

IN BOARD OF SELECTMEN
MONDAY, JUNE 7, 1982

Present: Chairman William J. Cossart, John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Cossart.

Coatings Engineering Corporation

Present: Thomas Craig, General Manager, and Albert J. Zaccone, Coatings Engineering; Fire Chief Josiah F. Frost; Richard L. Stevens, Board of Health; Clifford J. Hughes, Mary Hughes and other abutters.

Chairman Cossart noted receipt on Friday, June 4, of a June 4 communication with enclosures from Mr. Thomas Craig of Coatings Engineering consisting of updated information on their water treatment plant, air quality project, and sludge removal, and requesting an additional thirty days to allow them to comply to the Selectmen's order.

Executive Secretary Richard E. Thompson noted receipt of the following communications:

- from the Fire Chief, dated June 4, indicating his inspection of Coatings "revealed no Class A flammable liquid in the primer processing tank, no flammable liquid in the primer mixing tank in the flammable liquid storage room and 125 gallons of Class A flammable liquids properly stored in this room".
- from Ted Martin, dated June 7 (with enclosures) regarding Coatings' Natick operations.
- from Mr. Craig, dated May 24, 1982, updating the Board of the status at Coatings since April 26, noting various completion dates, and requesting an additional thirty-day extension period and reconsideration at that time of their license application.
- from Mr. Craig, dated May 28, 1982, updating from the 24th and indicating plans to pump sludge from the lagoon, and the retention of a new consultant to improve their water treatment plant - recommendations forthcoming by June 11, and, therefore, requesting an extension of time beyond June 4 (effective date of the April 26th order) to respond to the Selectmen's order.
- from Richard L. Stevens of the Board of Health, dated June 3, 1982, updating the Board of Selectmen of Board of Health action since May 19 with Coatings and recommending no further leniency on the part of the Town with Coatings.
- from the Board of Health to the Highway Surveyor, dated June 2, 1982, relative to prohibiting Coatings from disposing of hazardous chemicals and chemical waste, and their respective containers, and other hazardous materials (which were listed) at the Landfill, and stating that all metals be deposited in the designated bins.

- a verbal communication from Health Director John V. Sullivan regarding tests made of materials deposited by Coatings at the Landfill. A "check of 34 pollutants did not show any vinyl chloride; however, from research on the material involved, Mr. Sullivan knows it has a trace of vinyl chloride - less than 1 part per million."

Later Mr. Stevens confirmed this report but stated that some of the tests on the chemicals - the blue-green crystals - were unresolved/inconclusive.

Chairman Cossart referenced the Fire Chief's communication and questioned the level of activity at Coatings. Mr. Craig stated that they were not priming today but are not totally shut down, and that the dry chemical system has not been completely installed; the Fire Chief added that the materials are there and he had seen the purchase order for the equipment.

Mr. Craig commented, and reported several times during the meeting, that they were acting as fast as they could and intend to continue to do so; that he did not feel a deadline concerning the inflammable liquids was necessary and again requested an extension of thirty days.

Chairman Cossart commented that the tone of the communications received to date from Coatings gives some indication that they are moving in the right direction but that he failed to see any real progress in terms of correcting problem areas - there are no specific conclusions at this point. He said that, furthermore, there is every indication that the measures which are being taken are time consuming, meaning that there will be quite a period of time before there will be any relief to the Town.

Selectman Murray pointed out that in the past when Coatings had been given a list of items to accomplish, in order to solve similar air/water-related problems, those items remained unfinished.

Mr. Craig stated, as noted in his communication of May 24, that they have hired a new consultant to improve their water treatment plant and he expects to have his recommendation by June 11.

Selectman Donald asked what a thirty-day extension would do for Coatings (they are down to 125 gallons of Class A flammable liquids) when it appears they need at least fourteen weeks to complete improvements as noted in their reports.

Mr. Craig requested that the Board not enforce the 165 gallon limitation so that they could go back into production; and that the thirty-day period will give them a chance to firm up a schedule and begin to implement the processes which will solve their air and water problems. Mr. Craig commented further that closing down Coatings would result in many people being out of work. Additionally, Mr. Craig reiterated that he expects to have recommendations from his new consultant relative to their water treatment plant by June 11.

Selectman Cossart commented that the Selectmen are at a point now where they are looking at Coatings' past performance and being swayed by the same - there are some long-standing problems such as long-term effects on water supply - rather than giving much consideration at this point on unemployment as a result of Coatings closing.

The Selectmen agreed. Selectman Donald commented that their record over the past two years, while she has been on the Board, leads her to believe that the only way to get results from Coatings is by constant pressure.

Following further discussion, the Selectmen agreed that they would make themselves available during the next week to review, address, or discuss any further or new information provided by Coatings.

It was on motion by Selectman Murray unanimously

VOTED: To deny the requests from Coatings Engineering Corporation, dated May 24 and June 4, 1982, for a thirty-day extension of the Board's vote of April 26, 1982.

Utility Petitions

Present: Joseph D. Bausk, New England Telephone; and Edward Kelly, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions of New England Telephone and Telegraph (UP82-8A and 10A), and the following Utility Petitions of Boston Edison and New England Telephone and Telegraph Company (UP82-13 and 14):

UP#82-8A-- Pantry Road

- for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Pantry Road - westerly approximately 260 feet north of Concord Road, a distance of about 10 feet - conduit.

UP#82-10A - Haynes Road

- for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Haynes Road - southeasterly, approximately 970 feet west of Pantry Road, a distance of about 10 feet - conduit.

UP#82-13 - Mossman Road

- for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Mossman Road - northeasterly approximately 255 feet southeast of Farm Road, a distance of about 10 feet - conduit.

UP#82-14 - Marlboro Road

- for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Marlboro Road, northwesterly, approximately 850 feet northeast of Mossman Road, a distance of about 35 feet - conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a favorable joint report had been received from the Wiring and Building Inspectors for each Utility Petition, all dated May 26, 1982.

Mr. Thompson noted for the record that UP#82-8A and UP#82-10A had been approved by the Board on May 10, 1982, for the Boston Edison Company for the above-noted locations.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 82-8A, as described above, and as shown on a plan entitled, "Plan For Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated May 5, 1982;

and it was further

VOTED: To approve Utility Petition 82-10A, as described above, and as shown on a plan entitled, "Plan For Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated May 5, 1982;

and it was further

VOTED: To approve Utility Petition 82-13, as described above, and as shown on a plan entitled, "Plan of Mossman Rd., Sudbury, Showing Proposed Conduit Location", dated April 5, 1982, and on a plan entitled, "Plan for Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated May 5, 1982;

and it was further

VOTED: To approve Utility Petition 82-14, as described above, and as shown on a plan entitled, "Plan of Marlboro Rd., Sudbury, Showing Proposed Conduit Location", dated April 30, 1982, and on a plan entitled, "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated June 2, 1982.

Contract - Refurbish Engine #3

Present: Fire Chief Josiah F. Frost.

In accordance with a request dated June 3, 1982, and an explanation by Fire Chief Josiah F. Frost expressing his approval of costs involved, it was on motion by Selectman Donald unanimously

VOTED: To award a contract for refurbishing Fire Department Engine #3 subsequent to bid opening on June 2, 1982, to Farrar Company, Inc., in the amount of \$6,500, (budgeted for FY82 under Account #310-31, Maintenance - Service Life Extension Program).

Something Simple - Request for Outdoor Dining (Mill Village)

Present: Deborah Ann Getrost and Tracey Lee Harrington, Something Simple; Fire Chief Josiah F. Frost; and Building Inspector Joseph E. Scammon.

On the question of approving a request dated June 6, 1982, from the managers of Something Simple to provide outdoor dining facilities (and decrease inside seating accordingly) at 385 Boston Post Road, Mill Village, Mr. Thompson noted receipt of the following communications:

- a verbal response from the Board of Health expressing no problem with the request;
- a verbal reply from the Building Inspector, that he had inspected the premises and had no problem with the request;
- from the Fire Chief, dated June 7, 1982, stating no objections to the request as indicated on their plan/sketch.

The Board reviewed with the Building Inspector their submitted plan and after discussing and agreeing that the outdoor dining area should not overlap the Kulturi Yarn store frontage, as shown on the plan/sketch, but instead be within the frontage boundaries of Something Simple only, it was on motion unanimously

VOTED: To approve a request dated June 4, 1982 from the managers of Something Simple to provide outdoor dining facilities at 385 Boston Post Road, Mill Village, yearly from May 1 through December 1, subject to staying within their own frontage property lines, without overlapping the abutting store front.

Revised Plan - Site Plan 82-245 (Kramer/Aegerter)

In accordance with the Board's vote of May 24, 1982, the Board signed a revised site plan showing an enlarged driveway entrance relative to Site Plan 82-245 of Dr. Melvyn Kramer et al, for property located at 631 Boston Post Road, entitled, "Plot Plan in Sudbury, Mass.", dated December 28, 1981, amended June 4, 1982.

Reserving Land Abutting Septage Disposal Facility

Present: Town Engineer James V. Merloni.

On the question of reserving 100 feet of the Sudbury Sanitary Landfill land bordering the Septage Disposal Facility, as requested by the Operational Review Committee in its communication of June 1 for future expansion of the facility, and following discussion, the Executive Secretary was directed to obtain information for continued discussion at the Board's meeting of June 28, from the Highway Surveyor and the Town Engineer, regarding the effect on the life of the landfill in doing so.

Site Plan 82-243 and 82-244 - William A. Senecal, 57 Codjer Lane

Present: Applicant William A. Senecal; Counsel J. Owen Todd; Atty. Myron J. Fox for abutters; Building Inspector Joseph E. Scammon; Town Engineer James V. Merloni; and approximately 18 abutters.

Site Plan #82-243 (resubmission of SP81-238) and #82-244 of William A. Senecal, owner, for property located at 57 Codjer Lane, were taken under advisement on May 24th for the purpose of: receiving from Town Counsel an opinion regarding zoning and draft votes for review by the Board, further consultation with the Town Engineer and the Board of Health, and updating Selectman Murray who was unable to attend the meeting.

Continuing consideration and discussion of the same, Chairman Cossart stated that the Board had received from Town Counsel a position regarding site plan approval requirements, which he read and which is paraphrased as follows: 1) regarding latitude of the Board of Selectmen in determining whether to approve or deny a site plan and with respect to zoning - bylaw language empowers the Selectmen to make a determination based on zoning for a particular district, and if it is necessary for the applicant to proceed to the Board of Appeals, any approval by the Selectmen would be conditioned on the same. Regarding protection of adjoining districts against serious detrimental or offensive uses, the bylaw provision suggests a determination based on "nuisance" beyond reasonable limitation and does not require that, because a use is allowed, it may exist where it creates a nuisance; 2) concerning convenience and safety of vehicular and pedestrian movement, the bylaw imposes a duty on the Selectmen to insure that the most appropriate traffic pattern and access areas are utilized. Additional traffic could not be a basis of denial in this instance, unless it is considered a nuisance, as noted above; and 3) Town Counsel corrected his expressed opinion at the May 24th meeting as follows: any addition to a non-conforming building requires Board of Appeals approval; therefore, SP82-244 would require Board of Appeals approval. (See Article IX, I, C, 3)

Executive Secretary Richard E. Thompson referenced the following communications received subsequent to the May 24 meeting:

- a communication, which was read, dated May 30 from Joe and Mairi Staples of 35 Codjer Lane opposing SP82-244 on the basis of traffic and that the proposed building is detrimental to the neighborhood and the Town, and is not "a reasonable use of the site for the purposes permitted by the regulations of the district in which it is located" - Article IV, V, A; and
- a lengthy communication dated May 26, 1982, from Dr. Irwin Leav, paraphrasing what took place at the last meeting and elaborating on the objections expressed, and asking that the Selectmen use good judgment in addressing these site plans and take into consideration the concerns expressed by the neighbors.

Representing William A. Senecal, Atty. Todd reiterated the reasons for adjourning the last meeting and reviewed/commented, as follows:

- 1) The proposed building for fabrication of electrical fixtures and warehousing is in conformity with the bylaw for that district - these uses would not be considered a nuisance to the abutting neighborhood.

- 2) In the interest of not having an extension to a non-conforming building, Mr. Senecal would be willing to eliminate the existing, smaller building and go forward with the proposed larger building.

Mr. Todd reviewed for Selectman Murray the reason for both of the site plans which were brought before the Board at the hearing on May 24.

Representing several abutters on Codjer Lane, Atty. Myron Fox addressed both site plans as follows:

SP82-243

- Basically the same as SP81-238, denied by the Selectmen December 31, 1981, on the basis, among other things, that "the adjoining district is zoned residential, and the noise, vibration, dust and waste material inherent in the proposed use would be seriously detrimental and offensive to the adjoining district, and tend to reduce property values"; feels this still applies.
- The application states a suggested condition that no noisy activity would occur during 6:00 p.m. and 8:00 a.m.; feels this would be difficult to enforce.
- The Planning Board conditioned approval on the restriction that no chain saws are used on site.
- The nearest neighbor is less than fifty feet from the existing building; it is only another thirty feet to the dwelling.
- Vesta's new plant is in Framingham; they are moving out in three weeks and Board of Appeals consideration could take 2 1/2 - 3 months; feels there is no reason to discuss this site plan at length.
- Vesta operated for five months despite: 1) a September 11, 1981, violation notice sent to both Vesta and Mr. Senecal from the Building Inspector; 2) a January 13, 1982 cease and desist order from the Building Inspector; and 3) a December 31, 1981, site plan denial by the Board of Selectmen.

SP82-244

- Under Bylaw section 4B the street centerline set-back requirement must be fifty feet and, although the northwest corner of the building as shown on the site plan is situated thirty feet from the street, unless Codjer Lane were forty feet wide (which he did not feel it was), the setback requirements would not be met and the building would require a variance from the Board of Appeals.
- Likewise, the street centerline setback from Union Avenue, again the northwest corner of the building, is by scale only thirty-six feet back from Union Avenue.
- By scale, the parking spaces on the proposed plan show 157 square feet each, rather than the required (section V) 180 square feet.

- Under Section I, C, 3 a special permit is required from the Board of Appeals - an extension to a non-conforming building.
- Relative to site plan regulations - it would be helpful to know more about what the use will be (as requested in May letters from the Town Engineer and the Board of Health) - for the lamp company there is mention of three people; it is doubtful what the remaining portion of the building will be used for; questioned this small use and "only" vans to service a large 13,000 square foot, thirty-four foot high, building, which connotes large tractor trailers (and the Town Engineer's May 14 communication alludes to that fact).
- That communication from the Town Engineer also mentions the anticipated difficulty of negotiating turns from Union Avenue by trucks; the problem on Union Avenue and Codjer Lane of trucks needing both lanes to negotiate turns, as well as going onto the soft shoulder and into the ditch area.
- Codjer Lane (between Concord Road and Union Avenue) is a quiet, narrow road (between thirteen and twenty feet paved) with dangerous curves.
- Increased traffic would create a significant danger to school children; there are three different school bus stops at different times during the morning and afternoon runs at the corner of Codjer Lane and Union Avenue.
- Regarding the size of the building and its effect on the neighboring district - because it is so large, it will generate significant activity and noise, and on a day-to-day basis will have a serious, offensive effect on the neighborhood.
- In addition, the proposed building is fourteen times the size of the 900 square foot existing building; what will happen when people want to buy or sell their homes on Codjer Lane?
- Agreed that section V, A, gives the Selectman latitude relative to reasonable use and protection to adjoining districts - in Town, if it is not the closest, this industrial district is one of the closest to a residential district. Most of the others are buffered. In this case, the Bortle's home is only a little over fifty feet from the building!

Atty. Fox pointed out that the neighbors are not opposed to any reasonable use on this site, i.e. the abutters have in the past not opposed and have supported various industrial uses for this property, such as:

- in 1966 a lawn mower sales and service;
- in 1968 an appliance sales and service;
- in 1975 assembly and packaging of warehouse equipment; and
- in 1976 an electrical contracting business.

Atty. Fox further stated the only industrial uses that have been opposed by the neighbors are those that have been considered incompatible to the neighborhood. Atty. Fox stated that is what sec. V, A, is all about! He pointed out uses allowed in an industrial district, under 2, C, 2 which would not be opposed, i.e. an office building, a laboratory for research and development, light manufacturing, or a warehouse of a smaller scale that fits on this site. He said the neighbors would like to be agreeable and to help the developer so that he can make a profit and so that they can live in that neighborhood in peace.

Atty. Fox went on to say that, if the site plan were approved, the abutters would like the Selectmen to consider the following conditions:

- 1) replace chainlink fence in disrepair now on the property with a six foot stockade fence surrounding the property;
- 2) landscape visible area between the industrial and residential zone as the Planning Board recommends;
- 3) limit hours of operation from 9:00 a.m. to 5:00 p.m., five days a week (there was talk about a three-shift factory going in on this site at the last site plan hearing); and
- 4) access be from Union Avenue rather than Codjer Lane to protect the school children and keep people and trucks from coming down Codjer Lane from Union Avenue at any degree of speed.

Summing up the concerns/facts of this particular site plan, Atty. Fox urged the Selectmen to deny this site plan and quoted the purpose of the zoning bylaw, as follows: "to preserve the health and safety of Townspeople and to stabilize the value of real estate."

SP82-244

Regarding Atty. Fox's comments on the accuracy of the engineer's drawing, Atty. Todd stated that the front and side setbacks of the proposed building will be met according to the zoning bylaw requirements (thirty feet from side line and fifty feet from center of the road, and 180 square feet per parking space), regardless of the scale shown on the plan. (The Town Engineer stated that the reference on the plan and the reference in the bylaw regarding the area of the parking spaces and setbacks would cover any inaccuracy in measurements on the engineering plan.)

Atty. Todd stated that Atty. Fox's inference that a larger building requires larger trucks, or a use greater than the owner indicated, is only speculation; it is not constructive or relevant. A site plan is approved for the use designated. The owner indicates the use to be fabricating light fixtures and warehouse, which is the lowest possible people- and noise-intensive use the building could be put to. The hypothesized uses, which would violate zoning bylaws, or the use as an office building or manufacturing company would create more traffic and people.

Atty. Todd stated there would be no problem with replacement of the chainlink fence by a six foot stockade fence and landscaping.

Mr. Todd stated that the inference to three shifts around the clock was another speculation on the part of the opponents - that neither the attorneys nor Mr. Senecal ever mentioned this.

Regarding the access onto Union Avenue, Mr. Todd stated that would be agreeable if it was agreeable to the appropriate Town officials.

Mr. Todd pointed out that this is a commercial property and it was so zoned when the owner bought it; it is taxed accordingly. The proposed use is a permitted use under the zoning bylaw, and the owner should be able to so use it. The proposed use is an effort to use the property so that it will be as little a problem to the abutters as possible in terms of traffic, people and noise, and in view of that, Atty. Todd stated this site plan should be allowed.

Because the portion of the 57 Codjer Lane site on Union Avenue is mostly wetlands, Selectman Murray questioned access from the site onto Union Avenue. The Town Engineer expressed his opinion that this could not be accomplished because of the Town's bylaws regarding wetlands and because the closeness to Codjer Lane would create a safety problem.

Regarding the fifty foot setback requirement from the center of Codjer Lane, Selectman Donald questioned the Town Engineer regarding the width of Codjer Lane. He responded that the Engineering Department had no records or plans regarding the width of Codjer Lane. He stated he examined the Town Clerk's files back to 1835, where there was reference to the acceptance of Codjer Lane from Union Avenue to Horse Pond Road, which was laid out as a 1 1/2 rod highway (1 1/2 rods=34 3/4 feet), and in that reference was a reference to a prior acceptance of Codjer Lane from Union Avenue to Concord Road, indicating that it was accepted sometime prior to 1835. The Town Engineer estimated that that portion of Codjer Lane (from Union Avenue to Concord Road) was less than forty feet.

During further discussion regarding the setback, Atty. Todd stated that the building would be fifty feet back from the center, wherever the center is determined to be. There appeared to be some consensus that the drawing is a representation and not an "as built" plan.

The Building Inspector stated that the dimensions were given and they govern, not the scale, and that he would require an engineer's certification that the foundation meets the setback requirements before proceeding.

Following further comments by Atty. Fox and other brief remarks, it was on motion unanimously

VOTED: To deny approval of Site Plan application 82-243 of William A. Senecal, property located at 57 Codjer Lane, for a retail business - processing of wood and sale of wood and coal - for the reason that since approval would be preliminary to an application to the Board of Appeals for a special permit for the proposed use, and since the use was stated to terminate at the end of June (well before a permit could be approved), approval of this site plan would serve no useful practical purpose;

and it was further

VOTED: To deny approval of Site Plan application 82-244 of William A. Senecal, property located at 57 Codjer Lane, for the construction of a warehouse/light manufacturing building, for the following reasons;

1. The parcel is immediately adjacent to a built-up residential zone;
2. The size of the proposed structure presents a serious visual detriment to the adjoining district;
3. The proposed structure would significantly alter the present character of the district, to the detriment of the adjoining district; the adjoining district would suffer both aesthetically and in terms of property values by the addition of the proposed structure on the site; and
4. The manner of traffic access to the site is inadequate to meet the needs of the proposed type of facility.

Proposed Boundary Change-Sudbury/Wayland

Present: Helen Neelon, 42 Victoria Road; and Town Engineer James V. Merloni.

The Board continued discussion relative to a proposed boundary change between Sudbury and Wayland which would involve a swap of land between the two towns by: 1) placing four properties now on the Wayland/Sudbury boundary, as well as a portion of two other properties, in Sudbury, and 2) returning to Wayland the same amount of land from Sudbury which does not involve private homes - land owned by Great Meadows Refuge, Boston Edison, Linde Air, and the Boston and Maine Railroad.

Chairman Cossart stated that the Wayland Selectmen will be meeting tomorrow evening for the purpose of voting or taking a position on the same.

Responding to Chairman Cossart, Mr. Thompson stated that no negative responses had been received from any property owners and that he had receipts in the office of the letters notifying them of the proposed boundary change. Mr. Thompson stated he did not have a response from the railroad company.

The Town Engineer stated his concurrence with the proposed boundary change, adding that this will handle the immediate problems; however, he stated that there are other areas which should be dealt with similarly which would be beneficial to both Sudbury and Wayland.

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To approve a swap of land between the towns of Wayland and Sudbury to accommodate a Wayland/Sudbury boundary change, as explained above and as shown on a plan entitled, "Compiled Sketch of a Portion of the Sudbury-Wayland Town Line", dated May 27, 1982.

House Bill 2121

Present: H. Rebecca Ritchie, formerly of the Citizens Advisory Committee; Town Engineer James V. Merloni; and Lael (Mike) Meixsell, CAC.

Mr. Meixsell brought up the subject of Representative Lucile Hicks' river protection legislative bill #2121 which is to be explained at the Citizens Advisory Committee (CAC) Press Conference, Thursday, June 10, at 11:00 a.m. Mr. Meixsell strongly urged Sudbury representation at that press conference in support of this legislation which would provide that a minimum flow of twenty million gallons per day be allowed to be released from the reservoir into the Sudbury River and restrict the MDC from taking water when there is a lesser flow.

The MDC recently expressed opposition to this bill because it is to their advantage to be able to divert water as they see fit by remaining under current law (enacted in the 1800's) which requires a flow rate of 1.5 mgd.

Ms. Ritchie further explained the legislation urging support on the basis of the effect on approximately fifty private wells in Sudbury within the recharge area. She added that the Army Corps of Engineers would have more information.

Following discussion, it was on motion by Selectman Cossart unanimously

VOTED: To support Representative Lucile Hicks' efforts on the MDC Sudbury River Diversion Project and to direct the Executive Secretary to attend the conference on behalf of the Board.

Selectman Donald stated that she had a copy of the H.2121 legislation and would provide Mr. Thompson with that and any other information she might have.

Day Care by Sudbury Public Health Nursing Association (SPHNA)

Present: Harold R. Cutler.

On the question of authorizing the use of the Flynn Building for a child day care program under the management of the Sudbury Public Health Nursing Association, as requested in a communication dated May 27, 1982, from the SPHNA Board of Directors, Chairman Cossart commented as follows:

- He is personally amiable to pursuing the idea and is interested in knowing more about it. A more specific proposal should include: charge for the program, expected rental fee, duration of the program, staff, eligibility.
- The use should be coordinated with the Executive Secretary's scheme for the relocation/reorganization of Town departments in view of available space in excess school buildings.

The Executive Secretary was directed to so communicate to SPHNA.

Fiscal Year 1982 T.I.P

It was on motion by Selectman Donald unanimously

VOTED: To concur with and support the intention of the Central Transportation Planning Staff, as set forth in their communication of May 25, 1982, to amend the 1982 Transportation Improvement Program (TIP) by moving the project "Sudbury, Route 20, 01" into the annual element to be advertised during the 1982 federal fiscal year, as recommended by the Massachusetts Department of Public Works.

In order to meet the June 11, 1982, deadline, it was further suggested that the Executive Secretary telephone Ms. Cameron Macmillan of the CTPS office, and to follow up with a communication confirming the Board's total support.

New England Research Center - Temporary Trailer

It was on motion by Selectman Donald unanimously

VOTED: To approve the request of New England Research Center, Inc., dated May 20, 1982, for an extension of the Board's votes of June 24, 1980, and May 18, 1981, to allow the use of one temporary trailer by New England Research Center located at Longfellow Center, 30-54 Boston Post Road, for one additional year.

Transient Vendor License

It was on motion by Selectman Donald unanimously

VOTED: To grant a Transient Vendor License to Julie Radcliffe, 118 Fay Road, Framingham, Massachusetts, to expire January 1, 1983, for the purpose of selling plants and flowers on property owned by Edmund Brown at 470 Boston Post Road.

Transfer Requests

Present: Acting Chief of Police Peter B. Lembo.

Following a brief discussion on each, it was on motion unanimously

VOTED: To approve the following Reserve Fund Transfer Requests:

- a. No. 1050, dated May 24, 1982, to Tuition Reimbursement #320-81, in the amount of \$69.70 to reimburse Officer Charles R. Quinn for tuition;
- b. No. 1052 dated June 2, 1982, to Cruiser Maintenance and Repairs #320-31, in the amount of \$4,000, to cover the cost of gasoline and cruiser repairs through the end of June. (The Selectmen requested a two-year monthly comparison of gasoline consumption.)
- c. No. 1049, dated May 24, 1982, to Selectmen's Clerical Salary #501-13, to increase by \$110 the previously approved amount of \$350 for this transfer request on May 18, for a total of \$460.

At the request of Sergeant Lembo, the Board signed an application for Michael R. Shaughnessy to the Massachusetts Criminal Justice Training Council (application for enrollment in a police recruit training program).

Real Estate Tax Exemptions

The Board noted receipt of a communication dated May 20, 1982, from Assistant Town Counsel Thomas M. French summarizing clause 17C of G. L. Ch. 59, s. 5, an acceptance statute, relative to real estate tax exemptions. This subject was referred to the Selectmen by the Assessors.

On the recommendation of the Executive Secretary, the Board agreed that the communication should be filed with other future Town Meeting material.

Selectman Donald commented that this information should be dealt with as quickly as possible and is another good reason for holding a special town meeting.

Donation - Hosmer Memorial Fund

It was on motion by Selectman Donald unanimously

VOTED: To accept with appreciation, on behalf of the Town, a donation in the amount of \$25 to the Edwin Barrett Hosmer Memorial Fund from Virginia M. Pastene.

Waive Sudbury Cemetery Rules and Regulations

It was on motion unanimously

VOTED: To confirm the Board's vote of May 31, 1982, to waive Section III, IV, and V, of the Sudbury Cemetery Rules and Regulations, to allow non-residents, Mr. and Mrs. Douglas Ray, 13 Royal Crest Drive, Marlborough, Massachusetts, to purchase two cemetery lot(s).

Proposal for Lincoln-Sudbury West

On the question of receiving and reviewing for future scheduling a proposal for the Lincoln-Sudbury Regional High School Alternative High School, dated May 26, 1982, received from the District Committee, Chairman Cossart directed the Executive Secretary to confirm a date of June 21 at 8:00 p.m. to meet and discuss the same with the District Committee.

Chairman Cossart further suggested, and the Board agreed, that the Selectmen briefly express their comments on the proposal now in order that they may be transmitted to the Regional School Committee for a response on the 21st.

During review and discussion of the "Lincoln-Sudbury Regional High School Alternative High School Proposal to the Sudbury Board of Selectmen", dated May 26, 1982, the Selectmen expressed the following comments that they wish to be responded to on or before the 21st by the Regional Committee, which follow in sequence with the written report:

- 1) appendices (exhibits including graphs and charts) should be labeled to correlate with the content of the report; pages should be numbered.
- 2) the proposal relates to a three-year period of time in contrast to the Selectmen's request for a 3-5 year period. A proposal over a longer period faces up to the fact that there are extensive roof requirements. Costs for major interior and exterior repairs were omitted. It was reported to the Committee at the Board's meeting of May 11, 1982, that the Gale Engineering report included substantial maintenance costs, especially for the roof.
- 3) different cost figures for primary and secondary square footage are needless and should be avoided.

- 4) questioned renting excess High School space to the Carroll School, and using this as a reason for Lincoln-Sudbury West being unable to function at the same location as the High School.
- 5) questioned the thirteen school bus trips per day when Loring School was in operation - some of these trips are still necessary to pick up school children in the neighborhood.
- 6) expressed their opposition to the institution of tuition-paying students, but did not oppose limited swapping of students.
- 7) disagreed to the boiler and burner being cleaned, checked, repaired and tested prior to September 1, or that it is the Town's obligation to provide part-time custodial service, as stated in the proposal upon receipt of a total rent figure of \$41,368; this amount would not be sufficient to cover these costs - for example, the chart entitled, "Lincoln-Sudbury Alternative School, Financial", shows a total maintenance-related cost of \$50,000 (Utilities, \$35,000; Repairs, \$6,000; Custodial, \$6,000; and Insurance, \$3,000). The Selectmen are still concerned with making large expenditures versus demolition of the building; at present they do not plan to have extensive maintenance work done at Loring.
- 8) questioned the use of the cafetorium for the Alternative School between the hours of 8:00 a.m. and 4:00 p.m.; no flexibility for any other lessee(s); questioned the building usage from 7:00 a.m. to 11:00 p.m. Do not understand the need.
- 9) the statement in the last paragraph of Page 3, "if, by Town Meeting action, disposal of the leased space is taken, the Board of Selectmen will provide comparable space in another Town building, if such space is available", should be eliminated in its entirety. The Selectmen believe that it is not the Selectmen's responsibility or obligation to find other quarters for any tenant.
- 10) the written report excludes a policy statement, as requested, regarding use of motorized vehicles by students of High School West.
- 11) the report does not contain, as requested, any comment, proposal or mention relative to the use of Fairbank School for Lincoln-Sudbury West.
- 12) the diagram showing the layout of Loring School needs explanation - total office space??? Also, one copy of this layout was different in the proposals to the Selectmen.
- 13) appendix page entitled, "Financial" - Second paragraph and references therein are no longer applicable.
- 14) appendix page entitled, "Estimate of Repairs and Associated Costs at Loring School" - does not appear complete - no material costs under items 2 and 4; also, questioned whether the \$15,116, which will be inflated by additions under #2 and #4 as shown, is budgeted in whole or in part anywhere for the ensuing year. The Gale Engineering estimates for roof repairs are extensive in the first years; the School's analysis shows only \$4,000 for the roof!

- 15) page of appendix with questions and answers - question on classroom and office space - the answer appears to contradict the layout diagram for the Loring School contained in the report.
- 16) appendix page giving facts and data on Lincoln - Sudbury West is in error, out-of-date, and contradictory; especially questioned data pertaining to cost per pupil, and the footnote concerning the \$175,000 figure is contradictory.
- 17) appendix page entitled, "Traffic Pattern Per Day", is unclear, i.e., alternative school indicates more traffic than used for Loring when an elementary school. What are "Other Programs"?? What about weekly field trips of High School West?
- 18) regarding sample lease:
 - a. the Selectmen questioned Section A. Dealing with the terms of the lease - shouldn't it be on a ten-month yearly basis?
 - b. the Selectmen questioned Section C, the "Lessor's Covenants", Item (1), (2a and b). Again, this infers expenses of \$47,000 plus \$3,000 for insurance, while the proposed Loring operating budget contains \$41,368 for rent. Also, the Selectmen had understood the District Committee stated they would absorb the cost of exterior upkeep and grounds maintenance (item #4).
 - c. section E, "Assignment and Subletting", should be stricken.
- 19) sample lease will be reviewed by Town Counsel for a report back to the Board on or before June 21.

At the conclusion of discussion, Chairman Cossart expressed his opinion that the proposal submitted by the District Committee needs a good deal of work before it can be recorded as a proposal. The Board concurred.

Annual Appointments

It was on motion by Selectman Donald unanimously

VOTED: To make the following annual appointments:

- to reappoint Michael Freundlich, to the Juvenile Restitution Program Committee, for a term to expire April 30, 1983;
- to appoint Mary Anne Dignan, 17 Robert Best Road, to the Talent Search Committee, for a term to expire April 30, 1985, as requested by Chairman Elieen M. Todd;
- to reappoint Catherine B. Greene to the Veterans Advisory Committee, for a term to expire April 30, 1983.

And it was further

VOTED: To rescind the Board's vote appointing Duncan Ritchie to the Archaeological Advisory Committee, made on May 17, 1982, on the basis of information provided by Mr. Royal Haynes of the Archaeology Advisory Committee that Mr. Ritchie does not live in Town and it is, therefore, difficult for him to participate.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions and the Town Fathers Forum of May 24, 1982, all as drafted.

Deed - Shick Parcel 6 off Lincoln Road

The Board tabled action relative to a deed transferring Parcel 6, 36.6 acres (Shick/Farmers Home Administration) off Lincoln Road, to the Massachusetts Farm and Conservation Lands Trust and, on the recommendation of Town Counsel, agreed to come in and sign the deed sometime during the next two weeks when the description is received and the deed prepared.

Conflict of Interest Designations

Following an explanation by Town Counsel and a brief discussion, it was on motion by Selectman Donald unanimously

VOTED: To approve Conflict of Interest Designations, which designate Town positions as regular or special employees, prepared by Town Counsel under date of June 7, 1982. Said list of designations will be filed with the Town Clerk and the Massachusetts Attorney General and a copy made a part of these minutes.

Governor's Conference on Civil Preparedness

Chairman Cossart stated that he had received an invitation to attend the Governor's Conference on Civil Preparedness, to be held Saturday, June 26, and that he was unable to attend; he suggested that the invitation be extended to the Fire Chief.

Fairbank School

Mr. Thompson informed the Board that he had received a request from a local music group to practice at the Fairbank School. Following discussion, the Board considered this use to be inappropriate, and directed the Executive Secretary to relay its decision.

Fort Devens

Mr. Thompson informed the Board that Gerald Brown of Fort Devens called asking the Selectmen's opinion of the plans to use the Military Reservation on Hudson Road as an "active range", indicating that he would forward further details and stop in when he comes to Sudbury to visit the location. Mr. Thompson stated he would keep the Board updated.

Hilco Supply

Mr. Thompson informed the Board of receipt of a communication dated June 1 from Atty. John D. Gibney of Hill and Gibney to the Building Inspector enclosing a use variance application from Hilco Supply, 378 Boston Post Road, and stating that they are in the process of preparing a site plan for the same.

Women's Federation

Mr. Thompson called the Board's attention to a communication dated June 2, 1982, from Mrs. F. William Ahearn, newly elected President of the Massachusetts State Federation of Women's Clubs in Sudbury, in response to the Board's communication of May 10, in which she stated that they plan to remove the abandoned cars on the Federation's property, located on Dutton Road in Sudbury.

Veterans Memorial Park

In response to expressed local interest, Chairman Cossart stated that the American Legion had offered to donate a plaque designating the renamed "Frank H. Grinnell Memorial Park" in the Town Center. Regret was expressed that a plaque had not been installed prior to the Memorial Day services, and there was some discussion regarding Mr. Ron Griffin's (of the American Legion) suggestion that it be done during the Fourth of July festivities. The Board agreed, however, that it would be difficult and perhaps inappropriate to do so at that time and directed the Executive Secretary to be sure that by next Memorial Day the plaque has been installed.

Executive Session

At 11:20 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Cossart, in favor; Selectman Murray, in favor; Selectman Donald, in favor.)

Chairman Cossart announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 12:00.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk