

IN BOARD OF SELECTMEN  
MONDAY, MARCH 15, 1993

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

The statutory requirements as to notice having been met, the meeting was convened by Selectman Cope at 7:30 p.m. at the Fairbank Senior Center. Chairman Drobinski arrived at 8:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of February 8, 1993 (partial section on Dunkin Donuts site plan special permit) as amended further by Selectman Cope, the executive session minutes of March 1, 1993, and the regular session minutes of March 1, 1993, as amended by Selectman Blacker and Selectman Cope, and subject to amendment by Chairman Drobinski.

For the record, the Board requested a new set of amended minutes for March 1, 1993.

Council on Aging

It was on motion unanimously

VOTED: To accept \$124.10 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.

Sudbury Foundation - Supplemental Grant to Building Department

In response to a communication dated February 24, 1993 from The Sudbury Foundation Administrator Derry Tanner, it was on motion unanimously

VOTED: To accept on behalf of the Town a supplemental grant in the amount of \$3,000 from The Sudbury Foundation to be deposited into the Building Department's Account 340-320, Town Buildings Maintenance, to pay for Flynn Building renovations for Foundation use.

Town Official Bonds

It was on motion unanimously

VOTED: To set the amounts for town official bonds as follows; and to authorize the Chairman to sign certification thereof:

For Treasurer Mary Ellen Normen Dunn, effective April 30, 1993, in the amount of \$150,000.

For Collector, Mary Ellen Normen Dunn, effective April 30, 1993, in the amount of \$150,000.

For Tax Clerk, Barbara S. Bitter, effective May 21, 1993, in the amount of \$37,500.

For Tax Clerk, Barbara S. Bitter, effective May 21, 1993, in the amount of \$37,500.  
Unisys - License Agreement

The Board acknowledged receipt of a communication dated March 9, 1993, from Town Counsel Paul Kenny, relative to signing a License Agreement for the Davis Property at Rt. 117, which allows Unisys to install monitoring wells to monitor pollution at the site, pursuant to an order of the DEP. On motion by Selectman Cope, it was unanimously

VOTED: To grant and to sign with the Park and Recreation Commission, a license for the benefit of Unisys Corporation of Blue Bell, Pennsylvania, to construct monitoring wells and obtain samples from said wells, on property known as the Davis Property, shown on Assessors' Town Property Map C10, Parcel 500.

Proclamation - Retirement of Sergeant William B. Carroll

It was on motion unanimously

VOTED: To issue a Proclamation in honor of Police Sergeant William B. Carroll on the occasion of his retirement on March 21, 1993.

Proclamation - Sudbury Earth Week and Spring Cleanup Day

It was on motion unanimously

VOTED: To proclaim the week of April 25 to May 1, 1993, as SUDBURY EARTH WEEK, and to designate May 1, 1993, as SPRING CLEANUP DAY in the Town of Sudbury.

Edwin Barrett Hosmer Memorial Fund - Expenditure

At the request of the Sudbury Historical Commission and upon receipt of a departmental bill voucher for the Edwin Barrett Hosmer Memorial Fund, dated March 7, 1993, it was on motion unanimously

VOTED: To authorize an expenditure in the amount of \$101.55 from the Edwin Barrett Hosmer Memorial Fund to pay telephone and miscellaneous expenses for the Hosmer House.

Massachusetts Municipal Association - Regarding Lottery Funds and State Gas Tax Revenue

In response to a communication dated March 5, 1993, from Massachusetts Municipal Association Executive Director Geoffrey Beckwith, relative to community assistance in advocating removing the cap on lottery funds for cities and towns, and increasing the municipal share of the state gas tax revenue, it was on motion unanimously

VOTED: To support the following two efforts of the Massachusetts Municipal Association: 1) removing the cap on lottery funds for cities and towns, and 2) increasing the municipal share of the state gas tax revenue.

Memorial Day Committee - Appointment

At the request of the Memorial Day Committee, and upon receipt of an application from George Cyr, dated March 11, 1993, it was on motion unanimously

VOTED: To appoint George Cyr, 1C Musketahquid Village, to the Memorial Day Committee, to replace Beverly Bentley who resigned April 30, 1992, for a term to expire April 30, 1995.

Veterans Advisory Committee - Appointment

On the recommendation of the Veterans Advisory Committee, it was on motion unanimously

VOTED: To appoint Winifred C. Grinnell, 32 Massasoit Avenue, to the Veterans Advisory Committee replacing Catherine Greene, whose term expired April 30, 1992, for a term to expire April 30, 1994.

Dunkin Donuts Hearing - Inclusion of Records - Ralph S. Tyler

The Board acknowledged receipt of a communication dated March 4, 1993 from Ralph S. Tyler requesting that the conditional approval by the Attorney General of Sudbury's Site Plan Special Permit, dated July 31, 1986 be included in the formal record of the Dunkin Donuts Public Hearing.

On the advise of Town Counsel and the recommendation of Executive Secretary Thompson to accept no further documentation because the hearing is declared closed, it was on motion unanimously

VOTED: To deny Mr. Ralph S. Tyler's request, dated March 4, 1993 that documents to which he made reference to at the Dunkin Donuts site plan hearing be added to the record of the Public Hearing.

Concord Street in Framingham - Bridge Repair

The Board acknowledged receipt of a communication dated March 1, 1993 from Framingham Planning Director Arthur T. Noonan, informing neighboring communities of the impending construction to repair the bridge over the Sudbury River on Concord Street in Framingham, and the fact that all bridge traffic will be closed, for a period of possibly one year.

It was noted that the construction will begin more specifically on March 23, 1993, and that notification of this construction and road closing be sent to the local press.

Public Hearing - Article 17 - Street Acceptances - 1993 Annual Town Meeting

Present: Conservation Commission Members Loring Schwarz, Cheryl Baggen, J. S. Yeo, Steven C. Roderick, and Robert A. Lancaster. Sudbury Residents Tom and Marie DeSisto, Jeffrey Jacobson, and Martine Cullen.

At 8:00 p.m. the Board convened a public hearing concerning the Board's intention to lay out the following ways for the Town's acceptance as public ways at the 1993 Annual Town Meeting under Article 17:

Atkinson Lane	Babe Ruth Drive
Perry Circle	Petersen Circle
Run Brook Circle	Stagecoard Drive
Whietail Lane	

The Board acknowledged receipt of the following communications:

1. Communication from the Planning Board dated January 14, 1993 with regard to their recommendations relative to the above streets.
2. Communication dated January 12, 1993 from Town Engineer I. William Place responding to the Conservation Commission's comments of December 17, 1992.
3. Communication dated January 5, 1993 from Executive Secretary Thompson to Town Counsel asking for help in resolving two issues; 1) Effectiveness in obtaining compliance with Conservation Commission Orders of Conditions, and 2) Internal mechanism to help coordinate efforts to avoid problems with resolving all issues involved with street acceptances.
4. Communicaiton dated December 17, 1993 from Conservation Coordinator Deborah Montemerlo outlining the Commission's recommendations for these streets.
5. Communication dated January 13, 1993 to Conservation Commission Chairman Frances H. Clark relative to the joint meeting held with the Conservation Commission and the Board of Selectmen on January 4, 1993.

Executive Secretary Thompson explained that the street acceptance process is very complicated and over the past few years, the experience has been that by the time Town Meeting arrives, many issues remain unresolved for one reason or another. Previously, the procedure was that the streets would not even come before the Board until all the outstanding issues were resolved. Because of the economy over the last few years with developers abandoning subdivisions and not following through as they should, the Board, in an effort to keep the process going, has proceeded to vote the layouts, sign them and include them in the Warrant for approval at Town Meeting. This has been done to try to accommodate the residents on these streets who want their streets accepted.

It is the hope of the Board that before Town Meeting, the Conservation Commission, Town Engineer and Planning Board can work out the existing problems on the streets. At Town Meeting, the Selectmen will present a motion for acceptance; however, the Board will not recommend that the streets be recorded or registered until all conditions are met. Mr. Thompson continued that these concerns wer raised at a previous informal hearing, and that the Board agreed to implement the same procedure this year--going to Town Meeting for approval, but not recording or registering the streets until all areas of concern have been complied with. The Board will condition the vote at Town Meeting for the streets.

The purpose of this hearing, noted Mr. Thompson, is to read off the streets and receive any comments from the residents.

Selectman Blacker commented that the Conservation Commission had met previously with regard to these streets and had documented their concerns. He questioned if the Town has received as-built plans, as were requested by the Conservation Commission. Ms. Cheryl Baggen noted that to the best of her knowledge and in the absence of the Conservation Coordinator, the Town has not received as-builts, and in fact, none of Conservation Commission's issues have been addressed.

Mr. Blacker asked if any new information has been received since the report, and their meeting with the Conservation Commission in January. Stagecoach Drive was mentioned relative to a plan for submitting a notice of intent to layout the street, and there was some question with regard to a bond posted by the builder. It was noted that the Conservation Commission does not have a bond and in fact, have had no hearing on Stagecoach Drive.

Selectman Blacker asked if the system for obtaining street acceptances works, because it seems that there are always several outstanding issues that do not get resolved until the night of Town Meeting. He questioned if it is not more feasible to return to the old procedure of not accepting the streets until all issues are resolved, and is it worth conducting all these hearings. Since nothing has been accomplished since January, Mr. Blacker believes that nothing will probably get done after Town Meeting.

Mr. Thompson informed that the legal procedure for street acceptances cannot be changed. While Mr. Blacker understands this, he suggested that the Board not vote its intention to lay out the streets just because the Town Engineer, Highway Department and Planning Board have recommended it--in the future when the initial meeting takes place for approval, do not approve it.

Secretary Thompson stated the Board could send an emphatic letter to the Planning Board and/or Town Engineer stating it is their intention not to vote to accept any streets until all outstanding issues have been resolved among the Town Engineer, Planning Board and Conservation Commission.

One of the problems, according to Mr. Thompson, is that the Town Engineer may not necessarily agree with the Conservation Commission and vice versa. There are technical issues related to engineering that are safe guarded by the posting of a bond. Conservation and Planning Board issues are different issues, but the fact remains that they all want to support each other.

Ms. Baggen suggested that, because the interests in the streets differ with the parties involved, a streamline process is needed with more initial input by the boards.

Selectman Blacker suggested that Town Counsel write an opinion of what is the basis for street acceptances by the Planning Board, Town Engineer and Conservation Commission--are there certain requirements that must be met. It was noted that all the Boards should get together and come to consensus with regard to their interests in the streets. Mr. Thompson remarked that the Boards do not need the Selectmen to work things out.

Selectman Cope commented that the Town Engineer does not say if holding off a vote of intent to accept streets would help him to complete the process, and she asked Ms. Baggen the same. Ms. Baggen replied that by voting to accept the streets at Town Meeting, despite unresolved issues, transfers the responsibility to the Town, rather than the responsible party and could prove to be costly to the Town.

Selectman Blacker offered to write out a question that asks who or what has to be satisfied in order to accept the street--Town Engineer, Conservation Commission or the Planning Board, separately and collectively. If the answer is all of them, remarked Mr. Blacker, the Town needs a different procedure.

Mr. Thomas DeSisto, 11 Perry Circle, remarked that he has two concerns with regard to Perry Circle; 1) A manhole situated in front of his driveway is lower than the street surface, and has become an icing problem as well as a catch basin for a lot of sand. Mr. DeSisto also mentioned that a teenage resident had a serious accident while riding his bike and hitting a manhole cover that was depressed. Several of the manholes in the neighborhood have been incorrectly set. 2) Drainage easement in front of their house has become a catch all and he fears it is not draining properly.

Mr. Jeffrey Jacobson, 28 Babe Ruth, questioned what the liability would be if the Town postponed a decision for a year relative to maintenance issues and liability and the fact that he has heard there is enough money to correct the problems related to the as-builts. Mr. Thompson stated that the homeowner is liable, thus the reason for expediting street acceptances, but not necessarily so the Town will be liable. The Town cannot repair the streets if they are private ways.

Secretary Thompson continued that the Town prefers to wait to accept streets until all issues have been resolved. Over the past few years, because of the economy, developers have abandoned subdivisions and have crowded homes and created problems with wetlands. Since the process is already underway, the Town will continue and re-evaluate the process next year.

Mr. Jacobson asked if the bonds were sufficient to cover the costs of the existing problems. Mr. Thompson responded that the bond is usually sufficient and that the Town is taking action where necessary to correct the problems. The problems are not just cosmetic, noted Mr. Thompson.

Mrs. W. Cullen, 15 Perry Circle, asked about the remaining property on Perry Circle. Ms. Baggen noted that all lots have been sold, but that work has not been done on the drainage because of the time of year, and that all conditions have not been complied with. In addition, she noted that there was a drainage miscalculation and there has been some flooding on two of the properties.

Ms. Joan Carroll, Stagecoach Drive, asked if the Board is allowing the streets to be included on the Warrant and go to Town Meeting for a vote. She noted that she would like clarification on what can be done in the future to correct these problems, and asked that each street be addressed at Town Meeting.

The question was asked what the developer's incentives are to correct these problems in a timely fashion. Mr. Thompson noted that, while the bond cannot be used to settle all problems, the bond will not be released to the developer until all problems are resolved. The developer does not want to have his money held, nor does he want several residents on his case.

1993 Annual Town Meeting - Article 12 - Voting Equipment - Joint Meeting

Present: Town Clerk Jean MacKenzie; David Palmer, LRPC, and Finance Committee Chairman James Haughey.

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The Board met jointly with the Finance Committee, Town Clerk, and Long Range Planning Committee to discuss Article 12 - Purchase Voting Equipment and future locations and methods of voting. Secretary Thompson referenced his memo to the Board dated March 1, 1993, relative to a meeting he had with Jean MacKenzie, Town Clerk and Dave Palmer, of the L.R.P.C. on February 11, 1993.

Mr. Thompson stated he hopes that the purpose of this joint meeting tonight is to arrive at a consensus on how to proceed with Article 12 at Town Meeting, and if there is inadequate support for the Article, does the Town proceed to implement precinct voting or do we continue as in the past. As everyone knows, the Article is in the Warrant, and the hope is that it will be supported.

Finance Committee Chairman James Haughey stated that the Finance Committee discussed this Article at their meeting last week and are not questioning Mrs. MacKenzie's choice of equipment, but have concerns regarding the cost of a new system at this time, particularly since the Town has had to deficit spend for snow and ice removal this winter. The Finance Committee, continued Mr. Haughey, does not have any concerns with regard to the number of sites for voting, or even for the moving and storage of equipment, but is concerned about an initial upfront cost of around \$40,000.

Mrs. MacKenzie noted that there are misunderstandings regarding elections with regard to keeping the old system and moving it to two locations. She explained that election requirements for primaries and state elections require that you have so many machines per party, as well as per precinct. The Town system at present does not cope with the number of registered voters, and it no longer meets the needs of the Town. The current machines cannot be used adequately when you do not have sites or public buildings to accommodate these machines, continued Mrs. MacKenzie.

Selectman Blacker commented that some people feel that purchasing new equipment is a necessity and some people feel it is a luxury. He believes that the Town is never going to have the money for new equipment because there will always be another expense that takes precedence. The only way it will happen is to, at some point in time, make the decision to make the change and spend the money. Mr. Blacker suggested amortizing the cost by municipal leasing the equipment.

Mr. Haughey concurred with Mr. Blacker that the Town is always a step short of deciding to purchase new equipment. He noted that the proposition has been before the Finance Committee for a couple of years. It was suggested that a five-year lease period would cost the Town around \$9,000 plus the cost of the ballots.

Mrs. MacKenzie noted that she has done a cost analysis for both a new system and for keeping the old one. She has concluded that elections are very expensive regardless and believes there are cost variables to both sides--new or old, with regard to the operating budget.

Selectman Blacker offered the suggestion that constables be hired instead of police officers for manning the elections. Mrs. MacKenzie stated that this is not a major cost--she mostly utilizes police officers for the 150 ft. mark for public safety reasons. Elections just always require a large number of people to perform several functions. Constables would not necessarily be cheaper than police officers, because they set their own rates and are well aware of what police officers command.

L.R.P.C. member Dave Palmer remarked that the L.R.P.C. is in favor of Article 12 because; a) They believe the Town is never going to have the money for new machines, and that it is not a lot of

money; 2) The machines are old, one-half were bought used thirty years ago; and 3) Failure rates are high on these machines, and the number of failures is increasing each year.

It was noted that there is no backup for this system. Paper ballots can be used, but there is no place to go to fill them out plus tallying the votes would be a problem.

Mrs. MacKenzie reported that the purchase price for this new system is not that high, and that the Town has the opportunity to purchase the system at a lower price because the machines have been used for demonstration purposes. The cost has increased steadily from 1986, when the Town first considered purchasing the equipment, and the price will continue to rise. The opportunity to purchase this system at this price will be gone by July 1, explained Mrs. MacKenzie, and noted that the advantage to having the machines now would insure adequate demonstration and familiarization time prior to the 1994 fall primary.

The question of how much it costs to run the elections on the current equipment versus what it would cost on the new equipment was discussed. It was concluded that it would cost approximately \$1500 to \$2000 more on the new equipment, which includes programming the machines and the printing of the ballots. Mrs. MacKenzie explained that State election ballots are printed by the State with no expense to the Town.

Secretary Thompson stated he will gather all the information and determine what the costs of the old system versus the costs of the new system will be and report back to the Board.

With regard to voting locations, Mrs. MacKenzie noted that it would be a good idea to establish one place for a Town election and practical to establish two places for other elections with four precincts. Mr. Thompson questioned if all voters would need to be notified if the polling place was changed. Mrs. MacKenzie noted that it would not be necessary if the polling place were established.

Chairman Drobinski stated that it is critical to obtain some consensus from the Finance Committee at Town Meeting about the purchase of new equipment, and asked how the need should be addressed at Town Meeting to convince the Town that the machines are needed. Mrs. MacKenzie responded that both she and Mr. Palmer believe the voters must have a system that is efficient and will provide them with an accurate vote. She believes that if the Town does not go forward, the voters are possibly being deprived of their right to vote.

Leasing of the machines and/or booths was discussed, and Selectman Blacker stated he would explore leasing possibilities and report back to the Board. One Finance Committee member noted that the Committee has talked about the concept of leasing many different times. He believes that the decision to purchase or acquire an asset should not be determined by a leasing or buying situation, but rather that it is a prudent decision to make, and believes that leasing may or may not make sense for the Town, but is not going to be a major determining factor.

Selectman Blacker noted that, where capital assets are concerned, it makes sense to budget them over a long period of time, as part of the operating budget, thereby paying a small amount each year. F. C. member stated that every department could do this, and would be playing in terms of the numbers relative to true costs and true liabilities. Mr. Drobinski stated that maybe the Town will have to make an exception to the rule.



Mr. Thompson remarked that the Town's financial structure is sound and that it has not entered into lease arrangements. The Stabilization Fund was set up for major purchases and the Finance Committee is very cautious about releasing funds.

Mrs. MacKenzie presented a scenario for people who do not support Article 12, yet support an override, being that the equipment now stored in Nixon School will have to be removed and stored elsewhere, and a location that can house the equipment will have to be found before the next election.

Secretary Thompson recommended that the Board support the purchase of the voting equipment and Chairman Drobinski concluded that the Board will bring present Article 12 at Town Meeting, and let the Town decide what to do.

Temporary Business Trailer Permit - Carnation Hill Nursery - Jeffrey E. Hawes

Present: Jeffrey E. Hawes; Paul McKeown; Abutters Mary Ann Clark, Marge Wallace, Glen Leaming.

Upon receipt of a communication dated March 11, 1993 from Building Inspector John B. Hepting, responding to Jeffrey E. Hawes claim that the property has been corrected from a zoning violation, the Board agreed to continue from February 22, 1993 a consideration of a request, dated February 10, 1993, from Jeffrey E. Hawes, Carnation Hill Nursery, for permission to place a temporary business trailer on Parcel L07-301, Town Property Map, Nobscot Road, to be used as a combination tool shed and office for a nursery operation, for a period of twelve months; conditioned upon approval and inspection of the installation by the Building Inspector, Health Director and Fire Chief.

The Board acknowledged receipt of the following additional correspondence since February 22, 1993:

- 1) Communication dated March 1, 1993 from Jeffrey E. Hawes stating that the zoning violation created by the presence of a landscape contracting business in a residential zone has been corrected.
- 2) Communication dated March 9, 1993 from Mr. Hepting to Attorney Mark Bobrowski, representing Mr. Hawes responding to Mr. Bobrowski letter of February 2, 1993 with regard to Mr. Bobrowski's statement of facts and argument relative to the proposed uses which are allowed in accordance with both the Town Zoning bylaw and MGL Chapter 40A, Section 3.
- 3) Communication dated March 11, 1993 from Mr. Hepting to the Board of Selectmen stating that he is in receipt of the above mentioned communication from Mr. Hawes, and stated that he visited the site to verify the removal of the business.

Executive Secretary Thompson reported that notification of this meeting was sent to the abutters. Mr. Hawes explained his request and noted the proposed location of the trailer. Mr. Thompson questioned the length of time the trailer will be in use. Mr. Hawes responded that he has asked for 12 months to insure against any delays of his intentions to construct a permanent structure similar to the structure seen at Sudbury Nursery.

Chairman Drobinski asked if the trailer would have septic. Mr. Hawes stated that it would not, just electrical power. Mrs. Cope asked if pesticides or inflammable liquids would be stored in the trailer and Mr. Hawes noted that not at the present time, but would obtain the necessary permits if he decided to

store those types of materials. Mr. Hawes further noted that the trailer would not be heated as it would not be in use in the winter.

Mr. Drobinski asked about the parking for the nursery and Mr. Hawes explained he would use the old paved portion off of Nobscot Rd., with the entrance toward Framingham. Mr. Hawes continued that the earth will be removed from the paved area and a general cleanup of the area will be done. Mr. Drobinski raised the question of ingress and egress with regard to the traffic in this area and stated that Mr. Hawes would need to talk with the Town Engineer about a driveway permit.

Chairman Drobinski voiced some concern with regard to visual impact for the immediate abutters on the location of the trailer, particularly being in a residential area for horticultural use, and question if there was a buffer. Mr. Hawes noted that there is no screening, but some landscaping could be done to help screen the trailer.

Selectman Cope asked Mr. Hawes to explain his plans for the nursery with regard to the size of the area to be planted, the type of nursery stock, etc. Mr. Hawes responded that one of the existing hayfields will be used for plantings, and eventually a second one. He noted that there are about 15 acres total. In addition to the existing greenhouses, he is considering adding some hoop houses.

Mr. George White, 186 Nobscot Road, commented that Mr. Hawes' grandmother is the owner of the property and questioned if Mr. Hawes has received her permission to obtain the trailer permit. Mr. White also expressed concerns with regard to the use of pesticides and fertilizers, which he said were necessary in the operation of a nursery, particularly with the drainage toward the water district property.

The question was asked if the nursery would be open to the public, or remain wholesale only. Mr. Hawes responded that it would most likely be open to both, but the primary emphasis would be wholesale, much like Sudbury Nursery.

Mr. White commented that he would rather see the entrance to the nursery off Rt. 20, rather than Nobscot Road which is dangerous because of high speed travelers and blinding sun at certain times of the day. Mr. Hawes stated this would not be possible since the property in question does not abut Rt. 20.

Selectman Cope asked about the status of the driveway permit, and what, if any are the special concerns. Mr. Hawes stated he is putting together the necessary requirements for a permit and that the Town Engineer want to see a topographic representation of the area for any possible drainage problems.

An additional concern of Mr. White's is the existance of landscape equipment on the property which leads him to believe the commercial landscape business is still in operation at this location. Mr. Paul McKeown, the owner of the commercial landscape business that has operated from this location, stated that he has moved from this location and it is no longer in operation at this location. Mr. McKeon noted that he had spent \$10,000 rennovating the area for a commercial landscape business only to be told by the Building Inspector that it was not an allowed use. The existing garage is being used as a garage for repairs, etc. and should be allowed to remain for this purpose, added Mr. McKeown.

Abutter, Marge Wallace, remarked that there are several pieces of landscape equipment that found their way back to the property after the Building Inspector's inspection. Mr. McKeown responded that at

least one of the pieces of equipment, a trailer, was never removed from the property, and exclaimed once again that no business is being conducted at this location.

Abutter Mary Ann Clark presented the Board with a copy of changes in the Hawes property for Fiscal 1993 and a map that she had obtained from the Assessor's office. The information presented identifies discrepancies with regard to the parcel in question and its location. According to Mrs. Clark's findings, new parcels are shown to have been created, and the parcel in question L07-301 is not in Ch61A, because it does not consist of 5 acres, and thus does not qualify for horticultural or agricultural use. In addition, Mrs. Clark noted the following concerns:

1. She is concerned that the petitioner is applying for a temporary business permit to serve as a tool shed and nursery operation, when at present, there are no plans and no nursery stock.

2. Question of what is allowed on residential property with regard to vehicles and/or equipment used for a business.

3. She shares the concerns of all the abutters that landscape equipment still exists on the property.

4. Ms. Clark noted that the bylaws (Ch.40A, s.3) state that products to be sold and produced on the property must be produced by the owner of the property, and that Mr. Hawes is not the owner of the property. The owners are elderly, and the grandfather is at a point where he cannot recognize people.

In summary, Mrs. Clark stated that; 1) It is unclear as to the lot involved L07-301, and if it is in Ch61A; 2) Use of the existing barn instead of a trailer and 3) The owner must produce the products for sale under Ch40A, s. 3.

Mr. Hawes responded that he has had conversation with his grandmother, but they did not discuss the separate lots. In response to the use of the barn rather than a trailer, Mr. Hawes stated that he cannot see the field from the barn. Chairman Drobinski noted that these are powerful technical issues that need to be examined, and is also concerned that there exists a subdivision of land outside the subdivision control act, and that the Board will need to know what is going on. Mr. Thompson noted that the Board cannot respond to what is accurate or what is not accurate until more information is available.

Another abutter, Mrs. Julie Johnson, 147 Nobscot Road, commented that she shares the other abutter's concerns with regard to the existence of landscape equipment on the property and fears the business is still ongoing. She noted that when they bought their house, they were under the impression that the property in question was zoned residential and that this type of business would not be allowed, and believes that the application for the trailer may be just the beginning of a commercial operation.

Ms. Wallace mentioned that the traffic is a big concern, particularly at this location. Even though there are no plans to store pesticides or fertilizer at the present time, she is concerned that this will be coming, and shares the abutter's concerns that this could become a large-scale operation. In addition, she does not believe the plans have been well thought out, as no driveway permit has been obtained yet. The trailer will be very visible for several of the abutters, concluded Ms. Wallace.

Mr. Glenn Leaming added the following: 1) The trailer size has grown; 2) Not an accurate picture of what is going to happen; 3) Drainage to the water district; and 4) Additional curb cuts on the curve on Nobscot Road will be dangerous.

Executive Secretary Thompson recommended the Board deny the request at this time because of the questions raised relative to the legitimacy of the Board to issue this permit, and because further items need to be addressed in the Industrial Trailer Permit under Section 2--B, C. D. & E.

Selectman Blacker remarked that he needs clarification with regard to which lot is being discussed--the questions of who, what and where need to be addressed.

On the recommendation of Executive Secretary Thompson and on motion by Chairman Drobinski, it was unanimously

VOTED: To deny consideration (continued from 2/22/93) of a request, dated February 10, 1993, from Jeffrey E. Hawes, Carnation Hill Nursery, for permission to place a temporary business trailer on Parcel L07-301, Town Property Map, Nobscot Road, to be used as a combination tool shed and office for a nursery operation, for a period of twelve months; conditioned upon approval and inspection of the installation by the Building Inspector, Health Director and Fire Chief.

Amend G.L. Ch. 44, S.7 (6) - Request to Sponsor Legislation

The Board acknowledged receipt of a communication dated March 15, 1993 from Secretary Thompson to Senator Robert A. Durand and Representative Nancy Evans.

On motion by Chairman Drobinski, it was unanimously

VOTED: To authorize the Executive Secretary to submit on its behalf a request to Senator Durand and Representative Evans to sponsor legislation which will amend Gen. Laws. Ch. 44, Sec. 7 (6) to allow appropriations for sidewalks constructed of bituminous concrete to be bonded.

1993 Annual Town Meeting - State of the Town Address

It was on motion unanimously

VOTED: To approve a draft State of the Town address prepared by the Executive Secretary for presentation to the Annual Town Meeting.

Further comments from the Board regarding this address may be forthcoming.

Goodnow Library - Use of Trust Funds

At the request of Library Director William R. Talentino in a communication dated March 9, 1993, it was on motion unanimously

VOTED: To amend the plan for use of Library trust funds by transferring \$2500 from the Large Capital Items Account to the Collection Development Account.

Site Plan Special Permit Application No. 92-316 - Decision

It was on motion unanimously

VOTED: To confirm approval of a Decision signed and filed with the Town Clerk on March 15, 1993, relative to Site Plan Special Permit Application No. 92-316 from Constantine Scrivanos for construction of a Dunkin Donuts restaurant at 378 Boston Post Road, and was properly executed before 5:00 p.m.

Emergency Deficit Spending - Highway Department

In response to a communication dated March 11, 1993 from Highway Surveyor Robert A. Noyes, again requesting authorization to deficit spend because of the frequency of storms being experienced, it was on motion unanimously

VOTED: To authorize additional emergency deficit expenditures, as allowed by G.L. c.44, sec. 31D, in the amount of \$10,000 for Snow and Ice Overtime Account 420-120.

1993 Annual Town Meeting - Discussion of Articles

The Board discussed several articles on the Warrant, in particular those articles where the Board's position at the present time is to report at Town Meeting. Selectman Cope commented that there should be a better system for reviewing the articles for the Warrant. Secretary Thompson stated that many articles come in late, thus delaying the Board's review.

Selectman Blacker commented that there are still articles on the warrant that he feels he cannot support, at least with their current wording. He believes that the Planning Board articles related to zoning are written so they will be defeated. The articles should be more specifically written to say what the Town needs to protect. With regard to the Water Resource Protection Districts, Mr. Blacker believes that the Planning Board should include in the article only what their concerns are as they are related to water resource protection and not combine it with anti-development provisions.

Selectman Cope questioned whether the Planning Board, if approached, could either drop or amend their articles. The Board questioned how and when they might get together to come to consensus on the articles. Secretary Thompson stated that a special meeting may need to be called by the Board to accomplish this, and that he will let the Board know as soon as possible.

Chairman Drobinski stated that the Board should select the articles that present concerns by the Board, and review them with the boards and committees involved.

Codjer Lane - Beer Can Littering - Irwin Leav

The Board acknowledged receipt of a communication dated February 25, 1993 from Mr. Irwin Leav, with regard to beer cans being thrown on the Leav's property for almost two years, and the fact that it is still happening. In a telephone response dated March 4, 1993, Lt. Ron Nix stated the Police Department has spent considerable time on this issue, without success to date, and that the Department will increase patrols and respond to the Leavs in writing. The Board agreed to also send a letter to the Leavs confirming the telephone conversation with Lt. Nix and stating the intentions of the Police Department.

Town Study - Talisman

Selectman Cope submitted a draft of a scope of services for the Board to review in relation to the pending Town government study by Talisman.

The Sudbury Foundation - Sudbury Village Project and Wood-Davison Restoration Project

The Board acknowledged receipt of a communication dated March 5, 1993 from The Sudbury Foundation Administrator Derry Tanner, with regard to a grant awarded in 1990 to the Town of Sudbury for the Sudbury Village Project in 1990. Because the funds have not been spent, the Foundation is asking for a return of the grant award. In addition, Mrs. Tanner is asking for an update on the Wood-Davison project to determine how to proceed with the grant award for that project, which includes plans to establish a Town Museum.

It was agreed executive Secretary Thompson would prepare a response incorporating wording from a draft reply by Selectman Cope.

Sudbury Villagers Club - Donation for Town Museum

The Board acknowledged receipt of a communication dated February 16, 1993 from Joan L. Lyle, Chairman, Civic Relations for the Sudbury Villagers Club. Since the project for converting the Wood-Davison house into a Town Museum has not come to fruition, the Sudbury Villagers Club asked that their donation to this project in the amount of \$500 be returned to them to be used for another charitable purpose.

In accordance with Town Counsel, Paul Kenny's response, dated March 5, 1993, that the Town cannot return the money because it constitutes a completed gift to the Town, the Board agreed to notify the Sudbury Villagers Club accordingly; however, because there still seems to be some uncertainty, Mr. Thompson stated he would revisit this issue with Mr. Kenny.

Board of Selectmen Meeting Cancellation - April 5 and 6, 1993

It was on motion unanimously

VOTED: To cancel the Board of Selectmen's scheduled meetings on Monday, April 5, 1993, at 7:00 p.m. and Tuesday, April 6, 1993, at 7:00 p.m. at the Lincoln-Sudbury Regional High School.

Control of Town Vehicles

The Board acknowledged receipt of a communication dated March 4, 1993, from Town Counsel Paul L. Kenny with regard to control of Town vehicles, stating the two divisions. Selectman Cope requested this communication be sent to the Finance Committee, Negotiating Advisory Committee and the Long Range Planning Committee, noting that the Board of Selectmen are responsible for only three vehicles and that the Board feels that the withholding tax statements that are now being issued will alleviate their concerns.

MetroWest

Selectman Cope reported she talked with several people at a recent MetroWest meeting with regard to Dunkin Donut Restaurants in different towns and learned first hand that the restaurants generate a lot of traffic. With regard to the Rt. 20 improvements, Mrs. Cope stated she believes she understands why Sudbury has been overlooked at the present time, and is anxious because Wayland has been getting improvements approved. She noted that she will be talking with an analysis team from the MAPC to determine what the requirements are to be included for consideration of funds.

Mrs. Cope commented that she also talked with people from Natick with regard to bylaw recodification, who informed her that it was very time consuming and difficult and took about two years to complete the project. Mrs. Cope stated she is in favor of asking for volunteers to do this task for Sudbury, and feels optimistic that it could be accomplished in this manner.

Pool Advisory Committee

Selectman Cope reported that the Pool Advisory Committee is concerned about what their role is now that the study for the pool has been completed. Mr. Thompson responded that the Park and Recreation Commission should be informing the Committee of any further duties.

Seniors - Concerns

From a meeting with the Seniors, Mrs. Cope reiterated their concerns with regard to housing and the fact that there are no apartments in Town, which presents a problem. Mrs. Cope stated that they will meet with Virginia Howard of the Sudbury Housing Authority and relate concerns. Also, the Seniors are very concerned that Drew Goodwin will be losing his position at the landfill, and wish he would stay because he has been very helpful and kind to them.

Sudbury Housing Authority - Appointment

The Board acknowledged receipt of a communication, dated March 11, 1993, from Sudbury Housing Authority (SHA) Director Jo-Ann Howe requesting the Board send a letter to the Executive Office of Communities and Development (EOCD) in support of the EOCD's appointment of Jeanne Rowlands to the open position on the SHA, which enclosed a copy of Mrs. Howe's letter to EOCD Secretary, Mary Padula, dated March 11, 1993, requesting that EOCD respond to Mrs. Rowland's application, dated nearly a year ago, April 15, 1992.

On the recommendation of the Sudbury Housing Authority, the Board agreed to send a letter to EOCD supporting the Appointment of Jeanne Rowlands for the position on the Sudbury Housing Authority, and send a copy to State Representative, Hasty Evans.

Interstate Gas and Oil Corp., 293 Nobscot Road - Lexwood, Inc.

The Board acknowledged receipt of the following communications:

1. Communication dated January 22, 1993, from Sudbury Water District Superintendent Richard P. Carroll to Kyle Macafee, Department of Environmental Protection (DEP) requesting information with

regard to a time schedule for removal of the leaky tank and of the contamination below and around the tank.

2. Communications dated March 2, 1993, and February 19, 1993, to Kyle Macafee, DEP from Lexwood, Inc., outlining their findings with regard to soil samples collected in wetlands downgradient of this site on February 10 and 11, 1993.

3. Communication dated March 11, 1993, from Health Director Robert C. Leupold in response to Selectman Cope's request for an update concerning cleanup at Interstate Oil and Cumberland Farms.

4. Communication dated March 11, 1993, from Fire Chief Michael C. Dunne including test results for the two 20,000 gallon tanks currently at Interstate Gas & Oil, and a copy of a letter Chief Dunne sent to Cutter Protective Coating Company requesting information on how the relining of these tanks was done in 1987.

In response to Mr. Leupold's comment, in his communication dated March 11, 1993, that a letter from the Selectmen to DEP representative Kyle Macafee would enforce the Town's concerns, Selectman Cope requested that the Board follow through with Mr. Leupold's recommendation to send a letter to DEP expressing the Town's concern regarding the two remaining tanks.

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

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