

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 20, 1995

Present: Maryann K. Clark and Lawrence Blacker.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall by Vice Chairman Clark.

Public Hearing - License Renewal - Interstate Gas & Oil Corporation

Present: George Bell, Owner, and Dave Eagle of Interstate Gas & Oil Corporation, and Tony Mariano of Growth Environmental Services, Inc., Chelmsford, MA.

The Board convened a public hearing to consider the application of Interstate Gas & Oil Corp. for a revised license to store inflammables, underground, on property located at 239 Nobscot Rd., Sudbury, as follows: 40,000 gallons #2 fuel oil and 9,900 gallons diesel fuel oil, for a total storage of 49,900 gallons. The new license will replace the 1953-approved storage of 59,900 gallons comprised of 40,000 gallons #2 fuel oil, 10,000 gallons #1 fuel oil (eliminated), and 9,900 gallons gasoline (changed to diesel fuel oil).

The public hearing was advertised in the Sudbury Town Crier on November 2, 1995. Abutters according to the Assessors were provided with written notice by certified mail. Additionally, the Fire Chief, Health Director and Building Inspector were provided notice for reports by November 15, 1995.

The Board acknowledged receipt of the following:

1. Application for License, dated October 24, 1995, for storage of #2 fuel in two 20,000 tanks and diesel fuel in one 9,900 tank, underground, signed by George H. Bell, of 239 Nobscot Rd., Sudbury and Fire Chief Michael Dunne.
2. Letter from George H. Bell, dated October 23, 1995, stating that on January 28, 1993, Interstate Gas and Oil Corporation had removed their 10,000 gallon #1 kerosene tank and want to update their license. The letter further states that their 9,900 gallon gasoline tank is now used as a diesel fuel tank.
3. Copy of a plot plan, dated April 24, 1953, entitled, "Plan of Land in Sudbury, Mass." by MacCarthy Engineering Service, Inc., Natick, MA, showing site of Interstate Gas & Oil Corp. and underground storage tanks with notation showing tank removed.
4. Memo from Fire Chief Michael C. Dunne, dated October 30, 1995, stating that the Fire Department supports the request to revise the license to store inflammables underground at 239 Nobscot Road and that this modification will eliminate the most flammable product, gasoline, and will bring the licensing of other products into conformance with actual storage in the tanks.
5. Favorable recommendations received verbally from the Building Inspector, Nov. 8, 1995, and from the Health Director, Nov. 17, 1995.

6. Copy of a bill to George Bell from Lexwood, Inc., Chelmsford, MA, dated February 16, 1995, for the removal of a 10,000 gallon underground storage tank.

a. Copy of tank removal permit from the Department of Public Safety Division of Fire Prevention and Regulation, dated January 28, 1993.

b. Copy of tank disposal receipt from John C. Tombarello & Sons, dated Jan. 28, 1993.

7. Copy of a plot plan, dated Oct. 4, 1995, entitled, "Interstate Gas & Oil, Figure 2, Site Plan" by Growth Environmental Services, Inc., Chelmsford, MA, showing Interstate Gas & Oil storage tanks, the oil/water separator, the monitoring and recovery wells and the storm drain on the property at 239 Nobscot Road. (Received during meeting.)

Mr. Eagle stated to the Board that Mr. Bell is appearing before the Selectmen because he wishes to bring his 1953 license up to date.

Selectman Clark asked for questions from the Board and Selectman Blacker asked if Mr. Bell will be putting in new tanks; he received a negative answer. Ms. Clark asked about the age of the tanks and was told they are about 35 to 40 years old. Ms. Clark asked if the tanks are double tanks and was told by Mr. Eagle that they are not, but that they have been sealed and relined with fiberglass. In answer to Selectman Blacker's question as to when they were relined, Mr. Eagle stated that this was done four years ago for one tank and seven years ago for the other. Mr. Eagle continued that a state-of-the-art system has been installed that will tell if there is any leakage.

Selectman Clark then stated that she has several concerns about this site. The plot plan given to the Selectmen with this application is quite dated--1953--and does not show the current structure on the site. It does show the prior McGovern building (photo shop). Mr. Bell stated that the building has always been the same, that he had rented that space. Ms. Clark reiterated that the building on the site now is not shown on the 1953 plot plan and Mr. Bell responded that the 1953 plan was the only plot plan he had. Ms. Clark said that what is submitted to the Selectmen should be accompanied by a current plot plan, even if only hand-drawn. In response, Mr. Eagle said that he brought a plot plan to this meeting which was recently done by Growth Environmental Services. He then showed this current plot plan to the Selectmen and answered their questions as to the placement of structures on the site. Interim Town Manager asked if Fire Chief Michael Dunne has a copy of this current plan and Mr. Eagle answered in the affirmative. A copy was given to the Board as noted above under item 7.

Selectman Clark then stated that the site is currently listed by the DEP as a hazardous waste clean-up site and asked if the applicants have a letter as to the status of the clean-up. Mr. Tony Mariano answered that although the site is indeed currently listed as a clean-up site by the DEP, Growth Environmental Services has been doing assessment work on site and has been finding that they are meeting the strictest standards of the DEP. Ms. Clark asked Mr. Mariano if his function was strictly concerned with clean-up and received an affirmative answer. Mr. Mariano further said that his firm has been working with the DEP on assessment of ground water. Ms. Clark then asked if the DEP has requested any control-containment measures for storage and for tanks and trucks. Mr. Eagle answered that there is a plan on file already for containment measures submitted to the Town; this plan was upgraded last year. He said he believed this plan has been on file with the DEP, and that Fire Chief Dunne has had a copy of this plan for at least two years. He said that the tanks were tested again this

year as Chief Dunne requested. Mr. Eagle said that the tanks have been lined, providing cathodic protection to meet the regulations of the EPA which will take effect in 1998 and which will require overfill protection and audible and visual alarms. Mr. Eagle said that Mr. Bell is able to run a tape at any time on the tanks to test them; the connections are hooked up inside the building.

Selectman Clark then stated that she had talked with Town Planner Jody Kablack who suggested that she talk with Town Engineer I. William Place, but Ms. Clark said she had not been able to talk with Mr. Place before the hearing. Ms. Clark said she thought Fire Chief Dunne said there would be new double steel tanks installed. Mr. Eagle answered in the negative. Ms. Clark stated the following: because the tanks are less than ten feet away from the drainage easement and because drainage flows toward Town wells, the spill that occurred on the site went in the direction of the wells; since the applicant is seeking to upgrade the license, now would be the time to take measures to prevent a recurrence of this spill; she suggested a double steel walled pipe flowing into a double walled holding tank so that if there ever is a rupture, that material will end up in a holding tank and could be pumped out before it gets into the environment; as to tank trucks (which need interior parking to prevent vandalism) she suggested a containment and impoundment area which would need an impervious surface, e.g. concrete; this area would need a berm of at least six inches on three sides so that a truck could back in, but the back would have to be lower so that if there is a rupture, it stays right in the area; the Star Market has a similar set-up for its truck bays, as the DEP requires for containment. Ms. Clark would like Interstate Gas & Oil to consider these suggestions by way of a restriction on the license update, but that she intends to get the opinion of the Town Engineer as well.

Mr. Eagle responded that Mr. Bell has already spent \$135,000 to update and to take the precautions necessary for overfill protection, including relining the tanks. He said that the double-walled tank requirement would be for a person putting in new tanks underground now. He reiterated that Mr. Bell has taken steps to meet the 1998 regulations as to cathodic protection. He said that if Mr. Bell were to be required to remove his tanks and put in double-walled tanks, the cost would be prohibitive. Ms. Clark inquired as to whether or not the 21J statute would provide funds for situations like this one, but Mr. Eagle said that 21J only applies for diesel and gas situations and Mr. Bell stores diesel and home heating fuel oil; Mr. Eagle said that he had wanted to use the coverage of 21J because of the diesel tank, but was told it would be impossible because the tank for gas had been removed.

Selectman Clark stated that she would suggest a landscape buffer, pursuant to Zoning Bylaw Article IX.V.A.7.i.4), of not less than 20 feet in width between the street and the building or the parking lot; she suggested that this buffer be installed along the road and broken by a vehicular access driveway into the lot, preferably on the northeast side as the wetlands are too close to the other side. She said that Chairman Drobinski shares her concern for spill containment. She reiterated that the Town Planner suggested that the Town Engineer review these plans and give his recommendations before the Selectmen make a decision. To that end, Selectman Clark said she would like to continue the hearing until Dec. 4, 1995 and get the Town Engineer's recommendations in the meantime.

Selectman Blacker then asked about the past oil spill; he asked if the spill was from a truck and was told that it was not, but rather from a tank. Mr. Blacker asked how many years Mr. Bell had been in business in Sudbury and was told 43 years. Mr. Blacker asked if in all those years there had ever been any leakage from a truck and was told that there was not. Mr. Eagle said that all but 50 pounds of the spill was picked up by the gas and oil separator. Ms. Clark inquired as to where the separator was shown

on the plot plan and Mr. Eagle showed her the location on the plan. He said that there is a pump-out annually as required by State regulations. Ms. Clark asked how long the clean-up will take but Mr. Mariano responded that there is no clean-up going on. Mr. Eagle said that Mobil still has an open site; they are pumping it; it was tested three weeks ago and are in the process of getting it off the site list. Mr. Blacker asked for a clarification that there is nothing to do on the site of Interstate Gas & Oil and was told by Mr. Eagle that all that should be done has been done already. Mr. Eagle said that Mr. Bell does about Mobil and showed the Selectmen on the map Mobil's position in relation to Interstate Gas & Oil. Mr. Bell reiterated that there is no kerosene left on his property; he said that it was kerosene involved in the spill but a separator caught it and now there is no kerosene on site.

Interim Town Manager Thompson suggested that the hearing be continued to Dec. 4, 1995 at 7:45 p.m. He queried, however, if applying site plan restrictions is appropriate. Ms. Clark said that Ms. Kablack suggested that whenever there is an alteration that is an improvement then site plan rules should be followed. Mr. Blacker interjected that in this case there is no alteration; he said that nothing is changing but the wording from kerosene to home heating fuel. He said that the applicant is seeking a wording change because the current license lists the wrong product and Mr. Bell wishes to correct the record.

Mr. Eagle stated that 21J requires that the license be current and Mr. Bell is only trying to see that his license reads properly; he said there is no new construction to be undertaken; there has been a change in products and a downsizing in storage facilities. He said that this application came before the Selectmen because the spill containment measures have been taken and Mr. Bell wants to be taken off the listed site list.

Selectman Blacker repeated that Mr. Bell seeks to conform his license to actual use.

It was on motion unanimously

VOTED: To continue the public hearing in consideration of the application of Interstate Gas & Oil Corp. for a revised license to store inflammables underground on property located at 239 Nobscot Road, to December 4, 1995 at 7:45 p.m. for the purpose of receiving input from Chairman Drobinski and from Town Engineer I. William Place.

Informational Meeting - Joseph Valle of The Green Company

Present: Myron Fox, Attorney representing The Green Company, Inc., Joseph R. Valle, President, and Tony Green, of The Green Company, Inc..

The Board acknowledged receipt of a copy of letter to Interim Town Manager Thompson, dated November 10, 1995, from Joseph Valle, requesting a brief meeting with the Board to inform it of The Green Company's plans to develop land in Sudbury. Also received were the following:

1. A two-page report on the corporate background of The Green Company.
2. A two-page fact sheet on other Green Company communities.
3. A plot plan showing the area of the proposed development.

4. A two-page outline of considerations for attached housing by special permit.

Attorney Myron Fox introduced himself as an attorney for The Green Company and stated that the company has an exciting idea relative to people who have lived in Sudbury for several years, whose homes have appreciated, and who wish to remain in Sudbury but not in their large, single family homes. Mr. Fox then introduced Joseph Valle, President, and Tony Green, of The Green Company.

Mr. Valle presented as follows to the Board: He hopes to give the Selectmen an idea of what his firm hopes to accomplish in Sudbury. His firm has been in the real estate business since 1912, but for the past 30 years has concentrated on attached, empty-nester housing in a number of communities. The Green Company came to Sudbury looking for a parcel of land and met with Mr. Adam Weisblatt, who owns approximately 45 acres in Town which are bordered by Dudley Road and the Boy Scout Reservation Land. He thinks that this land would be appropriate for The Green Company's purposes, given its topography. His firm does its own construction, its own sales and marketing and has an in-house property management group, which has been retained by most of the communities where they have built homes. The idea his company is proposing involves going before the Planning Board in an attempt to create a zoning bylaw in Town to allow attached, single-family homes designed for empty-nesters, for those residents ready to move out of their existing homes, but move laterally in Town. In general, his firm seeks to provide alternatives which would allow residents to stay in Sudbury. Further, the housing The Green Company would create would have little impact on Town services--plowing is private, maintenance and all the infra-structure would be privately maintained. Also, such a development would provide an opportunity to create open space with significant buffers--housing the company builds is seldom seen from the road, so from a visual perspective, this provides flexibility in the land plan, i.e. a piece of land which would otherwise be difficult to build on can be utilized. Such a development would have advantages in its impact on the Town. The Green Company has been successfully building such communities for the past 30 years.

Selectman Clark asked for a clarification as to the building of Mainstone in Wayland. Mr. Valle explained the history of that property's development. He then said that his firm has met with the Planning Board and that Board asked them to provide them with some criteria for zoning. He said that they will again meet with the Planning Board on November 21, 1995, and hopefully they will allow The Green Company to work with the Town; if not, the company will gracefully back down. Ms. Clark then asked for Mr. Valle's definition in the proposed bylaw of "mature" community and Mr. Valle said that in the company's experience, the age of the interested buyer has been 99% over 50 or 55, with children finished with college or perhaps one child left in college, but no children at home. He said that the typical buyer wants smaller space, fewer bedrooms. In terms of travel impact on the Town, Mr. Valle said that there is about 1/3 of the usual impact of a 4-bedroom private home area, as there are no trips to children's sports, etc.

Selectman Clark asked about the price range and Mr. Valle estimated it to be \$400,000 to \$500,000 and up; he said that a town such as Sudbury could support this price. Ms. Clark stated that this was a higher price than in Wayland and Mr. Valle agreed that there the average price was \$425,000, but for smaller homes. Selectman Clark said that three bedrooms would not make the new housing much different from already existing single-family homes and Selectman Blacker stated that it is not how many bedrooms that is the issue but rather use of space; he said that perhaps the same number of square feet may be involved, but a creative use of space may make this housing very different from the traditional single-family home. Interim Town Manager Thompson said that he thought there was a range of prices in

Wayland and Mr. Valle said that the average was \$425,000, with smaller homes starting at \$380,000. Mr. Green said that the different sizes of homes and different locations would affect the price, e.g. better views would make a home more expensive. Ms. Clark said that Mainstone is not as hilly as this site in Sudbury and Mr. Valle agreed that the Sudbury land being considered is much more like The Ledges in Winchester than it is like Mainstone in Wayland. He said that the advantages to a site like this are obviously the views, but also the deep plateaus on which to build and the significant natural buffer. Ms. Clark asked Mr. Valle how the drainage would be worked out and he responded by good engineering. Ms. Clark asked if there would be on-site collection areas and Mr. Valle said that they would be employed to the extent that they are needed, e.g. retention ponds and basins. Ms. Clark asked how the septic system would be handled and Mr. Valle said that the company is anticipating a waste water treatment plant. Ms. Clark told Mr. Valle that the proposed parcel is a short distance from a seven-acre parcel that was perked and failed; she said that out of seven acres all that was allowed were two house lots. Mr. Valle responded that the company has not done any perk tests yet and that if the perk tests fail, they will not seek to build.

Selectman Clark said that in their proposed bylaw change, The Green Company added a density factor and that she feels that the end result would exceed the character of the neighborhood--it would be too dense. She quoted the proposal as "one dwelling per acre x a density factor of one and 1/2 to 2." Ms. Clark said she felt that this would really increase the density to well beyond what the character of the neighborhood is and that it would change the neighborhood. Mr. Valle responded that even with more density there would still be significantly more open space and there would be many less bedrooms.

Ms. Clark told Mr. Valle that the parcel of land he is considering is in Zone 3, right next to Zone 2 in the water aquifer protection area, which limits impervious materials to 50% of the lot. She said that just by the density proposed it would be surpassing that 50%. Ms. Clark said that even though the parcel is in Zone 3, this still raises a flag of concern as it is so close to Zone 2.

Selectman Blacker asked Mr. Valle if he were to build using the formula mentioned above, how much land would be used to put in 60 units of housing, including land for a small front yard. Mr. Green responded for Mr. Valle that there would be a significant amount of open space left on the site, not only outside the periphery but also internal open space. He used Mainstone in Wayland as an comparison example: there are 136 homes on 30 buildable acres. Mr. Valle stated that if the Planning Board allows them to proceed, the company would do a grand plan and then meet with the Selectmen and the neighbors again.

Selectman Blacker stated here that he is 150% in favor of this idea. He said he is not concerned with Zone 3 or Zone 2 as every property in Zone 3 abuts Zone 2, which in his opinion renders this concern meaningless. He would, however, like to see buffers around the property; as in Mainstone, which is well-hidden from the road. He stated that he would like to see more rather than less of developments such as this one. He said it is a win/win situation for the Town in which taxes come in without services going out. He said that at first he had hoped a similar project could be done on the Fort Devens Annex land, which would not have been steep and hilly as this site, but that is not possible now. Finally, Mr. Blacker said that the idea of so many units at no expense to the Town, in his opinion, represents nothing negative, since any builder could propose a 30-lot subdivision for Mr. Weisblatt's land. Mr. Blacker concluded by saying that his remarks in favor are conditional upon proper buffering and access to Rte. 20. Mr. Green then showed the Selectmen the access route to Rte. 20 on the map.

Interim Town Manager Thompson stated that Chairman Drobinski had made favorable comments and was impressed with this proposal. At this point, Selectman Clark opened up the hearing to comments from the public.

Nancy Vanderslice of 96 Dudley Road stated the following: She has lived through other building and construction on Dudley Road, accompanied by blasting. The result to her was water in her basement. She asked how badly the land would be gouged by the building proposed. Also, as water runs downhill, she said this is a great concern to her. Mr. Valle answered that his company would be happy to speak with neighbors at any time. He acknowledged that there will be blasting and removal of trees. He said that what the company does on a difficult site is to survey all the abutters and go to view all the existing conditions to see about their concerns, so that the company can address these to the best extent possible. He said the company would tell the neighbors if it feels there will be problems created by the work to be done. He said his company has been 35 years in the current business. He said that it is his sense that the sloped land would not be touched; he said that he feels the company will be working on the top and not on the slopes. Ms. Vanderslice asked if the company would provide her with names of people with whom she could speak--names of people who abut other such properties built by The Green Company, and Mr. Valle answered in the affirmative.

Richard Vanderslice of 96 Dudley Road said that when Adams Road was developed across the street from his driveway, he had allowed the easement for drainage. However, Mr. Vanderslice said that the drainage was engineered poorly; there had always been a drainage problem along Dudley Road, which got worse when Adams Road was created and the end result to him was that he now needs a sump pump. He said that when he asked how he would be compensated if he got water in his basement, he was told to sue the people who own the property! Mr. Vanderslice said that he will remain very skeptical until he gets assurances this time that there will not be further negative impact on his property. Mr. Valle responded that he respects Mr. Vanderslice's opposition and stated that if Mr. Vanderslice is not comfortable with the plans he should not be in favor of them. Mr. Vanderslice replied that The Green Company has a good reputation and that he is in favor of the idea, but is waiting to see how the idea is implemented.

Edward Kreitsek of 59 Dudley Road spoke here: He said he is a literal abutter, one property removed from the Weisblatt property. Over the years he has heard talk of the development of this property and, in fact, always assumed it would someday be developed. He has said many times that a resident will not win in a fight to stop development; rather, a resident would be fortunate if he can at least direct development in a favorable manner. Mr. Kreitsek said that the Town should encourage the concept of an elder care facility in the interests of all parts of the population. He said that at present, the 40 to 60 thousand square foot residence is just about the only way people live in Sudbury. He said that at a recent meeting of senior citizens, he realized that many of them do not live in Sudbury, but rather live in neighboring towns such as Marlboro, Maynard and Acton. He said these people have lived in Sudbury but cannot afford to stay here and yet desire to stay nearby. Yet, they have been ruled out of Sudbury by our zoning bylaws. Mr. Kreitsek said we need heterogeneous facilities, e.g. apartment-type dwellings. He said he encourages very strongly the opening of zoning to allow support of a heterogeneous population. He said that he knows this particular land well, as he has done cross-country skiing there. Further, he said that the usual development of single-family homes would be disappointing, compared to a situation where perhaps 25 acres of the 45 were left open by cluster zoning, allowing a large part of acres left for such uses as cross-country skiing. Mr. Kreitsek concluded that he does not know if this is the correct site for The Green Company's proposal, but he is sure that the Weisblatt property will be

developed someday and the Town should look favorably on this current proposal as perhaps the right one at the right time.

Selectman Clark asked Mr. Valle here about the amount of open space likely in this proposal. He responded that the company's current thinking is for substantially beyond 35% open space.

Selectman Clark then thanked Mr. Valle and Mr. Green for their presentation.

Meeting with Mark Kablack - Resource Recovery Committee

Present: Mark Kablack of the Resource Recovery Committee and Don Leistikow, Executive Director of the Coalition for North Central Waste Management (CONCEWM), Ayer, MA.

The Board acknowledged receipt of the following:

1. Copy of an invoice from CONCEWM to the Town of Sudbury in the amount of \$5,025.30 for membership fees for the period July 1, 1995 to June 30, 1996.
2. Letter dated November 15, 1995 to the Board from CONCEWM on the subject of membership renewal of the Town with this regional non-profit recycling cooperative.
3. Copy of CONCEWM's Material Movement Information Summary for FY95 (nine pages).
4. Copy of CONCEWM's Material Movement Information Summary for the period 7/1/95 to 10/31/95 (three pages).
5. Copy of CONCEWM's Regional Baler Preliminary Proposal (nine pages).
6. Copy of CONCEWM's Requested Action Items for the Board of Selectmen meeting of November 20, 1995.

The Board heard the report of Mr. Kablack and Mr. Leistikow in detail and reviewed with them their proposal for a consortium to purchase a baler. The Board will be awaiting further information from Mr. Leistikow on his success at doing a financial analysis through the DEP.

The Selectmen concurred in their requested action items as follows: 1. to re-authorize CONCEWM membership for FY96, and 2. to support "fast-tracking" CONCEWM regional Technical Assistance Grant Request (\$35,000) to DEP to develop formal business plan for regional recycling facility. Mr. Kablack stated that he hopes the Selectmen will appoint two members to represent the Town on the Board of CONCEWM and offered the names of Robert Noyes, with I. William Place as an alternate. The Selectmen concurred and Interim Town Manager Thompson stated that he would follow-up on this on behalf of the Board.

It was on motion unanimously

VOTED: To appoint Robert Noyes to represent the Town of Sudbury on the Board of CONCEWM, with Town Engineer I. William Place as an alternate.

Minutes

Subject to Chairman Drobinski's comments, it was on motion unanimously

VOTED: To approve the regular session minutes of November 6, 1995, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$92.80 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.

D.A.R.E. Program Donation

The Board acknowledged receipt of a letter from D.A.R.E. Officer Ronald B. Conrado, dated November 10, 1995, stating that the D.A.R.E. Program received a donation of \$90.00 from Berlin Auto Parts, Inc., 76 Coburn Road, Berlin, MA (from the donation of three vehicles, at \$30 per vehicle, during the month of October, 1995).

It was on motion unanimously

VOTED: To accept with the Town's thanks \$90.00 from Berlin Auto Parts to be deposited into the D.A.R.E. Program Account, and to authorize the Police Chief to expend same for the D.A.R.E. Program.

Grant from Underground Storage Tank Petroleum Product Cleanup Fund

The Board acknowledged receipt of a copy of a letter to Fire Chief Michael Dunne from William Alpine and Stephen Coan of the Administrative Review Board of the Department of Public Safety, dated September 25, 1995, approving Fire Chief Dunne's request for a grant of \$250.00.

It was on motion unanimously

VOTED: To accept on behalf of the Town a grant from the Underground Storage Tank Petroleum Product Cleanup Fund in the amount of \$250, for deposit into the General Fund.

Annual Town Report

The Board acknowledged receipt of a memo to Interim Town Manager Thompson from the Administrative Assistant to the Selectmen and the Town Report Committee Chairman which listed three quotations received for the printing of the annual Town Report: from Graphic Illusions of Dennisport, MA, Athol Press of Athol, MA, and Picken Printing of North Chelmsford, MA, and Mr. Thompson

recommended that the Town contract with Graphic Illusions to print its 1995 Town Report on recycled paper.

It was on motion unanimously

VOTED: To authorize the Interim Town Manager to contract with Graphic Illusions of Dennisport, MA, for printing the 1995 Annual Town Report using recycled paper at a cost of \$65.30/page for typeset pages and \$55.61/page for camera-ready pages.

Small Commercial Exemption

The Board acknowledged receipt of a memo from Daniel A. Loughlin for the Board of Assessors, dated November 6, 1995, asking for its decision as to whether or not it plans to vote for a small commercial exemption in setting the FY96 tax rate and enclosing the study undertaken by the Assessors after the tax classification hearing in December, 1994. Included were a definition of the small commercial exemption and examples of its application.

Selectman Clark stated that she favors the idea and has talked to Dan Loughlin about this issue and asked him about his knowledge of any other towns adopting this idea. He had responded that he knows of none, since this was so recently enacted (1993). Ms. Clark said she asked Mr. Loughlin about using an exemption smaller than 10% e.g. 5%. He had confirmed that the Selectmen can elect to give a small exemption up to 10%, provided the property in question meets the conditions of being assessed under one million dollars, is occupied by a small business and has less than ten employees.

Interim Town Manager Thompson said he had talked with Chairman Drobinski and he indicated he may support some degree of exemption after hearing from the business community. Mr. Thompson further stated that the Chamber of Commerce meets on November 29, 1995 and Dan Loughlin is to be the guest speaker on the subject of local taxes. Mr. Thompson opined that the Board needs input from the Chamber of Commerce, but that Mr. Loughlin wishes an opinion as soon as possible.

Selectman Blacker stated that the Chamber of Commerce is the body impacted by this change. He further said that just because a person may have a building assessed for more than a million dollars, that does not necessarily mean that person owns a large business. He said that Raytheon and Chiswick are examples of large businesses, but other businesses in large buildings may not be.

Selectman Clark wondered if the Board should take an informal vote in the absence of Chairman Drobinski, to let the Chamber of Commerce know what the Selectmen think on this issue. Mr. Thompson said that perhaps such a vote would be helpful but that the law being studied is fairly new; this Board has never adopted an exemption such as this, although it can also adopt one for lower priced homes.

Selectman Blacker clarified here that the issue of price was not integral to the exemption but the issue of occupancy vs. rental; i.e., if you are a resident vs. a non-resident. Mr. Thompson asked if the residential exemption was based on value also but Selectmen Clark and Blacker responded in the negative; they said it was a case of residing vs. non-residing, but Sudbury has very little to do with this issue as it has such a low rental-housing component in the Town.

Selectman Clark stated that this memo should be given to Chairman Drobinski and to the Chamber of Commerce before the Board of Selectmen renders its decision as to whether or not it plans to vote for the small commercial exemption.

It was on Selectman Blacker's recommendation, unanimously

VOTED: To continue until December 4, 1995, the discussion on advising the Board of Assessors as to whether or not the Selectmen plan to vote for a small commercial exemption in the setting of the FY1996 tax rate.

Discretionary Fund Holiday Gifts

On recommendation of Interim Town Manager Thompson, it was on motion unanimously

VOTED: To approve an expenditure from the Discretionary Fund of \$100 each, in the total amount of \$2,900 for 29 needy persons/families for the holiday season as recommended by the Mass. Dept. of Welfare, Parmenter Health Services, Community Social Worker, Veterans Agent, and the Council on Aging;

and further unanimously

VOTED: To approve an expenditure from the Discretionary Fund of \$99.00 to pay for delivery of oil to the home of a Sudbury family in need.

Memo from Sudbury Housing Authority

Interim Town Manager Thompson noted that the Board had received a memo from Jo-Ann Howe, on behalf of the Sudbury Housing Authority, dated November 16, 1995 in which Ms. Howe states that it is the hope of SHA that the Selectmen will move quickly to extend the mandate of the Annex Re-Use Task Force so that group can fulfill its commitment to work with the SHA to access land suitable for home ownership and/or elderly condos. She further stated that the SHA does not want to lose momentum achieved to date on researching a number of sites other than the Fort Devens Annex that may be suitable for construction of diversified housing. Selectman Blacker stated that he will follow up on this memo in his capacity as Chairman of the Task Force.

Removal of Outdated Yard Sale Signs

Selectman Blacker expressed his frustration with outdated yard sale signs which he said are unsightly. Mr. Blacker stated that there should be a fine levied on the person who holds the yard sale, regardless of who puts up the sign, if that sign is still posted after a certain number of days. Further, Mr. Blacker said that he intends to personally draft an article and submit it to the Board to address this issue.

Issue of Zoning Bylaw Recodification and Clarification

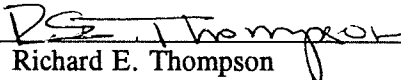
Selectman Blacker stated that in his opinion the bylaw revision suggested and delineated by Patrick Delaney of the Board of Appeals (forwarded to the Selectmen on November 13, 1995) is a good

idea. Interim Town Manager Thompson stated that the Selectmen have an article pending for codification of Town and Zoning bylaws. Mr. Thompson gave a guess-estimate that such a recodification would be in the \$30,000 range. Selectman Blacker reiterated that he was impressed with the model presented by Mr. Delaney and would like to pursue this issue further. Mr. Thompson said he will so inform Mr. Delaney.

Memo from C.M.C. Management, Inc. on Neighboring Tower Sites

Interim Town Manager Thompson noted that the Board had received copies of a memo to him from Douglas Leard of C.M.C. Management, Inc. which lists the locations of four towers in other towns so that the Selectmen may visit these for their information. The sites are listed as in Acton, Tewksbury, Auburn and Weston, MA. Mr. Thompson suggested that the Selectmen look at the tower at the Water District at the Route 117 gravel pit, because the CellularOne tower there is 150 feet; this will give the Board an idea as to the height of the tower proposed for the landfill, which is proposed to be 125 feet.

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Attest: 
Richard E. Thompson
Interim Town Manager-Clerk