

IN BOARD OF SELECTMEN
MONDAY, MARCH 8, 1999

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

Announcements

Chairman Drobinski announced that this was the first live broadcast of a Selectmen's meeting, and urged viewers to forward any comments about broadcasting to the Selectmen's office.

Chairman Drobinski reminded viewers of the upcoming Annual Town Meeting and urged them to get involved in Town matters by casting their votes.

Selectman Roopenian announced that there is a Candidates' Night on March 16 at 7:30 p.m. at the Senior Center, and noted that it is an excellent opportunity to get to know the candidates better.

Town Manager Ledoux announced a Public Hearing on March 15 at 7:30 p.m. at the Senior Center. The Pay-Per-Throw Advisory Committee will present their findings with regard to trash collection.

Minutes

It was on motion unanimously

VOTED: To approve the special session minutes of February 19, 1999, the executive session minutes of February 19, 1999, and the regular session minutes of February 22, 1999.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$74.30 in miscellaneous donations to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

Annual Sudbury Spring Triathlon

It was on motion unanimously

VOTED: To grant permission for the 11th Annual Sudbury Spring Triathlon, a swim/bicycle/foot race event on Sunday, May 2, 1999, utilizing the loop of Fairbank Road, Maynard Road, and Hudson Road for a bicycle race and the loop of Fairbank Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a foot race, beginning and ending at the Atkinson Pool, subject to reasonable conditions imposed by the Sudbury Police Department, including provision for a paid police detail to direct traffic.

Arts & Craft Shows -- Wayside Inn

It was on motion unanimously

VOTED: To grant a special permit for Joyce Endee Productions to hold two juried Arts & Crafts Shows, one on Sunday, May 2, 1999, and another on Sunday, September 12, 1999, at the West Field, Wayside Inn, subject to reasonable conditions imposed by the Fire, Police and Health Departments.

Council on Aging Tax Work Program Donations Account

It was on motion unanimously

VOTED: To accept \$2,000 from the Friends of the Sudbury Senior Citizens to be deposited into the Council on Aging Tax Work Program Donations Account, and to authorize the Council on Aging to expend said funds for the Tax Work Program.

Right of First Refusal – Cutting Property

Present: Jody Kablack, Town Planner; John Cutting, 381 Maynard Road; Beth Cosgrove, President, Redspire, Inc.

The Board was in receipt of the following:

1. Notice of Intent to Sell Land, dated January 20, 1999, from John C. Cutting and Frank J. Cutting, stating an offer of \$4,560,000 for Lots 1-16, the subdivision ways show as Ironworks Farm Road and Taintor Drive, and 21.11 acres shown as "PARCEL "A" OPEN SPACE", as shown on a plan "IRONWORKS FARM" Cluster Definitive Subdivision of Land in SUDBURY, MASS.
2. Communication from the Conservation Commission, dated February 11, 1999, recommending that the Town not exercise its option on this parcel.
3. A memo, dated February 4, 1999, from Cynthia W. Gerry, Assistant Assessor, making no recommendation regarding the Town's Right of First Refusal, and suggesting an outside appraisal be conducted to validate the \$4,560,000 offer, should the Town be interested in purchasing.
4. A memo, dated March 2, 1999, from Jody Kablack, Town Planner, stating the Planning Board recommends that the Town not exercise its option to purchase this parcel.
5. A memo, dated March 2, 1999, from Park and Recreation Commission, recommending the Town purchase this property for recreational purposes, and suggesting several options in considering purchase.

Town Manager Ledoux stated the Conservation Commission advised not to purchase as the property is not on the Open Space and Recreation Plan, does not abut Town-owned open space, and that the wetland and upland resources will be substantially protected in development. He briefly recapped correspondence received from other Town boards on this matter. The Park and Recreation Commission urged the Selectmen to purchase the parcel.

Selectman Clark asked about the cluster subdivision, noting only a hand drawing in the packet. Mr. Ledoux presented the full-size plan for review, noting he did not know if it had been filed with the Planning Board. Chairman Drobinski stated a conventional plan must be submitted first, followed by a cluster plan. Selectman Clark stated the type of plan submitted would naturally affect the price.

Selectman Roopenian wondered about access to the open space parcel, stating that if it were used for recreational purposes the access has to come from Taintor Drive. She opined the traffic flow, winding through a number of residential streets, may have a negative impact on that neighborhood. She stated the Park and Recreation recommendations should not be ignored, but added that the Land Use Priorities Committee is in the process of addressing recreational needs.

Town Manager Ledoux stated the Town has 120 days in which to make a decision. Chairman Drobinski stated questions can be addressed within that time period. He agreed with Selectman Roopenian that the Park and Recreation comments should not be ignored. Mr. Ledoux stated this parcel is not on the Open Space and Recreation Plan, which the Park and Recreation Commission participated in developing. Selectman Clark expressed her belief that there are only 12 developable parcels left in Sudbury, leaving fewer opportunities for the Town to purchase large tracts.

Selectman Clark suggested inviting the Park and Recreation Committee to explain how this parcel might fit in with their overall plan. Chairman Drobinski opined that would provide an opportunity to include Park and Recreation in the process. Selectman Roopenian stated such a meeting would enable Park and Recreation to seriously consider how they would make use of this parcel.

John Cutting (arriving late) stated he did not know the assessed value of the property, but added that he was aware that there had been a significant increase in the price of building lots in the last few months, the current price being \$350,000 - \$375,000. Mr. Cutting noted that there are substantial site costs of \$50,000 - \$100,000 on top of that price.

Jody Kablack, Town Planner, (just arrived) stated the preliminary review has been completed, noted that the Conservation Commission is looking at the plan, and added that the open space is meaningful. Mr. Cutting stated three cluster plans were considered, and Conservation Commission suggested keeping the homes away from the wetland area.

Selectman Clark asked if the 35.89 acres was just in Sudbury or the entire parcel. Mr. Cutting stated that the 35.89 acres was the portion in the subdivision in Sudbury and pointed out the remaining piece over the Town Line.

Chairman Drobinski suggested tabling this matter until March 22 until Park and Recreation can attend and answer questions regarding their plan. He expressed his belief that it would be difficult for the Town to financially support this purchase at this time.

It was agreed to table this matter until March 22, 1999.

Goals, Objectives and Implementation Strategies – Master Plan

Present: Jody Kablack, Town Planner; Catherine Rader, Marianne D'Angelo, Master Plan Committee.

Chairman Drobinski stated this was a meeting with the Planning Board and the Master Plan Committee to discuss the draft recommendations on Goals, Objectives and Implementation Strategies.

Jody Kablack stated the Master Plan Committee has been working since July to develop a Master Plan for Sudbury. Their efforts have culminated in the draft recommendations dated March 1, 1999. She stated Strategic Planning Committee reports were utilized in developing this plan. She noted that the suggestions presented in this plan are viewed as realistically actionable within a ten-year time frame.

Ms. Kablack described the goals as ideas, philosophies and visions that the Town would want to carry out definitely for ten years, but maybe even more into the future. She stated the goals are very broad-based and forward thinking, and added that the objectives are more specific. Ms. Kablack stated the Master Plan Committee hopes to have a final Master Plan completed by September 1999, with the first draft available in June. She stated that public input is required for any Master Plan process. She noted that over 100 people participated in the Strategic Planning Committee process and encouraged everyone to continue to provide their expertise and support to the development of the Master Plan. She stated that public forums in June would provide an excellent opportunity for the public to share their views.

Ms. Kablack stated the Committee would like to attach a theme to the Master Plan, and noted that the term "sustainability" has been suggested, which means balancing environment and economic development to produce a well-rounded community and to maintain the community's character.

Chairman Drobinski asked how the Committee would handle issues that elicit varying opinions and support, noting that some ideas presented may require a political push to accomplish. Ms. Kablack stated that the plan is of a moderate nature so that it can have widespread support, and noted that controversial issues are targeted with further study instead of specific action. She expressed her belief that this document will get smaller as more work is done on it. She stated narrative included with each section might clarify any misconceptions of what is being proposed.

The Board reviewed the recommendations page by page and raised the following points:

Page 1 GOAL 1 -- A.2. Establish standards for scale of development, use and intensity in residential districts. *Why was commercial district omitted?* (Clark)

A.3. Increase front yard setback requirements for residential development. *What purpose does this serve?* (Clark)

B.5. Rezone residential parcels to increase the amount of commercial/industrial land in Sudbury. and p.1.B.6. Create a plan for the future use of the Raytheon site on Route 20, if vacated. *Why single out a single entity? What if others leave? All entities and subsequent strategies should be included.* (Drobinski)

Page 2 D.2. Enforce and utilize Integrated Pest Management programs of all public and private land. *Hazardous materials should be considered here as well.* (Drobinski)

D.3. Ensure all new development is compatible with the purposes of the Water Resource Protection District and the Sudbury Wetland Administration Bylaw. *Important consideration.* (Clark)

E. Increase the amount of permanent open space in Sudbury. *Include the Community Preservation Act or language to that effect.* (Drobinski)

- Page 3** A.4. Expand the types of uses allowed in business, industrial and research zoning districts to allow for potential growth in those existing areas. *What would these uses be? Please explain.* (Clark)
- A.5. Encourage and allow for types of industries that are compatible with Sudbury's goals. *What types of industries? Please explain.* (Clark)
- A.7. Explore the possibility of rezoning land adjacent to existing commercial/industrial/research land for growth in those areas. *What type of growth?* (Clark)
- B.4. Pursue installation of fiber optic lines to selected areas of Sudbury. *Why selected areas? Why not all areas?* (Clark) *Consult with Cable Television Commission.* (Roopenian)
- A.4.5.6.7. *Look at these closely. There may be incompatibility with other things.* (Drobinski)
- Page 4** D.2. Revise zoning bylaw to update site plan bylaw and permitted uses in commercial zoning districts. *Revise to permit what?* (Clark)
- D.3. Examine performance-based zoning. *What is that?* (Clark)
- GOAL 2** -- A. Create a more pedestrian friendly, concentrated business district on Route 20 centered generally around the intersection with Union Avenue, including public amenities, adequate traffic circulation, and parking that will enhance Sudbury's existing businesses. *This is over the main aquifer. Our recent zoning bylaws reject this. Bylaws of 1989 and 1994 should be looked at closely.* (Clark)
- A.3. Revise the intensity regulations of the zoning bylaw to allow more intense development in certain business districts. *Same concern, over the main aquifer.* (Clark)
- Page 5** A.1. Investigate the benefits of incorporating the Sudbury Water District into Town government. *Why? Is there any supporting data?* (Clark)
- B.8. Improve stormwater management practices along Town roads to reduce non-point source pollution. *Important consideration.* (Clark)
- B.9. Assess feasibility of relocating hazardous uses to outside the Water Resources Protection Districts. **AND**
- B.11. Educate the public about proper disposal of hazardous wastes. *Important to include. How would they be accomplished?* (Roopenian)
- Page 6** C.3. Form a private land trust to acquire and maintain land. **AND**
- C.4. Develop sustainable land uses on Town-owned parcels. *Incorporate the Land Use Priorities Committee needs assessment into this.* (Roopenian)
- Page 7** A.1. Amend the Zoning Bylaw to allow compensatory density bonuses for land dedicated to conservation use. *How would this be determined? Objectives? Purely subjective?* (Clark)

Page 8 GOAL 4 Support the existing recreational facilities, areas and programs, and create additional facilities, areas and programs to serve the needs of Sudbury residents. *Include school buildings.* (Roopenian)

A.5. Assess school recreational facilities for possible community use. *Consider “as well as year round activity”.* (Roopenian)

Page 9 GOAL 1. Encourage greater diversity of housing opportunities in Sudbury to meet the needs of a changing and diversified population with respect to age, household size and income. *Instead of “greater diversity”, perhaps limit to senior housing opportunities.* (Clark)

A.6. Expand housing opportunities in business districts. *What data supports this? Opined that most towns see this as an error and move away from it.* (Clark) *There are condos in the business district in West Concord; urged the Committee to take a look at those.* (Roopenian)

A.7. Provide the necessary infrastructure to allow mixed uses already permitted in the business district under current zoning. *Concern for the main aquifer; bylaws restrict development in that area.* (Clark)

Page 10 A.3. Increase alternative forms of transportation in Sudbury including, but not limited to, car pools, bus service and bikeways. *Work with state for funding for MBTA.* (Roopenian)

B.1. Re-open the old road through the Fort Devens annex. *Not going to happen as a piece of road is no longer going to be used. Other old roads are being reclaimed by developers.* (Roopenian)

Page 12 A.3. Assess all Town-owned properties and buildings to assure they are being used to their maximum potential. *Does this include the Flynn Building, Loring Parsonage, and the Highway Department?* (Drobinski)

Ms. Kablack stated the Committee has developed a survey scheduled to go to all residents sometime in April. She stated the survey addresses some of the most controversial aspects of the Master Plan, asking questions about land use, housing, and economic development, and also ties into a Town services survey from the Town Manager's office.

Selectman Roopenian asked if there was some incentive to increase response rate. Ms. Kablack stated the Committee may offer a “drawing” for people who return their completed survey within a specific time period.

Ms. Kablack thanked the Board for their input. She stated the next step would be to eliminate the redundancies and flag the controversial issues. Selectman Roopenian praised the Master Plan Committee for their hard work on this project. Ms. Roopenian opined this process a good opportunity to discuss the more controversial issues and get people involved in the process. Chairman Drobinski suggested a section in the Master Plan listing issues that had been rejected and the reasons why. He opined that some issues may come up again in the future, and knowing the historical treatment will be helpful.

Unisys Property – Housing Project Status Report

Present: Jody Kablack, Town Planner; Lawrence O’Brien, Chairman, Planning Board; Dan Claff, Marianne D’Angelo, Hale Lamont-Havers, Catherine Rader, Members, Housing Task Force.

Jody Kablack, Town Planner, stated the deadline for the Request for Proposal was February 11, netting 5 responses. Dan Claff, Housing Task Force, stated two of the five developers listed have been ruled ineligible for one reason or another. The three remaining developers include Burkhard Corporation of Boston, Bay Avary Associates of Boston and The Community Builders of Boston. Ms. Kablack stated the Bid Review and Selection Committee hopes to have made the final selection by March 19, 1999, or shortly thereafter.

Mr. Claff stated all of the developers under consideration include a contribution to the Town, anywhere from \$100,000 to \$300,000. He posed a question to the Board: On a 1-10 scale, how high does a monetary return rank? He opined that it is a balancing act and that maximum quality in the product will garner a reasonable monetary return.

Lawrence O'Brien, Chairman, Planning Board, stated that the Committee has attempted to remain as objective as possible with regard to quality of the proposals without noting dollar amounts of contributions. He added it is vital that the Selectmen support the Selection Committee's choice. Chairman Drobinski stated his preference would be to get the most for the Town without jeopardizing the deal.

Selectman Clark wanted to know about the condo fees, noting that Burkhard Corporation has a low fee and will build a pool and tennis court, while the other two builders have much higher fees and are not offering as much in the way of amenities. Mr. Claff stated the Committee feels that the Burkhard fee is simply too low and will inevitably have to come up while the other condo fees were set as a result of budgeting processes. He stated that the condo association will actually set their own fee. A typical condo fee is all-inclusive, including all services, insurance, plowing, mowing, maintenance, activities, as well as an on-site management person. Mr. O'Brien noted that some of the developers want to be involved in only the building phase while others have management divisions and would like to stay on to manage the development for a time. Selectman Clark pointed out that individual units will have property taxes, an expense to the owners on top of the condo fee.

Mr. Claff stated a suggested amount for taxes and condo fee was \$200 per month, approximately 13% of a \$40,000 annual retirement income. He noted this is reasonable for a brand new unit with new appliances and would include all plowing, mowing, and outside maintenance.

Mr. O'Brien stated the first interview with a developer is scheduled for tomorrow. Each proposal will be looked at closely, quality of materials will be examined, and perhaps tradeoffs will occur. Mr. Claff stated Bay Avary Associates had originally proposed 30 units in 15 buildings, then later came back with a plan for 40 units in 20 buildings, lowering the price by \$5,000 per unit and solving a conservation issue with the original plan.

Mr. O'Brien stated the top number of units being considered is 40. Mr. Claff stated that 40 is really the optimum as anything above that number would be a concern to the Board of Health on septic issues. Selectman Clark asked why basements are not included in all units. Mr. Claff stated the topography might not allow a basement in each unit. Units without basements may get an attic storage area instead. Questions regarding types of windows, size of beams on exterior walls, or vinyl versus clapboard siding will be addressed in the interviews.

Selectman Roopenian stated that getting the best deal possible is important, and pointed out that a proven track record for a developer is also an important consideration.

Chairman Drobinski asked the committee to be aware of the easement the Town has with the Town of Concord for White's Pond. Ms. Kablack stated they have contacted the Town of Concord several times regarding the project. Mr. Drobinski stated the important issue involves Zone II regulations.

Article 15 (Wastewater Needs Assessment) – Strategic Planning Committee

Present: Marianne D'Angelo, Strategic Planning Committee; Lisa Eggleston, Planning Board.

Marianne D'Angelo briefly outlined Article 15, stating it requests \$42,000 for the purpose of retaining professional services to prepare a needs assessment for disposal of wastewater along the Route 20 business district, in accordance with Massachusetts Department of Environmental Protection guidelines. She stated this evolved out of several studies the Strategic Planning Committee had performed. Ms. D'Angelo stated the Environmental Task Force, the Route 20 Revitalization Task Force, and the Economic Sustainability Task Force all touched on the topic of sewerage along Route 20 for a variety of reasons.

Ms. D'Angelo stated the most recent study was the Woodard & Curran study in 1995. She stated most of the data presented there was excerpted from studies previously done. She stated the Motts study was the most comprehensive, but was dated 1977. Ms. D'Angelo stated that, with the changes in environmental regulations and the growth of the Town, 1977 data cannot be relied upon.

Ms. D'Angelo stated the estimates for maintaining septic systems presented in the 1995 Woodard & Curran study were grossly out-of-line with what businesses have experienced. She mentioned that some systems might fail given the current status of leaching fields, then forcing the owner to install a completely new system at significant cost.

Ms. D'Angelo stated that in surveying neighboring towns they found that sewerage "had not caused growth, but had allowed the type of growth that they wanted to see in certain parts of town". She stated these towns found that sewerage allowed utilization of town-owned properties in a more beneficial way to that community. She added that the sewer hook-up increased the value of property.

Ms. D'Angelo noted that the current situation prevents expansion of some businesses because of septic limits or businesses cannot move into commercial structures due to the limited septic system. She noted any business involved in food handling, hairdressers, or businesses that use much water fall into this category. She stated the Hitchcock Furniture Store, for example, could never house office space, as it is a large property with a small septic system, limiting them to 6-8 people on site. She opined that the downtown business area has little chance of supporting office space due to septic limitations.

Ms. D'Angelo presented more information regarding contamination, effluent quality, wastewater treatment options, costs and integrity of silt and clay layer protecting the Raymond Road aquifer from the wastewater generated in the commercial districts.

Selectman Clark opined that this issue comes up every few years, possibly because newcomers to Town are not aware of previous studies and decisions. She recalled that the Woodard & Curran study indicated significant costs even for limited sewerage, making it unfeasible. She stated the study stated the site-specific soil studies must be conducted, and opined that the enormity of the task would make it impossible to do for a study. Ms. Clark referred to the 1998 Annual Town Report in which it was reported that three innovative alternative technologies were used this past year. She also mentioned a magazine article that featured septic systems with digital timers regulating digestion, opining that there must be other alternative systems.

Ms. D'Angelo stated the cost of a new septic system to meet minimal requirements would be \$400,000 and opined few of the businesses in Town could afford that expense. She stated only large corporations can handle the cost, and businesses that operate only in Sudbury would have to close down. She insisted that the solution was a larger wastewater system that goes beyond the confines of a single business, referring to the Solar Aquatics system in Weston, a de-centralized sewer system. She stated that Article 15 does not advocate any particular system or solution, but is merely asking for the money to fund a needs assessment.

Chairman Drobinski stated alternatives must be examined, as well as additional zoning requirements by the Town, traffic, and similar related issues. He stated further that the Board has not taken a position on Article 15, opting to report at Town Meeting.

Lisa Eggleston, Planning Board member, stated the solution might be that several business owners share the costs and usage of an upgraded septic system.

Selectman Roopenian stated that she supports a needs assessment, and added that the septic vs. sewer issue should be reviewed periodically, especially with the rate of growth and complexity Sudbury has experienced the past few years. She asked Ms. D'Angelo how sewerage is paid for. Ms. D'Angelo stated that, in communities with partial sewerage, sewer districts have been defined by legislative process, and those districts pay the costs themselves. Each district is a separate entity. The Town of Wayland's project received \$100,000 seed money from Town Meeting to start, and they have a Sewer Commission that will issue municipal bonds. In time, that seed money will be returned to the town.

Selectman Roopenian asked for examples of a pollution industry and how the Town would prevent a "polluting industry" from coming into Sudbury after sewerage is complete. Ms. D'Angelo stated zoning would have to be updated to meet strict requirements in the Water Protection District. The bylaw will limit the types of materials and uses which are allowed in that area. Businesses operating in that area now are "grandfathered" and may not be in compliance with current zoning.

Ms. D'Angelo stated the Woodard & Curran study was funded by a \$10,000 grant, and pointed out that the Town has not spent any money in recent years on this issue.

The Board thanked the Sewer Studies Committee for their time and effort.

Sudbury Historical Society – 2nd Floor Town Hall

Present: Lee Swanson, Chairman, Sudbury Historical Society; June Allen, Clay Allen, Robert Gottberg, Sheila MacKinnon.

Chairman Drobinski stated this matter had been continued from the February 8, 1999 Selectmen's Meeting for the purpose of obtaining additional information and needs assessment for the Sudbury Historical Society.

Lee Swanson stated there are two heating zones in Town Hall, with the second floor tied in with the same area as the Selectmen's meeting room and that this is the reason the SHS has chosen to "be open" only the same day as the Selectmen meeting.

Mr. Swanson stated that, if the archives should evolve into a museum, it would be possible to install a lift under the ABBA regulations for handicapped access to the second floor. The expense for that would be the responsibility of SHS, for less money than the Town would have to pay, as they would not have to put it out for bids.

Selectman Clark stated that this was a good way to keep artifacts in Sudbury. She noted that the extra furniture, shelving, and supplies left by the Goodnow Library will be especially useful. Mr. Swanson stated that there have been two other parties requesting the shelving, but added that they wanted it free of charge and for the Town to pay the expense of moving it.

Mr. Swanson stated that the Historical Society is charged with preserving the history of Sudbury while the Historical Commission deals solely with the Hosmer items. He stated two collections have been offered to the Town but as yet there is no place to put them. He expressed concern that the collections might be sold as part of an estate, as they are from two of the oldest families in Sudbury.

Selectman Roopenian asked if the SHS is interested in only the Town Hall or in additional space, should it become available. Mr. Swanson stated that they would be interested in securing the Loring Parsonage as the first floor could be made handicapped accessible.

Selectman Roopenian stated that, when space becomes available, multiple groups inquire about it. She asked for clarification that the SHS wished to acquire the Loring Parsonage as well as maintain the space on the second floor of Town Hall. Mr. Swanson stated that this is their intent, and they may share the Loring Parsonage with the Historical Commission for overflow from the Hosmer House.

It was on motion unanimously

VOTED: To direct the Town Manager to work with the Historical Society to implement this activity with the caveat that, when the Loring Parsonage becomes available, it is earmarked for use by the Historical Society and Historical Commission.

Livery License – Mark Papas, All Sports Limousine

Present: Mark Papas, 78 Dudley Road.

The Board was in receipt of the following:

1. Application for License to Operate Taxi and Limousine Vehicles, dated February 24, 1999, outlining proposed operating hours, proposed rates, business location, and driver's name and address.
2. Certificate of Insurance from Empire Insurance, dated February 26, 1999, stating that All Sports Etc. is insured from February 23, 1999 to March 23, 2000, on a 1999 Lincoln Town Car, VIN 1LNFM81W9W4663105.
3. Amended automobile registration, changing the address from 120 Marshall Street, Watertown, to 78 Dudley Road, Sudbury.

4. An undated report from Officer Mark Gainer, Police Dept, stating there are no problems with this applicant, and there are no outward signs of a business at his home. The report states further that a "Livery Plate" will be used on the vehicle and there will be no advertising.

Mark Papas, applicant, stated this will be part-time work, mostly in the evenings and on weekends. He stated further that the Lincoln Town Car is the family car, and he will be the only driver.

It was on motion unanimously

VOTED: To grant a Livery License to Mark Papas, All Sports Limousine, 78 Dudley Road, Sudbury, to expire on June 30, 1999, (in common with all livery licenses) and to approve the rates as set forth in his application.

Planning for Growth Grant Application – Wastewater Study

Present: Jody Kablack, Town Planner.

Town Manager Ledoux stated the deadline to file the application for the Planning for Growth Grant is March 30, with one of the eligible activities being a wastewater study for the Route 20 business district, as proposed by Article 15 of Annual Town Meeting. He stated the maximum project cost is \$100,000 and requires a 25% match from the Town. He requested the Board's permission to proceed with the application.

Jody Kablack, Town Planner, stated that Marianne D'Angelo, Sewer Studies Committee, had indicated to her that her committee would be willing to take on some of the work necessary to complete the application. Ms. Kablack stated that filing this application would bring the Sudbury situation to the State's attention as well as thoroughly investigate all the related issues. She opined that filing the application would be a good move.

Chairman Drobinski and Selectman Roopenian agreed the application is a good idea and opined that having outside funding is always a plus.

Selectman Clark stated that this issue needs to go to Town Meeting and stated further that it is "an end run" around zoning bylaws. She stated a bylaw was adopted in 1989 specific to wastewater, and in 1994 Town Meeting adopted another bylaw entitled Water Resource Protection District, delineating permitted and prohibited uses in Zones II and III. She stated that Town Meeting is the legislative body, and the Selectmen should not endorse anything that circumvents the process. Ms. Clark opined sanctioning these studies is a preface to increasing development, not restraining it in the water protection areas, and stated that she is opposed to increasing development in these areas.

Chairman Drobinski agreed that Town Meeting is the deciding body on Town affairs, but stated that, if Town Meeting does not have the appropriate information to make those decisions, it falls to the Board to work on their behalf in the interim. He stated the wastewater study is more of a fact-finding endeavor in order to make informed decisions, not "an end run". He opined that discussions were more along the lines of sustaining existing business and maintaining water quality, rather than increasing development.

Selectman Clark stated that Article 15 should go forward at Town Meeting and opined further that going for a grant at this time is substituting the Board's decision for Town Meeting. She suggested that the recent amendments to the Aquifer Protection Bylaw enhance groundwater protection by restricting development activity and septic sizes in those areas. Ms. Clark stated that, given the \$10,000 grant received

to conduct the 1995 Woodard & Curran study, the report is quite good. She suggested an area to focus on would be new alternative technologies. She opined that many times a study is deemed incomplete or inaccurate only because it did not turn out the way the proponents wished.

Selectman Roopenian stated the Woodard & Curran study indicated it was a baseline study and was intended to be periodically updated. She stated alternative technologies are difficult to assess if the situation is not fully studied. She opined it would be prudent to apply for the grant, even before going to Town Meeting, just to get the process going. Town Manager Ledoux stated that, if the grant was awarded, the request for the 25% matching funds would still need to come before Town Meeting.

It was on motion by Chairman Drobinski and subsequently

VOTED: To direct the Town Manager to proceed with the application for the Planning for Growth grant. (Drobinski and Roopenian, aye; Clark, nay)

Selectman Reports

Chairman Drobinski announced that the 1998 Annual Town Report had just been published and will be distributed to residents this week.

Selectman Roopenian announced that the Selectmen have an e-mail address that goes directly to the Selectmen's office: selectmen@town.sudbury.ma.us.com

Selectman Roopenian stated she regularly reads *The Concord Journal* and mentioned an article that featured "redevelopment" of land, the demolishing of existing structures in order to construct something suited to need. She stated this "redevelopment" might be considered for uses on Town-owned land.

Town Manager Ledoux announced that there will be a retirement party on March 31, 1999, for Billy Baldwin who is retiring from the school system after 41 years of service.

Executive Session

At 10:10 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:35 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk