

**IN BOARD OF SELECTMEN
MONDAY, JANUARY 12, 1998**

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

The statutory requirements for notice having been met, the meeting convened at 7:30 p.m. at the Fairbank Senior Center.

Dog Regulation Bylaw Amendment Discussion

Present: Town Clerk Kathleen Middleton and Dog Officer Betsy DeWallace.

Town Manager Ledoux explained when Middlesex County was abolished in mid-1997, one of the resulting gaps included no county dog regulations or dog funds. The Department of Revenue suggested each city and town that participated in the Middlesex County Dog Fund move forward with their own dog bylaw. As part of the resolution of Middlesex County, an audit is currently being performed and as a result, the Town will be receiving a pro rata share of dog funds to help start our own dog fund. He said Town Clerk Kathy Middleton worked diligently to gather the best information from similar town bylaws and has formed the bylaw submitted for review by the Board.

Chairman Blacker thanked the Town Clerk and recognized her efforts in the difficult task of creating this bylaw. The Board continued and stated the following sections that need to be enhanced:

- All references to “punished” need to be changed to “fined”.
- Section 3-8(c); Registration, Licenses and Fees: Chairman Blacker and Selectman Clark suggested that the term “or other domesticated animals” be added to this section regarding a dog, who is the subject of a license, shall refrain from killing, chasing or harassing other dogs, cats, etc.
- Section 3-14; Dog Waste Disposal: Chairman Blacker suggested that the term “or on other private property” be added to this section as an additional place where dog owners are responsible for the removal of dog feces.
- Section 3-16; Vicious Dogs: Chairman Blacker thought the definition of a vicious dog or a potentially vicious dog should be explained more fully.
- Section 3-20; Damage Caused by Dogs: Chairman Blacker stated that paragraph 2 of this section contains the clause “.....thereby causing damages for which their owner may become entitled to compensation from the dog fund under this bylaw,.....” and went on to explain that a definition of a Dog Fund was not included in the bylaw. He explained that this definition needed to be added in order to explain how the fees and so forth establish the fund and how people can be compensated by the fund.
- Section 3-12; Control of Dogs: Selectman Clark suggested that the hours of between 7 a.m. and 8 p.m. listed for restraint be amended to “at any time”.
- Section 3-3; Definitions; At Large: Selectman Clark stated she thought the definition of at large signified “off the premises” and not under the owners control and suggested changing the clause “On or off the premises” to “Off the premises”.

The Board decided the Town should advertise and hold a public hearing to let the dog owners comment on the bylaw and to let dog owners present suggestions of their own.

Site Plan Application SP 97-340 continuance – AT&T Wireless PCS, Inc., Maynard Road

Present:

- ⇒ Stephen D. Anderson, Esq., of Anderson & Kreiger representing applicant, AT&T Wireless PCS, Inc.
- ⇒ Peter Jeffrey, Engineer for AT&T Wireless PCS, Inc.
- ⇒ Peter Merrick, an Appraiser for the Newport Appraisal Group, LLC, in representation of AT&T Wireless PCS, Inc.
- ⇒ Justin Leland, a Consultant for AT&T Wireless PCS, Inc.
- ⇒ Mark Berthiaume, Esq., from Goldstein and Manello, whose office represents the residents of the Willis Hill neighborhood. For this hearing, he submitted two letters regarding the effects of property values from Scott Adamson of DeWolfe Realty and Lois Krasilovsky of RE/MAX.
- ⇒ Richard Lipoff, Appraiser for Lipoff & Boughini Real Estate Appraising Services located in Newton, was in attendance at the request of Mark Berthiaume.
- ⇒ Dr. Victor Jones from Harvard University, professor of applied physics spoke on behalf of the residents.
- ⇒ Gregory Clark, Deborah Gillette, Rodger Krincoff, Andrew Fox, Dennis Frochay, Susan Smith, Kathy McDermott, Jane Bolton, Kevin McEwan, James Wenchell and others.

The Board reopened the Public Hearing continued on December 22, 1997, in consideration of the application dated November 3, 1997, and filed on November 4, 1997, from AT&T Wireless PCS, Inc., for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX,V.A, to add to the wireless communications facilities on the Sudbury Water District property on Maynard Road, by attaching a 50-foot pole to an existing water tank, with antennas, cables and cable tray, and constructing a 12' x 20' equipment shelter, in Residential District C-1.

Attorney Anderson presented additional material to the Board, explaining the different factors and reasons why this proposed facility will not have a detrimental effect and recapped from the last meeting the ruling and determination from the Department of Public Health that states there are no adverse health effects in conjunction with this technology. Attorney Anderson presented photos from a balloon test, and photos of an antenna taken from various areas of the neighborhood, from different angles and distances, to show how the antenna would appear to the eye. AT&T Wireless also submitted an Option B moving the antenna to the other side of the water tank.

Next Attorney Anderson introduced Mr. Peter Merrick, an Appraiser from Newport Appraisal Group, to discuss the research he has performed on property values in connection with this type of site. Chairman Blacker asked Mr. Merrick what comparisons he used to come to the conclusions presented. Mr. Merrick said he studied similar sites where facilities have been constructed, i.e. Attleboro, MA where a site was located within a sub-division where sales continued to absorb into the market place. Mr. Merrick also studied sites that have much larger, more prominent towers and could not find any aspects which contributed to a detrimental effect on property values. Mr. Merrick said a survey was conducted on every city and town in the state of Rhode Island. This survey asked for opinions and feed back from Building Inspectors, Zoning Officials and Town Managers to get a sense as to whether they have had any adverse consequences in neighborhoods, i.e., police complaints, tax assessors values to property, and general reactions to different sites. He went on to describe the methods of housing antennas, i.e., flag poles and church steeples.

Attorney Mark Berthiaume spoke on behalf of the residents. He said the future has to be taken into serious consideration because there will be more than one antenna on the site and clearly the Town would not be able to stop this from happening. Attorney Berthiaume noted, when determining the property values, multiple antennas have to be taken into consideration. He went on to say he conversed with Real Estate Brokers to obtain opinions and submitted a letter from Scott Adamson of DeWolfe Realty in Sudbury. This letter states, as experienced over the years, that brokers dealing with such sites as well as sites with high tension wires, have found they always become a deterrent to the marketability and sale of properties located nearby. Attorney Berthiaume introduced Richard Lipoff, an appraiser that was hired by the residents to present his findings regarding the effect on property values in connection with these sites.

Mr. Lipoff stated the scope of research included physical inspection of the site, research at Town Hall, analysis of the surrounding areas, research and analysis of similar uses in different communities, interviews with brokers and appraisers regarding the effect, if any, of the presence of this type of transmitter on property values. The fact that this antenna will be above the tree line, creates a presence that will be seen from the majority of points in the surrounding neighborhood. Because the Telecommunications Act states a Town cannot discriminate between providers, there will be more than one antenna on this site in the future. In addition, routine maintenance and inspection these transmitters require, would affect the neighborhood by increased, non-residential traffic patterns. The brokers and appraisers interviewed stated the reasons for decreased property values were the stigma of the presence of a transmitter and extended marketing periods which can considerably lower the market price by 5% to 15%. Underwriters who read appraisals will question an appraisal that does not make an adjustment for the presence of a transmitter. Mr. Lipoff stated that brokers have a wealth of information concerning the adverse effects in communities and he stated the following example: If there were two identical houses and one was located near a transmitter and the other one was not located near a transmitter, which house would you buy and which house would you consider spending more money to obtain? Consumers will barter for lower prices for property located near a transmitter, thus affecting the property values, insurance, and mortgage considerations detrimentally.

Chairman Blacker asked Mr. Lipoff if camouflage helps to make any difference. Mr. Lipoff remarked the answer was twofold because of aesthetics and the actual knowledge that you are living in the vicinity of a transmitter, both of which are equally important deciding factors.

Attorney Berthiaume argued against AT&T Wireless' Option B plan to move the antenna to the other side of the tank because it introduces a whole new set of effects resulting from that side of the tank and believed their photos of the balloon test did not encompass the entire neighborhood. He introduced Gregory Clark, a resident from the Willis Hill area to show his photos of areas AT&T Wireless failed to include in their test. Mr. Clark then proceeded with his presentation of photographs showing the visible impact the antenna would be from those areas.

Attorney Berthiaume commented that AT&T Wireless thinks they can locate anywhere they want in the Town of Sudbury and if the Town does not allow this, they will go to court under the Telecommunications Act to get a court order stating they can locate at their chosen site. Attorney Berthiaume went on to explain that this is not how the Telecommunications Act reads. The Telecommunications Act prevents unreasonable discrimination and he questioned where the unreasonable discrimination comes into effect when no other carrier has done what AT&T Wireless is proposing to do.

Exploring the Town's legal position, Chairman Blacker asked Attorney Berthiaume if a reasonable person would, by looking at the photographs in isolation, say that the presence of one tower which can be seen from certain views and not others will have an adverse impact on the neighborhood. Attorney Berthiaume replied that under the Telecommunications Act there are two grounds that can be asserted against the Town: 1) Are you unreasonably discriminating; and 2) Are you prohibiting this service in the Town of Sudbury. Attorney Berthiaume opined the Town would not be prohibiting the service, just the particular site in question, and a decision based on the site plan bylaw can be made from determining if multiple towers will cause adverse effects on aesthetics and property values. Chairman Blacker and the board agreed.

Attorney Anderson stated that Bell Atlantic is already on this site under a use variance. Bell Atlantic did not come in under the revision of the bylaw that states you can get a special permit for a particular high tower in any district anywhere in town. AT&T Wireless came in under this provision. He stated that the Board of Appeals is the Board who will decide to grant the special permit and the telecommunications use is already on this site. He said, once the Town allows telecommunications use on the site, the Telecommunications Act states the Town must allow other telecommunications use on the site.

Dr. Victor Jones, professor of applied physics at Harvard University, listed a few potential options to be researched by the Town. In terms of a regulatory bylaw, the first option he stated was that the Town was limiting itself by assuming they can only locate a telecommunications site on Town land. The second option he stated was the Town could remove its height restrictions on Town sites because the higher the antenna would better the telecommunications service to the community. He said if the Town erected one high tower in a place agreeable to everyone, the Town would receive twice as much service as it would with height restrictions causing multiple towers or "farms". He suggested the Town compare technologies that are available, explaining the small remote cell technology which increases capacity and feeds into a larger, main antenna. These cells were typically used in large cities such as New York City where signals can be blocked by large buildings.

Resident and future home owner in the Willis Hill area, Andrew Fox, stated this site was 0 feet from residential lots and questioned, historically, if approval has been granted for anything 0 feet away from a lot line.

Sudbury resident Pam Ellertson, mentioned that the neighborhood shown in the AT&T Wireless pictures was not her neighborhood, but on Parmenter Road. She also mentioned that she worked with others to put flyers in the mailboxes of all the surrounding neighborhoods. As a result, each neighborhood would like to see the antenna put in a non-residential site and not in another neighborhood.

Ronald Reder of Willis Road said he could not see the water tanks or the antenna from his house, but suggested the Town try to be more creative i.e., have a lower antenna on the water tank with a companion tower that is higher on the Highway site.

Peter Jeffery, Engineer for AT&T Wireless, commented that they researched different sights in Sudbury to intersect with their site in Maynard. (As shown on the map of the Willis Hill site designed by AT&T Wireless, Willis Hill is between AT&T Wireless sites located in Maynard and South Sudbury.) He also explained that higher is not always better, because there are certain parameters with the technology that they have to adhere to, such as frequency re-use, and be able to alternate frequencies as they travel from one

site to the next. He also commented that the technology proposed for this site was the most minimized type of technology that they offer.

Attorney Andersen stated that the Board of Appeals continued their hearing on this site plan until February 2, 1998, and it is the hope that AT&T Wireless will get approval so they can start constructing this spring.

Robert Quirk, representing the Willis Hill Associates, who are the owners of all of the land that abuts this site, questioned whether AT&T Wireless has looked into the many acres that are across the street where they could build whatever they wanted if they could get permission to use it. He commented that there were no residents living around there and all they had to do was work out details.

Selectman Drobinski stated he was concerned about this decision and if this site plan was denied, there would be other similar decisions to make regarding different sites or neighborhoods. He did not feel he could support this and did not feel the Town has a unified approach regarding telecommunications. He suggested finding a way to keep telecommunications viable without having a detrimental impact on Sudbury neighborhoods.

Chairman Blacker agreed with Selectman Drobinski and added that his concern was not only for this one tower, but the multiple towers in the future that will have a detrimental impact on this neighborhood. Although denial would not be based on fear of litigation, Chairman Blacker stated he would like to work with the petitioner to explore other sites and to reach an agreeable position.

In conclusion, rather than face a denial, Selectmen Drobinski suggested that the applicant could perhaps withdraw the application and return to work with the community to arrive at a viable solution. Attorney Andersen deliberated momentarily with Mr. Jeffrey and they respectfully requested to continue this hearing for thirty (30) days allowing him to return to AT&T Wireless to present the withdrawal option and to allow review time regarding the issues at hand with Town boards and committees to research what would be acceptable for the community. Mr. Jeffrey suggested that the Town invite the different licensed carriers to various meetings to discuss and determine the best options for the Town.

By mutual consent of the Board of Selectmen and AT&T Wireless PCS, Inc., it was on motion unanimously

VOTED: To continue the AT&T Wireless PCS, Inc. Site Plan Application 97-340 hearing until February 23, 1998, at 8:00 p.m., allowing AT&T Wireless PCS, Inc. to consider withdrawing their application and to allow AT&T Wireless to review the issues at hand with Town boards and committees to research acceptable alternatives for the benefit of the Town.

Joint Meeting -- Water District and the Board of Selectmen

Present: Chairman Robert Sheldon and Water District Superintendent Richard Carroll.

Chairman Blacker began the meeting with a short discussion regarding the addition of Section 31 to the bylaw Article V, Public Safety, entitled "Water Pollution Emergencies", and stated the Board would co-sponsor this addition.

Chairman Blacker then began discussion on the second proposed article for an addition to the new Article V. Section 31, of the bylaw Public Safety, a new subsection "(d)" entitled "Underground Sprinkler Systems", prohibiting the connection of new or expanded sprinkler systems to the water supply through the Sudbury Water District. In regards to this proposed subsection ("d"), it was Chairman Blacker's understanding that overuse of water sprinklers depletes the Town's water reserves and that this draw down will not change because of the existing, connected sprinkler systems. He suggested as an alternative to designate a system that alternates day and time restrictions for streets or districts, i.e. house numbers greater than 30 on North Rd. cannot start sprinklers until 6:00 a.m. Mr. Carroll explained this type of restriction was included in the proposed Section 31, but Chairman Blacker pointed out that it only pertained to an emergency situation and stated the depletion problem happens even when there is not an emergency.

Chairman Sheldon explained that an emergency happens as a result of the Water District observing too much water use and it was evident that overuse of water in Town is caused by sprinkler systems. He continued, stating the Water District observes the largest draw downs at approximately 3:30 a.m. He said the Water District operates with 9 pumps and 9 wells and if one well is out of commission, there are no stand by facilities to replenish the depletion. During normal operations, Mr. Carroll will operate 3 or 4 pumps for 12 hours each day. Essentially what Mr. Carroll is doing is feeding the Town water as it is being used and the rest of the water goes into water storage tanks. Then Commissioner Sheldon explained that in the morning as the storage tank levels draw down, the pumps will start and during the summer, Mr. Carroll begins to operate 7 or 8 of these pumps 24 hours a day, barely keeping up with the demand. He stated that staggering water use will help with a sudden surge in the line (an emergency), but staggering will not help, in the long run, if people continue to use water at the current rate.

Chairman Sheldon said the Water District has not taken a position on this issue at present and is proposing this article because they believe it should be debated at Town Meeting. The Water District is taking pro-active steps by gaining support of the League of Women Voters, collaborating with sprinkler system installers to conduct educational programs regarding water use for residents, and will be raising water rates for high-end users only. He believed last summer presented a crisis situation and the results of the water ban were so excellent they were able to lift restrictions safely by the end of the summer.

Selectman Drobinski inquired if other towns have sprinkler system bans. Chairman Sheldon replied that, as an example, the Town of Rockport does not even allow sprinkler systems. Mr. Carroll opined that because sprinkler systems were already established, it might be too late to prohibit installation of sprinkler systems and according to Town Planner Jody Kablack, there were about 1,000 permits pending.

The discussion then centered around the types of construction pending, such as homes valued at half a million dollars and senior residential communities that might have five acres of lawn with twenty-five sprinkler heads. Chairman Sheldon said problems with larger properties or commercial properties would be easier to address because it would be like "one stop shopping". He opined that if the Town had one method of turning on all established sprinklers throughout the Town, there would not be a problem; the problem comes from individual users.

Selectman Clark questioned at what point the Water District declares an emergency and Mr. Carroll stated an emergency constitutes when the Water District is running nine pumps, twenty-four hours a day and the wells continue to be depleted. Chairman Sheldon further stated that there was an e-coli problem last

summer that was addressed by Mr. Carroll and himself and two weeks after this outbreak came the water depletion emergency. They foresaw a trend happening and tried to inform people of this problem through the press. However, he stated, it should be readressed as the Town grows and more systems are installed. He stressed the Town should become smarter and more able to anticipate problems and how to solve these problems through education. Mr. Carroll said the Water District has learned how to inform by e-mail, how to deal with the local cable station, the press and bulletin boards.

Chairman Blacker expressed concern in bringing this matter to Town Meeting. He opined people with sprinkler systems would not be as concerned with this issue as people who will want to install sprinkler systems and cannot. Unless this issue can be presented as being in the greater good of everyone, Chairman Blacker could see a problem.

Selectman Clark agreed with Chairman Blacker with the idea of setting up a rotational schedule by precinct, for example, and Chairman Blacker stated that the first article could be expanded to include this regulation (not a ban) even if it is not an emergency. Mr. Carroll and Commissioner Sheldon both stated that the statute will only allow a ban in an emergency and that they were afraid if they further expanded the first article to include a regulation on water use, the water ban importance will be lost.

Mr. Carroll stated that the first article gives the Water District the tool that they need to operate the system under the worst of conditions and the second article is a request by members of the District, in representation of other boards and committees, to come forward with a restriction plan. He also stated that since the Water District is not a policing authority, and in order to have the Sudbury Police Department enforce this bylaw, the Selectmen first have to accept it.

Chairman Blacker concluded that the Board will discuss the issues presented and asked that the Water District seek a position in regard to this proposed article and it was agreed to reconvene at a future undetermined date.

Joint Meeting -- Planning Board and the Board of Selectmen

Present: Town Planner Jody Kablack, Chairman, John O. Rhome, and Lawrence O'Brien, Planning Board Member.

Parcel F08-500, Willis Road -- M.G.L. Chapter 61B

The Board was in receipt of a letter from Robert F. Dionisi, Jr., Esq., of Dionisi and Andersen, 910 Boston Post Rd, Suite 300, Marlboro, MA 01752 dated October 15, 1997, advising that his firm represented Austin S. Ashley and Harriet H. Ashley of Sudbury, and enclosing his clients' notice of intention pursuant to M.G.L.c.61B to sell certain real property owned by them constituting a portion of Parcel F08-500, Willis Road, Sudbury. Pursuant to Chapter 61B, the Town of Sudbury has a first refusal option to meet a bona-fide offer to purchase his clients' land and Attorney Dionisi enclosed a bona-fide offer which has been tendered and accepted.

The letter from Austin S. and Harriet H. Ashley, dated October 10, 1997, stated they were owners of Parcel F08-500 on Willis Road which is classified as recreational land under M.G.L. Ch. 61B. It stated that by an agreement dated October 9, 1997, made with Briarwood Development Corporation, a Massachusetts

corporation, having a principal place of business at 910 Boston Post Road, Marlboro, MA, they have agreed to sell to Briarwood four residential building lots on Willis Road. The total agreed price for the four lots is \$637,000 and they have also committed to donate to Sudbury Valley Trustees all of the land subject to Chapter 61B that is not included in the four building lots to be sold. In order to perform the aforementioned obligations to Briarwood and the Sudbury Valley Trustees, they are requesting the assistance of the Town by their consent to release the Chapter 61B restrictions (and the lien) from the land they own classified as recreational land.

The Board was in receipt of the minutes of the Board of Assessors meeting, dated October 23, 1997, regarding the Ashley property located on Willis Road at which time the Board agreed that it did not make sense for the Town to purchase the property since most of it will be preserved. However, the Board of Assessors recommended the Selectmen approach the Sudbury Valley Trustees to see if they wanted to purchase the four frontage lots, in which case the Town could assign its purchase option to them.

The Board received a memo from Town Planner Jody Kablack dated November 25, 1997, regarding various properties under Chapters 61A and 61B that may be coming before the Board of Selectmen in the future. The Planning Board is requesting that the Town develop a policy for reviewing Chapter 61A and 61B properties because it will be cumbersome to hold multiple Town Meetings and suggests the prospect of going to the Annual Town Meeting for a large open space bond bill may be a viable solution. The letter recommends the discussion on the release of the Ashley property from Chapter 61B be put on hold until a discussion of the larger issue has occurred and understands there has been an offer of \$637,000 to purchase the frontage lots and that the Selectmen's decision deadline is February 12, 1998.

The Board was in receipt of a memo dated December 2, 1997, from Deborah Dineen, Conservation Coordinator, on behalf of the Conservation Commission, stating that the Conservation Commission recommends NOT exercising the option for this property because the greatest ecological values on this parcel are located in the interior for which a land gift has assured protection in perpetuity. Ms. Dineen states that subsequent meetings with the Sudbury Valley Trustees and the Ashleys have resulted in 41.1 interior acres deeded to the Sudbury Valley Trustees on November 25, 1997, and recorded as Instrument number 392 on November 26, 1997. Ms. Dineen also advises that The Sudbury Valley Trustees will be granting a conservation restriction to the Town, through the Conservation Commission, on this gift in the near future.

Taking into consideration the correspondence received concerning this property, following a short discussion, it was on motion unanimously

VOTED: To decline to exercise the Town's first refusal option to purchase approximately 6.63 acres of land on Willis Road, owned by Austin S. and Harriet H. Ashley, shown as Lots 2, 3, 4, and 5 on Purchase and Sale Agreement Exhibit A and being a portion of Parcel 500 on Town Property Map F08, pursuant to Massachusetts General Laws Chapter 61B and Notice of Intent to sell said land for residential purposes, dated October 10, 1997, and postmarked October 15, 1997.

The Planning Board inquired about any new feedback concerning Town Counsel, Attorney Dionisi and Briarwood and the suit filed. The reason they ask is because \$500,000 from the school board acquisition for the Loring School was going to be put towards the Meachen property, and if that law suit goes against the Town, could that \$500,000 be used toward the Ashley property because they believed the purchase price would be about \$600,000. Chairman Blacker debated why the Town would buy four building

lots abutting swamp land acreage for \$500,000 when the Town could take that money to invest on the Meachen property which has aesthetics and conservation value.

In attendance representing the Ashleys, was Ben Brown (also involved with the Meachen property). He was there to: 1) talk about the decision the Selectmen make in regard to the Town's option to exercise its right of first refusal option; 2) to explain that the land was a 48 acre farm of which 40 acres has been donated to the Sudbury Valley Trustees; 3) to state there is a Purchase and Sale Agreement with Briarwood to develop the four A & R lots; and 4) as well as the difference between the original 61B map and the current plot map.

The Selectmen then reiterated their unanimous vote not to exercise the Town's right of first refusal.

Planning Board Articles

The Planning Board and the Board of Selectmen continued their joint discussion with regard to their articles.

Wireless Services (Zoning Bylaw): Chairman Blacker began by suggesting that, when the Planning Board meets with AT&T Wireless, they find out how can the Town make a relationship work knowing that the concerns of the Town are aesthetics and not to limit this service to five sites. Selectman Clark suggested that they add non-Town owned properties such as church steeples in the revised bylaw. The Selectmen briefly explained to the Planning Board all of the issues discussed earlier at the AT&T Wireless site plan hearing, including different sites, the height of trees, the differences between the current bylaw and the proposed bylaw, the Telecommunications Act, and use of residential and non-residential sites. The Planning Board was mainly concerned with deciphering the requirements of the wireless carriers in determining how to formulate the bylaw. Chairman Blacker also suggested the Planning Board, at their meeting with AT&T Wireless, find out if there is technology that can be used that is not more than 2 or 3 feet above the tree line and is it possible to not have more than one tower, for example, within 5000 feet.

Town Planner Jody Kablack questioned how the Planning Board could get this bylaw passed at Town Meeting and Chairman Blacker suggested they present a bylaw that could include prohibiting a great concentration of towers in one area and to try and get the people from Willis Hill involved and in favor of it. Further discussion centered around how many antennas AT&T Wireless would need to provide their service adequately and to narrowing the variables and possibilities and concluded each party wants and needs to find a viable solution because this situation will not go away.

Public Way Access Permit (General Bylaw): Town Planner Kablack explained that this bylaw will enable the Planning Board to deny a permit due to the failure of the applicant to provide sufficient roadway improvements to facilitate safe and sufficient road way operations, i.e., extended walkways and mitigating traffic impact. This will also allow them to impose conditions to get positive results. Chairman Blacker thought sufficient roadway regulations were already part of the subdivision site plan approval process, but Ms. Kablack stated it included the subdivision, but not the adjacent public way. Chairman Blacker then inquired the basis for this proposal and Ms. Kablack stated that because the Town is growing, the Town needs to upgrade its infrastructure in many areas, such as intersection repairs, drainage, walkways and widening roads and they think they can get help from the developers in this respect. Chairman Blacker

opined it would be unreasonable to deny a subdivision plan because the developer will not fix the intersection at the end of the road.

Incentive Senior Development (Zoning Bylaw): Mr. O'Brien presented an overview of this proposed bylaw. He stated it was formulated after many meetings and presentations with the Council on Aging. The general consensus at these meetings concluded that a \$300,000 to \$400,000 luxury condominium unit was too high a price to pay for senior housing. He stated the seniors preferred to purchase a unit up to \$250,000, enabling them to stay in Sudbury. The Planning Board proposed increasing the minimum age to 62 as well as working within the premise of a 2 bedroom unit and allowing 4 units per acre. Ms. Kablack explained this type of housing would not work in zone 2 because of DEP regulations and there is also a price restriction in perpetuity on initial sale and resale. Chairman Blacker expressed reservations about this idea because assuming the project scale, the market is too risky, and he also asked why would someone buy a house that would not appreciate in value upon resale.

Other articles discussed were for minor changes to existing zoning provisions, including: Permitted Uses in the Research District, Lot Area Definition, Cluster Development and Water Resource Protection District. The Planning Board stated that these revisions are being proposed due to repeated use of these bylaws over the past year and the identification of conflicting provisions, and passage of these minor articles will facilitate the administration of the Town's bylaws under Planning Board jurisdiction.

Minutes -- December 22, 1997 and January 5, 1998

The following change was requested by Selectman Clark:

On page 7, third paragraph, in the first sentence, take out the reference to the Board of Appeals.

It was on motion unanimously

VOTED: To approve the minutes of the regular session with the above noted change, the executive session of December 22, 1997, and the special meeting of January 5, 1998.

Donation - Council on Aging

It was on motion unanimously

VOTED: To accept \$92.45 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 – Ambulance Gift Account

It was on motion unanimously

VOTED: To accept with appreciation donations in the amount of \$20.00 from Laurie Loftus, 298 Maynard Road and \$20.00 from the Musketahquid Tenants Association to be deposited into the Ambulance Gift Account.

PC Warehouse -- Contract

The Board was in receipt of a copy of a memo dated January 7, 1998, to Town Manager Ledoux from Mark Thompson, Technology Administrator. Mr. Thompson advised that he received proposals from PC Warehouse and Advanced Networks for computer equipment. He concluded the PC Warehouse bid was approximately \$115.00 less per machine than Advanced Network and the Advanced Network bid was \$16.00 less per monitor than PC Warehouse, and therefore, he would like to order the equipment respectively from each company and has submitted each contract for approval.

It was on motion unanimously

VOTED: To approve contracts to be executed by the Town Manager for purchase of desktop computer systems and peripherals from PC Warehouse of Waltham, MA, and 17-inch monitors and one 19-inch monitor from Advanced Network Associates of Salem, NH, in accordance with their respective proposals received under the RFP deadline of December 30, 1997, and Town of Sudbury Request for Proposals and Specifications dated December 11, 1997.

Laidlaw Environmental Services (North East), Inc. -- Contract

The Board was in receipt of a copy of a Household Hazardous Waste Collection Agreement for review.

It was on motion unanimously

VOTED: To approve a contract with Laidlaw Environmental Services (North East), Inc., of New Hampshire, to be executed by the Town Manager to provide Household Hazardous Waste Collection Services in accordance with an Agreement dated September 19, 1997, and Town of Sudbury specifications.

Goodnow Library -- Preservation Restriction

It was on motion unanimously

VOTED: To approve and sign a revised five-year Preservation Restriction on the Goodnow Library,

21 Concord Road, prepared with direction from the Massachusetts Historical Commission, encompassing the exterior of the portions constructed in 1862 and 1894, and granted to the Sudbury Historical Commission, in replacement of that Restriction signed January 5, 1998, granted to the Massachusetts Historical Commission.

Amended Vote from October 14, 1997 -- RCN/BETG

On October 14, 1997, the Board of Selectmen voted to concur in the Cable Television Committee's recommendation to commence negotiations with RCN/BETG to submit a proposal for such service, including provision for fiber optic cable service to Town offices.

It was on motion unanimously

VOTED: To amend the Board's vote to proceed with the negotiations with RCN/BETG of October 14, 1997, by adding: “; and in connection therewith, to approve the open solicitation of applications for a second cable television license in the Town including all procedures necessary for compliance with procurement or other requirements relative thereto.”

Intention to Lay Out Town Ways

It was on motion unanimously

VOTED: That the board intends to lay out the streets of **Martin Drive** (from Maynard road to a dead end, a distance of 1,097, more or less), **Southwest Circle** (from Peakham Road to a dead end, a distance of 314 feet, more or less), **Amanda Road** (from Dutton Road to a dead end, a distance of 1,473 feet, more or less), and **Bulkley Road** (from the end of the 1983 public layout to Amanda road, a distance of 352 feet, more or less), at its meeting of March 9, 1998, and to refer same to the Planning Board for its report prior to said hearing on March 9, 1998.

1998 Annual Town Meeting Action Items

It was on motion unanimously

VOTED: Relative to the 1998 Annual Town Meeting:

1. To accept the forty-one (41) articles submitted to date (list attached as Exhibit A);
2. To refer Zoning Bylaw amendments to the Planning Board for its hearings and reports in accordance with G.L.c.40A,s.5;
3. To withdraw the Selectmen's Flood Plain Bylaw Amendment Article, as information from FEMA will not be completed; and
4. To continue review of the Capital Planning Bylaw Article as amended.

Concord Road -- Deed to Lots 6 and 7

It was on motion unanimously

VOTED: To accept on behalf of the Town, subject to Town Counsel's review, a Deed to Lots 6 and 7, Concord Road, approximately 10 acres of land gifted by Barberrry Homes.

Expenditure – Edwin Barrett Hosmer Memorial Fund

It was on motion unanimously

VOTED: To approve an expenditure of \$232.68 to Pairpoint Crystal for 50 clear 1998 Coach Design cup plates from the Edwin Barrett Hosmer Memorial Fund.

Special Town Meeting Request

Pending additional research to be compiled by Bond Counsel, it was on motion unanimously,

VOTED: To continue this subject matter until Friday, January 16, 1998.

The Board then discussed reports by the Town Manager on the following current items:

- **FY99 Budget** -- The Town Manager's FY99 Budget was submitted to the Finance Committee on December 31, in accordance with Town bylaws.
- **Negotiations with the Highway Union** -- Labor negotiations commenced with the Laborers International Union, representing the Highway workers on January 6. The current contract expires on June 30. The Town Manager requested an Executive Session at the end of the Selectmen's Meeting to discuss issues relative to collective bargaining.
- **Pay as you Throw System** -- Town Manager Ledoux introduced a proposal for a system involving residents purchasing designated Town bags for disposal of trash at the Transfer Station. He suggested that the purchase of stickers could be eliminated, and local merchants could be approached to sell bags for the Town. Town Manager Ledoux, in his prior experience with implementation of this same system, said the initial switchover might be a problem, especially getting residents to understand that the price of the bag represents the cost of disposing that volume of trash. He presented some advantages and disadvantages and asked the Board for their opinion. He said implementation would take several months, and a public hearing may be appropriate.

Executive Session

It was on motion unanimously

VOTED: To go into executive session for the purpose of discussing collective bargaining issues. (Chairman Blacker, aye; Selectman Clark, aye; Selectmen Drobinski, aye.)

Chairman Blacker announced open session would not continue following the executive session.

There being no further business to come before the Board, the meeting was adjourned at 11:20 p.m.

Attest: _____
Steven Ledoux

IN BOARD OF SELECTMEN
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Town Manager-Clerk