Enforcement Agent failed to consider the legislative intent of the Town Meeting that adopted the bylaw. In the instant case, the bylaw was enacted at the 1994 Annual Town Meeting and was contained in Article 57. The Planning Board's Report on the article states:

This article permits a broader range of uses in Research Districts, focusing mainly on elderly care facilities. There appear to be need and a desire for congregate care facilities in Town, and passage of this article would allow this and similar uses in the Research District. The article also limits mixed use development on large tracts in the Research District by placing a minimum lot size of 20 acres on parcels desiring to initiate research, development and engineering uses.

At the Town Meeting, a Planning Board member, recognized by the floor in support of the motion, described the article, *in toto*, as follows:

Mr. Moderator, this does one very simple thing. It adds a couple of uses to those permitted in the Research District, namely nursing homes and congregate care facilities for those over age 55. It also limits research use to lots of at least 20 acres. This is to discourage ... in fact, as a practical matter, prevent mixed uses in this 25 acre parcel. The Planning Board supports this motion unanimously.

Selectman Clark, citing regulations promulgated by the Executive Office of Elder Affairs of the Commonwealth of Massachusetts, contends that congregate housing is defined as a non-institutional shared living environment for elders, which integrates shelter and support services for those who do not require a nursing facility. Each resident has a private bed/sitting room, but shares one or more of the following: kitchen facilities, dining facilities and/or bathing facilities.

Moreover, Town Counsel's research of other community bylaws reveals that most do not define assisted living facilities. Such have been built under zoning for multi-family, congregate care, and elderly housing with services. Newton's zoning ordinance defines Congregate Care Facility as a shared living environment...and Residential Care Facility "shall include the availability on the premises of full time nursing care in a licensed care facility." Walpole's bylaw categorizes "a congregate housing or assisted living facility providing a sheltered living environment for the aged, chronically ill, or disabled, including such services as: housekeeping, cooking and common dining room...." Woburn's bylaw provides a definition of Congregate Elderly Housing in which the elderly or handicapped persons have their own dwelling unit and share areas, such as living rooms and dining rooms.

Furthermore, at the same Town Meeting, townspeople rejected an article, Article 56, that would have allowed single family residences in the Research District.

Selectman Clark concluded after analyzing this legislative history together with the state's definition of Congregate Housing and other town definitions, that the applicants' proposal for a 66-unit condominium development, with no shared kitchen, dining and/or bathing facilities, falls significantly short of the intent of the bylaw at issue which provides for congregate housing.

Chairman Blacker responded that he did not believe the bylaw requires "congregate living". He noted the bylaw uses the terms "assisted or independent living."

Selectman Drobinski explained he had initially agreed with Selectman Clark. However, after hearing more on the care services to be provided and considering input from John Rhome, who made the Planning Board presentation on the bylaw when it was enacted, and after reviewing the state's definition, he said he is comfortable with his decision that the proposal complies with the bylaw.

Ms. Lyons asked what care is to be provided on site and Mr. Conant responded that a menu of services would be available including: home health care services, on an as-needed basis, from Parmenter Health Services and the Sudbury Visiting Nurses; a medical examination room; a 24-hour personal emergency response system; transportation and housekeeping services; socialization through common use of the greenhouse, pool, and other common areas; and, if needed, preferred placement at either Wingate Sudbury or New Horizons at Madonna Hall in Marlborough.

Chairman Blacker opined that if these same services were being offered to seniors living in rental units there would be no problem. He said the resistance to the project arises simply from an ownership issue, simply because the proposed units are to be condominiums.

Chairman Blacker noted that the Board had not yet received a report from Building Inspector/Zoning Enforcement Agent, John B. Hepting, regarding alleged on-going zoning violations at the site of the project.

Town Manager Ledoux informed that the report was not yet complete. The Board understood that any zoning issues would need to be resolved by the Zoning Enforcement Agent with the owner and the tenants.

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 approved (Selectmen Blacker and Drobinski voting in favor; Selectmen Clark voting against) as follows:

VOTED: To report to the Building Inspector that the Board of Selectmen has determined Site Plan Application No. 97-337 of The Conant-Welch Group to construct a 66-unit residential care facility (Northwood at Sudbury), on property located in the Research District at 142 North Road, owned by Sudbury Research Center, Inc., Cummings Properties, as shown on plans entitled "Proposed Site Plan of 'Northwood' in Sudbury, Massachusetts, Middlesex County, A Residential Community for Active Adults", prepared by Whitman & Bingham Associates, Inc., 510 Mechanic Street, Leominster, MA 01453, (cover sheet and sheets 1, 2, 3, 4, 6, and 7 dated July 30, 1997; sheet 5 Landscaping Plan dated July 21, 1997; and sheets S1-S3 Septic System Plans dated July 28, 1997) together with five sheets of Elevations and Floor Plans dated August 11, 1997, comply with the provisions of Town of Sudbury Bylaws Article IX.V.A1 and meet the approval of the Selectmen including authorization of Reserve Parking Spaces not to exceed 30%, subject to the following conditions:

1. Compliance with all governmental laws and regulations including, but not limited to the Wetlands Protection Act, zoning, building and health laws and regulations;

2. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer; such drainage system to incorporate: design of the recharge areas with sufficient capacity to handle the 100-year storm event and prevent storm water from entering each parking garage; design of drainage to provide treatment of the first one-inch of runoff; catch basins to include grease/gas traps and minimum four-foot sumps; and removal of leaching structures on the roadway to the west of the ridge to reduce to a minimum any work on the slopes of Bear Pond, any such slope work to require approval by the Director of Public Works and the Conservation Commission;
3. All utilities shall be underground, except as shown on the approved subdivision plan which retains the existing overhead electric poles approximately halfway into the site along the existing cart path;
4. Extension of Sudbury Water District lines to the site by the owner; no wells for water supply to be installed on the site with the exception of a well for irrigation and lawn sprinklers provided approval is obtained from the Sudbury Board of Health and the Massachusetts Department of Environmental Protection;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. The grant of a Water Resource Protection Special Permit by the Planning Board;
7. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
8. 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;
9. 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;
10. Approval of the final landscaping plan by the Board of Selectmen with input from the Design Review Board. The Selectmen suggest the applicant refer to recommendations of the Conservation Commission and Design Review Board;
11. Exterior lighting to be directed away from adjacent residences and have shields;
12. No use of salt or chemical de-icers on site;
13. The plans shall be amended to show:
 - a. Handicapped parking as approved by the Building Inspector
 - b. Parking summary of required and proposed spaces
 - c. Parking spaces delineated for parking garages under buildings
 - d. The addition of a stockade fence around the refuse disposal area
 - e. Electric and telephone easements across land n/f Cummings

- f. Loading areas for delivery vehicles
 - g. Floor plans of the 12-unit buildings
14. Preservation of trees located between the septic field and the septic reserve area to the extent possible;
15. Approval of any slope regarding and stabilization measures by the Director of Public Works, with input from the Conservation Commission;
16. Approval and monitoring of any blasting by the Fire Chief and Director of Public Works, in conjunction with concerns about impacting ground water flow;
17. Placement of a Conservation Restriction on all undisturbed slopes;
18. The Selectmen urge the applicant to work with the Conservation Commission to construct a handicapped-accessible trail segment in the adjoining Frost Farm Public Trail area;
19. Approval of the sprinkler system plans and alarm system for sprinklers and smoke detectors by the Fire Chief;
20. Securing right of entry from Cummings Properties for drainage and utility work on their land.
21. The provision of financial assurances for the future operation and maintenance of roads, drainage, and wastewater disposal and the maintenance and replacement of the septic system to the satisfaction of the Board of Selectmen;
- 22A. The following language shall be inserted in the Condominium Master Deed and the First Unit Deed:

Limitation of Residency. Northwood at Sudbury is a housing community limited to occupancy by seniors fifty-five (55) years of age or older (a "Qualified Person"), their spouses (including the surviving spouse of a deceased Qualified Person), and a relative by blood or marriage of Qualified Person or of such spouse, provided that such relative must be fifty-five (55) years of age or older (a "Qualified Relative"). A Unit Owner shall not occupy or use his/her Unit or permit the same or any part thereof to be occupied or used for any purpose other than as a private dwelling for Qualified Persons, for the spouse of a Qualified Person, or for a Qualified Relative, it being understood and agreed that Northwood at Sudbury is to be used solely for senior housing. In no event shall more than two (2) persons occupy a Unit, not more than one of whom may be a Qualified Relative, and in no event shall anyone under the age of fifty-five (55) years of age (other than the spouse of a Qualified Person) occupy a Unit. In addition to the foregoing, a Unit may be occupied from time to time by guests of a Qualified Person, of such spouse, or of a Qualified Relative, for a period of time not to exceed seventy-two (72) hours per month calculated on annual basis, unless a longer period is approved in writing by the Trustees of the Association of Unit Owners, but in no event may a guest occupy a Unit unless there is then in occupancy of such Unit a Qualified Person, such spouse, or such Qualified Relative.

22B. The following language shall be inserted in the Condominium Master Deed:

Residential Care Facility. Northwood at Sudbury is a residential care facility and shall provide a continuum of home health services and residential care to any Qualified Resident to enable such resident to remain in his or her Unit for as long as possible without having to move to another facility in order to obtain a required level of care.

A continuum of residential care services will be provided by contract with recognized care providers, which will be designated as preferred providers, and which, by contract commitment, will be required to provide, on an as-needed and as-requested basis, to Qualified Residents:

- A) home health services for independent Qualified Residents,
- B) skilled services for Qualified Residents requiring temporary respite care, and
- C) specialized on-going services to the more medically fragile Qualified Residents.
- D) provide for in-house Health Care Coordinator

To this end, Northwood at Sudbury shall at all times provide to Qualified Residents the following:

A. As part of the Common Area and Maintenance Fees of the Condominium:

- 1) Each Unit in Northwood at Sudbury a) shall be equipped for installation of grab bars which shall be installed (and removed) on an as-needed and as-requested basis for a Qualified Resident and b) shall have doorway dimensions large enough to accommodate wheelchairs and walkers;
- 2) An activities building which will contain the following:
 - Exercise and Fitness Room
 - Swimming Pool
 - Greenhouse and Garden Area
 - Kitchen and Dining Areas
 - Library and Lounge
 - Convenience Store
 - Meeting and Craft Rooms
 - Administrative Offices
 - Nurses Offices and Wellness Clinic
- 3) An Emergency Response System installed and operating in each Unit in the Condominium together with a 24 hour a day, 7 days a week monitoring of the Emergency Response System;
- 4) Local transportation of Qualified Residents and their Guests for shopping, for doctor's appointments, and for attendance at social, charitable, and religious gatherings; and
- 5) Weekly housekeeping services.

B. As an addition to and not included in the Common Area Maintenance Fees of the Condominium:

- 1) An arrangement with a preferred, independent living, health-care provider (initially expected to be Parmenter Health Services, Inc.) having a contract commitment to staff delivery, on site and on an as-need and as-requested basis, to Qualified Residents, of a) independent living services (such as, but not limited to, fitness programs, wellness clinics, and homemaker services), b) assisted living services (such as, but not limited to, personal care attendants, companion service, and meal preparation), and c) skilled services (such as, but not limited to, nursing, physical therapy, and home health aid services), all of such services to be contracted and paid for directly by the Qualified Resident receiving such service.
- 2) An arrangement with a preferred, assisted living, health-care provider (initially expected to be New Horizons at Madonna Hall, Marlborough), having a contract commitment to accept, on an as-need and as-requested basis, Qualified Residents for off site assisted living services and Alzheimer's care, and, through such provider's preferred provider (initially expected to be Wingate at Sudbury) or by separate contract with another provider, a contract commitment to accept, on an as-needed and as-requested basis, Qualified Residents for off site skilled nursing services, all of such services to be contracted and paid for directly by the Qualified Resident receiving such service.

Amendment. The provisions of this section shall not be amended or revoked unless any amendment or renovation has been approved in a writing executed by the majority of the Board of Selectmen of the Town of Sudbury (or the Town officer or Town Board acceding to the powers currently held by the majority of the Board of Selectmen) which is recorded with the Middlesex Registry of Deeds together with any such amendment or revocation, provided that, without any such approval by the Town of Sudbury, these provisions may be amended by the Unit Owners, as otherwise provided herein, to mandate that Northwood at Sudbury provide additional facilities, services or arrangements to increase the number of services and facilities provided as a residential care facility or to arrange to have such existing or expanded services performed or provided for directly by the Condominium rather than by contract with preferred providers.

23. Compliance with all requirements of the Board of Health with regard to septage disposal and water usage, including the elimination of facilities such as a beauty parlor and photography dark room;
24. No work shall take place on land owned by the Town of Sudbury, unless a separate agreement is reached with the Board of Selectmen; plans shall be amended accordingly;
25. 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 and Building Inspector;
26. No building permit shall be issued until certain items noted above (2, 6, 9, 10, 13, 19, 20, 21, and 24) as specified by the Board are complied with, unless specifically provided otherwise by law;
27. No occupancy permit shall be issued until certain items noted above (3, 4, 5, 7, 8, 11, 15, 17, 22, 23, and 25) as specified by the Board, are complied with;

28. This Site Plan Decision shall be recorded at the Registry of Deeds with the title to the property and become a restriction thereon.

29. This site plan approval 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 approval.

Site Plan Application 97-338 of Concord Oil Company and License for Increased Storage of Inflammables, 583 Hudson Road

Present: Myron Fox, Esq., on behalf of the applicants, Marguerite L. Maiuri, applicant and property owner; Bruce Maiuri, Manager for auto repair business on site; William LeClerc, applicant, Concord Oil, Inc.; Mark Smith, Engineer for the proposed construction and renovation; and others.

At 8:25 p.m., Chairman Blacker convened a public hearing on Site Plan Application 97-338 of Concord Oil Company, Inc., for a Site Plan Special Permit in accord with Art. IX.V.A, to construct a 20' x 45' addition to the existing automobile service station for the added use of a Food Mart, construct a 44' x 50' canopy over gas pumps, replace gas pumps with four gas pump islands, and relocate, replace and increase capacity of underground tanks for storage of gasoline and diesel fuel, on property at 583 Hudson Road, zoned Residential A-1, owned by Marguerite L. Maiuri. Additionally, a public hearing was also convened to consider, in accordance with Mass. Gen. Laws Ch. 148, the application of Marguerite L. Maiuri for licensing to increase storage of inflammables, underground, from 12,000 gallons of gasoline to: 18,000 gallons gasoline plus 8,000 gallons diesel fuel (a total of 26,000 gallons) at 583 Hudson Road.

Notice of the Public Hearing on the site plan was published in the *Sudbury Town Crier* and *TAB* on October 9, 1997 and October 16, 1997 and posted at Town Hall and the Flynn Building. Abutters within 300 feet according to the Assessors, and the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlborough, Stow, Wayland and Hudson were provided notice by first class mail. Additionally, the Sudbury Planning Board and other boards and officials were notified and requested to report to the Board of Selectmen.

Notice of the Public Hearing on the application for increased storage of inflammables was published in the *Sudbury Town Crier* and *TAB* on October 16, 1997. Abutters within 300 feet according to the Assessors were notified by first class mail and direct abutters were notified by certified mail. Additionally, certain Sudbury officials and boards were notified and requested to report to the Board of Selectmen.

The Board was in receipt of the following:

1. A communication, dated August 8, 1997, from Myron J. Fox, Esq., addressed to the Planning Board, explaining that the land has been the site of a service station for over 60 years. Because of the need to enlarge this legally non-conforming building, the owners intend to apply for variances from the Board of Appeals. He also notes that because the land is in Zone III the owners should also apply for a Water Resource District Special Permit. He contends such application, however, is incongruous since the site is more than a mile from a Town well and also such would not be needed if the site were in a more critical Zone II area. Moreover, he cites the increased safety to be provided by the replacement of the

existing underground storage tanks with double-walled, monitored tanks. Thus, he requested a waiver from the need to apply for a Water Resource Special Permit.

2. A communication, dated September 15, 1997, from John O. Rhome, Planning Board Chairman, informing that the Planning Board had determined to permit the development without the need for a Water Resource Protection District Special Permit. The rationale for the waiver is threefold: (1) the site is greater than one mile from the closest edge of Zone II; (2) the proposed construction will provide greater environmental safety in that double-walled storage tanks are to replace existing single-walled tanks; and (3) inconsistencies in zoning bylaws, that is, in Zone III such uses are prohibited; whereas, in Zone II, such are allowed.

3. A communication, dated October 6, 1997, from I. William Place, Director of Public Works/Town Engineer, reporting that a driveway permit is needed from the Town Engineering Department and a drainage tie-in general release form will be required.

4. A communication, dated October 8, 1997, from John B. Hepting, Inspector of Buildings, indicating his approval of the proposal. In a subsequent memorandum, dated October 14, 1997, from Mr. Hepting, he states he has no problem with the request for increased storage of inflammables provided such meets all applicable requirements of the Fire Department and the National Fire Protection Association.

5. A memorandum, dated October 14, 1997, from Leslie S. Schofield Durfee, Assistant Town Treasurer and Collector, stating the property at issue owes \$3973.10 in taxes as a result of the estate being tied up in probate. The owner, Marguerite Maiuri, has entered into a payment plan with the Town Collector and has made her first installment.

6. A communication, dated October 15, 1997, from Michael C. Dunne, Fire Chief, noting the Fire Department is pleased with the plan to replace existing single-walled steel underground storage tanks with double-walled Fiberglas ones with monitoring systems. He also notes that, if the fuel is to be self-served, approval from the State Fire Marshall plus additional approvals from the Fire Department are needed.

7. A communication, dated October 22, 1997, from Jody Kablack, Town Planner, informing that the Planning Board had voted to recommend approval of the project provided the following conditions are met: (1) Re-design of the drainage system which should strive for compliance with the DEP's Stormwater Management Standards, and be reviewed by the Town Planner and DPW Director; (2) A full lighting plan (interior and exterior, including under the canopy and in front of the building) should be submitted for review and approval, with careful attention to be paid to interior lighting; and (3) The DPW Director should examine and make recommendations on the width of the curb cuts shown on the plan.

8. A communication, dated October 29, 1997, from Deborah B. Kruskal, Vice-Chairman, Design Review Board, recommending that (1) the classic Texaco sign be retained; (2) that the Abbotswood Potentilla around the location of the sign be replaced with either junipers or yews; and (3) a canopy tree, such as a red maple, be planted east of and behind the sign.

9. A communication, dated November 3, 1997, signed by 11 townspeople indicating their support for the proposed project. Another such communication, signed by 109 townspeople, was presented to the Board by Mr. Fox during the course of the public hearing.
10. A communication, dated November 6, 1997, from the Conservation Commission, informing there is no wetland on this property or within 100' of the areas shown for development/renovation. However, a wetland filing will be needed if the final design includes a tie-in to the existing drainage system in Ronald Road since this system discharges directly into a wetland several hundred feet from the site. Thus, the Commission encourages the applicant to design a runoff system which detains all runoff that now flows or is proposed to flow to the Ronald Road drainage system.
11. A notation, dated November 6, 1997, reporting that the Water District Superintendent states the District has no opposition to the proposed new inflammables storage, provided that installation and monitoring comply with all regulations.
12. A notation, dated November 7, 1997, reporting the Board of Health states the present septic system is to be upgraded and soil testing indicates it is suitable for a new system.
13. Proposed Site Plan entitled, "Concord Oil Company, 147 Lowell Road, Concord MA - 583 Hudson Rd., Sudbury, MA - CANOPY, TANKS and ADDITION", drawn by TO Design, 56 Arbor Street, Hartford, CT, and comprised of four sheets: Sheet L-1, Site Plan, dated June 16, 1997, revised September 2, 1997; Sheet A-1, Building/Addition Elevations, dated June 18, 1997; Sheet A-2, Canopy, dated June 18, 1997, revised August 2, 1997, and "Site Plan Sudbury Mass. - owned by: Mauiuri (Tony's Service)", dated April 10, 1997, drawn by Raymond J. Gracia, 110 Houghton Street, Hudson, Mass.

Myron Fox, Esq., on behalf of the applicants, explained the request for the license to increase the storage of inflammables is to permit three underground storage tanks: two for gasoline, one with 8,000 gallons and another with 10,000 gallons and the third to store 8,000 gallons of diesel fuel. He said currently on site there is stored 12,000 gallons of gasoline. The increased storage would permit a total of 26,000 gallons of inflammables which is about the average at gas stations in the community. He noted with the increased storage capacity there would be less deliveries, thereby reducing the potential for spills during such operations. He said the current underground tank is about 30 years old and is of a single-walled steel construction. The project calls for this tank to be replaced with tanks of double-walled Fiberglas construction with monitoring systems. He said the Fire Chief had made some suggestions regarding the tanks and monitoring systems; the applicants have met those concerns/recommendations and the Fire Chief has "signed off" on that aspect of the project.

Mr. Fox also explained that the project proposes adding a 20' x 45' building for a food mart and a 40' x 50' canopy over the gas pump islands which would have four new pumps. He stated that Concord Oil, Inc. would operate the gas station and food mart and Marguerite L. Maiuri and her son, Bruce Maiuri, would continue to operate the auto repair shop on site.

Mr. Fox said he had met with the Design Review Board and the applicants were willing to maintain the old classic Texaco sign and revise the landscaping materials at the base of the sign. He did

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note, however, that the sign is so old replacement parts are no longer available and cautioned that future repairs might be impossible.

Mr. Fox said the station is intended to be a "self-serve" one, but service will be provided to the handicapped on request. He stated he recognized that the "self-serve" feature would need to be approved by both the local Fire Chief and the State Fire Marshall, but does not anticipate any problems in securing such approvals.

With respect to drainage, Mr. Fox stated they no longer intended to tie into the old catch basins. Regarding the lighting, he said it would be directed away from the neighboring properties. He said the applicants are agreeable to having the Director of Public Works approve both drainage and lighting plans.

Mr. Fox said the requested hours of operation were: 6:00 a.m. to 10:00 p.m., Mondays through Fridays; 7:00 a.m. to 10:00 p.m., Saturdays; and 7:00 to 9:00 p.m., on Sundays. When it was suggested those hours might present a problem for the neighbors and asked if closure could occur at 9:00 p.m., Mr. Fox explained the construction and renovation project would cost between \$300,000 - \$500,000 and the expanded hours of operation were needed to recoup those costs. He said the site would be much improved in safety by virtue of the new storage tanks as well as in appearance through the new facade and landscaping.

Selectman Drobinski asked if it were possible for at least the 18-wheel trucks delivering fuel to do so at some time other than 7:00 a.m. and Mr. Fox indicated in the affirmative. Mr. Fox said deliveries would take place during slack traffic periods at about 2:00 p.m.

One resident stated that she lived across the street and welcomed a convenience store in the neighborhood. She said she was not affected by the traffic because she had a detached garage that apparently acted as a buffer. However, Margaret Cleary, 25 Ronald Road, said she lived behind the station and she feared due to the proposed sale of diesel fuel that it would become a truck stop. She said the project proposed quite a large station and there is no other diesel fuel in the area. She said there already has been such an increase in truck traffic on Hudson Road that she no longer walks along it. She said she objects to only this aspect of the project - the sale of diesel fuel.

Applicant William LeClerc, of Concord Oil, Inc., stated the station is not designed to supply tractor trailers. He said he contemplates the sale of diesel to 6-wheel dump trucks and private automobiles. He opined that most truckers will not stop because the station is not designed to be "user friendly" to large trucks. He said the bulk of the business will be in gasoline sales. He said the station will not have the 30-gallon-a-minute pumps and large pump aprons to attract the truck trade.

Chairman Blacker commented he only knew of some Mercedes that used diesel fuel and noted the station planned to have essentially 25% of its fuel inventory in diesel fuel. He asked if the station really needed to sell diesel.

Selectman Drobinski asked if the other stations in Town sold diesel.

Mr. LeClerc responded that he did not know what the other stations sold. He said there has been a growth in the need for diesel for delivery trucks, air express trucks, etc. He said he hopes to sell 6000-7000 gallons of diesel per month, and deliveries are made in large quantities of 8,000 gallons or so.

Richard Brooks, 28 Middle Road, stated he believed the project was supported by the neighborhood. He said he understood the Director of Public Works, I. William Place, was comfortable with the containment of grease and oil, but asked who would be responsible for maintenance and testing since the site is within a Zone III water protection area.

Selectman Drobinski said the Board of Health could inspect the premises anytime if there is a danger to public health. He also said the site plan could require reasonable inspections by the Town Engineer to ensure compliance.

Mr. Brooks also asked how the hours of operation could be changed and Chairman Blacker responded the hours of operation could be limited by the Board of Appeals, but generally once they are set in the site plan decision that is it. He said he did not know if a more limited set of hours could be established initially with the ability to apply for an extension later on.

Ursula Lyons, 157 Wayside Inn Road, asked about the lighting plans and if there would be any 24-hour lit vending machines outside the food mart or service station.

Mr. LeClerc said the only 24-hour lighting would be what is needed for security and to accommodate the local police.

Selectman Drobinski asked if any new floor drains were planned and about the facade. Mark Smith, the project engineer, responded that no new drains were planned and the structure would have a "country store" facade with wood siding and architectural shingle on the mansard style roof. Other than the existing Coke machine that has been there some 30 years, no outdoor vending machines or storage are planned.

The Board indicated that it was favorably disposed to the site plan and continued the hearing until its next regularly scheduled meeting on November 24, 1997, at 8:00 p.m. for the purpose of receiving a draft Decision for its consideration.

Site Plan Application 97-339 of Cellco Partnership, d/b/a Bell Atlantic Mobile, North Road

Present: Michael S. Giaimo, Esq., Sheila Becker, Manager-Real Estate Construction, Andrew Park, Engineer, all from Bell Atlantic Mobile; Michael Schraeder, Tutela Engineering Associates, Inc.; and Donald L. Haes, Jr., Consulting Physicist; and others.

At 9:25 p.m., Chairman Blacker convened a public hearing on Site Plan Application 97-339 of Cellco Partnership, d/b/a Bell Atlantic Mobile, for Site Plan approval in accordance with Sudbury Zoning Bylaw Art. IX.V.A1, to expand the existing facility for wireless communications previously constructed by Cellular One, by mounting antennae on an existing tower at a height of approximately 140 feet, constructing a 12' x 32' one-story equipment shelter with propane powered generator, and extending access road and security fence, on property located in the Research District, North Road, on Parcel

C12-004, owned by the Sudbury Water District.

Notice of the Public Hearing on the site plan was published in the *Sudbury Town Crier* and *TAB* on October 23, 1997, and posted at Town Hall and the Flynn Building. Abutters within 300 feet according to the Assessors were provided notice by first class mail. Additionally, the Sudbury Planning Board and other Town boards and officials were notified and requested to report to the Board of Selectmen.

The Board was in receipt of the following:

1. A communication, dated September 18, 1997, from Michael S. Giaimo, Esq., on behalf of the applicant, Cellco Partnership, d/b/a Bell Atlantic Mobile, containing the authorization of Richard P. Carroll, Superintendent of the Sudbury Water District, allowing the applicant to make such application for use on real property belonging to the Sudbury Water District.
2. A communication, dated October 6, 1997, from I. William Place, Director of Public Works/Town Engineer, stating: (1) in accord with Section XI.A.E. of the Planning Board's decision, dated May 1, 1995, an as-built plan was not received prior to the issuance of the Certificate of Use and Occupancy; (2) the topography in the area has changed significantly since 1994, and the Planning Board should require the applicant to submit a new site plan showing those changes; and (3) the proposed work is within a 100 feet of a wetland and therefore a filing is required with the Conservation Commission.
3. A communication, dated October 8, 1997, from John B. Hepting, Inspector of Buildings, indicating his approval of the proposal.
4. A communication, dated October 10, 1997, from Michael S. Giaimo, Esq., on behalf of the Cellco Partnership, d/b/a Bell Atlantic Mobile, noting that the Board's 1995 site plan approval for the Cellular One tower and equipment building at the site precludes co-location of additional carriers. Thus, Mr. Giaimo requests that the present application be viewed as (1) a request that the Board approve Cellco's site modification, and (2) that by so doing, the Board expressly deletes the condition prohibiting co-location.
5. A communication, dated October 15, 1997, from Michael C. Dunne, Fire Chief, informing that the proposed propane tank will need a permit from the Fire Department and provision should be made for Fire/Police to use antenna and building for public safety communications.
6. A communication, dated October 22, 1997, from Jody A. Kablack, Town Planner, informing that the Planning Board had voted to recommend approval of the subject application. Furthermore, she notes the Planning Board opines it is inadvisable to prohibit co-location of commercial antennae on existing towers as the likely alternative would be applications for more towers in the Town.
7. A communication, dated November 6, 1997, from the Conservation Commission, informing that some minor work will occur within the 100' wetland buffer zone and, thus, a Request for Determination of Applicability under the Wetlands Protection Act and local Wetlands Bylaw is required.

8. Proposed site plan entitled, "Proposed Communications Facility - Sudbury Water District Borrow Pit, North Road, Sudbury, MA", prepared by Tutela Engineering Associates, Inc., consisting of five sheets: Sheet T-1, Title Sheet, dated March 14, 1997; Sheet 1, Site Plan, dated March 14, 1997, revised June 1997 and August 1997; Sheet 2, Site Details, dated March 20, 1997, revised June 1997 and August 1997; Sheet 3, Structural Details, dated March 26, 1997; and Sheet 4, Grounding Plan and Details, dated March 19, 1997.

9. A report, dated November 10, 1997, by Donald L. Haes, Jr., MS, Consulting Health Physicist, providing frequency calculations, exposure levels and narrative concerning the facility, was furnished this evening.

Michael Giaimo, Esq., on behalf of the applicant, briefly described the proposal. He stated it entailed the placement of a second antennae on the existing tower and construction of a building to house the equipment. He explained the antennae would be placed some ten feet below the existing antennae or at the 140' height.

Sheila Becker, Bell Atlantic Mobile, reminded the Board that she had said she probably would be back requesting a second antennae. She said these antennae would consist of only nine panels and would be barely discernible. (The other existing antennae on the tower has 12 panels.) She said the second equipment building, like the existing one, would have a propane generator in case of power outages.

Rachel Wallace, 11 Tantamouse Trail, asked when the additions of more antennae were going to stop. She said the existing tower had ruined her viewing the display of loosestrife along the Town's boundary with Concord and Lincoln and she did not wish to see anything more added to the tower.

Ms. Becker responded this would be the last addition, as the tower could not accommodate any more antennae.

Selectman Clark asked about using satellites instead of towers and Andrew Park, Engineer for Bell Atlantic, responded that at this juncture it was not technically feasible for small portable units and furthermore it would be prohibitively expensive.

Ellen Hoffman, 21 Hawes Road, questioned why the Town had to permit the placement of a second antennae.

Chairman Blacker explained that under the federal Communications Act of 1996 local communities could not arbitrarily prohibit the construction of towers for wireless communications. He said, in this case, the placement of a second antennae on the existing tower would at least preclude the construction of a second tower. He also said the Water District was receiving some remuneration for allowing its land to be so used and expressed hope it would receive further payment from this additional usage.

Sheila Becker said this additional usage entails another lease with the Water District and, thus, further remuneration is indeed paid.

Selectman Clark asked if the additional antennae required the tower to be lit and Ms. Becker responded that the existing tower is not lit nor would it be lit once the second antennae are installed.

Selectman Drobinski inquired if it might be possible for the two carriers to share the existing equipment building and Ms. Becker said that was not possible because there was not enough space in the existing building.

The Board indicated it was favorably disposed to the site plan and continued the hearing until its next regularly scheduled meeting on November 24, 1997, at 8:15 p.m. for the purpose of receiving a draft Decision for its consideration.

Request for Permission to Hunt Waterfowl on Town Property, Water Row

Present: Andrew J. Fay, 30 Philemon Whale Lane, and others.

The Board was in receipt of a communication, dated November 5, 1997, from Andrew J. Fay, 30 Philemon Whale Lane, requesting permission to hunt waterfowl, during the upcoming hunting season, (October 14, 1997-November 29, 1997 and December 15, 1997-January 5, 1998) on Town property identified as "Tax Possession 172" and parcel 013 on Property Map G 12. Mr. Fay states the nearest dwelling is approximately 2,500 feet away and Massachusetts regulations permit hunting within 500' of a dwelling. He further states he intends to access the parcel by boat from Sherman's Bridge, and thus will not trespass to get to the parcel.

Andrew Fay explained, if given permission, he would hunt one-half hour after dawn and one-half hour before sunset. He explained that decoys are set out and the ducks are called; retrieval is by dog. He displayed a map noting the location of the parcel at issue and its proximity to the nearest public way, Water Row.

Chairman Blacker recalled granting permission last year to another hunter and raised the possibility the Board might receive more than one request. He asked Mr. Fay how many hunters the area could accommodate and Mr. Fay responded two to four at most.

On motion it was unanimously

VOTED: To permit Andrew J. Fay, 30 Philemon Whale Lane, to hunt waterfowl within 50 feet of the shore line of the Sudbury River on Town Land, Tax Possession Parcel 172, one-half hour after dawn and one-half hour before sunset, during the waterfowl season, that is, October 14, 1997-November 29, 1997 and December 15, 1997-January 5, 1998.

Board Policies and Procedures - Site Plan Regulations

Selectman Clark stated she had read over the draft amendment and only questioned why it defined chairman in the definitions section when it did not appear the term was used in the main body of the provisions at issue.

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Chairman Blacker suggested the Board approve the amendment, subject to the removal of the subsection defining chairman, unless it is subsequently determined the term should remain, in which case the matter can be again considered by the Board. The Board agreed and it was on motion unanimously

VOTED: To approve amending the Board's Policies and Procedures, Section I, by substituting a new "Site Plan Special Permit Rules and Regulations", as drafted September 17, 1997, and amended October 27, 1997, and further amended on this date, to replace the former "Site Plan Submission Rules and Regulations", in order to comply with Sudbury Zoning Bylaw Art.IX.V.A.

MetroWest Water Resources Task Force - Appointment

The Board was in receipt of a communication, dated October 23, 1997, from Kathleen B. Bartolini, Director, MetroWest Growth Management Committee, requesting the Board appoint a second member to the MetroWest Water Resources Task Force. She informs that the Task Force is striving for a balance of water distribution/engineering experts with planners/environmental advocates.

Town Manager Ledoux noted the Board's other appointment is Ursula Lyons, 157 Wayside Inn Road. In keeping with the Task Force's needs, he suggested the Board consider someone with an engineering background. He informed that the Town's Water District Superintendent, Richard P. Carroll, did not seem interested in serving.

Selectman Drobinski suggested that the Town Manager contact James Occhialini, 411 Hudson Road, or Edward Pickering, 17 Peakham Circle.

The Board concurred.

Board of Registrars - Appointment

Upon consideration of a communication, dated November 2, 1997, from the Democratic Town Committee, setting forth recommendations voted by said Committee in accordance with G.L.c 51, s.15, it was on motion unanimously

VOTED: To reappoint Jeanne M. Maloney, 119 Willis Road, to the Democratic position on the Board of Registrars for a term to expire on April 30, 2000.

Long Range Planning Committee - Appointment

It was on motion unanimously

VOTED: To re-appoint L. William Katz, 40 Shadow Oak Drive, to the Long Range Planning Committee for a term to expire on April 30, 2000.

Town Counsel - Appointment

Selectman Clark stated she was still working on the matter of this appointment and asked that it be continued until the Board's next regularly scheduled meeting.

The Board concurred.

Special Town Meeting - Speaker Assignments

Selectman Drobinski stated he was inclined not to move to indefinitely postpone the Meachen property acquisition article and to simply "let the chips fall where they may".

Chairman Blacker said he tended to agree with him. He suggested that each Selectman speak on the issue individually and the Board agreed.

Selectman Clark noted that even if the Town purchased the property, 50% would remain "open space" and it would be the same under the developers' recent proposal for senior townhouses.

Regarding the remainder of the speaker assignments, the Board made the following determinations: Article 2 - Town Manager; Article 3 - Town Manager; Article 4 - School Department; and Articles 5 & 6 - Director of Assessing.

Approval of 1998 Contract(s) for Group Health Insurance for Town Employees

Chairman Blacker commented that in his view there would never be too much money in the Health Trust Fund. However, since it appeared there was a surplus, based on expenditures averaging about \$100,000 per month, he said he was willing to vote in favor of diverting certain employer contributions to fund specified capital improvements and renovations if appropriated at Town Meeting. He said he had no problems with the other items.

Thus, it was on motion unanimously

1. VOTED: To approve that, due to low claims and large surplus, no funds be placed into the Health Trust Fund during the months of January and February 1998. Instead, the employer share equivalent of those funds be used (approximately \$120,000 per month), if appropriated by Town Meeting, for renovations at the Flynn Building and Highway Department Building, for the Town's Technology Plan, and for Sudbury Schools expenses; and the employees and retirees would be exempt from two months' contributions.

2. VOTED: To approve contracting with Boston Mutual Life Insurance Co., 120 Royall Street, Canton, MA 02021, to provide for active employees Basic and AD&D (Accidental Death and Dismemberment) Life Insurance at a cost of \$1.12/month for a \$2000 policy and to provide for retirees Basic Life Insurance at a cost of \$0.51/month for a \$1,000 policy; the Town to contribute 75% and 50% respectively, and the employee/retiree to pay the remainder; and further to provide the Optional Life Insurance Program, to be paid by the employee/retiree, at the following rates; all effective January 1, 1998:

Age Classification

Monthly Rate per \$1,000

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Under age 40	\$.20
Age 40-44	.25
Age 45-49	.40
Age 50-54	.70
Age 55-59	1.25
Age 60-64	1.45
Age 65 - retirement	2.00
Retirees to age 75	4.75

3. VOTED: To approve contracting with Cafeteria Plan Advisors, Inc., 1250 Hancock Street, Quincy, MA 02169, to provide Section 125 Benefit Plan at a cost of \$5 per month per participating employee, to be paid by the employee, effective January 1, 1998.

4. VOTED: To approve contracting with Blue Cross Blue Shield, 100 Summer Street, Boston, MA 02110-2190, to provide dental insurance and Medex coverage as shown below, and further to establish that the Town contribute 75% of employee dental, 50% of Medex, and 0% of retiree dental, and the employee/retiree to pay the remainder, effective January 1, 1998:

<u>Family</u>	<u>Single</u>	
\$47.19	\$17.16	BCBS Dental Blue premium
N/A	\$172.12	BCBS Medex premium

5. VOTED: To approve contracting with Blue Cross Blue Shield to serve as third party administrator for HMO Blue and Blue Choice self-funded health plans, and, further, to establish health insurance working rates as shown below, and to establish that the Town contribute 90% of HMO Blue and 75% of Blue Choice for active employees, and 50% of both plans for retirees, and the employee/retiree to pay the remainder, effective January 1, 1998:

<u>Family</u>	<u>Single</u>	
\$554.30	\$209.66	HMO Blue - self-funded
\$626.40	\$235.81	Blue Choice - self-funded

6. VOTED: To approve contracting with Harvard/Pilgrim Health Care, 3 Allied Drive, Dedham, MA 02026-6121, to serve as third party administrator for its self-funded health care plan, and, further, to make this plan available to all eligible employees, and to establish health insurance working rates as shown below and to establish that the Town contribute 80% for active employees and 50% for retirees, and the employee/retiree to pay the remainder, effective January 1, 1998:

<u>Family</u>	<u>Single</u>	
\$501.67	\$189.35	Harvard/Pilgrim Health Care - self-funded

Goodnow Library Ground Breaking

Town Manager Ledoux informed the Board that the ground breaking for the Goodnow Library addition was tomorrow at 8:45 a.m. and the Board was invited to attend.

Conservation Restriction - Diana Demetri Property, River Road

It was on motion unanimously

VOTED: To accept a Conservation Restriction granted by Diana Demetri on that parcel described as Lot 1 shown on a plan entitled "Plan of Conservation Restriction River Road, Sudbury, Massachusetts" dated November 6, 1997, prepared by Team Engineering, Inc., Town of Sudbury Assessors Map K11 Lot 201.

Walkway and Drainage Easements, Bowditch Estates

It was on motion unanimously

VOTED: To accept a Walkway Easement granted by Joann E. Paradis, Trustee of P.E. Realty Trust, and Bernard F. Bradstreet and Carol M. Bradstreet, over those portions of Lots C-1, C-2, C-3, C-4 and C-5 and a Drainage Easement over Lots C-1 and C-2, both such easements as shown on a plan entitled "Definitive Cluster Subdivision Bowditch Estates" by Sullivan Connors & Associates, dated June 15, 1997, with the latest revision date of September 15, 1997.

Acceptance of Open Space Restriction, Bowditch Estates

It was on motion unanimously

VOTED: To accept an Open Space Restriction, granted by Joann E. Paradis, Trustee of P.E. Realty Trust, and Bernard F. Bradstreet and Carol M. Bradstreet. owners of Lots C-1, C-2, C-3, C-4 and C-5 on a plan of land entitled "Definitive Cluster Subdivision Bowditch Estates" by Sullivan Connors & Associates, dated June 15, 1997, with the latest revision date of September 15, 1997, on those portions of the Burdened Premises designated as "Perimeter Buffer Pursuant to Section IV.B.3.d of the Zoning By-law" on said plan.

Acceptance of Open Space Parcel, Bowditch Estates

It was on motion unanimously

VOTED: To accept an Open Space Parcel, granted by Joann E. Paradis, Trustee of P.E. Realty Trust, and Bernard F. Bradstreet and Carol M. Bradstreet, as shown as "Open Space" on a plan of land entitled "Definitive Cluster Subdivision Bowditch Estates" by Sullivan Connors & Associates, dated June 15, 1997, with the latest revision date of September 15, 1997.

Executive Session

It was on motion by Chairman Blacker, by roll call vote, unanimously

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VOTED: To enter into Executive Session for the purpose of considering the lease agreement with the Sudbury Nonprofit Collaborative for the Loring School.

(Chairman Blacker, aye; Selectman Clark, aye; Selectman Drobinski, aye.)

Chairman Blacker stated the Board would not return to open session and that he did not intend to participate in the executive session due to a potential conflict of interest.

There being no further business, the meeting adjourned at 10:20 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk