

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 24, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:14 p.m. in the library at the Lincoln-Sudbury Regional High School.

Overhead Utility Waiver Request - Concord Road

The Board was in receipt of the following:

1. A communication, dated February 10, 1997, from Peter Churchill, Acton, Massachusetts, seeking a waiver under Bylaw Art. XX.3.E to allow an overhead utility line. More specifically, Mr. Churchill requests permission to install a utility pole on the North side of Concord Road, directly opposite pole #210. Said pole would be used to bring the wires across the road to service a new building on Mr. Churchill's property at 999 Concord Road. Service would be underground from the pole to the new building. In support of his request, Mr. Churchill cites the recent paving of this particular stretch of Concord Road and that there is wetland to the South.
2. A communication, dated February 18, 1997, from John B. Hepting, Inspector of Buildings and Arthur Richard, Wiring Inspector, reporting that the request is reasonable given the recent paving and existence of wetland.

It was on motion unanimously

VOTED: To approve the waiver request, dated February 10, 1997, of Peter Churchill, made under Bylaw Art. XX.3.E, and to permit installation of an overhead utility line to his property at 999 Concord Road running from Pole #210, on the opposite side of the street to a new pole to be placed on his property.

Site Plan Special Permit Application SP97-333 - Theodore Pasquarello, Trustee, Paris Realty Trust - Boston Post Road

At 7:16 p.m., the Board reconvened the Public Hearing on Site Plan Special Permit Application SP97-333 of Theodore Pasquarello, Trustee, Paris Realty Trust, and reviewed the decision prepared for the Board's signature.

In accordance with the revised parking plan, it was on motion unanimously,

VOTED: To increase the Reserve Parking area from 16 to 18 parking spaces.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to Theodore Pasquarello, Trustee, in accordance with Application No. 97-333, to convert an existing theater to office and warehouse space, reduce the height of the building from 35 to 22 feet, increase the building footprint to the west by approximately 15 feet, alter the east and west building elevations, and revise the parking layout for property located at 490 Boston Post Road owned by Paris Realty Trust, as shown on a plan entitled, "Site Plan of Land in Sudbury, Mass. Prepared for: Paris Trust", by Schofield Brothers of New England, Inc., 1071 Worcester Road, Framingham, Mass. 01701, and dated as revised February 3, 1997, together with architectural drawing prepared by Margulies & Associates, 234 Congress, Sixth Floor, Boston, MA 02110, dated December 16, 1996, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer (existing catch basin shall be installed with gas and oil traps, Labaron Type L219 or equivalent);
2. Placement of all utilities underground;
3. The grant of a Water Resource Protection Special Permit, if applicable, by the Planning Board;
4. The grant of an earth removal permit by the Earth Removal Board, if applicable;
5. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
6. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
7. Final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access;
8. Approval of the final landscaping plan by the Board of Selectmen;
9. Exterior lighting to be directed away from adjacent residences and have shields;
10. No use of salt or chemical de-icers on site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
  - (a) the disposal or removal of effluent and wastes generated on the site;

- (b) the use of salt or chemical de-icers on the site;
  - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
12. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
13. In addition to the above and pursuant to the recommendations of the Conservation Commission, Building Inspector and Town Engineer, the following items are to be implemented:
- a. Additional stormwater mitigation measures which may be agreed upon between the applicant and Conservation Commission;
  - b. Calculations for total acreage, impervious surface and open space to be shown on the plan;
  - c. Signature blocks for Town Engineer, Building Inspector, and Selectmen to be added to plans;
  - d. Parking spaces to be revised to meet Town of Sudbury Bylaws and the approval of the Building Inspector, Town Engineer and Selectmen;
14. Pursuant to Zoning bylaw Art. IX (V.A.8), Reserve Parking Spaces, the Board of Selectmen has waived 18 spaces of the proposed required parking (108 spaces);
15. No building permit shall be issued until certain items noted above (1, 3, 7, 8, 13b, 13c, 13d) as specified by the Board, are complied with;
16. No occupancy permit shall be issued until certain items noted above (2, 4, 5, 6, 9, 11, 12, 13a) as specified by the Board, are complied with; and
17. This Special Permit shall lapse if construction and a substantial use therefor, have not commenced except for good cause within one (1) year from the effective date of said Permit.

EXECUTION: The Board executed said Site Plan Decision.

Article Positions to be Printed in the Warrant

The Board concurred to continue this matter.

Minutes

Stating that she needed additional time to review the minutes as drafted, Selectman Clark asked that this matter be continued until the Board's first meeting in March. Chairman Blacker and Selectmen Drobinski agreed.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$137.31 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.

Cable Television Committee - Appointments

Upon request, it was unanimously

VOTED: To appoint Douglas E. Smith, 64 Silver Hill Road, and Mary Beth Lisman, 21 Amanda Road, to the Cable Television Committee for a terms to expire April 30, 1998.

Approval of Contract - B-P Trucking, Inc.

At the request of Town Manager Ledoux, upon motion it was unanimously

VOTED: To approve a contract between the Town and B-P Trucking for hauling trash and recyclables for a sum not to exceed \$170 per trip, plus any applicable disposal fee, for the term of July 24, 1996, through and including June 30, 1997.

School Trust Fund - Approval of Expenditure

The Board was in receipt of a communication, dated February 7, 1997, from Mary Ellen Normen Dunn, Town Treasurer and Collector, requesting approval of payment from the School Trust Fund for an \$8,085 expenditure for an Apple Computer, monitor, printer and software/CDROM.

Selectman Clark inquired why an Apple was purchased when the rest of the Town utilizes IBM and or IBM clones and the Town is attempting to coordinate its systems.

Chairman Blacker stated that Apples are used exclusively in the school systems due to their user-friendly commands. Selectman Drobinski agreed, noting furthermore that with conversion software the two systems can be compatible.

Acting as Co-Trustees of Town Donations, upon motion it was unanimously

VOTED: To approve the expenditure of \$8,085 from the School Trust Fund for the purchase of computer equipment as requested.

Donation - Frank G. Feeley - Raytheon Grant Account

It was on motion unanimously

VOTED: To accept \$500 from Raytheon Company to support the Frank G. Feeley Award for the years 1996-2000; said donation to be deposited into the Frank G. Feeley - Raytheon Grant Account and to be expended under the direction of the Park and Recreation Commission.

Approval of Contracts- Real Estate Research Consultants, Inc.

At the request of Town Manager Ledoux, upon motion it was unanimously

VOTED: To approve (1) a contract, dated February 10, 1997, between the Town and Real Estate Research Consultants, Inc., of Danvers, MA, (hereinafter referred to as RRC) in which RRC is to provide the Town with site inspections and identification and valuation of personal property during Fiscal Years 1997, 1998, and 1999, at the cost of \$35 per taxable account and \$8 per non-taxable account, for a total contact price not to exceed \$15,600; and (2) a contract dated February 10, 1997, between the Town and RRC in which RRC is to provide land and building valuations of all commercial property in the Town and other related tasks at a cost of \$6,500.

Executive Session - Collective Bargaining Re: Highway Department

Given that the Board was meeting in the library of the Lincoln-Sudbury Regional High School, with numerous persons present, and thus, the difficulty in obtaining confidentiality, Chairman Blacker asked if the Board needed to consider this matter this evening.

Town Manager Ledoux responded in the negative.

Thus, the Board concurred to continue this matter until March 10, 1997.

Special Town Meeting

Town Manager Ledoux reported that the costs of the Flynn renovation had been increased to \$2,080,000. He stated that the adjusted figure reflected increased costs of construction. He said that the late notice of the revised figure was due to the fact that the architect was only asked to update the costs in mid-December of 1996 and also because the architect had been ill. He also reported that the Finance Committee was going to ask the Town to postpone consideration of the article until the Annual Town Meeting in April to allow time to analyze the increased cost.

Chairman Blacker stated that the increase, from the original 1994 cost estimate, did not change the underlying concept and that passage should still be pursued. The Board concurred.

Selectman Clark inquired about the costs of the two lots adjacent to the Loring School site and if the land had ever been owned by the Town.

Town Manager Ledoux responded that the purchase price for the two lots is \$545,000 and \$5,000 is needed for bonding costs, making a total cost of \$550,000.

Chairman Blacker stated that the Town had never owned the land.

Selectman Clark asked if both parcels were entirely "buildable" and Chairman Blacker responded in the negative, but stated that it appeared that each of the two five-acre parcels had "buildable" land on them and could probably be subdivided into several "buildable" lots. He suggested that the Town consider negotiating some of the frontage on Lot 12A to make the seller's remaining adjacent land more accessible and thereby reduce the cost to the Town.

Selectman Drobinski asked about the technology components for the Town administrative system and the school system and if the costs were to be divided between the two.

Town Manager Ledoux responded that Article Seven pertained to the Town's administrative system and that Article Four pertained to the hard-wiring of the schools.

Town Moderator Dignan informed the Board that it would be asked its position on whether those articles that pass would be "bundled" on the ballot.

Chairman Blacker commented that whatever passes should be bundled together as the Town's capital plan.

Selectman Drobinski expressed concern with including the walkways and Rogers Theatre articles with the school articles. He stated that it was difficult to know what to bundle together until the results were known.

The Board concurred and determined to consider the bundling issue after it was known what articles had passed the Special Town Meeting.

There being no further business, the meeting was adjourned at 7:36 p.m.

Attest: \_\_\_\_\_  
Steven Ledoux  
Town Manager-Clerk