

IN BOARD OF SELECTMEN  
MONDAY, JUNE 23, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:37 p.m. at the Fairbank Senior Center.

**Minutes**

It was on motion unanimously

VOTED: To approve the minutes of June 9, 1997.

**Donations - Council on Aging Vans**

It was on motion unanimously

VOTED: To accept \$101.20 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.

**Cemetery Repurchase - Kaufman**

Upon request, on motion it was unanimously

VOTED: To approve the request of Assistant Director of Public Works, dated June 17, 1997, to allow Phyllis Kaufman to sell back to the Town four graves in New Town Cemetery, Lot 15, Section 10, Deed #980 (Sale of Lots \$300; Perpetual Care \$900).

**Hosmer Memorial Fund Expenditure**

It was on motion unanimously

VOTED: To approve the expenditure of \$772.74 from the Edwin Barrett Hosmer Memorial Fund to pay for labor and materials for repairs to the Hosmer House.

**Acceptance of Land Interests**

It was on motion unanimously

VOTED: To accept the following interests in land:

- a) Sidewalk Easement dated May 30, 1997, granted by Susan Vingiano, 50 Marlboro Road, in connection with the Hamblin Estates Subdivision.
- b) Sidewalk Easement dated May 13, 1997, granted by Benny P. and Gilda Tartaglia, 52 Marlboro Road, in connection with the Hamblin Estates Subdivision.

c) Slope Easement, Right of Way Easement and Drainage Easement, all dated June 6, 1997, and granted by John C. Cutting, Frank J. Cutting and Louise C. Dorian in connection with the Run Brook IV Subdivision off Camperdown and, as shown on a plan entitled "RUN BROOK IV Definitive Subdivision of land in SUDBURY, MASS.", dated 12/19/97 and revised 5/20/97, drawn by David E. Ross Associates, Inc.

d) Walkway Easement and Access and Utility Easement, both dated June 16, 1997, granted by Sudbury Research Center, Inc. (formerly known as Cummings Properties Sudbury, Inc.), as shown on a plan entitled "Definitive Plan, Subdivision of Land at 142 North Road, Sudbury, Mass.", prepared for Millwright Corporation, Property of: Cummings Properties, dated August 8, 1995, revised October 24, 1995, by Metrowest Engineering, Inc.

### **Joint Session with the Board of Assessors**

Present: David Berry and Joseph Nugent, Members, Board of Assessors and others.

At 7:50 p.m., Chairman Blacker convened a joint meeting with the Board of Assessors for the purpose of appointing by roll call vote a member to serve on the Board of Assessors until the effective date of the March 1998 Annual Town Election, replacing William J. Keller.

Based on the previous meeting when candidates were interviewed, Chairman Blacker asked if there were nominations for the vacancy to the Board of Assessors. David Berry nominated applicant Trevor A. Haydon, which was seconded by Selectman Clark. Chairman Blacker asked if there were any other nominations. Selectman Drobinski stated that he had intended to do so; however, based on Mr. Haydon's qualifications and experience, he saw no need to make further nominations.

A roll call vote was recorded as follows: Lawrence Blacker-Trevor A. Haydon, John Drobinski-Trevor A. Haydon, Maryann Clark-Trevor A. Haydon, David Berry-Trevor A. Haydon, Joseph Nugent-Trevor A. Haydon.

Trevor A. Haydon had been unanimously appointed to replace William J. Keller on the Board of Assessors until the effective dated of the March 1998 Annual Town Election.

Chairman Blacker further commented that the other candidates were wonderful and he hoped they will consider applying to other boards and volunteering their services as the Town can certainly use them.

### **Retiree Congratulated**

Town Manager Ledoux took the opportunity to thank Mary Walsh, Assistant Assessor for the Town of Sudbury for the past 29 years, upon her upcoming retirement, effective June 30, 1997. Her hard work is appreciated, and she was wished well on her retirement.

**Site Plan Application SP97-336 of the Wayside Inn Corporation**

Present: Marc F. Mazzarelli, Landscape Architect; Robert Purrington, Innkeeper, Wayside Inn Corporation; Louis Hough, Acting Chairman, Historic Districts Commission, and others.

The Board of Selectmen, sitting as the Special Permit Granting Authority pursuant to Article IX.V.A. of the Town of Sudbury Bylaws, held a public hearing to consider Site Plan Special Permit Application No. 97-336 of the Wayside Inn Corporation, received May 8, 1997, to expand the Overnight Guest Parking Lot from 22 to 42 parking spaces and to alter curb cuts for the Main Guest Parking Lot, with attendant landscaping and lighting changes, at the Wayside Inn, 72 Wayside Inn Road, owned by the Wayside Inn Trust and located in the Wayside Inn Historic Preservation Residential Zone and Historic District.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier on May 29, and June 5, 1997. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board acknowledged receipt of the following communications:

- 1) Report dated June 17, 1997, from the Inspector of Buildings recommending approval.
- 2) Verbal report of June 19, 1997, from the Health Director stating the Board of Health has no concerns related to the site plan.
- 3) Report from the Director of Public Works dated May 19, 1997, describing the proposed changes, noting that a Notice of Intent filing with the Conservation Commission would be required, a release agreement allowing the tie-in of the proposed drainage system will be required from the Sudbury Department of Public Works, and that the existing guest parking lot was constructed in general conformance with approved Site Plan SP93-318.
- 4) Report dated May 27, 1997, from the Conservation Coordinator, advising that the Commission has been reviewing the site plan, and although the majority of work for the Overnight Guest Parking Lot is within 100 feet of the wetlands, the plan is an overall improvement with mitigation measures being proposed for both existing conditions and proposed conditions. A follow-up verbal report dated June 19, 1997 informed that no plan alterations resulted from their public hearing and an Order of Conditions would be forthcoming.
- 5) Report dated June 11, 1997, from the Planning Board recommending approval.
- 6) Report dated June 17, 1997, from the Design Review Board: a) advising the existing shrubbery along the main guest parking lot are not hollies, as labeled, but boxwood (*Buxus Sempervirens* "Vardar Valley"), and recommending the same plant be used for the extended landscaping; and b) expressing concern about the reconfiguration of the right side of the main guest parking lot from a straight line to a curve causing ambiguity as to where to park, and concern about narrowing the space between the sloped area and the rear traffic island.

- 7) Report dated May 27, 1997, from the Fire Chief, stating he has no objections to the site plan.
- 8) Letter dated June 19, 1997, from Landscape Architect Marc F. Mazzarelli responding to the comments of the Design Review Board as follows: a) the oversight concerning the designation of boxwoods instead of hollies will be corrected; and b) the Inn no longer intends to reconfigure the right side of the main guest parking lot, as they have successfully stabilized the slope at the western edge of the parking lot with a special seed mix.

Landscape Architect Marc Mazzarelli presented the site plan to the Board as follows:

Concerning one of the projects, the Overnight Guest Parking Lot expansion, he reviewed the plans with the Board and stated that this project had been reviewed and approved by the Conservation Commission with mitigation proposed for both existing conditions and proposed conditions. An Order of Conditions will follow.

The proposed plan is to expand from 22 to 42 spaces on the existing lawn area and relocate the entrance to the existing parking access way just to the north of it. They are putting back (in keeping with the consistent theme of post and rail fence and rose planting) a fence hedge and have created a detention area for the concentrated overland flow based on their storm calculations. They will also request permission to clear some plant material that borders wetland area and come back with new plant material that supports wildlife.

Other improvements are two additional lampposts for increased safety of vehicular movement and a light on an existing Ash tree at the junction of the road.

The second project concerned the Main Guest Parking Lot across the street from the front entrance to the Inn. Improvements to the main lot are in response to pedestrian safety concerns. Many people who visit park across from the Inn and simply walk into Wayside Inn Road to get to the front door. There are presently no sidewalks. The new plan proposes to close down the westerly vehicular entrance, widen the other egress way and extend the existing brick walkway easterly so that there is a captive population of guests finding a safer route to the Inn on a controlled crosswalk. Basically, they will be channeling people along a safer route. DPW Director I. William Place has reviewed the plans and supports these changes outlined: closing off the first entrance and widening the second entrance.

Regarding drainage, the Conservation Commission also approved an amendment to tie in three additional drain inlets that propose to pick up the flow of water within the parking lot and prevent conditions which presently exist, where puddling is occurring and rutting the road.

The two comments by Design Review Board have been duly noted and will be incorporated into the final plans by a correction as to the identification of a plant species within a planting bed and not reconfiguring the westerly side of the main parking lot. Presently the Inn has taken up the issue of slope mitigation with a special seed mix, and that slope-stabilizing seed mixture has taken successfully on this location, eliminating the need to change this area of the parking lot.

In summary, they are asking to extend the roadway edge alongside Wayside Inn Road at the former westerly egress, loam and seed it, extend the existing stone wall to connect to the other portion that was in the center island area, create returns at either end, introduce a new light post for additional safety at the entrance way and extend the existing brick walk, as well as the handrail with downlights, and then back plant the area between the wall and the handrail with the similar themes, perennial plantings and evergreen shrubs.

Existing drainage patterns in the parking lot have been recognized, identifying the swales and locating proposed drain inlets at three locations, all tying in with DPW Director's recommendations for pipe sizing and then eventually to the existing catch-basin location at the former egress that is presently being proposed for shutdown.

In the last segment of the improvements, there will be noticed an increase in amount of asphalt area being used for the egress to create a larger entry apron. It is felt that this will prevent the ruts that would otherwise occur at the entranceway, due to the heavy flow of concentrated traffic the exiting and entering at the one location to the lot.

Selectman Clark asked if there would be any alterations regarding access to the barn. Mr. Mazzarelli responded that there would be nothing done in that area.

Selectman Drobinski mentioned that, while the Historic Districts Commission did not have any purview regarding the landscape issues, he asked Mr. Mazzarelli if he had conversed with them. Mr. Mazzarelli responded that he did not speak with the Historic Districts Commission but had met with the Permanent Landscape Committee earlier on in the preliminary "walk around" on the two projects.

Mr. Louis Hough asked for clarification of the comment that Historic Districts Commission had no jurisdiction over the area, and he was told by Selectmen Drobinski that the comment reflected only landscape issues. Mr. Mazzarelli expanded on the landscape point by adding that keeping to the true historic flavor of the project is of utmost importance. In fact, they recently removed Pachysandra plants from the grounds when it was discovered that it was not a native American ground cover material and replaced it with Vinca Minor, which is more in keeping with the native qualities and character of colonial times. They are trying to make the Inn consistent from a landscape point of view.

The Board expressed its concurrence with the site plan, and a draft Decision, which had been prepared for the Board but still required review by Town Counsel.

Therefore, it was on motion unanimously

VOTED: To continue the public hearing until the Board's next meeting on July 14, 1997, at 7:40 p.m. for the sole purpose of signing a Decision for Site Plan Special Permit Application SP97-336 of the Wayside Inn Corporation.

Chairman Blacker stated that it will not be necessary for Mr. Mazzarelli or Mr. Purrington to attend the next meeting.

**Town Forum - 228th Session**

Chairman Blacker convened the 228th Town Forum, who commented that it was the smallest number of Forum participants to date--probably due to the heat and start of summer vacations.

Reports were submitted by Daniel Loughlin, Director of Assessing; Louis Hough, Historic Districts Commission; Gregory S. Lauer, Sudbury School Committee; Steven Ledoux, Town Manager; and Lawrence Blacker, Chairman of the Board of Selectmen.

**Deed Conveyance to Sudbury Water District**

It was on motion unanimously

VOTED: To execute a deed conveying to the Sudbury Water District a 16.8 +/- acre parcel of land off Pratt's Mill Road (a portion of the Curtis Middle School property) as authorized by the October 3, 1988 Special Town Meeting under Article 3, as shown on a plan entitled, "Plan of Land in Sudbury, Massachusetts Showing Land to be Conveyed to the Sudbury Water District", prepared by the Town of Sudbury Engineering Department, dated August 29, 1988, revised September 30, 1988.

**License Renewal --AAA Limousine, Inc.**

It was on motion unanimously

VOTED: To grant renewal of Livery and Limousine Service License, in accordance with application dated

June 10, 1997, from Edmund R. Brown, AAA Limousine, Inc., 39 Union Avenue, Sudbury, subject to satisfactory vehicle inspections and driver permits granted by the Police Department; and to approve rates unchanged from previous year.

**New License/Owner--Sudbury Limo Service**

Material for change in ownership was not received at meeting time--item was passed over.

**Simply Sudbury--July Fourth Outdoor Service**

It was on motion unanimously

VOTED: Subject to approval by Police Chief, to approve a request dated June 19, 1997, from Faramarz Khedmaty, d/b/a Simply Sudbury, 365 Boston Post Road, to sell food and non-alcoholic beverages on the front lawn of premises during the July Fourth Parade.

**Contract Bids for FY98--Insurance and Petroleum**

Selectman Drobinski questioned the proposed authorization of the insurance bid to the Murphy Insurance Agency with Great American based on the fact that MIIA is usually fairly inexpensive. Town Manager Ledoux explained that MIIA's Property and Casualty prices were very competitive, but the problem was in terms of the Workers Compensation Self Insurance: 1) the deductible was much higher

than Great American and 2.) the re-insurance level was much higher than Great American. All things being equal, Great American was more competitive.

On motion by Chairman Blacker, it was unanimously

VOTED: To authorize the Town Manager to enter into contracts, as follows:

a) With Murphy Insurance Agency, in accordance with its bid dated June 11, 1997, opened June 12, 1997, to provide Property and Casualty Insurance, and Workers Compensation Self Insurance for Fiscal Year 1998, at a total cost of \$74,313; and

b) With Global Petroleum Corp./First Petroleum Division, Waltham, in accordance with its bid dated June 18, 1997, opened June 19, 1997, and Town of Sudbury specifications, to supply premium unleaded 92 octane gasoline for the period July 1, 1997, through June 30, 1998, at \$.0213 per gallon increment over the tank car price as based on the Platts Oilgram Price Report low posting under South and East Terminals throughout the supply period.

### **Central Mass. Bike Trail**

Chairman Blacker read requests received from Dr. Dan Buttner for support letters concerning the recreational trail along the Central Mass. Railroad, and commented that he was particularly pleased to see that the Town of Weston had given their support to the program. The program has also been previously approved by Town Meeting and the Selectmen.

Selectman Clark commented that in the letter addressed to David Soule and to Clare Conley the word "I" should be changed to "we" to reflect the three signatures. Further, Selectman Drobinski requested that an additional copy of the second letter be sent to Nancy "Hasty" Evans, as she is Director of Planning at the "T".

Town Manager Ledoux stated that he would have the letters redone and brought to the Goal Setting Meeting on Wednesday morning for signing.

It was on motion unanimously

VOTED: To sign letters concerning the recreational trail along the Central Mass. Railroad as follows:

1) to the Metropolitan Area Planning Council seeking assistance with the project; and 2) to Transit Realty Associates, requesting preparation of a draft license agreement between the MBTA and the Town to permit construction of the trail within Sudbury.

### **Employee Assistance Program (EAP)**

Town Manager Ledoux reported on the Employees Assistance Program (EAP), as follows: for the past two years, the Town has been doing business with COMPASS, whose bid came in higher than that of Health Resources. Regarding EAPs, industry standards show that it takes about three years in a program to get maximum utilization. Town Manager Ledoux would like to study Health Resources more and perhaps go out for bid proposals again this winter. They had some interesting aspects, but there has not been sufficient opportunity to fully investigate them. He opined that COMPASS has been very responsive. Over the past year, there have been about 20 employees who have used their service and

probably 3 or 4 department head referrals, plus they have run four programs for department heads. One of the programs, "Dealing with Difficult People," will probably be taken to the clerical group, as they are often the first line in dealing with this problem area.

Town Manager Ledoux proposed contracting with COMPASS for another year while the Town investigates its other option, Health Resources.

Selectmen Drobinski asked if Lincoln-Sudbury is still using them. He said it made sense to stay with the same source and he asked if there was a volume discount. Town Manager Ledoux said he would look into this. Chairman Blacker asked if there was greater program utilization this year over last, and Town Manager Ledoux indicated that there was a somewhat higher usage.

Selectmen Clark asked where Health Resources is located. Town Manager Ledoux stated that they are located in Natick, Marlborough, Acton and Wayland; COMPASS is located in Framingham and Marlborough.

On motion by Chairman Blacker, it was unanimously

VOTED: To authorize the Town Manager to enter into a contract for FY98 with COMPASS for an Employee Assistance Program at a cost of \$32 per employee or \$19,200 for 600 employees.

#### **Stop Sign-- Phillips Road**

A communication was received from Safety Officer Ronald Conrado, stating he feels there is a safety issue at the intersection of Phillips Road and Fairbank Road. Officer Conrado recommends a stop sign on Phillips Road at Fairbank Road and indicates that Bill Place concurs with installation of this stop sign.

It was on motion unanimously

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location:

"Southeastbound drivers on Phillips Road at Fairbank Road".

#### **Hop Brook Protection Association**

Present: Frank Lyons, Ron Riggert, Cynthia Nelissen, L. Mike Meixsell, Ken Abrams, and others

At 9:15 p.m., Chairman Blacker recognized Frank Lyons, 157 Wayside Inn Road, speaking on behalf of the Hop Brook Protection Association's interest and concern about resolving the Hop Brook Ponds pollution problem in connection with the Marlborough Easterly Waste Water Treatment Plant discharge permit. Mr. Lyons referenced his three-page letter to the Board, summarizing the problem and what the Association is seeking. The Board members stated that they had read and understood the problem, and Chairman Blacker stated he is fully supportive and wished to do whatever is in the Board's power to help. He added that there is nothing unreasonable in Mr. Lyons' letter.



Selectman Clark suggested that closure might be obtained by using the Federal EPA to the fullest extent.

Mr. Lyons stated that he had recently spoken to David Pinkham, at the EPA, who is in charge of the permit. Mr. Pinkham advised him the EPA's plan is to stick with the .1mg/l limits that have been proposed with the draft permit. These are limits which experts in the field say will go a long way toward solving the problem in combination with a cleanup program. David Pinkham further said that his boss, Jane Downing, recently met with the State. He thinks the State may still be somewhat recalcitrant in this issue but that the EPA plans to go ahead with the .1 limit anyway. He wants to do it fairly quickly before anyone changes his/her mind. If they stay with that plan and within the next month or two the EPA comes up with a final permit, the expectation is that the City of Marlborough will appeal the decision. They have more than one level of appeal. The first appeal will be to the EPA. Again, it is expected that, if the EPA drafted the permit with the .1mg/l limits, Marlborough will lose the appeal. They can then go to the Court system and that can be a lengthy process.

The Hop Brook Protection Association is asking the full strength (resources) of the Town of Sudbury to make it very clear to the EPA, the Commonwealth of Massachusetts and to the City of Marlborough that it is not just the Hop Brook Protection Association who wants the problem solved and wants the limits of .1mg/liter in the permit. This should be particularly important during an appeal process. The Association has spent \$3,000 on legal fees, and its attorney has advised that the problem must be solved through the permitting process. Therefore, if they do not get the more restrictive permit and usher it through the appeal process, this situation will not be rectified. Legal support is the Association's first request of the Town--to make its presence known.

Selectman Drobinski suggested writing a letter on Town letterhead to Trudy Cox and John DeVillars stating that the Town will protect its rights. Selectman Clark supported this step.

Chairman Blacker asked what the City of Marlborough would need to do to alleviate the problem. Mr. Lyons replied that the standard treatment is metal salts and the equivalent of sand bed filtering. If they went only with standard techniques, the cost would be around \$20 million. The Association is confident that there is another technique called Hydrating at Magnetic Separation, and they have had considerable contact with a group from MIT concerning it. They have proven feasibility at the Deer Island Sewage Treatment Plant, and they have run some pilot feasibility projects at MIT--using this technique with effluent from the sewage treatment plant. They are at the point where they think it can be done for about \$6 million.

Mr. Lyons pointed out that there is still a third alternative which has more promise for being efficient. It is a technique on which the Association (working with the University of Massachusetts-Amherst) has spent a lot of time, effort and money supporting. The technique is called "Constructive Wetlands Technology". Basically, it uses a combination of plants and filter media, either peat moss or sand beds, to maintain hydraulic conductivity on effluent that has been mixed with a chemical for flocculating phosphorus out of the effluent. This is an on-going experiment. If this is proven to work, it is possible that this could be implemented in the \$2 to \$4 million range.

Selectman Drobinski asked what would happen to the cost if the EPA reneged and went to .25mg/l. Mr. Lyons stated that there might be some other techniques that work on the .25mg/l range that were not mentioned. Certainly it could be done with metal salts, using the flocculant and the mix a

little differently. It might also be done using smaller beds, taking this technique and scaling it back. However, he believes the real issue is not how much it costs, but if the EPA were to do that, would it solve the problem? He said the answer is "no," and the EPA knows this is the answer. Mr. Lyons, therefore, does not believe this will happen. It is only a half measure. He believes there really are solutions and they have put a lot of energy

into helping Marlborough solve this problem. Mr. Lyons believes there are several solutions that will not cost \$20 million.

Among the projects undertaken by the Association, they have enlisted and received support from politicians by a petition which has 6,000 signatures. Some of the noteworthy signatures are Bob Durand, who was the State Senator at the time, "Hasty" Evans, who was our State Representative at the time, and Marty Meehan, who was then a candidate for Congress. Since he became Congressman, he has been very supportive of the Association's efforts and has offered to help Marlborough obtain funds to solve this problem. Through Congressman Meehan's staff, the Association would like to get Marlborough to be more pro-active about solving the problem rather than be reactive about not solving it.

Chairman Blacker commented that the appeal process takes very long. Mr. Lyons stated it would probably be a couple of years. Mr. Lyons stated that while he feels the Association has done well on its own up to this point with its limited resources, however, he thinks it is moving into the area where this is really too large a situation for such a small organization, particularly if it gets into court.

Mr. Lyons opined that Marlborough has put through many delays in attempting to correct the problem and he feels the Metcalf & Eddy \$20 million report, which was commissioned by the City of Marlborough, is a flawed report and that the numbers were inflated. However, the EPA has taken the position that the City of Marlborough will be given a limit of .1mg/l and it will be their problem to find a solution. They will no longer go back and forth with Marlborough on what is the least expensive technology to solve the problem.

Mr. Lyons would like to find a key person to help in alleviating the contention between the DEP and the EPA; it would smooth the process in resolving this first permit. Selectman Drobinski said he would try to find out who might help in this matter.

Mr. Lyons continued, explaining that algae harvesting is also a step in trying to solve pollution, but without the new permit, pollution will not be stopped. Another reason for the Association's existence is to find ways to clean up the watershed after the pollution has been stopped. Dredging is one way to do this clean-up. However, some of the waste at the bottom of the ponds is pretty bad material, including heavy metals (cadmium and arsenic, for example), making it difficult to dump the sludge and possibly complicating the permitting process for dredging. Therefore, the Association has been examining cost-effective methods of doing the clean up. Some experts in the field believe an aggressive algae-harvesting program may lead to the clean up without the need for dredging.

For the past three years, the Association has been conducting algae-harvesting programs. The first year was pretty minimal, with perhaps 30 volunteers, a dump truck and a conveyor belt. This was not the way to do it. However, the project spawned discussions and a new technique: a septic pump truck, which seemed to work well.

The following summer, two years ago, the Association hired some MIT students they had been mentoring during the school year to look at harvesting techniques and that year they were able to harvest 100 tons of wet-weight algae from Grist Mill Pond. Therefore, something has been done to develop harvesting technique. The algae was tested for toxins and was able to be used for fertilizer in The Wayside Inn gardens.

Last summer, the Association "shamed" the City of Marlborough into working with them, and they provided some heavy equipment and labor; the Association provided a student to do some analysis of what was found. A point of the study was to find out what proportion of phosphorus was taken out vs. what was coming into the system. The end result was 300 tons of wet-weight algae last summer and the Association just recently received notification from Marlborough that they are interested in harvesting again this summer.

Mr. Lyons stated that they would like to get to the next step by making last summer's program more efficient and this summer accomplish multi-pond harvesting. Arrangements have been made to hire a PHD student at University of Massachusetts-Amherst. He is close to finishing his degree and will be working with the City of Marlborough again.

At this time, Mr. Lyons would like the Board to consider involving the Sudbury Department of Public Works at least in discussions as to how the Association might get into multi-pond harvesting. This would not involve a lot of expense for the Town this summer, but they would like to get the Town much more involved. The Association would be supporting the program, and the City of Marlborough would be working on it.

Town Manager Ledoux stated that he will ask DPW Director, I. William Place, to get in touch with Mr. Lyons when he returns from vacation.

Selectman Drobinski asked Mr. Lyons where the residuals would go. Mr. Lyons stated that the algae would have to be tested for toxins before using it. This year they would be testing three ponds as they would like to work with Marlborough to include Hager Pond, Grist Mill Pond and Carding Mill Pond. There is no permit for Carding Mill pond at present but they hope to get one. There is a permit for Grist Mill Pond and, of course, Marlborough would need to get one for Hager Pond.

Ron Riggert, 133 Moore Road, asked why the Association feels that harvesting will have a long-term affect. Mr. Lyons reported that there have been studies supporting this. One of the propositions put forth by Ron Levine, an adjunct professor at the University of Massachusetts-Amherst, is that the algae has zoa spores. The zoa spores are the analog of seeds; they sink to the bottom of the pond at year end and they are part of what causes next year's growth. If you get the zoa spores, the proper nutrients plus warm weather, the algae will bloom again. Professor Levine feels that by removing a lot of bio-mass as was done last year, over time this could really cut down on the algae population by removing these seeds for future growth.

In addition, during this past spring, the Association sponsored an MIT woman student who did her senior project on one of their proposed projects. She studied the nutrient release from the pond sediments in the Hop Brook system and did a very good job. Unfortunately, Mr. Lyons related that how he would interpret her results would be a little inconclusive. However, the Association now knows a lot more about what is at the bottom of the pond. She took core samples at a depth of about a foot so that

they can know the concentrations of aluminum, phosphorus, iron and other elements that are part of the bloom problem and she found that there was not really much release from the sediments based on variables she did use. However, there are other variables that could cause release. To the extent that this is true, this is good news and certainly plays into the belief that harvesting would go a long way to solving the problem.

However, Mr. Lyons would say it is inconclusive as there are other factors which she did not have in the time limit allowed, such as measuring the pH changes and pH changes in temperature. She may look at that next year.

Ron Riggert stated that the Association did feel that it made a net gain with the amount of phosphorus removed with the algae from the ponds. If they could get more out this year than the 300 tons done last year, there definitely would be more net gain.

Mr. Lyons asked if the Town of Sudbury had DPW workers that were hired for the summer. Selectman Drobinski stated that this has not been done for several years since administrative cuts in the 80s. Chairman Blacker suggested that perhaps DPW Director I. William Place might be able to lend someone to the program for a couple of hours a week. He would like to familiarize the DPW with the problem and some of the techniques they are examining and perhaps get some ideas for next year, (i.e., if the Association comes before the Board early enough the Town might be able to involve a summer student in the harvesting program). Mr. Lyons stated that last year the City of Marlborough did that and provided a young student in environmental engineering at VPI.

Chairman Blacker advised Mr. Lyons that he should plan to come before the Board when budgets are prepared, so that perhaps money might be put into the budget for this program.

Ms. Nelissen stated she believes time is very important and that Mr. Lyons and the Association have been very patient with the years of work, and they have no idea of how long it will take to fully reclaim the ponds. Losing a year may be very important, as it may take as long as five years or more to recoup the loss. This is a real concern to many Sudbury residents as the ponds were originally used for recreation as little as 20 years ago, and they can no longer be used for such.

Selectman Clark said she recently read that Framingham and/or Wayland were having problems with their ponds and they are adding chemicals.

Mr. Lyons stated the Conservation Commission would never let such chemicals be used in Sudbury as they are toxic. Selectman Clark commented that the Framingham water was a swimming area. Mr. Lyons stated that it is different when you are treating standing water, but the residence time for a typical pond in the Hop Brook watershed is three days. He further stated that people who use these chemicals will tell you that unless you have a longer residence time it will not be effective since it will just flush through the system.

Mr. Lyons stated that he has entertained the use of chemicals as a solution. However, they do cause problems with some invertebrates which inhabit the bottom of the ponds. Selectman Clark stated that the chemicals supposedly make the water crystal clear and they must have been approved for use by the Commonwealth. Mr. Lyons stated that the chemicals are not harmful to human beings, and may be more beneficial in swimming areas where there is not as much concern for other forms of animal life which may be killed.

At the conclusion of discussion, it was agreed that Mr. Lyons would draft an appropriate support letter for the Board's approval and signature.

### **The Conant Group**

Present: Peter Conant of the Conant Group and Richard Welch, Partner.

Peter Conant presented preliminary plans to the Board for a proposed 66-unit independent living facility for seniors to be built on a portion of the Cummings property on North Road, where the Planning Board has recently approved subdivision of the site into two 12.5-acre pieces.

Mr. Conant and Bill Sullivan (a past Concord selectman) have had control of the site and have been working together since 1995. Through a series of misfortunes, the relocation of the prime tenant, Walden Rehab and Nursing onto that site, never happened and Cummings has since rehabilitated a portion of the site containing the existing building, which is fully occupied. With the recent approval from the Planning Board to subdivide the site, they will retain one half for their building and are looking for something for the other half. Originally, they came to the Planning Board and Jack Hepting, Building Inspector, for a 90,000 sq. ft. office building. However, Mr. Conant was contacted by a broker who asked if he would be interested in building a residential care facility on that site, which he stated was something he always wanted to do on the site. Subsequently, he contacted Mr. Cummings, obtained control of the site and is "joint venturing" with him for a proposal to bring in Parmenter Health Care to provide the program package: health care, emergency services, home health aides, visiting nurses, etc.

There is a market in the Sudbury-Concord-Wayland-Weston area for seniors to move into a residential care facility where they could receive a menu of services, allowing seniors to sell their big home and still stay in Town. Mr. Conant stated that this is the only property in town where by right a residential care facility for independent living is allowed without Town Meeting vote, without a variance and without a special permit. The Conant Group will attempt to meet all the requirements without requiring any variances. The plan does require site plan approval.

Mr. Conant presented rough plans outlining the highlights. Within a week and a half or two weeks time, they will be prepared to present multiple copies of the proposal to the Board. They have already met with Jody Kablack, Town Planner; Jack Hepting, Building Inspector, and made a presentation at to the Conservation Commission regarding their concerns.

Mr. Conant has not yet met with the Council on Aging, but has had previous feedback from them on a senior needs assessment which stressed that seniors are looking for many of the things this facility has to offer: nice housing, security, health care, etc. The Conant Group would like to market these units as ownership units similar to what is done by Mass. General Hospital's Westwood project, Foxwoods Village, where people's equity is actually in the unit rather than giving them 90% or some percentage back from their initial endowment. That also gives the Condominium Association ultimate control on who is managing the property and what level of services are being provided. The residents should be able to pick and choose their services and that is what will prevail in Sudbury.

The Conant Group will not be using comprehensive permits in Sudbury, and they propose to sell units in the high \$200,000s and low \$300,000s, which is well below what the Green Company was

proposing. They will be doing some market research, with the Board's approval, to determine the pricing levels that are most desirable to the Townspeople.

The plans presented represented a four-story facility, including among other things a courtyard, visiting nurse unit, function unit, central dining area (with meals prepared off site), underground parking garage, and elevator service. In addition, Mr. Conant stated there will be little or no tree removal from the property. Each living unit will effectively have two parking spaces, one of which will be in the underground parking garage, and the 1800 to 2200 sq. ft. units will include two bedrooms and a den.

When asked about other amenities on the property, Mr. Conant opined that there may be a bank on the facility, as well as a small store, walking trails, a game room and a small golf green--almost all the needs in the senior assessment. At this time, they are not sure about a pool.

Richard Welch has met with Fire Chief, Michael Dunne, to discuss the Department's requirements, which led Selectman Drobinski to question whether the present ladder truck would reach four stories. He and Selectman Clark expressed their concern and suggested that they check back with Chief Dunne on this issue. Selectman Drobinski also suggested they need to consider the Town septic requirements. Also questioned was the possible impact on Route 117. Mr. Conant stated that the Cummings building is two stories high, and they do not plan to remove any trees from the area. The new facility should not be a presence from the roadway.

Chairman Blacker suggested that Mr. Conant next make a presentation to the Design Review Board for the fine details, as well as the Council on Aging, Fire Department, Building Inspector, etc.

The Board expressed enthusiasm toward the Conant Group presentation, and stated they looked forward to their return in a few weeks.

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

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