

**IN BOARD OF SELECTMEN
MONDAY, JULY 13, 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 Senior Center, 40 Fairbank Road.

Additional Utility Pole – 370 Hudson Road (Lindegren)

The Board was in receipt of the following:

1. A communication, from Carl J. Lindegren, dated June 15, 1998, requesting an additional pole on their property in order to run existing overhead utility wires underground, accompanied by sketch indicating pole placement.
2. Verbal reports from the Building Inspector and Wiring Inspector, on July 9, 1998, stating they have no problem with this request.

It was on motion unanimously

VOTED: To grant special permission, in accordance with Sudbury Bylaw Art. XX.3.E., to Carl J. and Michelle Lindegren to install an additional utility pole at 370 Hudson Road, in the southwest corner of the lot, to allow existing utility wires to be placed underground. Installation is conditional upon application for appropriate permits and approval by Boston Edison and Bell Atlantic, with the cost of such installation to be paid by the Lindegrens.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of June 22, 1998, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$211.25 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.

Peter Noyes School – Vidbels Olde Tyme Circus

It was on motion unanimously

VOTED: To grant a special permit for the Sudbury Education Resource Fund, Inc. (SERF) to sponsor Vidbels Olde Tyme Circus at the Peter Noyes School field on August 11, 1998, as requested in a communication, dated June 29, 1998, from SERF President, Eileen Glovsky, subject to approval by the Sudbury School Committee, Police Chief, Fire Chief, Building Inspector, and Board of Health.

Resignation – Paul S. Hovsepian

It was on motion unanimously

VOTED: To accept the resignation, dated June 18, 1998, of Paul S. Hovsepian from the Board of Appeals Associates and the Earth Removal Board, and to send a letter of appreciation for his service to the Town.

Selectman Roopenian inquired about filling the vacancy on the Earth Removal Board, wondered what the next step would be.

Town Manager Steven Ledoux stated interested persons would be interviewed, recommendations will be forwarded to the Selectmen, followed by interviews and subsequent appointments.

Ambulance Gift Account Donation

It was on motion unanimously

VOTED: To accept with thanks a donation of \$25 from Donald D. Bishop in appreciation of aid given by the Police and Fire Departments, to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief.

AAA Limousine – Livery and Limousine License Renewal

The Board was in receipt of the following:

1. Application, dated June 26, 1998, from Edmund R. Brown, President, AAA Limousine, for renewal of their Livery License, due to expire on June 30, 1998. Mr. Brown lists the current vehicles, certification of insurance, and rate schedule, and has paid the renewal fee.
2. A communication, dated June 26, 1998, from Edmund R. Brown, President, AAA Limousine, stating all drivers have been independent contractors since 1981, and have workmen's compensation coverage through Guard Insurance Company, Policy #AAWC910134.

It was on motion unanimously

VOTED: To renew Livery and Limousine License for AAA Limousine, in accordance with application dated June 26, 1998, and to approve rate schedule (unchanged from previous year) contained therein, subject to approval of individual driver licenses and satisfactory inspection of vehicles by the Police Department.

Constable Bond

It was on motion unanimously

VOTED: To approve, under Section 92 of Chapter 51 of the General Laws, the surety of the constable's bond of Stephen P. LaRoche, Bond #BON-1640511, The Hanover Insurance Companies, in the amount of \$5,000; and to approve the filing of the bond with the Town Clerk.

Edwin Barrett Hosmer Memorial Fund Expenditure

It was on motion unanimously

VOTED: To authorize expenditure of \$1,873 from the Edwin Barrett Hosmer Memorial Fund to pay for cleaning and framing six oil paintings of Florence Hosmer.

Darthea Hunt Day

It was on motion unanimously

VOTED: To proclaim July 16, 1998 as Darthea Hunt Day in Sudbury, in honor of said employee's retirement from full-time employment as office manager in the Sudbury Police Department after twenty-nine years of service.

Rules and Regulations for Alcoholic Beverage Licensees

Pursuant to discussion held June 22, it was on motion unanimously

VOTED: To adopt the Rules and Regulations, as revised by the Town Manager, requiring liquor licensees to train all personnel who dispense or sell alcoholic beverages.

Chapter 61B Right of First Refusal – 32 Rice Road

Present: Edmund H. Sears, Owner.

On June 22, 1998, the Board had reviewed a Notice of Sale/Conversion under G.L. Chapter 61B concerning the Sears Property, 32 Rice Road. The matter was continued to allow time for reports from pertinent boards.

This evening, the Board acknowledged receipt of the following:

1. A communication, dated July 9, 1998, from David G. Berry and Trevor Haydon, Board of Assessors, recommending the Board of Selectmen not exercise the Town's right of first refusal on Parcel A, 10,601 sq. ft. of property now identified as map H-10 parcel 401.
2. A communication, dated June 22, 1998, from the Planning Board, stating there does not appear to be any benefit for the Town to attempt to acquire this property.
3. A communication, dated June 24, 1998, from Lawrence J. O'Brien, Chairman, Planning Board, stating the Planning Board's unanimous vote to recommend the Selectmen not exercise the Town's right of first refusal on Parcel A, 10,601 sq. ft., located at 32 Rice Road. Mr. O'Brien further states the Planning Board has been reviewing this parcel of land for subdivision development, and the Board feels Town resources can be better spent on other properties.
4. A communication, by e-mail, dated June 29, 1998, from Deborah Dineen, Conservation Coordinator, stating her recommendation to the Selectmen to not exercise the Town's right of first refusal, as it would obstruct the subdivision development. Ms. Dineen noted that the applicant for

the Sears development had not come before the Commission yet, and the final area subject to conservation restriction has not been delineated, nor is there a ruling in place that would require a conservation restriction. She referenced a previous meeting with owners concerning the grant of a conservation restriction and suggested the Town's release of option be conditioned upon commitment by the new owners to grant such a restriction.

Selectmen Clark remarked that all Town boards offering input advised not acquiring this property.

It was on motion unanimously

VOTED: To not exercise Town's right of first refusal to purchase approximately 10,601 sq. ft of land at 32 Rice Road, pursuant to Notice of Sale/Conversion postmarked June 19, 1998, received June 22, 1998, from David A. Wallace, Esq. on behalf of legatees Edmund H. Sears and Leslie S. Karpp, in accordance with G.L. Chapter 61B; said land shown as "Parcel A" on "Plan of Land in Sudbury, Massachusetts, dated September 23, 1997, revised October 15, 1997, drawn by Sullivan, Connors & Associates, Sudbury, MA.

Gasoline Contract

Town Manager Steven Ledoux stated no bids on the gasoline contract had been received, and the Town will have to rebid.

MBTA – RIDE Program

The Board was in receipt of a communication, dated June 29, 1998, from Kathy Shagoury, addressing the issue of assessment for the MBTA, and requesting the Town of Sudbury join her in a petition drive to get services for THE RIDE Program brought to Sudbury and other towns being assessed. Ms. Shagoury submitted a communication, dated March 26, 1998, from Massachusetts Senator Cheryl A. Jacques, urging the MBTA to expand THE RIDE service to those communities paying assessment taxes for it.

Town Manager Steven Ledoux emphasized the assessment paid to the MBTA is \$329,000, for which Sudbury receives no services, noting that THE RIDE would be invaluable to the disabled and elderly.

Selectman Clark inquired about the MBTA coming out with new assessments for those towns currently receiving no benefits, and asked the status of that legislation. She commented, if Sudbury were to start receiving benefits now, the opportunity to retrieve the \$329,000 could be lost.

Town Manager Ledoux stated he did not know its specific status.

Selectmen Clark suggested holding decision on this matter until the end of the legislative term, and opined that the legislation may intentionally be held up until time runs out.

Selectman Roopenian asked what the legislation entails. Town Manager Ledoux described it as a "phase-out" of the cities and towns not currently receiving services, a proposal for a five-year phase-out of the assessment.

It was unanimously agreed to postpone this matter pending the legislative outcome.

Public Hearing: Utility Petition 98-4 -- Haynes Road

Present: Maureen Carroll, Right-Of-Way Agent, Boston Edison Company; abutter George Sharkey; Philip Sharkey, 55 Pantry Road.

The Board was in receipt of the following:

1. A joint petition (UP98-4) from Boston Edison Company and Bell Atlantic - New England, requesting a Grant of Location to install pole 31/7A at the intersection of Pantry Road at Haynes Road. Mr. Schifone further states this work was necessary to decrease the span between existing poles 31/7 and 31/8.
2. A verbal report, dated June 17, 1998, from Wiring Inspector Arthur Richard of the Building Department, stating they have no problems or issues with Utility Petition 98-4.
3. A communication, dated July 4, 1998, from Ralph S. Tyler, One Deacon Lane, stating the additional pole is required merely to remedy poor planning and not to meet engineering requirements.
4. A communication, dated July 7, 1998, received July 8, 1998, from I. William Place, Director of Public Works, Town of Sudbury, advising the Selectmen to view the Pantry Road/Haynes Road site prior to rendering a decision. Mr. Place further stated the reasons why Pole 31/7A was installed on an emergency basis, and submitted plan titled "Intersection Reconstruction Pantry Road at Haynes Road", dated September 25, 1996.

Town Manager Steven Ledoux announced he received a phone call from Boston Edison that they will be removing pole 31/7. Ms. Carroll confirmed this, and added that pole 31/7A will remain.

Philip Sharkey, 55 Pantry Road, stated there are two poles marked 31/7, noticed before the meeting. Ms. Carroll responded the "A" must have fallen off as it was there earlier in the day.

Philip Sharkey asked which pole is the one with the fire box. Ms. Carroll stated the pole with the fire box was the one coming out, and the pole on the island was staying.

George R. Sharkey, 16 Haynes Road, asked if the illegal guy wire to his tree would be removed. Mr. Sharkey related his experiences with Boston Edison the past few years, to remove the guy wires and to take down the tree. Boston Edison agreed to remove the tree three different times. Instead, a new pole was installed and a new wire attached. He now has a dead tree and a guy wire.

Ms. Carroll inquired when this was most recently discussed. Mr. Sharkey responded two or three months previously.

Ms. Carroll asked if he could recall the name of the person with whom he spoke. Mr. Sharkey replied, with amusement, getting action from the phone company has been difficult.

Chairman Drobinski suggested Mr. Sharkey and Ms. Carroll exchange information with the hope of reaching a solution.

Mr. Sharkey stated he spoke with a phone company individual after a Selectmen's meeting three years ago who offered to cut down the tree but leave the stump. Mr. Sharkey deemed this unacceptable, and hasn't heard anything since that time. He specifically addressed Ms. Carroll, inquiring if pole 31/8 was Boston Edison's, and if it was, would they take down the tree.

Chairman Drobinski stated the tree removal would be declared an action item and included in the official minutes. He continued further to state that the next time Boston Edison appears before the Board with a Utility Petition, he will ask them if they have taken care of Mr. Sharkey's tree. He urged Mr. Sharkey to phone the Selectmen if he does not get any action this time.

It was on motion unanimously

VOTED: To approve Utility Petition 98-4 of Boston Edison Company and Bell Atlantic – New England and to approve a Grant of Location for the installation of pole 31/7A, as shown on plan of Boston Edison Company entitled "Plan of Pantry Road, Sudbury", dated March 25, 1998, conditioned upon removal of Pole 31/7.

Public Hearing: Utility Petition 98-5 -- Lincoln Lane

Present: Maureen Carroll, Right-Of-Way Agent, Boston Edison Company.

The Board was in receipt of the following:

1. Petitions of Boston Edison Company and Bell Atlantic - New England (UP98-5), for the purpose of obtaining a Grant of Location to install approximately 430 feet of conduit at pole 92/16 on Lincoln Lane, to provide underground electric service for three (3) new homes.
2. A verbal report, on June 24, 1998, from Wiring Inspector Arthur Richard of the Building Department, stating they have no problems or issues with Utility Petition 98-5.

Ms. Carroll specified the conduit was necessary to provide underground electric service for three new homes.

It was on motion unanimously

VOTED: To approve Utility Petition 98-5 of Boston Edison Company and Bell Atlantic-New England and for the installation of approximately 430 feet of conduit at pole 92/16 on Lincoln Lane, westerly, approximately 1,346 feet west of Lincoln Road, as shown on Boston Edison Company "Plan of LINCOLN LANE, SUDBURY Showing PROPOSED CONDUIT LOCATION", dated June 17, 1998, and Plan entitled "New England Telegraph & Telephone Company No. 98-04" dated June 29, 1998.

Strategic Planning Committee Membership

The Board was in receipt of a communication, dated June 30, 1998, from Jody A. Kablack, Town Planner, suggesting the Strategic Planning Committee membership be opened to all residents who have participated in general SPC meetings or have served on a task force, and providing a list of said individuals.

Town Manager Steven Ledoux stated nearly 40 people were appointed to the committee at the time of its original make-up. He further suggested appointing everyone who has expressed interest, now that the committee has been divided into task forces, and there is a great deal of work to be done.

Selectman Roopenian asked if this list represented everyone who was interested, or is it a preliminary list.

Town Manager Ledoux clarified the list to be the “master list” of those who were initially appointed and those who had regularly attended meetings and/or served on a task force.

Selectman Clark commented some people may have attended in the beginning just to get a feel for what the committee was about, and may have felt participation required too much time.

Chairman Drobinski stated he purposely stayed away from the committee, and inquired how the attendance had been. Selectmen Clark and Roopenian indicated attendance had been good.

Selectman Clark commented committees usually start out large in size, then slowly dwindle down to a core group of 15 or 20.

Selectman Roopenian stated everyone who originally applied to serve on the Strategic Planning Committee should be included in the list.

Chairman Drobinski commented that involvement should not be restricted. Town Manager Ledoux clarified that even though a person may not have “made the cut”, they still received notice of the SPC meetings, and many times opted to attend.

Selectman Clark inquired as to the purpose of the membership initiative, and wondered if it was just to get more people. Chairman Drobinski remarked he thought this list contained people already on the committee. Town Manager Ledoux responded the intent was to get more people involved in arriving at decisions made toward the Master Plan.

Selectman Roopenian commented that notice of this membership drive should be carried in the paper and on the cable channel, and further stated she has seen notices for SPC meetings in the paper.

Selectman Clark stated as each task force achieves its purpose, and a vote occurs, that information is put into the paper in some form.

It was on motion unanimously

VOTED: Subject to acceptance, to appoint the following individuals as additional, full members of the Strategic Planning Committee:

Suzanne Romain	31 Eddy Street	Sudbury MA 01776
Thomas D. Roose	45 Rambling Road	Sudbury MA 01776
Ronald Stephan	86 Thunder Road	Sudbury MA 01776
Ursula Stephan	86 Thunder Road	Sudbury MA 01776
Nancy Taylor	10 Thunder Road	Sudbury MA 01776
Marjorie Wallace	148 Nobscot Road	Sudbury MA 01776
Ursula Lyons	157 Wayside Inn Road	Sudbury MA 01776

Daniel L. Claff	405 Dutton Road	Sudbury MA 01776
Patricia Burkhardt	18 Field Road	Sudbury MA 01776
Catherine Rader	6 Intervale Road	Sudbury MA 01776
Michael Daitzman	241 Water Row	Sudbury MA 01776
Robert Graham	64 Tanbank Road	Sudbury MA 01776
Dianne Gray	73 Carriage Way	Sudbury MA 01776
Catherine Briggs-Hanafi, M.D.	20 Normandy Drive	Sudbury MA 01776
Barbara Bahlkow	8 Tanbank Road	Sudbury MA 01776
Jo-Ann Howe	32 Birchwood Avenue	Sudbury MA 01776
Helen Neelon	42 Victoria Road	Sudbury MA 01776
Hale Lamont-Havers	173 Morse Road	Sudbury MA 01776
Kirsten Van Dijk	37 Landham Road	Sudbury MA 01776
Lael M. Meixsell	34 Barton Drive	Sudbury MA 01776
Nicholas J. Palermo, Esq.	284 North Road	Sudbury MA 01776
Karl H. Michels	66 Colonial Road	Sudbury MA 01776
Sigrid Pickering	17 Peakham Circle	Sudbury MA 01776
Elizabeth J. Nikula	25 Marlboro Road	Sudbury MA 01776
Ellen Jane Siegars	24 Goodman's Hill Road	Sudbury MA 01776
Willy Sclarsic	345 Peakham Road	Sudbury MA 01776
Joan Hewins	18 Sunset Path	Sudbury MA 01776
Richard Vanderslice	96 Dudley Road	Sudbury MA 01776
Kenneth Zito	104 Longfellow Road	Sudbury MA 01776
Michael Precourt	63 Harness Lane	Sudbury MA 01776
Ed J. Gottmann	271 Maynard Road	Sudbury MA 01776
Marilyn MacLean	209 Water Row	Sudbury MA 01776
Michael Coutu	64 Canterbury Drive	Sudbury MA 01776

And it was further unanimously

VOTED: To verify interest of the original members as to their desire to continue to serve.

Joint Meeting – Board of Health

Present: Hugh Caspe, Chairman, and Donald C. Kern, Board of Health; Lawrence O'Brien, Planning Board.

Chairman Drobinski explained that meeting with all the Town boards was a goal the Selectmen had set for themselves to develop better communication between agencies and boards in Town. He further stated this procedure would help focus on pertinent issues and ideas that need collaboration, in order for the Town to move forward.

Additional Staff. Mr. Caspe emphasized the need for a part time assistant for Robert Leupold, Director of Health. He cautioned if help were not available soon, things may begin to "fall through the cracks", and further stated Mr. Leupold simply cannot be in all the places for all the tasks for which he is responsible. He acknowledged that MaryAnn Courtemanche is doing a great job, but reminded the Board that at least 50% of her work is spent on the Septage Treatment Facility. He stated the Department needs help all the way around and recommended allocation for "half a person" be included at budget time.

Chairman Drobinski asked Town Manager Ledoux if there were any excess funds available or if next year's budget was the way to proceed. Town Manager Ledoux confirmed additional help would best be considered in next year's budget.

Chairman Drobinski inquired if a job description should be written. Town Manager Ledoux suggested Mr. Leupold and the Board of Health input as much information as necessary. Mr. Caspe stated November or December would be a good time to start, to assure completion when budget time arrives.

Social Worker. Mr. Caspe stated the entire Board of Health feels the Community Social Worker, Martha Lynn, is doing a fantastic job, but the funding for mental health services is limited. This year they were able to access some emergency funds, but the need is growing, and their initial budgeted funding must be increased. The Finance Committee has been reluctant to increase funding.

Smoking Regulations. There will be a meeting next week to discuss the implementation of the smoking regulations, which will go into effect as of January 1, 1999. This action makes all eating locations non-smoking. Physical dividers will be required to separate smoking/non-smoking sections (in lounge areas), and some local restaurants will require modification. The Board of Health will be meeting with them to discuss that.

Groundwater. The Board would like to establish new regulations for groundwater. Mr. Caspe has discussed it with various individuals, and the consensus is to start putting some language together by the end of this year, or at least by Town Meeting. The intent would be to define different zones, limit the size of septic systems in relation to the size of the parcel of property, and control the effects of nitrate loading into the groundwater. The Board is also looking at surface water flows and their impact, and the effect of nitrogen loading. Mr. Caspe continued to state the Planning Board and Conservation Commission have some responsibility in that area and they do not wish to duplicate their efforts, but there should be a uniform approach to these concerns.

Chairman Drobinski asked if the Board of Health planned to change the zones, or to just look at what currently exists. Mr. Caspe said they would review the impact and location of zone 2, the "draw-down" area, and take into consideration a larger "recharge" area.

Chairman Drobinski inquired about surface water quality criteria. Mr. Caspe referred to a publication put out by the DEP as a basis, and mentioned working with the Planning Board and Water District on this subject.

Mr. Caspe pointed out these things can be implemented by the Board of Health after a public meeting on the subject, and the Board of Health will promulgate regulations on what they believe are the pertinent issues.

Chairman Drobinski asked if the new regulations would impose land use controls or reduce restrictions. Mr. Caspe stated that was not the intent, but the regulations may have some impact on development. Chairman Drobinski cautioned against changing some criteria, thereby creating pre-existing non-conforming situations, crowding the Board of Appeals with waivers and variances.

Selectman Roopenian advised putting their budget plan together as early as September, allowing a clear picture of need to be determined early, and preparing the best case possible for increased funding.

Mr. Caspe stated many of these funding issues have been argued with the Finance Committee for years, and the situation is now critical. He pointed out Bob Leupold's truck has over 165,000 miles on it, but the Board is unable to get even a used truck for his use. He stressed the whole Town, with the support of the Selectmen, needs to go to the Finance Committee with the Board of Health to request funding. He stated further his belief that the Board of Health funding is inadequate because they are somewhat "invisible".

Chairman Drobinski asked Town Manager Ledoux how the Teen Coordinator was funded. Mr. Ledoux stated as a half-time position, but the Youth Commission is currently being revamped, and teens will be recruited for membership. He added they may ask the Sudbury Foundation for some financial assistance to perhaps turn it into a full-time position.

Chairman Drobinski emphasized, with increasing numbers of teens and elderly, the Town needs this type of help, and there needs to be a strong, uniform approach to the Finance Committee. Mr. Caspe added there is documented proof these services are important, as in preventing a recent teen suicide.

Selectman Roopenian inquired about the groundwater regulations and wondered about their future initiatives, particularly septic systems on available land, and hypothesized numerous cases in Land Court citing Board of Health regulations. Mr. Caspe responded the Board of Health and the Planning Board do not necessarily view situations the same way due to different perspectives. The perspective of the Board of Health is concerned with the health of the Town, and not that of development.

Selectman Roopenian asked about the Wastewater Treatment Bylaw currently in force and wondered if it was really necessary. Mr. Caspe responded it is necessary for the protection of the Town, reflected by a vote in the 80's. The Sudbury Board of Health also has regulations regarding septic treatment plants.

Mr. Caspe continued to state the new Weston Septage Treatment Plant cost \$3.5 million to build, and the cost is \$0.10 per gallon to treat septage there. He declared the expense unfounded and unnecessary for the Town of Sudbury.

Chairman Drobinski commented some of the issues with nitrate loading are important. Mr. Caspe indicated they might need more money to upgrade the Water Report done in 1990 to determine current issues.

Chairman Drobinski stated the Board of Selectmen agrees the health of the Town is important and should be the focus of their efforts, but the Town also has to be careful measures are not too restrictive. He added communication and information exchange was paramount.

Mr. Caspe mentioned a recent report about Route 20 and the impact of septic systems on it. He stated his belief that the issue can be handled in the usual way, without building a packaged treatment plant, and expressed concern that should the Town become a "sewering" town, zoning will no longer be limited to one-acre parcels. Once a sewer system is in place in one part of town, another part of town will want it, and so it goes. He opined this would change the character of the town, and felt people were shortsighted on their approach to change.

Chairman Drobinski questioned whether the Selectmen should resist townspeople's requests, even if those requests will change the character of the Town. He added that, as long as the public health is the first priority, the Boards should listen to what townspeople propose.

Selectman Clark commented the regulations require for 180 gal/day disposal capacity for a one-bedroom unit, but prior to Title V, the Board of Health regulations enacted in 1989 required 200 gal/day, noting that was a 10% decrease. She continued that for two bedrooms in 1989 the provision was 300 gal/day, now it is 220 gal/day, a 27% decrease. Ms. Clark wondered if the Board has succumbed to political pressure, and asked why the requirement has been reduced.

Mr. Caspe remarked the Board realized a couple of changes had taken place, one was the old Title V which required a 15,000 gallon septic system where the new Title V requires only 10,000. Adjustments were made accordingly.

Selectman Clark remarked the new regulations are more lenient. Mr. Caspe stated the Planning Board advised using a rate of 150 gal. for condominiums which is not in accordance with Title V. The Board of Health sees it as 180, 110 for each additional bedroom, giving the capacity to do what needs to be done and still feeling good about the septic system being built. He expressed concern for Title V allowing a person to place a 10,000 gallon septic system on any parcel of land, regardless of size, so restrictions are necessary to become more in step with Zoning.

Richard Payne, 15 Thoreau Way, asked what the maximum size septic system allowed. Mr. Caspe responded the maximum size of any system on any parcel of land is 10,000 gal/day.

Selectman Roopenian asked what the typical size was. Mr. Caspe stated when the regulations were first put together, the Board of Health recommended the maximum flow from any acre of land in Zone 2 or 3 be 660 gal/day. Currently the Zoning regulations state 1000 gal/day can be effected in any zone, but Mr. Caspe clarified that figure was from Zoning, while the Board of Health continues to recommend 660, representing six bedrooms. Most homes being built are in the range of 660, while the minimum size one would have to build for any home is 330 gal/day, which would be for three bedrooms.

Dr. Kern brought up the issue of mosquito control. Mr. Caspe stated he has not noticed a problem near his house. Dr. Kern expressed concern for standing water due to the excessive rains, and wondered about the availability of extra funding should mosquito control become a critical issue later. Town Manager Ledoux stated the Finance Committee granted a Reserve Fund Transfer of \$4,900 last week for mosquito control, funding an additional BPI treatment.

Chairman Drobinski asked if the treatment was done by vehicle or helicopter. Dr. Kern responded it was generally done by helicopter.

Selectman Roopenian mentioned the issue of streamlining the permitting process, and asked Mr. Caspe if the Board of Health had been discussing it, and if they had made any progress. Mr. Caspe remarked for larger developments they would like to have all the boards get together with the developer to better assess where the concerns are and develop a unified approach. He stressed the need for better coordination and suggested assigning a coordinator to liaison with the developer so information comes from one source. He advised not changing the individual processes of each board, but the overall process should be clearly defined to the newcomer. He further remarked that lawyers are getting rich finding loopholes in reviews, and the Town must be able to prevent the loopholes from occurring.

Town Manager Ledoux commented the task force will put together a matrix so applicants know from the beginning what they have to do, what permits are required, and who they have to see. Mr. Caspe stated the Board of Health is currently the last board anyone sees, yet without Board of Health approval, the whole process could be stopped.

Selectman Roopenian stated the Selectmen encourage the Board of Appeals to be first, and encourage applicants to see the Board of Health next as they have several requirements that must be adhered to prior to moving forward with the process. Mr. Caspe stated an applicant can always speak with them early in the process, but stressed the Board of Health must be the last to see the project. He further stated an applicant could make changes after Board of Health approval that may go against regulations, and insisted Board of Health must be the last to approve, to make sure everything fits together.

Chairman Drobinski thanked the Board of Health for their participation. Selectman Clark remarked this meeting opened up the channels of communication and is a good beginning. Mr. Drobinski added that, while the groundwater issues are ongoing, the mental health issues need to be addressed quickly.

Chairman Drobinski suspended the meeting for a brief break.

Site Plan Review -- LEAP School at 123 Dakin Road

Present: Paul L. Kenny, Town Counsel; Bernard Bonn, Esq. 21 Paddock Way; Richard C. Renehan, Esq., of Hill and Barlow; Paul Killeen, Esq., of Sherburne, Powers & Needham; plus 75 Dakin Road area residents.

Chairman Drobinski called the meeting to order, to review the site plan for the LEAP School at 123 Dakin Road.

Notice of the meeting was published in the *Sudbury Town Crier* and *TAB* on July 2, 1998. Parties of interest, being abutters within 300 feet according to the Assessors, were provided notice by first class mail. Robin Shapiro, Executive Director, LEAP School, was notified by first class mail, return receipt. 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 June 24, 1998, from Town Manager Steven L. Ledoux to Ms. Robin Shapiro, 126 Alcott Street, Concord MA 01749, in her capacity as Executive Director of the LEAP School, notifying her of the public hearing scheduled for Monday, July 13, 1998, for a Site Plan Review, and requesting her participation in said hearing.
2. Application for Building Permit #98447, dated May 26, 1998, to renovate property located at 123 Dakin Road.
3. Building Permit #98447, dated June 1, 1998, giving T & W Builders the right to renovate the building at 123 Dakin Road for the LEAP School.
4. Board of Health Certificate #98-3503, dated May 19, 1998, granting permission to install a 2,000 gallon septic tank, dimensions 4-2 ft. wide x 1 ft. deep x 61 ft. long leaching trenches, at 123 Dakin Road.
5. Application for Driveway Location Approval, #9836, dated and approved May 13, 1998.

6. A communication, dated July 7, 1998, from C. Thomas Swaim, Esq. of Sherburne, Powers & Needham, P.C., representing the LEAP School, raising objections to the Site Plan Review, citing precedents, and further stating his clients do not plan to attend the public hearing.
7. A communication, dated July 8, 1998, from Ms. Robin Shapiro, MA Executive Director, LEAP School, stating the school's non-attendance at the public hearing, specifying square foot usage, and clarifying various facts regarding enrollments, class sizes, and drop-off/pick-up schedules.
8. Communication, dated July 10 and July 13, 1998, from Sudbury Town Counsel Paul L. Kenny to Paul Killeen, Esq., of Sherburne, Powers & Needham, P.C., responding to a letter from C. Thomas Swaim of that corporation, outlining M.G. L. Chapter 40A, Article 3, advising the proposed LEAP School is subject to site plan review in accordance with M.G.L. c. 40A, Section 3, and urging LEAP School's participation in the public hearing.
9. Commonwealth of Massachusetts Certificate of Incorporation, dated June 4, 1998, specifying that Leap Two, Incorporated was organized on June 1, 1998 under the General Laws of the Commonwealth of Massachusetts, and is in good standing with that office.
10. A communication, dated July 10, 1998, from Richard C. Renehan, Esq. of Hill & Barlow, P.C. to John C. Drobinski, Chairman, Board of Selectmen. Mr. Renehan states he represents the Dakin Road residents abutting the proposed LEAP School at 123 Dakin Road, raising objections to the educational exemption, defining application of the child care exemption, citing case law, and urging the Board to fully investigate the proposed facility to determine what the owners actually intend to build.
11. A communication, dated July 6, 1998, from Richard Bell, Conservation Commissioner, stating no proposed work at 123 Dakin Road falls into the 100' resource area, and further states the prepared plans do not appear to show any change in drainage that would affect the wetland areas across Paddock Way.
12. A communication, dated June 30, 1998, from I. William Place, Town Engineer, commenting as follows: (a) sight distance should be noted; (b) suggesting owners of 123 Dakin Road construct a walkway along Dakin Road for 430 feet; (c) southerly driveway entrance should be graded to present storm water runoff onto Dakin Road; (d) parking calculations should be added to the site plan; and (e) refuse disposal and loading area should be noted.
13. A communication, dated July 1, 1998, from John B. Hepting, Building Inspector, stating the design presented for the property at 123 Dakin Road has satisfactorily and adequately addressed criteria for "reasonable regulation" set forth in M.G.L. Chapter 40A, Section 3.
14. A communication, dated July 9, 1998, from Robert C. Leupold, Health Director, stating approval of a subsurface sewage disposal system at 123 Dakin Road, based on 100 students and 16 instructors has been granted, including a variance to Sudbury Board of Health regulations for a retaining wall in lieu of additional fill and site grading. He noted application for variance does not require notification of abutters and added the Board of Health will request a waste management/disposal plan be submitted.
15. A communication, dated July 2, 1998, from Michael C. Dunne, Fire Chief, commenting as follows: (a) the petitioner agrees to widen the driveway to at least 18 ft. to accommodate fire

engines; (b) the driveway will be designated as a fire lane by the Fire Dept. and no parking will be allowed there; (c) the school will have a fire sprinkler system and full smoke detector system as required in an I-2 use group; (d) the alarm system will be connected to a central station monitor company; (e) Mr. Dunne cannot locate an underground gasoline tank previously located on this property; the contractor will watch for it in case it is still there; and (f) the petitioner to provide a copy of the 21E report, which has not yet been received.

16. A communication, via e-mail, dated July 1, 1998, from Deborah Dineen, Conservation Coordinator, clarifying the Commission's involvement with the 123 Dakin Road property, stating the she was never denied access to the site as access was never requested, and it is unclear whether or not there are wetland resources.

17. A report, dated June 30, 1998, from Jody A. Kablack, Town Planner, stating various concerns, including lack of documentation concerning the educational and child care use of the facility, driveway width, parking, stormwater control, outdoor lighting, signage, open space landscaping standards, and visual screens, and suggesting the owner contribute to the walkway construction along Dakin Road. She noted the Planning Board was unable to discuss this site plan in time for the July 13 meeting.

18. A communication, dated June 23, 1998, from Safety Officer Ronald B. Conrado, stating he has contacted safety officers in Concord and in Lexington, where LEAP facilities operate. Both officers stated there have been no traffic congestion problems, and further stated a police detail was hired for school functions where traffic increase was expected. Officer Conrado advised the addition of walkways on Dakin Road, as well as posting school zone signs, and a flashing "school zone" light with existing stop sign on Dakin Road at Route 117. He recommended, as a contingency plan, flashing school zone lights which would allow a reduction of the posted speed limit to 20 MPH. He advised *against* four-way stop signs at the intersection of Dakin and Rt. 117, which would hamper traffic flow.

19. A communication, dated June 30, 1998, from I. William Place, Town Engineer, stating that Dakin Road is in good condition, but sight distance is poor due to fieldstone walls, trees and utility poles near the edge of the road. He stated 1987 traffic volume at Dakin Road and the Concord Town Line at PM peak hour was 110 vehicles inbound and 100 vehicles outbound. He further described the intersection of Dakin Road, Route 117 and Pantry Road as extremely difficult, and accident experience warrants the need for a traffic signal. Mr. Place suggested constructing a walkway from Paddock Way along the school's frontage approximately 430 feet for an estimated cost of \$5,160.00, as the \$101,250.00 cost for constructing walkways as prioritized by the Walkway Committee was not funded for FY 1998.

20. A communication, dated July 1, 1998, from R. J. Halverson, 109 Dakin Road, to Jeff Jacobson, Earth Removal Board, stating his belief earth removal is taking place in the project at 123 Dakin Road.

21. A communication, dated July 7, 1998, from John Hepting, Building Inspector, to Jeff Jacobson, Earth Removal Board, stating he had spoken with T & W Builders who assured him only demolition debris was being removed from the site. T & W Builders stated they will be needing fill, and have no reason to remove earth, gravel or sand. Mr. Jacobson responded in kind to Mr. Halverson by letter, dated July 9, 1998.

22. A communication, dated July 2, 1998, from Ralph S. Tyler, One Deacon Lane, to John Hepting, Zoning Enforcement Agent, claiming the issuance of the building permit was premature. He further cited various Sudbury bylaw sections, and asked the building permit be rescinded until the Board of Selectmen and Board of Appeals have performed their review responsibilities.
23. Map entitled "Plot Plan of Land Located in Sudbury, Massachusetts", Project No. 3155, dated May 21, 1998, prepared for Mark and Robin Shapiro, 126 Alcott Street, Concord MA, by Meridian Engineering, Inc., 98 High Street, Danvers, MA 01923.
24. Site Plan, titled "LEAP School, Dakin Road, Sudbury, MA", dated June 19, 1998, prepared for Mark and Robin Shapiro, by Larson Associates, Inc., Landscape Architects and Site Planners, 22 Mill Street, Suite One, Arlington, MA 02174.
25. Architectural Drawing entitled "Elevations", depicting the Leap School – Additions & Renovations, 123 Dakin Road, Sudbury, Massachusetts", drawn on May 21, 1998, revised June 15, 1998, by Dewing & Schmidt Architects, Inc., 146 Mt. Auburn Street, Cambridge, MA.
26. A communication, dated July 10, 1998, from Frank W. Riepe, Chairman, Design Review Board, stating the Board reviewed available materials relative to 123 Dakin Road at its July 8 meeting. He commented while the building alterations seemed to be reasonable, there was not enough information for the board to comment formally, no plant identification was provided for the landscape plan, and no indication that a sign would be requested.

Chairman Drobinski thanked everyone for coming, and instructed speakers to first identify themselves by name and address. He stated all comments would be summarized and forwarded to Mrs. Shapiro, who was not in attendance, to inform her of the issues brought forth during the meeting.

Paul Killeen, Esq., of Sherburne, Powers & Needham, representing Mr. & Mrs. Shapiro, declared the site plan review and hearing to be null. He stated the Building Inspector did not rule on the plan on his own, but consulted with Town Counsel before doing so, and, as yet, no one with authority has ruled the Building Inspector to be wrong. He stated fundamental fairness requires that ground rules be established before the hearing starts, and asked what site plan is being reviewed, because his clients have not submitted a plan for review. He related a case in Braintree involving site plan and day care, and its Land Court ruling. Mr. Killeen concluded by saying people do not like to hear they have no local control over child care uses, but that is the law. He thanked the Board for the opportunity to speak, but declined any further participation.

Chairman Drobinski stated the purpose of this meeting was to review the proposed plans and apply as appropriate the "reasonable restrictions" as allowed under Section 40A, s. 3.

Richard Renehan, Hill and Barlow, stressed the importance of the builder complying with the law and urging him to discontinue building until the bylaw questions are resolved. He disposed of three myths: (1) a campaign of intimidation and coercion directed at Mrs. Shapiro. Mr. Renehan does not consider it intimidation or coercion for a neighborhood to ask a builder to comply with existing law; (2) should the neighborhood continue in their efforts to get the builder to comply, they risk violating Mrs. Shapiro's civil rights. Mr. Renehan described this as a thinly veiled threat that a lawsuit may occur, and stated that not a single case exists where Selectmen were ever found liable for having carried out its duty. He further stated the Selectmen may not condition the operation of a day care center on a special permit, but may regulate the conditions under which it functions, i.e., parking, open space, lighting, safety concerns; and (3) it is just a waste of time because we are in the right. Mr. Renehan insisted it is not a waste of time. The Sudbury

Public Access Bylaw permits the Selectmen to do what the neighbors want and have a right to expect. The Bylaw is directed at businesses and institutional buildings, and the LEAP School is a business, a for-profit business in an institutional building, and the bylaw applies. While a special permit cannot be required for operating a day care center, a special permit can be required to regulate space, parking, etc. Mr. Renehan urged the Selectmen to do what the bylaw permits them to do.

Mr. Renehan advised delivering a message to the developer, simply stated: if he does not stop construction until this matter is fully revolved, he proceeds at his own peril. He further asked that a vote be taken to state the Board's opposition to avoid possible complaints should the Board of Appeals rule the Building Inspector was wrong, not about building knowledge, but about the law when he said site plan approval was not necessary.

Bernard Bonn, 21 Paddock Way, representing the Dakin Road area residents, remarked on the expected high enrollment, high traffic in a congested area. He stated the residents are not opposed to education, but value education. It is his understanding that Sudbury is the most concentrated day care area in the Commonwealth, and local day care facilities have space, with no waiting lists. Their opposition is not to the quality of the LEAP School, but instead the impact this facility will have. Long-term residents feel their rights as citizens are taking a back seat to someone who came in under the cloak of darkness, bought the property, and began construction at an accelerated pace. He expressed dismay at recent newspaper cartoons depicting them as a rabid crowd, harassing Mrs. Shapiro to drive her out of business. He stated the law should be enforced, and some balance be reached.

Mr. Bonn extrapolated that the school could, in theory, expand to 70% of 100,000 sq. ft., and then put in 2,000 students. He admitted this was an absurd concept, yet it could happen on a lot that was once a residence for a family of four people. Most of the houses in the area have approximately 3,500 sq. ft., while this facility will have 16,000 sq. ft. on a single building lot. He further estimated there will be 800 car trips out of the driveway each day, a dumpster on the outside of the building, a parking lot for 35 cars, over 100 students every day, year-round, and declared this to be a disproportionate impact on their neighborhood. He stated all other day care facilities in Sudbury are located in schools, churches or business parks, areas that are capable of dealing with the kind of traffic and business. He cited a fundamental difference between education and day care, and the Town has the ability to restrict and regulate the functions, as well as protect the aesthetics and values of the Town. Mr. Bonn expressed concern that the reasons many people live in Sudbury could be destroyed. He asked the Selectmen send a letter to the developer, asking her to cease construction pending a review, and asked that the Town have some input as to what happens at this site.

Chairman Drobinski asked if anyone else wished to speak to the issues, not the use. He specified issues such as parking, lighting, traffic, etc., that can be included in a letter to Mrs. Shapiro.

Shervin Ayati, 67 Dakin Road, wanted to know how the septic system could be approved for such a large enrollment.

Hugh Caspe, Board of Health, explained the applicant was issued a permit because they meet the Title V requirements. Also granted was a variance to the Board of Health rule regarding retaining walls adjacent to septic systems. Title V allows retaining walls; Sudbury Board of Health does not. In this case, Mr. Caspe pointed out, if the variance had not been issued, the large trees by the road would have been cut down. The facility wanted space between the barn and the road, and the wall acts as a barrier. Given these circumstances, the Board of Health decided it was in the Town's best interest to allow the variance for the retaining wall, but he reminded meeting attendees that all other septic system requirements had been met by the applicant.

Chairman Drobinski stated letters had been sent to various Town boards requesting input on the site plan, and responses received would be forwarded to the lawyers as well as the neighborhood group.

Phil Wilson, 21 Philemon Whale Lane, suggested addressing the issues likely to withstand change. He referred to traffic on Dakin Road being difficult in the morning, and deemed it a serious safety issue.

Chairman Drobinski stated the Selectmen will have the Highway Department take a look at the intersection of Dakin Road and Route 117 and develop a letter from the Public Works Dept. on that issue.

Marie Royea, 42 Blacksmith Drive, pointed out that Blacksmith Drive cuts between Dakin Road and Willard Grant, and suggested the Highway Dept. expand its survey to include those areas.

Mark Richter, 38 Dakin Road, suggested the Selectmen ask the Building Inspector to rescind the building permit for a period of time to stop construction. He offered photographs, taken that afternoon, depicting what he deemed irreparable harm to the property. Should the Town decide, after a thoughtful process, the LEAP School can proceed with construction, he indicated that decision would be better received.

Chairman Drobinski stated the residents' present approach of going to the Board of Appeals is the appropriate process.

Sharon Wilson, 21 Philemon Whale Lane, stated she would like to feel she had some control over things happening near her. She expressed concern about not being notified and feels it paramount that abutters should have had notice.

Lynn Holland, 275 North Road, inquired about the traffic assessment process. She stated her house is literally on the corner of Dakin Road and North Road, and cited at least 20 accidents in three years.

Chairman Drobinski stated the Highway Department and the Department of Public Works have an intersection improvement program. He indicated intersections around town are being changed for safety reasons. These intersections are prioritized, then funding must be appropriated at Town Meeting. He remarked the intersection at Pantry Road was recently fixed. He added that as North Road/Route 117 is a state highway, state approval would be needed to make any changes there.

Ms. Holland inquired if a traffic count would be done. Chairman Drobinski responded a series of designs would be done, and if the design gets through the design phase, the abutters would be allowed to comment on the design. He admitted it can be a long process.

Donna Heuchling, 108 Dakin Road, asked what the Selectmen need in order to go forward and act upon what the neighborhood's attorney has asked for.

Selectman Roopenian emphasized the Massachusetts General Law does restrict some of the things the Selectmen might like to do. She urged attendees to work effectively toward changing the bylaw and Mass. General Laws and contact their representatives. She reminded the assembly that if such constituent action had taken place when Prides Crossing was an issue, this situation may not have taken place. She believes the Mass. Law was written for urban communities, and this particular neighborhood is unique. Ms. Roopenian indicated Mrs. Shapiro has made numerous promises of compliance, none of which have been kept, and hoped some reasonable restrictions can be imposed. She reminded the citizens the Selectmen will help as much as they can, within the law.

Selectman Clark described this issue as highly disturbing, and not easy to remedy. She stated the appeal to the Zoning Board puts that board in the shoes of the Building Inspector who issued the permit, and conditions can be attached, including sight and sound buffers, and location and size of parking lot, neither of which are shown on the plans. She continued to state correcting traffic problems is long and slow, remarking that the plans for Nobscot and Route 20 are finished, but the Transportation Improvement money is unavailable until 1999. She stated the Selectmen can write to the developer requesting cooperation, but was unsure of how strong the request should be.

Chairman Drobinski suggested looking at internal processes, especially regarding day care.

Sandra Heiler, 16 Rice Road, asked if there was any way to get the building permit rescinded, at least until the issues can be resolved.

Richard White, 14 Maple Avenue, inquired if a new bylaw could be effected that would require notification to abutters of property purchases and that property's use. He inquired if the Town Counsel could examine the law and possibly get the law declared unconstitutional.

Chairman Drobinski cautioned against a bylaw that newcomers to town have to perform differently than long-standing residents. He added sometimes the intent of a bylaw gets significantly changed by the time the process is complete.

Alice Mandel, 147 Dakin Road, asked how close the parking lot can be to the property line. She further asked how close leaching fields can come to the town boundary of 25 feet from the center of the road, wondered whether the maple trees fall into that space, and if so, can Mrs. Shapiro cut them down.

Chairman Drobinski stated the Town owns the right of way, and looking at the map, it did not appear that the trees were in that space. He added the issue of leaching fields come into the area of reasonable restrictions.

Hugh Caspe, Board of Health, stated the leaching field should not come within 20 feet of the property line.

Richard Payne, 15 Thoreau Way, referred to Old Dakin Road versus the present Dakin Road, stating the area where the trees are does not belong to the farm, as thirty years ago, Dakin Road ended at the farm. He proceeded to quote astronomical flow figures which were refuted by Hugh Caspe. Mr. Caspe explained there are different flows for different uses, i.e., restaurants, schools, etc.

Chairman Drobinski commented that a title search was probably done at the time of the sale, to see if title was clear, and discrepancies in sq. footage would have been discovered.

Elizabeth Ostroff, 154 Morse Road, mentioned Dakin Road is a main route to Emerson Hospital and it should not be jammed up.

Hugh Caspe asked if the Town could research the deeds associated with Old Dakin Road to determine where the property lines really fall, and suggested the Town Engineer might know. Chairman Drobinski suggested the Town Engineer could already have something in his files.

Mr. Wilson commented that LEAP was denied access to Concord and requested, with amusement, if everyone north of Route 117 could become part of Concord. Chairman Drobinski reminded him they would

lose the school system of Sudbury, which drew people here in the first place, and further reminded him the Town of Sudbury needs the tax base.

Cynthia Kazior, 34 Blacksmith Drive, asked that the traffic research consider the impact regarding school busses, and the traffic at LEAP's drop-off and pick-up times. She added the public schools already restrict drop-off and pick-up points so the busses are not compromised, so it should be applied here as well.

Hugh Caspe asked if Paddock Way could be made a private way, and prohibit vehicle standing and parking.

Chairman Drobinski stated restriction of parking can be accomplished by a traffic bylaw, and added the residents of Paddock Way may not be amenable to their street not being maintained by the Town in any way.

Selectmen Roopenian stated she has received many phone calls from residents, and urged the Selectmen to view the site. She added crossing Route 117 is difficult. She indicated a high level of frustration from the neighborhood and concern over the lack of control. She suggested sending a letter to the Zoning Board with their recommendations for reasonable regulations including parking, lighting, waste, noise buffer, and further suggested including the letter from Town Planner Jody Kablack. She expressed dismay that Mrs. Shapiro chose not to attend the meeting, and is instead speaking through a lawyer, and has shown so little concern for the Town in which she proposes to do business.

Chairman Drobinski thanked everyone for their comments, noting many of them falling under the "reasonable criteria", and suggested a letter be sent to Mrs. Shapiro outlining the issues brought forth, and request she slow down the construction process until issues are resolved.

Selectman Roopenian inquired about the Certificate of Occupancy and wondered if the Board can impose a restriction on the number of students enrolled. She asked if the Town can restrict the LEAP School to the 45 to 60 students first declared.

Chairman Drobinski responded some controls can be dependent on the flow determined by the Board of Health, as well as fire safety and occupancy limits imposed by the Fire Dept.

Town Counsel Paul Kenny stated the Board of Appeals may take it into consideration as they determine whether or not the permit was issued properly, by way of reasonable regulation.

Chairman Drobinski asked Mr. Killeen if he had any further comments; Mr. Killeen declined. Mr. Drobinski asked Mr. Renehan if he wished to speak. Mr. Renehan added a footnote to the previous question: should the Board of Appeals rule that the Board of Selectmen has site plan approval, the bylaw requires the Board's approval on these issues before the Certificate of Occupancy can be issued.

In conclusion, it was on motion unanimously

VOTED: To send a letter to Robin Shapiro, the LEAP School, summarizing this evening's meeting, including the reports received from Town departments, and recommending cessation of construction until the Board of Appeals has made its determination on the appeal of the Building Permit for 123 Dakin Road.

Orders of Taking – Streets

It was on motion unanimously

VOTED: To execute Orders of Taking for streets accepted by the Town at the 1998 Annual Town Meeting under Article 5, namely: 1) Martin Drive – from Maynard Road to a dead end; 2) Southwest Circle – from Peakham Road to a dead end; 3) Amanda Road – from Dutton Road to a dead end; and 4) Bulkley Road – from the end of the 1983 public layout to Amanda Road.

Land Use Priorities Committee

Chairman Drobinski and Selectman Roopenian submitted drafts of a mission/charge for the Land Use Priorities Committee.

Selectman Clark remarked she had just received a copy of the Hopkinton papers, noting their efforts had been performed under the benefits of a grant, and asked how the Sudbury committee would be operating.

Selectman Roopenian stated there were many good suggestions in the Hopkinton material, but added it was not as comprehensive as what she hopes to see in Sudbury.

Selectman Clark said she had spoken with Barry Brenner of Northborough, who indicated their Open Space Committee includes open space for recreation and school sites, so their committee does not encompass total land use. Henry Davis in Westborough told Ms. Clark their Open Space Preservation Committee is one of three land use committees.

Chairman Drobinski indicated he had read the Town of Stow was putting something together. He questioned whether this Committee will duplicate the efforts of the Strategic Planning Committee.

Selectman Clark answered, this Committee will take what the SPC does and expand on it. She asked Chairman Drobinski what he meant by “key existing developed parcels” in his draft. He explained there may be particular parcels in town that the Town may need for a particular use, and did not want to restrict parcels available to the Town to just undeveloped ones. He felt the intent of the Committee should include all possibilities.

Selectman Roopenian agreed the Committee should encompass all possible purchasing choices for the future of the Town.

Selectman Clark inquired about input from other Boards. Town Manager Ledoux indicated the Finance Committee looked at it last week, arriving at a similar draft as Mr. Drobinski. Conservation is very interested in a Land Use Committee, and letters have been sent to the Chamber. Selectman Roopenian stated there is a meeting with the Park and Recreation Dept. tomorrow night.

Selectman Roopenian suggested a charge be developed, and then allow the Committee itself to develop some of their own internal mechanisms.

Chairman Drobinski stated the charge should first be determined, then get the people together. Selectman Clark asked Town Manager Steve Ledoux to recommend people for the Committee.

Town Manager Ledoux asked if the committee should be open to everyone. Selectman Roopenian suggested SPC members, as well as responses to inquiry letters.

Selectman Clark stated she was not ready to agree to a charge, as she had been able to read through the Hopkinton material only once, and felt she had not adequately digested it. She requested two more weeks to do so. She felt the charge should be established first, then create the Committee by screening and rating applicants.

Selectman Roopenian urged the Board to name the Committee soon, or the public would react. Selectman Clark asked who was applying pressure. Ms. Roopenian replied she met John Taft, and their conversation centered around the Hill Property still being included in Chapter 61A, and she denoted a level of urgency.

Selectman Clark said the right of first refusal gives the Town an opportunity to obtain certain parcels, asked if the purpose of the Land Use Committee was to stop development or to look to the future of the Town, and wondered just what is the reason to establish this Committee. She stated the Town has potential access to lands held under Chapters 61A, 61, 61B, as well as other parcels, and wondered why there was such urgency.

Selectman Roopenian stated the Selectmen and the Town have been accused of not planning, felt the 120-day time period under the Chapter 61 statute may not be adequate, and wanted to plan in advance for any and all future needs: open space, recreational, public building and community related. She described it as a growth management tool. She remarked there is no one group or body in Town set up to determine a manner in which properties can be acquired.

Chairman Drobinski agreed to allow two more weeks to review the Hopkinton material, but maintained that the charge must be established at that time, and felt it important the Board should arrive at a consensus to get the Committee started on the right foot.

Chairman Drobinski stated the membership should include municipal employees, people from the Chamber, SPC, as well as the public. Selectman Roopenian indicated people have spoken with her, and felt there were plenty of people available. She stressed this Committee was not a political one, and urged the Board to keep politics out of committee makeup.

Selectman Clark agreed to make her recommendations as to the charge at the July 27 Selectmen's meeting. She added she wanted to reserve her right to make a decision as to charge and membership and give both issues additional consideration.

Selectman Roopenian suggested names of potential committee members be given to Town Manager Ledoux, who will compile the list, and return it to the Selectmen for review.

It was on motion by Chairman Drobinski unanimously

VOTED: All Selectmen attend the July 27 meeting with the purpose of defining a charge for the Land Use Priorities Committee, and submit names of potential committee members to Town Manager Ledoux in the meantime, reserving, however, to the Selectmen the vote on members for this committee.

I-495 Initiative

Selectman Clark stated she will be attending a meeting on the I-495 Initiative to represent the Town to get some tax equity and transportation resolution. Selectman Roopenian inquired what kind of transportation issues should be raised. Ms. Clark responded, traffic problems, particularly on Route 20, through town. Chairman Drobinski urged her to lobby for keeping Route 20 narrow.

Park & Recreation Playing Fields

Selectman Roopenian will meet with the Park and Recreation Dept. to discuss soccer, lacrosse and baseball fields.

Cable Television Committee -- Utilities Television Committee

Selectman Roopenian stated the Cable Television Committee has some concerns and issues relative to utilities coming into Town, specifically high speed Internet access, with regard to RCN Network. She stated further the Cable Committee would like to meet with the Selectmen to discuss the utilities situation.

Selectman Clark stated the Cable Committee met with them along with RCN Network when RCN made their original presentation. Chairman Drobinski expressed surprise that RCN would come to Sudbury. Selectman Clark was skeptical there would be enough business for RCN here. Town Manager Ledoux mentioned they have just a few hundred customers in Boston.

Selectman Roopenian stated the Selectmen should still meet with the Cable Committee, regarding deregulation. She added there is future potential of future property values being affected by the availability of high speed Internet access. Chairman Drobinski asked if Internet access would push property taxes higher. Ms. Roopenian mentioned the value of fiber optic cables. Mr. Drobinski agreed it seemed like a good idea, but wanted to be sure to get as much underground as possible. Town Manager Ledoux will schedule the Cable Television Committee for an upcoming meeting.

Energy Options Contract

Town Manager Ledoux submitted a proposal from Energy Options, a consultant used by Metrowest Growth Management to develop a primer on electric deregulation. Energy Options proposes to perform a strategic assessment for the Town of Sudbury, as well as an analysis of group purchase options. Mr. Ledoux recommends the Selectmen accept the proposal, contracted at \$3,500, to assist the Town to identify and prioritize energy issues and determine an implementation strategy. He has carried forward the \$3,500 from the FY98 Unclassified Budget. Selectman Clark asked if this study would be for only municipal usage. Mr. Ledoux answered it would include short-term and long-term issues, adding that load aggregation would not be possible for a period of 2-3 years. Selectman Clark asked if there were enough companies available to analyze. Mr. Ledoux responded there are at least three groups available for group purchase. Chairman Drobinski suggested the Town recruit some energy experts from the residents to assist in wading through all the technical deregulation data.

It was on motion by Chairman Drobinski unanimously

VOTED: To instruct Town Manager Ledoux to accept the proposal from Energy Options, dated June 29, 1998, to perform a strategic assessment as outlined in their proposal, with a final product delivered within thirty days of execution of an agreement.

Route 20 Station House

Town Manager Ledoux announced there is a meeting Wednesday night with the Sudbury Historical Commission and other interested parties regarding the train building on Route 20. The meeting will be with Rep. Susan Pope at 7:30 p.m. at the main fire station.

Maynard Sign Request

Town Manager Ledoux addressed the issue of the Town of Maynard requesting a sign at the intersection of Route 117/Great Road and Waltham Street, which would provide directions to both Clock Tower Place and Maynard Center, similar to other signs on Route 2. Chairman Drobinski asked if that location was Town property, and asked what the sign looked like. Mr. Ledoux mentioned he personally knows Carolyn Britt, the individual handling this issue, and offered to contact her to send a schematic and additional information.

LEAP School Letter

Selectman Clark asked if the letter going to Mrs. Shapiro would also be sent to the Board of Appeals. Chairman Drobinski indicated the ZBA would get a copy. Town Manager Ledoux stated he and Town Counsel Paul Kenny will draft a letter, and fax it to the Selectmen for their comments.

There being no further business to come before the Board, the meeting was adjourned at 10:25 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk