

IN BOARD OF SELECTMEN  
THURSDAY, DECEMBER 19, 1974

Present: Chairman John C. Powers, John E. Taft, and William F. Toomey

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The statutory requirements as to notice having been fulfilled, the special meeting of the Board of Selectmen was called to order at 7:30 p.m. by Chairman John C. Powers.

Sudbury Housing Authority - Housing for the Elderly Access Road

Present: Chairman Douglas Miranda, Lorraine Bauder, Willie Hoover, and Robert Williams of the Sudbury Housing Authority

Members of the Sudbury Housing Authority met with the Board at its request for further discussion of the access road to the development of the housing for the elderly.

Chairman Powers expressed the Board's grave concern with the prospect of the Sudbury Housing Authority's possible use of eminent domain in locating their access road and stated that he sincerely and earnestly trusts that the Authority will reserve its judgment on that course of action.

Chairman Powers read the vote of the October 22, 1974, Special Town Meeting, which authorized the conveyance, for not less than \$3,000 or more than \$6,000, to the Housing Authority, of an easement to be used as an access road from Hudson Road. Chairman Powers reported on subsequent meetings with the Housing Authority at which the Selectmen listened to the Authority's proposition very carefully, took the matter under advisement and study, agreed upon an easement proposal, and presented that proposal to the Housing Authority. Chairman Powers asked the Housing Authority for its reasons for its present course of action.

Mr. Miranda stated that the Authority had been presented with a proposal from the Selectmen which would be more costly because of its increased length and that at least two Authority members had been of the opinion that the Board had not given sincere thought to its proposal. Mr. Miranda stated that the Authority was also of the opinion that the Board's proposal should have been the one access which was discussed at the joint November 11th meeting and that the Authority had voted, as a philosophical position, to support an eminent domain procedure if the matter could not be discussed in a reasonable fashion. Mr. Miranda further stated that the Authority would now like to reach a final solution to the problem which would be satisfactory to all parties.

Chairman Powers stated that the Authority's eminent domain proposal was given to the press and that the Board knew nothing of it until so informed by the press on December 12th and that the Board took exception with this manner of doing business.

Mr. Miranda stated that he had been contacted by the press following the Authority's December 9th meeting before he had had the opportunity to draft a letter to the Selectmen and, in his opinion, had no alternative but to pass on the action the Authority had taken.

The Board pointed out that the Authority's vote had been taken on December 9th and that the newspaper ("Sudbury Citizen") had not published the information until December 12th, which would seem to allow sufficient time for the Board's notification of the Authority's action.

Chairman Powers stated that he is of the opinion that the Authority would need a municipal exemption provided by a two-thirds vote of a Town Meeting to change the route of the access corridor.

Mr. Miranda stated that the Authority had not advanced that far in studying the specifics of taking by eminent domain and that no eminent domain procedures had been taken.

Mr. Williams stated that he and Mr. Miranda had voted in favor of the eminent domain taking, that Mrs. Bauder had been opposed, and that Mr. Hoover had been absent. Mr. Williams stated that the vote had essentially read, "That the Sudbury Housing Authority initiate the proper steps to proceed by eminent domain to take the land designated as an access road as indicated on the plan, which was then described by number, date, and author". Mr. Williams stated that the vote has not yet been submitted to the Department of Community Affairs for action.

Mr. Williams further stated that while he understands that the original Authority had made statements pledging never to use eminent domain, he is a more recent member and does not feel so bound, commenting that eminent domain does exist, is a part of the charter of the Sudbury Housing Authority, and that this may be an appropriate time to exercise it. Mr. Williams also stated that the Housing Authority had taken the eminent domain proposal up with its attorney last Monday, who was of the opinion that there are substantial grounds for this taking, even though it will be costly, arduous, and not in the best interests of the elderly citizens for whom this housing is intended. Mr. Williams stated that the Housing Authority does not want to pursue eminent domain proceedings and is of the opinion that the Selectmen do not want the Authority to proceed with it and stated his hope that a positive solution can be found.

Selectman Taft stated that he was very much interested in reaching a settlement and that it is essential that the Board know what steps have been taken and is of the opinion that the Authority and the Board should continue discussion.

Selectman Toomey stated that the night the access proposal was presented to the Authority, the Board requested that Mr. Miranda and Mrs. Bauder take this proposal back to their full group for its consideration, asking that they contact the Board with their answer. The Executive Secretary commented that the Board's minutes of December 2nd stated that the Board submitted copies of the easement as prepared by Town Counsel to the Authority for its consideration and that copies of these minutes were mailed to the Authority on December 11th.

Mr. Miranda stated that the Authority voted to reject the Board's easement proposal (Mr. Miranda and Mr. Williams in favor; Mrs. Bauder abstained) because it did not think the Authority should pay the added cost for the roadway, which will be 215' longer, nor did they think it best in terms of the future development of the land. Mr. Miranda stated that based on cost estimates by the Authority's architect and engineering firm, the Selectmen's proposed access location would be \$15,900 more expensive than the one to Hudson Road.

Mr. Miranda submitted cost estimates made available to him by phone by the Authority's architect on December 16, 1974 as follows:

Hudson Road "short" (SHA's proposed access)	615' x \$60 per foot	\$36,900
Hudson Road "long" (Board's proposed access)	830' x \$60 per foot + added drainage	49,800 3,000 <u>\$52,800</u>
Colonial Road	390' x \$60 per foot + reconstruction of existing roadway	\$23,400  20,000 <u>\$43,400</u>

There followed a discussion of the accuracy of the cost figures and footage figures, as they were in disagreement with estimates dated August 26, 1974, by the Sudbury Engineering Department for the proposed joint driveway proposal for the fire and police headquarters and the Housing Authority's access to the Housing for the Elderly.

Chairman Powers stated that the fact that the access roadway in the original joint facility location will not interfere with any type of facility which might be built there, good sight distance at that proposed intersection with Hudson Road, and a minimum of roadways into the property were all factors in the Selectmen's choice.

Chairman Powers stated that he would point out that when the Housing Authority was born statements had been made that it would never cost the Town a nickel and that the Town already has a situation where the Authority's access roadway represents a potential negative factor by impairing the value of the Oliver land and that, therefore, the Town has already yielded something in the way of cost. Chairman Powers stated that building the road is the problem of the Sudbury Housing Authority and that it was the Board's responsibility to find

the best location.

Selectman Taft stated that the Board's cost figures for the joint access road were the best estimates at the time of the October 22 Town Meeting and questioned whether the Authority's architect's estimates were valid, expressing his disagreement with their calculations in determining both distance and cost per foot. Selectman Taft requested that the Authority show the Board the basis of its estimate.

Mrs. Bauder stated that Town Surveyor Arthur Harding and Craig Parkhill of the Permanent Building Committee had both stated that the easterly roadway (the Authority's choice) is the better location for sight distance.

Chairman Powers stated that at the time of consideration of the Oliver land for the possible site of the police-fire headquarters, there had been dozens of meetings with the abutters, and the abutters had been guaranteed adequate screening of any project on the land. Chairman Powers further stated that at the time of Historic Districts Commission approval of the designs for the headquarters facility, assurances of adequate screening were an important factor in the Commission's vote for approval.

Selectman Taft again questioned the Authority's distance figures between the original road layout and the easterly road layout, as well as the \$3,000 figure for added drainage on the original road and the \$20,000 figure for reconstruction of Colonial Road, which is an accepted subdivision road and requested a detailed breakdown of the Architect's cost estimates.

Mr. Williams stated that the Authority's engineer has discussed its figures with Mr. Merloni, the present Town Engineer, and was told by Mr. Merloni that the cost per foot should be approximately \$30-\$35 per foot. Mr. Williams stated that there are two different professional opinions.

Selectmen Toomey and Taft requested that the Authority submit to the Board written reports to substantiate their figures.

Chairman Powers stated that he would like some direction from the Housing Authority to its negative position relative to eminent domain.

Mr. Williams stated that as tonight's meeting was not a posted meeting of the Housing Authority, he was of the opinion that the Authority could not take a vote on that issue tonight, but it might be considered at the Authority's next regular meeting and that the Authority could agree to take the Selectmen's proposal under consideration.

The Board pointed out the Town's fears concerning the creation of the Housing Authority, particularly its fears about the Authority's possible use of eminent domain and the Authority's repeated reassurances that eminent domain would never be used, and cautioned the Authority of possible future problems with housing proposals if its position of non-use of eminent domain were reversed. The Board further pointed

out that this housing for the elderly proposal is the first multi-dwelling structure in the Town and that to impose eminent domain in connection with it would seriously jeopardize the development's relationship with the community.

Mr. Hoover stated that his position relating to eminent domain has not changed and that he was of the opinion that too much emphasis has been placed on that possibility, commenting that in the mechanics of the eminent domain procedure, a public hearing must be held and other steps complied with.

Mr. Williams stated that they have worked for an access road since August and that there is no way the proposal can go to bid in January if the access road issue is not settled. Mr. Williams further stated that the Authority has committed itself to the residents of Colonial Road that access other than that road would be used.

Selectman Taft suggested that the Town Engineer work the issue of the differences in road costs and distances.

Chairman Powers stated that the Authority has presented the Board with cost and distance figures for the first time, that the Board has some disagreement with them, and is asking that the figures be forwarded to the Town Engineer with a priority. Chairman Powers stated that the Housing Authority must understand that the Board must have a responsibility to maintain the integrity of the Oliver land and its future and is very concerned about that responsibility. He further commented that the Board is not trying to delay or stall the Authority and has put a great deal of thought and effort into the easement proposal to protect the interests of the Town. Chairman Powers stated that the cost estimates will be referred to the Town Engineer with a priority and that the Board will contact the Authority as soon as possible.

Chairman Powers again stated the Board's reasons for opposition to the Housing Authority's preferred easterly proposal, which included:

- 1) the necessity of maintaining the natural screening in that area,
- 2) prevention of multiple roads over the land, 3) unhappiness with sight distance of easterly easement proposal, 4) concern with drainage connections, and 5) the unknown impact on future development of the land.

Mrs. Bauder again expressed her concern with the Selectmen's preferred roadway, as it relates to sight distance, and requested that the Town Engineer be requested to look at the site and give his recommendations for the safest access road which would at the same time create the least impact on the land and provide the most screening.

Mr. Miranda stated that the Authority has received nothing official from the Department of Community Affairs as yet relating to roadway costs, that it is the Authority's opinion that when agreement is reached on the road easement, it is incumbent upon the Authority to go to the DCA to sell the roadway.

Mr. Williams stated that the price of \$37,500 for the land has come out of the \$1.5 million dollars of federal money for this project, and now that the Town has voted the \$3,000 - \$6,000 figure for the cost of the easement, that these costs plus the cost of the roadway, an approximate total cost of \$52,500, will go directly to the Town, which is almost at the rate of \$1,000 per unit, and that, in his opinion, no more road costs than absolutely necessary must come from the funded project cost.

Chairman Powers pointed out that if this particular land had not been made available to the Authority, it would have been necessary that it buy or take land elsewhere for a similar cost.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 8:45 p.m.

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