

**IN BOARD OF SELECTMEN  
MONDAY, JUNE 8, 1998**

Present: Chairman John C. Drobinski, MaryAnn K. Clark and Kirsten D. Roopenian, Selectmen.

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

**Welcome**

Chairman John Drobinski opened the meeting and welcomed citizens in attendance. While he had no specific opening remarks, he commented on a program on Channel 2 entitled *Greater Boston* concerning Sudbury taxes and Sudbury seniors, which would be repeated later on Channel 44. He then asked if there were any citizens wishing to address the Board.

**LEAP School on Dakin Road**

Present: Bernard Bonn, 21 Paddock Way, and at least a dozen others.

Bernard Bonn, 21 Paddock Way, expressed great concern about the LEAP School coming in at 123 Dakin Road, at the corner of Paddock Way and Dakin Road. He and his neighbors first learned of the school's intent just a few days ago, the night before the closing on the property. To his knowledge, building and health permits have already been issued by Town officials for renovation of the existing building and grounds, including septic, as well as a second parking lot in front of the facility to be erected in their neighborhood.

Mr. Bonn acknowledged that the LEAP school is a non-profit educational corporation and as such is entitled to certain protections under the so-called "Dover Amendment", which is reflected in Chapter 40, Sec. 3A. He stated the amendment specifically authorizes towns to pose reasonable regulations on educational corporations, such as height of structures, yard sizes, lot areas, setbacks, open spaces, parking, building coverage requirements, public health, public safety, wetlands, traffic; provided they are not applied in a discriminatory fashion, these things can be regulated and enforced by the Town. Mr. Bonn maintained that the Town does not have to allow an educational facility "free rein" to do whatever it wants, simply because it is to be an educational facility.

Mr. Bonn indicated a number of legitimate concerns of the Town had not been addressed or addressed adequately. These concerns include setbacks, parking, public health and safety, character of the neighborhood, traffic and possibly the water supply. He pointed out that Dakin Road is already a very busy road, a main thoroughfare from Route 2 south to Route 117, especially during morning and evening peak times. He added that housing called Dakin View containing another 14 homes is being added right across the street from this facility, also putting traffic onto Dakin Road.

Mr. Bonn pointed out that there will be 15 to 20 teachers and staff people coming in every day, as well as parents dropping off students every day, both in the morning and evening. The permit, as he understands it, would allow over 150 students, and therefore 150 cars coming in and out every day. The neighborhood group has been advised that the school intends to close every day at 3:30 p.m., but there is a similar facility in Lexington that does not close until 6 p.m. He believes that, in order to accommodate parents who would be unable to pick up their children in the afternoon, that the school would eventually remain open until evening.

The neighborhood group feels the added traffic alone is a public safety issue that was not considered by anyone, and before issuing permits for this property, they would like the town officials to scrutinize this facility again, as they have the authority to do so. They contend that, although this is an educational facility, it is still commercial use, bringing a lot of people into the area.

Mr. Bonn suggested that some accommodations could be worked out that everyone could live with, but at this particular time, the neighborhood has no leverage to request a cease-and-desist order, and if denied, go to the Review Board and Superior Court if necessary. He acknowledged that legal representation would be required, as well as a traffic study and other things to determine the impact to the Town. He feels it is the Town's job, not the job nor obligation of citizens, to gather appropriate information, and perhaps sit down with the owners of the LEAP School to see if something can be worked out. The abutters are particularly unhappy about having a parking lot in their backyard.

Mr. Bonn offered to address the applicable statute and case law; Chairman Drobinski assured him the Board was well aware of the statute and case law.

Chairman Drobinski asked Town Manager Steve Ledoux what permits had been issued. Mr. Ledoux responded that he was not sure; Selectman Roopenian stated that the Board of Health had issued a permit for septic.

Mr. Bonn stated he believed building permits had been issued to renovate the existing buildings. He suggested the parking lot could be better hidden, and the traffic is a major problem. He said Dakin Road is a narrow road and in winter the hilly portion can be icy; school busses already have a difficult time getting through the area.

Chairman Drobinski suggested that the Town review what has happened to date, and negotiate with the applicant to get some appropriate setbacks and landscaping and maybe move some of the parking around, as the Board cannot change the fact that the use is allowed under the Bylaws.

Chairman Drobinski declared the Board was willing to talk to the applicant and set up a line of communication between the Board and Mr. Bonn as representative of the neighborhood.

Selectman Clark asked what kind of school this was. Mr. Bonn replied that it was an alternative private school for kindergarten through Grade 4. Selectman Clark asked if they have state approval to run an educational facility. Mr. Bonn responded that LEAP has two other facilities in Concord and Lexington. He added that the school attempted to open a larger facility on Main Street in Concord and met with resistance, so they opted not to do it. The facility in Lexington is on Route 2A, next to Dunkin' Donuts, and not in a neighborhood.

Mr. Bonn asked that, if this school is allowed to go in at this location, the Board impose some restrictions on its size, present and future expansions.

Chairman Drobinski inquired if the configuration of the buildings had been changed or if existing buildings were going to be used. Mr. Bonn indicated no substantial changes were planned but that two smaller buildings are going to be taken down, rebuilt, and rotated a little.

Selectman Roopenian inquired if this property is located within a historic district. Mr. Bonn stated that while the house dates from the 1700's and the barn was part of the Underground Railroad, he did not know if it carries any historic significance.

Chairman Drobinski assured Mr. Bonn the issue was worth looking into. Selectman Clark added that it was a "bolt from the blue" to say the least.

Selectman Clark expressed concern about the size of the septic system for that number of students and faculty, that the property having been a normal household, it is probably a 1500-gallon tank. Chairman Drobinski stated there is a certain set flow per student for schools, which has to be factored into the septic issue.

Mr. Bonn stated there is a large pond next to where Paddock Way exits the property and was not certain whether that would affect the septic issue. Selectman Clark wondered how close the leaching field was to the school. Selectman Roopenian stated that the Conservation Commission did not know about the situation until this morning, and they would be looking into it as well as communicating with the Board of Health.

Chairman Drobinski asked Mr. Bonn if he would be willing to serve as contact person for all communications regarding this issue, and expressed hope that by the end of the week some progress could be made. Mr. Bonn responded he would be happy to serve as contact.

Joe Meeks, 136 Dakin Road, expressed concern for the school's future growth, and asked if future alterations would again come under a review process, citing the unknowns as a concern.

Denise Murphy Sauter, 31 Paddock Way, expressed serious concern about the load of traffic on Dakin Road, and cited that many of her friends and neighbors have experienced "near misses" coming out of Paddock Way, which would serve as an entry or exit for individuals dropping off or picking up students.

Chairman Drobinski stated that case law does not support denying a project based on volume of traffic, but it could be denied if there was an access or egress problem with this property; since the driveway is being enlarged, the Town Engineer would have to issue a driveway permit, which might give the Town some control.

Rob Shoemaker, 28 Paddock Way, to follow Joe Meeks' comment, said that they have all the files on the Concord situation which was abandoned due to economic pressure, negative publicity, neighborhood protests, etc. He said that regulating their future expansion is critical. The facility in Concord on a 1.5 acre house lot, compared to a 2.5 acre lot here, was for a 14,500 sq. ft. facility which initially would house 114 and had a parking lot in excess of 35 vehicles. All the plans were filed in Concord, and such a move may be Step 2 here, and it just is not apparent. He stressed the school's impact on the neighborhood must not be allowed to get out of control if they can be restricted from the very beginning.

Selectman Roopenian expressed great dismay that an educational group with this intent would come into Sudbury and not openly communicate with the Boards nor show any concern for the neighborhood. She assured Mr. Bonn the Board would continue to look into it.

Selectman Clark inquired as to the history of the Concord plan and the length of its process. Mr. Shoemaker responded that it was roughly a year ago in the spring, and over the course over two months the neighborhood in Concord first learned through a "leak" on the Planning Board that this plan had been

submitted. This helped bring it to the attention of the citizens and halt the process. Mr. Shoemaker expressed the opinion that, having experienced a similar protest in Concord, the proprietor of this establishment took a much more secretive approach in Sudbury.

**Congregation B'nai Torah – Overhead Utility Waiver**

Present: Paul Lieberman, President of the Congregation B'nai Torah; and Robert Shapiro, Building Committee, Congregation B'nai Torah.

The Board was in receipt of the following:

1. A communication, dated May 26, 1998, from Paul E. Lieberman, President of Congregation B'nai Torah, requesting a waiver of the Town Bylaws be granted in order to install utilities at their new facility at 225 Boston Post Road. Other area facilities, including neighboring 215 Boston Post Road, are using overhead wires, setting a precedent. Site plan attached.
2. Oral report, dated June 4, 1998, from Wiring and Building Inspectors to recommend approval, as the installation overhead is in keeping with all other utilities in the area.

Notice of this meeting had been sent to the neighborhood by the Town Manager's Office.

Chairman Drobinski announced that while he would participate in the discussion he would abstain from the vote as his property abuts the property under discussion.

Mr. Lieberman indicated they had not been aware of the ordinance specifying underground utilities until Boston Edison informed them. He presented the blueprints for the site and pointed out specifically where the poles in question were located. He added that as a non-profit group their funding was limited, so they are requesting permission for overhead wires.

Mr. Shapiro said that, basically, digging up Route 20 would be cost prohibitive and putting the wires straight across the road seemed to make more sense.

Selectman Roopenian questioned why electric power could not be connected from Patti Brothers which is on the same side of Boston Post Road and would not require wires over the road.

Russell Kirby, 244 Boston Post Road, inquired as to why they were unaware of the requirement and why underground service was not discussed during initial site plan review.

Chairman Drobinski responded that because Congregation B'nai Torah is a church and non-profit, there was no site plan review process, as they are exempt from zoning. He further clarified that it was reviewed by the Building Inspector and the Conservation Commission, as well as the Board of Health.

Mr. Kirby declared the Building Inspector should have been aware of the requirements and should have asked why a conduit could not be added while the road was recently opened for work on water service lines. He further expressed dismay that people come before the Board fully expecting variances or waivers from the rules of the Town. Opportunity existed for the regulations to be met, but now the Congregation is before the Board claiming a hardship.

Mr. Shapiro responded they were working with a very sophisticated contractor, and there was certainly no intent to avoid regulations. If the situation were as easy as dropping in the line, it certainly would have been done that way. Mr. Lieberman added they were not aware the water was being put in, but spoke with the site engineer, who indicated water and power could not be put in together - separate lines and separate drilling must be done.

Mr. Kirby said, if the road was already open, some of the cost could have been reduced by simply boring another hole for the conduit.

Selectman Clark offered the explanation that water pipes are run by the Water District and the Zoning Enforcement Agent would have no control over their timing and schedule. She added that ideally when the applicant came in, the Zoning Agent/Building Inspector could have made a checklist to make sure all things were considered.

Mr. Kirby emphasized he has no quarrel with the temple, their efforts to build, nor their wish to control expenses, but was disturbed by unobserved regulations, and hearing various applicants come before Boards without proper justification to do so. With all the bad press the Town has been getting, and how long it takes to get anything done, if everyone understood all the rules from Day 1, there would be fewer problems. He cited his experiences on the Planning Board ten years ago when he had asked that Board to go on record that it is the policy of this Town to rigidly enforce the zoning regulations, and that Board refused to do so. He respectfully requested the Selectmen to review weaknesses in existing regulations.

Chairman Drobinski responded that ten years ago the Town of Sudbury changed zoning agents and has been fairly diligent about zoning enforcement, and thanked Mr. Kirby for his comments.

Jessie Cunningham, 17 Singletary Lane, inquired whether Pole 34 was located on her property.

Chairman Drobinski responded it was not on her property, but where her property intersects the public way. He suggested connecting to Pole 32 instead of Pole 34. Mr. Lieberman said he would check to see if such a connection was possible. Town Manager Ledoux suggested the issue be continued for two weeks to get the answer to the pole question.

Chairman Drobinski asked if the temple needed approval right away to continue with construction. Mr. Shapiro did not know when the electric could be installed; Mr. Lieberman added they have temporary power.

Selectman Clark suggested continuing the matter for two weeks, when there would certainly be an answer from the engineers.

Mrs. Cunningham stated her concern was only if service was going underground. If wires were not going underground, she did not care what pole the wires are put on. She mentioned she was also curious as to why the electric did not go under the road when the water lines were installed.

Chairman Drobinski stated that the water service was a new hydrant requested by the Fire Department, which was not in the original plan, but was a change order that came later.

Mr. Kirby inquired about the adjoining parcel of land, and asked if sufficient lines could be run in the proposed crossing to accommodate this lot, if and when it is developed across it in the future, so there will not be another request for waiver or variance.

Chairman Drobinski responded that conceptually it makes sense, but Boston Edison would have to be consulted. Mr. Kirby asked if it could be made a condition of the final permit.

Selectman Clark said this should not hold up this vote, but it should be considered.

Mrs. Cunningham asked how Patti Brothers gets their power, and was it possible the new temple could share with them in existing power connections. Chairman Drobinski outlined the pole placement, specifying that their pole is not on temple property and the temple would have to get permission to access that pole. Mrs. Cunningham inquired about the Bylaw change; Chairman Drobinski responded that all new construction was to have service underground, but that it is not unusual to grant exemptions for specific instances. Further, while trenching circumstances on Route 20 were a bit unusual, mixing water and power is not a good idea.

It was on motion

VOTED: To grant special permission under Sudbury Bylaw Art. XX, Section 3.E, to install overhead utilities from Pole 34 on the opposite side of route 20 to a new pole to be installed at 225 Boston Post Road, to service the new temple under construction; and to request that Boston Edison include additional service at this time to provide future service to adjacent properties, and further, to request that Congregation B'nai Torah grant the necessary easements therefor, to avoid additional future installation of overhead wires and poles. (Selectmen Clark and Roopenian in favor; Chairman Drobinski abstained.)

Selectman Clark suggested that the Board get some checklists for new construction, for their own information, but also to improve processing and avoid neighborhood issues. Selectman Roopenian agreed that it would be a good opportunity to improve communication.

**Public Hearing: Utility Petition 98-3 Boston Edison Co. and Bell Atlantic-New England**

Present: Alba Taylor, Liberty Ledge.

The Board was in receipt of the following:

1. A communication, dated April 30, 1998, from Richard Schifone, Supervisor/Rights & Permits, of the Boston Edison Company, presenting Petition 98-3 and accompanying plan for the purpose of obtaining a Grant of Location to install 77 feet of conduit off of pole 30/47 on Haynes Road @ Liberty Ledge Lane. Mr. Schifone further states this work is necessary to provide underground electric service to a subdivision on Liberty Ledge Lane.
2. A verbal report, on May 28, 1998, from Wiring Inspector Arthur Richard of the Building Department, stating they have no problems or issues with Utility Petition 98-3.

Ms. Taylor stated that, while there were no immediate plans for developing the property, she would like to have the conduit in place when opportunity for development occurred. She added they have spoken with the Conservation Commission who reported there was no problem with installing the conduit.

Chairman Drobinski asked Town Manager Ledoux if a decision today carried a time limit. Mr. Ledoux answered it did not, and this decision will not predicate future board decisions.

Ms. Taylor stated they have the approval of all the necessary Boards.

Selectman Clark asked how much land was contained in this particular parcel. Ms. Taylor answered that there were 50 acres and expressed desire to protect some of it from development.

It was on motion unanimously

VOTED: To approve a Grant of Location presented in Utility Petition 98-3 of Boston Edison Co. and Bell Atlantic-New England for installation of approximately 77 feet of conduit in Haynes Road at Liberty Ledge Lane, beginning on the westerly side, at existing Pole No. 30/47, running southeasterly approximately +/- 77 feet to and turning to Liberty Ledge Lane, for conduit placement, to provide underground electric service to a subdivision on Liberty Ledge Lane, as shown on Boston Edison Plan #685608 for Haynes Road, Sudbury, dated April 17, 1998, and Bell Atlantic Plan 98-03 for Haynes Road, Conduit, dated May 15, 1998.

**Public Hearing: Precourt/Cefola Dog Hearing**

Present: Carmine Gentile, Esq., for the Cefolas; Paul Cefola, dogowner; Michael Precourt, complainant; Dog Officer Betsy DeWallace, and Assistant Dog Officer Paula Adelson.

On February 9, 1998, the Board of Selectmen held a public hearing pursuant to a complaint of Kathleen Precourt, et. al., against four dogs owned by Paul and Nancy Cefola. At that time, it was voted by the Board, as follows: To order that the four dogs harbored by Paul and Nancy Cefola at 59 Harness Lane, Sudbury, be restrained (tied or fenced) and confined on property at 59 Harness Lane at all times (24 hours per day), unless under leash when off the premises. Further, an application for a kennel license shall be applied for immediately and shall be required if four dogs remain on the premises. This matter is continued and will be reviewed again by the Board of Selectmen after a period of three months.

In accordance with said vote, Chairman Drobinski convened a continued hearing on the matter, with notification of the hearing having been given to the Cefolas, the Precourts, and Dog Officer.

The Board is in receipt of the following:

1. A communication, dated February 12, 1998, from Betsy DeWallace, Sudbury Dog Officer, stating that Claire Smith of 22 Harness Lane had notified her of an incident while she was walking and came upon Paul and Nancy Cefola of 59 Harness Lane, each walking two dogs on leashes. When the dogs began jumping on her, Ms. Smith became nervous and tried to get away, but tripped on a branch and fell. She was unhurt.
2. A communication, dated June 5, 1998, from Betsy DeWallace, Sudbury Dog Officer, stating that no further incidents had taken place since her report of February 12, 1998, and from a telephone conversation on June 5 with the son of the Cefolas, she understands there are still four dogs in residence at 59 Harness Lane.
3. An application for a Special Permit, dated and signed on May 28, 1998, by Paul J. and Nancy A. Cefola to maintain a kennel for four dogs at 59 Harness Lane.

Mr. Gentile, speaking for the Cefolas, stated there were no further complaints regarding the dogs since the original hearing.

Selectman Roopenian excused herself from the discussion due to her residence's proximity to the dogs.

Chairman Drobinski noted the actual hearing for the kennel permit is scheduled for later this summer, pointing out that the original vote on this matter had ordered immediate application for the permit and asked why the Cefolas had delayed until the end of May to process the application.

Mr. Gentile responded that Mr. Cefola has had some personal problems, specifically health problems of his wife and son, and this has taken a great deal of his time.

Chairman Drobinski recommended continuing the issue until after the Board of Appeals hearing later this summer.

Mr. Gentile indicated that the Cefolas had no objection to a condition being applied that would cap the total number of dogs at three when one of the original four passes on.

Noticing Mr. Cefola in the audience, Chairman Drobinski asked if he had anything to add to the discussion, reminding him the Board takes this issue seriously and resolution of this issue required his cooperation. Mr. Cefola responded, with respect, that his time has been limited. He maintained that "footdragging" was not the case.

Chairman Drobinski emphasized that, while the Board can appreciate the personal problems Mr. Cefola and his family are experiencing, they did make a commitment to the Board to resolve the matter of the dogs in a timely fashion.

It was on motion

VOTED: To keep in place the order of the Selectmen of February 9, 1998, concerning the Cefola dogs, and to continue this hearing until September 14, 1998. (Chairman Drobinski and Selectman Clark in favor; Selectman Roopenian abstained.)

### **Board of Appeals Appointment**

Present: Edward Kreitsek.

Chairman Drobinski stated the Board would be discussing the Board of Appeals appointment now expiring. He acknowledged he had received many phone calls from residents, and after weighing their comments, he recommended the reappointment of Patrick Delaney.

Selectman Clark indicated no objections.

Selectman Roopenian also reported many phone calls relative to this particular individual. She believed opposition of this reappointment was initiated during the Osco Drug Appeal as well as prior incidents. She stated there seemed to be a general sense the Board of Appeals has its own vision and a right by law to do certain things. However, because she is involved with this appointment, Selectman Roopenian felt she should appoint someone who shares a common vision, though not a rubber stamp of her views. Judging from the people she spoke with, she believed the Board of Appeals, and this individual in particular, do not share her vision. She stated he appears to have generated animosity, as well as questions about his



reasons for being on the Board of Appeals and reasons why he grants or does not grant relief. Selectman Roopenian opined these are the reasons why she chose not to reappoint.

Selectman Clark, speaking as a former member of the Board of Appeals, stated how difficult it can be to make some decisions, especially those out of the Board's control, and cited state statutes superseding local zoning. While she was anxious to see Osco come in, she does respect the Board's decision not to allow such a large building on a "postage stamp" size lot. She continued as follows: There will always be a problem at this location, and sometimes the most obvious thing is ignored, so the Board of Appeals must make the decision. There will always be controversial decisions disliked by residents, but if the applicant disagrees, they can always take it up to the next level, the court, where the vote can be reconsidered. Selectman Clark indicated Osco opted not to appeal. She opined, although Osco spent approximately two years going to other Boards, they should have approached the Board of Appeals first. Selectman Clark illustrated, because the Board has many conditions to consider, they do not have the discretion other boards have. She encouraged future petitioners to begin their application process with the Board of Appeals.

Chairman Drobinski commented that he, too, wrestled with this appointment over the weekend, and acknowledged that many of the people whose opinions he respects will disagree with what he has recommended. He has spoken with all the other members of the Board of Appeals, who are all very positive about this individual. His analysis was as follows: Controversial decisions impact everyone differently, but perspective must be maintained. The Board of Appeals considers this person to be a hard-working individual. Therefore he would like to reappoint him and go forward with their goal of working with the ZBA to get its decision to be first in the application process. He agreed that, while the Selectmen would like everyone to share their views, he declared it a scary thought that everyone would think like John Drobinski.

Selectman Clark seconded that comment.

Selectman Roopenian, admitting to a limited knowledge of what the Board of Appeals does, stated her belief is that they are to grant relief in some fashion. Her concern focused on making a particular suggestion to the room about an appeal that had little to do with the appeal itself, such as making extraneous changes to one's request, making the Town appear unfriendly to business. She believes the Board of Appeals should be first in the permitting process, because of its very nature, instead of an applicant going through all the other boards only to find a fatal flaw later, citing the parking issue for Osco. She expressed a desire that the Board of Appeals would agree to be first on the list, and attend a pre-application hearing to listen and understand what the applicant is thinking.

Selectman Clark remarked that the Board of Appeals is not an advisory board and cannot offer unofficial comments to applicants.

Chairman Drobinski stated that one of the Selectmen's goals was to set forth the appropriate image for Sudbury and provide an efficient application process, citing the concept of checklists is a good one, but one that needs to be tightened up.

Selectman Roopenian stated she has four names of people who have expressed interest. Two members of the Associates/Earth Removal Board have been on it for a considerable length of time. However, due to business travel, they are not able to move onto the full Board of Appeals after having been asked several times. She recommended bringing new members onto the Associates/Earth Removal Board, and then bringing them forward in time. She stated the Earth Removal Board has had a difficult time getting a quorum.

Selectman Clark asked who was serving on the Earth Removal Board; Chairman Drobinski clarified that there was one vacancy.

Selectman Clark reminded the Board that if Earth Removal Board (ERB) was having difficulty getting a quorum, Board of Appeals full members are allowed to sit as an associate member of the ERB to fill that vacancy to meet the quorum to do business.

Chairman Drobinski made the motion that the Board make the final appointment.

Chairman Drobinski, addressed Ed Kreitsek on how gracious he appeared on the Channel 2 program this evening on tax relief for senior citizens and the tax impact of rising school costs.

Mr. Kreitsek, a former member of the Board of Appeals, spoke eloquently on his time on the Board when growth was abundant, with as many as 250 building permits a year, making today's growth seem modest by comparison. He emphasized that zoning should exist only when it can be made contemporary and consistent with the status quo. At that time, they considered the ZBA not to be "a board to uphold the zoning bylaws of the Town" -- a recent quote in the newspaper. The ZBA is to grant relief and to grant relief in a town where the status quo has existed for hundreds of years before the physical topography and geography of roads and highways; Mr. Kreitsek stressed the Town must be realistic about trying to make things work, past and present. He opined some recent ZBA decisions suggest it has a severe constructionist viewpoint, that exceptions to the zoning bylaw will not be made. He cited an example of a setback required to be 35 feet from the road in an area where existing buildings are only 20, pointing out that the required setback should consistently be 20 feet. The new bylaw concerning business parking being behind the building is completely inconsistent with the status quo -- things should be consistent and contemporary. The constructionist viewpoint acts as if the ZBA has the authority to which the citizens of the Town must appeal, and if all the "tests" were met, the petitioner had a right that the ZBA must grant their request. He believed that the ZBA is not petitioner-friendly, too authoritative, and reminded the Board of Selectmen they have the power to make a change in the direction of the ZBA philosophy.

Chairman Drobinski thanked Mr. Kreitsek for his comments and assured him that his viewpoint was not solitary, citing two examples on recent plans where parking was put behind the building, Dunkin' Donuts and Hitchcock Chair. The applicants could have put the parking in front, but chose to conform to the bylaw, with pleasing results, lining up with the other buildings nicely. He further stated he respects Mr. Kreitsek's opinion very much and his own earlier comments may affect his standing in the Town, but felt he had to recommend reappointment, making the decision based on conversations with ZBA members.

Selectman Clark pointed out that while the Board of Appeals may grant relief only if it qualifies to be granted. Years ago, there was no definition of hardship, and when she came onto that Board, it was granting variances for financial hardship alone. At the time she researched case law, finding hardship to be defined as a hardship of the land, the configuration of the land, and financial hardship should be a secondary consideration. The key is to define what relief can be granted, and applicants should present appropriate facts that warrant granting such relief.

Chairman Drobinski declared that they, the Selectmen, would be sitting down with all the boards in Town to discuss a vision of the direction in which Sudbury should be going. He again recommended reappointment.

It was on motion by Chairman Drobinski

VOTED: To reappoint Patrick J. Delaney, III, to the Board of Appeals for a term of five years, ending on April 30, 2003. (Selectmen Drobinski and Clark in favor; Selectman Roopenian in opposition.)

Selectman Clark suggested that residents interested in the Earth Removal Board be interviewed by the Board of Appeals and Earth Removal Board and then interviewed by the Selectmen. Selectman Roopenian will forward the names to the appropriate individual.

**Sudbury Lumber Company - Site Plan Special Permit No. SP98-344**

Present: Laura Schofield, Schofield Brothers of New England; Frank Morgan, Manager, Sudbury Lumber Company.

In accordance with Sudbury Zoning Bylaw Article IX.V.A, Chairman Drobinski opened a public hearing to consider Application No. SP98-344 of Sudbury Lumber Company for a Site Plan Special Permit, to replace the existing open shed with an enclosed storage shed covering approximately 6500 sq. ft., on property at 28 Union Avenue, owned by Robert W. McNamara Trust, zoned Lim. Ind. Dist. #6 and Bus. Dist. #5.

Notice of the Public Hearing was published in the *Sudbury Town Crier* and *TAB* on May 21 and 28, 1998. Parties of interest, being abutters within 300 feet according to the Assessors, were provided notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided notice by first class mail. 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 May 11, 1998, from I. William Place, Director of Public Works/Town Engineer, asking that a signature block for the Selectmen be added to the site plan; parking calculations and parking facilities should be shown on the plan; and recommended as a condition of approval that the drainage system be inspected, cleaned and operating properly.
2. A communication, dated June 3, 1998, from the Health Director stating that, since office space or number of employees are not to be increased, the septic system is adequate and therefore he raises no objection to the proposal.
3. A Determination of Applicability, dated May 28, 1998, from the Conservation Commission, stating that while the work described does fall within the buffer zone, it will not alter the area, and does not require filing a Notice of Intent.
4. A communication, dated June 2, 1998, from the Town Planner to the Planning Board, advising that: 1) A Water Resource Special Permit from the Planning Board is required; and 2) proposing the Planning Board recommend approval of the site plan to the Board of Selectmen. The Planning Board's report will not be forthcoming until after its hearing on June 9.
5. Verbal report of June 2, 1998, from the Building Inspector stating no issues other than: signature blocks for both the Selectmen and the Building Inspector and Town Engineer are needed on the plans, and Item 10 on the application should read "Yes" as to there being previous site plans.

6. A report received June 2, 1998, from the Fire Chief stating his department has no objection to the plan.

7. Application, dated May 1, 1998, and received May 5, 1998, for a Site Plan Permit, No. 98-344, filed by Sudbury Lumber Company, with the following accompanying documents: Plan of Land, drawn by Schofield Bros. of New England, Inc., dated May 1, 1998; and Elevations, Floor Plan, Foundation Plan, and Section Drawings, Sheets A-1 through A-4 respectively, drawn by Robert M. Connell, dated March 31, 1998.

Ms. Schofield presented the blueprint for 28 Union Avenue, the site of Sudbury Lumber, outlined various portions of the plan, and stated the plan was to replace an open storage lumber shed with an enclosed structure to better protect the lumber against the elements. She noted there were some wetlands on the property, pointing out the drainage ditch that runs into the railroad tracks and a ditch that runs along the southerly property line and into the adjacent wetlands.

Ms. Schofield stated the storage shed is to be unheated, without plumbing; thus a Board of Health permit is not required as the septic system is not being altered. She continued as follows: They have been to the Conservation Commission because the plan falls within the 100 foot buffer zone for the wetlands, and received a negative impact statement from ConCom. The new building does not precipitate a need for additional employees; however, because of the increase in square footage, she stated one more parking space is required. A 1995 plan shows that there is room for 49 parking spaces; including the proposed shed, 39 are required under the current bylaw.

Addressing hazardous materials concerns, Ms. Schofield stated that only lumber would be stored in the new shed. The only hazardous material on site is paint sold in the store, and diesel fuel tank for the forklift, which is not changing.

Ms. Schofield indicated they had not been to the ZBA yet and must do so because of the pre-existing non-conforming site, because of the amount of impervious area. Sudbury Lumber is not increasing the area, but going over an already paved spot. Regarding drainage, she stated that Deborah Dineen, Coordinator for the Conservation Commission, had worked with them in 1995 when the swale was installed to pick up parking lot runoff, as well as a trap and catch basins (she indicated these areas on the plan as she spoke), so that any runoff would end up in the catch basin and eventually in the wetlands. The Con Com decided that, due to the flatness of the area and shallow depth of ground water level, there are few options for drainage.

Selectman Clark inquired about the railroad line, which will eventually become the Wayside Trail, and wondered about a loading platform and edge of pavement which appeared to be outside the property line. Mr. Morgan responded that it is a pre-existing platform that is off the siding. Chairman Drobinski stated it is not unusual for such platforms to exist off rail, and Selectman Clark expressed concern that it not hold up development of the Trail.

Selectman Clark stressed the Planning Board's concern was with hazardous materials and emergency response, but these things are not a problem. Mr. Morgan responded that the only thing which could be a factor would be the diesel fuel tanks, citing a plan in place in 1995. He stated the vehicles are parked inside, providing containment should a vehicle leak occur, and that Sudbury Lumber also has on hand various "sponging" materials stored near the tanks.

Chairman Drobinski asked Ms. Schofield for an architectural description of the building. She responded that it was a cinderblock siding with an overhang in a loading area. Mr. Morgan added that it is fireproof, being a 12" block, and virtually indestructible. The red/gray roofing will be the same as on the existing building.

Town Manager Ledoux recommended continuing the issue for two weeks, to wait for recommendations from the Planning Board. Chairman Drobinski stated that, while it is being continued, the Board sees no reason not to proceed with the paperwork.

Expressing tentative approval, it was on motion unanimously

VOTED: To continue this public hearing until June 22, 1998, at 9:15 p.m., to await Planning Board recommendation and a draft Decision by Town Counsel for the Board's consideration.

### **Minutes**

It was on motion unanimously

VOTED: To approve the minutes of May 18, 1998, as drafted.

### **Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$177.53 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.

### **Donation from D.A.R.E. Students - Peter Noyes School**

It was on motion unanimously

VOTED: To accept \$92.00 from the Peter Noyes School fifth grade D.A.R.E. students, donated in honor of Sudbury D.A.R.E. Officer "Rocky" Conrado, to be expended under the direction of the Park and Recreation Commission to provide scholarship assistance for individuals to attend Summer Camp Programs; and to send a letter of appreciation to the Noyes School students.

### **Edwin Barrett Hosmer Memorial Fund Expenditure**

It was on motion unanimously

VOTED: To authorize expenditure of \$400 from the Edwin Barrett Hosmer Memorial Fund to pay Robert Leonard for historic Old Home Survey house signs, as requested by the Historical Commission.

### **Contract Approval - Dept. of Public Works**

Selectman Roopenian asked why there was only one bid for the turf tractor, and further asked if there is a minimum number of bids required for purchases. Chairman Drobinski responded there was no minimum number, and sometimes the Town has to work with just a few bids.

Selectman Clark wanted to know what a turf tractor was. Chairman Drobinski explained it was a "folding" mower that would be used to maintain fields.

It was on motion unanimously

VOTED: To approve the Dept. of Public Works contract with Sawtell Brothers, Inc., for the lease/purchase of a turf tractor, in the total amount of \$51,500.

**Contract Approval - Fire Dept.**

It was on motion unanimously

VOTED: To approve the Fire Dept. contract with Quality Emergency Vehicles, Inc., of Natick, to purchase an ambulance, in the amount of \$97,039.

**Congratulatory Letters - Troop 61 Eagle Scouts**

Selectman Clark remarked she would be out of town on June 20 and unable to attend the Court of Honor for the scouts.

It was on motion unanimously

VOTED: To sign/send letters of congratulations to Joseph Onorato, Shawn Jennings and Richard Landrigan from Troop 61 for attaining the rank of Eagle Scout.

**Special Olympics Massachusetts Fundraiser - "Recycle for Gold"**

Pursuant to a communication dated May 22, 1998, from Special Olympics Massachusetts, it was on motion unanimously

VOTED: To endorse "Recycle for Gold", a Special Olympics Massachusetts fundraiser program, under which unwanted cars and trucks would be donated and removed free of charge by the Special Olympics organization.

**Library Building Campaign "Thermometer"**

Selectman Clark remarked that Lily Gordon stated in her May 28, 1998 letter that the Library building fund coordinators would like to place a thermometer in front of Town Hall, though the notice says "Town Common". Chairman Drobinski has spoken with her, and said it had been corrected to say Town Common as there is not much space in front of Town Hall. While things are normally not allowed on the Common, he stated this is a special circumstance, and people need to know how the Library Fund is going.

Selectman Clark agreed that the thermometer is a good idea.

It was on motion unanimously

VOTED: To grant permission to the Library "Building for the Future" campaign coordinators and the Library Trustees to place a "thermometer" sign on the Town Common for the rest of 1998.

**Public Hearing - Victory Cigar, Ltd.**

Present: Mark W. Piscillo, Manager, Victory Cigar Ltd., and others.

Acting as the Licensing Authority, in accordance with MGLc 138, Chairman Drobinski opened a public hearing to consider the application submitted by Mark W. Piscillo, Manager, for a restaurant license for the Sale of All Alcoholic Beverages as a Common Victualler, for the property described as follows: 615 Boston Post Road, Store A-102, One floor: one dining/smoking/food prep. room, one walk-in humidor; three exits: front entrance north side, lobby entrance, exit south side. Also to consider applications for a Common Victualler License and an Entertainment License for said establishment.

Notice of the hearing was advertised in the *Sudbury Town Crier* on May 28, 1998, and abutters were notified by certified mail, return receipt.

The Board was in receipt of the following:

1. Application for Alcoholic Beverage License, dated March 28, 1998, and received May 22, 1998, and accompanying documents.
2. Proposed Victory Cigar menu (rough draft), including hours of operation for both food service and alcohol service, outlining available equipment and its placement.
3. Application for License as a Common Victualler, dated May 28, 1998.
4. Application for License for Entertainment, dated May 11, 1998, specifying television and background music as types of entertainment, and listing days and hours of each.
5. A communication, dated June 4, 1998, from Peter B. Lembo, Chief of Sudbury Police, stating no objection to the granting of a License for the Sale of All Alcoholic Beverages as a Common Victualler to Mark W. Piscillo of Victory Cigar, Ltd.
6. A communication, dated June 3, 1998, from Robert Leupold, Health Director, stating the owner and applicant must apply to the Board of Health for proposed change of use, that the issuance of a Food Establishment Permit is dependent on adequate septic system capacity, and the proposed establishment must be reviewed.
7. A verbal report, dated June 2, 1998, from the Building Inspector, stating that, if it complies with Board of Health requirements, and unless he reports further after another review of the facilities, he sees no problem.
8. A communication, dated June 3, 1998, from Michael Dunne, Fire Chief, stating the premises are in compliance with fire prevention regulations; however, having seen the effects of drinking in the Department's operation of the ambulance, he strongly questioned whether the Town needed to issue another license of this type.

Applicant Mark Piscillo presented his application, and stated that they intend to card anyone who looks 30 years old or younger.

Chairman Drobinski informed the applicant that the Police Chief had a sting operation two months earlier, who indicated he will continue to run these relative to the selling of alcohol and tobacco to minors. Mr. Piscillo responded they have invested a considerable amount of money into this venture and are very conscious of ongoing police efforts.

Mr. Piscillo stated their establishment is a tobacco shop with a walk-in humidor, which has had a tremendous number of people come in the door since May 13, many of them local residents. He has approximately 300 signatures of persons who have been in the shop, many of whom inquired about liquor being available. He noted that many cigar shops allow BYOB, but this is not possible in Sudbury. Mr. Piscillo said they would like to advertise through the *Boston Globe* and *Boston Magazine* that alcohol is available and that people could have functions such as pre-wedding parties there, and give people reasons to come and enjoy a cigar with cognac or port wine. He described a very refined atmosphere.

Selectman Clark expressed concern for the driveway exit, saying the traffic made it difficult to get in and out, and she worried whether a person could negotiate the road if one had had a cognac and cigar. Mr. Piscillo responded that the exits from Bullfinch's and the Ninety-Nine are comparable. Selectman Clark noted Horse Pond Road and Dudley Road entering Route 20 from different directions adjacent to this site, adding to egress problems.

Chairman Drobinski commented that egress was addressed in the original site plan, and neighbors, including those not direct abutters, have been concerned with the site.

Selectman Clark mentioned there has been talk of installing a traffic light at Horse Pond Road, but until one goes in at Nobscot Road, creating a wave of traffic, there will not be a need for one at Horse Pond.

Mr. Piscillo remarked that it boils down to everyone being responsible, stating everyone employed at Victory Cigar is certified under Tobacco and Alcohol Management (TAM). They will not allow things to get out of hand, noting again the considerable amount of money invested. He currently works there 70 hours per week, and deems it his responsibility to make sure people are not overdrinking.

Selectman Clark inquired about live entertainment. Mr. Piscillo responded there will only be television (satellite sports, Sunday and Monday night football games, etc.) along with background music.

Chairman Drobinski asked if the music will be heard by the abutters to the rear, any sound leaving the facility. Mr. Piscillo responded that the music can be turned off in the front of the shop, and in the back of the shop.

Mr. Piscillo remarked there is a local corporation hoping to rent the space in the mornings for breakfast meetings, but emphasized that being able to offer alcohol gives someone living in Natick, for example, a reason to come, as the closest facility of its type is Cigar Masters of Newbury Street in Boston. Cigar Masters is approximately two years old, with a similar concept to that of Victory Cigar. Mr. Piscillo commented that patrons have reported that Victory's pricing is better, atmosphere nicer, and the only thing lacking is the cognac.

Selectman Clark inquired where Victory obtains its cigars. Mr. Piscillo responded the cigars are purchased from Consolidated Cigar, General Cigar, and various others, from Jamaica, Honduras, the Dominican Republic, Nicaragua, Costa Rica, New York State, and the Amish country in Pennsylvania, offering some very unique and hard-to-find cigars. He added that many people listed in his guest book are traveling from other areas just to seek them out.



Selectman Roopenian remarked that she had gone to see the shop and commended Mr. Piscillo on the premises.

Mr. Piscillo stated it was nice for Sudbury to have something unique, and again stated his belief that having alcohol will give them the opportunity to make a decent living and be profitable, as tobacco sales only would take a long time to recoup the initial investment.

Selectman Roopenian inquired about individuals coming in to smoke who are still underage to drink, and how he planned to handle that. Mr. Piscillo stated that this individual would be carded by virtue of his age, and will then not be served liquor. He added it is interesting that one can be 18 years old and serve alcohol, yet not be able to drink it. He further declared that he would not allow anyone that age to bartend, and intends all bartenders would be his contemporaries -- 30 years or older.

Selectman Roopenian reported she had received several phone calls over the weekend from individuals who had been in the shop and received very favorable comments.

Selectman Clark asked if there is sufficient population to grant another license. Chairman Drobinski responded that there are pouring licenses available.

Chairman Drobinski asked about the proposed menu. Mr. Piscillo presented the menu and commented he has had requests to have catered affairs there. He asked, if the Common Victualler license is granted, whether such gatherings are permitted with an outside caterer. Chairman Drobinski remarked that such might be a question for the Board of Health.

Mr. Piscillo presented a flyer from Catering Con Class in Hopkinton, stating he would like them to come in occasionally, while offering a regular menu. He also submitted a flyer listing pre-made desserts.

Chairman Drobinski asked if this was basically the menu. Mr. Piscillo answered that it would be, but he also wanted to bring in some additional items.

Chairman Drobinski asked if he had met with the Board of Health regarding food preparation. Mr. Piscillo responded that Mr. Leopold said they needed a three-bay wash sink plus a hand-wash-only sink, and recommended minimal waste, possibly to use paper throwaway to ease use of the septic system. He added that he and owner Jerry Tuck would have to attend the next meeting of the Board of Health.

Chairman Drobinski suggested the Common Victualler License be subject to the approval of the Board of Health.

Selectman Clark asked about parking; Mr. Piscillo responded that most events would be at night, the average requiring 13 -14 parking spaces, and opined there would be ample parking in Dudley Square.

Chairman Drobinski asked that Mr. Piscillo keep the Fire Chief's report in mind, concerning public safety concerns with drinking and driving.

It was on motion unanimously

VOTED: To grant approval of the Common Victualler License for Victory Cigar, Ltd., located at 615 Boston Post Road, Store A-102, subject to approval by the Board of Health.

Chairman Drobinski asked about the hours of operation regarding the sale of alcohol. Mr. Piscillo stated the hours of operation to be from 10:30 a.m. to 7:30 p.m. Monday through Thursday; 10:30 a.m. to 10:00 p.m. Friday and Saturday; and 12 - 6 p.m. on Sunday. He understands, however, liquor can be served Monday through Thursday 11:00 a.m. to midnight, Friday and Saturday 11:00 a.m. to 1:00 a.m., and on Sunday noon to midnight.

It was on motion unanimously

VOTED: To grant a Restaurant License for the Sale of All Alcoholic Beverages as a Common Victualler, to Victory Cigar, Ltd., Mark Piscillo, Manager, for property described as follows: 615 Boston Post Road, Store A-102, One floor: one dining/smoking/food prep. room, one walk-in humidor; three exits: front entrance north side, lobby entrance, exit south side, said license being subject to: 1) annual certification of all employees under the Tobacco and Alcohol Management program, 2) approval by the Board of Health, and 3) approval by the Alcoholic Beverages Control Commission..

Town Manager Steven Ledoux commented that in the future the TAM certification may be a requirement for all licenses.

Regarding the Entertainment License, Chairman Drobinski summarized that television, CD player and satellite dish were the only forms of entertainment, and confirmed with Mr. Piscillo that noise would not be a problem for the abutters behind the building.

It was on motion unanimously

VOTED: To grant an Entertainment License, to Victory Cigar, Ltd. of 615 Boston Post Road, Store A-102, subject to no complains being received from abutters concerning noise.

The Selectmen wished Mr. Piscillo luck with his establishment. Mr. Piscillo expressed it was his experience during this application process that the Town is business friendly. He felt that the Board's decision to grant licenses to his establishment would send a good message to others.

### **Especially for Pets, Inc. - Special Permit**

Present: Lib diMarco, Sudbury Store Manager; Ernie Isabel, Assistant.

The Board was in receipt of the following:

1. A communication, dated May 9, 1998, from Michael J. DiTullio, President, Especially For Pets, Inc., applying for a permit to house cats while homes are being found for them.
2. A verbal report, dated June 2, 1998, from the Building Inspector stating he has no problem with the request to board cats for the purpose of allowing time to find homes for strays, providing a special permit is granted by the Selectmen.
3. A verbal report, dated May 15, 1998, from Fire Chief Dunne stating he sees no problem with the request.

4. A communication, dated June 3, 1998, from the Board of Health, reporting that a recent inspection indicated adequate space for boarding up to ten cats for adoption, allowing that the Animal Inspector must also make an inspection, if the boarding facility is approved.

Ms. diMarco stated they basically want to be a housing center for Kitty Angels, a non-profit organization. Their function would be to house, help out in approving adoptive homes, provide health checks for vaccinations and testing for feline leukemia and AIDS. The animals would be held in someone's home for 30 days to assure good health before coming into the store.

Selectman Roopenian commented that regardless of the number of cats, there should be appropriate enclosure so that cats are not roaming free in the store, ensuring safety for public entering the store.

Selectman Clark asked if cats will be allowed to be together or isolated. Ms. diMarco responded that, as long as the cats are healthy, they will be allowed to stay together, sharing cat playpens. She added that she will have help in feeding and caring for the cats.

Selectman Roopenian asked about ventilation. Ms. diMarco said a ventilator is being established in the area where this enclosure will be, keeping the area odor-free.

Chairman Drobinski inquired if this special permit was to be for a year or some other duration. Ms. diMarco answered they intend to help this organization for as long as they are in business.

It was on motion unanimously

VOTED: To approve the Special Permit request, dated May 9, 1998, under Zoning Bylaw Art. IX.III.C.2.i, to Especially for Pets, Inc., to board a maximum of ten cats while being held for adoption at their store at 81 Union Avenue.

### **Goals Ratification**

Selectman Roopenian suggested a short-term addition to their goals, that being the Dakin Road issue regarding the LEAP School, perhaps to streamline a modified permit. Chairman Drobinski asked if there were any articles to come forward at Town Meeting or a Special Town Meeting.

Selectman Roopenian reiterated her earlier comment regarding the apparent lack of concern for the immediate neighborhood, digging themselves a septic system, putting in a parking lot, without notifying the neighbors or anyone at all. Their plans go far beyond that, possibly buying nearby houses as they come up for sale, like the one directly behind it that is currently on the market. As each sale occurs, revenue for the Town decreases because they are not paying any taxes.

Selectman Clark remarked there was a similar problem with the Hall property years ago on Concord Road, under the old bylaw.

Selectman Roopenian stated that residents need to be made aware these things are happening.

Chairman Drobinski commented this same issue arose with the construction of the Nixon School, and no one knew what was really going to happen in the second phase.

Chairman Drobinski suggested they add the short-term LEAP issue and ratify the goal list. The Board agreed. He added it will be an interesting year if all goals are met. Selectman Clark remarked that if one-third of the goals are met, it will be a great year. Selectman Roopenian believed it can all be accomplished.

### **Reports**

Selectman Clark wished to comment on the new employee newsletter, "Spirit of Sudbury", finding it very interesting and informative.

The Board briefly discussed signing notes for the Town Treasurer at the Town Clerk's office on June 15.

Town Manager Steven Ledoux asked the Board if they would like him to draft some language to make the Alcohol Awareness Training a condition of liquor licenses and renewals. It was agreed he will draft some language for the next meeting, and then communicate to the license holders that it will be a condition when their renewals come around in December. He mentioned several establishments that already require the training; thus, he did not feel that it would create a stir. Chairman Drobinski clarified that the consequence of not having the training would be that the license would not be issued.

Selectman Clark remarked that Victory Cigar said they would do a refresher at six months, and suggested it be done on an annual basis.

Town Manager Steven Ledoux announced he has appointed Deborah Stone McCarthy of Horse Pond Road as the Assistant Town Clerk. She has worked for the K-8 School System for ten or eleven years, and will begin July 1.

Selectman Roopenian remarked that she attended the Peter Noyes School Colonial Day today as the Selectman representative, viewing the sheep shearing. She asked the Town Manager if there was any word on scheduling a meeting with the Board of Health. He responded there was not.

There was further discussion about setting priorities on talking with various Boards. The Board discussed meeting with Planning, Health, Appeals, Housing, and Finances in the fall at a joint meeting, and a need to exercise flexibility in scheduling. Selectman Roopenian remarked that schools are generally in the planning mode during the summer, kicking into high gear in the fall, and it was agreed to try to schedule both local and regional schools during the summer.

Selectman Roopenian expressed concern for falling enrollment numbers, but acknowledged that reporting is done differently now, with special education, computer, orchestra, band and others being singled out.

Reporter Clay Gollobin asked if the LEAP septic system had already been installed. Selectman Roopenian responded that her information was that it was to begin today, but she did not know for sure. There is a meeting on June 16 with the owner, Robin Shapiro, and abutters, and she plans on attending.

Selectman Roopenian commented on the Sudbury Plaza fence and inquired as to its status. Mr. Bisson had requested an 8 ft. height, the Board had decided on 6 feet, but the fence is not up.

Also concerning the same site, Selectman Clark expressed dismay that the contaminated soil was taken out of the contaminated area and it just sits there on top of the pavement with a tarp over it. She expressed further concern that with all the rain, it will go right back into the system. Town Manager Steven Ledoux stated he would look into it.

There being no further business to come before the Board, the meeting was adjourned at 9:38 p.m.

Attest: \_\_\_\_\_

Steven Ledoux  
Town Manager-Clerk