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IN BOARD OF SELECTMEN  
MONDAY, MAY 14, 1990

Present: Chairman Judith A. Cope and David A. Wallace.

The statutory requirements as to notice having been fulfilled, Chairman Cope called the meeting to order at 7:35 p.m. in the lower Town Hall.

Tribute to Alan Morgan

Selectman Cope announced with sadness the death of Alan Morgan of Wayland, Director of the Sudbury Valley Trustees, on May 13. Selectman Cope praised his dedication to his work -- the preservation of natural resources in the Sudbury River Valley, noting that he worked feverishly on his goals to the end of his life. In a personal statement, Selectman Cope added:

"He preached his values and he twisted arms for money and properties. He got both better than anyone I've ever known. He had lately become more imaginative to preserve, as properties became too valuable to simply give away. He was master at that too! I'll be the first to say I had my difference with Alan, and I'll sure miss him and his enthusiasm."

Selectman Wallace expressed his sentiments, commenting that he was pleased to note that Mr. Morgan had received area-wide recognition in being named by The Middlesex News as "Man of the Year" for 1989.

Borrowing

Present: Town Treasurer and Collector Chester Hamilton; Assistant Town Clerk Kathleen Middleton.

At the request of Town Treasurer and Collector Chester Hamilton in his communication of May 9, 1990, the Board signed notes relative to the following borrowings:

- \$31,884.98 reimbursement anticipation note for paving, at 6.90%, maturing June 29, 1990; and
- \$100,000 bond anticipation note for school architectural fees, at 6.90%, maturing May 17, 1991.

Also, at Mr. Hamilton's request, the Board scheduled a special meeting on Monday, June 11, 1990, at 5:00 p.m., in the Loring Parsonage, for the purpose of signing the various documents in connection with the serial bond offering for the Fairbank and Fire Station projects.

Utility Petition 90-9 - Fairbank Road

Present: Boston Edison representative Christine Cosby, Right of Way Agent; and New England Telephone and Telegraph Company representative Joseph Bausk.

The Board reviewed Utility Petition 90-9 of Boston Edison Company and New England Telephone and Telegraph Company for location of approximately 119 feet

of conduit in Fairbank Road. Christine Cosby, Right of Way Agent, Distribution Division of Boston Edison Company, explained that this work was necessary to provide service to four new duplex homes to be built by the Sudbury Housing Authority off Fairbank Road.

Noting that approval had been recommended by the Building and Wiring Inspectors under date of May 7, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve Utility Petition 90-9 of Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 119 feet of conduit from Pole 191/8, and appurtenant fixtures, in Fairbank Road, southerly side, approximately 110 feet northeast of Butler Road, in accordance with Boston Edison Company "Plan of Fairbanks Rd. - Sudbury, Showing Proposed Conduit Location" dated April 13, 1990, and New England Telephone and Telegraph Company "Plan for Conduit Location 645717", numbered 90-7, dated May 10, 1990.

Utility Petition 90-5 - Morse and Ridge Hill Roads

Present: New England Telephone and Telegraph Company representative Joseph Bausk.

New England Telephone and Telegraph Company representative Joseph Bausk reported to the Board that, after the Selectmen's meeting of March 19 at which Utility Petition 90-5 was tabled, he had looked at alternative sites and is in the process of securing an easement for the placement of a service cabinet and pad on private property. When the easement has been obtained he will petition the Board for a conduit location in Wake Robin Road.

Therefore, at the request of Mr. Bausk, by letter of May 11, 1990, it was on motion unanimously

VOTED: To acknowledge the voluntary withdrawal of Petition No. 90-5 of New England Telephone and Telegraph Company for a service cabinet and pad and conduit on Morse Road and Ridge Hill Road.

Mr. Bausk was informed that the Selectmen's Office will notify abutter Marlene A. Miller of the withdrawal.

Town Common Use

In response to request dated May 8, 1990, of Marion C. Stanley, Corresponding Secretary, it was on motion unanimously

VOTED: To approve the request of the Sudbury Woman's Club to conduct a pie sale on the Town Common during the 4th of July celebration.

Fidelity Bonds

It was on motion unanimously

VOTED: To set and certify local official bonds in the following amounts:  
- Tax Collector, \$150,000 (Bond No. 68269705)

- Town Treasurer, \$150,000 (Bond No. 68205294)
- Asst. Tax Collector, \$37,500 (Bond No. 58311464)
- Asst. Treasurer, \$37,500 (Bond No. 68205292)
- Town Clerk, \$15,000 (Bond No. 68205289).

Special Speed Regulation

On the recommendation of the Executive Secretary and Police Safety Officer, it was on motion unanimously

VOTED: To adopt Special Speed Regulation No. 7478, establishing speed limits for Old Lancaster Road, Nobscot Road, Goodman Hill's Road, and Pratt's Mill Road.

As to the other streets upon which speed limits are to be established, Mr. Thompson reported that they would be submitted at the request of the DPW in groups of four.

Entertainment License - Matt Garrett's

On the question of approving the March 20, 1990 application of Robert H. Doe, Jr., Manager, for operation of a juke box at Matt Garrett's, Executive Secretary Thompson informed that a favorable recommendation had been received from the Building Inspector, Health Director and Fire Chief. It was therefore on motion unanimously

VOTED: To approve application for License for Public Entertainment on Sunday and amendment of Weekday Entertainment License of Matt Garrett's of Sudbury, Inc., d/b/a Matt Garrett's, for operation of a jukebox at 120 Boston Post Road on Sundays, beginning June 3, 1990 and ending May 26, 1991, from 1:00 p.m. to 12 Midnight, subject to approval of the Massachusetts Department of Public Safety; and on weekdays, Monday through Thursday from 11 a.m. - Midnight, and on Friday and Saturday from 11 a.m. - 1:00 a.m.

Chiswick Park, Phase II, Site Plan 89-311 - Plans

At the suggestion of the Executive Secretary, and in order to obtain further information relative to the installation of curbing, it was on motion unanimously

VOTED: To table review and signing of the landscape plan and other documents relative to Site Plan 89-311, Chiswick Park, Phase II, 490 Boston Post Road.

Open Space Grant - Conservation Commission

It was on motion unanimously

VOTED: To accept the \$1,000 Open Space Grant awarded by the Middlesex Conservation District to the Sudbury Conservation Commission and to authorize its use for the updating of the Town's Open Space Plan by the Conservation Coordinator as a special project.

Massachusetts Municipal Association - Proxy Vote

It was on motion unanimously

VOTED: To designate Chairman Judith A. Cope as the Massachusetts Municipal Association voting delegate on behalf of the Sudbury Board of Selectmen, and to authorize Selectman Cope to tender a vote by proxy in favor of the amendment of the Association's Article of Incorporation to limit the personal liability of its directors and officers for monetary damages for breach of fiduciary duty.

Appointments - Board of Appeals

Selectman Cope informed she is aware that several Board of Appeals members have routinely been absent from hearings requiring Associates to sit in their place, opining that, if this is the case, perhaps others should be appointed. Chairman Shluger has indicated he will poll the membership.

At the suggestion of the Executive Secretary, it was on motion unanimously

VOTED: To direct the Executive Secretary to determine if a change in length of term from five to three years would be desired by the Board of Appeals and, if so, to prepare same for submission for Town Meeting action.

Chapter 90 Reimbursement

It was on motion unanimously

VOTED: To sign Chapter 90 Reimbursement Request regarding M.A. No. 31233 relative to the Sherman's Bridge project request, approved on January 2, 1985 in the total amount of \$83,770, for reimbursement of consulting fees paid to Universal Engineering in the amount of \$8,122.50.

EOCD Grant - Traffic Study/Affordable Housing

At the request of Thomas P. Sokol, Chairman, Sudbury Housing Partnership Committee, dated May 14, 1990, it was on motion unanimously

VOTED: To sign, subject to review of Town Counsel, the Municipal Advance Program Grant Agreement between the Commonwealth of Massachusetts acting through its Executive Office of Communities and Development (EOCD) and the Town of Sudbury relative to the technical assistance grant application of the Town through its Housing Partnership Committee; to accept the grant of \$2,500 and to authorize its use for the hiring of a consultant to perform traffic studies in connection with the proposed use of the town-owned Parkinson land, so-called, off Rt. 27 for affordable housing development.

Zoning Enforcement

The Board noted receipt of reports dated May 14, 1990 from Building Inspector Joseph E. Scammon relative to his investigations of two sites with regard to possible zoning violations: Cavicchio Farm Loam Co., Codjer Lane, and Regional Construction/Sears and Schofield, Union Avenue. In his report Mr. Scammon notes that the sale of farm loam is an allowed use; however, a Board of Appeals permit to sell the bark mulch which is brought in for resale is required. Relative to the septage storage which has existed for some time on the Sears and Schofield premises, Mr. Scammon notes that such would require Board of Appeals approval if commenced today, since it is not addressed in the

Town's Bylaws as a permitted use within an Industrial District. Selectman Cope requested that the question of permitted use be referred to Town Counsel.

Relative to zoning enforcement, Mr. Thompson reminded the Board members that he meets weekly with the Zoning Enforcement Agent and can address any action items the Board brings to his attention at that time.

Fees - Recycling/Composting

Mr. Thompson confirmed that no fees will be charged for either the recycling program or the composting program.

Unisys/Sperry Research Center - Contamination Issues

The Board noted receipt of a May 10, 1990 communication from Health Director Robert C. Leupold to the Department of Environmental Protection seeking assistance in requiring off-site and further on-site assessment by Unisys Corporation to determine the potential extent of contaminant migration from the site at 100 North Road to the aquifer supplying Sudbury Water District Well #5.

Noting that of all the Town water supplies, this well area is considered to possess the highest value for future needs, it was on motion unanimously

VOTED: To inform the Department of Environmental Protection that the Board of Selectmen strongly endorses the efforts of the Board of Health and the Sudbury Water District to identify the extent of contamination and the efficacy of the treatment system for this site, and requests the aid of the Department by whatever means in the requested evaluation.

Executive Secretary Thompson will advise the Planning Board and Conservation Commission of the request and suggest that letters of support be written.

Space Allocation Plans - Fairbank Community Center

Present: School Superintendent David Jackson; Permanent Building Committee Chairman Bruce Ey and members Michael Melnick and Elaine Jones; Park and Recreation Chairman Gerald Berenson and members Patricia Burkhardt and Jane Neuhauser; and Gerri Taylor, Teen Center Board.

As an outcome of the Fairbank site visit and discussions on Saturday by members of the Board of Selectmen, representatives of the Park and Recreation Commission and the Permanent Building Committee, Teen Center Coordinator Jean Lind, School Superintendent Jackson, and the Executive Secretary, Mr. Melnick, presented plans, which had been prepared by Architect Rizza, of alternative accommodations for Park and Recreation which allow use of the seven classrooms vacated by L-S West for the School Administrative Offices and the Town Accountant. These plans were reviewed and, since no agreement could be reached, it was suggested that Mr. Melnick and Mr. Ey continue to work out an acceptable accommodation for Park and Recreation at the Loring Parsonage and bring whatever plan agreed upon back to the Board.

Sudbury Housing Authority

Present: Sudbury Housing Authority Chairman Steven Swanger and member Stephen Garabedian; Sudbury Housing Authority Director Jo-Ann Howe; Conservation Commission Chairman Gordon Henley and members Muriel Plonko, Robert Lancaster, and John Nixon; Conservation Coordinator Deborah Montemerlo; approximately thirty-five residents.

Housing Authority Chairman Steven Swanger summarized the status and history of the Authority's interest in use of the military land for affordable housing units, stating that it currently has a proposal for 100 units of mixed-income housing on 70 acres of land before the Federal Government's Department of Health and Human Services and General Services Administration. Hoping to maximize the Town's potential for acquiring the land with a unified proposal, the Authority has developed an alternative scaled-down approach which addresses some of the concerns expressed by the neighborhood in regard to the larger development. This alternative is addressed in detail in a two-page proposal dated April 1990 which is before the Board.

Mr. Swanger outlined the proposal, which would request that acreage be set aside for low-income family housing under the Chapter 705 program: two acres at the end of Stearns Lane; one to two acres on Moore Road adjacent to #156; two acres at the end of Pondview Road; one acre at the end of Surrey Lane. Each two-acre site would allow construction of two duplex houses. Essentially this proposes to expand the existing neighborhood of 140 homes to 154 units and, since none of the adjacent homes are "affordable", would make the neighborhood 9% affordable in keeping with the Town's stated interest, while preserving the entire remaining Annex area in Open Space. As to the objection that the total of 24 units within a three-quarter mile radius would create a "low income neighborhood" perception, Mr. Swanger countered that he did not believe this to be true at all given the expensive homes recently constructed in the area.

Executive Secretary Richard E. Thompson noted receipt of a May 10, 1990 communication from Sidney Wittenberg and another received this day from the Neighborhood Association Committee urging rejection of the Authority's alternative plan.

Conservation Chairman Gordon Henley commended the Authority for its hard work and attempts to down-scale the project, but informed that the Commission had voted to oppose the SHA plans altogether since the Town's acquisition plan is predicated upon the land as the open space for which it is zoned. Other issues involve linkages, wetlands, protection of water resources and the presence of hazardous waste on the site.

In response to Selectman Wallace as to the status of the GSA negotiations, Mr. Thompson stated that he was working in concert with the Conservation Coordinator and informed that two letters had been sent today to the Congressional representatives soliciting support. Further, Mr. Thompson stated that a "staff" update meeting was scheduled for May 22 to which neighborhood representatives Tucker and Wittenberg had been invited. Mr. Thompson added that since he understands that the SuperFund issue must be resolved before anything happens to the property, we have time to discuss alternatives.

Mr. Thompson emphasized that the Town's official position is that the land is open space. The Selectmen concurred.

Selectman Wallace inquired as to whether the official position of the SHA is that the land should be used for the homeless rather than be sold off by the Federal Government for private development? Executive Secretary Thompson replied that it was, and that the action of the SHA in submitting that application forestalled the original plans of the GSA. Mr. Thompson opined that he believes the SHA understands that it may be impossible to implement the larger plan, which later in the meeting was refuted by Mr. Swanger.

Selectman Wallace questioned whether the time was even ripe for discussion of this alternative plan since so many questions are unresolved, particularly in the absence of a well-defined situation or position on the part of the Federal Government which has the Department of the Interior opposing the GSA. At Selectman Wallace's request, Mr. Thompson reiterated the Town's various stated options.

Chairman Cope turned the discussion to the Long Range Plan, publicly thanking the SHA and the Sudbury Housing Partnership Committee for its production, but agreeing with Messrs. Tucker and Wittenberg that the Plan really doesn't address some serious concerns, nor does it evaluate demands on Town resources and services. Ms. Cope expressed her hope that restricted affordable units would be sprinkled throughout the entire Town (with full buildout considered) and opined that she believes this SHA alternative proposal does inflict a pocket of affordable units on one neighborhood. Rather than development by granting bonus units to developers or setting off areas for affordable housing development, Selectman Cope stated her belief that inclusionary zoning is a healthy, workable concept which is quality controlled naturally; further, for the privilege of developing in Sudbury, Selectman Cope believes that contractors should set aside 10% for affordable units with no exceptions.

Mr. Swanger reiterated that, while establishment of an inclusionary zoning bylaw for consideration at the 1991 Annual Town Meeting was the number one priority of the SHA Long Range Plan and the SHA was anxious to proceed with the formation of a committee which would accomplish that task, future inclusionary zoning would not of itself bring the Town to the 10% level of affordable housing; therefore, the SHA needs to pursue other avenues such as the alternative proposal tonight. Mr. Swanger agreed with Selectman Cope that such housing needs to be integrated within the community.

Selectman Cope reinforced the idea that with an inclusionary zoning bylaw, the Town's position would be stated and people would have notice of such development.

Some residents suggested that the Housing Authority pursue purchase of existing homes in Town now that the market is so depressed. Mr. Swanger stated that the Authority had availed itself of that method in the past; even so, homes for sale in Sudbury are now priced higher than the \$100,000 limit allowed by the State. Mr. Swanger added that, in fact, it would be more economical to build new than to purchase and rehabilitate homes in the lower price categories; but that he would be willing to pursue this option with the State.

Complaints were expressed concerning the lack of notice to the neighborhood concerning preparation and presentation of the alternative housing proposal and several neighborhood residents expressed their opposition to the plan itself.

Mr. Swanger stated that neighborhood representatives had been given notice of the meeting and had attended the SHA meeting in question at which the alternative proposal was presented. Further, Mr. Swanger opined that the Town must be looked at as a whole, not as a collection of neighborhoods.

Selectman Wallace expressed his opinion that the neighborhood has been organized for over a year and has been kept informed. While he realizes the issue is a volatile one, he stated that in this process the SHA is performing its responsibilities as set out by statute and should not be personally attacked for doing so. Mr. Wallace, while agreeing with Mr. Swanger that affordable housing should not be isolated, stated that it is clear to him that the neighborhood does not want it in the locations presented this evening, and suggested that the committee continue to look further into other areas.

To a query as to whether or not the original proposal would be withdrawn if the alternate proposal was acceptable, Mr. Swanger replied that the Authority was just seeking reaction on the alternative and had made no decisions relative to withdrawal of the original proposal.

Chairman Cope urged residents to volunteer under the direction of the Town Planner to work on an inclusionary zoning proposal for Town Meeting consideration, and also to revitalize the accessory apartment bylaw for further consideration by Town Meeting so that we can count apartments, some of which already exist, as affordable stock within the Town's program.

In matters relating to the transfer of Town land to the Housing Authority for construction of family housing as authorized by Town Meeting, deeds and required documents were signed by the Board, as follows:

- Order of Taking, Corrected, Parcels 277 and 278, Pine Street, revised from that signed on May 7 to include a plan reference;
- Deed and Statement of Beneficial Interest, Parcels 277 and 278, Pine Street, (Art. 27, 1988 ATM; Art. 9, 1990 ATM);
- Deed and Statement of Beneficial Interest, Parcel A, off Fairbank Road (Art. 27, 1988 ATM);
- Deed and Statement of Beneficial Interest, Parcel 1A off Horse Pond Road (Art. 27, 1988 ATM).

Additionally, the Board signed Deed and Statement of Beneficial Interest for the transfer of Parcel 1B, off Horse Pond Road, to Frederick F. McCarthy and Laura B. McCarthy, 11 Elliot Rd., as authorized by vote of the 1990 Annual Town Meeting under Article 11.

In conjunction with the three Town deeds to the Sudbury Housing Authority, Chairman Swanger signed a Statement of Beneficial Interest for each of the parcels and an Affidavit under M.G.L. c.60, §77B, required for the Pine Street transaction.



Executive Session

At 9:50 p.m., it was on motion by roll call vote unanimously

VOTED: To enter into Executive Session for the purpose of discussing litigation in the matters of Unisys Corporation and West of the Hub Realty; real estate negotiations; and use of the Discretionary Fund.  
(Chairman Cope, aye; Selectman Wallace, aye.)

Chairman Cope announced that the regular session would convene for the purpose of continuing the discussion of the Fairbank space allocation plans and further reports of the Board and Executive Secretary.

At 10:00 p.m. open session recommenced.

Town DPW

Executive Secretary Thompson informed the Board that he had discussed appointment matters with the Highway Surveyor and Town Engineer relative to the establishment in the future of a municipal Department of Public Works comprising the Engineering and Highway Departments, noting that he intended to concentrate on this subject over the summer months. Selectmen Cope and Wallace agreed that this process should proceed.

Casual Day

Executive Secretary Thompson queried the Board as to whether they would consider the establishment of a "Casual Day", which would allow employees to dress casually on one designated day per week as is done in some companies. The Board agreed to allow the Executive Secretary to use his discretion in the matter.

Space Allocation Plans - Fairbank Community Center (continued)

Present: Permanent Building Committee Chairman Bruce Ey and members Michael Melnick and Elaine Jones; Park and Recreation Chairman Gerald Berenson.

Mr. Melnick presented a plan which had been agreed upon by the Park and Recreation Commission members present, but which required the ratification of the entire Commission. The plan accommodates the Park and Recreation Director by utilizing part of the proposed storage area for a corner office with window to the hall and insulated barrier walls adjacent to the boiler room; provides a new access to the remaining Park and Recreation storage area and provides additional storage adjacent to the restrooms for Park and Recreation use; creates a large room for use by the Toddler Program and the Teen Center by removing the wall between the former principal's office and the reception area, removing the reception counter, and constructing a new wall which utilizes a portion of the lobby area; creates a refreshment center and counter at the lobby entrance.

The Board expressed its agreement with the concept of the plan and stated its intent to formalize the space allocation upon advice of the Park and Recreation Commission that the plan provided for its needs.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest:

Richard E. Thompson  
Executive Secretary