

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 23, 1993

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

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

Utility Petition 93-15 - Wayside Inn Road

Present: Sheila Burke, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition 93-15, from Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection or construction of pole(s), to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, on Wayside Inn Road.

Executive Secretary Thompson informed that all abutters have been properly notified and a letter recommending approval has been received from Building Inspector John B. Hepting and Wiring Inspector Warren E. Boyce dated August 13, 1993.

The Board acknowledged receipt of a communication dated July 29, 1993, from Denis J. Deagle, Supervisor - Rights, Permits & Survey - Western District, Boston Edison Company, stating that this work is necessary in order to provide underground/overhead electric service to a new home on Wayside Inn Road.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-15 of Boston Edison Company and New England Telephone Company for joint or identical locations for the erection or construction of pole(s), to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, indicated on Boston Edison Company Plan of The Wayside Inn Rd. - Sudbury, dated June 17, 1993, upon, along and across the following public way or ways of said Town:

Wayside Inn Road - northerly side approximately 157 feet east of  
the Marlboro/Sudbury Town Line.  
Two (2) poles.  
(These are existing locations - no new poles to be set.)

Utility Petition 93-16 - Wayside Inn Road

The hearing concerning Utility Petition 93-16 by Boston Edison Company and New England Telephone and Telegraph Company for permission to construct conduit on Wayside Inn Road was canceled due to a change made by Boston Edison Company documented in a new petition dated August 23, 1993, from David J. Murphy, District Engineer, Western Division. A new hearing date will be set and abutters re-notified regarding the amended petition.

August 23, 1993, from David J. Murphy, District Engineer, Western Division. A new hearing date will be set and abutters re-notified regarding the amended petition.

Minutes

It was on motion unanimously

VOTED: To approve the regular session and the executive session minutes of Monday, August 9, 1993, as drafted.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$144.61 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.

Utility Petition Emergency Approval - Concord Road

At the request of Boston Edison Company, it was on motion unanimously

VOTED: To confirm the granting of emergency approval, subject to receipt of formal petitions and public hearing, for the installation of conduit southwesterly on Concord Road, approximately 132 feet northeast of Old Sudbury Road, a distance of 43 feet, necessary to provide electrical service to a relocated transformer and allow renovation work to go forward at the First Parish Church.

Intermodal Surface Transportation Efficiency Act (ISTEA)

The Board acknowledged receipt of a communication dated July 29, 1993, from Mass Highway Department with regard to participation in a program for funding resurfacing and rehabilitating roadways to be implemented under the 1991 ISTEA for the current and upcoming calendar years.

At the request of the Sudbury Highway Department, it was on motion unanimously

VOTED: To confirm the signing by Chairman Cope of an application to the Massachusetts Highway Department dated August 16, 1993, to participate in the Intermodal Surface Transportation Efficiency Act (ISTEA) program to fund three projects on Route 117 and two projects on Route 27.

Selectman Drobinski queried why the Route 20 project was not included. Secretary Thompson informed that the Highway Department is trying to include it, and will report back to the Board.

Vehicles for Disposal - Highway Surveyor

At the request of the Highway Surveyor in a communication dated August 17, 1993, it was on motion unanimously

VOTED: To authorize the Highway Surveyor to dispose of the following three vehicles by advertisement and sale:

1982 Dodge Aries #1B3BD21B4CG169069  
1977 Chevy 1/2 ton Pickup #CC1147B172115  
1976 GMC 1 ton Rescue Truck #TCL3361541398

And to approve the transfer of 1985 Dodge Aries #1B3BD26C3FF224851 from the Building Department to the Highway Department.

Tanheath Hunt Club - Horse Show - Wayside Inn Grounds

At the request of Dennis M. Coll, President, Tanheath Hunt Club, in a communication dated August 19, 1993, it was on motion unanimously

VOTED: To grant permission to the Tanheath Hunt Club to conduct a horse show on the grounds of the Wayside Inn on Sunday, September 5, 1993, subject to approval of the Police Chief, Fire Chief, Health Director and Building Inspector.

Fire Department - Ambulance Bids

In response to a communication dated August 11, 1993 from Fire Chief Michael Dunne, it was on motion unanimously

VOTED: To accept a bid opened August 9, 1993, in the amount of \$64,995, from Specialty Vehicles, Inc., to supply a Road Rescue 1993 Ford E-350 Class 1 Type III vehicle to the Fire Department to be used as an ambulance.

Sunday Entertainment License - Chiswick Park Theatre, Inc.

Upon receipt of an application dated August 5, 1993, from Chiswick Park Theatre, it was on motion unanimously

VOTED: To renew Sunday Entertainment License granted to Chiswick Park Theatre, Inc. to conduct a live professional theatre in accordance with its application dated August 5, 1993, for the period September 12, 1993, through September 4, 1994, from 2 p.m. to 11 p.m. on Sundays.

Council on Aging - Resignation

In response to a communication dated August 16, 1993, from Anne W. Donald, it was on motion unanimously

VOTED: To accept the resignation of Anne W. Donald from the Council on Aging, and to send a letter of thanks for her service to the Town.

Resignation/Retirement - Police Department - Peter S. Langmaid

In response to a communication dated August 12, 1993, from Detective Sergeant Peter S. Langmaid, it was on motion unanimously

VOTED: To accept the resignation/retirement of Sergeant Peter S. Langmaid from the Sudbury Police Department, dated August 12, 1993, and effective September 1, 1993.

Line Item Transfer No. 94-01

In response to Chairman Cope's query about the need to transfer additional funds, Secretary Thompson responded that because the arrangement for dog officer and assistant dog officer was reversed, and the situation with regard to the boarding of the dogs needing to remain at Mrs. DeWallace's residence, not enough funds were budgeted for the assistant dog officer who is now Betsy DeWallace.

Mr. Thompson remarked that things have been running smoothly under this new arrangement. On recommendation by Secretary Thompson, it was on motion unanimously

VOTED: To approve Line Item Transfer No. 94-01, dated August 10, 1993, in the amount of \$353.28 from Account #2920/5236 Dog Officer Contracted Services to Account #2920/5299 Dog Officer Extra Hire, to pay for the services of Betsy DeWallace as Assistant Dog Officer through November 8, 1993, her date of retirement.

Department of Personnel Administration - Request for a new Sergeant's Exam - Police Department

The Board acknowledged receipt of a communication dated August 12, 1993, from Police Chief Peter B. Lembo requesting that the Board of Selectmen requisition the Department of Personnel Administration for a new Sergeant's exam.

Secretary Thompson reported that the old Sergeant's eligibility list has two or three people on it and that Chief Lembo wishes to open up the Department to possibly add more people to the list, which means vacating the old list and requesting a new Sergeant's exam.

Chairman Cope asked if this test would cost the Town money. Mr. Thompson responded in the negative.

Selectman Blacker suggested that a better policy would be to establish a period of say every 4 years to open these vacancies to the whole department and conduct a re-examination, so that there is no question that it is not being done for political reasons. Mr. Thompson responded that he thinks the list is only valid for a certain period of time. For future reference, Mr. Thompson concluded that he would check to see if there is any cost to the Town and determine the length of time the list is valid and report back to the Board.

On recommendation by Secretary Thompson, it was unanimously

VOTED: To request the Department of Personnel Administration to vacate Sudbury's existing police sergeant list, effective immediately, and submit a requisition for the Town of Sudbury's inclusion in the next examination for police sergeants to be scheduled in 1994, said examination to be a departmental promotional examination; and to authorize the Executive Secretary to sign and file all documents related thereto.

Ho-Tai Sudbury, Inc., d/b/a Lotus Blossom - New Stockholder

The Board acknowledged receipt of the following:

1. Communication dated August 16, 1993, from Attorney Mark Lichtenstein representing Ho-Tai Sudbury, Inc. and requesting a hearing to approve the issuance of stock to a new stockholder.
2. Application for Alcoholic Beverage License (as amended by new stockholder).
3. Certificate of Vote of the Directors.
4. Citizenship verification of Steve Yung-An Chen.

On motion by Chairman Cope, it was unanimously

VOTED: To approve the application of Ho-Tai Sudbury, Inc., d/b/a Lotus Blossom, 394 Boston Post Road, dated August 12, 1993, for issuance of stock to a new stockholder, Steve Yung-An Chen.

Memorial Garden - St. Elizabeth's Episcopal Church

With regard to a request dated August 8, 1993, from St. Elizabeth's Episcopal Church to create a Memorial Garden on their property adjacent to the Cram Chapel, Chairman Cope questioned if this was allowed by the Board of Health and/or the State.

Mr. Thompson informed that he wanted to solicit the Board's reaction tonight, and that Town Counsel is in the process of reviewing the legality of it. There was some question on whether or not an article would have to be drafted for Town Meeting to allow this use.

Pending further review by Town Counsel, the Board postponed any approval of such a plan; but indicated no major concerns.

Dudley Road - August 7, 1993 Communication from Caryl and Dave Portney

The Board acknowledged a communication dated August 7, 1993, from Caryl and Dave Portney concerning the decision by the Board to restrict a "no right turn" onto Dudley Road off of Rt. 20.

The Portneys requested that the Board repeal this decision and hold a public hearing on any proposed change of traffic control regarding Dudley Road, and in addition, requested that the Board delay implementation of any change in traffic rules until after a public hearing.

Secretary Thompson reported that Town Engineer I. William Place is still reviewing the decision by the Board with regard to its implementation. Chairman Cope stated that she thinks the Board should respond to the Portneys' letter and the issues that concern them.

Selectman Blacker reviewed past comments with regard to these issues and noted that the Board made the decision to restrict a "no right turn" off of Rt. 20 onto Dudley Road for a period of six months in response to comments made in the previous public hearing, to minimize traffic and effect the slowing down of traffic, as the best solution for Dudley Road traffic concerns. He added that this decision will no doubt inconvenience some people.

Mr. Thompson suggested that, if the Selectmen wish to proceed with their decision, they send a letter explaining their reasons, and limit the trial period to less than six months. Chairman Cope noted that many people abuse the privilege of the use of Dudley Road, in that they use it as a cut-through. Mrs. Cope suggested that the Board respond by saying that they are trying to stop the speeders and trying to fix the problems at the Nobscot Road/Rt. 20 intersection by trying to speed up the process of the addition of a signal light.

It was agreed that Secretary Thompson would construct a letter stating the Board's intention to not retract their original decision to restrict a "no right turn" from Rt. 20 onto Dudley Road, but change the trial time period from six to four months, and revisit it at that time. In the meantime, the Town will do everything to enforce this action and the speed limit on Dudley Road.

Site Plan Special Permit #SP93-318 - Wayside Inn Corporation

Present: Robert Purrington, Innkeeper, Wayside Inn, and Richard Davison, Trustee, Wayside Inn Corporation.

The Board convened a public hearing to consider the application #SP93-318 of Wayside Inn Corporation for a Site Plan Special Permit to change the parking area across the street from the Wayside Inn front door by increasing the crushed stone parking spaces from 55 to 99 and adding landscaping and lighting.

Secretary Thompson announced that all abutters and parties in interest have been properly notified and advertisement of this public hearing was published July 29, 1993 and August 5, 1993.

The Board acknowledged receipt of the following communications:

1. Application for site plan approval received and dated July 20, 1993.
2. Communication dated June 24, 1993, from Wayside Inn Innkeeper Robert Purrington explaining the Wayside Inn's plan to enlarge their parking lot.
3. Plan: "Landscape Plan & Parking Area, Wayside Inn, Sudbury, MA", by Thomas Wirth Associates, dated May 17, 1993.
4. Communication dated August 19, 1993, from Building Inspector John B. Hepting informing that no zoning issues are outstanding regarding the referenced proposal; but that the Historic Districts

Commission should be consulted and that the proposed project is within a Zone III Water Resource Protection District.

5. Communication dated August 18, 1993, from Town Engineer I. William Place submitting his comments as follows:

(a) The Sudbury Highway Department plans on installing an additional catch basin east of the Wayside Inn entrance.

(b) Regarding the proposed 2'-5' retaining wall, he suggests that with minimal regrading (2:1 slope) the retaining wall could be eliminated.

(c) Because of existing soils, the construction of the gravel strip and dry well may be prohibitive and Mr. Place suggests an interceptor trench discharging south of the barn into the field area as an alternative.

(d) The placement of the interceptor drain and gravel parking area will reduce the runoff to Wayside Inn Road.

6. Communication dated August 19, 1993, from the Conservation Commission noting that no wetland resource areas will be affected, but pointing out the need to provide effective stabilization to the area of expansion that slopes uphill, not only for aesthetic reasons but to prevent erosion. In addition, the Commission commented that details for the design of the perforated pipe proposed for the new gravel area were missing, and also that consideration of alternatives such as a grass swale, to provide the maximum amount of filtration of runoff, may be needed.

7. Communication dated August 17, 1993, from the Planning Board, recommending approval of this Special Permit.

8. Communication dated August 12, 1993, from Design Review Board Chairman Frank W. Riepe, recommending approval of this plan.

9. Verbal communication by Police Chief Peter Lembo on August 16, 1993, stating no objection to the plan and a verbal communication from Fire Chief Michael C. Dunne on August 18, 1993, also stating no objections to the expansion.

10. Communication dated August 23, 1993, from Historic Districts Commission Chairman Burton H. Holmes, indicating preliminary approval, but stating a public hearing will be required in order to issue a Certificate of Appropriateness in conformance with the Acts of 1963, Sections 5 and 9.

Upon review of the plan and on the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To approve Site Plan Special Permit #SP93-318 of Wayside Inn Corporation to change the parking area across the street from the Wayside Inn front door by increasing the crushed stone parking spaces from 55 to 99 and adding landscaping and lighting; property owned by the Wayside Inn Trust and located at 72 Wayside Inn Road in the Wayside Inn Historic Preservation Residential Zone, and to direct Town Counsel Paul L. Kenny to prepare a decision incorporating comments received from various Town committees and officials for the Board's signature.

Minuteman Tech - Educational Reform Act of 1993

The Board acknowledged receipt of a Special Report dated August 16, 1993 from Minuteman Tech relative to fiscal implications of the Educational Reform Act of 1993, and requesting the Town of Sudbury's support in writing to the Department of Revenue to waive any requirement to change assessments of Minuteman Tech for FY'94.

Mr. Thompson stated the Board's office was unable to contact the liaison to Minuteman Tech, Mr. Glenn L. Noland, but that a letter was sent to him. He added that the Finance Committee has agreed to send a letter on behalf of the Town.

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

VOTED: To submit a request to the Department of Revenue that Minuteman Regional Vocational Technical High School and the Town of Sudbury be granted a waiver for FY94 from changing already approved assessments for FY1993-94, subject to comments from Minuteman Tech liaison Mr. Glenn L. Noland.

Loring School

Present: Building Inspector John B. Hepting.

Chairman Cope noted that there are misconceptions in the Town with regard to the value of Loring School. Mr. Hepting explained the poor condition of the school, noting that the only thing of value is the new boiler. He continued that the assessors have placed a value on the school at \$967,000 (the value of a new building or one in good condition), but it is not in good condition; and, in fact, it would take about this same amount of money to bring the entire building "up to par". On the other hand, if the decision is made to demolish the building, it will cost about \$100,000, which is about what the land is worth, so any way you look at the possibilities, it is a "wash" explained Mr. Hepting.

Mr. Hepting added that it would cost the Town approximately \$100,000 to repair what is needed to winterize the building, but that the Town will still have the legal liability of the building, and besides, there is no money in the budget for such repairs.

Selectman Blacker suggested that it might help the Town's case to invite the press to write a story about the value of this property and include the condition of the building and the liability to the Town.

Mr. Thompson remarked that he and Town Engineer I. William Place are meeting this week to discuss questions about demolishing the structure. A permanent easement will need to be obtained for the parking and playground area regardless of what is decided about the actual physical structure.

It was noted that Mr. Hepting will not be present for a Special Town Meeting on September 27, 1993, but that he would write a letter explaining the condition of the Loring School and alternatives available to the Town for presentation at the Special Town Meeting.

Whether or not the Temple, currently leasing this building, is interested in purchasing it, the property will have to be presented for bids, which would include non-profit organizations as well as



others. There was discussion on what would be a good asking price for the building, with differing opinions expressed.

#### Special Town Meeting

Acting upon the request of the Sudbury School Committee that a Fall Special Town Meeting be held to appropriate monies for the School Budget which the State placed on the Cherry Sheet instead of granting directly, and the Selectmen's desire to address other matters, it was on motion unanimously

VOTED: To call a Special Town Meeting to be held on September 27, 1993, at 7:30 p.m. in the Lincoln-Sudbury Regional High School auditorium, and to close the Warrant for the same at 5:00 p.m. on September 2, 1993.

Pursuant to the same, the following draft articles were presented and comments made as follows:

#### **Dog Pound**

With regard to construction, rental or lease of facilities to be used as a dog pound, Chairman Cope asked what a realistic figure would be. Mr. Blacker asked if every town has similar problems relative to a holding place for animals. Mr. Thompson responded in the affirmative and explained that a few surrounding towns contract with persons in other towns which means that stray animals have to be retrieved outside of their own town limits--as in a regional dog officer situation.

Mr. Blacker asked if we need Town Meeting approval to make a decision to contract with another Town to take the dogs. Because Mr. Thompson's response was no, the Board decided to omit this article from the warrant.

#### **Frost House Repairs**

After discussing the pros and cons of repairing the Frost House, the Board decided to omit this article from the warrant.

#### **Worker's Compensation Fund**

Selectman Blacker remarked that he would like to see the Town committed to self-funding worker's compensation, and would like to budget \$200,000 into this fund at this Special Town Meeting, with the plan being to build upon the fund every year to approximately one (1) million dollars; the future cost to the Town would be negligible.

Mr. Thompson stated he talked with Budget and Personnel Officer Terri Ackerman with regard to asking an actuarial to look at such a plan; and also suggested working with the Finance Committee in trying to accomplish this. He added that the Committee may be nervous about the amounts suggested.

#### **Unisys Site**

Secretary Thompson asked if the Board would be interested in adding an article pertaining to the Unisys site for a Research District zoning amendment to allow for some type of elder care or health care

facility. Selectman Drobinski noted that health care facilities were included in one of the previous zoning bylaws. Mr. Hepting added that zoning should be the subject of Town Meeting and not the Board of Appeals. Mr. Drobinski stated his only concern would be the preciseness of the wording in changing the bylaw.

The Board briefly discussed possible changes to Town Meeting in an effort to attract and keep a larger crowd at town meetings, such as drawing articles out of a hat or by lottery. The Board asked Mr. Thompson to speak with the Moderator. Mr. Thompson suggested that the Selectmen should use the ballot--Public Advisory question process more on such issues.

In conclusion, it was on motion unanimously

VOTED: To approve and order the following articles:

- Article 1. School Budget Addition, (submitted by School Committee).
- Article 2. Sale of Former Loring School, (submitted by Selectmen).
- Article 3. Demolish Former Loring School, (submitted by Selectmen).
- Article 4. Secure Former Loring School for Future Disposition, (submitted by Selectmen).
- Article 5. Worker's Compensation Fund - Accept MGL CH. 40, s.13A., (submitted by Selectmen).
- Article 6. Stabilization Fund Addition, (submitted by Selectmen and Finance Committee).
- Article 7. Amend Permitted Uses - Unisys Land, (submitted by Selectmen).

Site Plan Special Permit #SP93-317 - Sudbury Crossing Associates Realty Trust

Present: Myron J. Fox, Attorney representing Sudbury Crossing Associates Realty Trust, and Bruce Thomas, Schofield Bros.; and Zoning Enforcement Agent John B. Hepting.

The Board continued a public hearing for consideration of application #SP93-317 of Sudbury Crossing Associates Realty Trust for a Site Plan Special Permit to construct a 7,200 sq. ft. addition to the rear of the existing T.J. Maxx store and to restripe and landscape the parking area to rear of the same building located at 435-437 Boston Post Road, owned by Sudbury Crossing Associates Realty Trust, and including the rear portions of properties known as 225 and 239 Raymond Road.

A Notice of Decision by the Sudbury Board of Selectmen, dated August 23, 1993, drafted by Town Counsel, was presented along with the following two communications received since the August 2, 1993, hearing:

1. Communication dated August 11, 1993, from Town Engineer I. William Place to Town Planner Jody Kablack, responding to her communication of July 28, 1993 which addresses the issue of the detention basin and the repair of the Hypalon synthetic liner by recommending the following:

- (a) Removal of Hypalon fabric and investigation of base material.
- (b) Removal of any unsuitable material and installation of a minimum 6" of 1 1/2" stone and 6" perforated P.V.C. pipe (Schedule 40).
- (c) Place impervious material over the stone and cover with mirafi fabric which is covered with 4-6" of loam and seed.

(d) Volume and runoff calculations for the 100 year storm frequency should be submitted before any modification to the southerly detention basin.

(e) Area to be monitored quarterly, cleaned and repaired as necessary. .

2. Communication dated August 16, 1993, from Conservation Commission, stating the situation will involve a Wetlands Protection Act Notice of Intent filing because of possible changes to the drainage design. The Commission made the following recommendations:

(a) The existing liner be replaced with a new impervious liner installed on a gravel base to channel groundwater out from under the liner.

(b) A minimum of 18" of substrate with a clay/mineral type of soil be placed on top of the impervious liner and wetland species, such as rushes, be planted to uptake some pollutants.

(c) Grease and gas traps be installed in all parking area catch basins.

(d) No de-icing chemicals be allowed in the parking and walkway areas.

(e) The detention basin must be regularly monitored and maintained to allow it to function as designed, with no penetration of the impervious liner.

(f) Absorbent bags for spills should be made available for regular maintenance of the parking areas.

Several changes to the draft Decision were proposed by Mr. Fox and were discussed with the Board as follows:

The architectural rendering of the proposed building addition was shown by the architect Richard W. Cote at the hearing, and Mr. Fox stated that if the question of approval of the rendering is left as a condition in the vote, it indicates that the applicant has not prepared it when in fact he has.

Mr. Hepting noted that he is satisfied that the renderings have been done.

With regard to the detention basin, Mr. Thomas stated that exactly how this will be repaired is still unresolved and needs further discussion. Mr. Fox expressed concern that the applicant will have to face several different opinions and decisions on how this should be accomplished and believes that only one person should be making the final decision.

It was decided that Town Engineer I. William Place will make the final decisions relative to the repair/change of the detention basin.

With regard to construction of a walkway from Rt. 20 into the site in the vicinity of the main entrance, Mr. Thomas explained that construction of a walkway would require the removal of several plantings, which did not seem feasible. Painting of a crosswalk to connect Rt. 20 to the vicinity of the main entrance was also discussed and determined to be unsuitable also.

The proposed walkway along the length of the property on Rt. 20, was determined to be unworkable because it is not connected to anything--it starts nowhere and ends nowhere, and it increases the liability of the Town. It was decided to not enforce this as a condition at the present time.

With regard to the plan that shows the 25 reserve parking spaces, and whether or not this plan needs to be included for approval, Mr. Thomas reminded that the previous plan (the original Submittal

Plan) included the 509 spaces rather than the 484 and was shown at the hearing. The Board agreed that the plan showing the additional 25 reserve spaces need not be included on the final plan because the 25 reserve spaces were already proven to exist.

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

VOTED: To grant a Site Plan Special Permit to Sudbury Crossing Associates Realty Trust in accordance with Application No. 93-317, for construction of a 7,200 square foot addition to the rear of the existing T. J. Maxx store and revision of parking area to the rear of the same building located at 435-437 Boston Post Road, and including properties known as 225 and 239 Raymond Road, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

1. An Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;
2. Installation of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
3. Placement of all utilities underground;
4. Extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
8. Approval of the final landscaping plan by the Board of Selectmen after review by Design Review Board;
9. Exterior lighting to be directed away from adjacent residences and have shields;
10. No use of salt or chemical de-icers on the entire site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following, which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:

(a) the disposal or removal of effluent and wastes generated on the site;  
(b) the use of salt or chemical de-icers on the site;  
(c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;

12. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan, will require approval of the Board of Selectmen;

13. In addition to the above and pursuant to the recommendations of the Town Engineer, Building Inspector, Conservation Commission and Planning Board, the following items are to be implemented:

(1) Relative to the detention basin, to do (a), (b), (c), (d), and (e) as below or as otherwise approved by the Town Engineer:

- (a) Remove the Hypalon fabric and investigate the base material;
- (b) Remove any unsuitable material and install a minimum 6" of 1-1/2" stone and 6" perforated P.V.C. pipe (Schedule 40) in the detention basin;
- (c) Place impervious material (clay having a coefficient of permeability  $1 \times 10^{-7}$  cm/sec) over the stone; then cover with mirafi fabric and cover with 4"-6" of loam and seed; or equivalent, as determined by Town Engineer;
- (d) Volume and runoff calculations for the 100 year storm frequency should be submitted before any modification to the southerly detention basin;
- (e) The area is to be monitored every three months by a professional engineer and so certified every two years to the Town Engineer;

(2) Establish well marked loading docks and solid waste disposal areas with adequate room for truck movement;

(3) Improve the pavement between the Sudbury Crossing buildings and Sudbury Farms to accommodate two-way traffic in the southwestern corner of the site;

(4) Construct a walkway along the length of the property on Route 20, when and if walkways are constructed along the southerly side of Route 20 adjacent to this site;

(5) Construct a walkway from Sudbury Crossing southerly to Raymond Road, within a proposed Town easement as shown on a plan over the land of Deborah Vana, dated August 5, 1993, and prepared by Town of Sudbury Engineering Department, and extending across Sudbury Water District land adjacent thereto, if the Water District and Deborah Vana give petitioners such easements;

(6) On any dead-end parking aisles allow for an area to back into when exiting;

14. Pursuant to Zoning bylaw Article IX (V,A,8) Reserve Parking Spaces, the Board of Selectmen has waived 5% (25 spaces) of the proposed required parking (509 spaces) for the distinct purpose of providing additional landscaping in the area;

15. No building permit shall be issued until items 1, and 8 noted above are complied with;

16. No occupancy permit shall be issued until items 2, 3, 4, 5, 6, 7, 9, 11, 12, and 13: (1), (2), (3) and (6) noted above are complied with;

17. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

The Board signed the Decision, as amended this evening, and signed the plan which is subject to the Building Inspector's and the Town Engineer's signatures of approval.

#### Landfill - Methane Gas Problem

Selectman Drobinski reported that he and Town Engineer, I. William Place discovered through methane gas testing at the landfill that underground methane gas does exist, and noted that as a result, closure costs may be higher; however methane surface gas was not detectable.

#### Cumberland Farms - DEP Case #3-4202

The Board directed the Executive Secretary to send a letter to the Department of Environmental Protection relative the communication received from DEP concerning the DEP's investigation of Cumberland Farms, 470 Boston Post Road, stating the Town's appreciation for the attention being given and action taken by DEP concerning Cumberland Farms.

#### Total Quality Management Process

Secretary Thompson reported that the program for the recent department head meeting was "Total Quality Management". Ten department heads attended the meeting, and they were invited to attend the "Total Quality Management" classes that are going to be held at Raytheon, meeting once a week for an eight-week period. Mr. Thompson remarked that he thinks the Town would benefit from this process which suggests a team effort philosophy.

#### Health Insurance

Selectman Blacker informed that he met jointly with the Finance Committee and Negotiating Advisory Committee. On the subject of health insurance, Mr. Blacker stated he will be giving the Board of Selectmen a draft memo which will also be reviewed by Labor Counsel Richard Murphy prior to being distributed.

There being no further business, the meeting was adjourned at 10:00 p.m.

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