

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 13, 1992

Present: Chairman John C. Drobinski, Judith A. Cope, Lawrence L. Blacker.

The statutory requirements as to notice having been met, the meeting was convened by Chairman Drobinski at 7:30 p.m. at the Fairbank Senior Center.

Public Hearing - Utility Petition 92-13

Present: Mr. Edmund Kelly, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition 92-13 from Boston Edison Company and New England Telephone and Telegraph Company, submitted under date of September 22, 1992 by Boston Edison Supervisor Dennis J. Deagle, Distribution Division - Western District, for relocation of one pole and addition of one guy wire and anchor on the northerly side of Boston Post Road at Goodman's Hill Road. Executive Secretary Richard E. Thompson reported that all abutters had been notified as required and approval of subject petition has been approved by Building Inspector John B. Hepting and Wiring Inspector Warren E. Boyce in a communication dated October 7, 1992.

Boston Edison Company employee, Mr. Edmund Kelly noted the reason for relocating pole 17 is due to road reconstruction, and an additional guy wire and anchor is necessary to support the pole.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 92-13 of Boston Edison Company and New England Telephone and Telegraph Company for permission to relocate pole 131 which is listed on Boston Edison Plan #29-DK as pole 18/17 and install a guy wire and anchor, on the following public way of the Town:

Northerly side of Boston Post Road at Goodman's Hill Road, as shown on Boston Edison Company Plan of Boston Post Road - S, dated January 1, 1992.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of September 28, 1992.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$122.01 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.

Greenwood Club, Inc. - Pool Enlargement

The Board acknowledged receipt of a communication dated September 22, 1992 from Greenwood Club, Inc. President, William Katter, requesting approval to amend their current Site Plan to replace the current pool with a larger pool, as shown on a general construction plan for Greenwood Club amended September 3, 1992 for proposed pool replacement.

In addition the Board acknowledged receipt of a communication dated October 2, 1992 from Executive Secretary Thompson responding to Mr. Katter's request and advising that a site plan approval is not required for this change; however, other required approvals are necessary from the Building Inspector and other pertinent boards, and that a revised plan updating their current site plan be signed by the Selectmen and placed on file in the Town offices.

On motion by Chairman Drobinski, it was unanimously

VOTED: To acknowledge and sign a revised site plan dated September 3, 1992, for the Greenwood Club, 261 Mossman Road, involving enlargement of the swimming pool and new location of wading pool.

Noyes School - Gas Trains for Conversion

With regard to a communication dated October 5, 1992 from Permanent Building Committee member Craig Blake, requesting approval of an invoice dated August 10, 1992 for two gas trains for conversion at Noyes School, and a communication dated October 5, 1992 from Mr. Blake explaining why no bids were issued for the purchase of the gas trains, it was on motion unanimously

VOTED: To approve purchase and payment for two gas trains required to convert the existing oil-fired boilers at the Noyes School to natural gas, pursuant to a letter dated October 5, 1992, from Craig E. Blake of the Permanent Building Committee, and invoice #50976, dated August 10, 1992, from Frank I. Rounds Company in the amount of \$16,250.

Annual Town Meeting - Dates

It was on motion unanimously

VOTED: To recommend to the Moderator that the first night of the Annual Town Meeting convene as required on Monday, April 5, and immediately adjourn to Wednesday, April 7, 1992, at 7:30 p.m., due to the observance of Passover.

Selectman Cope suggested sending a letter to all board members so they will not need to be present at the first Town Meeting when they adjourn, and Mr. Thompson responded that letters are sent, but they also ask the press to help them. It was noted that no quorum is needed to adjourn.

Massachusetts Executive Office of Communities & Development - Grant Award

With regard to communications received dated October 1, 1992 from EOCD Secretary, Mary Padula, it was on motion unanimously

VOTED: To accept a Grant Award from the Massachusetts Executive Office of Communities & Development in the amount of \$25,000, as a co-recipient with the towns of Dover, Framingham, Holliston, Marlborough, Natick, Needham, Sherborn, Southborough, Wayland, and Weston, under Application #IG-072-92A in the FY1993 Municipal Incentive Grants Program, to be used for analyzing and developing regional dispatching; and to authorize the Chairman to sign grant agreement upon receipt.

And it was further,

VOTED: To accept a Grant Award from the Massachusetts Executive Office of Communities & Development in the amount of \$16,000 to Fire District Fourteen, as a co-recipient with the towns of Acton, Ashland, Boxborough, Concord, Carlisle, Framingham, Holliston, Hopkinton, Hudson, Lincoln, Marlborough, Maynard, Milford, Natick, Northborough, Sherborn, Southborough, Stow, and Wayland, under Application #IG-006-92A in the FY1993 Municipal Incentive Grants Program, to be used for hiring a Fire District Coordinator, and to authorize the Chairman to sign grant agreement upon receipt.

Inspector of Wood Burning Stoves - Appointment

It was on motion unanimously

VOTED: To appoint Fire Chief Michael C. Dunne as Inspector of Wood Burning Stoves, no expiration.

General Election, November 3, 1992 - Parking Plan

With regard to the parking plan for the November 3, 1992 general election, Selectman Cope asked if there were parking areas designated for the handicapped. Mr. Thompson noted that there will be reserved for handicap parking. Mrs. Cope expressed concerns with regard to the number of campaigners with their signs present at the voting site and noted it may be a good idea to restrict them to a certain area, i.e. the flag pole area. Secretary Thompson noted that he will talk with Police Chief Peter Lembo for suggestions on containing the campaigners to one area; however, since it is public property, it is difficult to tell them where to stand.

Selectman Blacker asked about the plan with regard to the presence of police officers at locations for crossing Concord Road from the parking areas and noted it may be necessary to have an officer assisting people to cross Concord Road at the far end of the parking area not directly across from the driveway to Nixon School because of the walkway being on the opposite side of the road.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the parking plan drafted for the upcoming General Election of November 3, 1992, with the following stipulations:

- 1) No parking within the vicinity of the voting site, or from Concord Road easterly on public property, except for those workers designated by the Town Clerk.
- 2) The Executive Secretary will check with Police Chief Peter Lembo relative to protected crossing areas from the parking located across the street.
- 3) The Executive Secretary will check with Town Clerk Jean MacKenzie relative to the campaigners and if they may be contained to a certain area.

Permanent Reserve Police Officers

The Board acknowledged receipt of a communication dated October 5, 1992 from Police Chief Peter Lembo with regard to applicants for Reserve Police Officers, accompanied by applications of those applicants recommend by Mr. Lembo for appointments.

After some discussion and at the request of Selectman Blacker, it was on motion unanimously

VOTED: To table further discussion and approval of appointments for the October 26 Board meeting in order to obtain further information.

Fort Devens Development Corporation

With regard to a communication received by the Joint Boards of Selectmen of Ayer, Harvard, Lancaster and Shirley relative to the establishment of a Ft. Devens Development Corporation, its Legislation Overview and a resolution in support of the creation of the Fort Devens Development Corporation, Selectman Cope reported that the Metropolitan Advisory Group on Interlocal Coordination (MAGIC) organization has many concerns with regard to future use of this property. She noted their concerns are related to different issues than those of the above mentioned Towns, and that their concerns need to be heard and addressed.

On the recommendation of Secretary Thompson that the Board of Selectmen support this effort not only for the future of the Sudbury Annex, but because a common interest exists by all surrounding towns, it was on motion unanimously

VOTED: To approve and sign a resolution in support of the creation of The Fort Devens Development Corporation, as requested by the Boards of Selectmen in the Towns of Ayer, Harvard, Lancaster and Shirley, subject to Selectman Cope's recommendation to receive further input from MAGIC and hope for their representation in this Corporation.

League of Women Voters - Candidates' Night

In response to a communication dated September 27, 1992 by the League of Women Voters requesting topics from the Board to be addressed by the candidates, relative to a Candidates' Night scheduled for Tuesday, October 27, 1992, the Board agreed on the following topics:

- 1) Solutions for health insurance costs.

- 2) Position regarding the future use of the land that is Ft. Devens.
- 3) Philosophy on educational quality in light of declining dollars. How can the quality be maintained?
- 4) Other solutions to the subject of Question #4.
- 5) Philosophy towards landfills with regard to assisting Towns in obtaining expertise needed and in getting financial assistance.
- 6) The State's philosophy regarding the protection of open space.

Lincoln-Sudbury Regional High School Debt Exemption - Communications

It was on motion unanimously

VOTED: To acknowledge communications dated October 2, 1992, from Executive Secretary Richard E. Thompson, to Senator Robert A. Durand; Representative Hasty Evans, and Chief Policy Advisor to the Governor Mary Lee King thanking them for their assistance in obtaining legislation to allow the Lincoln-Sudbury Regional High School debt exemption question to appear on the November 3, 1992 ballot.

Howe Trust Property, Concord Road

The Board acknowledged receipt of a communication dated October 1, 1992 from Town Planner, Jody Kablack relative to the Howe Trust Property, Concord Road and a request by the Trustee of said property for the Town to consider a modification to the original agreement voted by the Board on October 28, 1992.

Selectman Cope asked what the cost would be. Mr. Blacker commented that the issue is what are they getting and what is the Town getting, and is it worth considering this additional request. Secretary Thompson reported that there is no manpower or capacity by the Engineering Department at this time to fulfill their request; however, this is the only area that the Town can expand the cemetery.

It was agreed that Selectman Blacker would talk with Town Engineer I. William Place in an effort to come to a resolution before the Board votes to proceed.

Cook and Company - Arthur Bomengen

In response to a communication dated October 2, 1992 from Cook & Company to Town Treasurer/Collector Mary Ellen Normen Dunn, stating that Arthur Bomengen has terminated employment with Cook & Company, it was on motion unanimously

VOTED: To rescind the Board of Selectmen's vote on August 31, 1992 to hire Cook and Co. as health insurance advisor to the Town of Sudbury for a period of six months beginning October 1, 1992, with the six months' fee not to exceed \$3,000, with concurrence by Town Counsel,

And it was further

VOTED: To contract with Arthur Bomengen individually, to provide group health insurance consulting services for the Town of Sudbury for a period of six months beginning October 1, 1992, with the six months' fee not to exceed \$2500, with concurrence by Town Counsel; and to request that a subcommittee of the Long Range Planning Committee act as intermediary with the insurance consultant.

Selectman Blacker stated he would talk with Cook & Company regarding the Town's decision.

Zone II Study - Wayland

The Board acknowledged receipt of a communication dated October 1, 1992 from Wayland Director of Highway Operations, Toma Duhani requesting the Town of Sudbury share the cost of a Zone II study as it relates to wells near the Sudbury landfill.

It was the opinion of Chairman Drobinski that Wayland is asking Sudbury to help them defray the cost of this study. Mr. Thompson noted that he believes the Town should support them in their efforts, but that financing is not readily available.

Selectman Blacker asked if the results of this study would affect Sudbury. Mr. Thompson commented that in conversations with Town Engineer I. William Place and Health Director Robert Leupold, no further testing was needed on the site.

It was agreed that Sudbury would be willing to support Wayland's efforts if the amount was in the area of \$1,000--\$2,000, and that Mr. Thompson and Mr. Drobinski would examine the issue further and report back to the Board.

Hop Brook Ponds Study Committee - Appointment

In response to receipt of an application dated October 5, 1992 from Stephen M. Meyer, it was on motion unanimously

VOTED: To appoint Stephen M. Meyer, 19 Axdell Road, to the Hop Brook Ponds Study Committee, for a term with no expiration.

Resource Recovery Committee

In response to receipt of an application dated September 28, 1992 from Paul J. Ward, and an application dated October 9, 1992 from Craig Blake, it was on motion unanimously

VOTED: To appoint Paul J. Ward, 109 Nobscot Road, to the Resource Recovery Committee, for a term to expire April 30, 1995, and it was further

VOTED: To appoint Craig Blake, 300 Old Lancaster Road, to the Resource Recovery Committee, for a term to expire April 30, 1995.

Public Hearing - Prime Plus Two Realty Trust

Present: Legal Counsel for Prime Plus Town Realty, Nancy Taylor Trustee, J. Owen Todd; Project Manager James G. Crowther, Colburn Engineering, Inc.; Architect Robert Dion; Historic Districts Commission, Louis H. Hough.

The Board convened a public hearing at 8:00 p.m. to consider the application of Prime Plus Two Realty Trust for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A, for construction of a two-story office building consisting of 5400 sq.ft. in floor area, at 348 Boston Post Road, Limited Business District #3; also involving removal of structure in the King Philip Historic District.

Executive Secretary Richard E. Thompson reported that all abutters and Town Officials had been notified as required. Mr. Thompson noted for the record the following communications:

- 1) Communication dated September 9, 1992 from Town Engineer I. William Place including comments relative to the Site Plan dated June 22, 1992.
- 2) Communication dated September 21, 1992 from Town Engineer I. William Place to Town Planner, Jody Kablack responding to drainage calculations.
- 3) Communication from Building Inspector John B. Hepting dated September 24, 1992.
- 4) Communication dated September 30, 1992, from Historic Districts Commission Chairman, Burton H. Holmes.
- 5) Communication dated September 30, 1992 from Design Review Board Chairman Kaffee Kang.
- 6) Communication dated October 1, 1992 from Town Planner Jody A. Kablack.
- 7) Communication dated October 6, 1992 from the Sudbury League of Women Voters.
- 8) Communication dated October 9, 1992 from Health Director Robert c. Leupold.
- 9) Communication dated October 9, 1992 from Assistant Town Counsel David J. Doneski, with regard to removal of the Wood-Davison House.
- 10) Communication dated October 13, 1992 from Fire Chief Michael C. Dunne noting their concerns relative to turn-around provisions for large vehicles in the parking lot, and a 10 foot clearance on the overhang.
- 11) Communication dated October 13, 1992 from Safety Officer Anthony M. Deldon with regard to traffic impact.
- 12) Communication dated October 9, 1992 from the Traffic Management Committee of the Sudbury Village Project.

Mr. Todd stated that the first part of the meeting will be devoted to reviewing the site plan with the engineer and the architect.

Mr. James G. Crowther, the engineer from Colburn Engineering, Inc., presented a picture of the site location and the placement of the building on the property; the open space area; the parking area and walkway; the septic system location and the location of the existing Wood-Davison House and barn. He continued to point out the plan for an access road through the building with a parking area on the second level in the back of the structure.

With regard to the proposed drainage system, catch basins are planned with a detention container below grade and a large septic system which will allow water to exit after the peak period on Rt. 20 so as not to overload.

Mr. Crowther further noted that a State curb cut permit may be needed to widen the access road, and a permitting process needed to tie into the State drainage system with the possibility of the need to clean the system. The zoning on the property is classified as Limited Business District #3, surrounded by a variety of other districts, which require different setbacks.

According to a letter from the Planning Board, deficiencies in technical issues have been identified, but Mr. Crowther believes their plan is below any of the requirements and also deals with Town Engineer, I. William Place's concern with the driveway grade. Mr. Crowther, in proposing invariance to the driveway bylaw, reported he learned from Mr. Place today that the issue of grading for the driveway for commercial use is under Mr. Place's jurisdiction and will be worked out. With regard to the position of the structure on the property, Mr. Crowther explained the building is set into the topography of the land and the position of the building is controlled by minimum setbacks, and graded limitations, and that the building line is in keeping with other buildings in the area.

Mr. Todd explained that with respect to the siting of the septic system and location of the building, they are in the only location which the topography of the lot will allow.

The architect, Mr. Robert Dion presented a different picture of the plan which showed existing trees and indicated where new plantings may occur to create buffer zones. The parking lot in the rear is depressed five feet from the residential grade so vehicles would not be visible. With regard to the pole lighting, it is limited to illuminating a limited area with a sharp cutoff and low wattage. The driveway lighting consists of low light fixtures, with no lighting located on the building and shining away from the structure. Lighting at the entrances is restricted to recess lighting.

Mr. Dion reviewed a blueprint of the building pointing out the entrances on both levels and the fact that it is handicap accessible, and noting that the vertical wall that will house the elevator does not extend up. The exterior construction of the building was explained by Mr. Dion as well as showing pictures of how the structure appears from all four sides. The building consists of 5400 square feet.

Selectman Blacker noted the Fire Chief's concern with regard to the height of the extension connecting the building and the storage area--whether 10 ft. at the lowest point is high enough for passage of fire vehicles. In addition, the Fire Chief is concerned about the amount of room available to make a turn in the back of the building. The clearance at present allows a 3. turn.

Mr. Dion pointed out that the sign drawing has been corrected to conform to the bylaws, and he has a revised drawing for it.

Chairman Drobinski noted that the Fire Chief would probably not be satisfied with a 3. turn, and the Board would need to receive input from him regarding this issue, and Mr. Crowther agreed to discuss his concerns.

Selectman Cope asked if a traffic study had been done to determine the number of cars in the area during rush hour. Mr. Crowther responded that the Planning Board did a study which shows a range from 60-185 additional trips per day would be generated by the facility [depending upon occupancy]; but other than that, no traffic studies have been done.

Because the goal of the Town is to eliminate curb cuts and reduce traffic problems in the Town, Mrs. Cope asked if the adjoining properties were owned by the same person, thus having a plan developed to connect the area perhaps to Concord Road. The response was that there is no plan to connect to Concord Road because of the grade change mainly, and because the properties are not owned by the same person.

The question was asked if the building could sit closer to the road and Mr. Crowther responded that 1) distance is needed to get enough elevation to the parking area which needs to be where it is sited and 2) it would affect the setback for the septic system. In addition, with regard to the lighting around the building, the question was asked if lights would be left burning all night long. The response was they would most likely be put on a timer.

Selectman Blacker asked, in order to be in context with the Sudbury Village Project, if the walkway could be extended across the property to meet Rt. 20. Mr. Dion cited a couple ways that this could be done. Mr. Owen noted that this project stops short of the Sudbury Village Project and is not really within the district.

Chairman Drobinski asked if the only impediment to typing the two lots together is the steep grade differential between the existing Taylor properties. Mr. Crowther explained that there is no plan to use them together and reviewed the plan with Mr. Drobinski pointing out that connecting to Concord Road would be prohibitive because of the topography.

Selectman Cope asked about the use of impervious materials and Mr. Crowther responded they are meeting all requirements, and stated that the parking lot has to be paved because of the grade.

The question of the future of the Wood-Davison House was asked and it was noted that it would be removed from the property. Mr. Crowther remarked he would like to keep the removal of the Wood-Davison House a separate issue from site plan approval.

Mr. Todd reiterated the facts that the House was proposed to be moved, but turned down at Town Meeting because of the costs to maintain it. He continued that the House has been neglected for many years, and feels it should be moved and preserved because it cannot be sold. According to recent information received by Mr. Todd, the businesses interested in moving and preserving old homes would not be interested because of its poor condition, and it would be extremely unattractive if the Town requires it to remain. It is not constitutional to require someone to maintain the structure.

Selectman Blacker suggested as a compromise, that the owner pay for the moving of the house to a location elsewhere in the Town, so that the Town will have time to decide whether they want to preserve it or not. According to Mr. Todd, the latest cost figures for moving the house is \$50,000, and he is not sure if the owner would agree to pay to move it.

Chairman Drobinski asked about the possibility of using the Wood-Davison house to blend with the building being proposed. The latest cost figures for rehabilitating the house is \$200,000 according to Mr. Todd.

Chairman Drobinski opened the floor for questions and comments from the various Town Boards. Mr. Louis H. Hough, Historic Districts Commission, reiterated the Commission's comments that they were against destroying the Wood-Davison House. Mr. Hough quoted from the Massachusetts Historic District Commission which authorizes the Historic District Commission from CH.40 C, enabling legislation, with regard to the requirements for evaluating a demolition request. The Historic District Commission is opposed to any demolition. According to Mr. Hough's explanation, the agency desiring the demolition can declare the demolition for reasons of benign neglect, which is one way to dispose of property for which a permit for demolition cannot be procured. A permit for demolition has to be issued and Mr. Hough is stating that the Historic Districts Commission is authorized to deny this permit, and will protest any issuance of a permit for demolition.

Mr. Todd remarked that to the extent the building has been neglected, it has not occurred within the last couple of years. The present owner has only owned it for 3 or 4 years and made it inhabitable to live in it and insure it. It is a burden to keep up and pay for insurance when in reality it is infested and there is very little left of the original historic structure.

Design Review Board member Mr. Frank Riepe asked many questions with regard to the location of the septic system and if any other location on the property might be acceptable. It was noted that a formal plan has not been submitted to the Board of Health as yet. Mr. Reed expressed concerns about the siting of the building, saying it is not in keeping with the other buildings in the area and is set farther back than the general neighborhood. He did not feel there is any pedestrian relationship with the other buildings. Mr. Reed, on behalf of the Design Review Board, noted that there were a number of site improvements that the Board would like to see made, and wondered if there is any way the property could be developed to preserve the Wood-Davison House. Their concerns are that not all possibilities have been explored.

Chairman Drobinski opened the floor to questions from the general public. Mr. Herbert Kaupp, 19 Church Street, asked about the height of the building in order to obtain a better perspective of how it will look from Rt. 20. Mr. Dion responded that from Rt. 20 the height of elevation is ten feet to the first floor of the building, and that from the back of the property, the elevation or highest point is 38 ft. from Rt. 20. In addition Mr. Kaupp expressed concerns about the lights shining away from the building so as not to disturb the neighborhood. It was noted that the lights will have a sharp cut off.

Mrs. Rosemary Kaupp, 19 Church Street, asked about the existence of the Historic District if the Wood-Davison House were removed, and if a Historic District can be changed. Town Counsel, Paul Kenny responded that in order to change a Historic District, it has to pass a special act of the State Legislature.

Mrs. Kaupp asked about restrictions that may or may not be given abutting properties. Chairman Drobinski responded that there are not setback requirements in the Historic District, but zoning restrictions and setbacks apply in residential, business or commercial districts.

Mr. Peter Walsh, 11 Church Street, asked when construction might begin and Mr. Crowther responded that no proposed schedule has been set at this time. The property would be taxed as limited business property. Mr. Walsh continued that he believed the Rt. 20 area to be over-developed at the present time and believes this would add more to the traffic problems particular at the Concord Road light and the area west to Union Avenue and beyond.

Ms. Deborah Kruskal asked if the Wood-Davison were removed, could the building be designed closer to Rt. 20 by rotating it 90 degrees and can the driveway on the right of the property be shared. Mr. Crowther remarked that if the location for the new building be changed, it would be a case of fighting the topography, and as far as sharing a driveway, it would be property belonging to someone else.

Ms. Natalie Eaton, 24 Church Street, commented about additional traffic problems and additional water problems flowing onto Rt. 20, as being her concerns.

Town Counsel Paul Kenny explained that instead of the two year period for construction to begin after receiving a special permit, it is only one year. Getting a building permit is not enough--there has to be some work done on a site plan.

Selectman Cope proposed the Board continue the public hearing in order to give the applicants time to address the various issues with the respective Boards. Chairman Drobinski concurred and suggested continuing Monday, November 9, 1992.

Mr. Todd remarked that he had hoped something would be done tonight and noted that they have addressed the problems to the extent they can be addressed. Selectman Blacker commented that the outstanding issues yet to be addressed are: 1) The issue of clearance for the Fire Department and the available space for turning in the parking area; 2) The cost of moving the house--if moved; 3) The walkway. Mrs. Cope raised the siting concerns again and Mr. Todd reiterated that no changes can be made because of the topography.

Mr. Blacker commented that he happens to like the design and the location, but believes these other issues have to be addressed and resolved. Chairman Drobinski noted that to make a decision tonight would not be in the best interests of the Town, because all issues have not be addressed.

On the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To continue the public hearing for Prime Plus Two Realty Trust on Monday, November 9, 1992 at 8:30 p.m. during the regularly scheduled Board of Selectmen's meeting.

Public Hearing - Warren Property

Present: Sudbury Valley Trustees Executive Director, Stephen T. Johnson; SVT Associate Director, Mr. Whitney Beals; Legal Counsel for Elizabeth Warren, David W. Fitts; Buyer Kenneth Moore.

The Board convened a public hearing at 9:15 to consider the question of assigning to Sudbury Valley Trustees the Town's first refusal option to purchase approximately 9.2 acres of land at 452

Concord Road, Sudbury, a portion of Parcel 300 on Town Property Map G10, owned by Elizabeth Warren, pursuant to Massachusetts General Laws Chapter 61A, Section 14.

Executive Secretary Thompson reported that all proper notices have been given and that all abutters and Town Officials have been notified as required. Mr. Thompson noted for the record the following correspondence:

- 1) A communication dated July 21, 1992 from Elizabeth Warren indicating her intent to sell said property including a purchase and sale agreement dated July 7, 1992, and a copy of the existing deed dated October 27, 1944.
- 2) Communication dated August 27, 1992 from Executive Director Stephen T. Johnson, Sudbury Valley Trustees;
- 3) Communication dated August 11, 1992 from Board of Assessors recommending the Town exercise its first refusal option.
- 4) Communication dated September 9, 1992 from Town Planner Jody A. Kablack recommending the Selectmen facilitate a tri-party agreement with the Sudbury Valley Trustees.
- 5) Communications dated October 1, 1992 from Legal Counsel David W. Fitts and communication from Elizabeth Warren's daughter Jean Warren Dansky, Yarmouth, Maine.

Mr. David W. Fitts, Legal Counsel for Mrs. Warren reported that Mrs. Warren has moved to Maine and is in a nursing home. As a result, she is forced to sell her property and has received a number of offers and has signed a purchase and sale agreement with Mr. Kenneth Moore.

Mr. Fitts continued that Mrs. Warren gave notice of her intent to sell, and her concern is that Sudbury Valley Trustees is interested in the property. She and her husband have donated several pieces of land to SVT in the past and her main concern is that the property be kept in its current state and not divided into house lots as has been suggested by SVT. If SVT were to sell off a portion of the property for house lots, it would diminish the value of the total Warren property, and the current buyer would not be interested in purchasing the property. The current agreement is subject to purchasing the entire parcel.

Chairman Drobinski asked if the current proposed buyer might be considering subdividing the property, perhaps more densely than the SVT would. Mr. Fitts responded that it is possible.

Mrs. Cope noted that the SVT has the option to buy the property and create a limited development for sound conservation purposes. Mr. Fitts explained that the value is the total parcel--thus diminishing in value if the SVT planned to divide it, because the house has value because of the total property and open space.

Mr. Drobinski remarked that the issue is the open space and asked Mr. Fitts if Mrs. Warren's concern is that it remain open space. Mr. Fitts noted that she is not really in a position to be concerned about it in the current market, but is sure she would prefer it remain open space.

SVT Director, Mr. Stephen Johnson explained that SVT has a long tract record of preserving land in many surrounding towns including Sudbury and is present tonight with regard to issues of Ch.61A. Mr. Johnson presented a blueprint of the Sudbury open space linkage plan and noted the five acres of the Warren property that directly abuts other conservation land. Mr. Johnson reported that the SVT has been

working with the Conservation Commission and other Town boards to develop a wild life and walking corridor along the eastern side of Town and that the Warren property is in the game plan, specifically the 9.2 acre portion that is under CH61A, excluding the one acre parcel that includes the house and barn.

Mr. Johnson reported he has been in contact with Mr. Robert Fox, who has been working out some conservation arrangement with the prospective buyers, the Moore's in an effort to preserve the value of the adjacent conservation property, Brues Woods. He has not heard from Mr. Fox. SVT would like to talk with the Selectmen about the open space conservation solution for this property, but is asking for a two-week delay in assigning this option to SVT to allow time for them to discuss the options with the parties involved and how they may be able to come to a solution.

Selectman Blacker asked if the SVT could develop their plan to purchase something less than the 9.2 acres of land, and still accomplish their goal, in order to allow more property in the sale price of the parcel for open space.

Mr. Johnson responded SVT is open to that suggestion but it would depend on the buyer. The prospective buyer, Mr. Kenneth Moore, asked to be shown what portion of the property SVT would like to preserve, and a discussion ensued involving the topography of the land and what was suitable for building and what was not. Mr. Drobinski noted this hearing was not the right place to be discussing these issues.

Abutters Mr. and Mrs. Yarborough, 468 Concord Road were present and asked what they might expect to happen in the area with regard to zoning, building, preserving, traffic, etc. Chairman Drobinski responded that he did not know and speculated on a couple of possibilities.

Secretary Thompson asked if this hearing could be continued until the date of expiration, and Town Counsel, Paul Kenny responded that it would not be a good idea to wait till the last date of expiration because of allowing enough time for proper notifications--notice of intent and assignment.

Mr. Drobinski remarked that the parties need to get together and do some negotiating before coming back to the Board. Mr. Blacker asked if the Town can assign their right to purchase to part of the parcel and not all of it.

Mr. Fitts noted he has no objection to the continuance, as long as the economic interests of Mrs. Warren are met, and if the property is assigned to SVT that they do not use the property to finance the purchase of it. Mr. Fitts suggested that the Board invoke restrictions if the spirit of the statue is to preserve open space--they assign the right to purchase but they say it has to be kept open and this would be an acceptable option to Mrs. Warren.

On the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To continue the Public Hearing on the question of assigning the Town's first refusal option to purchase approximately 9.2 acres of land at 452 Concord Road, Sudbury until the next Board of Selectmen's meeting to be held October 26, 1992 at 9:00 p.m. in order to allow negotiations to continue between the Sudbury Valley Trustees and prospective buyer of this property, Mr. Kenneth Moore.

Public Hearing - Candy Hill Lane

Present: Sudbury Valley Trustees Executive Director, Stephen T. Johnson; SVT Associate Director, Whitney Beals; Legal Counsel for Hill Brothers, Mr. Timothy Taylor; Buyer Mrs. Marianna Crowley, 15 Griffin Lane; Legal Counsel for Crowley's, Jeffrey K. Schaffer; Builder Daryl Nash; Abutters Mr. William Reed, 19 Candy Hill Land and Dr. and Mrs. Boshes, 19 Candy Hill Road.

The Board convened a public hearing at 10:00 p.m. to consider the question of assigning the Town's first refusal option to purchase approximately 5.32 acres of land off Candy Hill Lane, Sudbury, owned by David M. Hill, Richard M. Hill and Clark E. Hill, pursuant to Massachusetts General Laws Chapter 61A, Section 14.

Executive Secretary Thompson reported that all proper notices have been given and that all abutters and Town Officials have been notified as required. Mr. Thompson noted for the record the following correspondence:

- 1) Communication dated August 20, 1992 from the Hill Brothers a notice of intent to sell.
- 2) Communication dated September 9, 1992 from Town Planner Jody Kablack stating the Planning Board voted against acquiring this parcel.
- 3) Communication dated September 8, 1992 from the Board of Assessors recommending the Town not exercise its first refusal option.

Mr. Johnson noted the conservation linkage plan and the SVT's goal of seeking to protect a walking corridor on the eastern portion of Town. He identified the Hill property as Tract 26 on the blueprint consisting of a 5 acre plot subdivided and located at the end of Candy Hill Lane. Mr. Johnson explained that SVT is trying to put together an overall conservation solution and has talked with David Hill and Mrs. Crowley regarding solutions and is asking for a continuation of two weeks before a decision is made.

After review of the blueprint and the property in question, conversation ensued as to how the Hill property affects the linkage plan as it does not abut any conservation property at the present time. Mr. Johnson explained that it is one piece of a jigsaw puzzle and as parcels become available, the SVT looks at each piece as it may fit in the overall plan.

Legal Counsel, Timothy Taylor for the Hill Brothers reviewed properties on the linkage plan with regard to which ones were under 61A. Mr. Jeff Schaffer, Legal Counsel for the Crowleys, who are building in the area, explained the different dealings between the Hill Brothers and the SVT and mentioned the plan between SVT and the Hill Brothers of one year ago when the SVT did not express an interest in this parcel and concluded that the Hill Brothers and the SVT had a good working relationship.

Mr. Schaffer explained that the Crowley's are willing to consider a conditional vegetative buffer of perhaps 20-25 ft. conditional upon the SVT retaining interest in the remainder of Tract 26 and identify a trail some distance from the east line of their property.

Mr. Johnson noted that SVT has an interest in this 5 acre parcel and has had, and hopes to have continued discussion with the Hills.

Mr. William Reed, 31 Candy Hill Lane, suggested that the trail follow the stone walls located on the property. Selectman Cope noted that she is concerned that the Crowley's do not have an isolated easement, and believes that all parties need to agree.

Mr. Johnson remarked that he has talked with the Crowley's and with Mr. Schaffer and feels they may be able to package a solution and the Board could then waive the right of first refusal.

Mr. Blacker suggested this option not be assigned to the SVT. Mrs. Crowley commented that the only thing that has changed since last year, is the ability of the SVT to negotiate, and believes the decision should be the same as that made one year ago, because nothing has changed with regard to the property.

Mr. Blacker suggested giving the parties two weeks to work out a solution.
On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To continue the public hearing on the question of assigning the Town's first refusal option to purchase approximately 5.32 acres of land off Candy Hill Lane, until the next Board of Selectmen's meeting scheduled for October 26, 1992 at 9:15 p.m.. in order to allow the parties to work out a solution.

Town Meeting Action - Articles

The Board acknowledged receipt of the Town Meeting pending file dated October 13, 1992 for their review and a communication dated October 6, 1992 from Board of Appeals Chairman Eben B. Stevens requesting amendments be drafted to the Town's Zoning Bylaws.

With regard to the topics listed by subject matter, Mr. Thompson commented with regard to #2-- Early Retirement Incentive, he and Budget Personnel Officer Terri Ackerman have had conversation and are recommending that the Town use some of the funds in the retirement account to be used for an actuary study to learn what the exact amount will be.

In commenting about #3--Disability Commission, Selectman Cope mentioned the space planning group and that fact that the Town will need to set aside funds for the necessary space plans that will need to take place. Mr. Thompson noted that Building Inspector John B. Hepting will be writing an article for the Space Planning Group. In talking with the Sudbury Foundation, Mr. Thompson commented that they are requesting additional space, at least for a period of time until the space plan is worked out. Mr. Blacker suggested they be allowed to use the upstairs conference room in the Flynn Building for a one-year year.

Mr. Drobinski mentioned that the transfer station will be an issue and will be hard to sell to at Town Meeting.

It was decided that an Inclusionary Zoning Bylaw be included on the Warrant in an effort to include affordable units of housing in certain areas.

Mr. Thompson had no recommendations at this time with regard to the Old Items listed #8-12.

Temporary Liquor License - Sudbury Players

In accordance with a request received from Linda Spindel, The Sudbury Players, a non-profit organization, dated October 9, 1992 to serve alcoholic beverages for a Murder Mystery Dinner Theater to be held on October 24, 1992 at the congregation B'Nai Torah from approximately 7:00 p.m. - 11:00 p.m., it was on motion by Chairman Drobinski unanimously

VOTED: To grant a Temporary License for the sale of alcoholic beverages, to be drunk on the premises, to Linda Spindel, representing the Sudbury Players, to be served on October 24, 1992, from 7:00 p.m. - 11:00 p.m., at the Congregation B'Nai Torah on Woodside Road, during their Murder Mystery Dinner Theater, subject to Police Paid Detail.

With regard to Police Paid Detail, Mr. Thompson stated he would forward a copy of the information surrounding this event to determine if a Police Paid Detail is necessary. In addition, in response to a phone call received from Mr. Jonathan Baker of Goodman's Hill Road relative to the Murder Mystery Dinner Theater, Mr. Thompson reported the Selectmen's office will phone Mr. Baker.

Massachusetts Municipal Management Association

The Board acknowledged receipt of a communication announcing the MMMA's October meeting, highlighting the topic of DEP Solid Waste Regulations.

Warrant for State Election

It was on motion unanimously

VOTED: To sign the Commonwealth of Massachusetts Warrant for State Election to be Held at General John Nixon School, 472 Concord Road, Sudbury on Tuesday, the Third Day of November, 1992.

MMA Fall Meeting

The Board acknowledged receipt of a communication dated October 6, 1992 received from Selectman Blacker relative to his attending the MMA Fall Meeting.

There being no further business, the meeting was adjourned at 11:15 p.m.

Attest: Richard E. Thompson
Richard E. Thompson
Executive Secretary-Clerk